

Transport Infrastructure Planning Unit
Department for Transport
Sent by email

LowerThamesCrossing@planninginspectorate.gov.uk

Our ref: KT/2024/131545/01-L01

Your ref: 20035862

Date: 09 April 2024

Dear Transport Infrastructure Planning Unit

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by National Highways (“the Applicant”) Seeking Development Consent for the Proposed Lower Thames Crossing Scheme (“the Proposed Development”)

Please find to follow our responses to the Secretary of State for Transport’s questions on the Lower Thames Crossing project issued on 28 March 2024.

Water Framework Directive (WFD)

4. We do not agree with culverting in principle. We have a formal policy against culverting because of the adverse ecological, flood risk, geomorphological, human safety and aesthetic impacts.

As set out in our Statement of Common Ground with the applicant, matters 2.1.29 and 2.1.30 [REP9A-006], although we do not agree with culverting in principle, we do accept the culverting of West Tilbury Main River is the least environmentally damaging option in this location. This is owing to the complexity, risks and impacts associated with alternative options. It is for the Lead Local Flood Authority to comment on ordinary watercourses.

Culverting of West Tilbury Main was chosen as the least worst option at the Choosing By Advantage workshop on 16 December 2019 [Annex C.6 of Statement of Common Ground REP9A-006]. Although we do not agree with the loss of Water Framework Directive habitat, we agree that the freshwater enhancements will provide an overall increase in freshwater habitat (matters 2.1.31 and 2.1.32 of Statement of Common Ground [REP9A-006]). As agreed with the applicant, measures such as reducing the length (from 83 to 46 metres), the removal of three culverts elsewhere, natural channel bed through culvert, mammal ledge, habitat improvements (tree planting) at the exits and general freshwater habitat enhancements will help to offset the culvert installation.

Notwithstanding Statement of Common Ground matters 2.1.28, 2.1.29 and 2.1.31 [REP9A-006], we have agreed the applicant's Water Framework Directive assessment [APP-478].

Minimising the length of West Tilbury Main culvert is an embedded measure that is secured by Design Principle S9.10 [APP-516, Application Document 7.5]. As set out in the draft Development Consent Order (dDCO) [REP10-005] the applicant would need to apply under the Protective Provisions to the Environment Agency to deliver the culvert during the detailed design phase.

We have agreed that the draft Development Consent Order (dDCO) [REP10-005] secures good practice culvert design, via commitments contained within the Code of Construction Practice [REP9-184] Register of Environmental Actions and Commitments [REP5-048]. Commitment RDWE013 states new culverts would be sized to maintain the current land drainage regime and to convey flood flows, inclusive of an allowance for climate change. Commitments RDWE030 and RDWE031 will aid the passage of eels and fish through the structure. RDWE044 will aid mammal passage. Vegetation reinstatement at culvert entrances would be secured via commitment RDWE009 and RDWE021. Monitoring and maintenance of project-installed culverts is secured via commitment RDWE014. Three existing culverts on the West Tilbury Main would be removed and restored to open channel reaches by the Project as secured by commitment RDWE046.

Therefore, we consider that we have sufficient oversight of the design of the West Tilbury main culvert during the detailed design phase if the Secretary of State decides to allow it.

Protective Provisions

11. We have agreed the Environment Agency's Protective Provisions within the draft Development Consent Order as set out in matter 2.1.5 of the final Statement of Common Ground [REP9A-006].

We have also agreed Article 68 "Interface with waste operation permits" of the draft Development Consent Order (matter 2.1.7 of the final Statement of Common Ground [REP9A-006] and REP8-125). Please note our comments on the explanatory memorandum in our Deadline 9A submission [REP9A-120].

I hope this is helpful.

Yours faithfully

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