

Part A. Introduction

This Relevant Representation is submitted on behalf of the Lower Thames Crossing Emergency Services and Safety Partners Steering Group (ESSPSG) ('the Steering Group').

Part B. provides some background to the Steering Group; and Part C. explains the Recommendations which the Steering Group made to National Highways in response to the Community Consultation exercise in September 2021.

Part C. briefly touches on a Statement of Common Ground, which is being developed between the Steering Group and National Highways, but is not yet agreed or published.

Parts B - D provide context for Part E of this Representation. Part E sets out an **outline of the main issues for the Steering Group** arising from the Lower Thames Crossing proposals. Those issues are set against each of the Recommendations made by the Steering Group in their September 2021 Response set out in Part B.

Part B. Background to the Steering Group

The Steering Group came into being during 2021 because of a need perceived among its members to ensure that the full range of implications of the Lower Thames Crossing ("LTC") project for the safety and security of the local community and road users is identified and addressed.

Earlier engagement on the emerging LTC project had previously taken place between National Highways' predecessor body (Highways England) and various individual emergency service and safety partner organisations through the Tunnel Design and Safety Consultation Group (TDSCG). That liaison had been led by Highways England in accordance with their own guidance in CD352: Design of road tunnels, under the umbrella of the Design Manual for Roads and Bridges (DMRB).

There was a concern among the participants at what appeared to be a lack of progress and absence of scheme details relevant to shared issues of concern. The members of the group felt that, rather than individual organisations attending the TDSCG, the best way to approach this was through a co-ordinated approach, collectively addressing their views to National Highways.

The Steering Group holds meetings approximately monthly, chaired by a senior representative of Essex Police force - currently Chief Superintendent Morgan Cronin. National Highways are invited to attend the initial items for each meeting to present any news and ask questions, before the Steering Group discusses its business.

The Steering Group is not a formally constituted body, and has no statutory powers or duties. Rather, it includes representatives of the emergency services - police, ambulance, fire and rescue - together with certain other key local authorities and organisations involved in issues surrounding safety and security. These services and organisations have common and overlapping interests which are potentially affected by the Lower Thames Crossing proposals. The members of the Steering Group are as follows:

- Essex Police
- Kent Police
- Metropolitan Police
- East of England Ambulance Service Trust
- South East Coast Ambulance Service Trust
- Essex Fire and Rescue Service
- Kent Fire and Rescue Service
- Kent County Council
- Thurrock Council
- Gravesham Borough Council

- Essex County Council
- The Samaritans

Part C. September 2021 Consultation Response

On 8th September 2021 the Steering Group submitted to National Highways its Response to Community Impacts Consultation documents, which included comments on the full documentation of DCOv1 where appropriate, as well as a number of appendices. The document was provided to National Highways initially on a ‘draft subject to governance’ basis; but members of the group subsequently confirmed their approval of the document. The September 2021 Consultation Response document was also sent, on an informal basis, to the Planning Inspectorate, so that the Steering Group’s views could be seen well in advance of any subsequent DCO submission. If the Examining Authority does not have a copy of the full September 2021 Consultation Response and appendices, the Steering Group would be happy to supply one.

The September 2021 Consultation Response contained detailed comments on eleven areas of concern as follows:

- General Points
- Protest
- Security
- Emergency Access
- Rendez Vous Points (RVPs)
- Emergency Hubs
- Emergency Service Response Times
- Displacement from a tunnel incident / emergency
- Fire Suppression and Management of Incidents Within the Tunnels
- Suicide prevention, mental health and wellbeing
- Future threats

The response included a total of 56 Recommendations from the Steering Group. In November 2021 National Highways provided an Initial Response, containing a summary RAG assessment of each Recommendation, which did not identify any Red category items at that time. Some 21 recommendations were identified as Green, the remaining 35 as Amber.

Since that time there has been further engagement between National Highways and the Steering Group, principally through a series of Scoping Groups (Safety and Security; Response Times; Tunnel and Road Design) and other meetings.

Unfortunately, progress during 2022 to address the breadth of the 56 Recommendations in the September 2021 Consultation Response was generally slow. Some feedback was provided on the issue of Rendez Vous Points for emergency services attending incidents on the project. However, very little by way concrete evidence of changes to the scheme proposals and supporting documents (in draft form) was communicated to resolve other differences of opinion. Prior to the formal submission of the DCO proposals at the end of October 2022, the Steering Group had seen no amended plans or drawings, or revisions to the draft control documents and other key items - including the draft Order itself.

Part D. Statement of Common Ground

Despite this, the Steering Group instructed Browne Jacobson LLP to liaise with National Highways over early drafting of a Statement of Common Ground, which it is hoped will be submitted to the Examining Authority in due course. National Highways’ preference was to summarise and group together the Steering Group’s Recommendations in the September 2021 Response under a number of Topic headings, in the hope that this would provide some level of consistency of approach across all of the Statements of Common Ground, and therefore also assist the Examining Authority.

A draft Statement of Common Ground document, containing 35 topic areas, was populated by National Highways, with references to relevant documentation in their revised (but as yet unpublished) DCO submission. National Highways also categorised the status of each topic as 'Agreed', 'Matter Under Discussion' or 'Matter Not Agreed'. That stage was reached in mid October 2022, at which point the revised DCO scheme had not been submitted, and the Steering Group had not seen any evidence to support National Highways' categorisation of the status of the issues. Therefore, the Steering Group did not agree to the publication of the draft Statement of Common Ground when the DCO application was formally submitted by National Highways - the Group concluded to categorise issues at that time would have been misleading and there were a number of inaccuracies within that draft SoCG which the Steering Group considered were not acceptable.

