

Lower Thames Crossing

9.37 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Sevenoaks District Council

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1.0	18 July 2023	Examination Deadline 1

Status of the Statement of Common Ground

This is an Agreed Draft Statement of Common Ground with matters outstanding.

National Highways and Sevenoaks District Council agree that this draft Statement of Common Ground is an accurate description of the matters raised and the current status of each matter.

RE: **Sevenoaks** DC / LTC SoCG for your endorsement for examination deadline 1



Thu 06/07/2023 13:01

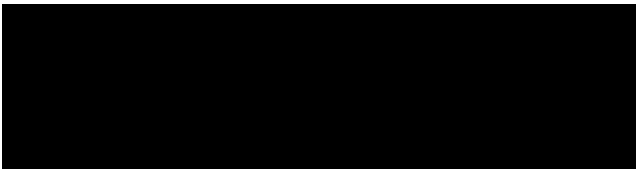
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Start your reply all with:

Hi [Redacted]

Thank you for your email and highlighting the amendments. There are no objections to these and as such, we are happy to endorse this version of the SoCG.

Kind Regards,



A high-level overview of the engagement undertaken since the Planning Inspectorate's request for this Statement of Common Ground to be produced in its Rule 6 letter issued on 25 April 2023 is summarised in Table A.1 in Appendix A.

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (National Highways) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between National Highways (the Applicant) and Sevenoaks District Council, and where agreement has not been reached. Where matters are yet to be agreed, the parties will continue to work proactively to reach agreement and will update the SoCG to reflect areas of further agreement.
- 1.1.3 Sevenoaks District Council has responded to Lower Thames Crossing consultations when necessary, and those responses affirmed the Council's support for the Project and also raised matters it wished the Project to consider. The last representation setting out the Council's position was the pre-examination representation dated 13 February 2023.
- 1.1.4 This version of the SoCG has been submitted at Examination Deadline 1.

1.2 Principal Areas of Disagreement

- 1.2.1 On 19 December 2022, the Examining Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.
- 1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.3 The PADS Tracker provides a record of principal matters of disagreement emerging from the SoCG and will be updated alongside the SoCG as appropriate throughout the examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.
- 1.2.4 Sevenoaks District Council have elected not to produce a PADS Tracker indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

1.3 Terminology

- 1.3.1 In the matters table in Section 2 of this SoCG, "Matter Not Agreed" indicates agreement on the matter could not be reached following significant engagement, and "Matter Under Discussion" where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Matter Agreed" indicates where the issue has now been resolved.

2 Matters

2.1 Movement of outstanding matters

- 2.1.1 Following submission of the DCO application, continued discussions on matters have taken place between the Applicant and Sevenoaks District Council. These discussions are summarised in Appendix A.
- 2.1.2 The outcome of discussions to date are presented in Table 2.1 which details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Sevenoaks District Council.
- 2.1.3 At Examination Deadline 1 there are 9 matters in total, of which 6 matters are agreed, and 3 matters that remain under discussion.
- 2.1.4 In its Rule 6 letter, the Examining Authority requested that Sevenoaks District Council and the Applicant submit an SoCG including matters related to:
- a. Congestion and air quality around M25 J3.
 - b. Traffic modelling in relation to roads in the District.
 - c. Traffic effects in relation to roads in the District.
- 2.1.5 In the column 'Item No' in Table 2.1, 'Rule 6' indicates a matter entered in the SoCG as a result of a request in the Rule 6 letter, 'RRN' indicates a matter entered into the SoCG as a result of content in the Relevant Representation, 'RRE' indicates an existing SoCG matter that was also raised in the Relevant Representation and 'DLX' indicates a new matter added during examination at/around that deadline. Subsequent versions of this SoCG will outline the changes between versions.

