



Lower Thames Crossing

5.4.4.1 Final Agreed Statement of Common Ground between (1) National Highways and (2) Basildon Council (Tracked changes version)

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Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
Regulations 2009

Volume 5

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Version	Date	Submitted at
1.0	31 October 2022	DCO Application
2.0	18 July 2023	Deadline 1
<u>3.0</u>	<u>15 December 2023</u>	<u>Deadline 9A</u>

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Status of the Statement of Common Ground

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

~~Both parties have reached agreement on the position on the status of all nine matters. Of the nine matters contained within, all nine matters are agreed, leaving no matters under discussion.~~

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Deleted: with matters outstanding. ¶

Deleted: considers that this draft Statement of Common Ground is an accurate description of the matters raised by

Deleted: and the status of each matter, based on the engagement that has taken place to date

On behalf of the Applicant

<u>Name</u>	
<u>Position</u>	
<u>Organisation</u>	National Highways
<u>Signature</u>	

On behalf of Basildon Council

<u>Name</u>	
<u>Position</u>	
<u>Organisation</u>	Basildon Council
<u>Signature</u>	

Lower Thames Crossing

5.4.4.1 Final Agreed Statement of Common Ground between (1) National Highways and (2) Basildon Council (Tracked changes version)

Deleted: A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.

Page Break

List of contents

	Page number
1 Introduction	1
1.1 Purpose of the Statement of Common Ground.....	1
1.2 Principal Areas of Disagreement	1
1.3 Terminology	1
2 Matters	2
2.1 Final position on matters.....	2
Appendix A Engagement activity	13
Appendix B Glossary	15

List of tables

	Page number
Table 2.1 Final Position on Matters	3
Table A.1 Engagement activities between the Applicant and Basildon Council since the DCO application was submitted on 31 October 2022	13

Deleted: 1 Introduction 1

1.1 Purpose of the Statement of Common Ground 1
1.2 Principal Areas of Disagreement 1
1.3 Terminology 1

2 Matters 2

2.1 Movement of outstanding matters 2

Appendix A Engagement activity 13

Appendix B Glossary 14

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Table A.1 Engagement activities between the Applicant and Basildon Council since the DCO application was submitted on 31 October 2022 13

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.

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1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached ~~and where agreement has not been reached~~ between ~~the Applicant~~ and Basildon Council.

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1.1.3 This version of the SoCG has been submitted at Examination Deadline ~~9A~~.

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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 DCO application.

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1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).

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1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should 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 Although Basildon Council did not confirm its reason to the Applicant, a PADS Tracker was not submitted by Basildon Council.

1.3 Terminology

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

Deleted: , and 'Matter Under Discussion' where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

2 Matters

2.1 Final position on matters

2.1.1 A summary of engagement undertaken between the Applicant and Basildon Council is summarised in Appendix A.

2.1.2 The outcome of this engagement is presented in Table 2.1 which details and presents the matters that are either agreed or not agreed between (1) the Applicant and (2) Basildon Council.

2.1.3 Since version 2 of this SoCG was submitted at Deadline 1, the following matters have moved from 'Matter Under Discussion' to 'Matter Agreed':

a. 2.1.7 - Modelling, Local plan growth

b. 2.1.8 - Wider network impacts (WNI), Local WNI concerns

c. 2.1.9 - Air quality mitigation, Project design and mitigation

2.1.4 At Examination Deadline 9A there are nine matters of which all nine are agreed.

2.1.5 This is the final statement of Common Ground between the Applicant and Basildon Council.

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Deleted: Since Application, the Applicant has made efforts to engage with Basildon Council regarding the progression of SoCG matters. However, while no matters have changed status, additional narrative has been included in Table 2.1 to add further clarity to the Applicant's responses and to assist Basildon Council's understanding.¶ The Applicant also continued to communicate with Basildon Council concerning procedural matters related to the examination and to offer meetings or email engagement to discuss and potentially resolve SoCG Matters Under Discussion, or any other matters raised in the SoCG. ¶ The Applicant received confirmation that Basildon Council did not submit a relevant representation. ¶ Table 2.1

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Deleted: Basildon Council did not submit a Relevant Representation and no new matters were added as a result of the Rule 6 letter. Therefore in column 'Item No' in Table 2.1, there is no additional reference to the Rule 6 letter and relevant representation as there is in other SoCGs....

