



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)
Regulations 2009

Volume 5

DATE: August 2023
DEADLINE: 3

Deleted: July

Deleted: 1

Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/5.4.4.13

VERSION: 3.0

Deleted: 2

Revision history

Version	Date	Submitted at
1.0	31 October 2022	DCO Application
2.0	18 July 2023	Deadline 1
3.0	24 August 2023	Deadline 3

Deleted: Examination

Deleted: ¶

Status of the Statement of Common Ground

This is a Draft **Agreed** Statement of Common Ground with matters outstanding.

National Highways **and Tonbridge and Malling Borough Council agree** that this draft Statement of Common Ground is an accurate description of the matters raised **and the current** status of each matter.

- Deleted:** considers
- Deleted:** by Tonbridge & Malling Borough Council
- Deleted:** , based on the engagement that has taken place to date. ...

LTC/TMBC SoCG for sign off

[Redacted]



You replied to this message on 22/08/2023 11:58.

Dear [Redacted]

Please accept this email as TMBC's agreement to the content of the latest draft of the SoCG, to be submitted to the LTC EXA by deadline 3 (24th August).

Kind regards

[Redacted]

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

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)

List of contents

	Page number
1 Introduction	1
1.1 Purpose of the Statement of Common Ground.....	1
1.2 Principal Areas of Disagreement	1
1.3 Terminology.....	1
2 Matters	2
2.1 Movement of outstanding matters.....	2
Appendix A Engagement activity	21
Appendix B Glossary	23

List of tables

	Page number
Table 2.1 Matters	4
Table A.1 Engagement activities between the Applicant and Tonbridge & Malling Borough Council since the DCO Application was submitted on 31 October 2022	21

Deleted: 1 Introduction 1
 1.1 Purpose of the Statement of Common Ground 1
 1.2 Principal Areas of Disagreement 1
 1.3 Terminology 1
2 Matters 2
 2.1 Movement of outstanding matters 2
Appendix A Engagement activity 21
Appendix B Glossary 23

Deleted:
 1.1 Purpose of the Statement of Common Ground 1
 1.2 Principal Areas of Disagreement 1
 1.3 Terminology 1
2 Matters 2
 2.1 Movement of outstanding matters 2
Appendix A Engagement activity 21
Appendix B Glossary 23

Deleted:
 1.2 Principal Areas of Disagreement 1
 1.3 Terminology 1
2 Matters 2
 2.1 Movement of outstanding matters 2
Appendix A Engagement activity 21
Appendix B Glossary 23

Deleted:
 1.3 Terminology 1
2 Matters 2
 2.1 Movement of outstanding matters 2
Appendix A Engagement activity 21
Appendix B Glossary 23

Deleted:
2 Matters 2
 2.1 Movement of outstanding matters 2
Appendix A Engagement activity 21
Appendix B Glossary 23

Deleted:
 2.1 Movement of outstanding matters 2
Appendix A Engagement activity 21
Appendix B Glossary 23

Deleted:
Appendix A Engagement activity 21
Appendix B Glossary 23

Deleted:
Appendix B Glossary 23

Deleted:

Deleted: Table 2.1 Matters 4

Deleted:

Deleted: Table A.1 Engagement activities between the Applicant and Tonbridge & Malling Borough Council since the DCO Application was submitted on the 31 October 2022 21

Deleted:

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 ([the Applicant](#)) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.

Deleted: National Highways

1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between 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.

Deleted: National Highways (

Deleted:)

1.1.3 This version of the SoCG has been submitted at Examination Deadline [3](#).

Deleted: 1

1.2 Principal Areas of Disagreement

1.2.1 On the 19 December 2022 the Examination Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.

1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).

1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.

1.2.4 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 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 (TMBC), further discussions on the outstanding matters have taken place. These discussions are summarised in Appendix A and the outcome of these discussions is summarised below.

