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Your Reference:
TR010032

KCC Interested Party
Reference Number:
20035779

Date: 24th August 2023

Dear Rynd,

RE: Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing (LTC) - Kent County Council's Submission to Deadline 3

As outlined within the Examination Timetable (Annex A of the Rule 8 letter (PD-020), this letter is Kent County Council's Deadline 3 submission which provides the following:

- Responses to comments on Written Representations (WRs)
- Comments on the Applicant's submissions at Deadline 2
- Comments on any information requested by the ExA and received by Deadline 2

Responses to comments on Written Representations (WRs)

KCC has reviewed Document 9.53 'Comments on WRs – Appendix C – Relevant Local Authorities & Transport Bodies (REP2-048)' that was submitted by National Highways at Deadline 2. The Applicant's comments have been noted and KCC's responses are outlined below.

4. Highways and Transport (as local highway and transport authority)

Transport Impact A: Impacts of the LTC on the Strategic Road Network (SRN)
Transport Impact B: Wider Network Impacts (WNI)

KCC remains disappointed that the Applicant "*does not consider it necessary to include additional locations within the Wider Network Impact Monitoring and Management Plan (WNIIMMP) at this time, as the mechanism set out above will allow for the introduction of new locations at a future date, following consultation with relevant authorities on actual traffic flows closer to the opening year.*" KCC's Wider Network Impact (WNI) Study (funded by the



Applicant) has identified areas of the network that will be impacted as a result of the LTC. Furthermore, the WNI study also demonstrates that “rat running” via unsuitable rural routes is forecast to occur as a result of motorists bypassing the congestion on the SRN in the vicinity of the A2/LTC junction. This issue remains a key concern of local stakeholders, and it is essential these locations are included within the WNIMMP in order to monitor and mitigate the impact on local communities and existing road users.

Furthermore, KCC’s request for the WNIMMP to cover baseline surveys before construction starts has not been addressed within the Applicant’s response to KCC’s WR. KCC maintains its position as stated in paragraph 4.52 of our Written Representation that baseline surveys should be undertaken at least one year before commencement of construction and supplemented with additional surveys annually until five years post-opening. This is in line with National Highways’ own post-opening project evaluation (POPE) methodology. Local stakeholders would not accept LTC impact mitigations being addressed only at the one year and five years post-opening intervals. KCC considers that traffic flows will have already altered at year one from the project’s long construction period with the change in route/destination choice arising from that disruption. This would be beyond measurement from the data collected by contractors as suggested.

In response to the Applicant’s request for a VISSUM cordon from the KTM and associated modelling files, KCC provided these to National Highways on 1st August 2023.

National Highways’ response also stated “On a matter of detail, the LTAM outputs provided to KCC both in a cordon model and in GIS shapefiles do not show an increase in Heavy Goods Vehicles (HGVs) of 160 vehicles an hour on the A228 in any modelled time period. This increase is seen on the A229, in 2045 in the interpeak period only. The maximum increase in HGVs on the A228 is 77 vehicles in the 2045 AM peak modelled hour”. To clarify, KCC’s previous submission relating to the increased HGV flows on the A228 refers to two-way flow increases in HGVs.

Transport Impact C: Impacts of the LTC on the A229 Blue Bell Hill

In response to Transport Impact C, National Highways states “*The Applicant recognises that, as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Kent, this will lead to beneficial transport impacts on the network, and in some cases will lead to adverse impacts*”. It is clear the LTC will create an alternative route for traffic wishing to use the M20 that did not exist before, and the A229 forms a key part of this new route.

However, the Applicant states that “*Overall, the benefits on the road network outweigh the adverse transport impacts, and this is reflected in the positive economic benefit of the Project within Kent.*” Whilst KCC agrees that the LTC will lead to beneficial transport impacts on the network elsewhere, unless improvements are delivered to the A229 in time for opening of the LTC, National Highways’ new crossing will not deliver the full economic benefits it sets out to achieve. The adverse impacts to the A229 as a result of the LTC must, therefore, be addressed. Furthermore, KCC would request for the Applicant to provide the analysis to support the statement that the economic benefits of the LTC outweigh the need to deliver improvements to the A229 Blue Bell Hill.



