

Lower Thames Crossing
5.4.4.13 Draft Agreed Statement
of Common Ground between
(1) National Highways and (2)
Tonbridge & Malling Borough
Council
(Tracked changes version)

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
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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 Tonbridge & Malling Borough 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 (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 Tonbridge & Malling Borough Council (TMBC), 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. One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.2 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.
2. Tonbridge & Malling Borough Council elected not to produce a PADS Tracker at pre-examination stage, indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

1.3 Terminology

- 1.3.1 In the matters table in section 2 of this SoCG, “Matter not agreed” indicates agreement on the matter could not be reached following significant engagement, and “Matter under discussion” where these points will be the subject of

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Deleted: <#>the parties named below,

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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.¶
Tonbridge & Malling Borough Council (TMBC) is a host authority in respect of the application and as such is a category 'B' local authority under section 43(1) 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 and collecting household and commercial waste, within its boundary.¶

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ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Matter agreed” indicates where the issue has now been resolved.

2 Matters

2.1 Movement of outstanding matters

2.1.1 Following submission of the previous version of this Draft SoCG between the Applicant and Tonbridge & Malling Borough Council, further discussions on the outstanding matters have taken place. These discussions are summarised in Table A.1 in Appendix A and the outcome of these discussions is summarised below.

2.1.2 At a meeting on 10 May 2023 to discuss air quality and nitrogen matters, TMBC indicated that it did not feel in a position to change the status of any matters. TMBC also indicated that it wished to wait until other wider network impacts and traffic modelling work had progressed before discussing the relevant SoCG matters. Therefore, no matters have changed status since the DCO application was made.

2.1.3 Table 1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Tonbridge & Malling Borough Council.

3. In the column ‘Item No’ in Table 1, ‘Rule 6’ indicates a matter entered in the SoCG as a result of a request in the Rule 6 letter, ‘RRN’ indicates a matter entered into the SoCG as a result of content in the Relevant Representation, ‘RRE’ indicates an existing SoCG matter that was also raised in the Relevant Representation and ‘DLX’ indicates a new matter added during examination at/around that deadline.

2.1.4 At Examination Deadline 1, there are 22 matters in total, of which 5 are agreed, 4 are not agreed and 13 that remain under discussion.

Table 1, Matters

Topic	Item No,	Tonbridge & Malling Borough Council comment	National Highways’ Response,	Application Document Reference	Status
Need for the Project					

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Moved (insertion) [1]: Matters¶

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Overview of previous engagement ¶

A summary of the meetings and correspondence undertaken between the two parties

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Status of the Statement of Common Ground¶

It is agreed that this statement is an accurate description of the matters raised by Tonbridge & Malling Borough Council

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Moved up [1]: <#>Matters¶

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
Need for the Project	2.1.1 <u>RRE</u>	<u>Tonbridge & Malling Borough Council (TMBC)</u> support the need for the Project.	Noted.	N/A	Matter Agreed
Consultation and engagement					
Adequacy of engagement	2.1.2	TMBC is satisfied with the adequacy of consultation on the Project.	Noted.	N/A	Matter Agreed
Charging					
Charging regime	2.1.3	TMBC agrees with the proposed charging regime for the Project.	Noted.	N/A	Matter Agreed
Traffic and economics					
<u>Local plan growth</u> Consideration of emerging local plan growth within LTAM core scenario	2.1.4 <u>RRE</u>	TMBC has concern that the growth associated with the government's standard method for assessing housing need (15,941 dwellings 2021-2040) which has not yet progressed through the Plan making process (TMBC currently at Reg 18 stage) is taken into account by LTAM. As such the modelling does not give due consideration to anticipated future growth. Tonbridge & Malling Borough Council would therefore encourage National Highways to review its modelling of future traffic flows in consultation with local authorities,	The Project's transport model (the LTAM) was built following the principles and processes set out in the Department for Transport's (DfT) Transport Analysis Guidance (TAG). Growth within the transport model 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, <u>or are the subject of a planning application or</u> , planning permission (as of <u>30</u> , September 2021). A high	<u>Combined Modelling and Appraisal Report (ComMA) Appendix C - Transport Forecasting Package Application Documents APP-522 and APP-523</u> ,	Matter Not Agreed

