

Lower Thames Crossing
Application by National Highways for an Order Granting
Development Consent for the Lower Thames Crossing
(Ref. No. TR010032)

Submission for Procedural Deadline C (PDC)

Thurrock Council

13 June 2023

 **thurrock.gov.uk**

On behalf of **Thurrock Council**

Introduction

- 1 This is the submission of Thurrock Council ('the Council') pursuant to Procedural Deadline C (PDC). It focuses upon the following four matters, in accordance with verbal agreements at the Preliminary Meeting Part 1 or is within the ExA list of submissions (Rule 6 Letter Annex D Page D2) for Procedural Deadline C (13 June):
 - a. **Issue Specific Hearing 1 (ISH1) on Project Definition** – this is defined by the ExA in 4 bullets largely relating to utility diversions issues in the Rule 6 Letter Annex B Principal Issue 1 and the Council wants to identify a number of key matters for the ExA's consideration, acknowledging that the recently issued draft Agenda concentrates less on utility diversion matters.
 - b. **Issue Specific Hearing 2 (ISH2) on draft DCO Order (dDCO)** – this is not yet defined in Annex B but was explained as 'unpacking' the content of the draft Order and the Council wants to identify several key matters for the ExA's consideration and hopes that National Highways (NH) will address them in the context of the 'unpacking' exercise at ISH2. This is notwithstanding the many detailed issues raised in the draft Agenda.
 - c. **Items for Submission at Deadline 1** – items for submission are identified in the Rule 6 Letter Annex D Item 14 on page D3 and the Council applies to defer the submission of certain key submissions and sets out its reasons for this request.
 - d. **Comments on ASI Itinerary** – the Council has reviewed the previous unaccompanied site inspection of the ExA (SI-001 – SI-003), the current ASI itinerary submission from NH (PDB-001) and subsequent additional submissions from DPWLG (PDB-011) and oral submissions at the Preliminary Hearing Part 1 and wishes to propose the additional locations set out below.
- 2 The Council requests to be heard orally at any Preliminary Meeting Part 2 and both ISH hearings to raise these concerns and all Council attendees/representatives will submit a completed 'Lower Thames Crossing Event Participation Form' as requested by the Examining Authority (ExA) by the specified deadline.

Issue Specific Hearing(s) (ISH1 and possibly ISH2) on Project Definition

- 3 In referring to the ExA's Rule 6 Letter Annex B Principal Issue 1 (which largely relates to utility diversions), the Council has made a number of comments on matters relating to utility diversions (some of which are additional NSIPs in and of themselves) in previous consultations and subsequent submissions to the ExA, namely:
 - Community Impacts Consultation (CIC) (14 July – 8 September 2021);
 - Local Refinement Consultation (LRC) (12 May – 20 June 2022);
 - Within the submitted SoCG; and,
 - Within the ExA submission of the PADs Summary Statement.

In addition, the Council is currently undertaking a review of the submitted DCO documentation and wishes to raise for the ExA's consideration a number of important matters arising from its initial assessment. These two elements (previous Council submissions and the Council's initial review, up to this point in time, of the current DCO documentation) will be considered in turn below; and, both raise several potential issues.

