

Lower Thames Crossing

5.4.4.13 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Tonbridge & Malling Borough Council (Clean version)

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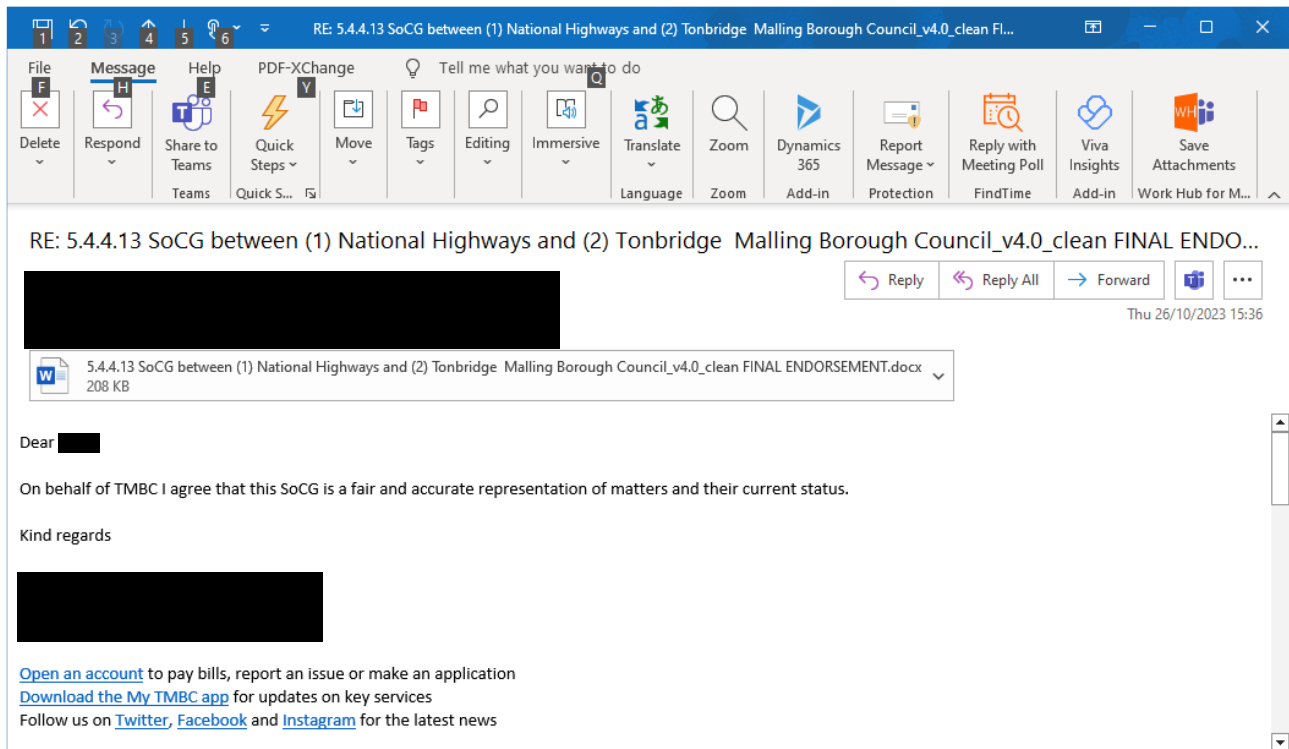
Revision history

Version	Date	Submitted at
1.0	31 October 2022	DCO Application
2.0	18 July 2023	Deadline 1
3.0	24 August 2023	Deadline 3
4.0	31 October 2023	Deadline 6

Status of the Statement of Common Ground

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

National Highways and Tonbridge and Malling Borough Council 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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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 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and Tonbridge & Malling Borough Council (TMBC), 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.
- 1.1.3 This version of the SoCG has been submitted at Examination Deadline 6.

1.2 Principal Areas of Disagreement

- 1.2.1 On the 19 December 2022 the Examination Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.
- 1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should 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.
- 1.2.4 Tonbridge & Malling Borough Council elected not to produce a PADS Tracker at pre-examination stage, indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

1.3 Terminology

- 1.3.1 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.

2 Matters

2.1 Movement of outstanding matters

- 2.1.1 Following submission of the previous version of this Draft SoCG between the Applicant and Tonbridge & Malling Borough Council (TMBC), further discussions on the outstanding matters have taken place. These discussions are summarised in Table A.1 in Appendix A and the outcome of these discussions is summarised below. In addition to the new matter recorded in paragraph 2.1.2 below, this version of the SoCG also contains TMBC's updates to comments and the Applicant's updates to its responses to the remaining matters under discussion.
- 2.1.2 The following matter has moved from 'Matter Agreed' to 'Matter Not Agreed':
- a. 2.1.13 (Wider Network Impacts) Non-Project highway improvements - A2/M2 corridor
- 2.1.3 Due to ongoing discussions between the Applicant and Brentwood Borough Council, a new matter has been raised which is included in Table 2.1:
- a. 2.1.24 (Design - Roads, tunnels, utilities) WCH / Active Travel – Design / Potential mitigations for effects on the A228
- 2.1.4 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Tonbridge & Malling Borough Council.
- 2.1.5 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, 'LIR' indicates a matter entered into the SoCG raised in the Local Impact Report, 'WR' indicates a matter entered into the SoCG as a result of a Written Representation, and 'DL6' indicates a new matter added during examination at/around that deadline.
- 2.1.6 At Examination Deadline 6 there are 18 matters in total, of which 6 are agreed, 5 are not agreed and 7 remain under discussion.

