

Gravesham Borough Council

(IP ref: 20035747)

Lower Thames Crossing

Deadline 7 submission

Deadline 7 (D7)

For receipt by the ExA of:

- Applicant's submission of draft s106 agreement(s) and any other draft legal agreements
- Comments on responses to further ExQ (if applicable)
- Updated SoCGs (if updated)
- Updated PADSs (if updated)
- Applicant's submission of documents requested
- Comments on Applicant's submissions at D6
- Comments on any information requested by the ExA and received by D6
- Requests from a CA Regulations Interested Party to be heard at: An Open Floor Hearing held under Regulation 16 of the CA Regs (OFH/CA Regs). An Issue Specific Hearing held under Regulation 14 of the CA Regs (ISH/CA Regs). A Compulsory Acquisition Hearing held under Regulation 15 of the CA Regs (CAH/CA Regs) (if required)
- Any further information requested by the ExA under Rule 17 of the EPR

S.106

Gravesham had some serious reservations about the first draft of a section 106 agreement it received on both scope and content. National Highways has proposed some significant alterations, including moving the Skills, Education and Employment Strategy and Community Fund out of the draft so as to add this to the Stakeholder Action and Commitments Register. New versions of both documents are expected to be submitted at Deadline 7.

A fresh draft s.106 was expected on Tuesday 14 November in preparation for a meeting on Friday 17 November 2023, but was not received. A meeting did take place, where an unsatisfactory response to Gravesham's revised officer support contributions, to address impacts on the Council from the project, was received. Item 4.e) i of the revised ISH14 agenda on the impact on the local housing market is of relevance to the discussions on the s.106. Just before this deadline the revised s.106 agreement and the proposed Stakeholder Action and Commitments Register to be submitted at D7 were received for consideration. This new material has not yet been reviewed. Further comment will be made on these at D8.

SoCG

It is hoped to that the Statement of Common Ground can be agreed for Deadline 8 or 9a.

PADS

This will be updated at either Deadline 8 or 9a.

Compulsory Acquisition (CAH3)

As previously reported the applicant has made an offer on the land at the rear of Cascades and the costs involved in relocating the Par 3 course and the playing fields. A further offer

has been made to the Council and it is in discussions with the applicant over the potential Heads of Terms for any agreement that may be reached.

Comments on applicant's D6 submissions (REP6-106 to REP6-117)

The Council's initial focus is on its responses to the ExQ2 questions as set out in REP6-106 to REP6-117.

Lack of comment does not mean that there are not matters on which the Council may wish to make comment on further at a later date. On some matters there is an upcoming ISH or a document is expected to be submitted at D7, so no comment is being made at this time.

An overarching comment is that the applicant still remains resistant to the Council's frequently reiterated view that on a project of this scale, it is important to monitor the impacts both during construction and operation (where the details will differ) to establish what is actually happening as opposed to what the analysis contained in the Environmental Statement predicts. If the outcome is as predicted, and accepted in the granting of the DCO, then that is a positive result for the applicant. If better, even better. If it is worse, it is incumbent on the applicant to take additional measures of mitigation or compensation, as appropriate, to address the situation. The monitoring provides a mechanism for reassurance to local residents that what has been promised is indeed being delivered.

REP6-107 Appendix A – 1, 2 & 3

See comment on Appendix C below

REP6-108 Appendix B – 4 Traffic and Transportation

In view of the submissions at Deadline 6a and what may come at Deadline 7, coupled with ISH13, the Council will make further submissions on this matter in that context.

REP6-109 Appendix C – Air Quality

ExQ2_Q5.1.1 Delay to proposed ban on the sale of new petrol and diesel cars

Advice has been sought from our Air Quality consultants on whether the delay to the proposed ban on the sale of new petrol and diesel cars from 2030 to 2035 has any implications for the applicant's assessment. This topic comes up in a number of ExQ2 questions and the Council will comment as soon as it is in a position to do so having received appropriate technical advice.

ExQ2_Q5.1.3 Clarity on PM2.5 Monitoring Stations

In line with the overall comment above on monitoring, the Council would regard it as essential that PM2.5 monitoring is carried out by the project, so that its assertion that there will be no material impact can be tested.

ExQ2_Q5.1.5 Draft NPSNN: para 5.18

No additional comments at this time beyond the uncertainties in the traffic modelling, which if worse than currently shown will impact on the air quality assessment contained in the Environmental Statement.

ExQ2_Q5.2.2 Reduction in the extent of nitrogen deposition sites: Kent Downs AoNB

The Council remains concerned that the sites for nitrogen deposition compensation are located disproportionately to the north of the Thames, whilst the main impacts are to the south.

REP6-110 Appendix D – 6, 7 & 8

ExQ2_Q8.1.3 Transportation of materials and waste

As previously indicated the Council would wish to see best use of water and rail for large scale movement of materials and waste. It is important that the options are actively explored by the contractors.

REP6-111 Appendix E - 9 Noise and Vibration

No additional comments at this time beyond the uncertainties in the traffic modelling, which if worse than currently shown, will impact on the noise and vibration assessment contained in the Environmental Statement.

