

Lower Thames Crossing (Scheme Ref: TR010032)

Issue Specific Hearing 14 (ISH14) on the draft Development Consent Order (28 November 2023)

Post Hearing Submissions including written summary of Gravesham Borough Council's Oral Case

Appendix 2: Responses to ExA's Commentary on the Draft DCO [[PD-047](#)]

Deadline 8: 5 December 2023

Note: The Council has drawn its responses from a number of sources, including:

- Its list of suggested amendments submitted with this document at Deadline 8 (which updates the version provided at D4 [[REP4-302](#)])
- Its response to the ExA's agenda Annex A queries on the dDCO for ISH2 [[REP1-238](#)]
- In its written representations following ISH2 [[REP1-236](#)]
- Its response to Applicant's response to ISH2 (DCO) Post Hearing Submissions and ExA's Observations on Drafting [[REP3-167](#)]
- Its Response to Action Point 7 from Issue Specific Hearing 4 (ISH4) on Traffic and Transportation [[REP4-298](#)]
- Its Post-Hearing Submission for Issue Specific Hearing 7 (ISH7) on the draft Development Consent Order [[REP4-301](#)]
- Its Comments on National Highways Deadline 4 Documents relating to the DCO [[REP5-098](#)]
- Schedule 2 to the draft DCO with amendments in track changes to show the discharging authority being the local planning authorities and local highway authorities [[REP5-099](#)]
- Its post hearing submissions on Issue Specific Hearing 9 (23 October 2023) – (ISH9) on Environment & Biodiversity [[REP6-127](#)] (which include its proposed housing requirement)
- Its post hearing submissions on ISH8 - Construction & Operational Effects (Non traffic) [[REP6-129](#)]
- Its responses to EXA Q2s [[REP6-131](#)]
- Its Comments on National Highways Deadline 5 Documents relating to the DCO including Annex 1 "Proposed new Requirement relating to Housing and Worker Accommodation in Gravesham" [[REP6-132](#)]
- Its Amendments to REAC and Design Principles document [[REP6-135](#)]
- Its comments on Applicant's submissions at Deadline 5 [[REP6-138](#)]
- Its D7 comments on Development Consent Order Draft v8.0 and National Highways' Deadline 6 Documents relating to the Development Consent Order [[REP7-195](#)]

	DCO Provision	ExA Question	Gravesham BC Response
QD 1.	The title of the dDCO	Do any IPs have any submissions to make on the title of the dDCO?	No
QD 2.	The dDCO Table of Contents and Provisions	Do any IPs have any submissions to make on the structure or broad function	No

	DCO Provision	ExA Question	Gravesham BC Response
		of the provisions in the dDCO?	
QD 3.	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?	The REAC, if it is to be separated from (or duplicated in) the CoCP
QD 4.		Are there any documents recorded in the dDCO as to be certified but which are superfluous?	None that GBC has concerns about
QD 5.		Should Schedule 16 be restructured to set out the proposed certified documents in functional groupings?	No strong opinion. This would assist the reader if it can be done in a logical way
QD 6.		Should the REAC be individually identified in Schedule 16 (certified documents)?	This would be helpful.
QD 7.		Should the Mitigation Road Map be included as part of the REAC, as a separate CD or certified document or not at all?	It would be helpful if it were a certified document, but not part of the REAC.
QD 8.		Do any IPs have any further submissions to make on the manner in which certified documents and specifically	This is a new point for the Council, but it considers it should not cause difficulties for the Applicant to comply with it.

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		CDs are recorded in the dDCO?	<p>It would be helpful for the Council's residents and businesses if there were a requirement for the REAC and the Stakeholder actions and commitments register, and the other certified documents to be made available to the public in one central location electronically. Particularly as the Inspectorate is likely to have removed the documents from its website before construction starts.</p> <p>See article 43(3) of the A303 Sparkford to Ilchester Dualling Development Consent Order 2021 as a precedent. The following proposed paragraph (9) in article 62 (Certification of documents, etc.) reflects that:</p> <p><i>“(9) The undertaker must make copies of the certified plans and documents (and any corrected versions of those documents) available in electronic form to the public no later than 14 days after certification under paragraph (1) or (6) until no earlier than one year after the tunnels are open for public traffic.”</i></p>
QD 9.	Articles	Are there any further matters that have been raised in the Examination that should be	The Council refers to the list of amendments submitted at D8 (also submitted at D4 [REP4-302])

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		<p>provided for in an Article but which are not? If so, please provide reasons and evidence for your position.</p>	<p>Road User Charging</p> <p>Under heading 6 of the list of amendments, the Council suggests a new provision relating to road user charging.</p> <p>Evidence: The applicant is proposing to align charges and other details of the charging regime with those at the Dartford Crossing, such as hours in which the charges apply, discounts and exemptions. The DCO will also include powers enabling the Secretary of State for Transport to apply a local resident discount for charges imposed under the DCO to residents of the local authorities in which the tunnel entrances would be situated i.e. those living in Gravesham and Thurrock. It is proposed that the same user charging mechanism i.e. an extended Dart Charge, will be used for both the existing and new crossing.</p> <p>The Council welcomes this but requires that the local residents discount be applied to both the current Dartford and new Lower Thames crossing and is brought in from start of construction by way of compensation for the disruption that will be caused on the local road network.</p>

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			<p>Silvertown article</p> <p>Under its original list of amendments, the Council proposed a new “Silvertown” type article. This has been followed by a similar article proposed by the Port of Tilbury London and supported by Thurrock Council and others, and a without prejudice version provided by the Applicant, which has subsequently been submitted with amendments by Havering. The Council is happy to support either of those alternatives article instead of the one it submitted, so long as the Council is (in the case of the Port of Tilbury’s version) a member of the proposed Lower Thames Crossing Implementation Group.</p> <p>The evidence in favour of this provision has been rehearsed at the traffic and transport ISHs and does not need repeating here.</p>
QD 10.		<p>Are there any matters provided for in an Article which are superfluous? If so, please provide reasons and evidence for your position.</p>	<p>Again the Council refers to its list of amendments submitted at D8, some of which are identical to those submitted at D4 [REP4-302]</p>

