

Lower Thames Crossing

9.133 Post-event submissions, including written submission of oral comments, for ISH10

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1 Introduction

Please note: this document contains the Applicant’s written summary of oral evidence and post-hearing comments on submissions made by others at Issue Specific Hearing 10 (ISH10) held on 24 October 2023.

Where the comment is a post-hearing comment submitted by the Applicant, this is indicated. This document uses the headings for each item in the agenda published for Issue Specific Hearing 10 (ISH10) [[EV-076](#)] on 12 October 2023 by the Examining Authority (ExA).

1.1 Welcome, introductions, arrangements for the Hearing

1.1.1 National Highways (the Applicant), which is promoting the A122 Lower Thames Crossing (the Project), was represented at ISH10 by Andrew Tait KC, Counsel (AT).

1.1.2 The following persons were also introduced to the ExA:

- a. Mustafa Latif-Aramesh, BDB Pitmans LLP, Partner and Parliamentary Agent (MLA)
- b. Dr Tim Wright, Lower Thames Crossing, Head of Consents (TW)
- c. John Rhodes OBE, Lower Thames Crossing, Strategic Planning Advisor (JR)
- d. Graham Stevenson, Lower Thames Crossing, Transport Planning Lead (GS)
- e. Steve Roberts, Lower Thames Crossing, Design and Engineering Director (SR)
- f. Tom Henderson, BDB Pitmans LLP, Partner (TH)

2 Purpose of the Issue Specific Hearing

2.1.1 The Applicant did not make any submissions under this agenda item.

3 ExA questions on: Update on matters arising from ISH4

3.1 Item 3(a) Wider Network Impacts Update

Item 3(a)

Item 3(a)(i) Applicant to provide an update statement on Wider Network Impacts

- 3.1.1 TW explained that the Applicant would be setting out a progress update. TW noted that workshops had been held by the Applicant in respect of Blue Bell Hill and Orsett Cock, with Thurrock Council (TC), Essex County Council (ECC), DP World London Gateway (DPWLG) and Port of Tilbury London Limited (PoTLL), as reported in the joint position statement submitted at Deadline 5 [REP5-084]. TW explained that following that meeting a set of amendments were proposed to the Orsett Cock VISSIM model, to address concerns raised by Interested Parties (IPs). TW explained that there were two elements of that modelling update which were not agreed: one regarding driver behaviour and one regarding the layout of the proposed road, particularly with regard to the length of the merge of the A13 eastbound to Orsett Cock slip with the Lower Thames Crossing to Orsett Cock slip.
- 3.1.2 TW explained that the Applicant subsequently prepared an updated VISSIM model, which was issued in draft form on 6 October 2023 in accordance with the agreed timetable. Unfortunately, following the submission of that model, the Applicant identified an error in the model, which then had to be reworked. The Applicant has now fixed the error and resubmitted a further model with a full modelling report on 20 October 2023 to all relevant IPs. The Applicant had agreed to import some of the findings of the VISSIM model into the Lower Thames Area Model (LTAM) and produce a report of the same, on a without prejudice basis in order to help discussions progress. TW confirmed that the Applicant had submitted this report on 23 October 2023, noting that the Applicant recognises that IPs would need some further time to consider the findings and provide comment. The Applicant is proposing to submit information on the modelling exercises at Deadline 6 on 31 October 2023. **Post hearing note:** The Applicant has submitted 9.15 Localised Traffic Modelling Appendix C - Orsett Cock Forecasting Report [Document Reference 9.15 Appendix C (2)] and 9.15 Localised Traffic Modelling [Document Reference 9.15 (3)] at Deadline 6 on the 31 October 2023.
- 3.1.3 In response to the ExA's suggestion regarding the report, TW confirmed that the Applicant's hope is for the information to be digested by IPs and then a subsequent round of hearings can be used to address issues.
- 3.1.4 With regard to monitoring and mitigation of wider network impacts, TW confirmed that the Applicant offered to discuss monitoring and mitigation, on a without prejudice basis, with the group at the modelling workshop, particularly in relation to Orsett Cock. This was declined at that time, however at the end of the meeting following further conversation, a desire to have this conversation was put forward by certain parties. As such, a tripartite meeting was held with representatives from PoTLL and DPWLG, which focussed primarily on the

Orsett Cock junction and to an extent on the Manorway junction. TW noted that this meeting was held without prejudice, noting that it was a useful discussion.

- 3.1.5 TW noted that in this tripartite meeting, the Applicant discussed the proposed requirement regarding operation at Orsett Cock, recognising that concerns have been set out by IPs about detailed design fitting with the modelling work and outcomes to be achieved. The Applicant has since proposed a new requirement for Orsett Cock to secure a scheme to be developed prior to the start of construction to optimise operation, and such a scheme would be informed at that point by updated traffic monitoring and modelling, with information being set out through consultation with TC and the ports, prior to a decision by the Secretary of State (SoS). TW clarified that this has been shared through Examination, and is not being withheld on a without prejudice basis, noting that this is something the Applicant intends on amending in the Development Consent Order (DCO), as informed by conversations with the ports and a proposed discussion with TC.
- 3.1.6 Finally, the Applicant is preparing a further submission at Deadline 6 on 31 October 2023. This submission will set out the Applicant's policy position with regard to the nature of the impacts, which will be introduced today in ISH10. **Post hearing note:** The Applicant has submitted Wider Network Impacts Position Paper [**Document Reference 9.134**] at Deadline 6 on 31 October 2023.
- 3.1.7 In respect of Blue Bell Hill, TW explained that the Applicant held a conversation with Kent County Council (KCC) on 25 September 2023 on compensation which is set out in the parties' joint statement submitted at Deadline 5 [[REP5-083](#)]. The Applicant maintains its position that it would be inappropriate for the Applicant to predetermine the government funding decision process by providing any form of commitment to fund some or all of the Blue Bell Hill improvements, which the Applicant understands differs from KCC's position. The Applicant notes, however, that the Blue Bell Hill was included as part of the Network North announcement associated with the cancellation of High Speed 2 (HS2) north of Birmingham, and TW quoted: 'These schemes, subject to successful business case approval, will benefit from an uplift in government contribution from 85% to 100% of their costs at the outline business case stage' (Department for Transport (DfT), 2023).
- 3.1.8 In response to the ExA's suggestion, AT confirmed that the Applicant can agree to an additional examination deadline (Deadline 6a). AT noted that the Applicant may not be able to respond to the upcoming PoTLL submission expected on 26 October 2023, by Deadline 6, but as suggested by the ExA, the Applicant could reasonably respond by Deadline 6a, should this be implemented by the ExA.
- 3.1.9 In response to the ExA query regarding air quality modelling, TW confirmed that the Applicant would not be submitting updated air quality modelling and that the Applicant's position is that the current LTAM modelling remains robust for the decision informing the environmental statement, and that this VISSIM modelling, and the VISSIM into LTAM modelling is simply to demonstrate the robustness of the modelling that the Applicant has already provided.
- 3.1.10 In response to Mr John Elliott's submission, AT confirmed that the Applicant would respond in writing [**post-hearing note:** this is contained in Annex A.10 of this document]. TW noted that no further modelling is to be submitted at

Deadline 6 other than that already provided to IPs **[Post hearing note:** This information is set out in 9.15 Localised Traffic Modelling Appendix C - Orsett Cock Forecasting report **[Document Reference 9.15 Appendix C (2)]** and 9.15 Localised Traffic Modelling **[Document Reference 9.15 (3)]** which have been submitted at Deadline 6 on 31 October 2023]. TW clarified that the Applicant is currently considering the construction phase Asda model and representations made by IPs. The Applicant has not yet made a decision about whether to submit a revised model, but if it were to do so, this would likely be submitted at Deadline 7 on 17 November 2023. In response to the ExA, TW clarified that this relates to the Asda roundabout only. **[Post hearing note:** The Applicant has submitted 9.158 Applicant's submission on construction impacts and management at Asda roundabout **[Document Reference 9.158]** at Deadline 6 on 31 October 2023].

- 3.1.11 In response to TC, TW noted that the Applicant cannot commit to modelling any faster. In relation to the Asda roundabout during construction, the Applicant can set out information that would put modelling already provided in context in relation to the construction scenario, demonstrating how impacts at the Asda roundabout could be mitigated through operational controls. TW noted that the Applicant would need to confirm this, but that this information could potentially be submitted prior to Deadline 7 **[Post hearing note:** The Applicant has submitted 9.158 Applicant's submission on construction impacts and management at Asda roundabout **[Document Reference 9.158]** at Deadline 6 on 31 October 2023 which sets out the Applicant's approach to further modelling at the Asda roundabout].
- 3.1.12 In relation to the Applicant's policy position, JR explained that the Applicant would submit its updated position in full at Deadline 6 **[Post-hearing note – this is contained within: Wider Network Impacts Position Paper [Document Reference 9.134]]**. JR noted that the Applicant wished to set out its view on how policy on traffic-related impacts and mitigation should be interpreted and applied to this Project. JR noted that this can be considered under three headings: strategic road network (SRN) investments have a deliberate and different policy framework; the approach to decision making; and the approach to be taken to the mitigation of impacts. JR then noted that he wished then to look at the Wider Network Impacts (WNI) Strategy and compare it, for instance, with the approach taken at Silvertown.
- 3.1.13 JR added that it is important to recognise the particular nature of this DCO proposal and what the specific policy framework is for that. JR acknowledged that Sizewell C has been used as a comparison, but noted that there is a difference between the two, as the Project is a networks proposal designed to bring benefit to the road network and which connects routes and redistributes traffic. This is different from a development project which creates new traffic impacts at a point in the road network which then has to mitigate its effects for its own benefit and the benefit of the affected network.
- 3.1.14 JR noted that this is a distinction recognised in policy and explained that this is why there is a National Networks National Policy Statement (NPS) with its own particular policy tests whilst other projects either have their own NPS with different tests or are dealt with through the Town and Country Planning Act process against the different tests in the National Planning Policy Framework

(NPPF) and Circular 02/2013. Those documents are not designed for this type of development and their policies should not be applied as if they did (although we can learn from the nature of the tests they provide).

- 3.1.15 The National Policy Statement for National Networks (NPSNN) itself, deals with two different types of Nationally Significant Infrastructure Projects (NSIPs): nationally significant road (and rail) connections and strategic rail freight interchange projects, and it distinguishes between the requirements for each. JR noted that rail freight interchanges are more akin to ‘ordinary’ development, i.e. a point of impact brought forward by the private sector. In terms of mitigation, the policies are deliberately quite different. JR explained that there may be two reasons for this:
- a. Additions to the national network add capacity and redistribute traffic, which is inherently different from a more traditional form of development.
 - b. Network developments are part of a funded process of investment – the programme exists to incrementally address network issues. In paragraph 1.21 of the NPSNN it is explained that, alongside the NPS, there are the investment programmes for the road and rail networks – the Rail Investment Strategy (HLOS) and the Road Investment Strategy (RIS). These provide *‘detailed articulation of the Government’s funding strategy for the road and rail networks and investment priorities’*.
- 3.1.16 JR noted that this distinction is highly material when considering calls from local authorities and others to add further investment to this Project and solve pre-existing issues on the SRN. JR added that this Examination cannot only assume that the government’s Road Investment Strategy process will work, but it can see it clearly working in practice. JR referenced RIS2 which recognises that the Project will have an impact on the road networks in Kent and Essex and that the government will consider what this means for the SRN, and also in relation to the improvements on the A2 into Kent.
- 3.1.17 JR added that the process of planning further investment can also be seen to be working in practice through the development of RIS3, for example, in relation to the draft Route Strategy for Kent corridors to the M25, noting that there are 24 references to the Lower Thames Crossing, in recognition that its wider effects may need to be considered as part of a plan for further investment. That process is clearly working and provides an important framework for a decision here and in relation to mitigation for the Project. Local highway authorities are engaged and feeding into that process.
- 3.1.18 In terms of the approach to decision-making, JR noted that it is important to recognise that the NPSNN provides a presumption in favour of new network infrastructure projects (paragraphs 2.8 and 4.2) and that paragraphs 4.3 and 4.4 explain how decisions are to be approached – they provide that decisions are to be based on a balanced consideration of benefits and impacts. JR added that this approach acknowledges that there will be impacts; it does not anticipate that they will all be mitigated, but that they must be taken into account.
- 3.1.19 JR added that this approach is consistent with s104 of the Planning Act 2008, in that the scheme must be determined in accordance with the NPS. JR continued

that, in relation to Strategic Rail Freight Interchanges (SRFIs) in the next paragraphs 5.213–5.214, the guidance is explicit that the applicant should mitigate impacts identified in the WebTAG compliant Transport Assessment.