Table 2.1 Matters

Topic	Item No.	Sevenoaks District Council Comment	National Highways' Response	Application Document Reference	Status
Need for the Project					
Benefits of the Project	2.1.1 RRN	Sevenoaks District Council (SDC) is supportive of a new Lower Thames Crossing as it allows road users greater choice to cross the Thames, improve travel journey times and improve the flow of traffic across the north section of the Kent strategic road network.	Noted. The Applicant recognises the support of Sevenoaks District Council.		Matter Agreed
Planning statement/policy					
Planning Process Local plan development	2.1.2 RRN	SDC is progressing with a new Local Plan which concluded its Regulation 18 consultation in January 2023. This version of the Local Plan focuses on making best and efficient use of land in towns and settlements across the District, reflecting the strategy for meeting development needs. A second Local Plan Regulation 18 consultation will be taking place in Autumn 2023 with an anticipated Regulation 22 submission date of Summer 2024.	Noted. The Project is a Nationally Significant Infrastructure Project and therefore must in the first instance demonstrate accordance with the adopted National Policy Statement for National Networks. The Planning Statement and the Transport Assessment refer to the local policy context for the Project and articulate the relationship between the Project and local policy. The Planning Statement (Appendix C, Local Authority Policy Review) gives details of the relevant local plans policies and provides the Applicant's comment and response.	Planning Statement [Application Document APP-495] Planning Statement (Appendix C, Local Authority Policy Review) [Application Document APP- 498]. Transport Assessment [Application Document APP-529]	Matter Agreed

Topic	Item No.	Sevenoaks District Council Comment	National Highways' Response	Application Document Reference	Status
Traffic and economics					
Local plan growth Ongoing consultation on growth ambitions	2.1.3 Rule 6 (Traffic Modelling)	Sevenoaks District Council would like to highlight that Swanley, the second largest town in the district, will be a focus for local growth in the district, and therefore seeks clarification on how local growth is accounted for in the traffic model. While the quantum of development will be defined following the adoption of Sevenoaks District Council's Local Plan, Sevenoaks District Council seeks assurances from the Applicant that it will continue to consult and discuss how Sevenoaks District Council's Local Plan and growth ambitions are considered by the Project.	The Applicant acknowledges Sevenoaks District Council's comment and will consider a response for inclusion in a subsequent version of this SoCG.		Matter Under Discussion
Modelling WNI Capacity impacts at Swanley (M25 Junction 3)	2.1.4 RRN	The LTC Traffic Forecasts Non-Technical Summary summarises the key findings on the performance of the road network in the future comparing with and without the Lower Thames Crossing. It is noted looking at the traffic volumes as a percentage of road capacity maps, there is not a continuous improvement for M25 Junction 3 across the different LTC forecasts with some scenarios showing increased strain. Sevenoaks District	The specific plates referenced in the Traffic Forecasts Non-Technical Summary indicate a number of changes to the volume to capacity ratio on the road network. Some of these show an improvement, while others show a worsening. Chapter 7 of the Transport Assessment presents locations which are forecast to see either beneficial or adverse impacts as a result of the Project. M25 junction 3 is one of the	Traffic Forecasts Non-Technical Summary [Application Document APP-528] Transport Assessment [Application Document APP-529] Wider Network Impacts Management and Monitoring Plan [Application Document APP-545]	Matter Under Discussion

Topic	Item No.	Sevenoaks District Council Comment	National Highways' Response	Application Document Reference	Status
		Council has concerns regarding the change in volume/capacity outlined in Plate 5.10: Traffic volumes as percentage of road capacity, Do Minimum: AM peak, 2030, compared to Plate 5.11: Traffic volumes as percentage of road capacity, Do Something: AM peak, 2030. This shows an increase of capacity in Swanley with the Crossing. The Do Nothing scenario shows a volume as a percentage of road capacity of between 75.1% and 85.0% and Do Something scenario shows a volume as a percentage of road capacity of between 85.1% and 95.0%.	locations shown as where an adverse impact is forecast. This location is included as one of the locations to be monitored as set out in the Wider Network Impacts Management and Monitoring Plan, with potential interventions on the road network considered based on the process set out in that document.		
Construction traffic Congestion and environmental impacts of traffic	2.1.5 RRN	Sevenoaks District Council notes that an increase of traffic will occur during the construction phase. There is concern that this will lead to further congestion on the strategic road network which will impact the local roads resulting in additional congestion and impact on the air quality. Increased traffic movements around the crossing will create increased disturbance, noise and air quality issues to surrounding communities, not just after completion but during the construction phase as well.	The potential traffic impacts arising from the construction phase are assessed within Chapter 8 of the Transport Assessment, including changes in vehicle flows and journey times. National Highways has set out a range of commitments in a series of control documents (including the outline Traffic Management Plan for Construction) and non-compliance would be considered a breach of the DCO.	Transport Assessment [Application Document APP-529] outline Traffic Management Plan for Construction [Application Document APP-547] Environmental Statement Chapter 5: Air Quality [Application Document APP-143] Environmental Statement Appendix 5.6:	Matter Agreed