Furthermore, National Highways noted *“the Applicant has agreed a scope of work and funding this through a Planning Performance Agreement for KCC to undertake a Strategic Outline Business Case (SOBC) study to identify the impacts of the Project on the Kent road network and to assess the business case of potential interventions to optimise the network”*. This is the case for other parts of the local road network, for which KCC has welcomed this funding from the Applicant. However, it must be clearly understood that the A229 was specifically excluded from the WNI study. The only funding KCC has received through the PPA for the A229 was to carry out an analysis of the models with and without LTC, the results of which clearly show that the LTC causes significant impacts to Blue Bell Hill which have not been identified by National Highways within their DCO application. As a result of the model comparisons, and at the request of the Department for Transport, KCC produced a scheme option for improvements to the A229 which did not address LTC traffic. This alternative scheme was costed at around £130 million less than the current Blue Bell Hill Improvement scheme, which aims to mitigate both the impacts of local growth and that of the LTC, but without any financial contribution from the Applicant.

Transport Impact D: Road Safety Impacts of the Project

In regards to the road safety impacts of the Project, National Highways’ response states that: *“The Applicant is currently undertaking a Wider Network Impacts (WNI) study with Kent County Council, specific to the corridors mentioned, with safety being a key aspect. National Highways would welcome further discussions with regards to the benefits and rationale of carrying out iRAP assessments in addition to the existing study.”*

KCC welcomes the Wider Network Impact study being carried out. However, it is understood that COBALT analysis could be carried out in a combined manner incorporating both Links and Junctions, but documents 7.7 Combined Modelling and Appraisal Report – Appendix D – Economic Appraisal Package: Economic Appraisal Report did not state implicitly that this method was taken, only referring to “links”. KCC appreciates this confirmation that junctions were included in the analysis.

KCC welcomes further discussions around the benefits and rationale of carrying out iRAP assessments, and will be seeking to include these assessments and any subsequent risk mitigation as a Requirement of the DCO.

National Highways’ response also states that *“The Applicant has committed to the implementation of the CLOCS standard in Environmental Statement Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan (CoCP) [REP1-157] and the Outline Traffic Management Plan for Construction [REP1-174]. This matter remains under discussion.”* KCC notes a COBALT analysis has not been carried out for the 11 phases of LTC construction, which have been modelled in the LTAM, so potential impacts on road safety during the construction phases of the project are not able to be quantified. However, KCC understands the scale of works that a COBALT assessment of each construction phase will mean and respects the rationale for not including this work to date, based on TAG guidance.

In addition, it has been noted by KCC that the Applicant has not responded to the clarifications and information requests outlined within KCC’s WR. KCC would request that a response is provided.



Transport Impact E: Public Transport and Active Travel Impacts of the Project

KCC welcomes the establishment of a Traffic Management Forum (TMF) as outlined within the Applicant's oTMPfC. However, currently no funds have been allocated to this group for mitigation purposes and therefore, there is no guarantee that mitigation would be implemented as a result of the TMF. KCC have clearly stated the financial implications it will incur in order to continue to operate high quality bus services during construction related delays. Funds for the TMF should be secured through the DCO so that appropriate mitigation can be implemented if negative impacts are realised.

Furthermore, National Highways state "*KCC would be able to recommend mitigation packages at the Traffic Management Forum which would be discussed and agreed where appropriate*". However, KCC have already set out what mitigation is deemed appropriate for the likely impact and we are concerned recommending them at a later stage would mean the decision on whether mitigation should be implemented, and how much funding should be allocated, will be solely in the hands of the Applicant. Mitigation needs to be immediate and funding should be received as soon as the need for mitigation has been identified.

In addition, the Applicant's Transport Assessment sets out the most likely impacts, with the additional impacts of temporary diversions to be determined nearer the time. Mitigation for likely impacts should be secured, along with a requirement that temporary works are identified in writing to the KCC Public Transport team at least four weeks in advance of them happening, and required compensation discussed at the same time based on £200 per additional operational hour.

National Highways state "*The Applicant has considered various options during the development of the Project to provide improved river crossings for walkers and cyclists... It was decided that none of these options would be taken forward for reasons including lack of technical feasibility, operational issues, lack of commercial viability, cost and poor safety.*" Clarity should be provided by the Applicant as to why technical feasibility has not been undertaken on the options. Furthermore, whilst there may not be any monetary benefit to the Applicant by providing river crossing for walkers and cyclists, the residents of Kent (and indeed Thurrock) would benefit greatly from cross river provision. The provision could also help to take trips off the SRN, helping National Highways in the longer term.

The Applicant states "*Latent demand for walking and cycling across the River Thames at the Project crossing point is low and therefore unlikely to unlock enough trips to make the required infrastructure for a shuttle service economically viable*". KCC sees a shuttle service as a last resort. The Project should accommodate all modes of transport by providing standard walking, cycling and public transport infrastructure.