Deleted: ,

Deleted: Table A.1

2.1.2 The following matters have moved from 'Matter Under Discussion' to 'Matter Agreed':

- a. 2.1.19 – Site selection and surveying / Site surveys for proposed planting
- b. 2.1.21 – Detailed design / management plans / implementation / Support for proposed compensatory land
- c. 2.1.22 – Detailed design / management plans / implementation / Fencing and security of compensation site

2.1.3 Further to the matters raised in the original SoCG, TMBC submitted further comments on the DCO application which has led to new matters being included in Table 2.1:

- a. 2.1.23 – Noise Assessment / Noise impacts based on traffic modelling core scenario

2.1.4 The following 'Matters Under Discussion' have been removed from the SoCG by agreement with TMBC:

- a. 2.1.6 – Modelling methodology / Concerns regarding traffic modelling used
- b. 2.1.7 – Non-Project highway improvements / General process – collaborative working with Kent County Council (KCC) and other Kent authorities
- c. 2.1.11 – WNI concerns / Concerns regarding the impact of the Project on the local road network
- d. 2.1.16 – General methodology / modelling / alternatives / Appropriateness of approach in assessing nitrogen deposition

2.1.5 The following 'Matters Not Agreed' have been removed from the SoCG by agreement with TMBC:

- a. 2.1.12 – Non-Project highway improvements / A229 at Blue Bell Hill

2.1.6 The following 'Matters Agreed' have been removed from the SoCG by agreement with TMBC:

- a. 2.1.8 – Junctions / The Tilbury Link Road

2.1.7 Table 2.1 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.

Deleted: 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. ¶
Table 1

2.1.8 In the column 'Item No' in Table 2.1, '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, 'LIR' indicates a matter entered into the SoCG raised in the Local Impact Report, 'WR' indicates a matter entered into the SoCG as a result of a Written Representation, and 'DL3' indicates a new matter added during examination at/around that deadline.

At Examination Deadline 3, there are 17 matters in total, of which 7 are agreed, 4 are not agreed and 6 remain under discussion.

Deleted: Table 1

Deleted: and 'DLX'

Deleted: 1,

Deleted: 22

Deleted: 5

Deleted: 13 that

Table 2.1 Matters

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
Need for the Project					
Need for the Project	2.1.1 RRE	Tonbridge & Malling Borough Council (TMBC) 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					
Modelling methodology Consideration of Local plan growth / other local growth within the LTAM core and high growth scenarios .	2.1.4 RRE	TMBC is concerned that the growth arising from the the government's standard method for assessing housing need (15,941 dwellings 2021-2040) and known major local developments have not been accurately core and high growth scenarios. From our reading of the transport evidence, it is clear that a significant number of major development sites are absent from the assessment undertaken. This comprises circa 4000 new homes and 164,000sqm of employment floorspace that TMBC expect to be delivered by 2032 within the Medway Gap area of	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, or are the subject of a planning application or planning permission (as of 30 September 2021). A high growth scenario is also undertaken and reported within the Transport Forecasting Package (Appendix	Combined Modelling and Appraisal Report (ComMA) Appendix C - Transport Forecasting Package [APP-522 and APP-523]	Matter Not Agreed

Deleted: 1

Deleted: National Highways'

Moved down [1]: Local plan growth

Deleted: has concern

Deleted: associated with

Deleted: which has

Deleted: 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

Moved (insertion) [1]: Local plan growth

Deleted: emerging

Deleted: . Tonbridge & Malling Borough Council would therefore encourage National Highways to review its modelling of future traffic flows in consultation with local authorities, to agree an approach

