

Lower Thames Crossing

5.4.4.10 Final Agreed Statement of Common Ground between (1) National Highways and (2) Medway Council (Clean version)

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1.0	31 October 2022	DCO Application
2.0	18 July 2023	Deadline 1
3.0	15 December 2023	Deadline 9A

Status of the Statement of Common Ground

This is the Final Agreed Statement of Common Ground between (1) National Highways (the Applicant) and (2) Medway Council.

Both parties have reached agreement on the status of all 22 matters. Of the 22 matters contained within, 16 matters are agreed and 6 matters are not agreed, leaving no matters under discussion.

On behalf of the Applicant

Name	[Redacted]
Position	[Redacted] Lower Thames Crossing
Organisation	National Highways
Signature	[Redacted]

On behalf of Medway Council

Name	[Redacted]
Position	[Redacted]
Organisation	Medway Council
Signature	[Redacted]

Lower Thames Crossing

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (the Applicant) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and Medway Council, and where agreement has not been reached.
- 1.1.3 This final version of the SoCG has been submitted at Examination Deadline 9A.

1.2 Principal Areas of Disagreement

- 1.2.1 On the 19 December 2022 the Examining Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the Application.
- 1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.3 The PADS Tracker was intended to provide a record of those principal matters of disagreement emerging from the SoCG and to be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.
- 1.2.4 Medway Council elected not to produce a PADS Tracker at pre-examination stage, indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

1.3 Terminology

- 1.3.1 In the 'Final position on matters' table in Section 2 of this SoCG, "Matter Not Agreed" indicates agreement on the matter could not be reached following significant engagement. "Matter Agreed" indicates where the issue has now been resolved.

2 Matters

2.1 Final position on matters

- 2.1.1 A summary of engagement between the Applicant and Medway Council is provided in Table A.1 in Appendix A.
- 2.1.2 The outcome of this engagement is presented in Table A.1 which details and presents the matters which have been agreed or are not agreed between (1) the Applicant and (2) Medway Council.
- 2.1.3 In the column 'Item No' in Table 2.1, 'RRE' indicates an existing SoCG matter that was also raised in the Relevant Representation, and 'DL1' and 'DL7' indicate a new matter added during examination at/around that Deadline.
- 2.1.4 Since version 2 of this SoCG was submitted at Deadline 1, the following matters have moved from 'Matter under Discussion' to 'Matter Agreed':
- a. 2.1.9 (Wider Network Impacts) Monitoring approach - Wider Network Impacts Monitoring and Management Plan
 - b. 2.1.13 (Air Quality) Assessment of likely significant effects - Air quality along the A228
- 2.1.5 Since version 2 of this SoCG was submitted at Deadline 1, the following matter has moved from 'Matter Under Discussion' to 'Matter Not Agreed':
- a. 2.1.8 (Wider Network Impacts) WNI approach - Potential improvements to the local road network at various locations
- 2.1.6 Since version 2 of this SoCG was submitted at Deadline 1, the following new matters have been raised as a result of engagement with Medway Council:
- a. 2.1.21 (Noise and vibration) Mitigation - Noise mitigation for properties near the A228
 - b. 2.1.22 (Wider Network Impacts) WNI Approach - Capacity at M2 junction 1
- 2.1.7 At Examination Deadline 1, there were 20 matters in total of which 13 were agreed, 3 were not agreed and 4 that remained under discussion.
- 2.1.8 At Examination Deadline 9A there were 22 matters in total of which 16 were agreed and 6 were not agreed.
- 2.1.9 This is the final Statement of Common Ground between the Applicant and Medway Council.

Table 2.1 Final position on matters

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
Need for the Project					
Need for the Project	2.1.1 RRE	Medway Council support the need for the Project.	The Applicant welcomes Medway Council's support for the Project.	N/A	Matter Agreed
Route selection, modal alternatives & assessment of reasonable alterations					
Route selection Route alignment	2.1.2	Medway Council agrees with the proposed route alignment.	The Applicant welcomes Medway Council's agreement with the proposed route alignment.	N/A	Matter Agreed
Consultation and engagement					
Adequacy of engagement	2.1.3	Medway Council is satisfied with the adequacy of consultation on the Project.	The Applicant welcomes Medway Council's comments regarding the adequacy of consultation on the Project.	N/A	Matter Agreed
Documents & Information Non-Disclosure Agreement and Data Sharing Agreement	2.1.4	The terms of a Non-Disclosure Agreement (NDA) presented challenges, specifically in communicating impacts derived from the Lower Thames Area Model with Members. The LTC project team considered that this would have put confidential information in the public domain. The LTC project team subsequently disappplied the NDA.	The Applicant recognises that the standard data sharing agreement wording restricts Medway Council officers from briefing Councillors on the impacts of the Project. This is not the intention, and clarification has been provided to Medway Council to allow them to proceed with briefings to Council and preparation of the Local Impact Report.	N/A	Matter Agreed

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
Need for consultation Community Impacts Consultation (2021)	2.1.5	As part of the 2021 'Community Impacts Consultation', local information was published on the potential adverse impacts for wards within the Order Limits and for other wards immediately north and south of the Dartford Crossing. This information was not provided for Medway, despite potential adverse impacts shown in the wider consultation documents, and this limited our ability to respond to the consultation. Medway Council requested that three wards were included in the Community Impact Report.	The Applicant confirms that the following Medway wards are now included within the Community Impact Report, as they are close neighbours of the Project: Cuxton and Halling, Strood South, Strood North and Strood Rural.	Community Impact Report [REP2-032 to REP2-038]	Matter Agreed
Charging					
Local Resident Discount Scheme Charging regime	2.1.6 RRE	During a 28 July 2020 briefing from the Applicant, Members called for a resident and business discount scheme to be extended to Medway. It is understood that this would be a decision for the Secretary of State following any decision to grant a Development Consent Order, and that the Department for Transport may require a consultation.	It is proposed to offer a Local Resident Discount Scheme (LRDS) on the same basis as that provided at Dartford. That is, the discount will be offered to residents living in boroughs that host a tunnel portal, which Medway does not. The option to include business travel within the LRDS, as well as to modify the geographical extent, was among several reviewed by the Department for Transport (DfT) in 2012. Inclusion of business travel was rejected, as recorded in the 2013 report since	Road User Charging Statement [APP-517] Draft Development Consent Order (DCO) [Document Reference 3.1 (11)]	Matter Not Agreed

