



Rynd Smith  
Lead Member of the Examining Authority  
National Infrastructure Planning  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**BY ONLINE SUBMISSION ONLY**

**Growth, Environment & Transport**

Sessions House  
Maidstone  
Kent  
ME14 1XQ

Your Reference:  
TR010032

KCC Interested Party  
Reference Number:  
20035779

Date: 5<sup>th</sup> December 2023

Dear Rynd,

**RE: Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing - Kent County Council's Submission to Deadline 8**

As outlined within the Examination Timetable (Annex A of the Rule 8 letter [PD-020], this letter forms part of Kent County Council's Deadline 8 (D8) submission which provides the following:

- Responses to the Examining Authority's Commentary on the draft Development Consent Order [PD-047]

Kent County Council's (KCC) responses to the Examining Authority's Commentary on the draft Development Consent Order [PD-047] are provided within the attached appendix A.

Yours sincerely,

Simon Jones

Corporate Director – Growth, Environment & Transport

## Appendix A: Kent County Council Responses to ExA Commentary on the dDCO [PD-047]



| Question ID                        | Question topic:                           | Question:   | Response:  |
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| <b>2. The Title of the DCO</b>     |   |   |  |
| QD1                                | Title of the DCO                          | Do any IPs have any submissions to make on the title of the draft Development Consent Order (dDCO)?   | Kent County Council (KCC) has no objection to the proposed title.  |
| <b>3. The Structure of the DCO</b> |   |   |  |
| QD2                                | The dDCO Table of Contents and Provisions | Do any IPs have any submissions to make on the structure or broad function of the provisions in the dDCO?   | KCC has no specific comment to make on this matter.  |
| QD3                                | Certified and Control Documents           | Are there any documents that have been submitted to the Examination that should be certified but are not recorded in the dDCO?  | <p>KCC reiterates the importance of the inclusion of the Wider Network Impact Monitoring and Mitigation Plan within the certified documentation list. Whilst this appears to be included within the draft Development Consent Order [REP7-090], it was not featured within the agenda for Issue Specific Hearing 12, where other documents to be secured under the DCO were examined.</p> <p>KCC also notes that the Schedule of Changes to the draft Development Consent Order v7.0 [REP7-160] refers to a wider network impacts management and monitoring strategy. This document does not exist and should instead refer to the Wider Network Impact Monitoring and Mitigation Plan. This comment is relevant to the described changes to Schedule 2 Requirement 14(1) and 14(3). This wording does not appear to be reflected within the dDCO V9.0 [REP7-090] but it is important that this error is not carried into the final version.</p> |
| QD4                                | Certified and Control Documents           | Are there any documents are recorded in the dDCO as to be certified but which are superfluous?  | KCC has not identified any superfluous Certified documents.  |
| QD5                                | Certified and Control Documents           | Should Schedule 16 be restructured to set out the proposed certified documents in functional groupings?   | KCC supports the Examining Authority's suggestion to restructure Schedule 16 as proposed for ease of use during the design, construction, and operational stages of the scheme.  |
| QD6                                | Certified and Control Documents           | Should the Register of Environmental Actions and Commitments (REAC) be individually identified in Schedule 16 (certified documents)?  | <p>It is the view of KCC that the Register of Environmental Actions and Commitments (REAC) should be individually identified in Schedule 16 of the DCO for ease of location and to enable continued reference after the end of the construction period.</p> <p>In addition, KCC suggests the Landscape and Environmental Management Plan (LEMP) should be a free-standing Control Document outside of the REAC.</p> <p>The Outline Landscape and Environmental Management Plan (OLEMP) will inform detailed LEMPs, so any management carried out within the site will be agreed within a detailed LEMP or following any changes as a result of on-going monitoring.</p>  |
| QD7                                | Certified and Control Documents           | Should the Mitigation Road Map be included as part of the REAC, as a separate Control Document (CD) or certified document or not at all?  | It is the view of KCC that the Mitigation Road Map should remain included within the REAC.   |
| QD8                                | Certified and Control Documents           | Do any IPs have any further submissions to make on the manner in which certified documents and specifically CDs are recorded in the dDCO?   | KCC has no further comment to make on this matter  |
| <b>4. The Content of the DCO</b>   |   |   |  |
| QD9                                | Articles                                  | Are there any further matters that have been raised in the Examination that should be provided for in an Article but which are not? If so, please provide reasons and evidence for your position. | KCC has not identified any further matters relating to Kent that require an additional article to be included within the DCO.  |
| QD10                               | Articles                                  | Are there any matters provided for in an Article which are superfluous? If so,  | KCC has not identified any superfluous Articles.   |

