

Lower Thames Crossing DCO

Gravesham Borough Council

Appendix to the Council's 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?

Outline Framework Construction Traffic Plan: Worker Housing Accommodation

A major point for the Council is the impact on worker housing accommodation. The Council has put forward a proposed new requirement to deal with this and it is set out in the Council's list of proposed amendments to the DCO submitted at D8. As mentioned at ISH14, the Council is prepared to accept a "hybrid" whereby its main asks are incorporated in a change to the OFTP. The Council's position on the changes to the OFTP is set out in its amendments in blue below, to the amendments in red proposed by the Applicant:

*D.4.14 Formal monitoring secured in the FCTP would be reported monthly and provided in a suitable format for review two weeks prior to each WAWG meeting. This monitoring would enable pro-active management of interventions. The WAWG would review the Project's non-local workforce in the Private Rented Sector (PRS) and visitor accommodation at a local authority scale alongside 6-12-month forward look information and, if anticipated to exceed estimates set out in the Workers Accommodation Report (WAR) [APP-551], the Contractor must implement further interventions **which, if agreed by the WAWG, may include proportionate financial contribution or direct delivery of housing to increase the availability of accommodation supply and/or provide measures to support the resilience of a Local Authority's statutory Housing Service where pressure may be increased. These measures would not include** ~~the direct delivery of new housing or permanent officer posts.~~*

***D.4.15 Any financial contribution or direct delivery of housing must be supported by evidence (including agreed 'triggers') and be deliverable and proportionate [and compliant with Managing Public Money (HM Treasury, 2023) and the National Highways licence agreement (Department for Transport, 2015)]** [NB: the preceding words are square bracketed by the Council, pending confirmation from the Applicant that there is nothing in either of those documents that in their view would prevent the provision of direct delivery of new housing], ~~and may only be applied if reasonable interventions provided by the Contractor to manage the workforce in-line with paragraphs 5.4.13 and 5.4.14 of this FCTP have been exhausted.~~*

In addition, the Council considers that the above measures should be located in the body of the FCTP, to reflect their importance and (as it was put at the hearing) to give the measures teeth. So, the Council's proposal is for the following paragraph to be added to paragraph 5.4.13 of the FTMP.

f. Proportionate financial contribution or direct delivery of housing - to increase the availability of accommodation supply and/or provision of measures to support the resilience of a Local Authority's statutory Housing Service where pressure may be increased. These measures would not include new permanent officer posts.

Any financial contribution or direct delivery of new housing must be supported by evidence (including agreed 'triggers') and be deliverable and proportionate [and compliant with Managing Public Money (HM Treasury, 2023) and the National Highways licence agreement (Department for Transport, 2015)]

[NB: the preceding words are square bracketed by the Council, pending confirmation from the Applicant that there is nothing in either of those documents that in their view would prevent the provision of direct delivery of new housing].

Commitments in the Stakeholder Actions and Commitments Register [REP7-152]

General note:

These suggested new commitments have been included following discussions at the ISHs (in the case of active leisure) and (in the case of mental health and wellbeing support) following discussions at the ISHs and the refusal by the Applicant to include provision in the section 106 agreement.

New Commitment: Reimbursement of reasonable officer costs

See main document for further details

- 1. Paragraph 2 applies if a local authority is required to deal with any Relevant Matter that is directly related to the Authorised Development and the local authority is unable to recover its costs in doing so under a section 106 planning obligation or other agreement entered into by National Highways.*
- 2. National Highways shall pay to the Council the actual costs of dealing with the Relevant Matter at an hourly rate notified by the Council and evidenced by timesheets or other similar records provided to National Highways by the local authority in question within 30 working days of the time being incurred.*
- 3. In the event that there is any dispute over a payment due under this commitment, the amount of any such payment, or the hourly rate applied, the matter shall be referred for dispute resolution as if it were a dispute under any agreement or unilateral undertaking containing planning obligations in respect of the local authority in question.*

In this commitment:

“Relevant Matter” means any consultation, application, request for agreement or other similar matter instigated by National Highways or its contractor under the development consent order; and any additional enforcement costs which the Council can reasonably demonstrate arise as a result of the Authorised Development.