Topic	Item No.	Medway Council Comment	The Applicant’s Response	Application Document Reference	Status
		<p>Paragraph 2.1.4 of the Road User Charging Statement [APP-517] explains how the equal approach to charging emerged following the 2018 Statutory Consultation. The approach to charging has been assumed in the LTC’s appraisal. A Local Resident’s Discount Scheme for residents who pay their council tax to Gravesham Borough Council or Thurrock Council has also been assumed in the LTC’s appraisal.</p> <p>There appears to be little scope for a DfT consultation. It is unfortunate that opportunities to maximise the benefits of the LTC for residents and businesses in Medway, and to promote public transport use for longer journeys, appear to have been missed.</p> <p>The Applicant should have been clear on this matter during the briefing to Members.</p> <p>However, it is acknowledged that a resident and business discount scheme in Medway would likely generate even more traffic locally once travel across the River</p>	<p>it would generate more traffic and reduce income and would be an extra cost to administer. The report also concluded that any extension of the LRDS to other boroughs or parts thereof generates more traffic, and leads to further boundary issues.</p> <p>In the 2018 Statutory Consultation comments were invited on charging flexibility in particular in relation to:</p> <ul style="list-style-type: none"> • Charge amounts • Charged and non-charged hours • Application of peak charges • Vehicle classifications • Emissions-based charging • Accounts, discounts and exemptions <p>The majority of local authority stakeholders that commented on charging flexibility stated that their preference was for charges at the Lower Thames Crossing to mirror those at Dartford. The Applicant supported this preference on the grounds of economies of scale, the performance of the Project and better customer experience.</p> <p>The draft DCO states that there will be a charge mirroring that at Dartford and that the charge will apply from the Project’s day of opening.</p> <p>The Secretary of State is the charging authority and will always have the power</p>		

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
		Thames becomes more attractive.	within the relevant legal framework to amend the charge as appropriate.		
Traffic and Economics					
Local plan growth Growth assumptions within the Lower Thames Area Model (LTAM)	2.1.7 RRE	<p>The Planning Inspectorate's Scoping Opinion, dated December 2017, required the Environmental Statement to consider Medway Council's emerging Local Plan. Medway Council has raised concerns about the assumptions for future development in traffic modelling since the 2018 Statutory Consultation.</p> <p>The 'Traffic Modelling Update' as part of the 2020 'Supplementary Consultation' noted that "growth associated with government housing targets which have not yet fully progressed through the planning system is not included." Medway Council intends to meet its development needs, including the government's assessment of Local Housing Need according to the Standard Method, through an emerging Local Plan.</p> <p>It is understood that the project team's transport model was built following the principles and</p>	<p>The Project's transport model was built following the guidance set out in the DfT Transport Analysis Guidance (TAG).</p> <p>Growth within the transport model is capped in line with DfT traffic forecasts (Trip End Model Presentational Program (TEMPro 7.2) and adjusted locally to account for developments close to the Project that are under construction, have a planning application and planning permission (as of 30 September 2021). Low and high growth scenarios have also been undertaken and reported within the Transport Forecasting Package (Appendix C of the Combined Modelling and Appraisal Report (ComMA)), a copy of which dated October 2020 was provided to the authority. (This has been updated for the DCO application within an updated version of the document).</p> <p>The Applicant has provided Medway Council with further information on the assumptions within the core scenario in the form of a technical note (August 2021).</p> <p>The Applicant notes the comments made by the Council at the meeting of 8 November in relation to the sites at Kingsnorth and on the Isle of Grain, which the Applicant understands</p>	Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package [APP-522]	Matter Not Agreed

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
		<p>processes set out in the Department for Transport's (DfT) Transport Analysis Guidance (TAG).</p> <p>Growth within the transport model is capped in line with DfT traffic forecasts (TEMPro 7.2) and adjusted locally to account for developments close to the project that are under construction, have a planning application and planning permission (as of 30 September 2021). This comprises the Core Scenario.</p> <p>As in Medway Council's Deadline 3 representation [REP3-188], the journey time reductions for the A289 Four Elms Roundabout to M2 junction 1 are questionable for both the construction and operational phases due to unimplemented local road improvements assumed in the LTAM.</p> <p>Moreover, as in Medway Council's representations, the LTAM core scenario does not reflect Medway's development needs.</p>	<p>to be Kingsnorth Power Station (MC/09/1628) and MedwayOne (MC/21/0979). As such, the Applicant considers that the Council's position on these matters has changed and is now closer to the position taken by the Applicant, particularly with regard to MedwayOne.</p>		

Topic	Item No.	Medway Council Comment	The Applicant’s Response	Application Document Reference	Status
		<p>Medway Council is at an early stage in preparing a new Local Plan; this work will benefit from ongoing, close collaboration with the spatial planning team at National Highways, particularly if the Project is granted development consent.</p> <p>Medway Council’s Deadline 6a [REP6A-12] and Deadline 8 submissions noted that a draft Forecasting Methodology Technical Note has been sent to the spatial planning team at National Highways for review. At the time of writing, the Reference Case (of committed developments) would include MedwayOne, but only up to an initial cap of 60 trips through the M2 junction 1 links. The AM and PM two-way trip generation for Grain Business Park would be 478 and 407 respectively. Medway Council considers this to be a pragmatic approach, rather than omitting relevant planned development at Kingsnorth and the Isle of Grain as in the LTAM core scenario.</p>			

