



Lower Thames Crossing
5.4.4.1 Draft Agreed Statement of
Common Ground between (1)
National Highways and (2)
Basildon Council
(Tracked changes version)

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Prescribed Forms and Procedure)
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Revision history

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

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 Basildon Council and the status of each matter, based on the engagement that has taken place to date.

A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.

Lower Thames Crossing

5.4.4.1 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Basildon Council (Tracked changes version)

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1 Introduction

1.1 Purpose of the Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (National Highways) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.

1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between National Highways (the Applicant) and Basildon 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 Although Basildon Council did not confirm its reason to the Applicant, a PADS Tracker was not submitted by Basildon Council.

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: <#>National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in 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.¶

Basildon Council is not a host authority in respect of the application and as such is a category 'B' local authority under section 43(2) of the Planning Act 2008. As a borough council, it is the local planning authority and holds responsibilities including developing and implementing a Local Plan, waste management, community and environmental issues within its boundary.¶

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2 Matters

2.1 Movement of outstanding matters

2.1.1 Since Application, the Applicant has made efforts to engage with Basildon Council regarding the progression of SoCG matters. However, while no matters have changed status, additional narrative has been included in Table 2.1 to add further clarity to the Applicant's responses and to assist Basildon Council's understanding.

2.1.2 The Applicant also continued to communicate with Basildon Council concerning procedural matters related to the examination and to offer meetings or email engagement to discuss and potentially resolve SoCG Matters Under Discussion, or any other matters raised in the SoCG.

2.2 The Applicant received confirmation that Basildon Council did not submit a relevant representation.

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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¶
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It is agreed that Appendix C is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Basildon Council in relation to the matters addressed in this Statement of Common Ground.¶

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- 2.2.1 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Basildon Council.
- 2.2.2 Basildon Council did not submit a Relevant Representation and no new matters were added as a result of the Rule 6 letter. Therefore in column 'Item No' in Table 2.1, there is no additional reference to the Rule 6 letter and relevant representation as there is in other SoCGs.
- 2.2.3 At Examination Deadline 1 there are nine matters in total, of which six are agreed and three that remain under discussion.

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Table 2.1 Matters

| Topic | Item No | Basildon Council comment | National Highways' Response | Application Document Reference | Status |
|--|---------|---|--|--------------------------------|---------------|
| Need for the Project | | | | | |
| Need for the Project | 2.1.3 | Basildon Council support the need for the Project. | Noted. | N/A | Matter Agreed |
| Route selection, modal alternatives and assessment of reasonable alternatives | | | | | |
| Route alignment | 2.1.4 | Basildon Council agrees with the proposed route alignment. | Noted. | N/A | Matter Agreed |
| Consultation and engagement | | | | | |
| Adequacy of Consultation | 2.1.5 | Basildon Council is satisfied with the adequacy of consultation on the Project. | Noted. | N/A | Matter Agreed |
| Operation and maintenance | | | | | |
| <u>Impacts/</u> Provision of 24-hour rest stops | 2.1.6 | Basildon Council would expect the final design of the Project to reflect firm commitments to provide appropriate rest and service areas | <u>The Applicant has</u> considered the benefits, the environmental impact and the views of consultees, and have concluded that it is not necessary to include the rest and service area | N/A | Matter Agreed |

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| Topic | Item No | Basildon Council comment | National Highways' Response | Application Document Reference | Status |
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| | | (RASA) including provision for electric charging points, at suitable locations. Basildon Council acknowledge the ongoing work National Highways are doing to consider appropriate locations for future facilities and would like to know if National Highways have a list of potential sites. Basildon Council would also like to know whether operational details are available (i.e., 24 hour or 5am – 11pm etc). | in our proposals. However, National Highways <u>believes</u> it would be beneficial for a 24-hour RASA to be located in the vicinity of the Project. <u>The Applicant does</u> not currently have a list of potential sites <u>but</u> will be working with service area operators, the haulage industry and road user groups to consider the most appropriate location for any further service area provision on the Strategic Road Network (<u>SRN</u>). Any facility proposed in the future would need planning consent from the local planning authority. | | |
| Charging | | | | | |
| Charging regime | 2.1.7 | Basildon Council agrees with the proposed toll charging regime for the Project. | Noted <u>.</u> | N/A | Matter Agreed |
| Traffic and economics | | | | | |
| Combined Modelling and Appraisal Report (ComMA) | 2.1.8 | Basildon Council has expressed concern as to the absence of a specific economic assessment. The Council has particular concerns that the Project could change the economic dynamics of the borough's land economy and increase the | Appendix D of the Combined Modelling and Appraisal Report provides an economic appraisal of the Project. This includes a Level 3 Wider Economic Impacts (WEI) Report which includes evidence of wider | Combined Modelling and Appraisal Report Appendix D: Economic Appraisal Package: Level 3 | Matter Agreed |

