



Lower Thames Crossing

5.4.4.7 Draft Statement of Common Ground between (1) National Highways and (2) Kent County Council (Tracked changes version)

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
Regulations 2009

Volume 5

DATE: July 2023
DEADLINE: 1

Deleted: November 2022

Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/5.4.4.7

VERSION: 2.0

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Revision history

<u>Version</u>	<u>Date</u>	<u>Submitted at</u>
<u>1.0</u>	<u>31 October 2022</u>	<u>DCO Application</u>
<u>2.0</u>	<u>18 July 2023</u>	<u>Examination Deadline 1</u>

Status of the Statement of Common Ground

This is a Draft Statement of Common Ground with matters outstanding.

National Highways considers that this draft Statement of Common Ground is an accurate description of the matters raised by Kent County Council and the status of each matter, based on the engagement that has taken place to date.

This version of the SoCG has been submitted at Examination Deadline 1. The Applicant and Kent County Council have been working together to produce this document, however given resource pressure, Kent County Council have not had the opportunity to review and formally agree to the positions set out in Table 2.1 (Matters). Table 2.1 (Matters) therefore provides the Applicant's opinion of the status of each Matter (which is based on engagement to-date).

The Applicant has taken a conservative view when setting out the status of each matter and has provided commentary in its response to set out where Matters Under Discussion are considered to have the potential to move to either 'Agreed' or 'Not Agreed'.

A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in 1.1.1a.i in Appendix A.

Lower Thames Crossing

5.4.4.7 Draft Statement of Common Ground between (1) National Highways and (2) Kent County Council (Tracked changes version)

List of contents

	Page number
1 Introduction	1
1.1 Purpose of the Statement of Common Ground	1
1.2 Principal Areas of Disagreement	1
1.3 Terminology	1
2 Matters.....	2
2.1 Movement of outstanding matters.....	2
Appendix A Engagement activity	156
Appendix B Glossary.....	157

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1.5 Status of the Statement of Common Ground 2¶
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2.1 Matters agreed, not agreed or under discussion 3¶
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List of tables

Page number

Table 2.1 Matters.....	4
Table A.1 Engagement activities between the Applicant and Kent County Council since the DCO application was submitted on 31 October 2022	156

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Table C.1 Engagement activities between National Highways
Kent County Council 73¶
Table C.2 Key Technical Reports, Datasets & Application
Documents Shared 80¶
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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 or The Applicant) 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 – in the Applicant's view - agreement has been reached between National Highways (the Applicant) and Kent County 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 This version of the SoCG has been submitted at Examination Deadline 1.

1.2 Principal Areas of Disagreement

1.2.1 On the 19 December 2022 the Examination 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 would provide a record of those principal matters of disagreement emerging from the SoCG and should 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 This SoCG should be read in conjunction with the Kent County Council PADS Tracker.

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.

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Deleted: <#>England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Project, to be conferred upon or assumed by National Highways.¶

Deleted: <#>is a host authority in respect of the application and as such is a category 'C' local authority under section 43 of the Planning Act 2008. As a county council, it is the highway authority for non-strategic roads and holds responsibilities including strategic planning, transport planning, waste management, environment and public health within its boundary. Kent County Council works with other highway authorities to manage interfaces between their highway networks and liaises closely with district and borough councils on planning issues

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2 Matters

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2.1 Movement of outstanding matters

2.2 Following submission of the previous version of this Draft SoCG between the Applicant and Kent County Council, further discussions on the outstanding matters have taken place. These discussions are summarised in i in Appendix A and the outcome of these discussions is summarised below.

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Deleted: A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Appendix C.¶
Status of the Statement of Common Ground¶
Kent County Council has not yet been able to complete their review of this Statement of Common Ground in line with their governance process. This Statement of Common Ground is therefore presented as an 'unsigned' Statement of Common Ground.¶
National Highways

2.2.1 The Applicant considers that the following matters have moved from 'matter under discussion' to 'matter agreed':

- a. 2.1.13, 2.1.2, 2.1.3, 2.1.40, 2.1.41, 2.1.42, 2.1.43, 2.1.56, 2.1.59, 2.1.7, 2.1.85, 2.1.86 and 2.1.91

2.2.2 The Applicant considers that the following matters have moved from 'matter under discussion' to 'matter not agreed':

- a. 2.1.17, 2.1.33, 2.1.57, 2.1.61, 2.1.72, 2.1.77 and 2.1.90

2.2.3 The Applicant considers that the following matters have moved from 'matter not agreed' to 'matter under discussion':

- a. 2.1.32

2.2.4 Following engagement and clarification of the position of both parties, some of the matters in the previous version of this SoCG submitted with the DCO application have been re-characterised.

2.2.5 Further to the matters raised in the original SoCG, Kent County Council submitted further comments on the DCO application which has led to new matters being included in Table 2.1.

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The new matters are:

- a. Under the '**Construction**' heading - 2.1.98 (DL-1), 2.1.99 (DL-1), 2.1.100 (DL-1), 2.1.101 (DL-1), 2.1.102 (DL-1), 2.1.103 (DL-1), 2.1.105 (DL-1), 2.1.106 (DL-1), 2.1.107 (DL-1), and 2.1.108 (DL-1).
- b. Under the '**Cultural Heritage**' heading - 2.1.109 (DL-1), 2.1.111 (DL-1), 2.1.112 (DL-1) and 2.1.113 (DL-1) and 2.1.139 (DL-1).
- c. Under the heading '**DCO and Consents**' - 2.1.114 (DL-1), 2.1.115 (DL-1), 2.1.116 (DL-1) and 2.1.117 (DL-1).
- d. Under the heading '**Material Assets and Waste**' - 2.1.118 (DL-1).
- e. Under the heading '**Operation and Maintenance**' - 2.1.119 (DL-1).

- f. Under the heading ‘Population and Human Health’ - 2.1.120 (DL-1), 2.1.121 (DL-1), 2.1.122 (DL-1), 2.1.123 (DL-1), 2.1.125 (DL-1), 2.1.140 (DL-1), 2.1.141 (DL-1) and 2.1.142 (DL-1).
- g. Under the heading ‘Road Drainage and the Water Environment’ - 2.1.143 (DL-1), 2.1.144 (DL-1), 2.1.145 (DL-1), 2.1.146 (DL-1), 2.1.147 (DL-1), 2.1.148 (DL-1), 2.1.149 (DL-1), 2.1.150 (DL-1), 2.1.151 (DL-1), 2.1.152 (DL-1), 2.1.153 (DL-1), 2.1.154 (DL-1), 2.1.155 (DL-1) and 2.1.156 (DL-1).
- h. Under the heading ‘Traffic and Economics’ - 2.1.126 (DL-1).
- i. Under the heading ‘Terrestrial Biodiversity’ - 2.1.127 (DL-1), 2.1.128 (DL-1), 2.1.129 (DL-1), 2.1.130 (DL-1), 2.1.131 (DL-1), 2.1.132 (DL-1), 2.1.133 (DL-1), 2.1.134 (DL-1) and 2.1.135 (DL-1).
- j. Under the heading ‘Wider Network Impacts’ - 2.1.136 (DL-1), 2.1.137 (DL-1), 2.1.138 (DL-1), and 2.1.157 (DL-1).

2.2.6 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.

2.2.7 In Table 2.1, relevant issues relating to the dDCO articles and Requirements in Schedule 2 to the dDCO have been identified under the heading ‘DCO and Consents’.

2.2.8 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant, and (2) Kent County Council.

2.2.9 At Examination Deadline 1, there are 156 matters in total of which the Applicant considers 40 are agreed, 28 are not agreed and 88 that remain under discussion.

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Table 2.1

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The numbers in [x] in the ‘Item Number’ column below correspond with the numbering of the matters as they were recorded in an issues tracker developed between National Highways...

Table 2.1 Matters

<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
<u>DCO and Consents</u>					
<u>Responsibility</u>	2.1.114 (DL-1) RRN	<u>Kent County Council does not consider that it is clear precisely which parts of the authorised development will be transferred to it as highway authority (e.g. roads, bridges, LEMP works etc), and requests a table/matrix of Schedule 3 Part 5 (list of road closures, classification of roads) and Schedule 1 (relevant part of the authorised development) of the draft Development Consent Order [AS-038] to assist with understanding which parts of authorised development are to be transferred to KCC in order to inform any side agreement discussions.</u> <u>Additionally, Kent County Council requests clarification on which roads in the Classification of Roads Plan [APP-041] relate to what Authorised Works and what works and new assets KCC will ultimately be responsible for.</u>	<u>The Applicant considers that Article 10 in the draft DCO deals with the construction and maintenance of new, altered or diverted streets and other structures. In summary, the assets intended for transfer to Kent County Council as the Local Highway Authority are:</u> <ul style="list-style-type: none"><u>Carriageway / footway Surfacing on the 2 Thong Lane bridges as well Brewers Road Bridge;</u><u>Carriageway / footway surfacing, new road bridge and associated assets & earthworks on the new link road south of the A2 that joins Hever Court Road and Halfpence Lane and the new alignment of Thong Lane; and</u><u>Upgraded and new PRoW.</u> <u>This matter remains under discussion subject to Kent County Council's review of the draft DCO and further engagement between the parties.</u>	<u>Draft Development Consent Order [AS-038]</u> <u>Classification of Roads Plan [APP-041]</u>	<u>Matter Under Discussion</u>
<u>Consent Process</u>	2.1.115 (DL-1)	<u>Kent County Council considers that there is a clear gap in the Draft</u>	<u>As noted by the representor, the Control Plan is described as a 'mitigation route map' or a</u>	<u>Draft Development</u>	<u>Matter Not Agreed</u>

Deleted: <#>Kent County Council during the Project's various pre-application phase, and these matters have either been paraphrased or amalgamated, and in most occurrences, both. This was done for the purposes of clarity and brevity. The reference remains to help relate these matters back to their original source.
.....Section Break (Next Page).....

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
	RRN	<p><u>Development Consent Order [AS-038] in terms of implementation of mitigation and the relationship of the documents identified within the Control Plan is not clear.</u></p>	<p><u>framework for mitigating, monitoring and controlling the effects of the Project. It is presented in Plate 1.1 (and Plate 14.1) in the Introduction to the Application [APP-003]. Section 14 of the Introduction to the Application [APP-003] describes the Control Plan or 'mitigation route map'. Table 14.1 explains where, in the DCO, the provision of each document identified in the Control Plan is legally secured and the process and stage in the delivery of the Project that they will be secured (during both the construction and operational phases of the Project). The rest of Section 14 of the Introduction to the Application [APP-003] provides a detailed explanation of the purpose and process of preparation of each individual Control Plan document.</u></p> <p><u>By way of example, mitigations measures identified for construction are set out in the Code of Construction Practice (CoCP), which is to be legally secured through draft DCO Schedule 2 Requirement 4 and delivered through Environmental Management Plan 2 (EMP2), which is required to be substantially in accordance with the CoCP.</u></p> <p><u>The Applicant considers that this provides a clear relationship between the control documents submitted as part of the application and their implementation through the DCO</u></p>	<p><u>Consent Order [AS-038]</u> <u>Introduction to the Application [APP-003]</u> <u>Code of Construction Practice (CoCP) [APP-336]</u></p>	

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Consent Process	2.1.116 (DL-1)	Kent County Council considers that the discharge of requirements under the Draft Development Consent Order [AS-038] will place a very considerable resource burden on the Council as a relevant highway authority.	The Applicant recognises concern raised by Kent County Council and is in discussions relating to a Side Agreement in an attempt to resolve those concerns.	Draft Development Consent Order [AS-038]	Matter Under Discussion
	RRN	As such, Kent County Council considers that a mechanism that ensures National Highways will reimburse KCC with the costs of resourcing additional work is necessary, but that this is not currently clear within the draft DCO and other documents.	The Draft DCO [AS-038] proposes the Secretary of State is the appropriate discharging authority for the DCO Requirements. This is for the reasons set out in paragraph 6.3a-i on pages 67 & 68 of the Explanatory Memorandum to the DCO [APP-057]. However, as set out in the draft DCO [AS-038] the relevant highway authority will be consulted as part of the process of discharging a number of the Requirements.	Explanatory Memorandum to the DCO [APP-057]	
Planning and Policy	2.1.117 (DL-1)	Kent County Council is concerned about the failure to include a 'time limit' within which development must 'commence' within the draft DCO. As currently drafted, Kent County Council consider that the DCO will allow unlimited time for the discharge of pre-commencement requirements.	The Applicant notes that the Draft Development Consent Order [AS-038] sets a time limit on the start of works (Article 2) as follows: 'The authorised development must begin no later than the expiration of 5 years beginning with the date that this Order comes into force.' The Applicant notes that Schedule 2 of the Draft Development Consent Order [AS-038] sets out a series of Requirements, a number of which are required to be discharged prior to commencement, and include obligations to consult specific authorities or statutory bodies.	Draft Development Consent Order [AS-038]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<u>This matter remains under discussion subject to further engagement on the drafting of the draft DCO.</u>		
Need for the Project					
Strategic need	2.1.1	Kent County Council supports the need for the Project. Kent County Council considers that there is an urgent need for a new Lower Thames Crossing that will cater for current and future demand as well as relieving the significant, daily congestion experienced at Dartford and provide greater connectivity north and south of the Thames Estuary to boost both local and national economic productivity.	<u>The Applicant</u> welcomes Kent County Council's consideration of the strategic need for the Project and its role in catering for current and future demand and facilitating local and national economic productivity.	N/A	Matter Agreed
Consultation and Engagement					
Adequacy of <u>pre-submission</u> Consultation Materials	2.1.2	<u>Kent County Council's position on the adequacy of consultation is set out in its Adequacy of Consultation Representation.</u>	Since the previous DCO submission was withdrawn, National Highways has undertaken further consultation (Summer 2021; Spring 2022) and detailed engagement. <u>The Applicant</u> is satisfied that it has provided enough detailed information about environmental and traffic impacts for consultees to understand the proposals and their impacts, allowing them to provide meaningful feedback during the consultation period.	<u>Kent County Council's Adequacy of Consultation Representation [AoC-009]</u>	Matter Agreed

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While Kent County Council has had some reservations about these elements of consultation, overall Kent County Council is satisfied with the

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			The Applicant considers that this matter is now Agreed.		
Route selection, modal alternatives & assessment of reasonable alternatives					
Route selection	2.1.3	Notwithstanding issues relating to the effects of the Project on the wider network set out elsewhere in this SoCG, Kent County Council agrees that the proposed route alignment is appropriate.	Noted.	N/A	Matter Agreed
Route Alignment					
Design – Road, Tunnels, Utilities					
Design	2.1.4	Kent County Council is concerned that reducing the A2/M2 eastbound carriageway from four to two lanes from the Gravesend East junction to just past the Lower Thames Crossing junction could cause capacity issues for both users of the Lower Thames Crossing and M2/A2 corridor and require re-assessment of the traffic model to determine the impact.	The Applicant considers that it is normal practice to reduce the number of lanes through a junction to cater for traffic leaving before and rejoining, after the interchange. The section of the M2/A2 where this happens has two new additional parallel lanes in both direction which takes some of the existing local traffic. This section has fewer requirements for vehicles to change lanes which also helps with providing a free flow experience. While this remains a matter under discussion, The Applicant considers that the approach to design of the eastbound carriageway is appropriate; subject to further comments from Kent County Council, Kent County Council to advise if this can be a matter agreed.	N/A	Matter Under Discussion
Reduction of lanes along M2/A2					
Access	2.1.5	Kent County Council supports the principle of the proposed new car	It is agreed that the use of the A2 compound, as an operational car park is appropriate,	N/A	Matter Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Thong Lane Car Park → Principle		park at Thong Lane, following use of the A2 compound. Kent County Council considers that that the location of the A2 compound lends itself to being left as an additional car park facility as a legacy of the project, noting that current car parks are at capacity, and a car park situated here would be ideal for basing cyclists and equestrian visitors and should contain facilities for horse boxes. Kent County Council notes that this should include a shared user route that is tied into Shorne Woods Country Park in order to be effective.	and has been designed to appropriate standards for the benefit of its users, Kent County Council, and Shorne Woods Country Park. <u>Routes for walkers, cyclists and horse riders</u> , (WCH), have been connected to and from the car park as far as technically possible (within the site constraints). A new bridleway leads into the proposed car park from the west and a new direct entrance (bridleway) to Shorne Woods Country Park has been provided via a pegasus crossing on Thong Lane.		
Design Thong Land Car Park → Detail	2.1.6	Kent County Council considers that further discussion should be undertaken to agree on the detailed design, facilities, access and setting for the proposed car park.	<u>The Applicant</u> notes that the outline design of the new car park has been developed in close co-ordination with Kent County Council to ensure it will provide an adequate revenue stream. <u>The Applicant</u> and Kent County Council will continue discussions on the approach to detailed design of the proposed car park.	N/A	Matter Under Discussion
Construction					
Construction traffic impacts	2.1.7	Kent County Council considers that use of the river to transport construction materials/waste would reduce the construction impact of	<u>The Applicant</u> agrees with the principle that, at face value, importing and exporting materials via the river could reduce the number of trips on some of the network.	<u>Environmental Statement (ES) Appendix 2.2, Annex B: Outline</u>	Matter Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Use of the River Thames for Construction Transport		the site on the highway network, <u>if taken at face value.</u> Following engagement, Kent County Council agrees that <u>despite this, factors involved in the logistics and overall demand for movement of materials to the construction compounds south of the River Thames via existing ports is not favourable.</u>	However, <u>The Applicant</u> considers that in this case, to import materials to the construction compounds south of the River Thames via existing ports is not favourable, due to the reliance <u>on</u> the local road network and no direct access to construction compounds. The construction of direct access between the river to construction compounds is constrained by the Thames Estuary and Marshes Ramsar. The Project's earthwork balance estimate indicates little demand to transport excavated material offsite south of the river. This is detailed in the outline Materials Handling Plan (oMHP).	<u>Materials Handling Plan (oMHP)</u> <u>[Application Document APP-338]</u>	
<u>Road alteration and maintenance</u> Road Asset Maintenance	2.1.8 RRE	Kent County Council is concerned about damage to the local road network as a result of HGV construction traffic (and higher volume of general use during operation) and suggests that the Project should support the strengthening of certain roads before construction. Kent County Council has identified the necessary works required, and suggests that this work is undertaken prior to construction, rather than relying on pre- and post-construction surveys to inform the condition.	<u>The Applicant</u> continues to engage with Kent County Council to agree an appropriate approach to monitoring and mitigating potential effects. <u>The Applicant</u> agrees with the principle of mitigating significant adverse effects related to the Project, and considers that joint inspections are a good way forward. The <u>Applicant considers that</u> details of the approach <u>should</u> be agreed subject to Kent County Council's programme/plan of capital works. Kent County Council and <u>The Applicant</u> are <u>engaging in order to develop</u> an approach to identifying where routes that the project will use for its construction logistics may be known to require short to	Outline Traffic Management Plan for Construction (oTMPfC) <u>[Application Document APP-547]</u>	Matter Under Discussion

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While this remains under discussion, National Highways consider that the principle is agreed, subject to Kent County Council's view of the oMHP

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>Kent County Council <u>considers</u> that improved signage that routes strategic traffic onto more suitable routes and, more importantly, improvements to those other routes, would mitigate this.</p> <p><u>Kent County Council is seeking funding of £2.55m to proactively strengthen the highway network (supported by £1.15m from KCC) as per the programme provided to the Applicant, and consider that this should be secured through a Requirement of the DCO or the Section 106 (S106) Agreement. KCC considers that a condition survey to be undertaken before and after Lower Thames Crossing construction is insufficient to address concerns about the impact of the increased loading due to construction traffic on the Local Road Network, even with funding to return the network to its previous condition following the construction period.</u></p> <p><u>The assets should be pre-emptively strengthened by the Applicant prior to the start of the construction period to prevent asset failure.</u></p>	<p>medium -term asset maintenance activity, and to bring forward a method to deliver works where practicable.</p> <p>The outline Traffic Management Plan for Construction (oTMPfC) also addresses this issue of <u>Heavy Goods Vehicle (HGV) movements and local roads. Access routes are outlined in the oTMPfC.</u></p> <p><u>Kent County Council has provided an estimate for a mitigation package that The Applicant is currently reviewing ahead of further engagement.</u></p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Construction traffic impacts Construction Site Traffic Management	2.1.9	Kent County Council is concerned about the about the location of the egress onto the A226 in proximity to the Chalk Road junction and also how this accounts for the existing right turn bay, and about whether signals are suitable in this location on a high-speed road and bend where visibility may be limited. Kent County Council supports National Highways proposals to ban HGV left turns in this egress, but considers that HGVs should also be required to travel to/from the strategic road network using only the A226 and A289, to prevent rat running through Shorne and along Pear Tree Lane.	<u>The Applicant</u> confirms that access to the <u>Southern tunnel entrance</u> compound would be from the A226 with a left in, right out to minimise the impact of construction vehicles travelling through Gravesend town centre and more congested and populated areas. The precise traffic management measures would be discussed with Kent County Council and detailed and designed following appointment of the main contractor as part of the development of the Traffic Management Plans (TMPs) and in line with the controls and commitments in the oTMPfC. Any modifications to road layout would be to Kent County Council standards. <u>The Applicant considers</u> that the principle is agreed, as are some of the details, subject to Kent County Council's review of the oTMPfC and any subsequent commitments to governance processes via the Register of Environmental Actions and Commitments (REAC) and/or which may be agreed via a <u>S106 Agreement</u> .	oTMPfC [Application Document APP-547] Register of Environmental Actions and Commitments (REAC), appended to ES Appendix 2.2: Code of Construction Practice (CoCP) [Application Document APP-336]	Matter Under Discussion
Construction Traffic Impacts ('rat running')	2.1.10 RRE	Kent County Council is concerned about impacts of construction on the wider highway network in terms of traffic displacement, for example: <ul style="list-style-type: none">Increased demand on the A20/M20 and the local road network by drivers diverting to avoid roadworks.	<u>The Applicant has prepared Control Documents</u> such as the oTMPfC and the <u>Framework Construction Travel Plan (FCTP) which include detailed measures for monitoring and interrogating changes to traffic as a result of the Project's construction-phase effect on the road network. This includes a commitment to</u>	oTMPfC [Application Document APP-547]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<ul style="list-style-type: none"> • <u>HGVs using local roads to divert away from roadworks.</u> • <u>Kent County Council consider that a requirement should be made to ensure the Applicant has a funding package for remedial actions should issues be identified, e.g. Travel Plan targets being breached, the potential need for highway schemes to deter general traffic from rat running through unsuitable rural areas.</u> 	<p><u>review performance against targets, and share information with the Traffic Management Forum (TMF), which would then lead to the implementation of remedial measures (if it is agreed that this action is justified).</u></p> <p><u>The Applicant considers that this precludes the need to add a requirement for a funding package, as the means to delivering additional mitigation is secured by this commitment already. In practical terms, any funding or measures (which may not necessarily require additional funding) would be determined based on the specifics of the effect, including the location, the nature of mitigation needed, duration and scale of change needed to respond to the effect. This would be determined in consultation with local authorities. Factors influencing the effect may include variables beyond the control or remit of the Project, and as such need to be considered on their own merit and may result in bespoke measures that could be funded by various parties.</u></p> <p><u>Commitments to monitoring and sharing of construction traffic information (via the TMF) are set out within the oTMPfC (paragraphs 2.4.8 to 2.4.24).</u></p> <ul style="list-style-type: none"> • <u>This confirms that real-time data will be captured, and that the type of monitoring implemented would be selected as part</u> 		

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			<p>of the TMP on a case-by-case basis, through consultation with the local highways authorities, and could include Automatic Number Plate Recognition (ANPR), traffic flow monitors, and web-based camera systems.</p> <ul style="list-style-type: none"> The information would be presented to the TMF through a Monitoring Report on a monthly basis in order to guide actions to resolve non-compliance and to address complaints. <p>This matter remains under discussion, subject to Kent County Council's review of this information.</p>		
Closures and Diversions	2.1.102 (DL-1) RRN	<p>Kent County Council considers that construction vehicles should be required to use strategic routes wherever possible, and only use the local road network where a strategic alternative is not possible, in order to reduce the impact on the local highway network. A proposed list of routes to be restricted has been shared with National Highways.</p> <p>In addition, Kent County Council considers that a left turn ban for construction related HGVs when exiting the Southern tunnel entrance compound, joining the</p>	<p>The oTMPfC identifies a number of illustrative/indicative logistics routes, taking a risk-based approach to choosing and implementing routes that would form part of TMPs, dependent on several factors including but not limited to traffic counts, types of, traffic, WCH interface, nearby points of interest (e.g. schools) and will include engagement with relevant authorities.</p> <p>It is noted that most of the routes identified by Kent County Council as needing to be prohibited from use by the Project's construction vehicles, are already identified as prohibited and this is secured by the oTMPfC (Table 4.4). Of the 10 routes</p>	<p>oTMPfC [Application Document APP-547] Stakeholder Actions and Commitments Register (SACR) [Application Document APP-554]</p>	Matter Under Discussion

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Deleted: The oTMPfC addresses the issue of HGV movements and local roads and provides details of access routes and banned routes. ¶
The oTMPfC proposes a Traffic Management Forum (TMF) which would intend to resolve traffic displacement through consultation and exploring Kent County Council's local knowledge which would be incorporated into Traffic Management Plans (TMPs). ¶
National Highways consider that the principle is agreed,

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p><u>A226, should be implemented and that HGVs should be prohibited from passing schools during drop off and pick up times.</u></p>	<p><u>identified by Kent County Council, five have been prohibited (Castle Lane; Lower Higham Road between Green Farm Lane and A226; Thong Lane; Pear Tree Lane/The Ridgeway, Brewers Road between Park Pale and A226; The Street).</u></p> <p><u>The Applicant considers that the remaining routes suggested by Kent County Council are unlikely to be used by construction traffic, or are rendered illogical or impossible for use by HGVs as a result of the prohibiting of other routes.</u></p> <p><u>It is confirmed that there will be a left-turn ban for construction-related HGVs when exiting the Southern tunnel entrance compound, joining the A226 – this is set out in Table 2.2 of the oTMPfC.</u></p> <p><u>Table 2.3 of the oTMPfC confirms measures that Delivery Partners will need to adhere to in terms of schools (including prohibiting movements past schools during drop-off/pick up times). The Stakeholder Actions and Commitments Register (SACR) also commits National Highways (or Delivery Partners) to develop and provide an educational road safety programme for school aged children for relevant local schools.</u></p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<u>This matter remains under discussion subject to Kent County Council's review of proposals set out above.</u>		
<u>Green bridges</u>	2.1.11	Kent County Council has concerns relating to descriptions of Thong Lane and Brewers Road Green Bridges given in the draft <u>FCTP</u> , and outline Landscape and Ecology Management Plan (oLEMP) at Community Impacts Consultation in 2021. Kent County Council considers that there is a need for bridges that can provide the ecological connectivity across the road and is concerned about the definition of 'lightweight' green bridges with regard to the ability of the habitat to become established and mitigate for the loss of vegetation from the scheme.	<u>The Applicant</u> agrees that there is a need for bridges that can provide the ecological connectivity across the road. The term 'lightweight' (see <u>oLEMP</u>), refers to Green Bridges that include hedgerows, scrub and grassland as minimum (rather than including tree planting and being wooded in nature). Green bridges over the A2 are to be constructed over live traffic which constrains the bridge design. <u>The Applicant</u> considers that this level of planting is appropriate to balance ecological and landscape elements of the bridges. Sufficient widths for ecological connectivity have been consulted on with Natural England. A number of Design Principles are secured to ensure that the Green Bridges are implemented with both landscape and ecological considerations, to ensure sufficient soil depth and management will be in place to ensure the required planting types will establish and thrive on the bridge. <u>The Applicant</u> considers this to be a matter under discussion subject to Kent County Council's review of the oLEMP and Design Principles as part of the DCO application.	Outline Landscape and Ecology Management Plan (oLEMP) <u>[Application Document APP-490]</u> , <u>Design Principles [Application Document APP-516]</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p><u>Maintenance</u></p> <p>Maintenance of Green Bridges and Transfer of Assets</p>	<p>2.1.12</p> <p><u>RRE</u></p>	<p>Kent County Council considers that clarification is required on maintenance roles and responsibilities, and potential for transfer of assets, for Green Bridges and Public Rights of Way (PRoW) and Walking, Cycling and Horse riding (WCH) routes.</p> <p><u>KCC seeks clarification on issues such as agreeing transfer of assets, commuted sums for maintenance, clarity on plans and legal status of routes being provided, and ongoing consultation with the KCC PRoW and Access Service through the detailed design and creation of TMPs.</u></p>	<p>The Applicant will maintain the structure (up to and including the waterproof layer), as well as bridge parapets and the green element (via third party at <u>The Applicant's</u> cost); the remainder being the responsibility of the Local Highway Authority.</p> <p><u>The Applicant has shared a draft Side Agreement with Kent County Council, and</u> will continue to work with Kent County Council to discuss the transfer of assets and maintenance agreements in relation to WCH routes <u>including resourcing for design input and sign-off (via Clerk of Works activity).</u></p> <p>Maintenance is in-line with existing approaches in terms of roles and responsibilities, and so subject to Kent County Council confirmation (and further discussion on transfer of WCH assets), National Highways considers that this is likely to be a matter agreed in subsequent drafts.</p> <p><u>Regarding commuted sums – The maintenance of both local highways and the strategic road network is funded by the Department for Transport. Local highway funding is mainly based on a formula linked to the total mileage of A roads, B and C roads, and unclassified roads in each area, together with the numbers of bridges, lighting columns, cycleways and footways. This funding is refreshed every few years to</u></p>	<p><u>Draft DCO</u></p> <p><u>[Additional Submission AS-038]</u></p>	<p>Matter Under Discussion</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>take account of changes in road length and number of highway structures. Accordingly, as local highway works are carried out under the DCO, the amount of funding that each local highway authority receives will be amended to recognise these additional responsibilities. Given that this process already exists, it is not appropriate to require National Highways to provide funding for the maintenance of parts of the local network out of the money given to it to maintain the strategic road network.</p> <p>Article 10(1) of the draft DCO provides that where a new local highway is constructed, it must be completed to the reasonable satisfaction of the local highway authority, who becomes responsible for its maintenance from completion. The Applicant and Kent County Council are working on a Side Agreement would provide appropriate provisions in respect of the maintenance period by the Applicant. Article 10(2) makes similar provision for alterations or diversions of existing local roads. Both provisions enable National Highways and the local highway authority concerned to reach different arrangements for specific maintenance responsibilities, but otherwise the default position is that once the local highway authority is satisfied that the highway has been properly completed, it</p>		