Nevertheless, the Steering Group will continue its review of the DCO application; intends to provide Written Representations to the Examining Authority; and hopes to make progress working with National Highways, so that a working draft of a Statement of Common Ground can be published as soon as possible.

In the meantime, the eleven areas of concern covering the 56 Recommendations made in the Steering Group's September 2021 Consultation Response remain relevant. Therefore, this Relevant Representation outlines the main points the Steering Group intend to make in relation to the application against those 56 Recommendations.

In addition - and cutting across these areas of concern, some members of the Steering Group consider that there will be impacts due to the construction and operation of the LTC project on the ability of the emergency services to deliver their functions; and that those impacts should be mitigated. Therefore, some members are carrying out modelling to support this case - this is also referred to further in this Relevant Representation.

Part E - Outline of the Main Issues for the Steering Group

In this section, each of the Recommendations made in the September 2021 Community Impacts Consultation Response is set out in inverted commas " ", followed by comments on the Steering Group's views having made an initial (though not always exhaustive) appraisal of the DCO submission documents.

Overall, the Steering Group remains concerned at the lack of detail provided to date, and gaps in assessments of the project.

Area of Concern: General Points

"Recommendation 2.1

The Order should set out clearly the procedures and processes for approval of the detailed design, including those for consultation, so that there is no doubt about how it will be carried out. Specifically, it is recommended that the draft DCO is amended as follows:

1.a clear definition of the Emergency Services is provided in the DCO, to encompass all Police, Fire and Rescue, and Ambulance services through which the LTC will pass

2.the Emergency Services are named consultees on the preparation of and submission for approval of:

- a) the detailed design***
- b) the Environmental Management Plan (EMP, Second Iteration)***
- c) the EMP Third Iteration***
- d) the Landscaping Scheme***
- e) traffic management plans for each part of the construction phase***

- f) means of enclosure in accordance with Volume 1, Series 0300 of the Manual of Contract Documents for Highway Works*
- g) the traffic impact monitoring scheme*

3. the undertaker is required to take into account and report on the views of the Emergency Services prior to submission of details for approval by the Secretary of State

4. the Emergency Services are given 8 weeks in which to provide their views when consulted by the undertaker. “

The Steering Group remains concerned at the proposals for engagement and consultation contained in the submitted proposals. This is a key overarching issue for the Steering Group, especially given its concerns regarding the slow progress of National Highways in responding to the September 2021 Consultation Response recommendations to date.

For the construction phase, the Steering Group welcome the inclusion of references in the documents (for instance in Table 2.1 and at paragraph 2.3.2 of the Code of Construction Practice, document 6.3 Appendix 2.2) to consultation and engagement with Emergency Services organisations. However, the Steering Group remains very concerned at the complex structure; lack of clarity on the requirements for meaningful consultation; who this must be carried out by, in what way; how consultation responses are to be reported (including how these consultation responses will be communicated to the Secretary of State when approvals are needed); and to what timetable.

For the detailed design of the scheme, National Highways have declined to make the Emergency Services statutory consultees. Instead National Highways have indicated that they intend to address consultation with the Steering Group via a Tunnel Design and Safety Consultation Group (TDSCG), using their own guidance in CD352: Design of road tunnels, under the umbrella of the Design Manual for Roads and Bridges (DMRB). National Highways are aware that the Steering Group was set up in response to the concerns of its members that previous use of the TDSCG was not the best way to communicate their co-ordinated views across the full range of emergency service and safety partners in the area. The Steering Group remains concerned that National Highways wish to return to this approach and furthermore base future work on their own guidance rather than advice from the Steering Group.

“Recommendation 2.2

Funding should be provided for:

- a) a co-ordination officer post to support the ESSP Steering Group members in responding to emergency services consultations on the detailed design and construction phase document approval stages;***
- b) funding for ESSP Steering Group member officer time to carry out detailed reviews of the documentation coming forward***

The Steering Group considers that it can make very positive contributions towards improving its detailed design, reducing the impacts of the LTC (during construction and operation), and helping to deliver the maximum overall benefits for society. The Steering Group members will only be able to do this if they have the staff resources available to devote the time needed to scrutinise the large amount of documentation, provide advice, and liaise with contractors and National Highways and that its advice is acted upon and accordingly secured within Control documents within the DCO.”

“Recommendation 2.3

A document should be produced providing a comprehensive assessment of the effects of the LTC on the activities of the emergency services and safety partners, with identified mitigation measures, and commitments in the proposals and control documents.”

(This recommendation overlaps with Recommendation 8.1 below).

National Highways has declined to produce such a document. Despite efforts to address some individual issues of importance, such as emergency service response times, the Steering Group remains concerned that this lack of focus risks a failure to address its members’ concerns in a focussed and comprehensive way.

For instance, in relation to the construction phase it is noted that the Register of Environmental Actions and Commitments (REAC) (contained in Table 7.1 of the CoCP) contains almost no references to safety, security or emergency procedures and provisions of concern to the Steering Group. A similar point was raised in the Steering Group’s response document dated 8th September 2021.

Also, neither the ten issues (a) - (i) in in paragraph 4(3) of schedule 2 Part 2 of the DCO nor the documents at Annexes A and B of the CoCP address safety, security and emergency issues of concern to the Steering Group. This also applies to the examples of topic management plans given in paragraph 2.3.5 of the CoCP; and to the combined list at paragraph 2.4.1.

The Steering Group are concerned that this reflects the main and overriding purpose of the CoCP - to address environmental issues during construction that are identified in the Environmental Statement. Whilst there will be some environmental issues which overlap with the concerns of the Steering Group, the Environmental Statement does not comprehensively address those concerns.