Summary of Previous Consultation Responses and ExA Submissions

- 4 Within the CIC response in late-2021, a high-level review of the then HE's assessment of proposed utilities diversions (including their design, environmental impacts and mitigation) has been undertaken. This review considered both the LTC DCOv1 (October 2020) and emerging proposals (July 2021) for a future revised DCO application. Key findings from that review are:
 - i. Inadequate reporting in respect of individual utilities diversions, especially within technical assessment chapters of the ES. Both LTC DCOv1 and the non-statutory consultation documentation (July 2021) to inform a future LTC DCOv2 discuss utilities diversions in general terms and suffer from a lack of specificity and particularly of what is proposed and its effects;
 - ii. Absence of consistent referencing and diversion descriptions even where individual diversions are discussed;
 - iii. By virtue of the above two deficiencies, inability to validate the NSIP screening conclusions reached within Appendix 3.1 Table 1.1 regarding the absence of likely significant effects from gas pipeline diversions (i.e. that proposed diversions are therefore not NSIPs);
 - iv. Lack of clear identification and screening of proposed Overhead Line (OHL) works to confirm whether each qualifies as a NSIP in its own right or requires to be treated as an Associated Development;
 - v. Absence of any justification to support the assumed Associated Development status of all proposed non-NSIP utilities diversions is not helpful and raises concerns regarding the adequacy of App 3.3 – Consents and Agreements Position Statement;
 - vi. The need for and design of individual utilities diversions has evidently been considered as a necessary consequence of the preferred route rather than a major design consideration which has informed the route choices at the outset. This approach is considered inappropriate given the scale of the proposed utilities NSIP diversions (and other diversions) and associated land-take now required to facilitate the LTC project;
 - vii. Inadequate and inconsistent application of the undergrounding test set out at paragraph 2.8.9 of NPS EN-5; and
 - viii. Inadequate approach to EIA mitigation being secured through an EMP2 which merely 'reflects' the Register of Environmental Actions and Commitments (REAC) is of potential concern as HE will have less control over the implementation of 'Non-Contestable' works by utilities statutory undertakers.
- 5 These deficiencies significantly has hindered the ability of the Council (and no doubt others) to clearly understand the types and levels of environmental impacts and mitigation requirements associated with each proposed utilities diversion at that time. Consequently, the previous DCOv1 did not clearly establish the environmental acceptability of all proposed diversions, including the proposed utilities NSIP diversions, in accordance with relevant requirements set out within EN-1, EN-4 and EN-5. Various recommendations were made by the Council, which are pertinent to the currently submitted DCO:
 - i. Consistent referencing of individual diversions should be inserted throughout all DCO application documents based on the numbered works listed within Schedule 1 of any future draft DCO. Full consistency in relation to both referencing and descriptions of proposed works is required between the draft DCO, ES Appendix 1.3, ES Chapter 2 – Project Description and ES Chapter 3 – Assessment of Reasonable Alternatives;
 - ii. To enable the conclusions of ES Appendix 1.3 Table 1.1 to be validated, the reporting of likely effects associated with individual utilities diversions needs to be reported in more detail and explained. All technical assessment chapters of the ES should confirm whether individual (or multiple) utilities diversions contribute to specific likely environmental effects (significant or not significant) and clearly state which individual diversion(s) is responsible, including by reference to the relevant Works Plan;