- 3.1.20 In response to the ExA’s comments, JR clarified that the Applicant fully appreciates that negative impacts must be given consideration, but that this is different to whether they have to be mitigated.
- 3.1.21 JR noted that the NPSNN simply provides for network projects that mitigation measures should be proportionate and reasonable and that specific impacts are identified that should be addressed.
- 3.1.22 In considering what this means for the approach to mitigation, the starting point for analysis is the approach which the NPSNN requires generally to requirements or obligations. The NPSNN makes clear that requirements should only be imposed where they meet several tests, including that they are ‘*necessary*’ (paragraph 4.9), whilst ‘*Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms*’ (paragraph 4.10), i.e. acceptable in the balance of benefits and effects.
- 3.1.23 JR noted that a number of the IPs have confirmed that either adverse impacts must be mitigated, or unacceptable impacts must be mitigated. The NPSNN contains five references to impacts which may make development ‘unacceptable’ unless they are mitigated. JR noted that none of these references relate to transport, but that these relate to different environmental topics such as pollution, air quality or land stability.
- 3.1.24 JR clarified that the Applicant explained at the Issue Specific Hearings 4 [REP4-180] and 7 [REP4-183] that the NPSNN does not require mitigation simply to address an increase in congestion, noting that IPs have not shown this to be incorrect.
- 3.1.25 Thurrock Council’s submission at Deadline 4 [REP4-352] (at page 50) relies on paragraphs 3.3 and 5.202 from the NPSNN. Neither of these support the Council’s assertion that adverse traffic effects must be mitigated, rather they set out the importance of other types of effects: social and environmental. [Post-hearing note: Thurrock Council continues to rely on paragraph “5.202, 5.211, and 5.215 to 5.217” (Transcript for ISH10). In the Applicant’s view this shows the weakness of their interpretation, and some of these paragraphs require ‘consideration’ rather than mitigation, and must be read in the context of the wider road investment framework and the mitigation included in the Project. This is addressed further in 9.134 Wider Network Impacts Position Paper [Document Reference 9.134], submitted at Deadline 6 on 31 October 2023.]
- 3.1.26 JR acknowledged that a number of people aspire to free flow conditions but highlighted that this is not a policy requirement. JR added that it is not government policy to plan or expect free flow conditions and that NPSNN paragraph 2.24 is explicit that schemes will be brought forward to tackle specific issues, including those of safety, rather than to meet unconstrained traffic growth, by predict and provide.
- 3.1.27 The Applicant’s position is that localised congestion or increased delay, therefore, is not the test to be applied when considering the need for mitigation. If there was an impact in relation to congestion or delay then that would be an

important consideration to take into account, but even in that respect, the cumulative effects of the Project on the SRN are overwhelmingly positive.

- 3.1.28 JR explained that the NPSNN tells us where mitigation is necessary, noting that the priorities are safety, severance and accessibility, and environment. In terms of other impacts, the Applicant can only do what it can within the Order Limits. JR reiterated that it is recognised that it is for future investment strategies to address those additional issues. For these reasons, it is the Applicant's position that the WNI strategy is appropriate as it recognises the role of the Project within that process and commits to working with relevant authorities to ensure that the further process is fully informed.
- 3.1.29 JR explained that the 'Silvertown approach' was put forward by others as preferable – but it is important to understand what that approach does.
- 3.1.30 The approach in Silvertown is set out in Requirement 7 of its DCO. It is divided between prior to opening the tunnel and post opening. Post opening is most relevant here. The DCO requires Transport for London (TfL) to work with a group called STIG (the Silvertown Tunnel Implementation Group) to monitor and identify impacts or material worsening of conditions on the road network from the project and to identify measures to mitigate that. There is no definition of 'material' and Requirement 7 requires the applicant to identify in consultation with members of STIG what appropriate thresholds might be.
- 3.1.31 Schedule 18 of the DCO refers to the certified monitoring and mitigation strategy (MMS). It contains triggers in its appendix – but these are alerts to where effects appear to be greater than anticipated and are not definitions of the acceptability of impact or the need for mitigation. It says '*if TfL determines that mitigation is not required following a trigger activation it will provide the members of STIG with a clear justification for this.*' (Annex E E1.2)
- 3.1.32 JR highlighted that Silvertown is a solution for London. It does not relate to the strategic road network outside London. London does not have a comparable road investment strategy process which already involves consultation with other parties through the route strategies and initial report which feed into road investment strategy decisions; so a similar process was invented through the DCO.
- 3.1.33 JR noted that it is important to recognise, however, that Silvertown does not require all adverse impacts to be mitigated. It does not require them to be agreed with STIG – it involves STIG in the process. JR added that in London, the Mayor and TfL retain control over investment decisions. Outside of London, it is the Secretary of State. In either case, the strategic highway authority retains control and balances its priorities. JR noted that for the Project, there is already a process so the Applicant's position is that it does not need to invent a new process.
- 3.1.34 JR added that that process also has advantages. It has the particular benefit of considering all impacts, and characteristics of the network, not just taking into account any effects of this Project – future investment strategies will be better informed if all relevant matters affecting the network are taken into account.
- 3.1.35 MLA explained that he will set out how what JR explained translates into the draft DCO. MLA noted that the Applicant's position is based on a careful consideration of the relevant policies, wider frameworks in place, as well as the

precedents the Applicant cited at ISH7 – that it does not consider Silvertown Tunnel provides a relevant comparator, nor is it necessary or proportionate in the context of the Lower Thames Crossing.

- 3.1.36 MLA reiterated that a requirement will be inserted into the draft DCO at Deadline 6 [**Document Reference 3.1 (8)**] in relation to Orsett Cock roundabout. This is not on a without prejudice basis as the Applicant acknowledges the submissions from TC and PoTLL that Orsett Cock is distinct from the wider road network impacts. The Applicant has also set out its position on the A229, and does not consider even on a without prejudice basis it is can realistically provide a commitment.
- 3.1.37 The Applicant notes that in the actions lists for ISH4 and ISH7, the Examining Authority did not ask for a general without prejudice provision replicating or applying the Silvertown Tunnel approach. Nonetheless – on a without prejudice basis – MLA explained that the Applicant is proposing to submit at Deadline 6, the drafting of a provision which seeks to provide further assurance should the ExA be minded to recommend a more general provision beyond the Orsett Cock requirement that is being inserted as well as Requirement 14.
- 3.1.38 In response to the ExA, MLA confirmed that the Applicant agrees with the ExA's position on the approach to comparison with the Silvertown Tunnel, noting that the Applicant does not seek to replicate Silvertown, but that its without prejudice position is focussed on the scale of the Project and managing what the operational impacts might be.
- 3.1.39 MLA explained that the without prejudice provision would secure the establishment of a Network Management Group (NMG), which will be consulted on the operational traffic impacts directly arising from the Lower Thames Crossing. That group will meet annually, and be consulted on those impacts. MLA explained that in the years where monitoring is provided under Requirement 14, the Applicant would have to consult the NMG on thresholds for impacts on the road network which may require intervention, and set out steps in connection with those interventions which the Applicant proposes, either through permitted development rights, including the intervention in the 'initial report for the SRN', or supporting local authorities in seeking to bring forward and seek funding for the scheme. This would, following consultation with the group, be submitted to the SoS in relation to that network management plan. MLA explained that the protections on that consultation which exist in articles 20 to 21 in Schedule 2 would apply to ensure that the consultation was meaningful and effective.
- 3.1.40 In terms of why the Project is different to Silvertown, MLA noted that the Project does not use the slightly vague language in the Silvertown Tunnel DCO relating to 'material worsening' but instead has a description of traffic conditions that will be the subject of consultation, and following that, a process for trying to identify the steps to address traffic conditions. MLA noted that it is worth emphasising that what the Applicant is seeking to do is to tie interventions to permitted development rights or things directly in control of the Applicant such as the incorporation of and intervention in an initial report or route strategy for the SRN, or if it is not on the SRN, the steps that the Applicant would take in cooperating with the local highway authority in order to bring forward an intervention.

- 3.1.41 MLA explained that the reason the Applicant has selected items which are in its control is that the Applicant is not the ultimate decision-maker for investment decisions or the implementer of schemes which must ultimately be approved by the DfT. This therefore is the Applicant's process for managing the uncertainty given the scale and difference between the Project and the Silvertown Tunnel. MLA reiterated that this position would be submitted at Deadline 6 on a without prejudice basis. The Applicant's view is that it is not necessary or proportionate in planning terms to provide, and that the requirements provided in relation to Orsett Cock and the traffic monitoring and management requirements are sufficient.
- 3.1.42 In response to the ExA, MLA confirmed that the Applicant will consider the ports NPS in its submission, as well as ensuring the overarching network considerations are included in its analysis, as suggested by the ExA. MLA also highlighted that the Applicant is intending on submitting a response to the joint position statement put forward by the ports on the ports NPS, so this can be drawn through.
- 3.1.43 JR agreed in response to the ExA that it is important to get the best monitoring mitigation strategy but pointed out that Requirement 14 of the draft DCO [\[REP5-024\]](#) requires the draft approach in the Wider Network Impacts Management and Monitoring Plan (WNIMMP) [\[APP-545\]](#) to be developed into a full MMS, with the benefit of consultation with the IPs. The Applicant will reflect on the discussion but is likely to continue to commend the existing process but also to think how the monitoring and mitigation strategy can work as well as it can within the existing process.
- 3.1.44 In response to the submissions made by IPs, JR noted that the Applicant would respond fully in writing. **Post Hearing Note:** The Applicant has addressed these within 9.134 Wider Network Impacts Position Paper [**Document Reference 9.134**], submitted at Deadline 6 on 31 October 2023.
- 3.1.45 In response to TfL stating that monitoring is required particularly because the Project is redistributing traffic, or because it was appropriate to involve authorities in that way despite the operation of the Mayor's Transport Strategy, JR agreed. That is why the Applicant has put forward the WNIMMP, which will do all the things suggested.
- 3.1.46 In respect of submissions made stating that congestion in itself is not good, JR agreed – it does have adverse effects but those are impacts that have been assessed in the application, in the economic appraisal and also in the environmental assessments. The Applicant has looked at noise and air quality impacts and benefits of changes in journey times and delay.
- 3.1.47 JR noted that submissions were made that suggested that the RIS does not deal with local impacts. JR stated that, whilst the RIS is concerned with the SRN, the WNIMMP is deliberate in identifying monitoring locations on the local network and explicit that its outputs will be used to inform the investment process for local roads as well.
- 3.1.48 It was stated that the value of STIG was that parties came to a collaborative view – JR said that was not correct. The DCO is deliberately drafted for the strategic authority to retain control over investment decisions; transparently.

