

Response to ExA Action points for ISH 8 –10

Issue Specific Hearing 8 (ISH8) Construction & Operational Effects (Non traffic)

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-004574-Action%20Points%20from%20Issue%20Specific%20Hearing%208%20-%2019%20October%202023.pdf>

1. Thurrock and Gravesham Councils (and other Local Planning Authorities) and the Applicant Assessment of Construction Compound Effects Are there circumstances in which the assessment of construction compounds has been undertaken on a generalised or generic basis, but where the proximity of specific sensitive uses/ receptors or the variable nature and location of particular construction activities give you reason for concern that any maximum adverse effects of the proposed operations at the compound have not yet been assessed?

GBC Comments:

Please see the Council's ISH8 post-hearing statement whereby we explain why we consider that a bespoke approach is needed for the Southern portal compound

2. Thurrock and Gravesham Councils (and other Local Planning Authorities) and the Applicant Construction Compound Effects: Additional Controls Further to responses to Action 1, are there circumstances relating to specific activities within specific compounds which would be subject to specific sensitive uses/receptors where additional control measures are required? • Do these need to be locationally specific? • In which control document are they best located? The Applicant is invited to respond to these submissions at D7

GBC Comments:

Please see the Council's ISH8 post-hearing statement whereby we explain why we consider that a bespoke approach is needed for the Southern portal compound

3. All IPs Outstanding Items for Adjudication on Agenda Item 3(a) Construction Compound Matters

Please draw the ExA's attention to any matters arising from this Agenda item which are not agreed with the Applicant and on which you seek adjudication.

GBC Comments:

GBC concerned about potential for unknown archaeological remains, where previous data is unavailable, so recommend comprehensive geophysical survey, with more detailed assessment (trenching, or other site-specific assessment tools) reserved for areas of archaeological interest, identified potential or known development impact impacts, either as a result of the geophysical survey, or other desk-based assessment. (NB - even temporary uses i.e. soil storage have the potential to result in a permanent effect on any buried archaeological remains and upstanding earthworks within their footprint, due to the shallow depth or surface presence of such remains).

12. Applicant and Gravesham Borough Council Cascades Leisure Centre Gravesham Borough Council to set out suggested amendments to the REAC in respect of Cascades Leisure Centre and Applicant to provide a response.

GBC Comments:

Primarily please see the Council's ISH8 post-hearing statement (4bi)

The Council's concern is that the construction of LTC could significantly impact on visitor numbers at Cascades thereby impacting on the viability of the business and the range of facilities and activities offered. As can be seen from the website [New Cascades Page – GCLL](#), the offer is varied. Gravesham's leisure and entertainment facilities are part of the area's tourism and cultural offer, as explained in our LIR (REP1-228), and those facilities include the Cascades Leisure Centre on Thong Lane.

Issue Specific Hearing 9 (ISH9) Environment & Biodiversity

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-004575-Action%20Points%20from%20Issue%20Specific%20Hearing%209%20-%202023%20October%202023.pdf>

1 Kent Downs AONB Unit, Woodland Trust and Gravesham Borough Council (GBC) Ancient Woodland Compensation Provide observations on strategy for compensation for loss of Ancient Woodland including the quantum, proposed locations and wider cultural implications.

GBC Comments:

Please see the Council's ISH9 post-hearing statement

19 KCC Shorne Woods Country Park – Retention of Proposed Car Park Adjacent to the Park Set out the position in respect of facilities proposed at the car park adjacent to Shorne Woods Country Park and the status of any planning application or planning application aspirations of KCC in bringing forward additional facilities on this land, in light of the Applicant's suggestion that such facilities were being contemplated by the Council and hence why they have been assessed in the ES.

GBC Comments:

In Schedule 1 of the draft DCO the Authorised Development includes in Part 1 the Authorised Works which include (as Work No. 1P) 'the construction of a new car park' on the land adjacent to the realigned Thong Lane, which is to be located within part of Work No. CA2, which is the c.50,605 sqm Thong Lane construction compound. Schedule 1 also authorises as 'Ancillary Works' in item (p) 'such other works... of whatever nature, as may be necessary or expedient for the purposes of, or purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects in comparison to those reported in the environmental statement.'

