

**Gravesham Borough Council (GBC)**

**Lower Thames Crossing DCO**

**Deadline 6**

**Comments on National Highways Deadline 5 Documents relating to the DCO including Annex 1 “Proposed new Requirement relating to Housing and Worker Accommodation in Gravesham”**

**October 2023**

**Introduction**

This document is GBC’s response to two documents submitted by the Applicant at deadline 5:

- Draft DcO v7
- Applicant’s response to IPs comments made on the DCO at Deadline 4

As GBC mentioned in its D5 submissions [\[REP5-098\]](#), the Applicant’s response to IP’s comments made on the dDCO at Deadline 3 [\[REP4-212\]](#) includes a table which contains five columns including two successive sets of comments from GBC and two sets of comments from the Applicant on the issues raised by the ExA in the agenda for ISH2 on the draft DCO [\[EV-015\]](#) and on further issues raised by GBC in its written representations following ISH2 [\[REP3-167\]](#).

The positions of the GBC and the Applicant appear now to be clear on most issues and require adjudication by the ExA.

At D4, following ISH7 on the draft DCO, GBC provided a list of amendments to the draft DCO that it requested be recommended by the ExA [\[REP4-302\]](#) and its post-hearing submission for ISH7 [\[REP4-301\]](#).

At D5, GBC provided comments on draft DCO v6 and comments on the Applicant’s responses to IP’s comments on the dDCO at Deadline 3 [\[REP5-098\]](#) and a revised version of the relevant parts of Schedule 2 to the draft DCO showing amendments that would be required were the discharging authority for requirements to be the local planning authorities and local highway authorities [\[REP5-099\]](#).

Save as mentioned below, there is nothing in any of the responses provided in [\[REP5-089\]](#) which alters GBC’s position on those documents, so as before, GBC points the ExA’s attention to its comments in the above documents, particularly the proposed amendments listed at D4 [\[REP4-302\]](#) and D5 [\[REP5-099\]](#).

GBC also makes a number of additional points below in response to the Applicant's response to IPs comments made on the DCO at Deadline 4 [REP5-089]. These include a suggested provision for dealing with the issues that workers may bring to the local housing market set out in Annex 1 (at the end).

### Draft DCO v7

There were no changes contained in version 7 of the dDCO [REP5-025] which have any implications for GBC. GBC's previous comments on previous versions of the DCO remain outstanding save to the extent where GBC have indicated otherwise previously.

### Applicant's response to IPs comments made on the DCO at Deadline 4 [REP5-089]

Note: an absence of a comment in the table below on a specific point previously made by GBC does not indicate that GBC is satisfied on that point.

Subject	GBC Comment on REP5-089
<p><b>2.2 Applicant's position on the Tidal Lagoon case</b></p>	<p>GBC remains of the view that the possibility remains for the Applicant to carry out minor preliminary works, even if they are classified as "material operations" and then do nothing more for a long period of time. In its list of proposed amendments, GBC suggested that "begin" be replaced by "commence" in requirement 2. The position of the Applicant on the Tidal Lagoon case, which largely corresponds with GBC's does not alter GBC's position on the subject.</p>
<p><b>Requirement 3</b></p> <p>4.1.1 The Applicant is grateful for the specific suggestion in the context of further design input based on the A57 Link Roads Development Consent Order 2022. The Applicant would note that the suggestion may not be appropriate in the context of the Project. For example, the suggested insertion at subparagraph (4) of Requirement 3 requiring submission to a design panel is already adequately secured under the Design Principles [REP4-146] (see</p>	<p>GBC's suggestion in its proposed revisions to requirement 3 is for review by the independent Design Council's review panel.</p> <p>This link provides further information:  <a href="https://www.designcouncil.org.uk/our-resources/archive/case-studies/design-reviews/">https://www.designcouncil.org.uk/our-resources/archive/case-studies/design-reviews/</a></p> <p>The National Highways NHDRP is described at this link:  <a href="https://www.legislation.gov.uk/ukxi/2022/1206/schedule/2/part/1/crossheading/detailed-design">https://www.legislation.gov.uk/ukxi/2022/1206/schedule/2/part/1/crossheading/detailed-design</a></p>

