

## **Lower Thames Crossing**

9.41 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Essex Police (Tracked changes version)

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

DATE: October, 2023

**DEADLINE: 6,** 

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Planning Inspectorate Scheme Ref: TR010032

VERSION: 2,0

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Volume 9

### **Revision history**

Version	Date	Submitted at
1.0	18 July 2023	Deadline 1
2.0	31 October 2023	Deadline 6

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### Status of the Statement of Common Ground

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

The Applicant, and Essex Police agree that this draft Statement of Common Ground is an accurate description of the matters raised and the current status of each matter.



A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.



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## **Lower Thames Crossing**

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### 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.
- 1.1.2 A request for a SoCG between the Applicant and Essex Police was made by the Examining Authority in the notification of Preliminary Meeting (Rule 6 Letter).
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached 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.
- 1.1.4 A version of the SoCG was submitted at Examination Deadline 1. This is the updated version for Deadline 6.

# 1.2 Emergency Services and Safety Planning Steering Group

1.2.1 Essex Police is a member of the Emergency Services and Safety Partners Steering Group (ESSP SG). The ESSP SG have a SoCG which includes matters raised by the ESSP SG as a collective. Where matters are solely related to Essex Police, they have not been incorporated into the ESSP SG SoCG. An updated version of the ESSP SG SoCG has been, submitted at Deadline 6 [Document Reference 9.28 (2)],

### 1.3 Principal Areas of Disagreement

- 1.3.1 On 19 December 2022, the Examining Authority made some early procedural decisions to assist the Applicant, potential Interested Parties, and themselves to prepare for the Examination of the DCO application.
- 1.3.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS). This tracker is known as the PADS Tracker.
- 1.3.3 The PADS Tracker provides a record of principal matters of disagreement emerging from the SoCG and will 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.
- 1.3.4 Essex Police have not submitted a PADS Tracker as there are no disagreed matters at this time. All matters are either agreed or remain under discussion and are reflected as such in Table 2.1.

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### 1.4 Terminology

1.4.1 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.

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### 2 Matters

### 2.1 Discussion and status of matters

- 2.1.1 The outcome of discussions to date are presented in Table 2.1 Matters, which details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Essex Police.
- 2.1.2 At Examination Deadline 6, there are 13 matters in total, of which 2 are agreed, and 11 under discussion.
- 2.1.3 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 and 'DLX' indicates a new matter added during examination at/around that deadline.

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**Table 2.1 Matters** 

Topic	Item No.	Essex Police Comment	The Applicant's, Response	Application Document Reference	Status
Planning Pol	icy				
National Policy	2.1.1 RRN	The National Planning Policy Framework requires planning policies and decisions to achieve healthy, inclusive, and safe places, and to consider the support and delivery of local strategies to improve health (social and cultural) wellbeing for all sections of the community.	Appendix A to the Planning Statement demonstrates how the Project complies with all relevant requirements of the NPSNN.	Planning Statement Appendix A: National Policy Statement for National Networks (NPSNN) Accordance Table [APP-496]	Matter Agreed
Local Policy	2.1.2 RRN	Essex Police request the Applicant to consider the local policy, including the Essex Design Guide, relevant Traffic management considerations and Essex policing priorities stated in the PFCC Police and Crime plan 2021-2024 and the Essex Police Force Plan.	Appendix C to the Planning Statement demonstrates how the Project has taken into account all relevant local planning policy considerations.	Planning Statement Appendix C: Local Authority Policy Review [APP-498]	Matter Agreed
Consultation	and en	gagement			
Protest	2.1.3 RRN	From an operational Planning perspective, Essex Police would like to agree with the Applicant the required engagement and associated plans in place for potential protestor activity.	The Contractors are required to develop a Security Management Plan (SMP), which addresses the key areas around protest. The SMP is informed by the Project's Physical Security Execution Plan (PSEP) which has been provided to bidders.	ES Appendix 2.2: CoCP [REP5-048]	Matter Under Discussion

