

Lower Thames Crossing

9.36 Final Agreed Statement of Common Ground between National Highways and (2) Kent and Medway Economic Partnership (Clean version)

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1.0	18 July 2023	Deadline 1
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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) Kent and Medway Economic Partnership.

Both parties have reached agreement on the position on the status of all 8 matters. Of the 8 matters contained within, 3 matters are agreed, and 5 matters are not agreed, leaving no matters outstanding.

On behalf of the Applicant

Name	[REDACTED]
Position	[REDACTED]
Organisation	National Highways
Signature	[REDACTED]

On behalf of Kent and Medway Economic Partnership

Name	[REDACTED]
Position	[REDACTED]
Organisation	Kent and Medway Economic Partnership
Signature	[REDACTED]

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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 A request for a SoCG between the Applicant and Kent and Medway Economic Partnership (KMEP) was made by the Examining Authority in the notification of Preliminary Meeting (Rule 6 Letter).
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached and where agreement has not been reached.
- 1.1.4 This final version of the SoCG has been submitted at Examination Deadline 9A.
- 1.1.5 KMEP is the economic partnership for Kent and Medway which aims to drive forward economic growth and prosperity throughout the region. It was set up in 2013. KMEP is governed by a Board and chaired by the private sector, with membership drawn from business, local government, further and higher education.

1.2 Principal Areas of Disagreement

- 1.2.1 On 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 DCO application.
- 1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS). This tracker is known as the PADS Tracker.
- 1.2.3 The PADS Tracker provides a record of principal matters of disagreement emerging from the SoCG and will 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 Kent and Medway Economic Partnership elected not to produce a PADS Tracker, 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 Table 2.1 is based on the KMEP's Relevant Representation, engagement and subsequent submissions to the Examination including KMEP's Written Representation [[REP1-375](#)].
- 2.1.2 In the column 'Item No' in Table 2.1, 'DL6' indicates a new matter added during examination at/around this deadline.
- 2.1.3 At Examination Deadline 1 there were six matters in total of which one was agreed, three were not agreed and two remained under discussion.
- 2.1.4 At Examination Deadline 6 two further matters were added to this SoCG based on the content of KMEP's Written Representation submitted at Examination Deadline 1:
- a. Under the heading "**Operations and Maintenance**" – 2.1.7 (DL6) (Matter Not Agreed)
 - b. Under the heading "**Population and Human Health**" – 2.1.8 (DL6) (Matter Under Discussion)
- 2.1.5 The Applicant and KMEP agree that since the version submitted at Examination Deadline 1:
- a. Matter 2.1.5 has moved from a Matter Under Discussion to a Matter Agreed
 - b. Matter 2.1.6 has moved from a Matter Under Discussion to a Matter Not Agreed
 - c. Matter 2.1.8 has moved from a Matter Under Discussion to a Matter Agreed
- 2.1.6 At Examination Deadline 9A there are eight matters in total of which three are agreed and five are not agreed.
- 2.1.7 This is the final Statement of Common Ground between the Applicant and Kent and Medway Economic Partnership.

Table 2.1 Final position on Matters

Topic	Item No.	Kent and Medway Economic Partnership Comment	The Applicant’s response	Application Document Reference	Status
Need for the Project					
Strategic Need	2.1.1	<p>Notwithstanding concerns related to Wider Network Impacts set out elsewhere in this table, KMEP strongly agrees that the Lower Thames Crossing (LTC) is needed in principle for its strategic role, and supports it for the reasons below:</p> <ul style="list-style-type: none"> • Unpredictable journey times on the Dartford Crossing resulting in lower productivity for businesses and commuters. • The Dartford crossing has been functioning significantly in excess of its design capacity and experiences frequent and severe congestion which will only worsen without an additional crossing. • Local Economic Growth Opportunities are being stymied by congestion resulting from incidents at the current crossing. • Wider economic impact - the current crossing is a nationally important section of road infrastructure with HGVs travelling from the Port of Dover (the UK’s busiest ro-ro port) and the 	<p>The Applicant welcomes KMEP’s support of the strategic need for the Project and its role in catering for current and future demand and facilitating local economic productivity and supply chain benefits.</p>	N/A	Matter Agreed