REP6-112 Appendix F – 10 Road drainage, Water Environment & Flooding

ExQ2_Q10.1.1 Surface Water Risk

Noting that the ExA was asking a general question using the HS1 culvert and substations as an example, the Council is aware that a number of issues remain to be resolved on the basis of [REP4-109] Draft SOCG with HS1 Ltd. The Council's concern is where these details may result in a potentially significant changes to the environmental impact of the project, for example where the extended Darnley Lodge Lane intrudes into Ashenbank Wood Cutting. As previously highlighted the bund between the A2 and HS1 just east of Brewers Road was a late addition to the design due to the need for vehicle restraint. HS1 is also concerned with the reduction in size of the infiltration pond, which serves a number of functions including overland flow from Jeskyns in extreme rainfall.

ExQ2_Q10.1.2 Infiltration ponds

The Council's notes the applicants point that overflowing would be a waterfall effect. It is however noted that the effective catchment for these ponds (see REP6-009 2.16 Drainage Plans Volume B sheets 11 & 13) is enlarged (and includes hard surfaces) over what would naturally flow down the (normally) dry valley towards the A226.

REP6-113 & 114 Appendix G – 11 Biodiversity

No further comments at this time

REP6-115 Appendix H – 12 Physical Effects of Development & Operation

ExQ2_Q12.2.1 Landscape character regrading

Whilst the Council notes the Applicant's position that an assessment of the susceptibility of a landscape character area to accommodate change will be informed, to some extent, by the nature of the proposal that is being considered (and so to that extent is not purely a baseline assessment) the Council remains unconvinced that the relatively modest changes to the proposal between 2020 and 2022 are sufficient in themselves to adequately explain the regrading of the Cobham LLCA's susceptibility such that the sensitivity of that area is then downgraded from 'very high' to 'high'.

Further comments will be made at ISH11

Heritage Assets comments were covered in REP6-136 Gravesham BC Appendix 8
Additional comments on Heritage Matters

REP6-116 Appendix I – 13 Social, Economic and Land Use

ExQ2_Q13.1.2 Green Belt

The Council notes that the Applicant has responded to the policy issues raised by this question but is also proposing a further submission to update its Green Belt assessment at Deadline 7. The Council considers that, rather than comment at this stage just on the Applicant's response on policy issues, it will review its position when it has seen the applicant's Green Belt submission at Deadline 7 and provide a composite response at Deadline 8. The Council, however, as a general remark remains of the view that for policy purposes the project has to be considered as a whole, and any highway elements that might meet an exceptions test would not exist except for the project and would not otherwise be proposed.

Chalk Park levels

Gravesham raised an issue with discrepancies between the submitted Works and Engineering Plans and the dDCO at deadline 4 (REP4-301, page 18). The applicant said that these discrepancies would be addressed at Deadline 6 (REP5-089 at paragraph 4.2.7). Gravesham subsequently noted that this also related to the issue of excavated materials and the implications arising therefrom but made no further comment at that stage given the information awaited from the applicant (REP6-131 under Q8.1.4). Whilst the applicant has subsequently provided revised Engineering Plans for part of Chalk Park (see REP6-006 at Sheet 19), it remains unclear what existing and proposed levels are supposed to be or what the limits of deviation under the dDCO actually relate to (see REP6-010 Part 2 6(2)(b) and (c)).

The absence of details of levels or contours beyond the site boundary or representative sections also make the plans difficult to interpret. In addition, the Works Plans still do not appear to have been amended to show the limits of Works OSC4(a) and OSC4(b) under the dDCO, where different limits of deviation apply. It is clearly unfortunate that this has not been properly addressed at this very late stage given both the LPA and the ExA need to be in a position to assess and comment on potential impacts and understand what is actually being permitted. This is separate from issues raised by Gravesham over missing archaeology in this area and the potential to amend the scheme should important remains be discovered post granting of a DCO. The Council will make relevant comments to the topics raised at ISH11 Agenda Item 6. a) i and ISH12 Agenda item 3. a) i in those hearings.

REP6-117 Appendix J – 14, 15 & 16

Noted that the Register of Requirements will allow interested parties and members of the public to keep track of the status of the various plans and other commitments and where they have changed.

DCO Version 8

The other submission for D7 contains the Council's comments on the dDCO Version 8 and related D6 documents. These matters will be subject to further comment at ISH14.

Other D6 submissions

REP6-039 National Highways Deadline 6 Submission - 6.3 Environmental Statement Appendices Appendix 2.2 – Code of Construction Practice, First Iteration of Environmental Management Plan v6.0

NV015 - the changes are welcome

NV017 – the changes are welcome

REP6-089 National Highways Deadline 6 Submission - 9.131 Post-event submissions, including written submission of oral comments, for ISH8

Paragraphs 3.1.10 - 3.1.12 - appreciate recognition that a bespoke approach is needed to Polperro in respect to construction noise impacts and significant landscape effects

Paragraph 3.164 - this response from NH does not address this Council's significant concerns about the impact of LTC's construction workers on local housing markets. We therefore appreciate the ExA's inclusion of Gravesham BC's draft requirement in relation to worker housing in the ISH14 agenda.

Paragraph 4.2.8 - GBC's concerns remain

Annex D Traveller Sites Noise Assessment – D.1.1 lists b. View Point Place but not Horseshoe Meadow

REP6-092 9.134 Wider Network Impacts Position Paper

The Council considers that NH's consideration of the Silvertown Tunnel approach did not provide the, without prejudice, draft that the ExA were asking for in its action point.

We understand that LB Havering have prepared a response to NH's requirement with some suggested changes to more closely reflect why most of the local authorities have proposed this approach and we commend this to the ExA for consideration.

Comments on (a) DCO Draft version 8 and (b) National Highways Deadline 6 Documents relating to the DCO

These are attached as a separate document.

17 November 2023