

**Lower Thames Crossing
9.208 Applicant's comments on
Interested Parties' submissions
regarding Wider Network
Impact at D7**

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 9

**DATE: December 2023
DEADLINE: 8**

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/9.208

VERSION: 1.0

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1 Introduction

- 1.1.1 A number of submissions at Deadline 7 responded directly to the Applicant's Wider Network Impacts Position Paper submitted at Deadline 6 [\[REP6-092\]](#). This document responds to those submissions and, in particular, to the relevant passages from:
- a. Gravesham Borough Council's Deadline 7 Submissions [\[REP7-196\]](#) and to related matters raised by Gravesham Borough Council in its Deadline 6 Submission – Appendix 1c PHS Issue Specific Hearing 10 (24 October 2023) – (ISH10) on Traffic & Transportation [\[REP6-128\]](#)
 - b. Kent County Council's Comments on Applicant's Submissions at Deadline 6 [\[REP7-198\]](#)
 - c. Thurrock Council's Comments on Applicant's Submissions at Deadline 6 [\[REP7-228\]](#)
 - d. Transport for London's Comments on Applicant's Submissions at Deadline 6 [\[REP7-229\]](#)
 - e. London Borough of Havering's Comments on Applicant's Submissions at Deadline 6 [\[REP7-207\]](#).
- 1.1.2 In order to assist the Examining Authority, and the Secretary of State, this document takes a proportionate approach and responds directly to the points made, rather than to repeat the Applicant's position, which is set out in the Wider Network Impacts Position Paper [\[REP6-092\]](#).
- 1.1.3 It is structured to deal first with the issues relating to the interpretation and application of relevant policy tests, taking each of the parties' submissions in turn, in the order listed above (Chapter 2). The document then moves on to consider 'the Silvertown Tunnel approach' and the matters raised by the parties about the appropriate terms for a 'without prejudice' Requirement relating to the establishment of a Network Management Group (Chapter 3).

2 The policy approach and its implications

2.1 Gravesham Borough Council

2.1.1 The Council's submissions at Deadline 7 on Wider Network Impacts (WNI) are limited. There are short comments on the 'Silvertown approach', which are picked up in Chapter 3 of this document but, in relation to WNI, the submission advises that the Council will make further submissions post Deadline 7. The nature of the Council's position, however, can be found from its submissions following Issue Specific Hearing 10 (ISH10) at Deadline 6 [REP6-128]. There, the Council directly criticised the approach explained by the Applicant at ISH10, which was then set out by the Applicant in the Wider Network Impacts Position Paper [REP6-092].

2.1.2 Appendix A to this document sets out the Council's Deadline 6 submission and provides a side-by-side commentary. Both the Council and the Applicant provide a detailed review of elements of the policy wording from the National Policy Statement for National Networks (NPSNN) (Department for Transport, 2014) and it would not be sensible to set that out again here. There are, however, two points of principle where the approach can be usefully summarised:

- a. The Council does not accept that the NPSNN sets a different policy approach between network developments such as new road and rail schemes and other development such as strategic rail freight interchange (SRFI). The Applicant's response covers two main points:
 - i. It makes sense that there should be a distinction in approach between a network addition, such as a new link road or some other form of capacity enhancement to the network, such as a major junction improvement and 'ordinary' development, such as SRFI, in that network developments do not generate new trips that start or end at a single defined point – they add network capacity and the nature of their effects is very different in principle from new land use development which generates a fresh source of or focus for traffic onto the existing network.

One form of development brings benefit to the network, the other brings impact. It is unsurprising that the NPSNN sets different policy tests.

- ii. The structure of the NPSNN makes clear that a different approach is expected to assessment, decision making and mitigation. That is why the NPSNN has distinct advice under specific headings for the different forms of development.

Appendix A explores those headings and the nature of the differences, which are not repeated here. As explained in the Applicant's responses to Interested Parties' comments on the dDCO at Deadline 6 [REP7-190], the Applicant finds the Council's position that the heading directly above paragraph 5.214 of the NPSNN – which states 'Strategic

Rail Freight Interchanges' – is not a clear and unequivocal statement that the paragraph applies to strategic rail freight projects wholly without merit. The Council previously sought to argue that this unusual suggestion was supported by the A47 Wansford project.

The Applicant explained why this was without merit in the Applicant's responses to IP's comments on the dDCO at Deadline 4 [REP5-089], both in relation to the Applicant's position as well as the clear statement from the ExA on that project that '*paragraph 5.214 of the NPSNN relates to Strategic Rail Freight Interchanges not to Road and Rail Developments*'. The Applicant finds it questionable that the Council now 'accepts the Applicant's response in relation to the A47 Wansford to Sutton scheme' but it still maintains its position.

- b. The Council states that it '*simply cannot accept*' that it is a proper reflection of NPSNN to state that network investment is part of a funded process, and that the process is an incremental process, or that the Road Investment Strategy (RIS) investment programme exists in order to incrementally address network issues, or that such a distinction justifies a different approach to mitigation.

The Applicant's response draws attention to the fact that the NPSNN explains at its paragraph 1.21 that the Government's RIS process is not separate from the NPSNN, it '*sits alongside*' the NPSNN, so that network projects brought forward under the RIS are part of a progressive, incremental and funded process of investment in the network.

- 2.1.3 As the Applicant has set out elsewhere (see for example, at pages 54 and 55 of the Applicant's responses to Interested Parties' post-event submissions at Deadline 6 [REP7-188]):

'It must be important and relevant when considering whether the imposition of requirements or obligations seeking further mitigation is necessary (in accordance with the NPSNN), to have regard to the fact that the decision maker in this case has stated as matter of policy and practice in the Road Investment Strategy 2: 2020-20258 that the consequential effects of the A122 Lower Thames Crossing and any other relevant considerations affecting the road network of concern to GBC will be assessed when developing Route Strategies which inform the third RIS. It is also important and relevant that the Applicant can see that commitment being put into practice through the development of and consultation on the relevant Route Strategies. There is no legitimate basis on which it can be assumed that the process to which the Secretary of State has committed will not reach [appropriate] conclusions.'

