

Lower Thames Crossing

9.38 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Swale Borough Council

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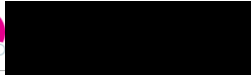
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1.0	18 July 2023	Examination Deadline 1

Status of the Statement of Common Ground

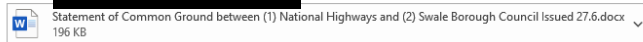
This is an Agreed Draft Statement of Common Ground with matters outstanding.

National Highways and Swale Borough 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: LTC / SBC SoCG for endorsement / final comments - please respond by next Tuesday 4th July



Fri 07/07/2023 12:27



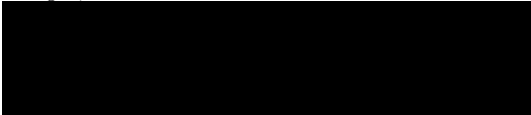
Start your reply all with: [Received, thank you.](#) [Thank you!](#) [Noted with thanks.](#) [Feedback](#)

H

Please find attached SoCG which we are happy to agree. We have not accepted the tracked changes etc. for fear of messing up the formatting and have responded to the comments within the document, confirming we do not wish to go down the PADs route.

Please do not hesitate to contact me if you have any queries or need further information.

Kind regards,



A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 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 Company 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 Swale Borough 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. 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). This tracker is known as the PADS Tracker.
- 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 Swale Borough Council elected not to produce a PADS Tracker, at pre-examination stage, 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 the Planning Inspectorate’s request in its Rule 6 letter published on 25 April 2023 for an SoCG between National Highways and Swale Borough Council, discussions on matters have taken place between the Applicant and Swale Borough 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) Swale Borough Council.
- 2.1.3 In its Rule 6 letter, the Examining Authority requested that Swale Borough Council and the Applicant submit an SoCG including matters related to:
- a. The need (or otherwise) for highway improvements in the existing A2/M2 corridor and M20 corridor.
 - b. The need (or otherwise) for an improved M20 – M2 link.
 - c. Traffic modelling in relation to roads in the Borough.
 - d. Traffic effects in relation to roads in the Borough.
- 2.1.4 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.
- 2.1.5 At Examination Deadline 1 there are 10 number of matters in total of which 2 are not agreed and 8 that remain under discussion.
- 2.1.6 Subsequent versions of this SoCG will outline the changes between versions.

Table 2.1 Matters

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
Need for the Project					
Opposition to the Project	2.1.1 RRN	In March 2020, Swale Borough Council responded to the Lower Thames Crossing consultation strongly indicating that it could not support the published proposals.	Noted.		Matter Not Agreed
Planning statement/policy					
Economic and environmental concerns	2.1.2 RRN	Swale Borough Council adds to the nationally expressed concerns with regard to the economic and environmental benefits regarding scheme construction (which Swale Borough Council continues to share) our regional concern that the crossing will displace congestion to the east and into Swale, threatening our economic growth and reducing local road safety, air quality and journey time reliability. These are an unacceptable sacrifice for the residents of the borough, the people who work and invest in Swale and the delicate and susceptible environment within which we live, work and invest.	Noted. The Applicant addresses each of these points in turn below.		Matter Not Agreed
Route selection, modal alternatives & assessment of reasonable alternatives					
Modal shift	2.1.3 RRN	Insufficient investment was planned in modal shift initiatives, and that the interest shown by government in these initiatives	The assessment of alternative modes demonstrates that the need for the Project, stemming from existing	Need for the Project [Application	Matter Under Discussion

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
		<p>was vastly disproportionate to their potential beneficial impact. We remain firmly of the view that insufficient attention and investment are directed to the facilitation and promotion of modal shift away from road transport, in particular for freight. The Port of Sheerness offers great potential in this regard and we would urge government to engage in conversation with us to progress this – noting that our attempts to date to meaningfully engage government in the modal shift debate have met with limited success.</p>	<p>congestion at the Dartford Crossing, cannot be resolved by provision of a new rail crossing, provision of a ferry service, or provision of active travel measures. While road-based public transport may be a contributory element to the solution, this is not achievable without the provision of a new road crossing.</p> <p>The new routing opportunities provided by the crossing would allow for complementary modal provision in the form of road-based public transport. Whilst not providing a direct replacement for a new Lower Thames Crossing these measures have the potential to reduce the rate of growth in road traffic and increase the longevity of the infrastructure.</p> <p>Furthermore, outside the framework of the DCO application, National Highways has set up a Sustainable Transport Working Group (STWG) with a range of local partners including Kent County Council. Its primary aim is to maximise the benefits of the new crossing and develop sustainable travel initiatives that could be eligible for National Highways' designated funds and to support cases for future investment. More information is set out in the Benefits and Outcomes Document.</p> <p>The Project has received a letter of support from Peel Ports, which is available</p>	<p>Document APP-494 Benefits and Outcomes Document [Application Document APP-553]</p>	

