

Lower Thames Crossing

9.13 Post-event submissions, including written submission of oral comments, for OFH3

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Please note: this document contains the Applicant’s written summary of oral submissions made at Open Floor Hearing 3 held on 5 July 2023, and post-hearing comments in response to submissions made by Interested Parties. Where the comment is a post-hearing comment submitted by National Highways, this is indicated.

1 Introduction

- 1.1.1 National Highways (the Applicant), which is promoting the A122 Lower Thames Crossing (the Project), was represented at Open Floor Hearing 3 (OFH3) by Mustafa Latif-Aramesh, BDB Pitmans LLP, Partner and Parliamentary Agent (TH). The following person was also introduced to the Examining Authority (ExA):
- a. Dr Tim Wright, Lower Thames Crossing, Head of Consents (TW)
- 1.1.2 The Interested Parties in attendance were:
- a. Lukman Agboola of Dartford Borough Council (DBC)
 - b. Hilary Newport of CPRE Kent and CPRE Essex (CPRE)
 - c. John Johnson

2 Submissions from Dartford Borough Council

2.1.1 **Post-hearing note:** The table below contains the written responses the Applicant wishes to submit in response to comments made by DBC during OFH3.

DBC comment made at OFH3	Applicant's response
Monitoring	
<p>DBC would like to see monitoring undertaken by the Applicant that shows that the Project's predicted impacts are what is forecast and assessed in its application documents.</p>	<p>The Applicant has set out number of monitoring requirements, following guidance. Key monitoring requirements include:</p> <ul style="list-style-type: none"> • Traffic monitoring during construction, as set out in the outline Traffic Management Plan for Construction [APP-547] and secured by Requirement 10 of Schedule 2 of the draft Development Consent Order [AS-038] • Traffic monitoring after opening, as set out in the Wider Network Impacts Management and Monitoring Plan [APP-545] and secured by Requirement 10 of Schedule 2 of the draft Development Consent Order [AS-038] <p>Dartford Borough Council stated in their relevant representation that there were no plans to monitor air quality monitoring before and after opening in the Air Quality Management Areas within Dartford. The Applicant considers that it is not required to monitor air quality in this area as part of the A122 Lower Thames Crossing requirements.</p>

3 Submissions from CPRE

3.1.1 **Post-hearing note:** The table below contains the written responses the Applicant wishes to submit in response to comments made by CPRE during OFH3.

CPRE comment made at OFH3	Applicant’s response
Environmental concerns	
<p>The congestion and air pollution at the existing Dartford Crossing is not acceptable, but the Project is not the right solution.</p>	<p>The air quality assessment is presented within Environmental Statement (ES) Chapter 5: Air Quality [APP-143] and has considered the impact of the Project on air quality. The Project is predicted to lead to a decrease in traffic and congestion at the Dartford Crossing, which leads to an improvement in air quality. Exceedances of the annual mean Air Quality Strategy objective for nitrogen dioxide are predicted to be removed at three human health receptors adjacent to the Dartford Crossing as a result of the Project.</p> <p>The Dartford Crossing is the only road crossing of the River Thames east of London. The need to address congestion issues at the Dartford Crossing is set out in Need for the Project [APP-494]. The consideration of reasonable alternatives and the reasons for their adoption or rejection by the Project is set out in ES Chapter 3: Assessment of Reasonable Alternatives [APP-141].</p>
<p>The focus should be on maintaining the existing road network better, rather than expanding it. CPRE have demonstrated road schemes induce traffic increases and the Applicant’s modelling has supported that forecast of induced growth.</p>	<p>As stated in document Need for the Project [APP-494], over a number of years National Highways have completed improvement works at the Dartford Crossing, notably including the introduction of the free-flow Dart Charge in November 2014. However, it is difficult to significantly increase the road space supply at the Dartford Crossing (e.g. widening of the road) due to its sensitive location and issues with widening the approach roads leading to the crossing. The incremental improvement works over the years have not provided the significant road space supply that is required to meet the demand.</p> <p>The creation of new capacity on the road network will lead to changes in the way people travel. Some people will choose to make different journeys because shorter or less congested routes become available, and some people who would not previously have travelled will choose to make new journeys because the faster or shorter journey becomes more affordable. As a result, there will be changes in the lengths of journeys made, and in the total number of journeys made. This change in the number and length of trips is set out in more detail in a post-hearing submission to item 4(a)(ii) of the Post-event submissions, including written submission of oral comments, for ISH1 [Document Reference 9.10] included as part of this Deadline 1 submission.</p>
<p>The Climate Change Committee published a recent</p>	<p>The Applicant has set out its own pathway to supporting the Department for Transport’s decarbonisation of the surface</p>