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<p>becomes responsible for the maintenance of these highways just as it is for other public highways in its area.</p> <p>This arrangement is well-precedented for local highway works carried out by National Highways in connection with Nationally Significant Infrastructure Projects (NSIP) schemes. It strikes an appropriate balance between National Highways' ability to carry out its works, and local highway authorities' duties to maintain public highways in their areas.</p>		
<p>Worker transport</p> <p><u>Working Hours / Impact on local road network (LRN)</u></p>	2.1.13	<p>Kent County Council considers construction workforce travel (based on shift assumptions) could risk having a significant impact on the local road network during peak periods and requires careful management of movements to and from construction compounds.</p>	<p>The Applicant notes that working hours are secured in the CoCP.</p> <p>The Applicant considers that a blanket ban during peak hours would not be proportionate – Delivery Partners will need to determine appropriate routes based on where material is procured from, among other factors. Multiple restrictions may lead to a bigger/different issue.</p> <p>Rather, the Project has set out a mechanism of using a monitoring system to monitor impact of the road network that results from construction related traffic and/or traffic management measures. Using this data appropriate mitigation measures will be consulted at the TMF to which Kent County Council will be a consultee.</p>	<p>ES Appendix 2.2: CoCP [Application Document APP-336] oTMPfC [Application Document APP-547] Framework Construction Travel Plan (FCTP) [Application Document APP-546]</p>	<p>Matter Under Discussion</p>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<p>The Applicant does not consider it necessary to set a condition for the number of seats and trips on a shuttle bus, as this will need to flex depending on demand during the construction period (during which there will be a range of different requirements for the Project to implement to meet targets for sustainable workforce travel in the FCTP). At different phases of the Project, different levels of provision will be needed, but the minimum provision will be determined by the Delivery Partner, controlled by the requirement to meet targets for % of workforce using non-car modes (which are secured by the FCTP). This matter remains under discussion subject to Kent County Council's view on The Applicant's position.</p>		
<p>Construction traffic impacts</p> <p>Temporary Road Widening</p>	2.1.14	<p>Kent County Council notes that temporary road widening on the A226 may be required during construction and is concerned about exactly where this would be, and suggest that the impacts and benefits of retaining it afterwards should be considered.</p>	<p>The Applicant agrees that temporary traffic management measures may be required during construction, including road widening. The Applicant confirms that the length, nature and duration of temporary traffic management measures will be discussed as part of the development of the TMP, which will be developed in consultation with Kent County Council.</p> <p>The Applicant <u>agrees that the impacts and benefits of retaining temporary measures should be considered.</u></p>	oTMPfC [Application Document APP-547]	Matter Under Discussion

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As part of this process, the permanent status of works following completion can be discussed using actual experience of its benefits and impacts. Kent County Council would be a member of the TMF which would discuss such detailed matters regularly.¶

Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p><u>As part of this process, the permanent status of works following completion can be discussed using actual experience of its benefits and impacts. Kent County Council would be a member of the TMF which would discuss such detailed matters regularly.</u></p> <p>The Applicant considers that this matter is likely to be agreed, though remains Under Discussion subject to Kent County Council's review of the oTMPfC and relevant commitments and requirements.</p>		
<p>Worker transport</p> <p><u>Working Hours / Impact on LRN</u></p>	<p>2.1.98 (DL-1)</p> <p>RRN</p>	<p>Kent County Council is concerned about working hours. Paragraph 8.6.19 of the Transport Assessment states that the peak period for deliveries to compounds is forecast to be between 08:00 and 09:00. As is a standard condition for most larger developments in the county, a condition/obligation should be applied to any development consent, if granted, that prevents construction trips using the local road network in peak hours (08:00–09:00 and 17:00–18:00) when there is existing congestion. Construction worker start/finish times should occur outside of the local (0800–0900 and 1700–1800) network peak hours wherever possible to</p>	<p>The Applicant considers that a blanket ban during peak hours would not be proportionate – Delivery Partners will need to determine appropriate routes based on where material is procured from, among other factors. Multiple restrictions may lead to a bigger/different issue.</p> <p>Rather, the Applicant has set out a mechanism of using a monitoring system to monitor impact of the road network that results from construction related traffic and or traffic management measures. Using this data appropriate mitigation measures will be consulted at the TMF to which Kent County Council will be a consultee.</p> <p>The Applicant does not consider it necessary to set a condition for the number of seats and trips on a shuttle bus, as this will need to flex depending on demand</p>	<p>FCTP [Application Document APP-546]</p> <p>Transport Assessment [Application Document APP-529]</p>	<p>Matter Under Discussion</p>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		reduce the impact on the local highway network.	during the construction period (during which there will be a range of different requirements for the Project to implement to meet targets for sustainable workforce travel in the FCTP). At different phases of the Project, different levels of provision will be needed, but the minimum provision will be determined by the Delivery Partner, controlled by the requirement to meet targets for % of workforce using non-car modes (which are secured by the FCTP). This matter remains under discussion subject to Kent County Council's view on The Applicant's position.		
<u>Worker accommodation</u>	2.1.99 (DL-1) RRN	Kent County Council considers that onsite accommodation for construction workers (a minimum of 400) should be secured as a Requirement as per modelling assumptions within paragraph 8.6.39 of the Transport Assessment.	Paragraph 8.6.39 of the Transport Assessment states that ' <i>for the purposes of assessment, it has been assumed that there would be up to 480 onsite accommodation spaces available for staff to use. However, for most phases and to ensure robustness in the assessment, an accommodation capacity of 400 spaces has been assumed.</i> ' The Applicant does not consider that it would be prudent to add a requirement for a minimum number of bedspaces for onsite accommodation, as that level of accommodation may not be needed (as a result, for example, of strong local recruitment, or preference of Delivery Partners for example).	<u>Transport Assessment [Application Document APP-529]</u>	<u>Matter Under Discussion</u>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<p>Additionally, the Transport Assessment does not rely on the delivery of onsite accommodation in order to avoid significant impacts. If there were no onsite accommodation spaces, the maximum additional car trips to the site would be 70 in each direction in the AM peak hour and interpeak.</p> <p>This is due to onsite accommodation being prioritised for 24hr shift workers (meaning that the total would be spread over three different working shift patterns, rather than all arriving at the same time) and 'reasonable worst case' assumptions such as a relatively high proportion of trips to site being made by car, and workers travelling to/from site in the busiest period of the morning peak. In reality, it is more likely that the car mode share would be lower and trips in the AM peak would be dispersed over more than a single hour so that even the 70 trips described here are likely an overestimate.</p> <p>This matter remains under discussion subject to Kent County Council's view on The Applicant's position.</p>		
Monitoring	2.1.100 (DL-1) RRN	Kent County Council considers that continuous monitoring of construction traffic is required in order to ensure drivers are adhering to permitted routes only, via GPS	The Applicant is in agreement that continuous monitoring of construction traffic should be undertaken and that this should	oTMPfC [Application Document APP-547]	Matter Under Discussion

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		<p><u>in-vehicle tracking or Automatic Number Plate Recognition (ANPR). Kent County Council considers that the results should be presented to the Travel Plan Liaison Group along with any remedial measures proposed.</u></p> <p><u>Kent County Council considers that this should be secured by a Requirement.</u></p>	<p><u>be shared regularly with the Traffic Management Forum.</u></p> <p><u>Commitments to monitoring and sharing of construction traffic information (via the Traffic Management Forum) are already set out within the oTMPfC (paragraphs 2.4.8 to 2.4.24).</u></p> <p><u>This confirms that real-time data will be captured, and that the type of monitoring implemented would be selected as part of the Traffic Management Plans on a case-by-case basis, through consultation with the local highways authorities, and could include ANPR, traffic flow monitors, and web-based camera systems. The information would be presented to the Traffic Management Forum through a Monitoring Report on a monthly basis in order to guide actions to resolve non-compliance and to address complaints.</u></p> <p><u>This matter remains under discussion subject to Kent County Council's view on The Applicant's position.</u></p>		
<u>Closures and diversions</u>	<p><u>2.1.101 (DL-1)</u></p> <p><u>RRN</u></p>	<p><u>Kent County Council notes that Paragraph 1.1.2 of the oTMPfC states 'Where traffic signals or similar would be required to facilitate construction movements, such as access to compounds and construction vehicle crossing points, they would be locally</u></p>	<p><u>The Applicant notes that that the TMP, which must substantially accord with the oTMPfC, is legally secured under Requirement 10 in Schedule 2 to the Draft DCO.</u></p> <p><u>The oTMPfC is a Control Document and as such this is effectively secured mitigation. The Traffic Management Plans will be</u></p>	<p><u>oTMPfC [Application Document APP-547]</u></p> <p><u>Draft DCO [Additional Submission AS-038]</u></p>	<p><u>Matter Under Discussion</u></p>

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		<i>controlled to ensure that traffic on the local road network has priority in terms of traffic movements. In addition, when the traffic signals are not required operationally, they would be turned off and consider that this should be secured by a Condition.</i>	consulted on (including with Kent County Council) prior to their submission and approval by the Secretary of State. This matter remains under discussion subject to Kent County Council's view on The Applicant's position.		
Worker Transport	2.1.103 (DL-1) RRN	Kent County Council considers that construction workers should use strategic routes wherever possible, and only use the local road network where a strategic alternative is not possible, in order to reduce the impact on the local highway network, and that this should be set out in the Framework Construction Travel Plan. Specifically, Kent County Council considers that Castle Lane, Green Farm Lane and Sole Street should be prohibited for use by construction workers.	The FCTP sets out the Project's approach to management of workforce transport to and from the construction compounds. It has not been considered appropriate to prohibit workers' use of specific routes/modes of transport, but workers will be encouraged to use certain routes to access the sites. It is noted that the routes identified as a concern by Kent County Council are not likely to form part of access routes to construction compounds. In line with this overarching FCTP, Contractors would be required to develop Site-Specific Travel Plans (SSTPs) in respect of the sites for which they are responsible (either an individual construction worksite or compound and Utility Logistics Hub (ULH), or a number of construction worksites, compounds and ULHs where these are closely located with similar levels of accessibility), following the latest policy advice and best practice documents and before the relevant part of the authorised	FCTP [Application Document APP-546]	Matter Under Discussion

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It is agreed that careful

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National Highways notes that the Code of Construction Practice (CoCP) (6.3) sets out an aim

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Outline Traffic Management Plan for Construction (OTMPfC) (7.14)¶
Framework Construction Travel Plan (FCTP) (7.13)

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National Highways considers that the FCTP (7.13) provides a framework for planning the movement of construction personnel to minimise local traffic disruption by reducing the (...)

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>development can commence. Kent County Council will be a consultee in the preparation of SSTPs.</p> <p>The FCTP and future SSTPs are designed to incorporate the flexibility needed to respond and adapt to changing conditions over the duration of the construction of the Project and will require a continuous monitoring and reviewing process. Regular employee travel surveys would be undertaken at each site, reviewing targets and indicators as necessary.</p> <p>A Travel Plan Liaison Group (TPLG) would be established, with the collective responsibility of providing high-level support to, and critical review of, travel planning across the Project. It would support efforts towards achieving greater use and increased uptake of sustainable travel, monitoring and reviewing progress, and agreeing new or amended initiatives. To ensure sufficient progress is being made, the effectiveness of this FCTP and SSTPs would be reviewed, audited and reported to National Highways by the Travel Plan Manager.</p> <p>A substantial proportion of the workforce will be local, and some of those may live in areas whereby closing certain routes to them would be an unfair disadvantage.</p>		

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<u>This matter remains under discussion subject to Kent County Council review of the above position.</u>		
Worker Transport	2.1.104 (DL-1) RRN	<u>Kent County Council considers that implementation of a shuttle bus(s) for construction workforce south of the river should be secured by a Requirement and a Condition that includes details to form part of Site Specific Construction Travel Plan (SSCTP) and as a minimum should include the number of buses, details of their operation (operate at peak shift times, 7 days a week and serve Gravesend Station) (other local railway stations may need to be served depending on location of the compound ULH, and further pick up/drop off locations should be investigated once the workforce has been appointed in order to determine if there is a high demand from one particular area).</u>	<u>The Applicant does not consider it necessary to set a condition for the number of seats and trips on a shuttle bus, as this will need to flex depending on demand during the construction period (during which there will be a range of different requirements for the Project to implement to meet targets for sustainable workforce travel in the FCTP). At different phases of the Project, different levels of provision will be needed, but the minimum provision will be determined by the Delivery Partner, controlled by the requirement to meet targets set out in the SSTPs.</u> <u>Section 3.4 of the FCTP notes that the service will serve 'Public Transport Hubs' and mentions Gravesend Station by name. Table 9.1 of the FCTP sets out the Project's Action Plan – the key tasks required as a minimum to be achieved across all construction worksites, compounds and ULHs during the Project's construction period – including Item 7 (Organise transport hub shuttle bus services (align with planned shift patterns and workforce numbers) including contractual agreements)</u>	FCTP <u>[Application Document APP-546]</u>	Matter Under Discussion

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Deleted: be agreed or not agreed in subsequent drafts depending on Kent County Council's review of the application materials.

<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<p>which must be implemented within one month of DCO grant.</p> <p>This matter remains under discussion subject to Kent County Council review of the above position.</p>		
<p>Worker Transport</p> <p>Monitoring</p> <p>Mitigation</p>	<p>2.1.105 (DL-1)</p> <p>RRN</p>	<p>Kent County Council considers that a TPLG should be established which meets on a monthly basis and comprises e.g. public transport providers, TfL, National Highways and Local Authorities.</p> <p>Kent County Council considers that the group should be responsible for providing high-level support to, and critical review of, travel planning across the Project. It would support efforts towards achieving greater sustainable travel, monitoring, and reviewing progress and agreeing new or amended initiatives.</p> <p>Kent County Council considers that it requires £2,880 per year to attend this group (where required) and this should be secured via a Section 106 Agreement.</p>	<p>The FCTP sets out that the Project will initiate a TPLG as described by Kent County Council. National Highways does not consider that this needs to be secured as an additional Requirement within the draft DCO – the FCTP is a standalone Control Document and complies with the measures secured under Requirement 11 (Part 1 of the draft DCO Schedule 2). It has been produced in support of the commitments set out in the CoCP (which aligns and feeds into the REAC and subsequent EMP iterations) with regards to how the mitigation and management of environmental effects of the Project would be delivered and maintained.</p> <p>In summary, the measures set out in the FCTP will be secured by way of draft DCO Schedule 2 Requirement 11, to ensure that there is a commitment to their delivery including implementation of the TPLG.</p> <p>The Applicant is considering a consistent approach for officer support contributions for all groups and will continue to engage with Kent County Council on this resourcing.</p>	<p>Draft DCO [Additional Submission AS-038]</p> <p>FCTP [Application Document APP-546]</p> <p>ES Appendix 2.2: CoCP [Application Document APP-336]</p>	<p>Matter Under Discussion</p>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
Worker Transport	2.1.106 (DL-1) RRN	Kent County Council considers that a minimum of 30% of parking spaces at the compounds and ULHs should have active electric vehicle charging facilities with a minimum of 7kw output.	The Applicant notes that the Carbon and Energy Management Plan sets out at CBN08 that ' <i>The Applicant will require Contractors to provide and maintain electric vehicle charging facilities, using zero carbon electricity, for 30% of parking capacity in each compound, increasing this as necessary to satisfy demand</i> '. This is also referred to in the FCTP (p. 71). The Applicant considers therefore that this is a matter that is agreed.	Carbon and Energy Management Plan [Application Document APP-552] FCTP [Application Document APP-546]	Matter Agreed
Worker Transport	2.1.107 (DL-1) RRN	Kent County Council considers that secure, covered cycle parking is required at all compounds and ULHs, with a proposed provision for 10% of employees, and that a proportion of the spaces should have electric bike charging facilities and an additional proportion should also be able to cater for adapted bikes.	Page 71/72 of the FCTP commits the Project to providing ' <i>facilities for walkers and cyclists (secure cycle parking, changing facilities, showers and lockers)</i> ' and ' <i>Managed electric charging facilities for E-bikes, in covered cycle parking areas, to satisfy demand</i> ' and ' <i>The provision of cycle training and maintenance for all levels of cyclists, to encourage new cyclists to switch to this form of active travel and promote safely and awareness of cycling travel. This would be linked to local provision (either by local authorities, charities or cycling groups), if available</i> '. The Applicant does not consider it necessary to include a specific level of provision (such as accounting for 10% of the workforce). Sustainable, active and non-car travel is promoted by the FCTP.	Transport Assessment [Application Document APP-529] FCTP [Application Document APP-546]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			The Project-wide targets within the FCTP, which utilise information from the construction traffic assessment of the Project as presented in the Transport Assessment, can be categorised as changing the modal split and travel behaviour. This sets out the high-level aspirations for the SSTP targets, which would be refined as appropriate for each compound and ULH, to be developed further as Specific, Measurable, Achievable, Realistic and Time-bound (SMART) targets. This matter remains under discussion subject to Kent County Council review of the above position.		
Construction Traffic Impacts	2.1.108 (DL-1) RRN	KCC Public Transport officers have calculated increased costs to KCC bus services of approximately £80k due to delays arising from Lower Thames Crossing construction traffic management measures, as set out in the Transport Assessment. For the highest frequency services which are likely to suffer from Thong Lane closure and A226 Contraflow, bus priority should also still be considered. In addition, KCC public transport requires a pot of £80k to be	The Transport Assessment, Section 8.9, outlines the impacts on public transport during the construction period (which is broken down into 11 phases for assessment). Mitigation is proposed as part of the DCO application in a number of documents, namely, the Transport Assessment, Section 10.1, outlines the management of impacts during construction including specific mitigation such as the construction of site haul routes to reduce usage on the public network. The section also references the relevant control documents which set out	oTMPfC [Application Document APP-547] Transport Assessment [Application Document APP-529]	Matter Under Discussion

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National Highways confirm that the length, nature and duration of temporary traffic management measures will be discussed as part of the development of the TMP, which will be developed in consultation with Kent County Council . ¶
National Highways

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p><u>secured to cover the temporary works that may impact bus services but which the Transport Assessment cannot determine at this stage.</u></p> <p><u>This 'pot' could be held by National Highways and only be drawn down upon in the event that this is required due to the temporary works. It is imperative that temporary works are raised at least 4 weeks in advance of them happening with the KCC Public Transport team and required compensation discussed at the same time based on the of £200 per additional operational hour.</u></p> <p><u>Temporary bus priorities should still be considered to counter the impact of delay on buses where possible.</u></p>	<p><u>the mitigation measures and mechanisms which would be in place during construction.</u></p> <p><u>Notably, the oTMPfC details the mechanisms throughout the document which would be in place (such as the Traffic Management Forum, Section 3.2) which would allow for discussions to take place on matters such as appropriate mitigation for public transport impacts during construction.</u></p> <p><u>When developing the TMP, specific measures are outlined to address and minimise the impacts on public transportation, including public transport users and operators; this is set out in Table 2.3 of the oTMPfC. These measures are designed to keep the impacts on public transport users and operators, which includes buses to a minimum, demonstrating a commitment to maintaining the service and accessibility of public transportation during the Project.</u></p> <p><u>It should be noted, whilst the Transport Assessment outlines the envisaged impacts based on a possible construction scenario, the actual impacts will only become known once construction commences and monitoring as set out in para 2.4.8–2.4.24 of the oTMPfC is put in place.</u></p> <p><u>The results of this monitoring would be discussed within the TMF, as would the development of appropriate mitigation where</u></p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>required at the appropriate time, such as the impacts on bus routes in terms of possible delays due to the Project works. Kent County Council would be able to recommend mitigation packages at the TMF which would be discussed and agreed where appropriate.</p> <p>The Applicant welcomes continued engagement and mitigation proposals from Kent County Council that can be discussed and explored before construction commences and during the construction via the TMF.</p>		
Operation & Maintenance					
HGK Parking	2.1.15	Kent County Council <u>considers</u> that Kent has a lack of official lorry parking facilities and the loss of the Cobham/Watling Street RASA will increase the deficit of lorry parking spaces within the area.	The Applicant agrees with Kent County Council that the lack of lorry parking is a pre-existing, regional and national issue and that the loss of <u>Cobham Services petrol station</u> will result in the removal of a small number of lorry parking spaces from the network.	N/A	Matter Agreed
Rest and Service Area (RASA) Provision	<u>RRE</u>				
HGK Parking	2.1.16	Kent County Council <u>considers</u> that an enhanced lorry park provided as part of the Project would be a legacy benefit, and that alternative locations for a replacement / additional provision of spaces should have been considered as part of the Project.	The Applicant does not itself deliver roadside facilities, though it is agreed that enhanced lorry parking would provide a benefit and has reviewed the suitability of its own land holdings for lorry parking and carried out an exercise in January 2022 to explore the appetite in industry to locate a new lorry park at Chigwell.	N/A	Matter Not Agreed
Enhanced Lorry Park as part of the Project					

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		Further detail is included within Kent County Council's Response to Procedural Decision – PADS Tracker [AS-072]	<p>National Highways is investing £20m in improving HGV facilities at existing roadside facilities on the strategic road network (SRN).</p> <p>Recognising that lorry parking is a multi-agency issue, National Highways' Operational Directorate will be setting out its position across the SRN through its Route Strategies and in considerations for Road Investment Strategies 3 (RIS3) (see Vision for Route Strategies (National Highways, 2021)). This will be informed by a consultation exercise looking into why there has not been more roadside facilities and lorry parks developed in the north east quadrant of the M25.</p> <p>As such, it is not agreed that additional provision should be considered as part of the Project, but will be considered by National Highways Operational Directorate across the SRN.</p> <p>National Highways recently conducted a consultation exercise looking into why there has not been more roadside facilities and lorry parks developed in the north east quadrant of the M25. The findings were fed into the Route Strategies.</p>		
HGV Parking	2.1.17	Kent County Council is concerned about potential HGV parking on the widened Thong Lane and Henhurst Road areas as well as others in the	The Applicant recognises Kent County Council's concerns about HGV parking on the widened Thong Lane and Henhurst Road and other local roads.	Draft DCO [Additional Submission AS-038]	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>vicinity, and <u>considers that a clear strategy (legislation, enforcement powers and physical restrictions) for dealing with HGV parking is needed to avoid anti-social behaviour</u> .</p> <p><u>Kent County Council notes the lack of service area does not comply with Circular 01/2022 'Strategic road network and the delivery of sustainable development' with regards to maximum distances between facilities. This may also deter drivers of electric vehicles who may need to use rapid chargers en-route. Further, enhanced lorry parking in an area that suffers with a lack of facilities for hauliers would have been an ideal legacy benefit of the project.</u></p> <p><u>Design of the emergency access at the North Portal must not preclude the potential for the future provision of a junction to provide which would allow motorists the opportunity to turn around and/or a motorway service area with lorry parking facilities.</u></p> <p><u>KCC also insists that Government provides National Highways and KCC with the necessary enforcement powers to tackle cases</u></p>	<p><u>The Applicant has included a clearway order on Henhurst Road from the southern roundabout at the Gravesend East junction to the new section of road to be called Darnley Road. In addition, the clearway order will also extend along Darnley Road between Henhurst Road and Halfpence Lane. This is set out within the draft DCO.</u></p> <p><u>The Applicant does not agree that the lack of a service area on Lower Thames Crossing means that it does not comply with Circular 01/22. The Circular notes that 'in most cases it is for the private sector to promote roadside facilities'. Furthermore, a roadside facility does not necessarily need to be on Lower Thames Crossing for the Project to operate safely.</u></p> <p><u>The Applicant has established a Roadside Facilities Working Group to encourage suitable new developments in areas of the network where there is a need, and Working Group strategy would potentially bring forward suitable facilities faster than if included within Lower Thames Crossing.</u></p> <p><u>This is a wider issue occurring on roads within and outside of the Project area, and will be considered by National Highways Operational Directorate across the SRN.</u></p> <p><u>The Applicant is improving the power infrastructure to provide rapid charging at</u></p>		

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		of inappropriate lorry parking that will increase as a result of the new crossing.	roadside facilities in the proximity of Lower Thames Crossing, namely Maidstone and Clacket Lane West and East.		
Safety	2.1.119 (DL-1) RRN	<p>Kent County Council notes that the Applicant's COBA-LT accident analysis uses default link rates for the local road network, but junctions do not appear to be assessed. Kent County Council notes that even with this omission, the analysis identifies (in Plate 9.3) increases in traffic volumes and accident costs forecast with the Lower Thames Crossing for the A227, A228 and A229. All these roads have a significant history of severe collisions, as evidenced by the Applicant's historic junction accident analysis in Plate 9.5 (and confirmed by a similar Kent County Council's analysis).</p> <p>Kent County Council considers that if the COBA-LT analysis had been completed for junctions as well as road links, the A227 and A228 in particular, with their many at-grade junctions, would likely incur significantly higher costs/safety impacts. KCC requests that National Highways mitigate these</p>	<p>The Applicant considers that junctions were taken into account - the appraisal combines links and junctions, which means that although junctions were not individually assessed, the impact of the LTC on them is included in the accident numbers and costs.</p> <p>As a result of the Project the overall accident rate decreases per vehicle kilometre driven as stated in paragraph 9.3.12 of 7.9 Transport Assessment [Application Document APP-529].</p> <p>Local accident rates were calculated using 2015-2019 Department for Transport data on road safety statistics for Great Britain, collected via STATS19, and National Highways Traffic Information System Annual Average Daily Traffic flow (TRIS AADT) data. Plate 9.2 of 7.9 Transport Assessment [Application Document APP-529] shows the sections where local accident rates have been applied. Other links in the COBALT appraisal area (Plate 9.1 of 7.9 Transport Assessment) use the default combined link/junction accident rates, not link rates.</p> <p>The default combined link/junction accident rates were applied to the A226, A227, A228 and A229.</p>	<p>Transport Assessment [Application Document APP-529]</p> <p>Code of Construction Practice, First Iteration of Environmental Management Plan (CoCP) [Application Document APP-336]</p> <p>Outline Traffic Management Plan for Construction [Application Document APP-547]</p>	Matter Under Discussion

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		<u>impacts by supporting Kent County Council's Vision Zero initiatives.</u>	<p>The Applicant is currently undertaking a <u>Wider Network Impacts (WNI) study with Kent County Council, specific to the corridors mentioned, with safety being a key aspect. National Highways would welcome further discussions with regards to the benefits and rationale of carrying out iRAP assessments in addition to the existing study.</u></p> <p>The Applicant has committed to the implementation of the CLOCS standard in Environmental Statement Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan (CoCP) [Application Document APP-336] and the Outline Traffic Management Plan for Construction [Application Document APP-547].</p> <p><u>This matter remains under discussion subject to Kent County Council's review of the Applicant's position set out above.</u></p>		
<u>Road Drainage and the Water Environment</u>					
<u>Assessment methodology</u>	<u>2.1.143 (DL-1)</u> <u>RRN</u>	<u>Whilst consultation has been undertaken on water matters with the Environment Agency with respect to groundwater modelling and Essex County Council with respect to design principles for attenuation and infiltration basins in 2019 and 2020, KCC expects the</u>	<u>The LTC drainage team provided a general update on the Project's drainage design to the south of the River Thames to a representative of KCC LLFA and the Medway IDB in July 2020. Drainage pollution risk assessments were shared in August 2020, and the full FRA and Hydrogeological Risk Assessment were</u>	<u>N/A</u>	<u>Matter Agreed</u>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		<u>same level of consideration for water management within Kent's local area and it is disappointing that this still does not appear to be the case (the only direct consultation undertaken with KCC as Lead Local Flood Authority took place in July and September 2017).</u>	<u>shared in October 2020, when DCO application 1 was withdrawn.</u> <u>Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.</u>		
<u>Assessment methodology</u>	<u>2.1.144 (DL-1)</u> <u>RRN</u>	<u>It has not been possible to review the results of hydraulic modelling in order to demonstrate the operational capabilities of the drainage network proposed given the calculated infiltration rate.</u> <u>Without being able to review this information KCC cannot be certain that the surface water drainage network operates within the required operational parameters.</u>	<u>MicroDrainage model outputs can be shared as PDF reports, or alternatively the models themselves could be packaged and shared.</u> <u>The PDF outputs (see example) would provide details of the design criteria applied to each network. The Applicant has committed to share these with KCC following a meeting on 9/5/2023.</u> <u>Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.</u>	<u>N/A</u>	<u>Matter Agreed</u>
<u>Assessment methodology</u>	<u>2.1.145 (DL-1)</u> <u>RRN</u>	<u>A plan should be provided which overlays the testing locations relative to the individual soakaway feature plans presented in the Flood Risk Assessment (APP-460 to APP477)</u>	<u>An assessment of infiltration rates applicable to the proposed soakaway features in Kent is provided in Environmental Statement Appendix 14.5 Annex M. A plan of the Project ground investigation testing locations relatively to the individual soakaway features will be shared.</u>	<u>Environmental Statement - Figure 14.5 - Water Framework Directive - Surface Water Bodies.</u>	<u>Matter Agreed</u>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.	<u>Transitional Waterbodies and Current Status</u> [Application Document APP-326]	
<u>Assessment methodology / Baseline conditions</u>	2.1.146 (DL-1) RRN	Whilst the majority of watercourses affected by the proposals are under the remit of the Environment Agency or Lower Medway Internal Drainage Board, there are some within the vicinity of Shorne and any works to these which could affect the watercourse or ditch's ability to convey water will require KCC's formal flood defence consent (including culvert removal, access culverts and outfall structures).	The requirement to secure ordinary watercourse consent for works to qualifying watercourses is noted. As detailed in the Project's Consents and Agreements Position Statement, APP-058 , all of the powers required to undertake such works have been included, or addressed, within the DCO, as permitted by various provisions of the Planning Act 2008. This has been subject to the Applicant including the appropriate protective provisions in the DCO. Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.	Consents and Agreements Position Statement [Application Document APP-058]	Matter Agreed
<u>Project design and mitigation</u>	2.1.147 (DL-1) RRN	KCC requests that a plan be provided which clearly shows the soakaway features proposed and which of these are within land	Soakaway features, including proposed infiltration basins and swales are illustrated, together with the Order Limits, on the 2.16 Drainage Plans (Volume B) (Sheets 1 to 20) APP-048. The Land Plans (APP-09 to APP-	Drainage Plans (Volume B) Application Document [APP-048]	Matter Agreed