Some members of the Steering Group are carrying out modelling to assess the potential impacts of the LTC on the delivery of their services. This includes the effects of the LTC during construction, prior to the new road coming into use. This may lead to a case being put forward to the Examination to support requests for contributions to mitigate any forecast adverse effects. This is likely to extend beyond mitigation for any identified impacts on emergency services response times (see comments under Recommendation 8.1 of this Representation, above). It could include such things as requests for funding additional staffing, vehicles and other resources to meet anticipated increases in demand for local policing - due to incidents arising from, and directed towards, the additional workforce in the local area, theft, public disorder and human trafficking. It will also include impacts arising from traffic and effects on emergency service response times (also see comments under Recommendation 8.1 below). A similar approach may be taken to impacts during the operational phase of the road (see Recommendation 12.3 of this Representation below).

“Recommendation 2.4

The DCO and scheme documents should provide a strategy or framework for providing and implementing Emergency Incident Management/Response Plans for the different stages and elements of the LTC -during both the construction (including enabling works) and operational phases.”

National Highways have proposed that during the construction phase individual contractors will be responsible for drafting emergency preparedness procedures for each worksite; and for the operational phase consultation with the Emergency Services will take place via the Tunnel Design and Safety Consultation Group CD352 mechanism for the tunnel; and national plans / procedures for the open road elements of the scheme.

The Steering Group remains concerned that there does not appear to be a clear overall strategy or framework to meet this recommendation.

The Steering Group is unaware of how this will be dealt with for the enabling works. The Steering Group continues to consider its position in relation to the construction phase, and will liaise with National Highways seeking to agree proposals which might satisfy the recommendation. However, the Steering Group has been very disappointed with the lack of meaningful progress in the work of the Safety and Security Working Group (also see recommendation 5.7 below).

The Steering Group remains concerned that it is not a named consultee on the detailed design, including the landscaping scheme; and there is a reliance on the functioning of the TDSCG (see Recommendation 2.1 above). In all cases National Highways are unwilling to offer more time than 42 days to respond to consultation (and that by optional extension from 28 days). The Steering Group is also concerned that the Steering Group's members may not be sufficiently resourced to provide meaningful responses within those timescales, especially where contractors could well be setting timescales.

“Recommendation 2.5

The ESSP Steering Group and LTC should work together towards a Statement of Common Ground covering the issues and recommendations set out in this response.”

The Steering Group is engaged with National Highways to get this document into a position that it can be published in the near future.

“Recommendation 2.6

The project team should consider preparing a confidential Intelligence Plan and Requirements document to include, for instance, details of ANPR systems to be installed along the route.”

This plan can be developed outside of the public forum of the general DCO examination sessions. As such, this recommendation will not be pursued as an issue for the Examination unless the Steering Group has significant concerns about progress in ensuring the detailed design will address these issues.

Area of Concern: Protest

“Recommendation 3.1

The ESSP Steering Group recommends that LTC liaises (or continues to liaise) with community and protest groups in advance of construction of the project. This should include discussing with those groups the potential value of identifying protest areas which might meet their needs in a safe way.”

National Highways has stated that contractor Community Engagement and Communication Plans will address this issue. The Steering Group notes that the Code of Construction Practice (document 6.3 Appendix 2.2) requires that EMP2s will have to develop Security Management Plans (engaging with the Emergency Services), with a specific requirement for contractors for ‘non-specialised removal of protestors’.

The Steering Group's concerns in this regard revolve mainly around the overall issue of how consultation with the Emergency Services will be carried out and influence the relevant plans (see Recommendation 2.1 above), as this is not covered or secured within the DCO.

“Recommendation 3.2

Preparation of a Protest Plan (or a protest section within an incident response or management plan) should be considered.”

Safe protest areas are a necessity as individuals have a right to protest, and part of the negotiations with protest groups includes how we can suitably accommodate protest in line with the law. It is understood that the LTC's overall Physical Security Execution Plan (PSEP) (provided

to bidders only and not seen by the Steering Group) will inform contractor's own Security Management Plans, required as part of EMP2; and the SMPs will include proposals for dealing with protest. The Steering Group is disappointed not to have been more involved in the development of the PSEP and recommends that National Highways addresses this situation. (Also see Security Working Group, comments under Recommendation 4.1 below).

It is considered likely that the Lower Thames Crossing will be a target for protest groups and individuals through the preliminary, enabling works and the construction phase into the start of the operational phase; and this will place additional burdens on the emergency services. Consideration needs to be given to suitable funding to Police Protest Removal Teams to ensure availability of staff and equipment should the need occur. Additional transport and equipment would be required to effectively police protest activity at the location.

“Recommendation 3.3

The ESSP Steering Group recommends that a general protest area is identified on the approved plans, within the Order Limits.”

Further discussions with National Highways on this issue have led to the conclusion that it is unlikely to be necessary to identify such an area in the submitted documents - although this can be reviewed as the project progresses towards approval and the enabling works stage.

Area of Concern: Security

“Recommendation 4.1

It is recommended that the future work of the Security Working Group is scoped and clarified, so that it is fully effective in influencing the scheme design and construction. This can take place outside the scope of the DCO and control documents.”

The last sentence of this Recommendation was inserted at a point where the Security Working Group was in the early days of being set up, and significant engagement with the Steering Group had been offered. Unfortunately, although the Security Working Group has met and discussed some matters, progress over the last 18 months has been extremely slow, with a lack of development of some key principles and standards to apply to the development. The Steering Group raises this as a significant overarching issue which feeds into the following recommendations relating to security, and is likely to form a part of further representations.

“Recommendation 4.2

The Construction Code of Practice should be amended to set out a strategy for dealing with security issues, with an overall procedure for all contractors to follow, and including reference to established standards, to ensure consistency across all sites.”