- iii. A screening assessment supported by evidence should be provided (as an ES Appendix) to explain in full why only one proposed electrical transmission diversion constitutes a NSIP and why each of the other proposed electrical transmission diversions do not. This screening assessment should cross-reference the numbered works listed within Schedule 1 of any future draft DCO;
 - iv. Works Plans and Engineering Section Drawings should be amended to clearly distinguish between utilities diversions which constitute proposed utilities NSIP diversions or Associated Development;
 - v. In accordance with PINS Guidance (2013), a relevant DCO application document (e.g. Planning Statement) should provide a clear justification for why those proposed utilities diversions not qualifying as NSIPs in their own right can properly be authorised within the DCO as Associated Development; and,
 - vi. Consents and Agreements Position Statement to include reference to the potential need to seek alternative authorisation under Section 37 of the Electricity Act 1989 in the event of any proposed electrical transmission diversion not constituting a NSIP or being accepted as Associated Development.
- 6 Within the LRC response in mid-2022, there were five concerns, as set out below:
- i. The main concern of note is that NH do not appear to have addressed or referenced the previous extensive comments made and issued at the CIC in October 2021. Furthermore, there does not appear to be any detailed information regarding the other five utility infrastructure NSIPs;
 - ii. In order for the Council to review and comment on the utilities NSIPs it is necessary to provide further details of these works and the assessments related to them. This section also does mention that one NSIP is for the high-pressure gas pipeline diversion, but more detailed information is needed, for example, current existing location, consultation distances, etc.;
 - iii. We note that there is no mention of the proposed National Grid (NG) 'East Anglia GREEN' project, of which the current potential alignment options intersect with LTC works around Tilbury. The Council requires clarification and details on how the LTC works will operate alongside NG's East Anglia GREEN project;
 - iv. There are areas of deficiency detail that need to be addressed by the provision of further information to provide clarity and to allow a proper understanding of the proposals concerning utilities diversions and corridors. Unfortunately, none of the existing utility infrastructure is shown on maps, which does not allow one to see how the proposed diversions or new infrastructure relate to the existing; and,
 - v. The utilities information provided is vague and generalised. Plans showing detailed utility infrastructure are needed to be able to review the proposals appropriately.
- 7 Within the submitted SoCG Issue 2.1.64 sets out a number of issues relating to utility diversions and the PADs Summary Statement refers to them in Item 21 and summarises these issues. The Council understands that there are four or five additional Nationally Significant Infrastructure Projects (NSIPs) related to significant power and gas diversions, which could affect the Council and in summary its specific concerns are:
- i. Inadequate reporting in respect of individual utility diversions, especially within the technical assessment chapters of the ES, and no information has been provided on impact assessment or effects;
 - ii. Inadequate application of the undergrounding test. Neither the Planning Statement or the ES fully address the tests set out in NPS EN-5 and the commitments in the REAC does not adequately cover necessary commitments. Additionally, whilst the various justifications provided by National Highways as to why undergrounding in specific locations is not proposed present a binary choice between the proposed OHL diversion and a specific (discounted) under-grounding design; but this is done without reference to potential wider Overhead Line (OHL) route changes that may well extend the length of diversions. It could then offer the

- potential to then underground route sections in more feasible locations and thus reduce overall environmental impacts from the utility route;
- iii. The need for and design of individual utilities diversions has been considered as a necessary consequence of the preferred route, rather than a major design consideration informing route choices at the outset;
 - iv. Due to the above, the Council cannot validate the NSIP screening conclusions;
 - v. Lack of clear identification and screening of proposed works to confirm whether each qualifies as a NSIP in its own right or requires to be treated as an Associated Development;
 - vi. Lack of clarity and of detail regarding the identification of individual utilities. This also applies in terms of the ability to demonstrate 'compliance with reasonable alternatives requirements' within NPS EN- 5;
 - vii. The extent of land-take required and likely impacts on communities and existing infrastructure, including in terms of disruption and safety; and,
 - viii. Information gaps - Information requirements for EN-1, EN-4 and EN-5 are the same as those set out within NPSNN and need to be addressed directly for the proposed utilities NSIP diversions within the Project.
- 8 At the time of the PADs Summary Statement submission on 4 May 2023, without having reviewed the DCO documentation in full, the Council considered that the above deficiencies would significantly hinder the ability to clearly understand the types and levels of environmental impacts and mitigation requirements associated with each proposed utilities diversion and hence of the project as a whole. Hence, it is the Council's view that the DCO does not sufficiently or properly establish the environmental acceptability of all proposed diversions, including the proposed utilities NSIP diversions in accordance with relevant requirements set out within EN-1, EN-4 and EN-5, including information requirements and requirement to assess all likely significant effects of the proposals.
- 9 NH do, within the submitted SoCG Item 2.1.64, set out their responses to some of these issues/concerns and these responses are being assessed through the Council's current DCO Review that will lead to the submission of its LIR and the Council will set out the residual concerns at that time. In order to assist the ExA, a summary of our initial concerns (prepared in advance of the completion of the DCO review) is underway and is set out in the next sub section below.