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|         |                                 | please provide reasons and evidence for your position.  |   |
| QD11    | Articles                        | Are there Articles that the ExA has not yet commented on in respect of which a change in drafting is sought? If so, please provide reasons and evidence for your position.  | KCC is not seeking any additional changes in drafting to Articles not already commented on by the Examining Authority.  |
| QD12    | Deemed consents                 | All prospective consenting bodies subject to deemed consent provisions with a time-limit are asked to consider the appropriateness of a provision for deemed consent and of the time limit. If these are not considered to be appropriate, then they are asked to explain why and how these provisions might be varied. | <p>KCC has provided a specific response to this matter in QD22, QD23, QD27, and QD28. To summarise, KCC does not consider the 28-day period of deemed consent to be long enough for informed consent to be granted in specific cases. The reasons for this are elaborated on within KCC's subsequent responses to these questions.</p> <p>KCC asserts that a 12-week (60-day) period would be appropriate for time-limited deemed consent provisions. This aligns with established procedures and will not put undue pressure on the discharging authorities. Given the length of the construction period of the Lower Thames Crossing (due to the scale of the scheme), KCC does not consider that the Applicant would be unduly impacted by incorporating the established processes into the construction programme.</p>  |
| QD13-15 |                                 |   | <i>These questions are not addressed to KCC</i>   |
| QD16    | Interpretation of 'begin'       | What would be the effect for the Proposed Development of a return to the more conventional drafting approach of defining 'commence' with a carve-out for 'preliminary works' in A2, with all subsequent references in the dDCO amended as necessary?  | KCC continues to assert that the more conventional drafting approach of a single defining word for the commencement of the scheme with a "carve-out" for preliminary works would be preferable. The use of two separate terms – "begin" and "commence" potentially creates confusion and runs the risk of developing a circularity in the definitions. Moreover, the current drafting, with the definition of "begin" allows for the DCO to be kept alive (with all the implications, for example, those affected by compulsory acquisition) with the most limited of measures which would constitute the starting of preliminary works; this is inappropriate. A start of substantive parts of the DCO works ought to be required to keep the DCO alive.   |
| QD17    | Interpretation of 'watercourse' | The Applicant, the Environment Agency (EA) and other water environment and industry stakeholders are asked to consider whether a more specific group of definitions of a watercourse would be justified and the possible drafting benefits of making such a change.   | <p>KCC is broadly content with the existing definition of watercourse. This definition of an ordinary watercourse reflects the well precedented, legal definition and is purposefully not specific as channel types, shapes and sizes depend on the variables of the site. If there is a channel and water flows through it, it is likely to be an ordinary watercourse; the current definition allows KCC and National Highways to ensure the appropriate action is taken.</p> <p>The DCO currently defines watercourses as such: "<i>watercourse includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, winterbournes, sewers, and passages through which water flows except a public sewer or drain</i>". KCC agrees with the Applicant and the Examining Authority that ditches can be dealt with as a watercourse. The defining of a 'pond' as a watercourse is somewhat more subjective - to be a watercourse there must be an onward flow of water - water in and water out, so whilst not necessarily generally accepted, there is a point of view that an online pond can be described as a watercourse. For the purposes of the DCO KCC suggests online ponds should be included.</p> |
| QD18    | Limits of deviation             | The Applicant and relevant statutory undertakers are asked to consider the effect of the remaining 'limitless' downward vertical limits of deviation. Should these be subject to a caveat limiting the materially adverse effects of downward variation to that assessed within the Environmental Statement (ES)?       | In order to comply with the Rochdale Principles of Environmental Assessment a deviation limit should be specified.  |

