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BY ONLINE SUBMISSION ONLY

Growth, Environment & Transport

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Maidstone
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Your Reference:
TR010032

KCC Interested Party
Reference Number:
20035779

Date: 15th December 2023

Dear Rynd,

RE: Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing (LTC) - Kent County Council's Submission to Deadline 9A

As outlined within the Examination Timetable (Annex A of the Rule 8 letter (PD-020)), this letter is Kent County Council's (KCC) Deadline 9A (D9A) submission which provides the following:

- Comments on the final documents submitted by the Applicant at D9

Comments on the final documents submitted by the Applicant at D9

The Applicant was requested by the Examining Authority to submit "*any other final legal agreements*" at Deadline 9 (D9). KCC expected this to include the Side Agreement for Shorne Woods Country Park Revenue Compensation as referenced in KCC's D9 [REP9-284] submission in response to ISH12 Action Point 12. This required the Applicant and Kent County Council to "*provide confirmation whether this Side Agreement has been agreed by the parties and that any matters that the parties rely upon in terms of securing a relevant important consideration should be provided in outline form.*"

KCC's Deadline 8 submission [REP8-138] had already confirmed that a draft Side Agreement was provided by the Applicant on 28th November 2023. KCC reviewed the draft Side Agreement and proposed amendments for the Applicant to consider on 6th December 2023. However, KCC is still waiting for a revised version that can be taken forward for signing and sealing.

KCC expected that the Side Agreement would have been signed and sealed by both parties shortly after the Examination, if not before; however, at the time of writing this D9A submission we are now concerned that this might not transpire. As it currently stands, there is no certainty that financial compensation for loss of income at Shorne Woods Country Park due to the



impacts of LTC construction will be agreed. Therefore, this remains a significant concern to Kent County Council.

Deadline 9 Submission – 6.3 Environmental Statement Appendix 6.9 – Draft Archaeological Mitigation Strategy and Outline Scheme of Investigation v6.0 (Clean) [REP9-197]

Overall KCC is content that the latest version of the Draft Archaeological Mitigation Strategy and Outline Scheme of Investigation (dAMS-oWSI) submitted by the Applicant at Deadline 9 addresses the concerns we have raised throughout the Examination in relation to this Control Document.

However, there are two important points to note:

1. KCC's concerns about areas not yet subject to field evaluation, including wetland areas, are now covered by the main text of the AMS-oWSI v6. However, we understand that Plate D.48 (included in AMS-oWSI v6) and associated text for mitigation polygon K96 relates to the potential for near surface archaeology, but we would like to note that in this area of K96, if the twin tunnels and any related below-ground works do not remain in chalk but were to impact on later Pleistocene and early Holocene deposits above chalk, then appropriate investigation and mitigation of these wetland areas will have to be undertaken. The requirement for all areas of the scheme that have not been subject to field evaluation to have appropriate investigation to inform mitigation decisions, is covered by the AMS-oWSI, but not specifically for the deeper impacts of K96 area.
2. Furthermore, the issue raised about the sensitivity rating for historic landscape components is one where there is a difference of approach. KCC maintain that the agricultural, industrial and military historic landscape components could be considered to be of medium sensitivity rather than low, because of their archaeological interest. However, going forward, KCC is satisfied the AMS-oWSI v6 recognises the importance of all aspects of the historic landscape and its archaeological interest and provides for appropriate levels of investigation and mitigation.

Deadline 9 Submission – 7.12 Wider Network Impacts Management and Monitoring Plan v2.0 (Tracked Changes) [REP9-232]

KCC originally raised concerns with the Applicant's Wider Network Impacts Management and Monitoring Plan (WNIMMP) in our Written Representation [REP1-243] submitted at Deadline 1. KCC's Deadline 8 Submission [REP8-138] again raised concerns that whilst the Applicant's WNIMMP is expected to be a Control Document secured through the DCO, KCC remains concerned that the WNIMMP has not been adequately updated by the Applicant since it was first submitted as part of the application. The WNIMMP has not been a document which has evolved over the lifespan of the Examination. The only revisions made to the latest version submitted by the Applicant at Deadline 9 include two minor amendments to the date and deadline of the document. As it stands, this document still fails to address the concerns raised by KCC throughout the Examination.