Topic	Item No.	Sevenoaks District Council Comment	National Highways' Response	Application Document Reference	Status
			<p>National Highways' air quality assessment for the Project (Environmental Statement Chapter 5: Air Quality) determines (in accordance with DMRB LA 105) whether the Project would have a significant air quality effect during construction and operation.</p> <p>The assessment concludes that the Project would not lead to a significant air quality effect when considering human health and compliance risk, but would lead to a significant air quality effect on designated habitats. As such, Environmental Statement Appendix 5.6: Project Air Quality Action Plan was included in the DCO application, which sets out measures to identify and assess the feasibility of air quality mitigation measures and quantify the change in pollutant concentrations associated with the measures, as well as compensation considerations.</p> <p>The noise impacts associated with the Project have been assessed in accordance with relevant standards and guidance, and this is documented in Environmental Statement Chapter 12: Noise and</p>	<p>Project Air Quality Action Plan [Application Document APP-350]</p> <p>Environmental Statement Chapter 12: Noise and Vibration [Application Document APP-150]</p>	

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			Vibration. The assessment follows the standards defined in the DMRB LA 111, through which adverse and beneficial impacts have been predicted for sensitive locations during both the construction and operational phases of the Project. The ES also identifies the noise mitigation that would be implemented.		
Wider Network Impacts					
Local WNI concerns Impacts on local roads and junctions	2.1.6 RRN Rule 6 [Traffic effects]	The Sevenoaks District has a number of major routes which are frequently used by residents, commuters, freight and Light Goods Vehicle (LGV) traffic especially during peak times. Routes within the District include the M25, the M20 and M26, the A20, A21, A25 the A225 and A228. The M20 is a significant route for freight and tourism as it provides access to the coastal ports of Folkestone and Dover, and the main connection to mainland Europe. The M20 also provides links to the M25, both directly to Junction 3 and an indirect link with Junction 5 via the M26. Junction 3 of the M25 (Swanley) has significant pressure from traffic from either direction i.e. those	The forecast impact of the Project in 2030 (the opening year) is set out within the Traffic Forecasts Non-Technical Summary. This shows that there are forecast to be increases of up to 500 passenger car unit (PCUs) in the AM and PM peak on certain movements at M25 junction 3. On the A25 in the District, the Project is forecast to change traffic flows by between -49 and +50 PCUs in all three modelled time periods. Chapter 7 of the Transport Assessment includes details of the scale of impacts on both roads and junctions, setting out where impacts are forecast to be adverse or beneficial. M25 junction 3 is one	Traffic Forecasts Non-Technical Summary [Application Document APP-528] Transport Assessment [Application Document APP-529] Wider Network Impacts Management and Monitoring Plan [Application Document APP-545]	Matter Agreed