New Commitment: Active Leisure in Gravesham

National Highways will following engagement with Gravesham Borough Council, provide or contribute funds towards the provision of outdoor facilities for active leisure (being leisure activities involving exercise which is more strenuous than walking). Such facilities may be provided in the Chalk Park replacement land or elsewhere in the Borough of Gravesham and shall reflect the loss of the Southern Valley Golf Course. The cost of such measures shall be reasonable and proportionate and could include for example the provision of paths in Chalk Park which are capable of being used for running or the provision of other outdoor exercise facilities.

New Commitment: Mental Health and Wellbeing Support in Gravesham

Assessments

National Highways shall carry out the following work beginning within one year of the commencement of the construction of the authorised development (not including the preliminary works):

- Carry out a community consultation to identify stress and anxiety impacts of the Authorised Development;
- Commission a large-scale quantitative epidemiological study to better understand the mental health and wellbeing effects associated with the Authorised Development; and
- Commission a survey on health impacts of residents affected by the Authorised Development.

Support for those with additional needs

Prior to the Commencement of the construction of the authorised development, National Highways shall submit to the Council proposals for its Support and Wellbeing Service.

Throughout the Construction Period and for a period of no less than 6 (six) months following the end of the Construction Period, National Highways shall put in place, operate, and fully fund a Support and Wellbeing Service, having regard to any comments or suggestions made by the Council as to the Support and Wellbeing Service, including as to its scope, remit, availability etc.

Throughout the Construction Period, National Highways shall monitor the success and outcomes of the Support and Wellbeing Service and provide reports to the Council as to the same. National Highways shall make changes to the Support and Wellbeing Service in light of the outcomes of such monitoring.

Community Funds: indexation

Paragraph 1.1 (interpretation) of the Community Funds commitment: As discussed at ISH12 – the amendment below is to the version of the SACR submitted by the Applicant at D8:

Definition of “Indexation”

means an adjustment in the amount of the relevant payment to be made by reference to the ~~BCIS General Building Cost Index Consumer Price Index~~ from the date the Development Consent Order comes into force until the date the relevant payment is due, and should that index cease to exist at any time then by reference to another index approved by the Secretary of State under article 61 of the Development Consent Order

Design Principles: Green Bridges

Signpost: the Council are submitting proposed changes to the Design Principles separately, in relation to green bridge design.

Code of Construction Practice (CoCP)

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

REAC: 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.

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 Contractor 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.~~

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.

REAC New 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.

Outline Framework Construction Traffic Plan [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 Construction Traffic Plan [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 Framework Construction Traffic Plan [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
---------------------------------	------------------------------	--

<p>Van drivers, car drivers and motorcyclists</p>	<ul style="list-style-type: none"> • Journey time reliability • Safety during journey through traffic management • <u>Reduced road closures</u> • Advance warning • Breakdown recovery 	<ul style="list-style-type: none"> • Minimise the number of traffic management changes • Minimise narrow lane arrangement • Minimise <u>the number, extent and duration of</u> closures and use of diversion routes • 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
<p>Public transport users and operators</p>	<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
<p>Exhibition centres, church halls, community centres, recreational facilities, sports clubs, places of worship, cemeteries and crematoriums</p>	<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
<p>Local businesses and residents</p>	<ul style="list-style-type: none"> • <u>Reduced road closures</u> • Public and staff access • Access for deliveries • Waste collection • Emergency service access 	<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

	<ul style="list-style-type: none"> • Postal deliveries (including Royal Mail collection) • Appropriate diversion routes 	<ul style="list-style-type: none"> • 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 <u>particularly during examination periods and other important events</u> • Unhindered and safe WCH routes • <u>Active travel routes for children not adversely impacted</u> • Emergency service access • Waste collection 	<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 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>