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
Wider Network Impacts					
WNI Approach Capacity at M2 junction 1	2.1.22 DL1	An oral representation during Issue Specific Hearing 1 [REP1-257] stated Medway Council's concerns regarding M2 junction 1, specifically the northbound off-slip and the southbound on-slip links. The junction has limited spare capacity, i.e. 60 movements during either the morning and evening peak travel periods. The project's Order Limits straddle the northbound off-slip and the southbound on-slip links. The project is not proposing changes to these links. The increase in traffic flows as a result of the project would likely exceed the spare capacity. The junction will need to be improved to accommodate further development once this spare capacity has been exceeded. In a Deadline 1 submission [REP1-183] , the Applicant "acknowledges that there will be increased traffic flows through M2 junction 1 following the opening of the A122 Lower Thames Crossing, but considers	The Applicant has provided a response to the issue of capacity at M2 junction 1 in Comments on LIRs Appendix G – Medway Council, pages 8–9 (response to page 26–27 Paragraph 4.3.7–4.3.8).	Post-event submissions, including written submission of oral comments, for ISH1 [REP1-183] Local Impact Report [REP1-258] Medway Council Written Representation [REP1-256] Comments on LIRs Appendix G – Medway Council [REP2-061]	Matter Not Agreed

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		<p>this needs to be considered against the overall benefits resulting from the better connections and improved journey times resulting from the Project...".</p> <p>This matter is discussed at item 2.1.8, 'Wider Network Impacts - Potential improvements to the local road network at various locations', below.</p>			
WNI approach Potential improvements to the local road network at various locations	2.1.8 RRE	<p>National Highways is not committing to any direct additional funding for mitigation of effects on the wider network through the DCO, on the basis that it does not consider there are any unacceptable impacts. Instead, National Highways refer to existing investment processes and collaborative work with local authorities.</p> <p>However, Medway Council appointed a contractor to use the Medway Aimsun Model to assess associated impacts in preparing a Local Impact Report. This work was funded by the Applicant under a Planning Performance Agreement. The Medway Aimsun Model is a more</p>	<p>The Applicant is working with Kent County Council to conduct a series of modelling exercises to interrogate the impacts of the Project on the wider road network in more detail, led by the outputs from the main Project modelling which has been shared with authorities. In line with the Wider Network Impact monitoring and Management Plan (WNIMMP), these outputs will be discussed with Kent County Council and Medway Council, and the Applicant will continue to engage in accordance with the license obligations to work with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users. Progress is being reviewed at monthly meetings with Kent County Council.</p> <p>Following the DCO resubmission, the Applicant contributed funding for further work</p>	<p>Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package [APP-522]</p> <p>Combined Modelling and Appraisal Report - Appendix D - Economic Appraisal Package: Economic Appraisal Report [APP-526]</p> <p>Wider Network Impacts</p>	Matter Not Agreed

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		<p>appropriate tool to assess local impacts in Medway, rather than the LTAM.</p> <p>Medway Council shared the contractor's main technical note (Appendix E of Medway Council's LIR) [REP1-258] with the Applicant on 9 March 2023. At Deadline 2, the Applicant stated the need to "reserve the right to provide further comment on this appendix at a later date in the examination." [REP2-061].</p> <p>At Deadline 5 in the Applicant's Comments on IP submissions at Deadline 1 to 3 [REP5-088], the Applicant referred to "... the differences between the modelling platforms and the assumptions that are inherent within them, the Applicant does not intend to comment on the results in detail." However, the contractor's method was agreed with the Applicant in advance.</p> <p>Following Medway Council's Deadline 6 written representations [REP6-149] and [REP6-150] regarding the Applicant's limited consideration of Medway Council's Local</p>	<p>from Medway's transport consultants in relation to items 2.1.7, 2.1.8 and 2.1.9 in this SoCG on the Project's impacts on the wider road network. This included a review of the Project's impacts on Medway identified in the Applicant's Transport Assessment, a review of the 'high growth' scenario detailed within the Transport Forecasting Package (Appendix C of the Combined Modelling and Appraisal Report), identification of potential additional impact locations, and a list of locations in Medway subject to greater delays in the 'with Project' scenario compared to the 'without Project' scenario.</p> <p>The Applicant has worked with Medway Council to support their understanding of the nature of the changes in traffic flows that would arise as a result of the A122 Lower Thames Crossing, and to support their representations into the examination.</p> <p>Medway Council advise that they consider the Applicant has not provided sufficient response to Appendix E of the Medway Council's LIR. However, the Applicant notes that:</p> <ul style="list-style-type: none"> As stated in the Applicant's Comments on IP Submissions at Deadline 1 to 3 the Appendix E report by Medway Council states 'this report is an independent document that has been prepared by SYSTRA to provide support to the Council, 	<p>Management and Monitoring Plan [Document Reference 7.12 (2)]</p> <p>Local Impact Report [REP1-258]</p> <p>Comments on LIRs Appendix G – Medway Council [REP2-061]</p> <p>Applicant's Comments on IP submissions at Deadline 1 to 3 [REP5-088]</p> <p>Localised Traffic Modelling Report [REP6A-004]</p> <p>Wider Network Impacts Position Paper [REP6-092]</p>	