National Highways have set out in the CoCP and in comments to the Steering Group that each contractor will develop a Security Management Plan, all under the umbrella of the Project Physical Security Execution Plan - the latter having been provided to project bidders. This is in general a welcome development.

However, in light of the comments in relation to Recommendation 4.1 above, the Steering Group are concerned at the lack of meaningful progress with engagement with its members. The proposals need to be improved and clarified in this regard.

“Recommendation 4.3 - September 2021 Consultation Response

Security issues should be included within the work of the Joint Operations Forum referred to in section 4.3 of the Construction Code of Practice, with a requirement to include security in detailed contractor proposals”

The Steering Group notes that consideration of security issues has been included alongside and as part of the work of the Joint Operations Forum (JOF) in the Code of Construction Practice (document 6.3 Appendix 2.2). The Steering Group welcomes this consideration, but seeks a commitment to liaison regarding governance of the JOF, specific components of security plans,

adoption of security standards and currency. In particular, regarding the JOF the Steering Group would welcome consultation regarding the governance in relation to opportunities for crime, fear of crime, and vulnerability which are currently absent.

“Recommendation 4.4 - September 2021 Consultation Response

The security issues identified in Appendix B to this response should be addressed in detailed proposals for both the construction phase (including enabling works) and the detailed design of the LTC. This should be referenced in the Design Principles.”

National Highways has chosen not to address the detailed recommendations made by the Steering Group. This remains of concern, including in the context of the lack of progress with the Security Working Group (see recommendation 4.1 above). The Steering Group continues to review the documentation, and will be making further representations on important issues related to Designing Out Crime.

“Recommendation 4.5

The ESSP Steering Group recommends that the measures and requirements set out in paragraphs Error! Reference source not found. and Error! Reference source not found. above are identified in approved plans and/or control documents.”

“Recommendation 4.6

Clarification should be provided that the design has and will consider the risk of modern slavery, human trafficking and other hidden vulnerability and harm exploiting the new route, and in the location and detailed design of the worker accommodation proposals.”

National Highways has confirmed that these issues are being considered in all aspects of the scheme, including the worker accommodation, in light of its Anti-slavery and Human Trafficking Statement. The Steering Group suggests that this should be dealt with as a confidential matter in closed statements and hearings, and secured through the DCO process.

Area of Concern Emergency Access

“Recommendation 5.1

The procedures and requirements for the development of Contractor emergency plans should be formalised in the DCO, to include an explicit requirement for approval, and a commitment to consultation with relevant emergency services and safety partners. This could be combined with provisions in the Construction Code of Practice and the Construction Traffic Management Plan.”

Despite inclusion within the Code of Construction Practice of some information on the development of Emergency Preparedness Procedures, the Steering Group remains concerned. These concerns relate partly to the overall complexity and lack of clarity regarding contractor responsibilities, consultation and engagement, as set out under Recommendation 2.1 of this Representation. However, the Steering Group does recognise that the documents do now make reference to engagement with the emergency services, Kent Resilience Forum and Essex Resilience Forum, and other relevant stakeholders, but there is nothing outlined about what happens after such engagement in terms of actions.

“Recommendation 5.2

Provision should be made for helicopter landing during the construction phase at locations in addition to the hyperbaric facilities at the northern tunnel portal. Identification of helicopter landing facilities should be made a requirement prior to commencement of the development, and their location should be confirmed in approved plans.”

The Steering Group is pleased to see the commitments to a helicopter land area at the north tunnel portal during construction (6.11.5 of the Code of Construction Practice).

The Steering Group recommends that if a fixed point for helicopter landing elsewhere along the route is not to be provided during construction, then the requirements for contractor emergency preparedness plans should be amended to include such a requirement for their part of the project.

“Recommendation 5.3

Emergency access arrangements should be included within the emergency preparedness procedures to be developed in consultation with the emergency services and safety partners, as outlined in the CoCP.

This should include ensuring that any internal haul roads which might be used by the emergency services are fit for that purpose.”

The Steering Group welcomes the reference in the Code of Construction Practice (document 6.3 Appendix 2.2, paragraph 6.9.3) to emergency access provision by contractors, in the context of emergency preparedness, as long as the Steering Group is adequately consulted beforehand.

“Recommendation 5.4

Emergency preparedness procedures should include ensuring that communications provisions are compatible with those used across all of the emergency services and other responding organisations, not just Fire and Rescue (bearing in mind the planned change from Airwave to a new Emergency Services Network), and the continued requirement for ability to use the mobile phone network”.

The Steering Group is satisfied that National Highways are addressing this issue, including the change over from Airwave to a new Emergency Services Network. Please also see comments under Recommendation 12.1 below.

“Recommendation 5.5

All of the emergency access road provisions in the scheme should be consistently referred to in the DCO, and labelled as such on the relevant Works, Integrated Care Partnerships General Arrangements, Tunnel Area and other approved plans and drawings.”

“Recommendation 5.6

The arrangements for emergency services to enter the emergency access roads should be designed in accordance with the advice provided in Appendix B to this response. This should form part of an approved Emergency Response / Management Plan for the road.”

In respect of both of these Recommendations, the Steering Group is pleased to note that emergency access routes are shown on the General Arrangement drawings (document 2.5), Works plans (document 2.6), and referenced in the DCO itself (e.g. Work No. 6D (v)). The Steering Group is continuing its review of the emergency access provisions, and will discuss any requirements for amendments to the scheme drawings and documents with National Highways in the first instance and in its subsequent Written Representations.

“Recommendation 5.7

Emergency Response / Management Plans for the LTC should be required to address how prompt access to incidents is to be achieved, especially if traffic backs up, and given the absence of a hard shoulder. In the absence of these plans to deliver emergency service access to incidents, the ESSP Steering Group’s default position is that a hard shoulder should be provided.”