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
		to agree an approach that more effectively reflects likely future development on which the environmental assessments can be undertaken.	growth scenario is also undertaken and reported within the Transport Forecasting Package (Appendix C of the ComMA), a copy of which has been provided to the authority dated October 2020 and an updated copy was made available as part of the submitted application.		
<u>Local modelling requests</u> Modelling of alternative scenarios	2.1.5 <u>RRE</u>	TMBC has requested individual modelling of alternative scenarios based on each authority's projections of the quantum and distribution of development in emerging Local Plans as well as a joint Alternative Scenario covering the totality of relevant planning authority areas, in line with the relevant Planning Practice Guidance regarding cumulative impacts and the Planning Inspectorate's 2017 Scoping Opinion response.	The Applicant is willing to discuss the scenario tests that they would like to be considered and the timescales for completing these. The Applicant has offered alternative scenarios to each of the local authorities, however it does require inputs from local authorities (including an understanding of any additional highway infrastructure). These alternative scenarios would not inform the DCO application. The Applicant is still willing to offer these model runs and will discuss with TMBC.	N/A	Matter Under Discussion
<u>Modelling methodology</u>	2.1.6 <u>RRE</u>	TMBC have concerns regarding the traffic modelling that has been used as part of the methodology.	The traffic modelling uses standard methodologies prescribed in <u>Department</u> for	N/A	Matter Under Discussion

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Concerns regarding traffic modelling used			<u>Transport's (DfT) Transport Analysis Guidance (TAG). Further discussions are planned to take place with TMBC.</u>		
Wider Network Impacts					
<u>Non-Project highway improvements</u> General process – collaborative working with <u>Kent County Council (KCC)</u> and other Kent authorities	2.1.7 <u>RRE</u>	TMBC hope that National Highways, Kent County Council and other Kent authorities can work collaboratively to progress funding and design solutions for mitigation to the local network, so that these can be implemented in a timely manner. A package of improvements has been defined at a high level by the Kent and Medway Economic Partnership relating to the links between the M2 and M20.	Improvements to the A229 at the intersections with the M2 and M20 are not part of the proposed <u>Project. The Applicant</u> is currently in joint discussions with relevant authorities about proposed mitigation schemes 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.	N/A	Matter Under Discussion
<u>Junctions</u> The Tilbury Link Road	2.1.8	TMBC supports the junction at Tilbury, as it would offer futureproofing for a possible link road to the Port of Tilbury, however it is noted that this is a matter for Thurrock Council and Essex County Council.	The Tilbury Link Road has been identified in the RIS2 as part of the RIS3 pipeline of projects. During the review of the project undertaken when the Thames Freeport was designated, <u>the Applicant</u> sought direction and received instruction from DfT and Department for Levelling Up, Housing and Communities (DLUHC) that the Tilbury Link	N/A	Matter Agreed

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
			<p>Road should be delivered through a separate consenting process to the Lower Thames Crossing.</p> <p>The revised design at Tilbury Fields provides an operational access, with no access for public traffic on or off the <u>Project road</u> at this location.</p> <p>The operational access could potentially accommodate further development in the future. Any new road connecting to the <u>Project road</u> at this point would have to follow the relevant planning process at the appropriate time.</p>		
<p><u>Local WNI concerns</u></p> <p>A228 corridor between M2 Junction 2 and M20 Junction 4</p>	<p>2.1.9</p> <p><u>RRE</u></p>	<p>TMBC also has concerns regarding the A228 corridor between M2 Junction 2 and M20 Junction 4 and required mitigation for this road which also remains unfunded. We understand that KCC has made the case for appropriate mitigation and we welcome the opportunity to work with National Highways to fully identify and mitigate the direct impacts the Project will have on roads within the borough.</p> <p>There is little clarity as to how these mitigation measures will be funded,</p>	<p><u>The Applicant</u> is working with Kent County Council on a Kent Wider Network Impact <u>(WNI)</u> study, funded by National Highways, which will further our joint understanding of how the network performs in the future with the Project. These outputs will be discussed with KCC and TMBC, 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</p>	<p><u>Wider Network Impacts Management and Monitoring Plan [Application Document APP-545]</u></p>	<p>Matter Under Discussion</p>