Summary of Issues following Initial Assessment of DCO Documentation

- 10 Following an initial review and assessment of documents related to proposed utility diversions (Cover Letter (APP-001), Application Form (APP-002), Introduction to the Application Sections 3.14, 13.2.10, 13.4.7, 13.4.11-13.4.15 and Table 13.2 (APP-003), Works Plans and Temporary Works Plans (APP-018 -APP-023 and APP-050-APP-052), ES Chapter 2 (APP-140), ES Appendix 1.3 (APP-334), draft DCO Order Schedule 1 (APP-056 and AS-038), Planning Statement Sections 3.15, 5.6, 6.6 and Appendix B (APP-495), Project Design Reports Part D (both reports) Sections 4.4, 5.4 and 6.4 (APP-510 and APP-511), ES Appendix 2.2 CoCP (APP-336) and the outline Traffic Management Plan for Construction (oTMPfC) (APP-547). It is clear and notable that information within DCO documents and drawings relating to utility diversions is basic, inadequate and largely confined to identifying the additional NSIPs without any full assessment of them, except in a very limited manner in both APP-334 and APP-057, as referred to above.
- 11 The assessment of their impacts and any mitigation is not clearly explained and is spread across several documents, with limited supporting drawings – this is considered a significant deficiency. Notwithstanding this, NH have subsequently confirmed in separate correspondence that *'In line with best practice and the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 the Environmental Statement generally assesses the impacts of the A122 Lower Thames Crossing as a whole, rather than the disaggregation of its parts. For clarity, National Highways have, however, assessed the proposed utility works against the*

relevant provisions of the Planning Act 2008 to confirm which qualify as Nationally Significant Infrastructure Projects in their own right'. This is not considered by the Council to be acceptable.

- 12 The comments below are initial and are subdivided into three sub-sections and a conclusions.
- 13 **Nationally Significant Infrastructure Projects (NSIPs)** – it should be noted that the NSIPs mentioned below are not individually identified as NSIPs in the Project Design Report, and no reference is made to the Environmental Statement 6.3, Appendix 1.3 'Assessment of proposed gas pipeline works for the purposes of Section 20 of the Planning Act 2008'. Although, it is acknowledged that they are identified within the Cover Letter (APP-001), Application Form (APP-002), the Introduction to the Application (APP-003) and the Explanatory Memorandum (AAP-057). Whilst Part A of the Project Design Report mentions the gas and electrical infrastructure triggering NSIP, listing EN-1, EN-4 and EN-5, no further reference or information is provided.
- 14 The aforementioned Environmental Statement 6.3, Appendix 1.3 looks at gas only, and does not cover the electrical infrastructure. The three gas infrastructure NSIPs have been identified in the document, with a brief description of locations. No plans showing the diversion routes and location have been included and no reference has been made to the Project Design Report and drawings within it – this is a deficiency and prevents the Council's review and assessment of the proposals.
- 15 Clarification is also required as to whether the Schedule of Works G1 to G10 are local high pressure (LHP) or national high pressure (NHP) gas mains. If so, there is a question as to how these pipelines do not operate at 7 bar, considering the definition of a LHP gas main is that it operates between 7-16 bar, with NHP gas mains operating between 16-100 bar. This requires further clarification.
- 16 We would also expect further investigation and information regarding the significant environmental impacts on the 3no. identified gas pipeline NSIPs. Further information is required to demonstrate how the impacts have been minimised and what mitigation measures have been put in place, if any.
- 17 **Scope and Security for Gas Transportation Development** – due to the nature of several gas infrastructure diversions, we would have expected a separate utilities document outlining the gas diversions, with drawings highlighting each one. Aside from this, we note that National Highways have been liaising with the statutory gas providers and National Grid, such that the diversions are approved by said parties, but not yet confirmed within the DCO process. We also note that LTC's design has been modified to avoid the need for some of these gas diversions.
- 18 **Scope and Security for Electricity Transmission and Distribution Transportation Development** – due to the nature of several electrical infrastructure diversions, the Council expected a separate utilities document outlining the electrical diversions, with drawings highlighting each one. Aside from this, it is noted that National Highways have been liaising with the statutory electricity providers and National Grid, such that the diversions are approved by said parties. We also note that several diversions have been modified to mitigate impacts on certain areas, such as residential areas. The Council would require a section explaining the choice between overhead and undergrounding diversions in order to assess the validity of those decisions.
- 19 **Conclusions** – it is clear from an initial assessment of the relevant DCO documents above in paragraphs 10 – 17, that many of the matters raised in both the latest previous consultations and the recent PADs Summary Statement have not been dealt with, despite claiming successful engagement in a number of other DCO documents provided by NH. Furthermore, the Council requests that all of the above matters, which clearly demonstrate several significant issues being unresolved, are part of the Project Definition ISH1 and that the agenda for ISH1 reflects their inclusion.
- 20 The Council notes that the ExA has published its draft agenda on 12 June for ISH1 (EV-014) to be held virtually on 21 June 2023 and the Council confirms it will attend that ISH1. In briefly

