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BY ONLINE SUBMISSION ONLY

**Growth, Environment &
Transport**

Sessions House
Maidstone
Kent
ME14 1XQ

Your Reference:
TR010032

KCC Interested Party
Reference Number:
20035779

Date: 31st 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 6

As outlined within the Examination Timetable (Annex A of the Rule 8 letter (PD-020)), this letter is Kent County Council's (KCC) Deadline 6 (D6) submission which provides the following:

- Post-event submissions, including written submissions of oral comments made at the hearings held 16th to 24th October 2023
- Comments on Applicant's submissions at Deadline 5 (D5)

Post-event submissions, including written submissions of oral comments made at the hearings held 16th to 24th October

Issue Specific Hearing 8 (ISH8) – Construction and Operational Effects (Non-traffic) – Thursday 19th October 2023

At ISH8, Kent County Council made oral contributions to two agenda items.

3b)i Restoration: the intentions in respect of the construction compound sites post construction and the plan for restoration.

KCC made reference to some initial discussions with the Applicant regarding the potential for long term legacy of the LTC construction compounds. It must be clear the aspiration was to utilise part of the A2 construction compound as an additional car parking facility for access to the wider countryside including Chalk Park, Jeskyns, Ashenbank and Shorne Woods Country Park, once construction of the LTC is complete.



Furthermore, it must be noted that KCC regards the car park as a separate issue to the loss of revenue from the business of Shorne Woods Country Park during construction of the scheme and it should not be considered as a form of compensation.

Whilst KCC has been clear it supports the idea in principle, the County Council has strongly emphasised that the new car park must be a financially self-sufficient project and we would not take on ownership and management if that is not the case. If the car park could not generate enough income to cover the costs of its long-term management, then it would be a financial liability to KCC, and we would not be willing to take on the management of it.

KCC confirms that, if no viable solution can be found so as to allow the car park to be provided to KCC with no financial liability, the land must be restored by the Applicant to its original state in the normal way.

4b)i Effect on visitor attractions: Whether the scale of the potential lost revenue to visitor attractions, such as Shorne Woods Country Park, Thames Chase Forest Centre, Cascades Leisure Centre, etc, as well as potential lost revenue to businesses has been sufficiently represented in the Applicant's submission.

Throughout KCC's written submissions, we have repeatedly raised concerns that the Applicant's submission does not sufficiently address the scale of the potential lost revenue to Shorne Woods Country Park during the construction phase. KCC is concerned that there will be considerable disruption during construction with significantly increased construction traffic movements and activities, leading to increased noise, dust, vibration and particulate pollution. National Highways is also proposing to close Brewers Road bridge, the main access road to the Country Park, for a period of 19 months.

Shorne Woods Country Park is one of nine principal country parks that KCC own and manage. The construction of the LTC will significantly impact visitor numbers at Shorne Woods, which is often referred to as the 'jewel' within the Kent Country Parks portfolio. It is our most widely used and popular park as well as the most accessible. Shorne Woods has the broadest offer of all our parks and is financially the main contributor to the overall income generated by Kent Country Parks.

The Country Parks Service is 77% financially self-sustaining, and the income generated within the parks portfolio is all reinvested in the maintenance and running of the parks. We work on annual budgets with all income streams monitored monthly against forecasted income and spend set at the start of the year.

Income at Shorne Woods is generated from a range of activities –

- Car parking – pay & display and annual season tickets
- Cafés
- Venue hire – including use by a third party provider that we have a partnership with to deliver children's birthday parties across 5 country parks. Shorne being significantly the most popular venue.
- Retail & wood sales
- Trumper hire
- Events



- Education & training provision – this includes school visits and accredited training courses
- Team building offers

In addition to the income generated on site there are other aspects of the management and operation of the park that will be impacted by the LTC construction. These are:

- Wood products: under the site management plan we are required to coppice part of the woodland each year. Wood is processed and used on site or sold as kindling and firewood. If we cannot sell the quantities of wood we produce we not only lose the sales income but are faced with need for additional dry storage or to move the wood offsite to other parks which are additional costs.
- Staff and volunteers; disruption to the road network and access will not only affect our customers. There is the potential to lose volunteers who help deliver on site work and staff due to increased journey times and cost. We employ a large number of part time staff and seasonal staff, including a number of university students on summer recess. Recruitment is often challenging now and this will only be exacerbated with LTC works.
- Additional work mileage: Staff, the management team and ranger team principally, work across numerous parks. Disruption, congestion and increased journey times will result in higher mileage costs and lost time in travelling. Shorne is the largest and most well used flexible working space for managers and team leaders and is used a 'base' office.
- Third party providers: this particularly relates to Zebedees who we partner with to provide childrens birthday parties. A reduction in party bookings at Shorne will impact on their business income and model.

With over 40% of the overall Country Parks income coming from Shorne Woods Country Park, the significant impact on the customer base, the staff and volunteers, means that it is imperative that there is a mechanism to compensate for the drop in income generated by the Country Park. Impacts are expected to be felt throughout the six year construction period and indeed post construction when the business will be in recovery and working to bring customers back. Without due consideration by the Applicant, the County Council will be faced with a significant budget shortfall in Parks and this will have an impact on its ability to support this vital community resource for recreation, leisure and health and wellbeing.

To date, KCC does not consider that the potential lost revenue to Shorne Woods Country Park has been sufficiently represented in the Applicant's submission. National Highways have so far not been willing to commit to funding any compensation through either the draft S106 Agreement or a separate side agreement. Therefore, this issue remains a matter not agreed within the Statement of Common Ground between KCC and the Applicant.

We acknowledge that the DCO, if approved, will include Compulsory Purchase powers which National Highways are able to utilise to deliver their scheme. The use of such powers is subject to a requirement to pay compensation for loss and costs reasonably incurred by affected parties. The provisions are set out in legislation and case law and collectively these are known as the Compensation Code.

It is anticipated that the delivery of the road scheme will result in an impact on visitor numbers and consequently on the income that KCC relies on from Shorne Woods Country Park.



Consultants Bruton Knowles, acting on behalf of KCC, sought to understand the approach to be taken by National Highways regarding the payment of compensation to KCC where a loss is incurred resulting from a reduction in visitor numbers.

Initially, National Highway's via their land agents, the Valuation Office Agency (VOA), stated in an email dated 4th July 2023 from Nicholas Coote of the VOA: "Whilst we can discuss general principles at this early stage of the project, the reality is that compensation can only be claimed once the scheme is completed when its impact on Kent County Council's income from their Shorne Woods Country Park business is able to be accurately assessed."

Given the importance of the income derived from Shorne Woods to the wider estate this approach is not considered appropriate. A reduction in income for several years with the prospect of a single payment which is undefined and subject to challenge, could have a substantial impact on the ability of Kent County Council to fund the country park estate during the period of the works until a compensation payment has been made.

Following further representations, Nicholas Coote of the VOA, amended this position to state the following in an email dated 24th August 2024: "My opinion is that the first stage of the compensation process is for us to negotiate the benchmark income amount and you will need to supply the data for this to be done. Once this is achieved, an annual claim can then be submitted until the scheme works are completed.' We note however that the e mail is subject to contract and therefore not binding upon National Highways."