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
			in Appendix A: Letters of support in the Need for the Project.		
Operation and maintenance					
Safety	2.1.4 RRN	Concern that the Project would reduce local road safety.	<p>Safety is our highest priority. The new crossing will be designed and built to the standards recommended today, but we will continue to adapt our plans to incorporate advances in safety design and technology that will come forward in the years ahead to minimise the number and severity of incidents. When incidents do occur, the design includes technology to quickly detect and respond, supplemented by operational resources available attending incidents, minimising the duration and impact.</p> <p>In the event of an incident occurring, the National Highways Regional Operations Centre will liaise with the various emergency services, Traffic Officers, National Highways network maintainers and other network authorities to ensure that any delays are kept to a minimum, that incidents are cleared within National Highways response times, and any diversions are managed in line with agreements with other network authorities. In addition, National Highways will use multiple communications channels to</p>	<p>Transport Assessment [Application Document APP-529] Combined Modelling and Appraisal Report Appendix D: Economic Appraisal Package – Economic Appraisal Report [Application Document APP-526] Wider Network Impacts Management and Monitoring Plan [Application Document APP-545]</p>	Matter Under Discussion

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
			<p>advise motorists of traffic conditions so that they can adjust their journeys to suit.</p> <p>The Transport Assessment reflects the operational modelling that forms the basis of the DCO application. Discussions relating to the operational protocols will continue through until Project opening and then beyond as National Highways continues its statutory duty to operate the strategic road network (SRN).</p> <p>Chapter 9 of the Transport Assessment presents a collision analysis using the Department for Transport's COBALT software. This analysis showed that over the study area as a whole there is predicted to be a decrease in the number of accidents per vehicle kilometre driven, but due to the increase in the total number of vehicle kilometres driven as a result of the Project there is predicted to be an overall increase in the number of accidents.</p> <p>Whilst it is forecast that there is likely to be a small increase in collision numbers as a result of more traffic in the area appraised, there would be a reduction in the collision rate (collisions per vehicle mile travelled) as a result of a managed, less congested network. This is further detailed in Appendix D (Economic Appraisal Report)</p>	<p>Draft DCO [Additional Submission AS-038] Transport Assessment [Application Document APP-529]</p>	

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
			<p>of the Combined Modelling and Appraisal Report.</p> <p>The Wider Network Impacts Management and Monitoring Plan (WNIMMP) sets out National Highways' approach on the forecast wider network impacts of the Project. This WNIMMP is based on the findings from the traffic modelling presented in the Transport Assessment which identifies a number of areas where forecast changes in traffic flows create performance effects on the wider road network.</p> <p>In many places the changes in traffic flows would lead to beneficial impacts on the network, and in some cases they would lead to adverse impacts. Overall, the benefits on the road network substantially outweigh the adverse impacts. The identified wider network impacts have been considered against the relevant policies from the National Policy Statement for National Networks (NPSNN), and other important and relevant policies. National Highways has concluded that the adverse impacts of the Project are acceptable under these policies.</p> <p>Nonetheless, National Highways understands the importance of its statutory obligations as the strategic</p>		

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
			<p>highways authority, and has undertaken ongoing engagement with a number of local highways authorities. This has been focused on working with them in a collaborative manner on the development of their local plans, effective management of the SRN and management of the interfaces between the SRN and the local road network (LRN) in their areas. National Highways is proposing a traffic impact monitoring scheme (outlined in the WNIMMP), which requires traffic monitoring to be carried out during the operational phase of the Project to identify changes in performance on the surrounding road network. The WNIMMP sets out how this traffic impact monitoring scheme will be implemented (to be approved by the Secretary of State and implemented by National Highways) pursuant to Requirement 14 in Schedule 2 of the draft DCO. In line with Requirement 14, this document sets out an outline methodology for undertaking the monitoring and assessment work. The data and data analysis would set out to identify traffic conditions following the Project coming into operation, as well as provide analysis on wider network changes that are not as a result of the Project. That data will then be available to</p>		