Since the Authorised Development includes the construction of a car park, works of whatever nature that are necessary/expedient for purposes ancillary to its operation (as a car park) would be capable of falling within the scope of the Authorised Development if they satisfy the test of not giving rise to materially new or materially different environmental effects.

GBC would accept that such works could potentially include works for the establishment of payment machines and entry/egress controls for the car park (such as a barrier).

However, works to facilitate or accommodate activities that are not ancillary to the operation of a car park (whether assessed in the environmental statement or not) would not fall within the scope of the Authorised Development. GBC considers that works of the nature described in the Design Principles (S2.11) in REP4-146 such as 'kiosk, toilets, changing and storage facility' or 'an area for cycle hire and cycle washing' are not ancillary to the operation of a car park but are to support the leisure/recreational activities of persons once they have parked and vacated their cars.

Consequently, GBC considers that any such facilities would not be permitted by the DCO and would need a separate planning permission under the TCPA 1990.

Ordinarily, any planning application for such development would be a matter for GBC as the local planning authority but it is possible that circumstances might arise if the land were to be owned by KCC at some future point and development was proposed by KCC for the purposes of its functions that such a planning application might be determined by KCC in accordance with the arrangements in the TCP General Regulations 1992.

KCC has had no pre-application discussions with GBC in connection with the establishment of any such facilities at the proposed car park.

20 Gravesham Borough Council Shorne Woods SSSI – detailed design stage Provide a written response on setting out detailed matters in respect of Agenda Item 5(a)iii.

GBC Comments:

Please see the Council's ISH9 post-hearing statement and our deadline 6 response on cultural heritage

Issue Specific Hearing 10 (ISH10) Traffic & Transportation

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-004592-LTC%20-%20ISH10%20Hearing%20Action%20Points%20.pdf>

6 TfL All Interested Parties Silvertown Tunnel approach: drafting / ambiguity removal Provide an explanation of the use of the wording "Unacceptable impact", its definition or the triggers where this wording is appropriate as opposed to a situation which could be considered as a 'severe inconvenience'. What could be specified to make a trigger point to enable further work investigation and how is this secured?

GBC Comments:

"Unacceptable impact" is a term used in NPPF

111. Development should only be prevented or refused on highways grounds if there would be an **unacceptable impact** on highway safety, or the residual cumulative impacts on the road network would be severe.
112. Within this context, applications for development should:
 - a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

It also is commonly used for transport related infrastructure projects i.e TRANSPORT AND WORKS ACT 1992 RIXTON AND WARBURTON BRIDGE ORDER
<https://www.warburtontollbridge.co.uk/media/kcxdwvd4/dpi-b4215-22-3-rixton-and-warburton-toll-bridge-inspectors-report-002.pdf>

“3.166. There is no issue between the main parties to the Inquiry as there being any **unacceptable adverse impact** from the increase in the toll upon alternative routes, whether in air quality or traffic terms, or otherwise”.

“3.171. As the Inspector will be aware, the Councils comprise both local highway authorities within whose area the Bridge and surrounding road network falls. Neither Council challenged MSCC’s conclusion, and nor have they expressed any concern about, or submitted any evidence in relation to, adverse traffic impacts arising from the use of alternative routes by traffic diverting away from the Bridge. Nor is this an issue that has been raised by any other objector to the Inquiry. Again, the Inspector can therefore be satisfied that the increased toll will not result in any **unacceptable impact on traffic** on alternative routes. No other issues have been raised about the impact of raising the toll upon alternative routes”.

However, the Council has not been able to determine what definition was used to determine what would constitute an unacceptable adverse impact.

7 All Interested Parties Network North implementation 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.

GBC Comments:

Please see the Council’s ISH10 post-hearing statement references to the Network North Funding