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BY ONLINE SUBMISSION ONLY

Growth, Environment & Transport

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Maidstone
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Your Reference:
TR010032

KCC Interested Party
Reference Number:
20035779

Date: 3rd October 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 5

As outlined within the Examination Timetable (Annex A of the Rule 8 letter (PD-020)), this letter is Kent County Council's Deadline 5 submission which provides the following:

- Comments on any information requested by the Examining Authority (ExA) and received by Deadline 4 (D4)
- Comments on Applicant's submissions at D4
- Further information requested by the ExA by D5 – Action Points from Issue Specific Hearing 7 (ISH7) – 11th September 2023 [EV-046e]

Comments on any information requested by the ExA and received by D4

Kent County Council's Submission to Deadline 4 [REP4-308]

KCC's Deadline 4 submission [REP4-308] requested that the Council could respond to two action points from Issue Specific Hearing 7 at Deadline 5. This was because there was insufficient time to respond by Deadline 4 on the 19th September following the publication of the action by the ExA on 14th September. These action points were as follows:

“Action for Applicant and Local Highways Authorities: Commuted sums

Provide examples from made DCOs where commuted sums have been paid to Local Highways Authorities in respect of the maintenance of new structures.”

The made DCO for the A303 Sparkford to Ilchester Dualling scheme makes reference to commuted sums to be paid to Local Highways Authorities (LHAs) within Schedule 8, Part 4, Section 50(4). We also understand there are a number of DCOs promoted by private developers where commuted sums have been paid to LHAs.

“Action for Local Highways Authorities: Article 10 of the draft DCO

Provide submissions in respect of the wording of Article 10 of the draft DCO and to what extent this could/should include the verges/landscaping. Provide clarity on ownership responsibilities between National Highways and the LHA.”

KCC’s proposed amendments to the wording of Article 10 of the draft DCO are outlined as follows (in red text underlined):

Line 5 of Sub-section (2)

“(2) Subject to paragraphs (3) and (4), where a highway (other than a trunk road or special road) is altered or diverted under this Order, the altered or diverted part of the highway must, when completed to the reasonable satisfaction of the relevant local highway authority and, unless otherwise agreed in writing with the relevant local highway authority, that part of the highway, including any culverts or other structures laid under it, must be maintained by and at the expense of the relevant local highway authority from its completion.”

Line 4 of Sub-section (3)

“(3) In the case of a bridge constructed under this Order to carry a highway (other than a trunk road or special road) over a trunk road or special road— (a) the highway surface (being those elements over the waterproofing membrane) must, unless otherwise agreed in writing with the local planning authority, from its completion (such completion to be to the reasonable satisfaction of the relevant local highway authority) be maintained by and at the expense of the relevant local highway authority; and (b) the remainder of the bridge, including the waterproofing membrane and structure below, must be maintained from its completion by and at the expense of the undertaker.”

Final line of Sub-section (4)

“(4) In the case of any other bridge constructed under this Order to carry a highway (other than a trunk road or special road), both the highway surface (being those elements over the waterproofing membrane) and the remainder of the bridge must, unless otherwise agreed in writing with the relevant local highway authority, be maintained by and at the expense of the relevant local highway authority from its completion (such completion to be to the reasonable satisfaction of the relevant local highway authority)”

Line 4 of Sub-section (8)

“(8) Unless otherwise agreed with the relevant local highway authority, where the highway (including the surface of the highway) comprised in Works Nos. 1D, 1H, 3B, 6B, 6C, 7M, and 8D are to be maintained by and at the expense of the relevant local highway authority under this article, the planting and vegetation on either side of that highway (including, for the avoidance of doubt, the verges and any planting undertaken for the purposes of landscaping) must be maintained by the undertaker in accordance with paragraph 5 of Schedule 2 to this Order.”



In addition to the action points above, KCC's Deadline 4 Submission [REP4-308] also provided comments on National Highway's submissions at Deadline 3. KCC has since had an opportunity to review in detail the revised Transport Assessment documents, in particular the Deadline 3 submission 7.9 Transport Assessment (Part 1 of 3) [REP3-112] and sought clarity from the Applicant regarding the changes displayed in some of the graphics.

The Applicant has provided KCC with additional detail regarding the changes made. Previously, some of the graphics incorrectly showed the volume to capacity information for the do-minimum scenario instead of the do-something scenario; and some had not applied a filter to only show the volume to capacity information where there was a change in flow of 50 trips or more.

Whilst KCC accept the explanation provided, further clarification is required in respect to changes in the volume to capacity information for the A228 and A229. Both corridors are now presented with a significant reduction in congestion. However, KCC understands the flow changes on these corridors to exceed 50 trips, as such we are unclear on why the presented results substantially differ from The Applicant's first submission of the Transport Assessment. This remains a Matter Under Discussion.

Further to this, whilst KCC's previous Deadline 4 [REP4-308] position regarding main line traffic stands, in The Applicant's Deadline 3 revised Transport Assessment [REP3-112] Plate 7.3 for the PM peak 2045 now shows a significant increase in volume / capacity ratios along the A2 eastbound frontage road between the intersections of Gravesend East (A2 / Valley Drive) and the Three Crutches (A2 / M2 / A289). KCC would appreciate if The Applicant could provide additional information regarding vehicle speeds and flows on this corridor. This remains a Matter Under Discussion.

Comments on Applicant's submissions at D4

KCC confirms we are continuing to review the Applicant's 282 submissions at Deadline 4 but currently have no further comments, apart from the two Matters Under Discussion from Deadline 3 which remain unresolved in the Deadline 4 submissions reviewed so far. We request that any comments that the Council might have on the Applicant's Deadline 4 submissions will be considered by the ExA at subsequent Deadlines.

Any further information requested by the ExA by D5

Action Points from Issue Specific Hearing 7 (ISH7) – 11th September 2023 [EV-046e]

At Issue Specific Hearing 7 (ISH7) on 11th September 2023 the ExA directed the Applicant and KCC to:

“Undertake a workshop with KCC in respect of Bluebell Blue Bell Hill and then present a joint paper on the outcomes including any agreed matters and a present a pathway to mitigating any unacceptable effects at Bluebell Blue Bell Hill including bridging the current 15% funding gap in respect of the Large Local Major improvement scheme.” [Action Point 7 – EV046e]

KCC confirms we have attended a workshop with the Applicant on 25th September 2023. Following this workshop, a joint position statement was prepared by the Applicant and



shared for comment with KCC that we understand will be submitted by the Applicant at Deadline 5.

KCC was extremely disappointed by the Applicant's approach to this workshop due the lack of willingness to negotiate on any of the options KCC put forward for a pathway to mitigating the effects of the LTC at Blue Bell Hill. This matter remains a Matter Not Agreed.

Yours sincerely,

Simon Jones

Corporate Director – Growth, Environment & Transport