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**Deleted:** ES Appendix 2.2: CoCP [Application Document APP-336]

Topic	Item No.	Essex Police Comment	-	Application Document Reference	Status
		Essex Police acknowledge the update made to paragraph 6.7.5 of the CoCP but would like further confirmation that the SMP is included in the EMP2 to ensure the emergency services are included in the consultation as required by the dDCO.	As confirmed in the roadmap sent to ESSP SG on 31 July 2023, the Applicant has amended paragraph 6.7.5 of the CoCP to include "consult" in relation to the Security Management Plan.		
		Essex Police maintain their position regarding the requirement for a protest area and for consultation to discuss protest plans, roles and responsibilities.	Lastly, on 2 October 2023, the Applicant met with the Essex and Kent Police to discuss the SMP and emergency preparedness further and in particular the plans to be issued to Contractors.		
Design – Roa	d, Tunn	els, Utilities			
Designing for Safety and Security	2.1.4 RRN	need for future bespoke situational crime prevention measures. Embedding the concept	The Applicant is aware of the Essex Design Guide and is embedding, as far is reasonably practicable, the guidance within its approach to the delivery of the Project with stakeholder collaboration and engagement.  Risk and security are key considerations within the design process. The Project has embedded the concept of 'safety and security' within design. These considerations will be taken forward to the detailed design stage. The Project will liaise with Essex Police through engagement with the Designing Out Crime Officers. It is a requirement of Design Manual for Roads and Bridges, CD 352 Design of Road Tunnels (Highways England, 2020) that		Matter Under Discussion,

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Deleted: The Contractors will develop the SMP in line with National Protective Security Authority (NPSA) guidance and will liaise with the emergency services during the development, as per Section 6.7 of the CoCP. The Contractors will be supported by National Highways and additional resources where required. This is set out in paragraphs 6.7.4 to 6.7.7 of the CoCP.¶

The Applicant will engage with Essex Police further to determine whether this arrangement is acceptable.

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Topic	Item No.	Essex Police Comment	The Applicant's, Response	Application Document Reference	Status	Deleted: National Highways'
		Whilst Essex Police acknowledge the updates made to the Design Principles document made at Deadline 3 and paragraph 6.7.5 of the CoCP. Confirmation is requested to ensure the SMP is included in the EMP2 to ensure consultation on safety and security during construction.  Essex Police welcome the discussions regarding the TDSCG and wish to see progression of a Terms of Reference for the group which includes matters such as membership, consultation routes and escalation/ resolution mechanisms.	Group (TDSCG) on such issues as emergency			Deleted: of
		This matter is agreed in principle but suggested to remain a 'Matter under discussion' until Essex Police Designing Out Crime Officers are able to discuss/agree this point with the Applicant.	,			<b>Deleted:</b> National Highways will discuss this matter further with Essex Police Designing Out Crime Officers.
Funding for service staffing and vehicles	2.1.5 RRN	Developer funding to support the policing provision to increase capacity, response capability and project preparations for resourcing, infrastructure, vehicle fleet and estate assets.  Response plans and contractual arrangements with the Project operators should include provisions to reimburse Essex Police for their	Both the Applicant (i.e., the 'developer') and the majority of Police funding originates from the same source (central government). While the Project can and will support Essex Police in determining operational impacts and service gaps to inform the Department of Transport and Home Office, it is not within the remit of the Applicant to reallocate funding from one central government department to another.	N/A	Matter Under Discussion	Deleted: National Highways  Deleted: Whilst  Deleted: National Highways

Planning Inspectorate Scheme Ref: TR010032 Examination Document Ref: TR010032/EXAM/9.41 DATE: October 2023 DEADLINE: 6