The Steering Group would refer the Examining Authority to its comments on emergency response plans in relation to Recommendation 2.4 above. In addition, National Highways has not to date

provided written confirmation of its position on the absence of a hard shoulder. Therefore this concern remains.

“Recommendation 5.8

The width of the tunnel emergency access roadways should be assessed in terms of their adequacy to accommodate emergency vehicles (including a review of appliance turning circles), allow sufficient facility for vehicles to pass, and to avoid conflict with members of the public evacuating the tunnel.”

The Steering Group is pleased to note that the tunnel emergency access roads are shown as accommodating two-way traffic on the submitted drawings.

National Highways have indicated that further detail design of the emergency access roads shown on the submitted drawings will be undertaken and discussed with the Steering Group members via the TDSCG. The Steering Group have concerns regarding this method of engagement and consultation, as set out under Recommendation 2.1 of this Representation and as to the final road design position.

“Recommendation 5.9

As removeable barriers are an important element of emergency response around the tunnel:

- a) they should be clearly identified as such in the DCO Works in Schedule 1*
- b) justification should be provided for their positioning and number, related to plans for responding to incidents, with consideration being given to the provision of additional removeable barriers.”*

The Steering Group has been informed by National Highways that:

- the removeable barriers are shown on the General Arrangement drawings (document 2.5) and form Work no.3C and 5A in the submitted DCO (document 3.1). However, the Steering Group has been unable to locate these items on the drawings or in the DCO.
- the number and location of the barriers have been determined separately, but their rationale has not been explained to date.

Therefore the Steering Group’s recommendation in this respect remains unsatisfied at the present time. In addition, the Steering Group would welcome consultation with Counter Terrorism Security Advisers regarding the specification of barriers and bollards.

“Recommendation 5.10

Clear provision should be made in the preliminary design for designated emergency helicopter landing areas close to the north and south portals. These could be shown on the control drawings, and referenced in the list of authorised Works in the DCO.”

The Steering Group welcomes the commitment to provide helicopter landing facilities at both tunnel portals post construction (Design Principles S3.21 and S9.23).

The Steering Group would welcome engagement on the detailed design, including with colleagues in the air ambulance service. The only remaining concern in this respect is in relation to National Highways’ preferred method of consultation through the Tunnel Design and Safety Consultation Group (see comments under Recommendation 2.1 of this Representation, above).

Area of Concern: Rendez Vous Points (RVPs)

“Recommendation 6.1

The preliminary design should be amended to reflect the acknowledged need for Emergency Services Rendez Vous Points (RVP), both in the general vicinity of the tunnel portals, and elsewhere along the route. RVP should be included in the list of authorised Works in Schedule 1 of the DCO, and indicated on the approved Works Plans.”

“Recommendation 6.2

Consideration should be given to whether sufficient and suitable land has been secured for RVP, particularly in relation to the tunnel portals.”

“Recommendation 6.3

Consideration should be given to the location of RVPs at an early stage, so that the following can be taken into account in the preliminary proposals:

- a) *road links*
- b) *availability of land*
- c) *integration with emergency access routes and Emergency Hubs.*
- d) *RVP should be identified in more detail on the General Arrangement Drawings if appropriate.”*

In respect of these recommendations, the identification of suitable locations for RVPs for emergency services attending incidents is an issue on which significant progress has been made with National Highways. RVPs are now identified in the DCO as:

Work No. 3F (south tunnel portal) - approximately 110m x 50m, a total area of 5,500m².

Work No. 5A (ix) (north tunnel portal) - approximately 50m x 30m, a total area of 1,500m².

The Steering Group also notes that these RVPs are included in the Design Principles (document 7.5) at Table 5.3 Clause S3.20 (southern tunnel portal) and Table 5.5 Clause S9.21 (northern tunnel portal). RVPs are also mentioned in passing at paragraph 2.4.92 of the Environmental Statement Project Description (document 6.1).

However, detail is still lacking and necessary now rather than later and to ensure the Steering Group are consulted on such detailed designs at all stages. It is important that the Steering Group is involved in the detailed design of the RVPs. The remaining concerns in this regard relate to the use of the Tunnel Design and Safety Consultation Group route (see comments under Recommendation 2.1 of this Representation, above). In that context, it is concerning that National Highways have still not taken up the long standing offer of a visit to an existing RVP to talk through their construction, set up and rationale, so that what is proposed will be fit for purpose.

“Recommendation 6.4

The preliminary scheme design should be reviewed to consider whether there are other locations on the proposed route, away from the tunnel portal areas, where RVP could be provided, and to include these in the development of Emergency Response Plans.”

Discussions between the Steering Group and National Highways have explored the potential provision of an alternative RVP to the north of the River Thames, using land alongside one of the scheme slip roads. The Steering Group considers that this should be incorporated into the emergency preparedness and response plans for the LTC and as yet it is missing from the DCO documents or commitments.

Area of Concern : Emergency Hubs

“Recommendation 7.1

The preliminary design should be amended to provide Emergency Hubs at the tunnel portals, with consequent changes to the list of authorised Works in Schedule 1 (and corresponding Works Plans), the General Arrangement drawings if appropriate. The Emergency Hubs should

be integrated with the provision of Rendez Vous Points and Forward Control Points, as discussed in the previous section of this response. Details of the Emergency Hubs should be the subject of consultation with the Emergency Services prior to submission to the Secretary of State for their approval.”

National Highways have indicated that the tunnel service buildings shown on the General Arrangement drawings (document 2.5) at both portals have been designed to provide emergency hub facilities including welfare, communications, and control capabilities; and that this provision will be the subject of further detailed design work undertaken and discussed with the Steering Group members via the TDSCG. T

The Steering Group welcome this statement, but:

- a) consider that this should be secured in the preliminary design or control documents; and
- b) it would be useful to agree a minimum baseline of requirements/expectations to ensure these buildings are fit for the planned purpose.
- c) have concerns regarding this method of engagement and consultation, as set out under Recommendation 2.1 of this Representation.