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| QD19    | Limits of deviation  |  | <i>This question is not addressed to KCC</i>  |
| QD20    | Construction and maintenance of new, altered or diverted streets and other structures                  | Are the Local Highway Authorities content that A10 adequately provides for the maintenance of Green Bridges? If full agreement has yet to be reached, then final submissions on drafting for comment between the parties should be made. | KCC is content that the addition of Article 10(8) clarifies that the maintenance of the green infrastructure elements of the green bridges does not transfer to the Local Highway Authority. The precise extent of the green areas and the alignment of the highway elements (equestrian routes, cycle tracks and footpaths) will need to be clarified at the detailed design stage.  |
| QD21    | Temporary closure, alteration, diversion and restriction of use of streets and private means of access |  | <i>This question is not addressed to KCC</i>  |
| QD22    | Temporary closure, alteration, diversion and restriction of use of streets and private means of access | IPs who are street authorities are asked whether a 28-day deemed consent provision in A12(8) is reasonable. If not, please propose and justify an appropriate alternative provision.   | <p>The restriction or closure of a highway maintainable at the public expense is classed as Major Works and would ordinarily require the making of a Temporary Traffic Regulation Order (TTRO) under Section 14 Road Traffic Regulation Act (1984). KCC requires the giving of 12 weeks' notice for such an Order with the submission of a PAA (Provisional Advance Authorisation) to the Council. Such a period allows for the processing, advertising, and distribution requirements of a TTRO. KCC also use this time to ensure adjacent planned works are coordinated appropriately. Accordingly, KCC asserts that a 28-day period for deemed consent is too short and a 12-week period ought to be inserted for prohibitions and restrictions.</p> <p>The Applicant regularly utilises KCC's network to divert traffic onto the Local Road Network. 28 days is an acceptable lead-in period for a diversion route request; however, this does not guarantee road space. It is the view of KCC that lead times associated with the established permit process should be adhered to when Article 12 is being operated, and consent for permits must not be subject to a '28-day deemed consent provision'.</p> |
| QD23    | Traffic regulation – local roads   | IPs who are street authorities are asked whether a 28-day deemed consent provision in A12(8) is reasonable. If not, please propose and justify an appropriate alternative provision.   | <p>Article 17 provides for a notice period of 12 weeks for the exercise of any power which is to be permanent. It provides for a notice period of 4 weeks for the exercise of any power which is to be temporary (i.e., not permanent). Such a temporary order could involve the effective closure of a local road (by use of the power under A17(1)(e) to prohibit vehicular access to any road).</p> <p>Absent of the DCO, such a closure would require the making of a Temporary Traffic Regulation Order (TTRO) under Section 14 Road Traffic Regulation Act (1984). Accordingly, KCC asserts that A17(5) should be amended to provide a 12-week period of notice should be provided for the exercise of any power under this Article which seeks to prohibit vehicular traffic from a local road, even on a temporary basis (remembering that "temporary" closures could extend for many years).</p>   |
| QD24-26 |  |  | <i>These questions are not addressed to KCC</i>   |