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		without any commitment local authorities would struggle to secure funding from planning obligations. Most Kent planning authorities including TMBC don't charge CIL, and s106 tests are unlikely to be met in most cases to fund wider highway mitigations. In any case securing the required funding in this way would be piecemeal, protracted and put at risk the delivery of other planning obligations e.g., affordable housing.	and investments, balance national and local needs and support better end-to-end journeys for road users. <u>This will include working collaboratively with local authorities on relevant scheme business cases that are supported by their own funding streams and consenting processes.</u>		
<u>Non-Project highway improvements</u> Request for commitment to provide additional highway improvements	2.1.10 <u>RRE</u>	TMBC are concerned about the impacts of the project upon the following local roads (A227, A228, A229 and related junctions), the environment and supporting infrastructure including lorry parking. Whilst the Council is supportive of the investment in the Project its impacts are far reaching. The Council is concerned about wider impacts upon the local road network south of the LTC, which are not within the scope of the scheme. The new crossing will have implications on the M2 Junction 3, the A229 <u>Blue Bell Hill</u> , M20 Junction 4, the A228 and A20	Improvements to the A229, the M2 east of Junction 1, the A20 and M20, the A227, A228 and the A229 are not part of the proposed project. <u>The Applicant</u> will continue to engage with relevant authorities in accordance with the <u>licence</u> , obligations and 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. The Wider Network Impacts Management Plan has been submitted as part of the application which sets out the	Wider Network Impacts Management and Monitoring Plan [Application Document <u>APP-545</u>]	Matter Not Agreed

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		<p>within Tonbridge and Malling borough. Other local roads such as Rochester Road in Aylesford will see a +40% change in flows during the inter-peak period by 2027. Mitigation measures will be required to improve these routes and related junctions, the design of this infrastructure should take into account committed and planned development, as well as the increase in demand which will arise from the LTC itself.</p> <p>Given the extent of the impact on roads locally, it is TMBC's opinion that the Project should be complemented by other highways investment that addresses these impacts.</p>	<p>proposed approach for the monitoring of traffic impacts for the scheme during its operational phase, to identify changes in the performance on the surrounding <u>local, major, and strategic road network</u>. The monitoring data would be made available to all the local and highway authorities.</p> <p>The DCO requires <u>the Applicant</u> to produce an operational traffic monitoring scheme that complies with this plan prior to the tunnel opening, and that Local Highway Authorities will be consulted on.</p>		
<p><u>Local WNI concerns</u></p> <p>Concerns regarding the impacts of the project on the local road network</p>	<p>2.1.11 <u>RRE</u></p>	<p>TMBC remain concerned about the impacts of the project on the local road network. It therefore remains a strongly held view that investment in the Lower Thames Crossing should be complemented by a phased programme of other investments, that help to build the resilience required to ensure that the Project does not solve one</p>	<p><u>The Applicant</u> is working with Kent County Council on a Kent Wider Network Impact study, funded by <u>the Applicant</u>, which will further our joint understanding of how the local highway network performs in the future with the <u>Project</u>. The study outputs will be discussed with Tonbridge & Malling Borough Council, and <u>the Applicant</u>, who will continue to</p>	N/A	Matter Under Discussion

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
		problem but create others elsewhere. This matter will remain under discussion whilst National Highways work with Kent County Council on a Kent Wider Network Impact study.	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.		
<u>Non-Project highway improvements</u> The A229 at <u>Blue Bell Hill</u>	2.1.12 <u>RRE</u>	The A229 at <u>Blue Bell Hill</u> which connects M2 Junction 3 with M20 Junction 6 is a high priority for improvement and was originally considered to be part of the Project (the Option C <u>variant</u>). It needs improving to accommodate the additional LTC traffic alongside Local Plan growth and is the subject of a Large Local Major scheme bid to the Department of Transport, which TMBC supports. However, there is a funding gap which will hamper delivery unless a contribution from National Highways to compensate for the Project's impacts is made.	Improvements to the A229 at the intersections with the M2 and M20 are not part of the Project. National Highways is currently in joint discussions with relevant authorities about the proposed improvement works at this location 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.	N/A	Matter Not Agreed
<u>Non-Project highway improvements</u> A2/M2 corridor	2.1.13	TMBC share the view of Kent County Council that to realise the full benefits of the Project, it is essential that the A2/M2 corridor to which it connects is looked at <u>wholistically</u> . Improvement	<u>The Applicant is bringing forward the A122 Lower Thames Crossing in accordance with the policy requirements set out by the government in the Road</u>	<u>Wider Network Impacts Management and Monitoring Plan [Application]</u>	Matter Agreed

