

Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing

Agenda for Issue Specific Hearing 12 (ISH12): Social, Economic and Project Delivery Matters

Hearing	Date and Time	Location
Issue Specific Hearing 12 Social, Economic and Project Delivery Matters	<p>Thursday 23 November 2023</p> <p>Hearing Starts at 10am</p> <p>Blended event</p> <p>Venue Registration Process from 9:15am</p> <p>Virtual Registration Process from 9:15am</p>	<p>Hilton London Tower Bridge Hotel 5 More London Place, London SE1 2BY</p> <p>By virtual means using Microsoft Teams</p>

Agenda

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Purpose of the Issue Specific Hearing**
- 3. Social, Economic and Land-Use Effects**

The ExA will ask questions of the Applicant and the relevant local authorities on the following matters:

a)	Replacement Open Spaces
i	<p>Recreational/Sports Facility Replacement</p> <ul style="list-style-type: none"> • Whether Chalk Park is a suitable replacement for the impact to sports facilities in the Gravesham area, specifically the lost Southern Valley Golf Course and the impact on the Swing Rite facilities (noting that we do not need to replay the discussion held at CAH3)? • The ExA would like an update from the Applicant and Gravesham Borough Council on the proposed 9-hole golf course land at the rear of Cascades Leisure Centre in light of Gravesham’s D6 submission [REP6-125] following CAH3 discussion.
ii	<p>Review of Open Space Delivery</p> <p>The ExA would like to hear the latest positions from the Applicant and Local Planning Authorities in relation to the timing, form, and function of any open space replacement/new provision and whether the National Policy Statement’s tests for replacement land have been met. National</p>

	Highways submissions [REP3-109] and [REP6-097] may assist this discussion, along with the various responses provided to EXQ1 Q13.1.10.
b)	Funding for Residual Impacts and Other Planning Obligations
i	<p>Community funds</p> <p>The ExA would like to discuss the following:</p> <ul style="list-style-type: none"> • Whether the quantum of Community Funds identified in the S106 Heads of Terms document [REP4-145] are sufficient; • Whether the value of the fund should be fixed at the point of a signed agreement or appropriately indexed, and if indexed what index is suggested, e.g. Retail Price Index (RPI), the Consumer Price Index (CPI), the Building Cost Information Service (BCIS); • Whether the fund should be split into identified amounts for each local authority area affected by the route alignment, and if so what percentage split is appropriate; • What types of schemes may be funded; • Should the remit of the fund be expanded?
iii	<p>S106 – Current Heads of Terms and Omissions</p> <p>The ExA would like to hear from the Applicant and the Local Authorities on the status of discussions on s106 Agreements (separate to the discussion on item b) i above). The ExA is specifically interested to understand the matters which are settled and agreed between the parties and the matters which remain outstanding or not agreed and the reasons for the lack of agreement. Document [REP4-145] will assist this discussion.</p>
c)	Local Plan Commitments
iv	<p>Impacts on Local Plan Allocations</p> <p>The ExA would like to hear from relevant local authorities on the potential impacts of the Project on the delivery of residential and commercial growth commitments contained within adopted plans or advanced published emerging plans (post Regulation 19 stage plans only). Where applicable, the ExA would like to understand which parts of the Proposed Development are seen as likely to hinder plan delivery and why?</p> <p>For the avoidance of doubt, the ExA does not wish to hear submissions relating to sites put forward at a ‘call for sites’ stage in emerging plans that have yet to reach Regulation 19 publication stage. The ExA also does not wish to hear repeat submissions on the delivery of the Tilbury Freeport / Port Expansion or the Brentwood Enterprise Park, as these have already been discussed on several occasions at previous hearings.</p>

Other IPs will be welcome to participate.

The Applicant will be provided with a right of reply.

4. Project Delivery and Control Documents

The ExA will ask questions of the Applicant and IPs on the following matters relating to the structure, content, operation, enforcement and iteration of the Control Document set:

a)	The approach to project control
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i	<p>The ExA will ask the Applicant to provide an overview of the operation of the proposed Control Documents with reference to the Lower Thames Crossing Mitigation Route Map [REP4-203] (MRM). It will be asked to explain it's in-principle approach to the Control Document set and to set out:</p> <ul style="list-style-type: none"> • Documents submitted with the application or in Examination; • Documents to be submitted subsequently; and • Managing stages – the iteration process; • Whether there are any other documents that need to be discussed in addition to those identified in the MRM in order to understand the operation of the Control Document set?. <p>This item is to inform subsequent discussions and the ExA will not be seeking submissions about the merits of individual documents at this stage.</p>
b)	<p>Code of Construction Practice (CoCP) (1st Iteration) [REP6-038, 040 & 042]</p>
i	<p>The ExA will ask the Applicant about the relationship between the CoCP and dDCO: what is the basis for security for this document?</p> <ul style="list-style-type: none"> • Are relevant IPs clear about security? • Is security viewed as appropriate?
ii	<p>The ExA will ask the Applicant about the management of stages through the CoCP – the iteration process</p> <ul style="list-style-type: none"> • Are relevant IPs clear about the iteration process? • Are any revisions to the process sought?
iii	<p>The ExA will ask IPs about the content of the CoCP</p> <ul style="list-style-type: none"> • Is content appropriate? • Are any revisions sought? • How should the REAC be managed – should it become a free-standing control document?
iv	<p>The ExA will ask the Applicant and IPs about decision-making under the CoCP</p> <p>Is the decision-making process clear?</p> <ul style="list-style-type: none"> • Are decisions being taken in the right place and with the right parties engaged?
v	<p>The ExA will ask about non-compliance and enforcement</p> <ul style="list-style-type: none"> • What is the anticipated role of the local authorities in this and how can they best deliver it?
b)	<p>Design Principles</p>
	<p>With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions about the Design Principles [REP6-046] document relating to:</p> <ul style="list-style-type: none"> • The basis for security for the document • The management of stages – the iteration process for the document • The content of the document • Decision-making under the document • The management of non-compliance and the enforcement of the document's provisions
c)	<p>Outline Traffic Management Plan for Construction (oTMPfC)</p>
	<p>With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the oTMPfC [REP6-048]</p>
d)	<p>Framework Construction Travel Plan (fCTP)</p>
	<p>With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the fCTP [REP5-054]</p>

