

Planning Inspectorate Scheme Reference: TR010032
Unique Interested Party Reference: LTC-SP097
Date: 14 July 2023



Mr Rynd Smith
Lead Member of the Examining Authority
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Planning Service
Culture and Community
Regeneration, Culture and Environment
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
Telephone: 01634 306000

By project webpage submission only

Dear Mr Smith

Written Representation - Deadline 1

Please accept this letter as a Written Representation on behalf of Medway Council ahead of Deadline 1. This Written Representation will refer to the written submission of oral comments during Issue Specific Hearing 1, the updated Statement of Common Ground and the Local Impact Report (LIR).

Overview

1. Medway Council is a neighbouring authority in respect of the application and as such is a category 'B' local authority under section 43(1) of the Planning Act 2008. Medway Council is the local planning, transport, minerals and waste authority for the unitary authority area.
2. This Written Representation sets out Medway Council's support for the Lower Thames Crossing (LTC), which would help to address priorities set out in Medway Council's policy framework, subject to actions and commitments concerning local impacts.
3. Medway Council supports the need for the LTC as set out in application document reference APP-494 which states the scheme objectives, in particular "to support sustainable local development and regional economic growth in the medium to long term." It follows that the LTC should support relevant planned development and Medway's emerging Local Plan.

Relevant planned development

4. Medway Council acknowledges paragraph 4.6 of the National Networks National Policy Statement (NNNPS) (2014) which states that:

"The Examining Authority and the Secretary of State do not need to be concerned with the national methodology and national assumptions around the key drivers of transport demand. We do encourage an assessment of the benefits and costs of schemes under high and low growth scenarios, in addition to the core case."

Medway Council is not concerned with the national methodology and national assumptions referenced in paragraph 4.6 of the NNNPS. Medway Council is concerned that the core scenario / case does not reflect the spatial distribution of relevant planned development and Medway's development needs.

5. Medway Council's LIR presents a review of the Uncertainty Log, i.e. a list of planning applications (as of 30 September 2021) used to refine the spatial distribution of planned development in the transport model.
6. The core scenario was found to be based on a surplus of 1,400 homes and a deficit of 400,000 sqm non-residential floorspace in Medway's development pipeline. Almost all of the missing non-residential floorspace is associated with planning applications for development located at Kingsnorth and Grain. Sites at Kingsnorth and Grain are allocated for development in the Medway Local Plan 2003; they are among the largest sites for economic growth in the Thames Estuary and the wider region.
7. The Uncertainty Log includes five highway schemes that have been included in the core scenario, however these schemes are uncertain. Therefore, local traffic impacts have been understated, particularly on the A289 – Four Elms Roundabout to M2 junction 1 route. This has been compounded by the Secretary of State's (Department for Levelling Up, Housing and Communities) decision to withdraw upfront funding for road improvements.
8. Medway Council's oral comments during the early-stage Issue Specific Hearing 1 highlighted the existing M2 junction 1 as a development constraint. This issue emerged in the Transport Assessment to support a proposed development on the former Kingsnorth Power Station site. Medway Council has lobbied relevant agencies and has collaborated with National Highways (Spatial Planning). Medway Council is leading on a strategic solution and is pursuing existing investment processes, albeit with limited resources. The LTC application would have ideally addressed M2 junction 1 if it had included planned developments at Kingsnorth and Grain in the core scenario.
9. The following timeline shows Medway Council's attempt to ensure the accuracy of the Uncertainty Log:
 - In May 2019, Medway Council returned a list of planning applications intended for the Uncertainty Log. This was based on the latest Authority Monitoring Report.
 - In April 2020, Medway Council briefed the applicant on the emerging Local Plan.
 - In February 2021, following the withdrawal of the original LTC application, Medway Council offered to review the Uncertainty Log.
 - Medway Council subsequently carried out a review of committed development to support traffic modelling for the emerging Local Plan. The review identified two significant changes:
 - A Lawful Development Certificate had been approved for the outline consent for Grain Business Park. National Grid stated the intention to realise the full potential of the site.
 - A planning application for the former Kingsnorth Power Station site had been submitted.
10. Medway Council did not have an opportunity to review the Uncertainty Log during the period October 2021 to early 2022. This is when updates to the future scenarios would have been made before the second application was submitted to the Planning Inspectorate.
11. Medway Council included the outline consent for Grain Business Park in a proposed 'long-list' of developments for the Cumulative Effects Assessment, however this development has been scoped out (APP-483). Given the status, scale and proximity of planned development at Kingsnorth and Grain in relation to the LTC, this matter is 'not agreed' in the Statement of Common Ground.

Medway's emerging Local Plan

12. The Planning Inspectorate's Scoping Opinion, dated December 2017, required the Environmental Statement to consider Medway Council's emerging Local Plan. Medway Council has raised concerns about the assumptions in the applicant's traffic modelling since the 2018 Statutory Consultation.
13. Although Medway Council is at an early stage of local plan-making, local housing need has been established since December 2020. The Government changed how local planning authorities should calculate local housing need in December 2020 based on a 'standard method'. The first version of the standard method was published in an update to the National Planning Policy Framework in July 2018. Recent interventions since December 2022 have introduced uncertainty in local plan-making, however the standard method remains the starting point for determining local housing need. Medway Council has also published iterative versions of an Employment Land Needs Assessment since 2015.
14. In August 2021, Medway Council received a letter from the applicant which confirmed the approach to housing growth assumptions. Further analysis has found that the core scenario assumes 4,600 fewer homes in Medway by 2040 (i.e. the end of the new Local Plan period) compared to the standard method. This presents challenges for local plan-making.
15. It is unclear how the requirement in the Planning Inspectorate's Scoping Opinion, along with the scheme objective to support sustainable local development and regional economic growth in the medium to long term, has been met. However, Medway Council supports the LTC, subject to actions and commitments concerning local impacts.