Topic	Item No.	Kent and Medway Economic Partnership Comment	The Applicant’s response	Application Document Reference	Status
		<p>Channel Tunnel via Dartford to the Midlands and North. Reduced travel times will benefit the national economy.</p> <ul style="list-style-type: none"> Businesses will benefit from a new crossing – new markets and supply chains could be created. 			
WNI concerns	2.1.2	<p>KMEP wishes to emphasise that although it strongly agrees with the strategic need for the LTC, its support for the scheme might need to be reconsidered in the absence of assurance that WNI concerns (item 2.1.3 below) will be resolved concurrently by the parties responsible.</p>	<p>The Applicant notes KMEP’s concerns relating to conditional support dependent on the certainty of wider network upgrades.</p> <p>As set out below, the Applicant considers that while it does not consider that there are any transport impacts requiring mitigation by the Project, nor any subsequent intervention options needed, it notes that it is considering the need for enhancements along the A2/M2 corridor which are within the Road Investment Strategy 3 (RIS3) pipeline, and maintains a route strategy for the M20, A2 west of the M2/A2/A122 Lower Thames Crossing junction, and to the M2 east of junction 1.</p> <p>The Applicant is supporting Kent County Council as the local highway authority to develop a study that will enable Kent County Council to develop more advanced business cases over the course of the next 10 years through existing and any new processes.</p>	N/A	Matter Not Agreed
Wider Network Impacts					

Topic	Item No.	Kent and Medway Economic Partnership Comment	The Applicant’s response	Application Document Reference	Status
Local WNI concerns	2.1.3	<p>KMEP requests further resilience to be built into the wider Kent (and South Essex) transport networks, including upgrades to the M2/A2 corridor and improved linkages between the M20 and M2, including:</p> <ul style="list-style-type: none"> • Upgrading M2 Junction 7 at Brenley Corner • Dualling the A2 single carriageway from Lydden to Dover (A2 Dover Access) • Widening the 2 lane stretches of the M2 (junctions 4 to 7). • Upgrading the A229 with accompanied improvements to M2 junction 3 and M20 junction 6 to allow free flow between the two motorways without impeding local traffic. • Upgrading the A260 from Lydden to Hawkinge – the most easterly rung in the ladder between the M20/A20 and M2/A2. • Improvements to the stretch of the A228 between the M2 Junction 2 and M20 Junction 4. • Improvements to the M2 Jct 1 where current capacity is already preventing local housing and economic growth without taking into account increased volumes linked to the LTC. <p>Without the wider improvements needed on Kent & Medway’s strategic road</p>	<p>While the Applicant does not consider that there are any transport impacts requiring mitigation by the Project, nor any subsequent intervention options needed, it notes that it is considering the need for enhancements along the A2/M2 corridor which are within the RIS3 pipeline, and maintains a route strategy for the M20, A2 west of the M2/A2/A122 Lower Thames Crossing junction, and to the M2 east of junction 1. The latest strategy, ‘Shaping the future of England’s Strategic Roads’, opened for consultation on 18 May 2023 and ended 13 July 2023.</p> <p>The Applicant is in discussion with relevant local authorities concerning these schemes. In addition, the Applicant has agreed a scope of work and funded this through a Planning Performance Agreement for Kent County Council to undertake a Strategic Outline Business Case (SOBC) study to identify the impacts of the Project on the Kent road network and to assess the outline case of potential interventions to optimise the network.</p> <p>The outputs of this study will allow Kent County Council to make informed representations during the DCO examination and will enable Kent County Council to develop more advanced business cases over the course of the next</p>	N/A	Matter Not Agreed

Topic	Item No.	Kent and Medway Economic Partnership Comment	The Applicant’s response	Application Document Reference	Status
		<p>network being implemented concurrently or prior to the construction of the LTC, KMEP believes that the full benefits of the LTC will not be realised. These routes (in particular the A2/M2 and M20 corridors as well as connecting roads – A249, A228 and A229) already suffer from congestion and without the essential improvements highlighted above (and others that may be identified from KCC’s SOBC / WNIS work), the increased traffic generated by the LTC scheme risks further exacerbating congestion issues at known pinch points and other locations. If wider network improvements are not delivered, the LTC could worsen problems on Kent’s strategic road network.</p> <p>KMEP recognises that not all improvements to Kent & Medway’s strategic and local road network are within the direct remit of the Applicant but would expect that dialogue continues between the Applicant, DFT, National Highways and other relevant local and national stakeholders to identify solutions to funding gaps or barriers to the implementation of other essential schemes such as the M2 Jct 3 improvements and schemes being considered under RIS2 and the RIS3 pipeline.</p>	<p>10 years through existing and any new processes.</p> <p>The Applicant will continue to engage in accordance with its licence obligations to work with local authorities who are members of KMEP, to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.</p>		
Operations & Maintenance					