Table 2.1 Matters

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant’s Response	Application Document Reference	Status
Need for the Project					
Need for the Project	2.1.1 RRE	Tonbridge & Malling Borough Council (TMBC) support the need for the Project.	The Applicant welcomes Tonbridge & Malling Borough Council’s support for the Project.	N/A	Matter Agreed
Consultation and engagement					
Adequacy of engagement	2.1.2	TMBC is satisfied with the adequacy of consultation on the Project.	Noted.	N/A	Matter Agreed
Design - Roads, tunnels, utilities					
WCH / Active Travel – Design Potential mitigations for effects on the A228	2.1.24 DL6	<p>TMBC supports the ongoing discussions regarding the impacts and effects on the A228 area and LTC collaboration. TMBC requested written confirmation of the rationale for funding of walking and cycling improvements which are outside of the Order Limits, and the detail of a side agreement to the s106 between the Applicant and Kent County Council which could be used to secure capital funding.</p> <p>TMBC has recently commissioned consultants WSP to prepare a scheme design for the upgrade of footpaths MR581 and MR32 in Snodland, so that they can be used for walking and wheeling. The</p>	<p>At a meeting with TMBC and Kent County Council on 5 October, the Applicant discussed some of the identified environmental effects on the A228 area that the Project could look to address (either inside or outside the DCO process), and mitigations for indirect environmental impacts.</p> <p>The Applicant provided the following statement in regard to TMBC’s request for the rationale for funding walking and cycling improvements: “<i>The rationale for discussing the potential funding by NH of walking and cycling improvements outside of the order limits would be the increase in HGV movements (and associated noise) in the area and the implications for walkers and cyclists. These predicted increases in HGV</i></p>		Matter Under Discussion

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant’s Response	Application Document Reference	Status
		<p>existing paths connect the growing residential and business communities at Holborough, Wouldham and Vantage Point, however local cycling infrastructure is incomplete. The improvement of the links will provide better non-motorised access to Snodland Station and help to improve the use of local rail services. The scheme design including a high-level capital cost should be available by December if all required searches are returned in a timely manner.</p> <p>The project team are giving consideration to structures, surfacing, signage and lighting throughout in accordance with DfT LTN1/20 and will be initiating any required third-party negotiations. The delivery of the scheme will be subject to member approval.</p>	<p><i>movements outside of the order limits are related to changes in driver decisions with the Lower Thames Crossing in operation.”</i></p> <p>The Applicant notes that the Parties are in discussion in relation to a proposed side agreement in an attempt to address any potential mitigations.</p>		
Charging					
Charging regime	2.1.3	TMBC agrees with the proposed charging regime for the Project.	Noted.	N/A	Matter Agreed

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
Traffic and economics					
Modelling methodology Consideration of Local Plan growth / other local growth within the LTAM core and high growth scenarios	2.1.4 RRE	TMBC is concerned that the growth arising from the Government's standard method for assessing housing need (15,941 dwellings 2021-2040) and known major local developments have not been accurately core and high growth scenarios. From our reading of the transport evidence, it is clear that a significant number of major development sites are absent from the assessment undertaken. This comprises circa 4000 new homes and 164,000sqm of employment floorspace that TMBC expect to be delivered by 2032 within the Medway Gap area of the borough. There are likely to be in-combination impacts which the Council will be testing through its Local Plan modelling work. Further detail is included in the Council's Local Impact Report.	The Project's transport model (the LTAM) was built following the principles and processes set out in the Department for Transport's (DfT) Transport Analysis Guidance (TAG). Growth within the transport model is capped in line with DfT traffic forecasts (TEMPro 7.2) and adjusted locally to account for developments close to the Project that are under construction or are the subject of a planning application or planning permission (as of 30 September 2021). A high growth scenario is also undertaken and reported within the Transport Forecasting Package (Appendix C of the ComMA), a copy of which has been provided to the authority dated October 2020 and an updated copy was made available as part of the submitted application.	Combined Modelling and Appraisal Report (ComMA) Appendix C - Transport Forecasting Package [APP-522] and [APP-523] TMBC Local Impact Report [REP1-299]	Matter Not Agreed
Local modelling requests Modelling of alternative scenarios	2.1.5 RRE	TMBC requested individual modelling of alternative scenarios based on each authority's projections of the quantum and distribution of development in emerging Local Plans as well as a joint Alternative Scenario covering	The Applicant is willing to discuss the scenario tests that the Council would like to be considered and the timescales for completing these. The Applicant has offered alternative scenarios to each of the local authorities.	N/A	Matter Under Discussion