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		<p>Impact Report (LIR) [REP1-258], the Applicant arranged a meeting with Medway Council on 8 November 2023. Medway Council's LIR [REP1-258] set out a reasoned justification for National Highways to be a funding source in an Infrastructure Delivery Plan for proportionate contributions due for local mitigations. During the meeting, Medway Council noted that this is not in the gift of the Applicant (the Lower Thames Crossing project team working on behalf of National Highways). Medway Council is at an early stage in preparing a new Local Plan; this work will benefit from ongoing, close collaboration with the spatial planning team at National Highways, particularly if the Project is granted development consent.</p>	<p>and is not intended to directly inform or respond to the DCO application’.</p> <ul style="list-style-type: none"> The report presents a series of model results, as determined using the Medway Aimsun Model (MAM). As set out by the Applicant in the Localised Traffic Modelling Report and the Applicant's Comments on IP Submissions at Deadline 1 to 3, different model platforms will provide results that differ in output, and given the different assumptions included in MAM this is certainly the case. The Applicant does not consider a detailed technical review of the modelling work to be useful to support the decision-making process. The Medway Council report provides a list of impacted locations, and at those impacted locations mitigation has been proposed by Medway Council. The Applicant has set out its position with regard to impacts and the requests from Interested parties that a commitment be made to mitigate these impacts in the Wider Network Impacts Position Paper. The Applicant notes that the report concludes that “it is recommended to re-evaluate the LTC impact to the Medway network in conjunction with the updated Medway Local Plan to ensure the LTC scheme does not impact the delivery of 		

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			<p>the Local Plan". The Applicant notes that the Medway Local Plan is still under development and considers that this demonstrates the importance of the Applicant's proposed approach as set out in the Wider Network Impacts Management and Monitoring Plan, which will support decision making that considers both the changes in traffic flows arising from the Lower Thames Crossing, but also changes that arise from future developments across the region.</p> <ul style="list-style-type: none"> The Applicant notes that the report focusses on the adverse impacts across Medway, however the Transport Economic Effects analysis reported in Table A.34 of Appendix D of the Combined Modelling and Appraisal Report indicates that Medway is the third highest recipient of transport benefits from the A122 Lower Thames Crossing. 		
Monitoring approach Wider Network Impacts Monitoring and Management Plan	2.1.9 RRE	<p>Medway Council's Local Impact Report [REP1-258] sets out highway schemes required to mitigate the impact of the Project.</p> <p>M2 junction 1 is included as one of the monitoring locations set out in the Wider Network Impacts Management and Monitoring</p>	<p>A list of monitoring locations was included within the WNIMMP which was submitted as part of the draft DCO resubmission and a mechanism allowing for review of the proposed monitoring locations is provided through Requirement 14 in Schedule 2 of the draft DCO. However, the detailed monitoring scheme will be subject to further consultation with the local planning authority and local highway authority following DCO decision and</p>	<p>Wider Network Impacts Management and Monitoring Plan [Document Reference 7.12 (2)] Draft DCO [Document</p>	Matter Agreed

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		<p>Plan (WNIMMP) [APP-545]. Given the limited spare capacity, it is unclear what this could achieve in the short-term.</p> <p>Medway Council has discussed M2 junction 1 with National Highways (Spatial Planning). Medway Council has received a fee proposal to assess M2 junction 1. The scope of work involves:</p> <ol style="list-style-type: none"> 1. Initial feasibility assessment of existing junction layout, i.e. what, if anything, can be done. 2. Build Future Baseline and Do Something Local Plan scenarios both with/without LTC. 3. Use the aforementioned scenarios to establish a revised trip cap and trigger point for when mitigation is required. 4. Undertake a DMRB compliant merge and diverge assessment to understand what junction layout is required to support emerging growth. 	<p>prior to submission to the Secretary of State for approval before the Project opens.</p> <p>The Applicant recognises the importance of M2 junction 1 to the emerging Medway Local Plan. In accordance with the obligations of the licence from the Department for Transport, National Highways continues to work with Medway Council, and the Applicant notes that the Council are actively engaging with the Spatial Planning team within National Highways, who are responsible for delivery of these duties.</p>	<p>Reference 3.1 (11)]</p>	

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		<p>5. Re-run the Do Something scenarios to ensure the mitigation layout can accommodate the demand.</p> <p>6. Undertake a proportionality assessment to undertake % contributions from site allocations.</p> <p>This work is over and above Medway Council's need to produce a proportionate evidence base to inform a new Local Plan. Nonetheless, Medway Council is exploring ways to fund this work, while stakeholders are very concerned about the implications for their development proposals.</p> <p>Medway Council highlighted M2 junction 1 during Issue Specific Hearing 1. Medway Council's response to the Road Investment Strategy 3 consultations focussed on M2 junction 1.</p> <p>Paragraph 5.3.4 and Plate 5.1 of the WNIMMP must add the Four Elms Roundabout (A289 / A228) as a location to be included in the monitoring scheme.</p>			

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
EIA Methodology					
Assessment methodology Consideration of Medway's emerging plan growth within the Environmental Statement	2.1.10	<p>The Planning Inspectorate's Scoping Opinion, dated December 2017, required the Environmental Statement to consider Medway Council's emerging Local Plan. Medway Council has raised concerns about the assumptions for future development in traffic modelling since the 2018 Statutory Consultation.</p> <p>The LTAM Core scenario forms the basis of assessments to support the application.</p> <p>Please see matter 2.1.7 for the position on the traffic modelling.</p>	<p>The LTAM forecast demand has been developed in accordance with DfT's Transport Analysis Guidance (TAG) Unit M4 – Forecasting and Uncertainty. The Core scenario includes developments which were under construction or had planning applications or permissions as of 30 September 2021. The LTAM demand is constrained to TEMPro 7.2 forecasts to ensure that overall growth is in line with government projections. The demand development process is described in detail in Chapter 4 of the Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package, and the full list of developments included is provided in Annex A in the Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package Annexes. A High Growth scenario was also developed to understand the implications if travel demand exceeds government projections. The high growth scenario is detailed in Section 8.6 of the Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package. The Environmental Statement (ES) considers other developments as part of the air quality and noise modelling which uses data from the traffic model. The traffic model uses growth forecasts as described above. The inter-</p>	<p>Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package [APP-522]</p> <p>Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package Annexes [APP-523]</p> <p>ES Chapter 16: Cumulative Effects Assessment [APP-154]</p> <p>ES Figure 16.2: Developments in the Cumulative Shortlist [APP-330]</p>	Matter Not Agreed

