

Lower Thames Crossing

9.54 Comments on LIRs

Appendix H – Thurrock Council (Part 4 of 5)

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Appendix H – Thurrock Council

(Part 4 of 5)

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1 Applicant’s Responses to Thurrock Council’s Local Impact Report (Part 4)

Table 1.1 The Applicant’s responses to Thurrock Council’s Local Impact Report (LIR) – [REP1-281], dealing with Sections 11-16

LIR Reference	Local Impact Report Extract / Applicant’s Response
<p>Pages 188-190</p>	<p>Emergency Services and Safety Provision</p> <p>11.1.1 The Council would draw the ExA’s attention to Principal Issue X of the Council’s Relevant Representation (RR) dated 4 May 2023 [PDA-009], which set out the Council’s serious concerns with the limited satisfactory response from the applicant to requirements of the emergency services and safety partners (of which the Council is part) to date. In addition, there are a number of related issues set out in the Council’s PADs Summary Statement [PDA-008], namely numbers 3, 37, 43 and 87.</p> <p>11.1.2 The Council draws attention to the response to applicant’s Community Impacts Consultation made by the Emergency Services and Safety Partners Steering Group (ESSPSG) (of which the Council is a key member) in September 2021, which set out their concerns in detail offering 56 recommendations. The ESSPSG obtained all the members’ approval to submit this written response. Despite an interim response from the applicant in November 2021 to each recommendation and a number of ESSPSG and other ‘Scoping Group’ meetings, there has been limited progress on resolving and agreeing these recommendations and ensuring they are ‘secured’ within the DCO. This continues to be a serious concern to the Council and to all members of the ESSPSG. Furthermore, the ESSPSG submitted a RR by the ExA deadline of 24 February 2023 [RR-0291] and it set out the lack of progress on all the previous 56 recommendations referred to above.</p> <p>11.1.3 This concern was amply demonstrated when the ESSPSG formally refused to allow the applicant to submit any draft SoCG within its DCO submission. This was because the draft SoCG was provided very late in autumn 2022, just prior to DCO submission and besides matters of incorrect detail, was considered far too positive in specifying the status of many issues, which have had little progress over almost the last two years.</p> <p>11.2.1 The ESSPSG (including the Council) has continued to progress its comments on the draft SoCG and review of the DCO application (providing its own Relevant Representation and Written Representations) and the Council provides below further broad assessment of the issues separately within this LIR. The ESSPSG draft SoCG has now been considered by ESSPSG members, but despite several technical meetings since the DCO submission very limited further progress with the original 56 recommendations has been made.</p> <p>11.2.2 The ESSPSG has been discussing the programme for submission of its joint SoCG to the ExA by Deadline 1 on 18 July and has agreed a four-step process to agree its first draft. The first and second step in that process has been completed in that the ESSPSG submitted its comments on the latest draft SoCG on 28 June to the draft received from the applicant on 15 June</p>

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	<p>2023. The draft SoCG has now been reviewed by the applicant and has been returned to the ESSPSG for review on 4 July to enable final comments from the ESSPSG to be undertaken and this has been progressed. This final draft SoCG will now be progressed by NH for submission to the ExA at Deadline 1, however, the track changed version of this SoCG will be part of the ESSPSG WR because it shows the amount of changes and the development of this SoCG made with NH.</p> <p>11.2.3 The ESSPSG has provided many comments to its issue statements and to the applicant’s response and indeed the status of each matter. In summary, in the ESSPSG view there are many amendments and progress yet to be made with the SoCG and its key issues; and, there are a total of 38 SoCG matters of which only 2 are ‘matters agreed’, with 5 ‘matters not agreed’ and the remaining 31 are in various stages of ‘matters under discussion’.</p> <p>11.2.4 The process of discussing/negotiating the original 56 recommendations from the CIC consultation in September 2021 has been extremely slow with very little commitment from the applicant and very few issues secured within the DCO process. Further details of this deficient process will be set out in the ESSPSG Written Representation (WR) at Deadline 1.</p> <p>11.3 Summary of Outstanding Key Issues</p> <p>11.3.1 The key matters that are still outstanding between the applicant and the ESSPSG can be summarised below.</p> <ul style="list-style-type: none"> • Inadequate content of the draft DCO Order (dDCO), its drawings and its relevant Control Documents in securing a range of matters for the ESSPSG, including appropriate consultation arrangements within Control documents for a range of subsequent details. Also, a lack of a legal definition of ‘emergency services’ or ‘safety partners’; • Slavish compliance with the relevant DfT ‘guidance’ documents; • No progress on many requested amendments to a range of Control documents; • No adequate framework for several emergency preparedness and response plans (or any DCO Requirement to cover it) or the consultation arrangements to be followed following any DCO grant; • The northern Rendezvous Point (RVP) is considered unsuitable and not adequately described in the dDCO Schedule 1 and emergency services require greater consultation to reach agreement during the Examination process; • Lack of any ‘Protest Plan’ being prepared and the inadequacy of its consultation arrangements; • No agreement on the emergency services being consulted on any subsequent detailed tunnel design; • Issues with the emergency services role within the Traffic Management Forum (TMF) being proposed by the applicant; • No agreement on role of the emergency services for the location and design of the tunnel evacuation assembly areas being prepared at detailed design; • No agreement on the appropriate spacings for the tunnel cross passages;

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	<ul style="list-style-type: none"> • Inadequate detail or modelling on the effect of construction activities over the 6-year construction period and its 11 phases on emergency services response times; • Complete lack of funding to support the emergency services and local authority resources/staffing in undertaking these additional functions over the 6-year construction period and beyond; • Inadequate consultation with the emergency services for the tunnel emergency access roadways; • No consultation with the emergency services on the preliminary design of the emergency hubs located within the tunnel service buildings; and, • Lack of understanding of emergency and incident management planning procedures either in the event of an incident/emergency, closure of LTC or Dartford Crossing or both. <p>11.4 Assessment of Scheme Proposals and Commitments</p> <p>11.4.1 This assessment will be partly contained in the ESSPSG SoCG and in its WR to be submitted at Deadline 1.</p>
<p>Applicant’s Response</p>	<p>In 2021 the Applicant provided initial responses to ESSPSG recommendations, which were included in a draft SoCG, developed with the group, prior to DCO application. This draft SoCG was not submitted at the point of DCO application (and indeed was not required to be submitted at that point), however the matters raised can be seen in the updated SoCG which has been submitted at DL 1 [REP1-200]. Prior to and since Application, the Applicant has attended regular, one-on-one weekly meetings with the consultant representing the Group. The ESSPSG holds monthly steering group meetings, the initial update segment of which, the Applicant is invited to attend. To aid discussion around matters important to the ESSPSG (such as rendezvous points, emergency hubs, provision of additional access, turnaround points, operational risk assessments, funding for ongoing engagement during the pre-submission phase), and progress the drafting of the SoCG, the Applicant suggests that its attendance at the Steering Group Meeting should be extended to include the duration of the discourse.</p> <p>The Applicant would also note that many of the issues raised by ESSPSG relate to levels of design or delivery detail that are beyond the current maturity of design development (reference design). While the Applicant has progressed key aspects of the design and delivery methodology, these are not at a level of detailed maturity. The Applicant stresses the importance of the detailed design, particularly related to the tunnel and associated systems, being completed as an integrated system, meaning that detailed design in its entirety should be developed in a holistic manner. Progressing specific aspects of the design to a greater level of detail or fixity, ahead of the detailed design, would risk creating constraints on the design that lead to a sub-optimal outcome for all parties.</p>

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	<p>The Applicant will continue consultation with the emergency services, through the full lifecycle of the Project and into operation and has sought to update aspects of the DCO to provide commitments to that effect. It is also worth noting that that the Applicant’s licence and Design Manual for Roads and Bridges (DMRB) requires consultation with the emergency services.</p> <p>The Applicant is undertaking an exercise to review the proposals for further consultation and engagement with the ESSPSG in the draft Development Consent Order (DCO) [REP1-042]. As such, the matters which ESSPSG refers to are mostly ‘Matters Under Discussion’ in the SoCG.</p> <p>The Applicant refers to the response provided to the ESSPSG’s written representation for more information on the specific elements of queries raised by Thurrock Council.</p>
<p>Pages 191-192</p>	<p>Utilities</p> <p>12.1.1 As part of the LTC utilities diversions, temporary utilities works and new supplies will be required.</p> <p>12.1.2 The National Policy Statement for National Networks (NPSNN) looks predominantly at linear infrastructure, specifically road and rail networks. As such, the NPSNN is relevant to LTC as a whole, rather than specifically the utilities infrastructure.</p> <p>12.1.3 Compliance with the NPSNN in relation to local impacts is covered in various Sections of this Local Impact Report (LIR).</p> <p>12.1.4 In addition to the NPSNN, the National Policy Statements for Energy Infrastructure is very relevant to the LTC scheme. The utilities infrastructure – diversions, new supplies, and temporary works – must be reviewed to determine whether any works are identified as Nationally Significant Infrastructure Projects (NSIPs), and show compliance with the following NPSs:</p> <ul style="list-style-type: none"> • Overarching National Policy Statement for Energy (NPS EN-1); • National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4); and, • National Policy Statement for Electricity Networks Infrastructure (NPS EN-5). <p>12.1.5 Four NSIPs have been identified Work No. G2, Work No. G3, Work No. G4 and Work No. OH7, and are listed within Table 5.18 of the Planning Statement [APP-495]. Of the four NSIPs only Work No. OH7 is located north of the River Thames within the Council’s area. The remaining three NSIPs are south of the River Thames. The NSIPs are listed below for information.</p> <ul style="list-style-type: none"> • Work No. G2 – Diversion of National Grid HP Gas Pipeline (Feeder 5, Phase 1) in the vicinity of Claylane Wood (South of the River Thames); • Work No. G3 - Diversion of National Grid HP Gas Pipeline (Feeder 18) in the vicinity of Claylane Wood (South of the River Thames);

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> • Work No. G2 – Diversion of National Grid HP Gas Pipeline (Feeder 5, Phase 2) in the vicinity of from Thong Lane to the A226 (South of the River Thames); and, • Work No. OH7 – Diversion of National Grid Electricity Transmission network (ZB Route) around the A13 (North of the River Thames) <p>12.1.6 NSIP Work No. OH7 relates to the diversion of the National Grid Electricity Transmission (NGET) network (ZB Route) around the A13. The location of this NSIP is shown on Plate 3.3 ‘Location Works No. OH7’ of the Planning Statement Volume 7 [APP-495], which serves a reference to see the length and route of this diversion as a whole. In addition, the diversion is shown on sheets 28, 29 and 33 within both Works Plans (Volume C) Composite [APP-020] and Works Plans (Volume C) Utilities [APP-026]. The information provided on these, whilst more detailed, is the same on both Works Plans – the Council would have expected more detail on the sheets within Works Plans (Volume C) Utilities [APP-026], as well as further separate drawings providing the OH7 NSIP in more detail as the main focus. It should be noted that the hatching over the proposed diversion route and the existing route being of grey colour, the same colour as the background OS mapping and proposed road layout, means it gets lost in the drawing and is difficult to see clearly.</p> <p>12.1.7 In addition to the identified NSIPs, further utilities infrastructure works are proposed, including diversions of electricity lines, gas mains, water mains and temporary utilities logistics hubs for use during the construction works associated with the diversions.</p> <p>12.1.8 Issues associated with the utilities information included within the DCO have been raised previously and are included within the submitted Statement of Common Ground (SoCG) Volume 5 [APP-130]. These issues include the following matters: 2.1.1, 2.1.35, 2.1.39, 2.1.64, 2.1.66, 2.1.77, 2.1.111, and 2.1.257. The SoCG Volume 5 and the Group 2 issues relating to utilities infrastructure have either been only partially resolved or not resolved at all, despite adequate time allowance for these issues to be resolved.</p> <p>12.1.9 In addition, there are two Group 2 issues that have not been resolved. One issue is THURROCK-CIC2021- CIC-K-057, regarding ‘Mitigation and Monitoring – Access/Traffic Diversions for Utilities Works’ in terms of temporary footpath and bridleway closures and clarity on whether this is the OH7 NSIP diversion and/or associated development. The second issue is THURROCK-OTHER-NEW- CSt-#001, regarding the clarity as to which works qualify as NSIPs with no plans showing the detail of the NSIPs.</p> <p>12.1.10 The Sections of this LIR below provide a review of the DCO in terms of NPS EN- 1, EN-4 and EN-5 compliance, existing and any additional issues with the DCO submission and the impacts of the utilities infrastructure works on the local area.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> Section 12.2 ‘NPS Policy and Local Impact’ reviews the sections within the NPS EN-1 and EN-5 policies for the identified OH7 NSIP and how compliance is related to impact on the local area. Section 12.3 ‘Issues with DCO Submission’ outlines where and how the DCO submission falls short with regards to information provided for the proposed utilities diversions, new supplies and temporary works. Section 12.4 ‘Assessment of Impacts’ reviews the DCO documentation in terms of the local impact of the proposed utilities diversions, new supplies and temporary works, particularly in relation to the OH7 NSIP.
Applicant’s Response	<p>The Applicant wishes to note that in reference to 2.1.5(c) the works listed should be Work No G4.</p> <p>Those matters raised at 12.1.8, including the Applicant’s response can be viewed within the SoCG [APP-130] at items 2.1.1, 2.1.35, 2.1.39, 2.1.64, 2.1.66, 2.1.77, 2.1.111, and 2.1.257. It is of note that only item 2.1.111 remains under discussion with all seven other matters ‘not agreed’.</p> <p>In response to matter 12.1.9 and the impacts to walking, cycling and horse-riding routes (WCH), the Applicant would refer the Council to the outline Traffic Management Plan for Construction (oTMPfC) [REP1-174] Section 5.1 and Table B.1 where closures, temporarily and permanently associated with the Project are communicated. While the Project has not disaggregated the energy NSIP Works (Work Nos G2, G3, G4 and OH7), they are referenced within Table B.1 where relevant with regards to the need to interfere with those WCH Routes, i.e. OH7 is referenced in entries FP136, BR219 and BR161.</p> <p>Those utility works qualifying as NSIPs (Work Nos G2, G3, G4 and OH7) are shown on the Works Plans [AS-024], [AS-026], [AS-028], [AS-030] and are shown at Plates 3.2 and 3.3 of the Planning Statement [APP-495].</p> <p>The matters raised in paragraph 12.1.10 are addressed in the response to pages 192-195.</p>
Pages 192-194	<p>12.2 Policy Compliance and Local Impact</p> <p>12.2.1 As outlined above in Section 12.1.4, due to the requirement for utilities diversions as part of the proposed works for LTC, NPS EN-1, EN-4 and EN-5 policy compliance must be evidenced. The majority of the sections within NPS EN-1, EN-4 and EN-5, as part of policy compliance require assessment of the impacts of the proposed NSIP. These impacts, i.e., sections within NPS EN-1, EN-4 and EN-5, are outlined below in paragraphs 12.2.2 – 12.2.14.</p> <p>12.2.2 NH clarified in its email to the Council in mid-June 2023 that utility diversions were covered in some 10 main DCO documents, making clarity difficult. Reference to NPS EN-1, EN-4 and EN-5 is in Cover Letter [APP-001], Application Form [APP-002], the Introduction to the Application [APP-003], the Explanatory Memorandum [APP-057], the Environmental Statement – Chapter 2</p>

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	<p>(APP-140), Appendix 1.3 of the Environmental Statement [APP-334], the Environmental Statement Appendix 12.8 [APP-448], the Planning Statement Volume 7 [APP-495], Appendix B of the Planning Statement Volume 7 [APP-497], Section 3.3.3 of the Project Design Report – Part A (APP-506), and the Health and Equalities Impact Assessment – Appendix D (APP-543). The assessment of which proposed utilities diversions could be identified as NSIPs is split between gas infrastructure and electrical infrastructure, of which each assessment is found within two separate DCO documents: Appendix 1.3 of the Environmental Statement (APP-334) for gas infrastructure; and, Annex 2 of the Explanatory Memorandum (APP-057) with no reference to these locations found anywhere else in the DCO. Both of these assessments are summaries rather than the full assessments that would have been expected as part of the DCO submission.</p> <p>12.2.3 Whilst only one of the identified NSIPs, as described above in Sections 12.1.5 and 12.1.6, is within the Council’s area, there are unclarified elements within the NSIP assessment for gas infrastructure within Appendix 1.3 of Environmental Statement 6.3 (APP-334). It is unclear whether the works outlined in the Schedule of Works G1 to G10 documents are to local high pressure (LHP) or national high pressure (NHP) gas pipelines. If so, there is a question of how these pipelines do not operate at above 7 bar, considering that operating pressures of a LHP pipeline is 7-16 bar, with NHP pipelines operating at 16-100 bar. If these works are to LHP or NHP pipelines, they should be operating above 7 bar and therefore raises the question as to why these works do not constitute additional NSIPs. As explained in NPS EN-4 paragraph 1.8.1 (iii) gas pipelines with a design operating pressure of more than 7 bar gauge are likely to have a significant effect on the environment. This is further explained in Sections 2.19, 2.23 in NPS EN-4, and includes proximity to existing and planned residential properties, schools and hospitals, railway crossings, major road crossings; below surface usage; environmentally sensitive areas; main river and watercourse crossings; other utilities services (existing and planned); pollution to watercourses; collapse of underground tunnels; usage below the surface; noise and vibration; limits on ability to replant landscape features; and, any unstable ground conditions.</p> <p>12.2.4 The overhead line labelled as OH7, which is the identified NSIP within the Council’s area, must show compliance with NPS EN- 1 and EN-5 policies, of which the majority of these policies are associated with the local impact of this overhead line (OH7).</p> <p>12.2.5 Appendix B of the Planning Statement Volume 7 (APP -497) breaks down the policies within EN- 1 and EN-4, providing responses to each, as well as the draft NPS EN- 1 and EN-5 policies, which have not yet been formally released. The following Sections 12.2.6 – 12.2.12 refer to NH’s responses in Appendix B of the Planning Statement Volume 7 (APP-497).</p> <p>12.2.6 One such policy within NPS EN -1, similar to NPSNN’s policy, but with this looking specifically at the gas and electricity NSIPs is paragraph 4.2.1 of Section 4.2 ‘Environmental Statement’, which requires an ES to be produced that describes the aspects of the environment likely to be significantly affected by the project. The ES (APP-138 – APP-486) is for LTC as a whole and does not specifically assess the NSIPs. Only two sections of the Environmental Statement provide any specific information</p>

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	<p>on utilities infrastructure: Appendix 1.3 of the Environmental Statement (APP-334) provides specific information on utilities infrastructure; and, as previously described in Section 12.3.3, this is a summary of an assessment of the proposed gas works for the purposes of section 20 of the Planning Act 2008. The ES Appendix 12.8 (APP-448) includes the National Grid Electricity Transmission Network, Assessment for Audible Noise.</p> <p>12.2.7 This would, therefore, denote a lack of policy compliance, with NPS EN-1 and sections 2.6 – 2.8 of NPS EN-5, meaning that it is unclear as to the local impact of this overhead line diversion (OH7).</p> <p>12.2.8 For Section 2.4 ‘Climate Change Adaptation’ in NPS EN -5, NH has referenced Chapter 15 - Climate of the Environmental Statement (APP-153). As described in Section 12.3.6 the ES is for the whole of LTC and does not specifically look at the OH7 NSIP. Effects of wind and storms on overhead lines and higher average temperatures leading to increased transmission losses are also not covered. Therefore, this shows a lack of policy EN-5 compliance, which subsequently means that consideration has not been given regarding the local impact of climate change adaptation, by means of an increased risk to the resilience of the infrastructure, i.e. risk of damage to the local area by infrastructure collapse, a power outage to the local and wider communities and regular maintenance the infrastructure then being required.</p> <p>12.2.9 There is a lack of detail in both the assessments and plans, which are listed and further described in Section 12.3 below, which allows a suitable review to determine whether good design of the OH7 overhead diversion has been demonstrated as per Section 2.5 of NPS EN-5.</p> <p>12.2.10 It is noted that for the section 2.9 ‘Noise and Vibration’ policies within NPS EN-5, NH has included within Appendix 12.8 of the ES (APP-448), a National Grid Electricity Transmission Network, Assessment for Audible Noise. Whilst this covers with the noise requirements of Section 2.9 within NPS EN-5, which look at the impact of noise from the proposed overhead lines diversions (including the OH7 NSIP) on the local environment, vibration has not been covered and therefore local impact from vibration of the overhead lines cannot be reviewed by the Council.</p> <p>12.2.11 It is noted that for the Section 2.10 ‘Electric and Magnetic Fields EMFs’ policies within NPS EN-5, NH has included within Appendix D of the Health and Equalities Impact Assessment (APP-543), a National Grid Electric and Magnetic Field Report, which aligns with the EN-5 requirements regarding direct and indirect impact of EMFs on human health.</p> <p>12.2.12 Although not included within the current NPS EN-5, the draft NPS EN-5, section 2.14 ‘Sulphur Hexafluoride’, there is a requirement to avoid, if possible, the use of sulphur hexafluoride (SF6) in new electricity networks. Sections 6.6.49 – 6.6.52 of the Planning Statement Volume 7 (APP-495) provides further detail of the NPS EN-5 requirement, with Section 6.6.52 saying that ‘National Grid Electricity Transmission has confirmed in writing that the Project would not involve the use of SF6.’ However, although it should be part of the evidence towards NPS policy compliance, this piece of evidence is not included within the DCO.</p>

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	<p>12.2.13 The assessment of the overhead line diversion (OH7) 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 <i>‘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’</i>. This is not considered by the Council to be acceptable.</p> <p>12.2.14 To summarise Section 12.2 within this LIR, the minimal and lack of detail provided within the DCO regarding the utilities diversions, as well as the non-specific documentation, which looks at the project as a whole rather than specifically for the electric overhead diversion NSIP, shows a lack of policy compliance and therefore assessment of impacts, for both NPS EN-1 and EN-5.</p>
<p>Applicant’s Response</p>	<p>In response to 12.2.13 and 12.2.14, the Applicant’s position is that its approach, as recited by Thurrock Council above, is robust and sufficient. To recap: <i>‘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’</i>. As demonstrated in the responses below, the Applicant has considered the relevant NPSs and can demonstrate compliance accordingly.</p> <p>In response to 12.2.3, the test contained within section 20(4) of the Planning Act 2008 is that <i>‘The pipe-line must have a design operating pressure of more than 7 bar gauge’</i> and does not concern itself with its function as part of the gas transmission or distribution networks (NHP or LHP). Section 20(1) states that <i>‘The construction of a pipe-line by a gas transporter is within section 14(1)(f) only if (when constructed) each of the conditions in subsections (2) to (5) is expected to be met in relation to the pipe-line’</i>, of which the design operating pressure is one of the tests, at s.20(4). The Applicant has applied the tests of s.20 of the Planning Act accordingly and appropriately, as demonstrated in Environmental Statement (ES) Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 [APP-334].</p> <p>At 12.2.5, the Council states that <i>‘Appendix B of the Planning Statement Volume 7 breaks down the policies within EN- 1 and EN-4, providing responses to each’</i>. The Applicant would like to clarify that Appendix B of the Planning Statement [APP-497] considers the policies of NPS EN-1 (Table B.1), NPS EN-4 (Table B.2) and NPS EN-5 (Table B.3), as well as the draft NPSs at Tables B.4 to B.6.</p>

