

Lower Thames Crossing DCO

Gravesham Borough Council

Deadline 9

Amendments to the draft DCO proposed by Gravesham Borough Council other than amendments relating to identity of discharging authority: updated following consideration of Applicant's D8 documents

Note 1: This list of suggested amendments to the DCO generally follows the order in which the provisions to be amended appear in the DCO. They are not listed in order of importance to the Council.

Note 2: The submission of this list is without prejudice to the Council's position in principle on the DCO.

Note 3: This list does not include any suggested changes to the other control documents.

Note 4: The amendments shown are to the clean version of v.10.0 of the DCO [REP8-006]

Note 5: This Appendix contains amendments requested in relation to matters other than the identity of the discharging authority in Schedule 2. The Council refers the ExA to [REP4-305] which set out the Council's suggested amendments to Schedule 2 of version 5 of the DCO on that subject.

1. Article 2 (interpretation): "Different material effects": removal of paragraph (10)

Interpretation

2. [...]

~~(10) In this Order, references to materially new or materially different environmental effects in comparison with those reported in the environmental statement must 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.~~

Reason: Potential for unintended consequences. A reduction in an adverse effect may have other adverse effects.

2. Article 3 (development consent, etc. granted by the Order): extent of disapplication of enactments

Development consent, etc. granted by the Order

3.—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out and operated.

(2) Without limitation to paragraph (1), the undertaker is authorised to carry out the works specified in columns (2) and (3) of Part 2 of Schedule 1 (scheduled monuments) in relation to the scheduled monuments specified in column (1) of that Schedule.

(3) Subject to paragraph (4), any enactment applying to land within the Order limits or land adjacent to, adjoining or sharing a common boundary with the Order limits (other than land comprising part of the river Thames outside of the Order limits) has effect subject to the provisions of this Order.

(4) Except as provided for in article 53 (Disapplication of legislative provisions, etc.) and article 55 (Application of local legislation, etc.), paragraph (3) does not apply to the 1968 Act, the Port of

Tilbury Transfer Scheme 1991, the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 and the Port of Tilbury (Expansion) Order 2019 or any byelaws, general directions or specific directions having effect, made or given under those enactments.

Reason: Potential for unintended consequences: a large area of land may have a relatively short boundary with the Order limits.

3. Article 6 (limits of deviation): Chalk Park landforms

Limits of deviation

6.—(1) In carrying out the authorised development the undertaker may—

(a) [.....]

(2) In carrying out the authorised development the undertaker may—

- (a) subject to sub-paragraphs (b) to (r)(p), deviate vertically from the levels of the authorised development shown on the engineering drawings and sections to a maximum of 0.5 metre upwards or 1 metre downwards;
- (b) in respect of Works Nos. OSC4(a) ~~and OSC5(a)~~, deviate vertically from the level shown at the point marked “+66m AOD” on sheet 19 of the engineering drawings and sections to a maximum of 2 metres upwards or 2 metres downwards;
- (c) in respect of Works Nos. OSC4(b), ~~and OSC5(b)~~ deviate vertically from the levels shown at the points marked +25m AOD, +53m AOD, +60m AOD and +61m AOD, the levels shown on sheet 19 of the engineering drawings and sections to a maximum of 5 metres upwards or 5 metres downwards;
- (d) in respect of Work No. OSC5(a), deviate vertically from the levels shown on the engineering drawings and sections to a maximum of 2 metre upwards or 2 metre downwards;
- (e) in respect of Work No. OSC5(b), deviate vertically from the levels shown on the engineering drawings and sections to a maximum of 5 metre upwards or 5 metre downwards;

Reason: Sheet 19 of the engineering drawings and sections [REP7-054] shows the area in which the Chalk Park landforms (OSC4(a) and OSC4(b)) are located and shows 5 different points at which AOD (above ordnance datum) limits are given. However, there is no indication of which of those points relate to Work OSC4(a) (the establishment of a hilltop landform) and Work OSC4(b) (the creation of landforms and associated landscape). The Council also considers that the Works Plans (sheets 11 and 13) [REP7-038] should be amended so that the limits of Work OSC4(a) are shown separately from OSC4(b), so it can be seen where the hilltop landform is to be located.

