

Lower Thames Crossing

9.39 Final Agreed Statement of Common Ground between (1) National Highways and (2) Cuxton Parish Council (Clean version)

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 9

DATE: December 2023
DEADLINE: 9A

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/9.39

VERSION: 2.0

Revision history

Version	Date	Submitted at
1.0	18 July 2023	Deadline 1
2.0	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) Cuxton Parish Council.

Both parties have reached agreement on the position of all six matters. Of the six matters contained within, two matters are agreed and four matters are not agreed, leaving no matters under discussion.

On behalf of the Applicant

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

On behalf of Cuxton Parish Council

Name	[REDACTED]
Position	[REDACTED]
Organisation	Cuxton Parish Council
Signature	[REDACTED]

Lower Thames Crossing

9.39 Final Agreed Statement of Common Ground between (1) National Highways and (2) Cuxton Parish Council (Clean Version)

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	9
Appendix B Glossary	10

List of tables

	Page number
Table 2.1 Final Position on Matters	3
Table A.1 Engagement activities between the Applicant and Cuxton Parish Council	9

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 Cuxton Parish Council was made by the Examining Authority in the notification of Preliminary Meeting (Rule 6 Letter) [PD-013] to include matters related to:
- Air quality
 - Noise and vibration
 - Construction traffic
 - Traffic modelling in relation to roads in the parish
 - Traffic effects in relation to roads in the parish
- 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.

1.2 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 would provide a record of 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 The Cuxton Parish Council SoCG was a request set out in the notification of Preliminary Meeting (Rule 6 Letter) [PD-013] which came after the initial request from the ExA for PADS trackers. Given the small number of matters within this SoCG, Cuxton Parish Council elected to not produce a PADS tracker, indicating to the Applicant that they were content that the SoCG adequately addressed their matters.

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, and “Matter Agreed” indicates where the issue has now been resolved.

2 Matters

2.1 Final position on matters

- 2.1.1 Engagement activity between the Applicant and Cuxton Parish Council has been summarised in Appendix A.
- 2.1.2 The outcome of discussions to date are presented in Table 2.1 which details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Cuxton Parish Council.
- 2.1.3 At Examination Deadline 1 six matters were not agreed.
- 2.1.4 At Examination Deadline 9A four matters remain not agreed and two matters are now agreed.
- 2.1.5 The two matters that moved from ‘Matter Not Agreed’ to Matter Agreed’ are:
- a. 2.1.1 – Construction traffic impacts, reduction of lanes on the A2
 - b. 2.1.5 – Baseline conditions, Cuxton NO2 AQS objective to be exceeded
- 2.1.6 This is the final version of the Statement of Common Ground between the Applicant and Cuxton Parish Council.

Table 2.1 Final Position on Matters

Topic	Item No.	Cuxton Parish Council Comment	The Applicant's Response	Application Document Reference	Status
Construction					
Construction traffic impacts Reduction of lanes on the A2	2.1.1	Cuxton Parish council believe that increased traffic during construction will occur when the number of lanes on the A2 will be reduced to facilitate the construction traffic. This will have a major impact on the volume of traffic using the rural roads between Cobham and the A228.	The Applicant has set out its illustrative requirements of traffic management in the outline Traffic Management Plan for Construction (oTMPfC), Table 4.2. The Project approach is based on maintaining all lanes on the A2 and working under narrow lane and hard shoulder closure for long-term traffic management. There will be a requirement under night-time working to close sections of the A2 outside normal working hours when traffic flows are lower. The oTMPfC outlines the arrangements for a Traffic Management Forum (TMF) to be formed with the relevant highway and planning authorities along with other Interested Parties invited as required, who will be consulted on in the development of traffic management plans and to review traffic management performance during construction. In addition, where required, appropriate mitigation measures will be established to manage impacts. Following discussions on this matter, Cuxton Parish Council are now content with the information provided by the Applicant.	Outline Traffic Management Plan for Construction [Document Reference 7.14 (9)]	Matter Agreed
Traffic and economics					
Modelling output interpretations	2.1.2	Concern that increased traffic through the village, past the schools, nurseries and shops has the potential to increase the risk	The forecast impacts of the Project on the road network are set out in the Traffic Forecasts Non-Technical Summary, and the Transport Assessment.	Traffic Forecasts Non-Technical Summary [APP-528]	Matter Not Agreed