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Topic Item	Essex Police Comment	The Applicant's, Response	Application	Status	 Deleted: National Highways'
No.			Document Reference		
	costs in dealing with major incidents in appropriate circumstances. Funding for an additional protester removal kit (includes suitable tools for removing protesters utilising all manner of methods to secure themselves). Funding for an additional van for the transport of officers and equipment relating to protestor removal enabling Essex Police to provide a designated transport and resource to protest on the road network impacted by the construction phase	The Applicant, therefore invited emergency services group members to submit an Impact Assessment Report which details the required funding and justification for further funding. The Applicant, has, received this report from Essex Police and has submitted this to the Department for Transport for their consideration. The Applicant, will continue to monitor the progress of this matter.			Deleted: National Highways  Deleted: National Highways  Deleted: so far  Deleted: National Highways
	Essex Police maintain their position on this matter and look forward to an update from National Highways.				Deleted: .
unding for 2.1.6	Funding should be provided for the creation of	The Applicant has an obligation under its,	oTMPfC [REP5	Matter	Deleted: the
he creation of a Police Traffic Management Officer	a Police Traffic Management Officer as Essex Police staff on a fixed term contract over the life of the project to provide dedicated professional and technical support between	operating licence (DfT, 2015) to co-operate with the emergency services. In construction of the A122 Lower Thames Crossing, the Applicant will work with the police, as set out in the OTMPfC.  With regard to funding a traffic support officer during construction, in principle the Applicant is open to this. Essex Police is engaging with the A12 Chelmsford to A120 proposed scheme on	<u>056]</u>	Under Discussion	

this matter. Once agreement has been reached

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Topic	Item No.	Essex Police Comment	-	Application Document Reference	Status
		schemes across the county. The officer will be responsible for managing communications, operational planning liaising with residents effected by the project works, as well as working alongside planners at various geographic operational offices. Although the traffic manager will initially support the A12 widening scheme, the expectation is the role will continue to support this project with the same principles.	for that scheme the Applicant will consider if it can be replicated for the Project.		
Construction workforce	2.1.7 RRN	home origin, health status and location of any temporary accommodation.  Essex Police acknowledge the information	Workers Accommodation Report which sets out and explains assumptions made in relation	Workers Accommodation Report [APP- 551]	Matter Under Discussion

**Deleted:** The Applicant will discuss this matter further with Essex Police.

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Topic	Item No.	Essex Police Comment	The Applicant's, Response	Application Document Reference	Status
Operation and	d Maint	enance			
Emergency Services Rendez Vous Points (RVP)	2.1.8 RRN	The Project should identify and ensure suitable land for RVPs and ensure they are sited in appropriate locations and of an appropriate size for their intended function and should be identified in the control documents.  Detail is required relating to the RVP on both sides of the project (North side location with Essex and south side location with Kent) in order to agree location, design, accessibility, and proposed security specifications of the	location in consultation with Essex Police. The proposed RVP location, at the northern tunnel portal, have been discussed with Essex Police and are shown in the General Arrangement Plans, and in the Works Plans. This is, also described in Schedule 1 of the draft DCO. The northern RVP is approximately 110mx50m. The Project believes that the RVP is, adequate to accommodate the numbers of	General Arrangement Plans [REP4- 028, REP4-031, REP5-016] Works Plans [REP4-034 to REP4-040, REP5-018 and REP5-020] Schedule 1 of the draft DCO [REP5-024] Design Principles [REP4-146],	Matter Under Discussion

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APP-015 to APP-017]¶

Works Plans [Application Documents APP-018 to APP-023]¶

Schedule 1 of the draft DCO [Additional Submission AS-038]

Design Principles [Application Document APP-516]