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| QD27    | Discharge of water   | The Applicant and any prospective consenting bodies are asked whether the deemed discharge consent period of 28 days under A19 is appropriate and, if not, what an appropriate period might be.  | <p>KCC does not consider this clause to be acceptable, particularly in relation to deemed consent. KCC asserts that a 28-day period for deemed consent is too short and a 12-week (60-day) period ought to be inserted.</p> <p>In the absence of a DCO, the established processes and procedures as governed by the Land Drainage Act 1991 would apply, and as such KCC require 60 days to advise consent for the discharge of water. KCC suggests this period should remain to prevent undue pressure on the required resource to expedite an application. KCC must ensure that adequate timescales are allowed in order to comply with its responsibility to ensure that works do not endanger life or property by increasing the risk of flooding or causing harm to the water environment.</p> |
| QD28    | Authority to survey and investigate the land                                   | The Applicant and any prospective consenting bodies are asked whether the deemed trial hole consent period of 28 days under A21 is appropriate and, if not, what an appropriate period might be.   | KCC consider the 28-day deemed consent period to be adequate for this matter. However, in the interest in consistency throughout the DCO, the Examining Authority may wish to consider extending all time-limited deemed consent periods to a 12-week (60 day) period.   |
| QD29-31 |  |  | <i>These questions are not addressed to KCC</i>  |
| QD32    | Disapplication of legislative provisions and application of local legislations | Does any IP have any concern that the draft provisions unreasonably or inappropriately seek to disapply or modify other applicable legislative provisions? If so, what changes are sought to this provision or the dDCO more generally and why?                          | KCC has no concerns regarding this matter. No changes are sought.  |
| QD33    | Defence to proceedings in respect of statutory nuisance                        | Does any IP have any concern that the proposed defence unreasonably seeks to safeguard the undertaker against poor or inappropriate practices or insufficient mitigation in either construction or operation? If so, what changes are sought to this provision and why?  | KCC has no concerns regarding this matter. No changes are sought.  |
| QD34    | Arbitration and appeals to the Secretary of State                              | Does any statutory body with formal decision-making powers have any concern that the proposed arbitration mechanism unduly affects their statutory role or powers? If so, what changes are sought and why?   | KCC has no concerns regarding this matter. No changes are sought.  |
| QD35    | Arbitration and appeals to the Secretary of State                              | What does the undertaker do if the Secretary of State (SoST) refuses to grant the discharge of a Requirement and there is no means of dispute resolution? One answer is that the decision of the SoST is final and that must suffice, but is that the intended position. | KCC understands that in the case that the Secretary of State refusing to discharge a condition related to the Lower Thames Crossing scheme, National Highways will be required to amend their proposals until they are acceptable to the Secretary of State.   |
| QD36    | <i>Power to override easements and other rights</i>                            |  | <i>This question is not addressed to KCC</i>   |
| QD37    | Schedules  | Are there any further matters that have been raised in the Examination that should be provided for in a Schedule but which are not? If so, please provide reasons and evidence for your position   | <p>KCC strongly suggest that a Requirement relating to Bluebell Hill should be added to the DCO for reasons previously provided throughout the examination process.</p> <p>KCC set out at ISH10 the very real uncertainty surrounding the funding of improvements to Blue Bell Hill which are necessitated by the LTC. For those reasons, it is appropriate to provide, by way of Requirement, for the Applicant to provide funding for those improvements, in the event that central government does not fully fund the improvements.</p>   |

The following is a suggested text for the Requirement, revised and updated to replace KCC's D7 [REP7-198] submission:

**Blue Bell Hill Works**

- (1) In this Requirement:  
 "The Blue Bell Hill Works" means the A229 Blue Bell Hill Improvement Scheme as defined by the Local Highway Authority (Kent County Council) from time to time for works to the M20 Junction 6, M2 Junction 3, A229 and A2045.  
  
 "Large Local Majors funding" means funding from the National Roads Fund as announced by Government on 18 December 2018 for schemes that cannot reasonably be funded from any other route and the lower threshold for eligible schemes is £50 million or such equivalent scheme funding as may from time to time exist.
- (2) In the event that Kent County Council are unable to fund in full the preparation of the Outline Business Case within the meaning of and for the purpose of securing the Large Local Major funding for the Blue Bell Hill Works , it shall inform the undertaker in writing of the same and shall specify the amount that Kent County Council reasonably require to complete preparation of the said Outline Business Case . Within 28 days of receiving such notification, the undertaker shall provide to Kent County Council a sum equivalent to that amount.
- (3) In the event that the Local Highway Authority are informed that Large Local Majors funding to undertake the Blue Bell Hill Works from the Department for Transport is not to be awarded to Kent County Council in full (100% funding), the Local Highway Authority shall within 14 days notify the undertaker in writing.
- (4) Upon receipt of such notification mentioned in paragraph 3 above, the undertaker shall as soon as reasonably practicable thereafter undertake or procure the undertaking of the Blue Bell Hill Works to the reasonable satisfaction of Kent County Council as Highway Authority and shall use its best endeavours to ensure that the Blue Bell Hill Works are open to traffic before the Lower Thames Crossing opens to traffic.
- (5) For the avoidance of doubt, the undertaking or procurement of the said works shall include the entire funding of the works by the undertaker, unless Kent County Council shall agree otherwise (such agreement not to be unreasonably withheld).
- (6) In the event that the Local Highway Authority is informed that Large Local Majors funding to undertake the Blue Bell Hill Works from the Department for Transport is to be awarded only in an amount less than 100% funding, the Local Highway Authority shall within 14 days notify the undertaker in writing.
- (7) Upon receipt of such notification mentioned in paragraph 5 above, the undertaker shall as soon as reasonably practicable thereafter make a payment to the Local Highway Authority equal to the difference between the sum of Large Local Majors funding awarded and the full cost of the Bule Bell Hill Works.