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		<u>currently under the ownership of National Highways.</u>	<u>011) show ownership of land including Crown Interest land of which the owner is the Secretary of State for Transport and further details are presented in the Book of Reference (APP-062).</u> <u>Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.</u>	<u>Land Plans [Application Documents APP-009 to APP-011]</u> <u>Book of Reference [Application Document APP-062]</u>	
<u>Project design and mitigation</u>	<u>2.1.148 (DL-1)</u> <u>RRN</u>	<u>It is noted that Chapter 2 of the Environmental Statement (APP-140) states "Highway runoff would be collected by means of one of the edge of pavement details specified in the DMRB CD 524 (Highways England, 2021)." Clause LSP.28 of the document 7.5 Design Principles (APP-516) states that "the use of gully pots shall be avoided where a viable alternative is available" as such KCC asks for clarification as to where and what edge of pavement detail will be used throughout catchment (EFR-1) to capture surface water flows</u>	<u>The use of gully pots is sought to be avoided where possible to reduce risks of amphibians and small mammals becoming trapped.</u> <u>Within catchment EFR-1, based on the preliminary drainage design, proposed edge of pavement detail includes a mixture of surface water channels and kerb and gully systems.</u> <u>These details would be confirmed during detailed design.</u> <u>Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.</u>	<u>ES Chapter 2 [Application Document APP-140]</u> <u>Design Principles [Application Document APP-516]</u>	<u>Matter Agreed</u>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
<u>Assessment methodology</u>	2.1.149 (DL-1) RRN	Chapter 2 of the Environmental Statement (APP-140) paragraph 2.4.53 states "Where sediment forebays cannot be accommodated, a vortex grit separator shall be installed upstream of the basin inlet for pollution". In order to confirm the appropriateness of such a device KCC asks that pollution mitigation indices be provided for these products in line with British Water's applying the Ciria SuDS Manual Simple Index Approach to proprietary/manufactured stormwater treatment devices document.	There is one location in Kent where space constraints preclude a sediment forebay. This is at an existing basin located to the south of the M2/A2/A122 Lower Thames Crossing junction directly east of Cobham petrol filling station, that would be reconfigured as a vegetated drainage system. At this location a pollution control alternative, such as vortex grit separator, would be provided in accordance with DMRB standards, with the final solution selected during the detailed design stage. It is noted that all of the proposed infiltration drainage features have been subject to assessment with regard to the potential to cause pollution of underlying groundwater resources. The Hydrogeological Risk Assessment (ES Appendix 14.5 Annexes O and M) concludes that, on the basis of a conservative modelling assessment, there would be no exceedances of environmental quality or drinking water standards over the lifetime of the proposed Project. Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.	ES Chapter 2 [Application Document APP-140] Environmental Statement - Appendix 14.5 - Hydrogeological Risk Assessment [Application Document APP-459]	Matter Agreed

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
<u>Project design and mitigation</u>	2.1.150 (DL-1) RRN	Chapter 2 of the Environmental Statement (APP-140) paragraph 2.7.75 states that an external waterproof membrane will be applied to precast box culverts and that this would typically be a bitumen coating KCC asks for confirmation to be provided from the relevant stakeholder(s) as to their acceptance of the use of bitumen	Noted. The Applicant is seeking the views of the Environment Agency as to their acceptance of this aspect.	ES Chapter 2 [Application Document APP-140]	Matter Under Discussion
<u>Project design and mitigation</u>	2.1.151 (DL-1) RRN	Paragraph 2.7.77 of Chapter 2 of the Environmental Statement (APP-140) describes the general makeup of headwalls in association with culverts. Whilst not discussed, the County Council advises that the use of concrete bag headwalls is not permitted in KCC managed watercourses.	Noted. This requirement will be shared by the team progressing the detailed design and use of concrete bag headwalls will be avoided on KCC managed watercourses. Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.	ES Chapter 2 [Application Document APP-140]	Matter Agreed
<u>Project design and mitigation</u>	2.1.152 (DL-1) RRN	Paragraph 14.4.69 of chapter of 14 of the Environmental Statement (APP-152) mentions the requirement for nitrogen deposition compensation site KCC advises that should it be proposed for any water to be discharged other than via infiltration will need to be considered within and	No formal drainage is proposed for the nitrogen compensation areas, the rainfall infiltration and runoff regime will remain as existing (albeit with additional tree cover encouraging losses via evapotranspiration and providing attenuation of runoff). Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant	ES Chapter 14 [Application Document APP-152]	Matter Agreed

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		demonstrated as complaint with the <u>Greenfield Run Off Rate.</u>	Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now <u>Agreed.</u>		
<u>Project design and mitigation</u>	2.1.153 (DL-1) RRN	Paragraph 14.5.10 of chapter 14 of the Environmental Statement (APP-152) discusses good practice with regards to the construction phase and that the contractor will be responsible for providing a Flood Risk Assessment and drainage plan. KCC expects for the 1% AEP event to be considered as part of this	The construction phase FRA and drainage plan shall include consideration of 1% AEP design storm events, inclusive of climate change allowances up to 2030. Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now <u>Agreed.</u>	ES Chapter 14 [Application Document APP-152]	Matter Agreed
<u>Assessment methodology</u>	2.1.154 (DL-1) RRN	Within paragraph 4.7.2 of document 6.3 Environmental Statement – Appendix 14.6 – Flood Risk Assessment – Part 6 (APP-465)it is stated that “the Environment Agency verbally agreed at meeting held on 4th May 2022 that a 5% departure on peak rainfall intensities was acceptable. With this departure taken into account, the 20% and 40% uplift on peak rainfall intensity are deemed to be accepted for drainage design.” Whilst accepting of this principle, KCC asks for clarification as to whether a similar departure has	Given the DMRB requirement to ensure no overtopping of attenuation features during all events up to and including the 1% AEP (inclusive of climate change allowance), a departure specific to the 3.3% AEP event was not discussed with the EA. Sensitivity testing has been undertaken to demonstrate that the attenuation features are effective in response to consecutive 3.3% and 10% AEP storms. Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now <u>Agreed.</u>	Environmental Statement – Appendix 14.6 – Flood Risk Assessment – Part 6 [Application Document APP-465]	Matter Agreed

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		<u>been permitted for 3.3% AEP rainfall event</u>			
<u>Assessment methodology</u>	<u>2.1.155 (DL-1)</u> <u>RRN</u>	<u>Whilst it is appreciated that further information has been provided within the FRA (APP-466) with regards to the cascading pond network serving the southern portal, it is not clear as to what the staggered infiltration rates used for the design are to be. As per the concerns above regarding hydraulic analysis, KCC cannot be certain as to its operational effectiveness without these rates and the hydraulic modelling thereof</u>	<u>ES Appendix 14.5 (Hydrogeological Risk Assessment) Annex M Table 5.1 shows the infiltration rates used in the groundwater modelling assessments of the cascading basins.</u> <u>Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.</u>	<u>Environmental Statement - Appendix 14.5 - Hydrogeological Risk Assessment [Application Document APP-459]</u>	<u>Matter Agreed</u>
<u>Cumulative effects</u>	<u>2.1.156 (DL-1)</u> <u>RRN</u>	<u>The Thames Estuary Marshes next to/under the road receives its water via surface water/drains rather than ground water. There is a need to ensure that KCC are satisfied that tunnel and road construction do not impact the functionality of the marshes and ensure that they will continue to receive and retain water.</u>	<u>Effects on the water balance of the Thames Estuary Marshes have been subject to detailed assessment, as reported in Chapter 14 of the ES (APP-152). Measures to ensure no detriment to the quality or quantity of water supporting the Marshes are secured via a suite of commitments within the REAC.</u> <u>Following engagement and subsequent sharing of information on matters raised by Kent County Council in their Relevant Representation undertaken in May 2023 (See Appendix A) the Applicant considers this matter is now Agreed.</u>	<u>ES Chapter 14 [Application Document APP-152]</u>	<u>Matter Agreed</u>

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Traffic and Economics

Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p>Construction traffic impacts</p> <p>Public Transport use During Construction</p>	2.1.18	<p>Kent County Council <u>considers</u> that the Project's construction would disadvantage the public transport network (mainly services on the A226).</p> <p>Kent County Council <u>considers</u> that all delays to buses should be minimised and avoided where at all possible.</p> <p>Kent County Council <u>considers</u> that incentives should therefore be provided to users to increase the attractiveness of public transport for both employees and existing local residents to reduce the overall number of vehicles on the network during construction.</p> <p><u>Kent County Council notes that the information provided by the Applicant does not respond to the issue that bus services, particularly along the A226 will be disadvantaged throughout the construction period. Congestion on the network caused by road works is an opportunity to achieve modal shift away from the private car, a mode which can carry a significantly higher number of people than the private car. Every opportunity should be explored in</u></p>	<p>The Applicant does not agree that the Project's construction would disadvantage the public transport network or that area-wide incentives to change the travel patterns of the existing local residents is necessary. However, the Project is committed (via the FCTP) to producing SSTPs for construction compounds with measures to reduce the impact of the Project's workforce on the highway network.</p> <p>If the SSTPs do not meet their targets, further measures would be considered and implemented, and this could include measures to incentivise worker behaviour.</p> <p><u>Further detail related to the Project's position on public transport effects during construction is set out at Matter 2.1.108 (DL-1)</u></p>	<p>FCTP [Application Document APP-546]</p>	Matter Not Agreed
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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		prioritising public transport during this time through such things as dedicated bus routes on key networks affected by construction, etc.			
Developments and uncertainty log Uncertainty Log	2.1.19	Throughout the process of development of the Traffic Modelling, Kent County Council has reviewed Uncertainty Logs (2018, 2022) and suggested a list of committed and likely developments that should be included in the modelling and base model. Kent County Council notes that most developments have been included, although the Transport Quarter that is currently being built out appears to be missing (GB/20200343). The proposed development at Hoo has also not been included despite funding for significant transport infrastructure being secured. However, it is noted that this does not have planning permission.	The Applicant has reviewed the list provided by Kent County Council and can confirm that some of the committed and likely developments are included within the transport model. Others may be included under a different name to that provided by Kent County Council, may be included in future baseline, or not included as they are not of the correct level of certainty or do not meet the minimum size thresholds (as set out in the Transport Forecasting Package, as Appendix C of the Combined Monitoring and Appraisal Report (ComMA) – a copy of which was provided to the authority dated October 2020). As such, given not all developments provided by Kent County Council are included, this remains a matter not agreed.	Combined Modelling and Appraisal Report (ComMA) Appendix C – Transport Forecasting Package [Application Document APP-522]	Matter Not Agreed
Local plan growth Local Growth Assumptions	2.1.20	Kent County Council understands that local uncertainty modelling needs to include only those developments that are already under construction; have planning permission; or those for which the	The Applicant does not agree that the assumptions provided by Kent County Council should be included. The Project's transport model was built following the principles and processes set out in the Department for Transport's (DfT)	ComMA Appendix C – Transport Forecasting Package [Application	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>development application is within the consent process or planning consent is imminent. However, Kent County Council <u>considers</u> that pressures on local authorities to provide housing have increased → Kent County Council has identified the following growth assumptions that it believes should be included:</p> <ul style="list-style-type: none"> • Growth in Dartford post-2041 • Eastern Quarry in Ebbsfleet Development Corporation area – (2,650 seems like a low figure) • 8,000 additional homes in Gravesham (as per updated local plan) • Hoo peninsula development (when confirmed) • Higher housing requirements in specific zones • Significant developments like the London Resort 	<p>Transport Analysis Guidance (TAG), and growth is capped in line with DfT traffic forecasts (TEMPro 7.2) and adjusted locally to account for developments close to the Project that are under construction, have a planning application or have planning permission granted.</p> <p>The developments set out by Kent County Council do not meet the guidance for inclusion into the traffic model.</p> <p><u>The Applicant notes</u>, that a high-growth scenario has also been reported within the Transport Forecasting Package (Appendix C of the ComMA), a copy of which was provided to Kent County Council in October 2020.</p>	<u>Document APP-522</u>	
<u>Modelling methodology</u>	2.1.21	Kent County Council considered (at Statutory Consultation in 2018) that peak periods for the A228 and A229 are not the same as peak periods in the Project traffic model	<p>It is not agreed that the Project traffic model needs to be corrected.</p> <p><u>The Applicant notes</u>, that the hour for each peak period was chosen following analysis of traffic flows on major roads in the Lower</p>	<u>ComMA Appendix B – Transport Model Package [Application</u>	Matter Not Agreed
Peak Period Assumptions					

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>and Kent County Council <u>considers</u> that this needs to be corrected. Although this allows the impact on the Dartford Crossing to be reviewed and the SRN within the wider area, Kent County Council <u>considers</u> that it does not correspond with the peak hours on the Local Road Network.</p> <p><u>Kent County Council considers that the current Lower Thames Crossing model and the peak hours assessed, are acceptable. The outputs of the model shows mitigation is required on the local road network and KCC expect this to be delivered.</u></p>	<p>Thames area, particularly around the Dartford Crossing. This is set out in more detail in the Transport Model Package (Appendix B of the ComMA), a copy of which was provided to Kent County Council in October 2020.</p>	<p><u>Document APP-520</u></p>	
<p><u>Modelling methodology</u></p> <p>Baseline Data</p>	2.1.22	<p>Kent County Council <u>notes</u> that 2016 baseline data is used in the Transport Assessment which is now <u>7</u> years old and may reduce reliability of the model.</p> <p><u>Kent County Council notes that the data will be 16 years old in 2032 when National Highways has identified the Lower Thames Crossing is projected to open.</u></p>	<p><u>The Applicant</u> does not agree that the age of the baseline data would reduce the reliability of the model – 2016 is within the guidance of an acceptable model duration (validity period of the model).</p> <p><u>The Applicant</u> notes that the last 'pre-Covid' year is 2019 which is only three years after the model's Base Year. Revised model data was issued <u>in 2022</u>, allowing Kent County Council to review. However, the findings are unlikely to change materially the areas of concern.</p>	N/A	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<u>Modelling methodology</u> Modelling – A226	2.1.23	Kent County Council is concerned that Base Year modelled traffic appears low to the east of Gravesend (A226), compared with DfT counts, so the Lower Thames Area Model (LTAM) may not highlight some impacts of the Project in this area in terms of road maintenance and construction traffic.	<u>The Applicant</u> notes that the LTAM is a strategic transport model and covers a vast area; and has been calibrated and validated in line with <u>Design Manual for Roads and Bridges (DMRB)</u> guidance. As such it is not agreed that the model may not highlight some impacts of the Project in this area in terms of road maintenance and construction traffic. Details of this are contained within the Transport Model Package (Appendix B of the ComMA).	<u>ComMA Appendix B – Transport Model Package [Application Document APP-520]</u>	Matter Not Agreed
<u>Local modelling requests</u> Alternative Scenarios	2.1.24	Kent County Council is concerned that the effects of regular, predictable incidents are not modelled in the Core Scenario, or the associated High/Low Growth forecasts Kent County Council has identified a series of alternative scenarios that it considers should be included within modelling relating to operational traffic sensitivity tests: <ul style="list-style-type: none"> Closure of the Dartford Crossing or the Lower Thames Crossing. Incidents related to disruptions of cross channel services. 	It is not agreed that specific sensitivity tests identified by Kent County Council are necessary, though noted that some are included within the model. The Project's traffic modelling forecasts are intended to provide indicative predictions for how the proposed route design would perform under normal circumstances, including at peak and inter-peak hours. Forecasts include predictions for several future years to show how it would perform over time. The impact of incidents or road closures, including both crossings being closed simultaneously, has not been modelled because traffic modelling is not typically effective at predicting the outcomes of scenarios of this type. This is because of the multiple variables that make up any single	<u>ComMA Appendix C – Transport Forecasting Package [Application Document APP-522]</u>	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<ul style="list-style-type: none"> A viable rail link for freight movements from the Channel Tunnel to the rest of England. Traffic management during construction. In order to be able to react to incidents/congestion on the network during both construction and operation of the Lower Thames Crossing, Kent County Council requests real time modelling using the Kent Transport Model (KTM). 	<p>incident, or set of incidents, that can affect the operation of the road network. Variables include the severity of the incident, its precise location, the length of carriageway and number of lanes affected, the time of day and the duration of the incident. Scenarios of this type do not lend themselves to being modelled to provide reliable data that can be used to reduce or avoid disruption to the network. It is expected that the number of incidents and collisions at the Dartford Crossing would fall as a result of the reduced traffic flows, which would improve resilience at both crossings.</p> <p>more information is set out in the Transport Forecasting Package, which is Appendix C of the ComMA.</p>		
Mitigation	2.1.126 (DL-1) RRN	Kent County Council note that Tables 7.17 and 7.18 of the Combined Modelling and Appraisal Report – Appendix D Economic Appraisal Package: Distributional Impact Appraisal Report show the 'Distributional analysis for links potentially impacted by traffic related severance' Regional and England & Wales respectively. Whilst it is noted that Gravesham and Tonbridge & Malling are predicted to receive some 'slightly	Tables 7.17 and 7.18 of the Distributional Impact Appraisal report [Application Document APP-525] show the 'Distributional analysis for links potentially impacted by traffic related severance' Regional and England & Wales respectively. This has informed a more detailed analysis of potential impacts arising from traffic-related severance, which is presented in the Health and Equalities Impact Assessment (HEqIA) [Application Document APP-539]. Table 7.9 of the HEqIA lists locations where there may be a moderate increase or decrease in	ComMA – Appendix D Economic Appraisal Package: Distributional Impact Appraisal Report [Application Document APP-525]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>beneficial – large beneficial' impacts. Valley Drive, Wrotham Road and Forstal Road are predicted to receive 'slightly adverse – large adverse' impacts, yet no mitigation is proposed in these locations.</p> <p>Kent County Council consider that Valley Drive has residential land uses along its entire length on each side, interspersed with local commercial/retail/ community land uses, and as such, increases in severance, assessed as moderate adverse, should be mitigated through the s.106 agreement, through measures including formalised pedestrian crossing points to be determined by Kent County Council. This also applies to Wrotham Road.</p>	<p>traffic-related severance during the operational phase of the Project: this is followed by a closer review of these locations in Table 7.10, which takes into account factors such as land-use and local demographics. Paragraph 7.3.31 of the HEqIA notes that 'further actions may be required in certain locations to enhance the road crossing provision for local residents and thereby ensure that effects do not impact on people's ability to cross roads and access community services and infrastructure. A commitment has been made as part of the Section 106 Agreements Heads of Terms (Application Document 7.3) for further investigation at identified locations to discuss the need for, and provision of, pedestrian crossing infrastructure'. This commitment is included within Section 106 Agreements - Heads of Terms [Application Document APP-505]. Paragraph 7.5.3 of Section 106 Agreements – Heads of Terms [Application Document APP-505] states that "National Highways will pay a sum to the relevant local highway authorities to implement the identified improvements from the feasibility assessment. Local highway authorities are afforded powers under section 62 the Highways Act 1980 which enables them to undertake agreed improvement works to the</p>	<p>Draft Section 106 Agreements - Heads of Terms [Application Document APP-505] Draft Section 106 Agreements - Heads of Terms [Application Document APP-505] HEqIA [Application Document APP-539] HEqIA [Application Document APP-539]</p>	

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>local highway. All works can be accommodated within the existing highway extent". Locations specified include Elaine Avenue (Strood), Brennan Drive (Tilbury) and Valley Drive (Gravesham).</p> <p>Wrotham Road is included as part of the qualitative assessment presented in Table 7.10 of the HEqIA [Application Document APP-539]. Although there are various land-uses along Wrotham Road including residential development, services and facilities, there are also a number of pedestrian refuges at a number of locations. As such traffic-related severance at this location was not considered to be significant. The project agrees with the statement by Kent County Council that in light of the nature of the highway and the land use along its length no mitigation would be required along Forstal Road.</p> <p>This matter remains under discussion subject to Kent County Council's review of the Applicant's position above.</p>		
Wider Network Impacts					
<p><u>Local WNI concerns</u></p> <p>Principle of Approach to</p>	<p>2.1.25</p> <p>RRE</p>	<p>Kent County Council does not agree with National Highways position as set out in the draft Transport Assessment (10.2.8) that: "The Project would not be able to resolve all of these wider network</p>	<p>The Applicant recognises that as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Kent, this will lead to beneficial transport impacts on the network, and in</p>	<p>Wider Network Impacts Management and Monitoring Plan (WNIMMP)</p>	<p>Matter Not Agreed</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Significant Effects and Mitigation		<p>impacts within the funding constraints of the Project. Highways England would monitor the impacts of the Project on the network and actively work with the local and highway authorities on any schemes or other measures to address these impacts should they arise.</p> <p>Kent County Council considers that modelling shows that the Project would result in increased congestion on some local junctions and the LRN which are already at or over capacity, and that schemes which result in the local highway network operating above capacity or increase congestion at a junction already operating above capacity are required to implement appropriate mitigation (improved signage, any necessary traffic restrictions, in-vehicle technology, and junction upgrades).</p> <p>Kent County Council considers that these effects must be identified and as much mitigation as possible should be delivered up-front prior to the Project opening, utilising traffic modelling.</p>	<p>some cases will lead to adverse impacts. Overall, the benefits on the road network outweigh the adverse transport impacts, and this is reflected in the positive economic benefit of the project within Kent.</p> <p>The Applicant has identified the adverse impacts on traffic flows across the local road network, and this assessment is set out in the Transport Assessment.</p> <p>The Applicant has assessed the wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014), and based on this does not agree that the adverse impacts are unacceptable under this policy.</p> <p>The Applicant is obligated to work with local highway authorities and others to align national and local plans and investments, balance national and local needs and support better end to end journeys for road users (The Applicant Licence from DfT para 5.1.9) and will continue to deliver against this obligation in its collaborative work with local authorities.</p> <p>The Applicant has produced a Wider Network Impacts Management and Monitoring Plan (WNIMMP), which has been updated to take on board comments received to date. If the monitoring outputs from the monitoring plan identify</p>	<p>[Application Document APP-545] Transport Assessment [Application Document APP-529]</p>	

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		<p>Kent County Council is concerned that mitigation would not be guaranteed within the DCO and would need to be implemented through a separate consenting route which has less certainty of delivery.</p> <p><u>Kent County Council requires that the scope of the WNIMMP is expanded to include all areas of concern that Kent County Council has identified, including those identified in Kent County Council's Wider Network Impacts study that is currently being undertaken in collaboration with the Applicant.</u></p>	<p>issues/opportunities related to the road network as a result of traffic growth or new third party developments, local authorities will be able to use this as evidence within their intervention case making.</p> <p>The WNIMMP <u>provides</u> clarity on the proposition, including the expectations on funding streams.</p> <p><u>Further information relating to The Applicant consideration of additional monitoring locations in the WNIMMP is set out in Matter 2.1.136 (DL-1).</u></p>		
<p><u>Non-Lower-Thames-Crossing highway improvements</u></p> <p>Specific Links and Junctions</p>	<p>2.1.26</p> <p><u>RRE</u></p>	<p>Kent County Council has identified a list of junctions and routes that it specifically considers would be adversely affected across its LRN as a result of the Lower Thames Crossing, and considers that mitigation via upgrades should be provided for those effects in order to successfully make use of the scheme's benefits should the Project be implemented.</p>	<p><u>The Applicant</u> agrees that there are some likely increases in traffic across the network, which will in part be caused by the Project, but not wholly, and this is set out within the Transport Assessment and traffic modelling data issued to Kent County Council.</p> <p>While <u>The Applicant</u> does not consider that there any transport impacts requiring mitigation by the project, nor any subsequent intervention options needed, it notes that:</p> <ul style="list-style-type: none"> <u>The Applicant</u> is considering the need for enhancements along the A2/M2 corridor which are within the RIS3 pipeline. 	<p><u>Transport Assessment [Application Document APP-529]</u></p>	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<ul style="list-style-type: none"> The Applicant is continuing to progress the M2 junction 5 project separately to the Lower Thames Crossing. The Applicant maintains a route strategy for the M25 south of the proposed connection with the Lower Thames Crossing, the M20, A2 west of the junction with the Lower Thames Crossing, and to the M2 east of junction 1. <p>In addition, the Applicant has agreed a scope of work and funded this through a Planning Performance Agreement for Kent County Council to undertake a Strategic Outline Business Case (SOBC) study to identify the impacts of the Project on the Kent road network and to assess the business case of potential interventions to optimise the network.</p> <p>The outputs of this study will allow Kent County Council to make informed representations during the DCO examination and will enable Kent County Council to develop more advanced business cases over the course of the next 10 years through existing processes.</p> <p>As such, it is not agreed that mitigation via upgrades should be provided within the Project for the identified effects in order to successfully make use of the scheme's benefits should the Project be implemented.</p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p><u>WNI approach</u></p> <p>Constraint to economic growth</p>	<p>2.1.27</p>	<p>Kent County Council is concerned that traffic resulting from the Project would constrain economic growth in Kent unless wider network improvements are committed.</p>	<p>It is not agreed that traffic resulting from the Project would constrain economic growth in Kent unless wider network improvements are committed through the Project.</p> <p><u>The Applicant</u> recognises that as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Kent, this will lead to beneficial transport impacts on the network, and in some cases will lead to adverse transport impacts. Overall, the benefits on the road network outweigh the adverse impacts, and this is reflected in the positive economic benefit of the project within Kent.</p> <p><u>The Applicant</u> is working with Kent County Council to conduct a series of modelling exercises to interrogate the impacts of the project on the wider road network in more detail, led by the outputs from the main scheme modelling which has been shared with authorities.</p> <p>In line with the WNIIMP, these outputs will be discussed with Kent County Council, and <u>The Applicant</u> will continue to engage in accordance with the <u>licence</u> obligations to work with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.</p>	<p>WNIMMP [Application Document APP-545]</p>	<p>Matter Not Agreed</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<u>WNI approach</u> Mitigation (Principle): Policy Compliance	2.1.28	Kent County Council is concerned that policies identified in the Transport Assessment (e.g. Circular 02/13; National Planning Policy Framework (NPPF) Para 103 and 108) relating to mitigation being implemented have not been met by National Highways.	It is not agreed that policies referred to by Kent County Council have not been met by <u>The Applicant</u> , regarding the Project, and this will be set out within the Transport Assessment. <u>The Applicant notes</u> , that paragraph 5 of the NPPF makes clear that the NPPF itself 'does not contain specific policies for nationally significant infrastructure projects'. In accordance with section 104 of the Planning Act 2008, the Secretary of State will be deciding the application in accordance with the relevant national policy statements. Nonetheless, <u>The Applicant</u> is satisfied that it has had due regard to the NPPF in terms of the provision and promotion of active travel and facilitation of public transport, and road safety. With regard to the wider network impacts, the Project is forecast to have substantial overall traffic benefits as set out in the Transport Assessment, <u>ComMA</u> and in traffic modelling data issued by <u>The Applicant</u> to Kent County Council.	<u>ComMA</u> <u>[Application Document APP-518]</u> <u>Transport Assessment [Application Document APP-529]</u>	Matter Not Agreed
	RRE				
<u>Non-Lower-Thames-Crossing highway improvements</u>	2.1.29	Kent County Council considers that the Project should include the previously proposed Tilbury junction to deliver local connections and wider economic and regeneration benefits and allow drivers crossing	<u>The Applicant notes</u> , that the Tilbury Link Road has never been part of the Project. The Tilbury Link Road has been identified in the RIS2 as part of the RIS3 pipeline of projects.	N/A	Matter Not Agreed

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
Tilbury Link Road / Junction		the river by accident the opportunity to turn around. Kent County Council considers that the connection from the south with the A13 eastbound is vital to support flows and divert traffic from the existing Dartford crossing.	<u>The Applicant notes</u> , that the design at Tilbury Fields provides an operational access which could potentially accommodate further development in the future, and modifications to connectivity in Thurrock presented in the Local Refinement Consultation would improve connections between the Lower Thames Crossing and the Thurrock road network. Clear signage will be in place to indicate to drivers the correct routing. As such, it is not agreed that the Tilbury Link Road should be part of the Project to deliver local connections and wider economic and regeneration benefits or support flows and divert traffic from the existing Dartford crossing, but <u>The Applicant considers</u> , that this will be delivered through RIS3.		
<u>Wider Network Improvements Monitoring</u>	2.1.136 (DL-1) RRN	Kent County Council considers that, <u>regarding the WNIMMP, baseline monitoring should be undertaken ahead of the construction of the scheme to avoid a distorted picture of traffic patterns.</u> Kent County Council considers that <u>M25 junction 2 and 1b, and the A206 should be added to the monitoring programme (with local road network junctions to be defined by an ongoing WNI Study currently being funded by National</u>	<u>The monitoring locations set out in the WNIMMP requires that traffic data collection be undertaken at least one year prior to the opening of the Project (mainline), not prior to construction as proposed by Kent County Council.</u> <u>The monitoring locations set out in the WNIMMP were selected on the following basis:</u> <ul style="list-style-type: none"> • <u>Locations situated on the SRN that are geographically close to the A122 junctions as informed by the 'scale of</u> 	WNIMMP [Application Document APP-545] draft DCO [Additional Submission AS-038] Transport Assessment [Application	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
		<p><u>Highways and undertaken by Kent County Council).</u></p>	<p><u>impacts' analysis in the Transport Assessment (the nearest and second nearest junctions on the SRN and major road network (MRN) located adjacent to the junctions with the A122, the A2, the A13 and the M25)</u></p> <ul style="list-style-type: none"> <u>Locations requested for monitoring from local highway authorities following a review of the consultation feedback</u> <p><u>A mechanism allowing for review of the proposed monitoring locations is provided through Requirement 14 in Schedule 2 of the draft DCO, which requires the preparation of an operational traffic monitoring plan, which must be approved by the Secretary of State following consultation with the relevant highways authorities. Relevant highways authorities will be able to propose locations for inclusion, which will be considered by The Applicant during the development of the operational traffic monitoring plan. The final decision on inclusion will be made by the Secretary of State through the approval process, as set out in Part 2 of Schedule 2 of the draft DCO.</u></p> <p><u>The matter remains under discussion subject to Kent County Council's review o the Applicant's position.</u></p>	<p><u>Document APP-529]</u></p>	