KCC welcomes the change of approach from a single to multiple payments. However, the proposal for an annual payment presents a similar, but more limited, problem in terms of revenue from Shorne Woods Country Park. In practical terms, payment annually, although an improvement, would still mean that KCC has to fund the Country Park estate despite a lack of income from Shorne Woods for a period of a year, plus the time taken to prepare a claim and submit that, and for the VOA to examine the claim and relevant paperwork submitted, for payment to be made.

KCC would prefer a quarterly payment, in accordance with a set formula, to be an acceptable resolution to this matter. The formula would account for annual increases in income between the agreement date and the start of impacting works and provide for anticipated annual increases in income that are expected from an estate where rental and car parking income can be expected to increase annually.

A benchmark may therefore be set, and the quarterly income would be assessed against the benchmark income for each three-month period. KCC would submit the calculation along with a certificate confirming it is accurate each Quarter and National Highways promptly pay the sum calculated.

If such formula is included with the S106 agreement, then the Applicant will be protected against any risk of double recovery of losses. For instance, compensation cannot be sought via both the S106 formula payments and by the claim under the Compensation Code.

In summary, the income from Shorne Woods Country Park is essential to KCC in funding the wider Country Park estate. The Compensation Code fails to adequately address this as there is a risk that Kent County Council would not have funds to maintain and develop the estate during the period between the losses commencing and compensation being paid. We



recommend that National Highways enter into an agreement to make a quarterly payment reflecting the reduced income from Shorne Woods Country Park throughout the period of the works, and for a period thereafter until the income has stabilised to its pre-construction works level.

Responses to Action Points

ISH 8 Action Point 8:

“Potential Visitor Reductions and Related Loss of Income at Shorne Woods Country Park

Please prepare a statement of anticipated annual income stream loss at Shorne Woods Country Park as a consequence of the LTC construction period. Estimate the percentage of current annual income from the site that this represents.”

In response to this action point, it is difficult for KCC to predict the extent of anticipated percentage losses for each income stream at the park. Furthermore, impacts on the Country Park will vary throughout the construction period (for example, impacts will undoubtedly be worse during the 19 months Brewers Road bridge will be closed). Therefore, Bruton Knowles, on behalf of KCC, has been developing a set formula which will allow for KCC to claim compensation for the exact amount of revenue lost. This approach will also help to protect National Highways from paying more compensation than is needed. It is important that real time dynamic information informs the amount of compensation to be paid, ensuring the overall approach is fair to both parties.

ISH 8 Action Point 9:

“KCC Shorne Woods Country Park Progress Update

Provide an update in response of any draft s106, or equivalent side agreement process.”

This action has been noted and a meeting has been scheduled between National Highways and KCC for Tuesday 31st October 2023. An update will be provided to the ExA by Deadline 7.



Issue Specific Hearing 9 – Environment & Biodiversity – Monday 23rd October 2023

At ISH9, Kent County Council made oral contributions to the following agenda items.

3b)i Removal of Ancient Woodland and Veteran Trees

NPSNN para 5.32 requires the Secretary of State to carefully consider loss and damage to ancient woodland and veteran trees.

Can the Applicant provide clarification about loss/harm minimisation at:

- o The A2/M2/LTC intersection;*
- o The M25/LTC intersection; and*
- o Other parts of the proposed alignment, work areas and compounds with woodland loss.*

With reference to the A2/M2/LTC intersection, KCC raised concerns about candidate veteran Oak trees, currently located within a 100m corridor of Site of Special Scientific Interest (SSSI) land along Thong Lane. The Applicant currently proposes to acquire this land to deliver a new Walking, Cycling and Horse riding (WCH) footpath. KCC requests the Applicant consider moving the proposed footpath to the opposite side of Thong Lane, which is currently unprotected land, thus removing any potential impacts on the candidate veteran trees.

5) Shorne Woods SSSI

KCC firstly clarified that the recreational car parking facility is not proposed to be solely for Shorne Woods Country Park. The aspiration is for the facility to provide car parking for access to the wider countryside, including Chalk Park, Jeskyns Community Woodland, Ashenbank Wood, and the wider Darnley trail, which connects to the North Downs Way.

KCC suggested that in order to mitigate the impact of the proposed car park on the SSSI, the section of the Darnley trail that stretches from the boundary of Shorne Woods Country Park (SWCP) by Thong Lane should be surfaced right through to where it meets SWCP's existing shared user route. This would help encourage walkers and cyclists to stick to a set footpath, discouraging them from venturing into areas which are best left undisturbed and minimising the impact on the SSSI. SWCP already has approximately a mile and half of surfaced footpaths within the Country Park and this approach has proven successful so far, along with being supported by Natural England over the last 30 years when KCC have been developing the Country Park.

8) Water Framework Directive

As a Lead Local Flood Authority, KCC would support the concerns and requirements of the Environment Agency (EA) given that most of the watercourses associated with the development are within areas of concern for the EA and the Internal Drainage Board (IDB), but it should be stated that KCC's Formal Land Drainage Policy also reflects the same approach to culverting of Ordinary Watercourses.

Excessive culverting of watercourses disrupts natural habitat and impedes the movement of aquatic species and diminishes biodiversity.



The increase in flood risk resulting from channelisation can cause rapid runoff and reduced floodplain storage. This causes water quality imbalances to emerge due to altered sediment transfer and stream dynamics.

Furthermore, excessive culverting can increase risk to safety due to blockages and surges during heavy rainfall which are often missed due to lack of maintenance. Balancing infrastructure needs with these adverse impacts is essential for sustainable watercourse management.

Although KCC would consider any application for culverting, this would only be granted where it is required for access purposes and the expectation is that the culvert length should not exceed the span of the crossing where possible. Where this is not possible it should be as short as reasonably practicable.

Responses to Action Points

ISH 9 Action Point 9:

“Candidate Veteran Trees – Shorne Woods Country Park

Submit a plan (or annotated OS/Google Earth image – copyright permitting) indicating the preferred route of the proposed footpath to avoid/reduce the impact on the candidate veteran trees adjacent to Shorne Woods Country Park.”

The Applicant’s current proposals include a new footpath that connects the proposed car park into the existing Darnley Trail and Shorne Woods Country Park. The current location of this proposed new path will result in a loss of SSSI land which includes future veteran Oak trees. These are the oldest trees in this section of the wood and are very close to the road. KCC would recommend this new path is moved to the opposite side of Thong Lane which is not protected land. This can then tie into the existing Darnley Trail entrance to the park from Thong Lane.

Moving the proposed new footpath to the opposite side of the road would also help to reduce any anticipated effects on this part of the SSSI caused by the raising of levels of Thong Lane. The Applicant’s proposals include a 2.5m uplift in height for a section of Thong Lane to accommodate the new green bridge. This will result in an impact on the boundary of SWCP and possibly the future veteran trees. More detailed design is needed to understand and mitigation the extent of the impact caused by this uplift.

Annotated plans, including an annotated version of the Applicant’s Deadline 2 Submission - 9.60 Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume A) [REP2-072] is included within Appendix A of this submission.