Deleted: more effectively reflects likely future

Deleted: plan

Deleted: on which

Deleted: [Application Documents

Deleted: environmental assessments can be

Deleted: scenario

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
		the borough. There are likely to be in-combination impacts which the Council will be testing through its Local Plan modelling work. Further detail is included in the Council's Local Impact Report.	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.		
Local modelling requests Modelling of alternative scenarios	2.1.5 RRE	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 the Council 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. TMBC has indicated that this matter should remain under discussion until the sensitivity tests are completed.	N/A	Matter Under Discussion
Modelling methodology Concerns regarding traffic modelling used	2.1.6 RRE	TMBC have concerns regarding the traffic modelling that has been used as part of the methodology.	The traffic modelling uses standard methodologies prescribed in Department for Transport's (DfT) Transport Analysis Guidance (TAG). Further discussions are planned to take place with TMBC.	N/A	Matter Under Discussion

Deleted: National Highways'

Deleted: they

Deleted: , however

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red, Strikethrough

Deleted: Modelling methodology
Concerns regarding traffic modelling used

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
Wider Network Impacts					
Non-Project highway improvements General process – collaborative working with Kent County Council (KCC) and other Kent authorities	2.1.7 RRE	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 Project. The Applicant is currently in joint discussions with relevant authorities about proposed mitigation schemes in accordance with the licence 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
Junctions 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, the Applicant sought direction and received instruction from DfT and Department for Levelling Up, Housing and Communities (DLUHC) that the Tilbury Link Road should be delivered through a separate consenting process to the Lower Thames Crossing. The revised design at Tilbury Fields provides an operational access, with no access for public traffic on or off the Project road at this location. The operational access could potentially accommodate further development in the	N/A	Matter Agreed

Deleted: National Highways'

Deleted: Non-Project highway improvements¶
¶ General process – collaborative working with Kent County Council (KCC) and other Kent authorities

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
			future. Any new road connecting to the Project road at this point would have to follow the relevant planning process at the appropriate time.		
Local WNI concerns A228 corridor between M2 Junction 2 and M20 Junction 4	2.1.9 RRE	<p>TMBC has concerns regarding the A228 corridor between M2 Junction 2 and M20 Junction 4 and requires mitigation for which no funding is available. KCC is refining local highways mitigation requirements and we hope that local authorities can work with National Highways to secure funding to address the combined impacts that the Project will have on roads within the borough.</p> <p>There is no clarity as to how these mitigation measures will be funded, without any commitment from Government, local authorities will 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.</p>	<p>The Applicant is working with Kent County Council on a Kent Wider Network Impact (WNI) study, funded by the Applicant, which will further joint understanding of how the network performs in the future with the Project. These outputs will be discussed with KCC and TMBC, and the Applicant will continue to engage in accordance with the licence 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. This will include working collaboratively with local authorities on relevant scheme business cases that are supported by their own funding streams and consenting processes.</p>	Wider Network Impacts Management and Monitoring Plan [APP-545]	Matter Under Discussion