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| QD38 | Schedules   | Are there any matters provided for in a Schedule which are superfluous? If so, please provide reasons and evidence for your position.   | KCC has not identified any superfluous Schedules.   |
| QD39 | Schedules   | Are there Schedules that the ExA has not yet commented on in respect of which a change in drafting is sought? If so, please provide reasons and evidence for your position.   | KCC is not seeking any additional changes in drafting to Schedules not already commented on by the Examining Authority.   |
| QD40 | Suggested minor drafting amendment  |   | <i>This question is not addressed to KCC</i>  |
| QD41 | Suggested minor drafting amendment  | Do IPs have any further and final observations on the drafting of this Schedule including on the description of the individual numbered Works and their relationship with the Works Plans?  | KCC have no further comment to make on the drafting of this Schedule, notwithstanding KCC's ongoing commentary made regarding the design of the scheme itself.  |
| QD42 | Re-provision of a travellers' site and associated landscaping                           |   | <i>This question is not addressed to KCC</i>  |
| QD43 | Security for the REAC   | Local Planning and Highway Authorities, Port Authorities and Operators, Natural England, the Environment Agency and the Marine Management Organisation as asked whether the REAC commitments are sufficiently secured. If not, what specific additional references to the REAC are required in any of the existing draft Requirements, or are any additional Requirements sought (and if so reasons for their inclusion and drafts should be provided)? | KCC does not seek any additional specific references to the REAC within the Requirements of the DCO and notes that the REAC is already referenced in R4, R5, R8 and R12 as would be expected. KCC notes R9 references 'AMS-OWSI' (meaning draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation), which in turn is referenced in the REAC, as such it is considered that these commitments are also sufficiently secured.  |
| QD44 | Security for other CDs  | Local Planning and Highway Authorities, Port Authorities and Operators, Natural England, the Environment Agency and the Marine Management Organisation as asked whether the other CDs are sufficiently secured? If not, what specific additional references to specific CDs are required in any of the existing draft Requirements, or are any additional Requirements sought (and if so reasons for their inclusion and drafts should be provided)?    | KCC does not consider the term 'substantially in accordance with' to adequately secure the proposed Control Documents. KCC supports comments made by the London Borough of Havering and echoed by Gravesham Borough Council and Thurrock Council relating to this matter during Issue Specific Hearing 12 and 14. KCC asserts that, for all control documents the phrase 'substantially in accordance with' should be amended to 'in accordance with'. This would still retain the required flexibility for changes to be made within the iterative process of updating the control documents. KCC notes that the Applicant disagrees with this position. |
| QD45 | <i>Interpretation of 'commence'</i><br><br><i>Interpretation of 'preliminary works'</i> |   | <i>This question is not addressed to KCC</i>  |
| QD46 | Interpretation of 'commence'<br><br>Interpretation of 'preliminary works'               | What approach do other IPs consider should be taken to these definitions and why?   | Please refer to the KCC response to QD16. KCC reiterates that the Council's preference would be for a more conventional drafting approach of a single defining word for the commencement of the scheme with a "carve-out" for preliminary works.  |
| QD47 |   | Should time limits applicable to beginning/ commencing the Proposed Development and time limits for the exercise of CA powers be harmonised?  | KCC sees a strong case for harmonisation of the time limits, particularly in the interests of clarity and limiting the period of uncertainty for all who are subject to compulsory acquisition.   |