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
<u>WNI Approach</u>	<u>2.1.137 (DL-1)</u> <u>RRN</u>	<p>Kent County Council notes that <u>LTAM traffic modelling shows an increase of +251 to +500 trips on the A206 in both AM and PM peaks in 2045, as a result of the proposed crossing.</u></p> <p><u>Kent County Council considers that the existing Cray Mill Lane bridge reduces capacity creating a bottleneck at the Dartford/Bexley border, and so it is unclear how these additional trips can be accommodated without it resulting in a significant impact.</u></p> <p><u>Kent County Council proposes that the A206 and associated junctions are added to the WNIMMP as this route satisfies the criteria for an addition set out in paragraph 2.3.6 in the WNIMMP.</u></p> <p><u>Kent County Council notes that this issue is identified in both the London Borough of Bexley and Dartford Borough Council Draft Local Plans (both of which are at Reg 19 examination stage), with the land being safeguarded for widening. The establishment of a joint working group has been agreed by both LA's and KCC to seek developer funds where</u></p>	<p><u>The Applicant is obligated under paragraph 5.19 of the Highways England: Licence (Department for Transport, 2015) to work with local highway authorities and others to align national and local plans and investments, balance national and local needs and support better end to end journeys for road users. The Applicant will continue to deliver against this obligation in its collaborative work with local authorities.</u></p> <p><u>The Applicant recognises that, as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Kent, this would lead to beneficial impacts on the network, and in some cases lead to adverse impacts. Overall, the benefits on the road network would outweigh the adverse impacts, and this is reflected in the positive economic benefit of the Project within Kent. The Applicant has identified the adverse impacts on traffic flows across the local road network, and this assessment is set out in the 7.9 Transport Assessment [Application Document APP-529]. Each of these impacts has been assessed and considered against policy requirements as set out in 7.9 Transport Assessment - Appendix F - Wider Network Impacts Management and Monitoring Policy Compliance [Application Document APP-</u></p>	<p><u>WNIMMP [Application Document APP-545]</u></p> <p><u>Transport Assessment [Application Document APP-529]</u></p> <p><u>Transport Assessment - Appendix F - Wider Network Impacts Management and Monitoring Policy Compliance [Application Document APP-535]</u></p> <p><u>draft Development Consent Order [Application Document AS-038]</u></p>	<u>Matter Under Discussion</u>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>mitigation is required, and to work together to find a solution. It is requested that National Highways is also a member of this group and assist in seeking future funding once a scheme has been identified.</p>	<p>535], and adverse impacts requiring intervention have not been identified on the A206.</p> <p>The monitoring locations set out in 7.12 Wider Network Impacts Management and Monitoring Plan [Application Document APP-545] were selected on the following basis:</p> <ul style="list-style-type: none"> • Locations situated on the SRN that are geographically close to the A122 junctions as informed by the 'scale of impacts' analysis in the Transport Assessment (the nearest and second nearest junctions on the SRN and MRN located adjacent to the junctions with the A122, the A2, the A13 and the M25) • Locations requested for monitoring from local highway authorities following a review of the consultation feedback • A mechanism allowing for review of the proposed monitoring locations is provided through Requirement 14 in Schedule 2 of 3.1 draft Development Consent Order [Application Document AS-038], which requires the preparation of an operational traffic monitoring plan, which must be approved by the Secretary of State following consultation with the relevant highways authorities. <p>The Applicant does not consider it</p>		

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			<p><u>necessary to include additional locations at this time, as the mechanism set out above will allow for the introduction of new locations at a future date, following a consultation with relevant authorities on actual traffic flows closer to the opening year.</u></p> <p><u>The matter remains under discussion subject to Kent County Council's review of the Applicant's position.</u></p>		
<u>Monitoring</u>	<p><u>2.1.138 (DL-1)</u></p> <p><u>RRN</u></p>	<p><u>Kent County Council notes that WNIMMP Section 5.2 mentions the use of National Highways' WebTRIS database for monitoring traffic data on the SRN. Previous editions of this document mentioned the DfT Teletrac database for monitoring journey times and speeds, which is understood to have been replaced by INRIX.</u></p> <p><u>Clarification and assurance is requested that the methodology for monitoring traffic data on key impacted roads of the LRN will have a comparative degree of confidence as that for the SRN. This is particularly important for monitoring the A227, A228 and A229 link roads between the M2 and M20; as well as the A226,</u></p>	<p><u>The 7.12 Wider Network Impacts Management and Monitoring Plan [Application Document APP-545] sets out the requirements of the monitoring scheme that must be submitted to the Secretary of State for approval before the tunnel is open to traffic.</u></p> <p><u>The monitoring scheme must include the following information:</u></p> <p><u>a. Details of a before-and-after survey to establish the baseline traffic levels and the changes in traffic</u></p> <p><u>b. The locations to be monitored</u></p> <p><u>c. The methodology to be used to collect the required data</u></p> <p><u>d. The periods over which operational traffic is to be monitored</u></p> <p><u>e. The method of assessment of traffic data</u></p>	<p><u>WNIMMP [Application Document APP-545]</u></p>	<p><u>Matter Under Discussion</u></p>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		<p>which may carry rat-running traffic avoiding delays on junctions of the A2 caused by the project. Ideally, WebTRIS / INRIX monitoring would be deployed on these roads.</p>	<p>f. Programme for the provision of the collected data to local highway authorities. It would not be appropriate to define the requirements at this time, because new technologies may become available that would better deliver the objectives of the monitoring scheme. Relevant authorities will have the opportunity to advise on their requirements through the consultation necessary as part of process of discharging Requirement 14 of Schedule 2 of 3.1 draft Development Consent Order [Application Document AS-038] which secures the monitoring scheme.</p> <p>The matter remains under discussion subject to Kent County Council's review of the Applicant's position.</p>		
<p><u>Monitoring approach</u></p>	<p>2.1.157 (DL-1)</p> <p>RRN</p>	<p>The Applicant's Transport Assessment (TA) indicates from the LTAM model that the new junction of the LTC with the A2 is forecast to operate at up to 76% capacity in the Design Year 2045 AM peak; although a number of highway links exceed 85% in the PM peak.</p> <p>A WNI study (currently being undertaken by Kent County Council funded by National Highways) found similar results for highway links using the KTM model, but the</p>	<p>As part of the development of the design of the A122 Lower Thames Crossing, the flow and capacity of individual merges and diverges on the new road and on connections between the existing road network and the new road have been assessed, and are within the appropriate standards.</p> <p>The Applicant is working with Kent County Council to understand the perceived differences in modelled volume/capacity ratios between the models as referenced by Kent County Council.</p>	<p>Wider Network Impacts Management and Monitoring Plan [Application Document APP-545]</p> <p>Transport Assessment [Application Document APP-529]</p>	<p>Matter Under Discussion</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>KTM is also able to assess highway “nodes” within the junction, such as merges, diverges and roundabouts. The KTM shows that some nodes on this junction are operating at over 100% capacity in both AM and PM peaks in both Opening Year 2030 and Design Year 2045. The A2/LTC junction is included in the WNIMMP and KCC requests that the monitoring programme include an assessment of increased use of unsuitable rural routes as bypasses to avoid the SRN due to congestion in the vicinity of the A2/LTC junction. The WNI study has demonstrated that such “rat running” is forecast to occur, and it is also a key concern of local stakeholders.</p>	<p>The monitoring locations set out in 7.12 WNIMMP were selected on the following basis:</p> <ul style="list-style-type: none"> • Locations situated on the SRN that are geographically close to the A122 junctions as informed by the ‘scale of impacts’ analysis in the Transport Assessment (the nearest and second nearest junctions on the SRN and MRN located adjacent to the junctions with the A122, the A2, the A13 and the M25) • Locations requested for monitoring from local highway authorities following a review of the consultation feedback <p>A mechanism allowing for review of the proposed monitoring locations is provided through Requirement 14 in Schedule 2 of draft Development Consent Order, which requires the preparation of an operational traffic monitoring plan, which must be approved by the Secretary of State following consultation with the relevant highways authorities. The Applicant does not consider it necessary to include additional locations at this time, as the mechanism set out above will allow for the introduction of new locations at a future date, following a consultation with relevant authorities on actual traffic flows closer to the opening year.</p>	<p>draft Development Consent Order [Application Document AS-038]</p>	

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Socio-economics					
<u>Community Resource/ Initiatives</u> Local workforce and supply chains ⇒ Principle	2.1.30	Kent County Council is keen for the Project to use the local workforce and supply chains, with apprenticeships and training provided in principle.	It is agreed that the Project will use the local workforce and chains, with apprenticeships and training provided. The Applicant has (in July 2022) shared a Skills, Employment and Education (SEE) Strategy (appended to the Section 106 Heads of Terms) which sets out the Project's ambition to support local labour progression, skills attainment, and pathways to sustainable employment along with measures to support local supply chains become involved in the Project. The SEE Strategy includes a number of obligations on the Project and its contractors to promote apprenticeships, and generally achieve estimates for local recruitment. The Applicant considers that this is a matter agreed but notes that further agreements may be subject to details on monitoring, governance and review of obligations to be secured by the S106 Agreement, and upon Kent County Council's review of the SEE Strategy.	<u>Skills, Employment and Education Strategy (appended to the Section 106 Heads of Terms)</u> <u>[Application Document APP-505]</u>	Matter Agreed
	RRE				
<u>SEE Strategy and Supply Chain</u> Local workforce and supply chains – Detail and	2.1.31	Kent County Council considers that bi-lateral engagement is now required to scope the approach to employment, skills, training and supply chain activities and interventions, which may include a	The Applicant acknowledges Kent County Council's proposed approach to bi-lateral engagement and will continue to work with Kent County Council to develop and agree detailed measures for employment, skills, training and supply chain through	N/A	Matter Under Discussion
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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
further engagement		construction skills hub, subject to further development of detail.	discussions around the subsequent Section 106 Agreement. <u>The Applicant intend to appoint a Delivery Partner for the Roads South contract in the coming months and this will enable discussions around detail of implementation to accelerate.</u> <u>The Applicant and Kent County Council continue to engage on this matter to be reflected in a Draft Section 106 Agreement.</u>		
<u>Traffic Effects on Business / Local Economy</u> SWCP Access	2.1.32 RRE	Kent County Council is concerned that closure of Brewers Road Bridge for 19 months would reduce access to Shorne Woods Country Park (SWCP) and therefore impact on its visitor numbers and income.	National Highways recognises that Brewers Road will be closed for a period of likely between 16-19 months (based on a reasonable 'worst case', and this is necessary in order to demolish the existing structure and construct the new Green Bridge which is considered a positive measure. More information is provided in the oTMPfC on the justification for this closure. The oTMPfC sets out that there would be an increase in journey times (around 6 mins due to the closure and diversion (via Three Crutches roundabout), but that access would be maintained through illustrative diversion routes, which are subject to refinement on engagement with relevant authorities (as other factors may need to be taken into account, such as other works in the nearby area at the time of closure).	oTMPfC [Application Document APP-547]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			The main access to the Country Park would not be impacted, and direct access to the site from the central car park within the Country Park would be retained. It is considered that the proposals for replacement open space and additional links between isolated parcels of woodland would add benefits to the wider community and Shorne Woods Country Park users, with re-provided land being more accessible by PRoW . National Highways and Kent County Council continue to engage on this matter.		
Community Facilities Southern Valley Golf Course	2.1.33	Kent County Council recognises that the loss of Southern Valley Golf club is unavoidable for the route and environmental mitigation around the new road, but should be compensated with new facilities provided nearby.	It is agreed that recreational facilities should be provided as mitigation for the loss of open space, and The Applicant proposes to replace the area with equivalent scale of space in the form of public open space (Chalk Park which will be accessible and improve connectivity across the area and provide a recreational asset that is currently deficient in the area). The Applicant notes that Southern Valley Golf Course ceased operations in August 2022 and The Applicant acquired the site in March 2023. The Applicant has provided further information as part of the Planning Statement (Appendix G – Private Recreational Facilities) on this Matter .	Planning Statement (Appendix G – Private Recreational Facilities) [Application Document APP-502]	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Community Facilities Effects on community assets/facilities	2.1.34	Kent County Council <u>considers</u> that where community assets/facilities are affected then suitable compensation should be arranged to offset the impact.	It is agreed that where community assets/facilities are affected then suitable compensation should be arranged to offset the impact, and <u>The Applicant notes</u> , that the <u>draft DCQ</u> , obliges <u>The Applicant</u> , to comply with the Compensation Code. Compensation arrangements for affected landowners and businesses including community facilities are noted in <u>ES Chapter 13: Population and Human Health</u> . The <u>ES also considers</u> , – in-line with methodology for assessing cumulative effects – any likely significant effects on community facilities and the measures to be secured to avoid or reduce them. For public assets, <u>The Applicant</u> , anticipates that this will remain a matter under discussion prior to Kent County Council's review of the updated ES. <u>Additionally, The Applicant offered to engage with Kent County Council to alleviate the concerns about future compensation, including outlining the basis on which disturbance costs would be assessed.</u> <u>The Applicant and Kent County Council continue to engage on this matter.</u>	<u>ES Chapter 13: Population and Human Health [Application Document APP-151]</u> <u>Draft DCO [Additional Submission AS-038]</u>	Matter Under Discussion
	RRE				
Air Quality					
Monitoring	2.1.35	Kent County Council <u>considers</u> that National Highways should carry out	<u>The Applicant</u> , will carry out Post Opening Project Evaluation (POPE) to evaluate how	<u>ES Chapter 5: Air Quality</u>	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Methodology: Air Quality Monitoring		air quality monitoring before and after the delivery of the Project, to establish background/current concentration and for the assessment of actual air quality impacts arising, to allow for validation of the modelling methodology.	assessments have determined the actual Project impacts. It is not agreed that monitoring is an appropriate approach to validate air quality modelling set out in ES Chapter 5, due to the significant variability. As directed by DMRB LA 105, The Applicant, would only propose to undertake operational monitoring if the ES Chapter 5 assessment predicted significant air quality effects which triggered the requirement for mitigation. The purpose of the monitoring would be used to determine when and if the mitigation (for example speed restrictions) can be removed. Air quality monitoring would be undertaken throughout the construction period as secured in the REAC.	[Application Document APP-143] REAC, appended to the ES Appendix 2.2: CoCP [Application Document APP-336]	
Assessment of likely significant effects	2.1.36	Kent County Council <u>considers</u> , that an increase in emissions in areas of Shorne Woods Country Park (SWCP) previously buffered from the road could have an <u>impact</u> on vulnerable species of fungi, lichens and bryophytes. Kent County Council <u>considers</u> , that detailed surveys on these – and invertebrates associated with the veteran trees – should be carried out.	The Project's air quality assessment (Chapter 5 in the ES) includes consideration of air quality effects on designated sites and habitats, including veteran trees in line with National Highways assessment standards, and guidance from Natural England. <u>The Applicant's</u> assessment also includes the potential effect of the Project on lichens and invertebrates, both aquatic and terrestrial based on survey information. <u>Further engagement has been undertaken with Kent County Council and SWCP</u>	ES Chapter 5: Air Quality [Application Document APP-143]	Matter Under Discussion
Impacts: Air Quality at SWCP					

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p><u>Kent County Council considers that the species surveys have not covered all habitats or species to fully assess the impact of the proposed development (for example moth surveys have not been conducted, all required bat emergence surveys not completed, bat activity surveys did not follow best practice guidelines and reptiles surveys do not appear to have been carried in all suitable habitat).</u></p> <p><u>Kent County Council considers that the increase in emissions will potentially have an impact on vulnerable species of fungi, lichens and bryophytes as areas of the park that were buffered from the road will now potentially be exposed to higher levels of air pollution, and suggest that more detailed surveys on lichens and bryophytes and invertebrates associated with the veteran trees should be carried out to better understand what the impact of the new development will be.</u></p> <p><u>KCC are currently in discussions with the Applicant regarding the undertaking of additional surveys. This request has been noted by the</u></p>	<p><u>officers, including a workshop on 21 February 2023.</u></p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
		<p>Applicant and the County Council is currently awaiting confirmation of when these surveys will be undertaken. Where it is agreed by KCC that specific surveys are not required to be undertaken during the examination then the DCO should include a Requirement for the Applicant to undertake these surveys prior to start of construction.</p> <p>Kent County Council considers that mitigation strategies must be continuously updated following new survey results. In addition, a long-term monitoring programme is needed to understand the impact of increased emissions on Shorne Woods Country Park and vulnerable species, and that this is to be secured through a Requirement of the DCO or the S106 Agreement.</p>			
<p><u>Assessment of likely significant effects</u></p> <p>Impacts: Air Quality and 'Net Zero'</p>	2.1.37	<p>Kent County Council considers that the Project should not disbenefit the efforts of local authorities and central government to improve air quality and achieve net-zero carbon.</p>	<p>The Applicant agrees that the Project should not disbenefit the efforts of local authorities and central government to improve air quality and achieve net-zero carbon.</p> <p>The Applicant considers that the Project is being designed and procured in such a way to limit construction emissions as far as practicably possible and with the intention of</p>	<p>ES Chapter 5: Air Quality [Application Document APP-143]</p> <p>ES Chapter 15: Climate [Application</p>	<p>Matter Under Discussion</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>being aligned with <u>The Applicant's</u> Net Zero Highways: 2030 / 2040 / 2050 Plan (<u>The Applicant</u>, 2021).</p> <p><u>The Applicant</u> considers that the Government's long-term commitments to reduce traffic emissions and improve air quality, by phasing out petrol and diesel vehicles, will not be impacted significantly by the building of the Project.</p> <p>This remains a matter under discussion pending Kent County Council's review of the DCO Application documents including ES <u>Chapter 5</u> and <u>ES Chapter 15</u>.</p> <p><u>Further engagement has been undertaken with Kent County Council, including a workshop on 15 February 2023.</u></p>	<u>Document APP-153</u>	
<p><u>Project design and mitigation</u></p> <p>Mitigation: Air Quality Mitigation during Construction (Vulnerable People)</p>	2.1.38	Kent County Council <u>considers</u> that the impact of construction-related air pollution on schools and other sensitive locations and vulnerable people should be investigated in detail and appropriate mitigation should be implemented.	<p><u>The Applicant agrees</u> with Kent County Council's position and <u>considers</u> that the air quality assessment for the Project (Chapter 5 in the ES) includes 'worst-case' receptor locations where total pollutant concentrations are expected to be greatest (typically closest receptors to roads and junctions) and where the largest change in air quality is anticipated based on the Project traffic impacts.</p> <p>The receptors considered include residential uses, educational facilities, hospitals, care homes and hotels.</p> <p>Related health impacts are covered in ES Chapter 13: Population and Human Health</p>	<p><u>ES Chapter 5: Air Quality [Application Document APP-143]</u></p> <p><u>ES Chapter 13: Population and Human Health [Application Document APP-151]</u></p> <p><u>Health and Equalities Impact</u></p>	<p>Matter Under Discussion</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>and within the <u>Health and Equalities Impact Assessment (HEqIA)</u> where there may be differential or disproportionate effects as a result of Protected Characteristics as defined by the Equality Act 2010.</p> <p>This remains a matter under discussion, subject to Kent County Council's review of information it considers is required to resolve the matter.</p> <p>Further engagement has been undertaken with Kent County Council, including a workshop on 15 February 2023.</p>	<p>Assessment (HEqIA) <u>[Application Document APP-539]</u></p>	
<p>Project design and mitigation</p> <p>Mitigation: Air Quality Mitigation during Construction (Other)</p>	2.1.39	<p>Kent County Council <u>considers</u> that displacement of traffic should be carefully managed and mitigated, particularly related to a deterioration in air quality along the M20 during years 2026 and 2027 of the construction period.</p>	<p>It is agreed that air quality effects related to traffic should be carefully assessed, managed and mitigated.</p> <p>The <u>Applicant's</u> air quality assessment for the Project (Chapter 5 in the ES) determines (in accordance with the standard <u>LA 105</u>) whether the Project would have a significant air quality <u>effect</u> during construction and operation.</p> <p>The assessment concludes that the Project does not lead to a significant air quality effect when considering human health and compliance risk, but does lead to a significant air quality effect on designated habitats, and as such an Air Quality Action Plan (AQAP) has been appended to the ES chapter which sets out measures to identify and assess the feasibility of air quality mitigation measures and quantify the</p>	<p><u>ES Appendix 5.6: Project Air Quality Action Plan</u> <u>[Application Document APP-350]</u></p>	<p>Matter Under Discussion</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>change in pollutant concentrations associated with the measures.</p> <p>This remains a matter under discussion. <u>subject to Kent County Council's review, of information it considers is required to resolve the matter.</u></p> <p><u>Further engagement has been undertaken with Kent County Council, including a workshop on 15 February 2023.</u></p>		
Cultural Heritage					

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p>Heritage Assets: Impacts</p> <p>Methodology: Assessment of undesignated assets</p>	<p>2.1.40</p> <p>RRE</p>	<p>Kent County Council has been concerned that the assessment of undesignated heritage assets (particularly those with archaeological interest which require evaluation before a consideration of significance and impacts can be made) lacks detail.</p>	<p>The Applicant notes that since January 2020, a significant amount of archaeological work has taken place and the assessment has been developed using best practice for assessing heritage assets with unknown archaeological potential (i.e. through a combination of desk-based assessment, non-intrusive field assessment such as geophysical survey and archaeological trial trenching).</p> <p>Across the Project, 4,086 archaeological trial trenches were excavated between November 2019 and November 2021. Those within Kent were monitored by Kent County Council and the reports on the fieldwork have been submitted to Kent County Council for comment.</p> <p>Following technical engagement on this Matter between Kent County Council and The Applicant, this matter has been resolved.</p>	<p>ES Chapter 6: Cultural Heritage [Additional Submission AS-044]</p>	<p>Matter Agreed</p>
<p>Heritage Assets: Impacts</p> <p>Mitigation: Impacts on Cultural Heritage inc. Below-ground</p>	<p>2.1.41</p>	<p>Kent County Council supports the work done to date to seek to identify heritage assets and set out alternatives for further evaluation and mitigation of impacts. However, Kent County Council is concerned about whether there will be sufficient flexibility in the process of design and build, and resources,</p>	<p>The Applicant welcomes Kent County Council's support for work undertaken to-date and notes that a programme of archaeological trial trenching has been completed and the reports shared with Kent County Council.</p> <p>The Applicant notes that in some areas a phased approach to mitigation will be required which is being developed with Kent County Council's archaeological advisors</p>	<p>ES Appendix 6.9: Draft Archaeological Mitigation and Outline Written Scheme of Investigation [Application Document APP-367]</p>	<p>Matter Agreed</p>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		to provide for meaningful preservation in situ.	and the full details will be set out in the Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation. The vast majority of buried archaeological remains will be accessible at some stage during construction and a programme of archaeological mitigation will ensure a proper record is made in line with policy and best practice. There are <u>ongoing</u> discussions to discuss what further initiatives can be developed around archive storage and accessibility to the results of the programme of archaeological mitigation. <u>Following technical engagement on this Matter between Kent County Council and The Applicant, this matter has been resolved.</u>		
<u>Heritage Assets: Impacts</u> Impact on Heritage Assets	2.1.42 RRE	Kent County Council is concerned about the lack of detailed recognition and explanation of the impact of the Project on the historic landscape and the wider setting of heritage assets such as Cobham Hall and Thong village Conservation Area.	<u>The Applicant</u> has not identified any direct impacts on historic buildings identified within Kent and any impact on setting during construction and operation will be mitigated by appropriate fencing or through the landscape design, taking into account historic landscapes. <u>Following technical engagement on this Matter between Kent County Council and The Applicant, this matter has been resolved.</u>	ES Chapter 6: <u>Cultural Heritage [Additional Submission AS-044]</u>	Matter <u>Agreed</u>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<u>Mitigation & Compensation</u> Archaeological Impacts of Proposed Mitigation	2.1.43 RRE	Kent County Council is concerned about consideration of proposed mitigation, such as landscaping, creation of ponds and woodlands which will have its own archaeological impacts.	It is agreed that proposed mitigation, such as landscaping, creation of ponds and woodlands which have their own potential archaeological impacts, should consider those impacts and mitigate them. <u>The Applicant notes</u> that the design of proposed environmental mitigation has had regard to the historic character of the landscape and that this is ensured by the Design Principles (e.g. Design Principle LSP.07). <u>The Applicant</u> has assessed the full impact of the Project <u>including</u> that caused by other potential mitigation, and within Kent this has led to two design changes where an area of planting and a set of infiltration basins have been moved to avoid damage to below ground archaeological remains. <u>Following technical engagement on this Matter between Kent County Council and The Applicant, this matter has been resolved.</u>	<u>Design Principles [Application Document APP-516]</u>	Matter Agreed
<u>Mitigation & Compensation</u> <u>Offsite</u> mitigation	2.1.44 v	Kent County Council is concerned about consideration of compensation <u>offsite</u> for impacts to the historic environment where mitigation is not possible or sufficient within the Order Limits.	It is agreed that compensation <u>offsite</u> for impacts to the historic environment where mitigation is not possible or sufficient within the Order Limits should be considered. However, <u>The Applicant considers</u> that mitigation within the Order Limits is possible and sufficient. It is appreciated that Kent County Council will need to review the ES Chapter 6 in	<u>ES Chapter 6: Cultural Heritage [Additional Submission AS-044]</u>	Matter Under Discussion

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<p>order to be satisfied of this position, and as such this remains a matter under discussion, subject to Kent County Council's review of the ES on submission of the DCO application.</p> <p><u>Further engagement with Kent County Council has been undertaken to discuss this matter. The Applicant and Kent County Council have agreed to work on recharacterisation and revised wording. Upon agreement with Kent County Council, this Matter is likely move to 'Agreed'.</u></p>		
<u>Project Design and Mitigation</u>	<p>2.1.109 (DL-1)</p> <p>RRN</p>	<p><u>Kent County Council considers that clarification is required on the proposals for landscape and planting mitigation areas, including Chalk Park, and the impact of these on the historic landscape of the area and the setting of, and ability to appreciate relevant heritage.</u></p>	<p><u>Following discussion between The Applicant and Kent County Council in May 2023, this Matter has been resolved.</u></p>	N/A	<u>Matter Agreed</u>
<u>Assessment of likely significant effects</u>	<p>2.1.110 (DL-1)</p> <p>RRN</p>	<p><u>Kent County Council considers that it is unclear how the has concluded vibration impacts during construction will have no significant impact on built heritage. Furthermore, clarification is also needed on whether a realistic approach was taken to assessing the impact on designated and non-designated built heritage assets</u></p>	<p><u>Following discussion between The Applicant and Kent County Council in May 2023, this Matter has been resolved.</u></p>	N/A	<u>Matter Agreed</u>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		and historic landscapes (e.g. the Darnley Estate), before it is possible to determine if the proposed mitigation is appropriate and sufficient.			
<u>Project Design and Mitigation</u>	2.1.111 (DL-1) RRN	Kent County Council notes that Chapter 6 of the Environmental Statement – Cultural Heritage [Application Document APP-144] fails to clearly identify how values have been calculated for certain individual heritage assets and, whilst the proposed mitigation may be appropriate, KCC would like clarification on this and to discuss this further with the Applicant to understand the proposals and ensure the best possible outcomes. These will need to be secured through the DCO.	Following discussion between The Applicant and Kent County Council in May 2023, this Matter has been resolved.	ES Chapter 6: Cultural Heritage [Application Document APP-144]	Matter Agreed
<u>Assessment methodology</u>	2.1.112 (DL-1) RRN	Kent County Council considers that there is a lack of consistency within the DCO documentation. For example, the defined 'project areas' and archaeological mitigation works (field evaluation, archaeological excavation etc) outlined in Chapter 2 (Project Description) of the Environmental Statement [Application Document APP-140]	Following discussion between The Applicant and Kent County Council in May 2023, this Matter has been resolved.	ES Appendix 6.9: Draft Archaeological Mitigation and Outline Written Scheme of Investigation [Application Document APP-367]	Matter Agreed

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
		does not appear, for example, to be consistent with the areas defined in the draft AMS-OWSI [Application Document APP-367]. In addition, there are other areas of the documentation which also require clarity and additional content.		Environmental Statement - Chapter 2 - Project Description [Application Document APP-140]	
Assessment methodology	2.1.113 (DL-1) RRN	Kent County Council notes that certain areas of the scheme have not been subject to archaeological field evaluation [Application Document APP-194] and there is a risk of unexpected archaeological discoveries, which may be of national importance. This is a particular concern in respect of the tunnel boring and development in the wetland areas of the scheme. Clarification is needed on how this issue is to be satisfactorily addressed.	Following discussion between The Applicant and Kent County Council in May 2023, this Matter has been resolved.	Environmental Statement - Figure 6.7 - Archaeological Trial Trench Evaluation Carried Out by LTC [Application Document APP-194]	Matter Agreed
Monitoring	2.1.139 (DL-1) RRN	Non-designated organic deposits and remains of possible national importance that owe their significance to waterlogging are not adequately considered in the Environmental Statement nor in the draft Archaeological Mitigation Strategy and Outline Written	The archaeological trial trenching did not reveal areas of extensive waterlogging. A summary of the results of the archaeological trial trenching across Kent is provided in Section 4 of Appendix 6.9 - Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [Application Document APP-367] paras	Appendix 6.9 - Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>Scheme of Investigation (AMS-OWSI) [Application Document APP-367]. Baseline monitoring for the hydrological environment of areas of impact is required to allow a model to be developed which can then be considered in relation to development proposals and so that appropriate mitigation by design and/or remedial works can be agreed upon.</p>	<p>4.2.1 and 4.2.57, and in full in Appendix 6.8 - Trial Trenching Reports - Volume D (4 of 5) [Application Document APP-365] and Appendix 6.8 - Trial Trenching Reports - Volume E (5 of 5) [Application Document APP-366].</p> <p>Appendix 14.5 - Hydrogeological Risk Assessment (Part 1 of 2) [Application Document APP-458] sets out the baseline hydrogeological conceptual model (CSM) for the whole project. Section 5.2 covers 'South of the Thames' and a summary is presented in Table 5.1. A summary of the Project impacts on groundwater levels and flows is presented in Table 6.6 which reports that there will be no change or a negligible change. Therefore, the Project concluded there would be no impact on non-designated organic deposits or remains of possible national importance through changes in groundwater.</p> <p>This matter remains under discussion subject to Kent County Council's review of the Applicant's position set out here.</p>	<p>[Application Document APP-367]</p> <p>Appendix 6.8 - Trial Trenching Reports - Volume D (4 of 5) [Application Document APP-365]</p> <p>Appendix 6.8 - Trial Trenching Reports - Volume E (5 of 5) [Application Document APP-366]</p> <p>Hydrogeological Risk Assessment (Part 1 of 2) [Application Document APP-458]</p>	
Terrestrial Biodiversity					