4. Article 23(2): compliance with national legislation: trees

Felling or lopping of trees and removal of hedgerows

23.—(1) The undertaker may fell or lop any tree or shrub, within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must—

- (a) do no unnecessary damage to any tree or shrub; ~~and must~~

- (b) pay compensation to any person for any loss or damage arising from such activity; and
- (c) take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981(a).

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within or overhanging land within the Order limits that is required to be removed.

(5) In this article "hedgerow" includes a hedgerow to which the Hedgerow Regulations 1997(b) apply and includes important hedgerows.

Reason: This is a well precedented safeguard in highways DCOs: see article 42(2)(c) of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 Link Roads Order 2022 ([2022/1206](#))

5. Article 27: timescale for exercise of compulsory powers

Time limit for exercise of authority to acquire land compulsorily

27.—(1) After the end of the period of 58 years beginning on the day on which this Order is made~~the start date~~—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act as modified by this Order; and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 31 (application of the 1981 Act),

in relation to the Order land for the purposes of this Order.

(2) The authority conferred by article 35 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

~~(3) In this article "start date" means—~~

- ~~(a) where no challenge to this Order has been made under section 118 of the 2008 Act, the day after the period for legal challenge in respect of this Order under section 118 of the 2008 Act expires; or~~
- ~~(b) where a legal challenge to this Order has been made under that section, the earlier of—~~
 - ~~(i) the day after the final determination of any legal challenge under that section; or~~
 - ~~(ii) the day after the one-year anniversary of the date of the expiry of the period for legal challenge under section 118 of the 2008 Act, whether or not such proceedings have been finally determined by that date.~~

Reason: The Council has explained its reasons in various submissions. The main one is lingering uncertainty and blight. The Council considers that the changes made by the Applicant at D8 are an improvement of the position, but still considers that an overall period of 9 years from the date of the making of the Order would result. If the ExA does not agree with the Council on this issue then the Council considers that the period should be 5 years (not *) from the "start date".

(a) 1981 c. 69.

5A. Article 35: Temporary use of land for coarrying out the authorised development

Following the exchanges in ISH14 about restoration of land following temporary occupation, and in particular the possibility of permanent works remaining in protected areas, the Council proposes the following amendment to article 35(5):

“(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land (in consultation with the relevant local planning authority, if the land in question is green belt land or is in an area of outstanding natural beauty); but the undertaker is not required to—”

6. Article 45 and new article: Road user charging on the Dartford Crossing: residents' discount

Road user charging: tunnel area

45. From the date when the tunnels are completed and open for traffic, the Secretary of State may impose road user charges in respect of motor vehicles using the tunnel area in accordance with Schedule 12 (road user charging provisions for use of the Lower Thames Crossing).

Suspension of road user charging: tunnel area

46.—(1) The Secretary of State may suspend the operation of any road user charge imposed under article 45 (road user charging: tunnel area) if they consider that it is necessary to do so—

- (a) in the event of an emergency, to enable or facilitate any action taken in response to the emergency; or
- (b) to enable or facilitate a temporary event to take place.

(2) [...continues....]

Road user charging: Dartford-Thurrock Crossing

47. The A282 Trunk Road (Dartford-Thurrock Crossing Charging Scheme) Order 2013(a) is amended as follows—

- (a) In article 1 (interpretation) for the definition of “local resident” substitute—
““local resident” means a person who permanently resides in the borough of Dartford, Gravesham or Thurrock;”;

- (b) In article 7 (Advance payments for local residents), insert the following paragraphs after paragraph (3)—

“(4) No local resident’s agreement may take effect with a resident of the Borough of Gravesham until the authorised development has begun.

(5) In paragraph (4), “the authorised development” and “begun” have the same meanings as in article 2(1) (interpretation) of the A122 (Lower Thames Crossing) Development Consent Order 2024.”.

Reason: Residents of Gravesham should be entitled to a discount on both crossings given the disruption to be caused by the construction works and equalising the benefit across both crossings could result in a better outcome in relation to traffic flows generally. The differential charging regimes has not been taken into account in the modelling.