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		<p>schemes identified as pipeline projects for the next Road Investment Strategy at 'A2 Brenley Corner' and 'A2 Access to Dover' need to be delivered alongside other capacity enhancements along the M2 and improved connections to the M20 to ensure that the two strategic corridors to the Port of Dover and Channel Tunnel are resilient.</p>	<p><u>Investment Strategy 2: 2020 – 2025 (Department for Transport, March 2020). This sets out a series of further projects to be delivered under separate consenting and funding decision processes to the A122 Lower Thames Crossing. While the Applicant recognises the case for developing further schemes to improve operations along the M2/A2 and M20/A20 corridors, the A122 Lower Thames Crossing does not require the emerging improvements to deliver the benefits set out in the A122 Lower Thames Crossing application. Similarly, the case for these schemes is not dependent on the opening of the A122 Lower Thames Crossing. The Project is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies opportunities to further optimise the road network as a result of traffic growth or new third-party developments, then local</u></p>	<p><u>Document APP-545]</u></p>	

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			<p><u>authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes. This process is set out in the Wider Network Impacts Management and Monitoring Plan, which provides information about the proposed traffic monitoring.</u></p>		
EIA methodology					
<p><u>Assessment methodology</u></p> <p>Clarification as to how the DCO application will treat these Alternative Scenarios</p>	<p>2.1.14 <u>RRE</u></p>	<p>TMBC would like clarification about how the DCO application will treat these Alternative Scenarios, given that other aspects of the Development Consent Order application are understood to be dependent on the outputs from the Core Scenario (which does not fully take account of future local growth). Environmental Assessment is a particular concern, having regard to issues such as anticipated detrimental air quality impacts.</p>	<p>Alternative scenarios have been offered to the local authorities in order to assist them with their plan making. It is not proposed to include them as part of the Project's DCO application. The Project's core scenario has been prepared in accordance with the DfT's WebTAG criteria (which includes a high growth scenario).</p>	N/A	Matter Not Agreed
Air Quality					

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
<p><u>Assessment of likely significant effects</u></p> <p>Impact on operational air quality along the A228 within TMBC.</p>	2.1.15 <u>RRE</u>	<p>TMBC have raised concerns regarding the detrimental impact on operational air quality along the A228 within their borough. National Highways' assessment methodology provides a more conservative prediction for air quality along the A228 (including baseline year data) that suggests that an Air Quality Management Area (AQMA) should be implemented by the LPA.</p>	<p><u>The air quality assessment has been updated and completed for the Environmental Statement and no potential for likely significant effects was identified for human health and compliance with Limit Values. As such, no essential mitigation measures are required for these effects.</u></p> <p><u>However, it should be noted that measures to reduce the operational impact of the Project on the A228 have been investigated where there are predicted exceedances of the annual mean NO₂ Air Quality Strategy objective and deterioration in annual mean NO₂ concentrations as a result of the Project. Whilst exceedances in annual mean Air Quality Strategy objectives are predicted in both Medway and TMBC, the receptors located in the administrative boundary of TMBC are predicted to experience beneficial impacts on air quality as a result of a reduction in HGVs on the A228 between</u></p>	<p><u>ES Appendix 5.6: Project Air Quality Action Plan [Application Document APP-350]</u></p>	Matter Under Discussion