Topic	Item No.	Kent and Medway Economic Partnership Comment	The Applicant's response	Application Document Reference	Status
HGV Parking	2.1.4	<p>KMEP would like to see permanent off-road lorry park provision and improved technology solutions at the Channel ports to eliminate the need for Operation Brock, ensuring the free flow of UK-EU traffic and tackling inappropriate lorry parking across Kent.</p> <p>While KMEP understands that the Applicant does not have direct responsibility for resolving lorry parking provision in Kent and the regular need to implement Operation Brock, it wishes to emphasise that this ongoing regional and national issues needs resolving prior to the construction of the LTC. Without putting in place satisfactory measures to eliminate on-road lorry parking across the county and having to deploy Operation Brock, Kent's road connections to and from the LTC and Dartford Crossing, to the Channel and Medway Ports, will simply not cope with current or future levels of traffic. KMEP cannot emphasise enough the need for relevant parties to resolve lorry parking issues in Kent if the LTC is to operate successfully in future.</p>	<p>The Applicant notes and agrees with KMEP's understanding that the Applicant does not have direct responsibility for resolving pre-existing lorry parking issues in Kent, including those relating to Operation Brock.</p> <p>The Applicant considers that the lack of lorry parking is a pre-existing, regional and national issue that would need to be resolved regardless of the Lower Thames Crossing's implementation.</p> <p>Recognising that lorry parking is a multi-agency issue, National Highways' Operational Directorate has set out its position across the strategic road network through its Route Strategies and in considerations for RIS3 - see Vision for Route Strategies (National Highways, 2021); and documents for 'Shaping the Future of England's Strategic Roads' consultation, including the Strategic Road Network Initial Reportⁱ (National Highways, 2022) and Connecting the country: Our Long Term Strategic Plan to 2050ⁱⁱ (National Highways, 2023).</p>	N/A	Matter Not Agreed
HGV Route Changes	2.1.7 DL6	<p>KMEP requests that the Applicant commissions work to understand likely impact of HGV route changes to and from the Channel ports and where SNR and</p>	<p>The Applicant has undertaken work to model the likely impact of the Project on local and strategic traffic as part of the Transport Assessment using the Lower</p>	Wider Network Impacts Management	Matter Not Agreed

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		local road network improvements are essential to ensure that free flow of Kent & Medway's road network as well as the LTC itself.	Thames Area model. This includes HGV effects. The Wider Network Impacts Management and Monitoring Plan sets out the Project's position with regard to the Project's impacts on the wider road network.	and Monitoring Plan [Document Reference 7.12 (2)]	
Construction					
Construction traffic impacts	2.1.5	<p>KMEP requests that National Highways protect existing businesses and communities from any negative impacts that may be brought by the LTC's construction by ensuring that:</p> <ul style="list-style-type: none"> • Adequate measures (including suitable Traffic Management Plans) are agreed with local stakeholders and put in place to prevent inappropriate use of local roads (A227, A228 and A2 from Medway to Faversham) which are designed to serve local communities; and • Ensure planning and enforcement are in place to ensure long-distance traffic remains on the strategic road network. <p>KMEP would welcome the opportunity to work with the applicant and relevant local authority members to ensure that final TMPs meet local expectations in mitigating detrimental impacts on local communities, businesses and residents and that they</p>	<p>The Outline Traffic Management Plan for Construction (oTMPfC) identifies a number of illustrative/indicative logistics routes, taking a risk-based approach to choosing and implementing routes that would form part of Traffic Management Plans (TMPs), dependent on several stakeholder considerations, which are listed in oTMPfC Table 2.3. This includes but is not limited to traffic counts, types of traffic, walking, cycling and horse-riding (WCH) interface, nearby points of interest (e.g. schools) and will include engagement with relevant authorities.</p> <p>A number of local routes have been prohibited from for HGV use during construction (Castle Lane; Lower Higham Road between Green Farm Lane and A226; Thong Lane; Pear Tree Lane / The Ridgeway, Brewers Road between Park Pale and A226; The Street).</p> <p>TMPs will be agreed based on the principles of the oTMPfC, and will be</p>	Outline Traffic Management Plan for Construction [Document Reference 7.14 (9)]	Matter Agreed