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		the totality of relevant planning authority areas, in line with the relevant Planning Practice Guidance regarding cumulative impacts and the Planning Inspectorate's 2017 Scoping Opinion response.	However, it does require inputs from local authorities (including an understanding of any additional highway infrastructure). These alternative scenarios would not inform the DCO application. The Applicant is still willing to offer these model runs and will discuss with TMBC. TMBC has indicated that this matter should remain under discussion until the sensitivity tests are completed.		
Wider Network Impacts					
Local WNI Concerns A228 corridor between M2 Junction 2 and M20 Junction 4	2.1.9 RRE	TMBC has concerns regarding the A228 corridor between M2 Junction 2 and M20 Junction 4 and requires mitigation for which no funding is available. KCC is refining local highways mitigation requirements and we hope that local authorities can work with National Highways to secure funding to address the combined impacts that the Project will have on roads within the borough. There is no clarity as to how these mitigation measures will be funded. Without any commitment from Government, local authorities will struggle to secure funding from planning obligations. Most Kent	The Applicant is working with Kent County Council (KCC) on a Kent Wider Network Impact (WNI) study, funded by the Applicant, which will further joint understanding of how the network performs in the future with the Project. These outputs will be discussed with KCC and TMBC, and the Applicant will continue to engage in accordance with the licence obligations to work with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users. This will include working collaboratively with local authorities on relevant scheme business cases that are supported by their own funding streams and consenting processes.	Wider Network Impacts Management and Monitoring Plan [APP-545] Responses to the Examining Authority's ExQ1 Appendix B – 4. Traffic & Transportation [REP4-189]	Matter Under Discussion

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		<p>planning authorities including TMBC don't charge CIL, and s106 tests are unlikely to be met in most cases to fund wider highway mitigations. In any case securing the required funding in this way would be piecemeal, protracted and put at risk the delivery of other planning obligations e.g., affordable housing.</p>	<p>The Applicant notes that funding sources include planning obligations as well as centrally administered funding programmes applied to by local authorities with strong business cases and that a combination of funding sources may be used.</p> <p>The Applicant has provided information concerning the benefits to Tonbridge and Malling's road network on page 34 of Responses to the Examining Authority's ExQ1 Appendix B – 4. Traffic & Transportation.</p> <p>At a meeting with TMBC and Kent County Council on 5 October, the Applicant discussed some of the identified environmental effects on the A228 area that the Project could look to address (either inside or outside the DCO process), and mitigations for indirect environmental impacts.</p>		
<p>Non-Project highway improvements</p> <p>Request for commitment to provide additional highway improvements</p>	<p>2.1.10</p> <p>RRE</p>	<p>The Council is concerned about the impact of the Project upon the A229 at Blue Bell Hill which connects M2 Junction 3 with M20 Junction 6, this is a high priority for improvement. The road and its motorway junctions need to be improved to accommodate the in combination impacts of LTC and Local Plan</p>	<p>Improvements to the A229 and the M2 east of Junction 1 are not part of the proposed Project.</p> <p>The Applicant will continue to engage with relevant authorities in accordance with the licence obligations and work with others to align national and Local Plans and investments, balance national and local</p>	<p>Wider Network Impacts Management and Monitoring Plan [APP-545]</p>	<p>Matter Not Agreed</p>

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		<p>growth related traffic. Further detail is set out in our Local Impact Report.</p> <p>Given the extent of the impact on roads locally, it is TMBC’s opinion that the Project should be complemented by other highways investment that addresses these impacts. Blue Bell Hill is the subject of a Large Local Majors scheme bid to the Department of Transport, which TMBC supports. This has yet to be approved, even if this is achieved, there will be a 20% funding gap which will hinder delivery until additional sources of funding can be found.</p> <p>The new crossing will have implications on the M2 Junction 3, the A229 Blue Bell Hill and M20 Junction 4 within the Borough. Further detail is set out in our Local Impact Report Mitigation measures will be required to improve these routes and related junctions, the design of this infrastructure should take into account committed and planned development, as well as the increase in demand which will arise from the LTC itself.</p>	<p>needs, and support better end-to-end journeys for road users.</p> <p>The Wider Network Impacts Management and Monitoring Plan (WNIMMP) has been submitted as part of the application and sets out the proposed approach for the monitoring of traffic impacts for the Project during its operational phase, to identify changes in the performance on the surrounding local, major and strategic road networks. The monitoring data would be made available to all the local and highway authorities, which would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes. The M2 Junction 3 at Blue Bell Hill is included as a monitoring location in the WNIMMP.</p> <p>The DCO requires the Applicant to produce an operational traffic monitoring scheme that complies with this plan prior to the tunnel opening, and on which local highway authorities will be consulted.</p>		