Transport Impact G: Dangerous Goods Vehicles and Oversized Vehicles

KCC is disappointed by the Applicant's response to Transport Impact G. Whilst Dangerous Goods Vehicles (DGVs) would have a longer route, the impact of keeping the Traffic Management Cell at Dartford would affect significantly more people. This will be particularly evident as the vehicle numbers at the existing Dartford Crossing is predicted to be back at 95% capacity 15 years post LTC opening. This should be given further consideration by the Applicant.



Transport Impact K: Highways Asset generation and impact of transference from National Highways to Kent County Council

KCC disagrees with the Applicant's proposed mitigation as National Highways have not addressed the issue of undertaking the KCC Technical Approval procedure. This has proven to be an issue on other schemes led by National Highways where KCC have not been provided with full details of the proposals and are being expected to adopt structures which KCC would not accept from a private developer due to the nature of the construction. There would not be an indeterminate and ongoing responsibility. Once the technical approval process is complete and commuted sums received and the structure becomes the responsibility of KCC, all responsibility of National Highways would cease in regard to those structures.

In addition, the Applicant has not responded to KCC's requests for Requirements as outlined within our Written Representation. These requests are as follows:

- A Requirement that National Highways should deliver mitigation on the Local Road Network (LRN) as identified through the WNI study (details of mitigation schemes including costs to be provided later in the Examination on completion on the study – expected October 2023). In the alternative, a Requirement that National Highways should fund KCC to carry out the identified WNI study mitigation works.
- A Requirement that restricts
 - (a) construction deliveries and construction vehicles movements; and
 - (b) construction worker shift changes occurring during the LRN peak hours (0800-0900 and 1700-1800).
- A Requirement that National Highways should fund proposed remedial measures, along with providing a six-monthly monitoring report to KCC to determine whether Travel Plan targets are being met and whether the construction traffic generation is at or lower than predicted. In the alternative, KCC would accept a Section 106 Agreement for these mitigation measures to be secured.

5. Public Rights of Way

National Highways state *“Defining the widths/surfacing will be undertaken at the detailed design stage. Specific WCH design principle can be found within Table 4.1 Project-wide design principles: Connecting people, within the Design Principles (APP-516). All WCH routes will be designed to the latest design standards and guidance listed under Clause No. PEO.04”*. The three bridges in question are proposed to include 3m shared pedestrian/cycle routes, which is disappointing. LTN 1/20 National Cycle Infrastructure Guidance consistently seeks to avoid shared use cycle routes. High quality segregated routes for pedestrians and cyclists should be provided. A minimum width should be secured in order to ensure there is enough width for segregated facilities.

11. Impacts on Community Assets

Loss of Revenue at Shorne Woods Country Park (SWCP)

In response to KCC's concerns regarding loss of revenue at SWCP, National Highways state *"The Applicant notes that landowner losses as a result of the Project's temporary occupation will be payable in line with the Compensation Code. Compensation arrangements for affected landowners and businesses are noted in ES Chapter 13 (6.3)".* It should be noted the Valuation Office has recently been instructed by the Applicant to engage with KCC regarding a potential compensation claim. Whilst KCC is happy to engage in discussions with the Valuation Office, it is important an agreement is made during the timescales of the Examination. It will also be important that any compensation is assessed and paid on a yearly basis to protect cash flow and to mitigate compound losses.

Proposed Car Park at Thong Lane

KCC disagrees with National Highways' statement that *"the design of the new car park has been developed in close co-ordination with Kent County Council to ensure it will provide an adequate revenue stream."* Historically KCC had been involved in initial discussions with the Applicant regarding the proposed car park, however the two parties have not met to discuss the design of the car park for some time. It was made clear within our Written Representation that KCC currently is not committed to taking on the long-term management/ownership of the proposed car parking facility unless the facility has a sustainable business case with sufficient income generation potential to cover its ongoing revenue and capital costs. A request was made for the Applicant to provide a sustainable business case (which is approved by KCC) in advance of any agreement to transfer/manage the facility and a commitment that associated costs would be covered by the Applicant. No progress has been made on the provision of a business case nor a commitment to cover associated management costs. If the car park does not generate enough income to cover the costs of its long-term management, then the proposed car park would result in a significant financial and resource burden to KCC.

12. Representations relating to the draft Development Consent Order and Highways Related Articles

Article 10 (Construction and maintenance of new streets etc) and Article 15 (classification of roads)

KCC disagrees with National Highways' position on commuted sums. It is clear the Lower Thames Crossing is a significant new piece of transport infrastructure with national importance; however, it is inevitable a scheme of this size will result in a substantial burden on local highway authorities, placing further pressure on already stretched resources and budgets. The Applicant has acknowledged there has been some rare exceptions to their position, including the recent A428 Black Cat to Caxton Gibbet DCO and the A202 Amesbury to Berwick Down DCO. Therefore, there is a clear precedent that National Highways can and should pay commuted sums for what is arguably the biggest road infrastructure project since the construction of the M25.