Topic	Item No.	Cuxton Parish Council Comment	The Applicant's Response	Application Document Reference	Status
Increased traffic through the village		of accidents, particularly those involving pedestrians and cyclists.	<p>On Bush Road the model forecasts that the change in flow would be between -49 to +50 Passenger Car Units (PCUs) in the AM and inter-peak. In the PM peak there would be an increase eastbound of between 101 and 250 PCUs.</p> <p>The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case-making through existing funding mechanisms and processes. The list of proposed monitoring locations is set out in the Wider Network Impacts Management and Monitoring Plan, and further locations can be proposed by highway authorities.</p>	<p>Transport Assessment [REP4-148 to REP4-152]</p> <p>Wider Network Impacts Management and Monitoring Plan [Document Reference 7.12 (2)]</p>	
Wider Network Impacts					
Local WNI concerns Damage to the highway along Bush Road	2.1.3	Cuxton Parish council believe damage to the highway along Bush Road will occur because of increased traffic.	<p>The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes. The list of proposed monitoring locations is set out in The Wider Network Impacts Management and Monitoring Plan (WNIMMP) and further locations can</p>	<p>Wider Network Impacts Management and Monitoring Plan [Document Reference 7.12 (2)]</p>	Matter Not Agreed

Topic	Item No.	Cuxton Parish Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>be proposed by highway authorities, subject to certain criteria being met.</p> <p>The Applicant has worked closely with Kent County Council (acknowledging that Bush Road is in Medway) to help them understand the forecast impact of the Project on their road network. This includes sharing more detailed data with them from the Project's transport model. The scope of this work includes the A228 corridor and its junction with Bush Road.</p>		
<p>Local WNI concerns</p> <p>Bush Road/ A228 Junction</p>	2.1.4	<p>Cuxton Parish Council believe the predicted increase in the volume of traffic (Ref 7.16 Community Impact Report [App 549] p318, 7.1.34) will result in queuing in the south arm of the Bush Road/A228 junction. Because this junction is not signalised; the length of the queues at the junction may effectively block access to the main residential area of the village.</p> <p>It is Cuxton Parish Council's belief that if this happens on street parking and queuing traffic will eventually prevent vehicles entering the village with serious consequences for northbound traffic on the A228.</p>	<p>The forecast impacts of the Project on the road network are set out in the Traffic Forecasts Non-Technical Summary, and the Transport Assessment. This shows that in the opening year there would be increases in traffic flow of up to 500 passenger car units (PCUs) on the A228.</p> <p>On Bush Road the model forecasts that the change in flow would be between -49 to +50 PCUs in the AM and inter-peak. In the PM peak there would be an increase eastbound of between 101 and 250 PCUs.</p> <p>The Applicant has identified adverse impacts on the road network as presented in Section 7.6 of the Transport Assessment which does not identify this junction.</p> <p>The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case-making</p>	<p>Traffic Forecasts Non-Technical Summary [APP-528]</p> <p>Transport Assessment [REP4-148 to REP4-152]</p> <p>Wider Network Impacts Management and Monitoring Plan [Document Reference 7.12 (2)]</p>	Matter Not Agreed

Topic	Item No.	Cuxton Parish Council Comment	The Applicant's Response	Application Document Reference	Status
			through existing funding mechanisms and processes. The list of proposed monitoring locations is set out in the Wider Network Impacts Management and Monitoring Plan, and further locations can be proposed by highway authorities.		
Air Quality					
Baseline conditions Cuxton NO2 AQS objective to be exceeded	2.1.5	Cuxton Parish Council think that air pollution in the vicinity of Cuxton will exceed the annual mean NO2 AQS objective even in the absence of the Project (Ref 7.16 Community Impact Report [App 549] p319, 7.1.44)	An exceedance of the annual mean nitrogen dioxide (NO ₂) Air Quality Strategy objective is predicted at five properties (human receptors) adjacent to the A228 Rochester Road/Sundridge Hill in both the 'with Project' and 'without Project' scenarios. The Project is also expected to lead to an increase in NO ₂ concentrations. However, as described in Environmental Statement (ES) Chapter 5: Air Quality, the Project is not expected to have a significant air quality effect on human receptors, and it is likely that the Project assessment has overpredicted annual mean NO ₂ concentrations along the A228. Furthermore, although mitigation for air quality impacts on human receptors is not required (as there are no significant effects), numerous measures have been investigated to determine whether the air quality impacts of the Project can be reduced along the A228 corridor. The measures investigated included introducing a Clean Air Zone, applying lower speed limits, HGV bans, traffic calming, use of air quality barriers and improving alternative routes such the A229 and A2/M2 to make those routes more attractive and reduce traffic flows on the A228. The measures identified were, however, considered to be ineffective	ES Chapter 5: Air Quality [APP-143]	Matter Agreed