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		<p>Given the extent of the impact on roads locally, it is TMBC's opinion that the Project should be complemented by other highways investment that addresses these impacts.</p>			
<p>Non-Project highway improvements A2/M2 corridor</p>	<p>2.1.13</p>	<p>TMBC shares the view of Kent County Council that to realise the full benefits of the Project, it is essential that the A2/M2 corridor to which it connects is looked at holistically. Improvement schemes identified as pipeline projects for the next Road Investment Strategy at 'A2 Brenley Corner' and 'A2 Access to Dover' need to be delivered alongside other capacity enhancements along the M2 and improved connections to the M20 to ensure that the two strategic corridors to the Port of Dover and Channel Tunnel are resilient. These projects remain unfunded.</p>	<p>The Applicant is bringing forward the A122 Lower Thames Crossing in accordance with the policy requirements set out by the Government in the Road Investment Strategy 2: 2020 – 2025 (Department for Transport, March 2020). This sets out a series of further projects to be delivered under separate consenting and funding decision processes to the A122 Lower Thames Crossing. While the Applicant recognises the case for developing further schemes to improve operations along the M2/A2 and M20/A20 corridors, the A122 Lower Thames Crossing does not require the emerging improvements to deliver the benefits set out in the A122 Lower Thames Crossing application. Similarly, the case for these schemes is not dependent on the opening of the A122 Lower Thames Crossing.</p> <p>The Project is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies opportunities to further</p>	<p>Wider Network Impacts Management and Monitoring Plan [APP-545]</p>	<p>Matter Not Agreed</p>

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			optimise the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes. This process is set out in the Wider Network Impacts Management and Monitoring Plan, which provides information about the proposed traffic monitoring.		
EIA methodology					
Assessment methodology Clarification as to how the DCO application will treat these Alternative Scenarios	2.1.14 RRE	All aspects of the Development Consent Order application are informed by the outputs from the core scenario (which does not fully take account of future local growth). The high growth scenario does not adequately take account of local growth, and this is not in any case used to inform assessments within the submitted EIA. TMBC has provided further comment in its Local Impact Report.	Alternative scenarios have been offered to the local authorities in order to assist them with their plan making. It is not proposed to include them as part of the Project's DCO application. The Project's core scenario has been prepared in accordance with the DfT's WebTAG criteria (which includes a high growth scenario). The LTAM forecast demand has been developed in accordance with DfT's Transport Analysis Guidance (TAG) Unit M4 - Forecasting and Uncertainty. The Core scenario includes developments which were under construction or had planning applications or permissions as of 30 September 2021. The LTAM demand is constrained to TEMPro 7.2 forecasts to ensure that overall growth is in line with Government projections. The demand	Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package [APP-522] Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package	Matter Not Agreed

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			development process is described in detail in Chapter 4 of the Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package, and the full list of developments included is provided in Annex A in the Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package Annexes. A High Growth scenario was also developed to understand the implications if travel demand exceeds Government projections. The high growth scenario is detailed in Section 8.6 of the Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package.	Annexes [APP-523]	
Air quality					
Assessment of likely significant effects Impact on operational air quality along the A228 within TMBC.	2.1.15 RRE	TMBC have raised concerns regarding the detrimental impact on operational air quality along the A228 within their borough. National Highways' assessment methodology provides a more conservative prediction for air quality along the A228 (including baseline year data) that suggests that an Air Quality Management Area (AQMA) should be implemented by the LPA. TMBC has begun direct NO2 monitoring at the residential receptors on Castle Way just north	The air quality assessment has been updated and completed for the Environmental Statement and no potential for likely significant effects was identified for human health and compliance with Limit Values. As such, no essential mitigation measures are required for these effects. However, it should be noted that measures to reduce the operational impact of the Project on the A228 have been investigated where there are predicted exceedances of the annual mean NO ₂ Air Quality Strategy objective and deterioration in annual mean NO ₂ concentrations as a result of the	ES Appendix 5.6: Project Air Quality Action Plan [APP-350] Deadline 5 Submission - Highways Modelling Evidence [REP5-113]	Matter Under Discussion

