

Lower Thames Crossing DCO

Gravesham Borough Council

(IP ref: 20035747)

Appendix 2a to the Council's Appendix 2 response to the ExA's Commentary on the DCO

Control Documents

Response to QD85: Do any IPs have any final submissions to make on the CDs and their content? 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?

Polperro/travellers sites at Rochester Road

The Council proposed some changes to the REAC at D6 and the Council is pleased to note that they have been accepted in principle in [\[REP7-185\]](#) see paragraph 4.2.3(b) and 4.3.2(b). This matter is closed.

CoCP: Table 6.1 - Working hours

Put forward by the Council in its post hearing submissions on ISH8 - Construction & Operational Effects (Non traffic) [\[REP6-129\]](#)

The Council considers that similar restrictions should be placed on night-time working as apply to evening earthworks working as regards sensitive receptors, and therefore propose the following restriction should be added in relation to the entry in Table 6.1 of the CoCP called "Extended working hours for specified activities in Table 6.2, Table 6.3 and Table 6.4 00:00 to 24:00 Monday to Sunday".

New wording:

"Extended working hours for specified activities in Table 6.2, Table 6.3 and Table 6.4 are from 00:00 to 24:00 Monday to Sunday. But these extended working hours will not apply to any activities within 300m of sensitive receptors which give rise to greater levels of noise than the levels recorded during pre-construction monitoring."

CoCP - Environment Management Plan: lead in periods

In its responses to EXA Q2s [\[REP6-131\]](#) the Council said it would find a minimum lead in period helpful, not only so that it can communicate with its residents sufficiently in advance but also so that it can plan its own resources to deal with applications and consultations.

The Council suggests paragraph 2.3.9 of the CoCP be amended as follows.

2.3.9 The EMP2 will require that construction phasing plans are made available to the local authorities at least two weeks prior to works commencement at least 42 days prior to the commencement of works in the area of the local authority concerned and will provide updated versions of the construction phasing plans where any significant change is made and in any event at least 28 days before the commencement of every phase identified in the construction phasing plans.

REAC NV005: Baseline Noise Levels

The Council proposed the following amendment to NV005 in [\[REP6-135\]](#) and it was not accepted by the Applicant.

Proposed amendment:

Pre-construction baseline noise levels would be submitted to and agreed with the relevant planning authorities to establish a pre-construction baseline for monitoring compliance with construction noise limits.

Gravesham Borough Council's reasoning: Need to be agreed with PA's [planning authorities]

Applicant's response [\[REP7-187\]](#): This change is not needed. Control by relevant planning authorities is already provided for under Control of Pollution Act 1974, Section 61 consents as set out in NV004 [\[REP6-038\]](#).

REAC NV009: Noise monitoring

The Council proposed the following amendment to NV005 in [\[REP6-135\]](#) and it was not accepted by the Applicant.

During the construction phase, day and night-time noise and vibration monitoring would be undertaken at locations identified and agreed in consultation with the relevant local planning authorities to ensure that the mitigation measures suggested are working effectively.

Gravesham Borough Council's reasoning: Same point as for NV005

Applicant's response: Similar to the proposed amendment by Gravesham Borough Council for commitment NV005, this change is not needed. The achievement criteria for this commitment stated in the REAC is 'Compliance with the terms of Section 61 consents', so control by relevant planning authorities is already provided for.

REAC NV015: Noise: adequacy of control measures

Put forward by the Council in its post hearing submissions on ISH8 - Construction & Operational Effects (Non traffic) [\[REP6-129\]](#)

The Council suggests the following amendments to REAC NV-015. These amendments are intended to ensure that the procedures set out by the Applicant are followed as swiftly as possible once an exceedance is found to have occurred.

NV015: In the event that noise and vibration monitoring (as provided for in NV009) identifies that noise and vibration limits (as provided for in NV004) have been exceeded, the Contractors shall, at the earliest ~~reasonably practicable~~ opportunity, investigate to confirm that works being undertaken as part of the Project are the source of the noise. If this is confirmed, then the Contactor shall immediately (a) notify the relevant local authorities (b) cease the activity in question pending the outcome of the further review described below and (c) undertake a further review of the best practicable means (as defined under the Control of Pollution Act, 1974) employed for the activity to minimise noise and use best endeavours to promptly agree additional or modified mitigation with the relevant local authorities and implement all such mitigation prior to the resumption of the activity in question ~~unless otherwise agreed with the SoS.~~

NV018: Noise Insulation Regulations

In its responses to EXA Q2s [[REP6-131](#)] the Council put forward some suggestions for altering NV018, subject to the Council and its technical experts studying the Applicant's policy.

The Council's proposed amendments to NV018 were:

In accordance with "Calculation of Road Traffic Noise" (1988), assessments will be made in advance of the Project opening in respect of ~~A final assessment and verification of possible~~ eligibility of buildings for insulation work or grants under the Noise Insulation Regulations 1975 in relation to operational noise. Final assessments in relation to operational noise will be undertaken within the first year of the Project opening.

