

TR010032 Lower Thames Crossing
Procedural Deadline B (26 May 2023) written submissions
Gravesham Borough Council (IP ref 20035747)

Introduction

1. This submission covers:
 - A summary of Gravesham Borough Council's (the Council) comments made orally at the Programming meeting held on 16 May 2023, and matters arising; and
 - The Council's representations on the issues to be discussed at the Preliminary meeting to be held on 6 June 2023 that are required by Procedural Deadline B (26 May 2023).
2. In making these comments, the Council is aware that the purpose of these meetings is/was to discuss the examination procedure, not any issues arising from the submitted Development Consent Order application.

Programming Meeting

3. The key points that Gravesham would like to make having regard to its submissions made at Procedural deadline A and the discussion that occurred at the Programming meeting are:
 - The Council accepts the current proposed timetable in the Rule 6 letter in the interests of removing uncertainty and notes that the Examining Authority ("ExA") will need to arrive at a view on this in the light of the submissions that have been made.
 - The application documents were made available very soon after submission last autumn of the Development Consent Order (DCO) application. This was a positive decision by the applicant as it has provided additional time to consider those documents, albeit the Council was needing to focus on considering its response to the Adequacy of Consultation. At the same time it is a very large and complex application spread across a number of host authorities with over 560 documents. As a result of the numerous consultations since the Statutory Consultation in 2018 it has, for example, been necessary to spend a significant amount of time clarifying what the proposal actually is.
 - As stated in the Programming Meeting the Council, in programming the production of its Local Impact Report (LIR), assumed, on the basis of the information available last autumn from National Highways, that no financial support would be forthcoming from the Planning Performance Agreement (PPA) for the preparation of the Report. The Council's Corporate Plan has the objective of "sound financial management" and has to cut its cloth accordingly on the production of the LIR within the scope of the limited resources available.
 - Therefore the Council, as a small borough, has not embarked on, for example, the employment of numerous consultants to support it in the DCO process. The Council is relying on in-house expertise, contributions from specialist interested parties and employment of specialist consultants on

topics like noise, air quality and landscape. It has and will continue to co-operate with other interested parties, including Parish Councils, Statutory agencies, and landowners as far as practically possible.

- In particular the Council will co-operate with Kent County Council (with whom the Council have a service level agreement for the supply by of specialist advice on ecological and archaeological matters) especially on highway matters, where they are the local highway and traffic authority, and on the preparation of the Local Impact Report. There may be matters where the Council do not agree on the significance of impacts for local residents and businesses, but that is a matter for our respective Written Representations.
- The Council notes that Counsel for National Highways said at the Programming meeting, that they were offering to fund Thurrock Council to prepare its Local Impact Report, due to their special circumstances. Gravesham Borough Council considers this to be inequitable as all Local Authorities are under financial pressures and have limited resources for statutory functions that are not in the nature of a duty. The Council signed the revised PPA on the basis of National Highways position at the time, which has now changed.
- Accordingly the Council is writing to National Highways requesting the same treatment as Thurrock Council, and if the Panel decides to encourage the Applicant to make provision for financial support to local authorities for the preparation of Local Impact Reports, then the Council would welcome that. As indicated at the meeting, an example of the way in which the resources of the Council are being stretched in relation to related highways issues is that the Council is having to spend over £200k on transport modelling for the Local Plan, much of that to meet the requirements of National Highways in relation to possible impacts of development on the A2. This removes resources from other activities, and it may be noted that the Council is aiming for a Regulation 19 submission of its Local Plan in the later part of the year, although that might be delayed due to additional work NH is requesting which is pushing back the programme.
- The Council also raised the matter of a physical Open Forum meeting having been arranged on 5th July 2023 in the Dartford Bridge Hilton Hotel, and no comparable event in Gravesham. The case officer has confirmed that additional such events are to be arranged and possible dates in the autumn are being explored and that is appreciated.
- An overarching factor in the Council's approach is to ensure that the ExA has the information it needs to form a view on the application before it.

Preliminary Meeting

4. The Preliminary Meeting's focus is how the application is to be examined. The ExA has asked in particular for comments on:
 - whether participants consider changes need to be made to the draft Examination Timetable, set out at Annex D to the Rule 6 letter, and the reason for changes; and/or
 - whether participants wish to comment about the arrangements for future examination hearings, including the use of virtual methods.