KCC also disagrees with the Applicant's other responses to our representations relating to the draft DCO and highways related articles for reasons outlined within our WR.

Comments on the Applicant's submissions at Deadline 2

KCC has reviewed the Applicant's submissions at Deadline 2 and would like to make comments on the following documents:

- Document 9.54 Comments on LIRs – Appendix E – Kent County Council (REP2-059)
- Document 3.1 Draft Development Consent Order v4.0 (Tracked Version (REP2-005)
- Document 9.63 Applicant's response to IP comments made on the draft DCO at Deadline 1 (REP2-077)

Document 9.54 Comments on LIRs – Appendix E – Kent County Council (REP2-059)

The Applicant's comments on KCC's Local Impact Report echo the position outlined in their response to our Written Representation. However, we would like to make the following additional comments.

Transport Impact A: Impacts of the LTC on the Strategic Road Network (SRN)

KCC appreciates the differences between the Lower Thames Area Model (LTAM) and Kent Traffic Model (KTM) and the similarities in outputs. When discussing and agreeing the use of the KTM in the WNI Study, it was noted that the LTAM predicts AM and PM peak hour increases of approximately 6,000 two way passenger car units (PCUs) over the Thames with the Lower Thames Crossing in previous Design Year 2044, whereas the KTM forecast figures around 4,000 PCUs. It was therefore, concluded that if an LTC impact was detected in the KTM all parties could be confident that it was indeed an impact that should be investigated. It is within this context that the word 'conservative' has been used.

KCC appreciates the publication of microsimulation results for selected junctions at Deadline 1 in Document 9.15 Localised Traffic Modelling - Appendix H - Traffic Operational Appraisal - VISSIM Forecasting report (REP1-194). This has provided the information first requested within the KCC response to the 2018 Statutory DCO consultation. It is noted that many of the links of the M2/A2/A122 Lower Thames Crossing junction are shown in yellow, red and dark red colours for AM Peak 2045 in Plate 4.8 and PM Peak 2045 in Plate 4.13. These colours are outlined in paragraph 4.2.1 of the document as follows:

- 4.2.1 c. Yellow = 60 to 45 mph (at capacity traffic conditions);
- 4.2.1 d. Red = 45 to 35 mph (saturated traffic conditions); and,
- 4.2.1 e. Dark Red < 35 mph (more saturated traffic conditions).

It is unclear whether the traffic speeds on the junction approaches reflect a saturated queuing condition as the speed on the LRN at these locations would be expected to be less than 35mph regardless of flow or traffic volume. More clarity, potentially in the form of an increased number of speed categories less than 35mph, is required at these locations.

Transport Impact H: Construction Shifts and Deliveries

KCC have investigated routes using the GIS files. There are a significant number of drivers who re-route along the rural roads during the peak hours, seeking alternatives to construction works. A number of the routes are close to capacity. As per a previous request, construction related vehicles should not be permitted to access/egress from the site compounds during the network's peak hours, in order to retain trips on the SRN and key



primary routes. Monitoring is also required to determine how much rat running is occurring and if it is significant, measures should be implemented to deter it.

Document 3.1 Draft Development Consent Order v4.0 (Tracked Version) (REP2-005)
Document 9.63 Applicant's response to IP comments made on the draft DCO at Deadline 1 (REP2-077)

KCC has reviewed the above documents in relation to the draft DCO and it should be noted that we do not agree with the position taken by the Applicant. The reasons for this are outlined within our original Written Representation.

Comments on any information requested by the ExA and received by Deadline 2

Further to the submissions made by the Applicant, KCC would also like to comment on the following document submitted by the London Borough of Havering at Deadline 2:

- Comments on the Applicant's amended dDCO (REP2-087)

As part of their comments on the Applicant's amended dDCO, the London Borough of Havering submitted draft Protective Provisions for local highway assets which it hopes to secure through the DCO. As another local highway authority affected by the scheme, KCC agrees in principle that there is a need to secure such provisions through the DCO itself, as opposed to side agreements with the Applicant. Like Havering, KCC has been involved in some initial discussions with the Applicant regarding a potential side agreement relating to the protection of assets, but no agreement has yet been reached. However, this process does not allow for scrutiny, nor transparency, and it is only fair that the assets of all local highway authorities affected by the scheme are protected.

It should be noted that whilst KCC is not opposed to entering into a side agreement with the Applicant, our preference would be for these protections to be secured through the DCO.

Yours sincerely,

Stephanie Holt-Castle
Director – Growth and Communities