(a) S.I. 2013/2249.

7. Article 58: Defence to proceedings in respect of statutory nuisance: amendment

Defence to proceedings in respect of statutory nuisance

58.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance)(a) of the Environmental Protection Act 1990 in relation to a nuisance falling within paragraph ~~(d), (e), (fb),~~ (g), ~~and (ga)~~ of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the construction or maintenance of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974; or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided;
- (b) the defendant shows that the nuisance is a consequence of the use or operation of the authorised development and that it cannot reasonably be avoided.

~~(2) For the purposes of paragraph (1), 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 this Order will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.~~

(3) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

Reasons: No convincing explanation has been provided for the unusual (a) extension of the scope of this article to types of nuisances not usually included in DCOs (ie (d), (e), (fb) and (ga) in section 79(1) of EPA 1990 and (b) fettering of the court's discretion in the proposed paragraph (2).

8. Article 61: Stakeholder actions and commitments register

Stakeholder actions and commitments register

61.—(1) The undertaker must when carrying out the authorised development implement the measures contained in Parts 1 to 3 of the stakeholder actions and commitments register unless—

- (a) otherwise agreed in writing with the person(s) with the benefit of the measure; or
- (b) an application submitted by the undertaker for revocation, suspension or variation of the measure has been approved in writing by the Secretary of State, following consultation by the undertaker with the person(s) with the benefit of the measure and any other persons considered appropriate.

~~(2) The undertaker must notify the person(s) with the benefit of the measure of the effect of paragraph (1)(b) before entering the measure on the stakeholder actions and commitments register, or if that is not possible, as soon as reasonably practicable afterwards.~~

(3) The Secretary of State must when determining whether to approve a revocation, suspension or variation of a measure under paragraph (1)(b) consider—

- (a) any representations and written accounts provided under paragraph 22(1)(d) of Schedule 2;
 - (b) the safe and expeditious delivery of the authorised development and whether—
 - (i) the measure is capable of implementation;
 - (ii) the measure no longer serves a useful purpose; and
 - (iii) the purpose of the measure could be served equally well with any proposed revocation, suspension or variation.
- (4) In relation to an application under paragraph (1)(b)—
- (a) the undertaker must notify in writing the person(s) with the benefit of the measure in question that the application has been made, such notification to be given on or before the date the application is made;
 - (b) the stakeholder actions and commitments register is deemed to be modified so as to give effect to any revocation, suspension or variation approved by the Secretary of State; and
 - (c) the undertaker must, as soon as reasonably practicable after the Secretary of State determines an application for the revocation, suspension or variation of a measure, notify the person(s) with the benefit of the measure of that determination.
- (5) Paragraph 22 of Schedule 2 (requirements) applies to an application to the Secretary of State for revocation, suspension or variation under paragraph (1)(b) as though it were an consultation required under that Schedule.
- (6) The undertaker must, as soon as practicable following the exercise of any power under this Order, establish and maintain for a period of 3 years following the completion of the authorised development an electronic form suitable for inspection by members of the public a register which sets out in relation to each measure secured under paragraph (1)—
- (a) the status of the measure; and
 - (b) whether any approval has been given under paragraph (1)(a) or (b).

Reasons: To ensure that the change process contemplated in (1)(b) is fair and open.

9. Article 65: appeals to the Secretary of State: appeals against Control of Pollution Act notices

Appeals to the Secretary of State

65.—(1) The undertaker may appeal to the Secretary of State in the event that a local authority—

- (a) refuses an application for any approval under this Order required by—
 - (i) article 12(5) (temporary closure, alteration, diversion and restriction of use of streets);
 - (ii) article 17(2) (traffic regulation – local roads);
 - (iii) article 21(4) (authority to survey and investigate the land);
 - (iv) paragraph 9(6) of Schedule 2;
 - (v) paragraph 13(1) of Schedule 2; or
- (b) grants an approval for any approval required by an article or paragraph mentioned in subparagraph (a) subject to conditions;
- (c) refuses any approval, consent or agreement which the undertaker is required to obtain from a local authority—
 - (i) under a measure contained in the stakeholder actions and commitments register referred to in document, scheme or plan pursuant to article 61 (stakeholder and actions commitments register); or

- (ii) ~~under a document, scheme or plan under~~ Schedule 2 (requirements) to this Order, or grants such an approval, consent or agreement subject to conditions ~~;~~ ~~or~~
 - ~~(d) issues a notice further to sections 60 or 61 of the Control of Pollution Act 1974(a).~~
- (2) [.....]