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Table 2.1 Final Position on Matters

Topic	Item No	Basildon Council Comment	The Applicant's Response	Application Document Reference	Status
Need for the Project					
Need for the Project	2.1.1	Basildon Council support the need for the Project.	Noted.	N/A	Matter Agreed
Route selection, modal alternatives and assessment of reasonable alternatives					
Route alignment	2.1.2	Basildon Council agrees with the proposed route alignment.	Noted.	N/A	Matter Agreed
Consultation and engagement					
Adequacy of Consultation	2.1.3	Basildon Council is satisfied with the adequacy of consultation on the Project.	Noted.	N/A	Matter Agreed
Operation and maintenance					
Impacts/ Provision of 24-hour rest stops	2.1.4	Basildon Council would expect the final design of the Project to reflect firm commitments to provide appropriate rest and service areas (RASA) including provision for electric charging points, at suitable locations. Basildon Council acknowledge the ongoing work National Highways are doing to consider appropriate locations for future facilities and would like to know if National Highways have a list of potential sites. Basildon Council would also like to know whether operational	The Applicant has considered the benefits, the environmental impact and the views of consultees, and has concluded that it is not necessary to include the rest and service area (RASA) in our proposals. However, the Applicant believes it would be beneficial for a 24-hour RASA to be located in the vicinity of the Project. The Applicant does not currently have a list of potential sites but will be working with service area operators, the haulage industry and road user groups to consider the most appropriate location for any further service area provision on the strategic road network	N/A	Matter Agreed

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Topic	Item No	Basildon Council Comment	The Applicant's Response	Application Document Reference	Status
		details are available (i.e., 24 hour or 5am – 11pm etc).	(SRN). Any facility proposed in the future would need planning consent from the local planning authority.		
Charging					
Charging regime	2.1.5	Basildon Council agrees with the proposed toll charging regime for the Project.	Noted.	N/A	Matter Agreed
Traffic and economics					
Combined Modelling and Appraisal Report (ComMA) Request for economic assessment	2.1.6	Basildon Council has expressed concern as to the absence of a specific economic assessment. The Council has particular concerns that the Project could change the economic dynamics of the borough's land economy and increase the demand for lower density Storage & Distribution uses due to improved access to Kent, and its connections to the European continent. Basildon is concerned that this shift may contradict the economic strategy being pursued for the Basildon borough. Basildon Council are content with the information provided in appendix D of the Combined Modelling and Appraisal report	Appendix D of the Combined Modelling and Appraisal Report provides an economic appraisal of the Project. This includes a Level 3 Wider Economic Impacts (WEI) Report which includes evidence of wider economic impacts that are not included in the Benefit Cost Ratio for the Project. The original document was shared with Basildon Council as part of the initial DCO v1 submission (dated October 2020); a revised version was submitted as part of the resubmitted DCO application. The Level 3 WEI Report includes a range of evidence about the Project's potential to generate what Department for Transport (DfT) calls 'Level 3' wider economic impacts. These impacts are based on a variable land use assumption under which businesses may decide to relocate to more advantageous locations, firms may change	Combined Modelling and Appraisal Report Appendix D: Economic Appraisal Package: Level 3 Wider Economic Impacts Report [APP-527]	Matter Agreed

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Topic	Item No	Basildon Council Comment	<u>The Applicant's Response</u>	Application Document Reference	Status
			<p>the intensity of production and operations at their existing locations and workers may decide to move to more or less productive jobs.</p> <p>Level 3 wider economic impacts could have significant effects on the local, regional and national economy. However, the modelling and quantification of these impacts is complex. DfT provides advice on various modelling methods in its Transport Analysis Guidance (TAG), but recognises that these methods are still developing and are not analytically mature. The modelling challenges include data and methodological uncertainties and the difficulty of validating such models. The Project has trialled various variable land use modelling approaches, but none have been deemed to be sufficiently analytically robust to be included in the DCO. A decision was taken to gather evidence about the Project's potential to generate these impacts, focusing on the Lower Thames local authority areas (Dartford, Gravesham, Medway, Thurrock, Brentwood, Havering). The evidence presented in the Level 3 report is about the Lower Thames area and includes a summary of its historical socio-economic development, data about the area's current socio-economic context and</p>		