- 3.1.49 In respect of different assertions about the NPSNN, JR asked IPs to please look at the words regarding specific policy requirements which the Applicant must address. JR noted that IPs had put particular emphasis on paragraph 5.216 and the expectation to mitigate impacts on accessibility. The NPSNN was very clear on its meaning of accessibility (see the section at paragraph 3.19). It relates to accessibility for non-motorised users and the disabled, not to generalised congestion.
- 3.1.50 It was suggested that Silvertown did relate to ‘unacceptable impacts’. However, JR stated that it was important that there was no definition of unacceptability and that Requirement 7 reserved any definition of a threshold of acceptability to be subsequently decided by TfL.
- 3.1.51 JR stated that there is no definition in any planning policy on the point of when congestion impact becomes unacceptable. It is therefore a case of judgment. In the Applicant’s view, the lack of definition is deliberate – it is a judgment to be exercised having regard to affordability, taking into account other priorities. The WNIMMP provides the mechanism for proposals to be put forward for the SoS to judge, taking account of all views.
- 3.1.52 In relation to Blue Bell Hill, JR noted the importance of recognising that the decision maker in this case (the same SoS) is also charged with having to decide whether or not to fund the proposal. JR noted that it is clearly apparent that the SoS is engaging with the issue and the highway authorities and is fully seized of the issues. That decision will be taken by the author of the planning policy and the guardian of public funds and of the SRN. It will no doubt be taken in the context of planning policy and of other government funding priorities. Despite the recent announcement, IPs have expressed a concern today at ISH10 that the funding may not be secure and are effectively trying to use this DCO to force a decision on the SoS. JR noted that the SoS is aware of the issues and the decision will be made according to policy. It is not for the DCO to tell the SoS how to exercise its duties.
- 3.1.53 In response to Gravesend Borough Council, the Applicant is absolutely not suggesting these effects do not need to be considered. JR noted that it is the Applicant that has fully assessed the impacts on the strategic and local road network without placing any reliance on an assumption that any of the long list of unfunded highway schemes that IPs say are required, will come forward. The economic and environmental effects have been assessed by the Applicant on that basis and any adverse effects fully taken into account. The balance is overwhelmingly positive.
- 3.1.54 As for the potential for unforeseen impacts (or benefits) to emerge in the future, JR made two points. First, the obligation on the Applicant is to assess likely significant effects. Second, the application puts in place a monitoring strategy specifically to capture future events and feed that information into the processes that inform future decision making on the strategic and local network.
- 3.1.55 JR noted that the PoTLL have suggested that Silvertown provides the best precedent. JR stated that the Applicant has considered this but identified that it has a comparable outcome of mitigation determined by the highway authority, informed by monitoring and consultative collaboration, in accordance with government policy.

- 3.1.56 **Post-hearing submissions:** These are contained in Annex A and include:
- a. Section A.2 – Hearing Action Point 1: Wider Network Impacts
 - b. Section A.3 – Hearing Action Point 3: NPS Policy and RIS relationship
 - c. Section A.4 – Hearing Action Point 4: Modelling Matters
 - d. Section A. 5 – Hearing Action Point 5: Silvertown Approach
 - e. Section A.6 – Hearing Action Point 7: Network North Implementation
 - f. Section A.7 – Operational monitoring locations in Havering
 - g. Section A.8 – Interaction between funding envelope and further investments
 - h. Section A.9 – Responding to proposal provided by the Port of Tilbury for the ASDA roundabout
 - i. Section A.10 – Respond to the points from John Elliott

4 ExA questions on: Public Rights of Way (PRoWs) & Non-Motorised User (NMU) Routes

4.1 Item 4(a) Legal Status of proposed NMU routes and PRoWs

Item 4(a)(i)

Item 4(a)(i) Whether there is clarity and agreement between parties of the legal status of new and affected routes.

- 4.1.1 AT confirmed during Holland Land & Property Ltd's submission in respect of the Project design for walkers, cyclists and horse-riders, that the Applicant had submitted supplementary plans [[REP2-072](#) to [REP2-074](#)].
- 4.1.2 AT noted that having heard the highway authorities' views, none are suggesting that there is any over provision for, nor are any suggesting that only the bridleways should be downgraded to footpaths. AT suggested that in response to the IP submissions, he groups the points made by Holland Land & Property Ltd, Mr Jeremy Finnis and Mr Tom Benton together into a series of points, the first of which was addressed by TH.
- 4.1.3 TH explained that the Applicant's general position when providing rights of way away from the highways is to establish these as formal rights of way, under the Highways Act 1980, whether these are footpaths, bridleways or cycle tracks. TH noted that in a small number of instances, the Applicant is proposing to use existing or create new permissive paths, noting for clarity that a permissive path is a way over land for a category of users, which is available by permission of the landowner, and not 'as of right'. TH explained that it is therefore not a highway as defined by the Highways Act 1980, rather it qualifies as a street under section 48 of the New Roads and Street Works Act 1991. In terms of specific areas where there are permissive paths, TH noted that there are three. The first permissive path is the temporary diversion of the cycleway on the A2 through Ashenbank Woods and Jeskyns Woods, the second is the area around Tilbury Fields and Coalhouse Fort, and the third is at the Thames Chase Forest area.
- 4.1.4 **Ashenbank Woods:** TH explained that the Applicant is proposing to temporarily resurface the Darnley Way which is an existing permissive route, to cater for pedestrians and cyclists whilst the National Cycle Route 177 (NCR177) is temporarily diverted from its current route adjacent to the A2. That route then carries on through to Jeskyns Community Woodland. TH clarified that Ashenbank Woods is, as the Applicant understands, owned and controlled by the Woodland Trust. Jeskyns Community Woodland is the property of Forestry England and is Crown Land, meaning that the Applicant is reliant upon Crown consent for any exercise of a DCO power in that land. The Applicant notes that Forestry England does not support a permanent new bridleway; they already operate a number of permissive ways through Jeskyns Community Woodland and they support the provision of the temporary diversion. TH noted that Ashenbank Woods is not Crown land; however, the Woodland Trust, for environmental reasons, do not support permanent rights of way being created

through that woodland. TH clarified that the Applicant's intention is not to imply that the Applicant requires the Woodland Trust's permission to create the diversion, rather that the Order permits the Applicant to take temporary possession of that land, and then the creation of a right of way across it. TH confirmed that the nuance here is that it is an existing permissive path and the Applicant is seeking powers to temporarily divert the cycleway. TH reiterated that the Applicant does not require permission in the same way as it does with Jeskyns Community Woodland. TH noted that consideration was given to the creation of a permanent bridleway but it is not something that can practically be implemented here, which is why, given the works are ultimately temporary, this is not being created as a permanent bridleway.

- 4.1.5 **Tilbury Fields:** TH explained that the land here is being acquired freehold by the Applicant for the likes of Tilbury Fields' environmental mitigation areas. In certain locations, the Applicant as landowner, is looking to create permissive ways, rather than form public rights of way for reasons of environmental mitigation. TH noted that there may be a need to move paths or restrict the use of paths, for example, when nesting birds are using the land which has multi-functional purposes. This land would be in the Applicant's control and therefore it is capable of creating those permissive rights.
- 4.1.6 **Thames Chase Forest:** TH explained that this is also Crown land, and as the Applicant understands, managed by the Forestry Commission, but ultimately owned by the Department for Environment, Food and Rural Affairs (Defra). As a result, the Applicant does not have the ability through the DCO to unilaterally create rights of way, and so TH explained that through discussions with the Forestry Commission, there are proposals to create certain permissive ways for cyclists and horse riders that co-exist with an existing footpath.
- 4.1.7 TH in response to ExA noted that the issue of reliance on permissive paths was recently considered in the A47 Blofield DCO scheme, whereby the SoS concluded that it was acceptable to rely upon those where the prospect of them being closed was remote. TH noted that in this instance, the paths would be owned and maintained by the Applicant around Tilbury Fields, and then by Forestry England/the Forestry Commission through Defra. The Applicant's position therefore is that it is reasonable to assume that those paths will endure and those parties, through negotiation, will be content to maintain them.
- 4.1.8 TH pointed to article 10(5) of the draft DCO [\[REP5-024\]](#) which provides that where a street which is not intended to be a public highway is constructed, altered or diverted, there is a defect period of 12 months where maintenance liability sits with the undertaker. TH explained that after this, it sits with the street authority, who ultimately is the 'street manager', which in this case would be the landowner, who would ultimately be responsible for maintaining the permissive ways.
- 4.1.9 AT noted that the second point the Applicant wished to address by way of response to the IP submissions was the concern about the extent of the rights of way and the upgrade to bridleway status. SR explained that NMU proposals generally fall into three categories: i) those that address route severance caused by the Project; ii) routes that address historic severance; and iii) new opportunities to support active travel. With regards to the latter point, SR noted that the Applicant is promoting new routes, generally in response and

compliance with NPSNN paragraph 3.17, which states that '*The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems ...*'.

- 4.1.10 SR also referenced paragraph 5.205 of the NPSNN, which states '*Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, consistent with paragraph 3.19-3.22 above, the applicant should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users.*' SR stated that this forms the context for the Applicant's walking, cycling and horse-riding (WCH) strategy.
- 4.1.11 SR explained that the Applicant's overall approach to identifying and promoting new and improved WCH routes is set out in the Applicant's Project Design Report Part E [[APP-512](#)], and a key aspect of this work involved the preparation of a WCH Assessment and Review, as required under the Design Manual for Roads and Bridges (DMRB), part GG 142 (Highways England, 2019). SR explained that the assessment and review considered a range of matters, including existing national and local policy, local demographics, the existing public right of way network, and importantly involved significant engagement with stakeholders to explore opportunities for new WCH routes.
- 4.1.12 In response to Holland Land & Property Ltd's submission regarding consultation and engagement with landowners, SR reiterated that there has been an ongoing dialogue throughout, by the land and property team, engaging with Mr Holland and colleagues across both Essex and Kent, where the Applicant's proposals are affecting or impacting landowners. SR also noted that landowners have had the opportunity to comment on the WCH proposals at the five consultations the Applicant has held.
- 4.1.13 SR explained that on the matter of bridleways, through the Applicant's WCH assessment and review process and engagement, the Applicant noted that there was a strong desire from local authorities in particular, and also user groups such as the British Horse Society, to promote bridleways as they provide the highest degree of accessibility.
- 4.1.14 SR noted that the Applicant has prepared a number of examples of landowner engagement, whereby the Applicant has taken into account their views which have informed its proposals, but agreed with the ExA that the Applicant can provide these examples in writing. **[Post hearing note:** The Applicant has set this out in response to ISH10 Action Point 10, within Annex B.2 of this document.]
- 4.1.15 AT noted that the Applicant's third point to address in response to IP submissions relates to access controls, bearing in mind that this is a national issue, and there are countervailing considerations in balancing enhancements to NMUs against minimising impacts on landowners. AT confirmed that the Applicant is responding to action 17 from the ExA's action list from CAH3 [[EV-056](#)], particularly in relation to Design Principles PEO.06 [[REP4-146](#)].

