

Interested party reference: 20035666

TRANSPORT FOR LONDON

LOWER THAMES CROSSING – COMMENTS ON SUBMISSIONS MADE AT DEADLINE 8

DEADLINE 9: 11 DECEMBER 2023

I. Introduction

- 1.1 This document sets out comments from Transport for London (TfL) on submissions made at Deadline 8 of the Lower Thames Crossing (LTC) Development Consent Order (DCO) examination.
- 1.2 Where TfL has set out its position on a matter in previous submissions, TfL has signposted the relevant parts of those previous submissions rather than repeating its position in detail in this submission. TfL has limited its comments to a small number of submissions made by the Applicant with a section for each relevant submission.

2. Applicant’s responses to Interested Parties’ comments on the draft Development Consent Order at Deadline 7 (REP8-116)

- 2.1 Section 9.1 of the Applicant’s submission responds to TfL’s representations at Deadline 7.
- 2.2 The Applicant makes further comments in Paragraph 9.1.1 about the proposed A127 bridge west of M25 Junction 29 being to address historic severance only and not to address severance caused by the Project. TfL refers the ExA to Paragraphs 4.4 to 4.7 of its Deadline 8 submission (REP8-171) which sets out that the Project causes severance through the removal of the Non-Motorised User route around the south side of the M25 Junction 29 roundabout and due to the substantial increase in traffic flows on the A127 caused by the Project, making it more difficult to cross the road at grade.
- 2.3 In response to the Applicant’s comments in Paragraphs 9.1.2 and 9.1.3, TfL maintains its position that there is no reliable source of Government highways funding that TfL can use in lieu of receiving a commuted sum for the maintenance of the additional infrastructure delivered by the Project that TfL will become responsible for maintaining. The recent announcement¹ for local highways maintenance funding referenced by the Applicant does not provide any certainty that funding will be available to cover the additional maintenance costs. The purpose of this funding is for “local road resurfacing and wider maintenance activity” and funding for London “has been allocated based on road length”, i.e. it would not take account of maintaining significant structures delivered by third party projects. The funding announcement states that “details of how the funding for London will be divided between Transport for London and the boroughs will be confirmed in due course” – given this funding will need to be split between TfL and the 33 boroughs who are local highway authorities in London, and the fact that TfL is responsible for only around five per cent of London’s roads, TfL will likely receive just a fraction of the £236m amount quoted by the Applicant in its submission over the 11-year funding period.
- 2.4 On this basis, the additional funding described in the Applicant’s response cannot provide any certainty that TfL will receive additional funding for maintenance of the infrastructure

¹ Department for Transport (2023). Local highways maintenance: additional funding from 2023 to 2034. Accessed November 2023. <https://www.gov.uk/government/publications/highways-maintenance-funding-allocations/local-highways-maintenance-additional-funding-from-2023-to-2034>

delivered by the Project that it will become responsible for maintaining, and does not affect TfL's previously-stated position on this issue.

3. Applicant's comments on Interested Parties' submissions regarding Wider Network Impacts at Deadline 7 (REP8-I23)

- 3.1 The Applicant provides its views on TfL's most recent representations on wider network impacts in its submission. TfL's primary observation on the Applicant's document is that it is selectively using aspects of TfL's submissions and interpreting these to imply that TfL and the Applicant have a consistent view on the matter. For example, in Table 3.1, the Applicant's interpretation of TfL stating that the Applicant's requirement provides no more security than the Wider Network Impacts Management and Monitoring Plan (WNIMMP) is that the requirement is therefore not necessary. This is absolutely not the case. As can clearly be seen by reviewing Sections 4 and 5 of TfL's Deadline 7 submission as a whole (REP7-229), TfL considers the WNIMMP to be wholly inadequate and that a more robust requirement on wider network impacts is needed. TfL stated its support for the requirement jointly put forward by the Port of Tilbury London Ltd, DP World London Gateway, Thames Enterprise Park and Thurrock Council at Deadline 8 (see Section 2 of REP8-I71) and this is commented on further in Section 4 of this submission below.
- 3.2 Paragraph 2.4.5 of the Applicant's submission states that it does not recognise TfL's suggestion that the Applicant considers no mitigation is necessary. TfL was clearly referring to mitigation beyond that already included in the DCO application, directly referencing Paragraph 2.4.4 of the Applicant's Wider Network Impacts Position Paper (REP6-092) which states: "The policy requires those adverse effects to be assessed and taken into account (as the Applicant explicitly has in this case). It does not require them to be mitigated." TfL maintains its position that further security is needed beyond the measures identified by the Applicant, due to the likelihood of unforeseen impacts which have not been forecast as part of the DCO application modelling arising. Section 106 agreements are noted as one method of securing mitigation, but TfL will not benefit from one of these agreements as it is not a local planning authority.
- 3.3 In Table 3.1 of the Applicant's submission, with regard to securing funding for mitigation interventions in the 'without prejudice' Network Management Group requirement, it is stated in response to the London Borough of Havering that: "The Applicant considers that the Department for Transport (DfT) has put in place a 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". TfL maintains that the DfT funding framework for highways improvements noted by the Applicant does not adequately address the funding situation within London, where the opportunities for securing Government funding are far more limited, as noted in previous submissions by TfL (most recently Section 3 of REP7-229).
- 3.4 Finally, TfL disagrees with the conclusion of Paragraph 3.2.2 of the Applicant's submission where, in responding to Thurrock Council, it states that "The effect of the Applicant's drafting [in its without prejudice 'Network Management Group' requirement] is therefore the same as the Silvertown Tunnel Order." This is not the case, particularly for the local road network. In the case of local roads, paragraph (3) (d) (iii) of the draft requirement commits the Applicant to "cooperating with the relevant highway authority with introducing the measure or seeking funding for that intervention or measure". The equivalent paragraph (8) of Requirement 7 of the Silvertown Tunnel DCO contains the following commitment: "TfL must implement or secure the implementation of the

measures approved by the Secretary of State in accordance with the approved programme.” It is absolutely clear that in the case of the Silvertown Tunnel, TfL is required to deliver or secure delivery of the mitigation, whereas all the Applicant for the LTC Project is committing to doing is co-operating with local highway authorities. This is not an equivalent level of commitment however the Applicant seeks to interpret it.

4. Thurrock Council - Comments on Applicant’s submissions at Deadline 6A and Deadline 7 (REP8-166)

- 4.1 TfL notes that Thurrock Council has submitted an updated Joint Position Statement with the Port of Tilbury London Ltd, DP World London Gateway and Thames Enterprise Park as Appendix D of its Deadline 8 submission. This also included amendments to the proposed requirement for wider network impacts. TfL previously stated its support for this requirement (REP8-171 Section 2). TfL confirms that it still considers this requirement, including the amendments, to be the best form of drafting before the examination to ensure an appropriate approach is in place to mitigate the wider network impacts of the Project that may arise, as TfL considers is required by policy.