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			<p>Article 2(10): Materially new or materially different</p> <p>See item 1 in the Council’s list of amendments.</p> <p>For reasons rehearsed in its response to ISH2 ExA Annex queries on the dDCO [REP1-238], the Council considers that this unprecedented paragraph should be removed.</p> <p>For ease of reference, the Council’s reasons are repeated below:</p> <p>GBC agrees that the Applicant has taken a different course from that adopted on recent Highways DCOs by introducing paragraph 2(10) in version 2.0 of the draft DCO. Most recent highways DCOs do not include this paragraph, the effect of which is that references in the DCO to materially new or materially different environmental effects in comparison with those reported in the environmental statement shall not be construed so as to include the avoidance, removal or reduction of an adverse environmental effect that was reported in the environmental statement as a result of the authorised development</p>

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			<p>GBC are concerned about the potential for unintended consequences of excluding from the definition effects which would avoid, remove or reduce any adverse environmental effects. For example, if the Applicant were able to do something which it would otherwise have been prevented from doing without article 2(10), it could have a consequential adverse effect which may not be materially new or different but which nonetheless is of importance to those affected. An example where this might arise, mentioned by the ExA, is in relation to Ancillary works, described in Schedule 1 to the Order, and where the wording is used in the new preamble to the list of Ancillary works, and in paragraph (p) of the list.</p> <p>GBC notes the explanation given by the Applicant for the inclusion of article 2(10) in its cover letter in response to section 51 advice [AS-001], and also in its Annex A responses [AS-089]. In the latter, the Applicant says that for completeness, GBC's point is addressed by its responses, but GBC is unconvinced that it is.</p>
QD 11.		Are there Articles that the ExA has not yet commented	Again the Council refers to its list of amendments submitted at D8, some of

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		<p>on in respect of which a change in drafting is sought? If so, please provide reasons and evidence for your position.</p>	<p>which are identical to those submitted at D4 [REP4-302]</p> <p>These are the changes which the council requested, which have not been accepted by the Applicant, where the Applicant’s reasons for rejecting them has not been accepted by the Council, and which are not dealt with elsewhere in this note in response to specific ExA questions and which remain of sufficient importance to the Council to list here.</p> <p>The ExA is invited to bear in mind the fact that the Applicant has very recently (at D7) accepted one of the Council’s most important amendments, despite more than once rejecting it as unnecessary at an earlier stage. This was an amendment to article 61 (stakeholder actions and commitments register) which ensures an absolute duty to comply with the SACR commitments. The Council considers that some of its other suggestions, hitherto also rejected as unnecessary, deserve similar consideration.</p> <p>Article 3: Development adjacent to the Order limits: greater extent of disapplication of legislation than in other DCOs</p>

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			<p>See item 2 in the list of amendments.</p> <p>The Council explained its position in its response to ISH2 ExA Annex queries on the dDCO [REP1-238]. For ease of reference, the Council said:</p> <p>GBC are concerned about the geographical extent of the disapplication of legislation, and do not consider that the Applicant’s response to the Annex [AS-089] meets its concerns. In particular the wording used is different from the usual precedents in that it refers to “adjoining or sharing common boundary” rather than “adjacent to”. If there were a large plot of land outside the order limits and only a small part of its boundary shared a common boundary with the order land, then arguably the whole of the plot might fall within the article.</p> <p>Article 23(2): Compliance with national legislation: trees</p> <p>See item 4 in the list of amendments. A technical amendment explained by the council in its written representations following ISH2 [REP1-236]. For ease of reference, the Council said:</p>

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			<p>Precedents for article 23(2) (felling or lopping of trees and removal of hedgerows) often contain a requirement to take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 (for example article 42(2)(c) of the A1428 Black Cat to Caxton Gibbet Development Consent Order 2022). The Applicant should explain why it is not included in the dDCO.</p> <p>Article 24(2)(b) (trees subject to tree preservation orders) disapplies the duty under s.206(1) (replacement of trees) of the Town and Country Planning Act 1990 to replace TPO trees if removed. There are three areas of woodland in Gravesham listed in Schedule 7 to the dDCO which are subject to article 24. In other highways DCOs (for example article 43(3)(b) of the A1428 Black Cat to Caxton Gibbet Development Consent Order 2022 this is accompanied by the words “although where possible the undertaker must seek to replace any trees which are removed”. GBC considers it would be appropriate to include similar words in this case unless the Applicant can demonstrate that the</p>

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			<p>trees are to be replaced due to some other provision in the draft dDCO and/or control documents.</p> <p>The Applicant did not accept the Council’s suggestion.</p> <p>Article 61: Stakeholder actions and commitments register</p> <p>See item 8 in the list of amendments.</p> <p>The Council was pleased to see that the amendment it suggested to make compliance with the measures in the register an absolute requirement was accepted by the Applicant at D7.</p> <p>The Council also proposed further amendments in its written representations following ISH2 [REP1-236] which have not been addressed. For ease of reference, the Council said:</p> <p>GBC is also concerned about article 61(1)(b) which enables the undertaker to revoke, suspend or vary the application of a commitment on the register by applying to the Secretary of State (albeit after consultation with the beneficiary of the commitment). That beneficiary may not</p>