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Topic	Item No	Basildon Council Comment	<u>The Applicant's Response</u>	Application Document Reference	Status
			<p>industrial structure, quantitative and qualitative measures of the presence of existing business clusters in the area and other stakeholder and modelling evidence. Therefore, the report does not specifically assess how the Project may impact on Basildon's land economy.</p> <p>The Project could increase the demand for land used by Storage & Distribution businesses in the Lower Thames area, but the Applicant does not have any specific evidence about the scale or whether this would occur in Basildon. The Level 3 report includes strong evidence about the presence of clusters of transport, logistics and storage businesses in the Lower Thames area and indicates that the Project could strengthen those clusters and produce additional productivity benefits.</p>		
Modelling Local plan growth	2.1.7	<p>The most recent Lower Thames Area Model (LTAM) adopted as the traffic modelling approach for the project, is welcomed as this includes an expanded area of detailed modelling which now includes the Basildon borough.</p> <p>Only the high growth scenario includes reasonably foreseeable schemes such as those contained within an emerging development plan such as the Revised</p>	<p>The Lower Thames Area Model (LTAM) includes committed developments, in line with TAG. At the time of producing the most recent traffic forecasts using the LTAM, the growth referred to by the authority did not have the necessary TAG level of certainty for inclusion within the model.</p> <p>The high growth scenario is produced using the methodology set out in Appendix B of TAG Unit M4, which does not mean that the</p>	Section 5.7 of the Transport Assessment [REP4-148]	Matter <u>Agreed</u>

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Topic	Item No	Basildon Council Comment	The Applicant's Response	Application Document Reference	Status
		<p>Publication Local Plan 2018 for the Basildon borough.</p> <p>Basildon Borough Council has withdrawn the Revised Publication Local Plan 2018 and is currently developing a new Local Plan. There is, therefore, no current date on reasonably foreseeable development schemes.</p> <p>Therefore, whilst the low and high growth matrices may have been derived using a proportionate method to represent the uncertainty associated with national growth figures, it should reflect the Government agenda to increase the supply of housing through the completion of local development plans for local authority areas, and as such there is a much greater likelihood that these developments will come forward during the forecast period. Therefore, it is likely that impacts associated with 2041 and 2051 forecasts in the transport modelling may be experienced much sooner if growth in Local Plans across South Essex are realised.</p>	<p>growth contained within the authority's emergent local plan was explicitly included.</p> <p>The LTAM has followed the guidance set out in TAG as would be expected for a major infrastructure scheme funded by Government.</p> <p><u>An SoCG meeting was held on 17 August 2023 to further discuss the inclusion of local plan growth in the traffic model. Following this meeting and further review by Basildon Council, this matter has been moved to agreed.</u></p>		
Wider network impacts					
Wider network	2.1.8	There may be a need to incorporate more localised improvements to the road network including the A127, A13 and	The Wider Network Impacts Management and Monitoring Plan has been submitted as part of the application which sets out the	Wider Network Impacts Management	Matter <u>Agreed</u>