Reasons: To remove an unusual provision (paragraph (d)) where there is already a sufficient appeal procedure in place and suggested drafting improvements to paragraph (c)..

10. Schedule 1: authorised works: ancillary works to be allowed only within the Order Limits, as proposed in the DCO version as applied for; clarification that construction buildings etc are temporary

Ancillary works

For the purposes of or in connection with the construction of any of the works and other development in the Order limits, ancillary or related development in the Order limits which is not likely to give rise to any materially new or materially different environmental effects to those assessed in the environmental statement consisting of—

- (a) alteration of the layout of any street permanently or temporarily, including increasing or reducing the width of the carriageway of any street by increasing or reducing the width of any kerb, footway, cycle track or verge within the street; and altering the level of any such kerb, footway, cycle track, or verge within the street;
[.....]
- (m) the establishment of construction compounds and working sites, storage areas (including storage of excavated material and other materials), temporary vehicle parking, hoarding, construction fencing, perimeter enclosure ~~and~~; security fencing, temporary construction-related buildings ~~and~~; welfare facilities, temporary worker accommodation facilities for vehicle recovery crew, vehicle recovery, construction lighting, temporary haulage roads; borrow pits and other temporary buildings, machinery, apparatus, works and conveniences;
[.....]

Reasons: Ancillary works should no be allowed outside the Order limits: neighbours will not have had an opportunity to make representations in the DCO or any other planning process. No new or different significant effects does not mean there will be no effects. It should be made clear that the three significant types of works highlighted should only be temporary.

11. Schedule 2, requirement 2 (time limits) and “begin” vs “commence”

Interpretation

1.—(1) In this Schedule—

- [...
“commence” means beginning to carry out any material operation (as defined in section 56(4) (time when development begun) of the 1990 Act) forming part of the authorised development other than preliminary works and “commencement” is to be construed accordingly;
...]

Time limits

2. The authorised development must ~~commence~~begin no later than the expiration of 5 years beginning with the date that this Order comes into force.

Reason: To reduce the possibility of preliminary works taking place and then a long gap before the main works start.

12. Schedule 2, requirement 3: detailed design

Detailed design

3.—(1) The authorised development must be designed in detail and carried out in accordance with the design principles document and the preliminary scheme design shown on the engineering drawings and sections, and the general arrangement drawings, unless otherwise agreed in writing by the Secretary of State following consultation by the undertaker with the relevant planning authority and, in respect of the authorised development comprising highways other than a special road or a trunk road, the relevant local highway authority on matters related to their functions, provided that the Secretary of State is satisfied that any amendments to those documents showing departures from the preliminary scheme design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.

(3) Notwithstanding paragraph (1), the detailed design of the green bridges comprising Work No.1D and Work No.1H shall be the subject of design review in order to minimise their impact on the Kent Downs AONB and maximise their ability to conserve and enhance the Kent Downs AONB.

(4) No part of the authorised development is to commence until options for the detailed design of that part of the authorised development have been submitted to the Design Council's Design Review panel and the undertaker has received and considered the advice of the Design Council's Design Review panel in respect of the detailed design of that part of the authorised development.

(5) The undertaker must, in the course of developing the detailed design of the authorised development consult with the relevant planning authority, local highway authority and other parties identified in the Engagement and Communications Plan that forms part of the outline LEMP).

(6) No part of the authorised development is to commence until, for that part, a report has been submitted to, and, following consultation with the relevant local planning authority, approved by the Secretary of State, demonstrating that—

- (a) the undertaker has engaged with the persons mentioned in paragraph (5) relevant stakeholders on the development of detailed design for that part of the authorised development;
- (b) the undertaker has had regard to those persons' comments; and
- (c) any refinements to the detailed design for that part of the authorised development arising as a result of that engagement accord with the design principles document.