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			<p>have been aware of the possibility of this happening when entering into the commitment. At the very least there should be a requirement that beneficiaries of commitments should be alerted to this possibility by the Applicant during the process of negotiating or offering the commitment. Also, there appears to be nothing in the article which requires the Secretary of State to even consider taking into account the written views of the beneficiary other than through the Applicant's report of the consultation, and there is no appeal mechanism.</p> <p>In its D7 comments on Development Consent Order Draft v8.0 and National Highways' Deadline 6 Documents relating to the Development Consent Order [REP7-195] the Council also made a suggestion for a change to article 65, in order to try to achieve clarity. The Council awaits the Applicant's response to its suggestion.</p>
QD 12.	Deemed consents	All prospective consenting bodies subject to deemed consent provisions with a time-limit are asked to	The only deeming provision in the articles which could apply to the Council is understood to be article 19(8) in the case where the Council owns a watercourse,

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		<p>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>	<p>public sewer or drain and the Applicant wishes to discharge into it.</p> <p>The Council is relaxed on this occasion but that should not be seen as a precedent for any future DCOs in its area.</p> <p>However, the Council does have an objection to a time limit in the context of responses to consultations, rather than deeming provisions. This is in requirement 22(1)(a) where the Council considers that the time limit for responding to consultations should be 42 rather than 28 days, and the additional discretionary period should be a minimum of 56 rather than 42 days.</p> <p>This is dealt with in item 15 of the Council's list of amendments.</p> <p>The main reason for this ask is that the Council will be faced with very many applications and consultations under the DCO, possibly within quick succession of each other. The longer time limits are precedent in paragraph 24 of Schedule 2 to M25 Junction 28 DCO 2022 and paragraph 1(2)(b) of Schedule 24 to Sizewell C (Nuclear Generating Station) DCO 2022.</p>

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			In its response to the ExA's Annex A questions at ISH2, the Council also suggested that in order to assist the process, GBC considers that the DCO should be amended, or a commitment given by the Applicant so that local planning authorities will be properly consulted in advance, and a running future timetable of applications and consultations is maintained so applications and consultations do not arrive without notice.
QD 13.		The Applicant is requested to explain more fully the inter-relationship between this provision, A27, Schedule 2 R1 and R2. Is there an argument for a simplified and harmonised approach to the relevant time limits for development and for CA?	The Council will comment if necessary at D9.
QD 14.		The Applicant is asked to explain more fully why it is necessary to employ a definition of 'begin' as opposed to the more conventional approach of defining 'commence' with a	The Council will comment if necessary at D9. It has made comments on this, in particular in its written submissions following ISH7

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		carve-out for 'preliminary works'.	
QD 15.	Article 2: Interpretation of "begin"	The Applicant is requested to review the basis for and the relationship between the definitions of 'begin' in A2 and 'commence' and 'preliminary works' in Schedule 2 R1, to assure the ExA that apparent circularity has been removed. Could re-basing these definitions on s155 PA2008 assist this task?	<p>The Council will comment if necessary at D9. It has made comments on the issue of "begin" and "commence" in</p> <ul style="list-style-type: none"> • Its list of suggested amendments submitted at D4 [REP4-302] (item no 13) • Its response to the ExA's agenda Annex A queries on the dDCO for ISH2 [REP1-238] (page 8/37) • Its written submissions following ISH14 (at D8) <p>See the ISH14 submissions in particular. As mentioned in all its previous submissions, the Council is concerned about the possibility of the development "beginning" by the carrying out of preliminary works, hence satisfying Requirement 2, then followed by potentially a very long period of inactivity before the main works commence.</p>
QD 16.		QD16: 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	This question appears to be one best answered by the Applicant, but the Council suggests that whilst this might remove confusion about the use of the different terms in the Order, it would not

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		for 'preliminary works' in A2, with all subsequent references in the dDCO amended as necessary?	address its concerns about uncertainty, mentioned above.
QD 17.	Article 2: Interpretation of "watercourse"	QD17: 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.	N/A
QD 18.	Article 6: Limits of deviation	QD18: 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 ES?	The Council is neutral on this issue The Council has a discrete point about the vertical limits of deviation at Chalk Park, addressed by suggested amendments at item 3 in its list of D8 amendments.
QD 19.		QD19: The Applicant and the PLA are asked to clarify the latest position on the drafting of the upwards limits of	N/A

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		deviation for tunnelling beneath the Thames.	
QD 20.	Article 10: Construction and maintenance of new, altered or diverted streets and other structures	QD20: 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.	While the Council is not a highway authority, it has a real interest for landscape and ecology reasons that the green elements of the bridges will be maintained in the long term and therefore may comment at D9.
QD 21.	Article 12: Temporary closure, alteration, diversion and restriction of use of streets and private means of access Extent of power and deemed consent	QD21: The Applicant is asked to explain more fully why this power needs to apply to streets outside the Order limits. Could the power be limited to land within the Order limits and what would the effect of such a change be?	The Council will comment if necessary at D9
QD 22.		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.	N/A
QD 23.	Article 17: Traffic regulation – local roads Deemed consent	QD23: Traffic authorities and emergency services bodies (consultees) are asked whether the deemed consent	N/A

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		period of 28 days in A17(11) is appropriate and, if not, to propose and justify an appropriate alternative provision.	
QD 24.	Article 18: Powers in relation to relevant navigations or watercourses	QD24: The Port of London Authority (PLA), Port of Tilbury London Ltd (PoTLL), DP World London Gateway Port (LGP) and any other IP operating vessels on the Thames are asked for final positions on this drafting.	N/A
QD 25.		QD25: The Applicant is asked to identify whether this power actually does or could apply to a houseboat mooring. Could a caveat to the power be added to limit its effect on a residential mooring and what would the effect of such a change be?	N/A
QD 26.	Article 19: Discharge of water Uncertainty and deemed consent	QD26: The Applicant is asked whether the consenting power under A19 should include seeking consent from or consulting the appropriate drainage authority.	N/A
QD 27.		QD27: The Applicant and any prospective consenting bodies are asked whether the	N/A