“Recommendation 7.2

What is intended by the new emergency area noted in Work No. 5A (ix) in Schedule 1 of the draft DCO (Works plans 13 and 17) should be clarified in the DCO documents, shown on the General Arrangement drawings and approved plans, and referred to in the description of the development (for instance in Chapter 2 of the Environmental Statement).”

Emergency areas (separate from the Rendez Vous Points) are not shown on the submitted Works Plans. The Steering Group remains unclear about what these areas were intended to be, and so requests clarification on this point.

Area of Concern : Emergency Service Response Times

“Recommendation 8.1

A review should be undertaken of the impacts of the LTC on emergency services. “

“Recommendation 8.2

Further modelling and assessment of the impacts of the LTC on emergency service response times and targets should be undertaken.”

“Recommendation 8.3

Following the further assessment of response times, mitigation measures should be proposed where necessary to ensure that emergency service responses do not deteriorate as a result of the project. Mitigation may include:

- a) ***funding additional emergency service staffing and vehicles over the construction phase***
- b) ***requirements on contractors to commission private emergency service support such as ambulance cover with appropriate levels of staffing, training, hours of cover and working practices to be agreed and reviewed with the ESSP Steering Group on an annual basis.”***

In respect of these recommendations 8.1 - 8.3, the Steering Group can report some ongoing progress. National Highways are undertaking modelling of the potential impact of the LTC on emergency service response times, both during the construction phase, and following the opening of the road. The modelling is based on information supplied by Steering Group members, the results are awaited, and will be addressed in due course. The objectivity of this assessment and its results will need to be considered by the Steering Group, possibly including concerns expressed

elsewhere by Highway Authorities about the models used particularly in relation to impacts on the local road network.

Impacts on response times may play a part in any request for contributions towards mitigation of the effects of LTC on the emergency services.

“Recommendation 8.4

The Emergency Services should be formally consulted on the production and approval of the Traffic Management Plans as a requirement of the DCO.”

The Steering Group notes that the outline Traffic Management Plan for Construction (oTMPfC, document 7.14) provides for the production of Traffic Management Plans themselves (also see Requirement 10 of the DCO). As the Traffic Management plans must be generally in accordance with the oTMPfC, it is significant that Table 2.1 requires contractors to consult with the bodies listed therein, which includes the Emergency Services (though referred to as ‘Blue-Lights Services’, which requires amendment to ensure all partners in the Steering Group are involved). Table 2.3 specifies a requirement for these plans to cover certain matters related to the Emergency Services, including ‘early engagement’.

The Steering Group welcomes this, though currently remain concerned at the lack of clarity on how and when consultation will take place.

“Recommendation 8.5

The proposals and (if necessary the draft DCO) should make the setting up of the Traffic Management Forum a clear commitment of the project.”

The Steering Group is pleased to note that the outline Traffic Management Plan for Construction (oTMPfC, document 7.14) includes a commitment at paragraph 1.1.3 c. to create a Traffic Management Forum. However, it remains somewhat unclear how secure this commitment is or any details of its Terms of Reference, composition or powers. Further explanation would be welcome.

“Recommendation 8.6

Funding should be provided for the creation of a Police Traffic Management Officer, as described in paragraphs 8.23 - 8.25 and Appendix E of this response, to cover the construction phase and the first five years of operation of the LTC.”

The Steering Group can report that preliminary discussions have been held with National Highways on this point, and the matter is currently being assessed to establish evidence related to the funding of such a post.

Area of Concern : Displacement from a tunnel incident / emergency

“Recommendation 9.1

The DCO list of authorised Works in Schedule 1 should include reference to the provision of tunnel evacuation assembly areas, and these should be indicated on the Works plans, shown on the General Arrangement drawings if appropriate, with further detail required be reference to the Design Principles. The proposals should include details of safe routes from the tunnel to the evacuation assembly areas. Such plans referenced in this recommendation should be approved plans.”

The Steering Group has not been able to locate any tunnel evacuation assembly areas in the DCO, the scheme preliminary drawings, or the control documents. The Steering Group is unclear why this is so, and for the time being maintains its recommendation that this is corrected.

“Recommendation 9.2

Any Emergency Response/ Incident Management Plan prepared for the tunnel must include an evacuation section, and extend to show how the scheme will provide for the welfare of members of the public during both short term and longer term incidents; how road users will be reunited with their vehicles where possible; and the means of transport away from the tunnels where necessary. Any Emergency Response/Incident Management Plan should be a control document.

National Highways have indicated that they will provide safe evacuation routes from the tunnel; but that welfare provision should be part of a multi-agency Emergency Response Plan (see Recommendation 10.8 below). The Steering Group remains concerned that the design is developer-led, and this will dictate rather than be integrated with the Emergency Response Plan, leaving the emergency services and the local authority emergency planning teams to address any deficiencies in provision.

Recommendation 9.3

“Response plans and contractual arrangements with the scheme operators should include provisions to reimburse local authorities and emergency services in for their costs in dealing with major incidents in appropriate circumstances.”

National Highways have commented to the Steering Group that they will not provide funding (as they see it), from one public body to another, for activities that the public body (also as they see it) is already funded to provide as part of their statutory duties.

The Steering Group is concerned at this statement dismissing out of hand the potential for local authorities and emergency services to recover some costs in some instances. There are a range of situations where developers and operators contribute to such costs. The Steering Group would encourage National Highways to enter into a dialogue to discuss this, as no further elaboration has been provided to date.