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
			<p><u>Leybourne Way and Junction 4 of the M20.</u></p> <p><u>There isn't a scenario where the Project would create an AQMA on the A228, as based on the modelling predictions, there should be an AQMA on the A228 now and in the future without the Project, so the change in concentrations when the Project opens would not trigger the need for an AQMA.</u></p> <p><u>Where significant effects have been identified on ecological sites, the mitigation and compensation are described in ES Appendix 5.6: Project Air Quality Action Plan.</u></p> <p><u>At a meeting on 10 May 2023, the Applicant discussed the methodology used. In terms of the uplift of the Defra results and noted its modelling results suggested that nitrogen dioxide concentrations are higher on the A228 than recent Medway monitoring data indicates. The Applicant's modelling is likely to be overly cautious and overestimate the pollutant concentrations on the A228.</u></p>		

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
			<p>Monitored concentrations on the A228 have also fallen sharply since the air quality surveys that informed the Applicant's modelling were carried out, and in 2021 and 2022 monitored concentrations were well below air quality objectives.</p> <p>The Applicant also discussed the assessed versus current limit values for PM_{2.5} levels, and noted that there had been no breach of the interim target of 12µg/m³, and that concentrations from highway sources tended to be low. TMBC discussed supplying its AQ data to the Project.</p>		
Nitrogen Deposition					
<p>General methodology / modelling / alternatives</p> <p>Appropriateness of approach in assessing nitrogen deposition</p>	<p>2.1.16</p> <p>RRE</p>	<p>TMBC will advise on its position on the approach to assessing nitrogen deposition now that the relevant information has been published as part of the DCO submission.</p>	<p>The final assessments were made available within the DCO application. The Applicant would be happy to discuss further once the final results are available post application.</p>	<p>ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites [Application Document APP-418]</p>	<p>Matter Under Discussion</p>

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
<p>General methodology / modelling / alternatives</p> <p>Modelling data and approach</p>	<p>2.1.17</p> <p><u>RRE</u></p>	<p>The requirement for compensation land is a cause for concern regarding the ecology impact of the Project on the Kent Downs AONB and the North Downs woodlands SAC, as well as the residents of Blue Bell Hill village. This is especially so given that the A229 and M2 J3 are highlighted in the Local Refinement Consultation document as one of two locations predicted to experience significant effects.</p> <p>Published evidence shows the M20/M26 to the west of the A229 increasing in traffic whereas previous consultation documents have generally demonstrated a reduction along this part of the network.</p> <p>TMBC request clarification on whether the traffic figures for the nitrogen deposition are calculated differently. TMBC would like to see more detail on the level increase in traffic around the A229 Blue Bell Hill and other local roads, and understand what the impacts are for other pollutants/particulates too. The local refinements consultation does not reference the impact of</p>	<p><u>The Applicant has</u> updated the air quality assessments and further detailed information <u>is</u> presented in the Environmental Statement as part of the DCO submission.</p> <p>This <u>includes</u> the impacts on ecological sites within 200m of the A229. The change in nitrogen deposition <u>is</u> reported where there is a perceptible change in NOx (the basis of the nitrogen deposition calculations) from the change in emissions as a result of the change in traffic flows on the A229.</p> <p>The impact on all AQMAs within the Affected Road Network (ARN) will also be reported in the Environmental Statement.</p> <p>In terms of assumptions regarding decarbonisation, the assessment is based on the latest version of the Defra Emission Factor Toolkit version 11. There is however an uplift applied to the results of the modelling in accordance with DMRB <u>LA 105</u> to deal with uncertainty and these uplifts have been used to report the</p>	<p><u>Environmental Statement [Application Document APP-332 to APP485 and Additional Submissions AS-049 to AS-055]</u></p>	<p>Matter Under Discussion</p>

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
		<p>the increasing traffic on the M20 Air Quality Management Area (AQMA) in Tonbridge and Malling and Maidstone Boroughs, or how the declared pollutant levels will be impacted despite the affected network falling within the AQMA.</p> <p>There is no information regarding National Highway's assumptions about the rates at which transport will decarbonise. Clarification is needed as to whether the assumed rates of decarbonisation have been approved by the Department for Transport and further technical information is needed to understand whether the compensation proposals are sufficient, particularly given that so many designated sites are impacted in Kent.</p>	<p>impacts on both human and ecological receptors.</p> <p>Further discussions are planned, take place with TMBC on this matter.</p>		
<p>Site selection and surveying</p> <p>Site Selection Methodology</p>	<p>2.1.18</p> <p>RRE</p>	<p>TMBC are disappointed that the consultation material lacked detail regarding the methodology and the rationale for how the compensatory sites have been chosen.</p> <p>A technical note was shared in confidence following the conclusion of the refinements consultation in July 2022. TMBC have not formally,</p>	<p>A Nitrogen Deposition Site Selection Methodology Technical Note has been prepared by the Applicant, which sets out the site selection methodology. This technical note has been shared with TMBC on 22 July 2022.</p>	N/A	Matter Under Discussion