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Topic	Item No.	Essex Police Comment	The Applicant's, Response	Application Document Reference	Status	Deleted: National Highways'
			Applicant's team attended a site visit at Stansted Airport with Essex Police. The Applicant also held a follow-up workshop with members of Essex Police and Essex Fire and Rescue on 23 August to discuss the northern RVP further.			<b>Deleted:</b> example.
			The Applicant welcomes the verbal support that has been provided about the use of the Tunnel Control Centres in the event of an incident. However, the Applicant recognises that matters continue to be raised related to the proximity of the northern RVP to the tunnel portal, as well as access routes to it. To that end, the Applicant provided the emergency services with an assessment of alternative locations on 8 September 2023.			
			The Applicant will continue to engage on this matter and accepts that this matter remains under discussion. The Applicant will also continue to engage with Kent Police on the southern RVP.			Deleted: National Highways acknow current position and Deleted: with them
Average	2.1.9	It is recognised the completion of the Lower	Safety is the Applicant's first imperative. Simila		Matter	<b>Deleted:</b> .to understand why the curr considered unsuitable and whether arbe sought.
speed systems	RRN	Thames Crossing will bring significant benefits to the road networks currently provided in this area. To maintain road safety measures and	to the SERP, the Applicant's aim is that no one will be harmed when working or travelling on the strategic road network by 2040. Average		Under Discussion	Deleted: National Highways' Deleted: National Highways'

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Topic	Item No.	Essex Police Comment	The Applicant's, Response	Application Document Reference	Status
		ensure benefits are maximised it is suggested that where appropriate, the average speed systems in force during construction should remain as a legacy to the project and to assist the Safer Essex Roads Partnership (SERP) with the aspiration of Vision Zero road deaths and serious injury by 2040.  Essex Police request further discussion with the Applicant regarding the use, management, and retention of average speed systems relating to the scheme.	speed systems should be reviewed during the construction period and consultation will take place with Essex Police as to whether it would be possible and appropriate to retain the average speed enforcement systems.  The Applicant will discuss this matter further with Essex Police to address their outstanding query.		
Traffic management during construction	2.1.10 RRN	Consideration should be given to how vital road traffic restrictions will be managed and enforced during the construction phase on areas such as reduced speed limits or weight limit and prohibition of work(s) traffic. It is essential that National Highways engage with Essex Police regarding traffic management plans for public safety and to ensure a minimal impact to policing resources. Additionally, advance insight into the movement of Abnormal Indivisible Loads (AILs) for early mitigation is essential. Essex Police seek to agree a point of contact with National Highways and a clear process for the	into 11 traffic phases for assessment within the TA. The outputs of the traffic assessments inform various elements within the	OMHP [REP5- 050]	Matter Under Discussion
		movement of such vehicles to allow for police approval and management.  Essex Police acknowledge the information contained within the documents (Outline Traffic	Environmental Impact Assessment (EIA).  As noted in the Deadline 3 submission of the oTMPfC, the emergency services listed in Table 2.1 (traffic forum members) now provides		

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Transport Assessment [Application Document APP-529]

Topic	Item No.	Essex Police Comment	-	Application Document Reference	Status
		Management Plan for Construction (OTMPC) and the Transport assessment) and the requirement of traffic management forums and welcome the opportunity for inclusion in these forums as a key stakeholder to ensure policing perspectives and requirements are considered.  Essex Police acknowledge the updates made in the oTMPfC and welcome the addition of the emergency services definition.  We wish to seek further clarification on the Traffic Management Forum governance and look forward to receiving this from NH.	a definition of the services in paragraph 2.3.4 which includes Essex Police. Matters to be covered in the Traffic Management Forum are shown in Table 2.3.  With regard to Abnormal Loads, the Applicant has submitted ES Appendix 2.2: Code of Construction Practice Annex B - Outline Materials Handling Plan (oMHP). Paragraphs 3.5.13 and 3.5.14 are of note including "All such movements would be carefully planned in consultation with the relevant highway authorities and the police (and detailed in the TMP)."		
Automatic Plate Recognition	2.1.11 RRN	Considering the prevention of crime and to enhance community safety, Essex Police believe that National Highways should contribute to the costs of installing Automatic Number Plate Recognition (ANPR) system on newly designed roads.  Essex Police request further discussion with National Highways regarding the use and location of ANPR cameras	The Project will engage with Essex Police over the location of existing (if they require relocation) and future ANPR requirements. The Applicant will undertake this engagement to ensure ANPR equipment can be deployed where required.  The Applicant will discuss this matter further with Essex Police to address their outstanding query.		Matter Under Discussion
Population a	nd huma	n health			
Heath and Wellbeing	2.1.12 RRN	Essex Police want to ensure that Health and Wellbeing (inclusive of the opportunity to live in an environment that has minimal opportunities	The Contractor will provide an appropriate range of medical and occupational healthcare services (including on-site facilities) to meet the	ES Appendix 2.2: CoCP [REP5-048] Health and	Matter Under Discussion