These include:

- Requirements should be imposed to secure that:
 - Baseline surveys are undertaken at least one year before commencement of construction and supplemented with additional surveys annually until five years post-opening.
 - Certain key roads on KCC's local and major road network (such as the A229, A249, A227, A228 and A226) that will be impacted by the LTC, are incorporated into National Highways' permanent monitoring programme.
 - At least four (4) cameras are used to monitor each road; with a total of 20 cameras needed for the whole programme of additional permanent monitoring on the KCC local and major road network.
- DCO Schedule 2 Requirement 14 should be amended to include the following sites within the WNIMMP:
 - M2 Junction 1 to Junction 4 journey time monitoring
 - M25 Junction 2
 - A2 Pepper Hill Junction
 - A227/Green Lane Junction
 - A228 Junctions between the M2 and M20
- DCO Schedule 2 Requirement 14 should also be amended to include active travel monitoring within the WNIMMP, including key routes for walkers, cyclists and horse riders affected by the LTC.
- A Requirement for National Highways to provide a funding package for KCC to implement mitigation measures on the LRN, which are required to address a direct impact of the LTC.

Whilst it is KCC's preference that a robust Monitoring and Mitigation Strategy is secured through the DCO which is similar to that for the Silver Town Tunnel (and reflected in the draft Requirement provided by the Applicant within their Wider Network Impacts Position Paper submitted at Deadline 6 [REP6-092]), if this is not to be favoured by the Examining Authority, then the WNIMMP is still wholly insufficient in its current form.

Deadline 9 Submission – 6.7 Outline Landscape and Ecology Management Plan v7.0 (Clean) [REP9-207]

The Applicant does not appear to have made any significant changes to the Outline Landscape and Ecology Management Plan (oLEMP) at Deadline 9. The only changes that have been made appear to be minor edits such as typographical corrections or inserting missed words, rather than any substantial changes to the text. As a result, KCC's previous comments on the oLEMP still stand and we would stress the need for ongoing monitoring (of both species and habitats) to ensure the success of the oLEMP. The results of monitoring must then inform ongoing reviews and updates of the LEMPs as it is imperative these are not static documents.

Deadline 9 Submission – 7.14 Outline Traffic Management Plan for Construction v9.0 (Tracked Changes) [REP9-236]

KCC notes the Applicant's latest changes to the draft Outline Traffic Management Plan for Construction (oTMPfC). It is disappointing that the Applicant has clearly identified agreed



construction monitoring locations in Thurrock and Brentwood, but has failed to adopt the same approach for the highway network south of the River in Kent. Plates 2.4 and 2.5 of the oTMPfC clearly display the agreed locations for construction monitoring north of the River. This is wholly unacceptable and the Applicant must be required to adopt the same approach across the whole geography of the scheme to ensure fair treatment of monitoring and mitigation.

Deadline 9 Submission – 3.1 Draft Development Consent Order v11.0 (Clean) [REP9-107]

KCC has reviewed the Applicant's latest draft DCO which was submitted at Deadline 9. The amendments made are mainly corrections to typographical or grammatical errors and it is disappointing the latest version does not address the requests made by KCC in previous representations. As a result, our previous comments on the dDCO still stand and we would fully encourage the ExA to consider inclusion of the Requirements put forward by Local Authorities, including KCC's proposed Requirement for works relating to the A229 Blue Bell Hill, as outlined in our Deadline 7 Submission [REP7-198] and revised and updated at Deadline 8 in KCC's Response to the Examining Authority's Commentary of the draft Development Consent Order [REP8-136]; and the suggested changes to time limits for deemed consent in Articles 12 and 17 as set out in detail in our Response to the Examining Authority's Commentary on the draft Development Consent Order [REP8-136].

KCC's Concluding Statement

KCC has been clear throughout our representations that the need for a new Lower Thames Crossing is urgent: demand to cross the Thames at Dartford exceeds the available capacity and having a single point of failure on the network leads to journey time delays, increased costs for businesses and individuals, and ultimately restricts economic growth both regionally and nationally. To not proceed with the project would lead to a worsening of the existing unacceptable conditions at Dartford as well as restrict economic growth and miss out on productivity benefits nationally, regionally and locally.

Throughout the Examination, KCC has continued to support the proposed LTC and the investment in additional road capacity that will unlock new opportunities for Kent, the South East and the wider UK. However, in order to fully achieve this aim, improvements to the A2/M2 are needed as well as enhanced links between the corridors, such as the A229 Blue Bell Hill. Despite our overall support for the Project, KCC is disappointed that very little of what has been asked for in terms of mitigation measures to address the negative impacts of the scheme has been considered by the Applicant, and we remain unsatisfied that our concerns regarding local impacts have been adequately addressed by National Highways.

Yours sincerely,

Simon Jones

Corporate Director – Growth, Environment & Transport