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Topic	Item No	Basildon Council Comment	The Applicant's Response	Application Document Reference	Status
impacts (WNI) Local WNI concerns		<p>A130. In particular, given that the main disbenefits of the scheme are anticipated to be experienced on the A13 east of the project, it is likely that additional mitigation is going to be required in order to alleviate issues on the strategic road network around the Basildon borough and beyond. Basildon Borough Council would therefore seek a more robust commitment to future road investment programmes to ensure funding is available to effectively mitigate the adverse impact to the local road network generated by the project.</p> <p>This remains under discussion together with Essex County Council pending the outcome of additional traffic data and modelling.</p>	<p>proposed approach for monitoring the traffic impacts of the Project during its operational phase to identify changes in performance on the surrounding local road network (LRN), major road network (MRN) and SRN. The monitoring data would be made available to all local and highway authorities which may strengthen business case submissions to the standard funding frameworks and allow the appropriate decision making to be made.</p> <p><u>An SoCG meeting was held on 17 August 2023 to further discuss the local wider network impact concerns. Following this meeting, and further review of the Wider Network Impacts Management and Monitoring Plan including Table 2.1 by Basildon Council, this matter has been moved to agreed.</u></p>	and Monitoring Plan [Document Reference 7.12 (2)]	
Air quality					
Air quality mitigation Project design and mitigation	2.1.9	Basildon Council requests that should the results of the full air quality assessment predict significant impacts, National Highways should provide appropriate mitigation, which would likely focus on the management of traffic in the affected areas, together with promoting travel via electric vehicles.	The air quality assessment has been updated and completed for the Environmental Statement (ES) and has concluded that there are no significant effects on human health receptors. Furthermore, the Project does not delay compliance with the Air Quality Directive.	ES Chapter 5: Air Quality [APP-143] ES Appendix 5.6: Project Air Quality Action Plan [APP-350]	Matter Agreed

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Topic	Item No	Basildon Council Comment	The Applicant's Response	Application Document Reference	Status
		<p>Basildon Council considers that this project should seek to deliver positive improvement in air quality, the project needs to engage with bus operators and larger businesses about ensuring that the many newly generated trips between north Kent and South Essex can be managed by bus services. Thought should be given to how cyclists can get through the tunnel and all cycling infrastructure must be designed to LTN 1/20 standards.</p> <p>Basildon Council agree to National Highways' general approach to air quality mitigation, subject to review of final documentation upon DCO application submission.</p>	<p>No mitigation is therefore required in relation to these effects.</p> <p>The air quality assessment of effects on designated habitats is presented within the ES. Where significant effects have been identified, the mitigation and compensation are described in ES Appendix 5.6: Project Air Quality Action Plan (PAQAP). The ES was submitted with the application for development consent.</p> <p>Consideration of the potential of electric vehicles to be included in the Project as a potential mitigation measure is given in Table 6.1: Mitigation measures considered in the PAQAP.</p> <p>The Project would improve traffic conditions, in many areas, including the local road network. The forecast change in traffic as a result of the Project is shown in Section 5.2 of 7.8 Traffic Forecasts Non-Technical Summary. This would benefit all road users on these sections of road network, including those travelling by public transport.</p> <p>Paragraph 7.11.13 of the Transport Assessment states that there are currently no proposals to run local buses or long-distance coaches on the Project. However, the Project can be used by both local buses or longer distance coaches if desired by operators. Any long-distance coaches that</p>	<p>Project Design Report [APP-506 to APP-515] Design Principles Document Reference 7.5 (7) Transport Assessment [REP4-148, REP4-150 and REP4-152] Road User Charging Statement [APP-517] Traffic Forecasts Non-Technical Summary [APP-528]</p>	

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 Transport Assessment [Application Document APP-529]
 Road User Charging Statement [Application Document APP-517]

Topic	Item No	Basildon Council Comment	<u>The Applicant's Response</u>	Application Document Reference	Status
			<p>choose to re-route from the Dartford Crossing to the A122 Lower Thames Crossing may benefit from reduced journey times.</p> <p>Paragraph 2.1.1 of the Road User Charging Statement confirms that local bus services are exempt from the existing road user charges at the Dartford Crossing, and that The DCO would apply the same exemptions at the Tunnel Area. Exemptions based on vehicle tax class ensure that eligibility is well understood and easy to apply on a free-flow charging scheme.</p> <p>The Applicant has considered various options during the development of the Project to provide improved river crossings for walkers and cyclists. The options investigated include 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. All of these options have been rejected for reasons including lack of technical feasibility, operational issues, lack of commercial viability, cost, environmental impacts and poor safety. Latent demand for walking and cycling across the River Thames at the Project crossing point is low and therefore unlikely to unlock enough trips to make the required infrastructure for a</p>		