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		deemed discharge consent period of 28 days under A19 is appropriate and, if not, what an appropriate period might be.	
QD 28.	Authority to survey and investigate the land Deemed consent	QD28: 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.	N/A
QD 29.	Article 27: Time limit for exercise of authority to acquire land compulsorily	QD29: The Applicant is asked to provide a full justification for the extended time period of 8 years. What would be the effect of returning this to the standard 5 year period? Alternatively, if the scale and complexity of the project justifies an extended period for CA, should this be harmonised with the time limit for the authorised development to begin of 5 years, set in Schedule 2 R2?	<p>The Council commented on this issue in its responses to the ExA's questions on the DCO [REP1-238] and it is dealt with in item 5 of its D8 list of amendments. The Council understands that further amendments are to be put forward by the Applicant at D8, which the Council will consider.</p> <p>For ease of reference, the Council said:</p> <p>GBC consider that the usual 5 years is ample time for the exercise of compulsory powers and submits that a longer period should only be allowed in exceptional circumstances, in order to avoid the further continuing uncertainty and</p>

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			<p>continuing blight that landowners would face.</p> <p>In its response to Annex A [AS-089], The Applicant cites the scale and complexity of the development as the reason for the 8 year period, and refers to Thames Tideway and the Hinkley Point C connection DCOs as precedents.</p> <p>These were exceptional cases, and GBC is not convinced that the scale of the works proposed for the LTC is any greater than some of the other DCOs that have been promoted by the Applicant, for example the A14, Black Cat and Stonehenge. The initial time limit for Phases One and Two of HS2 was 5 years and the power to extend has not been used. GBC considers that given the effects of ongoing blight, great care should be taken in allowing for an extension to standard accepted time limits for compulsory acquisition, because to do otherwise may lead to it becoming the norm for NSIPs.</p> <p>GBC understands that a time limit of more than 5 years is unprecedented for a highways DCO, some of which have involved lengthy linear projects with multiple junction arrangements.</p>

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			<p>GBC agrees with the concerns of ExA on the start date being tied to the date on which any legal challenge is finally determined, particularly as the date of ultimate disposal of a legal challenge can never be certain, and the combination of this with the proposed 8 year period would lead potentially to a period of uncertainty and blight being extended to over ten years from the date of the making of the DCO. The Applicant cites only one precedent (Manston). GBC is aware of no others, either in DCOs or other regimes which authorise compulsory purchase.</p> <p>The Applicant did not agree with the Council.</p>
QD 30.		<p>QD30: The Applicant is asked to provide a full justification for re-basing the start of this period to the end of any legal challenge period or the end of any legal challenge. What would be the effect of returning this to the standard provision where time runs from the making of the Order?</p>	<p>As mentioned above, the Council understands that this particular aspect may be amended by the Applicant at D8.</p> <p>The Council is concerned about the lingering blight of the scheme. Whilst the Council understands the reasoning behind this unprecedented change from the usual position, a balance has to be struck. A number of National Highways schemes have been challenged in the courts</p>

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			recently, but all of them have, so far, been disposed of well within the standard 5 year period from coming into force. If construction is to be delayed by 2 years in any event then it is not clear why this DCO should be treated any differently. Any challenge should, if not appealed, have been disposed of within that period.
QD 31.	Article 28: Compulsory acquisition of rights and imposition of restrictive covenants	QD31: The Applicant is asked to provide a full justification for the broad extent of this power, or alternatively to find a means of limiting it to more precisely defined locations. What would be the effects of removing this power?	The Council is neutral on this issue
QD 32.	Article 53: Disapplication of legislative provisions, etc Article 55: Application of local legislation, etc	QD32: 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?	The Council has no concerns.
QD 33.	Article 58: Defence to proceedings in respect of statutory nuisance	QD33: Does any IP have any concern that the proposed defence unreasonably seeks to safeguard the undertaker	For reasons rehearsed in its written representations following ISH2 [REP1-236] , the Council considers that paragraph (2) of article 58 should be

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		<p>against poor or inappropriate practices or insufficient mitigation in either construction or operation? If so, what changes are sought to this provision and why?</p>	<p>removed, and that the scope of article 58 be limited by the removal of references to a number of paragraphs of s79(1) of the Environmental Protection Act 1990.</p> <p>The Council’s proposed amendments are at item 7 in its D8 list.</p> <p>For ease of reference, the Council said:</p> <p>Article 58(2) (defence to proceedings for statutory nuisance) appears to be unprecedented in highways DCOs. It says that compliance with the controls and measures described in the Code of Construction Practice or any environmental management plan approved under paragraph 4 of Schedule 2 to the DCO will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided. GBC thinks that this provision represents an unwelcome and unnecessary fettering of the discretion of the courts in dealing with statutory nuisance cases. So far as GBC know, it is preceded in only two other (non highways) DCOs and GBC are unaware of any particular local need for it. The Applicant should be put to strict proof as</p>

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			<p>to why it is needed, giving examples of other made highway DCOs where it would have been necessary (not just convenient) to have had.</p> <p>The Applicant disagreed with the Council.</p>
<p>QD 34.</p>	<p>Articles 64 and 65: Arbitration and Appeals to the Secretary of State</p>	<p>QD34: 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?</p>	<p>Article 65(1)(d) Appeals to the Secretary of State</p> <p>For reasons rehearsed in Its response to the ExA’s agenda Annex A queries on the dDCO for ISH2 [REP1-238] (p26/37), the Council considers that this unprecedented paragraph should be removed.</p> <p>This is dealt with in item 10 of the Council’s D8 list of amendments.</p> <p>For ease of reference, the Council said:</p> <p>GBC’s main concern about article 65 is about paragraph (1)(d) which would replace the existing section 60 and 61 Control of Pollution Act appeals procedure (by which appeals could be made by the Applicant against the local authorities’ decisions to the magistrates’ court) with an appeal to the Secretary of State. This is another example where GBC considers that there are questions about the independence of the process being</p>