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			project Cumulative Effects Assessment presented in ES Chapter 16 and ES Figure 16.2: Developments in the Cumulative Shortlist has included future developments in Medway, where these fall within the criteria for inclusion in the assessment.		
Air Quality					
Assessment methodology Analysis of PM2.5	2.1.11 RRE	Medway Council has previously noted concerns about the number of receptors modelled in Medway, and the absence of any analysis in respect of PM2.5, and its potential impact on public health. Medway Council discussed this matter with the Applicant at a meeting on 22 June and indicated the matter could be moved to agreed.	The assessment considers receptors adjacent to all affected roads in Medway and elsewhere. The air quality assessment for the ES considers the impact of the Project on particulate matter, both for PM ₁₀ and PM _{2.5} . PM ₁₀ is explicitly modelled using road traffic PM ₁₀ emissions factors and Defra background pollution maps. In the case of PM _{2.5} , it is assumed that all road traffic PM ₁₀ is also equivalent to PM _{2.5} , which is a worst-case assumption given that PM _{2.5} typically makes up less than 70% of PM ₁₀ . DCO version 1 air quality modelling indicated that there would be no exceedances of legal thresholds for PM ₁₀ or PM _{2.5} with the Project in operation but the final modelling results are presented in the Environmental Statement submitted with the DCO application.	ES Chapter 5: Air Quality [APP-143]	Matter Agreed
Assessment methodology Air quality modelling	2.1.12 RRE	Medway Council has previously noted concerns about the need for modelling of air quality during construction.	The air quality impacts of the construction phase, including modelling of construction traffic impacts on air quality, are also	ES Chapter 5: Air Quality [APP-143]	Matter Agreed

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
during construction		Medway has reviewed the relevant DCO submission information and indicated that this matter could be moved to agreed at a meeting on 22 June 2023.	presented in the Environmental Statement. No roads in Medway are impacted. The Applicant will continue to liaise with the local authorities on matters relating to community impacts and public health.		
Assessment of likely significant effects Air quality along the A228	2.1.13 RRE	<p>Medway Council have raised concerns regarding the indicative predictions that exceedance of air quality objectives are possible at relevant receptor locations adjacent to the M2 and A228 in Medway, and the burden would be on Medway Council to deal with this (developing and implementing air quality action plan(s)).</p> <p>Medway Council requested further clarificatory air quality information at a meeting on 22 June 2023, and indicated that this matter should remain under discussion pending Medway's review.</p> <p>The Applicant has since provided additional modelled data that did not include the very pessimistic uplift that was required. As a result, this matter has been moved to agreed.</p>	<p>The air quality modelling predicted exceedances of air quality objectives on the A228 and M2, however it should be noted that the assessment predicted exceedances on the A228 without the Project. In terms of the M2, exceedances were predicted at four receptors, and for three of these receptors the concentrations were only marginally above the objective with the Project and would be likely to drop below the objective within a year of the Project opening.</p> <p>The Applicant has discussed the assessment results with Medway Council, who do not consider based on their own recent monitoring data that there is currently a need for an Air Quality Management Area (AQMA) along the A228 or on the M2. The Project is unlikely to lead to the designation of a new AQMA on the A228, as if the model predictions are correct then there would need to be an AQMA on the A228 both now and in the Project opening year (without the Project). The Applicant has however acknowledged that the assessment is likely to be pessimistic compared to air quality monitoring undertaken by Medway</p>	ES Chapter 5: Air Quality [APP-143]	Matter Agreed

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			Council, as in order to calibrate the model, the Applicant has factored monitored concentrations back to the base year of 2016, when concentrations were higher than they are currently. The key point however is the absence of a scenario where the Project would create an AQMA on the A228, because based on the modelling predictions, there should be an AQMA on the A228 now and in the future without the Project, so the change in concentrations when the Project opens would not trigger the need for an AQMA.		
Noise and vibration					
Mitigation Noise mitigation for properties near the A228	2.1.21 DL7	Due to predicted minor increases in traffic noise along the A228, where existing noise levels are already significant, there would be significant adverse effects at receptors in Cuxton (Bush Road, The Glebe, Hillcrest Drive, Hollycroft, Pilgrims Way, Rochester Road, Stanford Way, Station Road and Sundridge Hill) and Halling (Acre Grove, Anderson Close, Aspdin Close, Britannia Close, Brooks Place, Carroll Close, Conveyor Drive, Essex Road, Germander Avenue, Kent Road, Lambarde Close, Sandways, Stake Lane,	As discussed in the recent meeting with Medway Council and Kent County Council on 6 November 2023 at the A228 measures workshop, the Applicant has examined measures to mitigate these operational road traffic noise effects at source or by reducing the noise reaching receptors, thereby reducing the number of significant effects. This includes the consideration of measures such as HGV restrictions, noise barriers and low noise road surfacing. As discussed at the meeting on 6 November 2023, the Applicant has incorporated HGV restrictions for Henhurst Road in Schedule 4 of the draft Section 106 Agreement with Kent County Council. Noise barriers along the A228 would be effective in removing some of the significant adverse effects but would require	ES Appendix 12.7 Noise Insulation Regulations Assessment [APP-447] Draft Section 106 Agreement: Kent County Council [REP7-176]	Matter Not Agreed