e)	Stakeholder Actions and Commitments Register (SACR)
	With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the SACR [REP6-050]
f)	Outline Landscape and Ecology Management Plan (oLEMP)
	With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the oLEMP [REP4-140 & 142]
g)	Outline Site Waste Management Plan (oSWMP)
	With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the oSWMP [REP6-040]
h)	Outline Materials Handling Plan (oMHP)
	With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the oMHP [REP5-050]
i)	Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (AMS-oWSI)
	With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the AMS-oWSI [REP6-044]
j)	Carbon and Energy Management Plan (1st Iteration)
	With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the Carbon and Energy Management Plan [APP-552]
k)	Preliminary Works Environmental Management Plan (PWEMP)
	With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the PWEMP [REP6-042]
l)	Outline Traffic Management Plan for Construction
	With reference to the framework questions asked in relation to the CoCP, the ExA will ask equivalent questions for the Outline Traffic Management Plan for Construction [REP6-048]
m)	Addition or Removal of Documents
i	The ExA will ask if any documents should be added to the Control Document set (missing documents)?
ii	The ExA will ask if any documents should be deleted from the Control Document set (superfluous documents)?

5. Next Steps

6. Closing

Purpose of this ISH

The purpose of this ISH is to inquire into social and economic matters arising from the proposed development in respect of which the ExA has remaining questions of the parties and to provide a forum for the ExA's discussion of the content and operation of the proposed Control Documents.

Attendees

The ExA would find it helpful if the following parties could attend this Hearing.

- The Applicant, specifically economics, planning and land use specialists and team members responsible for the drafting of the control documents, who are in a position to discuss the matters on the agenda
- The host local authorities in respect of their functions for social, economic, community and wellbeing matters and those responsible for land use planning, development management and enforcement
- Thames Crossing Action Group

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing. Anyone wishing to attend the Hearing who has not already advised the Case Team of this, should do so as soon as possible.

The Applicant is requested to have people with the following expertise available to assist the hearing:

- Economics
- Social effects
- Community and wellbeing considerations
- Land use planning, development management and enforcement
- Law and statutory drafting

This list may also assist other IPs who are able to draw on staff or advisors to support them.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded. For the avoidance of doubt, you are advised that the recordings that we make are retained and published and form a public record that can contain your personal information and to which the UK General Data Protection Regulation applies.

Registration Process

Registering as a speaker

The speakers invited to this hearing are listed above. If you are invited, please register at **9-15am**. This enables arrangements to be explained and hearings to make a prompt start.

You can register in person at the venue. If you are attending virtually, you will receive joining and registration instructions in a separate email, shortly in advance of the event. This email will also explain what to do if you have difficulties getting connected.

Observing the hearing

Hearings are held in public. If you are not speaking, public seating at the venue will be open from **9-15am**. If you are observing on-line, please go to the [project landing page](#) on the National Infrastructure Planning website where you will find:

- on the day - a link to a livestream to watch the hearing in real time; and
- after the event has closed - a link to the recordings of the hearing

All Interested Parties (IPs) are welcome to submit observations in writing by the deadline following the hearing.

Procedure at an ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Parties attending an ISH for the first time are encouraged to view parts of previous ISH1 held at the start of this Examination, using the recordings held online. Whilst the matters to be examined in this hearing – identified in this Agenda – will be different, the approaches taken to hearing management and involvement by parties will be similar. Introductory and advisory material included in the opening stages of that hearing will not be set out in full in later hearings and so the ISH1 recording of the opening session on Day 1 will assist those who are not familiar with this type of hearing.

- ISH1 Recordings ([Day 1 – 21 June 2023](#))
- ISH1 Recordings ([Day 2 – 23 June 2023](#))

Participants at the hearing are reminded of the importance of respecting all other participants and allowing everyone here to have their say. Please do not interrupt the other speakers. If the ExA needs to clarify something that is being said, then the ExA will intervene. Unnecessary interruptions that disrupt the hearing can be viewed as unreasonable behaviour for which awards of costs can be sought by other interested parties; they can also lead to a party being removed from the hearing.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written responses to actions, to written questions or to a subsequent hearing.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate.

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