~~Deleted: National Highways'~~

~~Deleted: also~~

~~Deleted: required~~

~~Deleted: National Highways~~

~~Deleted: this road~~

~~Deleted: our~~

~~Deleted: also remains unfunded. We understand that~~

~~Deleted: has made the case for appropriate~~

~~Deleted: [Application Document~~

~~Deleted: -~~

~~Deleted: welcome the opportunity to~~

~~Deleted: fully identify and mitigate~~

~~Deleted: direct~~

~~Deleted: little~~

~~Deleted: ,~~

~~Deleted: would~~

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
Non-Project highway improvements Request for commitment to provide additional highway improvements	2.1.10 RRE	<p><u>The Council is concerned about the impact of the Project upon the A229 at Blue Bell Hill which connects M2 Junction 3 with M20 Junction 6, this is a high priority for improvement. The road and its motorway junctions need to be improved to accommodate the in combination impacts of LTC and Local Plan growth related traffic. Further detail is set out in our Local Impact Report.</u></p> <p><u>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. Blue Bell Hill is the subject of a Large Local Majors scheme bid to the Department of Transport, which TMBC supports. This has yet to be approved, even if this is achieved, there will be a 20% funding gap which will hinder delivery until additional sources of funding can be found.</u></p> <p>The new crossing will have implications on the M2 Junction 3, the A229 Blue Bell Hill and M20 Junction 4, within the Borough. Further detail is set out in our Local Impact Report. Mitigation measures will be required to improve these routes and related junctions, the</p>	<p>Improvements to the A229 and the M2 east of Junction 1, are not part of the proposed Project.</p> <p>The Applicant will continue to engage with relevant authorities in accordance with the licence 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.</p> <p>The Wider Network Impacts Management and Monitoring Plan (WNIMMP) has been submitted as part of the application and sets out the proposed approach for the monitoring of traffic impacts for the Project, during its operational phase, to identify changes in the performance on the surrounding local, major and strategic road networks. The monitoring data would be made available to all the local and highway authorities, which would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes. The M2 Junction 3 at Blue Bell Hill is included as a monitoring location in the WNIMMP.</p> <p>The DCO requires the Applicant to produce an operational traffic monitoring scheme that complies with this plan prior</p>	Wider Network Impacts Management and Monitoring Plan [APP-545]	Matter Not Agreed

- Deleted: National Highways'
- Deleted: ,
- Deleted: , the A20 and M20, the A227, A228 and the A229
- Deleted: [Application Document
- Deleted: -
- Moved (insertion) [2]: 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.
- Deleted: which
- Deleted: scheme
- Deleted: 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
- Deleted: local road network south of
- Deleted: network
- Deleted: LTC, which are not within the scope of the scheme.
- Deleted: , M20
- Deleted: , the A228 and A20
- Deleted: Tonbridge and Malling
- Deleted: Other local roads such as Rochester Road in Aylesford will see a +40% change
- Deleted: flows during the inter-peak period by 2027.¶

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
		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. <u>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.</u>	to the tunnel opening, and <u>on which</u> local highway authorities will be consulted.		
Local WNI concerns Concerns regarding the impacts of the project on the local road network	2.1.11 RRE	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 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.	The Applicant is working with Kent County Council on a Kent Wider Network Impact study, funded by the Applicant, which will further our joint understanding of how the local highway network performs in the future with the Project. The study outputs will be discussed with Tonbridge & Malling Borough Council, and the Applicant, who will continue to engage in accordance with the licence 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
Non-Project highway improvements	2.1.12 RRE	The A229 at Blue Bell Hill 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	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	N/A	Matter Not Agreed

Deleted: National Highways'

Deleted: that

Deleted: on

Moved up [2]: 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.

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
The A229 at Blue Bell Hill		(the Option C variant). 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 Projects impacts is made.	improvement works at this location in accordance with the licence 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.		
Non-Project highway improvements A2/M2 corridor	2.1.13	TMBC shares 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 holistically. Improvement 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.	The Applicant is bringing forward the A122 Lower Thames Crossing in accordance with the policy requirements set out by the government in the Road 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.	Wider Network Impacts Management and Monitoring Plan [APP-545]	Matter Agreed

Deleted: National Highways'

Deleted: Local WNI concerns ¶
¶ Concerns regarding the impacts of the project on the local road network

Deleted: share

Deleted: [Application Document

Deleted: -

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
			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 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.		
EIA methodology					
Assessment methodology Clarification as to how the DCO application will treat these Alternative Scenarios	2.1.14 RRE	All aspects of the Development Consent Order application are informed by the outputs from the Core Scenario (which does not fully take account of future local growth). The high growth scenario does not adequately take account of local growth, and this is not in any case used to inform assessments within the submitted EIA. TMBC has provided further comment in its Local Impact Report.	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). The LTAM forecast demand has been developed in accordance with DfT's Transport Analysis Guidance (TAG) Unit M4 - Forecasting and Uncertainty. The Core scenario includes developments	Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package [APP-522] Combined Modelling and Appraisal Report -	Matter Not Agreed

Deleted: National Highways'

Deleted: TMBC would like clarification about how the DCO application will treat these Alternative Scenarios, given that other...