5. The two principal areas of comment for the Council are the draft timetable and ensuring that certain matters are included within the scope of the summary list of the Principal Issues set out in Annex B of the Rule 6 letter.
6. The timetable is demanding (as would be expected) given the statutory time constraints and scale of application. It is noted from the Programming meeting that first round of questions in mid-August is relatively late in the process, but by then the Relevant Representation (RR), Principal Areas of Disagreement Summary (PADS), Local Impact Report (LIR) and Written Representation (WR) should have scoped the territory that needs to be covered, and therefore reduced the likely number of questions.
7. Given the need to deploy resources effectively it would be helpful to the Council to have more information as soon as possible on the topics for the Issue Specific Hearings (ISH). This is so staff and consultant resources after the 18 July Deadline 1 (for which the LIR and WR are the top priority) can be focussed on the matters to be dealt with in September rather than those to be dealt with at a later date. It is appreciated that later in the programme this will not be possible since content may well be driven by what happens in earlier sessions.
8. The geographic spread of the project means that for resource reasons, the Council would not intend to participate in ISH sessions focussed on specific matters north of the river (and no doubt for Interested Parties north of the river vice versa). It is inevitable that in the course of any such locally focussed ISH matters may be raised that have more general implications across the project. In such circumstances, the Council requests that the ExA ensures that those general matters that arise in discussions on local topics are brought to the attention of the Council, either in written questions or otherwise, so they can be appropriately discussed.
9. Clarity would be useful now on what topics are to be covered in the first two ISHs. Whilst the ISH1 will presumably cover the matters set out in Annex B item 1, it would be helpful to have more detail, if possible, specificity about what specific elements of the dDCO and/or its relationships with other control documents are likely to be discussed at ISH2. Put another way is this session about the mechanics of altering the dDCO (and control documents) or is about the actual contents of the dDCO?
10. The Council assumes that there is a possibility, depending on the circumstances, that the Examination might not begin on 20 June, particularly if Preliminary Meeting Part 2 is required. If so, and the June ISHs were put back, this could have resource implications for the Council. Therefore, it would be helpful if any indication that that might happen should be given as soon after Preliminary Meeting Part 1 as is possible, and that any questions of participants arising from that meeting be issued as soon as possible after it. Further delay could be caused if the ExA decides in due course that the applicant needs to carry out substantial additional work.
11. Annex B to the Rule 6 letter lists the ExA's Initial Assessment of Principal Issues. The Rule 6 letter says that it is "not a comprehensive or exclusive list of all relevant matters, and it also represents a snapshot in time". From the Relevant Representations it is clear that there are a number of themes emerging where Interested Parties have common concerns (but not necessarily common views). The most obvious examples of this are the robustness of the transport modelling, monitoring, construction impacts (including on local businesses) and public transport.
12. The last paragraph of Annex B page B1 notes that the principal issues will be considered as necessary in terms of their 'construction and operational dimensions'.

The Council would submit that the scale and length of the construction timetable is such that in many cases the principal issues will need to be considered in terms of (a) the construction phase and (b) the operation phase, separately.

13. The Council appreciates the logistical challenges of an Examination involving north and south of the Thames and the need to provide equitable access. On the basis of past experiences with examinations, there is a preference for physical meetings where possible, especially when multiple Interest Parties are involved. Interaction between parties is much easier in person than online. Brief or very technical meetings can be done very efficiently online.
14. The following comments about scope are aimed at ensuring that in preparing material for the Examination, the Council ensures that in the case of some of the points which it will wish to raise, their assumptions are correct about which heading in the list of principal issues they fall under (references to items numbered in Annex B):
 - Project definition (item 1): the Council's view that the project has been artificially constrained to exclude components which should have been included within the DCO as associated development, such as improvements to Blue Bell Hill
 - Climate change and carbon emissions (item 2): the Council assumes the item covers construction impacts as well as the long term operational implications
 - Consideration of alternatives (item 3): the Council assumes that bullet 3 (Consideration of alternative proposals for the road) includes the alternatives to the decision that the speed limit on the road is to be 70MPH.
 - Traffic and transportation (item 4, bullet 1): the issue of modelling needs to cover the model operation, the assumptions and constraints fed into it and its suitability at a local scale.
 - Tunnelling considerations (item 7): the 'Minor Refinement consultation' very recently issued on 17 May introduces the possibility of using one boring machine. Are issues arising to be dealt with here or under item 8 (or both)?
 - Biodiversity (item 11): the Council assumes this includes Nitrogen Deposition Compensation sites and the draft Habitats Regulation Assessment
 - Physical effects of development and operation (item 12): the Council assumes that the impact on the Kent Downs AoNB is included in 'landscapes'
 - Social, economic, and land-use considerations (item 13): it will be important to distinguish between local, sub regional and regional economic impacts since they may differ at different scales including the certainty proof for the benefits tabled. It is assumed that the loss of Cobham Services will be dealt with under item 13, but clarification would be helpful as to which bullet.
 - Item unknown: It would be helpful to know the principal issue where the ExA will consider the Green Belt issue. Presumably it could be under bullet 8 of item 13, bullet 3 of item 12 and/or item 3 (consideration of alternatives). We are querying as we consider that these issues could potentially form a discrete topic on their own.