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		Sylvestre Close and Vicarage Road). These effects would be significant in the opening year but would reduce to negligible in the longer term. Similar adverse effects have been identified at Elaine Avenue, Strood and Watling Street / A2 (Strood Academy). Therefore, an appropriate noise insulation assessment and any mitigation is required before the Project is operational. Where mitigation to control the noise at source, or via the pathway, is not possible, then individual receptor locations should be provided with mitigation to control noise within external amenity and/or internal habitable rooms.	land outside of the Project Order Limits and further landscape and cultural heritage considerations. The use of low noise surfacing in the southern section of the A228 would be effective in removing some of the significant adverse effects, but the use of this measure on the A228 has been ruled out by Kent County Council. The Applicant has completed an appropriate Noise Insulation Regulations assessment for the Project and these properties would not be eligible because they are greater than 300 metres from any new or altered highway associated with the Project, see ES Appendix 12.7 Noise Insulation Regulations Assessment for further details. It is a matter for the Examining Authority to advise the Secretary of State what requirements may be appropriate but providing noise insulation beyond the statutory requirements of The Noise Insulation Regulations is not being considered by the Applicant as it is considered disproportionate for the small increase in noise predicted at properties alongside the A228.		
Materials, Assets and Waste					
Assessment methodology The need for feasibility	2.1.14 RRE	Paragraph 2.6.17 of the Outline Site Waste Management Plan notes that an Excavated Materials Assessment will be undertaken to verify that	A review of the recycling, recovery and disposal capacity of the Project's study area (Kent and Essex County Councils and East London Waste Authority) has been carried out and is presented in ES Chapter 11: Material	ES Chapter 11: Material Assets and Waste [Document	Matter Agreed

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assessment of off-site recycling, as well as recovery and disposal capacity.		<p>sufficient capacity is available in the study area to accept excavated materials for recovery activities. There may also be a need for feasibility assessment of off-site recycling, as well as recovery and disposal capacity.</p> <p>This matter was discussed with the Applicant during a meeting on 25 April 2023. Medway Council is satisfied with the Applicant’s response to this matter.</p>	<p>Assets and Waste. The Contractor would undertake a similar exercise to ascertain the provision of capacity of reuse, recycling and recovery facilities within the study area for the waste generated by the Project. The Environmental Statement does not define exactly which waste management sites the waste will be sent to but does provide a list of currently permitted third-party sites that could be potentially used by the Contractor. At this point in time specific locations have not been defined, as the Project does not want to restrict the potential options for the Contractor. The ability to use waste management infrastructure from a wide range of locations would allow existing waste management capacity to be used effectively and efficiently, without resulting in local overcapacity to the detriment of the local economy.</p> <p>At a meeting on 25 April 2023, Medway Council agreed this matter, noting that the ES Appendix 11.1: Excavated Material Assessment, ES Figure 11.1: Active Landfill and Waste Transfer and Treatment and ES Appendix 11.3: List of Third party Offsite Waste Infrastructure Receptors include two ‘active landfills’ in Medway which do not appear to be active landfills (industrial locations in Rochester). It was acknowledged that this is a production error which has been</p>	<p>Reference 6.1 ES Chapter 11 (2)] ES Appendix 11.1: Excavated Materials Assessment [APP-435] ES Figure 11.1: Active Landfill and Waste Transfer and Treatment [Document Reference 6.2 ES Figure 11.1 (3)] ES Appendix 11.3: List of Third party Offsite Waste Infrastructure Receptors [REP1-166]</p>	

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			included in the Project errata list and did not impact assessments.		
Project design and mitigation Sourcing primary aggregates	2.1.15 RRE	<p>Sourcing primary aggregates 'as close to the project as possible' should include aggregates, including marine dredged sand and gravel, landed in Kent, Medway, Essex (including new CMAT at Tilbury) and London wharves.</p> <p>A commitment to including marine dredged and imported material from wharves would clarify this and reflect the local context (proximity of major wharves) and be consistent with commitments regarding use of ports and the 'proximity principle'. This matter was discussed with the Applicant during a meeting on 25 April 2023. Medway Council is satisfied with the Applicant's response to this matter.</p>	<p>The Applicant recognises the opportunity that the use of the river for material transportation presents for reducing impacts of vehicle movements.</p> <p>The outline Materials Handling Plan sets out a commitment to use port facilities to import bulk aggregates (subject to exceptions).</p>	ES Appendix 2.2 Annex B: Outline Materials Handling Plan [Document Reference 6.3 ES Appendix 2.2 Annex B (5)]	Matter Agreed
Assessment methodology Segregation of materials to facilitate re-use	2.1.16 RRE	In summary, the measures to segregate materials to facilitate re-use on site and recovery appear to be reasonable and sensible. However, there is reference to other documents	The Excavated Materials Assessment (EMA) was developed to validate available offsite capacity at third-party potential receiver sites and determine which of these would be capable of receiving excavated materials from the Project.	ES Appendix 11.1: Excavated Materials Assessment [APP-435]	Matter Agreed

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on site and recovery		<p>where more detail may be set out, which have yet to be produced. For example, excavated materials are anticipated to be the largest sources of waste, and a target has been set to ensure that these would be diverted from landfill disposal. It is understood that an Excavated Materials Assessment will be undertaken to verify that sufficient capacity is available in the study area to accept excavated materials for recovery activities.</p> <p>This matter was discussed with the Applicant during a meeting on 25 April 2023. Medway Council is satisfied with the Applicant's response to this matter.</p>	<p>The EMA was published as part of the DCO application.</p> <p>At a meeting on 25 April 2023, Medway Council indicated that this matter could be moved to agreed.</p>		
Assessment methodology Local Aggregates Assessments	2.1.17 RRE	<p>Local Aggregates Assessments produce a forecast of demand, analysis of supply options, and balance between demand and supply. The Medway Local Aggregates Assessments update (November 2020 'dashboard') identifies that the Project is one National Significant Infrastructure Project which may increase</p>	<p>A review of aggregate demand was carried out in 2020 as requested by Kent County Council and Essex County Council. It is currently being updated to reflect the latest Project design requirements and the latest local aggregates data. This has been extended to include Medway and will be shared.</p> <p>The Outline Materials Handling Plan was published as part of DCO submission. The</p>	<p>ES Appendix 2.2 Annex B: Outline Materials Handling Plan [Document Reference 6.3 ES Appendix 2.2 Annex B (5)]</p>	Matter Agreed