2.2 Kent County Council

- 2.2.1 The Council's submissions on this subject are relatively short. Particular reliance is placed on NPSNN paragraph 5.202 and its statement that:
'The consideration and mitigation of transport impacts is an essential part of Government's wider policy objectives for sustainable development.'
- 2.2.2 However, the submissions do not attempt a more forensic analysis of the particular requirements of the NPSNN. In fact, the Council asserts:
'2. More generally, the NPS is replete with other references which either explicitly or implicitly indicate that wider traffic impacts, and not just the matters considered by the Applicant, are to be considered and mitigated.
3. The Applicant's attempt to confine reading of the NPS only to specific paragraphs dealing with individual impacts cannot be correct. The full text of the NPS is to be considered, including all the references referred to above which require consideration of wider traffic effects, must be considered.
4. The Applicant's approach also flies in the face of well-settled general planning policy which suggests that significant effects from a scheme should be mitigated.' (emphasis added to paragraph above)
- 2.2.3 Given the nature of the statutory test set out in section 104 of the Planning Act, the Applicant does not agree that the appropriate conclusions can be drawn from the generality of this approach. It is necessary to examine the precise terms of the NPSNN – that is why they have been carefully drafted. The Applicant's analysis has sought to determine exactly what the policy requirements are – what does policy require the approach to be to assessment, to decision making and to the mitigation of impacts? It cannot be sufficient simply to say that 'impacts must be mitigated' – what impacts, and to what extent? The NPSNN answers this question clearly by providing specific tests, thresholds and mitigation requirements.
- 2.2.4 The Applicant's analysis is set out in Wider Networks Impact Management and Monitoring Plan [\[APP-545\]](#) and in the Wider Network Impacts Position Paper submitted at Deadline 6 [\[REP6-092\]](#).
- 2.2.5 Appendix B of the Council's Deadline 7 submission [\[REP7-198\]](#) contains, the output of its Wider Network Impact Study, November 2023. The Study sets out a list of 'proposed mitigation measures' which it asserts should be committed to by the Applicant as part of the section 106 obligation attached to consent for the Project.
- 2.2.6 In terms of the policy approach taken, however, the study explains the County Council's position as follows:
'2.1 National Highways do not consider that the proposed interventions are required to make the LTC acceptable. KCC fundamentally disagrees with National Highways' stance on this matter. It remains KCC's view that where the traffic modelling demonstrates an adverse effect on the highway network because of the LTC, it is imperative the Project mitigates these impacts.'

- 2.2.7 That approach, of course, does not find resonance in the NPSNN which does not require any scheme simply to mitigate all of its modelled impacts. Paragraph 2.24 of the NPSNN is clear that the policy is not one of predicting growth in traffic and then providing for that growth (which is the approach taken in the Council's study).
- 2.2.8 It is also clear from the study (also at Paragraph 2.1) that the County Council does not consider that it is appropriate *'for KCC to be expected to competitively bid for funding from entirely separate national funding pots (competing with the other affected Local Highway Authorities in the LTC area) to deliver measures that are necessary to mitigate the impacts of the LTC'*, despite the obvious equity of the Applicant's position that – in the context of a necessarily limited national budget – it must be fair that bids for future investment are considered on their merits against other cases, which may be equally deserving. These are matters of policy and political decisions about spending priorities and it is not appropriate for a DCO to seek to fetter the discretion of the Secretary of State in this matter.
- 2.2.9 As the Applicant has previously set out, there is a rigorous process in place for that purpose and in action now through the development of the consultative Route Strategies which cover all of the corridors of concern to the Council. Those Route Strategies are being developed in the context of a commitment in RIS2 (Department for Transport, 2020) that:
'We will explore ...further changes to the extent of the network that could be implemented for the start of RP3. For example, we recognise that the plans for the Lower Thames Crossing will have an impact on the road networks of Kent and Essex and we will consider what that means for the shape of the SRN in those areas.' (page 37)
'This project will also have a national impact, allowing freight traffic to the Continent to bypass Dartford, and have an uncongested route to Dover. We expect to investigate linked improvements on the A2 into Kent as part of the pipeline of work for the next RIS.' (page 101)
- 2.2.10 It is apparent (from pages 2 and 4 of its submissions) that the Council is seeking to use the Development Consent Order (DCO) application as an opportunity to circumvent the Government's process for fairly determining funding decisions – so much so that its submissions at Deadline 7 seek to oblige the Applicant to fund the A229 Blue Bell Hill Improvement Scheme in full as an obligation on a consent for the Project in the event that the Secretary of State determines through the Large Local Majors funding process that it is not to be funded. The Applicant considers this to be inappropriate.

2.3 Thurrock Council

- 2.3.1 The Council's Deadline 7 submissions on the appropriate approach to take to decision making and mitigation are set out in Section 7.2 of its submissions [[REP7-228](#)].
- 2.3.2 The Council does accept that a predict and provide approach is not appropriate. The Council also appears to accept that congestion and delay are not themselves triggers for mitigation but makes the point that congestion brings with it other impacts such as the effect on economic growth or, potentially, on safety.

2.3.3 The Applicant agrees. That is why the DCO application has assessed both the positive and negative effects of changes in journey times (and found that the net effect of the Project is a substantial improvement (see the reported Transport Economic Efficiency analyses within Combined Modelling and Appraisal Report - Appendix D - Economic Appraisal Package: Economic Appraisal Report [APP-526])). Adverse effects have been fully taken into account and the Applicant accepts the importance of mitigating safety impacts in accordance with the NPSNN (see for example, Section 3.2 of the Applicant's Wider Network Impacts Position Paper submitted at Deadline 6 [REP6-092]).