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	<p>In response to 12.2.7, and to demonstrate compliance with the relevant energy NPSs, the Applicant would refer the Council to Appendix B of the Planning Statement [APP-497] Table B.1, notably pages 18-37, where the Project response is provided relative to Part 5 of NPS EN-1 and Table B.3, notably pages 51-62, where the Project response is provided to those parts of NPS EN-5 Sections 2.6–2.10.</p> <p>Related to the 12.2.8 remark ‘<i>Effects of wind and storms on overhead lines and higher average temperatures leading to increased transmission losses are also not covered</i>’, the Applicant would refer the Council to the Project response to paragraph 2.4.1 commencing on page 50; and for remarks regarding the effects of vibration raised in 12.2.10, the Applicant would refer the Council to paragraphs 2.9.10 to 2.9.13 commencing on page 59. Furthermore, in response to 12.2.10, the Applicant does not consider high voltage overhead transmission lines to be a source of vibration during operation, and hence there would be no adverse effect due to vibration from the diverted line. Although NPS EN-5 makes reference to vibration in the heading of Section 2.12, the assessment requirements mitigation considerations and decision-making criteria only consider noise.</p> <p>With regard to the engagement between the Applicant and National Grid Electricity Transmission regarding the use of sulphur hexafluoride (SF6) raised at 12.2.12, the Applicant considers the statement at paragraph 6.6.52 of the Planning Statement [APP-495] to be sufficient, but for clarity, would provide additional context that the use of SF6 is not relevant to the overhead powerline diversionary works promoted by the Project, of which NPS EN-5 has relevance. This is because SF6 is used as an insulator in the part of the electricity network termed ‘switchgear equipment’ and not at or on the pylons that are to be constructed or removed.</p>
<p>Pages 194-195</p>	<p>12.3.1 NH clarified in its email to the Council in mid-June 2023 that utility diversions were covered in over 15 main DCO documents, making clarity difficult. Therefore, with this assistance and following an assessment of documents related to proposed utility diversions [Cover Letter (APP-001), Application Form (APP-002), Sections 3.14, 13.2.10, 13.4.7, 13.4.11-13.4.15 and Table 13.2 of the Introduction to the Application (APP-003), Works Plans and Temporary Works Plans (APP-018, APP-019, APP-020, APP-021, APP-022, APP-023, APP-050, APP-051, APP-052, AS-024, AS-026, AS-034 and AS-036), Volume H – Overhead Diversion Routes and Pylon General Arrangement of the Engineering Drawings and Sections (APP-037), the Explanatory Memorandum (APP-057), notably Annex 2, which assess the overhead electric lines for the purposes of Section 16 of the Planning Act 2008, to determine whether any of them are NSIPs, ES Chapter 2 (APP-140), Environmental Statement – Appendix 1.3 (APP-334), Environmental Statement – Code of Construction Practice (APP-336), ES Appendix 12.8 (APP-448), paragraphs 5.6.1 – 5.6.25, 6.4.27 – 6.4.41, 6.4.53 – 6.4.58, and 6.6.1 – 6.6.52 of the Planning Statement (APP-495), Planning Statement Volume 7 – Appendix B (APP-497), Section 3.3.3 of the Project Design Report Part A (APP-506), Sections 4.4, 5.4 and 6.4 of the Project Design Reports Part D (APP-510 and APP-511), the HEqIA Appendix D (APP-543), and Outline Traffic Management Plan for Construction [APP-547] and having requested information from NH as part of the Community Impacts Consultation on 8 September 2021, the Local Refinement Consultation on 20 June 2022, within the submitted SoCG Volume 5</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>(APP-130), within the submission of the PADs Summary Statement (PDA-008) and within the Procedural Deadline C (PDC) submission (PDC-008), it is clear and notable that information and drawings within the DCO relating to utility diversions, their impacts and mitigation is not clear and is spread across several documents with limited supporting drawings. This is considered a significant deficiency.</p> <p>12.3.2 Information on the proposed utilities diversions, new supplies and temporary works that is provided in the above documents (refer to Section 12.3.1 above) lacks the detail expected for a project of this size, which is also considered as a significant deficiency. Of particular note in this regard are the gas and electric NSIPs, which lack detail regarding impact, policy compliance, design, mitigation, background, alternative considerations and the reasoning behind the final routing choices, and timescales. Whilst it is evident that NH has liaised with the statutory providers on these proposed utility works, the associated evidence showing this and the assessment of the diversions by NH itself is not clear within the DCO documentation.</p> <p>12.3.3 The Work Plans (APP-018, APP-019, APP-020, APP-021, APP-022, APP-023, AS-024 and AS-026) and Volume H – Overhead Diversion Routes and Pylon General Arrangement of the Engineering Drawings and Sections (APP-037), whilst useful as high- level plans to reference each element of work, do not provide the detail expected for both the NSIP utility diversions and the other utility diversions. Without the detail on the plans the ability to fully review the proposed utility diversions is lost. Generic lines showing routes of ‘multi-utility corridors’ without providing an explanation of the nature and type of utilities proposed within each multi-utility corridor is a failure to adequately provide the information expected and required and creates a difficulty to allow a suitable review of the proposals to be carried out.</p>
<p>Applicant’s Response</p>	<p>The Applicant’s position is that the utility-specific information contained within the application is sufficient and proportionate for a preliminary design of a project of this scale and complexity – it is compliant with the requirements of the DCO process and aligns with precedent in other NSIP applications. An explanation of the utility works required for the construction and operation of the Project including those assets proposed to be located within multi-utility corridors and the process undertaken to incorporate them into the application is provided within ES Chapter 2: Project Description (APP-140).</p> <p>Those documents listed in the Council’s comments, and wider parts of Section 12 of their LIR contain the relevant information regarding:</p> <ul style="list-style-type: none"> • Impacts and proposed mitigations are communicated within the ES, notably ES Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 (APP-334); ES Appendix 2.2: CoCP (REP1-157); ES Appendix 12.8: National Grid Electricity Transmission Network, Assessment for Audible Noise (APP-448); Appendix D of the Health and Equalities Impact Assessment (APP-543) and the oTMPfC (REP1-174) • Policy compliance, including the Planning Act 2008, is communicated within the Explanatory Memorandum Annex 2 (APP-057), ES Appendix 1.3 (APP-334), the Planning Statement (APP-495) and Planning Statement Appendix B (APP-497)

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	<ul style="list-style-type: none"> Design is shown within the Works Plans [AS-024 and AS-026], Land Plans [REP1-006, REP1-009 and REP1-011], Volume H – Overhead Diversion Routes and Pylon General Arrangement of the Engineering Drawings and Sections [APP-037] and the General Arrangement Plans [APP-016 and APP-017] Background, alternatives considered and the reasoning for the promoted works is communicated within ES Chapter 3: Assessment of Reasonable Alternatives [APP-141] and the Planning Statement [APP-495] <p>Liaison with the relevant utility network owners and operators is summarised in each of the respective Statements of Common Ground between the Parties at Appendix A ‘Engagement Activity’, presented in a manner as agreed between the Parties.</p>
Page 2	<p>12.4.1 Annex 2 of the Explanatory Memorandum (APP-057) assesses the possibility of electricity infrastructure NSIPs for the purposes of Section 16 of the Planning Act, 2008.</p> <p>12.4.2 Whilst it is clear that the proposed works labelled as ‘OH7’ constitute an NSIP and have been considered against relevant legislation such as the Electricity Act 1989, no reference whatsoever has been made to the NPS EN-1, NPS EN-5 or any of the other DCO documentation listed above in Section 12.3.1.</p> <p>12.4.3 The assessment of the proposed overhead electrical diversions within Annex 2 of the Explanatory Memorandum (APP-057) is acknowledged to be in line with Section 16 of the Planning Act 2008, although it is more of a 16-page summary, rather than a full detailed report. The Council would have expected accompanying drawings or reference to detailed drawings showing compliance or non-compliance with each item within Section 16 of the Planning Act 2008. For example, reference to Volume H – Overhead Diversion Routes and Pylon General Arrangement of the Engineering Drawings and Sections (APP-037), highlighting the pylon details for existing and proposed to see the height difference. The Council would also expect accompanying, or reference to, location plans showing the existing and proposed routes and locations of pylons, as well as reference to the Work Plans (APP-018, APP-019, APP-020, APP-021, APP-022, APP-023, AS-024 and AS-026) showing the location of OH7 in relation to the wider LTC site. This is a deficiency and prevents the Council’s review and assessment of the proposals.</p> <p>12.4.4 As part of the requirements within NPS EN-1 and NPS EN-5, in order meet policy compliance the NSIP ‘OH7’ electrical overhead line diversion would need to demonstrate that the potential impacts outlined in Sections 3.3, 3.7, 3.8, 4.2, 4.5, 4.8, 4.10 - 4.15, 5.2 – 5.4, and 5.6 – 5.15 of NPS EN- 1, and Sections 2.4 – 2.10 have been assessed and either mitigated or shown to not be impacted. Since each of these sections relates to the local impact of the identified NSIP, lack of compliance of the policies also means that the local impacts have not been adequately assessed.</p> <p>12.4.5 Appendix B of the Planning Statement (APP-497) breaks down each section within NPS EN -1 and NPS EN-5 with NH providing a response and reference to other DCO documentation that is supposed to show how each section has been addressed, i.e. the impacts of the NSIP. As previously discussed in Section 12.2.6 above, the ES (APP-138 – APP-486) covers LTC as a whole and does not go into specific detail about the environmental impacts of the NSIP, nor any other proposed</p>

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	<p>utilities diversions, new supplies and utilities logistics hubs. Therefore, Sections 4.2, 4.8, 4.10 – 4.15, 5.2 – 5.4 and 5.6 – 5.15 of NPS EN-1 and Sections 2.4 – 2.8 of NPS EN-5 have not been fully addressed for the OH7 electric overhead line NSIP and as such do not adequately cover the impacts of this NSIP, thus preventing the Council’s review and assessment of the proposals.</p> <p>12.4.6 For a gas or electricity infrastructure NSIP the Council would expect either a separate ES or a separate Chapter within the ES (APP-138 – APP-486), which covers all impacts outlined above in paragraph 12.4.4 in NPS EN-1 and NPS EN-5.</p> <p>12.4.7 Of the impacts outlined in NPS EN-1 and NPS EN-4, there is one section within NPS EN-1 – Section 5.11 and two sections within NPS EN-5 – Sections 2.9 and 2.10, where assessments have been carried out that are specific to the OH7 NSIP.</p> <p>12.4.8 A National Grid Electricity Transmission Network, Assessment for Audible Noise has been included within Appendix 12.8 of the ES (APP-448). This looks at the noise impact for the permanent proposed overhead line diversions for LTC and, from a utilities perspective, is deemed as acceptable and in accordance with the noise aspects of Section 5.11 of NPS EN-1 and Section 2.9 of NPS EN-5. However, vibration assessment and impacts are not covered. It should be noted that comments from an acoustics perspective is not included within this Section of this LIR.</p> <p>12.4.9 Appendix D of the Health and Equalities Impact Assessment (APP-543) includes a National Grid Electric and Magnetic Field Report. This covers the assessment and impacts of EMFs from the OH7 NSIP and other proposed overhead electricity diversions as part of LTC and is deemed as acceptable and in accordance with Section 2.10 of NPS EN-5, i.e. impacts of EMFs from electricity overhead line NSIPs.</p> <p>12.4.10 The Council would have expected further investigation and information regarding the significant environmental impacts on the identified electrical overhead line NSIP. Little information has been provided to demonstrate how the impacts have been minimised and what mitigation measures have been put in place, if any.</p> <p>12.4.11 The aforementioned Appendix 1.3 of the ES (APP-334) 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 reference has been made to the Project Design Reports Part D (APP-510 and APP-511) and drawings within it, paragraphs 5.6.1 – 5.6.25, 6.4.27 – 6.4.41, 6.4.53 – 6.4.58, and 6.6.1 – 6.6.52 of the Planning Statement (APP-495) or Appendix B of the Planning Statement (APP-497). This is a deficiency and prevents the Council’s review and assessment of the proposals.</p>
Applicant’s Response	<p>The Applicant notes that the majority of the section above is addressed in the Applicant’s response to pages 192-195 of Thurrock Council’s LIR.</p> <p>In response to 12.4.11, ES Appendix 1.3 [APP-334] is an assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008. The relevant test under that section includes a consideration of whether the proposed works would be likely to have a significant effect on the environment, which accounts for its inclusion in the ES. That test has no relevance in relation to the threshold for electric line NSIP works required by the Project. The Applicant would bring to the</p>

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	<p>attention of the Council that Table 1.1 of Appendix 1.3 lists the works under the heading ‘Schedule 1 Work No’ and paragraph 1.1.4 notes that ‘<i>These are set out fully in Schedule 1 of the draft DCO [REP1-042] and in the Works Plans [AS-024, AS-026, AS-028, AS-030]</i>’ and as such are adequately signposted.</p> <p>The Applicant’s position is that the assessments of both s16 and s20 of the Planning Act 2008 contained within ES Appendix 1.3 [APP-334] and Annex 2 of the Explanatory Memorandum [APP-057] demonstrate that the assessment has been suitably completed. There is no requirement for additional information to demonstrate those findings. The Project has determined that Work Nos G2, G3 and G4 are NSIPs pursuant to s.20 of the Planning Act 2008 due to the potential of giving rise to significant environmental effects in relation to terrestrial biodiversity or cultural heritage (s20(3)(b)), therefore meeting the tests of sections 20(2), 20(3)(b), 20(4) and 20(5), further evidence has been provided within Table 2.2 of that assessment [APP-334]. There is no equivalent test contained within s16 of the Planning Act 2008.</p> <p>It is the Applicant’s understanding that its conclusion in relation to the existence of four utilities NSIPs is not contested by Thurrock Council; likewise the Applicant’s understanding is that the relevant statutory undertakers support the conclusions. Accordingly the Applicant considers that further examination of this matter is not required, and should be regarded as a settled point for the remainder of the examination.</p>
<p>Pages 196-197</p>	<p>12.5.1 The overarching concern regarding the utilities infrastructure, including diversions, new supplies and utilities logistics hubs (ULHs), is the spread of information across the DCO, with little to no reference to information location. It is also acknowledged that the information provided is not detailed enough to be able to determine the impacts of the utilities diversions, new supplies and ULHs. It is usual for a project of this size and complexity, particularly with regards to the gas and electric NSIPs, for a standalone Utilities Section to be included, which provides a lot more detail than has been given for LTC and with detailed drawings provided. It is clear from what has been included within the DCO that further detail and information is available, however, this has not been provided.</p> <p>12.5.2 Furthermore, it is clear from the assessment of the relevant DCO documents above in Sections 12.1 – 12.4, that many of the matters raised in both the latest previous consultations and item numbers 3, 6, 9, 10, 13, 18, 21, 22, 27, and 55 of the recent PADs Summary Statement [PDA-008] have not been dealt with, despite claiming successful engagement in a number of other DCO documents provided by NH.</p> <p>12.5.3 With regards to gas infrastructure, due to the nature of several gas infrastructure diversions, the Council would have expected a separate Utilities document outlining the gas diversions, with drawings highlighting each one. Aside from this, the Council notes that NH has 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.</p>

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	<p>12.5.4 With regards to electricity infrastructure, 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 NH has been liaising with the statutory electricity providers and National Grid, such that the diversions are approved by said parties. The Council 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.</p> <p>12.5.5 With regards to water and telecommunications infrastructure, the Council expected a separate Utilities document outlining the water main and telecommunications diversions, with drawings highlighting each one.</p> <p>12.5.6 The Council would also expect a separate Utilities document detailing the proposed utility supplies for LTC, as well as temporary supplies for the construction compounds.</p>
Applicant’s Response	<p>The Applicant believes the majority of the section above is addressed in the response to pages 192-195.</p> <p>The Applicant refutes the need for a separate utilities document as suggested by the Council. To assist the Council and Examining Authority, and in response to matters 12.5.1 through 12.5.5, the Applicant would refer to ES Chapter 2: Project Description [APP-140] where information regarding the utility works including the diversions, new connections and temporary utility works, including those Utility Logistics Hubs (ULHs) required to deliver the works, is communicated. This chapter, supported by plans, assessments and control documents within the application, provides information about the Project route, tunnel construction and supporting works such as environmental mitigation, site preparation work and construction compounds of which the utility works have not been disaggregated. The utility works can be seen on the Works Plans [AS-024, AS-026], the utility specific works plans [AS-028, AS-030] and the Temporary Works Plans containing those temporary utility works and ULHs can be seen at [AS-034] and [AS-036].</p>
Page 198	<p>Skills, Employment and Legacy</p> <p>13.1.1 The Council recognises that LTC proposal has the potential to deliver some skills, employment and education benefits for the local area. The Council has been proactive in engaging on this topic and has made four main requests from an early stage:</p> <ul style="list-style-type: none"> • First, that we were provided with sufficient information to understand the derivation of employment forecast numbers that have been used by NH in their scheme publicity; • Second, that there were ambitious and stretching targets in place for NH, and its contractors, to deliver positive skills, employment, and education outcomes;

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	<ul style="list-style-type: none"> • Third, that all targets are suitably ‘localised’. By localised we mean that any skills, employment, and education benefits must flow primarily to those local areas within which the proposed LTC works take place. Circa 70% of the proposed LTC construction works and scheme are located within Thurrock and the Council has made repeated requests that a commensurately high share of labour market and skills benefits flow to Thurrock; and, • Fourth, that the Council be properly resourced by NH to help secure positive labour market outcomes. This means having a dedicated internal team to work on a range of matters including labour market readiness, skills, recruitment and supply chain development. <p>13.1.2 As will become clear from the remainder of this Section, the Council is extremely disappointed by the response of NH on all of the above matters. The Council’s position is that there are insufficient mechanisms in place to deliver substantive local skills and labour market benefits.</p> <p>13.1.3 The Council is also disappointed with the lack of a proper engagement process on the topic of skills, employment and education. Whilst a Skills, Education and Employment Working Group (SEE WG) was established by NH in February 2021, it failed to meet regularly. NH has produced a Skills, Education and Employment Strategy (the latest version being appended to the NH Section 106 Agreements – Heads of Terms document (APP-505), but the involvement of the Working Group in the production of the Strategy was extremely limited and the group was not kept involved nor updated on the emerging content of the Strategy. More details of this lack of engagement are provided below.</p>
Applicant’s Response	The Applicant has addressed these points in the response to pages 198-200, below.
Pages 198 - 200	<p>13.2.1 Thurrock Council’s first substantive inputs on the topic of skills, employment and education were in a submission of July 2020. The submission was in response to the initial draft of the Skills, Education & Employment (SEE) Strategy produced by NH in June 2020. Extracts from the submission show that our concerns were set out very clearly at the outset:</p> <ul style="list-style-type: none"> • <i>‘All SSE KPIs should be suitably ambitious’;</i> • <i>‘We need a definition or definitions of ‘local’. There could be core and outer 7definitions and Thurrock should be prioritised on the north side’;</i> • <i>‘Should be a local labour target for workforce as a whole’; and,</i> • <i>‘The delivery of support to residents and businesses should not be left to HE (now NH). We would expect HE (NH) to fund the Council to deliver this so that the Council can effectively build on local delivery arrangements/ links. Our initial request will be funding for a Local Labour and Business Team which includes flexible commissioning budgets’.</i>

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	<p>13.2.2 Not long after the production of the first draft of the SEE Strategy, Thurrock Council published the . The report was published on the Council’s website and remains available – it is included as Annex K1 to this LIR. The Hatch LTC Mitigation Report was a companion document to the February 2020 Hatch LTC Economic Costs Study – see Annex K2. The Economic Costs report set out the likely costs to Thurrock of LTC, with the Mitigation report setting out measures need to, in part, offset these costs.</p> <p>13.2.3 The Hatch report contains 58 specific requests of NH to help mitigate the negative impacts of LTC on Thurrock. Two of the 58 requests were explicitly concerned with skills, education and employment matters and are outlined in the next sub-section of this Section. Both measures were entirely in line with the submissions outlined above.</p> <p>13.2.4 It is worth noting the following items on the timeline of skills, education and employment matters, all of which substantiate our view that NH have not seen the SEE strategy document as a priority and have not engaged sufficiently with partners on its production:</p> <p>13.2.5 After production of the <i>first draft of the SEE Strategy in June 2020, the next draft the Council received was in August 2021, over 12 months later. It took NH seven months to acknowledge and respond to the Council’s comments on that draft of the SEE Strategy.</i></p> <p>13.2.6 <i>In October 2021 a paper was prepared for the Council’s LTC Taskforce (see Annex K3) that summarised the Council’s concerns about the SEE strategy. All of these concerns were relayed to NH.</i></p> <p>13.2.7 <i>The Council repeatedly asked on a monthly basis for an updated SEE Strategy throughout the remainder of 2021 and the first half of 2022. The Council eventually received the next version of the SEE strategy in July 2022 (which was actually dated November 2021). None of our concerns had been addressed.</i></p> <p>13.2.8 <i>The first meeting of the SEE Working Group was in February 2021. It met again in May 2021 but then not gain until mid-2022. Commitments from NH to ensure the meetings were held more regularly were not upheld.</i></p> <p>13.2.9 <i>The Council prepared a further detailed SEE critique document in September 2022 (see Annex K4 Thurrock Council – Further Comments on SEE Strategy & SEE HoT - 8 September 2022) that strongly criticised the NH approach to the SEE strategy and the contents of the document. The main points/recommendations we made were, as follows:</i></p> <p><i>We wanted a much tighter definition of ‘local’. We specifically requested that the ‘host’ authorities are refined down from five areas to include three only, namely Thurrock Council, LB Havering and Gravesham Borough Council. We also requested that the SEE strategy makes clear that within these three areas the majority of works, greater than 70%, are expected to take place in Thurrock and that the sourcing of labour and other SEE targets should reflect this concentration of host-area activity in Thurrock;</i></p>

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	<p><i>We provided more stretching targets for each of the 12 headline targets in the SEE Strategy and provided a justification of each. The Council requested that these more stretching targets be adopted by NH;</i></p> <p><i>The Council pointed out there was no explanation in the SEE Strategy of the staffing resource that will be put in place to help deliver the SEE Strategy and secure target outcomes. The Council repeated the request that to deliver the SEE Strategy effectively the Council requires the provision of six new support posts to deliver positive labour market and business outcomes for Thurrock (as per the Hatch CLS1 request); and,</i></p> <p><i>We again requested that NH reconsiders its claim to be creating 22,000 jobs. The Council expressed our view that this number and claim, which was being widely used in NH communications, was misleading (see below). The Council again asked for evidence on the calculation of the 22,000 number.</i></p> <p><i>13.2.10 NH replied to our September 2002 paper in October 2022. None of the recommendations in our September 2022 were accepted by NH. Our whole relationship with NH on the SEE Strategy over the last three years has been one of the Council making sensible and well-reasoned requests and not being accepted or resolved by NH.</i></p>
<p>Applicant’s Response</p>	<p>The matter of Skills, Education and Employment (SEE) Strategy staffing is addressed by the Applicant in the response to page 200.</p> <p>The SEE Strategy is ultimately the Applicant’s document. Local authorities, organisations and residents have all had an opportunity to feed into the document over the course of three years. Please see below examples of engagement:</p> <ul style="list-style-type: none"> • Over 2019 and 2020 the Applicant ran several workshops to gather information from local communities on what benefits they wanted to see on the programme. Any requests were gathered and used to develop contract targets, define approaches and resulted in the development of multiple legacy working groups – including the SEE Working Group, of which Thurrock is a member. • Many of these responses were discussed in the working group to understand what was deliverable and could be included in contracts/SEE strategy or developed further within the working group. <p>Please see below some examples of the work defined in the strategy due to conversations with the working group, including Thurrock Council.</p>

Request from Members including Thurrock Council	Work delivered
<p>How are you going to continue to support the local region with the changing skills requirements?</p>	<p>The SEE Strategy was agreed to be a revisable document in order to continue to reflect local needs and priorities. It was decided that this would be every two years, to enable delivery to take place in-between. The Applicant’s Employment & Skills Working Group(s) provide a forum in which to discuss and respond to changing skills requirements in the local region. Local authority representatives have the opportunity to share updates from their boroughs and, going forward, work alongside the Contractors to address skills requirements.</p>
<p>Can local authorities be part of the review process with Employment & Skill plans</p>	<p>Local authorities will act as a key consultee on Delivery Partners’ Employment & Skills Plans. The Employment & Skills Working Group(s) provide a forum in which to discuss and respond to changing skills requirements in the local region, which will then be reflected in the annual Employment & Skills Plans. Local authorities will also act as a key consultee for any future revisions of the Applicant’s SEE Strategy.</p>
<p>Providing meaningful work experience Included within the SEE Strategy, T -Levels is also an area placements incl. apprenticeships, T-levels of focus due to the priority specified by working group members</p>	<p>T-Levels have been included in the Applicant’s SEE Strategy as an area of focus for Delivery Partners. Engagement with local Training Providers, schools, colleges and businesses will help to inform the Delivery Partners’ pre-employment strategies, encompassing work placements, T-Levels, apprenticeships and graduate and training schemes.</p>
<p>Focus on upskilling due to low unemployment rates across the region</p>	<p>A target was created in order to capture this requirement and support upskilling local residents. Work placement target was also split in order to focus on pre-employment programmes.</p>
<p>Supporting local career programmes by encouraging ‘good’ career choices into</p>	<p>SEE Advisors have been working with local authority skills officers to identify opportunities to match industry experts and STEM ambassadors with colleges, in order to increase awareness of</p>

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	<p>construction and logistics, especially for females, BAME and those with disabilities</p>	<p>future opportunities to work on the Project and in the wider construction industry. This has resulted in strong partnerships with South Essex College, USP and Palmers.</p> <p>There is also a section in the SEE Strategy around an inclusive education programme, targeting priority group demographics to deliver meaningful, sustainable impact.</p>
	<p>It would be useful to be clear on all of the KPI definitions and how they will be recorded/ evidenced.</p>	<p>A section was included in the SEE strategy to accommodate this</p>
	<p>The Councils expect there to be some additional commitments on disability, gender and ethnicity and other particularly disadvantaged groups.</p>	<p>Pre-employment work placement target. Focused on supporting those furthest from employment onto the programme</p> <p>List of priority groups listed in strategy, agreed by LTC Skills working group members, including Thurrock Council</p>
<p>These are just a few examples to demonstrate how the Applicant has taken on feedback from the working group to further develop the SEE Strategy.</p> <p>Please see below dates the SEE Strategy document has been sent to Thurrock members for comments:</p> <ul style="list-style-type: none"> • 23 June 2020 • 16 August 2021 • 9 September 2021 • 11 July 2022 <p>The document is only sent across to working group members, when there has been changes to the document. All comments and responses to the document via the Council have either been discussed in the working group meeting or logged and responded to through the Project’s issue resolution process. In relation to working group meetings – recurring meeting invites have been sent to all members of the working group, which now take place regularly.</p> <p>Dates for the working group are agreed by all members, including Thurrock Council. Two meetings have been delayed at the Council’s request.</p>		

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	<p>The Applicant will undertake best endeavours to implement the principles and measures set out within the Skills, Education and Employment Strategy, which sets out how measures would enable the skills, education and employment opportunities associated with the Project to be realised.</p> <p>To achieve the skills legacy, the Applicant shall require its Contractors and supply chain partners to use best endeavours to:</p> <ul style="list-style-type: none"> • Achieve a target of at least 20% of employees to be local people who usually reside within Gravesham, Medway, Thurrock, Havering and Brentwood immediately prior to obtaining work on the Project, and continue to do so on starting work on the Project; • Achieve a target of at least 45% of employees to be within 20 miles of the Project or associated works (including employees within the boroughs in (a)) • Achieve the minimum targets set out below: <ul style="list-style-type: none"> – Training for local communities – 350 people – Sector skill qualification – 500 people – Apprentices – 437 people – Graduates/trainees – 291 people – Newly employed – 500 people – Pre-employment programmes – 650 people – Education engagement – 5,000 hours – Support to educators – 2,000 hours – Work placements – 470 people – SME spend – £1 in every £3 – Business upskilling – 1,000 businesses – Supply chain payment – within maximum of 30 days. <p>The Council would also like to see more ambitious targets to be pursued by the Project. However, the targets presented above have been benchmarked, and the Applicant has presented the work and the calculations done to reach them to the Skills and Employment Working Group on 16 September 2022. As discussed in the last working group meeting on 16 September 2022 there is an opportunity to develop additional KPIs within the National Skills Academy. This is a conversation for the wider working group to identify what those KPIs could look like to reflect the programme and local skills needs.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>The Contractors will be required to develop Employment and Skills Plans which align to the overarching SEE Strategy. All Contractors and supply chain partners will be required to undertake regular reporting to monitor progress against the target outcomes during the construction of the Project. These plans will be reviewed annually. The findings from this reporting will be discussed in a quarterly SEE Forum and released in an annual outcomes report.</p> <p>Thurrock Council disagrees with the definition of the local area, and would like to include only Thurrock, LB Havering and Gravesham. The Applicant has identified five local authorities directly impacted by the construction works: Thurrock, Brentwood, the London Borough of Havering, Gravesham and Medway. Local is defined by a 20-mile radius from the Project to maximise local economic development. The Contractors are following a local first procurement strategy which will encourage more local businesses to form the Project’s supply chain and further benefit the local economy. The Contractors are also engaging with local schools, training providers and social enterprises to deliver against the SEE Strategy commitments across skills, employment and education. The focus remains on the Applicant’s existing definition of local to ensure that commitments are achievable across the delivery of the programme.</p> <p>A further discussion on this matter was held with the Council on 27 June 2023. The Council expressed concerns around the opportunity to engage with the Contractors as part of the Employment and Skills Working Group with specific regard to the minimum targets as listed above. Although this matter is unlikely to be agreed, the Applicant has agreed to provide some further clarification. This matter remains under discussion.</p> <p>In response to the Council’s comment about provision of work for 22,000 people locally and nationally, the Applicant has addressed this in the response to pages 200-201 below.</p> <p>This matter is addressed by SoCG [APP-130], item 2.1.171, summarised above.</p>
Page 200	<p>13.3.1 As set above, there are two Hatch measures that are explicitly concerned with skills, education and employment matters.</p> <p>13.3.2 These two Hatch measures are also explicitly identified as items in the Thurrock/NH Statement of Common Ground (APP-130). Both are ‘Matters Not Agreed’ – see below:</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response			
	Table 13.1 Hatch Measures for Skills, Education and Employment			
	Hatch identifier	Description	SOCG identifier	Current status
	CLS1	Request that a Council team (of 6 staff) be funded by NH with the responsibility for supporting residents and businesses secure economic benefits from LTC.	2.1.170	Matter not agreed. NH has refused throughout to fund Council posts on SEE matters.
	CLS3	Request that a target be set for both local labour and local apprentice use apprentice use	2.1.171	Matter not agreed, as Thurrock Council are unhappy with the level of ambition in the SEE strategy targets, and the definition of ‘local’.
Applicant’s Response	<p>This matter is addressed by SoCG [APP-130] item 2.1.170, summarised below.</p> <p>CLS1 - To support early development of the Skills, Education & Employment (SEE) ambitions and targets, the Applicant established a SEE Team in 2021. The SEE Team was responsible for building relationships across the south-east and hosting authorities to underpin the skills provisions for the programme. This included working closely with local authorities, education & training providers to develop upskilling initiatives to minimise potential skill gaps, and provide information to residents on the upcoming job opportunities ahead of the onboarding of Main Works Delivery Partners. Project resourcing will be changing to reflect the next phase of the programme, as Delivery Partners are onboarding to begin mobilisation for the three Main Works Contracts (Roads North, Kent Roads, Tunnels & Approaches). Delivery Partner attainment of SEE commitments secured in S106 Agreements will be continually reviewed across the Project to demonstrate delivery of local SEE outcomes. To provide flexibility as to how the Project achieves these outcomes, the Applicant is currently reviewing the reference to specific roles within S106 Agreements. The Applicant will continue to engage with local authorities to discuss SEE opportunities and challenges, as well as provide updates once the Delivery Partners are onboarded.</p> <p>CLS3 - The Applicant has addressed this in the response to pages 198-200.</p>			
Pages 200-201	13.4.1 We cover the Council’s assessment of scheme proposals under the four main topics that it has used throughout the last three years to structure the comments on matters relating to skills, education and employment.			