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
		commented on the document which is subject to non-disclosure.	Further discussions <u>are planned</u> , take place <u>with TMBC on this matter</u> .		
<u>Site selection and surveying</u> Site surveys for proposed planting	2.1.19 <u>RRE</u>	There is a need for surveys to be carried out on the sites proposed for planting to consider the impact of the proposed planting on protected/notable species e.g. ground nesting birds.	The nitrogen deposition compensation sites have now been surveyed (where access was possible) to enable assessments of potential constraints and inform detailed design and management plans, including for protected species.	<u>ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites</u> [Application Document <u>APP-418</u>]	Matter Under Discussion
<u>Kent Downs AONB</u> Impact on Kent Downs AONB	2.1.20 <u>RRE</u>	It is notable that the majority of the mitigation sites are located not only south of the river, but within Kent Downs AONB and many of these are located on the actual escarpment of the North Downs, the main feature of the original AONB designation. This rich and distinctive biodiversity <u>habitat</u> of the Kent Downs AONB are specifically recognised as one of its Special Characteristics. This adds to the potential harm to the Kent Downs AONB arising as a result of the mitigation measures, such as well-informed landscape restoration and management will be essential to the success of these measures.	Part of the design process will be in determining constraints and opportunities on the sites, which includes potential effects and enhancements on the landscape and AONB designation. Further discussions <u>are planned</u> take place <u>with TMBC on this matter</u> .	<u>ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites</u> [Application Document <u>APP-418</u>]	Matter Under Discussion

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
<p>Detailed design / management plans / implementation</p> <p>Support for proposed Blue Bell Hill compensatory site</p>	2.1.21 RRE	<p>TMBC agrees that the usual nitrogen dioxide mitigation measures, such as reducing speeds and installing nine-metre-high vertical barriers, would not be suitable in this occasion, vertical barriers also have the potential to be harmful to local wildlife.</p> <p>Well managed compensatory tree planting is a good option to capture nitrogen, reduce noise and store carbon and as it is almost impossible to remove nitrogen, scraping small areas that would benefit from some bare ground introduction (adding habitat structure) is another alternative for areas of compensatory land. It may also be possible to enhance and improve the management of mitigation land with conservation grazing too, an essential ecological restoration technique for sensitive habitat including chalk grassland.</p> <p>Overall, 250ha of compensatory habitat is of benefit to Kent and TMBC look forward to reviewing the updated Outline Landscape and Ecology Management Plan.</p>	<p>The preparation of detailed design and long-term management plans are ongoing. National Highways would be happy to discuss the development of the plans which form part of the Landscape & Ecology Management Plan post application. The objective is to create and manage a mosaic of wildlife-rich habitats. Many options for the target habitats and how to manage them are still under discussion.</p>	<p>Outline Landscape and Ecology Management Plan [Application Document APP-490]</p>	Matter Under Discussion

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Topic	Item No.	Tonbridge & Malling Borough Council comment	National Highways' Response	Application Document Reference	Status
<p>Detailed design / management plans / implementation</p> <p>Fencing and security of compensation site</p>	2.1.22 RRE	<p>TMBC echo KCC's recommendation to seek advice before deciding to erect security fencing around the perimeter of the compensation site. This is because other types of fencing, such as deer fencing might be more cost effective and appropriate. The extension and creation of public rights of way should also be considered too, in partnership with KCC, to connect into the North Downs Way National trail.</p> <p>This matter will remain under discussion until further details can be shared with Tonbridge & Malling Borough Council.</p>	<p>The objective of the sites includes avoiding significant effects and providing enhanced landscapes and public access where possible.</p> <p>The detailed design and long-term management plans are ongoing, National Highways would be happy to discuss the development of the plans which form part of the Landscape and Ecology Management Plan.</p>	Outline Landscape and Ecology Management Plan [Application Document APP-490]	Matter Under Discussion

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Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Tonbridge & Malling Borough Council since the DCO Application was submitted on the 31 October 2022.