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| Request for economic assessment | | <p>demand for lower density Storage & Distribution uses due to improved access to Kent, and its connections to the European continent. Basildon is concerned that this shift may contradict the economic strategy being pursued for the Basildon borough.</p> <p>Basildon Council are content with the information provided in appendix D of the Combined Modelling and Appraisal report</p> | <p>economic impacts that are not included in the Benefit Cost Ratio for the Project. The original document was shared with Basildon Council as part of the initial DCO v1 submission (dated October 2020); a revised version <u>was submitted</u> as part of the resubmitted DCO application.</p> <p>The Level 3 WEI report includes a range of evidence about the Project's potential to generate what Department for Transport (DfT) call 'Level 3' wider economic impacts. These impacts are based on a variable land use assumption under which businesses may decide to relocate to more advantageous locations, firms may change the intensity of production and operations at their existing locations and workers may decide to <u>move to</u> more or less productive jobs.</p> <p>Level 3 wider economic impacts could have significant effects on the local, regional and national economy. However, the modelling and quantification of</p> | <p>Wider Economic Impacts Report [Application Document APP-527]</p> | |

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| | | | these impacts is complex. DfT provides advice on various modelling methods in its Transport Analysis Guidance (TAG), but recognises that these methods are still developing and are not analytically mature. The modelling challenges include data and methodological uncertainties and the difficulty of validating such models. The Project has trialled various variable land use modelling approaches, but none have been deemed to be sufficiently analytically robust to be included in the DCO. A decision was taken to gather evidence about the Project's potential to generate these impacts, focusing on the Lower Thames local authority areas (Dartford, Gravesham, Medway, Thurrock, Brentwood, Havering). The evidence presented in the Level 3 report is about the Lower Thames area and includes a summary of its historical socio-economic development, data about the area's current socio-economic context and industrial structure, quantitative and | | |

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| | | | <p>qualitative measures of the presence of existing business clusters in the area and other stakeholder and modelling evidence. Therefore, the report does not specifically assess how the Project may impact on Basildon's land economy.</p> <p>The Project could increase the demand for land used by Storage & Distribution businesses in the Lower Thames area, but the Applicant does not have any specific evidence about the scale or whether this would occur in Basildon. The Level 3 report includes strong evidence about the presence of clusters of transport, logistics and storage businesses in the Lower Thames area and indicates that the Project could strengthen those clusters and produce additional productivity benefits.</p> | | |
| <p>Modelling</p> <p>Local plan growth</p> | 2.1.9 | The most recent Lower Thames Area Model (LTAM) adopted as the traffic modelling approach for the project, is welcomed as this includes an expanded area of detailed modelling | The Lower Thames Area Model (LTAM) includes committed developments, in line with TAG. At the time of producing the most recent traffic forecasts using the LTAM, the growth | Section 5.7 of the Transport Assessment [Application Document APP-529] | Matter Under Discussion |

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| | | <p>which now includes the Basildon borough.</p> <p>Only the high growth scenario includes reasonably foreseeable schemes such as those contained within an emerging development plan such as the Revised Publication Local Plan 2018 for the Basildon borough.</p> <p>Basildon Borough Council has withdrawn the Revised Publication Local Plan 2018 and is currently developing a new Local Plan. There is, therefore, no current date on reasonably foreseeable development schemes.</p> <p>Therefore, whilst the low and high growth matrices may have been derived using a proportionate method to represent the uncertainty associated with national growth figures, it should reflect the Government agenda to increase the supply of housing through the completion of local development plans for local authority areas, and as such there is a much greater likelihood that these developments will come forward during the forecast period. Therefore, it is likely that impacts associated with 2041 and 2051 forecasts in the transport modelling may be</p> | <p>referred to by the authority did not have the necessary TAG level of certainty for inclusion within the model.</p> <p>The high growth scenario is produced using the methodology set out in Appendix B of TAG Unit M4, which does not mean that the growth contained within the <u>authority's</u> emergent local plan was explicitly included.</p> <p>The LTAM has followed the guidance set out in TAG as would be expected for a major infrastructure scheme funded by Government.</p> <p>Basildon Council's feedback on this matter was sought following DCO submission and further discussion offered. The Applicant would welcome further discussion with Basildon Council on this matter prior to examination.</p> | | |