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			<p>sought by the Applicant and, in this case, there appear to be very few precedents. Only two highways DCOs are mentioned by the Applicant in its response to Annex A [AS-089], and it is noted that the Secretary of State removed the provision in another case. The Applicant argues that an appeal process to the Secretary of State provides more certainty as regards timescales but provides no evidence of the magistrates' courts process having caused difficulties on other DCOs where it hasn't been disapplied, or of the local courts in this case being a cause for concern. The Applicant should be put to strict proof of the need for this provision.</p> <p>In follow up responses, the Applicant sought to justify this by alleging that there were potential delays in the magistrates court system. No real evidence of this was put forward, with one local newspaper article about a fly tipping prosecution (a completely different type of case from a civil appeal) being offered up as justification.</p> <p>Only one highway DCO includes this provision. It has been removed by the Secretary of State from 6 others.</p>

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QD 35.		QD35: What does the undertaker do if the 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?	<p>This is an issue for the Applicant, and the Council may respond at D9. It was dealt with at ISH14 and the Council has set out its views in its written submissions following ISH14.</p> <p>As the ExA knows, the Council's position is that it considers that it should be the discharging authority. If that were the case, then of course the Council would be content for there to be a mechanism for appeals to the Secretary of State.</p>
QD 36.	Article 66: Power to override easements and other rights	QD36: The Applicant is asked to provide a full justification for the broad extent of this power, or alternatively to find a means of limiting it to more precisely defined locations. What would be the effects of removing or reducing the scope of this power?	The Council is neutral on this issue but may comment on the Applicant's response at D9 if it has concerns.
QD 37.	Schedules	QD37: 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>Blue Bell Hill requirement</p> <p>Under heading 17 in its D8 list of amendments (also included at D4), the Council proposes a Grampian type requirement in relation to Blue Bell Hill. The Council notes that Kent CC has since introduced its own requirement for Blue Bell Hill. The Council considers its drafting</p>

	DCO Provision	ExA Question	Gravesham BC Response
			<p>is simpler, is effective, and allows flexibility.</p> <p>Again, the evidence in favour of this provision has been rehearsed at the traffic and transport ISHs and does not need repeating here.</p> <p>Planting: new monitoring and mitigation requirement</p> <p>Under paragraph 18 of the list of amendments, the Council proposed a requirement for post-construction planting monitoring and mitigation.</p> <p>The Council is concerned to ensure that long term maintenance of mitigation planting happens, and considers that this enhanced monitoring requirement (based on requirement 12A in the A14 Cambridge to Huntingdon Improvement Scheme Development Consent (Correction) Order 2017 (2017/333)) should be included.</p> <p>The Applicant did not agree to the proposal.</p>

	DCO Provision	ExA Question	Gravesham BC Response
			<p>Construction phase local traffic monitoring</p> <p>Under paragraph 19 of its D8 list of amendments (and in the D4 list), the Council proposes a requirement for construction phase local traffic monitoring. If the Silvertown requirement (in the form of the Council’s suggestion or the Port of Tilbury’s) is accepted by the ExA, this monitoring requirement would not be required.</p> <p>The evidence is as previously provided by a number of interested parties about the impacts, particularly during construction, on the local network. This requirement is based on requirement 22 in the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 and provides a requirement on the Applicant to provide a construction traffic monitoring and reporting scheme.</p> <p>Housing requirement</p> <p>As the ExA is aware, the Council proposed a new requirement relating to Housing and Worker Accommodation in Gravesham at D6. This is in the Council’s D8 list of</p>

	DCO Provision	ExA Question	Gravesham BC Response
			<p>amendments at item 20 and was submitted as [REP6-132]</p> <p>See the Council's ISH14 written submissions in which the Council has provided comments on the Applicant's proposed alterations to the Framework Construction Traffic Management Plan which were mentioned at ISH14.</p>
QD 38.		QD38: Are there any matters provided for in a Schedule which are superfluous? If so, please provide reasons and evidence for your position.	The Council has nothing to note. That is not to say it does not have concerns with the drafting of some of the Schedules, highlighted elsewhere in this note.
QD 39.		QD39: 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.	See the Council's response to QD 41 below
	Schedule 1		
QD 40.	<p>The Authorised Development</p> <p>Suggested minor drafting amendment</p>	<p>Subject to one exception in relation Work No.7R, the ExA is generally content with the content and effect of Schedule 1.</p> <p>In reaching this position it has noted and supports the</p>	See the Council's response to QD 41 below

	DCO Provision	ExA Question	Gravesham BC Response
		<p>specific provision that the lettered ancillary works (see page 119) are permitted only to the extent that they are 'not likely to give rise to any materially new or materially different environmental effects to those assessed in the environmental statement'.</p> <p>In relation to those ancillary works, the ExA suggests a minor drafting revision for clarity: '[f]or the purposes of or in connection with the construction of any of the works and other development in the Order limits, ancillary or related <u>works and other development...</u>' (Underlined text proposed to be added.)</p> <p>QD40: Does the Applicant agree?</p>	
QD 41.		QD41: Do IPs have any further and final observations on the drafting of this	The Council refers to its D8 list of amendments and previously at D4 [REP4-302].