Topic	Item No.	Cuxton Parish Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>or undeliverable. However, it should be noted that that this does not alter the conclusion that for impacts on human receptors the Project is not considered to have a significant effect.</p> <p>Following discussions on this matter, Cuxton Parish Council are now content with the information provided by the Applicant.</p>		
Noise & Vibration					
<p>Assessment of likely significant effects</p> <p>Noise & vibration effects on specific roads</p>	2.1.6	<p>Concern over noise and vibration effects on Sundridge Hill, Pilgrims Way and Rochester Road (Ref 7.16 Community Impact Report [App 549] p319. 7.1.42)</p>	<p>Within the scope of ES Chapter 12: Noise and Vibration, significant impacts relating to noise have been identified along each of these roads. These impacts relate to minor changes in road traffic noise that occur above a Significant Observed Adverse Effect Level rather than relating to large changes in road traffic noise.</p> <p>In a meeting with Medway Council and Kent County Council on 6 November 2023 at the A228 measures workshop, the Applicant has examined measures to mitigate 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 noise barriers and low noise road surfacing. Noise barriers along the A228 would be effective in removing some of the significant adverse effects but would require land outside of the Project Order Limits and further landscape and cultural heritage considerations. The use of low noise surfacing in the northern section of the A228 (at Sundridge Hill, Pilgrims Way and Rochester Road) was considered, however the majority of speed</p>	<p>ES Chapter 12: Noise and Vibration [APP-150]</p> <p>ES Appendix 12.7: Noise Insulation Regulations Assessment [APP-447]</p>	Matter Not Agreed

Topic	Item No.	Cuxton Parish Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>limits along the affected roads are below 75km/h, and as such are not considered to be effective. The implementation of low noise road surfacing on the A228 has also 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.</p>		

Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Cuxton Parish Council

Date	Overview of Engagement Activities
04 May 2023	Email sent to Cuxton Parish Council setting out proposed approach regarding draft SoCG following Rule 6 letter.
18 May 2023	Email received from Cuxton Parish Council agreeing with approach.
05 June 2023	Meeting held with Cuxton Parish Council to discuss next steps.
22 June 2023	Email received from Cuxton Parish Council agreeing draft SoCG status.
10 July 2023	Email received from Cuxton Parish Council endorsing draft SoCG for Examination Deadline 1 submission.
25 August 2023	Meeting held with Cuxton Parish Council to discuss outstanding issues.
25 September 2023	Email sent to Cuxton Parish Council asking if there were any updates to the issues discussed at previous meeting.
05 December 2023	Email received from Cuxton Parish Council to confirm two matters and agreeing to final version of SoCG.

Appendix B Glossary

Term	Abbreviation	Explanation
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.
Heavy Goods Vehicle	HGV	A large, heavy motor vehicle used for transporting cargo.
National Highways	NH	A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
Outline Traffic Management Plan for Construction	oTMPfC	Outlines the approach to carrying out temporary traffic management for the safe construction of the Project and the management measures to reduce the impact on local communities.
Passenger Car Units	PCUs	A metric to allow different vehicle types within traffic flows in a traffic model to be assessed in a consistent manner. PCU factors used within the Project's transport model are: 1 for a car or Light Goods Vehicle; 2 for a bus, 2.5 for a Heavy Goods Vehicle.
Significant Observed Adverse Effect Level	SOAEL	The level above which significant adverse effects on health and quality of life occur.
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.
Traffic Management Forum	TMF	The TMF would review planned traffic management arrangements and receive comments as to their appropriateness. The TMF would also monitor, review and provide updates to the TMPS when required.
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.

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2023 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000***.

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363