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Topic	Item No	Basildon Council Comment	<u>The Applicant's Response</u>	Application Document Reference	Status
			<p>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>With regard to Local Transport Note (LTN) 1/20 (DfT, 2020b), this provides guidance for route design and is not a standard. Nevertheless, LTN1/20 has informed the preliminary design of all the walking, cycling and horse riding routes and would continue to do so at the detailed design stage, should the Project receive development consent.</p> <p>The Project has also had regard to the relevant Design Manual for Roads and Bridges standards. The use of these standards is also secured in Principle PEO.04 of the Design Principles.</p> <p>Basildon Council's feedback on this matter was sought following DCO submission and further discussion offered.</p> <p><u>An SoCG meeting was held on 17 August 2023 to further discuss the air quality project design and mitigation. Following this</u></p>		

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Topic	Item No	Basildon Council Comment	<u>The Applicant's</u> Response	Application Document Reference	Status
			<u>meeting and further review by Basildon Council's Environmental Health Team, this matter has been agreed.</u> ▼		

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Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Basildon 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's website
28 November 2022	Emailed to inform that DCO application was accepted for Examination
2 December 2022	Emailed with pre-examination strategy, timetable and matters under discussion
14 December 2022	Emailed to advise of Planning Inspectorate's announcement of relevant reps opening period
4 January 2023	Emailed to advise of PADS Tracker advice note from Planning Inspectorate
12 January 23	Emailed to advise of relevant representations and updated PADS Tracker position (option not to produce a PADS Tracker)
1 February 2023	Emailed to request response to Planning Inspectorate on whether Basildon wished to submit a PADS Tracker
14 March 2023	Emailed with SoCG matters under discussion and reviews needed from Basildon
15 March 2023	Emailed noting no relevant rep from Basildon had been published on the Planning Inspectorate's website.
19 March 2023	Basildon confirmed that no relevant rep had been submitted
11 April 2023	Emailed requesting clarification on Basildon's ongoing participation in the DCO process
18 May 2023	Emailed Basildon to propose progressing the SoCG following Planning Inspectorate request in the Rule 6 letter
30 May 2023	Emailed Basildon concerning progression of SoCG
8 June 2023	Emailed Basildon concerning progression of SoCG and asking for comment
26 June 2023	Emailed SoCG for final comment
25 July 2023	Emailed Basildon concerning progression of SoCG
8 August 2023	Emailed Basildon concerning progression of SoCG
17 August 2023	Meeting with Basildon to discuss final matters under discussion
18 August 2023	Email sharing updated SoCG with Basildon for review
29 August 2023	Emailed Basildon concerning progression of SoCG and asking for comment
31 August 2023	Emailed Basildon concerning progression of SoCG and submission Deadlines

Date	Overview of Engagement Activities
<u>7 September 2023</u>	<u>Email exchange between the Applicant and Basildon Council confirming agreement of two matters under discussion and continued review of final matter under discussion. Agreed delay of submission to include all outstanding matters.</u>
<u>20 September 2023</u>	<u>Emailed Basildon concerning progression of SoCG</u>
<u>22 September 2023</u>	<u>Emailed Basildon concerning progression of SoCG</u>
<u>29 September 2023</u>	<u>Email from Basildon confirming continued review of final outstanding matter</u>
<u>2 October 2023</u>	<u>Emailed Basildon concerning progression of SoCG and submission Deadlines</u>
<u>5 October 2023</u>	<u>Emailed Basildon concerning progression of SoCG</u>
<u>12 October 2023</u>	<u>Emailed Basildon concerning progression of SoCG and submission Deadlines options</u>
<u>6 November 2023</u>	<u>Emailed Basildon concerning progression of SoCG</u>
<u>20 November 2023</u>	<u>Emailed Basildon sharing draft version of Examination Deadline 8 SoCG for endorsement</u>

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.
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.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Local Road Network	LRN	A Local Road Network (LRN) is any road maintained by Local Highway Authority
Major Road Network	MRN	The Major Road Network (MRN) is a classification of local authority roads in England. It incorporates the National Highways-controlled Strategic Road Network (SRN) and the more major local authority controlled A roads.
Rest and service area	RASA	Rest and Service Area (RASA) are equipped with facilities for highway users and members of the public to use 24 hrs a day.
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.
Strategic road network	SRN	The core road network in England managed by National Highways.

Term	Abbreviation	Explanation
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.
Transport Analysis Guidance	TAG	National guidance document produced by the Department for Transport.

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