- 4.1.16 AT noted that the fourth point relates to the assumptions in respect of impacts on farmers and landowners, noting that ES Chapter 13 [APP-151] deals with impacts on landowners. AT acknowledged that the wording is not explicit about unlawful use and its impacts, but noted that the Applicant can explain the position further in its response. **[Post hearing note:** The Applicant has set this out in response within Annex B.8 of this document.]
- 4.1.17 In relation to the fifth point in respect of the comment from Mr Brenton on North Road, SR clarified that the existing footway adjacent to the road carriageway is too narrow (at circa 1.2 metres) and is sub-standard for footways, so would need to be widened. SR noted that the Applicant is promoting a shared WCH route, so this needs additional space, hence the proposal to place it on the east side of North Road where there is more scope to widen. SR added that there is frontage access to a number of properties on the west side, so widening this side is more difficult. The link proposed on the east links to footpath 151, which the Applicant is proposing to redesignate as a bridleway, noting that it also links to footpath 135 to the east of North Road, which the Applicant is also intending to redesignate as a bridleway. For clarity, SR explained that the section of new bridleway that is proposed at the southern end of North Road is routed behind the existing trees to avoid having to impact those trees which the Applicant understands provide screening benefits to the properties to the west.
- 4.1.18 In response to local authorities:
- 4.1.19 AT noted that TC had made five points. Firstly, in relation to the query relating to absence of significant legacy, AT confirmed that there are 33.2km of new NMU routes, 12.5km of NMU routes with increased accessibility (these are generally re-designated routes), and 12.6km of NMU routes widened or re-surfaced. The Applicant's position therefore is that this is a significant legacy. The second point related to Brentford Road future-proofing. SR explained that the Applicant has been working with TC for quite some time to look at the provision of overbridges that cross the Project and carry local authority roads. The Applicant has considered the request from TC in terms of WCH provision to be contained within those structures and the parties have reached reasonable broad agreement on most. The Applicant acknowledges that the parties have not agreed the position in relation to some structures, as noted by TC in its Local Impact Report, Appendix C [REP1-284]. The Applicant's position regarding WCH provision on overbridges is set out clearly within the area-specific principles of the Project Design Principles [REP4-146]. AT continued to note that the third point relates to the provision at Orsett Cock and Asda roundabout. AT confirmed that there is new provision at Rectory Road in relation to Orsett Cock, which the Applicant can explain fully in writing. **[Post hearing note:** This is set out on pages 48 and 49 of Project Design Report - Part E - Design for Walkers, Cyclists and Horse Riders [APP-512]) In relation to Asda roundabout, AT confirmed that there is an underpass to the south, so there are connections proposed already in those two locations **[Post hearing note:** The Applicant has set out further information relating to this at Section 3.3 of 9.134 Wider Network Impacts Position Paper [Document Reference 9.134] at Deadline 6 on 31 October 2023]. Fourthly, in respect of the Framework Construction Travel Plan [REP5-054], AT explained that at paragraph 3.1.4 and 7.2.6, the Applicant is required to promote sustainable forms of transport to sites where travel can be completed in a safe-lit highway

environment with footways for pedestrians, so where practicable, this obligation is imposed on the Applicant. Finally, in respect of TC's suggestion for a single plan showing diversion routes during the construction period, AT and SR confirmed that this is a complex process because during the long period of construction there will be a number of different phases covering different periods of time which are not fully known at this stage. SR agreed that the Applicant would consider the changing picture during construction and respond in writing. In response to the ExA, SR confirmed that the permanent diversions are set out within the WCH plans submitted at Deadline 2 [[REP2-072](#) to [REP2-074](#)]. SR further explained in response to the ExA that the outline Traffic Management Plan for Construction [[REP5-056](#)] sets out some measures in respect of temporary diversion routes, but agreed that the Applicant would consider whether more could be provided by the Applicant to illustrate the proposed diversions.

- 4.1.20 In response to KCC, SR explained that Hares Bridge, an existing bridge over HS1 railway and the A2 is unfortunately too narrow to accommodate shared WCH use. The parapet height of the bridge is also too low to accommodate cyclists and equestrian users, so the bridge would need to be substantially upgraded, or replaced altogether, and the Applicant's position is that there are alternative routes available to users further east and west to make those journeys, and so it is not necessary to make those changes to Hares Bridge. Further in response to KCC's point regarding design standards, AT explained that Design Principles [[REP4-146](#)] PEO.03 covers surfacing, signing, boundary treatments, and access control, and PEO.04 covers design standards and guidance and provides all WCH routes to be designed in accordance with DMRB CD 143 (designing for WCH) (Highways England, 2021a), DMRB CD 195 (designing for cycle traffic) (Highways England, 2021b) and Local Transport Note 1/20 (cycle infrastructure design) (DfT, 2020). AT also noted that the application of these standards led to a space-proofing exercise at each bridge to ensure sufficient width was allowed for the various user groups and that separate design principles relate to provision on green bridges. AT confirmed that the Applicant would respond fully in writing in relation to the design standards. **[Post-hearing note:** The Applicant has set this out within Annex B.9 of this document]. Finally in response to KCC in relation to maintenance of new assets, AT noted that the Applicant had responded in part at ISH3 and that the framework is that which is set out in article 10 of the draft DCO [[REP5-024](#)], which requires the highway to be completed to the reasonable satisfaction of the local highway authority. AT noted that there is also the protective provision in Schedule 14, part 11, which provides for the remedying of defects and the appropriate handover process: an initial certificate provision, the maintenance period on the undertaker and the final certification. AT added that importantly, the maintenance of local highways is funded by the DfT, based on a formula linked to the total mileage of roads and unclassified roads, together with the numbers of various items of infrastructure. AT explained that this is refreshed every few years to take account of changes in road length and number of highway structures, and thus, as local highway works carried out under the DCO, and the amount of funding that each local highway authority receives will be amended to recognise these additional responsibilities. Therefore, it is the Applicant's position that it should not from its funding in relation to the strategic

network, be responsible for those additional responsibilities which have their own mechanisms.

- 4.1.21 In response to London Borough of Havering (LBH)'s submission, SR noted that the Applicant welcomes its support for the Applicant's proposed crossing at the A127 to the west of the M25. SR explained that this is a structure that was introduced some time in 2020 **[Post hearing note: this was in fact 2021]** in response to stakeholder requests following consultation. Notwithstanding the work that is ongoing through the designated funds process, working with LBH to look at firstly, the possible upgrade of the bridge parapets for the structure over the M25, which would support ongoing use by a range of users, including equestrian users, but also, looking at feasibility of an alternative route away from Folkes Lane for WCH users, the Applicant's official position is that that work is not part of the Project, and the Applicant has no intention to bring forward any change to its proposals in that location. With regards to LBH's concerns relating to speeding traffic, SR noted that Folkes Lane is a dead-end road, serving a number of residential properties at the southern end and a number of businesses on the eastern side. The Applicant understands that it is a rural country lane and that if LBH has concerns relating to speeding traffic, this is a matter for them as highway authority to consider suitable measures to address this. AT further confirmed that as far as designated funds are concerned, this is not part of the Project.
- 4.1.22 In response to TfL's submission, SR clarified that the new crossing at the A127 to the west of junction 29 of the M25 is to deal with historic severance, and it is not part of mitigation for the Project. SR understood that the reference made by TfL focusses on the crossing on the eastern side of the A127, east of M25 junction 29. The Applicant's proposed bridge across the A127 to the west of the A127 J29 is to deal with historic severance and it is pleased that TfL agrees that a grade-separated crossing is the right solution at this location.
- 4.1.23 **[Post-hearing note:** Where stakeholder responses have not been responded to these will be provided at Deadline 7 where necessary following their written submission at Deadline 6].

Item 4(a)(ii)

Item 4(a)(ii) Whether there is a need to confirm the legal status of other existing routes within the application boundary.

- 4.1.24 This Agenda Item was addressed at Agenda Item 4(a)(i).

4.2 Item 4(b) Design Standards

Item 4(b)(i)

Item 4(b)(i) Whether proposed design standards are suitable and applied appropriately.

- 4.2.1 This Agenda Item was addressed at Agenda Item 4(a)(i).

Item 4(b)(ii)

Item 4(b)(ii) Whether opportunities to maximise the potential benefit for NMU users and routes has been suitably considered.

4.2.2 This Agenda Item was addressed at Agenda Item 4(a)(i).

Item 4(b)(iii)

Item 4(b)(iii) How usage surveys and assessments have been undertaken and their relevant application.

4.2.3 This Agenda Item was partially covered in earlier agenda items, but the Applicant agreed to respond to this Agenda Item in writing, as directed by the ExA. **[Post-hearing note:** This is contained within B.10 of this document].

4.3 Item 4(c) Future Maintenance

Item 4(c)(i)

Item 4(c)(i) Whether future maintenance responsibility and cost has been sufficiently considered.

4.3.1 This Agenda Item was addressed at Agenda Item 4(a)(i).

A.1 Item 4(d) Construction Impact

Item 4(d)(i)

Item 4(d)(i) Whether alternative routes during construction have been fully considered and appraised.

4.3.2 This Agenda Item was addressed at Agenda Item 4(a)(i).

Item 4(d)(ii)

Item 4(d)(ii) General approach to how diversions during construction will be agreed, approved and managed.

4.3.3 This Agenda Item was addressed at Agenda Item 4(a)(i).

4.3.4 **Post-hearing submissions:** These are contained in Annex B and include:

- a. Section B.2 – Hearing Action Point 10: WCH/NMU routes
- b. Section B.3 – Hearing Action Point 12: PROW Closures and Diversions: Route Plan
- c. Section B.4 – Hearing Action Point 13: Optioneering Report
- d. Section B.5 – Hearing Action Point 14: Active Travel England: The Second cycling and walking investment strategy (CWIS2)
- e. Section B.6 – Hearing Action 15: Active Travel England: Capital Programme
- f. Section B.7 – Response to KCC on use of automatic counters in surveys

- g. Section B.8 – Explanation of assessment within the Application documents on the impact of WCH routes on landowners
- h. Section B.9 – Design standards for WCH
- i. Section B.10 - Further information on surveys and usage assessments

5 Next Steps and Closing

5.1.1 The Applicant did not make any submissions under this Agenda Item.

Annexes

Annex A Post-hearing submissions on Agenda Item 3 Update on matters arising from ISH4

A.1 Introduction

A.1.1 This section provides the post-hearing submissions for agenda item 3 “Update on matters arising from ISH4”, from Issue Specific Hearing 10 (ISH10) on 14 October 2023 for the A122 Lower Thames Crossing (the Project).

A.2 Hearing Action Point 1: Wider Network Impacts

A.2.1 Hearing Action Point 1 requests “To provide Modelling Reports and consultation responses in relation to the recent Orsett Cock Roundabout review, please include consideration of issues relating to those highlighted at the modelling workshop”.

A.2.2 At Deadline 6 the Applicant has submitted:

- a. 9.15 Localised Traffic Modelling Appendix C – Orsett Cock Forecasting report (version 2.0) – this provides updated results, based on version 3 (Run ID 3.6) of the model
- b. 9.15 Localised Traffic Modelling (version 3.0) – this has been updated to reflect the revised Orsett cock Forecasting report, and to provide Appendix B – Incorporating VISSIM model findings into the LTAM.

A.2.3 These documents provide responses to Action Points 7 and 8 of Joint Position Statement: Orsett Cock junction [[REP5-084](#)]. The Applicant is continuing to work on Action Points 9 and 10, and is intending submit these to the relevant parties once complete and then into the Examination at Deadline 6a (14 November 2023).

A.3 Hearing Action Point 3: NPS Policy and RIS relationship

A.3.1 Hearing Action Point 3 requests “To provide clarity in policy terms as to why LTC is not dealing with expected, possible or foreseeable issues on the local highway network, such as Blue Bell Hill. Additionally, provide clarity on what would be dealt with by the Road Investment Strategy process (RIS), by other DfT funds and by local funds, and the justification for this approach.”

A.3.2 The Applicant has submitted 9.134 Wider Network Impacts Position Paper [**Document Reference 9.134**] at Deadline 6, which includes the Applicant’s response to the matters set out in this Action Point.