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		can be reviewed and revised as necessary to ensure that they remain fit for purpose once in place.	<p>consulted on via the Traffic Management Forum with local authorities, prior to approval by the Secretary of State.</p> <p>This matter remains under discussion subject to Kent and Medway Economic Partnership's review of the Applicant's position and the oTMPfC.</p> <p>The Applicant notes that the members of KMEP with relevant statutory responsibility will be involved in the consultation process for the development of the Traffic Management Plans.</p>		
Population and Human Health					
Cross-river WCH and Sustainable Travel	2.1.6	<p>KMEP would encourage sustainable and active travel options to be considered within the scheme, such as opportunities for non-motorised users and public transport to make use of the new crossing. KMEP understands that various options have been considered and the reasons for these to have proven unviable.</p> <p>KMEP however, would strongly encourage the Applicant to continue to engage with public transport operators in investigating a business case for sustainable bus routes and interchange between key locations in Kent and Essex using the LTC as an alternative to existing rail connections.</p>	<p>The Applicant has considered various options during the development of the Project to provide improved river crossings for walkers and cyclists within the DCO. The options investigated included using the tunnel, upgrading the existing ferry, relocating the ferry, building a separate bridge or cable car, and providing a shuttle service through the tunnel.</p> <p>All of these options have been rejected for reasons including lack of technical feasibility, operational issues, lack of commercial viability, cost and poor safety.</p> <p>Latent demand for walking and cycling across the River Thames at the Project crossing point is low and therefore unlikely</p>	<p>Project Design Report [APP-512]</p> <p>Rights of Way and Access Plans [Document Reference 2.7 Volume A (5), Volume B (5), Volume C (7)]</p> <p>Draft</p>	Matter Not Agreed

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			<p>to unlock enough trips to make the required infrastructure for a shuttle service economically viable. In addition, journey times and distances for a shuttle would be excessive because the most suitable collection and drop-off points would be at the proposed M2/A2/A122 Lower Thames Crossing junction and as far north as the proposed A13/A1089/A122 Lower Thames Crossing junction. For more information about the proposed walking, cycling and horse-riding routes, see the Project Design Report.</p> <p>The WCH provision in the Project is set out specifically in the Rights of Way and Access Plans; and Schedule 5 of the draft Development Consent Order.</p> <p>Further information on the provision is set out in the Project Design Report.</p> <p>The Applicant has also considered the approach to public transport within the Project.</p> <p>A number of constraints prevent segregated public transport access to the crossing, notably using the emergency accesses. The emergency access roads/merges/diverges have been specifically designed to optimise emergency service accessibility and response times. However, the emergency access roads and Project merges/diverges have not been designed to a Design</p>	<p>Development Consent Order [Document Reference 3.1 (11)]</p>	

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			<p>Manual for Roads and Bridges standard for public use. The operation of the emergency access (as designed) is to be supported by the National Highways Regional Operations Centre and appropriate interventions. This introduces incompatibility between emergency service operation and bus operations. The principles apply to the access points at the North and South Portals.</p> <p>Local and national bus/coach services can use the Lower Thames Crossing and maximise its opportunities. The Applicant will work collaboratively with operators and other transport authorities.</p> <p>As such, while it is agreed that public transport use can help to reduce congestion and air quality effects, and unlock economic growth, the Applicant considers that it has assessed options for inclusion within the Project appropriately and concluded that this will not be possible, and has provided alternative means that facilitate and support public transport schemes outside of the DCO application (via a Sustainable Transport Working Group (STWG)).</p> <p>The Applicant has established the STWG in parallel to the Project, with its primary purposes to maximise the benefits of the new crossing and develop sustainable travel initiatives that could be eligible for</p>		