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
			<p>local highway authorities as evidence to inform their intervention case making.</p> <p>In summary, in the context of wider network impacts, the WNIMMP defines what would be undertaken as a requirement of the draft DCO, and separately what will be undertaken as part of the ongoing role of National Highways, under licence to the Secretary of State, as the highway authority, traffic authority and street authority for the SRN.</p> <p>Kent County Council, the highway authority, is named in the WNIMMP as a key stakeholder. National Highways would consider and have due regard to any representations from local highway authorities before submitting the monitoring scheme to the Secretary of State for approval. Consultation with Kent County Council as the highway authority would incorporate the Gravesham, Dartford, Sevenoaks, Tonbridge & Malling, and Maidstone local authority areas.</p>		
Socio-economics					
Traffic Effects on Business / Local Economy	2.1.5 RRN Rule 6	We add to the nationally expressed concerns with regard to the economic and environmental benefits regarding scheme construction (which we continue to share) our regional concern that the crossing will	<p>The need case for the Project, is set out in the Need for the Project including transport, community and environment, and economic considerations.</p> <p>National Highways has assessed the impacts of the Project within the Traffic</p>	Need for the Project [Application Document APP-494]	Matter Under Discussion

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
		<p>displace congestion to the east and into Swale, threatening our economic growth.</p>	<p>Forecasts Non-Technical Summary submitted as part of the DCO application. Within Swale, changes in traffic as a result of the Project are predominately along the M2/A2 corridor, where flows are forecast to increase by between 51 and 250 Passenger Car Units (PCUs) in either one or both directions depending on the time period. Some sections of the A249 are also forecast to see an increase of between 51 and 250 PCUs northbound in the AM and inter-peak periods.</p> <p>The Transport Assessment, within Section 7.6, identifies locations that are forecast to have either a beneficial or adverse impact as a result of the Project. This analysis identifies M2 junction 5 and the M2 west of junction 5 within the Borough as having a minor adverse impact in the AM and PM peak periods.</p> <p>The WNIMMP sets out the Project's position with regard to the Project's impacts on the wider road network. This identifies a number of locations to be monitored – the M2 and M2 junction 5 are not included. However, the WNIMMP states, at paragraph 5.3.6, local authorities would be able to propose additional locations subject to them meeting certain criteria.</p>	<p>Transport Assessment [Application Document APP-529] Wider Network Impacts Management and Monitoring Plan [Application Document APP-545] Traffic Forecasts Non-Technical Summary [Application Document APP-528]</p>	

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
Wider Network Impacts					
Local WNI concerns Impact on key junctions and corridors	2.1.6 RRN Rule 6	Swale Borough Council has concerns over the limited commitment that Government had made to address the impacts of this major infrastructure across the wider Kent transport network and the significant pressure to which the scheme would condemn the wider Kent network. The Lower Thames Crossing would put unacceptable pressure on the already stressed M2/A2 and in particular key junctions such as J7 (Brenley Corner), and the M2/A2 – M20/A20 corridor. This congestion impacts much of east Kent as well as Swale and we cannot afford – in environmental or economic terms – to entertain plans which will exacerbate this.	The approach to modelling the Project is set out in the Combined Modelling and Appraisal Report and its appendices. Where appropriate, other network changes have been accounted for in the modelling as set out in the Uncertainty Log included as Annex A of Appendix C of the Combined Modelling and Appraisal Report. National Highways is bringing forward the Project in accordance with the policy requirements set out by the government in the Road Investment Strategy 2: 2020–2025 (Department for Transport, March 2020). This sets out a series of further projects to be delivered under separate consenting and funding decision processes to the Project. While National Highways recognises the case for developing further schemes to improve operations along the M2/A2 and M20/A20 corridors, the Project does not require the emerging improvements to deliver the benefits set out in the Project application. Similarly, the case for these schemes is not dependent on the opening of the Project.	Combined Modelling and Appraisal Report [Application Document APP-518] Uncertainty Log included as Annex A of the Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package Annexes [Application Document APP-523]	Matter Under Discussion

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
Non-LTC highway improvements Funding approach to RIS schemes	2.1.7 RRN Rule 6	Swale Borough Council acknowledged in its last response that some mitigation measures had been identified as potential targets for RIS3 investment (Brenley Corner and Dover approach schemes), but that this was a partial solution and we could not accept the tentative nature of the funding proposed. It is disappointing that no commitments have been made in this regard in the nearly three years which have passed since our last response, and that steps away from this investment have been indicated by the November 2022 National Audit Office review of RIS2 projects. We strongly believe that these wider network schemes must be an integral part of any commitment to the Lower Thames Crossing, and must form part of prior or parallel investment. The crossing's designation as a nationally significant infrastructure project (NSIP) should inherently highlight that this scheme cannot be considered in isolation and we would remind government that the strategic route of which it forms part is of not just national, but international significance.	National Highways is bringing forward the Project in accordance with the policy requirements set out by the government in the Road Investment Strategy 2: 2020–2025 (Department for Transport, March 2020). This sets out a series of further projects to be delivered under separate consenting and funding decision processes to the Project. While National Highways recognises the case for developing further schemes to improve operations along the M2/A2 and M20/A20 corridors, the Project does not require the emerging improvements to deliver the benefits set out in the Project application. Similarly, the case for these schemes is not dependent on the opening of the Project. The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. 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. This process is set out in the WNIMMP, which provides information about the proposed traffic monitoring.	Wider Network Impacts Management and Monitoring Plan [Application Document APP-545]	Matter Under Discussion