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		<p>demand for aggregates from Medway which may be supplied by Kingsnorth Quarry and supply from wharves. The Kent Local Aggregates Assessments (April 2020) also identifies the Project as one 'significant infrastructure' development influencing future demand.</p> <p>However, neither Local Aggregates Assessments quantifies the likely demand and so it would be helpful (in terms of forward planning and assessing demand and supply options) for further detail to be provided to the Mineral Planning Authorities (from whose areas material is likely to be sourced) on quantities, types and potential sources of aggregates to be used in construction.</p> <p>This matter was discussed with the Applicant during a meeting on 25 April 2023. Medway Council is satisfied with the Applicant's response to this matter.</p>	<p>Local Aggregates Assessment was also supplied to Medway Council, which commented that it was viewed as very useful information.</p> <p>At a meeting on 25 April 2023, Medway Council indicated that this matter could be moved to agreed.</p>		

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
Nitrogen Deposition					
Site Selection and Surveying Lack of compensation areas proposed within Medway	2.1.18 RRE	Based on current assessments, Figure 5-1 shows two site clusters likely to be affected: 1) around the proposed A2/M2 junction for Lower Thames Crossing and M2 Junction 2 and 2) around M2 Junction 3 and the A229 at Blue Bell Hill. Designated sites likely to be affected in Medway include Ranscombe Farm and a section of the River Medway itself. Figure 5-3 of Lower Thames Crossing Guide to Local Refinement Consultation identifies proposed areas for compensatory habitat creation. There are no such areas within Medway. As a matter of principle, it would seem unreasonable that no compensatory areas have been identified in Medway. However, the consultation material states that the National Highways is following guidance and advice from the Department for Environment, Food and Rural Affairs and Natural England.	The Applicant has prepared a Nitrogen Deposition Site Selection Technical Note to respond to questions regarding the methodology used for site selection. This technical note was shared with Medway Council on 22 July 2022 and they have confirmed they are content with the approach.	N/A	Matter Agreed

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		It is noted that a landscape scale compensation approach, rather than a series of scattered sites, is more likely to deliver multiple benefits. Medway Council accept National Highways' reasoning for site selection as per the Nitrogen Deposition Site Selection Technical Note that was shared with Medway Council on the 22 July 2022.			
Site Selection and Surveying Request for compensatory land to be publicly accessible where appropriate	2.1.19 RRE	Medway Council note that the four parcels of land identified would provide visual screening of an existing overhead powerline in an Area of Outstanding Natural Beauty (AONB). Medway Council would welcome engagement to ensure compensatory land is publicly accessible, where appropriate.	The objective of the sites includes avoiding significant effects and providing enhanced landscapes and public access where possible. The detailed design and long-term management plans are ongoing. The Applicant would be happy to discuss the development of the plans which form part of the Landscape and Ecology Management Plan.	Outline Landscape and Ecology Management Plan [Document Reference 6.7 (7)]	Matter Agreed
Detailed Design / Management Plans / Implementation Proposed mitigation measures should include	2.1.20 RRE	The consultation material states that road users are more likely to exceed the speed limit between M2 Junctions 3 and 4 once the Lower Thames Crossing is open. Driving at faster speeds can increase nitrogen emissions, so by enforcing the speed limit on certain sections of road, average	The exceedance of the speed limit between M2 junctions 3 and 4 is an existing situation, and not one caused or exacerbated by the Project. The enforcement of a 70mph limit could reduce nitrogen deposition from existing levels and therefore mitigate any increase in nitrogen from the Project. There is a difference between reducing the speed limit and enforcement measures (which is keeping	N/A	Matter Agreed

Topic	Item No.	Medway Council Comment	The Applicant's Response	Application Document Reference	Status
speed cameras		<p>vehicle speed can be brought down, reducing nitrogen deposition on nearby designated sites. This could mitigate the impact of nitrogen deposition and potentially reduce the area of compensatory land required. This is set out as justification for the installation of speed cameras between M2 Junctions 3 and 4 once the Project is open.</p> <p>Given that the nitrogen deposition site survey assessments are ongoing, and the consultation material presented initial conclusions because traffic and air quality modelling is yet to be finalised, it is unclear whether the implementation of a 60mph speed limit between M2 Junctions 3 and 4 once the Lower Thames Crossing is open can be ruled out at this stage. This is a concern, given the consultation material acknowledges that a 60mph speed limit between M2 Junction 3 and 4 would result in other negative impacts, including increased traffic and emissions</p>	<p>the existing speed limit but improving compliance). The Applicant is still considering enforcement measures, but not speed limit reductions.</p>		

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		on local roads as road users seek alternative routes.			

Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Medway Council since the DCO Application was submitted on 31 October 2022

Date	Overview of Engagement Activities
11 November 2022	Emailed to offer DCO briefing session
14 November 2022	Emailed to notify of publication of documents on Planning Inspectorate website
28 November 2022	Emailed to inform that Lower Thames Crossing DCO application was accepted for Examination
09 December 2022	Emailed with pre-examination strategy, timetable and matters under discussion
14 December 2022	Emailed to inform of Planning Inspectorate announcement of the Relevant Representations and Interested Party Registration opening date
04 January 2023	Emailed to advise of PADS Tracker request from Planning Inspectorate
09 January 2023	Emailed to advise on Relevant Representations opening and further PADS tracker guidance from Planning Inspectorate
12 January 2023	Emailed to advise on Relevant Representations closing date and further PADS tracker guidance from Planning Inspectorate
20 January 2023	Medway emailed with a traffic modelling query (uncertainty log)
25 January 2023	Responded regarding uncertainty log and other traffic modelling query
3 February 2023	Meeting on noise increases on Bush Road / Warren Road / Cobhambury Road
30 March 2023	Offered SoCG meeting dates in April
25 April 2023	Meeting to discuss Material Assets and Waste SoCG matters under discussion
12 May 2023	Meeting to discuss Traffic and Wider Network Impacts SoCG matters under discussion
22 June 2023	Meeting to discuss Environmental SoCG Matters Under Discussion
26 June 2023	Emailed SoCG for final comments to Medway Council
6 July 2023	Emailed SoCG for endorsement to Medway Council
7 July 2023	Emailed final SoCG for information to Medway Council
13 July 2023	Emailed information to Medway Council regarding forthcoming landowner consultation
19 July 2023	Emailed Relevant Representation report to Medway
10 August 2023	Medway emailed regarding the community fund allocation
16 August 2023	Emailed a response to Medway regarding the community fund allocation
23 August 2023	Email from Medway requesting Word version of LIR