Deleted: understood to be dependent on

Deleted: Environmental Assessment

Deleted: a particular concern, having regard to issues such as anticipated detrimental air quality impacts

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>which were under construction or had planning applications or permissions as of 30 September 2021. The LTAM demand is constrained to TEMPro 7.2 forecasts to ensure that overall growth is in line with Government projections. The demand development process is described in detail in Chapter 4 of the Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package, and the full list of developments included is provided in Annex A in the Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package Annexes. A High Growth scenario was also developed to understand the implications if travel demand exceeds Government projections. The high growth scenario is detailed in Section 8.6 of the Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package.</p>	<p>Appendix C - Transport Forecasting Package Annexes [APP-523]</p>	
Air quality					
<p>Assessment of likely significant effects</p> <p>Impact on operational air quality along the</p>	<p>2.1.15 RRE</p>	<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</p>	<p>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</p>	<p>ES Appendix 5.6: Project Air Quality Action Plan [APP-350]</p>	<p>Matter Under Discussion</p>

Deleted: National Highways'

Deleted: N/A

Deleted: [Application Document

Deleted: -

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
A228 within TMBC.		<p>baseline year data) that suggests that an Air Quality Management Area (AQMA) should be implemented by the LPA.</p> <p>TMBC has begun direct NO2 monitoring at the residential receptors on Castle Way just north of M20 junction 4, and to date there is no indication that the area currently exceeds the annual NO2 limits such that an Air Quality Management Area (AQMA) need be declared. TMBC does not have NO2 monitoring facilities at Blue Bell Hill.</p>	<p>mitigation measures are required for these effects.</p> <p>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 Leybourne Way and Junction 4 of the M20.</p> <p>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.</p> <p>Where significant effects have been identified on ecological sites, the mitigation and compensation are described in ES</p>		

Deleted: National Highways'

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>Appendix 5.6: Project Air Quality Action Plan.</p> <p>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. 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> <p>The Applicant acknowledges TMBC's update to this comment and has requested that the Council provides the NO₂ monitoring data for Castle Way. The Applicant will consider a response for</p>		

Deleted: National Highways'

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
			inclusion in a subsequent version of this SoCG.		
Noise and vibration					
Assessment Noise impacts based on traffic modelling core scenario	2.1.23 DL3 LIR	TMBC has concern regarding the potential additional noise impact of traffic on local roads, which may be underestimated due to the basis of assessment on the core scenario. Therefore, it is currently difficult to define these impacts. We set out these concerns in further detail in our local impact report.	A full response to the noise issues raised by TMBC in its Local Impact Report is given on pages 14-16 of Comments on LIRs Appendix I – Tonbridge and Malling Borough Council.	Comments on LIRs Appendix I – Tonbridge and Malling Borough Council [REP2-067]	Matter Not Agreed
Nitrogen deposition					
General methodology / modelling / alternatives Appropriateness of approach in assessing nitrogen deposition	2.1.16 RRE	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.	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.	ES-Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites [Application Document APP-418]	Matter Under Discussion
General methodology / modelling / alternatives	2.1.17 RRE	The requirement for nitrogen deposition compensation land is a concern given the ecology impact of LTC on the Kent Downs Area of	The Applicant welcomes TMBC's positive comments regarding the proposed compensatory habitats.	Environmental Statement [APP-332 to APP485] and	Matter Under Discussion

Deleted: National Highways'

Deleted: General methodology / modelling / alternatives
Appropriateness of approach in assessing nitrogen depositio...