CPRE comment made at OFH3	Applicant's response
<p>progress report which highlighted the need for a systematic review of current and future road-building projects. CPRE contends that transport policy must reflect this and incentivise lower carbon transport. The up-to-date science must be assessed.</p>	<p>transport sector through the publication of its 2021 plan Net Zero highways: Our 2030, 2040 and 2050 plan.</p> <p>Specifically for the Project, the Applicant has set out an industry leading position in terms of driving out carbon in the preliminary design and setting a framework to continue to reduce its carbon impact through the commitments made in the Carbon and Energy Management Plan, which is one of three documents addressing carbon reduction in the DCO Application:</p> <ul style="list-style-type: none"> • ES Chapter 15: Climate [APP-153] • Planning Statement Appendix I: Carbon Strategy and Policy Alignment [APP-504] • Carbon and Energy Management Plan [APP-552]. <p>Planning Statement Appendix I [APP-504] sets out the Project's approach to carbon and its alignment to current carbon policy. ES Chapter 15 [APP-153] and Planning Statement Appendix I [APP-504] explain that carbon impacts associated with construction of the Project have been calculated as being no more than 0.058% of the UK's fourth carbon budget and that ground-breaking approaches to procurement and construction have been devised for the Project. It also explains that the Department for Transport's Decarbonising Transport: A Better, Greener Britain is expected to lead to significant reductions in road-user emissions over the lifetime of the Project.</p> <p>The Applicant notes that it is for the UK Government to respond to the recommendations set out in the Climate Change Committee's progress report to Parliament, published on 28 June 2023 and National Highways will continue to support the Department for Transport in decarbonising the transport sector.</p>
<p>The introduction of electric vehicles may eliminate some greenhouse gases but does not eliminate dangerous particulate pollution entirely.</p>	<p>Whilst direct tailpipe emissions are removed from electric vehicles there will still be emissions of particulates from Brake and Tyre wear. Emissions of particulates have been considered as part of the air quality assessment, using Government approved vehicle emission factors.</p> <p>The air quality assessment reported in ES Chapter 5: Air Quality [APP-143] showed that the Project would comply with the current legal thresholds for PM_{2.5} and PM₁₀. Air quality modelling confirmed that there would be no exceedances of the annual mean PM₁₀ and PM_{2.5} AQS objective of 40µg/m³ and 25µg/m³ annual mean, respectively. In addition, the PM_{2.5} Limit Value of 20µg/m³ would not be exceeded across the study area in both the Do-Minimum and Do-Something scenarios of the construction and operational phases.</p>
<p>Terrestrial biodiversity in the Applicant's Environmental Statement states that brown hair harvest mice and</p>	<p>Brown hare, hedgehog and harvest mouse are considered as part of the application for development consent. Survey methods and records of these species are reported in ES Appendix 8.13: Other Mammals [APP-402]. Their presence</p>

CPRE comment made at OFH3	Applicant's response
<p>hedgehogs have been dismissed from further consideration. These species are in considerable decline. Eurasian beavers which are established in Kent have not been considered by the Applicant at all.</p>	<p>within the Project's zone of influence is reported in ES Chapter 8: Terrestrial Biodiversity [APP-146], paragraphs 8.4.71–8.4.73 and 8.4.163–8.4.166. Given the small numbers of animals recorded, it was considered that the risk of a potentially significant effect occurring to these species was de minimis and they were therefore not taken forward for further assessment.</p> <p>However, the mitigation measures in place during the Project's construction reported in ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [APP-336] would reduce potential impacts on these species during habitat clearance and main construction works. The significant increase in semi-natural habitats as a result of the Project, and the strong coherent ecological networks they would create, would benefit these species once established. The provision of these habitats and their long-term management is detailed in ES Figure 2.4: Environmental Masterplan [APP-159 to APP-168] and the outline Landscape and Ecology Management Plan [APP-490].</p> <p>With respect to beavers, discussions between Natural England and the Project confirmed that the nearest beaver records for Kent is in Stodmarsh on the River Stour, and in Ashford, both over 15 miles from the nearest point of the Project's Order Limits in a straight line. In Essex, beavers are recorded in the Spainshall Estate enclosure north of Braintree, over 25 miles from the nearest point of the Project's Order Limits in a straight line. It is therefore considered that the Project would not affect known beaver populations in Kent or Essex.</p>