A.4 Hearing Action Point 4: Modelling matters

- A.4.1 Hearing Action Point 4 requests “Confirmation that there are to be no further modelling submissions later than D7”.
- A.4.2 The Applicant can confirm that there will be no submissions of modelling later than Deadline 7, unless it is requested to do so by the Examining Authority.
- A.4.3 Hearing Action Point 4 also requests “Provide information on the ASDA Construction Model and the resultant comments received from other Interested Parties.”
- A.4.4 The Applicant has submitted 9.158 Applicant's submissions on construction impacts and management at Asda roundabout [**Document Reference 9.158**] at Deadline 6 which provides comments on the submissions made by Thurrock Council and Port of Tilbury London Limited on the Asda roundabout, together with the Applicant’s proposed approach in relation to forecast impacts at the junction.

A.5 Hearing Action Point 5 Silvertown Tunnel approach

- A.5.1 Hearing Action Point 5 requests “On a without prejudice basis, a provision to be drafted for possible inclusion in the dDCO to provide a process or methodology to manage future issues identified during LTC operation as a consequence of monitoring, drawing on the Silvertown DCO model”.
- A.5.2 The Applicant’s without prejudice drafting is contained in 9.134 Wider Network Impacts Position Paper [**Document Reference 9.134**] submitted alongside this submission at Deadline 6.

A.6 Hearing Action Point 7 Network North implementation

- A.6.1 Hearing Action Point 6 requests “The UK Government has published Command Paper 946: “Network North: Transforming British Transport” (October 2023). Please provide comments on policy changes and new commitments arising from this policy which give rise to potential effects on the LTC project”.
- A.6.2 Kent County Council previously submitted that “If Government does provide the Large Local Major (LLM) scheme funding for the mitigation works, then the Applicant should provide the 15% match funding (approximately £35 million based on current programme, subject to scheme development) towards those works.”
- A.6.3 The Department for Transport has now included the A229 Improvements scheme on the list of projects in connection with “Network North”. The Department for Transport’s website states “*As part of Network North, we are increasing funding for most existing Major Road Network and Large Local Major*”

road schemes. These schemes, subject to successful business case approval, will benefit from an uplift in government contribution from 85% to 100% of their costs at the outline business case (OBC) stage. The increased funding will help ensure the delivery of these road schemes.”

- A.6.4 The Applicant cannot speak on behalf of the Department for Transport but the Applicant considers that the announcement makes clear that the Secretary of State is well seized of the potential impacts on the A229, and the benefit of an intervention on that link. The Applicant has set out further commentary in 9.134 Wider Network Impacts Position Paper [**Document Reference 9.134**] submitted alongside this submission at Deadline 6.

A.7 Operational monitoring locations in the London Borough of Havering

- A.7.1 During ISH10, LB Havering identified a lack of monitoring points proposed within their borough. The Applicant refers LB Havering to Section 5.3 of the Wider Network Monitoring and management Plan. In short, the Applicant has identified locations that are geographically close to the A122 junctions as informed by the ‘scale of impacts’ analysis in the Transport Assessment (the nearest and second nearest junctions on the SRN and MRN located adjacent to the junctions with the A122, the A2, the A13 and the M25) as well as a number of key locations requested for monitoring from local highway authorities following a review of the consultation feedback. These includes local roads as well as local areas (e.g. Valley Drive, Orsett, A127 West of M25 junction 29).
- A.7.2 The Applicant has not, at this stage, provided further locations but would note that additional monitoring locations proposed through local highway authority engagement (further to those listed above as identified by National Highways) would be considered against criteria that include the forecast changes to traffic flows, and the volume/capacity ratio as set out in the Transport Assessment (Application Document 7.9) and the impact of any local and regional developments on traffic flows at that location. This engagement, secured under paragraph 14 of Schedule 2 to the dDCO, is considered to provide further assurance to the London Borough of Havering this context.

A.8 Interaction between funding envelope and further investments

- A.8.1 The estimate, funding for the Project, and its range was prepared in line with the Government’s Green Book, the guidance issued by HM Treasury, on how to appraise policies, programmes and projects, and therefore does not include any allowance for projects or interventions outside of the scheme. The estimate is based on a defined scope that incorporate risks (in line with that guidance) related to that scope in line with the rest of the industry, it does not contain risk

for additional scope of interventions. Investment decisions by HM Treasury and the Department for Transport have been based on that scope. Further details on factors used in the costs are provided in Table 6.1 of the Economic Appraisal Report [[APP-526](#)]. Following this framework, the costs of interventions which are not in the scope of the Project (and which do not, in any event, have any planning consents in place) are not included in the funding envelope for the Project.

A.9 Responding to proposal provided by the Port of Tilbury for the ASDA roundabout.

A.9.1 The Applicant can confirm it has received two submissions from PoTLL via email:

- a. Drawing No. ITL16303-GA-006 received on 20 October 2023
- b. Technical note PH/CM/ITL14229 received on 25 October 2023.

A.9.2 The Applicant has considered the submissions made by PoTLL and has responded to them in Chapter 5 of 9.158 Applicant's submissions on construction impacts and management at Asda roundabout [**Document Reference 9.158**], submitted at this deadline.

A.10 Respond to the points from John Elliott

A.10.1 Mr Elliott asked a question in relation to the extent of the “full model”, and if the Applicant had a separate model area which contained “a lower level of variables”.

A.10.2 The development of the Project’s transport model, the Lower Thames Area Model (LTAM), is set out in detail in Combined Modelling and Appraisal Report [[APP-518](#)]. The LTAM has been developed in line with DfT’s Transport Analysis Guidance.

A.10.3 In particular, details on the study are set out in Section 5.4 of that document, which details area covered by the LTAM and in particular the external area, the fully modelled area and the inner modelled area and provides details of what elements differ between each of the areas. Impacts on the wider road network, both beneficial and positive, are set out in chapter 7 of the Transport Assessment [[REP4-148](#)], [[REP4-150](#)] and [[REP4-152](#)].

Annex B Post-hearing submissions on Agenda Item 4 Public Rights of Way (PRoWs) & Non-motorised Users (NMU) routes

B.1 Introduction

B.1.1 This section provides the post-hearing submissions for agenda item 4 Public Rights of Way (PRoWs) & Non-Motorised Users (NMU) Routes, from Issue Specific Hearing 10 (ISH) on 23 October 2023 for the A122 Lower Thames Crossing (the Project).

B.2 Hearing Action Point 10 WCH / NMU routes

B.2.1 Hearing Action Point 10 requests “Provide commentary as to why new provision for walkers, cyclists and horse riders (WCH) or non-motorised users (NMU), [referred to in the remainder of this note as NMU] routes are required, and why in the specific locations proposed, and a commentary on the adequacy of engagement and how the issues raised in consultation with the various landowners have been considered in the decision-making process, particularly highlighting where the designation is contrary to the landowners’ wishes and summarising the balancing decision that led to this outcome.” The Applicant’s response is below.

B.2.2 The Project seeks to improve the existing PRoW network by upgrading existing routes (surface improvements and/or re-designation of PRoW for example upgrading public footpaths to bridleways), and by creating new links to address historic severance caused by the M25, A127 and to a lesser extent the A13, or to address gaps in the existing PRoW network (for example in Orsett Fen). These improvements will help to increase access to both recreational green spaces and areas of employment and services; reduce community severance; and support active travel (walking, cycling and horse riding). The proposed new provision for WCH aligns with National Policy Statement for National Networks (NPSNN) (Department for Transport, 2014) policies 3.17, 3.19, 3.22, 5.184 and 5.205.

B.2.3 The strategy for WCH has been developed using the DMRB GG 142 Walking Cycling and Horse-riding Assessment and Review (WCHAR) process and through extensive engagement with relevant stakeholders (including local authorities and user groups). The WCHAR considered a number of matters, including existing national and local policy, local demographics, the existing public right of way network, and subsequently identified a range of opportunities to improve the active travel network.

- B.2.4 These opportunities were mapped to allow the design team to assess merit and then compared them with a list of requested active travel improvements provided by stakeholders. A prominent request by Thurrock was a ‘shared use’ route to both sides of the Project alignment from the M25 to Two Forts Way (FP146). The principle of providing a WCH route parallel to the alignment was adopted through a strategy of improving existing PRoWs and filling in ‘missing links’ within the PRoW network where required, such as between FP135 and FP136. This was seen as a more light touch approach than entirely new routes along the length of LTC and more sensitive to landowner concerns. It was the preference of user groups and local authorities that any new routes should be bridleways in order to create the most accessible network possible.
- B.2.5 Subsequent requests from Thurrock have led to the introduction of a link between FP200 and Two Forts way in addition to a new bridleway linking BR63 to FP200 past Goshems Farm. These additions form part of the ongoing request to create WCH connectivity from the River Thames to M25.
- B.2.6 Discussions have been held with landowners regarding the proposed WCH routes through their land and concerns regarding access have been taken on board. This led to design changes being made, which are described in the following paragraphs.
- B.2.7 Within the Mardyke Area/Orsett Fen, the Project includes a WCH link from the Mardyke bridleway BR219 to areas to the west (North Road etc.). The alignment of this new WCH link was previously proposed to the south of the Project alignment. Following feedback from the landowner E & K Benton concerning access control and anti-social behaviour, the proposed bridleway connection was moved north of the proposed Mardyke Viaduct, to follow the existing alignment of footpath FP136.
- B.2.8 The routing of a new bridleway linking BR219 (Mardyke bridleway) to Green Lane was proposed to be on the eastern side of the Project alignment partially on the alignment of footpath FP90. Following a request from the Coles, the new bridleway was moved to the western side of the Project alignment. This was to reduce the likelihood of antisocial use of the new WCH route impacting their retained land to the east of the alignment. The route is now sited within land permanently acquired for other purposes.
- B.2.9 The WCH proposals along North Road were also discussed with the landowner (E & K Benton) and amended to facilitate the proposed new farm access.
- B.2.10 Originally the Applicant had sought to create a continuous new bridleway south of the A2 between Halfpence Lane and Church Road, part of which went through Jeskyns Community Woodland and Ashenbank Wood, but this proposal was not supported by Forestry England or the Woodland Trust.

- B.2.11 Following discussions with Forestry England, the proposed status of the route through Jeskyns Community Woodland was changed from bridleway to a permissive route to address Forestry England's feedback about needing to maintain flexibility to carry out maintenance activities and its concern about pressure on busy recreation facilities. Also, following Forestry England's feedback about potential conflict between different types of users, the alignment of a section of the route through Jeskyns Community Woodland was changed so that it did not follow an existing trail for horse riders.
- B.2.12 Following discussions with the Woodland Trust, the proposed status of the route through Ashenbank Wood was changed from bridleway to a permissive route. This was in response to the Woodland Trust's concerns about the impact of increased usage on the woodland and local archaeology. Note that Ashenbank Wood was designated as part of the Shorne and Ashenbank Site of Special Scientific Interest (SSSI) in 1968. The whole wood is also subject to a Tree Preservation Order (TPO) - Order no.1, 1960.
- B.2.13 To summarise, throughout the design process, the strategy for providing improvements for WCH has been developed taking onboard comments received through the formal and informal consultation processes.

B.3 Hearing Action Point 12 PROW closures and diversions: Route plan

- B.3.1 Hearing Action Point 12 Requests "Provide a snapshot plan showing PROWs to be closed, both temporarily and permanently, the temporary and permanent diversion routes and length of closure if temporary. The recording of multiple or staged short temporary diversions (and associated complexity) is not sought. The priority should be the recording of permanent closures and diversions." The Applicant's response is below:
- B.3.2 To assist with Thurrock Council's request a single plan detailing key temporary diversion routes to PROW as well as existing and proposed routes will be presented at deadline 7.
- B.3.3 The Applicant still holds the view that a single plan of a snapshot in time of temporary diversions whilst possible, it would not be meaningful, because the construction of the project will not proceed in a linear sense, progressing from one end to the scheme to the other, rather it will require work to take place at multiple locations simultaneously using different working area requirements across different time periods. Therefore, the availability of existing or proposed routes to provide suitable temporary diversion routes would be very much dependent on the detailed phasing of the works. In the absence of a detailed design and associated construction programme, the request for a plan is a request for detailed phasing plans, which would need to be to a level of detail

not commensurate with this preliminary stage of the project. Rather, as part of the Traffic Management Plan, the Applicant has secured a process to develop diversion routes with the relevant stakeholders and presented a starting point by identifying key individual temporary diversion routes.