Reasons: Paragraph (3) is an addition to the Council's original list of proposed amendments. It forms part of the Council's approach to ensuring that green bridge design is appropriate within the context of the AONB and recent changes to legislation. Paragraphs (4) to (6) provide greater input for stakeholders on detailed design generally. For precedent see requirement 3(3) and (4) in A57 Link Roads Order 2022 ([2022/1206](#)).

13. Schedule 2, requirement 8: Drainage and flood risk mitigation

Surface and foul water drainage

8.—(1) (1) No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures set out in the REAC including means of pollution control and for the management of flood risk, have been submitted and approved in writing by the Secretary of State following consultation by the undertaker with the lead local flood authority, the relevant planning authority and the relevant local highway authority on matters related to their functions.

(2) The surface and foul water drainage system must be constructed in accordance with the details approved under paragraph (1), unless otherwise agreed in writing by the Secretary of State following consultation by the undertaker with the Environment Agency, the lead local flood authority, the relevant planning authority, the relevant local highway authority on matters related to their respective functions, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

Reason: to ensure flood risk management is covered in the approval of written details process.

14. Schedule 2, paragraph 22: time limits for responses on consultations on requirements: amendments to

Details of consultation

22.—(1) (1) Where any paragraph in this Schedule requires the undertaker to consult with any person or body, the undertaker must—

- (a) notify the person or body of the effect of paragraph 20(3) of this Schedule;
- (b) subject to sub-paragraph (2), provide that person or body with not less than ~~4228~~ days from the provision of any documents being consulted upon for any response to the consultation;
- (c) give due consideration to any representations made by that person or body about the proposed application; and
- (d) include with its application to the Secretary of State copies of any representations made by that person or body about the proposed application, and a written account of how any such representations have been taken into account in the submitted application.

(2) The undertaker may consent, such consent not to be unreasonably withheld, to an extension of period in sub-paragraph (1)(a) so that a person or body has not less than ~~5642~~ days from provision of any documents being consulted upon to provide a response to the consultation following a request made by a person or body no later than 21 days from receipt of any documents being consulted upon.

(3) Where sub-paragraph (2) applies a person or body must provide a response to the consultation as soon as reasonably practicable.

Reason: to ensure the local planning authority has sufficient time to deal with consultations, particularly during intensive periods. Precedented in [paragraph 24](#) of Schedule 2 to M25 Junction 28 Development Consent Order 2022 and [paragraph 1\(2\)\(b\)](#) of Schedule 24 to Sizewell C (Nuclear Generating Station) Order 2022

15. Schedule 2: new “Silvertown” requirement

Note: The Council has seen the proposals put forward by the Port of Tilbury and others [REP6-160] at Appendix 6, and the provision put forward without prejudice by the Applicant, with amendments proposed by LB Havering [REP7-207] at page 7. The Council would support either of those versions, with a slight preference for the Port of Tilbury, so long as the Council is one of the parties to the proposed LTCIG mentioned in the requirement.

16. Schedule 2: new Blue Bell Hill requirement

A229 Blue Bell Hill improvements

20.— (1)(1) The tunnel is not to be opened for public use until any one of these conditions is satisfied—

- (a) the proposed A229 improvement works are open for public use;
- (b) the local highway authority responsible for undertaking the proposed improvement works or the Secretary of State (following consultation with the relevant local highway authority responsible for undertaking the proposed improvement works) has confirmed in writing to the undertaker that the proposed improvement works will not proceed;
- (c) the local highway authority responsible for undertaking the proposed improvement works or the Secretary of State (following consultation with the relevant local highway authority responsible for undertaking the proposed improvement works) has confirmed in writing to the undertaker that the tunnel may be opened for public use despite neither sub-paragraph (a) nor (b) being satisfied.

(2) In sub-paragraph (1), “the proposed A229 improvement works” means the proposed works to improve the A229 at Blue Bell Hill which at the date on which this Order was made are the subject of a bid by Kent County Council to the Department for Transport’s Major Road Network funding programme for Large Local Major Schemes.

Reason: to ensure that the local traffic impacts at Blue Bell Hill are addressed before LTC opens, with flexibility included for the Secretary of State and the local highway authority.