CPRE comment made at OFH3	Applicant's response
<p>Ecological surveys must be repeated as otherwise they will be out of date, particularly in light of the ministerial statement meaning construction will be delayed for two years.</p>	<p>Requirement 7 of the draft Development Consent Order [AS-038] secures the need for pre-construction surveys, including the following commitment:</p> <p><i>'7.-(1) No part of the authorised development is to begin until for that part final pre[1]construction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by that part of the authorised development, or in any of the trees and shrubs to be lopped or felled as part of the relevant works.'</i></p> <p>The timing of these pre-construction surveys will be informed by the proposed start dates for impactful work to ensure that the data gathered is as up to date as possible to inform relevant mitigation strategies and, if required, protected species mitigation licences.</p> <p>The Applicant is confident the data submitted with the DCO Application is appropriate for the assessment of the Project.</p> <p>In relation to the construction rephasing, information on its impact has been requested by the Examining Authority and will be provided by the relevant Deadline. The ecological impacts associated with the construction rephasing do not lead to any materially new or materially different environmental impacts.</p>
<p>CPRE shares the concerns of Kent Wildlife Trust and the Woodland Trust over the irreplaceable loss of ancient woodland and other important habitats.</p>	<p>Potential adverse effects to designated sites and habitats, including ancient woodland, as well as all other terrestrial habitats affected by the Project are reported in ES Chapter 8: Terrestrial Biodiversity [APP-146], together with measures appropriate and proportionate to either mitigate or compensate for any adverse effects. The design of the overall mitigation strategy for the Project includes providing more high quality semi-natural habitats which would be managed in perpetuity and using these habitat creation areas to create new and strengthen existing ecological networks. This not only provides more habitat to support the range of wildlife recorded within the area, but also helps facilitate the movement of animals and the spread of seeds and spores across the wider landscape.</p>
<p>CPRE is aware of the concerns of communities outside the Project boundary, in particular those who will be affected by the increased traffic on the A227.</p>	<p>The changes in traffic flows are set out in Plates 7.16, 7.17 and 7.18 of the Transport Assessment [APP-529].</p> <p>Unlike a residential, commercial, or industrial development, which generates traffic, the Lower Thames Crossing would change the nature of the journeys people make, but not generate a substantial number of new journeys. This is set out in further detail in Section A.3 of Annex A of Post-event submissions, including written submission of oral comments, for ISH1 [Document Reference 9.10], included with this submission. By providing alternative and faster route options, it would allow road users to make different decisions about their destinations and the routes they choose. As a result of this, there would be changes in the amount of traffic flowing at many locations across the road network. In many places on the network, and notably at the Dartford Crossing, this would lead</p>

CPRE comment made at OFH3	Applicant's response
	<p>to significant beneficial impacts on both journey times and journey reliability. In some locations this change in road user decisions could lead to adverse changes. Overall, the benefits on the road network would outweigh the adverse impacts. The impacts on the wider road network, including the A227, are specifically considered in the context of the Project's wider network impacts and policy compliance on those impacts is considered in the Transport Assessment Appendix F: Wider Network Impacts Management and Monitoring Policy Compliance [APP-535].</p>
<p>Smart motorway concerns around user safety, whilst other smart motorways are being halted.</p>	<p>Safety is the Applicants highest priority. The Project Road will be an All-Purpose Trunk Road (APTR) and the Applicant refutes the assertion that the A122 will be a motorway or smart motorway. The Applicant has provided written documentation on this matter in response to an action raised at Issue Specific Hearing 1, Design and Operational distinction between an All-Purpose Truck Road and Smart Motorway [Document Reference 9.17].</p>
<p>CPRE's suggestion as an alternative is to address the Dover traffic by way of a rail freight option. Building further capacity to cross the Thames is not the solution.</p>	<p>In response to questions from the ExA it was noted that CPRE agreed that something needs to be done to alleviate congestion at the Dartford Crossing and referred to '<i>reinstating and improving the Ashford to Reading line</i>' for rail freight as an alternative to meeting the need for a new crossing of the River Thames.</p> <p>The Lower Thames Crossing would not prevent such an improvement to the rail freight network being provided should the DfT or Network Rail consider such infrastructure is required and feasible to reduce road-based transportation of freight. However, it should be noted that improvement to the rail freight network between Ashford and Reading does not currently form part of either the DfT or Network Rail's plans to increase capacity of the rail freight network, nor is the Applicant aware of any published assessment of the benefit, feasibility or cost of providing such infrastructure.</p> <p>Similarly, it is the Applicants understanding that there is no space at the Port of Dover to provide an alternative rail freight terminal or interchange.</p> <p>Further consideration of rail alternatives is provided in Section B.2 in Annex B of the Post-event submissions, including written submissions of oral comments, for ISH1 [Document Reference 9.10] and paragraphs 5.3.7 and 5.3.17 of the Planning Statement [APP-495].</p>

4 Submissions from Mr Johnson

4.1.1 **Post-hearing note:** The table below contains the written responses the Applicant wishes to submit in response to comments made by Mr Johnson during OFH3.