2.3.4 The Applicant notes the following comments from the Council, which are telling in the context of the existing procedures for delivery of interventions on its highway network. Whilst these comments are made in the context of the appropriate baseline for the purposes of microsimulation, they importantly acknowledge how the existing procedures are in place to deliver optimisations and interventions:

"we add the growth in 'do minimum' but then any mitigation that might come forward with that development traffic, even before LTC – so as a local highway authority, there would be this growth that's delivered, and Thurrock Council would look at that and consider those applications, and then say, 'There needs to be some mitigation'" (Page 18 of the transcript for ISH11 [EV-087f])

"a Pegasus crossing is effectively one signalised crossing across; they're very low-cost interventions. All we're saying is that the purpose of this exercise is to identify – is to create a 'do minimum' situation that isn't chaotic, that isn't full of lots of delay, because with growth comes mitigation" (Page 18 of the transcript for ISH11 [EV-087f])

"Is that realistic for a local authority to not do any intervention, but to have a lot of growth added onto it and that development traffic and their liaising as part of planning applications coming forward – what impact are you having without essential interventions which you need to do?" (Page 61 of the transcript for ISH11 [EV-087f])

2.4 Transport for London

2.4.1 Transport for London (TfL) helpfully confirms that it is not seeking outcomes that provide for free-flow conditions for traffic – indeed that such outcomes would run counter to policy objectives (paragraph 4.3). It is:

'...simply seeking for a mechanism to be in place to address unforeseen direct impacts of the Project that may arise once it becomes operational.' (paragraph 4.4)

2.4.2 TfL recognises the significance of the RIS process in that respect but is concerned that the RIS does not cover effects on local roads. The Applicant has addressed this point directly at Section 4.3 of the Applicant's Wider Network Impacts Position Paper submitted at Deadline 6 [REP6-092].

2.4.3 TfL also helpfully explains that it has not provided a definition of impacts that need mitigation, i.e. not provided a definition of unacceptable impacts and that:

'TfL considers that it is unrealistic to define which impacts need mitigating, so it has not attempted to do so, as the requirement for mitigation depends on the local circumstances, the type, and the scale of impact.' (paragraph 5.2)

'TfL agrees that it would be extremely difficult to provide such a definition as the level of acceptability is dependent on the local circumstances.' (paragraph 5.5)

2.4.4 In TfL's view – and in the Applicant's view – that necessarily leads to reliance on a monitoring and management process. TfL comments on the process proposed in the Wider Network Impacts Position Paper submitted at Deadline 6 [REP6-092], and these comments are considered in Chapter 3 of this document.

2.4.4 TfL's approach is also closely aligned with the Applicant's on the principles of mitigation:

'TfL acknowledges the point that not all adverse impacts require mitigation, but this does not mean the Applicant is correct in taking the position that no adverse impacts require mitigation. Where congestion caused has a substantive unforeseen impact on safety, severance, accessibility and/or the environment (as set out in the NPSNN and referred to in Paragraph 2.4.23 of the Applicant's paper) there needs to be a means in place to develop and fund the necessary mitigation.' (paragraph 5.6)

2.4.5 This is directly consistent with the Applicant's interpretation of the requirements of the NPSNN. The Applicant does not recognise the suggestion that it considers that no mitigation is necessary. Where mitigation is required, for example, in relation to safety, severance or environmental effects, it has been identified and secured within the draft Development Consent Order [REP7-090] or through the other agreements (such as S106 agreements), as set out in the Consents and Agreements Position Statement [REP7-094]. The Applicant is not relying on funding through the RIS programme to address these impacts.

2.5 London Borough of Havering

2.5.1 The London Borough (LBH) sets out a critique of the Applicant's position – and its approach appears to be relied upon by Gravesham Borough Council, who reference it directly in their D7 submission [REP7-196].

2.5.2 Given the detailed nature of the submission, it is addressed in a side-by-side commentary in Appendix B of this document.

3 Comments on the Applicant's 'without prejudice' Network Management Group requirement

- 3.1.1 The Applicant provided a 'without prejudice' Requirement for the creation of a Network Management Group in the Wider Network Impacts Position Paper [[REP6-092](#)].
- 3.1.2 Comments from Interested Parties on this proposed requirement are set out in Table 3.1.

Table 3.1 Interested Party comments on the proposed without prejudice Network Management Group requirement

Interested Party and representation reference	Interested Party comment	Applicant's response
Kent County Council (KCC) [REP7-198]	KCC stated that the 'without prejudice' Requirement would secure similar functionality to the Silvertown Tunnel DCO Requirement relating to post opening monitoring and mitigation of highways impacts.	While the Applicant has set out the view that the Network Management Group is not required, this view from Kent County Council is welcomed.
London Borough of Havering (LBH) [REP7-207]	LBH propose that the Network Management Group should meet twice each year.	The proposed drafting is intended to allow flexibility on the frequency, with a meeting being held at least once a year.
	LBH propose that the undertaker should consult on a network management plan annually.	The drafting requires consultation on a network management plan each year that monitoring is undertaken. This drafting is intentional to tie the preparation of a network management plan that is informed by new data. There would be no additional information to inform a network management plan if no monitoring is undertaken.
	LBH propose that the undertaker should fund interventions, under sub-paragraph 3(d)(i).	The wording relating to funding the works under this sub-paragraph is unnecessary, as it is clear that the undertaker must implement the works in the event that they are approved by the Secretary of State.
	LBH propose that in sub-paragraph (5) where the relevant highway authority is unable to secure funding, that the	The Applicant has set out its position on funding interventions in the Wider Network Impacts Position Paper [REP6-092]. The Applicant considers that the Department for Transport (DfT) has put in place a

Interested Party and representation reference	Interested Party comment	Applicant's response
	undertaker must fund an intervention identified under sub-paragraph 3(b).	fit for purpose funding framework for highways improvements, and it would not be appropriate for the A122 Lower Thames Crossing DCO to create an alternative funding decision process that guaranteed funding for an intervention, in the event that DfT choose not to provide funding directly to the relevant highway authority.
Transport for London (TfL) [REP7-229]	Transport for London consider that the commitment to co-operate with the local highway authority to seek funding, provided for in sub-paragraph 3(d)(iii) provides no surety that the mitigation will be delivered and offers no more security than the Wider Network Impacts Management and Monitoring Plan [APP-545] .	The Applicant considers that these comments from TfL support the position stated by the Applicant, that there is already a process in place to fund highways schemes, and that the Requirement is not necessary. The only alternative approach would be for the Applicant to fund interventions, but as stated above in response to the drafting proposal from the London Borough of Havering, it would not be appropriate for the Applicant to fund interventions in the event that DfT decided not to provide funding.
	Transport for London consider the annual meeting of the Network Management Group to be too infrequent.	As stated above, the proposed drafting is intended to allow flexibility on the frequency, with a meeting being held at least once a year.