ISH 9 Action Point 19:

“Shorne Woods Country Park – Retention of Proposed Car Park Adjacent to the Park

Set out the position in respect of facilities proposed at the car park adjacent to Shorne Woods Country Park and the status of any planning application or planning application aspirations of KCC bringing forward additional facilities on this land, in light of the Applicant’s suggestion



that such facilities were being contemplated by the Council and hence why they have been assessed in the ES.”

It must be clearly understood that KCC has no aspirations to submit a planning application for any facilities on the proposed car park. At no point has the County Council indicated this would be its intention.

KCC had some initial discussions with the Applicant regarding the potential long term legacy of the A2 construction compound. It was hoped that as part of the legacy of the LTC, the Applicant would repurpose any buildings used by National Highways’ contractors during the construction period for use as cycle hire, horse box parking, and/or a small food/beverage facility within the car park.

If these facilities are not to be secured through the DCO then KCC’s preference would be for the proposed car park to be completely removed from the proposal. KCC does not have the finances to deliver such facilities nor can it afford to take on the financial burden of managing a hard surfaced area of land that only includes car parking spaces.

Issue Specific Hearing 10 – Traffic & Transportation – Tuesday 24th October 2023

At ISH10, Kent County Council made oral contributions to the following agenda items.

3. Wider Network Impacts Update

KCC confirms that the outputs of the second phase of the Wider Network Impacts (WNI) study is expected to be available by Deadline 7 on 17th November. Preliminary findings of the study indicate that there will be effects on the wider network which will require mitigation. KCC continues to advocate the inclusion in the DCO or associated Section 106 agreement for a mechanism which will allow for monitoring and thereafter mitigation of these effects, funded by the Applicant.

In response to the Applicant’s repetition of its case that there is no policy basis for requiring it to mitigate wider network impacts, KCC repeats the submissions it made at Deadline 4 (REP4-308).

In addition to the verbal update given by KCC at ISH10, we would like to make a formal statement regarding the recent Network North announcement by Government on 4th October 2023.

KCC welcomes the Network North announcement, which included a commitment from Government that it could increase the Large Local Major (LLM) scheme funding from 85% to 100%. This would mean that, if successful, KCC’s A229 Blue Bell Hill Improvement Scheme might no longer require 15% local match funding.

However, KCC notes the following:

- Whilst the potential for A229 Blue Bell Hill Improvement Scheme to receive the uplift is welcomed, there is no guarantee that the scheme will progress through the LLM programme. KCC has only just received approval on 27th October 2023 from the Department for Transport (DfT) to progress to the Outline Business Case (OBC) stage; however, the quantum of funding for development of the OBC is still to be agreed and at

the time of writing there is a substantial funding gap that will prevent the completion of the scheme to the end of OBC. Only on the completion of the OBC will an investment decision be taken by Government as to whether the scheme is granted funding for delivery.

- There is no guarantee that A229 Blue Bell Hill will be provided with the uplift to 100% funding if it is successful at OBC (and no guarantee it can even get to the end of OBC stage due to the lack of full funding from the DfT for OBC development).

Therefore, KCC's position is as follows:

- A requirement should be included in the DCO for the Applicant to carry out the A229 Blue Bell Hill Improvement Scheme at its own expense in the eventuality that the Government does not provide funding for its delivery. The mechanism by which could be discussed at the next ISH on Traffic and Transportation on 27th November.
- In the alternative, the Applicant should contribute through the Section 106 Agreement funds to KCC to carry out such works (approximately £235million based on current programme, subject to scheme development).
- If the Government does provide the Large Local Major (LLM) scheme funding for the mitigation works, then the Applicant should provide the match funding element (at 15% is approximately £35million based on current programme, subject to scheme development) towards those works, should 100% funding from LLM not be confirmed.
- In addition, to allow KCC to continue to develop the scheme for consideration for LLM funding, the Applicant should contribute to the OBC funding gap (quantum still to be determined) by June 2024 to allow KCC to meet its current programme.

In addition to the statement above and the oral points raised at ISH10, KCC has also prepared an 'A229 Blue Bell Hill Benefits Statement', which is included within Appendix B. This document demonstrates how the A229 Blue Bell Hill Improvements Scheme currently being developed by KCC goes beyond the scope of just a local highway scheme, helping National Highways achieve the objectives it has set for both the Lower Thames Crossing and the wider Strategic Road Network.

4. Public Rights of Way (PRoWs) & Non-Motorised User (NMU Routes)

A 'Definitive Statement on Kent County Council's position on Public Rights of Way and Non-Motorised User Routes with respect to the proposed Lower Thames Crossing' is included within Appendix C. This definitive statement outlines our responses to the eight PRoW specific agenda items discussed at ISH10.



Comments on Applicant's submissions at Deadline 5

KCC notes that DCO document 7.14 Outline Traffic Management Plan for Construction (oTMPfC) has been updated at Deadlines 1, 3, 4 and 5 but does not yet fully resolve KCC's key issues of (1) monitoring and mitigating impacts, (2) avoiding peak hours on the local road network and (3) public transport impact compensation / mitigations.

These issues were covered in our Local Impact Report [REP1-241]; Section 8. Highways and Transport (as Local Highway and Transport Authority); and in our Written Representation [REP1-243]; Section 4. Highways and Transport (as Local Highway and Transport Authority); in the discussions of Transport Impacts E, H and I.

KCC confirms we are continuing to review the Applicant's submissions at Deadline 5 but currently have no further comments. KCC have received further visualisations and a schematic that indicates vehicle flows and speeds from the Applicant relating to the significant increase in the volume / capacity ratios on the A2 eastbound frontage road. KCC notes that the eastbound frontage road reduces significantly in average speeds at the LTC southbound on slip and the Brewers Road on slip. KCC accepts that this evidence shows that the junction will work, albeit reducing vehicle speeds. KCC reiterate that ensuring a robust monitoring and management plan is secured is vital as this will allow for any of these impacts (if they occur) to be mitigated within a timely manner.

The remaining Matter Under Discussion (revised graphics of A227 and A228 in the Transport Assessment [REP3-112]) remain unresolved in the Deadline 5 submissions reviewed so far.