Subject	GBC Comment on REP5-089
<p>Clause No. PRO.01 which provides “The Project shall engage with the National Highways Design Review Panel (NHDRP) on the development of the detail design. The design proposals shall be developed with regard to comments raised by the NHDRP”. In addition, the Applicant has included Protective Provisions for local highway authorities which secure design input into new or altered local roads.</p> <p>4.1.2 The Applicant is considering whether further design input commitments should be provided in relation to some sensitive assets and sites, and will provide an update at Deadline 6 in relation to this matter</p>	<p>Subject to seeing the proposals mentioned in 4.1.2, GBC would be content with Clause PRO.01 in the Design Principles if:</p> <ul style="list-style-type: none"> <li>(a) the Applicant could provide an example of another DCO scheme where a similar clause to PRO.01 has been used, explaining the composition of the panel (so GBC can be reassured about its independence) and explain whether there have been any occasions where the comments raised by the panel have not been followed.</li> <li>(b) PRO.01 were amended as follows:</li> </ul> <p>The Project shall <u>submit options for the detailed design of the relevant part of the authorised development to the National Highways Design Review Panel (NHDRP) and shall</u> engage with the <del>NHDRP</del><u>National Highways Design Review Panel (NHDRP)</u> on the development of the detail design. The design proposals shall be developed with regard to comments raised by the NHDRP.</p>
<p><b>Tunnelling (GBC proposed new requirement)</b></p> <p>4.2.1 GBC has suggested a new requirement ensuring that spoil arising from tunnelling excavation under the River Thames is removed from the North Portal and all the tunnelling infrastructure and equipment is brought in through the North Portal. GBC states, without explanation, that they “are not content with the relevant commitment in the REAC”.</p> <p>[paragraph 4.2.2 refers to a table which compares the proposed requirement with the commitments in the REAC].</p>	<p>GBC has suggested some revisions to MW009 and MW017 in its response to the ExA’s second questions (Q.8.1). GBC would be content with these changes instead of its proposed requirement. For ease of reference, the proposed changes are set out below:</p> <p>REAC ref MW009 with GBC proposed amendments in red:</p> <p>The tunnel boring machinery will be serviced from the North Portal. <b>All</b> material excavated by the tunnel boring machinery will be generated as a slurry and this will be transferred by pipeline through the tunnel to the North Portal for placement. <b>Any material excavated by means other than by tunnel boring machinery will be transferred through the tunnel to the North Portal for placement.</b> Similarly, <b>all</b> tunnel segments and major services required to operate the tunnel boring machinery and erect the tunnel segments will be supplied from the North Portal where major services comprise slurry feed and return pipelines, main and auxiliary power cables, cross passage dewatering wastewater pipeline, fire mains and the temporary tunnel lighting system. <b>No worksites</b></p>

Subject	GBC Comment on REP5-089
	<p>to the south of the River Thames will be used for the storage of materials, plant or machinery to be used in the construction of the tunnel.</p> <p><b>REAC ref MW017 with GBC proposed amendments in red</b></p> <p>There will be no storage of concrete tunnel segments, or other materials, plant or machinery to be used in the construction of the tunnel on the ground surface at the southern tunnel entrance compound. Any such segments, materials, plant or machinery stored at the southern tunnel entrance compound, other than on the ground surface, will be brought in from the North Portal.</p>
<p><b>Drainage</b> 4.2.3 GBC suggests that the drainage requirement (Requirement 8) should be aligned to the A303 Stonehenge DCO in explicitly including “management of flood risk”. This amendment is not considered necessary as the REAC secures appropriate commitments in relation to the management of flood risk (secured under the requirements of Schedule 2 including Requirement 8), and Requirement 8 requires consultation with flood authorities (unlike the A303 Stonehenge DCO) thereby allowing flood management issues to be raised and considered appropriately.</p>	<p>GBC maintains its position but wishes to understand better which provisions in the REAC are referred to by the Applicant so that it can consider the Applicant’s response further. GBC is assuming it may be RDWE001, RDWE006 and RDWE022.</p> <p>GBC recognises that the <a href="#">Stonehenge requirement</a> did not specifically require consultation with flood authorities but it does require consultation with planning authorities on matters relating to their functions.</p>
<p><b>Thong Lane Car Park</b></p>	<p>The ExA is aware of the differences of opinion about the provision of the car park as a matter of principle, and this will be a matter for adjudication by the ExA.</p>
<p><b>Chalk Park</b></p>	<p>GBC awaits the Applicant’s updated drawings which will hopefully address the issue raised by GBC about the vertical limits of deviation.</p>