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		<p>wishing to continue to the existing Dartford Crossing and traffic wishing to join the M20 from the existing crossing. The A25 runs parallel to the M25 and M26 through the width of the district, where there are problems on the M25, M26 and even on the M20, A2 and at the Dartford Crossing. The A25 becomes quickly congested by vehicles, looking for an alternative route from east to west and vice versa. This congestion is further exacerbated by the lack of access onto and off the M26 at junction 5 of the M25.</p>	<p>of the locations shown as where an adverse impact is forecast.</p> <p>The Project's proposed approach to monitoring impacts on the local and strategic road networks is summarised within Chapter 10 of the Transport Assessment, and set out more fully in the Wider Network Impacts Management and Monitoring Plan [Application Document APP-545], which provides information about the proposed traffic monitoring. M25 junction 3 is one of the locations listed to be monitored as part of this plan.</p> <p>If the monitoring identifies opportunities to further optimise the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes.</p>		
Local WNI concerns Impacts on local roads and junctions	2.1.7 RRN Rule 6 (Traffic modelling)	Whilst the Council is broadly supportive of the Lower Thames Crossing, we have some concerns to outline. The Council's Initial Baseline Transport Assessment	The Wider Network Impacts Management and Monitoring Plan sets out the Applicant's approach to the forecast wider network impacts of the Project. M25	Wider Network Impacts Management and Monitoring Plan [Application Document APP-545]	Matter Under Discussion

Topic	Item No.	Sevenoaks District Council Comment	National Highways' Response	Application Document Reference	Status
		<p>2022 reiterates that the M25 Junction 3 near Swanley is a congestion hotspot. This identifies the junction is at between 85% and 100% capacity depending on AM or PM peak according to 2019 data.</p>	<p>junction 3 is one of the locations already set out within this plan. The WNIMMP is based on the traffic modelling findings presented within the Transport Assessment which has identified a number of areas (some of which are already subject to congestion or operating near capacity) where the forecast changes in traffic flows create conditions that could cause further capacity effects on the wider road network. National Highways has assessed the wider network impacts of the LTC scheme and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014), and considers that the adverse impacts are acceptable under this policy. Nonetheless, National Highways understands the importance of its statutory obligations as a strategic highway company, and is continuing engagement with all the relevant local highways authorities. This has been focused around working with them in a collaborative manner on the development of their local plans, effective</p>	<p>Need for the Project [APP-494]</p>	

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			<p>management of the strategic road network and management of the interfaces between the strategic road network and the local road network in their areas.</p> <p>A response to the Project's proposed approach to monitoring impacts and opportunities to further optimise the road network is given in Item 2.1.6.</p> <p>At a meeting on 20 June 2023, the Applicant agreed to supply further traffic modelling information and engage with Sevenoaks District Council to further explain and clarify the traffic impacts of the Project.</p>		
Air quality					
Monitoring AQMA at Birchwood Road / London Road	2.1.8 RRN	The Council's Air Quality Action Plan 2022 identifies the Junction of Birchwood Road and London Road, Swanley as an Air Quality Management Area (AQMA). This is closely located to the A20 leading towards the junction. The AQMA has been declared for exceedances of the NO ₂ annual mean objective.	The air quality assessment has been undertaken in accordance with Design Manual for Roads and Bridges LA 105 and considers AQMAs within 200m of the construction and operational Affected Road Network (ARN). AQMA 14: Junction of Birchwood Road and London Road, Swanley is located over 200m away from the ARN and is therefore not included within the study area. The construction and operational study	Environmental Statement Figure 5.2: Construction Traffic Study Area [Application Document APP-171] Environmental Statement Figure 5.3: Operational Study Area [Application Document APP-172]	Matter Agreed