Deleted: cause for

Deleted: regarding

Deleted: [Application Document

Deleted: the Project

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
Modelling data and approach		<p>Outstanding Natural Beauty (AONB), particularly areas in close proximity to the M2 and A299, and the sensitive habitats of the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI) and North Downs woodlands Special Area of Conservation (SAC). Again, This is based upon core scenario assumptions. Notwithstanding our concern, TMBC welcomes the compensatory habitats proposed. well managed compensatory tree planting is a good option to capture nitrogen, mitigate noise and store carbon.</p>	<p>The Applicant has undertaken air quality assessments and further detailed information is presented in the Habitats Regulations Assessment (for the SAC) and Environmental Statement (for the SSSI and other ecological designations) as part of the DCO submission.</p> <p>This includes the impacts on ecological sites within 200m of the affected road network, including the M2 and A229. The change in nitrogen deposition is 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 affected road network.</p> <p>There is no assessment of AQ impacts on the AONB as such, as this designation is not primarily an ecological designation, but all ecological designated sites within the AONB are assessed.</p> <p>The Applicant refers TMBC to the LIR response within Deadline 2 Submission – 9.54 Comments on LIRs Appendix I – Tonbridge and Malling Borough Council (LIR Reference Page 25-26 Paragraph 10.1 to 10.6):</p> <p>“The Environmental Impact Assessment (EIA) concerns the assessment of likely impacts. For the Project, this is based on guidance and assumptions in the traffic</p>	<p>[AS-049 to AS-055]</p> <p>Habitats Regulations Assessment - Screening Report and Statement to Inform an Appropriate Assessment [APP-487]</p> <p>Comments on LIRs Appendix I – Tonbridge and Malling Borough Council [REP2-067]</p>	

- Deleted:** National Highways'
- Deleted:** updated the
- Deleted:** Additional Submissions
- Deleted:** :
- Deleted:** , as well as the residents of Blue Bell Hill village.
- Deleted:** A229.
- Deleted:** especially so given that
- Deleted:** A229 and M2 J3 are highlighted in the Local Refinement Consultation document as one of two locations predicted to experience significant effects.¶ Published evidence shows the M20/M26 to the west of the A229 increasing in traffic whereas previous consultation documents have generally demonstrated
- Deleted:** reduction along this part of the network.¶ TMBC request clarification on whether the traffic figures for the nitrogen deposition are calculated differently. TMBC would like
- Deleted:** see more detail on the level increase in traffic around the A229 Blue Bell Hill and other local roads,
- Deleted:** understand what the impacts are for other pollutants/particulates too.¶ The local refinements consultation does not reference the impact of 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.¶ 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
- Deleted:** A229
- Deleted:** The impact on
- Deleted:** AQMAs
- Deleted:** Affected Road Network (ARN) will also be reported in the ...

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
			<p><i>modelling, which form the basis of the air quality assessment and are undertaken in accordance with current published standards. This includes utilising the core traffic scenario (i.e. the most likely). DMRB LA 105 Air Quality states in paragraph 2.2: '2.2 The air quality assessment shall be based on the most likely forecast traffic flows. NOTE: There is no requirement to model other traffic growth sensitivity scenarios for example high and low growth traffic scenarios.' The Applicant is therefore satisfied that the modelling and the assessment have been carried out in accordance with industry best practice, using appropriate tools and following appropriate guidance</i></p> <p>Further discussions are planned to take place with TMBC on this matter.</p>		
Site selection and surveying Site Selection Methodology	2.1.18 RRE	<p>TMBC are disappointed that the site selection methodology is not included within the detail of the DCO documents. We appreciate that the availability of suitable sites is constrained as reflected within the detail of the recent minor refinement's consultation, and the Council's comments on this matter are included in our Local Impact Report.</p> <p>A technical note was shared in confidence following the conclusion of</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> <p>Further discussions are planned to take place with TMBC on this matter.</p>	N/A	Matter Under Discussion

Deleted: National Highways'

Deleted: Statement.