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Topic	Item No.	Essex Police Comment	The Applicant's, Response	Application Document Reference	Status
		for crime) has been considered and delivered, especially within the worker accommodation.  Further engagement with the Essex Police Designing out Crime Team is requested.	physical and mental health needs of the construction workforce. The range of services will be agreed with the Applicant, following engagement with Integrated Care	Equalities Impact Assessment (HEqIA)	
		Essex Police acknowledge the recent meeting on 2 <sup>nd</sup> October 2023 and seek further discussions with National Highways.	Partnerships. This commitment is set out in in the CoCP, REAC reference number PH002. It is envisaged that this will include membership and registration to a scheme such as Mates in Mind. The HEqIA and ES Chapter 13 both include the potential impacts on the mental health and wellbeing of the workforce. Within this, there is a specific sub-section around suicide risk, and this highlights the various strategies and toolkits which will be used on	[REP3-118] ES Chapter 13: Population and Human Health [APP-151]	
			the Project.  The Applicant will continue to engage on this matter with Essex Police and the Designing out Crime Team with the most recent meeting taking place on 2 October 2023.		
Community Engagement during construction	2.1.13 RRN	To address any impact and disruption during the construction phase to surrounding communities and Essex Police employees, community liaison measures and a clear customer contact strategy for the LTC is required to ensure that the citizen can obtain the correct service from HE, including in relation to advice, noise, parking, and diversion	The Applicant has a commitment to develop a clear strategy to ensure communication and engagement is managed correctly.  The Engagement and Communications Plan will be submitted by Contractors to National Highways for acceptance and will include the points set out in Section 5.2.1 in the CoCP.  The EMP2 will require the plan to be submitted	Code of Construction Practice [REP5- 048]  oTMPfC [REP5- 056]	

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Health and Equalities Impact Assessment (HEqIA)
[Application Document APP-539]¶

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Topic	Item No.	Essex Police Comment	The Applicant's, Response	Application Document Reference	Status	
		issues. There are specific demands which would require a policing response and there should be clear direction from HE whether this be signposting, use of social media/ partner websites. It is understood that there will be an impact on contact management command, to mitigate this extra requirement, the correct signposting as detailed should be effective.  Essex Police acknowledge the points regarding Communication and Community Engagement in sections 3.3 in the Outline Traffic Management Plan for Construction (OTMPC) and 5.2.1 in the Code of Construction Practice (CoCP) and will review the Communications and Engagement Strategy once published.  Essex Police welcome continued engagement regarding a clear contact strategy to ensure National Highways are the central contact for matters relating to this scheme and to mitigate the impact in receiving misplaced calls to the force contact management command. We would request relevant representation on appropriate forums/ groups and to agree an appropriate avenue to address any concerns regarding increased calls for service to Essex Police relating to the scheme.  Essex Police acknowledge the updates made to the OTMPfC.	following engagement with the local planning authorities.  The Contractor will engage with the local community, particularly focusing on those who may be impacted by the construction, including local residents, businesses, and landowners.  The Engagement and Communications Plan would provide a programme of community engagement such as, but not limited to, community drop-in sessions, one-on-one meetings, newsletters, and leaflet drops (explaining forthcoming works).  The Applicant will work closely with relevant stakeholders on the membership of the proposed Community Liaison Groups (CLG), which will include representation from the local community. Attendance and membership will be published on the Project website and consideration must be given to including any feedback in newsletters and leaflets.  This is outlined in the Outline Traffic Management Plan for Construction which was updated at Deadline 3 (see the Applicant's response to 2.1.10).  The Applicant will discuss this matter further with Essex Police to address their outstanding query.			