17. Schedule 2: new monitoring and mitigation requirement in Schedule 2

Post-construction planting monitoring and mitigation plan

21.—(1) No part of the authorised development within the area of Gravesham Borough Council is to be opened for public use until a post-construction vegetation planting mitigation monitoring plan relating to that part complying with this requirement has been submitted to and approved in writing by the Secretary of State, following consultation with Gravesham Borough Council (“the monitoring plan”).

(2) The monitoring plan must make provision for the monitoring of tree planting establishment.

(3) The monitoring plan must provide that if following analysis by the undertaker of the monitoring data derived from the monitoring mentioned in sub-paragraph (2), in consultation with Gravesham Borough Council, it reasonably appears to the undertaker that [tree or other vegetation planting has failed to establish] the undertaker, in consultation with Gravesham Borough Council, must develop a scheme of reasonable and sustainable mitigation at each relevant location, which the undertaker must submit to the Secretary of State for approval.

(4) Post-construction vegetation planting monitoring must be carried out by the undertaker in accordance with the monitoring plan and the results of the monitoring must be submitted to Gravesham Borough Council.

(5) Before considering whether to approve any scheme of mitigation submitted by the undertaker to the Secretary of State, the Secretary of State must consult Gravesham Borough Council.

(6) Any scheme of mitigation approved by the Secretary of State must be implemented by the undertaker.

Reason: to ensure long term establishment of planting. This proposed new requirement is based on requirement 12A in the A14 Cambridge to Huntingdon Improvement Scheme Development Consent (Correction) Order 2017 ([2017/333](#)).

18. Schedule 2: Construction phase local traffic monitoring: New requirement

Construction phase local traffic monitoring

22.—(1) No part of the authorised development is to commence until a construction phase local traffic monitoring scheme for the locations identified in the outline construction traffic management plan has been submitted to, and, following consultation with the relevant local highway authority, approved by the Secretary of State.

(2) The construction phase local traffic management scheme must include—

- (a) a survey to assess baseline traffic at the locations identified in the outline construction traffic management plan;
- (b) the methodology to be used to collect the required data;
- (c) the periods over which construction phase traffic is to be monitored;
- (d) proposals for the submission of the survey data collected and an interpretative report to be provided to the relevant local highway authority; and
- (e) surveys as agreed in paragraphs (b) to (d) at the location in paragraph (a).

(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker unless otherwise agreed in writing with the Secretary of State following consultation with the relevant local highway authority.

Note: this proposed new requirement is put forward as an alternative to the “Silvertown” requirement if that is not accepted. It is based on [requirement 22 in the A428 Black Cat to Caxton Gibbet Development Consent Order 2022](#)

19. Schedule 2: Gravesham Accommodation Resilience Scheme

Gravesham Accommodation Resilience Scheme

23.—(1) (1) No part of the authorised development must commence until a Gravesham Accommodation Resilience Scheme (“GARS”) has been submitted to and approved in writing by the Secretary of State following consultation by the undertaker with Gravesham Borough Council.

(2) The GARS must make provision for the establishment of a Gravesham Accommodation Working Group which must—

- (a) consist of an equal number of representatives from the undertaker and Gravesham Borough Council and must exist from before the commencement of and throughout the construction period;
- (b) agree on the measures, if any, to be carried out by or on behalf of the undertaker (including the reimbursement of reasonable administration costs incurred by the Council), having regard to—
 - (i) information provided by Gravesham Borough Council that the Accommodation Working Group agrees (acting reasonably) and which shows housing market stress

relative to pre-Commencement levels which may reasonably be related to the effects of the workforce for the authorised development, including—

- (aa) an increased level of homeless presentations and applications in Gravesham compared with the national average for the same period;
- (bb) an above average use of emergency and temporary accommodation in Gravesham compared with the national average for the same period;
- (cc) an above average use of discretionary housing payments in Gravesham compared with the national average for the same period; and
- (dd) an above average level of licence applications and enforcement action in respect of unlicensed Houses of Multiple Occupancy in Gravesham compared with the national average for the same period; and

(ii) other information provided by the undertaker or Gravesham Borough Council under sub-paragraph (6).