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>Clarity Over Job Creation</p> <p>13.4.2 The level of job creation as a result of LTC scheme remains unclear.</p> <p>13.4.3 The latest NH position in the October 2020 SEE Strategy is that the project ‘will engage more than 22,000 people during construction including 10,000 jobs at peak. This is made up of both direct and indirect jobs’ (p8).</p> <p>13.4.4 The current NH LTC website states that <i>‘The Lower Thames Crossing will provide work for more than 22,000 people’. The NH Roadmap to Growth document lists what NH see as the main labour market benefits of LTC and states the project will provide ‘work for more than 22,000 people’ (p4).</i></p> <p>13.4.5 The number 22,000 has been used by NH for at least three years and described by NH in various different ways over the period. The Council has requested information throughout on the derivation of this number and a precise definition of what it is measuring.</p> <p>13.4.6 The Council remain unconvinced that there will be 22,000 different individuals employed throughout the life of LTC. The Council contend that the figures used by NH are a summation of annual jobs numbers, irrespective of the duration of each job. It follows that as many, if not most, employees will work on the project for more than one year, then the actual number of jobs created/people employed will be considerably lower than 22,000. The Council’s views on this matter are reinforced by the content of the NH Workers Accommodation Strategy (APP-551). The document (p19) states that <i>‘the workforce for the (LTC) Project would reach an overall peak of 4,514’</i>. The Council contend that NH has added together annual peak numbers to arrive at 22,000. This practice is highly misleading.</p> <p>13.4.7 The Council stated in our September 2022 SEE submission that <i>‘it is important that NH confirm and clarify these (jobs) figures and refrain from quoting the 22,000 figure in any LTC communications until such time that it has done so’</i>. This was a repeat of earlier request the Council made for a derivation of the 22,000 number. The Council have had no reply on this matter in over 2.5 years.</p>
<p>Applicant’s Response</p>	<p>The SEE Strategy included at Appendix B to the Section 106 Agreements Heads of Terms [APP-505] provides further information relating to labour market benefits of the Project. The Strategy clearly states that the 22,000 people who would benefit from the Project in terms of employment include not only those employed directly to build the Project but also thousands more who would benefit through the supply chain.</p> <p>The Applicant specified that <i>‘Over the six-years of construction, the Project will provide work for more than 22,000 people locally and nationally, from jobs building the Project to the work generated with hundreds of businesses’</i>. This included direct and indirect demand from data in 2020.</p> <p>This information was presented at the Skills and Employment Working Group meeting on the 16 September 2022.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response						
<p>Pages 201-203</p>	<p>The Extent to which SEE Targets are Ambitious</p> <p>13.4.8 There are 12 main targets listed in the October 2020 version of the applicant’s SEE Strategy (APP-505 (at pages 26/27)). These are the same targets that also appeared in the November 2021 version of the SEE Strategy and the August 2022 SEE Heads of Terms document that the Council were provided with by NH.</p> <p>13.4.9 Despite our detailed comments and requests on each of the 12 targets, not a single target has changed.</p> <p>13.4.10 There has been ample opportunity for NH to raise the ambitions of the SEE Strategy and numerous prompts from the Council, and other partners, to do so. NH have declined to raise ambition at every opportunity. The Council remain very disappointed with the stance of NH. The Council set out below suggestions on how the SEE Strategy targets can be improved and become more ambitious. This is not the first time we have made these requests:</p> <p>Table 13.2 SEE Targets Comparisons</p> <table border="1" data-bbox="416 715 2078 1216"> <thead> <tr> <th data-bbox="416 715 831 868">Target Name</th> <th data-bbox="840 715 1140 868">Quantified Target as set out in October 2022 SEE Strategy</th> <th data-bbox="1149 715 2078 868">Council Request (made originally in September 2022, and repeated now)</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 874 831 1216">Training for local communities</td> <td data-bbox="840 874 1140 1216">350 people</td> <td data-bbox="1149 874 2078 1216">The Council has suggested below a target of 2,000 new qualifications across the workforce overall. Qualifications flow from training so if 45% of workers are ‘local’ as per NH suggestion, then this means a minimum of 900 training programmes with certification will be delivered for local workers. In addition, there will be additional training that is not necessarily certificated. An overall target of 1,500 local people receiving training (with or without a subsequent qualification) would be a reasonable target.</td> </tr> </tbody> </table>	Target Name	Quantified Target as set out in October 2022 SEE Strategy	Council Request (made originally in September 2022, and repeated now)	Training for local communities	350 people	The Council has suggested below a target of 2,000 new qualifications across the workforce overall. Qualifications flow from training so if 45% of workers are ‘local’ as per NH suggestion, then this means a minimum of 900 training programmes with certification will be delivered for local workers. In addition, there will be additional training that is not necessarily certificated. An overall target of 1,500 local people receiving training (with or without a subsequent qualification) would be a reasonable target.
Target Name	Quantified Target as set out in October 2022 SEE Strategy	Council Request (made originally in September 2022, and repeated now)					
Training for local communities	350 people	The Council has suggested below a target of 2,000 new qualifications across the workforce overall. Qualifications flow from training so if 45% of workers are ‘local’ as per NH suggestion, then this means a minimum of 900 training programmes with certification will be delivered for local workers. In addition, there will be additional training that is not necessarily certificated. An overall target of 1,500 local people receiving training (with or without a subsequent qualification) would be a reasonable target.					
<p>Applicant’s Response</p>	<p>It should be noted that the ‘definition of local’ is addressed in detail in the response to pages 198-200.</p> <p>The SEE targets outlined in the SEE Strategy were benchmarked against other major projects and shared for consultation with regional partners, such as the Construction Industry Training Board. These are minimum programme-wide targets which all Contractors must meet. The Employment and Skills Working Group will act as a key forum in which Contractors will engage with</p>						

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	representatives from local authorities to address the needs of local communities and support existing initiatives to work towards exceeding the minimum targets outlined in the SEE Strategy. The SEE Strategy is also a revisable document, to ensure that changing needs across local communities are met and prioritised.		
Page 201-203	Target Name	Quantified Target as set out in October 2022 SEE Strategy	Council Request (made originally in September 2022, and repeated now) people receiving training (with or without a subsequent qualification) would be a reasonable target.
	Sector skills qualifications (also labelled ‘industry skills’)	500 people	500 qualifications over the course of a 7-year build programme and across 22,000 employment opportunities is a woeful and unambitious target. The Council requests that each year contractors are required to secure new qualifications for at least 10% of their workforce. This would equate to an overall target in excess of 2,000 sector skills qualifications.
	Apprentices	437 people	The Council notes that only 60% of this target will be met by new apprenticeships, with the remaining 40% being existing contractor staff who are ‘converted’ to apprentices. The target must be increased to 500 apprentices and this should relate solely to new apprenticeship opportunities. The 500 apprentices should also be resident in one of the three ‘host’ authorities.
	Graduates/trainees	291 people	The Council is unclear on the meaning or purpose of this target. It appears to suggest that LTC delivery contractors are required to provide employment to 291 new graduates. It is not clear what relevance this target has to securing local labour market outcomes.
	Newly employed (also known as ‘returners to work’)	500 people	This target requires clarification. The SEE Strategy states ‘LTC delivery contractors are targeted to support at least 500 local people who were previously unemployed’. It is not clear if delivery contractors will be required to employ these that 500 individuals. This target should be clarified to say unemployed local people (using the

LIR Reference	Local Impact Report Extract / Applicant’s Response		
			Thurrock definition of local = three host boroughs) will be employed by LTC delivery contractors.
	Pre-employment programmes	650 people	The Council requires that the vast majority of this pre- employment support (>90%) is undertaken with residents in the three host authorities as set out elsewhere. For a project of this scale the target should be substantially greater than supporting only circa 100 people each year. A figure closer to 200 people each year is more appropriate.
	Education engagement	5,000 hours	NH has set out a target for 7,000 hours of engagement with local schools, broken down to 5,000 hours supporting students and 2,000 supporting educators. Whilst the volume of activity appears reasonable, NH must commit to undertake the vast majority of this activity in ‘local’ schools. The majority of activity (>90%) must be undertaken in schools in the three host authorities as set out elsewhere in section.
	Support to Educators	2,000 hours	See above.
	Work placements	470 people	Increase target to 1,000 people. This requires reinstating the previous target of 650 and increasing by approximately 50%. A high proportion of these work placements (>90%) must be offered to ‘local’ school children (using the required Council definition of ‘local’).
Applicant’s Response	<p>It should be noted that the ‘definition of local’ is addressed in detail in the response to pages 198-200.</p> <p>The targets outlined in the SEE Strategy have not been benchmarked against the 22,000 individuals who are to be directly and indirectly supported by the Project. Instead, they have been benchmarked against other major projects, considering the Project’s indicative peak workforce numbers, which are significantly lower than 22,000.</p> <p>At least 60% of apprenticeships will be new apprenticeships, providing opportunities for local people to enter the workforce and upskill within the construction industry on a major infrastructure Project. Feedback was received from the Employment and Skills Working Group about the high number of young people who are unable to complete their apprenticeship courses due to a lack of</p>		

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	<p>placement/employment opportunities. Existing apprenticeships therefore support local young people who are at risk of failing to complete their apprenticeship courses due to local programmes demobilising.</p> <p>The Project strives to be an inclusive programme which supports and encourages different routes into the construction industry. This includes graduate and trainee opportunities. The Project will need a range of different disciplines and skill sets to deliver the programme. Traineeships were included as part of the early career programme targets, to support people onto the programme where there were no apprenticeship standards, for instance, traffic marshals.</p> <p>The newly employed target definition is outlined in the SEE strategy: <i>‘Somebody who was previously unemployed. We want to give local people the tools to get into a fulfilling career, creating opportunities for all that tackles inequality.’</i></p> <p>The Applicant does not propose to amend the current definition of local or suggest borough-specific targets for individual SEE metrics.</p> <p>The Applicant is in the process of developing its School Engagement Plan, which is annexed to the SEE Strategy. A cluster of local schools will be partnered with each of the Contractors to enable them to work closely with highly impacted schools to provide meaningful engagement and support their yearly curriculum. This approach has been positively endorsed by Thurrock’s education team and the Applicant continues to work with them on finalising this document.</p>		
Page 201-203	Target Name	Quantified Target as set out in October 2022 SEE Strategy	Council Request (made originally in September 2022, and repeated now)
	SME spend	£1 in every £3	See below. There must be a ‘local’ component to this target. So, for example: ‘£1 in every £3 with SMEs, of which half will be local SMEs’ (using the required Council definition of ‘local’).
	Business upskilling	1,000 businesses	This target must relate to ‘local’ businesses. This target should qualify the depth of business upskilling that NH and its contractors will engage in. For example, sending a mailshot to 1,000 businesses should not count against this target. The intervention needs to be in depth upskilling and awareness raising work. Depending on how the target is qualified, 1,000 local businesses may be a sufficiently stretching target.

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	Supply chain payment	Within 30 days	The Council is content with this target. It aligns with current reforms to the UK prompt payment policy, which is also seeking to reduce payment terms to 30 days on all government contracts. The Council requests that NH publishes a regular performance dashboard to hold itself accountable and measure performance against its targets.
Applicant’s Response	<p>It should be noted that the ‘definition of local’ is addressed in detail in the response to pages 198-200.</p> <p>The SME target of £1 in every £3 of construction spend to be spent with SMEs is aligned to the government’s target for the development and promotion of smaller businesses. Contractors will be adopting a local first procurement approach, which will ensure full transparency of contractual opportunities for local suppliers, as well as development and mentoring initiatives.</p> <p>The Applicant does not propose to amend the current definition of local or suggest borough-specific targets for individual SEE metrics.</p> <p>No comment required for the supply chain payment target.</p>		
Pages 203-204	<p>‘Localisation’ of SEE Outcomes</p> <p>13.4.11 The current version of the SEE strategy (dated October 2022) states: <i>‘We want at least 45% of our workforce to be recruited from within 20-miles of the project. This consists of 20% from postcodes that sit within the local authorities that the Lower Thames Crossing ‘impacts directly’ plus 25% from postcodes that are within a 20- mile radius of the project’</i> (p6).</p> <p>13.4.12 The definition of ‘impacts directly’ is provided on p16 of the current SEE Strategy, where it is made clear that the target is for 20% the workforce labour to be sourced from postcodes in the five authorities of Gravesham, Medway, Thurrock, Havering and Brentwood.</p> <p>13.4.13 This target for localisation is not adequate for the Council. Some 70% of LTC route falls within Thurrock with a commensurate share of construction disbenefits (noise, traffic, delay etc). As it stands, the only explicit targeting of local labour from Thurrock is that we are identified as one of five authorities sharing 20%. All other things being equal, this target seeks to source 4% of labour from Thurrock. This (lack of) targeting is wholly inadequate given the scale and share of LTC disbenefits that Thurrock will experience.</p> <p>13.4.14 We have made clear to NH our requests for more extensive local targeting, namely that:</p>		

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> • The list of ‘directly impacted’ authorities is refined down from five areas to include three only, namely Thurrock Council, LB Havering and Gravesham Borough Council, which are the most directly affected Las; and, • The SEE strategy makes clear that within these three areas the majority of works, circa 70%, are expected to take place in Thurrock and that the sourcing of labour and other SEE targets should reflect this concentration of host-area activity in Thurrock. <p>Funding for Council SEE Team</p> <p>13.4.15 The Council has consistently requested that a Council team (of six staff) be funded by NH with responsibility for supporting residents and businesses secure economic benefits from LTC. Detailed costings on the team and role description were provided to NH via the Hatch Mitigation report in October 2020 and in subsequent Hatch meetings where the Council provided the applicant with a year-by-year spreadsheet breakdown of the likely costs of the team. Further updates to these costs will be submitted shortly to NH as their request.</p> <p>13.4.16 Rather than meet this request, NH has pursued a path of assembling their own SEE team. The proposed composition and experience of the SEE team is surprisingly not covered in the SEE Strategy. There is, however, reference in the Thurrock/NH Statement of Common Ground to how NH see the SEE team working (APP-130 within, item 2.1.170)) NH state:</p> <ul style="list-style-type: none"> • There will be five ‘pre-construction’ SEE roles. One of these roles is identified as a ‘SEE Advisor North’. North referring to north of the Thames covering all Boroughs; and, • There will be six SEE posts maintained during the construction phase. None of these six posts appear to have a specific geographical remit. <p>13.4.17 As is clear from the role description provided by NH, there is very little SEE staffing resource being explicitly provided to Thurrock. Thurrock has a share of one ‘northern’ post pre-construction and no dedicated resource once construction begins.</p> <p>13.4.18 Some 70% of LTC’s route falls within Thurrock with a commensurate share of construction disbenefits (noise, traffic, delay etc). It is wholly inadequate that we are not being furnished with targeted staffing resource to help secure positive skills, education and employment outcomes for Thurrock ‘in return’ for these disbenefits.</p> <p>13.4.19 There is a significant mis-match between what we have requested consistently for the last 2.5 years (six SEE posts hosted by the Council) and what is being proposed by NH.</p>
Applicant’s Response	The Applicant has addressed these matters in the response to pages 198-200 above.

<p>Pages 204-206</p>	<p>Worker Accommodation Provision and Impact</p> <p>13.5.1 The applicant has produced a Worker Accommodation Report (WAR) (APP-551) within the DCO application, and this has been reviewed, along with previous consultation responses and the applicant’s responses and the current status of the relevant SoCG and PADs Summary Statement matters.</p> <p>13.5.2 A draft of the WAR Summary (only) was originally offered to the Council for comment in May 2020 and the Council provided both general and detailed comments in October 2020, in summary these comments at that time were:</p> <ul style="list-style-type: none">• The WAR summary underestimates the level of demand for the private rental sector in Thurrock. New and existing housing supply in the Borough will be affected due to the construction of LTC; 20 homes will be lost to make way for the construction of LTC, directly reducing the number of residential properties available in the Borough, with a further 1,400 residential properties are estimated to be affected (i.e. to the extent that they should be regarded as being unsuitable for accommodation and therefore be regarded as being removed from the housing stock) by the development of LTC due to their proximity to the project, with 160 dwellings located within 200m of LTC scheme and a further 1,240 homes located within 500m;• The WAR summary states that land with the potential for up to 3,500 new homes will either be lost or will see construction delayed due to LTC, further impacting upon the ability of the Borough to meet its future housing needs;• The surge in additional demand for accommodation for LTC construction workers would not only stretch the already limited supply of available private rental sector accommodation in the Borough, but it would also be likely to lead to an increase in private rental sector evictions if landlords seek to increase their rents in line with the NAECI accommodation allowance and/or attempt to convert their family-sized homes into houses in multiple occupation (HMOs). Rather than the local rental market being able to ‘reasonably absorb the temporary increase in population during the course of the project’, LTC proposals may instead lead to the direct and indirect displacement of Thurrock residents to other areas to secure accommodation which is safe, secure and affordable;• Many of the current costs within the private rental sector are unaffordable to existing residents in Thurrock and private rental sector landlords are continuing to seek opportunities to achieve higher levels of rental income. From a supply and demand perspective, any significant uplift in demand for rental accommodation as result of LTC would increase the cost of renting in Thurrock. Although local landlords and investors would benefit from this, an increase in costs could have significant implications for low-income private renters in the borough who are not receiving housing support;• The WAR summary does not consider the direct and indirect impacts on the Borough’s local services, such as health, leisure, and recreational services as a result of an increased population during the construction of LTC. It is recommended that an impact assessment is carried out on local services as well as housing. These should be reported in the HEqIA and the EIA and should be considered as part of LTC Accommodation Strategy; and,
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LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> Further engagement with the Council is required on the principles of NH providing lasting, high quality on-site accommodation for LTC construction workforce, which would subsequently remain for the benefit of residents. This could provide an ideal way to achieve many of the objectives which the Council has concerning housing and accommodation and could deliver additional outcomes for both organisations and stakeholders to celebrate. For the Council, the implementation of more on-site and/or campus-based modular accommodation would alleviate some of the pressure which residents and officers would be facing regarding the local housing market in the short-term, lessen the impact of travel and traffic in the medium-term. Also, it would provide a longer-term benefit through increased accommodation to be used for supporting households who are homeless or at risk of homelessness in the future. <p>13.5.3 NH finally provided comments to the Council review of the WAR Summary document in January 2021 and then the Council responded further (by reiterating its previous comments) in its response to the CIC consultation in September 2021 (Section 2.10.15 of that response). Essentially the NH responses was largely to add comments to the SoCG logs for further discussion, although some clarifications were provided in January 2021 and in mid-2022.</p> <p>13.5.4 At NH’s request a meeting was held with the Council’s housing team in mid- August 2022, where NH offer a presentation on the way forward, but largely concentrating on the ‘Accommodation Helpdesk’ and seeking further information from the Council, which was provided to NH in mid-September 2022, but not followed up with the Council subsequently. The information that the Council provided related to the number of households supported into private rental sector; how many landlords accommodate such households; that there is no current landlord accreditation scheme but incentives exist for discounts on HMO license fee; and, that there was a Landlord Forum in October 2022 and could provide details (but none were requested by NH).</p> <p>13.5.5 Given DCO submission was in October 2022, at no time has the Council received any full draft of the WAR and only received the WAR Summary in October 2020, with no subsequent updates.</p> <p>13.5.6 Although the WAR issues are captured in the submitted SoCG (Items 2.1.233 – 2.1.235 and 2.1.239) and within the Council’s PADs Summary Statement (PDA-008) (Items 140 – 144), there has been little resolution and limited technical engagement between mid-2020 and now.</p>
Applicant’s Response	<p>The Applicant responds to the points at 13.5.2 in turn as follows:</p> <ul style="list-style-type: none"> The Worker Accommodation Report is an assessment of the effect of temporary, non-local workers on existing accommodation in Thurrock, and does not assess the Council’s assertion of effects on its ability to deliver its housing targets. The likely effects of the Project on private property and housing in relation to demolition and land-take (temporary and permanent) are assessed in ES Chapter 13: Population and Human Health Section [APP-151]. Mitigation measures comprise financial compensation; however it is acknowledged that there are wider implications for local residents associated

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>with the loss of private property (for example in relation to anxiety, or loss of community) and these issues are considered in more detail in the HEqIA [APP-539]. The likely effects of the Project on development land are also assessed in ES Chapter 13, and no significant effects are ascertained.</p> <ul style="list-style-type: none"> • This matter is covered in the response listed above. • The Applicant anticipates, conservatively, that the Project’s peak construction would lead to a demand for up to 570 private rented bedspaces within a supply in 2021 (new Census data) of 24,356 bedspaces (2.3%). There is no evidence to suggest a change in demand of this magnitude would affect rental prices. • This matter is covered in the response listed above. • ES Chapter 13: Population and Human Health [APP-151] considers the direct and indirect impacts associated with the construction workforce on local healthcare services, as a result of an increased population during the construction of the Project. The non-local workforce would be temporary, in a range of sectors including visitor sectors which already see seasonal variations and would not be wholly net additional (both because many workers would return home during inter-shift periods, and because they would be using accommodation that would in any case be occupied and contributing to service demand through general taxation). • The Applicant does not consider providing permanent accommodation is a proportionate approach to mitigation of a temporary effect. <p>13.5.5 – 13.5.6 – The updated WAR, from which the Summary was provided, was not shared with any stakeholders prior to submission of the DCO application. However, a presentation to the Project’s Community Impacts and Public Health Advisory Group (CIPHAG) was undertaken on 7 July 2022 to summarise the approach to and key findings of the Workers Accommodation Report (WAR) [APP-551] and how they have developed in the interim period from the initial briefing. In this meeting the Applicant confirmed the approach to mitigating impacts of the Project on local accommodation.</p> <p>Further meetings were held with Thurrock Council on 18 August 2022. These discussed in greater depth the technical information relating to housing needs and homelessness in the context of the Project’s construction workforce. The meetings explored key local pressures and indicators of housing market stress, the Council’s use of the private rented sector (PRS) for discharging housing need, the data the Council holds on the scale of demand and supply for accommodation, the current measures the Council has in place to reduce housing need/risk of homelessness, the engagement streams the Council has with landlords and the scope and application of the Project’s accommodation helpdesk (as set out in the Framework Construction Travel Plan [APP-546]).</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
<p>Page 206–207</p>	<p>13.5.7 Given the paucity of technical engagement and the lack of resolution of issues raised over a two year period prior to DCO submission, the WAR remain entirely unsatisfactory. In particular, the matters unresolved include the following:</p> <ul style="list-style-type: none"> • No recognition of the use of ‘bedrooms’, with ‘bedspaces’ as the preferred term, which are different; • There is no explanation of how the figure of 480 (400 bedrooms and 80 hyperbaric bedrooms) on-site accommodation bedrooms was derived; • There is no assessment of the potential reduction in emergency accommodation available to homeless households; • The assessments have been limited to existing accommodation supply data and not forecast data. Furthermore, there is no consideration given to the housing supply figures in the local authority areas and undersupply of housing. Demand that exceeds supply contributes to the rising levels of housing unaffordability within Thurrock, this needs to be considered within the Accommodation Assessment, as it may identify that there will be a greater impact on affordability in Thurrock than currently identified; • Rising rental value levels mean that there are shortfalls between maximum LHA rates and private market rents across Thurrock, which in addition to the construction works seeking accommodation could have significant impacts on housing and homeless households ; • The Accommodation Assessment is flawed and needs to be updated with LPA’s housing figures (historical and proposed) (market and affordable) and forecasted data is necessary to ensure that the full impact of the workers accommodation on the private rental market; • There is no evidence which has been provided which demonstrates that the project will not lead to unintended homeless due to landlords seeking higher rates; • The NAECI National Agreement figure has not been updated to reflect the 2022 figures of £295.47 per week or £42.21 daily rate). There is now an updated weekly rate which came into force on 9 January 2023, which is £302.89 or £43.27 per day; • There is no information within the WAR with regards to the impact of the need for workers accommodation and dwellings being turned into HMO’s; • There is no consideration of how the loss of visitor accommodation could impact on emergency homeless provision or if there will be any impact on visitor accommodation costs, which could impact on accommodating emergency homeless households;