3.2 Comments on the Applicant's 'without prejudice' Wider Network Impacts Requirement

- 3.2.1 Thurrock Council have produced a table which provides their commentary on the proposed Requirement which the Applicant put forward on a without prejudice basis. The Applicant considers the Wider Network Impact Position Paper [\[REP6-092\]](#) responds to the 'in-principle' comments raised relating to the certainty of funding, thresholds for intervention, and timescales for interventions being delivered. No further commentary is provided in respect of those matters.
- 3.2.2 Thurrock Council argues that *"No measurable thresholds are proposed by the applicant [in the Applicant's 'without prejudice' requirement] to assist in the identification of impacts of LTC. Instead the applicant proposes to provide a description of the traffic conditions arising as a result of LTC which would require intervention. This is considered to be too vague"*. The Applicant considers that its drafting is clearer than the un-defined, and vague "material worsening" wording proposed by the Council. In addition, the Council's suggestion, in the Applicant's view, is a misunderstanding of what policy and, separately, the Silvertown Tunnel approach requires. In relation to planning policy, the Applicant's position is set out in the Wider Network Impacts

Position Paper. That document also explains how triggers are identified in Appendix E of the Silvertown Monitoring and Mitigation Strategy, but the document is clear that their purpose is to provide an alert where traffic conditions exceed anticipated levels, so that there may be something to investigate – the triggers are not thresholds of acceptability. Importantly, it is for Transport for London (TfL) to conclude “*that any adverse changes in traffic metrics are a consequence of the Scheme in operation*” and only then will TfL “*consider the appropriate form of mitigation in consultation [with] the highway authority on whose roads the measures may be required*”. The effect of the Applicant’s drafting is therefore the same as the Silvertown Tunnel Order.

- 3.2.3 Thurrock Council also suggests other non-local authority organisations should form part of the ‘Network Management Group’. The Applicant considers that the functioning of the highway network is a matter which appropriately sits with highway authorities who will consider and represent the views of stakeholders. It is appropriate that only those authorities with accountability for the management of the road network be formally consulted on the relevant matters. The Applicant further notes that the comparator referred to by the Council (i.e., the Silvertown Tunnel Order 2018), does not have any non-local authority or non-highway authority bodies (see article 66 of the Silvertown Tunnel Order 2018). The Applicant would note that where it is necessary and proportionate to consult the Ports, this has been secured (e.g., in relation to the operational scheme for the Orsett Cock, the outline Traffic Management Plan for Construction [\[REP7-148\]](#)). However, as Requirement 14 is seeking to address monitoring and management of wider network impacts beyond the construction and operation of the Project, this is a matter appropriately limited to local highway authorities, who are the competent bodies under statute to oversee such matters.
- 3.2.4 Thurrock Council also raises a concern about the frequency and timing of meetings of the Network Management Group. Without prejudice to its position that the proposed drafting is not necessary, the Applicant does not understand why a group, the purpose of which is to address operational impacts, would usefully be established three years before road opening – noting that under the Applicant’s drafting, it must be held one year before opening. The Applicant notes that the Traffic Management Forum would be operating during this period, focussing on the relevant impacts.
- 3.2.5 The Applicant does not accept that its assessments, prepared in accordance with Transport Analysis Guidance, are “*incomplete*”, and therefore the suggestion that updated baseline data needs to be provided is not accepted. Monitoring data under Requirement 14, which would be provided under the Applicant’s proposed provision, is considered adequate.

References

Department for Transport (2014). National Policy Statement for National Networks.
<https://assets.publishing.service.gov.uk/media/5a7e0a40ed915d74e6223b71/npsnn-web.pdf>

Department for Transport (2020). Road Investment Strategy 2 (RIS2): 2020 to 2025.
<https://assets.publishing.service.gov.uk/media/5ffb39808fa8f56405c5f5bf/road-investment-strategy-2-2020-2025.pdf>

Glossary

Term	Abbreviation	Explanation
A122		The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1)
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
A122 Lower Thames Crossing/M25 junction		New junction with north-facing slip roads on the M25 between M25 junctions 29 and 30, near North Ockendon.
A13/A1089/A122 Lower Thames Crossing junction		Alteration of the existing junction between the A13 and the A1089, and construction of a new junction between the A122 Lower Thames Crossing and the A13 and A1089, comprising the following link roads: <ul style="list-style-type: none"> • Improved A13 westbound to A122 Lower Thames Crossing southbound • Improved A13 westbound to A122 Lower Thames Crossing northbound • Improved A13 westbound to A1089 southbound • A122 Lower Thames Crossing southbound to improved A13 eastbound and Orsett Cock roundabout • A122 Lower Thames Crossing northbound to improved A13 eastbound and Orsett Cock roundabout • Orsett Cock roundabout to the improved A13 westbound • Improved A13 eastbound to Orsett Cock roundabout • Improved A1089 northbound to A122 Lower Thames Crossing northbound • Improved A1089 northbound to A122 Lower Thames Crossing southbound
A2		A major road in south-east England, connecting London with the English Channel port of Dover in Kent.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Construction		Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access), and ends with demobilisation.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual containing requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is highway authority. For the A122 Lower Thames Crossing the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.

Term	Abbreviation	Explanation
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Highways England		Former name of National Highways.
M2 junction 1		The M2 will be widened from three lanes to four in both directions through M2 junction 1.
M2/A2/Lower Thames Crossing junction		New junction proposed as part of the Project to the east of Gravesend between the A2 and the new A122 Lower Thames Crossing with connections to the M2.
M25 junction 29		Improvement works to M25 junction 29 and to the M25 north of junction 29. The M25 through junction 29 will be widened from three lanes to four in both directions with hard shoulders.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
National Planning Policy Framework	NPPF	A framework published in March 2012 by the UK's Department of Communities and Local Government, consolidating previously issued documents called Planning Policy Statements (PPS) and Planning Practice Guidance Notes (PPG) for use in England. The NPPF was updated in February 2019 and again in July 2021 by the Ministry of Housing, Communities and Local Government.
National Policy Statement	NPS	Set out UK government policy on different types of national infrastructure development, including energy, transport, water and waste. There are 12 NPS, providing the framework within which Examining Authorities make their recommendations to the Secretary of State.
National Policy Statement for National Networks	NPSNN	Sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc that require a development consent under the Planning Act 2008.
North Portal		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
Operation		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.