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Impacts Loss of Ancient Woodland and Demand for Natural Gas	2.1.45	Kent County Council is concerned that before the Project is open the importance of gas will have already started to diminish, and yet the loss of ancient woodland to maintain this supply of fuel of diminishing importance, would have already happened.	The Applicant does not agree that before the Project is open the importance of gas will have already started to diminish. Even though natural gas is being phased out of new build homes, the gas main along the A2 is a strategic main into south-east London, feeds upwards of 250k domestic properties, and is not anticipated to reduce in demand in the next 10 years. The Applicant notes that Southern Gas Networks (SGN) are trialling Hydrogen as a potential replacement, but one that would still require existing infrastructure to transport it across the network.	N/A	Matter Not Agreed
	2.1.46	Kent County Council considers that widening of the A2 (or construction activity related to it) in any form (e.g. for diversion of utilities) should not impact on Shorne Woods Country Park, Brewers Wood (which includes tree species of international importance), Ashenbank Wood and other areas of ancient woodland adjacent to the A2. Kent County Council considers that this should not result in the loss of woodland in the Site of Special Scientific Interest (SSSI) and Area of Outstanding National Beauty	The Applicant has altered the design to minimise the footprint of the road itself through the AONB. The lanes of the A2 previously shown as widening the corridor would now be within the existing highway boundary and would not impact Shorne Woods Country Park, and revisions to the requirements of construction and utility diversions have further reduced the requirements for loss of ancient woodland. In terms of land-take for utilities, the diversion design has been developed and the easement width – previously estimated at 60m – has been reduced to around 15m (subject to discussions with utility companies). The route would be largely	N/A	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>(AONB), or result in significant impacts on habitats or biodiversity. Kent County Council <u>notes</u> that as the proposal will result in a direct loss of SSSI, Kent County Council would expect that the effect on the SSSI will be greater than first anticipated within the Preliminary Environmental Information Report (PEIR) (National Highways, 2018).</p>	<p>aligned with an existing access track, in order to limit the impact on the woods. Impacts remain between the Inn on the Lake and the Brewers Road overbridge. <u>The Applicant</u> has provided a detailed response to these concerns which sets out the evolution of the proposals in an effort to mitigate likely adverse effects on SSSIs as far as possible, reducing the overall area of land take and developing sensitive mitigation and compensation measures. The matter remains under discussion pending Kent County Council's review of various application documents, which set out the detail of the iterative project design summarised here. <u>Further engagement has been undertaken with Kent County Council, including a workshop on 21 February 2023 and follow up meetings to clarify technical queries.</u></p>		
<p>Impacts</p> <p>Impacts: Effects on Darnley Trail (SWCP)</p>	<p>2.1.47</p>	<p>Kent County Council is concerned that movement of the road alignment north towards the existing development line boundary and Shorne Woods Country Park should be avoided if possible, as this risks severing the 10km Darnley Trail, the blue multiuser route within the park.</p>	<p>It is agreed that effects on the Darnley Trail should be avoided where possible, and mitigated where not. <u>The Applicant</u> can confirm that the Darnley Trail is not severed as a result of the Project. There may be temporary impacts for users of the Darnley Trail as a result of construction works and activities. Sections of the Luddesdown Trek, which follows a similar route through SWCP to the</p>	<p>N/A</p>	<p>Matter Under Discussion</p>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			Darnley Trail would be upgraded as part of the proposals. <u>Following engagement, This matter remains under discussion subject to The Applicant providing further responses to clarifications requested by Kent County Council.</u>		
<u>Impacts</u> Impacts: Effects on Hornbeam Maidens (SWCP)	2.1.48	Kent County Council <u>considers</u> that movement of the road alignment north towards the existing development line boundary and Shorne Woods Country Park should be avoided if possible, considering that construction on this land has the potential to impact on dormouse which are immediately adjacent to the existing A2 and an area of Hornbeam Maidens which are veteran trees and rare for the area.	It is agreed that movement of the road alignment north towards the existing development line boundary and Shorne Woods Country Park should be avoided if possible. <u>The Applicant</u> can confirm that due to the refinement of the utilities working areas there are no predicted impacts on the Hornbeam Maidens, which are within an area of SWCP included within the Project's Order Limits only to provide mitigation for effects on dormice, together with enhancements for dormouse in the wider country park through agreement with Natural England and SWCP. This matter remains under discussion subject to Kent County Council's review of relevant documents within the planning application. <u>Following engagement, this matter remains under discussion subject to The Applicant providing further responses to clarifications requested by Kent County Council.</u>	N/A	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Impacts Impacts: Effects on WW2 Bunkers (Dormice and Bats)	2.1.49	Kent County Council <u>considers</u> that the Project should avoid potential effects on an old WW2 camp/bunker identified at SWCP, where the shelters are bat roosts and are known to have brown long eared bats roosting in them every year.	It is agreed that the Project should avoid potential effects on this sensitive receptor and provide mitigation where effects are unavoidable. One of the bunkers identified by Kent County Council is within the Project's Order Limits, and here National Highways is seeking to avoid <u>impacts</u> through micro-siting of the utilities diversion. A replacement bunker is included in the mitigation strategy, to address possible disturbance impacts to bats. This matter remains under discussion subject to Kent County Council's review of relevant documents within the planning application. <u>Following engagement, this matter remains under discussion subject to The Applicant providing further responses to clarifications requested by Kent County Council.</u>	N/A	Matter Under Discussion
	2.1.50	Kent County Council <u>considers</u> that movement of the road alignment north towards the existing development line boundary and Shorne Woods Country Park should be avoided if possible, with impacts on ancient woodland and veteran trees avoided.	It is agreed that where possible, the loss of veteran trees and ancient woodland should be avoided. <u>The Applicant</u> has worked to avoid impacts, but where they are unavoidable, has sought to design a compensatory package of planting and other measures, in discussion with the Kent Downs <u>AONB</u> , unit, Kent County Council, the Forestry Commission and Natural England.	<u>ES Figure 2.4: Environmental Masterplan [Application Documents APP-159 to APP-168]</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>Where the loss of veteran trees is unavoidable, the hulks of those trees would be translocated. Other trees will be 'veteranised' as further compensation.</p> <p>This matter remains under discussion subject to detailed development of plans for compensatory planting and other measures via the Environmental Masterplan.</p> <p><u>Following engagement, this matter remains under discussion subject to The Applicant providing further responses to clarifications requested by Kent County Council.</u></p>		
<p>Assessment</p> <p>Impacts: Effects on Ancient Woodland Archaeology</p>	<p>2.1.51</p>	<p>Kent County Council considers that effects on archaeology have not been considered in several areas, despite archaeological field evaluation demonstrating that there are below-ground archaeological remains:</p> <ul style="list-style-type: none"> • Ancient woodland compensation between Claylane Wood and Shorne Wood • Ancient woodland planting near the edge of Gravesend • Ancient woodland compensation between Brewers Wood and Great Crabbles Wood, and south of HS1 	<p><u>The Applicant notes that effects on archaeology of all areas of woodland planting have been considered within Chapter 6: Cultural Heritage within the ES.</u></p> <p>Effects on ecology and woodlands themselves are considered in ES Chapter 8: Terrestrial Biodiversity.</p> <p>Where appropriate, planting proposals have been reduced/adapted to accommodate undisturbed archaeological remains.</p> <p>This matter remains under discussion subject to Kent County Council's review of the approach to assessment and mitigation as set out in the ES.</p> <p><u>Following engagement, this matter remains under discussion subject to The Applicant providing further responses to clarifications requested by Kent County Council.</u></p>	<p><u>ES Chapter 6: Cultural Heritage [Additional Submission AS-044]</u></p> <p><u>ES Chapter 8: Terrestrial Biodiversity [Application Document APP-146]</u></p>	<p>Matter Under Discussion</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Mitigation: Management of Effects/ Ecology Working Group	2.1.52 RRE	Kent County Council <u>considers</u> that an Ecology Working Group should be established, to keep relevant/key consultees abreast of developments as survey data are collated, provide local knowledge where appropriate, and have early sight of developing mitigation and compensation strategies. Kent County Council <u>considers</u> that this group would be concerned with effects of the Project on vegetation clearance, landscape severance and loss of ancient woodland and Kent County Council <u>suggests</u> that the proposed Group meets every six months to consider potential effects on the AONB and protected landscapes, helps to inform the scheme design with the intention to ensure that issues are considered at the earliest opportunity	<u>The Applicant</u> agrees with Kent County Council's position and although an Ecology Working Group has not yet been established, there has been ongoing consultation and engagement with all relevant statutory environmental bodies and non-statutory environmental bodies throughout the pre-application phase. Kent County Council has been provided with a Terms of Reference for the proposed group (April 2022). <u>The Applicant</u> has been consulting with the Kent Downs AONB Unit throughout the pre-application phase and has negotiated measures of compensation for the works proposed that directly and indirectly <u>affect</u> the Kent Downs AONB. This remains a <u>matter under</u> discussion, though <u>The Applicant considers</u> that this matter is likely to be agreed, subject to Kent County Council's review of the Terms of Reference of the proposed group sent to Kent County Council on 5 April 2022 and <u>further engagement via an oLEMP Working Group</u> .	<u>Outline Landscape and Ecology Management Plan – Appendix 1 – LEMP Terms of Reference [Application Document APP-491]</u>	Matter Under Discussion
Mitigation: Ancient Woodland Compensation	2.1.53	Kent County Council <u>notes</u> National Highways' proposals for temporary use and permanent acquisition of rights over land for the diversion of utilities impacts on ancient woodland within Claylane Wood.	<u>The Applicant agrees</u> that loss of ancient woodland cannot be mitigated, and <u>acknowledges</u> the impact on irreplaceable habitats, and is proposing compensatory habitat.	<u>ES Figure 2.4: Environmental Masterplan [Application Documents]</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		Kent County Council considers that this cannot be mitigated, and so must be minimised and habitat compensation must be provided. Kent County Council does not consider that information provided by National Highways allows stakeholders to fully assess and comment on the proposed impacts and mitigation measures.	Ancient woodland soils will be salvaged where possible for use in new areas of compensatory planting. In terms of adequacy of information provided, The Applicant considers that – in light of materials presented at Community Impact Consultation and through subsequent engagement – information provided now allows stakeholders to fully assess and comment on the proposed impacts and mitigation measures (subject to detail that cannot be shared until DCO submission). This remains a matter under discussion, with Kent County Council to advise whether this is now a matter agreed or matter not agreed on receipt of various application documents including the Environmental Masterplan, Design Principles and REAC.	APP-159 to APP-168] Design Principles [Application Document APP-516] REAC, appended to ES Appendix 2.2: CoCP [Application Document APP-336]	
Mitigation Mitigation: Replacement Open Space at SWCP	2.1.54	Kent County Council, as owner and operator , of SWCP, agrees that the replacement land as included in the DCO application, measuring approximately 19,125.57 (or ~4.72 acres in the attached plan outlined purple) is no less advantageous and no less in area, in accordance with s.131 & s.132 of the Planning Act 2008. Kent County Council requests that the replacement land is directly	The Applicant welcomes this agreement and it is agreed that the replacement land would be directly vested in Kent County Council should the relevant compulsory acquisition powers be granted.	N/A	Matter Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		vested in them (and National Highways agrees to do so should the relevant compulsory acquisition powers be granted).			
<u>Mitigation</u> Mitigation: Chalk Park / Environmental Mitigation	2.1.155	Kent County Council notes that provision of environmental mitigation land around Thong, and also the Riverview Park area of Gravesend, is welcomed provided that it is appropriate to the character of the landscape.	The Applicant notes , that the Design Principles Sections 4.2 and 4.3 contain area specific design principles of relevance to land around Thong and the eastern edge of Gravesend. The open rural setting of the village of Thong will be maintained, using species-rich grassland and wildflower meadow planting, and open views across the landscape north of Thong Lane shall also be maintained as far as reasonably practicable. Although a matter under discussion subject to Kent County Council's review of the assessment (within ES Chapter 7 and Design Principles), The Applicant considers , that the above provides comfort that the environmental mitigation land will be appropriate to the character of the landscape and as such considers , this likely to be a matter agreed subject to Kent County Council confirmation on review of application materials.	ES Chapter 7: Landscape and Visual [Application Document APP-145] Design Principles [Application Document APP-516]	Matter Under Discussion
<u>Assessment methodology</u>	2.1.127 (DL-1) RRN	Kent County Council is concerned that the Biodiversity Net Gain (BNG) calculations for the Project is anticipated to be lower than 3% for Kent. Trading rules have not been	Para. 5.3.22 of Environmental Statement Appendices - Appendix 8.21 - Biodiversity Metric Calculations [Application Document APP-417] states the following, "The assessment of the Project does	Environmental Statement Appendices - Appendix 8.21 - Biodiversity	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p>satisfied and thus the positive net gain scores south of the Thames will be invalid.</p> <p>Furthermore, there are concerns that condition assessment information may be inaccurate – a limitation the ecologists acknowledge. BNG has been discussed since the original DCO submission in 2020 so the Applicant has had sufficient time to collect this information to support the BNG assessment.</p> <p>There is also no mention in ES Appendix 8.21 – Biodiversity Metric Calculations (APP-417) about how additionality has been dealt with, with regards to protected species. For example, receptor sites for Great Crested Newts/reptiles should only be allowed within the calculations up to no net loss and it is not clear within the submission if this point has been addressed.</p>	<p>however include biodiversity units generated by essential ecological mitigation areas included within the Order Limits to mitigate and compensate for effects on protected species.</p> <p>For these areas, the direct impacts they are addressing fall within the Order Limits and do not relate to irreplaceable habitats. Including these areas gives a full assessment of the biodiversity units generated by the current landscape design within the Environmental Masterplan (Application Document 6.2)". The assessment does therefore include assessment of units generated in protected species mitigation/compensation areas.</p> <p>However, at the time of writing the Appendix it was not clear what the Government's position was in terms of including protected species mitigation and additionality i.e. what contribution was/was not appropriate. Therefore, the specific contribution these areas make to the BNG assessment was not specified.</p> <p>However, the February 2023 consultation response on the BNG regulations and implementation subsequently clarified this. As per the 2023 Defra consultation response, "mitigation and compensation for protected species and protected sites can be counted within a development's BNG</p>	<p>Metric Calculations [Application Document APP-417]</p>	

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			<p>calculation”, and it is clarified that this can be up to the point of no net loss in biodiversity. For Kent, the contribution of protected species mitigation and compensation sites comprises only 5% of the post-intervention units generated i.e. of the total reported in 6.3 Environmental Statement Appendices - Appendix 8.21 - Biodiversity Metric Calculations [Application Document APP-417].</p> <p>As only 5% of all the post-intervention units in Kent are generated through these essential mitigation areas, it is considered that the Project aligns with the current approach for protected species mitigation/compensation additionality.</p> <p>This remains a Matter Under Discussion subject to Kent County Council’s review of the Applicant’s position set out here.</p>		
<u>Project Design and Mitigation</u>	2.1.128 (DL-1) RRN	Kent County Council notes that the Project includes proposals for three green bridges, however currently these offer poor connectivity to other suitable habitats and the inclusion of roads on the structures provides additional hazards to animals trying to use the bridges to access other areas of suitable habitat.	<p>The design of all green bridges proposed as part of the Project is reported in 7.4 Project Design Report – Part D – General Design South of the River [Application Document APP-509].</p> <p>All three green bridges within Kent are maintaining road connections that already exist in those locations to avoid severance impacts as a result of the Project.</p> <p>In respect of the green bridges at Brewers Road and Thong Lane South, these are</p>	Project Design Report – Part D – General Design South of the River [Application Document APP-509] Environmental Statement	Matter Under Discussion

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			<p>providing new habitat connections where they are currently absent due to the existing transport corridors of the A2 and HS1. The provision of green bridges in these locations is, therefore, a benefit as a result of the project, and is reported in 6.1 Environmental Statement Chapter 8: Terrestrial Biodiversity [Application Document APP-146] paragraph 8.5.8, and 6.7 Outline Landscape and Ecology Management Plan [Application Document APP-490] paragraph 5.6.6.</p> <p>In respect of Thong Lane North green bridge, this is the widest green bridge proposed by the Project and will connect into the wider habitat connections being provided as a result of the landscape planting and habitat enhancements proposed as part of the Project. Thong Lane North green bridge planting zones shall be maximised. Their width shall vary across the length of the bridge but shall have a 7m minimum width at pinch points to provide habitat connection across the bridge and will also provide new WCH connections to Shorne Woods Country Park where WCH access is currently limited from the west.</p> <p>The specific design principles for green bridges are reported in 7.5 Design Principles [Application Document APP-516]; notably:</p>	<p>Chapter 8: Terrestrial Biodiversity [Application Document APP-146]</p> <p>Outline Landscape and Ecology Management Plan [Application Document APP-490]</p> <p>Design Principles [Application Document APP-516]</p>	

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			<p>Clause STR.08 states that planting would tie in with the broader landscape to ensure connectivity.</p> <p>Clause S1.04 states that detailed design would provide connectivity of habitats for a range of protected species between Shorne Woods and Ashenbank Woods, Jeskyns and Cobham Park. This connectivity is currently absent given the habitat severance caused by the existing A2 and the HS1 railway line, so the provision of new green bridges at Thong Lane South and Brewers Road would help address this existing impact.</p> <p>Clause S2.04 states that Thong Lane North green bridge would be designed to extend the character of the well-vegetated Thong Lane and to connect woodland to the east and west to provide a habitat corridor for mammals. This connectivity between habitats adjacent to and within the green bridges would facilitate movement of a range of species across them.</p> <p>Clause S3.18 states that the following minimum widths shall apply in accordance with design principles STR.08 and STR.16: • The planting green zones shall be maximised. Their width shall vary across the length of the bridge but shall have a 7m minimum width at pinch points. The WCH routes may be located within the planting</p>		

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			<p><u>zones. • WCH provision on the west side within the planting zone, comprising a 3m shared pedestrian/cycle route and a 3.5m horse riding route. • WCH provision on the east side within the planting zone, comprising a 3m shared pedestrian/cycle route and a 3.5m horse riding route. A WCH crossing shall be provided on the bridge between the east and west WCH routes.</u></p>		
<u>Assessment of likely significant effects</u>	<p><u>2.1.129 (DL-1)</u></p> <p><u>RRN</u></p>	<p><u>Kent County Council notes that very minimal information has been provided for the anticipated light spill (APP-199) from the operational phase of the Project, with only a small section highlighting the expected light spill upon key receptors. Without this information the County Council is unable to determine the full extent of the impacts.</u></p>	<p><u>The Applicant notes that the location of operational lighting is shown on the General Arrangement Plans (Volume B) and (Volume C).</u></p> <p><u>As described in ES Chapter 2: Project Description, proposed lighting has been designed with consideration of associated environmental impacts including the use of luminaires that emit no light above the horizontal to reduce skyglow, directing lighting to reduce light spill, and the use of warm white LEDs to reduce the impact of light spill. ES Appendix 8.15: Construction and Operational Light Spill Calculations provides details on changes in light levels during the operational phase.</u></p> <p><u>These measures are reinforced in principle LST.02 and principle LST.03 of the Design Principles to preserve the nocturnal character of the landscape.</u></p>	<p><u>General Arrangement Plans (Volume B)</u> <u>[Application Document APP-016]</u> <u>General Arrangement Plans (Volume C)</u> <u>[Application Document APP-017]</u> <u>ES Chapter 2: Project Description</u> <u>[Application Document APP-140]</u></p>	<p><u>Matter Under Discussion</u></p>

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			<u>This Matter remains under discussion subject to Kent County Council's review of these application materials.</u>	<u>Design Principles [Application Document APP-516]</u> <u>ES Appendix 8.15: Construction and Operational Light Spill Calculations [Application Document APP-407]</u>	
<u>Project Design and Mitigation</u>	<u>2.1.130 (DL-1)</u> <u>RRN</u>	<u>Kent County Council considers that there is a need to ensure that proposed mitigation areas and habitat creation works will be managed in the short and long-term. There is also a need to highlight that the habitats have to be retained long term and not lost as part of future developments (e.g. habitat creation as part of the mitigation for the High Speed 1 rail line is being lost as a result of this scheme).</u> <u>No information has been provided on who will be responsible for</u>	<u>The short and long-term management of mitigation measures is secured within the Outline Landscape and Ecology Management Plan (oLEMP) Application Document APP-490]. The Delivery Partners will be responsible for the establishment of mitigation measures and management for up to five years during the maintenance period. The Applicant will be responsible for the long-term management. Identification of funding mechanisms and procurement of suitably qualified management partners, to act on National Highway's behalf, is ongoing to facilitate the management where the measures lay outside the maintainable</u>	<u>Outline Landscape and Ecology Management Plan (oLEMP) [Application Document APP-490]</u>	<u>Matter Under Discussion</u>

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		<p><u>implementing the management (short or long-term) or how associated funding will be secured. The open habitats, such as the meadows and chalk grassland will require minimal but very specific management on an annual basis.</u></p>	<p><u>highway boundary. The Applicant' operational teams will manage mitigation measures within the maintainable highway boundary.</u></p> <p><u>The Applicant considers that this Matter is covered under the following Matters elsewhere in this Statement of Common Ground:</u></p> <ul style="list-style-type: none"> <u>2.1.52 – Mitigation: Management of Effects/Ecology Working Group</u> <u>2.1.95 – Compensatory Land Arrangement - Principle</u> 		
<u>Project Design and Mitigation</u>	<p><u>2.1.131 (DL-1)</u></p> <p><u>RRN</u></p>	<p><u>Kent County Council notes that as woodlands are proposed to be created to mitigate the impacts of nitrogen deposition, there is a need to ensure they can be established, retained and managed in the long term. A number of the woodlands surveyed as part of this works were flagged up as not having any management and therefore as part of this process there is a need to question if further mitigation can be carried out through enabling management of some/all of those woodlands.</u></p>	<p><u>The establishment, retention and long-term management of woodlands that are to be created to compensate for the potential impacts of nitrogen deposition is described in the oLEMP. The oLEMP sets out proposals for appropriate long-term adaptive management, which will be informed by long-term monitoring.</u></p> <p><u>The assessment of impacts of nitrogen deposition (ES Appendix 8.14: Designated Sites Air Quality Assessment) identified a lack of management in a number of the woodland sites that were surveyed. Management intervention would contribute to improving the condition of such habitats. However, Table 6.1 of ES Appendix 5.6: Project Air Quality Action Plan (PAQAP) explains that site management measures</u></p>	<p><u>oLEMP [Application Document APP-490]</u></p> <p><u>ES Appendix 8.14: Designated Sites Air Quality Assessment [Application Documents APP-403, APP-404, APP-405 and APP-406]</u></p> <p><u>ES Appendix 5.6: Project Air</u></p>	<p><u>Matter Under Discussion</u></p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>would not avoid or reduce the nitrogen deposited from the Project itself and are therefore not mitigation but compensation measures.</p> <p>In the detailed consideration of potential compensation measures (Section 7.3 of the PAQAP), three options were assessed against a number of criteria:</p> <ul style="list-style-type: none"> • <u>Habitat management measures within affected sites</u> • <u>Habitat creation or enhancement measures adjacent or near the affected sites</u> • <u>Habitat creation measures at an ecological network scale</u> <p>The assessment concluded that habitat creation measures at an ecological network scale, with a small number of larger compensation measures in carefully selected locations associated with identifiable habitat networks would provide the most suitable and certain option for compensation. This would provide permanent, meaningful, landscape-scale habitat creation areas that would be a long-term habitat resource of a comparable area to that affected by degradation in the affected sites.</p>	<p>Quality Action Plan (PAQAP) [Application Document APP-350]</p>	

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<p><u>Assessment Methodology</u></p>	<p>2.1.132 (DL-1) RRN</p>	<p>Kent County Council considers the species surveys have not covered all habitats or species to fully assess the impact of the proposed development (for example moth surveys have not been conducted, all required bat emergence surveys not completed, bat activity surveys did not follow best practice guidelines and reptiles surveys do not appear to have been carried in all suitable habitat).</p>	<p>For all surveys undertaken to develop an ecological baseline against which the assessment of likely significant effects has been made, any limitations around extent of surveys and divergence from best practice have been detailed within the relevant technical appendices supporting the application. Any assumptions made in relation to such limitations are also reported, and support a precautionary approach that provided a robust assessment of likely significant effects and an appropriate and proportionate mitigation/compensation strategy.</p> <p>With respect to terrestrial invertebrates, notably moths, baseline survey data is reported in ES Appendix 8.3: Terrestrial Invertebrates, Section 6: Assumptions and limitations being the relevant section and paragraph 6.1.2 specifically relating to moths.</p> <p>With respect to bats, baseline survey data is reported in ES Appendix 8.8: Bats, Section 5 Assumptions and limitations being the relevant section, and with respect to reptiles, baseline survey data is reported in ES Appendix 8.6: Reptiles, Section 6: Limitations and assumptions being the relevant section.</p> <p>Regarding the overall assessment of likely significant effects, these are reported in ES</p>	<p>ES Appendix 8.3: Terrestrial Invertebrates [Application Document APP-392] ES Appendix 8.8: Bats [Application Document APP-397] ES Appendix 8.6: Reptiles [Application Document APP-395] ES Chapter 8: Terrestrial Biodiversity [Application Document APP-146] Draft DCO [Additional Submission AS-038]</p>	<p>Matter Under Discussion</p>

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			<p>Chapter 8: Terrestrial Biodiversity, Section 8.6 Assessment of likely significant effects, notably paragraphs 8.6.69–79 (terrestrial invertebrates); paragraphs 8.6.101–113 (reptiles); and paragraphs 8.6.130–153 (bats).</p> <p>Further pre-construction survey work is secured within the draft DCO, specifically Schedule 2 Requirement 7 – Protected Species.</p>		
<u>Project design and mitigation</u>	<p>2.1.133 (DL-1)</p> <p>RRN</p>	<p>Kent County Council is concerned that only one receptor site has been clearly mentioned in the oLEMP (APP-490) for reptiles. It is noted that this site will require habitat manipulation and then habitat creation to make it suitable, taking an estimated 10 years before the habitat is of the required condition. Mitigation areas need to be in a condition to support the species when required during the construction timetable.</p>	<p>Thong Open Mosaic Habitat has been identified as a receptor site for reptiles in the oLEMP, Section 5.9. The relevant habitat typologies for this management area are reported in Sections 8.22 (LE8.1: Open mosaic habitat) and 8.26 (LE8.5: Ecological ponds).</p> <p>For all habitat typologies within the oLEMP, their time to target condition has been aligned to that set out within Natural England's biodiversity metric calculator (v3.1). This considers the habitat type and the proposed target condition and provides an establishment period to meet the criteria set out for that habitat within the metric. In the case of open mosaic habitat, this establishment period to meet the metric criteria is 10 years.</p>	<p>oLEMP [Application Document APP-490]</p> <p>ES Figure 2.4: Environmental Masterplan Sections 1 & 1A, 2, 3, 4 and 9 [Application Documents APP-159, APP-160, APP-161, APP-162, APP-163]</p>	<p>Matter Under Discussion</p>

Moved (insertion) [2]: Application Document Reference

Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>For the site to offer valuable reptile habitat it needs to provide the following (Edgar <i>et al.</i>, 2010):</p> <ul style="list-style-type: none"> • Warmth (to facilitate temperature regulation) • Structural complexity (to offer shelter, foraging, hibernation opportunities) • Habitat connectivity (to provide links into the wider landscape and facilitate genetic interchange and offer resilience to challenges such as climate change) <p>The Thong Open Mosaic Habitat management area is positioned immediately adjacent to Shorne Woods Country Park on its northern, eastern and southern sides. These links would be maintained throughout Project construction. The Project landscape design in Environmental Masterplan Sections 1 & 1A, 2, 3, 4 and 9 details how this area would then connect into Thong Lane green bridge north, linking this site with habitats west of the Project such as Open space north of Claylane Wood, and Chalk Park and environs as detailed in Sections 5.7 and 5.12 of the oLEMP; both management areas would provide high quality reptile habitat.</p> <p>The Thong Open Mosaic Habitat management area is currently horse-grazed pasture which would develop structural</p>		

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			<p><u>diversity within 12–18 months of removing this grazing pressure. Its structure would be further enhanced by the creation of areas of sparsely-vegetated nutrient-poor substrate, refuge habitats and hibernacula which would offer opportunity for thermoregulation, shelter and hibernation. Ecological ponds would provide additional habitat structural diversity.</u></p> <p><u>The Thong Open Mosaic Habitat management area is therefore considered an appropriate site for reptile translocation within 12–18 months of habitat creation, but that, to align with the biodiversity metric criteria for open mosaic habitat, the metric calculator presents a 10 year establishment period.</u></p> <p><u>Recent discussions between Kent County Council and The Applicant have covered the additional provision of potential reptile translocation sites. Two offsite receptor areas are proposed for reptiles, both situated north of the River Thames in Essex. In Kent, habitat creation within areas identified for nitrogen deposition compensation would provide additional suitable habitat for reptile translocation. The woodland and grassland habitat proposals for these areas would offer suitable reptile habitat in the grassland and woodland edge areas. With habitat creation being split on a</u></p>		