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		<p>of M20 junction 4, and to date there is no indication that the area currently exceeds the annual NO2 limits such that an Air Quality Management Area (AQMA) need be declared. TMBC does not have NO2 monitoring facilities at Blue Bell Hill.</p> <p>TMBC submitted additional Highways Modelling Evidence at Deadline 5 and intends to further discuss this matter in light of its submission.</p>	<p>Project. Whilst exceedances in annual mean Air Quality Strategy objectives are predicted in both Medway and TMBC, the receptors located in the administrative boundary of TMBC are predicted to experience beneficial impacts on air quality as a result of a reduction in HGVs on the A228 between Leybourne Way and Junction 4 of the M20.</p> <p>There isn't a scenario where the Project would create an AQMA on the A228, as based on the modelling predictions, there should be an AQMA on the A228 now and in the future without the Project, so the change in concentrations when the Project opens would not trigger the need for an AQMA.</p> <p>Where significant effects have been identified on ecological sites, the mitigation and compensation are described in ES Appendix 5.6: Project Air Quality Action Plan.</p> <p>At a meeting on 10 May 2023, the Applicant discussed the methodology used in terms of the uplift of the Defra results and noted its modelling results suggested that nitrogen dioxide concentrations are higher on the A228 than recent Medway monitoring data indicates. The Applicant's modelling is likely to be overly cautious and overestimate the</p>		

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			<p>pollutant concentrations on the A228. Monitored concentrations on the A228 have also fallen sharply since the air quality surveys that informed the Applicant's modelling were carried out, and in 2021 and 2022 monitored concentrations were well below air quality objectives.</p> <p>The Applicant also discussed the assessed versus current limit values for PM_{2.5} levels, and noted that there had been no breach of the interim target of 12µg/m³, and that concentrations from highway sources tended to be low. TMBC discussed supplying its AQ data to the Project.</p> <p>The Applicant acknowledges TMBC's update to this comment and has received the monitoring data for Castle Way. The Applicant has reviewed the monitoring data and annualised the data collected to compare against the annual mean NO₂ AQS (Air Quality Strategy) Objective. The annualised monitoring data confirms that there are no exceedances of the AQS Objective at the properties on Castle Way. The annualised concentration being 23.7µg/m³ so well below the annual mean AQS Objective of 40µg/m³. This confirms the Applicant's view that the modelled concentrations on the A228 are pessimistic as presented in the Air Quality Assessment.</p>		

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			<p>This is also consistent with Medway Council's latest monitoring data on the A228.</p> <p>Based on the latest monitoring data there are unlikely to be any exceedances of the AQS Objectives in the opening year either with or without the Project.</p> <p>At a meeting with TMBC and Kent County Council on 5 October, the Applicant discussed some of the identified environmental effects on the A228 area that the Project could look to address (either inside or outside the DCO process), and mitigations for indirect environmental impacts.</p>		
Noise and vibration					
Assessment	2.1.23	TMBC has concern regarding the potential additional noise impact of traffic on local roads, which may be underestimated due to the basis of assessment on the core scenario. Therefore, it is currently difficult to define these impacts. We set out these concerns in further detail in our local impact report.	A full response to the noise issues raised by TMBC in its Local Impact Report is given on pages 14-16 of Comments on LIRs Appendix I – Tonbridge and Malling Borough Council.	Comments on LIRs Appendix I – Tonbridge and Malling Borough Council [REP2-067]	Matter Not Agreed
Noise impacts based on traffic modelling core scenario	DL3 LIR				

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Nitrogen deposition					
General methodology / modelling / alternatives Modelling data and approach	2.1.17 RRE	<p>The requirement for nitrogen deposition compensation land is a concern given the ecology impact of LTC on the Kent Downs Area of Outstanding Natural Beauty (AONB), particularly areas in close proximity to the M2 and A299, and the sensitive habitats of the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI) and North Downs Woodlands Special Area of Conservation (SAC). Again, this is based upon core scenario assumptions.</p> <p>Notwithstanding our concern, TMBC welcomes the compensatory habitats proposed, well managed compensatory tree planting is a good option to capture nitrogen, mitigate noise and store carbon.</p> <p>TMBC has advised that it intends to review the Applicant's response to Issue Specific Hearing 6 submitted at Deadline 4 before resolving this matter.</p>	<p>The Applicant welcomes TMBC's positive comments regarding the proposed compensatory habitats. The Applicant has undertaken air quality assessments and further detailed information is presented in the Habitats Regulations Assessment (for the SAC) and Environmental Statement (for the SSSI and other ecological designations) as part of the DCO submission.</p> <p>This includes the impacts on ecological sites within 200m of the affected road network, including the M2 and A229. The change in nitrogen deposition is reported where there is a perceptible change in NOx (the basis of the nitrogen deposition calculations) from the change in emissions as a result of the change in traffic flows on the affected road network.</p> <p>There is no assessment of AQ impacts on the AONB as such, as this designation is not primarily an ecological designation, but all ecological designated sites within the AONB are assessed.</p> <p>The Applicant refers TMBC to the LIR response in–Comments on LIRs Appendix I – Tonbridge and Malling Borough Council (LIR Reference Page 25-26 Paragraph 10.1 to 10.6):</p>	<p>Environmental Statement [APP-332] to APP-485] and [AS-049] to AS-055]</p> <p>Habitats Regulations Assessment - Screening Report and Statement to Inform an Appropriate Assessment [APP-487]</p> <p>Comments on LIRs Appendix I – Tonbridge and Malling Borough Council [REP2-067]</p> <p>Post-event submissions, including</p>	Matter Under Discussion