Term	Abbreviation	Explanation
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Planning Act 2008		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.
Project road		The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1).
Project route		The horizontal and vertical alignment taken by the Project road.
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

Appendices

Appendix A Response to Gravesham Borough Council Deadline 6 submissions re Wider Network Impacts policy

Table A.1 Gravesham Borough Council comments at Deadline 6 on Wider Network Impacts policy and the Applicant’s response

Gravesham Borough Council (GBC) comment [REP6-128]	Applicant’s response
<p>The representative for the Applicant raised a number of points about the planning policy background for highways NSIPs which GBC does not accept. GBC supports the position that was taken by Thurrock and Kent on this.</p> <p>Developing that further:</p> <ul style="list-style-type: none"> It was said that highways NSIPs are different from “ordinary” development (Sizewell and rail freight interchanges were mentioned in this regard) because “a networks proposal connects one part of the network to the other”. That is simply not the case for a significant number of highways DCOs promoted by the applicant and falling within the scope of the National Networks NPS, which sometimes involve the improvement of just one junction or a few, on an existing strategic road. Examples include (but are not limited to) the two M25 junction 20 and M25/A3 Wisley Orders, the Testo’s Order and the A38 Derby Junctions Order. Taking up the Applicant’s own argument, these cases which only make changes to single junctions, are presumably akin to “ordinary development” themselves because of their singular location. This adds weight to GBC’s argument that paragraph 5.214 of NPSNN applies to all roads NSIPs (see GBC’s note on the Applicant’s D5 submissions on the draft DCO where this is dealt with separately). 	<p>In the Wider Network Impacts Position Paper [REP6-092] the Applicant explains the distinction set out in the NPSNN between network developments and SRFI: <i>‘Additions to the national network to add capacity and relieve strategic congestion by redistributing existing traffic are likely to have very different characteristics and effects from “development”</i> (paragraph 2.2.4).</p> <p>That distinction is unaffected by whether the network addition is a new link road or some other form of capacity enhancement to the network, such as a major junction improvement. Both differ from ‘ordinary’ development in that they do not generate new trips that start or end at a single defined point – they add network capacity and the nature of their effects is very different in principle from new land use development which generates a fresh source of or focus for traffic onto the existing network.</p> <p>One form of development brings benefit to the network, the other brings impact. It is unsurprising that the NPSNN sets different policy tests.</p> <p>The Applicant considers that it is clear from the structure and headings of the NPSNN that paragraph 5.214 applies to SRFI. It is also logical that it should – for the reason set out above, projects which add capacity to the network (as part of a progressive, funded regime of enhancement) will have very different effects. In the same way, the NPSNN requires:</p>

Gravesham Borough Council (GBC) comment [REP6-128]	Applicant's response
<p>GBC would also add that if the 'SRFI' sub-heading was intended to cover all following paragraphs until the next heading or next sub-heading, it would mean that paras 208 (travel plans), 209 (impacts on the SRN), and 210 (co-funding) would only apply to SRFIs. This would have the consequence that the NN NPS would provide no guidance on those subjects for road and rail developments, and also that the subject of travel plans for SRFIs would be dealt with twice, in both para 208 and in para 218. GBC suggests this is an unlikely interpretation of those paragraphs. GBC suggests that a more realistic interpretation is that the 'SRFI' sub-heading governs the paragraph it immediately precedes, and that later paragraphs have a more general application. GBC maintains that is certainly the case for para 214.</p> <ul style="list-style-type: none"> Furthermore, it remains possible for local highway authorities to promote very important local non-NSIP schemes which connect one part of a network to another. Impacts on the wider local network are not disregarded in those cases. In short, the fact that this particular proposal connects one part of the network to another is no reason for wider impacts to be disregarded or given lesser weight. The next point was that network investment is part of a funded process, 	<ul style="list-style-type: none"> A different approach for assessment (see paragraphs 5.206 compared with 5.207–210) A different approach to decision making (see paragraphs 5.212 compared with 5.213–214, above) A different approach to mitigation (paragraphs 5.217 compared with paragraph 5.218) <p>In the Applicant's view, those paragraphs (5.207–210) only apply to SRFI's – and that is apparent from the structure of the document and the purposeful meaning of the headings. This matter was explicitly considered and rejected by the Examining Authority on the A47 Wansford to Sutton project (as set out above).</p> <p>It is also apparent from their language that the paragraphs do not apply to network development (if they did, it would not be necessary for them to say '<i>...for schemes impacting on the Strategic Road Network...if new transport infrastructure is proposed...</i>' etc.).</p> <p>The dual reference to travel planning for SRFI's makes sense – the first reference requires travel planning to be considered as part of an applicant's assessment and the second requires it to be considered as an element of mitigation. Unlike SRFIs, strategic road and rail network proposals, of course, do not require travel plans during the operational phase because they are not a place of employment.</p> <p>If such applications do not meet the threshold for nationally significant infrastructure projects (NSIPs), they would not be considered against the policies of the NPSNN. The NPPF would be considered in those circumstances, and as is made clear by paragraph 111, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". This reflects the Applicant's position on Government policy, and it is clear that "the residual cumulative impacts on the road network" as a result of the Project are substantially positive.</p> <p>This point is addressed in the Applicant's Deadline 6 submission [REP6-092]. At paragraph 2.2.4 attention is drawn to the fact that the</p>

