

**Application by National Highways for an Order  
granting Development Consent for the Lower  
Thames Crossing (Ref. No. TR010032)**

**Submission for Examination**

**Deadline 4 – 19<sup>th</sup> September 2023**

**(Rule 8 Letter Annex A –  
Examination Timetable, item 20)**

**Emergency Services & Safety Partners  
Steering Group (ESSP SG):**

**Comments on ExQ1 (PD-029)**

**Q16.1.2 and Q16.1.4**

## Responses to the Examining Authority's written questions and requests for information (ExQ1):

### Q16.1.2 - Detailed Design

*Can the Applicant provide clarity on:*

- *The design development process going forward and which parties will be consulted;*
- *If it would be reasonable to set out the design development process and for it to be secured in the dDCO;*
- *If the Proposed Development has been through independent design review; and*
- *The scope and purpose of the detailed design stage and the engagement expected with parties during detailed design stage?*

1. The ESSP SG would support an approach which requires the Applicant to set out the design development process going forward, and for it to be secured in the dDCO. The ESSP SG's concerns over the detailed design process, including provisions for consultation, have been made in some detail already. These include concerns over the Applicant's proposals to use the Tunnel Design and Safety Consultation Group (TDSCG) approach coming from DMRB CD 352 Design of road tunnels (Highways England 2020) – see for instance paragraph 8 Written Representation ([REP1-338](#)).
2. Despite those concerns, going forward the ESSP SG are open to proposals to improve the operation of the TDSCG. The ESSP SG has sought clarification from the Applicant on how the TDSCG would work in practice. The Applicant has offered to provide such clarification, but as yet no material has been provided for the ESSP SG to consider. This material should include the following:
  - membership of the TDSCG
  - terms of reference – including that the group is considering the whole of the project, not just the tunnel bores
  - plans for how the meetings would be held
  - the anticipated stages in design process when the TDSCG would be engaged, and the likely frequency of meetings
  - how the design process relates to the development of operational plans
  - governance arrangements, including:
    - how full account will be taken of ESSP SG members' views
    - how these views would be reported to the Secretary of State when the detailed design is submitted for approval
    - measures for dispute resolution.
3. The ESSP SG has made it clear that consultation with the emergency services on the detailed design should start at an early stage, and not be postponed until shortly before the submission of the scheme to the Secretary of State (see for instance the entry at topic 2.1.9 of the draft Statement of Common Ground ([REP1-200](#))).

4. The ESSPSG would also like to draw the attention of the ExA to the need for the development of the detailed design to be carried out in co-ordination with development of some of the other operational plans and proposals to mitigate potential impacts on the safety and security of the LTC, and on the activities of the emergency services. For instance, the effectiveness of emergency incident preparedness and response plans for the operational scheme will depend in significant part on a sound detailed design for the road – including features such as the cross-passage spacings, fixed fire fighting system, emergency service access roads and RendezVous Points, tunnel evacuation muster areas, and helicopter landing areas. Leaving the response planning to a late stage in the design is clearly undesirable. There is therefore a link to the ExA's question EXQ16.1.4, which explores the need for a 'mitigation route map'.

## Responses to the Examining Authority's written questions and requests for information (ExQ1):

### ExQ16.1.4 - Mitigation Route Map

*It would be useful for the ExA and Stakeholders if the Applicant could provide a single document containing a mitigation routemap of the controls and mitigation measures that have been identified across a number of documents, which the Environmental Statement and related documents rely on to avoid, reduce and/or offset significant impacts of the development.*

*The routemap should set out the way in which the mitigation measures have been, or will be, translated into clear and enforceable controls; either via DCO Requirements, protective provisions, conditions attached to deemed licences, Section 106 obligations, other consent regimes [such as Section 61 Consents (Control of Pollution Act 1974), or Environmental Permits (Environmental Permitting Regulations 2010)] or side agreements between the Applicant and a third party.*

5. The ESSP SG would support an approach whereby the Applicant provides a mitigation route map in the way described in the question – including clarity on how the mitigation measures are translated into clear and enforceable controls.
6. The ESSP SG has been seeking this clarity, and is pleased to report that through discussions with the Applicant some progress is being made with the 'Road map' referred to at paragraph 2 and Appendix A of the ESSP SG's deadline 3 submissions Comments on the Applicant's Comments on WRs ([REP3-157](#)). However, progress is slow.
7. The ESSP SG's main concerns regarding mitigation measures are set out below.