reviewing that draft agenda, the Council considers that the above commentary will be largely relevant to utility matters (item (h)), given the points outlined in the Rule 6 Letter Annex B Principal Issue 1. The Council will consider the draft Agenda in more detail over the coming days and may make further submissions at both the ISH and Deadline 1 (notwithstanding points raised below), as it contains many new matters not previously part of Principal Issue 1 in the Rule 6 Letter Annex B.

Issue Specific Hearing 2 (ISH2) on draft DCO Order (dDCO)

21 It is understood from the ExA's comments during the Preliminary Meeting Part 1 that the purpose of this ISH2 is to 'unpack' the nature, structure and content of the current dDCO and for NH (the Applicant) to explain these matters to that Hearing. The Council has already included a number of comments on the dDCO in the NH submitted SoCG (Items 2.1.1 – 2.1.56, 2.1.124 – 2.1.125, 2.1.134 – 2.1.136 and 2.1.164), the Relevant Representation (Principal Issue XIV) and within the PADs Summary Statement (Items 1 – 19 and 77) and the ExA will be aware of these detailed issues. Notwithstanding this, the Council would like to raise a number of fundamental matters for the ExA's consideration at ISH2 that need to be restated because they are sufficiently fundamental that they ought properly to be dealt with in this 'unpacking' exercise. They are:

- a) Discharging Authority and Local Authority Consultation – it is the Council's position that Requirements 3 (detailed design), 4 (Construction and Handover EMPs), 5 (landscaping and ecology), 8 (surface and foul water drainage at a local level (with the Environment Agency responsible for those elements not at a local level), 10 (traffic management), 11 (construction travel plans), 12 (fencing) and 17 (amendments to approved details) should be discharged by the relevant local planning authority, with provision for an appeal to the Secretary of State. Whilst it is not uncommon for transport DCOs to have the Secretary of State as the discharging authority, it is by no means universal (there are at least four other transport DCOs where this is not the case). In addition, the Council is not aware of any other Secretary of State (for example DHLUC, DEFRA or BEIS) being the discharging authority in connection with non-transport DCOs. In relation to this scheme, the Council is the local highways authority for 70% of the route, with the remaining 30% being within LB Havering, Essex CC and Kent CC local highway authority areas.
- b) Order Limits and Limits of Deviation (LoD) – Article 6(2) would offer the ability to carry out works outside of the Order Limits. Whilst this may be acceptable in a limited number of situations, the Limits of Deviation (LoD) need to be restricted to the Order Limits to provide sufficient certainty for the Council's residents regarding the impact of the project. As currently proposed, where there are no materially new or materially different environmental effects there is in essence no Limit to the Deviation and land ownership is not covered. This means that issues such as visual impact especially impact on private land/access rights are not properly considered, because effects may not be material but locally important. Therefore, NH should restrict the LoD to the Order Limits in the interests of certainty and to allow effective engagement with the local community. There are numerous examples in other NSIP projects where LoD's do not extend outside the Order Limits. Furthermore, within Article 3(3) the Council is concerned that the precise impacts have not been considered and that having a blanket provision of 'adjoining or sharing a common boundary', where the specific impacts of different legislation have been disapplied have not been considered, which could lead to unexpected adverse impacts – the Council therefore seeks the analysis behind this provision that justify the position. In addition, the use of the words 'adjoining or sharing a common boundary' does not define how far this provision extends and clarity is needed; and, the Council requires the analysis of the legislation that NH has identified as being disapplied. In conclusion, this provision could lead to unexpected adverse impacts and there is insufficient clarity as to its meaning or application.
- c) Deemed Consent – the provisions on deemed consent (refer to Articles 12(8), 17(11), 19(8), 21(6) and Schedule 2 and 14), in particular the inability to agree extensions of time for consideration of requests for consent is a cause of concern for the Council. In the Council's opinion, the public interest and the interests of NH would be better served if there is the ability for the parties to mutually agree an extension of time (which should be capped at a default of three months, especially if there is disagreement). This would avoid unnecessary appeals