	DCO Provision	ExA Question	Gravesham BC Response
		<p>Schedule including on the description of the individual numbered Works and their relationship with the Works Plans?</p>	<p>See in particular item 11 in that list.</p> <p>There is one issue of such significance that the Council considers it should not only be considered by the ExA, but should be brought specifically to the attention of the Secretary of State, whatever the recommendation of the ExA is.</p> <p>The provision in question is the introductory words to the Ancillary works in Schedule 1. In the application version of the dDCO, the words limited the geographical scope of the ancillary works to the Order limits. In the next version, this was changed, and that limitation was removed entirely. So ancillary works can be carried out anywhere.</p> <p>The Council acknowledges that (a) the consent of the relevant landowner would be needed for any such works to be carried on outside the limits and (b) there must be no new or materially different significant effects.</p> <p>But the Council maintains its view that “no significant effects”, which is a subjective view of whoever compiled the ES, is not the same as “no effects”. The point here is</p>

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			<p>that neighbours of the land on which the ancillary works might take place may well be affected by them and they might quite understandably have not been expecting to be affected at all by LTC, because they live outside – potentially some distance outside - the Order limits.</p> <p>Some of the ancillary works might be really substantial – the list includes embankments, works to alter a watercourse, landscaping, re-profiling, construction-related buildings and the catch all “works of whatever nature, as may be necessary or expedient for the purposes of, or r for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.”</p> <p>Some of these works might well be in the nature of development which otherwise would be the subject of a planning application, on which neighbours would be able to comment. Because they are not in the Order limits, and because the works</p>

	DCO Provision	ExA Question	Gravesham BC Response
			<p>are undefined in the dDCO, those neighbours will not know now what might be coming, and when it comes, they will have no right to make representations.</p> <p>The wording has just one precedent (Stonehenge). The Council does not consider it should be allowed in this case.</p>
QD 42.	Work No 7R Re-provision of a travellers' site and associated landscaping	QD42: The Applicant is requested to provide legal submissions on this point.	N/A
QD 43.	Security for the REAC	QD43: 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)?	<p>The Council considers that the REAC commitments are sufficiently secured by requirement 4.</p> <p>Whilst making the REAC a separate document would aid the reader in finding it, the dDCO will need to ensure that doing so preserves the position so far as securing it is concerned, so an early sight of the drafting would be appreciated.</p>

	DCO Provision	ExA Question	Gravesham BC Response
QD 44.	Security for other CDs	QD44: 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)?	See QD50
Schedule 2			
QD 45.	Schedule 2, R1 Interpretation of “commence” Interpretation of “preliminary works”	QD45: The Applicant is requested to review and harmonise its responses to each of the questions in relation to A2 with reference to this provision also. What if any drafting changes are necessary to simplify and harmonise the drafting on interpretation and definitions?	See QD46

	DCO Provision	ExA Question	Gravesham BC Response
QD 46.		QD46: What approach do other IPs consider should be taken to these definitions and why?	<p>The Council refers to its D8 list of amendments also shown in its D4 list [REP4-302].</p> <p>See in particular item 12 in that list, where the Council has suggested that the word “begin” in R2 be replaced by “commence”.</p> <p>As mentioned in its previous submissions, the Council is concerned about the possibility of the development “beginning” by the carrying out of preliminary works, hence satisfying R2, then followed by potentially a very long period of inactivity before the main works commence.</p>
QD 47.	R2 Time limits (for the authorised development)	QD47: Should time limits applicable to beginning/commencing the Proposed Development and time limits for the exercise of CA powers be harmonised?	The Council has no particular comment on whether commencement and CA time limits be harmonised, so long as the commencement period is not extended to 8 years. For reasons explained elsewhere, the Council considers that the CA powers should be the usual 5 years for road schemes.
QD 48.		QD48: Is there a justification for time limits of longer than 5 years? What is that justification?	The Council hopes that the Applicant will not be suggesting a commencement period of longer than 5 years in response to this question. If it does, the Council would object.

	DCO Provision	ExA Question	Gravesham BC Response
			<p>On CA powers, The Council refers to its D8 list of amendments and previously included at D4 [REP4-302].</p> <p>See in particular item 5 in the D8 list.</p> <p>The Council refers to its explanation for the change in its response to the ExA's agenda Annex A queries on the dDCO for ISH2 [REP1-238] (page 13/37). For ease of reference it said:</p> <p>GBC consider that the usual 5 years is ample time for the exercise of compulsory powers and submits that a longer period should only be allowed in exceptional circumstances, in order to avoid the further continuing uncertainty and continuing blight that landowners would face.</p> <p>In its response to Annex A [AS-089], The Applicant cites the scale and complexity of the development as the reason for the 8 year period, and refers to Thames Tideway and the Hinkley Point C connection DCOs as precedents.</p> <p>These were exceptional cases, and GBC is not convinced that the scale of the works</p>

	DCO Provision	ExA Question	Gravesham BC Response
			<p>proposed for the LTC is any greater than some of the other DCOs that have been promoted by the Applicant, for example the A14, Black Cat and Stonehenge. The initial time limit for Phases One and Two of HS2 was 5 years and the power to extend has not been used. GBC considers that given the effects of ongoing blight, great care should be taken in allowing for an extension to standard accepted time limits for compulsory acquisition, because to do otherwise may lead to it becoming the norm for NSIPs.</p> <p>GBC understands that a time limit of more than 5 years is unprecedented for a highways DCO, some of which have involved lengthy linear projects with multiple junction arrangements.</p> <p>GBC agrees with the concerns of ExA on the start date being tied to the date on which any legal challenge is finally determined, particularly as the date of ultimate disposal of a legal challenge can never be certain, and the combination of this with the proposed 8 year period would lead potentially to a period of uncertainty and blight being extended to over ten years from the date of the making of the DCO. The Applicant cites</p>

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			<p>only one precedent (Manston). GBC is aware of no others, either in DCOs or other regimes which authorise compulsory purchase.</p>
<p>QD 49.</p>	<p>R3 Detailed Design</p>	<p>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>	<p>The design principles are adequately secured by R3(1) and R5(2)(a)</p> <p>In its DCO comments at Deadline 6, the Council submitted the following in relation to design principle PRO.01:</p> <p>Subject to seeing the proposals mentioned in 4.1.2, GBC would be content with Clause PRO.01 in the Design Principles if:</p> <p>(a) the Applicant could provide an example of another DCO scheme where a similar clause to PRO.01 has been used, explaining the composition of the panel (so GBC can be reassured about its independence) and explain whether there have been any occasions where the comments raised by the panel have not been followed. (b) PRO.01 were amended as follows:</p> <p>The Project shall submit options for the detailed design of the relevant part of the authorised development to the National Highways Design Review Panel (NHDRP)</p>

