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Your Reference:

TR010032

KCC Interested Party

Reference Number:

20035779

Date: 5th May 2023

Dear Rynd,

RE: Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing - Kent County Council's Written Submission ahead of the Programming Meeting

Following the Planning Inspectorate's publication of the Rule 6 letter on the 25th April 2023, Kent County Council (KCC) is confirming its intention to attend and participate at the Programming Meeting on Tuesday 16th May 2023 and has submitted the Event participation Form online. This letter complements the online form and is our written submission on the matters we wish to discuss as the Programming Meeting. These matters are strictly in relation to our role as a host authority in the Examination and do not represent our views on the application itself.

As outlined within the Rule 6 letter (PD-013), this submission provides comments on the arrangements that we need to make to participate in the Examination, our preparation of a Local Impact Report, and resourcing and timing considerations in relation to these matters.

Arrangements needed to participate in the Examination

Enhanced Planning Performance Agreement with the Applicant

KCC has recently written to the Applicant to request an enhanced Planning Performance Agreement (PPA). KCC's current financial situation and budget constraints mean it is difficult for the local authority to provide sufficient resource to respond to this application. It is important to note the LTC is one of multiple DCOs that KCC is having to respond to currently, alongside delivering on its statutory duties to the communities and businesses of Kent.



The current PPA between KCC and National Highways makes clear that activities such as the following cannot be claimed for:

- The preparation of the Local Impact Report
- Review of the application documents unrelated to matters within the Statement of Common Ground
- Preparation for, and attendance and participation at the Examination, including the preparation of expert witness submissions and responding to written questions raised by the Examining Authority during the Examination

This is unfortunate as given the size and scale of the Lower Thames Crossing (LTC) application, the above activities place a significant burden on existing resources at KCC. The application alone is over 66,000 pages and the costs/resource associated with reviewing this information for the purpose of preparing submissions such as Representations and the Local Impact Report should not be left to the local authorities. These costs are part of the cost of delivering a Nationally Significant Infrastructure Project (NSIP) and therefore should come from the Applicant's project budget.

KCC understands National Highways has agreed to enter into an enhanced PPA with Thurrock Council which covers the activities listed above, and we feel it is only fair that the same treatment is applied to other host authorities affected by this application. The emerging '*Nationally Significant Infrastructure: action plan for reforms to the planning process*' encourages a better, fairer and more resilient NSIP regime. For this ambition to succeed National Highways should be consistent in its approach to PPAs and provide all host authorities with the same opportunities for cost recovery.

Reduce the need for additional consultation during the Examination

The Applicant has already undertaken five public consultations throughout the pre-application stage. While we appreciate work is still ongoing in a number of areas which would result in the need to make minor changes to the application during the Examination, it is imperative the Applicant considers the increased work this places on local authorities.

We have already received notification that the Applicant will be undertaking a non-statutory targeted consultation on the latest proposed changes to their application. Whilst this consultation is relatively minor in its nature, it still requires local authorities, such as KCC, to review the proposed changes and provide a response within 30 days of the consultation being launched. This is being undertaken between the 17th May and the 16th June, meaning it will coincide with Procedural Deadlines B and C, along with the Preliminary Meeting Part 1.

In view of the points raised above, along with the need to allow communities and other Interested Parties a fair opportunity to respond, we would fully encourage the Applicant to reduce as much as possible the need to undertake additional consultations throughout the Examination.

Advanced notice of the issues to be discussed at each Issue Specific Hearing (ISH)

It is unfortunate that the timing of the Examination will mean some of the deadlines and hearings fall over the school Summer holiday period. This adds an additional complication for local authorities due to staff leave. It is noted that both written and oral submissions have the same weight throughout the examination, however, we recognise the value to both Inspectors and those attending the Examination for relevant officers that have both a



statutory and non-statutory role to be present at relevant hearings. Therefore, it will be vital that sufficient advanced notice is given by the Examining Authority (ExA) as to the specific topics to be discussed at each ISH. This will assist KCC in resourcing with preparation and attendance at ISHs where necessary.

Management of written questions and comments

The issue of staff availability during the school summer holiday period should also be considered when the ExA publishes the first set of Written Questions (expected to be 15th August 2023). It would be welcomed if the ExA could be mindful of the number of questions being issued at once to each particular authority so that we can ensure that we are able to respond by the deadline. We welcome that the deadline for these first Written Questions is the 19th September, which should give sufficient time for responses to be drafted around committed leave periods. However, responding to requests for comments by Deadline 2 (D2) on Thursday 3rd August, which includes comments on the Applicant's amended draft DCO (submitted at Deadline 1 (D1) on 18th July) will be challenging due to limited availability of staff resource, as will Deadline 3 (D3) on Thursday 24th August, which is just before a Public Holiday weekend. Extending these deadlines into September would be welcomed.

Furthermore, any questions aimed at local authorities should be as clear as possible to ensure the purpose behind them is plainly understood. This will help to limit the number of questions and ensure the ExA receive a well-defined and meaningful response.

Local Impact Report (LIR) preparation

From involvement in previous DCO Examinations, KCC is aware that the Local Impact Report (LIR) is a significant piece of work. As per paragraph 3.3. of the Planning Inspectorate's Advice Note 2, we have taken a proactive approach and already started preparing our LIR for this application. This should help to reduce demand on KCC's constrained resources where possible but as mentioned above, an enhanced PPA is needed to ensure a comprehensive report can be prepared within the required timescales. A financial contribution from the Applicant to cover the costs of preparing the LIR will allow KCC to resource appropriately, ensuring technical experts have the capacity to review the application documentation in detail and produce a LIR that is helpful to both the Applicant and the Examining Authority.

Thank you for the opportunity to submit our views in advance of the Programming Meeting. We look forward to discussing the points raised in this submission in more detail on the 16th May and will continue to actively engage in the LTC Examination to ensure a robust decision is reached on the project. Should you require any further information or clarification on the above before the meeting on the 16th May, please do not hesitate to contact me.

Yours sincerely,



Simon Jones

Corporate Director – Growth, Environment and Transport