B.3.4 The Applicant emphasises that the DCO Application contains comprehensive information, which offers a clear understanding of the impact on Public Rights of Way (PROWs) and outlines the corresponding mitigation and control measures during construction. These details can be found in the following sections:

- a. Volume 2 set 2.7 Public Rights of Way show streets and private means of access that are to be stopped up, diverted or created, and public rights of way that are to be diverted, extinguished or created. Volume 2 set 2.8 Streets subject to Temporary Restrictions of Use show the extents of streets or private means of access subject to temporary closure, alteration, diversion or restriction of use during construction of the authorised development.
- b. Impact on PROWs during construction, refer to Table 13.3 & 13.4 within Environment Statement Chapter 13: Population and Human Health [\[APP-151\]](#)
- c. Appendix B of the outline Traffic Management Plan for Construction (oTMPfC) [\[REP5-056\]](#) includes plates illustrating temporary diversions of key PROWs and proposed mitigation measures.
- d. Plans of existing and proposed PROWs, illustrated in:
 - i. Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume A) [\[REP2-072\]](#).
 - ii. Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume B) [\[REP2-073\]](#).
 - iii. Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume C) [\[REP2-074\]](#).

B.4 Hearing Action Point 13 Optioneering report

B.4.1 Hearing Action Point 13 requests “Provide the FP146 north optioneering meeting information and results.” The Applicant’s response is below.

B.4.2 We understand this action to mean the sharing of the Options Note entitled ‘Proposed Crossing on the A127 to the west of M25 Junction 29’, prepared in July 2022 which can be found at Appendix A to this Annex.

B.5 Hearing Action Point 14 Active Travel England: The second cycling and walking investment strategy (CWIS2)

- B.5.1 Hearing Action Point 14 requests “Please provide a commentary on how the proposals for the LTC project assist in meeting the objectives detailed in CWIS2.” The Applicant’s response is below.
- B.5.2 The Cycling and Walking Investment Strategy 2 ¹(CWIS2) sets out the Government’s ambition to make cycling and walking a natural choice for shorter journeys, or as part of longer journeys by 2040. CWIS2 also sets several objectives; some of these are for a timeframe leading up to 2025 and some are for a timeframe beyond 2025. For the timeframe beyond 2025, which aligns more closely with the Project’s timeframe (based on an opening year of 2032), the objectives are:
- a. Increase the percentage of short journeys in towns and cities that are walked or cycled to 50% in 2030 and to 55% in 2035; and
 - b. Deliver a world-class cycling and walking network in England by 2040.
- B.5.3 The approach taken by the Project aligns with the strategic approach set out in CWIS2 by realising the Government’s ambition to make cycling and walking a natural choice for shorter journeys, or as part of longer journeys by 2040 by providing:
- a. Better Safety: 'A safe and reliable way to travel for short journeys'
 - b. Better Mobility: 'More people cycling and walking - easy, normal and enjoyable'. This includes rural roads which provide improved safety for walking and cycling.
 - c. Better Streets: 'Places that have cycling and walking at their heart'
- B.5.4 The Project will create around 60km of new or improved Walking, Cycling and Horse riding (WCH) routes in total. These new or improved routes are designed to encourage inclusive active travel and promote health and wellbeing across the region by increasing the number of walking and cycling stages made. Note that CWIS2 uses the term ‘stages’ as a means of including journeys that involve walking or cycling but where this is not the main form of transport (for example, cycling to a railway station to catch the train to work).
- B.5.5 Whilst the Project alignment passes to the east of settlements such as Gravesend, Tilbury, Chadwell St Mary, South and North Ockendon and through

¹ Department for Transport (DfT) (2023). Cycling and Walking Investment Strategy 2. Accessed October 2023. <https://www.gov.uk/government/publications/the-second-cycling-and-walking-investment-strategy/the-second-cycling-and-walking-investment-strategy-cwis2#section2>.

a mainly rural area, it is noted that some of the proposed WCH routes pass through areas classified as ‘other urban’ in the Active Mode Appraisal Toolkit (AMAT), for example the Middle Super Output Areas (MSOAs) Gravesend 008, Gravesend 011, Thurrock 012 and Thurrock 018; or will facilitate journeys into urban areas. The Applicant’s view is that the proposed WCH routes will therefore contribute to increasing the percentage of short journeys in towns and cities that are walked or cycled.

B.5.6 In addition, some of the proposed WCH routes will help better connect WCH networks in different local authorities, for example the proposed WCH route between Green Lane and the Mardyke bridleway together with improvements to FP135 and FP136 and a new WCH route along North Road will help better connect networks in Thurrock and the neighbouring London Borough of Havering.

B.5.7 The WCH proposals were developed through extensive stakeholder engagement with local authorities, local interest groups, and the public through consultation. This ensured a targeted approach was undertaken to focus on those routes that would realise the biggest impact to encourage active travel and modal change. In addition, our Land and Property team undertook regular engagement with land owners and their agents including discussions regarding our WCH proposals. A breakdown of specific consultation / engagement events over and above this is given below:

Date	Event	Content
October 2018	Statutory Consultation	Presentation of emerging WCH proposals
January 2020	Supplementary Consultation	Presentation of initial proposals for new WCH routes
July / August 2020	WCH Webinar / Design Refinement Consultation	A webinar presented by the WCH design team to explain the WCH strategy in greater depth including the rationale for routes and detail on which routes would be available to specific user groups.
July 2021	Community Impacts Consultation	Included information on temporary WCH routes during construction
March 2022	WCH Information Campaign	Sharing of a series of drawings and a video illustrating WCH routes available to each user group, also including three in person events to explain

Date	Event	Content
		proposals and take questions.
May 2022	Local Refinement Consultation	Presentation of new / amended WCH proposals including new FP200 and heritage walks in Thurrock, new A127 bridge (west) in LB Havering and additional bridleway connections in Gravesham.

- B.5.8 The proposed WCH routes have been designed to the latest DMRB design standards and guidance within LTN 1/20 to ensure they provide high quality and safe provision, particularly on rural roads, and are suitable for people of all abilities and ages so they can choose to walk or cycle with ease. By designing to LTN 1/20, the Project will contribute locally to the Government’s objective to deliver a world-class cycling and walking network in England by 2040.
- B.5.9 The Applicant’s plans also include new or improved bridges and pathways for walkers, cyclists and horse riders, to encourage active travel between parks, woodlands, heritage sites, employment centres in Kent, Thurrock, Brentwood and Havering and improved links to schools. The Applicant’s proposals not only reconnect communities impacted by the project, but also address historic severance. An example is the creation of the proposed Thames Chase bridge, which addresses historic severance caused by the M25. The Project also provides a wider green network of paths, routes and open spaces. This is realised through the creation of Tilbury Fields and Chalk Park.
- B.5.10 Tilbury Fields would be a new country park to the south and east of the North Portal, which will include two north-south routes connecting FP200 to Two Forts Way (FP146). Chalk Park is a new area of public open space to the west of the South Portal. In order to link Chalk Park with these residential areas to the west, new routes will be formed to the north of the athletics track and a new footpath will connect Thong Lane to the highest point of Chalk Park and down again towards footpath NG8 which will be made bridleway linking Chalk Park to both Thong Lane and the A226 for walkers, cyclists and horse-riders.
- B.5.11 Furthermore, the proposed new and improved WCH network provides a good foundation for future investment in active travel infrastructure, which would be realised through development proposals surrounding the Project identified within local authorities’ local plans. Through CWIS, local authorities are able to take a long-term approach to developing and delivering active travel infrastructure. This is through a range of funding streams to deliver schemes, of which ATE will play an important role in the spatial planning system, ensuring

that developers, local planning authorities and others involved in, or undertaking, development embed active travel infrastructure in their policies and design from the outset.

- B.5.12 An example of where the project will realise the potential to increase walking and cycling is Muckingford Road between East Tilbury and Chadwell St Mary. Currently the road has a 50mph speed limit and no footway between these two residential areas therefore limiting the ability for walking and safe cycling. The project is proposing an off-road shared use path for pedestrians and cyclists, with a section shared with horse riders to connect to an existing bridleway and stables. The bridge structure itself has also been futureproofed to cater for increased walking and cycling movements should the proposed developments in this area be realised.
- B.5.13 The project recognises the crucial role of walking and cycling in delivering a net zero transport system and meeting the Government’s climate ambitions. By providing new or improved infrastructure, this will help to encourage more walking and cycling stages, replacing short car trips, which will provide environmental benefit by a reduction in carbon emissions from transport and improving air quality while reducing congestion and noise pollution on roads.

B.6 Hearing Action Point 15 Active Travel England: capital programme

- B.6.1 Hearing Action Point 15 requests “To the extent that Active Travel England (ATE) has been established as a Government Agency with a remit and strategy to promote and improve active travel (cycling, walking and equivalent active modes), is there any contribution available that might fund NMU network value-adding measures (for example, such as but not limited to the provision of a new walking route adjacent to Folkes Lane, Upminster as identified by LB Havering).” The Applicant’s response is below.
- B.6.2 Active Travel England (ATE) has been established as an executive agency of the Department for Transport (DfT). It has the overall objective to enable achievement of the vision set out in the Government’s long-term walking and cycling plan, Gear Change², for half of all journeys in towns and cities to be cycled and walked by 2030, transforming the role that walking and cycling play in England’s transport system, and making England a great walking and cycling nation.
- B.6.3 The strategic aims of ATE are based on the recommendations in Gear Change and are to increase levels of walking and cycling to 50% of journeys in towns and cities by 2030 by:

² DfT (2020). Gear Change – A bold vision for cycling and walking.

- a. creating better streets and networks for cycling and walking that are built to the ‘key design principles’ as set out in Gear Change and Local Transport Note 1/20.
- b. putting walking and cycling at the heart of transport, place-making, and health policy so travelling without a car is easy and accessible utilising a long-term walking and cycling programme and budget.
- c. empowering and encouraging local authorities who manage their roads to incorporate active travel improvements into all aspects of their functions. This includes access to new powers to manage the highway effectively for active travel and training on all aspects of active travel best practice.
- d. enabling people to cycle and protecting them when they do by reducing road danger through the creation of safe infrastructure based on the key design principles and working with the department and relevant bodies to ensure that the rules of the road work to protect people travelling actively.

B.6.4 The five main sources of funding for cycling and walking, namely:

- a. DfT cycling and walking specific programmes;
- b. DfT local transport programmes;
- c. Other central Government programmes supporting cycling and walking;
- d. Local body programmes; and
- e. Initiatives led by business and the third-party sector.

B.6.5 On 6 July 2022, DfT published the second statutory Cycling and Walking Investment Strategy (CWIS2), which covers the period between 2021 and 2025.

B.6.6 ATE can support local transport authorities to develop and improve their Local Cycling and Walking Infrastructure Plans (LCWIPs).

B.6.7 Local authorities in England can apply on a yearly basis to the Department for Transport for grants from the active travel fund to develop and/or construct walking and cycling schemes. For the period April 2021 to March 2025, the Government has set aside £1,073 million for the active travel revenue and capital funds. In 2023, the Department for Transport awarded £200 million from the capital grants fund to local authorities in England for cycling and walking schemes. Total government funding for active travel in England for the period April 2021 to March 2025, including active travel revenue and capital funds, wider Department for Transport programmes and other central government funding, is £3,559 million.