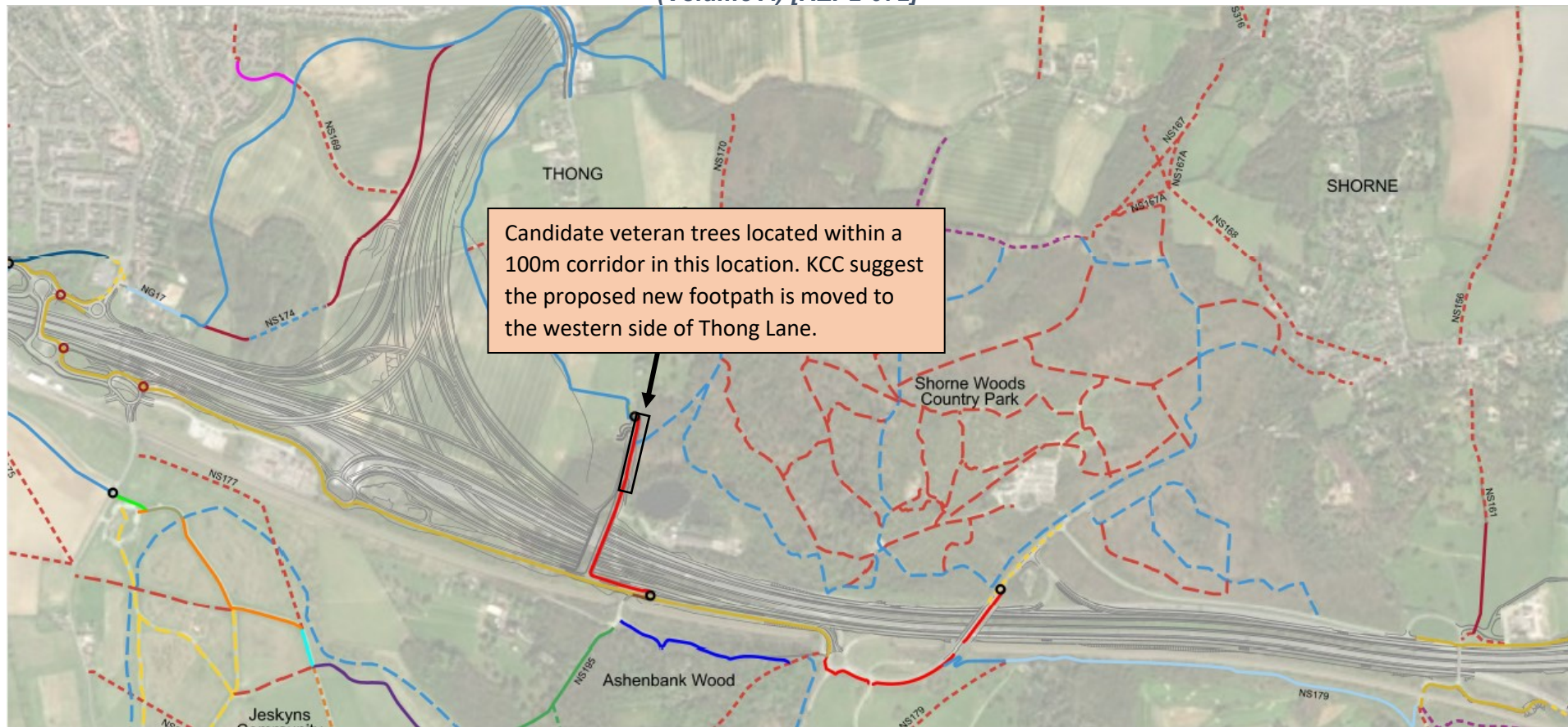
We request that any further comments that the Council might have on the Applicant's Deadline 5 submissions will be considered by the ExA at subsequent Deadlines.

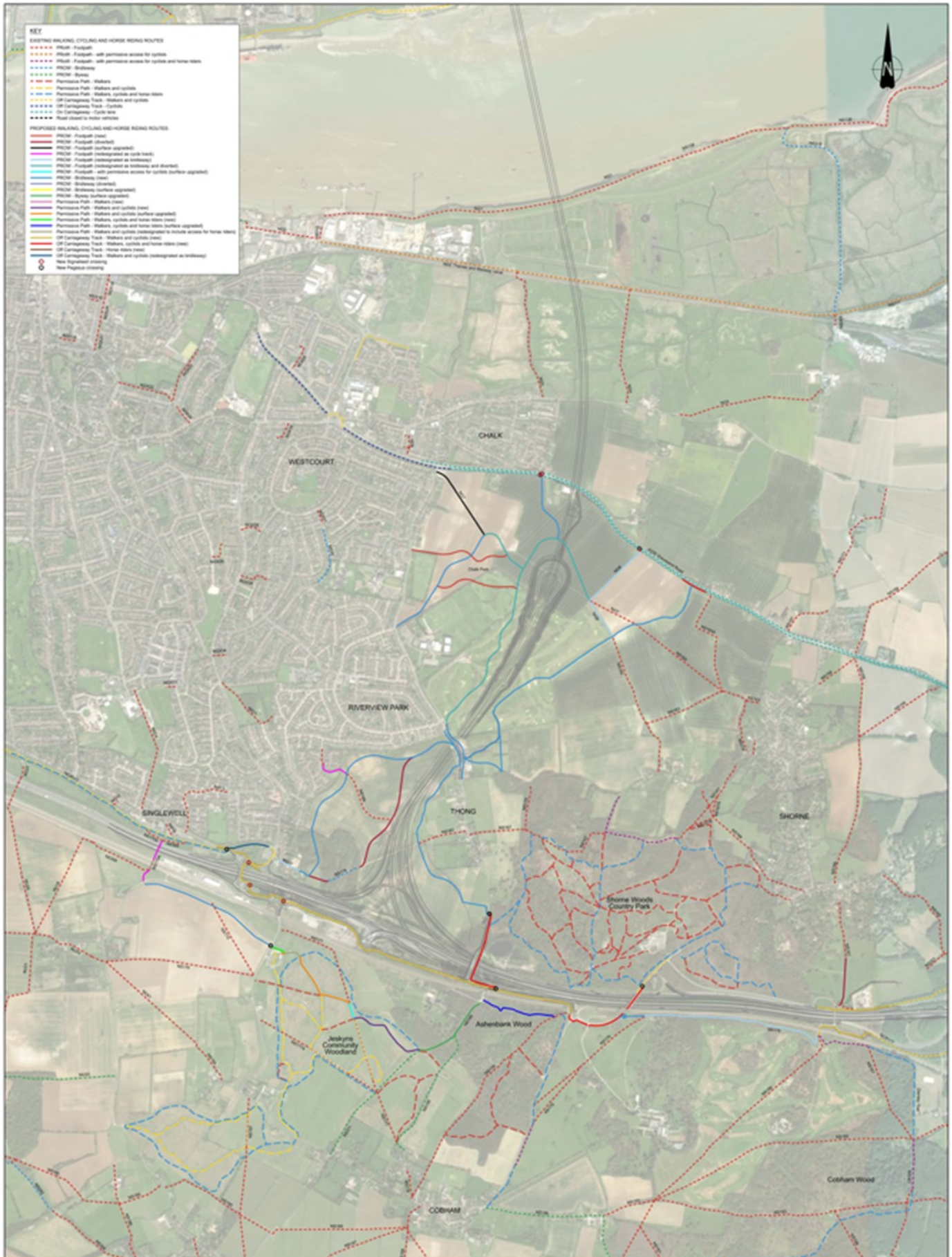
Yours sincerely,

Simon Jones

Corporate Director – Growth, Environment & Transport

Appendix A - An annotated extract of the Applicant's 'Proposed Walking, Cycling and Horse Riding Routes South of the River' which can be found within National Highways' Deadline 2 Submission - 9.60 Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume A) [REP2-072]







A122 LOWER THAMES CROSSING

Appendix B – A229 Blue Bell Hill Benefits Statement

**Produced by Kent County Council
(Interested Party Reference Number: 20035779)**

31st October 2023

1.0 Introduction

Kent County Council (KCC) has made it clear in its Local Impact Report (REP1-241), Written Representation (REP1-243), and the A229 Blue Bell Hill specific Impact Statement included in the REP4-308 Deadline 4 Post-event Submission, that Lower Thames Crossing has a significant and unacceptable impact on the Local Road Network, particularly at the A229 Blue Bell Hill.