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| QD48 |  | Is there a justification for time limits of longer than 5 years? What is that justification?   | KCC considers that there may be a justification for time limits of longer than five years for the reason of project scale. However, this additional requirement should be fully justified and limited to that which is reasonably required. KCC suggests that the Applicant should be required to provide a compelling reason for a period of longer than 5 years.  |
| QD49 |  | Are the design principles guiding the Proposed Development adequately secured and do any of the principles need to be amended? If amendments are sought, why are they required?              | <p>KCC consider the design principles to be adequately secured within the draft DCO.</p> <p>KCC suggest that minor additions to the design principles are still required. PRO 04 states that the detailed design of structures, buildings and landscape shall be developed with the goal of maximising biodiversity value where reasonably practicable, within the constraints of the DCO. The Kent Downs AONB Unit is advocating Park Pale Bridge being a green bridge. KCC would support this suggestion; however, the design principles do not list green bridges in STR.08.</p> <p>KCC notes that there is no mention of the Kent Design Guide within the design principles. KCC suggests that the following may be added referencing local road highway design:<br/> <i>Any changes to the Local Road Network managed by Kent County Council will be designed in line with Kent Design Guide or DMRB (as appropriate) and should be approved by KCC through the Council's technical approvals process at the Detailed Design stage during the period of consultation with the Highway Authorities.</i></p> |
| QD50 |  | Is the iteration and approval process sufficiently clear? Does it provide adequate security for initial stage commitments and for the REAC? If amendments are sought, why are they required? | KCC is clear that the DCO states this document must be in accordance with this and the Project Control Plan identifies when the next iterations are proposed.   |
| QD51 |  | Should any specific consultations prior to approval by the SoS be secured?   | <p>KCC is content that adequate consultation is provided within the DCO.</p> <p>KCC suggests that the Second Iteration of the Environmental Management Plan Information confirms that relevant information should be submitted confirming all the required ecological mitigation has been completed prior to construction starting.</p>   |
| QD52 |  | Is the approval process sufficiently clear? Does it provide adequate security for initial stage commitments and for the REAC? If amendments are sought, why are they required?               | <p>The OLEMP will be secured through Schedule 2 Requirement 5 of the DCO. The LEMP must be prepared substantially in accordance with this outline LEMP, submitted as part of the application, and KCC understands that there will be more than one LEMP produced for the whole DCO area.</p> <p>Overall KCC is satisfied with this approach, however, we would highlight that it may be appropriate at the start of the project to produce an interim LEMP for the mitigation areas and then develop the full and final LEMP in advance of the landscaping works commencing.</p> <p>Commitments in the LEMP that apply during the operation of the Project (such as long-term management and maintenance of landscape/ecology typologies specified in the LEMP) would be retained by National Highways once the contractor has fulfilled their contractual obligations. Please refer to KCC's response to QD6 relating to the potential for the LEMP to also become a Control Document in its own right.</p>  |