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| | | experienced much sooner if growth in Local Plans across South Essex are realised. | | | |
| Wider Network Impacts | | | | | |
| Wider network impacts (WNI) Local WNI concerns | 2.1.10 | <p>There may be a need to incorporate more localised improvements to the road network including the A127, A13 and A130. In particular, given that the main disbenefits of the scheme are anticipated to be experienced on the A13 east of the project, it is likely that additional mitigation is going to be required in order to alleviate issues on the strategic road network around the Basildon borough and beyond. Basildon Borough Council would therefore seek a more robust commitment to future road investment programmes to ensure funding is available to effectively mitigate the adverse impact to the local road network generated by the project.</p> <p>This remains under discussion together with Essex County Council pending the outcome of additional traffic data and modelling.</p> | <p>The Wider Network Impacts Management and Monitoring Plan has been submitted as part of the application which sets out the proposed approach for monitoring the traffic impacts of the Project during its operational phase to identify changes in performance on the surrounding Local Road Network (LRN), Major Road Network (MRN) and SRN. The monitoring data would be made available to all local and highway authorities which may strengthen business case submissions to the standard funding frameworks and allow the appropriate decision making to be made.</p> <p>Basildon Council's feedback on this matter was sought following DCO submission and further discussion offered. The Applicant would welcome further discussion with Basildon Council</p> | Wider Network Impacts Management and Monitoring Plan [Application Document APP-545] | Matter Under Discussion |

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| | | | on this matter prior to examination. | | |
| Air quality | | | | | |
| Air quality mitigation Project design and mitigation | 2.1.11 | <p>Basildon Council requests that should the results of the full air quality assessment predict significant impacts, National Highways should provide appropriate mitigation, which would likely focus on the management of traffic in the affected areas, together with promoting travel via electric vehicles.</p> <p>Basildon Council considers that this project should seek to deliver positive improvement in air quality, the project needs to engage with bus operators and larger businesses about ensuring that the many newly generated trips between north Kent and South Essex can be managed by bus services. Thought should be given to how cyclists can get through the tunnel and all cycling infrastructure must be designed to LTN 1/20 standards.</p> <p>Basildon Council agree to National Highways' general approach to air quality mitigation, subject to review of final documentation upon DCO application submission.</p> | <p>The air quality assessment has been updated and completed for the Environmental Statement (ES) and has concluded that there are no significant effects on human health receptors. Furthermore, the Project does not delay compliance with the Air Quality Directive. No mitigation is therefore required in relation to these effects.</p> <p>The air quality assessment of effects on designated habitats is presented within the ES. Where significant effects have been identified, the mitigation and compensation are described in ES Appendix 5.6. Project Air Quality Action Plan (PAQAP). The ES was submitted with the application for Development Consent.</p> <p>Consideration of the potential of electric vehicles to be included in the Project as a potential mitigation measure is given in</p> | <p>ES Chapter 5: Air Quality Application Document APP-143 ES Appendix 5.6: Project Air Quality Action Plan Application Document APP-350 Project Design Report Application Documents APP-506 to APP-515 Design Principles Application Document APP-516 Transport Assessment Application Document APP-529</p> | Matter Under Discussion |

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| | | | <p><u>Table 6.1: Mitigation measures considered in the PAQAP.</u> <u>The Project would improve traffic conditions, in many areas, including the local road network.</u> <u>The forecast change in traffic as a result of the Project is shown in Section 5.2 of 7.8 Traffic Forecasts Non-Technical Summary [Application Document APP-528] This would benefit all road users on these sections of road network, including those travelling by public transport.</u> <u>Paragraph 7.11.13 of the Transport Assessment states that there are currently no proposals to run local buses or long-distance coaches on the Project. However, the Project can be used by both local buses or longer distance coaches if desired by operators. Any long-distance coaches that choose to re-route from the Dartford Crossing to the A122 Lower Thames Crossing may benefit from reduced journey times.</u> <u>Paragraph 2.1.1 of the Road User Charging Statement</u></p> | <p><u>Road User Charging Statement [Application Document APP-517]</u></p> | |