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	Item No.	Essex Police Comment	Application Document Reference	Status
		Before agreeing this matter, we request clarification regarding relevant representation on appropriate forums/ groups and to ensure there is an appropriate avenue to address any concerns regarding increased calls for service to Essex Police relating to the scheme.		

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## **Appendix A Engagement activity**

Table A.1 Engagement activities between the Applicant and Essex Police since the DCO applicant was submitted on 31 October 2022

Date	Overview of Engagement Activities	
16 November 2022	DCO Briefing	
12 January 2023	Meeting with the representative of the emergency services to update on DCO submission, next steps and to request ESSPSG feedback on the current SoCG draft.	
20 January 2023	Catch-up meeting with ESSPSG Chair regarding engagement with emergency services stakeholders on an individual basis.	
09 February 2023	Meeting with the representative of the emergency services to request status of SoCG feedback, inform the group about registering as an Interested Party and submission of relevant representations.	
16 March 2023	Meeting with the representative of the emergency services to request status of SoCG feedback and update on the Applicant's response times modelling work.	<b>Deleted:</b> National Highways'
14 April 2023	Meeting with the representative of the emergency services to update on the contents of the Rule 6 letter and the Applicant's, intention to progress with police SoCGs as requested by the Examining Authority.	 <b>Deleted:</b> National Highways'
19 April 2023	Meeting with Essex Police to discuss their individual issues on the Project.	
02 May 2023	Meeting with Essex Police to discuss the Rule 6 Letter and confirm next steps.	
11 May 2023	Meeting with the representative of the emergency services to update on the contents of the Rule 6 letter and the Applicant's intention to progress with police SoCGs as requested by the Examining Authority.	<b>Deleted:</b> National Highways'
22 May 2023	Meeting with Essex Police to refine issues for the SoCG as per the Rule 6 instruction.	
24 May 2023	SoCG refinement meeting Part 3	
25 May 2023	SoCG refinement meeting part 3	
08 <u>June</u> 2023	Meeting with the representative of the emergency services to update on SoCG progress in line with the Rule 6 letter instruction and Procedural Decision Notices.	 Deleted: May
04 July 2023	Meeting to discuss the Rule 8 letter and agree on changes that need to be made to the SoCG following the Examining Authority's direction.	

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14 August 2023	Meeting with Designing Out Crime Officers to discuss Security and Partners Working Group
18 August 2023	Site visit to RVP at Stansted Airport
23 August 2023	Workshop with Essex Police and Essex Fire and Rescue to discuss concerns related to the northern RVP
14 September 2023	Walkthrough of ESSP SG's written response to the Applicant's
	<u>roadmap</u>
2 October 2023	Walkthrough of ESSP SG's written response to the Applicant's
	roadmap walkthrough (part 2)

## **Appendix B Glossary**

Term	Abbreviation	Evalenction	
Term	Appreviation	Explanation	
Code of Construction Practice	CoCP	Code of Construction Practice (CoCP) is a written code of standards and procedures that developers and contractors must adher to.	
Design Manual for Roads and Bridges	DMRB	The Design Manual for Roads and Bridges contains information about current standards, advice notes and other published documents relating to the design, assessment, and operation of trunk roads, including motorways. The DMRB has been prepared for trunk roads and motorways.	
Joint Emergency Service Interoperability Programme	JESIP	JESIP models and principles represent the standard for interoperability in the UK.	
Rendezvous Point	RVP	Used at locations (e.g., stations or airports) that would typically require the attendance of several or more emergency services vehicles and personnel in the event of a significant incident.	
Traffic Management Plan	TMP	The purpose of this is to propose how construction traffic including site personnel movements. will be safely controlled during construction.	
Tunnel Design and Safety Consultation Group	TDSCG	The initial group of Emergency Services stakeholders that were engaged with, this group was superseded by the ESSPG.	
Emergency Services and Safety Partnership Steering Group	ESSP SG	The group of emergency services and Local Councils that formed the regular engagement group	

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