KCC has developed a Large Local Major (LLM) scheme to mitigate the impacts of Lower Thames Crossing together with local growth impacts.

This document outlines the benefits that the project brings to National Highways (NH) for Lower Thames Crossing (LTC) and the wider Strategic Road Network (SRN).

2.0 Existing Strategic Road Network Traffic Conditions

It has been well established that traffic queues on the SRN on the approaches to both M20 J6 and M2 J3. TrafficMaster data (2019) presented in the Options Assessment Report as part of the Strategic Outline Business Case (SOBC) showed speeds reducing significantly on approach to the junctions in the peak hours. The data also shows significant variability in journey times on the M2 and M20 on approach to the M2 J3 and M20 J6.

The historic crash records also indicate that slow moving, stationary and stop/start traffic is an issue on the Strategic Network as shown in Table 1.

Table 1 - Crashes at M2 J3 and M20 J6

	Total Crashes	Slow moving traffic related crashes	% of crashes related to slow traffic
M2 at J3 (2014 – 2019)	28	15	54%
M20 at J6 (2104 – 2018)	40	12	30%

3.0 A229 Blue Bell Hill Improvement Scheme Proposals

There are 2 options for the Improvement Scheme that were submitted to DfT as part of the SOBC. Table 2 shows the proposed elements for each option currently being considered for the A229 Blue Bell Hill Improvement Scheme and submitted as part of the SOBC. The elements that will particularly benefit the SRN are shown in bold.

Table 2 - Improvement Scheme Elements

Location	Option 1	Option 2	Benefits to SRN
Improvements to the Lord Lees Roundabout A229 southbound slip road, at the northern end of Blue Bell Hill	✓	✓	
A new slip road at the northern end of Blue Bell Hill, onto the M2 westbound from the A229 immediately after Lord Lees Roundabout	✓	✓	Removes traffic from the Taddington roundabout to provide additional capacity and reduce queues on approaches
A new separate left turn lane from the M2 westbound to the A229 at Taddington Roundabout, northern end of Blue Bell Hill	✓	✓	Reduces the amount of traffic queueing on the slip road
Enlarge the Running Horse Roundabout to the west, at the southern end of Blue Bell Hill	✓	✓	Provides additional capacity on the roundabout, spacing out the entry/exit points giving more opportunities to enter the roundabout
Improve the slip road onto the M20 eastbound from Cobtree Roundabout, at the southern end of Blue Bell Hill	✓	✓	Provides a better merge onto the M20 to ease the bottleneck of 3 lanes merging into 1
Widen the A229 to 3 lanes when travelling southbound towards Maidstone (between Lord Lees and Cobtree Roundabouts)	✓	✓	
Increase the road width at the northern end of Blue Bell Hill, between Taddington and Lord Lees Roundabouts to 4 lanes	✓	x	
Upgrade of the current signalled junction at Taddington Roundabout, at the northern end of Blue Bell Hill, allowing traffic travelling from the M2 eastbound to A229 via a new bridge over the M2	✓	x	Provides a route through the junction with fewer conflict points to reduce queuing on the slip road
A new slip road from the M2 eastbound to a new junction arrangement at Bridgewood Roundabout, northern end of Blue Bell Hill	x	✓	Removes traffic from the Taddington Roundabout and separates traffic wishing to access A229 from local traffic

The A229 Blue Bell Hill Improvement Scheme has ten objectives and these will all provide benefit to NH:

- **Objective 1: Improve journey time reliability**

Improvements at M2 J3 and M20 J6 will improve the resilience of the route, by creating additional capacity for the strategic traffic wishing to transfer between the M2 and M20. The Improvement Scheme also provides a direct access to the M2 from the A229 northbound, taking traffic away from M2 J3 and creating a free flow link. This supports numerous LTC and NH objectives.

- **Objective 2: Reduce congestion**

By reducing conflict points (signals and junctions) for traffic, and providing more free flow opportunities, congestion will reduce and minimise the issue of traffic stacking back onto the M2 and M20 main carriageways from the slip roads. As with Objective 1, this Objective supports several LTC and NH objectives.

- **Objective 3: Enable the local area to develop in accordance with the current Local Plans**

NH has identified that the SRN around A229 Blue Bell Hill suffers from lack of capacity and reliability issues (Kent Routes to M25 (page 89)) which inhibits economic growth. The Improvement Scheme will provide additional capacity in line with the requirements of the Local Plans, allowing LTC and NH to meet their sustainable growth objectives.

- **Objective 4: Mitigate impacts of the Lower Thames Crossing and maximise its potential**

As previously stated, KCC consider that LTC has a significant and unacceptable impact on the A229 and its junctions. The A229 Blue Bell Hill Improvement Scheme mitigates those impacts and will allow LTC to meet its own objectives (section 4.1).

- **Objective 5: Improve road safety and address known accident hotspots**

By reducing the incidence of traffic backing up onto the main carriageway from the slip roads the level of accidents (as shown in Table 1) relating to slow moving traffic on the SRN will reduce. This supports the LTC and NH objectives of providing a safe network for all.

- **Objective 6: Make best use of existing infrastructure assets including land and highways**

The Improvement Scheme aims to reuse as much of the existing infrastructure as possible, to minimise impact and construction and maintenance costs. This is of benefit to both KCC and NH to minimise future maintenance burdens and supports the NH Strategic Business Plan outcome of a well maintained and resilient network.

- **Objective 7: Provide suitable routes and facilities for public transport**

The Improvement Scheme will improve journey time reliability for bus services that use the route and aims to encourage more local use of the bus services. Increasing bus patronage will take further personal vehicles off the route and also support NH in their Strategic Business Plan objective of meeting the needs of all users.

- **Objective 8: Provide a safe and attractive environment for pedestrians and cyclists**

The Improvement scheme aims to provide more attractive routes for pedestrians and cyclists thereby supporting NH in their Strategic Business Plan objective of meeting the needs of all users.

- **Objective 9: Improve air quality, in particular in the Air Quality Management Area (AQMA)**

Improving congestion around the M2 J3 and M20 J6 will support improving the environment of the SRN, supporting LTC and NH in meeting their environmental objectives.

- **Objective 10: Protect and enhance the local environment**

The Improvement Scheme will help support NH to be a better neighbour (Kent Corridors to M25 route Objective F)

4.0 National Highways Objectives

Table 3 shows how National Highways objectives and planned outcomes align to the A229 Blue Bell Hill Improvement Scheme objectives – demonstrating benefit to Lower Thames Crossing and National Highways.