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| QD53          |  | Should any specific consultations (and the timing for those consultations) prior to approval by the SoS be secured?   | <p>KCC understands that the AMS-OWSI will be secured through the Control Document CoCP (or through the REAC if this becomes a control document in its own right) and directly through the wording of Requirement 9 (Schedule 2) of the DCO.</p> <p>To help ensure the security of the process we ask that the wording of Requirement 9 clarifies that the Secretary of State will approve documents, such as the AMS-OWSI and subsequent documents such as EMP2 and Site Specific Written Schemes of Investigation, in consultation with the Relevant Planning Authority. Further comment on this document has been made within KCC's Written Summary of Oral Submissions at Issue Specific Hearing 12 submitted at Deadline 8 alongside this document.</p>   |
| QD54-<br>QD58 |  |   | <i>These questions are not applicable to KCC</i>  |
| QD59          |  | IPs final submissions are sought. Reasons for any proposed changes must be provided.  | KCC has no further submission to make on this Requirement.  |
| QD60          |  | Final submissions on the appropriateness and/ or accuracy of the proposed descriptions, extents and representation of temporary restrictions on plans identified in Schedule 3 are sought from Local Highway Authorities and IPs affected by the proposals. Reasons for any requested amendments must be provided.  | KCC has no further comments relating to Schedule 3  |
| QD61          |  | Final submissions on the appropriateness and/ or accuracy of the proposed descriptions, extents and representation of permanent stopping up on plans and of the proposed substitutes(s) identified in Schedule 4 are sought from Local Highway Authorities and IPs affected by the proposals. Reasons for any requested amendments must be provided                                     | <p>The plans in their entirety, and specifically DCO Document TR010032/APP/2.7 (Rights of Way and Access Plans Volume B) provide sufficient detail as to the status of the proposed routes and their alignment.</p> <p>However, the plans assume no deviation from the proposed alignments. This is unlikely given the scale of the development and the practical challenges that may be met at the detailed design and construction stages. Scope to amend the precise alignment, with the agreement of the Highway Authority, to account for practical challenges that may arise, should be provided for within the DCO.</p> <p>Minimum expected standards and dimensions for Public Rights of Way are provided in the Design Principles. KCC notes this detail is not sufficient to enable the production of Definitive Map Modification Orders on completion of the scheme. Widths must be accurately described and clearly may be greater than the minimum specified in design principles. The widths may only be determined on completion of the works and should form part of the certification and handover on practical completion of the works. This does not give rise to suggested changes to the DCO, however, should be noted by the Applicant.</p> |
| QD62          |  | Final submissions on the appropriateness and/ or accuracy of the proposed descriptions, extents and representation of permanent stopping up on plans identified in Schedule 4 are sought from Local Highway Authorities and IPs affected by the proposals. Are individual proposals to stop up without substitution appropriate? Reasons for any requested amendments must be provided. | KCC has no further comments regarding Schedule 4.   |

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| QD63-<br>QD64 |  |   | <i>These questions are not addressed to KCC</i>  |
| QD65          |  | Final submissions on the appropriateness and/ or accuracy of the proposed descriptions and extents of the proposed speed limits, clearway provisions and TRO amendments in Schedule 6 are sought from Local Highway Authorities and IPs affected by the proposals. Reasons for any requested amendments must be provided. | KCC is broadly satisfied with the appropriateness and extents of the proposed speed limits. However, KCC suggests that the 30mph restriction on Thong Lane, although desirable, is unlikely to be achievable without further measures due to the geometry of the route.                                |
| QD66          |  |   | <i>This question is not addressed to KCC</i>   |
| QD67          |  | Final submissions on the appropriateness and/ or accuracy of the proposed descriptions, extents and effects of the proposed tree works in Schedule 7 are sought from Local Authorities. Reasons for any requested amendments must be provided   | KCC defers to Gravesham Borough Council for this question.   |
| QD68          |  | Final submissions on the appropriateness and/ or accuracy of the proposed descriptions, extents and purposes of the proposed acquisitions in Schedule 8 are sought from Affected Persons. Reasons for any requested amendments must be provided.  | KCC have no specific comment regarding Schedule 8 of the DCO. However, please refer to KCC comments regarding Nitrogen Deposition and other woodland compensation areas within KCC's Written Summary of Oral Submissions at Issue Specific Hearing 12 submitted at Deadline 8 alongside this document. |
| QD69          |  | Final submissions on the appropriateness and effect of the proposed modifications in Schedule 9 are sought from Affected Persons. Reasons for any requested amendments must be provided.  | KCC have no specific comment regarding Schedule 9 of the DCO.  |
| QD70          |  | Final submissions on the appropriateness and/ or accuracy of the proposed descriptions, extents and purposes of the proposed acquisitions in Schedule 10 are sought from Affected Persons. Reasons for any requested amendments must be provided.   | KCC have no specific comment regarding Schedule 10 of the DCO.   |
| QD71          |  | Final submissions on the appropriateness and/ or accuracy of the proposed descriptions, extents and purposes of the proposed TP in Schedule 11 are sought. Reasons for any requested amendments must be provided.   | KCC have no specific comment regarding Schedule 11 of the DCO.   |
| QD72          |  |   | <i>This question appears to be addressed to the Applicant.</i>   |
| QD73          |  | Are IPs content that the proposed charging regime is within the powers of a DCO (with reference to PA2008 s120 and Schedule 5)? If not, please explain why not?   | KCC has no comment on this matter.   |
| QD74          |  | Are there any final observations on the operation of Payments for local residents (para 5)?   | KCC have no final observations on the operation of payments. KCC would support a local resident's agreement for those living within the Borough of Gravesham.  |
| QD75          |  | Are there any final observations on the effect of the balance of these provisions? Responses to these questions are specifically sought from the host Local Authorities for the proposed LTC. Reasons should be provided for any changes sought.  | KCC has no further comment on this matter.   |