and also avoid delay by having to refuse applications that could have been approved if a short extension could have been agreed. Also, the provisions should be 'deemed refusal' rather than 'deemed consent'. This would continue to incentivise the Council to work within the specified timeframes but avoid the risk of decisions being deemed as having consent when they have not been considered by either the Secretary of State or the Council.

- d) **Updating on Control Documents** – the Council is of the view that there should be a mechanism to review the Control Documents (such as the CoCP/REAC, oTMPfC, FCTP, oMHP, etc.) if the Project does not start within a reasonable period of the Secretary of State's decision, especially given the Government's recent two year delay in the start of construction. The Council's position is that just because documents are based on a 'reasonable worst-case scenario' does not mean that they cannot become unrepresentative. This is especially true given the effects of the pandemic and the drive to reach Net Zero. The Council does not accept that there are no circumstances at all that could possibly justify a review of the documents, although it is anticipated that only in exceptional circumstances will they be reviewed. We note that the outline management plans will provide mechanisms for ongoing engagement and coordination, however, the Council does not consider this sufficient because the Council is only consulted, it does not provide the Council with either approval rights or for NH to take into account the Council's comments.

22 The Council believes that in view of the fact that the ISH relating to the detailed consideration of the dDCO is likely to be held towards the end of the Examination period for obvious reasons, it is therefore only appropriate to consider the above matters and possibly others at this ISH2, unless it is proposed to hold a further dDCO ISH towards the middle of the Examination process. If not, the Council believes it may be prejudiced by not considering all its dDCO issues at an earlier stage in the Examination timetable.

23 The Council notes that the ExA has published its draft agenda on 12 June for ISH2 (EV-015) to be held virtually on 22 June 2023 and the Council confirms it will attend that ISH2. In briefly reviewing that draft agenda, the Council considers that the above commentary will be largely relevant to matters item (b) – (e) given the points outlined in the draft agenda. The Council will consider the draft Agenda in more detail over the coming days and may make further submissions at both the ISH and Deadline 1 (notwithstanding points raised above).

Items for Submission at Deadline 1

24 In its written and oral submissions to both the Programming Meeting (PDA) and Preliminary Meeting Part 1 (PDB) the Council set out its position in respect of the current draft timetable. For reasons, which were explained in full, requested deferment to the Examination timetable. In particular, we refer the ExA to the Programming Meeting submission paragraphs 3, 6 – 12 and 22 – 25; and, to the Preliminary Meeting Part 1 submission paragraphs 5 – 14.

25 Further discussions over the last week with the team has reinforced the fact that an LIR cannot practically or realistically be submitted by current Deadline 1 of 18 July 2023. By way of summary, there are and remain several reasons for this:

- a) Some 70% of the scheme is located within Thurrock, there is a much greater quantity and complexity of technical and project management work required to review the DCO application's 55,000 pages and prepare an appropriately detailed and researched LIR and in currently a much shorter timeframe than all other local authorities.
- b) The current Deadline 1 would, in practical terms, only allow the Council just over two months to prepare an LIR, when other LAs have had over six months;
- c) The Council is seriously concerned that adhering to the current programme would necessitate a need to submit a rushed, incomplete and under-researched LIR and that this would not enable the ExA to gain a full understanding of the many technical issues for a significant majority of the scheme.