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			roughly 70% woodland and 30% grassland basis, there would be approximately 13ha of suitable receptor area for reptiles. These areas would be used to release reptiles in preference over the offsite receptors north of the River Thames, which would only be used as a last resort.		
<u>Project design and mitigation</u>	2.1.134 (DL-1) RRN	In regards to mitigation for the loss of veteran trees, Kent County Council is concerned that the proposals state that 'a <i>minimum of 30 individual specimen trees would be planted as replacement for lost veteran trees</i> '. The County Council also has concerns that 30 trees is not sufficient for the loss of veteran trees and there must be a responsibility to retain standing deadwood. For example, all dead wood must not be left in log piles and should instead be strapped to felled mature trees to support invertebrate diversity.	The removal of trees to facilitate construction of the Project is discussed in ES Appendix 7.12: Arboricultural Impact Assessment. The worst-case assumption on the likely loss of trees in paragraph 5.2.11 of the Arboricultural Impact Assessment is that six potential veteran trees (trees identified during Project surveys as displaying the features of a veteran tree but not recorded on the Ancient Tree Inventory) would be removed to facilitate the Project. Three of these six potential veteran trees would be lost south of the River Thames. However, commitment LV001 of the REAC mandates an aim for the detailed design for the Project, including diverted utilities, to reduce the removal of trees and vegetation as far as reasonably practicable. This includes potential veteran trees. In accordance with commitment LV032 set out in the REAC, a minimum of 30 specimen trees would be replanted as replacement for lost veteran trees, 15 of which would be	ES Appendix 7.12: Arboricultural Impact Assessment [Application Document APP-387] REAC, appended to ES Appendix 2.2: CoCP [Application Document APP-336] ES Figure 2.4: Environmental Masterplan Sections 1 & 1A, 2, 3 and 4 [Application Document APP-159, APP-160,	Matter Under Discussion

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			<p>planted to the south of the River Thames in Kent. This specimen tree planting would be in addition to the extensive native woodland planting also proposed south of the River Thames, as shown on the Environmental Masterplan Sections 1 & 1A, 2, 3 & 4.</p> <p>Where felling of veteran trees cannot be avoided, the intact hulk would be retained and relocated in close proximity to a nearby veteran tree or within a parkland to allow fungi and invertebrates to relocate and promote habitat creation (in the form of standing dead wood). This measure is secured via the REAC commitment LV031.</p>	<p><u>APP-161, APP-162]</u></p>	
<u>Assessment methodology</u>	<p>2.1.135 (DL-1)</p> <p>RRN</p>	<p>Kent County Council is concerned that the conclusions of 'no adverse impact' are based on the implementation of best practice guidelines for avoiding impacts from surface water, dust, noise, air quality, vibration and lighting during construction and operational phase. However, the Examining Authority must be satisfied that the proposed approaches are appropriate.</p> <p>The Thames Estuary Marshes next to/under the road receives its water via surface water/drains rather than ground water. There is a need to ensure that KCC are satisfied that tunnel and road construction do not</p>	<p>The Habitats Regulations Assessment – Screening Report and Statement to Inform an Appropriate Assessment sets out the project design and environmental measures in Section 3.3 and mitigation measures in Section 7.1. The measures that are established good practice methods are highlighted and their effectiveness at avoiding or reducing impacts has been reported within the assessment of likely significant effects (Section 6.2) under the heading 'Efficacy of committed measures' and within Section 7.1 under the heading 'Confidence of success'.</p>	<p>The Habitats Regulations Assessment – Screening Report and Statement to Inform an Appropriate Assessment <u>[Application Document APP-487]</u></p>	<p><u>Matter Under Discussion</u></p>

Moved (insertion) [2]: Application Document Reference

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		impact the functionality of the marshes and ensure that they will continue to receive and retain water.	This matter remains under discussion subject to Kent County Council's review of the Applicant's position set out above.		
Material Assets and Waste					
<u>Legislative and policy framework</u>	2.1.118 (DL-1) RRN	<p>Kent County Council notes that National Highways is proposing the creation of Chalk Park as mitigation for the loss of open space as a result of the Project (APP-126 item 2.1.33). but that it is not clear, whether Chalk Park is in fact required in order to effectively dispose or reuse of otherwise waste materials.</p> <p>Kent County Council considers that it is not clear whether this is a disposal led activity at the bottom of the defined waste hierarchy, and as the least sustainable waste management outcome, this would not be in accordance with the Kent Minerals and Waste Local Plan 2013-30 (early Partial Review 2020).</p>	<p>The Applicant notes that Chalk Park provides essential mitigation to mitigate the impact of the Project as well as integrate the portal and route alignment into the surrounding landscape.</p> <p>The key drivers for the inclusion of Chalk Park within the Project proposals and its design rationale are set out in the Project Design Report – Part D – General Design South of the River and include:</p> <ul style="list-style-type: none"> The Department for Environment, Food and Rural Affairs (Defra) family objectives call for woodland creation, habitat buffering and creation of multifunctional accessible spaces to the east of Gravesend. A review of local policy and the existing context has identified a catchment gap for the open space typologies for parks and gardens, and natural and semi-natural green space for the Gravesham urban area. This is identified in the Gravesham Borough Council Open Space Assessment, April 2016. 	<p>Project Design Report – Part D – General Design South of the River [Application Document APP-509]</p> <p>Need for the Project [Application Document APP-494]</p> <p>REAC, appended to ES Appendix 2.2: CoCP [Application Document APP-336]</p>	Matter Under Discussion

Moved (insertion) [2]: Application Document Reference

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			<ul style="list-style-type: none"> The design of Chalk Park addresses the local landscape character. Within the surrounding context of chalk sloping farmland to the east of Gravesend, development/settlements have generally been located adjacent to wooded hill tops, such as the residential properties in the village of Shorne. The hill proposal references the distinct local characteristic of settlements located on the slopes below a wooded hill (Need for the Project). <p>The Applicant considers that the reuse of excavated material for the creation of Chalk Park hilltop landform is not a disposal-led activity. In line with Project commitment MW007 excavated material (and all wastes) would be managed in line with the waste hierarchy. Preference would be given to appropriate reuse, recycling and/or recovery before disposal where feasible and permitted by the design. Where excavated materials and soils are to be reused, recycled and/or recovered within the Order Limits this would be subject to the relevant regulatory controls. For example: Directive 2008/98/EC on Waste (Waste Framework Directive), Article 2, environmental permit (as per the Environmental Permitting (England and Wales) Regulations (2016)), exemption and/or a Materials Management</p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			Plan (as per the Definition of Waste: Development Industry Code of Practice (CL:AIRE, 2011). This commitment is secured through its inclusion in the REAC. This Matter remains under discussion subject to Kent County Council's review of the referenced application materials.		
Noise and Vibration					
<u>Project design and mitigation</u> Mitigation: Noise mitigation (SWCP)	2.1.56	Kent County Council considers that noise reducing fencing and appropriate landscaping should be put in place to mitigate significant impacts on Shorne Woods Country Park, developed and implemented with Kent County Council and other organisations.	Following environmental workshops held with relevant stakeholders in April and June 2020, acoustic barriers have been incorporated into the design of the Project where The Applicant considers appropriate, utilising LA 111 of the DMRB. However, it is not agreed that this type of mitigation is required to mitigate significant impacts on Shorne Woods Country Park. Justification for the approach to impact assessment and mitigation is set out within the <u>ES Chapter 12: Noise and Vibration</u> . Following further engagement including a workshop on 15 February 2023, it has been confirmed that by introducing a higher standard of low noise road surfacing the previously proposed acoustic barriers were removed in this location, which also led to a reduction in the visual impact of the barriers. This change responds to visual concerns raised by Kent Downs AONB Unit. The Project design has sought to incorporate	<u>ES Chapter 12: Noise and Vibration [Application Document APP-150]</u>	Matter Agreed

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			noise mitigation by means of earthwork features where practicable, these are described in Table 12.28 of ES Chapter 12: Noise and Vibration.		
Population and Human Health					
Cross-river WCH and Sustainable Travel	2.1.57	Kent County Council <u>considers</u> that cross-river cycling and walking provision should be appropriately considered and included in the <u>Project</u> where supported by policy and effective in reducing congestion and emissions and promoting health and active travel. <u>Kent County Council considers that National Highways should:</u>	<u>The Applicant</u> has considered various options during the development of the Project to provide improved river crossings for walkers and cyclists. The options investigated included using the tunnel, upgrading the existing ferry, relocating the ferry, building a separate bridge or cable car, and providing a shuttle service through the tunnel. All of these options have been rejected for reasons including lack of technical feasibility, operational issues, lack of commercial viability, cost and poor safety. Latent demand for walking and cycling across the River Thames at the Project crossing point is low and therefore unlikely to unlock enough trips to make the required infrastructure for a shuttle service economically viable. In addition, journey times and distances for a shuttle would be excessive because the most suitable collection and drop-off points would be at the proposed M2/A2 junction and as far north as the proposed A13/A1089 junction. For more information about the proposed	<u>Project Design Report – Part E – Design for Walkers, Cyclists and Horse Riders</u> <u>[Application Document APP-512]</u> <u>Rights of Way and Access Plans</u> <u>[Application Documents APP-024 and APP-025 and Additional Submission AS-032]</u> <u>Draft DCO [Additional Submission AS-038]</u>	<u>Matter Not Agreed</u>
Cross-river provision for walking and cycling	RRE	<ul style="list-style-type: none"> <u>Implement public transport priority as a 'Requirement', upon opening of the scheme</u> <u>Consider alternative priority accesses across the Thames for public transport as part of developing a future ready new highway infrastructure</u> <u>Invite Kent County Council's Public Transport Department to the Sustainable Transport Working Group</u> <u>Commit to reviewing options for priority public transport and</u> 			

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Schedule 5 of the draft DCO (3.1)

Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p><u>cycling measures at the Dartford Crossing</u></p> <ul style="list-style-type: none"> Provide Kent County Council with a financial contribution to provide additional buses during construction, to counter the delays that are predicted to occur. This will help to reduce delays and retain passengers during this time <p>Provide cycle counters, and a cycle route in Gravesend.</p>	<p>walking, cycling and horse riding routes, see the Project Design Report.</p> <p>The WCH provision in the Project is set out in application documents, specifically the Rights of Way and Access Plans and Schedule 5 of the draft DCO.</p> <p>Further information on the provision is set out in the Project Design Report.</p> <p>The Applicant's position relating to public transport provision within the Project is set out within Matter 2.1.58.</p> <p>Kent County Council is already a member of the Sustainable Transport Working Group and can facilitate attendance from its Public Transport Department.</p> <p>The Applicant's position on Public Transport effects during construction is set out in Matter 2.1.108 (DL-1).</p> <p>The Applicant is working with Kent County Council to understand the Council's request for active travel counters.</p>		
<p><u>Cross-river WCH and Sustainable Travel</u></p> <p>Cross-river provision for public transport</p>	<p>2.1.58</p> <p>RRE</p>	<p>Kent County Council considers that cross-river public transport services should be appropriately considered and included in the scheme where supported by policy and effective in reducing congestion and emissions and promoting health and active travel.</p>	<p>The Applicant has considered the approach to public transport within the Project. A number of constraints prevent segregated public transport access to the crossing, notably using the emergency accesses. The emergency access roads/merges/diverges have been specifically designed to optimise emergency service accessibility and response times. However, the emergency</p>	N/A	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		Kent County Council <u>considers</u> that public transport solutions – such as public transport segregated junctions or alteration of emergency accesses to allow public transport vehicles – would help to reduce congestion and air quality effects, and unlock economic growth.	access roads and <u>Lower Thames Crossing</u> , merges/diverges have not been designed to a DMRB standard for public use. The operation of the emergency access (as designed) is to be supported by the <u>The Applicant</u> , Regional Operations Centre, and appropriate interventions. This introduces incompatibility between emergency service operation and bus operations. The principles apply to the access points at the <u>North</u> , and <u>South</u> , Portals. As such, while it is agreed that public transport use can help to reduce congestion and air quality effects, and unlock economic growth, <u>The Applicant</u> considers that it has assessed options for inclusion within the <u>Project</u> appropriately and concluded that this will not be possible, and has provided alternative means that facilitate and support public transport schemes outside of the DCO application (via the Sustainable Transport Working Group).		
<u>WCH/Active Travel – Design</u> WCH Re-designation of NG8	2.1.59	<u>Notwithstanding other Matters relating to WCH</u> , Kent County Council supports the proposed re-designation of footpath NG8 set out in the Local Refinement Consultation, however <u>it considers</u> , that this should include improvements to the crossing point (of the A226) as currently this part	<u>The Applicant</u> confirms that Footpath NG8 is to be upgraded and redesignated as a bridleway, and where the new bridleway will connect to the A226, a new Pegasus crossing will be provided. In addition, a new bridleway has been proposed to the east, connecting Footpath NG9, which will be resurfaced and	<u>Rights of Way and Access Plans [Application Documents APP-024 and APP-025 and Additional</u>	Matter <u>Agreed</u> ,

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		of the route is unsuitable for horse riders, and an extension of improvement works slightly south to the bus stop to improve this part for pedestrians.	redesignated as bridleway, to the A226 (See draft DCO – Schedule 5, part 6). A footway is already provided on the northern side of the A226 which can be accessed by using the crossing facilities. Further engagement has been undertaken with Kent County Council, including a workshop on 08 March 2023, and this and the above information lead the Applicant to consider this a Matter Agreed.	Submission AS-032 Draft DCO [Additional Submission AS-038]	
WCH/Active Travel – Design	2.1.121 (DL-1) RRN	<p>Kent County Council considers that provision is required to ensure that there is adequate consultation with, and input from, Kent County Council concerning detailed design of PRow.</p> <p>Kent County Council considers that its Public Rights of Way and Access Service should be fully consulted as Delivery Partners produce detailed Traffic Management Plans related to PRow before commencing works.</p> <p>Kent County Council is particularly concerned about the specification of the widths and finished surfaces for proposed routes, which will differ dependant on their proposed use and overall context.</p>	<p>It is agreed that Kent County Council as the Local Highway Authority should be consulted on the detailed design of Public Rights of Way.</p> <p>The draft DCO secures that (Part 3, Schedule 15 (1)(f)) 'From the date on which the roads and public rights of way described in Part 1 to 6 (inclusive) of Schedule 5 (classification of roads, etc.) are completed and open for traffic the public rights of way and permissive paths described in Part 6 (other public rights of way and permissive paths) of Schedule 5 will be of the type described in column (1) to the extent described in column unless otherwise agreed with the relevant planning authority'.</p> <p>In addition, Part E of the Project Design Report sets out the preliminary design for PRow and permissive paths including diversions, resurfacing/upgrades, crossings, designations; and the Design Principles sets</p>	Draft DCO [Additional Submission AS-038] Project Design Report – Part E – Design for Walkers, Cyclists and Horse Riders [Application Document APP-512] Design Principles [Application Document APP-516]	Matter Under Discussion

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<p>out how the Applicant and Delivery Partner must consider and accord with design guidance/standards as set out in PEO.01 to PEO.13.</p> <p>The Applicant and Kent County Council are working on Side Agreements which would set out how assets would be transferred to the Local Highway Authority, including resourcing for appropriate design input and sign-off on completion.</p>		
<u>Monitoring</u>	<p>2.1.125 (DL-1)</p> <p>RRN</p>	<p>Kent County Council considers that National Highways should fund installation of active travel counters 12 months before the construction phase starts; with the counters to be maintained for a period of three years post completion.</p>	<p>The Applicant is considering this request from Kent County Council subject to further discussions on the purpose of the proposed counters, their location and management, installation and data sharing arrangements.</p>	N/A	<u>Matter Under Discussion</u>
<u>Maintenance</u>	<p>2.1.122 (DL-1)</p> <p>RRN</p>	<p>Kent County Council considers that National Highways should provide an adequate commuted sum or ongoing maintenance arrangements for the upkeep of new routes.</p>	<p>The maintenance of both local highways and the strategic road network is funded by the Department for Transport. Local highway funding is mainly based on a formula linked to the total mileage of A roads, B and C roads, and unclassified roads in each area, together with the numbers of bridges, lighting columns, cycleways and footways. This funding is refreshed every few years to take account of changes in road length and number of highway structures. Accordingly, as local highway works are carried out under the</p>	<p><u>Draft DCO [Additional Submission AS-038]</u></p>	<u>Matter Not Agreed</u>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p><u>DCO, the amount of funding that each local highway authority receives will be amended to recognise these additional responsibilities. Given that this process already exists, it is not appropriate to require The Applicant to provide funding for the maintenance of parts of the local network out of the money given to it to maintain the strategic road network.</u></p> <p><u>Article 10(1) of the draft DCO provides that where a new local highway is constructed, it must be completed to the reasonable satisfaction of the local highway authority, who becomes responsible for its maintenance from completion. The Applicant and Kent County Council are working on a Side Agreement would provide appropriate provisions in respect of the maintenance period by the Applicant. Article 10(2) makes similar provision for alterations or diversions of existing local roads. Both provisions enable The Applicant and the local highway authority concerned to reach different arrangements for specific maintenance responsibilities, but otherwise the default position is that once the local highway authority is satisfied that the highway has been properly completed, it becomes responsible for the maintenance of these highways just as it is for other public highways in its area.</u></p>		

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			This arrangement is well-precedented for local highway works carried out by The Applicant in connection with NSIP schemes. It strikes an appropriate balance between The Applicant' ability to carry out its works, and local highway authorities' duties to maintain public highways in their areas.		
<u>WCH/Active Travel – Design</u>	2.1.120 (DL-1) RRN	Kent County Council considers that National Highways should produce a clear plan indicating the PRoW network to be created, the legal status of the routes to be provided, and the context of the wider PRoW network. In addition, Kent County Council considers that National Highways should produce a General Arrangement Plan showing the WCH widths achievable to ensure these adhere to relevant standards.	<u>WCH routes within Kent are shown on the General Arrangement drawings found within the General Arrangement Plans (Volume B). The proposed WCH routes are also shown within the Rights of Way and Access Plans (Volume B). These drawings should be read in conjunction with the draft DCO, with reference to Schedule 4 – Permanent Stopping Up of Streets and Private Means of Access.</u> <u>Details on all WCH routes can be found within the Project Design Report – Part E – Design for Walkers Cyclists and Horse riders. The design specifications for these WCH routes will be dependent upon the environment within which they are located and their intended users.</u> <u>Defining the widths/surfacing will be undertaken at the detailed design stage. Specific WCH design principles can be found within Table 4.1 Project-wide design principles: Connecting people within the Design Principles. All WCH routes will be</u>	<u>General Arrangement Plans (Volume B)</u> [Application Document APP-016] <u>Rights of Way and Access Plans (Volume B)</u> [Application Document APP-025] <u>Draft DCO</u> [Additional Submission AS-038] <u>Design Principles</u> [Application Document APP-516]	<u>Matter Agreed</u>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<p>designed to the latest design standards and guidance listed under Clause No. PEO.04.</p> <p>The Applicant consider that the information requested by Kent County Council has been provided and therefore this is matter is agreed.</p>	<p>Project Design Report – Part E – Design for Walkers, Cyclists and Horse Riders [Application Document APP-512]</p>	
<p><u>WCH/Active Travel – Construction Effects</u></p>	<p>2.1.123 (DL-1)</p> <p>RRN</p>	<p>Kent County Council considers that permissive access, particularly for equestrian and cycle use, is not to be viewed as a suitable alternative/compensatory provision for Non-Motorised Users (NMUs); and that PRow routes need to have Highways status.</p> <p>Kent County Council notes this in the context of National Highways' proposed provision south of the M2 corridor through Jeskyns Community Woodland, which in that context cannot be considered adequate.</p> <p>Kent County Council is concerned that the route (to accommodate NCN177 during construction) lacks clarification as to the nature of the permissive agreement, the terms of</p>	<p>A WCH strategy has been developed that includes new or improved pathways and bridges, which are designed to encourage active travel and promote health and wellbeing across the region. These WCH routes will provide access between parks, woodlands, heritage sites and employment centres in Kent, Thurrock, Brentwood and Havering. Both formal PRow and permissive routes have been informed by the surrounding environment and through discussions with landowners. Please refer to the Project Design Report: Part E Walkers, Cyclists and Horse Riders and Chapter 5 of the Planning Statement which provides our WCH strategy.</p> <p>At the Design Refinement Consultation, a permanent alternative route to NCR177 for WCH was proposed through Jeskyns Community Woodland and Ashenbank Woods where a formal PRow Bridleway</p>	<p>Project Design Report – Part E – Design for Walkers, Cyclists and Horse Riders [Application Document APP-512]</p> <p>Planning Statement [Application Document APP-495]</p>	<p>Matter Not Agreed</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		<p><u>the agreement or the parties to the agreement and therefore there is no certainty that permission would not be rescinded -removing the link for NMUs and specifically equestrians and cyclists.</u></p> <p><u>Kent County Council notes that should the permission be revoked at some future point the only viable alternative for recreational users would be the replacement NCN177 route; this route is conceived as meeting the needs of commuting cyclists.</u></p>	<p><u>would be provided. In the case of Jeskyns Community Woodland this route was partially along an existing equestrian route and partially along existing pedestrian-cycle tracks through the site. This route is to be used as part of the temporary NCR177 cycle route while the main highway works were being undertaken.</u></p> <p><u>Further engagement with Forestry England and Woodland Trust was undertaken following the Local Refinement Consultation. A detailed discussion on the type of routes (bridleways) and their intended users (walkers, cyclists and horse riders) located through their woodland was held. Formal PRoWs with permanent bridleways were deemed unacceptable for fear of increased footfall in sensitive areas and the management of their routes. Concerns on the interaction and potential conflict between cyclists and horse riders particularly through Jeskyns Community Woodland were raised. As horse riders are already provided with a dedicated horse trail through Jeskyns Community Woodland, Forestry England did not see the need for a formal bridleway. Our enhanced WCH network will connect Jeskyns Community Woodland's existing permissive horse-trail to further green spaces via our proposed green bridges across the A2.</u></p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>Forestry England want to retain the flexibility to manage their land as appropriate and have made the decision to reject the proposed bridleway. As Jeskyns Community Woodland is on Crown Land, the Project cannot impose a bridleway on them. However, they will continue to provide permissive access through their woodland via their existing dedicated horse trail. To our knowledge, this will remain free and open to horse riders. However, it is our understanding that there may be scope to explore some form of licensed permissive path should this be acceptable with Forestry England, offering some level of future security for access rights.</p> <p>Forestry England agreed for a new temporary pedestrian/cyclist route to be located through the eastern part of the Jeskyns Community Woodland site while the NCR177 highway works are being constructed, and to maintain the existing permissive equestrian trail, being separate from the new pedestrian-cycle route. To the west of the site part of an existing pedestrian/cycle track, as well as a new link to Henhurst Road would be made permissive bridleway to create a new link for pedestrians, cyclists and horse riders to Henhurst Road and the new bridleway parallel to Church Road. Once the</p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<u>permanent route for NCR177 is operational, the temporary pedestrian and cycle routes through the woodlands would be removed if requested by Forestry England</u>		
HEqIA Assessment	2.1.60 RRE	Kent County Council is concerned that the Project could increase health inequalities particularly around physical activity, access to open space and air quality, <u>for example in Riverside ward which is identified as having high sensitivity due to pre-existing deprivation and lack of access to private transport. Kent County Council consider that interventions (secured either through a Requirement of the draft DCO or the S106 Agreement) are required to mitigate loss of PRowS and access to open space during in particular the construction phase for residents of Westcourt and Riverside wards; and as a minimum to provide monitoring equipment for areas in which air pollution is due to increase due to impact of the Lower Thames Crossing.</u>	<u>The Applicant recognises the concerns raised by Kent County Council and has considered factors relating to health inequality within the HEqIA following a briefing to Local Authorities (via the Community Impacts and Public Health Advisory Group (CIPHAG)), on the Project's approach to considering baseline, effects and mitigation related to health inequalities in May 2022. A full assessment has been presented within the HEqIA considering all sensitive receptors and communities, their pre-existing health inequalities and their indicators, and any likely significant differential or disproportionate effects. The Applicant is considering requests for monitoring and mitigation relating to environmental effects.</u>	HEqIA [Application Document APP-539]	Matter Under Discussion
HEqIA Assessment	2.1.61 RRE	Kent County Council understands that overall, the Project will lead to improvements in air quality.	It is agreed that overall, the Project will lead to improvements in air quality, but that at the local level, there may be areas where air quality is likely to reduce and these may include residents with greater vulnerability to	HEqIA [Application Document APP-539]	Matter Not Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
HEqIA – Air Quality and Health Inequalities		However, Kent County Council is concerned that at the local level, there may be areas where air quality is likely to reduce, and these may include residents with greater vulnerability to health problems caused by NO2 concentrations.	health problems caused by NO2 concentrations, as set out within the HEqIA with a comprehensive baseline which clearly identifies vulnerable populations across the study area. However, effects are not anticipated to be significant or in most cases even perceptible in relation to effects on human health.		
<u>HEqIA CIPHAG Independent Recommendations</u> Health Impact Assessment (HIA) recommendation from independent review – Health Priorities	2.1.62	Links between local health priorities and the assessment should be made clear. Where the local priorities identify topics or sensitive groups, these should be considered in the assessment (including in consideration of enhancement measures).	Local health and equalities priorities have been set out within Appendix A of the Health and Equalities Impact Assessment (HEqIA). Appendix A was updated between the 2020 and 2022 versions of the HEqIA in line with updated priority and strategy documents produced by individual local authorities. A new section has been included within each of the assessment topics of the HEqIA itself, setting out which of the local health and equalities priorities are relevant for that topic, together with findings from consultation and from baseline data. Paragraph 3.6.13 of the HEqIA sets out the factors which have been taken into account when assessing population health effects that may arise as a result of the Project, including the relationship with the health policy context and/or local health priorities. The assessment tables for each topic in Section 7 of the HEqIA include reference to the relevance / importance of local health	HEqIA [Application Document APP-539] HEqIA – Appendix A – Policy and Strategy Context [Application Document APP-540]	Matter Under Discussion

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Subject to further information being provided to Kent County Council via the HEqIA (7.10) on National Highways' proposed approach to assessment and monitoring this remains a matter under discussion.