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| QD76      |                              | Are IPs content that all of the proposed byelaws are within the powers of a DCO (with reference to PA2008 s120 and Schedule 5)? If not, please explain why not.  | KCC is content that the proposed byelaws are within the powers of a DCO  |
| QD77      |                              | Are there any final observations on the effect of these provisions? Responses to this question are specifically sought from the host Local Authorities for the proposed LTC. Reasons should be provided for any changes sought.  | KCC has no further comment on this matter.   |
| QD78      |                              | Are the named beneficiaries of the Protective Provisions content that the provisions drafted for their benefit are appropriate and correct? If not, please explain why not.  | The Protective Provisions for the benefit of Local Highway Authorities are the subject of a separate note which is being submitted on their behalf by the London Borough of Havering at Deadline 8. KCC fully support the suggested amendments contained within this submission.   |
| QD79      |                              |  | <i>This question is not addressed to KCC</i>   |
| QD80      |                              | Do any other IPs and specifically statutory undertakers affected by the Proposed Development consider that they should benefit from Protective Provisions? If so, why and what ought the provisions to contain?  | KCC has no further comment on this matter following the addition of Protective Provisions for the Local Highway Authorities, notwithstanding the further amendments suggested in the accompanying note.  |
| QD81      |                              | Are there any other requests for amendments to Protective Provisions? If so what changes are sought and why?   | <p><u>Protective Provisions for Drainage Authorities</u><br/> Similar to KCC's response to QD27, KCC does not consider a 28-day period for deemed consent to be acceptable as it is too short, and a 12-week (60-day) period ought to be inserted into this Protective Provision.</p> <p>In the absence of a DCO, the established processes and procedures as governed by the Land Drainage Act 1991 would apply, and as such KCC require 60 days to advise consent for the discharge of water. KCC suggests this period should remain to prevent undue pressure on the required resource to expedite an application. KCC must ensure that adequate timescales are allowed in order to comply with its responsibility to ensure that works do not endanger life or property by increasing the risk of flooding or causing harm to the water environment.</p> |
| QD82      |                              | Are there any final observations on the form or effect of the DML? Responses to this question are specifically sought from the MMO. Reasons should be provided for any changes sought.   | KCC has no comment on this matter  |
| QD83      |                              |  | <i>This question is not addressed to KCC</i>   |
| <b>5.</b> | <b>The Control Documents</b> |  |  |
| QD84      |                              | Do any IPs have any final concerns about the functions of and relationships between the proposed certified documents and the CDs as a subset of them? Are the proposed iterations clear and justified? If any changes are sought, please explain these.  | KCC comments on Control Documents are contained in its Written Summary of Oral Submissions at ISH12 which has been submitted at Deadline 8 alongside this document.  |
| QD85      |                              | <p>QD85: Do any IPs have any final submissions to make on the CDs and their content?</p> <ul style="list-style-type: none"> <li>• Is there superfluous content that could be removed?</li> <li>• Is there additional content that should be added?</li> <li>• Are there any other documents that should be certified and should form part</li> </ul> | Please refer to KCC's prior responses relating to Control Documents, specifically QD3 to QD7. Further KCC comments on Control Documents are contained in its Written Summary of Oral Submissions at ISH12 which has been submitted at Deadline 8 alongside this document.  |

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|  |  | <p>of the CDs?<br/>Any responses to this question should be accompanied by an explanation of the changes sought and the reasons for them.</p> |  |
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