

TR010032 Lower Thames Crossing
16 May 2023 Programme Meeting written submission
Gravesham Borough Council (IP ref 20035747)

1. In its Rule 6 letter of 25 April 2023, the Examining Authority (ExA) has requested any written comments on the issues to be discussed at the Programming meeting to be held on 16 May 2023 by Procedural Deadline A (5 May 2023). The agenda outlines two areas of specific relevance:

Item 4: Local Authority participation in the LTC Examination:

- *Key involvements*
- *Resource considerations*
- *Timing*

Item 5: Local Impact Report (LIR) preparation

- *Key involvements*
- *Resource considerations*
- *Timing*

2. In making comments Gravesham Borough Council (“the Council”) is aware that the purpose of the meeting is to discuss the examination procedure, not any issues arising from the submitted Development Consent Order application. It is however necessary to refer to one or two matters to explain some of the comments being made.

Key involvement

3. The Council is the lower tier host planning authority for the project south of the Thames, apart from the nitrogen deposition compensation sites located in Tonbridge and Malling Borough Council and Maidstone Borough Council areas. Kent County Council is the upper tier host authority. As the project has changed, Dartford Borough Council and Medway Council are no longer host authorities. The Council might therefore need to make written comment on and/or attend sessions on any issue that is either scheme-wide or located in Kent. As Planning Authority it has to consider all potential impacts, and benefits, to its local residents and businesses and endeavour to achieve, should the project be granted consent, sufficient avoidance, mitigation, and compensation as appropriate to the topic area being considered. The resource implications will be considerable.

Resource considerations

4. The Examination represents a massive resource commitment for a shire district council, and well beyond what could be considered reasonable in handling normal development management issues given the scale and implications of the project as set out in the submitted Environmental Statement. Having dealt with Channel Tunnel Rail Link, M2 widening, A2 widening and other major projects, the Council is cognisant of the scale of the task.
5. While National Highways and the Council have entered into a Planning Performance Agreement (PPA), its terms exclude covering the Council's costs associated with the

DCO process (including production of the Local Impact Report (LIR)); the procurement of external legal advice; and preparation for, and attendance at, the Examination. Historically the PPA has not covered the substantial costs incurred in the earlier stages of the project in responding to consultations by the Department of Transport and National Highways.

6. While the Planning Act does not require the Council to (say) produce a LIR or prepare for, or attend, the Examination, the Council will do so, as to do otherwise would not be in the best interests of its businesses or residents or, for that matter the applicant.
7. The exclusion of the matters mentioned above from the PPA will place a tremendous burden on the Council. The Council wishes to emphasise that its ability to participate fully in the process, something which would benefit the ExA, other interested parties, and the applicant, would be improved if its Examination costs were met.
8. It is understood that Thurrock Council and National Highways have been in discussion about the situation the former find themselves in as a result of the s.114 notice. This Council is also in a challenging financial situation and the additional pressure from this project is increasing this. The Council would expect to receive equal treatment.

Timing

9. On the timing of the Examination, the Council takes a neutral stance. It wishes to see matters progressed to remove uncertainty as soon as possible but that should not be at the expense of due process.
10. There are however three current issues which could influence the timing of the examination:
 - a. National Highways is proposing to conduct a fresh consultation on three minor matters from 17 May to 16 June 2023. However as an almost aside they go onto say "*National Highways also propose to provide information about the possibility of using only one tunnel boring machine (TBM)*". Section 3 of the document they submitted on 16 March¹ provides some information on this, claiming there is no impact on the Environmental Statement. The Council will require a great deal more information to agree with that assertion, which does not look plausible at first sight. If it could impact on the Environmental Statement, that would necessitate additional material being prepared, causing delay.
 - b. The preparation of the Local Impact Report inevitable draws heavily on the Environmental Statement as well as local knowledge and information. However a significant amount of the analysis in both is dependent on the results of the transport modelling. As explained in our Relevant Representation and PADS documents, the Council has serious and longstanding concerns over the transport modelling which will then translate into any assessment based on that information. The Council's concerns are further compounded by the 2 year construction delay.

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-002039-230316_Applicant_Notification_of_Proposed_Changes.pdf

- c. As referred to by the ExA (Annex A of Procedural decision of 6 April 2023²) the impact of the construction delay on the Environmental Statement will need to be looked at further.
- 11. None of these issues are for discussion at this programming meeting but they do illustrate the fragility of the timetable. This leads to a general concern over resourcing (and the impact this will have on Council staff and consultants) if, understandably, changes are made to the current timetable. In any event, the Council considers, with the caveats noted above, it can meet the Local Impact Report (and Written Representation) submission deadline of 18 July 2023. We will be providing a fuller response for Procedural Deadline B in respect to Preliminary Meeting Part 1.
- 12. In summary, Gravesham Borough Council:
 - a. Welcomes the publication of the Rule 6 letter but needs more certainty for resource planning
 - b. Expects National Highways to provide sufficient resources for it participate fully in the Examination
 - c. Can meet the deadlines set out in the current timetable
 - d. Notes that there are a number of issues that may further delay the Examination

5 May 2023

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-002056-230331%20FOR%20DECISION%20PD%20delay.pdf>