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| | | | <p><u>confirms that local bus services are exempt from the existing road user charges at the Dartford Crossing, and that The DCO would apply the same exemptions at the Tunnel Area. Exemptions based on vehicle tax class ensure that eligibility is well understood and easy to apply on a free-flow charging scheme.</u></p> <p><u>The Applicant has considered various options during the development of the Project to provide improved river crossings for walkers and cyclists. The options investigated include 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, environmental impacts and poor safety. Latent demand for walking and cycling across the River Thames at the Project</u></p> | | |

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| | | | <p><u>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/A122 Lower Thames Crossing junction and as far north as the proposed A13/A1089/A122 Lower Thames Crossing junction. For more information about the proposed walking, cycling and horse riding routes, see the Project Design Report.</u></p> <p><u>With regard to Local Transport Note (LTN) 1/20 (DfT, 2020b), this provides guidance for route design and is not a standard. Nevertheless, LTN1/20 has informed the preliminary design of all the walking, cycling and horse riding routes and would continue to do so at the detailed design stage, should the Project receive development consent.</u></p> | | |

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| | | | <p>The Project has also had regard to the relevant Design Manual for Roads and Bridges standards. The use of these standards is also secured in Principle PEO.04 of the Design Principles.</p> <p>Basildon Council's feedback on this matter was sought following DCO submission and further discussion offered. The Applicant would welcome further discussion with Basildon Council on this matter.</p> | | |

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Appendix A Engagement activity

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

| Date | Overview of Engagement Activities |
|------------------|--|
| 11 November 2022 | Emailed to offer DCO briefing session |
| 14 November 2022 | Emailed to notify of publication of documents on Planning Inspectorate's website |
| 28 November 2022 | Emailed to inform that DCO application was accepted for Examination |
| 2 December 2022 | Emailed with pre-examination strategy, timetable and matters under discussion |
| 14 December 2022 | Emailed to advise of Planning Inspectorate's announcement of relevant reps opening period |
| 4 January 2023 | Emailed to advise of PADS Tracker advice note from Planning Inspectorate |
| 12 January 23 | Emailed to advise of relevant representations and updated PADS Tracker position (option not to produce a PADS Tracker) |
| 1 February 2023 | Emailed to request response to Planning Inspectorate on whether Basildon wished to submit a PADS Tracker |
| 14 March 2023 | Emailed with SoCG matters under discussion and reviews needed from Basildon |
| 15 March 2023 | Emailed noting no relevant rep from Basildon had been published on the Planning Inspectorate's website. |
| 19 March 2023 | Basildon confirmed that no relevant rep had been submitted |
| 11 April 2023 | Emailed requesting clarification on Basildon's ongoing participation in the DCO process |
| 18 May 2023 | Emailed Basildon to propose progressing the SoCG following Planning Inspectorate request in the Rule 6 letter |
| 30 May 2023 | Emailed Basildon concerning progression of SoCG |
| 8 June 2023 | Emailed Basildon concerning progression of SoCG and asking for comment |
| 26 June 2023 | Emailed SoCG for final comment |

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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. |
| 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. |
| Environmental Statement | ES | A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development. |
| Local Road Network | LRN | A Local Road Network (LRN) is any road maintained by Local Highway Authority |
| Major Road Network | MRN | The Major Road Network (MRN) is a classification of local authority roads in England. It incorporates the National Highways-controlled Strategic Road Network (SRN) and the more major local authority controlled A roads . |
| Rest and service area | RASA | Rest and Service Area (RASA) are equipped with facilities for highway users and members of the public to use 24 hrs a day. |
| Statement of Common Ground | SoCG | A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority. |
| Strategic Road Network | SRN | The core road network in England managed by National Highways. |

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|---|----------------------|---|
| Lower Thames Area Model | LTAM | Transport model designed to forecast impacts of providing additional road based capacity across the River Thames at locations at or east of the existing Dartford Crossing. |
| Transport Analysis Guidance | TAG | National guidance document produced by the Department for Transport. |

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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.

It is agreed that this is an accurate record of the key meetings and correspondence undertaken between (1) National Highways and (2) Basildon Council in relation to the matters addressed in this SoCG.

Engagement activities between National Highways and Basildon Council

October 2020 – August 2022

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