Comments made by Mr Johnson at OFH3	Applicant’s response
Sole Street and Cobham village concerns	
<p>The proposals for the new junction near Gravesend East are of concern. Henhurst Road is narrow with overgrown hedges and 90-degree bends. Once access to Cobham village is restricted, Henhurst Road will become more of a rat run.</p>	<p>The Applicant does not consider that Henhurst Road would be used as a “rat run” given the connectivity and layout of the proposed M2/A2/A122 junction. However, the Applicant’s transport model forecasts that Henhurst Road would see an increase of 51 to 250 PCUs an hour, but this would be local traffic that currently accesses the SRN via Halfpence Lane re-routing to use Henhurst Road once the Project opens. The small change in flow through Sole Street village itself shows there would be few additional trips using Sole Street and Henhurst Road.</p> <p>The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks, including at the Gravesend East/Marling Cross junction. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes. The Wider Network Impacts Management and Monitoring Plan [APP-545] provides information about the proposed traffic monitoring, and how other locations can be added by local highway authorities (see paragraph 5.3.6).</p>
<p>It is estimated that there will be an increase of between 50 and 250 vehicles per hour through Sole Street. It is already impossible to cross this road or turn right due to the number of cars. Mr Johnson suggests undertaking another survey to check the traffic levels post-Covid. An additional 25% traffic due to the Project will make that even worse.</p>	<p>Forecast changes in traffic flows as a result of the Project are set out in Traffic Forecasts Non-Technical Summary [APP-528], particularly from Plate 5.1 onwards. These present the forecast changes in traffic for 2030 in the AM, inter-peak and PM peaks.</p> <p>Through the village of Sole Street, the Project’s transport model forecasts that traffic would change by between -49 to +50 PCUs in the AM peak and inter-peak, and in the PM peak would see a reduction in traffic northbound by between -249 and -50 PCUs and by between -49 to +50 PCUs southbound.</p>

Comments made by Mr Johnson at OFH3	Applicant's response
<p>There is no footpath along half the length of Sole Street village. People have to walk in the road and school children stand in the road waiting for buses. Safeguarding should be a priority.</p>	<p>The Applicant notes the concerns relating to existing issues on Sole Street. This road is the responsibility of Kent County Council as the local highway authority, and any proposals to provide additional pedestrian facilities on this road would need to be taken by them.</p> <p>The Applicant has undertaken an assessment of traffic-related severance during the operational phase of the Project. Outputs from the LTAM were used as the starting point for the assessment, with roads selected for inclusion based on factors including level of change (in percentage terms) between the do-minimum and do-something scenarios, level of actual change (to filter out roads where the percentage change may be high but the actual number of additional vehicles is low) and a desk-top review. The assessment did not identify Sole Street as a location of concern in relation to traffic-related severance during the operational phase. This assessment is reported in Section 7.3 of the Health and Equalities Impact Assessment [APP-539].</p> <p>Kent County Council financed a feasibility study to examine whether a footway can be installed between Scratton Fields and Round Street along Sole Street. The study has been completed and shared with National Highways to assess the outcome to review whether Designated Funding could support a solution. National Highways will continue to work with Cobham Parish Council and Kent County Council to determine a viable solution.</p>
<p>There has been little mention of the traffic at White Post Lane and Round Street which are both single track roads with passing places. In peak traffic these become rat runs. White Post Lane joins the A227 and concerns have already been raised about this road.</p>	<p>The Applicant considers that Round Street and White Post Lane would see little if any change in traffic flows as a result of the Project. These roads have not been modelled, as they do not meet the criteria set out at paragraph 5.2.4 of the Transport Model Package, included as Appendix B of the Combined Modelling and Appraisal Report [APP-520].</p> <p>The Applicant concludes that there would be little change to traffic flows along Round Street and White Post Lane, as they connect onto Sole Street, which is modelled and only shows a small change in traffic flows. Both of these roads are single track, and whilst they do connect into the wider network, they do not provide attractive routes to be used by traffic to access the Project.</p>
<p>The above issues have been raised with the Applicant, but their response is that Kent County Council (KCC) should deal with these issues as they are not related to the Strategic Road Network (SRN).</p>	<p>The Applicant respectfully notes that where it is not the highway authority, it has no jurisdiction to propose works and it is correct that the interested party was directed to the local highway authority with regards to issues that are already occurring on the local road network.</p> <p>More generally, the Applicant would note the pertinent paragraph of the National Policy Statement for National</p>