Area of Concern : Fire Suppression and Management of Incidents Within the Tunnels “Recommendation 10.1

The Construction Code of Practice should make a clear commitment for contractors to produce emergency response plans for dealing with fire incidents in the tunnel, in consultation with the emergency services. These should include any particular requirements related to access from the public highway via internal haul roads, and address the risks to both the workforce and emergency service personnel. The CoCP should also set out the minimum contents required to be included in the Emergency Response Plans as described at paragraph Error! Reference source not found. above.”

The Steering Group recognises that the Code of Construction Practice (document 6.3 Appendix 2.2) does contain - for instance in section 6.9 - requirements for contractors to produce emergency preparedness procedures, including requirements for engagement with Steering Group members (see also comments under Recommendations 5.1 and 5.3 of this Representation above). However, this Recommendation seeks to deal with the potential for fire in the tunnels, which is a particularly important element of risk associated with the LTC.

Therefore the Steering Group for the time being maintains its position that this Recommendation stands.

“Recommendation 10.2

The draft DCO, the Works plans, General Arrangement drawings, Tunnel Area plans and the Tunnel Limits of Deviation should be amended to be clear on the location, number and spacing of tunnel cross-passages which are sought under the Order. If flexibility is required, the cross-passages could be shown on the drawings and expressed in the other documents as

subject to confirmation within stated parameters, including the range of separation distances. The ESSP Steering Group considers that these parameters should be expressed in a way which is consistent with paragraph 3.26.1 of CD 352, i.e. 100m, up to a maximum of 150m subject to a quantitative risk analysis.”

“Recommendation 10.4

If flexibility is sought through the Order, the cross-passage design and spacing in detailed design must be subject to thorough consultation prior to approval by the Secretary of State, with the Emergency Services named as statutory consultees. This would be along the lines referred to in the recommendations made in the General Points section of this Response.”

In relation to these Recommendations, the Steering Group notes the introduction of a Design Principle (S6.01 in document 7.5) to clarify that the tunnel cross-passages will be up to 150m in spacing. There are concerns about the ability of fire crews to gain access to the affected tunnel and travel in breathing apparatus whilst carrying equipment to tackle a fire or other incident and carry out search and rescue in hostile conditions over extended distances. Sprinklers/ a suppression system may assist somewhat reducing the potential level of smoke and temperature, within the tunnel bore, but it is considered that the physiological effects on firefighters will still be very significant.

The Steering Group will seek clarity from National Highways on the quantitative risk assessment which justifies this spacing, as the Steering Group has not yet had the opportunity from National Highways for more detailed technical discussions to determine the suitability of these proposals.

The Steering Group is concerned that this Design Principle allows for a further increase in the cross-passage spacing in the detailed design following ‘engagement with emergency services on their distance’. Given the importance of the cross-passage spacing to the emergency services - particularly the Fire and Rescue Services - the Steering Group considers that additional checks and balances are required, which should involve approval by the Secretary of State as outlined in Recommendation 10.4.

Additionally, during the construction phase it is noted that in May 2022 a fire in the HS2 tunnel under construction resulted in crews having to remain in the shelter and the fire allowed to burn as it could not be fought. There were no cross-passages crews could use to escape or send fire crews down it is recommended that consideration is given to whether cross-passages should be built as the tunnelling progresses to maximise the safety of workers and allow fire-fighting to take place.

“Recommendation 10.3

LTC should consider revising the Operational Risk Assessment to address a scenario where both tunnel bores are closed at the same time.”

National Highways has suggested that the likelihood of simultaneous fires in both tunnel bores is a highly remote possibility, and so considers that providing mitigation for this scenario would be disproportionate. The Steering Group is prepared to accept the point regarding simultaneous fires in principle, but would value being provided with the rationale for the conclusions.

At the same time, it is noted that simultaneous closure of both Dartford crossings does occur from time to time. If Dartford can be distinguished from the LTC proposals in these terms, the Steering Group would also value being provided with the rationale for this.

“Recommendation 10.5

Given the potential advantages it offers, the ESSP Steering Group consider that a Fixed Fire Fighting System should be an unequivocal commitment in the preliminary design, DCO and control documents, to be approved in detail. This is especially important if cross-passage spacing may be increased from the benchmark 100m stated in CD 352.”

“Recommendation 10.6

The British Automatic Fire Sprinkler Association should be consulted at an early stage in the detailed design of the tunnel and the FFFS.”

These recommendations are in relation to the installation of a water suppression system, which will be key to the early suppression/ containment of a fire in a tunnel and the proposed cross passageway spacing. The Steering Group welcomes the introduction of the part of Design Principle S6.01 which requires the detailed design to include a Fixed Fire Fighting System in the tunnel bores, the specification for which must be subject to consultation with the emergency services. The Steering Group would still recommend that consultation with the British Automatic Fire Sprinkler Association is carried out as soon as possible and finalised prior to any DCO grant.

“Recommendation 10.7

The detailed tunnel design should be subject to thorough consultation with the Emergency Services from the outset, and not just prior to submission to the Secretary of State for approval. LTC should consider whether details of the tunnel safety design should be specifically and separately identified in the DCO as a matter where a dispute mechanism is required, should there be a difference of opinion with the Emergency Services.”

National Highways has declined to include any provisions in the DCO submission documents to address the possible separate consideration of the tunnel design, or a dispute mechanism in the event of disagreement with the emergency services.

The Steering Group has concerns regarding the proposals of National Highways to engage solely through the Tunnel Design and Safety Consultation Group process (see comments under Recommendation 2.1 of this Representation, above). Given the importance of the tunnel design to the Steering Group, for the time being it maintains its position on Recommendation 10.7, and requests a more complete justification for National Highways’ approach to the matter.