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			and equalities priorities for each assessment topic. The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.		
<u>HEqIA CIPHAG Independent Recommendations</u> HIA Recommendations from Independent review → Construction Phasing	2.1.63 ▼	Further information should be provided on construction phasing as part of HEqIA (when available) and indication of how this may influence assessment and an explanation of how HEqIA has been planned and timed to inform decision making.	Further detail relating to construction phasing was presented and discussed at a CIPHAG meeting in June 2021. The Health and Equalities Impact Assessment includes a new section on Project construction phases and timelines (Section 4.3), providing further detail on construction activities across the four construction sections, information relating to individual construction compounds, and estimated timelines for construction in each section. ▼ Information relating to construction activities which may potentially impact individual assessment topics is included within the assessment sections as relevant. This includes information relating to the length of time construction activities are anticipated to last as well as to construction phasing. The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.	<u>HEqIA [Application Document APP-539]</u>	Matter Under Discussion
<u>HEqIA CIPHAG Independent</u>	2.1.64 ▼	Further commentary and evidence should be provided to understand how the scope of the HIA was	Further commentary and evidence around outcomes of discussions with CIPHAG concerning the scope of the Health and	<u>HEqIA [Application</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<u>Recommendations</u> HIA Recommendations from Independent review → Scope		identified and agreed. This could include provision of further information on the outcomes of discussions on scoping that were undertaken with the CIPHAG.	<u>Equalities Impact Assessment (HEqIA) has been included within it.</u> <u>Section 3.4 of the HEqIA covers screening and scoping. Table 3.1 summarises scoping discussions held as part of CIPHAG meetings between 2018 and 2021. The findings from the Independent Review and subsequent discussions with CIPHAG stakeholders included further information relating to the scoping and assessment of individual topics within the HEqIA.</u> <u>Paragraph 3.4.5 of the HEqIA includes a summary of the changes made to the original scope of the HEqIA as a result of subsequent discussions with stakeholders.</u> <u>Table 5.2 of the HEqIA details the CIPHAG meetings which have taken place between 2018 and 2022 (of which there were more than 20) and summarises the matters discussed at each meeting and outcomes of those discussions where relevant.</u> <u>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</u>	<u>Document APP-539]</u>	
<u>HEqIA CIPHAG Independent Recommendations</u>	2.1.65	Further information should be provided on the outcomes of stakeholder engagement exercises and how this has meaningfully informed the HEqIA and the Project.	<u>Section 5 of the Health and Equalities Impact Assessment (HEqIA) sets out the approach taken to consultation and engagement for the Project and how this has fed into / informed the HEqIA assessment. The section summarises activities and headline information from both</u>	<u>HEqIA [Application Document APP-539]</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
HIA Recommendations from Independent review – Stakeholder Engagement		<p>1. This includes providing further details of what was agreed at the CIPHAG and methods of engagement and issues raised at the focus groups and how these comments were addressed.</p> <p>2. Information should also be included on measures used to reach hard to reach groups. Wider concerns have also been raised regarding the consultation activities which should be addressed as part of the wider consultation strategy.</p>	<p><u>non-statutory and statutory consultation, including the supplementary consultation, design refinement consultation, community impacts consultation and local refinement public consultation events.</u></p> <p><u>Following feedback from stakeholders including that received as part of the Independent Review, the Community Impacts Consultation included a comprehensive 'You Said, We Did' document, setting out how the Applicant has addressed issues and suggestions received at each of the previous consultations.</u></p> <p><u>Section 5.4 of the HEqIA sets out the Applicant's approach to consultation and engagement, with hard-to-reach groups (more favourably referred to as under-represented groups). At a CIPHAG meeting held in June 2021 the Applicant's approach to engagement with under-represented groups was discussed with stakeholders; this included research undertaken by the Applicant into the presence of hard to reach communities along the route of the Project, which typically include older people, those with disabilities, those who may not be able to read, and those for whom English is not their first language. The findings from this meeting helped to inform the approach to engagement during the Community Impacts Consultation.</u></p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>In relation to the focus groups held during 2019, the Applicant reiterates the view that these formed just one part of engagement with vulnerable groups and that wider conclusions were not drawn from this sample. This is explicitly stated in paragraph 5.4.6 of the HEqIA.</p> <p>The individual topic assessments contained in Section 7 of the HEqIA include a section summarising relevant findings to have arisen from consultation and engagement. The assessment methodology described in paragraph 3.6.13 of the HEqIA sets out the various factors which have informed the individual assessments; these include the extent to which stakeholders are concerned about particular determinants of health or health outcomes.</p> <p>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</p>		
<p>HEqIA CIPHAG Independent Recommendations</p> <p>HIA Recommendations from Independent</p>	2.1.66	National Highways should clarify how ward sensitivity has been determined through clear links to the baseline.	<p>The approach to defining ward sensitivity was discussed and agreed with stakeholders at the CIPHAG meeting held in September 2021. The methodology for determining ward sensitivity is subsequently described in Section 3.6 of the HEqIA. The sensitivity of individual wards has been identified as high, medium or low based on the range of indicators identified.</p>	<p>HEqIA [Application Document APP-539]</p> <p>ES Appendix 13.2: Ward Sensitivities [Application</p>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
review → Ward sensitivity			<u>Draft ward sensitivity data and information was distributed to CIPHAG attendees. This information was subsequently included in the DCO submission in 2022. The assessment of sensitivity by ward is summarised in Table 3.3 of the HEqIA; data informing this assessment is set out in ES Appendix 13.2: Ward Sensitivities.</u> <u>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</u>	<u>Document APP-452]</u>	
<u>HEqIA CIPHAG Independent Recommendations</u> HIA Recommendations from Independent review → Methodology for aggregating impacts	2.1.67	Justification/methodology for aggregating impacts at general population/ward level should be provided. Use of GIS mapping for baseline and assessment information would enable a clearer understanding of specific impacts including effects on health inequalities.	<u>The Assumptions and limitations section of the HEqIA set out in paragraph 3.6.18 states that 'For all topics, the assessment has been aggregated to ward level unless otherwise specified.'</u> <u>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</u>	<u>HEqIA [Application Document APP-539]</u>	Matter Under Discussion
<u>HEqIA CIPHAG Independent Recommendations</u>	2.1.68	Further information should be included about the duration of effects anticipated beyond if they are temporary or permanent. This is particularly relevant to the health outcomes identified during the construction phase as this phase is	<u>Paragraph 3.6.9 of the HEqIA sets out the temporal scope for the assessment. This describes the duration of potential effects as being short, medium or long-term (with durations as appropriate) or permanent. This enables a more granular assessment to that provided at DCO 1.0, where effects</u>	<u>HEqIA [Application Document APP-539]</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
HIA Recommendations from Independent review → Duration of effects		anticipated to last six years. Further information should be included on if effects are considered to be short term, medium term or long term and a definition provided which outlines what each of these terms mean (e.g. short term = 1-2 years).	were simply described as temporary or permanent; this is as a direct result of discussions with stakeholders as part of CIPHAG meetings (as described in paragraph 3.6.11 of the HEqIA). The assessment methodology described in paragraph 3.6.13 of the HEqIA sets out the various factors which have informed the individual assessments; these include the duration of effect as described above. The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.		
<u>HEqIA CIPHAG Independent Recommendations</u> HIA Recommendations from Independent review → Severity and Likelihood of health outcomes	2.1.69	The assessment should provide information on the severity and likelihood of the health outcomes. At present it is just stated whether a health outcome is considered to be positive, negative or neutral, however the assessment would benefit from further information being provided on the severity of the effect (e.g. minor, moderate or major positive/ negative) to help provide a more balanced assessment and increase understand of the level of health outcomes anticipated.	The methodology for assigning impacts on health outcomes is set out in DMRB LA 112, which states that health outcomes should be described as positive, negative, neutral or uncertain. Whilst LA 112 states that 'it is not possible to quantify the severity or extent of the effects which give rise to these outcomes', the guidance also states that information should be presented relating to changes to health determinants as a result of a scheme or project, together with evidence provided to support conclusions. The HEqIA provides information around the plausibility of health outcomes as part of the review of evidence for each assessment topic. Further evidence has been presented in relation to the individual assessments to help increase understanding of the level of	HEqIA [Application Document APP-539]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>health outcomes anticipated. The assessment methodology described in paragraph 3.6.13 of the HEqIA sets out the various factors which have informed the individual assessments; these include an assessment of the severity of health outcome, for example whether this relates to changes in mortality/morbidity or whether the change may be more related to wellbeing or quality of life.</p> <p>The HEqIA submitted as part of DCO 2.0 in 2022 also identifies where health effects are likely to be significant; the guidance document 'Human health: ensuring a high level of protection. A reference paper on addressing human health in Environmental Impact Assessment' (International Association of Impact Assessment and European Public Health Association, 2020) has been used to inform an approach to identifying significance, taking into account multiple criteria, including severity of health outcome as described above. This has enabled the identification of significant effects within Section 7 of the HEqIA.</p> <p>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</p>		
<u>HEqIA CIPHAG Independent</u>	2.1.70	There are some concerns identified with the technical data sources used to inform the HEqIA (e.g.	A number of technical concerns were raised in Appendix A of the Independent Review relating to a variety of other documents and	<u>HEqIA [Application</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Recommendations HIA Recommendations from Independent review → Data Sources		transport, air quality and noise assessments). Technical concerns should be addressed and updated accordingly in the HEqIA as these may have implications for the health outcomes identified. Clarification should also be provided on how the level of effect identified in the source assessment has been translated into the effect identified in the HEqIA (including how this has been aggregated to general population/ward level).	<u>assessments produced as part of the submission at DCO 1.0. These primarily related to the transport, air quality and noise methodologies and assessments.</u> <u>Technical assessments across the ES (such as noise and air quality) were updated for inclusion in the DCO submission in 2022 to address concerns raised by the Independent Review. Where appropriate, assessments were updated and amended accordingly, however there will be specific to each ES topic area where agreement has not yet been reached where these relate to those topic areas, they are covered in the relevant sections of this SoCG.</u>	Document APP-539]	
HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review → Effectiveness of mitigation	2.1.71	The HEqIA should provide further information regarding effectiveness of mitigation/enhancement measures. This could include providing a conclusion on the residual health outcome anticipated after mitigation measures is implemented.	<u>Section 4.4 of the HEqIA presents the approach taken to the provision of mitigation and enhancement measures, including the categories within which mitigation falls and the locations where mitigation measures are secured within the DCO. For each assessment topic in Section 7 of the HEqIA, mitigation measures are described within relevant sections relating to construction and operation. The assessment conclusions relate to residual health outcomes after mitigation measures have been implemented.</u> <u>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</u>	HEqIA [Application Document APP-539]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p><u>HEqIA CIPHAG Independent Recommendations</u></p> <p>HIA Recommendations from Independent review → Monitoring</p>	2.1.72	Further information to be included on monitoring (impacts, mitigation, and enhancement – to be clearly specified), how this will be secured and anticipated timelines.	Monitoring has been <u>an area of specific interest to stakeholders and discussed at a number of CIPHAG meetings over the course of Project development (for example an exceedance framework and various potential approaches to health monitoring were discussed at the CIPHAG meeting in May 2021, as referenced within the HEqIA).</u> Further, <u>more detailed information on, monitoring has been included where relevant in the HEqIA, including in relation to both construction and operational phases of the Project. For construction:</u>	<p>HEqIA [Application Document APP-539]</p> <p>WNIMMP [Application Document APP-545]</p> <p>ES Appendix 2.2: CoCP and REAC [Application Document APP-336]</p> <p>ES Chapter 12: Noise and Vibration [Application Document APP-150]</p>	Matter <u>Not Agreed</u>
			<ul style="list-style-type: none"> Air quality and baseline dust monitoring during construction – contractors shall determine the level of any dust and particulate monitoring carried out on Project construction sites by means of a risk based approach. If required, further commitments are included in the REAC in relation to actions that would be taken in cases of air quality monitoring exceedances. Noise monitoring at <u>agreed sensitive receptors (to be defined through development of the CoCP and Noise and Vibration Management Plan) to ensure that the mitigation measures suggested are working effectively. Monitoring would be undertaken at locations identified in</u> 		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>consultation with the relevant Environmental Health Officers before works start. The REAC includes measures relating to noise and vibration monitoring during the construction phase (REAC Ref. NV009), including the identification of a framework should noise exceedances occur (REAC Ref. NV015).</p> <p>In relation to workforce accommodation, a monitoring framework is proposed to be established (and is secured by S106 agreement within the draft DCO) to ensure that the proposed accommodation helpdesk is effective.</p> <p>During operation:</p> <ul style="list-style-type: none"> Traffic impact monitoring during the operational phase of the Project would identify changes in performance on the surrounding road network. Information setting out how such a scheme would be implemented is contained in the WNIMMP. <p>The findings of ES Chapter 12: Noise and Vibration concluded that there would be some significant effects as a result of the Project. Post-construction monitoring and evaluation would therefore be undertaken for the Project as set out in DMRB LA 111 (Highways England, 2020c).</p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<u>HEqIA CIPHAG Independent Recommendations</u> HIA Recommendations from Independent review → Cumulative Effects	2.1.73	An assessment of cumulative effects (in relation to inter-project effects) should be included in the HEqIA instead of cross referencing the ES to see that cumulative effects on vulnerable groups are appropriately considered.	Section 7.17 of the HEqIA contains an assessment of cumulative effects. The section covers both intra-project effects (impacts that can occur as a result of interrelationships between different assessment topics) and inter-project effects (due to the Project in combination with other existing and/or approved developments). The assessment of cumulative effects undertaken within the HEqIA is consistent with that included within the ES, for example using the same short-list of projects identified for inclusion in the assessment of inter-project effects (as set out in ES Appendix 16.2: Short-list of Developments). The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.	HEqIA [Application Document APP-539] ES Appendix 16.2: Short-list of Developments [Application Document APP-484]	Matter Under Discussion
	2.1.74	The HEqIA should include a limitations section to clearly outline any limitation or constraints of the assessment.	A series of assumptions and limitations are included at paragraph 3.6.18 of the HEqIA, clearly outlining limitations or constraints of the assessment. The Applicant considers this to be a matter Agreed subject to confirmation by Kent County Council.	HEqIA [Application Document APP-539]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p>HEqIA CIPHAG Independent Recommendations</p> <p>EqIA Recommendations from Independent Review → Lack of Specificity</p>	2.1.75	The overall document lacks specificity, with individual incidences being highlighted in the tabulated analysis of the EqIA. It is important to be specific about the rationale behind decisions when evidencing that they meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty. Lack of specificity in the EqIA leads to an assumption that some things have been missed, when it is possible this work has been done.	<p>Appendix B of the HEqIA has been expanded to respond to the concerns raised and to be specific about the rationale behind decisions when evidencing that they meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty.</p> <p>The EqIA has been prepared in line with the Applicant's approach and utilising the standard reporting template used by National Highways for this purpose. A thorough review of the document was undertaken between DCO 1.0 and the submission in 2022. Further detail was incorporated into the EqIA to ensure that in National Highways' view, the requirements of the Equality Act 2010 and the Public Sector Equality Duty were met.</p> <p>The Applicant considers this to be a matter Agreed subject to confirmation by Kent County Council.</p>	<p>HEqIA – Appendix B – National Highways EqIA Screening Template [Application Document APP-541]</p>	Matter Under Discussion
	2.1.76	The document lacks important context, such as study area demographic breakdowns. Providing this would give a clearer picture as to whether resources/consultation efforts have been correctly apportioned. Where shortfalls are identified, analysis of possible reasons for this and reasonable mitigations should be included.	<p>The EqIA is informed by the comprehensive baseline set out in Appendix C of the HEqIA, which includes information relating to all protected characteristics within the study area for the HEqIA. This information has not been replicated in the EqIA itself.</p> <p>The EqIA identifies for each protected characteristic whether people may have different levels of access, and whether there are social or physical barriers to</p>	<p>HEqIA [Application Document APP-539]</p> <p>HEqIA – Appendix B – National Highways EqIA Screening</p>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>participation, such as language, format or physical access. When preparing for non-statutory consultation, the Applicant developed a strategy for engaging effectively with the stakeholders and communities it had identified as its target audience. In developing this strategy, the Applicant researched and considered the presence of hard-to-reach communities, which typically include older people, those with disabilities, those who may not be able to read, and those for whom English is not their first language.</p> <p>The Consultation Report provides a full description of the consultation activities undertaken, including the Project response to the feedback received. The Statement of Engagement describes the extensive engagement with stakeholders throughout the pre-application stage of the Project. Ongoing engagement has helped stakeholders shape the Project and has facilitated continuous improvement to its design, providing a deeper understanding of local issues and enabling information to be gathered to support decision making.</p> <p>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</p>	<p>Template [Application Document APP-541]</p> <p>HEqIA – Appendix C – Baseline [Application Document APP-542]</p> <p>Consultation Report [Application Documents APP-064 to APP-069]</p> <p>Statement of Engagement [Application Document APP-091]</p>	
<u>HEqIA CIPHAG Independent</u>	2.1.77	There is a large disparity between numbers of male and female	<u>Consultation response forms from each of the consultation events allowed people to</u>	<u>HEqIA [Application</u>	<u>Matter Not Agreed</u>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p>Recommendations</p> <p>EqIA Recommendations from Independent Review → Disparity in genders</p>		<p>consultees. This is of particular concern as gender plays an important role in travel patterns, and women may have less time to take part in consultation activities than men.</p>	<p>record gender identity as part of their response. Although there may have been a recorded disparity between male and female consultees at a number of events, this is not considered to impact the robustness of the assessment itself. The EqIA includes evidence from literature reviews in relation to various of the assessment topics covered in the document; this includes the role that gender plays in travel patterns (for example public transport may be more commonly used by women).</p>	<p>Document APP-539]</p> <p>HEqIA – Appendix B – National Highways EqIA Screening Template [Application Document APP-541]</p>	
<p>HEqIA CIPHAG Independent Recommendations</p> <p>EqIA Recommendations from Independent Review – Specific Characteristic Groups</p>	2.1.78	<p><u>Additionally, the scheme has been recorded as having a 'neutral' impact on Sex and Religion or Belief characteristic groups. It is recommended this is reviewed and consultation with representatives of these groups evidenced and reconsidered.</u></p>	<p>The EqIA was reviewed between DCO 1.0 and the final submission in 2022. The submitted EqIA records a neutral impact on both Sex and Religion or Belief characteristic groups. Supporting text in relation to the Sex characteristic group references the fact that '<i>women are more likely to be users of public transport than men and may be affected by temporary changes in bus travel during the construction period, although it is noted that changes in journey times are small</i>'. Full analysis and assessment of the changes in journey time for each construction phase are provided in the HEqIA.</p> <p>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</p>	<p>HEqIA [Application Document APP-539]</p> <p>HEqIA – Appendix B – National Highways EqIA Screening Template [Application Document APP-541]</p>	<p>Matter Under Discussion</p>

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Moved (insertion) [5]: Additionally, the scheme has been recorded as having a 'neutral' impact on Sex and Religion or Belief characteristic groups. It is recommended this is reviewed and consultation with representatives of these groups evidenced and reconsidered.

Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p><u>HEqIA CIPHAG Independent Recommendations</u></p> <p><u>EqIA Recommendations from Independent Review – Consideration of Covid 19</u></p>	<p><u>2.1.79</u></p>	<p><u>COVID-19 should be considered more comprehensively in the EqIA as it affects groups differently and is impacting upon and shaping travel habits and consultation efforts.</u></p>	<p><u>The submitted HEqIA includes baseline data in relation to deaths involving COVID-19 by local authority area (Office for Health Improvement and Disparities) in addition to available information relating to populations considered to be clinically extremely vulnerable and therefore advised to shield during the pandemic.</u></p> <p><u>The HEqIA describes the measures taken to overcome restrictions to consultation that were in place due to the COVID-19 pandemic and the measures which were put in place during times when these restrictions had eased but people did not feel able to join in traditional face-to-face engagement. These measures are described in Section 5.3 of the HEqIA.</u></p> <p><u>Impacts of the pandemic on travel and behavioural patterns have been incorporated into the assessment where relevant – for example in relation to the impacts of COVID-19 on levels of exercise, usage of green space and the link between nature and wellbeing (described in Section 7.4 of the HEqIA) and in relation to work and training (described in Section 7.10 of the HEqIA).</u></p> <p><u>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</u></p>	<p><u>HEqIA [Application Document APP-539]</u></p>	<p><u>Matter Under Discussion</u></p>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
<p><u>HEqIA CIPHAG Independent Recommendations</u></p> <p><u>EqIA Recommendations from Independent Review – Intersectional Characteristics</u></p>	2.1.80	<p><u>Intersectional characteristics (i.e., Religion and Gender, Age and Disability) appear not to have been considered. This can be of specific use in identifying hard-to-reach groups who may have more complex considerations, and in providing important context.</u></p>	<p><u>The submitted EqIA includes a section on intersectional effects, highlighting that multiple social identities can mean that individuals experience overlapping systems of potential discrimination or disadvantage. The assessment identifies two groups considered to have more complex considerations particularly, notably older women, and older people with disabilities. The assessment notes that no additional mitigation or intervention is considered necessary in relation to intersectional effects than that already proposed and that ongoing stakeholder engagement will continue to inform detailed Project design.</u></p> <p><u>The Applicant considers this to be a Matter Agreed subject to confirmation by Kent County Council.</u></p>	<p><u>HEqIA – Appendix B – National Highways EqIA Screening Template [Application Document APP-541]</u></p>	<p><u>Matter Under Discussion</u></p>
<p><u>HEqIA Assessment</u></p>	<p>2.1.140 (DL-1)</p> <p>RRN</p>	<p><u>Negative health impacts have been found well below current EU & UK limits of which LTC references as the standard by which the significance of air quality has on human health. It should therefore be recognised that any improvement or deterioration in air quality will have an impact on human health both positive and negative.</u></p>	<p><u>The air quality assessment presented in Environmental Statement Chapter 5 Air Quality [Application Document APP-143] has been carried out in accordance with DMRB LA 105 (Highways England, 2019). The predicted pollutant concentrations at receptors are compared to the appropriate legal thresholds including Limit Values and Air Quality Strategy Objectives. This is to ensure compliance with the National Networks National Policy Statement (NN NPS), particularly when determining</u></p>	<p><u>ES Chapter 5 [Application Document APP-143]</u></p> <p><u>Health and Equalities Impact Assessment [Application</u></p>	<p><u>Matter Under Discussion</u></p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>whether the scheme has a significant impact on air quality. The change in pollutant concentration is described in the assessment both positive and negative in Chapter 5 Air Quality [Application Document APP-143] between paragraphs 5.6.30 and 5.6.112.</p> <p>Section 7.8 of the Health and Equalities Impact Assessment [Application Document APP-539] relates to air quality. The assessment draws from the findings of the air quality assessment presented in Environmental Statement Chapter 5: Air Quality [Application Document APP-143]. The assessment of health outcomes relating to changes in air quality during the operational phase is set out in Table 7.28. The assessment refers to the fact that, across the study area for air quality, there are locations predicted to experience both improvements and deteriorations in air quality and that the majority of changes in air quality are forecast to be imperceptible or small at human receptors. The table also notes that groups particularly sensitive to deteriorations or improvements in air quality and who may be more likely to experience changes to health outcomes as a result of air quality changes include children, older people and people with existing respiratory conditions.</p>	<p><u>Document APP-539</u></p>	

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			This matter remains under discussion subject to Kent County Council's review of the Applicant's position set out here.		
<u>HEqIA Assessment</u>	2.1.141 (DL-1) RRN	It is also not clear why the impact on air quality of the LTC (APP-143) has been concluded as neutral when other health determinants have been more nuanced and explicit when there have been both positive and negative benefits.	The 6.1 Environmental Statement - Chapter 5 - Air Quality [Application Document APP-143] concluded that the Project is not expected to lead to a significant air quality effect on human health. The air quality assessment has been undertaken in line with DMRB LA 105 (Highways England, 2019). The LA105 Standard requires us to assess whether the impacts of the scheme are significant or not significant on human health based on the approach described in paragraphs 2.89 to 2.96. of the standard. This is required to determine compliance with Paragraph 5.12 of the National Networks National Policy Statement. Paragraphs 5.6.132 and 5.6.133 of Chapter 5 of the Environmental Statement: Air Quality [Application Document APP-143] state: 'There are a total of nine receptors which experience a worsening in NO2 concentrations, and 16 receptors which experience an improvement in NO2 concentrations where the annual mean NO2 AQS objective is exceeded. When judging whether the Project leads to a significant effect, the change in concentration and the total number of receptors are considered against the guideline bands in DMRB LA	ES Chapter 5 [Application Document APP-143] Health and Equalities Impact Assessment [Application Document APP-539]	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>105 (Highways England, 2019) as described in paragraphs 5.3.132 to 5.3.137'.</p> <p>Further, there are no exceedances of AQS objectives predicted for PM2.5 or PM10 with or without the Project.</p> <p>The health assessment in relation to air quality is presented within Section 7.8 of the Health and Equalities Impact Assessment [Application Document APP-539]. This describes the positive and negative impacts reported in Environmental Statement - Chapter 5 - Air Quality [Application Document APP-143] and concludes a neutral health outcome in relation to construction and operation phases. The sensitivity of particular populations to deteriorations or improvements in air quality (for example children, older people and people with existing respiratory conditions) has been taken into account in the assessment.</p> <p>Paragraph 3.6.18 of the HEqIA describes the limitations and assumptions for the assessment, stating that for all topics, the assessment has been aggregated to ward level unless otherwise specified. Health effects are therefore considered at a population, rather than an individual level. A neutral assessment has been recorded for air quality on the basis that no significant impacts are reported in Environmental</p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			Statement Chapter 5 – Air Quality and that both positive and negative changes in air quality are reported along the route. This matter remains under discussion subject to Kent County Council's review of the Applicant's position set out here.		
<u>HEqIA Assessment</u>	2.1.142 (DL-1) RRN	Within the HEqIA (APP-539) it is noted that the consultation highlighted concerns about the absence of a hard shoulder along the proposed road links within the Project with reference to potential safety. Kent has above average levels of killed and seriously injured casualties on the roads, and the absence of a hard shoulder has not been addressed with any evidence to justify the decision.	The Lower Thames Crossing is being designed to be an All Purpose Trunk Road similar to the many miles of A-roads used by millions of motorists every year across the UK, not a motorway. It will feature Emergency Areas (on the link roads) and technology such as stopped vehicle detection, CCTV and electronic signing and signaling. Should a vehicle need to stop before it reaches an emergency area, technology used along the route will be designed to detect the stopped vehicle, alert and operator and the over-lane signals will be changed to indicate that the affected lane is closed to traffic. Safety is a key priority for The Applicant. The new tunnel and roads will be designed and built to the highest safety standards recommended today, and The Applicant continues to adapt its design to incorporate advances in design and technology that emerge in the years ahead. In the past, the Lower Thames Crossing has been referred to as an A-road using Smart	Health and Equalities Impact Assessment [Application Document APP-539], Project Design Report Part C: Design Rationale [Application Document APP-508] Project Design Report Part G: Design Evolution [Application Document APP-514] Project Design Report Part D:	Matter Under Discussion

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Deleted: The Equalities Impact Assessment (EQIA) has been updated and this comment has been reviewed in line with the updates prepared. Various community groups, including those representing community facilities such as places of worship have been engaged with as part of the wider programme of community engagement for the Project. Relevant findings have been reported on as appropriate in the EqIA (7.10). This is a matter under discussion pending Kent County Council's review of the full HEqIA (7.10) included as part of the DCO application.

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>Motorway technology. This is because there are common standards for certain design such as traffic and stopped vehicle detection systems, electronic signing and signalling, and Emergency Areas. The Applicant has included these in the design of the Lower Thames Crossing as they support the project's safety objectives and make the road safer.</p> <p>The Project Design Report Part C: Design Rationale [Application Document APP-508] describes how the Project responds to the ten principles of good design. Paragraph 4.1.2 states that 'safety is fundamental to the design of the Project route and the road alignment, signage, barriers, structures and other highways elements have been designed to ensure the safety of users. The issue of safety becomes the overriding concern with design issues'.</p> <p>The Project Design Report Part G: Design Evolution [Application Document APP-514] outlines key design changes as a result of consultation feedback and/or The Applicant Design Review Panel (NHDRP) over the course of Project development. Changes made at Supplementary Consultation in 2020 included the removal of the hard shoulder from the eastbound connector road along the A2. To mitigate this, it was replaced with a hard strip and if an incident</p>	<p>General Design South of the River [Application Document APP-509]</p> <p>Environmental Statement Chapter 2: Project Description [Application Document APP-140]</p> <p>The Consultation Report [Application Document APP-065].</p>	

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>occurs, it is proposed to control the traffic to prevent the connector road backing up into the tunnel.</p> <p>A hard shoulder was retained on the Brewers Road eastbound slip to accommodate broken-down vehicles at this junction.</p> <p>The Project Design Report Part D: General Design South of the River [<u>Application Document APP-509</u>] describes the approach to Project design in this location.</p> <p>Paragraphs 4.3.1 and 4.3.2 note that the Project has been designed to commence at the existing A2 and includes the widening of the A2 between the junction with Henhurst Road and Valley Drive through to junction 1 of the M2 to generally provide four lanes each way with hard shoulders. To achieve the proposed widening of the A2, the alignment has been altered to the west of the M2 junction 1. Through the M2 junction 1 the design includes the widening of the A2 from three lanes to four, with intermittent hard shoulders along this length.</p> <p>Paragraph 4.3.4 notes that the Preliminary Design includes the provision of two new two-lane link roads, north and south of the A2, connecting to the existing A289 and the A2 at the eastern end. These link roads have been designed to re-provide the two connections removed from the existing</p>		

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			<p><u>arrangement. Both the eastbound and westbound connecting roads have hard strips. Environmental Statement Chapter 2: Project Description [Application Document APP-140] defines these further as being 1m-wide hard strips on the edge of the carriageways.</u></p> <p><u>Elsewhere within the Project alignment (to the north of the River Thames), Environmental Statement Chapter 2: Project Description [Application Document APP-140] states that in Section 7 of the Project (A13/A1089/A122 Lower Thames Crossing junction), paragraph 2.3.134 states that the Project road would be two lanes in both directions through the new junction, along which hard shoulders would be provided.</u></p> <p><u>Additionally, within Section 9 of the Project (A122 Lower Thames Crossing/M25 junction), paragraphs 2.3.187 and 2.3.188 reference the approach to widening of the M25 in this location: in the southbound direction, the M25 would be widened from four lanes with a hard shoulder to five lanes with a hard shoulder between the M25 junction 29 southbound on-slip and A122 southbound off-slip; through M25 junction 29, the existing M25 would be widened from three lanes each way with hard shoulder to four lanes each way with hard shoulder in both directions.</u></p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	<u>Application Document Reference</u>	Status
			<p>The Consultation Report [<u>Application Document APP-065</u>] states, in response to stakeholder feedback, that the Project proposals submitted for the application for development consent have been designed in accordance with the Design Manual for Roads and Bridges (DMRB) (The Applicant, 2019) standards published in July 2019, with the designs being reviewed against all standards published since that date, up to March 2022. The detailed design for the Project would be carried out by the appointed Contractors in accordance with the DMRB standards published at the time of detailed design.</p> <p>The DMRB specification used for the design of the Project does not require a hard shoulder because it features advanced safety systems, including variable mandatory speed limits, red-X lane signalling to support incident management, stopped vehicle detection systems, CCTV, and emergency areas for road users to access in an emergency. Incident management plans and protocols would play a key part in minimising the impact of incidents. These systems are included in the Project's design to support its safety objectives and make the road safer for all road users. The Applicant would use the most current stopped vehicle detection</p>		

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p>systems available at the time of opening, minimising both the risk of collisions and any reductions in traffic flow associated with temporarily closed lanes. The use of such technology would mean the new road would include more safety measures than existing A roads. Furthermore, collision data shows that while hard shoulders are perceived as places of safety on a conventional motorway, there are still significant risks of being in a collision for those who stop in them. On the contrary, emergency areas are safer places for vehicles to stop, largely because they are set back further from moving traffic.</p> <p>This matter remains under discussion subject to Kent County Council's review of the Applicant's position set out here.</p>		
Community Fund (Principle)	2.1.81	Kent County Council considers that a Community Fund should be provided and secured by S106 Agreement.	It is agreed that a Community Fund will be provided and secured by a S106 Agreement and this has been included within the Draft S106 Heads of Terms within the DCO Application.	S106 Agreements – Heads of Terms [Application Document APP-505]	Matter Agreed
Community Fund (Criteria)	2.1.82	Kent County Council considers that the Community Fund should fund and facilitate community and environmental enhancement projects within a certain distance of	National Highways has provided draft Terms of Reference for the Community Fund within draft Heads of Terms for the Section 106 Agreement and awaits Kent County Council comments in order to reach agreement on	S106 Agreements – Heads of Terms [Application	Matter Under Discussion

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Deleted: Undertaking consultation and engagement to develop a DCO application during the Covid-19 pandemic (and the legislation and advice that limited usual consultation and engagement measures) has had implications, particularly for those with protected characteristics that may have found it differentially or disproportionately more difficult to contribute and engage. This clearly has implications for the approach to HEqIA (7.10), and as such the Project has adapted it's approach with this in mind to remove barriers to engagement and consultation. A hard-to-reach strategy was prepared in advance of the Community Impacts Consultation, and the National Highways stakeholder team has worked to reach such groups. A summary of how such groups have been engaged has been included in the HEqIA report.¶
National Highways has complied with its duty to have regard to views expressed by consultees in developing the Project, as (...)