Comments made by Mr Johnson at OFH3	Applicant's response
	Networks (NPSNN) is paragraph 3.17. Planning Statement Appendix A: NPSNN Accordance Table [APP-496] confirms compliance with this paragraph.
Mitigations	
Suggestion of a broad scale mitigation which is needed to assist with the impacts of the diversion of traffic from Cobham down to the Gravesend East junction, which will add traffic to a narrower road.	The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes. The Wider Network Impacts Management and Monitoring Plan [APP-545] provides information about the proposed traffic monitoring, and how other locations can be added by local highway authorities (see paragraph 5.3.6)
The addition of footpaths and crossings on Sole Street is not an unreasonable ask and the Applicant should contribute to this.	The Applicant is aware that Kent County Council financed a feasibility study to examine whether a footway can be installed between Scratton Fields and Round Street along Sole Street. The study has been completed and shared with the Applicant to assess the outcome to review whether its Designated Funding could support a solution. The Applicant will continue to work with Cobham Parish Council and Kent County Council to determine a viable solution.
Suggestion of restricted access to White Post Lane and Ground Street. Signage, as is the current measure, is not legally binding as it is only advisory. Suggestion to install speed cameras at either end. The Applicant and KCC should work together.	The Applicant and Kent County Council are working together on many aspects of the Project and the benefits and impacts it is forecast to bring to Kent. Changes to restrict access to White Post Lane and Ground Street is not currently one of these matters and it would be for Kent County Council to determine whether further interventions are required in this location.

5 Applicant's comments in light of Interested Party submissions

- 5.1.1 MLA noted that the Applicant is grateful for the submissions made by the Interested Parties and that the Applicant will submit its responses at Deadline 1 (18 July 2023).
- 5.1.2 In response to the ExA and Dartford's growth ambitions, MLA noted the Applicant's submission at Issue Specific Hearing 1 (ISH1) about traffic patterns and forecasts and how the Project would impact Dartford Crossing, and acknowledged that these issues would be discussed at a further Issue Specific Hearing on transport. MLA highlighted Requirement 13 in the draft DCO [[AS-038](#)] which includes a traffic monitoring scheme, about which the Applicant is in detailed and productive discussions with DBC.
- 5.1.3 In response to CPRE's submission, the Applicant does not agree that the impacts referenced outweigh the significant benefits of the Project and the full consideration of this is addressed in the Planning Statement [[APP-495](#)]. On rail freight specifically, MLA referred CPRE to paragraphs 5.3.7 and 5.3.17 of the Planning Statement [[APP-495](#)] in relation to rail freight options and in relation to carbon, referred to Appendix I of the Planning Statement [[APP-504](#)]. MLA further noted that in relation to the validity of the assessments undertaken by the Applicant in light of the written ministerial statement, Action Point 1 issued by the ExA following ISH1 addresses this issue, and the Applicant will respond at Deadline 1 (18 July 2023) accordingly.
- 5.1.4 In response to Mr Johnson, MLA noted that the Applicant would respond in writing at Deadline 1 (18 July 2023) and that the issues will in part be included in the Relevant Representation Report which the Applicant intends on submitting at that Deadline. MLA further noted that the outline Traffic Management Plan for Construction [[APP-547](#)] addresses specific mitigation which includes construction-phase HGV bans in Cobham at Table 4.4. MLA explained that the Applicant has found that traffic in Cobham village during operation will decrease due to the junction change onto the SRN, resulting in traffic using Jeskyns Road and Henhurst Road instead.
- 5.1.5 In response to Mr Johnson, MLA noted that the Applicant is in active discussions with KCC in relation to specific management options and details around this will be included in the Relevant Representation Report. TW further clarified that changes to pedestrian crossings do not form part of the current conversations with KCC.

[Post-meeting note: these responses have been supplemented in the tables above].

6 Next Steps and Closing

6.1.1 The Applicant did not make any submissions under this Agenda Item.

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