

TRANSPORT FOR LONDON

LOWER THAMES CROSSING – RESPONSE TO WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION (EXQI)

DEADLINE 4: 19 SEPTEMBER 2023

This document provides Transport for London (TfL)'s responses to the Examining Authority's (ExA's) first written questions and requests for information (ExQI) issued on 15 August 2023 (examination reference PD-029) for the proposed Lower Thames Crossing (LTC) scheme (the Project). Responses have been provided to certain questions directed to all interested parties (IPs) or local/highway authorities where relevant to TfL's interests.

Reference	Subject and Interested Parties	Question	TfL's response
2.3	Climate change and carbon emissions – Implications of caselaw		
ExQ(I) 2.3.1	Carbon and Climate Considerations: R (oao) Boswell v Secretary of State for Transport All IPs	What are the implications of the recent <i>Boswell v Secretary of State for Transport</i> High Court Judgement [2023] EWHC 1710 (Admin) in relation to the treatment of carbon and climate in NSIP decision-making for the A47 Blofield to North Burlingham, A47 North Tuddenham to Easton and A47/All Thickethorn Junction applications for the consideration of carbon and climate matters in the LTC Examination and decision?	TfL has no submissions to make on this matter.
3.1	Consideration of alternatives – EIA Regulations		
ExQ(I) 3.1.1	EIA Regulations 2017: Consideration of Reasonable Alternatives All IPs	Regulation 11(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) imposes a duty on the Applicant to include 'a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics,	TfL has confirmed in item 2.1.5 of its Statement of Common Ground with the Applicant (REPI-108) that it is satisfied with the option assessment process undertaken. TfL therefore has no concerns that this duty has not been adequately addressed.

		<p><i>and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment</i>' within the Environment Statement (ES). This obligation needs to be met through consideration of alternatives in terms of <i>'design, technology, location, size and scale'</i> (EIA Regulations Schedule 4). The Applicant has sought to meet this obligation in ES Chapter 3 [APP-I4I].</p> <p>The ExA is aware of issues raised in relation to this duty in Deadline 1 and 2 responses. However, it is important that if any remaining IP considers that this duty has not been addressed, that they identify their position and the reasons for it in writing in response to this question. Any response must identify the specific element(s) of the duty that in the IP's view has not been addressed.</p>	
4.I	Traffic and transportation – Modelling		
ExQ(I) 4.I.I4	<p>Modelled Traffic Effects: Lower Thames Area Model: TAG Compliance</p> <p>All</p>	<p>Does any party disagree with the Applicant's conclusion that the LTAM is TAG compliant? If so, please explain why.</p>	<p>With any large strategic model, it is very difficult for all the TAG compliance criteria to be satisfied. TfL has made points in its previous representations that while the road network is adequately represented, more zoning detail in Havering would have resulted in a better representation of traffic impacts, particularly junction delays, very close to the Project works as the most local trips would have been included on the network (see, for example, paragraph 3.20 of TfL's Written Representation, examination reference REPI-304). However, overall TfL considers that the Applicant has followed the bulk of the TAG procedures for highway assignment modelling and therefore regards LTAM as being broadly compliant with TAG.</p> <p>This does not mean that the level of detail in the LTAM is sufficient for it to be solely relied upon to forecast all traffic impacts of the Project. TfL considers that more detailed modelling of specific</p>