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> • There is no evidence which has been provided which demonstrates that the project will not lead to the direct and indirect displacement of Thurrock residents. The measures set out in Section 7 (pro-active measures relating to accommodation) does not provide any clarity on how emergency accommodation will be safeguarded; • There is no acknowledgement of the potential impact or any proposed mitigation in terms of how the project will result in the loss or delay of up to 3,500 new homes, which will further affect the ability of the Borough to meet its future housing needs; and, • The WAR needs to be updated following an assessment of the pressures from inner and outer London and the potential impact on private sector housing in Thurrock. <p>13.5.8 The number and scale of these local impacts clearly demonstrate that the issue has not been dealt with adequately by the applicant over a period of time. Furthermore, without resolution and satisfactory adjustments (as requested) to the worker accommodation issues the impact on the Thurrock housing market could be significant and affecting the most deprived households, further worsening the need for housing in the local area.</p> <p>13.5.9 The Council required adequate responses to all previous comments and resolution of the issues and local impacts set out above.</p> <p>13.5.10 It should be noted that the Council and the applicant have arranged a workshop on 9 August 2023 to discuss the SoCG issues related to the inadequacies of the WAR, namely SoCG items 2.1.233 – 2.1.235, as referred to above.</p>
Applicant’s Response	<p>This matter is addressed by SoCG [APP-130] items 2.1.233 to 2.1.235 and 2.1.239, summarised below.</p> <p>The Applicant has provided information on the workers accommodation strategy to the Council and discussed this in previous engagement meetings. Documents such as the WAR [APP-551] were shared at DCO application submission. The Applicant is awaiting further discussions with Thurrock Council once they have completed a review of these documents.</p> <ul style="list-style-type: none"> • The original analysis by the Applicant was not based on the assumption that people would share rooms, and the available capacity (bed spaces) can also be read as (bedrooms). An element of the workforce, particularly those with specialist skill sets, will be non-home-based (i.e. require temporary accommodation in the area). The Applicant is keen to reduce this element of the workforce by implementing a Skills, Employment and Education Strategy (SEE Strategy), but recognise that some of the skill sets required for the Project (particularly tunnelling) are very limited in the UK. • The figures for onsite accommodation for tunnel workers (provision being made for up to 400 ‘normal’ condition workers and up to 80 hyperbaric workers) is based on the specialist needs for the tunnelling labour and is provided within the construction

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	<p>compound. This is based on the Applicant’s professional judgement and experience of construction schemes and predicted on the scale of the tunnelling operation to be undertaken.</p> <ul style="list-style-type: none"> The WAR provides an assessment of the effects of demand from the Project workforce on the private rented and visitor sectors of which small part is used for Emergency Accommodation. The Applicant acknowledges that local authorities use accommodation including within these sectors as emergency accommodation. The Assessment undertaken considers the scale of potential effects on the risk of homelessness and housing need and does not consider this to be significant. <p>Section 6 of the WAR [APP-551] provided an overarching assessment on total supply, and then a theoretical assessment on the ‘frictional vacancy’ in Section 6.4. A further sensitivity check was carried out for the PRS sector in Table 6.24 in the WAR [APP-551] which shows that even limiting the catchment to 30 minutes would mean the Project does not take up all the frictional vacancy.</p> <p>This demonstrates that the Project’s peak demand is largely within the theoretical capacity of the market to turnover, at a local authority scale. Workers can afford the entire market, so it makes more sense to compare to the market regardless of rental levels (for which there is no good dataset on to use as a baseline in any case).</p> <p>d. It is the local authority’s duty to develop a Local Plan and Housing Needs Assessment that is based on public datasets on household and population growth and net migration, and subsequently to plan for the delivery of that assessed need. The Project’s construction phase is a temporary effect that would not contribute to that assessment.</p> <p>The WAR [APP-551] has undertaken a robust and conversative assessment of the impacts using the best available data. Within the WAR, the Applicant set out that this was a limitation (and therefore placed monitoring as part of its mitigations), and used secondary datasets to investigate the potential scale of change since 2011 (paragraphs 6.4.6 - 6.4.7) WAR.</p> <ul style="list-style-type: none"> This has been acknowledged and considered as part of the WAR. It is noted that this is a pre-existing issue affecting all local authorities resulting from factors including national legislation and policy, local housing delivery, an unregulated PRS and under-funding of LPA statutory services. Section 6 (specifically paragraphs 6.4.29-42). See response d. g. The Applicant notes that there is no evidence to suggest that the Project would result in homelessness due to landlords seeking higher rates, given the number of other external factors and the very small proportion of the existing PRS which would be taken up by workers (and the fact that this is not likely to substantially overlap with the section of the PRS relied upon by those at risk of homelessness. This is set out in the WAR Section 6 (specifically paragraphs 6.4.29-42) [APP-551].

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	<p>Over the period 2018-2022, the rate at which a prevention/relief duty is owed equates to a very small fraction of households (around 1.3% of households in Thurrock and Gravesham). Compared to PRS households this is around 7.3% households in Thurrock and Gravesham.</p> <p>Our conclusion from new data and analysis of homelessness drivers is that:</p> <ul style="list-style-type: none"> • Households with a recognised housing duty represent a small proportion of the overall number of dwellings (and PRS dwellings) in Thurrock; • PRS is used to discharge some, but not all, of the housing need by the Councils; • Affordability is a key issue for those in housing need – those households are therefore more likely to be accommodated in only a small proportion of the market; • The non-local workforce seeking PRS accommodation (570 in Thurrock) would seek accommodation in a wider range of accommodation types and prices than would be used by the Council to resolve those housing need duties; • As a result, the accommodation type sought by local authorities as appropriate to discharge (a proportion of) housing need, and the accommodation sought by the workforce, are not likely to fully overlap (the net effect would be less than the gross). <p>Therefore, it is unlikely that the effect of the non-local workforce seeking PRS accommodation (570 in Thurrock) – who could access almost the entire market – would substantially overlap with existing demand.</p> <ul style="list-style-type: none"> • The Applicant notes this response. The Applicant used the most up-to-date published rate but acknowledges that this is regularly changing and will change several times again, as will other variables, before the start of construction. • In some cases landlords may seek to convert their properties into HMOs. They would require a licence from the Council to do this. This would be a private commercial decision by the landlord. • There is no evidence to suggest that there would be any change in the cost of visitor accommodation as a result of the Project. Visit Britain notes that there were over 1,600 bedspaces in visitor accommodation in Thurrock in 2016 (latest available data). • The Applicant does not believe the evidence suggests there would be a likely significant effect on emergency accommodation, but the measures will take into account feedback and specific evidenced concerns from LPAs and may include the re-distribution of workforce should concerns materialise. <p>The Applicant has undertaken a robust assessment of the potential effects of the Project’s non-local workforce on housing market capacity and stress and identified a number of precautionary measures to ensure the free-flow of information and engagement to monitor the workforce’s location, accommodation type and scale as set out within the FCTP [APP-546] at</p>

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	<p>paragraphs 5.4.13 to 5.4.14, which also commits the Applicant and the Contractors to ‘<i>propose further reasonably practicable measures which encourage a higher proportion of locally employed workers (thereby reducing demand for accommodation) and incentivise workers to live in areas which have higher capacity. Measures would be presented to the WAWG, and the Applicant would have due regard to comments raised at that group on the measures to be undertaken</i>’. These commitments represent a best-practice approach towards monitoring and forward-look and stakeholder engagement, recognising the level of uncertainty caused by external factors but also that modelled effects are insignificant (and conservative). Nonetheless, the Applicant will continue to consider measures that may be suggested by Thurrock Council. A proportional approach will be needed to ensure that any publicly funded measures would meet statutory tests for mitigation and represent value for money.</p> <ul style="list-style-type: none"> • The likely effects of the Project on development land are also assessed in ES Chapter 13: Population and Human Health [APP-151], and no significant effects are ascertained. • The Applicant notes this response and seeks to understand Thurrock’s perspective as part of future engagement. As the Applicant has stated previously it welcomes any factual information regarding the housing demand and pressures. Technical meetings with Thurrock have been undertaken at appropriate points to help the Project understand the scale of local authorities’ use of private sector accommodation for emergency provision. The Applicant has provided information on the workers accommodation strategy to the Council and discussed this in engagement meetings. The Applicant is due to meet with Thurrock on 9 August 2023 to further discuss accommodation matters. <p>The Applicant is committed to the creation and use of an accommodation database that would monitor the accommodation being used by the workforce in terms of type and location. A Workforce Accommodation Working Group would also be established which would include representatives from the Applicant, Contractors and local authorities. This group would receive monthly workforce accommodation monitoring reports from the helpdesk and regular updates and information from the Applicant including a ‘look ahead’ for potential workforce implications over a 12-month period. The findings would be considered alongside other information such as other monitoring secured by the Applicant (e.g., via the FCTP and SEE strategy) and the information provided by the authorities on market conditions and other developments in the local area.</p> <p>The Applicant is also committed to an Accommodation Helpdesk. The early creation of an effective Accommodation Helpdesk will not only identify and direct workers to appropriate accommodation but will be a key mechanism, together with the workforce surveys, to monitor impacts on the local accommodation market. It is also likely to act as a means to signpost potential landlords and businesses to assist and encourage bringing forward of latent beds to the market. The Applicant has discussed the principles of this helpdesk at CIPHAG (7 July 2022) and a further discussion with the housing officers at Thurrock was completed on 18 August 2022. Further discussions on the scope and implementation of the Accommodation Helpdesk will follow.</p>

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	The impacts on health and wellbeing are presented in the Health and Equalities Impact Assessment [APP-539].
Pages 207-209	<p>13.6.1 As set out earlier, the Hatch LTC Mitigation Benefits Report (produced in October 2020 – see Annex K1) contains 58 specific requests of NH to help mitigate the negative impacts of LTC on Thurrock.</p> <p>13.6.2 Several of the Hatch measures (three in number) are connected with the Council’s request for an appropriately large Community Fund to be established to help offset disbenefits and the establishment of a Council-led Community and Public Health team for the duration of LTC works.</p> <p>13.6.3 A significant number of the Hatch measures (some 23) are labelled as ‘Legacy’ measures and are collectively seeking to secure a series of investments from NH to deliver positive outcomes for Thurrock residents in return for ‘hosting’ LTC.</p> <p>13.6.4 Progress against securing the items identified above is covered in the following two sub-sections.</p> <p>13.6.5 NH is proposing to deliver a Community Fund, the details of which are set out in Section 7.3 of the NH Section 106 Agreements – Heads of Terms document (APP-505). The Council has made clear and consistent requests in respect of the Community Fund, which are summarised in a paper we prepared jointly in December 2022 with other impacted authorities – see Annex K5 Collective Position of Directly Impacted Local Authorities: Proposed LTC Community Fund. The key points in this joint paper are, summarised below.</p> <ul style="list-style-type: none"> • The Council requested that NH increase the overall scale of the Community Fund from £1.89 million over 7 years to £3.75 million. This uplift was based on benchmark evidence collected on a wide range of UK infrastructure projects, and previously shared with NH. The Council also requested that the Fund is subject to an annual index- linked review, whereby the remaining unallocated amount is increased in line with the Consumer Prices Index with Housing (CPIH) each year. Also, that if the overall LTC capital cost increase above the current £8.2 - £9 billion budget envelope, then the Fund should increase proportionally in line with any revised budget envelope. NH has resisted all calls for an uplift in the Fund value and the related requests for indexation; • The Council requested some modest changes, agreed amongst all relevant local authorities (Gravesham BC, LB Havering and Medway Council), to the percentage distribution of any Fund across local authorities; and, • The Council asked for clarification, and more explanation, on the reach and remit of each of the proposed four themes of the Fund and also requested confirmation that capacity building support would be made available so that less well-resourced community groups are able to successfully access the Fund. <p>13.6.6 The scale of the proposed Community Fund is dealt with in the Thurrock/NH Statement of Common Ground (APP-130) at SoCG item 2.1.177, the distribution is dealt with at SoCG item 2.1.178, the need for more specificity on the themes at SoCG item 2.1.179 and the need for capacity building support at SoCG item 2.1.181. The scale of the proposed Community Fund is a</p>

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	<p>‘Matter Not Agreed’. At the time of writing, all other Community Fund matters outlined above are marked as ‘Matter Under Discussion’.</p> <p>13.6.7 The clear position of the Council is that all requests set out in our Community Fund Joint Paper need to be accepted by NH, including our request for a larger scale Fund.</p> <p>13.6.8 The results of the recent NH Community Fund Pilot (that ran during February 2023 only) reveal the need and demand for a larger scale Fund. Our understanding, based on information provided by NH, is that even under a quick 1-month turnaround Pilot there were 106 applications from Essex, with 70 of these being from Thurrock. 40 of the Essex applications were successful (31 of these from Thurrock) with total funding of £165,000 (£127,000 of which was for Thurrock projects). These numbers demonstrate both the level of demand for the Fund and the potential over-subscription that will ensue if the Fund value is not increased. If the £165,000 per month was extrapolated for a likely 7-year construction period it would sum to £13.8 million and that is just for Essex. This is significantly in excess of the currently proposed £1.89 million for the Fund overall.</p> <p>13.6.9 The Council has also requested resource for a four person Community and Public Health Team (see Thurrock/NH Statement of Common Ground (APP-130) – item 2.1.172. At the time of writing, NH has agreed to fund two posts, focussed on supporting the EHO, coordinating the community liaison workstream and to support the skills/business advisor within the NH team. The Council require full agreement to our original request, which in addition to the two posts offered by NH also included an administrative and apprentice post, the inclusion of 15% ‘on-costs’ and a commitment to fund the posts for 7.5 years. The matter is currently marked as ‘Matter Under Discussion’.</p> <p>13.6.10 As set out above, a significant number of the Hatch mitigation measures (some 23) are labelled as ‘Legacy’ measures and are collectively seeking to secure a series of investments from NH to deliver positive outcomes for Thurrock residents and to serve as a partial offset to the negative impacts of LTC in our area.</p> <p>13.6.11 The Council recognises that NH has in place a programme of Designated Funds that have the potential to deliver many, if not all, of these legacy measures.</p> <p>13.6.12 Given that the Council outlined its target 23 legacy measures at an early stage of the process (October 2020), the experience NH has in deploying Designated Funds elsewhere in England and the clear negative impacts of LTC on Thurrock, we had been expecting rapid progress in agreeing to our requests.</p> <p>13.6.13 Against these expectations, we are extremely disappointed at the level of progress that has been achieved and the reluctance of NH to agree to our legacy requests:</p> <ul style="list-style-type: none"> At the time of writing, only three of the 23 measures are classed as ‘Matter Agreed’ in the LTC/Thurrock Statement of Common Ground (APP-130). These being works to facilitate the restoration of Belhus Woods (Hatch L17, SoCG Item 2.1.281), enhanced greenspace at key sites in close proximity to LTC (Hatch L15, SoCG Item 2.1.280) and agreement on

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	<p>DCO wording that will require internet and 5G cables within the alignment and make provision on all bridges and tunnels, as appropriate (Hatch L10, SoCG Item 2.1.105). One out of 23 is marked as a ‘Matter Not Agreed’ (Hatch L20, Low-emission vehicle usage targets with financial penalties payable to Thurrock in the event of exceedance, SoCG Item 2.1.284).</p> <ul style="list-style-type: none"> • The vast majority of our requests (19 in number) are marked as ‘Matters Under Discussion’. After over 30 meetings over two years on these measures, the Council are not hopeful that NH will agree to these to requests. The Council attach at Annex K6 the December 2021 report on Hatch items as presented to the Thurrock Council Taskforce. The same 19 items were identified as being ‘ Matter Under Discussion’ in late 2021. There has been no movement from NH in enabling them to be converted to ‘Matter Agreed’. • At the time of writing, some £1.3 million of Designated Funds have been approved for deployment in Thurrock. Whilst this is a welcome investment, it is far below the investment required to deliver the 23 legacy measures we have requested and also represents a very poor ‘offset’ against the many disbenefits that LTC will deliver in Thurrock. • Legacy provision for Baker Street residents is an area unresolved and not agreed with NH Hatch Measure L14), as NH are proposing no mitigation or legacy benefit to very significant construction disturbance for several tears. This is covered in more detail in Section10.13 above. <p>13.6.14 NH has missed an opportunity to agree to our legacy requests. These requests were made nearly three years ago and were all clear and potentially fundable.</p>
Applicant’s Response	<p>13.6.1 – 13.6.4 – The Applicant notes this response.</p> <p>13.6.5, 13.6.7 - This matter is addressed by SoCG [APP-130] item 2.1.177, summarised below.</p> <p>The Applicant will provide two community funds. The two funds of £1.26 million (£180,000 per year for seven years) and £0.63 million (£90,000 per year for seven years) (indexed) are to be administered and assured by the Essex Community Foundation and Kent Community Foundation respectively. The Applicant has shared the overarching principles of the funding criteria with the local authorities and the detailed criteria will be developed at the start of construction with the independent panel that will be set up award grants, which includes representatives from local authorities. Further funding will be allocated to the Project as soon as plans to spend this have been developed in partnership with local authorities and other delivery bodies. The Applicant has completed a benchmarking exercise for developing the size of the Community Fund by comparing with projects like A14, HS2, Thames Tideway Tunnel, A428 and A303. This exercise was shared with stakeholders in June 2021 and presented again on 29 June 2022. The funds offered by the majority of the projects above were designed to mitigate against certain impacts that weren’t being mitigated by the measures in the DCO itself. In addition, the Applicant has made a pot of Designated Funds available for the route of the Project, which HS2 and Hinkley Point C didn’t have.</p>

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	<p>The Applicant has responded to all the matters raised in the Community Fund Joint Paper in March 2023 and the position is summarised below.</p> <p>Scale of the Community Funds</p> <p>The local authorities have requested that the Community Funds be increased in value from £1.89M to at least £3.75m. Their reasoning includes that other large scale infrastructure projects have dedicated more funding for every £1m of capital spend and because a number of the directly affected local authorities have been identified as Levelling Up priority areas, therefore the Applicant should revise the scale of the proposed funds.</p> <p>There is no standard methodology or benchmark/precedent that can be used to set the overall value of Community Funds given the scope, scale, type, and location of developments and their effects, and the socio-economic environment within which each project is set, as well as the approach to direct mitigation. The proposed Community Funds have been increased in value by £390,000 during 2022 in response to feedback from some of the local authorities that the Community Funds should run one year after road opening. The funds are unable to be indexed-linked as a final figure must be included within the Final Business Case.</p> <p>As the Community Funds are linked to the residual adverse effects of the Project, it would not be appropriate to expect the same level of funding as some other infrastructure projects purely based on capital spend.</p> <p>In consideration of the mitigation and compensation identified in the ES and supporting DCO documentation, the likely residual effects of the Project are unlikely to be significant to warrant a value similar to that of nuclear power projects Sizewell C and Hinkley Point C. The benefits of the Lower Thames Crossing, once operational, will for the most part be felt by the communities near the route alignment. Journeys starting or ending in the Lower Thames area (Thurrock, Gravesham, Havering, Brentwood, Medway and Dartford) account for 48% of benefits generated by the Project, so local communities will benefit from faster, more reliable journey times, leading to improved productivity for local businesses and positive long-term impacts on the local economy.</p> <p>Unlike other non-highways NSIPs, the Applicant also provides a designated funds programme with the purpose of making improvements that will deliver lasting benefits rather than to mitigate adverse effects associated with the Project. £30m of this funding has been allocated to the Project up to 31 March 2025. This fund sits outside the scope of the DCO application (e.g., is not secured by a recognised planning mechanism) and is not eligible to be taken into consideration by the Examining Authority when weighing up the planning balance. This is considered to be appropriate as, unlike the Community Funds, the designated funding criteria does not require a specific link to any impact of a National Highways project. This funding will assist in further realising benefits within the local community.</p>

Distribution of the Community Fund

Following feedback from stakeholders that the community fund allocation as proposed in early 2022 did not provide any geographical allocation except for north and south of the Thames. The Applicant has since refined the distribution of the Community Funds to those wards identified as impacted within the Community Impact Report [APP-549]. Based on this assessment, there are 36 wards identified and this would see the Community Funds apportioned, summarised below.

Community Fund (South)		Community Fund (North)		
Gravesham (11)	Medway (4)	Thurrock (16)	Havering (3)	Brentwood (2)
£472,000 (75%)	£157,000 (25%)	£945,000 (75%)	£189,000 (15%)	£126,000 (10%)
Chalk Higham Instead Rise* Northfleet South* Painters Ash* Riverside* Riverview Shorne, Cobham and Luddesdown Singlewell Westcourt Woodlands*	Cuxton and Halling* Strood North* Strood Rural* Strood South*	Belhus Chadwell St Mary Chafford and North Stifford* Corringham and Fobbing* East Tilbury Little Blackshots Little Thurrock Rectory* Ockendon Orsett South Stifford* Stanford-le-Hope West* Stanford East and Corringham Town* Stifford Clays	Cranham Harold Wood* Upminster	South Weald Warley

**Indirectly affected wards in affected local authority areas. Indirectly affected wards in Dartford are excluded as Dartford has no directly affected wards.*

Successful applicants would demonstrate their proposals relate to an impact on the community within those wards (including cross-boundary). This assists in ensuring that the funds (which will be secured via section 106 agreement) comply with the tests set out in Paragraph 4.10 of the NPSNN.

The Collective Position indicates that the councils would seek to remove the allocation from wards within Brentwood Borough Council and support those which are identified as priority boroughs for levelling up. However, this approach does not align with the impact assessment undertaken as part of the EIA which identifies wards in Brentwood as directly affected, nor is the

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	<p>intention of the fund to address levelling up challenges. The Applicant is therefore not willing to change the distribution to exclude impacted wards from what is proposed at submission.</p> <p>The Community Funds aim to address the more residual, multiple and intangible impacts rather than direct impacts (which if significant are required to be mitigated directly). Those direct, significant impacts would be address through mitigation outlined in the ES and other application documents.</p> <p>Ward level has been deemed as appropriate to identify the scale of funding attributed to each local authority area, however the funds would not be dispensed by ward (e.g., the £945,000 apportioned to Thurrock would not be further ringfenced for each of the 16 wards). The effects of the Project have been assessed at a local/receptor level as in some cases there may be residual impacts (such as construction impacts) that sit beyond the route alignment. This means that the spend of the Community Funds would occur closer to the route alignment as opposed to within the entirety of boroughs that fall within a local authority area (in which case, wards that may not be impacted by the Project at all would be eligible to apply).</p> <p>The Section 106 Heads of Terms sets out a set of principles upon which bids for community funds would be considered, which prioritise those communities likely to experience the most change as a result of the Project.</p> <p>Clarity of scope/eligibility for each of the proposed Community Fund Themes</p> <p>In order for an application to be successful, the proposal would be required to meet a range of criteria including being related to four themes associated with the residual effects of the Project, these are:</p> <ul style="list-style-type: none"> • Mental health and wellbeing • Local skills and employment support • Connecting communities • Environment. <p>The local authorities have called for further clarity on eligible initiatives that could be considered for funding under the four themes. The themes have intentionally been left broad to ensure that they may be adjusted in the future to reflect the needs within each community at that point in time. This was in line with the comments received from the local authorities at community fund meetings in 2022.</p> <ul style="list-style-type: none"> • Mental health and wellbeing - Support community-based initiatives that promote positive mental health and wellbeing, and/or support against the impact of distress or mental ill health. Examples of projects that could be eligible for funding include; outreach activities for vulnerable groups, workshops, and contact centres.