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
		the <u>Project</u> , and include criteria for environmental enhancement projects. <u>This</u> should include historic landscapes and heritage assets as well as the natural environment.	the proposed criteria for the Community Fund, which does not exclude those suggested by Kent County Council but sets out additional parameters for the Funds.	<u>Document APP-505</u>	
<u>Community Fund</u> Community Fund (Scale)	2.1.83	Kent County Council and National Highways are undertaking discussions to agree the scale of proposed Community Funds.	National Highways has provided draft Heads of Terms for the Section 106 Agreement and <u>awaits</u> Kent County Council comments in order to reach agreement.	<u>S106 Agreements – Heads of Terms [Application Document APP-505]</u>	Matter Under Discussion
<u>Community Fund</u> Community Fund (Implementation and Governance)	2.1.84	Kent County Council and National Highways are undertaking discussions to agree the implementation and governance of proposed Community Funds.	National Highways has provided draft Heads of Terms for the Section 106 Agreement and <u>awaits</u> Kent County Council comments in order to reach agreement.	<u>S106 Agreements – Heads of Terms [Application Document APP-505]</u>	Matter Under Discussion
Nitrogen Deposition					
<u>General Methodology/Modelling/Alternatives</u> Principle of Approach to Nitrogen Deposition	2.1.85	In principle Kent County Council supports National Highways' proposals for compensating for the effects of Nitrogen Deposition <u>(i.e. that it is agreed that the selection of compensation planting as opposed to other mitigation, e.g. physical barriers or lower road speeds is appropriate).</u>	It is agreed that the principle of National Highways' proposals for compensating for the effects of Nitrogen Deposition is appropriate, subject to Kent County Council's detailed review of the approach to consideration of alternative options set out within the planning application materials <u>as follows:</u> <ul style="list-style-type: none"> <u>Information set out in appendices to the Terrestrial Biodiversity ES Chapter – Appendix 8.14: Designated Site Air</u> 	<u>ES Appendix 8.14: Designated Sites Air Quality Assessment [Application Documents APP-403 to APP-406]</u>	Matter Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			<p><u>Quality Assessment and Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites.</u></p> <p><u>Project Design Report Part D (General Design South of the River) – Section 3.2: Burham and Blue Bell Hill nitrogen deposition compensation details the justification of choice for compensation land in this area.</u></p>	<p><u>ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites [Application Document APP-418]</u></p> <p><u>Project Design Report – Part D – General Design South of the River [Application Document APP-509]</u></p>	
<p><u>General Methodology/Modelling/Alternatives</u></p> <p>Methodology relating to Nitrogen Deposition</p>	<p>2.1.86</p>	<p>Kent County Council notes that the lack of detail around the methodology and the rationale for why these particular compensatory sites were chosen means that Kent County Council is unable to advise on whether the approach is appropriate.</p>	<p><u>National Highways considers that detail on the site selection methodology has been appropriately set out within the application materials listed above in Matter 2.1.85) and through a Nitrogen Deposition compensation Site Selection Methodology Note which was shared with Kent County Council in July 2022, along with subsequent engagement following submission of the application (referred to in Appendix A).</u></p> <p><u>The Applicant considers that based on the information above and engagement with</u></p>	<p>N/A</p>	<p>Matter Agreed</p>

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p><u>Site Selection and Surveying</u></p> <p>Nitrogen Deposition and Cultural Heritage</p>	<p>2.1.87</p> <p>RRE</p>	<p>Kent County Council considers that National Highways need to undertake a thorough historic landscape assessment and archaeological field investigation of each potential Nitrogen Deposition compensation site in order to finalise the choice of each site.</p>	<p>Kent County Council that this is now a <u>matter agreed</u>.</p> <p>It is generally agreed that historic landscape assessment and archaeological field investigation of each potential Nitrogen Deposition compensation site is appropriate in considering the choice of each site. However, this matter remains Under Discussion subject to Kent County Council's review of the application materials referenced here.</p> <p>The Nitrogen Deposition compensation Site Selection Methodology Note shared with Kent County Council in July 2022 describes that screening was carried out which has avoided potential impacts to designated sites such as scheduled monuments, listed buildings and conservation areas. The remaining sites were subject to a desk-based assessment on archaeological remains, built heritage and historic landscapes, and incorporated into the cultural heritage ES chapter 6.</p> <p>Further archaeological assessment will take place prior to detailed design as the design of the habitats will include both woodland and grassland planting, which will seek to avoid impacts to buried archaeological remains. The detailed design will reflect the existing landscape character and opportunities will</p>	<p>ES Chapter 6: <u>Cultural Heritage [Additional Submission AS-044]</u></p>	<p>Matter Under Discussion</p>

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			be explored to potentially reinstate historic landscape features.		
<u>General Methodology/Modelling/Alternatives</u> Nitrogen Deposition and Traffic Modelling	2.1.88	Kent County Council is concerned that the increase in traffic that warrants mitigation for Nitrogen Deposition effects should also result in mitigation for traffic congestion on the routes themselves particularly Bluebell Hill (A229) and M2 J3.	National Highways wish to clarify that the additional compensatory land proposed to address nitrogen deposition impacts is not the result of an increase in predicted traffic over previously modelled levels. This is instead due to the Project implementing new best practice in consultation with Natural England to model and compensate for the effects of nitrogen deposition that were not required to be considered in this way in the past. The assessment work presented in the Local Refinement Consultation utilised traffic modelling information that was consulted on at the Community Impacts Consultation and has already been released to the authority.	N/A	Matter Not Agreed
<u>Site Selection and Surveying</u> Nitrogen Deposition and Landscape and Visual Impact Assessment (LVIA)	2.1.89	Kent County Council <u>considers</u> that any designs for Nitrogen Deposition compensation areas reflect the existing landscape as much as possible.	National Highways agrees that designs for Nitrogen Deposition compensation areas should reflect the existing landscape as much as possible. Screening was carried out as part of the site selection methodology. This has avoided impacts to designated sites such as scheduled monuments, listed buildings and conservation areas. The remaining sites were subject to a desk-based assessment on all three topics, archaeological remains, built heritage and historic landscapes, and incorporated into the cultural heritage ES	<u>ES Chapter 6: Cultural Heritage [Additional Submission AS-044]</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
			chapter 6. Further archaeological assessment will take place prior to detailed design as the design of the habitats will include both woodland and grassland planting, which will seek to avoid impacts to buried archaeological remains. The detailed design will reflect the existing landscape character and opportunities will be explored to potentially reinstate historic landscape features. This matter remains under discussion subject to Kent County Council's review of the ES Chapter 6.		
<u>Site Selection and Surveying</u> Nitrogen Deposition and Air Quality	2.1.90	Kent County Council would like to see more detail on the nitrogen level increase in traffic around the A229 Blue Bell Hill and other local roads, and understand what the impacts are for other pollutants/particulates, and consideration in terms of the M20/Maidstone Air Quality Management Area (AQMA). <u>Kent County Council consider that impact on the AQMA is not acceptable and further indicates a need to mitigate the traffic impact of Lower Thames Crossing via improvements to the A229 funded by National Highways.</u>	National Highways provided a cordon of the Project's transport model to enable Kent County Council to examine in more detail National Highways' forecast impact on local roads. National Highways <u>has updated</u> the air quality assessments within the <u>Environmental Impact Assessment (EIA)</u> and further information on impacts and mitigation <u>has been</u> shared in ES Chapter 5: <u>Air Quality</u> , as part of the DCO submission. This <u>includes</u> impacts on the M20 both within the AQMA and outside of the Maidstone AQMA, including changes in pollutants as a result of the project.	<u>ES Chapter 5: Air Quality [Application Document APP-143]</u>	<u>Matter Not Agreed</u>

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National Highways consider this matter to remain under discussion subject to Kent County Council's review of the application documents.

Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Landscape Nitrogen Deposition and Decarbonisation options	2.1.91	Kent County Council is concerned about whether the decarbonisation rate assumptions used to identify mitigation for Nitrogen Depositions are approved by DfT.	An assessment of road user greenhouse gas (GHG) emissions during the operational phase has been presented in ES Chapter 15: Climate. The road user GHG emissions associated with the future use of the existing road network have been estimated using the outputs from the Project's transport model and the latest TAG GHG emissions workbook and Emission Factor Toolkit version 11 (EFTv11). The current GHG emission forecast tools do not take account of the effects of the latest net zero policy for surface transport and therefore a sensitivity test has also been presented in ES Chapter 15, to highlight the potential positive impact that policy measures set out in the Department for Transport's decarbonisation plan published in 2021, 'Decarbonising transport: a better, greener Britain' would have on road user GHG emissions over the appraisal period. With respect to other traffic emissions which will reduce as a result of decarbonisation, including those with the potential to impact designated sites, they have been modelled as part of the air quality impact assessment using the same inputs and assumptions outlined above. Further information has been included within the DCO application regarding the assumptions within the	ES Chapter 15: Climate [Application Document APP-153]	Matter Agreed
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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			approach, and the methodology for ensuring that the approach taken to mitigation/compensation is appropriate. <u>Further engagement with Kent County Council has been undertaken on the Matter, including a workshop on 21 February 2023.</u>		
<u>Air Quality</u> Nitrogen Deposition and Terrestrial Ecology	2.1.92	Kent County Council <u>suggests</u> that consideration should be given by National Highways to the use of Nitrogen Deposition compensation sites for conservation grazing.	National Highways agrees that consideration should be given to the use of Nitrogen Deposition compensation sites for conservation grazing, and notes that the <u>Project's</u> legacy and benefits projects may offer limited opportunities for conservation grazing. These will be further explored through the detailed design stage if suitable partners can be identified. <u>This Matter remains under discussion subject to Kent County Council's consideration of National Highways' advice that compensatory grazing may be implemented on nitrogen deposition compensation sites where appropriate and agreed with stakeholders as part of consultation on detailed design (the process of which is set out in the oLEMP), and in-line with the eventual manager of each site's management/maintenance plans.</u>	N/A	Matter Under Discussion
<u>Detailed Design/ Management</u>	2.1.93	Kent County Council <u>considers</u> that there is a need for surveys to be carried out on Nitrogen Deposition	National Highways <u>agrees</u> that surveys must be undertaken, and have been, the	<u>ES Chapter 8: Terrestrial Biodiversity</u>	Matter Under Discussion

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
<p><u>Plans/ Implementation</u></p> <p>Nitrogen Deposition and Ecological Surveys</p>		<p>compensation sites to consider the impact of the proposed planting on protected/notable species, and nesting birds (as the sites are currently arable).</p> <p><u>Kent County Council is engaging with the Applicant regarding the undertaking of additional surveys. Where it is agreed by KCC that specific surveys are not required to be undertaken during the examination, then Kent County Council consider that the draft DCO should include a Requirement for the Applicant to undertake these surveys prior to start of construction.</u></p> <p><u>Kent County council considers that mitigation strategies should be continuously updated following new survey results, and a long-term monitoring programme is needed to understand the impact of increased emissions on Shorne Woods Country Park and vulnerable species which should be secured through a Requirement of the draft DCO or the S106 Agreement.</u></p>	<p>requirements of which were determined by the Phase 1 habitat survey. National Highways can confirm that as a result, significant effects will not be introduced through the establishment of nitrogen deposition compensatory land and this is set out within <u>ES Chapter 8: Terrestrial Biodiversity</u>.</p> <p><u>Further engagement with Kent County Council has been undertaken on the Matter, including a workshop on 21 February 2023.</u></p> <p><u>This matter remains under discussion subject to Kent County Council's review of the following references to ecological surveys and impacts/monitoring related to protected species and nesting birds on nitrogen deposition sites:</u></p> <ul style="list-style-type: none"> • <u>ES Chapter 8: Terrestrial Biodiversity, Section 8.8, paragraph 8.8.2</u> • <u>ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites</u> • <u>ES Appendices 8.16, 8.17, 8.18, 8.19 and 8.20</u> • <u>CoCP (REAC Ref. TB014, TB015, TB016, TB017)</u> • <u>oLEMP Section 8.2, paragraph 8.28.8</u> 	<p><u>[Application Document APP-146]</u> <u>ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites</u> <u>[Application Document APP-418]</u> <u>ES Appendix 8.16: Draft EPS Mitigation Licence Application – Bats</u> <u>[Application Document APP-408]</u> <u>ES Appendix 8.17: Draft EPS Mitigation Licence Application – Great Crested Newts</u> <u>[Application</u></p>	

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
				<p><u>Documents APP-409 to APP-413]</u> <u>ES Appendix 8.18: Draft EPS Mitigation Licence Application – Dormouse [Application Document APP-414]</u> <u>ES Appendix 8.19: Draft Badger Development Licence Application (CONFIDENTIAL)</u> <u>[Application Document APP-415]</u> <u>ES Appendix 8.20: Draft Water Vole Conservation Licence Application [Application</u></p>	

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
				Document APP-416] ES Appendix 2.2: CoCP and REAC [Application Document APP-336] oLEMP [Application Document APP-490]	
<u>General Methodology/Modelling/Alternatives</u> Nitrogen Deposition and Ecological Surveys (Preliminary Ecological Appraisal (PEA))	2.1.94	Kent County Council <u>notes</u> that if the survey data is older than two years then there will be a need for an updated Preliminary Ecological Appraisal submitted as part of any submission.	It is not agreed that an updated Preliminary Ecological Appraisal is required. However, National Highways has undertaken a validation exercise of environmental survey data to ensure it remains current and representative throughout the application process, and further pre-construction surveys will be undertaken to validate draft protected species licensing and other consenting requirements, as agreed with statutory environmental bodies.	N/A	Matter Not Agreed
<u>Site Selection and Surveying</u>	2.1.95 RRE	Kent County Council considers that National Highways should seek to secure a similar arrangement south of the river to the proposals at Hole Farm.	National Highways considers that a sufficient area of compensatory land across a number of sites is already planned to be provided by the Project.	N/A	Matter Agreed

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Topic	Item No.	Kent County Council Comment	National Highways' Response	Application Document Reference	Status
Compensatory Land Arrangement → Principle		Kent County Council considers that a 50ha+ area of compensatory land should be leased through the Forestry England Woodland Partnership as mitigation measures would be more successful with a permanent base on the Kent side to manage the conservation work.	National Highways is seeking to identify partners for the management of sites to the south of the river, and Forestry England Woodland Partnership is one of the potential partners for these sites.		
<u>Detailed Design/ Management Plans/ Implementation</u> Public Access to Nitrogen Deposition compensation sites	2.1.96	Kent County Council supports the Kent Downs AONB Unit's request for carefully managed public access to be secured across large parts of the compensatory site, to connect into the North Downs Way national trail.	National Highways has taken a landscape scale approach to nitrogen deposition compensation, to enable predominantly wooded enhanced ecological connectivity. Nitrogen deposition compensation sites were selected using a robust site selection methodology agreed with the Kent Downs AONB Unit and Natural England. The methodology included an assessment of the ecological suitability of land parcels using a proximity analysis. This considered proximity and therefore connectivity to other important existing ecological features (located both inside and outside of the AONB), planting provided by the Project as part of the landscape design and the area affected by potentially significant nitrogen deposition changes. The size of the land parcel was also considered, with larger land parcels being categorised as more suitable than smaller ones. The land parcels were then reviewed by a multi-disciplinary group of specialists, to	N/A	Matter Under Discussion

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			<p>assess the potential opportunities and constraints for each site to refine the site selection. Factors considered include cultural heritage, landscape (including the AONB management plan), utilities, land referencing and planning. The sites were further refined following the Local Refinement Consultation held in 2022. Suitable sites identified through this process which are located entirely within the AONB are the Blue Bell Hill and Burham sites. Additionally, the site to the south of Shorne lies partially within the AONB.</p> <p>It is acknowledged that Kent County Council has supported the AONB Unit's request for carefully managed public access to be secured across large parts of the compensatory site, to connect into the North Downs Way national trail. While not directly related to the purpose of the compensation, National Highways will work with all stakeholders and any third party who may be commissioned to manage the areas to investigate the potential for additional accesses.</p> <p>This matter remains under discussion subject to ongoing engagement with a range of stakeholders including Kent County Council on the approach to detailed design, management and maintenance (roles and</p>		

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<u>Topic</u>	<u>Item No.</u>	<u>Kent County Council Comment</u>	<u>National Highways' Response</u>	<u>Application Document Reference</u>	<u>Status</u>
			responsibilities) of sites in-line with the <u>oLEMP</u> .		
Protective Provisions					
<u>Drainage</u> Drainage Protective Provisions	2.1.97	Kent County Council considers that the approach to Drainage Protective Provisions set out by National Highways and to be included within the DCO is acceptable, subject to a requested amendment from Kent County Council of the proposed 28-day timeframe for deemed approval (to 2 months).	The Applicant considers that Kent County Council's proposed amendment <u>is</u> acceptable, and subject to agreement of detailed wording within the <u>draft</u> DCO, consider this <u>is</u> likely to be a matter agreed. This remains a matter under discussion until the proposed wording has been shared <u>by the Applicant and signed by both parties.</u>	Draft DCO <u>[Additional Submission AS-038]</u>	Matter Under Discussion

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Appendix A Engagement activity

i. Engagement activities between the Applicant and Kent County Council since the DCO application was submitted on 31 October 2022

Date	Overview of engagement activities
7 November 2022	Meeting to discuss post-submission Planning Performance Agreement (PPA) and next steps/plan to resolve SoCG Matters
14 and 16 November 2022	DCO Briefing
16 November 2022	Monthly meeting to discuss Wider Network Impacts
25 November 2022	Lower Thames Crossing Ecology and Biodiversity Briefing
8 December 2022	Monthly meeting to discuss Wider Network Impacts
15 December 2022	Meeting to discuss Construction Traffic Effects and Mitigation
12 January 2023	Monthly meeting to discuss Wider Network Impacts
13 January 2023 to present (fortnightly)	Fortnightly meetings between Lower Thames Crossing and KCC to discuss SoCG matters
8 February 2023	Meeting to discuss discharging of DCO Requirements, Side Agreements and Transfer of Assets
9 February 2023	SoCG Workshop – technical discussion framed around resolution of SoCG Matters relating to construction
15 February 2023	SoCG Workshop – technical discussion framed around resolution of SoCG Matters relating to noise/vibration and air quality
16 February 2023	Monthly meeting to discuss Wider Network Impacts
21 February 2023	SoCG Workshop – technical discussion framed around resolution of SoCG Matters relating to terrestrial biodiversity and nitrogen deposition
8 March 2023	SoCG Workshop – technical discussion framed around resolution of SoCG Matters relating to population, health and socio-economics
14 March 2023	SoCG Workshop (joint with Gravesham Borough Council) – technical discussion framed around resolution of SoCG Matters relating to Cultural Heritage
4 April 2023 6 April 2023	Meeting to follow up on SoCG Matters and share technical information relating to terrestrial biodiversity/ecology
17 April 2023	Stakeholder Landscape and Ecology Working Group (Inaugural Session)
5 May 2023	Monthly meeting to discuss Wider Network Impacts
9 May 2023	Meeting to follow up on SoCG Matters and share technical information relating to road drainage and the water environment
24 May 2023	Meeting to follow up on SoCG Matters and share technical information relating to skills and employment

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Documents considered within this Statement of Common Ground
Documents considered within this Statement of Common Ground
A summary of

Deleted: documents which have been considered in the development on this SoCG outside of the DCO application documents are provided below, such as emails, meeting notes, etc.
Draft versions of Application Document 1.3, Introduction to the Application

Deleted: Application Document 1.4 (September 2022)
Meeting Note, Slides and Follow-up Email regarding the Project's update on approach to Wider Network Impacts (August and September 2022)
Schedule of expected changes to the EIA (May 2022) via CIPHAG
Draft S 106 Heads of Terms for Community Fund and SEE Strategy (August 2022)
Slides setting out the Project's approach to Road Asset Maintenance (January 2022) and Traffic Displacement during Construction (September 2022)
Nitrogen Deposition Site Selection Methodology Note (July 2022)
Notes of meeting with

Deleted: providing a 'Q&A' on the Project's approach to Nitrogen Deposition (May 2022)
Employment, Skills and Education – Group 3 Technical Update Note (June 2022)
Cordon Model Technical Note (April 2022)
Technical Note for Cumulative Effects Assessment and Provisional Long List of Developments (July and August 2022)
LTC Sub-regional NMU Study (April 2022)
Draft LEMP Advisory Group Terms of Reference (April 2022)
Hatch Agreements – Project-wide and Principles (April 2022)
Slides explaining updates to NMU/WCH

Deleted: Community Impact Consultation and for Local Refinement Consultation (April 2022)
Variation to the Kent County Council Planning Performance Agreement to include SOBC Study (May 2022)
Kent County Council – Plans and List of Air Quality Monitoring Locations (April 2022)
Draft Drainage Protective Provisions for Kent County Council comment (August 2022)
Notes from Securing Mechanisms Workshop with local authorities 03/11/21
Slides from Securing Mechanisms Workshop with local authorities 03/11/21
Consultation materials released by the Project at the following stages of consultation and corresponding responses:
Route Consultation (Opened January 2016, closed March 2016)
Statutory Consultation (Opened

Deleted: 2018, closed December 2018)

Deleted: <#> Supplementary Consultation (Opened January 2020, closed April 2020)
Design Refinement Consultation (Opened July 2020, closed August 2020)
Community Impacts Consultation (Opened July 2021, closed September 2021)
Local Refinement Consultation (Opened May 2022, closed June 2022)
Scoping Opinion: Proposed Lower Thames Crossing, 2017

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.
Adequacy of Consultation Response	AoCR	-
Air Quality Action Plan	AQAP	A plan whereby local authorities, in collaboration with national agencies and others, will state their intentions for working towards the air quality objectives through the use of the powers they have available
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.
Application Document	-	A document submitted to the Planning Inspectorate as part of the application for development consent.
Area of Outstanding Natural Beauty	AONB	Statutory designation intended to conserve and enhance the ecology, natural heritage and landscape value of an area of countryside.
Code of Construction Practice	CoCP	Contains control measures and standards to be implemented by the Project, including those to avoid or reduce environmental effects.
Combined Modelling and Appraisal Report	ComMA	The purpose of the Combined Modelling and Appraisal Report is to inform decision makers and stakeholders on how the evidence underpinning the business case has been developed, from the initial identification of the underlying problem through the collection of data and the production of any supporting traffic models and forecast impacts of the Project on traffic to the eventual economic appraisal.
Community Impacts and Public Health	CIPH	-
Community Impacts and Public Health Advisory Group	CIPHAG	-
Compensation Code	-	Legislation, case law and established practice concerning the rights to compensation for those affected by compulsory purchase and the procedures for assessing the correct amount.
Compulsory acquisition	-	The compulsory acquisition of land or buildings for public interest purposes.

Deleted: Chronic Obstructive Pulmonary Disease

Term	Abbreviation	Explanation
Department for Environment, Food and Rural Affairs	Defra	The government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the United Kingdom of Great Britain and Northern Ireland.
Department for Transport	DfT	The government department responsible for the English transport network and a limited number of transport matters in Scotland, Wales and Northern Ireland that have not been devolved.
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.
Emissions Factors Toolkit	EFT	The Emissions Factors Toolkit (EFT) is published by Defra and the Devolved Administrations to assist local authorities in carrying out review and assessment of local air quality as part of their duties under the Environment Act 1995.
Environmental Impact Assessment	EIA	A report prepared for a consenting authority who, when deciding whether to grant consent for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
Environmental Management Plan	EMP	For the Project, a plan setting out the conclusions and actions needed to manage environmental effects as defined by the Design Manual for Roads and Bridges standard LA 120. The CoCP is the equivalent of the first iteration of the EMP (EMP1). The contractor's EMP would be EMP2 and the end of construction EMP would be EMP3.
Environmental Masterplan	-	A package of information on existing and future environmental commitments and objectives, ongoing actions and risks to be managed, handed over to those responsible for future management and operation of the asset. The Environmental Masterplan for the Project is provided as Figure 2.4 (Application Document 6.2) of the ES.
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.

Deleted: Detailed Archaeological Mitigation Strategy ...

Deleted: Emissions Factors Toolkit ...

Term	Abbreviation	Explanation
Examining Authority	-	The Examining Authority is appointed by the Secretary of State to examine an application for a Development Consent Order and make a recommendation.
Framework Construction Travel Plan	FCTP	A document which sets out a framework to reduce the impact of the project's construction workforce on the road network as a result of travel to and from construction areas and compounds (including utility logistic hubs). The FCTP sets out proposed ways in which this would be done, including by reducing single occupancy vehicle trips and encouraging sustainable and active travel.
Geographic Information System	GIS	An integrated collection of computer software and data used to view and manage information about geographic places, analyse spatial relationships and model spatial processes.
Green bridges	-	Bridges over linear infrastructure projects like roads and railways, constructed to enable safe crossing by animals, reducing severance.
Greenhouse gas	GHG	Gases able to absorb infrared radiation emitted from Earth's surface and reradiate it back to Earth's surface, thus contributing to the greenhouse effect. Carbon dioxide, methane, and water vapour are the most important greenhouse gases.
Health and Equalities Impact Assessment	HEqIA	A systematic process used to identify the potential health and equalities impacts arising from policies, plans, programmes and projects, to identify the distribution of those effects amongst the population and to identify mitigation measures to address these effects, thereby minimising adverse effects on the local population
Health Impact Assessment	HIA	An assessment of potential impacts on human health. Not a legal requirement but good practice and will almost certainly be done for the Project.
Heavy Goods Vehicle	HGV	A large, heavy motor vehicle used for transporting cargo.
High Speed 1	HS1	A 109km high-speed railway between London and the UK end of the Channel Tunnel. The line carries international passenger traffic between the UK and continental Europe; it also carries domestic passenger traffic to and from stations in Kent and east London, as well as Berne gauge freight traffic.
Landscape and Ecology Management Plan	LEMP	A document which provides details on the delivery and management of the landscape and ecology elements identified in the Environmental Masterplan for the Project, including their success criteria.
Landscape and visual impact assessment	LVIA	Part of a planning application or environmental assessment that looks at the impact of development on the character of a landscape.

Term	Abbreviation	Explanation
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.
Local Road Network	LRN	-
Lower Thames Area Model	LTAM	The strategic highway model produced by Highways England to appraise the impacts of the Lower Thames Crossing
National Planning Policy Framework	NPPF	The National Planning Policy Framework was published in March 2012 by the UK's Department of Communities and Local Government, consolidating over two dozen previously issued documents called Planning Policy Statements (PPS) and Planning Practice Guidance Notes (PPG) for use in England. The NPPF was updated in February 2019 and again in July 2021 by the Ministry of Housing, Communities and Local Government.
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.
Nitrogen dioxide	NO ₂	A reactive gas introduced into the environment by natural causes, including entry from the stratosphere, bacterial respiration, volcanos, and lightning. It is also introduced by the emissions of internal combustion engines burning fossil fuels.
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.
outline Materials Handling Plan	oMHP	Sets out the approach and high level principles for handling construction materials and waste on the Lower Thames Crossing project, both inside and outside the Order Limits.
outline Traffic Management Plan for Construction	oTMPfC	A plan setting out the strategy and measures to be adopted with respect to highway and transportation issues for the Project. The oTMPfC , supports the DCO application and would be embedded within the eventual construction contractor documentation and will form an overarching and comprehensive management procedure for the contractor to adhere to.

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Deleted: outline Site Waste Management Plan ...

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Term	Abbreviation	Explanation
Overarching Written Scheme of Investigation	OWSI	Sets out the scope, guiding principles and methods for the planning and implementation of essential archaeological mitigation
Post Opening Project Evaluation	POPE	Checks whether investments in Major Projects are delivering the outcomes documented in the Appraisal Summary Table published prior to scheme approval. National Highways produces the reports 'one year after' and 'five years after' road opening.
Preliminary Environmental Information Report	PEIR	An early output of the EIA process, and part of the DCO application process.
Public Right of Way	PRoW	A right possessed by the public to pass along routes over land at all times. Although the land may be owned by a private individual, the public may still gain access across that land along a specific route. The mode of transport allowed differs according to the type of Public Right of Way, which can consist of footpaths, bridleways and open and restricted byways.
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 6.3, ES Appendix 2.2).
Rest and Service Area	RASA	A public facility located next to a large thoroughfare such as a motorway, expressway, or highway, at which drivers and passengers can rest, eat, or refuel without exiting onto secondary roads.
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 period 2015-2020. A second RIS (RIS 2) was published in 2020, and covers the post-2020 period. RIS3 sets out the Government's aims and proposals for investment in the strategic road network from 2025 to 2030.
Scoping	-	The process of identifying the issues to be addressed by the Environmental Impact Assessment process. It is a method of ensuring that an assessment focuses on the important issues and avoids those that are considered unlikely to be significant.
Secretary of State	SoS	The Secretary of State has overall responsibility for the policies of the Department for Transport.
Shorne Woods Country Park	SWCP	-
Site of Special Scientific Interest	SSSI	A conservation designation denoting an area of particular ecological or geological importance.

Deleted: Palaeolithic and Quaternary Deposit Model

Term	Abbreviation	Explanation
Site Specific Travel Plans	SSTP	-
Skills, Employment and Education	SEE	-
Southern Gas Networks	SGN	British gas distribution company which manages the network that distributes natural and green gas to 5.9 million homes and businesses across Scotland and the south of England.
Stakeholder Actions and Commitments Register	SACR	-
Statutory Consultation	-	The statutory pre-application consultation held by the Applicant on the Project proposals between October and December 2018.
Strategic Outline Business Case	SOBC	First stage of drawing together evidence pertaining to a transport scheme, focusing on the strategy or reasons why change may be required.
Strategic road network	SRN	The core road network in England managed by National Highways.
Traffic Management Forum	TMF	The TMF would review planned traffic management arrangements and receive comments as to their appropriateness. The TMF would also monitor, review, and provide updates to the TMPs when required.
Traffic Management Plan	TMP	A plan setting out the strategy and measures to be adopted with respect to highway and transportation issues for the Project. The TMP supports the DCO application and would be embedded within the eventual construction contractor documentation and will form an overarching and comprehensive management procedure for the Contractor to adhere to.
Transport Analysis Guidance	TAG	National guidance document produced by the Department for Transport.
Transport Assessment	-	Thorough assessments of the transport implications of development
Travel Plan Liaison Group	TPLG	A group set up by National Highway to administer the Framework Construction Travel Plan.
Trip End Model Presentational Program	TEMPro	DfT software for viewing data from the DfT's National Trip End Model
Utilities Logistics Hub	ULH	The ULH receives, stores and distributes the plant machinery and materials for specific utility works.

Deleted: A plan that outlines the approach to carrying out temporary traffic management for the safe construction of the project. It also explains management measures available to the Contractor to reduce the impact on the local community.

Term	Abbreviation	Explanation
Walkers, cyclists and horse riders	WCH	Walkers, cyclists and horse riders.
Wider Network Impacts Management and Monitoring Plan	WNIMMP	Plan setting out a traffic impact monitoring scheme to be carried out a year prior to opening and one and five years after the road opens.

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List of engagement activities¶

A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Table C.1 below.¶

Our engagement with Kent County Council has been undertaken via various forms and these comprise of regular technical engagement meetings including; monthly procedural meetings, wider network impacts meetings, strategic discussions, monthly CIPHAG meetings, and additional technical meetings. ¶

In addition to the meetings / correspondence listed in the table, there has also been regular correspondence by email / phone call. This is not reported in the table.¶

As set out in the Statement of Engagement, the issues in this Statement of Common Ground have been developed through a process of collating and responding to formal consultation responses and positions received from engagement with Kent County Council. National Highways and Kent County Council have been exchanging positions on these issues formally since February 2022.¶

Engagement activities between National Highways Kent County Council¶

October 2020 – August 2022

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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Company Limited registered in England and Wales number 09346363