	DCO Provision	ExA Question	Gravesham BC Response
			and shall engage with the NHDRP on the development of the detail design. The design proposals shall be developed with regard to comments raised by the NHDRP.
QD 50.	R4 Construction and handover environmental management plans	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?	<p>An issue arose during ISH12 which the Council considers needs to be addressed.</p> <p>It relates to the EMP (3rd iteration). The Applicant has maintained that stakeholders, including the Council, will be “consulted” on the 3rd iteration. However this is not what is actually provided. Instead, there is a lower level requirement to “engage” with stakeholders.</p> <p>This is because:</p> <ul style="list-style-type: none"> • requirement 4(5) says that “an EMP (Third Iteration) must be developed and completed by the end of the construction, commissioning and handover stage of any part of the authorised development, <u>in accordance with the process set out in the Code of Construction Practice</u>. • That process is set out in paragraph 2.3.6 of the CoCP [REP7-123] which says: “During

	DCO Provision	ExA Question	Gravesham BC Response
			<p>the final stages of the construction phase, the Contractors will each prepare an EMP3 <u>with engagement with</u> relevant stakeholders (on matters relevant to their respective functions only) as listed in Table 2.1, and subject to agreement by National Highways”.</p> <p>The Council considers that the underlined words “with engagement with” should be replaced by “in consultation with”, in order to match what was said by the Applicant at ISH12.</p>
QD 51.		QD51: Should any specific consultations prior to approval by the SoS be secured?	See QD50
QD 52.	R5 Landscaping and ecology	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?	The Council is content with R5
QD 53.		QD53: Should any specific consultations (and the timing	The Council will be consulted and is content with R5

	DCO Provision	ExA Question	Gravesham BC Response
		for those consultations) prior to approval by the SoS be secured?	
QD 54.	R6, R7, R8 and R9 Contaminated land and groundwater, Protected species, Surface and foul water drainage and Historic environment	QD54: Do the Environment Agency, Natural England and Historic England consider that the approval process is sufficiently clear? Does it provide adequate security for initial stage commitments and for the REAC? If amendments are sought, why are they required?	N/A to the Council
QD 55.	R13 Re-provision of Gammonfields Travellers' Site in Thurrock	N/A	N/A
QD 56.	Ditto	N/A	N/A
QD 57.	Ditto	N/A	N/A
QD 58.	Ditto	N/A	N/A
QD 59.	R15 Carbon and energy management plan	QD59: IPs final submissions are sought. Reasons for any proposed changes must be provided.	No comments from the Council
Schedule 3 - temporary closure, alteration, diversion and restriction of use of streets and private means of access			
QD 60.	See A12 above and the Streets Subject to Temporary Restrictions of Use Plans [REP4-052, 054 and 056]	QD60: Final submissions on the appropriateness and/ or accuracy of the proposed descriptions, extents and representation of temporary restrictions on plans	The Council has no comments and understands that KCC as LHA will have checked the accuracy of Schedule 3.

	DCO Provision	ExA Question	Gravesham BC Response
		identified in Schedule 3 are sought from Local Highway Authorities and IPs affected by the proposals. Reasons for any requested amendments must be provided.	
Schedule 4 - PERMANENT STOPPING UP OF STREETS AND PRIVATE MEANS OF ACCESS			
QD 61.	See A14 and Rights of Way and Access Plans [REP4-046, 048 and 050]	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.	The Council has no comments and understands that KCC as LHA will have checked the accuracy of Schedule 3.
QD 62.		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	The Council has no comments and understands that KCC as LHA will have checked the accuracy of Schedule 4.

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		individual proposals to stop up without substitution appropriate? Reasons for any requested amendments must be provided.	
SCHEDULE 5 – CLASSIFICATION OF ROADS, ETC.			
QD 63.	See A15 Classification of roads, etc. and the Classification of Roads Plans [REP3-061].	QD 63 and 64 relate to specific bridleways in Thurrock	N/A
QD 64.			N/A
SCHEDULE 6 – TRAFFIC REGULATION MEASURES			
QD 65.	See A16 Traffic regulation Measures	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.	The Council has no comments and understands that KCC as local traffic authority will have checked the accuracy of Schedule 5.
QD 66.	Amended speed limits	QD66: Without prejudice to submissions on HRA and effects of European Sites more generally, the Applicant is invited to indicate whether (and if so how) relevant air	The Council is neutral on this issue and defers to Natural England to respond on HRA matters

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		quality impact reductions might be secured by speed limits. Would such controls be given effect to in this Schedule and if so, how would the Schedule be changed?	
SCHEDULE 7 – TREES SUBJECT TO TREE PRESERVATION ORDERS			
QD 67.	See A24 Trees subject to tree preservation orders (TPOs) and Schedule 1 (Works)	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.	No comments from the Council
SCHEDULE 8 – LAND OF WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED			
QD 68.	See A28 Compulsory acquisition of rights and imposition of restrictive covenants and the Land Plans [REP5-004, 006 and 008]	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.	