Subject	GBC Comment on REP5-089
<p><b>Wider Network Impacts: paragraph 5.214 of NPSNN</b></p>	<p>See GBC’s written submissions following ISH 10 in respect of this issue generally.</p> <p>On the specific point about whether paragraph 5.214 of NPSNN applies more widely than just Strategic Rail Freight Interchanges, GBC maintains its view. The relevant extract is set out at the end of this note, as are the relevant extracts from the draft NPSNN, from which it can be seen that GBC’s point is not “wholly misplaced” as the Applicant puts it.</p> <p>On the contrary, it is a respectable argument to say that 5.214 applies to both Strategic Rail Freight Interchanges and Road and Rail developments. The wording in 5.214 can be read in the context of both 5.212 and 5.213, and GBC maintains that the absence of a subheading before 5.214 does not mean that its interpretation cannot hold good.</p> <p>The draft NPSNN is very clear that the equivalent provision (including the last sentence of paragraph 5.280) applies to all developments covered by the policy. Whilst GBC accepts that the draft NPSNN is not the National Policy Statement to be had regard to under section 104(2)(a) of PA 2008, that does not mean that the draft policy cannot be used in assisting in the interpretation of the current policy.</p> <p>GBC accepts the Applicant’s response in relation to the A47 Wansford to Sutton scheme, but this does not detract from the view expressed above.</p>
<p><b>4.4 Signposting for GBC</b></p> <p>In this section of the response, a number of GBC’s points are addressed by signposting other documents. GBC only responds where it considers it would be helpful. Otherwise it maintains its position as set out in its responses at D4 and D5.</p>	
<p>4.4.4: Green bridges</p>	<p>GBC reiterates its view that the production of plans, following detailed design, showing the proposed boundary of the highway would be helpful.</p>

<b>Subject</b>	<b>GBC Comment on REP5-089</b>
4.4.7: Various points addressed by the Applicant at D4	GBC responded to the Applicant's D4 comments in its D5 response.

## Wider Network Impacts: Extract from Existing NPSNN

### Decision making

**5.211** The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in local plans, for example, policies on demand management being undertaken at the local level.

#### *Road and rail developments*

**5.212** Schemes should be developed and options considered in the light of relevant local policies and local plans, taking into account local models where appropriate, however the scheme must be decided in accordance with the NPS except to the extent that one or more of sub-sections 104(4) to 104(8) of the Planning Act 2008 applies.

#### *Strategic Rail Freight Interchanges*

**5.213** Projects may give rise to impacts on the surrounding transport infrastructure including connecting transport networks. The Secretary of State should therefore ensure that the applicant has taken reasonable steps to mitigate these impacts. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations for funding

infrastructure and otherwise mitigating adverse impacts on transport networks, as set out below.

**5.214** Provided that the applicant is willing to commit to transport planning obligations and, to mitigate transport impacts identified in the WebTAG transport assessment (including environment and social impacts), with attribution of costs calculated in accordance with the Department's guidance, then development consent should not be withheld. Appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure.