Assessments and verification of eligibility of buildings of buildings for insulation work or grants under the Noise Insulation Regulations 1975 in relation to construction noise will be undertaken before the commencement of construction in the relevant location and as reasonably necessary throughout the construction period in the relevant location.

The undertaker will comply with the National Highways Policy [name] in so far as it provides equal or greater protection for those affected by noise than "Calculation of Road Traffic Noise". No variations made to that policy made after 30 November 2023 shall have effect in relation to the project unless agreed by the Secretary of State.

REAC MW009 and MW017: Tunnelling

REAC ref MW009 and MW017 with GBC proposed amendments in red. The objective of the Council is to ensure so far as possible that all tunnel and tunnel portal spoil (including spoil excavated other than by a TBM) and that is not used for the Chalk Park landform is removed through the north portal, and that the storage of tunnel related materials are not transported via HGVs on the roads in Gravesham. The Council's proposed amendments have been adjusted following discussions with the Applicant.

MW009: The tunnel boring machinery will be serviced from the North Portal. All material excavated by the tunnel boring machinery will be generated as a slurry and this will be transferred by pipeline through the tunnel to the North Portal for placement. Any material excavated by means other than by tunnel boring machinery and not used for the Chalk Park landform will so far as reasonably practicable be transferred through the tunnel to the North Portal for placement. Similarly, all tunnel segments and major services required to operate the tunnel boring machinery and erect the tunnel segments will be supplied from the North Portal where major services comprise slurry feed and return pipelines, main and auxiliary power cables, cross passage dewatering wastewater pipeline, fire mains and the temporary tunnel lighting system. No worksites to the south of the River Thames will be used for the storage of materials, plant or machinery to be used in the construction of the tunnel.

MW017: There will be no storage of concrete tunnel segments, or other materials, plant or machinery to be used in the construction of the tunnel on the ground surface at the southern tunnel entrance compound. Any such segments, materials, plant or machinery stored at the southern tunnel entrance compound, other than on the ground surface, will be brought in from the North Portal.

REAC AQ006: Air Quality

In its Amendments to the REAC and Design Principles document [[REP6-135](#)], the Council proposed the following amendments to Commitment AQ006

AQ006: The Contractors in consultation with the local planning authority shall ~~determine~~ agree the level of any dust and particulate monitoring carried out on Project construction sites by means of a risk-based approach.

This will identify the type of monitoring that is required on each worksite by looking at the details of the specific packages of work within the site boundaries and the location of receptors around the site. ~~Should monitoring be required, the monitoring locations will be approved by the Secretary of State (SoS) in consultation with the relevant local authorities.~~

The Council's reason is as drafted it gives the Contractor total control and only gives the LA [local authority] a chance to comment on proposals made – not those not made. The applicant has to consider that they need to show local residents that there is no issue even if they think there is not.

The Applicant's response [REP7-187] was: This change is not needed. The achievement criteria for this commitment stated in the REAC is 'Approval of air quality monitoring programme by the SoS in consultation with relevant local authorities', so this consultation is already provided for. It is not necessary or proportionate to undertake monitoring on all construction sites at all times. The Contractor will undertake monitoring where the risks involved merit it, but not otherwise. The Contractor will propose a bespoke approach for each site for approval depending on the nature of operations and proximity and vulnerability of sensitive receptors.

REAC GS029: Geology and soils

The Council's Proposed amendment:

GS029: Surplus clean chalk soils generated from construction works south of the River Thames may be stockpiled to facilitate control of offsite Heavy Goods Vehicle traffic. Stockpiles of surplus clean chalk would be designed to safeguard the underlying soils and groundwater and the design would be agreed by the SoS in consultation with the Environment Agency and the local planning authority prior to stockpiling commencing.

The Council's reasoning: Physical location and height should be agreed with the local planning authority.

Applicant's response: This commitment arises from the need to protect soils and groundwater which are matters under the remit of the Environment Agency who will therefore be consulted rather than the local authority.

New REAC commitment: Compensatory Planting

In its ISH9 post hearing submissions [REP6-127], the Council proposed the following new REAC commitment:

"In finalising the location of landscape planting, compensatory ancient woodland planting and soil translocation during and/or before the detailed design, the undertaker shall undertake, in consultation with the local planning authority, a comprehensive review of the proposed location of that planting taking into account its landscape, biodiversity, and cultural heritage (above and below ground) implications. The undertaker will implement any conclusions of that review."

The Council's proposed new requirement has not been accepted. The Council does not accept that this is covered in the OLEMP. Requiring reviews to be carried out on a wider range of issues when woodland planting is proposed (for example on cultural heritage) is of importance to the council, and it continues to press for it.

Further assessment in the form of geophysical survey is planned for the nitrogen deposition compensation sites in November 2023; KCC has agreed the Written Schemes of Investigation and will review the results.

This information will inform the detailed design of the planting proposals, and future mitigation which is being developed in consultation with KCC. All areas of ancient woodland planting have been identified as mitigation sites within ES Appendix 6.9: Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [REP6-044].

Outline Traffic Management Plan for Construction [REP7-146]: Thong Lane construction traffic lights

The Applicant has put forward a new paragraph 4.5.10 in the Outline Traffic Management Plan for Construction. The Council is content with that.