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	<ul style="list-style-type: none"> • Local skills and employment support - Support local communities to upskill and secure permanent employment, as well as inspire future careers in construction. Examples of projects that could be eligible for funding include work experience sessions, schools support (e.g. outdoor learning), equipment, and training sessions. • Connecting communities - Disruption caused by construction could see an impact on the sense of community. Examples of projects that could be eligible for funding include refurbishment of community centres/hubs, sports and recreational activities, clubs and societies, improved access to existing or relocated facilities, and heritage schemes (community history). • Environment - Protect and improve the environment. Examples of projects that could be eligible for funding include kit for wildlife (e.g. bat boxes), heritage schemes (e.g. restoring historic fingerposts). <p>A broader set of criteria (such as proposals shall not duplicate mitigation measures) is also set out in the Heads of Terms document which was shared prior to being set out in the DCO application at APP-505. The criteria will be further developed by the panel set out in the Heads of Terms - this includes representatives from the local authorities. The Applicant welcomes the views of the local authorities on the criteria that has been set out.</p> <p>13.6.6 – The Applicant notes this response</p> <p>13.6.8 – The purpose of the proposed Community Fund is to address the residual impacts of the Project on the local community and is not intended to resolve existing funding deficiencies. The Applicant considers that the value of the fund mitigates the residual impacts of the Project on the Local Community.</p> <p>13.6.9 – This matter is addressed by SoCG APP-130 item 2.1.172, summarised below.</p> <p>The Applicant is willing to fund two Full Time Equivalent roles, focussed on supporting the EHO, coordinating the community liaison workstream and to support the skills/business advisor as necessary. This will be secured via the S106 Agreement. Further discussions are ongoing re scope of these roles, their duration and associated costs.</p> <p>13.6.10 to 13.6.14 Progress of Hatch Matters including legacy matters</p> <p>This matter is addressed by SoCG APP-130 item 2.1.57 and 2.1.75 as summarised below.</p> <p>The Project’s DCO application is accompanied by a series of documents providing detail of the legacy and benefits of the Project for each local authority area (including Thurrock Council), together with estimates of the monetary uplift expected as a result of the Project.</p> <p>The Applicant has undertaken a collaborative approach to working together to resolve a range of issues including Hatch matters. There have been 43 dedicated Hatch matters meetings between early 2021 to 2022. Where specific issues need focussed meetings, these have been arranged, e.g. fortnightly traffic modelling sessions and 10 fortnightly sessions on construction traffic</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>impacts with commitments and interventions discussed live. Details of these meetings are appended to the submission version of the SoCG [APP-130] and the Statement of Engagement [APP-091].</p> <p>During these sessions the scope of requests has often changed significantly at the request of the Council, often during negotiations. An example of this is the commitment to transport bulk aggregates through ports (Hatch M10, SoCG item 2.1.110). The need for a commitment was identified by Thurrock Council and categorised as a significant issue in the Hatch Report; however when a commitment was presented by the Applicant, the Council’s response was for the Project to address several more comments and refusal to agree that matter in principle, until each and every subsequent ask was also agreed in full. In most cases, when the Project position differs from the position adopted by the Council, the Council present this as a ‘lack of progress’ rather than adopting an approach of acknowledging the Applicant’s position.</p> <p>The fact that the Applicant and Thurrock may disagree on a number of issues is not reflective of inadequacies in the engagement process. As the Council has made clear, it objects to the Project, and while the Applicant is committed to ongoing engagement with Thurrock, there may be some issues on which the parties will be unable to reach agreement. This is in spite of the thorough engagement that has taken place to date and will continue throughout the examination process.</p> <p>The Benefits and Outcomes Document [APP-553] provides further information on the Applicant’s activities that are being delivered outside the framework of the DCO for the Project and how these could deliver local benefits. It briefly summarises the benefits that are both inherent to the Project and secured through the DCO, and signposts documents where these are set out more fully. It then describes the Applicant’s approach to delivering wider benefits that sit outside the DCO, but which nevertheless relate to the Project and the Applicant’s ‘business as usual approach to managing the strategic road network (SRN) and its impacts on local communities, and delivering benefits. Projects around the Lower Thames Crossing are eligible for up to £30 million from designated funds and the Applicant is working with partners to identify suitable projects, focused on five areas: environment, heritage, employment and skills, sustainable transport and community.</p> <p>The Applicant has established an overarching Benefits Steering Group and four Working Groups to oversee and drive forward some of the wider benefits work. These are:</p> <ul style="list-style-type: none"> • Skills and Employment Working Group • Environment Working Group • Heritage Working Group • Sustainable transport Working Group

LIR Reference	Local Impact Report Extract / Applicant’s Response											
	<p>These involve stakeholders from local government, and organisations focused on heritage, the environment, housing and economic development. Along with the Benefits Steering Group, these groups met 19 times in the period up to DCO submission as documented in Appendix C of the SoCG [APP-130].</p> <p>It should be noted that agreed funding for projects in Thurrock (Working with five key stakeholders (Thurrock Council, Essex County Council, the Essex Wildlife Trust, the RSPB and the Association of South Essex Local Authorities) and private landowners) is £2.95 million, as outlined in Table 5.2 of the Benefits and Outcomes Document [APP-553], not £1.3 million.</p> <p>The Applicant continues to work with stakeholders through the established Working Groups to identify and promote measures that can be taken forward either as part of the DCO or through designated funds. A further £25 million is allocated to be spent on eligible projects over the next two years.</p> <p>For reference, the table below presents:</p> <ul style="list-style-type: none"> • The current position of the Applicant on all the Hatch matters. • The majority these items are already included in the SoCG unless agreed by both parties that they are not suitable to be included in this document. • The Applicant considers that pre-application discussions were taken as far as they can and that was no merit in holding more discussions prior to DCO submission. Discussions are continuing on these matters during the Examination stage. • Where there is a disagreement between, its clearly articulated in the SoCG • If a matter is under discussion, this is also clearly articulated in the SoCG • For several items such as Hatch L16 and Hatch L18, the Council has misrepresented the Applicant’s position, the actions to progress these matters are currently with the Council. 											
	<table border="1"> <thead> <tr> <th data-bbox="418 1024 981 1072">Hatch Matter</th> <th data-bbox="992 1024 1167 1072">SoCG Ref</th> <th data-bbox="1178 1024 2078 1072">Current Position</th> </tr> </thead> <tbody> <tr> <td data-bbox="418 1080 981 1232"> M1 Ensure the construction operations cause the minimum level of disruption by phasing activities </td> <td data-bbox="992 1080 1167 1232">2.1.107</td> <td data-bbox="1178 1080 2078 1232">Matter Agreed*</td> </tr> <tr> <td data-bbox="418 1240 981 1343"> M2 Ensure the construction operations cause the minimum level of disruption </td> <td data-bbox="992 1240 1167 1343">2.1.108</td> <td data-bbox="1178 1240 2078 1343">Matter Agreed*</td> </tr> </tbody> </table>			Hatch Matter	SoCG Ref	Current Position	M1 Ensure the construction operations cause the minimum level of disruption by phasing activities	2.1.107	Matter Agreed*	M2 Ensure the construction operations cause the minimum level of disruption	2.1.108	Matter Agreed*
Hatch Matter	SoCG Ref	Current Position										
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M2 Ensure the construction operations cause the minimum level of disruption	2.1.108	Matter Agreed*										

LIR Reference	Local Impact Report Extract / Applicant's Response		
	by locating compound sites away from properties and sensitive receptors.		
	M3 Ensure best practice approaches are adopted in relation to dust and emissions	2.1.195	Matter Agreed*
	M4 Install sensors to monitor air quality and noise, with required actions if target limits are exceeded	2.1.197 & 2.1.198	Matter Not Agreed Pre-construction monitoring has commenced. The Applicant is not proposing to monitor NO2 during construction as the latest air quality modelling and assessment work suggests that the construction of the Project would not result in significant air quality effects. The air quality assessment has concluded there are no significant air quality effects during the operational stage, and consequently there is no requirement for mitigation or monitoring.
	M5 Minimise the level of disruption by only applying appropriate on-site working hours	2.1.109	Matter Agreed*
	M6 Additional noise mitigation in Chadwell and East Tilbury during construction	2.1.206	Matter Under Discussion This Hatch ask has been combined with the wider matter regarding noise impacts and mitigation under SoCG Item 2.1.206. Discussion regarding the adequacy of noise mitigation is ongoing and had been pending Thurrock Council's review of the submitted assessment.
	M7 Sustainable public transport access to construction sites	2.1.245	Matter Agreed*

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	<p>M8 Use the construction phase as an opportunity to trial innovative forms of worker transport measures</p>	<p>NA</p>	<p>NA - For the purpose of the SoCG this Hatch matter was split up as M8 a -g as set out below to reflect the individual asks raised by the Council.</p>
	<p>M8a Commit to a journey planner and the lack of clear targets and measures in the FCTP</p>	<p>2.1.246</p>	<p>Matter Not Agreed The Project does not necessarily provide a journey planner ‘app’ as such, but there are multiple schemes proposed to be run by the Travel Plan Coordinator which would serve the same purpose. All of these measures will work together towards providing better journey planning and are included in the FCTP [APP-546].</p>
	<p>M8b Commit to pool electric vehicles; travel between compounds should be done by zero emission means.</p>	<p>2.1.247</p>	<p>Matter Agreed*</p>
	<p>M8c Commit to mobility hubs enabling employees travel in by rail, bus or car and switch to shuttle bus/DRT or e-bike to and between construction compounds. The Council welcome the commitment to shuttle buses however seek more clarity around the strategy.</p>	<p>2.1.248</p>	<p>Matter Not Agreed The commitment to shuttle buses is included in the Code of Construction Practice. Buses are currently expected to provide routes to each compound and inter-compound connectivity, although this will be determined as the Site Specific Travel Plans are brought forward and as agreed at the Travel Plan Liaison Group. National Highways is confident that it has provided a framework that would enable the success of the shuttle buses.</p>
	<p>M8d Travel incentives and lack of specific targets in the DCO and incentives for contractors</p>	<p>2.1.249</p>	<p>Matter Not Agreed The Applicant will not require its Contractors to provide incentives that promote active travel, as a commitment within the DCO application documents. However, the Project is committed to the development of the SSTPs, with suitable targets, in consultation with the relevant highway and local planning authorities.</p>

LIR Reference	Local Impact Report Extract / Applicant's Response		
	<p>M8e Adopt smart management of shift patterns and gangs</p>	2.1.250	<p>Matter Not Agreed The Code of Construction Practice provides a band of working hours that provides flexibility for arrival (to site) and departure times. By not being overly prescriptive with respect to arrival and departure times we will encourage a broader spread of arrivals/departures based on different attendance times for different roles which should reduce travel demand. Regardless of the shift times, the measure and targets which will be set in the SSTPs, will be implemented.</p>
	<p>M8f Commit to Demand Responsive Transport (DRT)</p>	2.1.251	<p>Matter Not Agreed The Applicant will not be requiring its Contractors to implement Demand Responsive Transport; however, the Applicant has included in the FCTP that the Contractors will consider providing Demand Responsive Transport to and from local public transport hubs.</p>
	<p>M8g Commit to new construction phase cycle infrastructure</p>	2.1.252	<p>Matter Not Agreed The Applicant will not be upgrading local roads to the Project construction compounds for the purpose of encouraging active travel.</p>
	<p>M9 Enable active travel to construction sites</p>	NA	<p>NA – For the purpose of the SoCG this Hatch matter was split up as M9 a & b as set out below to reflect the individual asks raised by the Council.</p>
	<p>M9a Request for funding from National Highways to support the continued operation of the cycle hubs</p>	2.1.253	<p>Matter Not Agreed The Applicant is not providing funding as it is not associated with the construction of the scheme.</p>

	<p>M9b To provide further capital works to facilitate convenient, well-lit cycle and pedestrian access to each of construction compounds</p>	2.1.254	<p>Matter Not Agreed Section 6 of the FCTP [APP-546], sets out an extensive walking, cycling and horse-riding network (in proximity to the Project's construction sites) that could be expected to be used for a proportion of workforce travel. The Project will not be upgrading local roads to the construction compounds for the purpose of encouraging active travel.</p>
	<p>M10 Use of marine transport for the movement of materials</p>	2.1.110	<p>Matter Not Agreed This Hatch ask has been combined with the wider matter regarding use of port facilities under SoCG Item 2.1.110 and Thurrock Council's comments on the oMHP.</p>
	<p>M11 Ensure clear waste management processes and mitigation measures during construction</p>	NA	<p>NA - For the purpose of the SoCG this Hatch matter was split up as M11 a & b as set out below to reflect the individual asks raised by the Council.</p>
	<p>M11a Concerns on the construction phase of the Project</p>	2.1.203	<p>Matter Agreed*</p>
	<p>M11b Concerns on the operational phase of the Project</p>	2.1.204	<p>Matter Agreed*</p>
	<p>M12 Smart speed limits that can respond to traffic flows and pollutant concentrations</p>	2.1.275	<p>Matter Not Agreed This request was declined by the applicant on 2 March 2021. However, this could be developed through the life of the Project. It would therefore have to be developed as part of a regional strategy with National Highways, Essex, Kent and Thurrock and is considered beyond the scope of the DCO application.</p>

	M13 Use of low-noise road surfacing on the LTC and the local road network	2.1.106	Matter Agreed*
	M14 Use of best-in-class energy efficient systems	2.1.269	Matter Agreed*
	M15 Build sufficient earth bunds and noise barriers along the route to reduce noise	2.1.206	Matter Under Discussion This Hatch ask has been combined with the wider matter regarding noise impacts and mitigation under SoCG Item 2.1.206. Discussion regarding the adequacy of noise mitigation is ongoing and had been pending Thurrock’s review of the submitted assessment.
	M16 Flood risk mitigation and water quality improvement through SuDS	NA	NA - For the purpose of the SoCG this Hatch matter was split up as M16 a, b & c as set out below to reflect the individual asks raised by the Council.
	M16a The Council would like more information on the flood risk mitigation and water quality improvement measures used by LTC on the Project.	2.1.260	Matter Agreed*
	M16b Design matters related to flood risk mitigation and water quality improvement through SuDS	2.1.261	Matter Agreed*
	M16c Design matters related to flood risk mitigation and water quality improvement through SuDS	2.1.262	Matter Agreed*

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	M17 Revised Proposals for A13/LTC Junction [removal]	NA	This request was declined by the Applicant on 2 March 2021. A13 junction as designed and consulted on, balances the demands and impacts from the scheme in the most suitable manner, and therefore will not be removed.
	M18 Ensure a fixed proportion of LTC tolls are hypothecated to support projects within Thurrock.	2.1.276	Matter Not Agreed This request was declined by Applicant on 2 March 2021. This is outside the Applicant’s control and would need to be taken up directly with the Department for Transport (DfT). A hypothecated funding to support would be complex and novel within the UK, and therefore unlikely to be successful as described.
	M19 Orsett Cock Roundabout Mitigation	2.1.92	Matter Under Discussion The Applicant acknowledge that there are adverse impacts on selected local roads but have demonstrated that the benefits from improved traffic flows across Thurrock outweigh the adverse impacts. This is set out in the Wider Network Impacts Management and Monitoring Plan [APP-545]. A further discussion on this matter was held on 19 July 2023 and the Council stated their intention on providing some active travel provisions at this location in the future. the Applicant also reiterated the fact that a Side Agreement has been developed and shared with the Council which could be a useful tool for ongoing engagement at the detail design stage.
	M20 Manorway Roundabout Mitigation	2.1.96	Matter Not Agreed The Applicant is not proposing to undertake any works at the Manorway Junction. The forecast impacts on traffic flows through the Manorway junction, as set out in the Combined Modelling and Appraisal Report (ComMA) [APP-518] and the Transport Assessment [APP-529], are considered to be acceptable when reviewed against the policy obligations as set out in the NPSNN.

LIR Reference	Local Impact Report Extract / Applicant’s Response		
			National Highways is currently in discussions with the Council relating to the trunking of the A13.
	M21, M22 & M23 Traffic Management Measures in Orsett, Horndon and Chadwell	2.1.162	Matter Not Agreed National Highways acknowledge that there are adverse impacts on selected local roads, but have demonstrated that the benefits from improved traffic flows across Thurrock outweigh the adverse impacts. This is set out in the approach to Wider Network Impacts in the Wider Network Impacts Management and Monitoring Plan [APP-545]. A further discussion on this matter was held on 19 June 2023. Both parties agreed that this is a matter unlikely to be agreed due to both parties’ position remaining unchanged.
	CLS1 Council-led local Labour and Business Team (LLBT) - Financial contribution from NH to Thurrock to help the borough to manage impacts / scrutiny of LTC delivery.	2.1.170	Matter Not Agreed Thurrock Council are not agreed on the quantum of resource and the lack of a dedicated person(s) to deal with the SEE related issues at the Council.
	CLS8 Council-led Community and Public Health Team (CPHT) - Financial contribution from NH to Thurrock to help the borough to manage impacts / scrutiny of LTC delivery.	2.1.172	Matter Under Discussion The Applicant is willing to fund 2 x Full Time Equivalent roles, focussed on supporting the Environmental Health Officer (EHO), coordinating the community liaison workstream and to support the skills/business advisor as necessary. Discussion is ongoing regarding the scope of these roles, their duration and associated costs.
	CLS12 Transport Network Management and Development Resource (TNMDR) Financial contribution from NH to Thurrock to help the borough to	2.1.173	Matter Under Discussion The Applicant is willing to offer one Full Time Equivalent role focussed on supporting the network management team.

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	manage impacts / scrutiny of LTC delivery.		Discussions remain ongoing regarding the scope of these roles, their duration and associated costs.
	CLS2 Business rates holidays for firms affected during construction	2.1.174	Matter Agreed*
	CLS3 Establish clear targets for engaging local labour and apprentices during the construction of the LTC scheme	2.1.171	Matter Under Discussion The Council disagrees with the Applicant’s targets and the definition of local. A further discussion on this matter was held on 27 June 2023. The Council expressed concerns around the opportunity to engage with the Contractors as part of the Employment and Skills Working Group with specific regards to the minimum targets. Although this matter is unlikely to be agreed, the Applicant has agreed to provide some further clarification.
	CLS4 & CLS11 1. Grants to support voluntary and community organisations who are helping local people into employment 2. Capital grants to facilitate aesthetic and environmental improvements within the community	2.1.182	Matter Not Agreed It is Thurrock Council's view that an adequately funded 'Community Fund' would be able to deliver these in principle. However, the Council disagrees with the quantum of the Community Fund.
	CLS5 Ensure LTC procurement meets the requirements of the Council commissioning, procurement and grant funding strategy. (Alignment with Thurrock’s Social Value Framework and Ring fencing social value)	2.1.175	Matter Not Agreed The Applicant is required to procure in accordance with Procurement Policy Note (PPN) 06/20, which sets out how the award of central government contracts should place a priority on social value. National Highways is committed to ensuring that delivery of the Project maximises positive outcomes for the local economy, communities and the environment. Whilst the Applicant cannot ring fence social value for Thurrock Council in its DCO application, its proposed approach does, whilst

LIR Reference	Local Impact Report Extract / Applicant’s Response		
			seeking to maximise social value for the country as a whole, very specifically focus on achieving specific local outcomes as a core part of that wider objective.
	CLS6 & CLS7 National Highways should provide the following grants 1. Grant funding to improve business environments 2. Green business support scheme	2.1.183	Matter Not Agreed Thurrock Council's requests have been considered and the Applicant's position is to not go ahead with these proposals as there are other statutory tools available from the government to address these types of initiatives (e.g. businesses asking for compensation).
	CLS9 Public Health mitigation during construction	2.1.236	Matter Not Agreed This Hatch ask has been combined with a wider matter under SoCG Item 2.1.236. A further discussion on this matter was held on 5 July and the Council expressed concerns around the wording under REAC reference PH002 and enquired about the process in case the integrated care partnerships (and its constituents) cannot agree the scope of these services post consent. The Applicant clarified that all the relevant stakeholders would be consulted as outlined in PH002. The wider issue of consultation when discharging Requirements and the associated process is outlined in Schedule 2 of the dDCO and covered by 2.1.2 in the SoCG (also a matter not agreed).
	CLS10 Support to enable community engagement during the construction of the LTC scheme	2.1.176	Matter Agreed*
	L1 Safeguarding of the future provision of junctions onto the LTC at South Ockendon	NA	NA - For the purpose of the SoCG this Hatch matter was split up as L1 a & b as set out below to reflect the individual asks raised by the Council.

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	<p>L1a Safeguarding of the future provision of junctions onto the LTC at Tilbury</p>	2.1.98	<p>Matter Not Agreed The operations and emergency access has not been designed specifically for any particular future connection into the local road network; however, if the Local Authority or a third-party stakeholder is considering any future development, they would need to liaise with National Highways Spatial Planning to develop their proposals.</p>
	<p>L1b Safeguarding of the future provision of junctions onto the LTC at South Ockendon</p>	2.1.278	<p>Matter Not Agreed The position on the passive provision of junctions is that the Applicant will seek to ensure that the proposed design of the Project does not preclude the potential for future junctions. The Applicant will use reasonable endeavours to ensure that potential locations for future junctions, are kept as clear as reasonably practicable of any unnecessary obstructions such as major utility diversions or significant permanent structures. This passive provision is embedded within the Project design which is already secured via Requirement 3 contained in Schedule 2 to the DCO. The Applicant will not be seeking any separate legal agreement around passive provision as the securing mechanism is already in place.</p>
	<p>L2 A13 East-facing Access Support and Facilitation (at Lakeside)</p>	NA	<p>NA This issue was not included in the SoCG as considered to be outside of the scope of the DCO.</p>
	<p>L3 Construct any elements of the proposed haul road that will fall within the general alignment of the TLR alignment to a standard to support the subsequent delivery of the Link Road</p>	2.1.119	<p>Matter Not Agreed The Applicant is actively investing in developing the Tilbury Link Road, which is outside the scope of the DCO application for the Project.</p>

	<p>L4 Asda Roundabout Enhancement - The requirement for enhancements should be actively examined alongside other delivery highway improvements</p>	<p>2.1.97</p>	<p>Matter Not Agreed Based on the traffic modelling outputs, the Applicant do not consider that there are significant changes to traffic flows at the ASDA roundabout associated with the operation of Project that require any intervention at this location.</p>
	<p>L5 Recognise the long-term aspiration for the LTC to be utilised for cross-river public transport connections Please note that in the SoCG this Hatch Matter has been categorise under ‘Bus access at the operational access (at Tilbury)’</p>	<p>2.1.277</p>	<p>Matter Not Agreed The Applicant has provided for an operations and emergency access at Tilbury, and not a junction open to the public. This operations and emergency access has not been designed specifically for any particular future connection into the local road network; however, if the local authority or a third-party stakeholder is considering any future development they would need to liaise with National Highways Spatial Planning to develop their proposals and follow the relevant planning process at the appropriate time.</p>
	<p>L6 Maximise opportunities to utilise the construction of the LTC to enable future distributor roads to be more readily delivered</p>	<p>NA</p>	<p>N/A This issue was not included in the SoCG as considered to be outside of the scope of the DCO. The Applicant is not responsible for providing access to new developments and therefore would not be seeking the permanent acquisition of land for use as distributor roads. Any land that is not required for the operation of the scheme would be returned to the original landowner in accordance with the provisions of the dDCO.</p>
	<p>L7 Construct a permanent bridge over the Tilbury Loop line near East Tilbury to a width and standard that would enable it to be adopted as part of the future local highway, walking and cycle network</p>	<p>NA</p>	<p>N/A This issue was not included in the SoCG as considered to be outside of the scope of the DCO.</p>

	<p>L8 Deliver the proposed construction haul road along Medebridge Road alignment from the A13 to Grangewater to a sufficient width and standard to enable it to be adopted by the council</p>	<p>2.1.279</p>	<p>Matter Not Agreed Thurrock Council are in agreement that this is a matter outside the scope of the Project’s DCO. The powers proposed within the draft DCO are limited to those required for its safe use as a haul road. The Applicant and Thurrock Council are currently discussing an opportunity to undertake additional works along this road, increasing the scope of works along this road to support the local development aspirations. Any such works would not be undertaken in support of the construction of the Project and would be subject to their own planning approval.</p>
	<p>L9 Daneholes Roundabout Enhancement</p>	<p>2.1.161</p>	<p>Matter Under Discussion Thurrock Council has been undertaking a review of the latest modelling to understand the impact at this junction. If it is appropriate that the changing levels of traffic warrant further consideration at this location, the Applicant has agreed to fund a study into potential interventions, allowing them to be developed and appraised at SOBC level, as part of the Applicant’s duty to collaborate with local authorities. A further discussion on this matter was held on 19 June 2023. Thurrock Council’s understanding of the impact at this junction is dependent on the Applicant sharing the East-West model, which was provided to the Council in July 2023. Further discussions will be undertaken after a review of the model is complete and if both parties decide that the work set out in the study should be completed. This issue remains under discussion.</p>
	<p>L10 Provision of internet and 5G cables</p>	<p>2.1.105</p>	<p>Matter Agreed*</p>
	<p>L11 Provision of worker accommodation that can be left as a legacy for Thurrock Council to use</p>	<p>NA</p>	<p>N/A This issue was not included in the SoCG as considered to be outside of the scope of the DCO. This request was declined by the Applicant on 2 March 2021 as it was not appropriate for the Applicant to provide accommodation.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	<p>L12 Ensuring that the proposed re-provision of bridges across the LTC, along existing corridors, deliver sufficient legacy provision to encourage active sustainable travel/support future growth</p>	<p>2.1.256 and 2.1.267</p>	<p>Matter Not Agreed Thurrock Council do not agree with the adequacy of the WCH provision on the Project bridge crossings. The Applicant notes that for some of the Bridge Crossings, the WCH widths are in line Thurrock Council asked for but the Council seek further confirmation of which standards will be used in their further development and want full cross sections of these bridges. For other bridges, the Applicant is unable to provide the WCH provision sought by the Council for the reasons set out in the SoCG.</p>
	<p>L13 Delivery of the Two Forts Way Project (TFWP)</p>	<p>2.1.258</p>	<p>Matter Agreed The applicant has now funded and completed the scope works on Two Forts Way, as agreed with Thurrock Council.</p>
	<p>L14 Complete and improve the PRow network</p>	<p>NA</p>	<p>NA - For the purpose of the SoCG this Hatch matter was split up as L14 a & b as set out below to reflect the individual asks raised by the Council.</p>
	<p>L14a Complete and improve the PRow network: PRow proposals sought within and outside of the LTC DCO</p>	<p>2.1.241</p>	<p>Matter Agreed*</p>
	<p>L14 b PRow proposals sought within the LTC DCO: Potential Improvements around the northern side of Baker Street</p>	<p>2.1.242</p>	<p>Matter Not Agreed The Applicant investigated potential measures to improve PRow provision on the northern side of Baker Street and shared this further information with the Council. However, subject to undertaking further investigation, the Applicant concluded that this measure was not feasible due to several issues including the loss of on-street residential parking. Furthermore, the works in this area do not provide mitigation for an adverse impact of the Project, and as a</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response		
			consequence it would not be appropriate to seek the powers through the DCO.
	L15 Enhancement of key sites in close proximity of LTC	2.1.280	Matter Agreed*
	L16 Coalhouse Fort and East Tilbury Natural and Cultural Heritage Area Project	NA	This is not tied to the project and considered a legacy item. The action to provide further details on this ask was with Thurrock Council for over a year. In September 2022, Thurrock Council produced a brief that sets out future aspirations for the site. In May 2023, the Applicant approved £300,000 for Coalhouse Fort to produce a design for the restoration, structural information/schedule of works (likely a specialist historic building supplier) and strategy for the future use.
	L17 Restoration of Belhus Woods	2.1.281	Matter Agreed*
	L18 Facilitating the restoration of East Tilbury Landfill	2.1.282	Matter Under Discussion The Applicant has answered some technical questions around the East Tilbury Landfill for Thurrock Council. However, the Council are yet to confirm their actual ask for this item. Discussions are expected to continue after further clarity on the ask is received.
	L19 Incentivisation of electric and/or low emissions vehicles	2.1.283	Matter Not Agreed Any incentivisation of electric vehicles would need to align with the wider DfT proposals for transport decarbonisation. At present the Transport Decarbonisation Plan does not set out a need to incentivise use of electric vehicles on the strategic road network to achieve the government target of net zero. In the event that such incentivisation were to be identified as appropriate and aligned with