### Mitigation

## Extract from Draft NPSNN

### Decision-making

- 5.277 The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in existing and emerging local plans and Local Transport Plans, during both construction and operation.
- 5.278 Consideration should also be given to whether the applicant has maximised opportunities to allow for journeys associated with the development to be undertaken via sustainable modes.
- 5.279 Schemes should be developed, and options considered, in the light of relevant policies and plans, both national and local, taking into account local models where appropriate.
- 5.280 Where a development negatively impacts on surrounding transport infrastructure including connecting transport networks, the Secretary of State should ensure that the applicant has taken reasonable steps to mitigate these impacts. This could include the applicant increasing the project's scope to avoid impacts on surrounding transport infrastructure and providing resilience on the wider network. In particular, this should recognise the importance of providing adequate lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. The applicant may increase the project's scope to avoid impacts on the surrounding transport infrastructure and improve network resilience. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations to fund infrastructure or mitigate adverse impacts on transport networks.
- 5.281 Provided that the applicant is willing to commit to transport planning obligations and to mitigate transport impacts identified in the Transport Appraisal Guidance Transport Assessment (including environment and social impacts), with attribution of costs calculated in accordance with the Department's guidance, then development consent should not be withheld. Where residual effects on the surrounding transport infrastructure remain, appropriately limited weight should be given.

## Annex 1

### Proposed new Requirement relating to Housing and Worker Accommodation in Gravesham

#### Introduction

As has been mentioned by the Council in a number of the documents that it has submitted to the Examination, the potential impact of the LTC workforce on housing provision in Gravesham is of prime importance for the Council. This subject has been raised by the Council in pre-application consultation, in its relevant representations, its Local Impact Report and in its list of asks for the section 106 agreement [[AS-070](#)].

The Council is already under very significant pressure in relation to its housing duties, both in terms of the lack of housing stock to meet existing and increasing demand, and the increasing rents which ultimately fall on the Council when providing accommodation. There is a danger that these issues will be exacerbated by workers seeking to rent accommodation during the long construction phase of LTC, increasing that demand and those costs.

The Council have put forward a new proposed requirement at this stage of the Examination because the Applicant has been unwilling to agree to include housing proposals in the draft section 106 agreement that has been offered. The drafting of the requirement is based in part on the provisions for accommodation contained in Schedule 3 to the [deed of obligation](#) that was agreed on the Sizewell C development consent order and might need to be tweaked further to truly reflect the situation in Gravesham once colleagues from GBC Housing have considered this further.

There are a number of other proposals in the Council's list of asks for the section 106 agreement which have not been agreed by the Applicant. The fact that the Council has not included requirements or REAC commitments at this stage to meet those asks does not mean that they are not important to the Council, and their absence will be factors which will contribute to the Council's final position on whether it considers the case is made for the DCO in planning terms. The Council mentions one area in particular where provision is lacking, namely the impact of the workforce on health provision in Gravesham.

#### The proposed new requirement

##### Gravesham Accommodation Resilience Scheme

[XX].—(1) No part of the authorised development must commence until a Gravesham Accommodation Resilience Scheme (“GARS”) has been submitted to and approved in writing by the Secretary of State following consultation by the undertaker with Gravesham Borough Council.

(2) The GARS must make provision for the establishment of a Gravesham Accommodation Working Group which must—

- (a) consist of an equal number of representatives from the undertaker and Gravesham Borough Council and must exist from before the commencement of and throughout the construction period;
  - (b) agree on the measures, if any, to be carried out by or on behalf of the undertaker (including the reimbursement of reasonable administration costs incurred by the Council), having regard to—
    - (i) information provided by Gravesham Borough Council that the Accommodation Working Group agrees (acting reasonably) and which shows housing market stress relative to pre-Commencement levels which may reasonably be related to the effects of the workforce for the authorised development, including—
      - (A) an increased level of homeless presentations and applications in Gravesham compared with the national average for the same period;
      - (B) an above average use of emergency and temporary accommodation in Gravesham compared with the national average for the same period;
      - (C) an above average use of discretionary housing payments in Gravesham compared with the national average for the same period; and
      - (D) an above average level of licence applications and enforcement action in respect of unlicensed Houses of Multiple Occupancy in Gravesham compared with the national average for the same period; and
    - (ii) other information provided by the undertaker or Gravesham Borough Council under sub-paragraph (6).
- (3) The measures referred to in sub-paragraph (2)(b) may include—
- (a) increasing the supply of bedspaces in private housing in accordance with the Private Housing Supply Plan; and
  - (b) providing support for Gravesham Borough Council’s housing services through the provision of Housing and Homelessness Services Resilience Measures.
- (4) The GARS must make provision for matters which the Accommodation Working Group must take into account when considering what measures should be carried out by or on behalf of the undertaker under sub-paragraph (2)(b), including the extent to which the proposed measures—
- (a) are an effective means to mitigate the potential effects of the authorised development;