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			<p><i>“The Environmental Impact Assessment (EIA) concerns the assessment of likely impacts. For the Project, this is based on guidance and assumptions in the traffic modelling, which form the basis of the air quality assessment and are undertaken in accordance with current published standards. This includes utilising the core traffic scenario (i.e. the most likely). DMRB LA 105 Air Quality states in paragraph 2.2: ‘2.2 The air quality assessment shall be based on the most likely forecast traffic flows. NOTE: There is no requirement to model other traffic growth sensitivity scenarios for example high and low growth traffic scenarios.’ The Applicant is therefore satisfied that the modelling and the assessment have been carried out in accordance with industry best practice, using appropriate tools and following appropriate guidance”.</i></p> <p>Further discussions are planned to take place with TMBC on this matter.</p>	written submission of oral comments, for ISH6 [REP4-182]	
<p>Site selection and surveying</p> <p>Site Selection Methodology</p>	<p>2.1.18</p> <p>RRE</p>	We appreciate that the availability of suitable sites is constrained as reflected within the detail of the recent minor refinement’s consultation, and the Council’s comments on this matter are included in our Local Impact Report	A Nitrogen Deposition Site Selection Methodology Technical Note has been prepared by the Applicant which sets out the site selection methodology. This technical note has been shared with TMBC on 22 July 2022.	Environmental Statement - Appendix 5.6 - Project Air Quality Action Plan [APP-350]	Matter Under Discussion

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		<p>[REP1-299] at paragraphs 10.5 and 10.6.</p> <p>A technical note was shared in confidence following the conclusion of the Local Refinement consultation in July 2022. TMBC did not formally comment on the document which is subject to non-disclosure.</p>	<p>The Applicant notes that Section 7.4 of the Project Air Quality Action Plan contains full details of the site selection methodology.</p> <p>Further discussions are planned to take place with TMBC on this matter.</p>		
<p>Site selection and surveying</p> <p>Site surveys for proposed planting</p>	<p>2.1.19</p> <p>RRE</p>	<p>TMBC requested that surveys were carried out before DCO submission on the sites proposed for planting to consider the impact of the proposed planting on protected/notable species e.g. ground nesting birds.</p>	<p>The nitrogen deposition compensation sites have now been surveyed (where access was possible) to enable assessments of potential constraints and inform detailed design and management plans, including for protected species.</p>	<p>ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites</p> <p>[APP-418]</p>	<p>Matter Agreed</p>
<p>Kent Downs AONB</p> <p>Impact on Kent Downs AONB</p>	<p>2.1.20</p> <p>RRE</p>	<p>It is notable that the majority of the mitigation sites are located not only south of the river, but within Kent Downs AONB and many of these are located on the actual escarpment of the North Downs, the main feature of the original AONB designation. This rich and distinctive biodiversity habitat of the Kent Downs AONB are specifically recognised as one of its Special Characteristics. This adds to the potential harm to the Kent</p>	<p>Part of the design process will be in determining constraints and opportunities on the sites, which includes potential effects and enhancements on the landscape and AONB designation.</p> <p>Paragraph 5.16.5 of the outline Landscape and Ecology Management Plan (oLEMP) includes the commitment that: “<i>The management requirements for this area are:</i></p> <p><i>a. Provide permanent wildlife-rich habitat</i></p> <p><i>i. Primarily woodland at a landscape scale</i></p>	<p>ES Appendix 8.22: Terrestrial Ecology Surveys at Nitrogen Deposition Compensation Sites</p> <p>[APP-418]</p>	<p>Matter Under Discussion</p>

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant’s Response	Application Document Reference	Status
		<p>Downs AONB arising as a result of the mitigation measures, such as well-informed landscape restoration and management will be essential to the success of these measures.</p>	<p><i>ii. Providing other habitats in recognition of habitats significantly affected by the Project operational Nitrogen Deposition effects</i></p> <p><i>iii. Providing most ecologically appropriate mosaics of habitats / features for the site</i></p> <p><i>iv. Integrating objectives with local nature conservation plans and emerging local nature recovery strategy and the Kent Downs AONB Management Plan principles and relevant landscape character assessment guidelines.”</i></p> <p>The Applicant notes that further details of the LEMP advisory group are available in Section 4, Implementation of the Landscape and Ecology Management Plan of the oLEMP. The advisory group will be set up to help inform decision making throughout the duration of the LEMP, which would be to the point of establishment of habitat (or such shorter time as the advisory group may agree). The requirement for an advisory group is secured via the oLEMP, which is secured under Requirement 5 of the DCO. The advisory group will assure LEMP related targets and commitments made to stakeholders.</p>	<p>Outline Landscape and Ecology Management Plan [REP4-140]</p>	