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SCHEDULE 9 – MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF RESTRICTIVE COVENANTS			
QD 69.	See A28 Compulsory acquisition of rights and imposition of restrictive covenants	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.	No comments from the Council save that the separate issue of the Cascades Leisure Centre has been rehearsed before the ExA.
SCHEDULE 10 – LAND IN WHICH ONLY SUBSOIL OR NEW RIGHTS IN AND ABOVE SUBSOIL AND SURFACE MAY BE ACQUIRED			
QD 70.	See A33 Acquisition of subsoil or airspace only and the Land Plans [REP5-004, 006 and 008]	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.	No comments from the Council
SCHEDULE 11 – LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN			
QD 71.	See A35 Temporary use of land for carrying out the authorised development and the Land Plans [REP5-004, 006 and 008]	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.	No comments from the Council

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SCHEDULE 12 – ROAD USER CHARGING PROVISIONS FOR USE OF THE LOWER THAMES CROSSING			
QD 72.	<p>Schedule 12 – road user charging provisions for use of the Lower Thames Crossing</p> <p>See A45 Road user charging (A46 Suspension of road user charging) and the A282 Trunk Road (Dartford-Thurrock Crossing Charging Scheme) Order 2013 which this Schedule seeks to amend.</p>	<p>Schedule 12 is particular to the LTC Proposed development. It seeks broadly to integrate a road charging regime for the proposed LTC tunnels with that for the existing Dartford Crossing, subject to broadly the same payment of charges and enforcement provisions as are applicable to the existing Dartford Crossing.</p> <p>QD72: Is the ExA correct in assessing the basis for this provision as avoiding differential approaches to charging which might differentially attract vehicles to one or the other crossing?</p>	<p>The Council may comment on the Applicant’s response to this question at D8.</p>
QD 73.		<p>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.</p>	<p>The Council is content.</p>

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QD 74.		<p>QD74: Are there any final observations on the operation of Payments for local residents (para 5)?</p> <p>.</p>	<p>The Council refers to its D8 list of amendments (also included at D4 [REP4-302]).</p> <p>See in particular item 6 in the D8 list.</p> <p>The Council also refers to its explanation for the change in its post hearing submissions on agenda item 4(g) of ISH2 [REP1-236].</p> <p>For ease of reference it was:</p> <p>Schedule 12 to the DCO aligns charges and other details of the charging regime with those at the Dartford Crossing, such as hours in which the charges apply, discounts and exemptions. Paragraph 5 of Schedule 12 enables the Secretary of State for Transport to apply a local resident discount for charges imposed under the DCO to residents of Gravesham and Thurrock. The current arrangements in relation to users of the existing Dartford Crossing are that, for the Dart charge, a discount is available to the residents on either side in Thurrock and in Dartford, but not to anybody else. It's proposed, in relation to the Lower Thames Crossing, that the residents' discounts are available to residents of Thurrock and Gravesham</p>

	DCO Provision	ExA Question	Gravesham BC Response
			<p>as users of the Lower Thames Crossing, but not as users of the Dartford Crossing. Obviously, so far as a Thurrock resident is concerned, they already get the benefit of a discount if they use the Dartford Crossing, but for a Gravesham resident that isn't the case. Gravesham residents are only going to be given a discount for the use of one of these two crossings, but the reality is that the network works as a whole – there will be a myriad of origins and destinations of Gravesham residents, some of whom will be users of the Dartford Crossing.</p> <p>There is no evidence that the traffic modelling has taken account of how Gravesham residents' decisions as to which crossing to use may be affected by the higher toll on the Dartford Crossing. We see the impacts on Gravesham as being sufficient in both magnitude and duration, both during the construction period and subsequently, that they certainly have a case for being given a discount in relation to the Dartford Crossing, in addition to the Lower Thames Crossing.</p> <p>Obviously that will require some revision to the legislation which regulates the Dart</p>

	DCO Provision	ExA Question	Gravesham BC Response
			<p>charge, but that would be within the gift of this DCO, because it can disapply or amend any other legislation (as it does in Article 53), and so what we are proposing is that residents of Gravesham are given a resident’s discount for using either crossing, and not merely for the LTC. This could be achieved by amending the definition of “local resident” in article 2 of the A282 Trunk Road (Dartford-Thurrock Crossing Charging Scheme) Order 2013. Because the impacts will be experienced by residents of Gravesham during the construction period, as well as thereafter, we are suggesting that the discount to Gravesham residents should be available in relation to the Dart crossing from the start of construction of the Lower Thames Crossing. Obviously it can’t apply to the Lower Thames Crossing until it physically exists and is open to traffic, so that will be at a later stage, but that’s our essential point.</p> <p>GBC does not seek to comment on whether discounts should be offered to residents of other local authorities adversely affected by the LTC but it does see the unavoidable residual impacts within Gravesham as significant in their</p>

	DCO Provision	ExA Question	Gravesham BC Response
			extent so as to justify a particular compensatory measure to offset those impacts.
QD 75.		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	No further comments from the Council
SCHEDULE 13 – LOWER THAMES CROSSING BYELAWS			
QD 76.	See A51 Lower Thames Crossing byelaws	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.	The Council has no comment.
QD 77.		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	The Council has no comment.

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		should be provided for any changes sought.	
SCHEDULE 14 – PROTECTIVE PROVISIONS			
QD 78.	See Art 59 Protective Provisions Finalisation of the Protective Provisions	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.	N/A
QD 79.		QD79: Further to changes to the structure of the National Grid group of companies, should the beneficiary of Part 6 be National Gas?	N/A
QD 80.		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?	No protective provisions are sought by the Council
QD 81.		QD81: Are there any other requests for amendments to Protective Provisions? If so	N/A

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		what changes are sought and why?	
SCHEDULE 15 – DEEMED MARINE LICENCE			
QD 82.	Deemed Marine Licence (DML)	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.	No comments from the Council
QD 83.		QD83: The MMO is asked whether the REAC commitments or other CDs are sufficiently secured. If not, what specific additional references to the REAC or 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)?	N/A
THE CONTROL DOCUMENTS			
QD 84.	What are the control documents?	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	No comments from the Council in addition to those raised elsewhere in this document

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		the proposed iterations clear and justified? If any changes are sought, please explain these.	
UNDERSTANDING AND USING THE CONTROL DOCUMENT SET			
QD 85.		<p>QD85: Do any IPs have any final submissions to make on the CDs and their content?</p> <ul style="list-style-type: none"> • Is there superfluous content that could be removed? • Is there additional content that should be added? • Are there any other documents that should be certified and should form part of the CDs? <p>Any responses to this question should be accompanied by an explanation of the changes sought and the reasons for them.</p>	See Separate Document with the Council's suggestions.