“Recommendation 10.8

A multi-agency Emergency / Incident Response Plan for the tunnel should be a requirement of the DCO, for approval by the Secretary of State in consultation with the Emergency Services. The Emergency / Incident Response Plan should be a control document.”

National Highways have indicated that a multi-agency emergency response plan will be developed as part of engagement with the emergency services through the Tunnel Design and Safety Consultation Group. The Steering Group is disappointed that the preparation of the Emergency Response Plan is not made a requirement of the DCO, ensuring that it is developed alongside and to inform the detailed design of the scheme. Also, the Steering Group still has concerns over the use of the TDSCG (see comments under Recommendation 2.1 of this Response above).

Area of Concern : Suicide prevention, mental health and wellbeing

“Recommendation 11.1

The HEqIA and ES Chapter 13 should be revised to cover potential impacts on the mental health and wellbeing of the workforce (and closely related elements of the supply chain) engaged in the construction phase of the LTC, including those who do not currently live in the area. Any requirements for mitigation of adverse impacts should be linked to the Construction Code of Practice. The review should take into account, among other guidance, the Kent and Medway Suicide Prevention Strategy, and the ESSP Steering Group, should be involved in this review.”

The Steering Group is pleased to note that the Health and Inequalities Impact Assessment (document 7.10) now includes material relating to the mental health and well being of the workforce, as well as the local community in general. The Steering Group will review this information and may make further representations to the Examination and National Highways in due course.

“Recommendation 11.2

Any contractor engaged in the in the construction of the LTC should be required to become a supporter partner of Mates in Mind, which would help to ensure that best practice is followed across the project, consistent with CoCP Table 4.1 and the Highways England Environmental Manager responsibilities to integrate with the Quality and Health, Safety, Security and Welfare (HSSW) team for “... a joint assurance focus.” This approach should be pursued from the outset, including preparations for the enabling works stage.”

The Steering Group welcomes the inclusion of REAC item reference PH002 ‘Worker healthcare’ in Table 7.1 of the Code of Construction Practice (document 6.3 Appendix 2.2). This sets out a commitment for contractors to provide for the mental and physical health needs of the workforce. National Highways and contractors should be cognisant of crime statistics relating to workforces such as for the LTC.

The Steering Group considers that this commitment should go further, to ensure that the requirements are more closely aligned to the aims of Recommendation 11.2 above.

“Recommendation 11.3

The current scheme design should be reviewed in terms of whether it has incorporated adequate measures to reduce the risk of suicide during the construction and operational phases, in particular having regard to the Public Health England document Preventing Suicide in Public Places. Any deficiencies in this regard should be reflected in changes to the preliminary design where these would require changes to the description of the authorised Works, the General Arrangement Drawings, the CoCP or requires additional land.”

“Recommendation 11.4

In addition, further guidance for including suicide prevention measures through development of the detailed design should be included in the Design Principles. This would ensure that all aspects of the detailed design - such as bridges, landscape boundary enclosures, and fencing of public rights of way - address the need for suicide prevention measures.”

For Recommendations 11.3 and 11.4 above, to date the Steering Group is not aware of any changes made to the Preliminary Design since DCOV1; has not been party to a review of the scheme; and has not identified any relevant changes to the Design Principles document. That is not to say that measures are not in hand for National Highways to address these issues. However, at this point the Steering Group maintains its position on Recommendations 11.3 and 11.4 above, subject to further review of the documents.

Area of Concern : Future threats

“Recommendation 12.1

The scheme documents should provide a commitment to ensuring emergency services communications coverage (including forthcoming transfer from Airwave to the new Emergency Services Network) along the entire route and in the tunnel in terms of mast provision and secure protection, cabling, RVPs and possible emergency service hubs.”

This recommendation overlaps with, but extends beyond Recommendation 5.4 above. The Steering Group are satisfied that National Highways are addressing this issue. The Steering Group will ensure that in its engagements with National Highways over detailed elements of the project - such as the RVPs - the need for the communication change over will be incorporated into the design.

“Recommendation 12.2

A clear statement should be made regarding which of the major developments planned for the area of influence for the LTC have been taken into account when assessing the effects of the project through the construction and operational phases.”

The DCO documents include the Transport Forecasting Package of the Combined Modelling and Appraisal Report (Application Document 7.7). Chapter 6 (paragraphs 6.3.6 onwards) and Appendix C to that document address new developments and the prediction of their effects on traffic growth. The Steering Group will consider this information and how it might relate to impacts on the activities of its members in the area.

For instance, during the LTC Construction phase Essex Police will be subject to additional infrastructure projects, such as the A12 upgrade between junction 19 and junction 2, alongside further significant housing and large scale industrial developments and this will directly impact the operating environment.

“Recommendation 12.3

A five-yearly review of the impacts of the LTC on the emergency services should be set up, to cover the construction phase and the first 30 years of the operational phase of the development.”

Some members of the Steering Group are carrying out modelling to assess the potential impacts of the LTC on the delivery of their services. This includes the effects of the LTC following construction, during its operation. This may lead to a case being put forward to the Examination to support requests for contributions to mitigate any forecast adverse effects. This may extend beyond mitigation for any identified impacts on emergency services response times (see comments under Recommendation 8.1 of this Representation, above). Requests may include, for instance, additional officers to attend increases in local crime and public order offences caused by or aimed at the incoming workforce; or for additional traffic officer posts and vehicles to accompany a significant increase in abnormal load movements delivering plant and equipment to the construction sites.

Budgets for emergency services are set based on the current demographic of communities. A construction project of this nature is seen as over and above that demographic and not part of the central and local budget allocations. Any increase in demand should be met with an increase in budget to meet that additional demand.