Date	Overview of Engagement Activities
23 August 2023	Email to Medway advising that supplying a Word version of the LIR was not possible
6 September 2023	Email to Medway to suggest submission of SoCG at Deadline 5
19 September 2023	Meeting to discuss severance at Elaine Avenue
19 September 2023	Emailed draft SoCG for review ahead of meeting
28 September 2023	Emailed with scope and proposed dates for A228 impacts workshop
5 October 2023	Meeting to discuss and resolve SoCG matters
6 October 2023	Draft SoCG emailed to Medway for submission at D6
7 October 2023	Medway emailed to request submission at D7
6 November	Meeting with Medway Council and Kent County Council to discuss potential measures on the A228
8 November 2023	Meeting to discuss Medway’s D6 submission to the Examining Authority
10 November 2023	Medway Council emailed to request submission of SoCG at Deadline 8
14 November 2023	Medway Council supplied text of new noise and vibration matter to be included in SoCG
20 November 2023	Medway Council emailed SoCG with movement on matters and refinements to comments
28 November 2023	Emailed Medway Council to advise of proposed D9A submission and seeking confirmation on matters under discussion
5 December 2023	SoCG version emailed to Medway Council for final comment and matter status update
7 December 2023	Medway Council emailed SoCG version with final comments and matter status update
7 December 2023	SoCG version emailed to Medway Council for signature
11 December 2023	Medway Council emailed final signed SoCG version

Appendix B Glossary

Term	Abbreviation	Explanation
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Air Quality	-	A measure of the level of various atmospheric pollutants.
Air Quality Management Area	AQMA	An area, declared by a local authority, where air quality monitoring does not meet Defra's national air quality objectives.
Area of Outstanding Natural Beauty	AONB	Statutory designation intended to conserve and enhance the ecology, natural heritage and landscape value of an area of countryside.
Combined Modelling and Appraisal Report	ComMA	The purpose of the Combined Modelling and Appraisal Report is to inform decision makers and stakeholders on how the evidence underpinning the business case has been developed, from the initial identification of the underlying problem through the collection of data and the production of any supporting traffic models and forecast impacts of the Project on traffic to the eventual economic appraisal.
Community Impact Report	-	This document provides a summary of the potential impacts of the Project on local communities.
Community Impacts and Public Health Advisory Group	CIPHAG	The group was established in 2018 as a body for public health officials and other local authority representatives to attend that could provide support during the preparation of the H&EqIA in terms of information sharing, provision of technical advice and guidance around best practice.
Core scenario	-	The central traffic growth forecast.
Department for Environment, Food and Rural Affairs	Defra	The government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the United Kingdom of Great Britain and Northern Ireland.
Department for Transport	DfT	The government department responsible for the English transport network and a limited number of transport matters in Scotland, Wales and Northern Ireland that have not been devolved.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is the highway authority. For the A122 Lower Thames Crossing, the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
High growth scenario	-	A traffic modelling scenario that reflects high traffic levels.

Term	Abbreviation	Explanation
Local Impact Report	LIR	A report in writing giving details of the likely impact of the proposed development on an authority's area (or any part of that area).
Local plan	-	A Local Plan sets out local planning policies and identifies how land is used, determining what will be built where. Adopted Local Plans provide the framework for local development across England.
Local Residents' Discount Scheme	LRDS	Accounts that offer discounts on road user charges but are subject to location-based eligibility criteria.
Lower Thames Area Model	LTAM	Transport model designed to forecast impacts of providing additional road-based capacity across the River Thames at locations at or east of the existing Dartford Crossing.
Nitrogen	-	A chemical element.
Nitrogen deposition	-	The accumulation of nitrogen on a surface as a result of separation from the atmosphere.
Order Limits	-	The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Planning Performance Agreement	-	An agreement between National Highways and a Local Authority to support Examination of the DCO Application informed by a Local Authority's views.
Particulate Matter	PM	The sum of all solid and liquid particles suspended in air, many of which are hazardous. This can include both organic and inorganic particles, such as dust, pollen, soot, smoke and liquid droplets. These particles vary greatly in size, composition and origin.
Particulate matter (10µm)	PM₁₀	Particulate matter with a diameter equal to or less than 10 micrometres.
Particulate matter (2.5µm)	PM_{2.5}	Particulate matter with a diameter equal to or less than 2.5 micrometres.
Road Investment Strategy	RIS	The Government's long-term strategy to improve England's motorways and major A roads. The first RIS (known as RIS 1) was published in 2015 and covers the period 2015-2020. A second RIS (RIS 2) was published in 2020, and covers the post-2020 period.
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.
Receptor	-	A component of the natural or built environment (such as a human being, water, air, a building or a plant) affected by an impact of the construction and/or operation of a development.
Statutory Consultation	-	The statutory pre-application consultation held by the Applicant on the Project proposals between October and December 2018.
Transport Analysis Guidance	TAG	National guidance document produced by the Department for Transport.

Term	Abbreviation	Explanation
Trip End Model Presentational Program	TEMPro	DfT software for viewing data from the DfT's National Trip End Model
Wider Network Impacts	WNI	The wider network impacts relate to the changes expected in traffic flows and the levels of congestion following the Project being open for public use, at various locations on the road network away from the immediate vicinity and Order Limits of the Project. This includes impacts on the strategic road network, Major Road Network and Local Road Network.
Wider Network Impacts Management and Monitoring Plan	WNIMMP	Plan setting out a traffic impact monitoring scheme to be carried out a year prior to opening and one and five years after the road opens.

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