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
			National Highways will continue to engage in accordance with the licence obligations to work with Swale Borough Council to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.		
WNI Approach Modelling scope and mitigation approach	2.1.8 RRN Rule 6	As Swale Borough Council pressed in the past with particular regard to J5 of the A249, modelling of individual schemes must take into account wider network changes in order to be effective and bring adequate assurance of impact. Consequent impacts must be modelled and mitigated and resources made available to ensure adequate and appropriate modelling takes place prior to any significant decisions being made about where to place further investment.	The Project is proposing to monitor traffic on the local and strategic road networks. 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 and future funding mechanisms and processes. This process is described in the WNIMMP.	Wider Network Impacts Management and Monitoring Plan [Application Document APP-545]	Matter Under Discussion
Environmental Impact Assessment methodology					
Assessment Environmental and ecological implications	2.1.9 RRN	Swale Borough Council has concerns regarding the immediate environmental and ecological implications of the scheme.	A full assessment of likely significant effects per environmental topic and cumulative effects is set out in the Environmental Statement (ES) – Chapters 5 to 16. Environmental mitigation measures are presented in a range of control documents most notably the Design Principles, the Code of Construction Practice and the	ES Chapters 5 to 16 [Application Documents APP-143 to APP-154] Design Principles [Application	Matter Under Discussion

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
			<p>Register of Environmental Actions and Commitments (REAC), and the Environmental Masterplan. The REAC, specifically, presents good practice mitigation related to all ES topics including biodiversity, air quality, noise and amenity impacts.</p> <p>Measures to minimise disruption to users of the road network are also set out in the Framework Construction Travel Plan and the outline Traffic Management Plan for Construction.</p>	<p>Document APP-516 ES Appendix 2.2: Code of Construction Practice and Register of Environmental Actions and Commitments (REAC) [Application Document APP-336] ES Figure 2.4: Environmental Masterplan [Application Documents APP-159 to APP-168] Framework Construction Travel Plan [Application Document APP-546] Outline Traffic Management Plan for Construction</p>	

Topic	Item No.	Swale Borough Council Comment	National Highways' Response	Application Document Reference	Status
				[Application Document APP-547]	
Air quality					
Air quality Impact	2.1.10 RRN	Concerns that the Project would negatively impact air quality.	The air quality assessment is presented within ES Chapter 5: Air Quality and has concluded that there are no significant effects on human health receptors. Furthermore, the Project does not delay compliance with the Air Quality Directive. No mitigation is therefore required in relation to these effects. The assessment has concluded that for some designated habitats for ecology the impacts of the Project are significant and measures to reduce the impact have been assessed and are reported in ES Appendix 5.6: Project Air Quality Action Plan in accordance with Design Manual for Roads and Bridges (DMRB) LA 105.	ES Chapter 5: Air Quality [Application Document APP-143] ES Appendix 5.6: Project Air Quality Action Plan [Application Document APP-350]	Matter Under Discussion

Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Swale Borough Council since the DCO application was submitted on 31 October 2022

Date	Overview of Engagement Activities
05/06/2023	SoCG meeting held with Swale Borough Council

Appendix B Glossary

Term	Abbreviation	Explanation
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, the Welsh Government or the Department for Regional Development (Northern Ireland)) is the highway authority. For the A122 Lower Thames Crossing, the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Local Road Network	LRN	A Local Road Network (LRN) is any road maintained by Local Highway Authority
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.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects, etc. that require a development consent under the Planning Act 2008.
Passenger Car Unit	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 Vehicle.
Register of Environmental Actions and Commitments	REAC	The REAC identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice [Application Document APP-336 , ES Appendix 2.2].
Road Investment Strategy	RIS	The Government's long-term strategy to improve England's motorways and major A roads. The first RIS (known as RIS 1) was published in 2015 and covers the

Term	Abbreviation	Explanation
		period 2015-2020. A second RIS (RIS 2) was published in 2020 and covers the post-2020 period.
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.
Strategic Road Network	SRN	The core road network in England managed by National Highways.
Sustainable Transport Working Group	STWG	A stakeholder group set up by National Highways to develop and deliver improvements to integrated sustainable transport infrastructure, including maximising use of the River Thames and improving connectivity and accessibility for walkers, cyclists and horse riders.
Wider Network Impacts Management and Monitoring Plan	WNIMMP	A plan detailing the operational traffic impact monitoring to be implemented to comply with DCO requirements.

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