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			<p>National Highways’ Designated Funds Programme and to support cases for future investment. Should the Project gain consent, the Applicant will use the STWG up until opening as a forum to engage local authorities and operators to build awareness and develop improvements to existing commercial services and potential new services to make best use of the opportunities provided by the new crossing. The STWG has already proposed several local priorities and opportunities for feasibility studies for future funding applications (as stated in the Sustainable Transport Complementary Measures report of March 2021). The report includes nine Stakeholder Priority Measures including ferry service improvements, feasibility studies for cycling and e-bike initiatives, and a Walking, Cycling and Public Realm Action Plan for Tilbury. The Applicant considers that supporting this collaboration between local authorities on both sides of the Thames (using the Designated Funds Programme) is the most effective and sustainable solution for providing such measures, which fall outside the remit of the DCO, but may be facilitated to lead to improvements in sustainable modes and public transport.</p> <p>The Applicant considers that local</p>		

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			<p>authorities are best placed to lead on the development and appraisal of future public transport projects. They also have strong existing relationships and lines of communication with commercial bus operators as part of local transport authority duties. The Applicant is willing to work with authorities where appropriate.</p>		
Environmental Mitigation	2.1.8 DL6	<p>KMEP considers that the Applicant should work closely and constructively with local authorities and stakeholders to ensure the most appropriate environmental, air and noise mitigation measures are put into effect both during the construction phase and into the future as the LTC becomes fully operation.</p> <p>Assurances that measures are properly planned and implemented, especially in the immediate vicinity of the LTC south of the River Thames, are needed given the proximity to existing residential communities, businesses and sensitive habitats.</p> <p>Based on the additional evidence provided by the applicant, although there will inevitably be some negative environmental impacts during the construction phase of the project, KMEP recognises the mitigation and monitoring measures planned by the applicant to ensure the</p>	<p>The Applicant considers that across its suite of Control Documents, an appropriate level of mitigation has been secured in line with legislation, standards, policy and guidance to reduce or avoid significant adverse effects on people and the environment.</p> <p>These measures are set out across documents including the Code of Construction Practice including the Register of Environmental Actions and Commitments (REAC) – Environmental Statement (ES) Appendix 2.2, which secures the approach to noise and air quality mitigation and other environmental measures such as those relating to water, drainage, ecology, cultural heritage and health and well-being during the construction phase.</p> <p>The ES includes a full assessment of the construction and operational effects of the Project and has identified appropriate long-term environmental interventions including monitoring, governance and review where</p>	<p>ES Appendix 2.2: Code of Construction Practice [Document Reference 6.3 ES Appendix 2.2 (9)] oLEMP [Document Reference 6.7 (7)] Design Principles [Document Reference 7.5 (7)]</p>	Matter Agreed

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		natural environment is protected as much as possible including through air quality and noise mitigations.	appropriate. Key operational commitments including embedded mitigation such as planting are secured by the outline Landscape and Ecology Management Plan (oLEMP) and the Design Principles.		

Appendix A Glossary

Term	Abbreviation	Explanation
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains requirements, advice and other published documents relating to works on motorways and all-purpose trunk roads.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Heavy Goods Vehicle	HGV	A large, heavy motor vehicle used for transporting cargo.
Kent and Medway Economic Partnership	KMEP	The Kent and Medway Economic Partnership (KMEP) is the economic partnership for Kent and Medway which aims to drive forward economic growth and prosperity throughout the region. It consists of 14 local authority leaders, 17 business representatives and representatives from higher and further education.
Outline Traffic Management Plan for Construction	oTMPfC	The Outline Traffic Management Plan for Construction (oTMPfC) outlines the approach to carrying out temporary traffic management for the safe construction of the Project. It will also explain management measures available to the Contractor to reduce the impact on the local community (including journey time reliability, access and safety).
Road Investment Strategy	RIS	The Government's long-term strategy to improve England's motorways and major A roads. The first RIS (RIS 1) was published in 2015 and covered the period 2015-2020. RIS 2 covers the period 2020-2025.
Strategic Outline Business Case	SOBC	First stage of drawing together evidence pertaining to a transport scheme, focusing on the strategy or reasons why change may be required.
Walking, cycling, and horse riding	WCH	Walking, cycling and horse riding

ⁱ <https://nationalhighways.co.uk/our-roads/future-roads/strategic-road-network-initial-report/>

ⁱⁱ <https://nationalhighways.co.uk/our-roads/future-roads/connecting-the-country/>

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