(3) The measures referred to in sub-paragraph (2)(b) may include—

- (a) increasing the supply of bedspaces in private housing in accordance with the Private Housing Supply Plan; and
- (b) providing support for Gravesham Borough Council's housing services through the provision of Housing and Homelessness Services Resilience Measures.

(4) The GARS must make provision for matters which the Accommodation Working Group must take into account when considering what measures should be carried out by or on behalf of the undertaker under sub-paragraph (2)(b), including the extent to which the proposed measures—

- (a) are an effective means to mitigate the potential effects of the authorised development;
- (b) give priority to localities where the direct impacts of the authorised development are anticipated to be experienced;
- (c) provide value for money; and
- (d) where the measures aim to increase the supply of bedspaces—
 - (i) would deliver bedspaces prior to the date upon which peak workforce numbers are anticipated to be reached by the undertaker (acting reasonably); and
 - (ii) offer the potential for recycling any funds set aside for implementing the measures so that they can be reinvested in other housing initiatives, as far as reasonably practicable.

(5) The GARS must provide that within 6 months following notification by the undertaker of the commencement of the authorised development, Gravesham Council must prepare a draft Private Housing Supply Plan and submit the draft Private Housing Supply Plan to the Accommodation Working Group for approval.

(6) The GARS must include provision requiring the undertaker or Gravesham Borough Council to provide to the Accommodation Working Group information necessary or convenient for the Accommodation Working Group to carry out its functions.

(7) The GARS must include provision about the following in relation to the Accommodation Working Group—

- (a) its administrative arrangements, including frequency of meetings and quorum;
- (b) its terms of reference;
- (c) arrangements for review by the Secretary of State or others in the case where the group are unable to agree matters.

(8) The GARS must include provision about the carrying out of workforce surveys by the undertaker, in order to enable the provision of relevant information to the Accommodation Working Group under sub-paragraph (6).

(9) The undertaker must comply with the GARS, and in particular implement or otherwise secure the implementation of measures agreed by the Accommodation Working Group.

(10) In this paragraph—

the “GARS” means the Gravesham Accommodation Resilience Scheme prepared under subparagraph (1);

“Housing and Homelessness Services Resilience Measures” means measures to support Gravesham Borough Council’s statutory housing advice and homelessness prevention service where there is evidence of increased housing market stress impacting the level of demand on this service which may reasonably be related to the effects of the construction of the authorised development, including but not limited to (subject to agreement by the Accommodation Working Group that those measures would be effective in responding to effects which may be reasonably attributed to the authorised development)—

- (a) staff resourcing, training and projects including but not limited to floating support, tenancy sustainment, outreach, family liaison and issue-specific projects;
- (b) temporary and emergency accommodation support;
- (c) landlord engagement and support; and
- (d) management of houses in multiple occupation including support for licensing, enforcement and maintenance support;

"Private Housing Supply Plan" means a plan to be prepared by Gravesham Borough Council and approved by the Accommodation Working Group to carry out or otherwise secure any or all of the following initiatives (or any other appropriate initiatives which the Accommodation Working Group considers in its reasonable opinion would supply private housing during the period of the construction of the authorised development, at an equivalent rate and value for money)—

- (a) supporting rent and deposit guarantee schemes, in particular to support people at risk of homelessness;
- (b) providing equity loans to residents in the owner-occupied and private rented sector to enable them to secure suitable accommodation and free up homes or rooms in the private rented sector;
- (c) providing equity loans to residents in the social rented sector to help them access owner-occupied and rented property and rationalise the supply and occupancy of social rented homes as a result;
- (d) supporting empty homes back into use;
- (e) providing loans or grants or guaranteed lets, such as renovation grants or funding for minor improvement works and lodging or renta-room schemes;
- (f) tackling under-occupation and maximising efficiency.

Note: this proposed new requirement is put forward as an alternative to the amendments to the Framework Construction Travel Plan, which were put forward by the Applicant at D8 following the ISHs. The Council has responded with its own proposed amendments to those amendments in its list of proposed changes to the control documents which will be submitted separately at D9.