

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

14 December 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Executive Non Key Decisions

1 LOWER THAMES CROSSING – DEVELOPMENT CONSENT ORDER APPLICATION

1.1 Background

- 1.1.1 National Highways submitted an application to the Planning Inspectorate (PINS) on 31 October 2022 for an Order Granting Development Consent (DCO) for the Lower Thames Crossing (LTC) project, a nationally significant infrastructure project (NSIP). The application can now be viewed on the [PINS website](#). The Planning Inspectorate decided to accept this application for Examination on 28 November 2022, have sought the views of interested parties including Tonbridge & Malling Borough Council (TMBC), regarding the adequacy of the pre-application consultation undertaken, in accordance with the Planning Act 2008 (as amended).
- 1.1.2 Through previous public consultations the council has consistently responded expressing its support for the project, as we recognise that the existing Dartford Crossing is operating over capacity and there are limited alternative options to cross the River Thames. It is a much-needed national priority investment that will help to improve the resilience of the strategic road network, as well as offer the potential for local and regional economic benefits.
- 1.1.3 We however remain concerned about the impacts of the project on the local road network in particular. It remains our very strongly held view that investment in the Lower Thames Crossing should be complemented by investment in local highways infrastructure, to mitigate the impact of the project on the A228 and A229 in particular between the M2 and M20. This due to the expected displacement of traffic away from the Dartford crossing, as well as increased demand to cross the River Thames, resulting in an increase in traffic on these roads.
- 1.1.4 TMBC became an LTC host authority following the publication of the most recent local refinements consultation for the project in May 2022, due to the inclusion of land within the borough that is now required for the purposes of nitrogen deposition mitigation. Prior to this we were a neighbouring authority. We now have a statutory responsibility to engage with the Inquiry process

- 1.1.5 The period during which you can submit a Relevant Representation to the Inspectorate begins on 8 December 2022 and will end at 11.59pm on 31 January 2023. Please note that any submitted representations to the Inspectorate will be published on the National Infrastructure Planning website for the Application.

1.2 DCO Examination Process and Delegated Authority

- 1.2.1 PINS has approximately three months to prepare for the Examination which will take place in 2023 and could last 6 months. During this Pre-examination stage, the council will be able to register to become an Interested Party on the application by making a Relevant Representation. The council will also be required to prepare a Local Impact Report. A detailed Examination programme will be published in due course.
- 1.2.2 Once the Examination is in progress it is anticipated that timescales for the preparation, submission and revision of hearing statements will be relatively short. Given the anticipated pace of proceedings, it may not always be practical or expedient to co-ordinate the prior approval of written and other submissions (as required) with the Cabinet Member for Strategic Planning and Infrastructure.
- 1.2.3 In the circumstance delegated authority is sought for the Director of Planning, Housing and Environmental Health to formally engage with the LTC Examination and related negotiations with LTC staff and their consultants, on behalf of the council. If delegated authority is agreed, the Leader and Cabinet Member will be briefed on the progress of the Examination as often as possible.

1.3 Legal Implications

- 1.3.1 There are no known legal implications for the council.

1.4 Financial and Value for Money Considerations

- 1.4.1 Although there are no direct costs associated with the council's engagement with the DCO Examination, there is an implication for the policy team in terms of officer time and capacity. The council has been made aware that some neighbouring authorities have been able to recharge officer time and related Local Plan expenses to LTC Ltd, this is being explored further.

1.5 Risk Assessment

- 1.5.1 Not relevant.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Policy Considerations

- 1.7.1 If the Lower Thames Crossing DCO is approved the project will lead to an increase in traffic on some local roads, in particular the A228 and A229. This is likely to have implications for highways capacity that remains available to accommodate future growth and development in the borough. Modelling work has been commissioned by the policy team using the Jacobs/KCC Kent model, to test the highway impact of development options, including a sensitivity test for Lower Thames Crossing. The modelling work is expected to be complete within 6 months and will inform the regulation 19 draft Local Plan.

1.8 Recommendations

- 1.8.1 Members are requested to agree that delegated authority be given to the Director of Planning, Housing and Environmental Health, to formally engage with the Lower Thames Crossing Examination and related negotiations with LTC staff and their consultants, to support the council's efficient engagement in this process.

Background papers:

Nil

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