#### **a) Mitigation for the costs of engagement during the design phase**

8. In its response to ExQ16.1.2, the ESSP SG highlighted the links between scheme design and impacts on safety, security and the emergency services.
9. The ESSP SG has requested (see for instance item 2.1.17 in the table in the draft Statement of Common Ground ([REP1-200](#))) that the Applicant funds the following for the group in relation to the detailed design stage:
  - a co-ordination officer
  - emergency service and safety partner officer time to review documents and attend relevant meetings.
10. The ESSP SG considers that this funding will be needed to engage fully for the benefit of the scheme design and its ultimate operation.. Such engagement will require significant resources for such a major development of national infrastructure; and would not be 'business as usual' for the emergency services. If not funded, this would mean diverting staff from day-to-day tasks in an environment which is already very challenging. The ESSP

SG is in discussion with the Applicant on this matter, and requests that the ExA considers the inclusion of this mitigation in the 'Route Map'.

**b) Mitigation during the construction phase**

11. The Code of Construction Practice (CoCP) ([REP1-159](#)) requires contractors to prepare EMP2s, and that the emergency services will be consulted on matters in EMP2s which are relevant to their functions (see Table 2.1). Requirement 4 of the dDCO ([REP3-078](#)) sets out some elements of the content of EMP2s, and secures consultation with the bodies in Table 2.1.
12. The CoCP refers to the development of certain plans and documents which contractors must prepare in consultation with the emergency services – including a Security Management Plan (SMP, section 6.7), and emergency preparedness procedures (section 6.9). However, these plans and procedures are not listed requirements of the EMP2s (paragraph 2.4.1), and are not contained within the REAC (Section 7). Rather, the security and emergency proposals are “EMP2 will require” items as explained at CoCP paragraph 2.3.10.
13. This means that consultation on EMP2 is in practice likely to be largely meaningless for the ESSP SG, as they will have limited content of relevance. Instead, consultation with the emergency services on relevant matters will be carried out by contractors; and the plans and proposals will be approved by the Applicant, rather than being submitted to the Secretary of State along with the findings of consultation as part of the EMP2 approval process. No clear information is provided about the contractor consultation arrangements. The Applicant has indicated to the ESSP SG that there will be no consultation with the emergency services on construction site layouts – despite detailed representations being made by the ESSP SG on this point (see for instance Recommendation 4.4 in the document forming Appendix C to the draft Statement of Common Ground ([REP1-200](#))).
14. The ESSP SG is very concerned at this arrangement. Safety and security during the construction phase is of great importance, and it is considered essential that the emergency services are fully engaged in the development of the SMPs, the construction site layouts, and the emergency preparedness proposals. Indeed it is considered that these measures should form part of EMP2s themselves, with consultation carried out by the Applicant, and reported to the Secretary of State when EMP2 approval is sought. Any concerns about the publication of this information could be addressed by submitting it to the Secretary of State in confidential appendices to the EMP2s.
15. If nevertheless the ExA considers that it is not necessary to require SMPs and emergency preparedness procedures to be contained within EMP2s, it is still necessary to ensure that adequate consultation is secured. The ESSP SG asks that the ExA carefully scrutinises the Route Map provided by the Applicant to ensure the following are addressed in relation to all groups and forums proposed by the contractor to deliver consultation on their Security Management Plans and emergency preparedness procedures:
  - membership
  - terms of reference – what topics are to be addressed