Topic	Item No.	Sevenoaks District Council Comment	National Highways' Response	Application Document Reference	Status
			areas are presented in Environmental Statement Figure 5.2: Construction Traffic Study Area and Figure 5.3: Operational Study Area.		
Cultural heritage					
Assessment of likely significant effects Impacts on heritage sites and landscape	2.1.9 RRN	Sevenoaks District Council acknowledges the sensitivity of the site including ancient woodlands, Listed Buildings, Conservation Areas, historic landscapes, and Registered Parks and Gardens. The impacts during construction and operation of the Crossing are considered in the Environmental Statement Non-Technical Summary and other supporting documents. It is noted that further surveys before the start of works are required to consider potential environment and ecological impacts. Sevenoaks District Council reiterates the importance of future surveys being conducted in close partnership with the relevant authorities and public bodies to determine the impact on important sites.	The Applicant has considered all relevant heritage assets, but given the Order Limits are not within Sevenoaks, there are no impacts to any heritage assets to assess. There are three ancient woodland sites in the Sevenoaks District Council area that are identified as experiencing significant impacts related to nitrogen deposition. These are described in the Environmental Statement Appendix 8.14: Designated Sites Air Quality Assessment. While the ecological surveys and methodologies used are in many cases prescribed by applicable guidance and policies, the Applicant has engaged with all relevant Statutory Environmental Bodies and non-statutory environmental bodies throughout the pre-application phase, including sharing survey data. A series of interactive sessions to	Environmental Statement Appendix 8.14: Designated Sites Air Quality Assessment [Application Document APP-403 to APP-406] Environmental Statement Appendix 8.14: Designated Sites Air Quality Assessment (2 of 4) [Application Document APP-404] and (3 of 4) [Application Document APP-405]	Matter Agreed

Topic	Item No.	Sevenoaks District Council Comment	National Highways' Response	Application Document Reference	Status
			<p>further the develop the framework for the long-term monitoring and management of the Project's landscape and ecology mitigation proposals is currently underway.</p> <p>The baseline data that has informed the Environmental Statement was valid at the time of application and remains valid for the Examination. The application sets out the validity of the baseline data in each of the technical chapters of the Environmental Statement. As no changes are anticipated to the timing of the statutory process, the data used for the assessment remains valid for decision making.</p>		

Appendix A Engagement Activity

Table A.1 Engagement activities between the Applicant and Sevenoaks District Council since the DCO Application was submitted on 31 October 2022

Date	Overview of Engagement Activities
23 May 2023	SoCG meeting held with Sevenoaks District Council.
19 June 2023	Emailed draft SoCG to Sevenoaks District Council.
20 June 2023	SoCG meeting held with Sevenoaks District Council.
27 June 2023	Emailed draft version of Examination Deadline 1 SoCG for final comments
6 July 2023	Emailed draft version of Examination Deadline 1 SoCG for endorsement

Appendix B Glossary

Term	Abbreviation	Explanation
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Affected Road Network	ARN	In air quality assessment, the network of roads to be considered within the air quality model (selection of the roads within the model depends on a number of criteria such as changes in Heavy Duty Vehicle flows).
Air Quality Management Area	AQMA	An area, declared by a local authority, where air quality monitoring does not meet Defra's national air quality objectives.
Baseline	-	The approved estimate of cost, schedule, risk and resources required to complete the programme, a project or activity.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland,
Local Plan	-	A Local Plan sets out local planning policies and identifies how land is used, determining what will be built where. Adopted Local Plans provide the framework for local development across England.
National Policy Statement for National Networks	NPSNN	The NPSNN sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects on the national road and rail networks in England. It provides planning guidance for promoters of Nationally Significant Infrastructure Projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Order Limits	-	The Order Limits are the outermost extent of the Lower Thames Crossing indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Lower Thames Crossing. This is the area in which the DCO would apply.
Passenger Car Unit(s)	PCU	A metric to allow different vehicle types within traffic flows in a traffic model to be assessed in a consistent manner. PCU factors used within the Project's transport model are: 1 for a car or Light Goods Vehicle; 2 for a bus, 2.5 for a Heavy Goods

Term	Abbreviation	Explanation
Statutory Environmental Body	SEB	Any principal council as defined in subsection (1) of section 270 of the Local Government Act 1982 for the area where the land is situated. Where the land is situated in England; Natural England, Historic England, the Environment Agency, Natural Resources Wales and the National Assembly for Wales where, in the opinion of the Secretary of State, the land is sufficiently near to Wales to be of interest to them and any other public authority which has environmental responsibilities and which the Secretary of State considers likely to have an interest in the Project.
Strategic road network	SRN	The core road network in England managed by National Highways.

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