Gravesham Borough Council (GBC) comment [REP6-128]	Applicant's response
<p>and that process is an incremental process, and that the RIS investment programme exists in order to incrementally address network issues. GBC simply cannot accept that is a proper reflection of NPSNN. It is in effect saying that if a highways NSIP will have significant impacts on the wider network, then those impacts can be dealt with in another RIS project or at the next RIS round, rather than as part of the project at hand. There are many reasons why that approach is unsound, but one of the more obvious ones is that not all road improvements are funded under RIS – for example the Blue Bill Hill improvements which GBC considers should be secured through a requirement.</p> <p>GBC see there as being a clear distinction between different decision-making processes within government. There are funding decisions made by the department for transport, both on RIS schemes, and on large local major schemes, and those decisions are not intended to prejudice planning merit decisions, which are decisions made through, in this instance, a development consent order process, the 2008 Act, and GBC think it is inappropriate for the applicant to suggest that because of those separate funding decisions, one somehow should not engage with what are the planning policy impacts of the proposals, and that one should leave it to a different process. GBC think that is a misapplication of relevant guidance and do not see any support for it in the NNNPS.</p> <p>In relation to the Applicant's claim that the local authorities' requests that the LTC DCO should contain provisions</p>	<p>NPSNN explains at its paragraph 1.21 that the Government's RIS process is not separate from the NPSNN, it 'sits alongside' the NPSNN, so that network projects brought forward under the RIS are part of a progressive, incremental and funded process of investment in the network. (The same cannot be said of SRFI or other development which impose impacts on the network.)</p> <p>In considering the need (in policy terms, applying the tests at paragraphs 4.9 and 4.10 of the NPSNN) to impose mitigation obligations, it must be highly material that the Lower Thames Crossing by itself is not considered to be the end of the investment the Government will make to address issues in the region and that the RIS identifies in terms that the next round of investment (RIS3) will investigate the need for further enhancements directly because Lower Thames Crossing will have an impact on the road network in the Lower Thames area.</p> <p>This statement of government policy is not to be ignored or disbelieved for the purposes of this Examination. If further investment is necessary as a consequence of the opening of the Project, it is highly material that the Government has explicitly stated it will be considered by the Government in the next round of investment planning.</p> <p>The Applicant's approach is consistent with local authority-highway NSIP decisions. For example, in the Great Yarmouth Third River Crossing DCO decision letter¹, there were concerns noted about increased queuing but the Secretary of State looked at the overall impact ("<i>The Secretary of State further notes that the ExA considers that the traffic information demonstrates that the Proposed Development would increase capacity and improve performance and resilience on the local highway network and SRN... The Secretary of State is satisfied there is a high level of policy support for the Proposed Development (ER 4.7.31) and agrees with the ExA that the transport and traffic effects would be positive and should be afforded significant weight in favour of the Proposed Development</i>").</p> <p>The Applicant may have misunderstood the Council's position. If the Council is not requiring improvements at Blue Bell Hill to be funded as an</p>

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010043/TR010043-001016-Decision%20Letter.pdf>

Gravesham Borough Council (GBC) comment [REP6-128]	Applicant's response
<p>addressing Blue Bell Hill was an impermissible attempt to 'force the hand' of the Secretary of State when separately making a funding decision in relation to KCC's Blue Bell Hill Improvement scheme, this is simply not the case. The Secretary of State, when making a decision on the LTC is not being asked thereby to make a decision to fund the Blue Bell Hill improvement. The two schemes remain separate and each will be the subject of its own funding decisions (Full Business Case (FBC) for LTC and Strategic Outline Business Case (SOBC), Outline Business Case (OBC), and FBC for Blue Bell Hill. The Secretary of State would be free to make those funding decisions on their own merits, and the GBC suggestion for an additional Requirement to require the LTC to address the issues at Blue Bell Hill (referred to further below) does not seek to dictate those decisions. The Requirement simply requires the issues to be addressed but leaves it to KCC and the Secretary of State to determine whether that should (or should not) be by progressing the Blue Bell Hill improvement.</p> <p>The Applicant outlined the without prejudice drafting that it intends to provide at D6, based on the Silvertown monitoring and mitigation requirement. GBC will comment on this (including any wording equivalent or similar to "unacceptable impact") but it shares the concern raised by others that it is unlikely to require the delivery of any mitigation measures which are outside the RIS framework. Not only would that exclude Blue Bell Hill, but it would exclude any other mitigations to the local road network.</p> <p>GBC would also point out, as a matter of general principle, that there is precedent for a National Highways promoted DCO to include monitoring and mitigation measures for the local network. See for example requirement 20 of the A303 Sparkford to Ilchester Dualling Development Consent Order 2021. That</p>	<p>obligation of the Lower Thames Crossing DCO, the parties may not be far apart. It is the Applicant's position that it is self-evidently the case that the Secretary of State is already alive to and considering the case for investment at Blue Bell Hill, and it is not necessary for a requirement to be imposed though this DCO to oblige the Secretary of State to do so.</p> <p>The Applicant welcomes the recognition that this is a matter to be decided separately by the Secretary of State in discussion with Kent County Council.</p> <p>The Management and Monitoring Plan proposed by the Applicant in this case [APP-545] includes for the monitoring of traffic on the local as well as the strategic road network, so that such information can be utilised in the process of determining investment in the local road network.</p> <p>The Applicant considers the reference to the A303 Sparkford project is telling. It is correct to note that the requirement sets out an obligation for traffic-related monitoring and mitigation. However, two elements must be emphasised. First, this was a location specific issue relating to severance, not to traffic congestion generally. As the ExA for that project set out, "<i>Sparkford Parish Council is concerned that the speed and volume of traffic, which may include additional HGV's, would impact on the ability of local residents to cross the road safely, and could potentially have an adverse effect on parking and accidents.</i>" The ExA went onto note that "<i>Due to the mix of</i></p>

Gravesham Borough Council (GBC) comment [REP6-128]	Applicant's response
<p>provision is very much area specific, unlike the Silvertown requirement, but it does show that mitigation of wider network effects is something which the Secretary of State has seen fit to deal with previously.</p>	<p><i> dwellings proposed there is also likely to be a noticeable increase in the number of children using Sparkford High Street.</i>" It was on the basis of these concerns, that the Requirement was inserted. As is clear, the Requirement was driven by a fundamental concern about safety and severance (and the ExA in fact concluded that <i>"there is insufficient evidence to conclude that the increase in traffic would necessitate additional traffic calming within Sparkford High Street"</i>). The Applicant is proposing to deal with potential safety and severance impacts such as these caused by the Project under the mitigation proposed for crossings, secured under the s106 agreements. Extrapolating from Requirement 20 in the way the Council has is therefore inappropriate, and a closer look at the circumstances which led to the Requirement supports the Applicant's approach.</p>