- plans for how the meetings would be held
  - the anticipated stages in developing the plans and procedures, and the likely frequency of meetings
  - governance arrangements, including:
    - how full account will be taken by the Applicant of ESSP SG members' views
    - how these views would be recorded
    - measures for dispute escalation and resolution.
16. Some of these concerns also apply to the proposals for the preparation of the Traffic Management Plans (TMP) for construction as set out in the Outline Traffic Management Plan for Construction ([REP3-121](#)). Consultation with the emergency services on the TMPs is secured; and the emergency services would be invited to the Traffic Management Forum (TMF) which would operate during the construction phase. However, there is little detail on how the TMP consultation would take place, or on how the TMF would operate.
17. This uncertainty also has implications for emergency service officer time and resources during the consultation and engagement processes – it is more difficult to budget if it is not known what will be needed, and if the Applicant has not committed to fund this activity. The Applicant has indicated it may be prepared to provide funding for a police traffic management officer in Essex during the construction phase for the LTC. Confirmation on this point is sought from the Applicant. If this funding is confirmed, clarification needs to be provided on how this will be secured, and then shown on the Mitigation Route Map.
18. Finally, Essex Police have submitted a proposal for funding to be provided to offset the additional impacts of the construction phase on policing in the area. These impacts cover a wide range of the Essex Police functions, mostly at a local level. The Applicant has indicated to date that it is not prepared to provide such funding. However, the ESSP SG requests that the ExA considers this element of mitigation, how it might be secured, and whether it should be included in the Mitigation Route Map.

c) Mitigation during the operational phase

19. It is also noted that the CoCP ([REP1-159](#)) refers to the production by contractors of handover environmental management plans (EMP3s), which are intended to take the mitigation measures into management plans for the operational phase of the completed LTC project – see for instance paragraphs 2.3.6 and 6.13.1. The CoCP makes no reference to EMP3s containing any measures to provide for emergency preparedness and incident management, tunnel evacuation or similar matters; and they are not provided for in the REAC in section 7. Production of these does not appear to be secured through the dDCO and control documents, and so mitigation for the potential impacts of the LTC on safety, security and the activities of the emergency services is uncertain.
20. The Applicant has suggested that such matters be addressed through consultation with the emergency services via the Tunnel Design and Safety Consultation Group (TDSCG) approach coming from DMRB CD 352 Design of road tunnels (Highways England 2020). The ESSPSG has serious concerns about the use of the TDSCG – see for instance see for instance paragraph 8 of the Steering Group's Written Representation ([REP1-338](#)).

21. Despite those concerns, going forward the ESSP SG is open to proposals to improve the operation of the TDSCG including to ensure that safety, emergency preparedness and incident planning are addressed alongside the development of the detailed design for the LTC road and tunnel. The ESSP SG has sought clarification from the Applicant on how the TDSCG would work in practice. The Applicant has offered to provide such clarification, but the ESSP SG has not received any material to date which it can consider. The TDSCG information should include at least the following:
- membership of the TDSCG
  - terms of reference – including that the group is considering the whole of the project, not just the tunnel bores; and the range of plans which need to be prepared
  - plans for how the meetings would be held
  - the anticipated stages when the TDSCG would be engaged, and the likely frequency of meetings
  - governance arrangements, including:
    - how full account will be taken of ESSP SG members' views
    - how these views would be recorded
    - measures for dispute resolution and escalation.
22. The ESSP SG has made it clear that consultation with the emergency services on emergency preparedness and incident management plans should start at an early stage, and not be postponed until the detailed design has been finalised for submission to the Secretary of State. The design of the scheme and the operational plans go hand in hand. The effectiveness of emergency incident preparedness and response plans for the operational scheme will depend in significant part on a sound detailed design for features such as the cross-passage spacings, fixed fire fighting system, emergency service access roads and RendezVous Points, tunnel evacuation muster areas, and helicopter landing areas. Leaving the response planning to a late stage in the design is clearly undesirable. There is therefore a link to the ExA's question EXQ16.1.2, which explores the need for secured design review process.
23. The Applicant has indicated it is not prepared to provide reimbursement for local authority costs of dealing with major incidents on the LTC, including providing for members of the public evacuated from the tunnel. However, the ESSP SG requests that the ExA considers this element of mitigation, how it might be secured, and whether it should be included in the Mitigation Route Map.