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>The draft terms of reference for the LEMP advisory group are included in Appendix 1 of the oLEMP.</p> <p>Further discussions are planned to take place with TMBC on this matter.</p>		
<p>Detailed design / management plans / implementation</p> <p>Support for proposed compensatory land</p>	<p>2.1.21</p> <p>RRE</p>	<p>TMBC agrees that the usual nitrogen dioxide mitigation measures, such as reducing speeds and installing nine-metre-high vertical barriers, would not be suitable in this occasion, vertical barriers also have the potential to be harmful to local wildlife.</p> <p>Well managed compensatory tree planting is a good option to capture nitrogen, reduce noise and store carbon and as it is almost impossible to remove nitrogen, scraping small areas that would benefit from some bare ground introduction (adding habitat structure) is another alternative for areas of compensatory land. It may also be possible to enhance and improve the management of mitigation land with conservation grazing too, an essential ecological restoration technique for sensitive habitat including chalk grassland.</p>	<p>The preparation of detailed design and long-term management plans are ongoing. The Applicant would be happy to discuss the development of the plans which form part of the Landscape and Ecology Management Plan (LEMP) post application. The objective is to create and manage a mosaic of wildlife-rich habitats. Many options for the target habitats and how to manage them are still under discussion.</p>	<p>Outline Landscape and Ecology Management Plan [REP4-140]</p>	<p>Matter Agreed</p>

Topic	Item No.	Tonbridge & Malling Borough Council Comment	The Applicant's Response	Application Document Reference	Status
		Overall, 250ha of compensatory habitat is of benefit to Kent and TMBC look forward to reviewing the updated Outline Landscape and Ecology Management Plan.			
Detailed design / management plans / implementation Fencing and security of compensation site	2.1.22 RRE	<p>TMBC does not support the use of security fencing around the perimeter of the compensation site unless this is absolutely necessary to avoid unlawful access/occupancy. Other types of fencing, such as deer fencing might be more cost effective and appropriate. The extension and creation of public rights of way should also be considered too, in partnership with KCC, to connect into the North Downs Way National trail.</p> <p>TMBC looks forward to discussing the details of the Landscape and Ecology Management Plan with National Highways and other partners.</p>	<p>The objective of the sites includes avoiding significant effects and providing enhanced landscapes and public access where possible.</p> <p>The Applicant acknowledges TMBC's comment regarding fencing and will consider a response for inclusion in a subsequent version of this SoCG.</p> <p>The detailed design and long-term management plans are ongoing. The Applicant would be happy to discuss the development of the plans which form part of the Landscape and Ecology Management Plan (LEMP).</p>	<p>Outline Landscape and Ecology Management Plan [REP4-140]</p>	Matter Agreed

Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Tonbridge & Malling Borough Council since the DCO Application was submitted on 31 October 2022

Date	Overview of Engagement Activities
1 November 2022	Meeting to discuss air quality, noise, and population and human health impacts
11 November 2022	Email to TMBC to offer DCO briefing session
14 November 2022	Email to TMBC to notify of publication of documents on the Planning Inspectorate website
25 November 2022	Lower Thames Crossing Biodiversity and Ecology Briefing
25 November 2022	Email to TMBC concerning SoCG matters
28 November 2022	Email to TMBC to inform that the DCO application was accepted for Examination
14 December 2022	Email to TMBC with pre-examination strategy, timetable and matters under discussion
14 December 2023	Email to TMBC to inform them of the Planning Inspectorate's announcement of the Relevant Representations and Interested Party registration opening date
04 January 2023	Email to TMBC to advise of PADS Tracker request from the Planning Inspectorate
09 January 2023	Email to TMBC to advise on Relevant Representation opening and further PADS Tracker guidance from the Planning Inspectorate
12 January 2023	Email to TMBC to advise on Relevant Representation closing date and further PADS Tracker guidance from the Planning Inspectorate
2 February 2023	Email to TMBC to request confirmation of intentions on submitting PADS Tracker
16 February 2023	Email to TMBC with further PADS Tracker updates
13 March 2023	Regular catchup meeting
28 March 2023	Regular catchup meeting
30 March 2023	Email to TMBC concerning SoCG matters and other issues arising from catchup
4 April 2023	Regular catchup meeting
11 April 2023	Regular catchup meeting
24 April 2023	Emailed to advise of minor refinement consultation scope and launch date
25 April 2023	Regular catchup meeting
10 May 2023	Meeting to discuss air quality and nitrogen deposition SoCG matters
17 May 2023	Emailed to advise that minor refinement consultation had launched
9 June 2023	Emailed draft of Examination Deadline 1 SocG for comment