LIR Reference	Local Impact Report Extract / Applicant’s Response		
			government strategy, the Applicant would work with Thurrock Council to support this case being made to the DfT.
	L20 Low-emission vehicle usage targets	2.1.284	Matter Not Agreed This request was declined by the Applicant on 2 March 2021. This request is associated with a wider issue that would need to be taken up with the Department for Transport for consideration. The Project cannot commit to the request as it is outside the scope of the Project’s DCO.
	L21 Carbon offsetting of the LTC scheme during construction and operation	NA	This issue was not included in the SoCG as considered to be outside of the scope of the DCO. Please note this ask is not about carbon offsetting, but planting trees.
	L22 Additional street tree planting initiatives and the delivery of LTC Forest aspirations	2.1.184	Matter Under Discussion A further discussion on this matter was held on 27 June 2023. The Applicant has agreed to confirm if the additional tree planting initiatives are eligible for the Community Fund and Thurrock Council will consider if this would be adequate. This matter remains under discussion.
	L23 Trunking of the A13 from Stanford-le-Hope and Manorway Roundabout (including a section of the A1014) to the A13 junction with the A1089	2.1.285	Matter Not Agreed A further discussion on this matter was held on 19 June 2023. Both parties agreed that this is a matter unlikely to be agreed as Thurrock Council are of the opinion that the trunking proposals should be part of the DCO application. The Applicant does not agree for the reasons set out in the SoCG response.
<p style="text-align: center;"><i>*Technically agreed with the Council's officers and are subject to subsequent approval by the Council's members</i></p> <p style="text-align: center;"><i>This table includes updates to the status which were captured in the recent SoCG meetings with Thurrock Council in June-July 2023.</i></p>			

<p>Page 210-212</p>	<p>14 Proposed Order Limits, Land Interests and Compensation</p> <p>14.1.1 The Council has a significant number of land interests affected by LTC, this includes land it holds as the following categories:</p> <ul style="list-style-type: none">• Investment (including woodland and agricultural land);• Public open space;• Private roads; and,• Public highways. <p>14.1.2 Should the DCO be granted and implemented as drafted, then NH will be entitled to acquire those interests identified within its DCO and, at present, pay compensation in accordance with the ‘so called’, compensation code (being the various Acts of Parliament, Statutory Instruments and decided Case law used to assess compensation following the use of compulsory purchase powers). The Council is very concerned as it considers that this compensation methodology fails to address, in full, the impact of the scheme on the Borough and the Council’s land interests.</p> <p>14.1.3 The Council has sought to meet with NH to better understand the scheme impacts on both the Council owned parcels and the wider Borough. In March 2022 and following an initial meeting LTC provided a schedule of plots which allowed the Council’s to better understand the impacts. This led to a series of meetings during 2022 with the LTC team seeking clarification as to the rationale for plots being included and then to assess the compensation implications (this being a reflection of the extent of the impact).</p> <p>14.1.4 It was clear from these meetings that LTC had adopted a cautious approach, identifying large areas which might be required. These included plots identified for permanent acquisition, temporary possession and over which rights were required. At an early stage LTC and the Council recognised that there was a need for an overarching legal Agreement that would address land take, timing of land, condition of return and compensation liability, as such detail was not part of NH’s Statement of Reasons (APP-060). LTC undertook to provide a draft legal Agreement in April 2021, but this has yet to be produced.</p> <p>14.1.5 The NH project team advised the Council in August 2022 that the details provided in 2021 as to which plots had been identified for permanent acquisition, temporary possession and over which rights were being sought had been revised. Details were promised in the same format as previously. Notwithstanding that the information was published on the PINS website in November 2022, it was not until July 2023 that the NH team provided details in the previously provided format, the effect of which was to allow the Council team insufficient time to properly assess the changes. However, Appendix H, Annex 1 does provide a summary of these latest changes.</p> <p>14.1.6 A schedule of the Councils’ directly affected plots is at Appendix H, Annex 2. This schedule identifies the following:</p> <ul style="list-style-type: none">• The plots to be taken (by reference to the DCO plan reference);
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	<ul style="list-style-type: none">• LTC’s description of the plot;• The type of acquisition (permanent, temporary or rights);• Reason(s) for acquisition/possession; and• Plot area. <p>14.1.7 Subsequent to it being provided the Council has added additional columns including:</p> <ul style="list-style-type: none">• Comments (highlighting queries);• Construction commentary; and <p>14.1.8 It must be noted that whilst the Council now understands that the affected land parcels have subsequently been adjusted, the information was provided so recently that a proper analysis has not yet been possible. In addition, the Council has retained land interests, which will be impacted by the construction and/or use of LTC</p> <p>14.2 Proposed Order Limits</p> <p>14.2.1 Land is required under 3 categories, as follows:</p> <ul style="list-style-type: none">• Permanent acquisition;• Permanent acquisition of rights and temporary possession; and,• Temporary Possession. <p>14.2.2 The extent of the land take/occupation by NH is, in some instances, very significant. In only limited instances has there been an attempt to justify the requirement for the area identified (in each instance), much less any attempt to justify the extent of the area identified.</p> <p>14.2.3 NH is seeking to take land permanently then return it to the Council at a number of locations include the following:</p> <ul style="list-style-type: none">• Land at Brentwood Road (LTC Parcel No. 27074);• Land on the west side of Muckingford Road (LTC Parcel No. 17994);• Sections of the Council owned A13 (LTC Parcel No. 33682); and,• Orsett Cock Roundabout (LTC Parcel No. 33682). <p>14.2.4 The following points arise:</p> <ul style="list-style-type: none">• It is unclear on what basis NH considers there is a compelling case to permanently acquire land, when NH has acknowledged that it does not require the land permanently;• There is no binding commitment to return land;
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LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> • The identity of the plots to which the proposal to return land has yet to be provided; • There is no indication as to when the land will be returned; and, • There is no clarification as to the condition of the land that may be returned. <p>14.2.5 It is for NH, as applicant, to make a compelling case for both the nature and extent of each interest identified in DCOv2. NH has failed to do this and, in fact, has confirmed that in some instances it is seeking a greater interest than it requires.</p>
Applicant’s Response	<p>The land plots where Thurrock Council have an Interest in Land are all defined within the Book of Reference [REP1-053] with the compelling case for acquisition detailed within the Statement of Reasons [REP1-049] submitted with the Application. The spreadsheet annexed by Thurrock Council is a working document between parties owned by the Council’s Property Advisors who were stood down by Thurrock Council and consequently discussions around land matters stalled. A detailed plan of the relevant plots was extracted from the Book of Reference along with the use schedule was provide to the Council in May this year following the reinstatement of the Council’s property consultants. The Applicant is working with the Council’s property consultants to provide fuller detail through a series of technical workshops and is happy to update the working schedule.</p> <p>In relation to parcels listed above these all relate to works which are proposed to become part of the local highway authority roads. These will be permanent works and will become the maintenance responsibility of the local highway authority. The mechanism for this is set out within Article 10 of the draft DCO [REP1-042]. Separately the Applicant has also proposed a draft Highways Agreement (which is currently under discussion with the Council) which includes a clause which requires the transfer to the highway authority of land associated with local highway (defined as ‘means any public highway including any Public Right of Way which is maintainable or is intended at the completion of the works to be maintainable by the Council’) linking back to Article 10 mentioned above.</p> <p>The Applicant is unaware of where the Council believes the Applicant has confirmed ‘<i>that in some instances it is seeking a greater interest than it requires</i>’ and would welcome clarification on this point. The Order Limits proposed by the Applicant are the extent of the land required to construct, operate and maintain the Project.</p>
Page 212	<p>14.3 Thurrock-Owned Land Interests Impacts</p> <p>14.3.1 The implications on the Council’s property (updated as per the information provided in July 2023) are referenced above and in Appendix H, Annex 2. The impacts on Thurrock-Owned Land interest are, as follows</p> <ul style="list-style-type: none"> • Land interests held as an investment can be adequately addressed by compensation; • The impacts on highway and verge land will include disrupted traffic flow. This will particularly impact residents and businesses within the Borough with in general no provision for compensation; and,

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> • Loss of public open space – the disbenefit of this will be felt particularly keenly by the residents of the Borough, whose access to public open space will be heavily constrained and where there is currently no provision for compensation or re-provision (except with permanent acquisition). <p>14.3.2 The Council has, in addition to a responsibility for the interests it owns, a responsibility to residents and businesses within the Borough. This responsibility includes:</p> <ul style="list-style-type: none"> • Ensuring, as far as possible, that threats to public health are minimised; and, • That the Council is able to demonstrate a minimum of a 5-year housing land supply (HLS) (HLS). In this respect LTC severs a number of sites identified as part of the 5-year HLS meaning that not only will there be less land allocated in the emerging Local Plan, but that those sites which are directly impacted are less attractive to develop. This directly impacts the Council’s responsibilities to ensure the proper planning of its area. <p>14.3.3 The Council considers it imperative that it understands the following:</p> <ul style="list-style-type: none"> • What land is being taken permanently and when • What land is being taken temporarily and when, and, where that happens: <ul style="list-style-type: none"> – Whether it is being taken temporarily on more than one occasion; – What triggers return of the land; and – The condition of land on its return.
<p>Applicant’s Response</p>	<p>This matter is addressed by SoCG [APP-130] item 2.1.81, summarised below.</p> <p>The Land Plans [REP1-006]; [REP1-009]; [REP1-011] and Book of Reference [REP1-053] detail all the requirements for permanent and temporary land use along with any land where the Applicant requires land on a temporary basis but permanent rights are required. The Applicant has held a number of technical review workshops with the Council and their land and property advisors and to provide more information of the works on each plot. Indicative timescales were discussed by the Applicant around the likely sequencing of works however this was caveated that this was the Applicant’s view on the likely sequence but it would be down to the appointed Delivery Partner to work through this in due course once they had finalised their detailed design and programme.</p> <p>Further details on the timing of land will be forthcoming in due course as the Project progresses. Temporary possession under the DCO allows land to be taken for as long as it is required but is subject to the timings in Article 35 of the draft DCO [REP1-042] Article 35 also requires the undertaker (subject to limited exceptions) to remove temporary works and restore the land to the reasonable satisfaction of the owners of the land before giving up possession.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
<p>Pages 212-213</p>	<p>Lack of Compensation Provision</p> <p>Engagement with NH</p> <p>14.4.1 As referenced above, the Council had met with NH on 21 April 2021 and requested details and nature (permanent, temporary, etc.) of land take to allow a view to be formed of the impact of the scheme on both land owned by the Council and, more widely, the impact on the Borough.</p> <p>14.4.2 At the end of May 2021 and following further engagement between LTC and the Council, NH provided the Council with the revised plot plans and also gave an undertaking that NH’s lawyers were to be instructed to prepare a draft of an agreement that would be binding on LTC to take the plots identified in the DCO only (in preference to a Memorandum of Understanding which is not binding).</p> <p>14.4.3 LTC have, subsequent to the provision of revised plots plans, sought to provide a rationale for the acquisition/possession of identified plots.</p> <p>14.4.4 Notwithstanding the assurances given in May 2021, LTC has still yet to provide a draft of the agreement reference at Section 14.1.4 (above).</p> <p>14.4.5 Until this draft is provided the Council the following remains true:</p> <ul style="list-style-type: none"> • It is unclear which plots are being taken permanently and when; • It is unclear which plots are being taken temporarily, when and for how long. It is important to understand that temporary possession could mean the LTC project could occupy land for 7 or 8 years; • It is unclear which plots might be returned as well as to timing of and condition on return; and, <p>The Council has to adopt the working assumption that the compensation entitlement will follow the, ‘so called’, compensation code (being the various Acts of Parliament, Statutory Instruments and decided Case law used to assess compensation following the use of compulsory purchase powers). The Council recognises and understands that the, ‘so called’, compensation code applies in respect of direct impacts on interests in land.</p> <p>Compensation</p> <p>14.4.6 The Council is aware that a number of schemes have policies which are an enhancement to the statutory position and offer assistance to those impacted (but not directly, that is that they have not been identified for land take but who are clearly in a disadvantaged position and where a discretionary policy can assist mitigating the impact) and where there might be a pressing need to sell or for compensation to mitigate the effect. Schemes referenced include:</p> <ul style="list-style-type: none"> • Thames Tideway, which had policies, including:

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> – Non-statutory Off-site Mitigation and Compensation Policy; and – Exceptional Hardship Procedure. • Heathrow Third runway, which had a number of non-statutory policies, including: <ul style="list-style-type: none"> – Property Bond Scheme; and – Interim Property Hardship Scheme. • High Speed 2, which has a number of non-statutory policies, including: <ul style="list-style-type: none"> – Exceptional Hardship Scheme; and – Need to Sell Scheme. <p>14.4.7 The Council considers that a responsible promoting authority should implement similar schemes to mitigate the impact of the scheme on residents of the Borough.</p>
Applicant’s Response	<p>Annex B of the Statement of Reasons [REP1-049] details the various land and property meetings that have been held with the Council and their advisors with a number of meetings being held since the April 2021 date they refer.</p> <p>As discussed, a number of times with the Council, the Applicant did not agree with the Council that it was in a position to enter into a legally binding legal agreement with the Council with regard to taking Council land and that a Memorandum of Understanding (MoU) was the appropriate mechanism. The Council did not want such an MoU. The Applicant has subsequently at the request of the Council reinstructed its legal advisers to draft an appropriate form of commitment which again has confirmed that an MoU is the appropriate legal mechanism at this stage of the Project development. The Applicant is committed to early discussions with its Delivery Partner to work through high level indicative sequencing of works but recognising these cannot be binding to the Applicant. This point has been accepted by the Council and its Advisers.</p> <p>With regard to the land use: the Land Plans [REP1-006]; [REP1-009]; [REP1-011] and Book of Reference [REP1-053] detail all the requirements for permanent and temporary land use along with any land where the Applicant requires land on a temporary basis but permanent rights are required. Please refer to the answer in response to pages 210-212 above.</p> <p>The Applicant has a number of policies in relation to compensation and mitigation of their proposals. These are publicly available on their website. Copies of these brochures have been readily available at Consultation events and sent via Royal Mail where requested. These include the following:</p> <ul style="list-style-type: none"> • Your Property and Blight • Your Property and Compensation or Mitigation for the Effects of our Road Proposals

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> • Your Property and Compulsory Purchase • Your Property and Discretionary Purchase <p>The policies the Applicant has in place are in line with other major infrastructure projects, ensure a consistent approach across all National Highways schemes and ensure public money is managed in an appropriate way. The discretionary purchase scheme within the Highways Act 1980 is operated in a similar way to other projects exceptional hardship schemes. This was available from announcement of the preferred route for the Project and covers both online and offline properties should the necessary criteria be met as detailed in the brochure.</p> <p>The Noise Insulation Regulations 1975, Highways Noise Payments and Moveable Homes (England) Regulations 2000 are legislation specific to highways schemes. Section 28 of the Land Compensation Act 1973 also makes specific reference to highways schemes. Other infrastructure discretionary mitigation schemes are generally aligned to the same provisions as in the highways specific legislation.</p> <p>Finally, having regard to the Council’s comments about compensation including the compensation regime, it should be noted that:</p> <ul style="list-style-type: none"> • under section 102 of the Planning Act 2008, the content of a “relevant representation” for the purposes of the process does not extend to material about compensation for compulsory acquisition of land or of an interest in or right over land; • similarly under sections 87 and 94, the ExA may disregard representations about such compensation; and • under section 106, the Secretary of state may disregard representations about such compensation when deciding an application.
<p>Pages 214-215</p>	<p>Brochures and Policies</p> <p>14.4.8 NH has highlighted a number of brochures which set out the scheme’s policies, summarised below.</p> <p>Your Property and Blight</p> <p>14.4.9 This describes the process of blight, how the affected property could be affected by blight, compensation applicable and referral of the blight notice to the Upper Tribunal. This policy goes no further than the statutory position, both in terms of the blight process and the compensation that is offered, that being the full unaffected market value of the property (plus additional home loss if the property is residential). A number of large infrastructure schemes have recognised the deficiencies of the current blight regime and offered enhanced terms.</p>

Your Property and Compensation or Mitigation for the Effects of our Road Proposals

14.4.10 NH has indicated that it will seek voluntary agreements with landowners to mitigate the adverse effects (e.g. noise) on land from the construction works or the new or improved road in use, by planting and then maintaining trees, shrubs or plants on the land, or taking other mitigation measures. Several issues arise, as follows:

- It is not clear at what stage these agreements will be sought;
- In setting out a policy NH is acknowledging that there are impacts from its proposal that exist and require mitigation but where there is no enforceable proposal to address these impacts;
- Notwithstanding this proposal, and as is well understood, trees, shrubs and plants do not mitigate noise, unless considerable distance or barriers are involved;
- When it comes to persons in movable homes the NH policy (which, as above, is the statutory policy) allows for claims for disturbance either from construction works or from traffic using the new or improved road. To qualify for a noise payment due to construction noise, the noise from the construction of a new or altered highway must have seriously adversely affected the enjoyment of a mobile home for a continuous period of six months. So those affected will have been seriously affected for that lengthy continuous period before qualifying for compensation (notwithstanding that the level of compensation is considered to be insufficient);
- NH has proposed a discretionary policy to meet the reasonable additional expenses of residents to allow them to move into temporary suitable alternative residential accommodation. In order to qualify the residents must live adjacent to the site of the construction works and where the physical effects of the works are causing such significant disruption and discomfort as to make their continued occupation not reasonably practicable. The challenges include the following:
 - Those impacted must have already suffered;
 - No procedure or response timeframe for application is included within the policy. There is concern therefore that a resident could be living in very challenging conditions awaiting a response and living with significant uncertainty;
 - The period for which a payment might be made is limited to 5 months;
 - A payment will only be made where the occupier’s additional expenses are likely to be less than the cost of noise insulation;
 - The policy is only available to occupiers living adjacent to scheme works. This does not take into account occupiers (including vulnerable persons) that might live close to but not adjacent to the works and who have also been significantly impacted, potentially, in some cases, more severely;
 - There is no allowance for support in maintenance of impacted properties;

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> – There is no support for medical expenses that might arise from the increase air or noise pollution; – Compensation should include any double overheads the resident incurs; and, – There is no provision within this policy to provide temporary support to local businesses that are impacted by construction work. <p>14.4.11 The policies set out in this brochure go no further than the statutory position.</p> <p>Your Property and Compulsory Purchase;</p> <p>14.4.12 This policy sets out the process for compulsory acquisition and the compensation mechanism. No guidance is given as to when land might be acquired. This brochure sets out the statutory position only.</p> <p>Your Property and Discretionary Purchase</p> <p>14.4.13 This policy sets out the circumstances when NH might acquire discretion to acquire properties that are not required for the scheme. As with the policies listed above this brochure goes no further than the statutory position.</p> <p>14.4.14 Copies of each brochure are at Appendix H, Annex 3.</p>
Applicant’s Response	<p>14.4.11 - This matter is addressed by SoCG [APP-130] item 2.1.80, summarised below.</p> <p>The Applicant adheres to current legislation and government guidance in relation to compensation which is detailed in a suite of booklets. Additionally, the Applicant regularly meet with local residents and local businesses to discuss specific concerns and agree specific mitigation wherever possible.</p> <p>As part of ongoing engagement with local communities and people impacted by the proposals, the Applicant has had a lot of discussions to help assess the potential impact on people and local businesses on a case-by-case basis. In a number of cases the Applicant has already provided funding for specific professional advice to assist people with finding alternative premises or advising on the specific impacts of the Project.</p> <p>The Applicant has been in regular correspondence with the affected parties. Application information has been provided in letters and also in notices published in the local press. The Applicant’s website also provides contact details for anybody that has any queries. The Applicant is willing to meet with anybody who has queries in relation to these matters to talk them through the processes and procedures that would apply to their personal circumstances.</p> <p>The Applicant’s comments on the compensation brochures are, summarised below.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>Your Property and Blight</p> <p>The Applicant has adhered to National Highways’ policy and the statutory position in relation to Blight. It does not feel that the impacts of the Project construction are different to other National Highways schemes and therefore enhanced terms are not justified.</p> <p>Your Property and Compensation or Mitigation for the Effects of our Road Proposals</p> <p>The Applicant has been liaising with affected parties to identify appropriate and proportionate mitigation for any adverse effects. Some agreements have already been made but agreements can be considered at any time. Requirements will be considered on a case-by-case basis. The brochure details the different forms of legislation that apply to the different types of agreements and therefore no further enforcement is felt to be necessary.</p> <p>The Highways Noise Payments and Movable Homes (England) Regulations 2000 are explained in the brochure and adhered to across all National Highways schemes.</p> <p>The temporary suitable alternative residential accommodation (TSARA) policy is in line with Section 28 of the Land Compensation Act 1973. The brochure explains that TSARA is only normally for periods of 2-3 months or for periods where the cost will be less than noise insulation. The priority is to ensure people can remain in their own homes wherever possible and therefore is only applicable where other mitigation has not been successful. Assessments will be made of the potential impacts following any necessary mitigation that has been put in place and discussions will be held based on those predicted impacts. The Applicant will ensure any queries/claims are treated as a priority and queries/claims from vulnerable people will be considered on their own merits. Temporary relocation expenses that can be reclaimed must be above the normal costs of occupying and maintaining their own home. This policy is specific to residential owners/occupiers.</p> <p>Your Property and Compulsory Purchase</p> <p>This brochure explains the policy for compulsory purchase which is in line with the compensation code and adhered to across all National Highways schemes. It does not include guidance as to when the land might be acquired as that will vary from scheme to scheme. The Applicant will liaise with affected parties in due course once the construction schedule has been finalised by the Delivery Partners.</p> <p>Your Property and Discretionary Purchase</p> <p>This brochure explains the policy and procedure in relation to Section 246 and Section 248 of the Highways Act 1980. It is not felt necessary to provide any further enhancement above these sections as they are very similar to most of the exceptional hardship schemes offered by other major infrastructure schemes.</p> <p>See above the Applicant’s comments about the status of representations about compensation in the DCO process.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
<p>Pages 215-216</p>	<p>Public Open Space</p> <p>14.4.15 NH proposes taking possession of significant areas of Public Open Space for, potentially, very significant period(s). These plots include the following:</p> <ul style="list-style-type: none"> • Land lying to the North West of Stanford Road, Grays – known as Orsett Heath Academy Playing field and extending to 13,876.25 sqm (LTC Parcel No. 26981); • Land on the south side of the A13 Orsett – known as Memorial Ground and extending to 198,207 sqm (LTC Parcel No. 26985); • Land on the south side of the A13 Orsett- known as Heath Farm and extending to 24,556.688 sqm (LTC Parcel No. 27213); • Land lying to the east of Baker Street, Orsett, Grays and extending to 100,962.33 sqm (LTC Parcel No. 47627); Land lying to the south of School Lane, Orsett, Grays, known as Orsett and Thurrock Cricket Club and extending to 40,233.17 sqm (LTC Parcel No. 27048); • Land lying to the north of Linford Road, Grays – which includes part estate recreation ground and extending to 63,628.77 sqm (LTC Parcel No. 17709); • Land on the east side of Brentwood Road, Grays – which includes part estate recreation ground and extending to 19,147.90 sqm (LTC Parcel No. 17756); • Land on the north west side of Brentwood Road, Grays – known as Old House Wood and extending to 51,801.05 sqm (LTC Parcel No. 39144); and, • Marisco Hall, Brentwood Road, Grays and extending to 717.25 sqm (LTC Parcel No. 35320). <p>14.4.16 It is unclear, principally because NH does not yet know, in each instance;</p> <ul style="list-style-type: none"> • How long the temporary possession may last; and, • Whether occupation of these areas will take place once or on multiple occasions <p>14.4.17 Where public open space (defined as ‘<i>part of a common, open space or fuel or field garden allotment</i>’) is permanently acquired, provisions set out in S19 of the Acquisition of Land Act 1981 require (in all but a limited number of cases) an acquiring authority to ensure that there will be provided as replacement land to fulfil the function of the land acquired and that other land will be of no lesser area and no less advantageous. The Council sees no reason why this requirement should not apply both in respect of land permanently acquired and that acquired temporarily. Failure in either circumstance would leave the residents of Thurrock with less of this particular land type. The Council considers that where land is taken temporarily (which as is highlighted above could be a 7-8year period) NH should be compelled to provide replacement land to no lesser amenity than that existing.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>Conclusion</p> <p>14.4.18 The Council considers that NH should undertake the following commitments:</p> <ul style="list-style-type: none"> • Be required to identify the following: <ul style="list-style-type: none"> – In each instance how long a period its temporary occupation will be; – Whether it intends to remain in occupation throughout its period of temporary occupation or whether it intends to take multiple occupations; and, – The extent to which, in each instance, it can minimise the land it occupies. • Confirm that those plots which it seeks to take permanently, but only requires temporarily will only be taken temporarily; • Undertake further design work, such that it can reduce the extent of the land take; • Provide a draft of the legal Agreement it undertook to commission approximately two years ago and enter into meaningful negotiations with a view to concluding an Agreement in the next few months; • Introduce non-statutory policies to address the identified shortcomings in the statutory schemes for the following matters: <ul style="list-style-type: none"> – Blight; and, – Those who suffer hardship as a result of the LTC scheme. • Provide replacement Public Open Space to replace that lost both permanently, but especially temporarily during construction.
<p>Applicant’s Response</p>	<p>14.4 .15 -14.4.17 - This matter is addressed by SoCG [APP-130] items 2.1.83, 2.1.238 and 2.1.18</p> <p>An assessment of the Project’s effects on Special Category Land (SCL) including public open space and common land in Thurrock is presented in Planning Statement - Appendix D - Open Space [APP-499]. Replacement land, in the context of Sections 131 and 132 of the Planning Act 2008, is proposed to compensate for impacts to SCL where required. The temporary possession of SCL does not engage Sections 131 or 132 of the Planning Act 2008 and therefore no replacement land is required where SCL is subject to temporary possession powers. Planning Statement - Appendix D - Open Space [APP-499] states the approximate period that existing SCL (for which replacement land is being provided) is affected by works before replacement land would be available based on the preliminary construction programme presented in Section 2.6 of ES Chapter 2 - Project Description [APP-140]. Once Contractors are appointed and the detailed design for the Project is developed, the Applicant would work with Contractors to identify opportunities to reduce this time period as far as practicable subject to construction requirements and other controls.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>The design and specifically area (sqm) of replacement land has taken into account of the period of time that SCL would not be accessible to the public. In all cases replacement land is larger than the SCL impacted by the Project for which replacement land is being provided. The Project would leave a positive legacy of green infrastructure and open space in the borough. A detailed assessment of all replacement land proposed can be found in Planning Statement - Appendix D - Open Space [APP-499]. Further information is provided in the Statement of Reasons [REP1-049] and in ES Chapter 13: Population and Human Health [APP-151].</p> <p>The Project is currently at the preliminary design stage, and a detailed construction programme nor methodology have been finalised. The Applicant is therefore unable to confirm at this stage the exact duration of any temporary land take, or whether the land will be taken and returned more than once. At this stage, all the land in the Order Limits is considered to be necessary to deliver the Project. However, should it transpire that any part of the land within the Order Limits is not required, for instance, as a result of the detailed design process, the Applicant would only seek to acquire that part of the land required, and in all events, will seek to minimise the effects on land interests. Where temporary use is required the Applicant will only take this land for the period it is required and hand this back to the landowner at the earliest opportunity.</p> <p>Article 40(1) mirrors the requirement in the Port of Tilbury (Expansion) Order 2019 (referenced by the Council in the October Report) and the Model Provisions in that it states that “...the special category land and any rights over that land is not to vest in the undertaker (or any specified person) until the replacement land has been acquired in the undertaker’s name or is otherwise in the name of the persons who owned the special category land on the date those powers are exercised..”. In effect, the replacement land must have been acquired (either by the Applicant or the in the name of the relevant third party) before any special category land can vest in the Applicant. The dDCO goes beyond this requirement and, in addition to the replacement land having to be acquired, requires a scheme to also have been approved by the Secretary of State. The approach adopted is consistent with A30 Chiverton to Carland Cross Development Consent Order 2020 and the A63 (Castle Street Improvement, Hull) Development Consent Order 2020 – precedents which are more relevant than the site-specific, non-highways project referenced by the Council.</p> <p>Following discussions with the Council, the provision has been amended to require consultation with the Council in respect of the scheme for replacement land. If the Council does not consider the scheme for the replacement land to be adequate, it can raise concerns as part of that process. It will then be for the Secretary of State to determine whether the scheme is appropriate.</p> <p>Finally with regard to the Compensation and mitigation policies. The Applicant adheres to current legislation and government guidance in relation to compensation which is detailed in a suite of booklets. These are discussed more fully above.</p>