Appendix B Response to the London Borough of Havering – submissions on Wider Networks Impact policy

Table B.1 London Borough of Havering comments at Deadline 6 on Wider Network Impacts policy and the Applicant’s response

London Borough of Havering (LBH) comment [REP7-207]	Applicant’s response
<p>2. Legal and Overall Policy Position</p> <p>2.1 The approach of the Applicant in its interpretation of the NPSNN leans heavily on the asserted overall benefit of the scheme.</p> <p>2.2 Section 104 (3) Planning Act 2008 requires the Secretary of State to determine the DCO application <i>“in accordance with any relevant national policy statement except to the extent that one or more of subsections (4) to (8) applies”</i>.</p> <p>2.3 Of note, s.104 (7) enables a decision other than in accordance with the relevant NPS <i>“.....if the Secretary of State is satisfied that the adverse impact of the proposed development would outweigh its benefits”</i>.</p> <p>2.4 There is no contrary provision which enables a Secretary of State to take a decision not in accordance with an NPS if they are satisfied that the overall benefits outweigh the adverse impacts. Accordingly, the Applicant cannot rely simply on an overall beneficial impact of the scheme to avoid the application of any requirements with regard to mitigation which are contained within the NPSNN.</p> <p>2.5 It follows therefore that the Applicant must demonstrate that the scheme is in accordance with NPSNN, as written. Given the contents of s.104(3), and the importance of the NPS in decision making, it is also reasonable to assume that the NPSNN contains the policy context considered relevant by the Government specifically for the consideration of DCO applications submitted by National Highways, especially since the vast majority of DCO applications to which the NPSNN applies are DCO submitted by the Applicant.</p> <p>2.6 If, as the Applicant suggests:</p> <ul style="list-style-type: none"> – the LTC is not required to deal with mitigation on wider networks arising from the re-distribution of existing traffic because it is a scheme which would add capacity and relieve congestion²; and 	<p>If it is being suggested that a scheme whose overall benefits significantly outweigh its impacts should be rejected, that would be directly contrary to the NPSNN.</p> <p>As set out in the Wider Network Impacts Position Paper [REP6-092] at Section 2.3, it is an explicit requirement of the NPSNN in relation to decision making to weigh the benefits against the effects (NPSNN paragraphs 4.3 and 4.4).</p> <p>The Applicant can agree, of course, that the DCO application should be determined in accord with the NPSNN but the Council’s position fails to recognise that it is the NPSNN which requires a balance to be struck between benefits and effects.</p> <p>The Applicant’s position is being misrepresented.</p> <p>The Applicant does not suggest that impacts arising from the redistribution of traffic should not be mitigated – rather that it is important to observe the terms</p>

London Borough of Havering (LBH) comment [REP7-207]	Applicant's response
<p>- the funding of mitigation on the wider network is not appropriate since it would subvert the Government's funding framework 3, (together 'the inferred policies'), one would expect to see such fundamental policy positions to be set out in the NPSNN.</p> <p>2.7 One might also expect such important policy positions to be expressly referred to or relied upon in DCO decisions where impacts on the wider network were being considered. No such decisions have been referred to – there has been reference to decisions where funding for wider network mitigation has not been included for a variety of reasons, but none of those reasons are articulated by reference to the inferred policies set out in paragraph 2.6 above.</p> <p>2.8 It is of particular note that no reference is made to the Applicant's inferred policies in section 4 of the NPSNN, "Assessment Principles", where reference to such policies, if they existed, would naturally sit.</p> <p>2.9 The Applicant's attempt to read into the NPSNN policies which are simply not there is rejected. The Examining Authority will need to conclude as to whether or not the application is in accordance with the NPSNN as written and excluding the policies which the Applicant would wish, on this occasion, to be inferred into it.</p> <p>3. Application of NPSNN</p> <p>3.1 This section responds to the commentary of the Applicant set out in paragraphs 2.2 to 2.4 of the Wider Network Impacts Position Paper (REP6-092).</p> <p>3.2 In paragraph 2.2.3 the Applicant suggests the policies on mitigation contained within the NPSNN are different for road, rail and SRFI projects. Paragraph 2.2.4 then goes on to conjecture as to why that "may be". That conjecture (which supports the Applicant's inferred policies) is not rooted in any part of the NPSNN. Any different approach to mitigation may simply be that, in physical terms, the schemes are very different and likely therefore to have a range of impacts requiring consideration of</p>	<p>of the NPSNN in determining which impacts to address.</p> <p>The Applicant's analysis is set out in the Wider Network Impacts Position Paper [REP6-092] at Section 2.4, which is based on a careful reading of the terms of the NPSNN. In other words, as that analysis shows, the Applicant's position is set out in and directly drawn from the NPSNN. The analysis shows:</p> <ul style="list-style-type: none"> • There is no expectation that impacts on journey times, delay or congestion must be mitigated – rather, they must be taken into account. • the NPSNN has specifically different requirements for mitigation in relation to network developments and SRFI. The NPSNN does have expectations in relation to the mitigation of effects relating to severance, accessibility, safety and the environment. <p>The Applicant set out in detail the precedents which support the principles underpinning the Applicant's approach in Post-event submissions, including written submission of oral comments, for ISH4 [REP4-180].</p> <p>Helpfully, it can be agreed that the NPSNN does contain different requirements for decision making, assessment and mitigation for network developments compared with SRFI. The Applicant agrees that the reason for this is not expressly stated in the NPSNN. It is the different approach which is important.</p>