Date	Overview of Engagement Activities
27 June 2023	Emailed draft of Examination Deadline 1 SocG for final comment / endorsement
27 June 2023	Regular catchup meeting
13 July 2023	Emailed TMBC with details of targeted landowner consultation
18 July 2023	Regular catchup meeting
19 July 2023	Emailed copy of relevant representations report
9 August 2023	Meeting to discuss SoCG updates
15 August 2023	Working draft of Deadline 3 version of SoCG supplied to TMBC
18 August 2023	Emailed Deadline 3 version of SoCG to TMBC for sign off
22 August 2023	Received email endorsement of Deadline 3 SoCG from TMBC
24 August 2023	Requested local NO ₂ monitoring data from TMBC
29 August 2023	Received local NO ₂ monitoring data from TMBC
6 September 2023	Signed Planning Performance Agreement received from TMBC
26 September 2023	Regular catchup meeting
5 October 2023	Meeting with TMBC and Kent County Council to discuss identified environmental effects in the A228 area
6 October 2023	Supplied slides from A228 meeting held on 5 October 2023.
10 October 2023	Draft of Deadline 6 SoCG supplied to TMBC
10 October 2023	Meeting to discuss potential Project contributions to TMBC cycling infrastructure
13 October 2023	TMBC returned Deadline 6 SoCG version with comments
24 October 2023	Deadline 6 SocG version emailed to TMBC for endorsement.

Appendix B Glossary

Term	Abbreviation	Explanation
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Air Quality Management Area	AQMA	An area, declared by a local authority, where air quality monitoring does not meet Defra's national air quality objectives.
Air Quality Strategy objective	AQS objective	An objective set by the Air Quality Strategy for England, Scotland, Wales and Northern Ireland to improve air quality in the UK in the medium term. Objectives are focused on the main air pollutants to protect health.
Area of Outstanding Natural Beauty	AONB	Statutory designation intended to conserve and enhance the ecology, natural heritage and landscape value of an area of countryside.
Combined Modelling and Appraisal Report	ComMA	The purpose of the Combined Modelling and Appraisal Report is to inform decision makers and stakeholders on how the evidence underpinning the business case has been developed, from the initial identification of the underlying problem through the collection of data and the production of any supporting traffic models and forecast impacts of the Project on traffic to the eventual economic appraisal.
Department for Environment, Food and Rural Affairs	Defra	The government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the United Kingdom of Great Britain and Northern Ireland.
Department for Levelling Up, Housing and Communities	DLUHC	The UK Government department for housing, communities, local government in England and the levelling up policy. Formerly called the Ministry of Housing, Communities and Local Government.
Department for Transport	DfT	The government department responsible for the English transport network and a limited number of transport matters in Scotland, Wales and Northern Ireland that have not been devolved.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is the highway authority. For the A122 Lower Thames Crossing, the Overseeing Organisation is National Highways.

Term	Abbreviation	Explanation
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Emissions Factors Toolkit	EFT	The Emissions Factors Toolkit (EFT) is published by Defra and the Devolved Administrations to assist local authorities in carrying out review and assessment of local air quality as part of their duties under the Environment Act 1995.
Local planning authority	LPA	A local planning authority is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area of the UK. May also be referred to as 'local authority'.
Lower Thames Area Model	LTAM	Transport model designed to forecast impacts of providing additional road-based capacity across the River Thames at locations at or east of the existing Dartford Crossing.
Monitoring	-	A programme of observation, measurement and recording of environmental variables and operational parameters over a period of time for a defined purpose.
Nitrogen dioxide	NO ₂	A reactive gas introduced into the environment by natural causes, including entry from the stratosphere, bacterial respiration, volcanos, and lightning. It is also introduced by the emissions of internal combustion engines burning fossil fuels.
Outline Landscape and Ecology Management Plan	oLEMP	A document which outlines the proposed management of the landscape and ecological elements of the Project.
Road Investment Strategy	RIS	The Government's long-term strategy to improve England's motorways and major A roads. The first RIS (known as RIS 1) was published in 2015 and covers the period 2015-2020. A second RIS (RIS 2) was published in 2020, and covers the post-2020 period.
Special Area of Conservation	SAC	A designation under EU Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the Habitats Directive.
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.
Trip End Model Presentational Program	TEMPro	DfT software for viewing data from the DfT's National Trip End Model
Transport Analysis Guidance	TAG	National guidance document produced by the Department for Transport.

Term	Abbreviation	Explanation
Trip End Model Presentational Program	TEMPro	DfT software for viewing data from the DfT's National Trip End Model
Web-based Transport Appraisal Guidance	WebTAG	Former name given for the Department for Transport's web-based multi-modal guidance on appraising transport projects and proposals, now known as Transport Analysis Guidance (TAG).

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