Deleted: 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 LA 105 to deal with uncertainty and these uplifts have been used to report the impacts on both human and ecological receptors.¶

Deleted: consultation material lacked detail regarding the

Deleted: and the rationale for how

Deleted: compensatory

Deleted: have been chosen

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
		the refinements consultation in July 2022. TMBC did , not formally comment on the document which is subject to non-disclosure.			
Site selection and surveying Site surveys for proposed planting	2.1.19 RRE	TMBC requested that surveys were carried out before DCO submission 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.	ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites [APP-418]	Matter Agreed
Kent Downs AONB Impact on Kent Downs AONB	2.1.20 RRE	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 habitat 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	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 are planned to take place with TMBC on this matter.	ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites [APP-418]	Matter Under Discussion

~~Deleted: National Highways'~~

~~Deleted: have~~

~~Deleted: commented~~

~~Deleted: There is a need for~~

~~Deleted: to be~~

~~Deleted: Under Discussion~~

~~Deleted: [Application Document~~

~~Deleted: -~~

~~Deleted: [Application Document~~

~~Deleted: -~~

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
		management will be essential to the success of these measures.			
Detailed design / management plans / implementation Support for proposed compensatory land	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. The Applicant would be happy to discuss the development of the plans which form part of the Landscape and 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 [REP1-173]</p>	<p>Matter Agreed</p>

Deleted: National Highways'

Deleted: Under Discussion

Deleted: National Highways

Deleted: &

Deleted: [Application Document [APP-490](#)]

Deleted: Blue Bell Hill

Deleted: site

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
Detailed design / management plans / implementation Fencing and security of compensation site	2.1.22 RRE	<p>TMBC <u>does not support the use of</u> security fencing around the perimeter of the compensation site <u>unless</u>. This is <u>absolutely necessary to avoid unlawful access/occupancy</u>, 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><u>TMBC looks forward to discussing the details of the Landscape and Ecology Management Plan with National Highways and other partners.</u></p>	<p>The objective of the sites includes avoiding significant effects and providing enhanced landscapes and public access where possible.</p> <p><u>The Applicant acknowledges TMBC's comment regarding fencing and will consider a response for inclusion in a subsequent version of this SoCG.</u></p> <p>The detailed design and long-term management plans are ongoing. <u>The Applicant</u> would be happy to discuss the development of the plans which form part of the Landscape and Ecology Management Plan.</p>	<p>Outline Landscape and Ecology Management Plan [REP1-173]</p>	<p>Matter <u>Agreed</u></p>

Deleted: National Highways'

Deleted: echo KCC's recommendation to seek advice before deciding to erect

Deleted: Under Discussion

Deleted: .

Deleted: because

Deleted: [Application Document [APP-490](#)]

Deleted: , National Highways

Deleted: This matter will remain under discussion until further details can be shared with Tonbridge & Malling Borough Council.

Appendix A Engagement activity

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

Deleted: Table A.1

Deleted: the

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
10 May 2023	Meeting to discuss air quality and nitrogen deposition SoCG matters
17 May 2023	Emailed to advise that minor refinement consultation had launched

Deleted: 23

Date	Overview of Engagement Activities
9 June 2023	Emailed draft of Examination Deadline 1 SocG for comment
27 June 2023	Emailed draft of Examination Deadline 1 SocG for final comment / endorsement
27 June 2023	Regular catchup meeting
13 July 2023	Emailed TMBC with details of targeted landowner consultation
18 August 2023	Regular catchup meeting
19 July 2023	Emailed copy of relevant representations report
9 August 2023	Meeting to discuss SoCG updates

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.
Air Quality Strategy objective	AQS objective	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.
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.
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.

Term	Abbreviation	Explanation
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.
Monitoring	-	A programme of observation, measurement and recording of environmental variables and operational parameters over a period of time for a defined purpose.
Nitrogen dioxide	NO ₂	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.
Outline Landscape and Ecology Management Plan	OLEMP	A document which outlines the proposed management of the landscape and ecological elements of the Project.
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.

Term	Abbreviation	Explanation
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).

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2023 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000**.*

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363