

TRANSPORT FOR LONDON

LOWER THAMES CROSSING – DEADLINE 2 SUBMISSION

3 AUGUST 2023

1. Introduction

- 1.1 This document sets out comments from Transport for London (TfL) on submissions made at Deadline 1 of the Lower Thames Crossing Development Consent Order (DCO) examination.
- 1.2 TfL has not repeated comments made in its Written Representation or other submissions made at Deadline 1 and has restricted its Deadline 2 submission to matters where new information has become available.
- 1.3 This document is structured according to the requests for information by the Examining Authority (ExA) at Deadline 2, as set out in the examination timetable.

2. Comments on Written Representations

- 2.1 TfL has reviewed the Written Representations submitted and also the Local Impact Reports submitted by local planning authorities. TfL notes a strong degree of consistency between points that TfL raised in its Written Representation (examination reference REPI-304) and those of most other authorities. There would appear to be substantial consensus on matters of concern including:
 - the lack of an appropriate monitoring regime to assess the impacts of the Project;
 - the complete absence of any commitment to fund and secure mitigation of the wider network impacts of the Project, with responsibility for this being unreasonably placed on local highway authorities (this concern has been raised by many, including the ports and several other interested parties);
 - the adequacy of relying on the strategic Lower Thames Area Model (LTAM) for assessing impacts of the Project at junctions on the local highway network;
 - the robustness of the modelling for the Project; and
 - the need for a longer time period than 28 days for consultation on the discharge of requirements.
 - 2.2 TfL also notes the comments submitted by the London Borough of Havering on the draft DCO (REPI-251) which proposes an additional article and requirement in the DCO covering the establishment of both an Implementation Group and a Monitoring and Mitigation Strategy, based on Article 66 and Requirement 7 in the made Silvertown Tunnel DCO. TfL supports this proposal, which is consistent with the proposed approach set out in Paragraphs 3.9 to 3.17 of TfL's Written Representation (REPI-304).
- #### 3. Comments on the Applicant's amended draft DCO
- 3.1 TfL welcomes the amendments to the requirements in the draft DCO (REPI-043) to include the local highway authority as a consultee for the discharge of requirements, for Requirement 3 (detailed design), Requirement 8 (surface and foul water drainage) and Requirement 12 (fencing). This provides TfL with the assurance that it will be consulted on new assets for which it will become responsible and any changes to its existing assets.

- 3.2 TfL maintains that the local highway authority must also be consulted on Requirement 5 (landscaping and ecology) and Requirement 6 (contaminated land and groundwater); this has not yet been addressed by the Applicant.
- 3.3 In the case of landscaping and ecology, the Project will impact on green assets alongside the A127 and its slip roads west of M25 Junction 29 which TfL is responsible for maintaining either currently or following completion of the Project. It is therefore entirely appropriate for TfL to be consulted on matters relevant to its assets, to ensure they can be safely and economically maintained. As set out in Table I of its submission following Issue Specific Hearings 1 and 2 (REPI-303), TfL therefore continues to seek for it to be listed as a relevant stakeholder in Table 2.1 of the outline Landscape and Ecology Management Plan (REPI-I73).
- 3.4 For contaminated land and groundwater, TfL is concerned that in the absence of the local highway authority being consulted, should contaminated land or groundwater be discovered underneath TfL's highway, or connected to the drainage system draining TfL's highway, then TfL may not be consulted on a matter for which it may hold some responsibility (Requirement 6 (1)). TfL may also not be consulted on the remedial measures needed which may also affect TfL's assets (Requirement 6 (2)). On this basis, TfL remains of the view that the relevant highway authority also needs to be consulted on these matters alongside the relevant planning authority and the Environment Agency.
- 3.5 TfL notes the precedent of the made M25 Junction 28 improvements DCO, where the relevant highway authority will be consulted on both landscaping (Requirement 5 of that DCO) and contaminated land and groundwater (Requirement 6). TfL is not aware of any reason why a different approach to consultation should be adopted for the Project.

4. Comments on the Applicant's submissions at Deadline 1

- 4.1 Having reviewed the Applicant's submissions at Deadline 1, TfL wishes to comment on the Localised Traffic Modelling report (REPI-I87). This document sets out the local junction and microsimulation modelling that has been undertaken for various junctions.
- 4.2 Table 3.1 of this report lists the localised traffic modelling that has been undertaken, including for the London Borough of Havering and TfL (IDs 10 to 22). The report of this modelling has not been published by the Applicant, in contrast to some other junctions. TfL has several significant concerns about the robustness of these junction assessments, particularly that no attempt was made to validate the junction models against surveyed data. The junction models relied entirely on traffic flows taken from the strategic model (LTAM) which has not been validated at the junction level so there is no assurance that turning movements etc. were being accurately reflected. Furthermore, the modelling appears to contain errors, for example the omission of the left turn from the A127 to Wingletye Lane in the Applicant's modelling (REPI-304 Appendix A Paragraph 4.22). TfL therefore has no confidence in the robustness of the local junction modelling undertaken by the Applicant.
- 4.3 These issues led to the London Borough of Havering and TfL commissioning their own junction assessments, including the collection of surveyed data, earlier in 2023. In the absence of the Applicant having published its report on the modelled junctions in Havering, the only modelling for these junctions before the ExA is that prepared for and submitted by the London Borough of Havering and TfL (REPI-247 and REPI-304 Appendix A). TfL contends that this report provides a robust assessment of the impact of the Project on these junctions, rather than the Applicant's modelling.
- 4.4 TfL's concerns about the robustness of the modelling for the Project, the reasons why it cannot be relied upon to determine that no mitigation of the wider network impacts of the

Project is needed, and therefore the reasons why a robust approach to monitoring and mitigation is necessary, are explained in more detail in Paragraphs 3.2 to 3.29 of TfL's Written Representation (REPI-304).