			<p>junctions, using assessments based on observed data, is necessary to gain an understanding of the impacts on traffic congestion at these junctions. For this reason, TfL and the London Borough of Havering jointly submitted junction assessments at Deadline 1 (see Appendix A of REPI-304).</p>
4.2	Traffic and transportation – Mitigation		
ExQ(I) 4.2.7	<p>Wider Network Monitoring Approach Local Authorities</p>	<p>It has been suggested that the Applicant’s approach to monitoring wider impacts contained in the Wider Network Impacts Management and Monitoring Plan (WNIMMP) is not compliant with the National Policy Statement for National Networks (NPSNN). However, it appears established practice for made DCO’s to include provision for wider network monitoring along similar lines as proposed here. Accordingly, please explain why such an approach would be unacceptable in this instance?</p>	<p>While TfL is a highway authority rather than a local authority, TfL nonetheless submits that the proposed approach in the WNIMMP is not compliant with the NPSNN in terms of having regard to both national and local policy.</p> <p>Regarding national policy, there are several paragraphs in the NPSNN which shows the Government has an expectation that adverse impacts of a project must be mitigated. TfL particularly notes paragraphs 4.31 which states the principal objectives of a scheme should be met “by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts”. In referring to the “surrounding transport infrastructure”, paragraph 5.202 states: “The consideration and mitigation of transport impacts is an essential part of Government’s wider policy objectives for sustainable development”. The draft NPSNN provides an even closer policy link to the need for mitigation.</p> <p>For local policy, there is an expectation in paragraph 5.203 of the NPSNN, which states: “Applicants should have regard to the policies set out in local plans, for example, policies on demand management being undertaken at the local level.” TfL considers that the Project does not comply with London Plan Policy T4 (assessing and mitigating transport impacts) in the</p>

			<p>absence of any commitment by the Applicant to mitigate adverse traffic impacts of the Project.</p> <p>The made Silvertown Tunnel DCO provides a precedent for a strategic, cross-river road scheme with an established mitigation approach that conforms with local policy. The mitigation mechanism from this scheme has been discussed in detail at issue-specific hearings and in TfL’s Written Representation. Further detail on TfL’s position regarding the monitoring and mitigation of impacts is set out in paragraphs 3.6 to 3.14 and 6.16 to 6.22 of TfL’s written summary of oral submissions made at Issue Specific Hearings 3 to 7, submitted at examination deadline 4.</p>
4.6	Traffic and transportation – Construction traffic		
ExQ(I) 4.6.4	<p>Realistic Extent of Construction Phase Mitigation</p> <p>Highway Authorities</p>	<p>Notwithstanding the provisions of various control documents such as the Traffic Management Plan (TMP), is it accepted that it would be impossible to prevent or mitigate all adverse effects on local communities during the construction phase? If that is not accepted, please provide details of what further measures could be incorporated into the Outline Traffic Management Plan for Construction (oTMPfC) at this stage.</p>	<p>TfL accepts that it would be impossible to prevent or mitigate all adverse effects. TfL is broadly satisfied that the outline Traffic Management Plan for Construction adequately covers the approach to management of traffic during the construction period. However, there are further measures that the Applicant could implement to reduce adverse effects on local communities during construction. In particular, TfL considers that the Applicant should strengthen construction vehicle safety standards across the Project in-line with London standards. TfL maintains that the Direct Vision Standard would be most effective at securing the highest construction vehicle safety standards outside London. The Direct Vision Standard has been proven to reduce collisions where vision is a contributing factor. This would ensure that adverse safety impacts on local communities would be minimised. TfL and the Applicant’s positions on this are set out in more detail under issue 2.1.12 of the Statement of Common Ground between the Applicant and TfL submitted by</p>

			the Applicant at Deadline 4 (previous version REPI-108).
9.4	Noise and vibration - Operation		
ExQ(I) 9.4.5	<p>Mitigation</p> <p>All IPs</p>	<p>ES Chapter I2 – Noise and Vibration [APP-I50] contains tables with a column titled “Justification of significance conclusions”. This includes mitigation secured through the robust implementation off Best Practicable Means (BPM) to reduce noise levels below the Significant Observed Adverse Effect Level (SOAEL) with reference to a XXdB(A) figure. With regard to the mitigation methods proposed, do IPs agree that the figure indicated is achievable, if not please provide reasoning?</p>	<p>None of the mitigation proposals are relevant to the TfL Road Network. TfL therefore has no submissions to make on this matter.</p>