B.6.8 The Government has reaffirmed in CWIS2 its overarching aim to “make walking and cycling the natural choices for shorter journeys, or as part of a longer

journey by 2040.” In CWIS2, it has also set out the following further objectives, which reflect commitments originally set out in Gear change, the Transport decarbonisation plan and the Net zero strategy³:

- a. Increase the percentage of short journeys in towns and cities that are walked or cycled to 50% in 2030 and to 55% in 2035; and
- b. Deliver a world-class cycling and walking network in England by 2040.

B.6.9 Whilst funding has not yet been announced for the following spending review period and beyond up to 2040, the Applicant’s view is that it is highly likely that the Government will continue to make funding available to deliver local authority walking and cycling schemes beyond March 2025, given:

- a. The aims and objectives in CWIS2.
- b. Commitments made in Gear change, the Transport decarbonisation plan⁴ and the Net zero strategy.
- c. The Government says in Gear Change that it will “create a long-term cycling and walking programme and budget, like the roads programme and budget.” It also places a focus on “enabling, encouraging and empowering local authorities to do more for cycling on their roads”.
- d. The contribution of a mode shift to walking and cycling in meeting the government’s air quality targets.
- e. That the Government has indicated that it will develop future strategies including the development of CWIS3 and any future Gear change plan.
- f. Section 21 (3a) of the Infrastructure Act 2015 requires the Government to set out the financial resources available to deliver the objectives of a CWIS. These are aligned to each Spending Review period.

B.7 Response to KCC on use of automatic counters in WCH surveys

B.7.1 Paragraph 13.3.26 of ES Chapter 13: Population and Human Health [APP-151] sets out the fieldwork undertaken to establish baseline conditions for walking, cycling and horse-riding routes. These included a walkover survey in 2018, undertaken to confirm locations of Public Rights of Way (PRoW), to ascertain the condition of those PRoW that were proposed to be severed by the Project (and to use condition as an initial proxy for level of likely usage – for example

³ Department for Energy Security and Net Zero (2021). Net Zero Strategy: Build Back Greener. Accessed October 2023. <https://assets.publishing.service.gov.uk/media/6194dfa4d3bf7f0555071b1b/net-zero-strategy-beis.pdf>

⁴ DfT (2021). Decarbonising transport: a better, greener Britain. Accessed October 2023. <https://www.gov.uk/government/publications/transport-decarbonisation-plan#full-publication-update-history>.

very overgrown or inaccessible routes were assumed to have very low levels of usage), and to understand what facilities and services were accessed by these routes and how they were used by local people. The walkover survey informed the selection of routes for which more detailed user surveys were required.

B.7.2 User surveys were then carried out during August 2019 to capture usage levels of individual walking, cycling and horse riding (WCH) routes (footpaths, bridleways, cycle tracks, byways open to all traffic, footways along roads and minor roads). Additional user surveys were carried out in selected locations on a weekday where there was thought to be a specific weekday peak (for example use of routes for non-leisure purposes such as commuting). Camera surveys were undertaken on PRowWs on rural roads to count WCHs captured from the highway.

B.7.3 Manual counts were selected as a method because they allowed for flexibility in terms of the location, timing, and duration of the count. They were able to provide more targeted data beyond imply usage numbers, for example potentially being able to capture additional contextual information including user demographics, behaviour and other relevant details. User interviews were able to be completed at the same time, identifying how people travelled to the location, where they had travelled from, and the purpose of their visit. This added a level of insight to the data that automated counts may not have been able to provide at the time.

B.8 Explanation of assessment within the Application documents on the impact of WCH routes on landowners

B.8.1 ES Chapter 13: Population and Human Health [[APP-151](#)] reports the assessment of the impacts of the Project on agricultural landholdings, undertaken in accordance with DMRB Standard LA 112 Population and Human Health (National Highways, 2020). Paragraph 13.3.39 of the chapter states that consideration has been given to the type, location and number of agricultural holdings from which land will be required or access affected; issues relating to severance / accessibility restrictions; and the level of use of agricultural holdings and assets within the study area. Impacts on each landholding during construction are summarised in Tables 13.60 and 13.61 (south of the River Thames) and Tables 13.62 and 13.63 (north of the River Thames). Compensation would be payable in accordance with the Compensation Code. Consultation with landowners, occupiers and agents would continue as the Project develops, to manage and reduce impacts on property owners as far as reasonably possible.

B.8.2 No assessment has been made within the ES of the specific impacts relating to potential increases or changes in illegal activity arising from users of WCH

routes. Such an assessment does not form part of DMRB LA 112 Population and Human Health and it is not normal for assessments of such illegal activity to be undertaken as part of the EIA process.

B.9 Design standards for WCH

- B.9.1 The WCH routes have been designed in accordance with relevant industry best practice standards and guidance for NMUs which includes:
- a. CD 143 – Designing for walking, cycling and horse riding;
 - b. CD 195 – Designing for cycle traffic; and
 - c. Local Transport Note (LTN) 1/20 – Cycle Infrastructure Design
- B.9.2 The standards / guidance cover a range of topics including (but not limited to) route geometry, crossing types, access controls and surface finishes
- B.9.3 In terms of route geometry, the design of the WCH routes has considered amongst other things, parameters such as route width, gradient and alignment and the degree of segregation of different user groups. The space provided for each user group is very much dependent on the site specific characteristics – e.g. the mix of users, whether the route is next to the road etc.
- B.9.4 Where WCH routes cross the proposed LTC alignment, a space-proofing exercise was undertaken at each bridge to ensure sufficient width had been allowed for each user group. These widths were then prescribed within the area-specific Design Principles – e.g. S2.12 for Thong Lane green bridge south which proposes a 3m shared ped-cycle route and a 3.5m horse riding route.
- B.9.5 With regards to crossings, in some locations where proposed routes are adjacent to the existing highway and at the same level, some form of crossing is required. Grade-separated crossings may represent a barrier to active travel due to increased gradients and longer routes when compared with at-grade crossings, which may lead to a reduction in the attractiveness of the WCH network. Providing at-grade facilities can therefore be a reasonable alternative. Determination of at-grade crossing types was assessed based on traffic flows, speed limits and the number of lanes to be crossed – e.g. uncontrolled or signal-controlled.
- B.9.6 Various Design Principles cover certain aspects of the detailed design of WCH. These include:
- a. PEO.03 – Surfacing, signing, boundary treatments and access control
 - b. PEO.04 – Design standards and guidance
 - c. PEO.06 – Accessibility and deterring anti-social behaviour

- d. STR16 – Designing in accordance with DMRB CD 353 Design criteria for footbridges (Highways England, 2020b)

B.10 Further information on usage surveys and assessments

- B.10.1 Paragraph 13.3.26 of ES Chapter 13: Population and Human Health [[APP-151](#)] sets out the fieldwork undertaken to establish baseline conditions for walking, cycling and horse-riding routes. These included a walkover survey in 2018, undertaken to confirm locations of Public Rights of Way, to ascertain the condition of those PRowWs that were proposed to be severed by the Project (and to use condition as an initial proxy for level of likely usage – for example very overgrown or inaccessible routes were assumed to have very low levels of usage), and to understand what facilities and services were accessed by these routes and how they were used by local people.
- B.10.2 The walkover survey informed the selection of routes for which more detailed user surveys were required. User surveys were then carried out during August 2019 to capture usage levels of individual WCH routes (footpaths, bridleways, cycle tracks, byways open to all traffic, footways along roads and minor roads). Additional user surveys were carried out in selected locations on a weekday where there was thought to be a specific weekday peak (for example use of routes for non-leisure purposes such as commuting). Survey methods included **manual counts and interviews** on rural PRowWs in addition to **camera counts** where PRowW and rural road use could be captured from the highway.
- B.10.3 No further updates to the surveys were undertaken between 2019 and DCO submission in 2022 as a result of Covid and the likelihood of usage levels being anomalous (for example usage levels being higher than normal due to people using external spaces during lockdowns).
- B.10.4 WCH routes potentially affected by the Project were allocated a sensitivity in line with DMRB LA 112: Population and Human Health. Sensitivity took into account descriptions of the WCH as provided in Tables 13.22 and 13.25 of ES Chapter 13 and information from the user counts as set out in Tables 13.24 and 13.27. Usage surveys have therefore been used to inform sensitivity of routes as set out in Tables 13.64 and 13.66, in accordance with DMRB methodology described in Table 13.3.
- B.10.5 Assessments of PRowW and NMU routes has been undertaken in line with DMRB LA 112: Population and Human Health.

Appendix

Appendix A

Proposed Crossing on the A127 to the west of M25 Junction 29

Background

The Walking, Cycling and Horse-riding (WCH) Strategy proposals for the Project were presented at the 2021 Community Impacts Consultation (C-Con) and included a new shared use cycle/footbridge over the A127, to the east of the M25 Junction 29, as shown on Figure 1 below.

Figure 1 - WCH proposals at M25 Junction 29 at C-Con



The shared use cycle/footbridge aimed to resolve the A127 footway severance caused by the proposed LTC M25 slip road arrangement on the southern section of the junction, where existing east-west and north-south crossings are no longer feasible under the proposed highway design.

After crossing the A127 at the new cycle/footbridge, users travelling westbound would continue along the northern side of Junction 29, on the A127 or along Codham Hall Lane, providing a connection to Junction 29. Signalised crossings will be provided on the south and eastbound approaches to the roundabout and on the northern and eastern circulatory carriageway. From Junction 29, users would continue west along the existing shared use cycle/footway along the northern side of the A127, until they reach the existing at-grade uncontrolled crossings at the junctions with Front Lane and Folkes Lane.

Stakeholder Feedback

Stakeholder and public feedback at C-Con on the proposals around the M25 Junction 29 were reviewed to understand whether the WCH Strategy should be improved.

The need for an additional crossing to the west of the M25 Junction 29 to allow for a safe north-south crossing of the A127 was identified by both stakeholders and the public. In general, comments related to:

- Concern over the safety of users at the uncontrolled crossing at the Front Lane junction, due to high traffic flows and speed of motorists; and
- The additional journey time to travel between Moor Lane Cranham to Folkes Lane Woodland Country Park when the uncontrolled crossings at the M25 J29 are removed.

Review of Existing Crossing Facilities

A further review of existing crossing facilities to the west of the M25 Junction 29 was undertaken, investigating their connections to the existing/proposed WCH network. It was found that the staggered uncontrolled crossings at Front Lane and Folkes Lane were substandard and the type of provision was not suitable for existing road conditions, given the existing traffic flows and speed limit.

Based on these findings, an investigation into the provision of a new crossing to the west of M25 Junction 29 has been undertaken with the aim of mitigating the need for users to cross via the existing uncontrolled staggered crossings at the A127 / Front Lane junction.

Proposed Type of Crossing

Three alternative crossing options have been investigated that would facilitate the north-south connectivity for WCH, namely:

- **Option 1** – Signalised Junction on the A127 incorporating Front Lane and Folkes Lane
- **Option 2** - Standalone signalised at-grade crossing at the A127 / Front Lane junction
- **Option 3** – New grade-separated crossing

The benefits and disadvantages of each option were reviewed and are shown on Table 1 below.