Table 3 - A229 and National Highways Objectives alignment

National Highways Objectives and Outcomes			
A229 Objectives / Benefit to NH	Lower Thames Crossing	Route Strategy Initial Overview Report - Kent Corridors to M25	National Highways Strategic Business Plan 2020 - 2025
Objective 1: Improve journey time reliability	<p>Transport - To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity.</p> <p>Transport - To improve the resilience of the Thames crossings and the major road network.</p>	<p>Objective A – Support safe and efficient freight movement to and from air, rail, sea and Freeports in the Kent Corridors.</p> <p>Objective D – Improve Resilience of routes from Dover, Sheerness, Tilbury, and Thames Gateway Ports to the M25.</p> <p>DfT strategic objective – Network Performance.</p>	<p>Outcome 2 - Providing fast and reliable journeys.</p> <p>Outcome 3 - A well maintained and resilient network.</p>

National Highways Objectives and Outcomes			
A229 Objectives / Benefit to NH	Lower Thames Crossing	Route Strategy Initial Overview Report - Kent Corridors to M25	National Highways Strategic Business Plan 2020 - 2025
Objective 2: Reduce congestion	<p>Transport - To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity.</p> <p>Transport - To improve the resilience of the Thames crossings and the major road network</p>	<p>Objective A – Support safe and efficient freight movement to and from air, rail, sea and Freeports in the Kent Corridors.</p> <p>Objective D – Improve Resilience of routes from Dover, Sheerness, Tilbury, and Thames Gateway Ports to the M25.</p> <p>DfT strategic objective – Network Performance.</p>	<p>Outcome 2 - Providing fast and reliable journeys.</p> <p>Outcome 3 - A well maintained and resilient network.</p>
Objective 3: Enable the local area to develop in accordance with the current Local Plans	<p>Economic - To support sustainable local development and regional economic growth in the medium to long term.</p>	<p>Objective B – Support sustainable development within Kent and Thurrock</p> <p>DfT strategic objective – Growing the economy.</p>	
Objective 4: Mitigate impacts of the Lower Thames Crossing and maximise its potential	<p>Transport - To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity.</p> <p>Transport - To improve the resilience of the Thames crossings and the major road network.</p>	<p>Objective D – Improve Resilience of routes from Dover, Sheerness, Tilbury, and Thames Gateway Ports to the M25.</p> <p>DfT strategic objective - Managing and planning the SRN for the future .</p>	<p>Outcome 2 - Providing fast and reliable journeys.</p>

National Highways Objectives and Outcomes			
A229 Objectives / Benefit to NH	Lower Thames Crossing	Route Strategy Initial Overview Report - Kent Corridors to M25	National Highways Strategic Business Plan 2020 - 2025
Objective 5: Improve road safety and address known accident hotspots	Transport - To improve safety.	Objective A – Support safe and efficient freight movement to and from air, rail, sea and Freeports in the Kent Corridors. DfT strategic objective – Network Performance. DfT strategic Objective - Improving safety for all.	Outcome 1 Improving safety for all.
Objective 7: Provide suitable routes and facilities for public transport	Economic - To support sustainable local development and regional economic growth in the medium to long term.	Objective B – Support sustainable development within Kent and Thurrock.	Outcome 5 Meeting the needs of all users.
Objective 8: Provide a safe and attractive environment for pedestrians and cyclists	Economic - To support sustainable local development and regional economic growth in the medium to long term .	Objective B – Support sustainable development within Kent and Thurrock.	Outcome 5 Meeting the needs of all users.
Objective 9: Improve air quality, in particular in the AQMA	Community and Environment - To minimise adverse impacts on health and the environment.	Objective F – Be a better neighbour by safeguarding the environment and reducing the impact of air quality and noise on local communities including Dover, Maidstone, Aylesford, Ashford and Canterbury. DfT strategic Objective – Improved environmental outcomes.	Outcome 4 – Delivering better environmental outcomes.

National Highways Objectives and Outcomes			
A229 Objectives / Benefit to NH	Lower Thames Crossing	Route Strategy Initial Overview Report - Kent Corridors to M25	National Highways Strategic Business Plan 2020 - 2025
Objective 10: Protect and enhance the local environment	Community and Environment - To minimise adverse impacts on health and the environment.	Objective F – Be a better neighbour by safeguarding the environment and reducing the impact of air quality and noise on local communities including Dover, Maidstone, Aylesford, Ashford and Canterbury. DfT strategic Objective – Improved environmental outcomes.	Outcome 4 – Delivering better environmental outcomes.

4.1 Lower Thames Crossing

The LTC objectives are stated in APP-140 Environmental Statement Chapter 2 Project Description Table 2.1.

Economic Objectives

- To support sustainable local development and regional economic growth in the medium to long term

The Improvement Scheme will allow for future growth in Maidstone, Tonbridge and Malling and Medway which will be stifled by the additional traffic from LTC without any improvements to the A229. The M2 J3 in particular was identified in 2017 by National Highways as a 'capacity restraint on growth' (Kent Corridors to M25 Route Strategy (2107)). The LLM funding provides a level of funding which has not been available before which gives a unique opportunity to improve the A229 and its associated junctions to allow for Local Plan growth as well as accommodating the additional traffic from LTC.

Although there are a number of larger scale developments that may come forward over the next decade, contributions via s106 agreements will not come forward with sufficient value and in a suitably coordinated timeframe to provide a similar opportunity to the LLM funding.

- To be affordable to government and users

A229 Blue Bell Hill provides benefit to the users though more reliable journey times, and less congestion leading to motoring cost savings (SOBC benefits for travel time and vehicle operating costs were £246m over the 60 year appraisal period). The Transport User Benefits Appraisal (TUBA) also indicated a saving of £12m in safety benefits.

KCC consider the Improvement Scheme to be affordable to government and to LTC. As stated in REP4-308 Deadline 4 Post-event Submission, there is no evidence to suggest that LTC

could not afford to contribute to the Improvement Scheme. A contribution would be a tiny fraction of the fully funded £9bn budget.

- To achieve value for money

The funding requested from LTC will be supporting a scheme that has a current Benefit to Cost Ratio (BCR) of 2.2, providing a clear indication of value for money, that supports LTCs objective.

Community and Environment Objective

- To minimise adverse impacts on health and the environment

Reducing congestion around the junctions through the Improvement Scheme will have a positive effect on improving air quality contributing to this objective.

Transport Objectives

- To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north–south capacity

As identified in the A229 Blue Bell Hill Impact Statement (REP4-308 Deadline 4 Post-event Submission) north-south capacity should be considered to include the A229 Blue Bell Hill Link to provide the final element of the new LTC route to connect the M25 with the M20. The Improvement Scheme, whilst not achieving free flow capacity for all traffic, will relieve congestion at an already congested pinch point which will worsen without mitigation.

- To improve the resilience of the Thames crossings and the major road network

The A229 Blue Bell Hill forms part of the Major Road Network and is a vital link between the M2 and M20 corridors. The A229 plays an important part in routing for LTC and therefore as part of the MRN should be considered as part of this objective. As previously identified, the Scheme will allow for additional capacity, reducing congestion and allowing the route to support additional traffic as a result of occasional issues such as Operation Brock and incidents on the surrounding network and subsequently improve the resilience of the route.

- To improve safety

Section 2.0 noted that a significant proportion of crashes around the M2 J3 (54%) and M20 J6 (30%) related to slow moving, stationary and stop/start traffic. The Improvement Scheme will reduce the traffic queuing on to the slip roads and impacting on the mainline. This will reduce conflict points which should lower the number of crashes. The SOBC TUBA appraisal suggests that the Improvement Scheme will reduce the number of casualties as a result of crashes by between 380 and 643 (depending on the option pursued).