Date	Overview of Engagement Activities
1 November 2022	Meeting to discuss air quality, noise, and population and human health impacts
11 November 2022	Email to TMBC to offer DCO briefing session
14 November 2022	Email to TMBC to notify of publication of documents on the Planning Inspectorate website
25 November 2022	Lower Thames Crossing Biodiversity and Ecology Briefing
25 November 2022	Email to TMBC concerning SoCG matters
28 November 2022	Email to TMBC to inform that the DCO application was accepted for Examination
14 December 2022	Email to TMBC with pre-examination strategy, timetable and matters under discussion
14 December 2023	Email to TMBC to inform them of the Planning Inspectorate's announcement of the Relevant Representations and Interested Party registration opening date
04 January 2023	Email to TMBC to advise of PADS Tracker request from the Planning Inspectorate
09 January 2023	Email to TMBC to advise on Relevant Representation opening and further PADS Tracker guidance from the Planning Inspectorate
12 January 2023	Email to TMBC to advise on Relevant Representation closing date and further PADS Tracker guidance from the Planning Inspectorate
2 February 2023	Email to TMBC to request confirmation of intentions on submitting PADS Tracker
16 February 2023	Email to TMBC with further PADS Tracker updates
13 March 2023	Regular catchup meeting
28 March 2023	Regular catchup meeting
30 March 2023	Email to TMBC concerning SoCG matters and other issues arising from catchup
4 April 2023	Regular catchup meeting
11 April 2023	Regular catchup meeting
24 April 2023	Emailed to advise of minor refinement consultation scope and launch date
25 April 2023	Regular catchup meeting

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<u>10 May 23</u>	<u>Meeting to discuss air quality and nitrogen deposition SoCG matters</u>
<u>17 May 2023</u>	<u>Emailed to advise that minor refinement consultation had launched</u>
<u>9 June 2023</u>	<u>Emailed draft of Examination Deadline 1 SocG for comment</u>
<u>27 June 2023</u>	<u>Emailed draft of Examination Deadline 1 SocG for final comment / endorsement</u>

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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.
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.
<u>Air Quality Strategy objective</u>	<u>AQS objective</u>	<u>An objective set by the Air Quality Strategy for England, Scotland, Wales and Northern Ireland to improve air quality in the UK in the medium term. Objectives are focused on the main air pollutants to protect health.</u>
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.
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.
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 Levelling Up, Housing and Communities	DLUHC	The UK Government department for housing, communities, local government in England and the levelling up policy. Formerly called the Ministry of Housing, Communities and Local Government.

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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.	
Local planning authority	LPA		A local planning authority is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area of the UK. May also be referred to as 'local authority'.
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.

<u>Monitoring</u>	-	<u>A programme of observation, measurement and recording of environmental variables and operational parameters over a period of time for a defined purpose.</u>	
<u>Nitrogen dioxide</u>	<u>NO₂</u>	<u>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.</u>	
<u>Outline Landscape and Ecology Management Plan</u>	<u>oLEMP</u>	<u>A document which outlines the proposed management of the landscape and ecological elements of the Project.</u>	
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.

Special Area of Conservation	SAC	A designation under EU Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the Habitats Directive.	
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.
Trip End Model Presentational Program	TEMPro	DfT software for viewing data from the DfT's National Trip End Model	
Transport Analysis Guidance	TAG		National guidance document produced by the Department for Transport.
Trip End Model Presentational Program	TEMPro		DfT software for viewing data from the DfT's National Trip End Model
Web-based Transport Appraisal Guidance	WebTAG		Former name given for the Department for Transport's web-based multi-modal guidance on appraising transport projects and proposals, now known as Transport Analysis Guidance (TAG).

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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 consultation undertaken between (1) National Highways and (2) Tonbridge & Malling Borough Council in relation to the matters addressed in this SoCG.¶
Engagement activities between National Highways and Tonbridge & Malling Borough Council.¶
October 2020 – August 2022

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