Outline Framework Traffic Plan for Construction [REP7-146]: Membership of Travel Plan Liaison Group (TPLG)

In its comments on Applicant’s submissions at Deadline 5 [REP6-138] the Council asked that local planning authorities and local highway authorities be specifically listed as stakeholders to be invited onto the TPLG (Para C3.1(c)) Local highway authorities have been added but not local planning authorities. This should be rectified as follows:

c. Stakeholder representatives (such as public transport operators, TfL, ~~and~~ local highway authorities) and local planning authorities (if they are not also the local highway authority).

Outline Traffic Management Plan for Construction [REP7-146]: road closure minimisation

In its Response to Action Point 7 from Issue Specific Hearing 4 (ISH4) on Traffic and Transportation [REP4-298], the Council made a number of suggestions for amendments to the Outline Traffic Management Plan for Construction (latest version [REP7-149]). The action point was to suggest wording in the Outline Traffic Management Plan for Construction which would seek to minimise periods of road closures as far as practicable.

The Council’s suggestions were modest in nature and comprised changes to paragraphs 2.4.5 and 2.4.6 (as set out below) and to Table 2.3 referred to in 2.4.6. Th Applicant did not agree the changes.

*2.4.5 It is acknowledged that the impacts on communities from measures required to ensure the **safe** delivery of the Project, should be kept to a minimum as much as is reasonably practicable.*

*2.4.6 The specific restrictions **and general approach** required to mitigate or otherwise minimise the impacts would be developed in discussions undertaken with the relevant authorities and would be set out in the TMP **and implemented in accordance with requirement 10 (traffic management) of the Development Consent Order**. Table 2.3 below has been produced to set out the overarching considerations.*

Table 2.3 Stakeholder considerations

Who is affected by the Project?	What are their requirements?	The TMP would address the following as a minimum
Van drivers, car drivers and motorcyclists	<ul style="list-style-type: none"> • Journey time reliability • Safety during journey through traffic management 	<ul style="list-style-type: none"> • Minimise the number of traffic management changes • Minimise narrow lane arrangement • Minimise the number, extent and duration of closures and use of diversion routes

	<ul style="list-style-type: none"> • <u>Reduced road closures</u> • Advance warning • Breakdown recovery 	<ul style="list-style-type: none"> • Enforce speed reduction through cameras • Pre-warning signage in line with best practice guidance • Provision of portable variable message signs to display informative messages • Provide (and clearly sign) free vehicle recovery where applicable
Public transport users and operators	<ul style="list-style-type: none"> • Modes of public transport including rail and bus services and operations • <u>Minimal closures/diversions that may impact on journey-time reliability to and from the facility</u> 	<ul style="list-style-type: none"> • Maintain existing routes (as far as reasonably practicable) • Provide temporary diversions, temporary bus stops when and where required • Seek view of authorities when designing diversion routes and temporary bus stops following approval of TMP • <u>Where diversion is justified, minimise the number, extent and duration of closures and use of diversion routes</u> • Reduce impact to the rail network and schedule • Engage with rail companies on proposed works and programme to reduce impacts following approval of TMP
Exhibition centres, church halls, community centres, recreational facilities, sports clubs, places of worship, cemeteries and crematoriums	<ul style="list-style-type: none"> • Public and staff access • Access for deliveries • Waste collection • Emergency service access • Postal deliveries • <u>Minimal closures/diversions that may impact on journey-time reliability to and from the facility</u> 	<ul style="list-style-type: none"> • Access and egress to be maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works • Advance warning and particular sensitivity around significant events, particularly evenings and weekends • Engagement with relevant stakeholder prior to proposed night closures of the LRN and SRN
Local businesses and residents	<ul style="list-style-type: none"> • <u>Reduced road closures</u> • Public and staff access • Access for deliveries • Waste collection • Emergency service access • Postal deliveries (including Royal Mail collection) • Appropriate diversion routes 	<ul style="list-style-type: none"> • <u>Minimise the number, extent and duration of closures and use of diversion routes</u> • Access and egress to be maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works • Regular communication to inform changes and scheme progress • Include temporary advance warning signs on approaches at appropriate locations to inform road users to use appropriate diversions put in place
Local schools	<ul style="list-style-type: none"> • Access/egress for staff and students 	<ul style="list-style-type: none"> • Access and egress to be maintained throughout the construction period with

	<p><u>particularly during examination periods and other important events</u></p> <ul style="list-style-type: none"> • Unhindered and safe WCH routes • <u>Active travel routes for children not adversely impacted</u> • Emergency service access • Waste collection 	<p>the exception of night-time and weekend closures when required for specific planned works</p> <ul style="list-style-type: none"> • Advance warning with particular sensitivity around significant events, particularly evenings and weekends that are likely to affect late evening and weekend school • HGV movements would not be allowed to pass school entrances during drop off / pick up • <u>Cooperation with schools and additional funding as regards extended opening hours of schools, alternative means of travel to and from school and other measures so that children can be dropped off earlier and picked up later</u>
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