4.2 Route Strategy Initial Overview Report - Kent Corridors to M25

The Route Strategy review was published by NH in May 2023. The objectives are listed in table 1 pages 81 and 82.

- Objective A – Support safe and efficient freight movement to and from air, rail, sea and Freeports in the Kent Corridors.

The Improvement Scheme will reduce congestion around the junctions and provide more efficient interchange between the motorways allow freight efficient access Dover and Eurotunnel from LTC. A reduction in congestion will also decrease the number of crashes on the SRN due to slow moving, stationary and stop/start traffic.

- Objective B – Support sustainable development within Kent and Thurrock

The Improvement Scheme proposals consider the Local Plans as well as the additional traffic generated by Lower Thames Crossing. The route also accommodates sustainable travel options by including bus routes, cycle routes and pedestrian facilities allowing for active travel and leisure activity

- Objective D – Improve Resilience of routes from Dover, Sheerness, Tilbury, and Thames Gateway Ports to the M25.

Reduction of congestion at the M2 J3 and M20 J6 will provide efficient interchange between the M2 and M20 corridors.

- Objective F – Be a better neighbour by safeguarding the environment and reducing the impact of air quality and noise on local communities including Dover, Maidstone, Aylesford, Ashford and Canterbury.

The reduction in congestion with help to improve air quality around the SRN including the AQMA at Maidstone.

DfT strategic objectives for the route identified in the document that A229 Blue Bell Hill Improvement Scheme will support include:

- Improving safety for all
- Network Performance
- Improved environmental outcomes
- Growing the economy
- Managing and planning the SRN for the future

4.3 National Highways Strategic Business Plan 2020 - 2025

The Strategic Business Plan identifies a number of outcomes which respond to and align with the Government’s Road Investment Strategy (RIS) priorities. The A229 Blue Bell Hill Improvement Scheme will support these outcomes:

1 Improving safety for all

The Improvement Scheme will reduce congestion at the M2 J3 and M20 J6 which will decrease the number of crashes on the SRN due to slow moving, stationary and stop/start traffic.

2 Providing fast and reliable journeys

A reduction in congestion and introduction of free flow for some route choices due to the Improvement Scheme will result in more reliable journey times and more consistent vehicle speeds.

3 A well-maintained and resilient network

The Improvement Scheme will contribute to better traffic conditions to allow for easier maintenance of the SRN around the M2 J3 and M20 J6.

4 Delivering better environmental outcomes

Reducing congestion around the junctions through the Improvement Scheme will have a positive effect on improving air quality contributing to this outcome.

5 Meeting the needs of all users

The Improvement Scheme will accommodate sustainable travel options by including bus routes, cycle routes and pedestrian facilities allowing for active travel and leisure activity.

5.0 Trunking Proposals

The A229 Blue Bell Hill has been identified by National Highways as having potential for being part of the SRN (The Strategic Road Network Extents Review RIS3: Trunking / De-trunking Candidates Executive Summary).

It has been assessed against the strategic functions of the SRN, as set out in RIS2, and its potential to support wider governmental priorities such as Levelling Up and strengthening union connectivity.

The decision to recommend the A229 to DfT to progress to detailed development was driven by the overall strategic case for the route and consideration of existing SRN provision within the vicinity to cater for any strategic trips.

KCC's Local Impact Report (REP1-241), Written Representation (REP1-243) and the A229 Blue Bell Hill specific Impact Statement included in the REP4-308 Deadline 4 Post-event Submission noted that the A229 Blue Bell Hill has a clear strategic function.

The Executive Summary provided conclusions for A229 Blue Bell Hill, for which comments are provided in Table 4.

Table 4 - Trunking Candidate Conclusions and relevant benefits of A229 Blue Bell Hill Improvement Scheme

Page 29 Conclusions for A229	Benefits of A229 Blue Bell Hill Improvement Scheme
Primary route linking Maidstone and Chatham & Gillingham. Improves network resilience between the M2 and M20 for movements towards Dover.	The A229 Blue Bell Hill Improvement Scheme will provide resilience to the network and allow more reliable interchange between the M2 and M20 corridors allowing for the growth from Local Plans and LTC.
Traffic flows are higher than annual average daily flow on SRN dual carriageway indicating significant journey demand. Likely to see traffic flow increases following opening of Lower Thames Crossing project.	The Improvement Scheme mitigates the existing congestion and future increases in demand including Lower Thames Crossing.

Opportunity to address key policy areas around safety, congestion and the environment. Safety performance (accident and casualty rates) is significantly worse than SRN average for dual carriageway. Key accident hotspots requiring mitigation are as follows; Lords Lees Roundabout and A229 slips; A229/Common Road junction; Cobtree Roundabout and Running Horse Roundabout.

The Improvement Scheme aims to target key Crash hotspots as well as reducing conflict points which contribute to crashes along the route.

Reducing congestion around the junctions through the Improvement Scheme will have a positive effect on improving air quality.

The Improvement Scheme will provide immediate benefit to NH if the trunking is pursued. There is also the opportunity for NH to be part of the design process for the Improvement Scheme to ensure that their requirements for the trunking to proceed are incorporated and considered at an early stage. Assets upgraded or replaced as part of the Improvement Scheme will provide a lower maintenance requirement for NH.

6.0 Conclusions

The A229 Blue Bell Hill Improvement Scheme provides solutions to issues on the SRN which NH have defined in a number of published documents.

The Improvement Scheme, whilst providing benefit to the Local Road Network (LRN), also has significant benefit to the SRN and positively contributes to NH meeting their objectives for Lower Thames Crossing, Kent Corridors to M25 Route Strategy and the Strategic Business Plan.

This statement has outlined how the Improvement Scheme objectives align with NH and DfT objectives and outcomes, indicating the funding from LTC for the Improvement Scheme has greater benefits than just allowing KCC to improve the LRN.

A122 LOWER THAMES CROSSING

Appendix C - Definitive Statement on Kent County Council's position on Public Rights of Way and Non- Motorised User Routes with respect to the proposed Lower Thames Crossing

**Produced by Kent County Council
(Interested Party Reference Number: 20035779)**

31st October 2023

1. Introduction

1.1. The agenda for the Lower Thames Crossing (LTC) Examination Issue Specific Hearing 10 (ISH10) on Traffic & Transportation on Tuesday 24 October 2023 covers the following topics related to Public Rights of Way (PRoW) and Non-Motorised User (NMU) Routes:

- Legal status of proposed NMU routes and PRoWs
- Design standards
- Future maintenance
- Construction impact

1.2. This note provides a Definitive Statement on Kent County Council's (KCC's) position regarding these matters.

2. Kent County Council's Position

2.1. Kent County Council's position on Public Rights of Way (PRoW) and Non-Motorised User (NMU) Routes with respect to the proposed Lower Thames Crossing is provided within the table of ISH10 agenda questions below.