Actions and commitments

16. Medway Council notes that the applicant is not committing to any direct additional funding for mitigation on the wider network. Instead, the applicant refers to existing investment processes and collaborative work with local authorities.
17. Medway Council acknowledges paragraph 4.10 of the NNNPS which states that:

"Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development."

Medway Council has identified highway schemes required to mitigate the impact of the LTC. However, as set out above, Medway Council is concerned that the core scenario does not reflect the spatial distribution of relevant planned development and Medway's development needs. A contractor's report on behalf of Medway Council has recommended a review of the LTC in conjunction with an assessment to inform local plan-making.
18. The applicant has submitted a Wider Network Impacts Management and Monitoring Plan (WNIMMP) (APP-545). This should be read alongside Requirement 14 of Schedule 2 in the draft DCO which states that:

"Before the tunnel area is open for traffic, the undertaker must submit written details of an operational traffic impact monitoring scheme substantially in accordance with the wider network impacts management and monitoring plan for approval by the Secretary of State following consultation by the undertaker with highway authority and where different, the relevant planning authority and other bodies identified in Table 2.1 of the outline traffic management plan for construction."
19. The LIR presents an evidence base for Medway Council to require paragraph 5.3.4 and Plate 5.1 of the WNIMMP to add the Four Elms Roundabout (A289 / A228) as a location to be included in the monitoring scheme.

20. Following the Written Ministerial Statement on 9 March 2023, which announced a two year rephasing to the construction funding for capital works, the monitoring scheme is unlikely to provide certainty in local plan-making, specifically funding sources in an accompanying Infrastructure Delivery Plan (IDP).
21. Medway Council has commissioned a new traffic model and an assessment to inform local plan-making, including a 'with LTC scenario'. Medway Council is engaging with National Highways (Spatial Planning) in producing the assessment. The assessment will include analysis to determine proportionate developer contributions from sites to be allocated for development, which is likely to include contributions due as a result of traffic flows generated by the LTC; the IDP will need to specify National Highways as a funding source. A commitment from National Highways would provide more certainty to support local plan-making.
22. The LIR has set out the need for other actions and commitments:
 - An updated assessment of traffic-related severance on pedestrians (APP-525 and APP-529).
 - An appropriate noise insulation assessment for Cuxton and Halling ward must be carried out as soon as possible before construction starts.
 - The Project Air Quality Action Plan must consider off-site mitigation to deliver air quality improvements within Medway's air quality management areas, along with a financial payment to support air quality monitoring, modelling and associated plans (APP-350).
 - Paragraph 3.4.9 of the Outline Materials Handling Plan (APP-338), along with the Register of Environmental Actions and Commitments (MW002) (APP-336), should refer to sourcing aggregates from proximate wharves, e.g. North Sea Terminal at Cliffe.
 - There is a need for a feasibility assessment of off-site recycling, as well as recovery and disposal capacity. The Register of Environmental Actions and Commitments (MW012) (APP-336) should be updated accordingly.

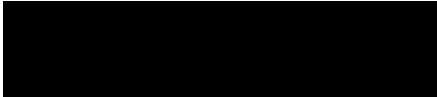
Road user charging

23. Road user charging is proposed to be equal to the Dartford Crossing. Integration with the Dartford Crossing and avoidance of unnecessary vehicle mileage are among considerations in the rationale of the Road User Charging Statement (APP-517). Schedule 12 of the draft DCO sets out the road user charging provisions.
24. On 28 July 2020, during a briefing from the applicant, Medway Council members called for a resident and business discount scheme to be extended to Medway. It is understood that this would be a decision for the Secretary of State following any decision to grant development consent, and that the Department for Transport (DfT) may require a consultation.
25. Paragraph 2.1.4 of the Road User Charging Statement explains how the equal approach to charging emerged following the 2018 Statutory Consultation. The approach to charging has been assumed in the LTC's appraisal. A Local Resident's Discount Scheme for residents who pay their council tax to Gravesham Borough Council or Thurrock Council has also been assumed in the LTC's appraisal.
26. There appears to be little scope for a DfT consultation. It is unfortunate that opportunities to maximise the benefits of the LTC for residents and businesses in Medway, and to promote public transport use for longer journeys, appear to have been missed.

27. This matter is 'not agreed' in the Statement of Common Ground, though it is perhaps more relevant to consultation and engagement matters; the applicant should have been clear on this matter during the briefing to members. Moreover, it is acknowledged that a resident and business discount scheme in Medway would likely generate even more traffic locally once travel across the River Thames becomes more attractive.

Medway Council will continue to engage with the applicant and in Examination hearings in September, October and November.

Yours sincerely



Andrew Bull MRTPI
Principal Planner (Spatial Data & Infrastructure)