Pages 217-222	Adequacy of Key Application Documents <p>15.1.1 This Section’s purpose is to review the existing dDCO and supporting ‘Control Documents’ to determine their adequacy, weaknesses and to identify additional work or commitments that the Council requires to make certain aspects acceptable.</p> <p>15.1.2 It covers the following documents in the following sub sections:</p> <ul style="list-style-type: none">• Draft DCO Order (AS-038);• All relevant Legal Agreements, including the Section 106 (APP-505 and its successor Agreement);• The Stakeholder Actions and Commitments Register (SAC-R) (APP-554);• Wider Networks Impacts Management and Monitoring Plan (WNIMMP) (APP-545);• Code of Construction Practice (CoCP) (APP-336);• Register of Environmental Actions and Commitments (REAC) (APP-336);• Framework Construction Travel Plan (FCTP) (APP-546);• Outline Traffic Management Plan for Construction (oTMPfC) (APP-547);• Outline Materials Handling Plan (oMHP) (APP-338);• Outline Site Waste Management Plan (oSWMP) (APP-337); and,• Carbon and Energy Management Plan (C&EMP) (APP-552). <p>15.1.3 The Council has no further comments, except those set out in the above relevant sections) on the following Control Documents – Outline Landscape and Ecology management Plan (oLEMP) (APP-490 – APP-493), Design Principles (APP-516), Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (AMS-OWSI) (APP-367) and Environmental Masterplan (EMP) (APP-159 – APP-168).</p> <p>15.1.4 The Preliminary Works Environmental Masterplan (APP-339) has not been reviewed in detail, except to state that it has not been shared with the Council until the DCO submission and there has been no technical engagement about its content. The Council therefore may require to make a subsequent submission on this ‘Control Document’.</p> <p>15.1.5 However, even though it is not a ‘Control Document’, it is considered important that the Planning Statement and its accompanying Appendices (APP-495 – APP-504) are assessed and that review is set out below.</p> <p>15.2 The Draft DCO</p> <p>15.2.1 This Section considers the current draft DCO (dDCO) and its impact on the Council’s area, including impacts on the Council itself and local residents. A detailed analysis of the individual proposed Articles and Requirements are set out in Appendix I, Annex 1 and the Council’s detailed responses to Issue Specific Hearing 1 (ISH1) Actions Points and individual</p>
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questions (which are also a separate submission at Deadline 1) are set out in **Appendix I, Annex 2**. One of the key ways in which adverse effects of the DCO are proposed to be mitigated is through legal agreements. In addition, the proposed Section 106 Agreement and two Side Agreements are considered in detail below in a separate sub section.

The Draft DCO (dDCO)

15.2.2 The Council has been discussing the version of the draft DCO with the applicant since the end of 2020. This has resulted in four detailed reports shared between the Council and the applicant, two meetings and supplementary correspondence on specific articles within the DCO. Some of our concerns, such as limiting some of the ancillary works powers in Schedule 1 have been taken into account in the current draft of the DCO. However, many other points, which the Council view as having a significant negative effect on the Council’s residents, do not appear to have been taken into account. Broadly, these are:

- **Uncertainty**, for example caused by uncertain Order Limits, length of time CPO powers can be used for, timeframes within which the project is going to be commenced and the potential adverse effects of disapplying legislation.
- **Loss of control and coordination over the impact of the project on how the Council discharges its statutory functions**. For example, because of the effects of the Council not being the discharging authority for certain requirements, control over works to the highways, different drainage enforcement regime and deemed discharge.

Uncertainty

15.2.3 It is accepted that a scheme of this size requires some flexibility to overcome unforeseen technical issues and avoid the need to amend the DCO. However, that flexibility needs to be within defined parameters, so that those potentially impacted can input into the DCO process.

15.2.4 Our main concern is about the uncertainty of flexibility, especially in relation to Order Limits. Article 6(3) sets out that the maximum Limits of Deviation do not apply when it can be demonstrated by the applicant to the Secretary of State’s satisfaction that disapplying limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.

15.2.5 This raises a number of concerns. First, why are non- environmental effects not part of the consideration as to why the Limits of Deviation, which are considered as part of the draft DCO dis-applied? Non- environmental effects could include the impact on new landownership. It could also include adverse effect on businesses. Environmental effects are very important, but they are not the only effects.

15.2.6 Second, it makes it very difficult for all stakeholders to actively take part in the Examination, if they do not know if their land will be affected. This uncertainty is likely to have a chilling effect on the use of land even though it is outside the Order Limits (because it will discourage investment). No explanation has been given to as to why the Limits of Deviation cannot be limited to within the Order Limits, as an absolute maximum.

15.2.7 It is appreciated that the applicant has not yet completed sufficient design work to enable it to demonstrate precisely what land it requires. However, the degree of flexibility given to the applicant should have clear limits, so as to provide certainty for those likely to be impacted by the project. The applicant is likely to state that some powers, such as CPO, are clearly limited and that this provides sufficient certainty. However, in the Council's position the ability for the scheme to continue, outside of Order Limits and not to have all those impacts fully assessed, it not acceptable. The Council requires sufficient certainty to the scheme, to allow it to fully comment on the impacts and allow those potentially affected to take part in the Examination. This means that the scheme should not extend outside of the existing DCO application Order Limits.

15.2.8 Another area of uncertainty is around the time limits for acquisition. Article 27(1) allows a period of 8 years for the exercising of compulsory purchase powers. The Council has suggested that where elements of the project may require a period in excess of 5 years, that the time period is extended to these sections of the land only. In particular, consideration be given to:

- Limiting the land to which this provision applies; and,
- Limiting the categories of work to which this provision will apply.

15.2.9 The applicant has consistently rejected this approach, citing a lack of precedent for a mechanism that would allow for different time periods to be applied over different parts of the Order Limits land. Given the applicant is seeking a much extended time period, the fact that a proposal has not been used in previous DCOs, clearly should not preclude a full consideration of its appropriateness. The drafting to achieve this is not complicated and the applicant should by this stage have a clear project plan on a plot by plot basis.

15.2.10 As such, the Council considers it inconceivable that there are not any plots where the applicant is confident at this stage that they will be able to make a determination on requirements in less than 8 years.

15.2.11 Even if the number of plots affected by this provision were limited, it would be entirely consistent with compulsory purchase principles that the applicant should seek to have the minimum possible impact on landowners.

15.2.12 At this stage, the Council are not satisfied that evidence for an 8 year period has been provided.

15.2.13 The points made above apply equally applicable to the rights granted under Articles 28, 35 and 36, which are all affected by the same time limit.

15.2.14 Uncertainty is also present due to the reasoning given by the applicant for provisions, for example, due to the disapplication or amendment of legislation/statutory provisions in Articles 53 and 55. The Council have raised with the applicant on a number of occasions the need to explain the impact of the disapplication of statutory provisions, in accordance with Section 25 of Advice Note 15. Good practice point 10, in section 25 of Advice Note 15 states:

'Applicants should provide in the Explanatory Memorandum a clear justification for the inclusion of such provisions in the particular circumstances.....'

15.2.15 In our opinion significant additional justification is required to explain the rationale for such a wide approach. This uncertainty of impact makes it difficult for the Council and other stakeholders to fully understand the impacts of the scheme promoted by the applicant.

15.2.16 Despite this we do not disagree with the fact that primarily the draft DCO should take precedence, it is just that we need to understand the impact better, so we can assess whether any specific mitigation is required.

15.2.17 Overall, we consider that the applicant needs to ensure that the limits of the draft DCO are clear, allowing certainty for those potentially impacted to engage effectively. The applicant frequently justifies its position based on precedent and the size and complexity of the scheme. It is the Council's position that, pursuant to paragraph 1.5 of Advice Note 15, the applicant needs to explain why particular wording is relevant to the proposed draft DCO.

15.2.18 Paragraph 1.5 of Advice Note 15 states:
'If a draft DCO includes wording derived from other made DCOs, this should be explained in the Explanatory Memorandum. The Explanatory Memorandum should explain why that particular wording is relevant to the proposed draft DCO, for example detailing what is factually similar for both the relevant consented NSIP and the Proposed Development. It is not sufficient for an Explanatory Memorandum to simply state that a particular provision has found favour with the Secretary of State previously; the ExA and Secretary of State will need to understand why it is appropriate for the scheme applied for. Any divergence in wording from the consented DCO drafting should also be explained. Note, though, that policy can change and develop.'

15.2.19 It is not sufficient to state that a particular provision has found favour with the Secretary of State previously, it needs to be established the provisions are appropriate for the scheme applied for in this DCO application.

15.2.20 It is the size and complexity of the scheme which makes certainty so important. It is already a significant task for the Council and other stakeholders to understand the impact of the scheme upon them. Allowing additional flexibility to the applicant, without clear limit, favours the applicant over the interests of local residents who are going to be directly impacted by the scheme.

15.2.21 Uncertainty is exacerbated due to the project stage of design reached by the applicant. The fact that the applicant has not provided more certainty in the current design should not, however, have an unjust impact on the Council or other local stakeholders. Whilst flexibility may reduce costs and delay for the applicant, there is a cost to the uncertainty, which negatively impacts both other public bodies and private business.

Loss of control and co-ordination over the impact of the project on how the Council discharges its statutory functions

15.2.22 Another key area of concern is the loss of control and co-ordination over the impact of the project on how the Council discharges its statutory functions. It is appreciated that the applicant would find it more convenient to use its own discharge mechanism, with the Secretary of State as the discharging authority. However, the Council does not consider that adequate justification has been provided as to why it is the most appropriate option in relation to this scheme.

15.2.23 It is the Council's position that Requirements 3 (detailed design), 4 (Construction and Handover EMPs), 5 (landscaping and ecology), Requirement 6 – (contaminated land), 8 (surface and foul water drainage at a local level (with the Environment Agency responsible for those elements not at a local level), 9 – (historic environment), 10 (traffic management), 11 (construction travel plans), 12 (fencing), 14 – (traffic monitoring), 16 – (carbon and energy management plan) and 17 (amendments to approved details) should be discharged by the relevant local planning authority, with any appeal going 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 (see for example the West Midlands Rail Freight Interchange Order 2020, the Lake Lothing (Lowestoft) Third Crossing Order 2020, the Silvertown Tunnel Order 2018 and the Port of Tilbury (Expansion) Order 2019 (Tilbury 2)). In addition, the Council are 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. Accordingly, the applicant's concerns regarding coordinated discharge of functions is not well founded in relation to this scheme.

15.2.24 In the Council's view, locally elected local authorities, who are experienced in discharging similar planning conditions, should be the discharging authority. It is precisely because of the complexity of the project that a detailed understanding of the locality, including the local highway network, is required. It is accepted that changes to local highway sections will need to consider the impact of those changes on trunk road sections (and vice versa) and accordingly it is suggested that the relevant planning authority will discharge requirements in consultation with relevant parties, such as the applicant and other key stakeholders. The current proposal, of the Secretary of State being the discharging authority, after consulting the Council (but without being required to follow the Council's views), is likely to lead to unnecessary expenditure as the relevant local planning authority will have to commit significant resources to explaining to the Secretary of State the impact of proposals, with no guarantee of such views being accepted.

15.2.25 This is further exacerbated by Article 9 and the disapplication of the New Roads and Street Works Act 1991 ('NRSWA'). The Council's concerns regarding permitting have already been this raised with the applicant. This is an area of significant concern to the Council. It is very important that the Council remains in control of its highways network, for which it has statutory responsibility.

15.2.26 Article 9(3) dis-applies a number of the provisions in NRSWA. Section 58 protects the Council and integrity of any works it is undertaken. The Council understands the need for the programme to progress smoothly, however, this is best achieved through a joined -up approach and having a joint Network Management Team or through the provision of additional resources to the Council's team, which are in the process of being agreed with the applicant.

15.2.27 If works need to be undertaken on a Section 58 street, then it would be important that there is a full width reinstatement.

15.2.28 Disapplying Sections 56 and 56A is also a significant problem as it could lead to clashes and wider impact on the network. Ultimately the Council needs full control of its highways network, so that it can be managed effectively and in accordance with the Council's statutory responsibilities.

15.2.29 In previous correspondence the applicant has noted that this has been agreed in previous DCOs. Whilst this is the case, it is not agreed in every DCO. For example, see the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 or the Model Provisions (which specially apply these parts of NRSWA). It is the Council's position that the applicant should utilise the Council's usual permitting scheme, which will ensure a coordinated approach across the Council's area.

15.2.30 Article 9(9) restricts the contents of permits. The applicant has previously stated that this is needed in order to avoid a situation where the applicant cannot comply with conditions. The Council is not aware of any conditions that are likely to be imposed which would need to be a breach of the Order or that the applicant would be unable to comply with. Accordingly, this provision is not needed. If the applicant has particular concerns then these should be raised now.

15.2.31 In addition to a loss of control of works to the highway, the applicant proposes in the protective provisions for drainage authorities (the Council is a drainage authority). The provisions in Part 3 of Schedule 14 disapply Land Drainage Act powers. The Council appreciates the applicant's reasoning around disapplying Land Drainage Act Powers, when the scheme spans multiple LLFA areas. However, the Council considers that that ultimately enforcement action should be carried out at the discretion of the LLFA in accordance to their respective enforcement policy and protocols.

15.2.32 In relation to previous examples of this in DCOs, we note that it is far from universal that the usual enforcement provisions in the Land Drainage Act 1991 are disapplied. For example, see the A30 Chiverton to Carland Cross Development Consent Order 2020.

15.2.33 Schedule 14, Part 3, Paragraph 23(5)(b) refers to the removal of obstructions in watercourses. The Council maintains that the current wording places an unacceptable risk on residential properties. The Council understands NH's comments about the fact that, in some instances, it may not be practical to remove an obstruction within 14 days. However, the applicant should be aiming to remove obstructions within set timescales and where there are exceptions to be made, these can be negotiated with the LLFA on a case by case basis.

15.2.34 This will ensure that the risk of watercourse flooding is reduced as it will place some urgency on the applicant to remove obstructions from any watercourses under their care. The risk is that only including 'as soon as reasonably practicable' will mean that bias is placed on the practicality for the applicant of carrying out the work, rather than the increased flood risk the obstruction will cause (which could put residential properties at greater risk).

15.2.35 The above are not the only examples of where the Council's ability to discharge its functions are amended or lost due to the DCO as currently drafted. For example, the numerous deemed consent provisions seek to take control from the Council and other public bodies, for the benefit of the applicant and to the detriment of the general public. One of the main explanations by the applicant is that it is required by the size and complexity of this scheme. However, it is the size and complexity of the scheme, which is why the Council needs to be able to coordinate and manage further consents being issued to minimise the negative impact of the scheme (and also to maximise any potential benefits).

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>Consideration of DCO Order Articles DCO Requirements, and Protect Provisions</p> <p>15.2.36 Further to our comments above, the Council have reviewed the draft DCO and have a number of more detailed comments which relate to the impact upon the Council’s area and which remain outstanding from two years of discussions with the applicant. Refer to Appendix I, Annex 1 for these detailed comments and Appendix I, Annex 2 sets out supplementary points about the dDCO that were raised at ISH1 and which are also covered in the ISH1 Submission at Deadline 1.</p>
Applicant’s Response	<p>The Applicant’s response to this is contained in Part 5 of its response to the LIR. The Applicant’s position is that the draft DCO is appropriately drafted, and proportionately justified. As set out in the detailed comments in Part 5, the Applicant considers the council’s comments on uncertainty, the level of control provided and flexibility are unfounded.</p>
Pages 222-225	<p>15.3 Legal Obligations/Agreements</p> <p>Section 106 Agreement (or Heads of Terms)</p> <p>15.3.1 DCO application document (APP-505) sets out that a Section 106 agreement pursuant to Section 106 of the Town and Country Planning Act 1990 is proposed to support the application for DCO and is required in order to make the scheme acceptable in planning terms. It was promoted by the applicant since early 2022 as an alternative due to concerns the applicant had regarding the implications of making further changes to the DCO.</p> <p>15.3.2 The Council set out its expectations for mitigation matters that would need to be addressed through Section 106 agreement and communicated these clearly to the applicant in advance of the DCO submission in an email of January 2022, following the applicant reminders in the latter part of 2021 and early 2022. This was to enable the applicant and the Council to work together to progress the technical work necessary to define and cost the schemes and initiatives to be funded via S106 and several meetings were held up to August 2022 (February, April, June and August 2022).</p> <p>15.3.3 Given this spirit of collaboration the Council was surprised to receive communication from the applicant through which the applicant has set out its unsubstantiated unilateral decision to re-write the list of S106 matters. This significantly reduces the number of matters the applicant is now, many months since its DCO submission in October 2022, prepared to discuss and address with the Council, preferring instead to load yet more issues for the ExA to arbitrate within an already highly constrained timetable. Such behaviours are, in the Council’s experience, not typical of public sector collaboration and recent patterns of behaviour by the applicant cause some considerable concern regarding ability to resolve outstanding matters in the remainder of the Examination period. As the Council consider that having the ExA refused its request to delay the start of the Examination by 7 weeks, it is clearly the ExA’s expectation that the applicant will adopt a collaborative and constructive approach in order to facilitate the Council’s fair engagement in the Examination process (and behind the scenes thereof), as opposed to the intransigent approach, which is currently being adopted by the applicant .</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.3.4 The Council has written to the applicant on 6 July 2023 expressing its serious concerns about their approach to S106 matters, following an email from NH dated 5 July 2023; and then the applicant has responded on 18 July 2023 to the Council’s previous email. All three emails are set out in Appendix I, Annex 3.</p> <p>15.3.5 It was the applicant’s choice to resolve mitigation identified through the local modelling through the Section 106 agreement and not via the DCO. It is now apparent that the applicant is backing away from this position, leaving many areas neither dealt with in the DCO nor Section 106 agreement.</p> <p>15.3.6 The areas the applicant are now refusing to engage on, and which the Council considers are required to help mitigate the effects of the scheme that were included within the Council’s initial list of items in January 2022, are, as follows:</p> <ul style="list-style-type: none"> • Orsett Cock Roundabout (Hatch M19). Additional mitigation to negate the negative impacts of the LTC scheme, especially upon the A128 approach to the junction; • Manorway Roundabout (Hatch M20). Additional lane capacity on the A1014 and A1013 approaches to ensure port and local traffic movements are not impaired by the LTC; • Asda Roundabout requires additional mitigation during construction; • Daneholes Roundabout (Hatch L9). Bus lane added to the outside lane of the approach to the A1013; • Medebridge Road Upgrades (Hatch L8). Delivery of existing the applicant plan to upgrade Medebridge Road to use as haul road to allow permanent adoption by the Council; • Contributions towards studies and the recommended mitigation measures resulting from traffic increases on local roads; • Orsett and Horndon villages and approach roads and the implementation of Orsett Village and Horndon traffic calming measures to avoid/reduce ‘rat-running’. Although some studies are covered by Planning Performance Agreement (PPA) for preparatory work by Thurrock Council, based on impact assessment and mitigation work undertaken in 2022 (Hatch M21 & M22) the follow-on works are not covered; • Contributions to Local Labour & Business, Network Management, Community and Public Health teams resources (not agreed numbers and securing/funding mechanism not clear) (Hatch CLS 1); • Funding for compliance monitoring officers during construction; • Contributions for an ongoing study to determine the feasibility of MRT; • A1013 Bus Priority and Active Travel Corridor development; • Local premises improvement grant and green business support scheme to support local businesses (Hatch CLS 6 and 7);