a)	Legal Status of proposed NMU routes and PRoWs
i	<p>Whether there is clarity and agreement between parties of the legal status of new and affected routes.</p> <p>There is no clarification as to the nature of the permissive agreement for the temporary National Cycle Route (NCR) 177, the terms of the agreement or the parties to the agreement.</p>
ii	<p>Whether there is a need to confirm the legal status of other existing routes within the application boundary.</p> <p>No.</p>
KCC LIR (REP1-241) and WR (REP1-243)	<p>PRoW Impact D: Designation of temporary National Cycle Route (NCR) 177</p> <p>The designation of temporary National Cycle Route (NCR) 177 as a permissive route in DCO document 2.7 Rights of Way and Access Plan Volume B (APP-025) Sheets 5 & 6 (between points 6/53 and 8/22) is considered a negative impact. KCC remains concerned that what is to be a key link in the NMU network, and integral to long-term east-west connectivity south of the M2 corridor, is to be delivered by means of a permissive agreement. The route is also to accommodate NCR 177 on a temporary basis through the construction phase. There is no clarification as to the nature of the permissive agreement, the terms of the agreement or the parties to the agreement. There can therefore be no certainty moving forward that permission will not be rescinded – removing the link for NMUs and specifically equestrians and cyclists. Currently the provision south of the M2 corridor through Jeskyns Community Woodland cannot be considered adequate. Should the permission be revoked at some future point the only</p>

	<p>viable alternative for recreational users would be the replacement NCR 177 route; this route is conceived as meeting the needs of commuting cyclists. It will inevitably, given its location, be of considerably lower amenity and unlikely to be used by equestrians given the proximity to traffic. Permissive access cannot and should not be viewed as a suitable alternative/compensatory provision for NMUs. The permissive route needs to have Public Bridleway designation.</p> <p>KCC requests that National Highways ensures that walking, cycling and horse riding (WCH) routes have Public Rights of Way / public highway designation reflecting their intended use. The permitted path described above should have Public Bridleway status.</p>
b)	Design standards
i	<p>Whether proposed design standards are suitable and applied appropriately.</p> <p>There remains an absence of construction detail for the Public Rights of Way / WCH routes and structures.</p>
ii	<p>Whether opportunities to maximise the potential benefit for NMU users and routes has been suitably considered.</p> <p>The omission of improvements to bring Hares Bridge up to cycling / equestrian standard is considered a negative impact of the PRow proposals for the Project.</p>
iii	<p>How usage surveys and assessments have been undertaken and their relevant application.</p> <p>There is an absence of use of technology in the use of manual counts of WCH usage. For example, KCC has requested the installation of active travel counters 12 months before the construction phase starts; with the counters to be maintained for a period of three years post completion.</p>
KCC LIR (REP1-241) and WR (REP1-243)	<p>PRow Impact B: Hares Bridge</p> <p>The omission of improvements to bring Hares Bridge up to cycling / equestrian standard is considered a negative impact of the PRow proposals for the Project. Hares Bridge is shown in DCO document 2.7 Rights of Way and Access Plan Volume B (APP-025) (points 8/28 to 10/4) Sheet 6 and currently meets pedestrian requirements but is inadequate for cycle and equestrian use. It is a key link in the NMU network; the layout of which may encourage use that it was not designed to support and is unlikely to be adequately mitigated by a sign requiring cyclists to dismount. Cycle dismount signs are not permitted in current standards, as they are not inclusive, as disabled people often cannot dismount.</p> <p>KCC requests that National Highways provides improvements to bring Hares Bridge up to standard to accommodate pedestrians, cyclists and equestrians.</p>

	<p>PRoW Impact C: Future Provision</p> <p>In a similar vein, KCC is unable to determine from the following structures plans whether provision has been made for future improvements to bring the following structures cross sections up to cycling / equestrian standard as per the requirements of LTN 1/20 and CD 143 Designing for walking, cycling and horse-riding. Failure to provide for this would be considered a negative impact of the PRoW proposals for the Project. These structures will provide for key active travel movements across the A2 and the LTC itself:</p> <ul style="list-style-type: none"> o Brewers Road Bridge o Thong Lane Green Bridge (over A2) o Thong Lane Green Bridge (over A122 LTC) o Marling Cross Overbridge <p>KCC requests that National Highways provides improvements to bring these structures' cross sections up to cycling / equestrian standard as per the requirements of LTN 1/20 and CD 143 Designing for walking, cycling and horse-riding, including minimum dimensions.</p> <p>PRoW Impact E: Absence of construction detail</p> <p>The absence of construction detail for the Public Rights of Way / WCH routes to be provided is a negative impact. In the absence of such detail, it is not possible to assess the suitability of the construction or to calculate commuted sum requirements.</p> <p>KCC requests that National Highways provide more construction detail so that provision can be fully assessed in respect of suitability for WCH use. Equestrian needs are somewhat different from those of cyclists and a surfacing material must be selected that meets all needs. If it is not possible to provide this construction detail at this point a requirement to consult further with the Public Rights of Way and Access Service and to agree a commuted sum must be a requirement of the DCO.</p>
c)	<p>Future Maintenance</p>
	<p>Whether future maintenance responsibility and cost has been sufficiently considered.</p> <p>The absence of construction detail does not allow commuted sums to be calculated to properly assess the maintenance burden.</p>

<p>KCC LIR (REP1-241) and WR (REP1-243)</p>	<p>PRoW Impact E: Absence of construction detail</p> <p>The absence of construction detail for the Public Rights of Way / WCH routes to be provided is a negative impact. In the absence of such detail, it is not possible to assess the suitability of the construction or to calculate commuted sum requirements.</p> <p>KCC requests that National Highways provide more construction detail so that commuted sums to be calculated. The negative impact of an increased maintenance burden can only be properly mitigated if a commuted sum is accurately calculated and provided. If it is not possible to provide this construction detail at this point a requirement to consult further with the Public Rights of Way and Access Service and to agree a commuted sum must be a requirement of the DCO.</p>
<p>d)</p>	<p>Construction Impact</p>
<p>i</p>	<p>Whether alternative routes during construction have been fully considered and appraised.</p> <p>The closure of PRoW routes for LTC construction will have a wider impact on the overall PRoW network than the immediate vicinity, so promotion of alternative routes by a variety of means (signage, online and physical media, etc.) is necessary.</p>
<p>ii</p>	<p>General approach to how diversions during construction will be agreed, approved and managed.</p> <p>KCC has requested National Highways consult further with the Public Rights of Way and Access Service on this matter.</p> <p>Management of diversions during construction will be influenced by their use, which will need to be monitored effectively. KCC has requested the installation of active travel counters 12 months before the construction phase starts; with the counters to be maintained for a period of three years post completion.</p>
<p>KCC LIR (REP1-241) and WR (REP1-243)</p>	<p>PRoW Impact F: Existing leisure/recreation PRoW use</p> <p>LTC construction will have a negative impact on existing leisure / recreation PRoW use, with the prolonged closure of PRoW within the red line boundary of the Project. These effects will need to be monitored effectively. Their impact is also more likely to be prolonged or permanent if PRoW are not restored to pre-construction standard or better.</p> <p>KCC requests that National Highways liaise with KCC Public Rights of Way and Access Service on PRoW closure during construction and restoration of routes, to minimise disruption to WCH users. KCC requests the installation of active travel counters 12 months before the construction phase starts; with the counters to be maintained for a period of three years post completion.</p>