London Borough of Havering (LBH) comment [REP7-207]	Applicant's response
<p>different types of mitigation, not all of which will apply to all of the schemes.</p> <p>3.3 This is borne out by the distinctions in relation to mitigation in respect of road, rail and SRFI schemes being identified only in Section 5 of the NPSNN, which is the section which deals with the assessment of all the different environmental impacts.</p> <p>3.4 In paragraph 2.3.1 the Applicant makes reference to paragraphs 4.3 and 4.4 of the NPSNN which requires the decision maker to take into account both the benefits and the adverse impacts of the schemes. That paragraph applies to road, rail and SRFI schemes alike.</p> <p>Another paragraph of note is paragraph 3.4 of the NPSNN which acknowledges that there may be some adverse local impacts which may remain. That paragraph applies to road, rail and SRFI schemes and does not distinguish between them.</p> <p>3.5 In paragraph 2.3.3 the Applicant tries to support the assertion that there are deliberately different mitigation policies in the NPSNN which in turn support the Applicant's inferred policies. The Applicant does so by reference to Section 5 which deals with the separate impacts and approach to mitigation and contrasts paragraph 5.212 (road and rail) with 5.213 (SRFI). It is not understood how this supports the Applicant's inferred policy, as the Applicant contends it does.</p> <p>3.6 Paragraph 5.212 of the NPSNN applies to road and rail and is not therefore directed solely at road schemes and it simply requires that the schemes should be decided in accordance with the NPSNN unless s.104 (4) to (7) are engaged. The different approach to SRFI in paragraph 5.213 is simply recognition that such schemes are to be privately promoted and so that paragraph provides more guidance on what is expected of such schemes which are not covered by the normal business case requirements. The requirements regarding business</p>	<p>Agreed. The Applicant has not suggested otherwise and relies upon those paragraphs in attaching weight to the balance between benefits and effects.</p> <p>Agreed. Again, the Applicant has not suggested otherwise and the analysis in the Wider Network Impacts Position Paper [REP6-092] draws upon this paragraph to show that not all impacts have to be mitigated – some fall to be weighed in the decision making balance.</p> <p>It is a matter of fact, rather than assertion, that the NPSNN contains different policies for network developments and SRFI. The structure of the NPSNN makes that position explicit by the use of different headings.</p> <p>This is not agreed.</p> <p>The paragraphs relate to decision making, not to business case.</p> <p>It is important to note that there is a different approach in paragraph 5.213 to SRFI. Paragraph 5.213 is explicit that SRFI may have impacts which the NNPSNN expects applicants to take reasonable steps to mitigate (or such requirements may be imposed upon them). This has nothing to do with the business case for them – it reflects the different nature of their impacts.</p> <p>That is not a consequence of paragraph 5.212, it is simply the structure and headings of the NPSNN which mean that guidance on mitigation is dealt with under the heading 'Mitigation'.</p>

London Borough of Havering (LBH) comment [REP7-207]	Applicant's response
<p>cases for road and rail projects is dealt with earlier in the NPSNN at paragraph 4.5.</p> <p>3.7 The consequence of paragraph 5.212 is that one needs to look at the policies in the remainder of the NPSNN to consider whether the approach to mitigation accords with it.</p> <p>3.8 The policies in section 4 of the NPSNN which apply to the consideration of mitigation are therefore not affected by the exercise of contrasting paragraph 5.212 and 5.213 carried out by the Applicant in paragraphs 2.3.2 and 2.3.3.</p> <p>3.9 So, by way of example only, the following paragraphs in section 4 of the NPSNN which are relevant to mitigation apply in full force to the LTC project:</p> <p>NPSNN Para 4.64 <i>“Applicants will wish to show that they have taken all steps that are reasonably required to:</i> <i>-minimise the risk of death and injury arising from their development;</i> <i>-contribute to an overall reduction in road casualties;</i> <i>-contribute to an overall reduction in the number of unplanned incidents; and</i> <i>-contribute to improvements in road safety for walkers and cyclists”.</i></p> <p>NPSNN Para 4.66 <i>“The Secretary of State should not grant development consent unless satisfied that all reasonable steps have been taken and will be taken to:</i> <i>-minimise the risk of road casualties arising from the scheme ...” (LBH underlining).</i></p> <p>3.10 The above paragraphs are relevant to the specific concerns of LBH as set out in section 4 of this note.</p> <p>3.11 In paragraphs 2.4.1 – 2.4.4 of REP6-092 the Applicant refers to difficulties in defining “unacceptable impacts” and appears to suggest that other than the environmental topics referred to in para 2.4.5, adverse impacts are not unacceptable</p>	<p>The Council appears to have misunderstood the Applicant's case. The Applicant claims no kind of exemption from these polices, which relate to safety.</p> <p>The analysis in the Wider Network Impacts Position Paper [REP6-092] is clear that these policies apply to the Project (see Section 2.4 generally and paragraph 2.4.23 specifically).</p> <p>Again, this is a misrepresentation of the Applicant's case set out at Section 2.4 of the Wider Network Impacts Position Paper [REP6-092]. There, the Applicant is clear that unacceptable impacts can arise in relation to safety, severance, accessibility and environmental effects, but have been considered and mitigated. In relation to congestion or delay, however, the NPSNN does not define effects as unacceptable. In the Applicant's view:</p> <ul style="list-style-type: none"> Such impacts are unlikely to be unacceptable unless they have unacceptable consequences for safety, severance, accessibility and the environment.

London Borough of Havering (LBH) comment [REP7-207]	Applicant's response
<p>and do not require to be mitigated if they are outweighed by overall benefits. Such an approach does not accord with paragraphs 4.64 and 4.66 set out above.</p> <p>3.12 In paragraph 2.4.18 the Applicant refers to the “<i>specific test on mitigation for road and rail developments</i>” contained in paragraphs 5.215 and 5.216 of the NPSNN.5 Those paragraphs state:</p> <p>Para 5.215 <i>“Mitigation measures for schemes should be proportionate and reasonable, focussed on promoting sustainable development.”</i></p> <p>Para 5.216 <i>“Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. There is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated.”</i></p> <p>3.13 These paragraphs are written in general terms and do not cut across any requirement for mitigation arising from the application of paragraphs 4.64 and 4.66 set out above.</p> <p>3.14 In paragraph 2.2.7 the Applicant refers to “<i>calls from local authorities and other to add further investment to this project to solve issues on the road network</i>”. If that is intended to apply to all local authorities, it mischaracterises the position as far as LBH is concerned. It is not simply seeking the resolution of existing issues on the road network – it is seeking mitigation for the impacts of the scheme, as explained previously and below in section 4.</p>	<ul style="list-style-type: none"> • Such impacts must, however, be taken into account in balancing benefits and effects. • The Government's continuing programme of reviewing investment in strategic and local networks and funding enhancements to those networks (in collaboration with local authorities and communities) can address those effects if they are considered sufficiently important in the context of other national priorities.

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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

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