- (b) give priority to localities where the direct impacts of the authorised development are anticipated to be experienced;
- (c) provide value for money; and
- (d) where the measures aim to increase the supply of bedspaces—
  - (i) would deliver bedspaces prior to the date upon which peak workforce numbers are anticipated to be reached by the undertaker (acting reasonably); and
  - (ii) offer the potential for recycling any funds set aside for implementing the measures so that they can be reinvested in other housing initiatives, as far as reasonably practicable.

(5) The GARS must provide that within 6 months following notification by the undertaker of the commencement of the authorised development, Gravesham Council must prepare a draft Private Housing Supply Plan and submit the draft Private Housing Supply Plan to the Accommodation Working Group for approval.

(6) The GARS must include provision requiring the undertaker or Gravesham Borough Council to provide to the Accommodation Working Group information necessary or convenient for the Accommodation Working Group to carry out its functions.

(7) The GARS must include provision about the following in relation to the Accommodation Working Group—

- (a) its administrative arrangements, including frequency of meetings and quorum;
- (b) its terms of reference;
- (c) arrangements for review by the Secretary of State or others in the case where the group are unable to agree matters.

(8) The GARS must include provision about the carrying out of workforce surveys by the undertaker, in order to enable the provision of relevant information to the Accommodation Working Group under sub-paragraph (6).

(9) The undertaker must comply with the GARS, and in particular implement or otherwise secure the implementation of measures agreed by the Accommodation Working Group.

(10) In this paragraph—

the “GARS” means the Gravesham Accommodation Resilience Scheme prepared under sub-paragraph (1);

"Housing and Homelessness Services Resilience Measures" means measures to support Gravesham Borough Council's statutory housing advice and homelessness prevention service where there is evidence of increased housing market stress impacting the level of demand on this service which may reasonably be related to the effects of the construction of the authorised development, including but not limited to (subject to agreement by the Accommodation Working Group that those measures would be effective in responding to effects which may be reasonably attributed to the authorised development) —

- (a) staff resourcing, training and projects including but not limited to floating support, tenancy sustainment, outreach, family liaison and issue-specific projects;
- (b) temporary and emergency accommodation support;
- (c) landlord engagement and support; and
- (d) management of houses in multiple occupation including support for licensing, enforcement and maintenance support;

"Private Housing Supply Plan" means a plan to be prepared by Gravesham Borough Council and approved by the Accommodation Working Group to carry out or otherwise secure any or all of the following initiatives (or any other appropriate initiatives which the Accommodation Working Group considers in its reasonable opinion would supply private housing during the period of the construction of the authorised development, at an equivalent rate and value for money)—

- (a) supporting rent and deposit guarantee schemes, in particular to support people at risk of homelessness;
- (b) providing equity loans to residents in the owner-occupied and private rented sector to enable them to secure suitable accommodation and free up homes or rooms in the private rented sector;
- (c) providing equity loans to residents in the social rented sector to help them access owner-occupied and rented property and rationalise the supply and occupancy of social rented homes as a result;
- (d) supporting empty homes back into use;
- (e) providing loans or grants or guaranteed lets, such as renovation grants or funding for minor improvement works and lodging or rent-a-room schemes;
- (f) tackling under-occupation and maximising efficiency.