- 26 As the ExA will be well aware, the preparation of an LIR in a form which is comprehensive and of assistance to the process, is a highly complex task and, for reasons which have been explained, for Thurrock this is being compressed into a shortened timeframe. The Council's request for deferment of the DCO start date and consequential programme therefore remains.
- 27 The Council is currently awaiting the ExA response on that request, however, if the Council's request for a deferment of the start and consequential programme is declined, then the Council would request **that the ExA defers the date for the submission of the Council's LIR until Deadline 3 (24 August 2023) under the current Examination timetable**. Plainly, if the ExA determines that the start date is deferred then the current draft timetable will require adjustment in any event and this alternative of deferment of just the date for the submission of the LIR becomes unnecessary.
- 28 The Council makes an additional request, as it did orally at the Preliminary Meeting Part 1 and this request is made irrespective of the ExA decision on deferment – it is noted and welcomed that the ExA removed from Deadline 1 the submission of any summaries of the Relevant Representations. However in addition, **the Council requests that the ExA defers the date for the submission of updates to the SoCG and PADs Summary Statement, until at least Deadline 2 (3 August 2023) and preferably Deadline 3 (24 August 2023) under the current Examination timetable**. This is because the Council consider it essential to focus on the preparation of the LIR as the Council's main case and its assessment of impacts (in accordance with PINS Advice Note 1 (April 2012)). The Council does not have capacity to achieve this critical objective as well as preparing updates to the SoCG and PADs Summary Statement. Plainly again, if the ExA determines that the current timetable can be deferred as requested then this request becomes unnecessary.
- 29 Notwithstanding this, please note the Council's concerns about the SoCG process as set out in the Relevant Representation Principal Issue XI. The Council have discussed with NH the sequence of actions and timetable for sharing, reviewing and amending the updated SoCG, although the Council remains unsure of the practicalities of meeting Deadline 1 and keenly awaits approval of its request the ExA to defer the current timetable by 7 weeks, to enable it to plan and focus its limited resources expediently.
- 30 Furthermore, NH in their submission at PDB (PDB-002) set out in paragraphs 4.16 – 4.23 five reasons for avoiding any delay. None of these reasons mitigate against any deferment. Taking each in turn, as follows:
- i. First, this is because the PPA Variation terms being agreed does not offer the Council further time to prepare its LIR among its many other actions and only covers resources;
 - ii. Second, the extension referred to by NH of 1-2 months for Examination commencement did not affect the particular legal circumstances affecting the Council and the long engagement with NH has often proved fruitless in resolving issues; and, it did not involve the LIR preparation, which involves much more complexity than merely converting the RR and/or PADs Summary Statement;
 - iii. Third, the summer holiday effects are longer and more widespread than any involving the Christmas period;
 - iv. Fourth, the latest MRC consultation may be considered minor or not material by NH but it raises many issues for the Council that take time to consider and respond to; and,
 - v. Fifth and finally, the Thames Crossing Action Group (TCAG) and the Council both represent the public interest and understand the needs and views of the various local communities and both disagree and require this requested deferment.
- 31 Furthermore, at the Preliminary Meeting Part 1 NH observed that the Council had agreed the terms of the PPA Variation and was on-track to take the Variation through its own authorisation procedures by mid-July 2023; and, that the Council had prepared its PDB submissions on time. NH suggested to the ExA that, as a result, it was clear that the Council could demonstrably work within the draft timetable and that there was no justification to defer the Examination. As a

submission this wholly misconceived. The PPA Variation and PDB submissions represented extremely limited work streams, in relative terms, compared with (inter alia):

- (a) the detailed review, analysis, validation and discussion of some 55,000 pages of DCO application documentation that pertain to the Council's administrative area;
- (b) the preparation of a detailed, evidence-based and robust LIR; and,
- (c) the conscientious participation in the rest of the Examination both in terms of the additional written submissions that the Council will make in due course and the oral participation at ISHs.