Table 1 – Review of Crossing Options on the A127, west of M25 J29

Option	Benefits	Disadvantages
Option 1 – Signalised Junction	<ul style="list-style-type: none"> • Retention of existing WCH desire line connecting Front Lane and Folkes Lane • Controlled crossing facilities for pedestrians and cyclists • Controlled and improved access for vehicles from side roads on to the A127 	<ul style="list-style-type: none"> • Increased journey time for users travelling from Moor Lane towards Woodland Country Park and proposed Hole Farm Woodland • Would not provide a safe crossing for horse-riders as on a heavily trafficked Road • Potential traffic queues from the junction extending back along A127 towards the M25 J29 slip road causing hazardous conditions for merging vehicles • Users would need to wait adjacent to live traffic for pedestrian signal to activate.
Option 2 – At-grade Crossing	<ul style="list-style-type: none"> • Retention of existing WCH desire line connecting Front Lane and Folkes Lane 	<ul style="list-style-type: none"> • Increased journey time for users travelling from Moor Lane towards Woodland Country Park

	<ul style="list-style-type: none"> Controlled crossing facilities for pedestrians and cyclists 	<p>and proposed Hole Farm Woodland</p> <ul style="list-style-type: none"> Does not provide a safe crossing for horse-riders as on a heavily trafficked Road Potential for traffic queues from the crossing to extend back along A127 towards the M25 J29 slip road causing hazardous conditions for merging vehicles Users would need to wait adjacent to live traffic for pedestrian signal to activate.
Option 3 – Grade-separated Crossing	<ul style="list-style-type: none"> Direct north-south connection with minimal increase in journey time Improved road safety by removing potential interaction with motorised vehicles Dedicated WCH facility providing improved connectivity for horse-riders. Free flow access 	<ul style="list-style-type: none"> Need for land and tree removal/replacement at landing locations Cost of build Isolation of users Does not improve existing crossing facilities between Folkes Lane and Front Lane

Preferred Crossing Option

Following the review of the three proposed crossing options to provide improved WCH crossing facilities on the A127 to the west of M25 Junction 29, it was considered that Option 3, a grade-separated bridge crossing, should be provided.

This option would provide a safe crossing facility for walkers and cyclists replacing the existing crossings at the M25 Junction 29, with the added benefit of providing improved connectivity for horse-riders, removing the severance caused by the A127. This option would also not result in potential congestion or queuing on the A127.

Crossing Location

Three locations for the proposed grade-separated crossing were initially investigated to the west of the M25 Junction 29, as shown on Figure 2.

- Location 1 – Connecting Front Lane and Folkes Lane
- Location 2 – Midway between the Front Lane / Folkes Lane junction and the M25 Junction 29
- Location 3 – Connecting Folkes Lane and Moor Lane

A review of each potential location was undertaken to assess its suitability in terms of:

- Directness – Desire lines, journey time and connectivity to the existing and proposed WCH network
- Safety – Interactions between vehicles and WCH users
- Constraints – Location of existing utilities, land use (existing properties/ownership) and landscape geometry and features

Figure 2 - Potential locations for a grade-separated crossing on the A127, west of M25 J29



Directness – Location 3 is the only option that would provide a viable alternative to the existing uncontrolled crossing at M25 Junction 29 due to its directness, minimal change to journey times and connectivity to the wider WCH network. Conversely, locations 1 and 2 would result in a notable detour for users travelling between Moor Lane Cranham to Folkes Lane Woodland Country Park, resulting in increased journey distance and time. However, it is noted that Location 1 would cater for the existing desire line between Folkes Lane and Front lane.

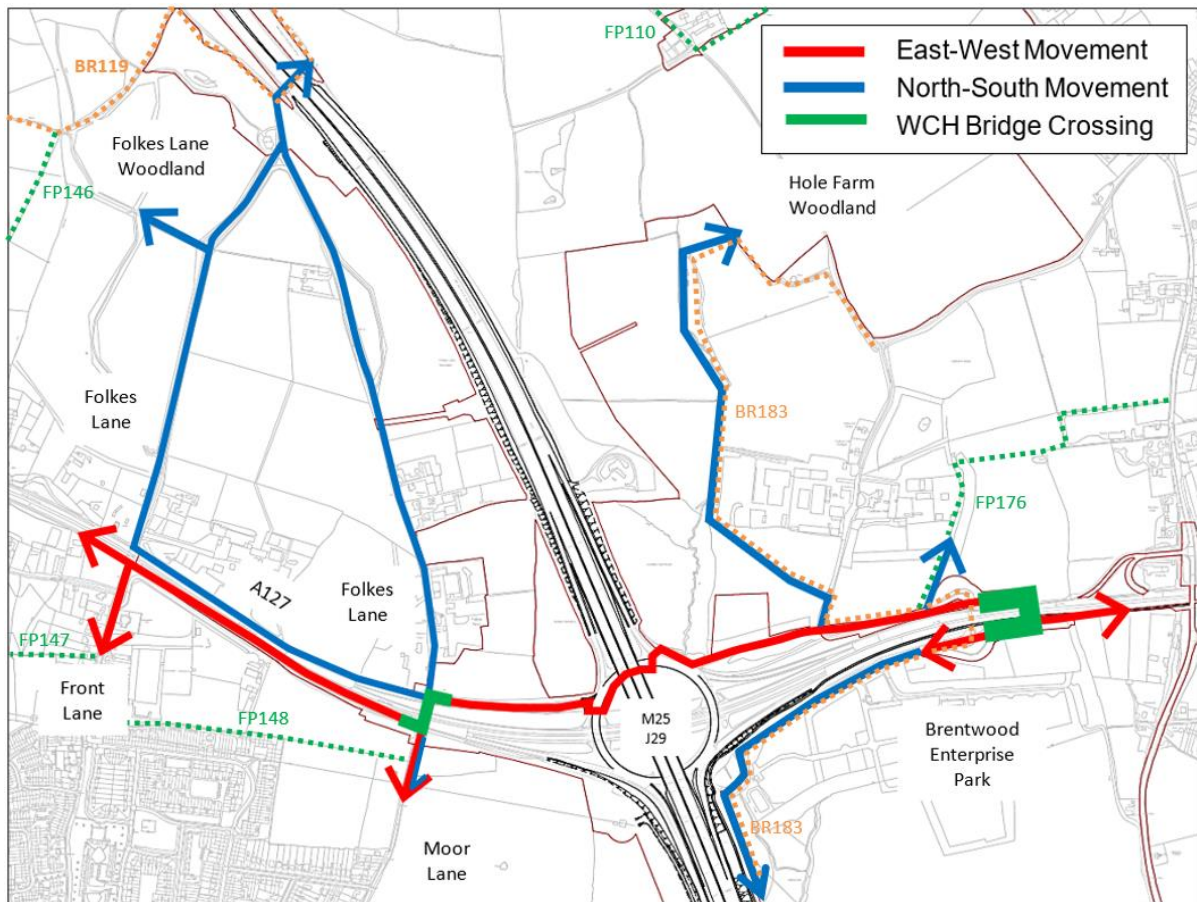
Safety - All locations of the proposed grade-separated crossing would provide potential improvements in road safety by removing potential conflict between WCH and motorised vehicles. However, horse-rider provision at Location 1 may be limited given the connection to the bridge ramps that would need to be adjacent to the live carriageway, due to localised land constraints.

Constraints - Location 1 identified restrictions due to adjacent land use limiting the available space to provide sufficient ramps and steps for a bridge crossing at this location. Potential issues with forward visibility at the Folkes Lane junction were also identified due to the structure (ramps/steps/supports) and potential diversions to existing utilities. At both Location 2 and 3 there are trees that would need to be removed/relocated in order to provide the necessary landings for the ramps and stepped access to the bridge. However, the southern side of the A127 at Location 2 has a dense woodland in comparison to Location 3, where trees are sparser and therefore any removal/replacement and impact on existing biodiversity would be to a much lesser extent.

Preferred Crossing Location

Location 3 was selected as the preferred crossing location, sited to the west of the M25 Junction 29, connecting Moor Lane and Folkes Lane. This location creates a north-south crossing for walkers, cyclists and horse-riders over the A127, improving connectivity to the wider WCH network and to key destinations such as Folkes Lane Woodland and Hole Farm Woodland, as shown in Figure 3. Although this location would require a longer bridge span across the A127, there are less constraints in its construction in terms adjacent land use and providing sufficient ramps and steps to offer suitable accessibility for all.

Figure 3 – Preferred Location for Grade-separated crossing on the A127, west of M25 J29



Summary of Benefits of Proposed Crossing

- Restores north-south links severed by historic road building;
- Provides for all non-motorised users including walkers, cyclists and horse-riders;
- Provides a safe and more direct crossing facility away from potential interactions with motorised vehicles;
- Has no impact on the movement of vehicles along the A127, i.e. does not cause traffic delay;
- Does not unduly impact users travelling north-south from the southern shared use cycle/footway from Moor Lane, as journey times are similar to that of the existing route via the uncontrolled crossings on the western arm of M25 Junction 29;
- Can be constructed with little impact on adjacent land use and will not require diversions of existing utilities; and
- Maintains the north-south connection between Cranham and Brentwood when Bridleway 183 is temporarily closed during the construction of the Project, if in position prior to the main works.

Recent Engagement

The proposed WCH bridge crossing has been presented to stakeholders and the public at local engagement events and at the Local Refinement Consultation held in May/June 2022, presenting the changes made to the WCH strategy since C-Con. Positive feedback was received on the bridge location and the use by all non-motorised users on both crossings over the A127.

Image 1 provides an illustration of the proposed WCH bridge crossing used within the recent local engagement event.

Image 1 – Illustration of the proposed WCH bridge on the A127, west of M25 J29



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Glossary

Term	Abbreviation	Explanation
A122		The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO [REP5-024]
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.
A122 Lower Thames Crossing/M25 junction		New junction with north-facing slip roads on the M25 between M25 junctions 29 and 30, near North Ockendon.
A13/A1089/A122 Lower Thames Crossing junction		Alteration of the existing junction between the A13 and the A1089, and construction of a new junction between the A122 Lower Thames Crossing and the A13 and A1089, comprising the following link roads: <ul style="list-style-type: none"> • Improved A13 westbound to A122 Lower Thames Crossing southbound • Improved A13 westbound to A122 Lower Thames Crossing northbound • Improved A13 westbound to A1089 southbound • A122 Lower Thames Crossing southbound to improved A13 eastbound and Orsett Cock roundabout • A122 Lower Thames Crossing northbound to improved A13 eastbound and Orsett Cock roundabout • Orsett Cock roundabout to the improved A13 westbound • Improved A13 eastbound to Orsett Cock roundabout • Improved A1089 northbound to A122 Lower Thames Crossing northbound • Improved A1089 northbound to A122 Lower Thames Crossing southbound
A2		A major road in south-east England, connecting London with the English Channel port of Dover in Kent.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Construction		Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access), and ends with demobilisation.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual containing 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 highway authority. For the A122 Lower Thames Crossing the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.

Term	Abbreviation	Explanation
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Highways England		Former name of National Highways.
M2 junction 1		The M2 will be widened from three lanes to four in both directions through M2 junction 1.
M2/A2/Lower Thames Crossing junction		New junction proposed as part of the Project to the east of Gravesend between the A2 and the new A122 Lower Thames Crossing with connections to the M2.
M25 junction 29		Improvement works to M25 junction 29 and to the M25 north of junction 29. The M25 through junction 29 will be widened from three lanes to four in both directions with hard shoulders.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
National Policy Statement	NPS	Set out UK government policy on different types of national infrastructure development, including energy, transport, water and waste. There are 12 NPS, providing the framework within which Examining Authorities make their recommendations to the Secretary of State.
National Policy Statement for National Networks	NPSNN	Sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc that require a development consent under the Planning Act 2008.
North Portal		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
Operation		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Planning Act 2008		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.

Term	Abbreviation	Explanation
Project road		The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO [REP5-024].
Project route		The horizontal and vertical alignment taken by the Project road.
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

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