- 32 The Council submits that NH has not identified any sound reasons that in reality undermine the force behind the Council's request that the Examination be deferred by 7-weeks in order to provide the Council with a fair opportunity to participate, given the circumstances previously outlined.

Comments on ASI Itinerary

- 33 Given the Council's review of the previous unaccompanied site inspections of the ExA (SI-001 – SI-003), the current ASI itinerary submission from NH (PDB-001) and subsequent additional submissions from DPWLG (PDB-011) and oral submissions at the Preliminary Hearing Part 1, the Council requests that the additional locations, within the Thurrock Council administrative boundary, be considered for the ASI's to be held in the weeks commencing 4 and 11 September 2023.
- 34 The additional 18 locations requested are set out below, but in no geographical sequence or order of importance as such. The Council is willing to provide further justification for the recommended locations if required, although at this stage it should be noted that all locations relate to points made within the Council's ExA submissions or are areas where the Council considers that the impacts need to be assessed, including by visiting the locations as part of the ASI.
- a) A13 Orsett Cock Roundabout and the A13 Manorway Roundabout along with the A13 local road connection between at peak periods
 - b) A1014 Manorway local road to the DPW/London Gateway (DPWLG) Port and Logistics sites
 - c) A13 to A1089 route and the key Daneholes and Asda roundabouts that connect with it at peak periods
 - d) Villages of Orsett and Horndon-on-the-Hill and all their approaches
 - e) The potential route of the possible Tilbury Link Road and contrast with the proposed haul road through the Port of Tilbury to Compound 5/5A
 - f) Footpath routes through the Mardyke Valley and Orsett Fen areas
 - g) Medebridge Road and the area around the Ockendon Landfill site and 'The Wilderness'
 - h) North of Coalhouse Fort to understand the setting of both Scheduled Monuments in that vicinity (East Tilbury Battery and Bowaters Farm Battery)
 - i) Potential crossing area for the National Grid 'East Anglia Green' project
 - j) Linford Road and Muckingford Road from Chadwell St Mary to East Tilbury Station
 - k) Linford village to understand the proximity of the works
 - l) East Tilbury Landfill area and surrounding viewpoints
 - m) Green Lane to Fen Lane route
 - n) A13/A126 partially completed junction (still awaiting upgrade following opening of QE2 bridge in 1991)
 - o) M25 Junction 30 route via local roads (A1306), A1012/A13 Stifford Clays junction, Lodge Lane /Stanford Road A1013 to Orsett Cock as local roads affected by substantial increases in traffic at peak periods

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- p) A13 Five Bells junction and the routes through Corringham to the A1014 Manorway shown to be affected by significant increases in local traffic
 - q) A12/A130 junction in Essex and A130 route to A13 shown to be affected by significant increases in local traffic
 - r) Kent Fastrack Bus network operating south of the river and for which there is a shared ambition to provide cross-river infrastructure to connect the Port of Tilbury and Grays, via similar priority measures north of the river.
- 35 In addition, further to the submission of DPWLG (PDB-011) and the oral submission of the Port of Tilbury Ltd at the Preliminary Meeting Part 1, the Council concurs that site inspections of both ports and their approach roads would be valuable, along with the Logistics Park referred to by DPWLG.
- 36 The Applicant's draft proposed ASI Itinerary (PDB-001) does not include any mapping of the proposed routes either by vehicle or by foot and the Council considers that such mapping should be provided and would be helpful and add considerable clarity to the proposed ASI routing and sequence.
- 37 It is noted that the ExA have completed a further unaccompanied site inspection (USI) on 5 and 7 June and have published on 12 June 2023 their Note of that USI (SI-004). The Council has briefly reviewed that Note and does not need to change its above requested additional locations.