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> • Commitment to compliance with Thurrock Social Value Framework principles in supply chain and procurement (Hatch CLS 5); • Community Fund, including small capital grants (total sum available currently too small and maximum project sum too small; and, eligibility criteria and SG membership not defined) (Hatch CLS 4 and 11); • Commitments to cross section details for bridge crossings to comply with LTN 1/20 (Hatch Measure L12); and, • Contributions to or commitment to restore all construction compounds to an agreed standard (also covered in our comments on dDCO). <p>15.3.7 In addition to the above, we are concerned about the legal basis for the Section 106 agreement. DCO application document (APP-505) sets out that the plan is to secure the land against the permanent route alignment of the A122 Lower Thames Crossing. Part of this land is currently owned by the applicant, with compulsory acquisition powers being sought through the DCO for those sections are not currently owned by the applicant. The Council will need to be confident that sufficient land is owned by the applicant prior to any DCO grant now that a Section 106 agreement, which could be effectively enforced, could meaningfully be entered into prior to the close of the Examination. If it is not possible to enter into a Section 106 agreement that could be effectively enforced, then other methods of securing the obligations needed make the scheme acceptable in planning terms would be required (if the scheme is to proceed), such as a Deed of Obligation.</p> <p>Side Agreement – Land Take</p> <p>15.3.8 NH and the Council have been negotiating in relation to land use and take. The current document which has been agreed is titled ‘Land requirement information from Thurrock 1.2’ and is dated 5 July 2023 and is covered in more detail in Section 14. This is an important issue for the Council, as it provides more clarity on how the applicant propose to use the broad powers in the DCO and importantly it provides greater certainty to local residents. It is relevant in connection with Articles 28, 35(1) and 36.</p> <p>15.3.9 Unfortunately, despite promises that this would be secured via a legal agreement, this has not yet been provided. Without this then the Council will need to seek additional certainty within the DCO itself.</p> <p>Side agreement – Design and Operation of Highways</p> <p>15.3.10 Discussions have been had with the applicant regarding a side agreement covering the design and operation of highways, termed a Detailed Local Operating Agreement (DLOA) . This is to include a 12-month maintenance period of relevant works being transferred to the Council by the applicant. It also included provisions in relation to road safety audits, inspecting and testing of materials and design input. The detailed operating agreement (DLOA) and a local operating agreement would cover:</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> • Communications and Customer Care: arrangements for communication with stakeholders including who will be responsible therefore; • Scheme Operational Areas: definition of scheme extents for the works areas, zone of influence, Traffic Management and diversion requirements and free recovery areas (as appropriate); • Arrangements for the submission to the Council of digital copies of all as-built drawings for the relevant work area including adoption limits; • Winter Maintenance and Severe Weather: arrangements to apply during the construction period and the Maintenance Period; • Continuity of Technology: arrangements to apply during the construction period and the Maintenance Period; • Incidents: arrangements for dealing with and recording incidents during the construction period and the Maintenance Period; and, • Traffic Management: during the relevant works. <p>15.3.11 This agreement was designed to set out the agreed operational and communication protocols for the LTC Project that will enable handover into Operational Maintenance. It is not yet agreed or signed, despite the Council providing detailed comments in January 2023. Current areas of disagreement include:</p> <ul style="list-style-type: none"> • Timeframes for repairing defects; • Who is responsible for winter gritting; • The need to retain powers under the TMA and NRSWA to control road space activities; • Details of managing insurance claims; • Combined kerb drainage systems; • Timeframes for comments by the council; and, • The strength of the obligation on the applicant to entering to both a detailed and local operating agreement (the council considers that this should be best endeavours taking in to account the importance of this agreements). <p>15.3.12 It should be noted that there has been little progress on this over the last 7 months, which considering the importance of this document is of concern to the Council.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>Conclusion</p> <p>15.3.13 The applicant has acknowledged, through the proposal of the above documents, that additional safeguards are required outside that contained within the DCO. The fact that the Section 106 agreement has now been significantly reduced in scope and the two side Agreements have not been provided, means that the Council is likely to be significantly adversely affected by the scheme. The mitigation secured through these agreements is, in the Council’s opinion, necessary to make the scheme acceptable in planning terms. Failure to provide these represents an unacceptable negative impact on the Council.</p>
<p>Applicant’s Response</p>	<p>S106 Agreement</p> <p>A response to the discussion on Hatch matters is addressed in detail in the response to pages 207-209.</p> <p>15.3.5 – The Applicant is seeking to negotiate section 106 agreements with host local authorities to agree matters that may be required to make the DCO proposal acceptable in planning terms. The draft Heads of Terms are set out in the DCO application submission [APP-505]. The proposed Heads of Terms is a component part of the DCO application and forms the part of the mitigation package that includes the CoCP [REP1-157] and other control documents.</p> <p>15.3.7 – As set out in the Section 106 Agreements - Heads of Terms [APP-505], the Applicant proposes that any s106 entered into with Thurrock Council will be secured against land owned by the Applicant that forms part of the Project within Thurrock. As Thurrock Council has noted, the Applicant already owns land in Thurrock – the A13 and M25 being examples - and therefore there is sufficient land against which to secure the s106 Agreement and for which Thurrock to enforce the planning obligations set out within the s106 Agreement. There is no ‘de minimis’ requirement for land for a s106 Agreement to be secured against. The Applicant does not consider addition methods of securing the obligations is needed as there is sufficient land on which to secure the proposed s106 Agreement.</p> <p>There have been four meetings to discuss all the matters under the s106 workstream (list of matters). These meetings were attended by Thurrock Council which was integral to the rationalisation of the list. Meeting notes were shared after each meeting. A justification was provided for each item when they were ruled out. The emails sent in June were a result of S106 mapping exercise completed in June 2023 brings the SoCG and the s106 workstreams together and consolidates the Applicant’s position on these matters, providing a definitive list going forward. An explanation for each ruled out item continues to be available for audit purposes. The Applicant, therefore, does not agree that the items were ruled out unilaterally or that it has been uncollaborative.</p> <p>The Applicant disagrees that it was ever committed that all matters raised by Thurrock Council would be funded solely via a s106 agreement. The SOCG meetings have documented the Applicant’s responses to the matters raised by the Council and the sifting process that has culminated in the those matters that have been ruled and those that will potentially be funded via s106.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	<p>The key theme relating to all the items ruled out of the s106 consideration is that they do not pass the s106 planning test, and therefore, cannot proceed under the s106 workstream. It is important to note that majority of these ruled out items have been referred to other more suitable forums for continued collaboration, e.g. traffic / wider network impacts (WNI) approach (as they do not qualify under s106) or are already provided for under the s106 Head of Terms (and so are duplicates). The Council has not provided a justification of how each of their requests are suitable for s106 contributions.</p>		
	<p>Item</p>	<p>SoCG ref/ Status</p>	<p>When and why the item was ruled out of the s106 consideration</p>
	<p>Orsett Cock Roundabout mitigation</p>	<p>2.1.92 / Matter Under Discussion</p>	<p>21 June 2023 – Both parties have worked together to develop the VISSIM model. However, the Applicant has stated that irrespective of parties agreeing the model, no interventions are proposed in line with the WNI approach. The Applicant also clarified that since the s106 agreement is part of the DCO application, these interventions won’t be funded by the s106 route either.</p>
	<p>Manorway Roundabout mitigation</p>	<p>2.1.96 / Matter Not Agreed</p>	<p>3 August 2022 – The Applicant has presented the Project’s approach to WNI which is that the Project would not be funding any interventions. Therefore, it was stated that this should be removed from the s106 list.</p>
	<p>Asda Roundabout mitigation</p>	<p>2.1.97 / Matter Not Agreed</p>	<p>3 August 2022 – The Applicant has presented the Project’s approach to WNI which is that the Project would not be funding any interventions. Therefore, it was stated that this should be removed from the s106 list.</p>
	<p>Daneholes Roundabout Bus Lane</p>	<p>2.1.161 / Matter Under Discussion</p>	<p>3 August 2022 – The Applicant has presented the Project’s approach to WNI which is that the Project would not be funding any interventions. Therefore, it was stated that this should be removed from the s106 list.</p>
	<p>Medebridge Road Upgrades</p>	<p>2.1.279 / Matter Not Agreed</p>	<p>3 August 2022 – The Applicant stated in July 2022 that this is outside the scope of the LTC DCO project. Therefore, it was</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response		
			subsequently stated that this should be removed from the s106 list.
	Contributions towards studies and the recommended mitigation measures resulting from traffic increases on local roads	2.1.158 / Matter Not Agreed	15 June 2022 – The Applicant stated that this item was not an item to be discussed as part of the s106 meetings with the Council. Subsequently, the applicant stated that no interventions / contributions are proposed in line with the WNI approach.
	Orsett and Horndon villages – Traffic calming measures to avoid/reduce ‘rat-running	2.1.162 / Matter Not Agreed	21 June 2023 – The Applicant has stated that no interventions are proposed in line with the WNI approach. The Applicant also clarified that since the s106 is part of the DCO, these interventions won’t be funded by the s106 either.
	Contributions to Local Labour & Business, Network Management, Community and Public Health teams resources	2.1.170 / Matter Not Agreed	21 June 2023 – The Applicant has stated that their position remains unchanged and is summarised in the s106 Heads of Terms and no further discussion are expected outside of the Examination process.
	Funding for compliance monitoring officers during construction;	2.1.172 / Matter Under Discussion	This item remains under consideration by the applicant and discussions are ongoing with the Council.
	Contributions for an ongoing study to determine the feasibility of MRT	NA	This item remains under consideration and the Applicant has requested Thurrock Council to provide a justification as to how a contribution would meet the planning tests set out for planning obligations.
	A1013 Bus Priority and Active Travel Corridor development;	NA	This item remains under consideration and the Applicant has requested Thurrock Council to provide a justification as to how a contribution would meet the planning tests set out for planning obligations. It was proposed that this item was merged with the above item in relation to MRT on the 14 th April 2022.

LIR Reference	Local Impact Report Extract / Applicant’s Response		
	Local premises improvement grant and green business support scheme to support local businesses	2.1.183 / Matter Not Agreed	14 April 2022 – The Applicant has stated that Thurrock Council’s requests have been considered and the Project position is to not go ahead with these proposals as there are other statutory tools available from the government to address these types of initiatives (e.g. businesses asking for compensation).
	Commitment to compliance with Thurrock Social Value Framework principles in supply chain and procurement	2.1.175 / Matter Not Agreed	21 June 2023 – The Applicant has stated that their position remains unchanged and is summarised in the s106 Heads of Terms and no further discussion are expected outside of the Examination process.
	Community Fund, including small capital grants	2.1.182 / Matter Not Agreed	21 June 2023 – The Applicant has stated that their position remains unchanged and is summarised in the s106 Heads of Terms and no further discussion are expected outside of the Examination process.
	Commitments to cross section details for bridge crossings to comply with LTN 1/20	2.1.256 & 2.1.257 / Matter Not Agreed	14 April 2022 – The Applicant confirmed that this item would be removed from the s106 discussions and discussed as part of regular technical meetings. The Applicant’s position has been recorded under the relevant SoCG matters.
	Contributions to or commitment to restore all construction compounds to an agreed standard	2.1.22 / Matter Not Agreed	15 June 2022 – The Applicant does not consider this item to be relevant to s106 discussion with the Council.
<p>15.3.8 – 15.3.9 Side Agreement on Land Take The Applicant believes this is a repeat and addressed in the response to pages 212-213.</p> <p>15.3.10 – Side agreement – Design and Operation of Highways The Applicant notes the comment from the Council regarding the contents of the Side Agreement. Work on this Side Agreement is ongoing. The Applicant has provided responses to the Council’s detailed comments in May 2023. No subsequent comments or correspondence on this subject has been received from the Council.</p>			

LIR Reference	Local Impact Report Extract / Applicant’s Response
<p>Page 225-227</p>	<p>15.4 Stakeholder Actions and Commitments Register (SAC-R)</p> <p>15.4.1 This Control Document (APP-554) sets out to provide a list of design, construction, and operational related commitments given to stakeholders that are secured within the DCO, but which do not naturally sit within the REAC, the outline management documents or other Control Documents secured under Schedule 2 to the DCO and are not contained within side agreements (agreed with specific stakeholders outside of the DCO). The SAC-R commitments are legally secured through Article 61 of the Draft Order (AS-038).</p> <p>15.4.2 The Council received no consultation/engagement on a draft of this document or its commitments prior to the DCO submission in October 2022 or subsequently, this is despite the claims in Sections 3.1.1 – 3.1.3 of this document. However, the Council considers that it has potential to cover many required additional commitments not related to environmental matters (which are/should be contained within the REAC (APP-336)) that are not yet covered within the DCO.</p> <p>15.4.3 There are currently no commitments with the Council and only six commitments listed in the SAC-R and no mapping to identify their locations – one related to Orsett Fen in Thurrock but committed with Natural England, Green Lane and Brentwood Road farm accesses during construction located in Thurrock and agreed with the landowner and landowner access to land near the North Portal with the landowner. The remaining two commitments are broad and 90projectt-wide and not directly related to the Council.</p> <p>15.4.4 An additional commitment within the SAC-R APP-554 has recently been negotiated and agreed with the Council relating to the relocation of the travellers site near the A13 junction. The commitment is expected to be added to the updated SAC-R at an ExA Deadline soon. It states:</p> <p><i>‘Without prejudice or limitation to the approval required under Requirement 13 of the Development Consent Order, the undertaker must not carry out Work Nos.7E, 7Z and MU54 in or over any part of the existing travellers’ site until the replacement Gammon Field travellers site is laid out and capable of occupation by the residents of the existing travellers site and Thurrock Council agrees in writing (acting reasonably and such agreement not to be unreasonably withheld or delayed that the site is capable of occupation), except that the undertaker may exercise powers under the Order to take possession for the purposes of, and carry out non-intrusive and intrusive surveys and investigations on the existing travellers site provided that such non-intrusive works, surveys, and investigations must not prevent access or use of the existing site by residents. In the event of a disagreement about the replacement site being capable of occupation, an appeal may be made to the Secretary of State under article 65 (appeals to the Secretary of State) of the Development Consent Order.’</i></p> <p>15.4.5 Therefore, it is possible to include further SAC-R commitments during the DCO Examination process and in the Council’s view it may lend itself to a range of additional commitments on design, construction and operational matters that are currently missing or inadequate within the current DCO application. In the Council’s view this could include the following</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>(although below is an initial list derived from comments throughout this LIR) and which may be contingent on further discussions, Hearings and submissions during the Examination.</p> <p>15.4.6 These additional commitments could therefore cover the following matters.</p> <ul style="list-style-type: none"> • Thatched Cottage – there is potential for further mitigation for the loss of the Grade II listed Thatched Cottage in particular. As a timber-framed building of a modest size, it is a good candidate for dismantling, relocating and reconstructing if an appropriate site can be located. It could have potential benefits of a legacy project involving the use of the building in training/upskilling in traditional building techniques. Whilst the building would lose its historic context and setting, its reconstruction would offer a level of mitigation as there would no longer be a complete loss of the building’s significance; • Green and Open Space – mitigation commitment to be developed in response to the negative effects during construction and to support achieving the positive operational effect. In particular at Ockendon, Stifford Clays, Little Thurrock/ Blackshots, Chadwell St Mary, Tilbury St Chads and East Tilbury areas. Suggested mitigation could be a programme of engagement with remaining green and open spaces during construction period to counter the construction effects. This could be a green and open space engagement team, which have both Borough-wide and targeted activity in the affected areas; • WCH – mitigation commitment to be developed in response to the neutral effect during construction and to support the achievement of the positive operational effect. In particular at Ockendon, Little Thurrock/Blackshots and Tilbury St. Chads. Suggested mitigation could be a programme of training and engagement with WCH routes in the Borough during construction period, to counter the construction effects and in support of achieving the operational benefits, when the new and reconnected WCH routes open; • Severance – mitigation for severance for Older People at Brennan Road in Tilbury, such as a pedestrian crossing and other traffic related severance at Chadwell St Mary and Linford Road; and, • Housing and Community Service Impacts – mitigation for breakdown in change in sense of community, i.e. how can stronger links into the main village of Orsett be supported through physical schemes in the Baker Street/Orsett area.
<p>Applicant’s Response</p>	<p>The Applicant notes that mitigation should be secured in appropriate locations within the control plan. This could include the Stakeholder Actions and Commitments Register (SACR) but other locations may be appropriate such as the s106 Agreement.</p> <p>15.4.6</p> <ul style="list-style-type: none"> • This matter is a summary and addressed in detail in the response to pages 134-136 below. • The Applicant notes the suggestions made by Thurrock Council in relation to engagement with users of WCH routes, and open spaces and the Applicant would like to discuss this further with the Council.

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<ul style="list-style-type: none"> In relation to severance, Brennan Road in Tilbury is identified in the Health and Equalities Impact Assessment [APP-539] as one of three locations where further investigation may be required into the potential for improving pedestrian crossing provision as a result of the assessment of traffic-related severance. The assessment identifies Brennan Road as an area where there are higher proportions of both older people and non-car owning households. The requirement for further investigation has been included as part of the Section 106 Agreements Heads of Terms document [APP-505]. This matter is a summary and addressed in detail in the response to pages 162-164 below.
<p>Pages 227-228</p>	<p>15.5 Control Documents – Transport</p> <p>Wider Networks Impacts Management and Monitoring Plan (WNIMMP)</p> <p>15.5.1 The Council has consistently objected to the stance that NH has adopted in overlooking the responsibility for mitigating impacts on the wider network that are either directly or indirectly created through the introduction of LTC into the network through Thurrock.</p> <p>15.5.2 The WNIMMP (APP-545) has been created as a consequence of the Council’s objections to the absence of proposed resolution to the predicted impacts. At paragraph 2.4.6 of the WNIMMP (APP-545) NH states that the document ‘has been produced to demonstrate sufficient management of the impacts of the Project on the road network’. The output is a document that proposes a system of network monitoring that is an extension of the Post Opening Project Evaluation process that NH would have to undertake as part of the standard DfT evaluation process. It is not a management document or process to resolve impacts.</p> <p>15.5.3 At paragraphs 2.4.4 to 2.4.6 NH acknowledges that assessments of impacts have been carried out as part of the evidence base for DCO. Paragraph 3.3.5 does, however, record that through the Road Investment Strategy 2 (2020-2025) that the creation of LTC ‘will have an impact on the road networks of Kent and Essex’, which includes Thurrock. At paragraph 4.3.2 NH claims that the impacts created by LTC and assessed within the Transport Assessment (APP-529) ‘are not considered to have an unacceptable impact’.</p> <p>15.5.4 The above ‘considered’ opinion is not shared by the Council.</p> <p>15.5.5 NH recognises in the WNIMMP other schemes on the SRN across a wider area of South East England, of which many have little relevance to LTC. NH neglects to record the recent investment by Thurrock Council and DP World/London Gateway (DPWLG) on the un-trunked section of A13 associated with the continued growth of London Gateway port and the anticipated development growth within Thurrock. This was network capacity created for the value of the local community that LTC proposes to subsume for a nationally-focussed project.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.5.6 NH reports at paragraph 4.2.6 that ‘<i>there are forecast to be traffic improvement around the Dartford Crossing and on roads in Gravesham and Thurrock as a result of the Project</i>’. This statement is contested throughout this LIR, however, there are many locations where there is harm to the LRN and communities. NH states in paragraph 4.2.6 that ‘<i>In a number of areas, the percentage of volume to capacity on some roads would increase...</i>’. It is the Council’s opinion that this acknowledges that there are impacts from the introduction of LTC, which should have mitigation secured through the DCO. The list of impacted locations is reported in Appendix C, Annex 1 and in Section 9 of this LIR.</p> <p>15.5.7 Schedule 2 Requirement 14 of the dDCO (AS-038) stipulates that the undertaker prepares an operational monitoring scheme to be approved by the SoS, following consultation with the Council and other affected Local Highway Authorities.</p> <p>15.5.8 The process of data collection and analysis is, however, only the beginning of the process to confirming impacts. It does not provide a mechanism to resolve those impacts. The Council will therefore not accept a monitoring system that is only a data gathering and assimilation exercise. In spite of the wording at paragraph 2.4.2 on the WNIMMP, NH would report its findings to the SoS, with no apparent need to reflect on the Council’s position.</p> <p>15.5.9 There is no commitment by NH to ‘manage’ or mitigate the impacts of LTC on the wider network. NH absolves itself of the duty to resolve that harm to the local communities and the disruption to the LRN. NH instead proposes that the Council should use the data from the WNIMMP process to bid with all other Local Authorities for funding from other Central Government sources, as stated at paragraphs 1.1.5, 4.3.3 and 5.6.1 of the WNIMMP (APP-545). At paragraph 5.7.2 NH proposes that if the WNIMMP monitoring ‘<i>identifies that future investment would be suitable</i>’, i.e. there is a need to mitigate impacts, then the Council should develop solutions to address those impacts. This stance by NH ignores that community harm and network impacts have already been identified and should be addressed as part of the DCO authorised works.</p> <p>15.5.10 Irrespective of the flawed basis for the submitted WNIMMP, the Council would require other alterations to the document, including:</p> <ul style="list-style-type: none"> • Paragraph 5.1.1 has the list of stakeholder bodies missing; • Paragraph 5.2.5 proposes the use of WebTRIS data. That data is often based on extrapolated non-empirical information and so would not be suitable for the WNIMMP process; • Paragraph 5.3.4 does not include the community around Corringham and Stanford-le-Hope, which are affected by the displaced traffic from A13 Five Bells interchange and directly impact in the London Gateway, Thames Enterprise Park and the emerging London Freeport;

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	<ul style="list-style-type: none"> • Paragraph 5.4.2 should include measurement of the severance and delay to walkers/footway users, cyclists and horse-riders. Observations and reviews of junction queues must also accompany junction performance observations and a strategy not just to maintain current usage by active travel but to attract and improve those uses; • Paragraph 5.5.1 should stipulate that baseline data must be gathered free of disruption from the construction works, which must include not monitoring during period of temporarily displaced traffic; and, • Paragraph 5.5.2 needs to stipulate who will prepare the assimilation and analysis report. <p>15.5.11 SUMMARY: the position proposed through the WNIMMP completely neglects the requirement to secure the mitigation of LTC’s impacts through the DCO and that stance is unacceptable to the Council.</p>
Applicant’s Response	<p>This matter is addressed by SoCG [APP-130] items 2.1.158 and 2.1.159, summarised below.</p> <p>The Applicant recognises that as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Thurrock, this will lead to beneficial impacts on the network, and in some cases will lead to adverse impacts. Overall, the benefits on the road network outweigh the adverse impacts, and this is reflected in the positive economic benefit of the Project within Thurrock. The Applicant has identified the adverse impacts on traffic flows across the local road network, and this assessment is set out in the Transport Assessment [APP-529] and wider ES documentation within the DCO submission. The Applicant has assessed the wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT 2014), and considers that the adverse impacts are acceptable under this policy. This consideration is set out in Transport Assessment Appendix F: Wider Network Impacts Management and Monitoring Policy Compliance [APP-535].</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 Applicant is obligated to work with local authorities and others to align national and local plans and investments, balance national and local needs, and support better end-to-end journeys for road users (The Applicant’s Licence from DfT, paragraph 5.19). The Applicant will continue to deliver against this obligation in its collaborative work with local authorities.</p> <p>The Applicant’s position is set out in the WNIMMP [APP-545]. The Applicant continues to actively engage with stakeholders regarding the traffic impacts of the Project. As part of this programme, the Applicant has supplied outputs from its modelling and held appropriate technical meetings, supported by further data assistance where necessary. The DCO application contains the results of the traffic assessments and present the traffic conditions on the wider road network. The Applicant considered comments when preparing the DCO application documents for submission to ensure confidence can be provided about the</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>nature of future traffic conditions.</p> <p>The Applicant has worked with Thurrock Council to conduct a series of workshops and modelling exercises to interrogate the impacts of the project on the wider road network in more detail, led by the outputs from the main scheme modelling which has been shared with authorities. The Applicant is currently in joint discussions with relevant authorities in accordance with licence obligations to work with others to align national and local plans and investments, balance national and local needs, and support better end-to-end journeys for road users. The Applicant has undertaken local junction modelling on several junctions on the Thurrock road network (such as Orsett Cock and Manorway), with the model outputs being shared through a series of collaborative workshops and documents. The Applicant’s approach to localised traffic modelling is set out in Localised Traffic Modelling [REP1-187] and appendices set out reporting for each of the models [REP1-188, REP1-189, REP1-190, REP1-191, REP1-192, REP1-193 and REP1-194].</p> <p>15.1.10 -</p> <ul style="list-style-type: none"> • This is provided in Table 2.1 on page 6 of the document. • As Paragraph 5.2.4 of the document states, this data would supplement data obtained from surveys. • The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks as set out in the WNIMMP [APP-545]. The monitoring locations set out in the WNIMMP were selected on the following basis: <ul style="list-style-type: none"> – Locations situated on the SRN that are geographically close to the A122 junctions as informed by the ‘scale of impacts’ analysis in the Transport Assessment [APP-529] (the nearest and second nearest junctions on the SRN and major road network (MRN) located adjacent to the junctions with the A122, the A2, the A13 and the M25) – Locations requested for monitoring from local highway authorities following a review of the consultation feedback – A mechanism allowing for review of the proposed monitoring locations is provided through Requirement 14 in Schedule 2 of the draft DCO, whereby the traffic monitoring plan must be approved by the Secretary of State following consultation with the relevant highways authorities (which includes Thurrock Council). Relevant highways authorities will be able to propose locations for inclusion, which will be considered by the Applicant during the development of the operational traffic monitoring plan. The final decision on inclusion will be made by the Secretary of State through the approval process, as set out in Part 2 of Schedule 2 of the draft DCO [REP1-042]. • Delaying opening the Project for this purpose is not viable. The data collected will be reviewed against other datasets so that the traffic impacts from the construction activity can be determined. • The Applicant will produce the traffic monitoring reports.

LIR Reference	Local Impact Report Extract / Applicant’s Response
<p>Page 229-231</p>	<p>15.6 Control Documents – Construction Code of Construction Practice (CoCP)</p> <p>15.6.1 The oMHP (APP-338) sets out NH’s Baseline Commitment for the transportation of material by marine transport and refers to a contractors’ Better than Baseline proposal. That document is commented on in more detail in this sub section below of this LIR. The Council proposes that a much stronger stance by NH should be adopted to respond to minimising the effects of the transportation of materials, plant and equipment. Any commitment in the oMHP should be cross referenced in the CoCP (APP-336). Whilst the oMHP is Annex B to the CoCP, paragraph 6.1.6 of (APP-336) simply states that contractors will ‘investigate the use of multimodal transport including use of the River Thames’ (SoCG Item 2.1.110).</p> <p>15.6.2 As stated in SoCG Item 2.1.116 and THURROCK-DCO-CIC-A-OTMPFC -071, the Council has sought to increase the safe and effective operation of NH’s fleet and that of its contractors and subcontractors. There is now a clear commitment from NH in the CoCP for their contractors to operate to the Construction Logistics Community Safety (CLOCS) national standard and the Fleet Operator Recognition Scheme (FORS) (Silver or above). However, there are no details within the CoCP with regards to when those operators must achieve FORS Silver or above and what happens if there is ‘non-compliance’. NH has stated that ‘strategies to address non-compliance will need to be prepared by the Main Works Contractors’. Strategies for non-compliance should be included within the CoCP. It is the Council’s opinion that it is inappropriate for the contractors to set their own standards.</p> <p>15.6.3 NH states that it will provide at least two weeks advanced notice before planned works are carried out (paragraph 5.3.2). This is two weeks shorter than the timescales recommended by the Council, which states should be at least 4 weeks.</p> <p>15.6.4 There is no detail within the CoCP with regards to how communications will be managed to ensure communities are kept informed, in particular traditionally hard to reach communities. There is, however, a section on how NH intends to produce an Engagement and Communications Plan (ECP), which will be produced with LPAs, post consent, if the DCO is granted. There is a commitment by NH to consult with specific protected groups as defined in the Equality Act 2010, which is welcomed.</p> <p>15.6.5 There is no information on cumulative effects during construction within the Register of Environmental Actions and Commitments (REAC), which forms a part of the CoCP. That cumulative impact must be covered through close co -ordination between all of the construction Control Documents including the oMHP (APP-338) and subsequent more detailed MHPs; the FCTP (APP-546) and subsequent more detailed SSTPs; oTMPfC (APP-547) and subsequent more detailed TMPs and the oSWMP (APP-337) and subsequent more detailed SWMPs.</p> <p>15.6.6 The following lists the outstanding items within the SoCG that are largely unresolved and are added here for completeness and to illustrate the scale of unresolved issues relating to the CoCP (APP-336).</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.6.7 SoCG Issue 2.1.134 – no commitment has been made by NH with regards to providing the Council advanced notice of when and where temporary road diversions will occur. The oTMPfC (APP- 547) proposes mechanisms for the management of traffic and a response on that document is provided in a sub section below of this LIR. That response proposes that NH and its contractors provide weekly lookaheads to assist with network planning and coordination.</p> <p>15.6.8 SoCG Issue 2.1.137 – there are no details within the CoCP that set out how contractors will optimise the use of autonomous plant and equipment. NH at paragraph 6.1.7 of the CoCP sets out that ‘<i>contractors will be encouraged to optimise the use of autonomous plant and equipment and a modernised fleet</i>’. However, other than this single reference in paragraph 6.1.7, there is no further detail on how this will be encouraged. This topic has been raised with NH through the unresolved SoCG Item 2.1.137.</p> <p>15.6.9 SoCG Issue 138 – there is no information on cumulative effects during construction within the Register of Environmental Actions and Commitments (REAC) (APP-336), which forms a part of the CoCP.</p> <p>15.6.10 SoCG Item 2.1.140 – there are no details provided in the CoCP with regards to how access to accommodation and welfare facilities within the compounds will be managed outside of working hours. The only reference is at paragraph 6.4.3 where NH state that ‘<i>activities outside normal working hours that could give rise to disturbance will be kept to a reasonably practicable minimum</i>’. However, no further details are provided.</p> <p>15.6.11 SoCG Issue 2.1.197 – there is no commitment from NH in the CoCP with regards to providing Thurrock and other Local Planning Authorities with the opportunity to comment and make recommendations on whether dust monitoring is required. NH has stated that a dust and particulate monitoring risk-based approach will be implemented. NH sets out that if monitoring is required, then the monitoring locations will be approved by the Secretary of State (SoS) in consultation with the relevant local authorities. There is no detail on how long this proposed process will take and if there is disagreement between the SoS and the LPAs. It is considered that Thurrock and other LPAs are in the best position to comment and approve on dust monitoring locations. As stated previously, the Council believes that dust monitoring should begin at least six months in advance of construction, to ensure seasonal variations are understood.</p> <p>15.6.12 SoCG Issue 2.1.198 – NH has stated that a dust and particulate monitoring risk-based approach will be implemented. NH sets out that if monitoring is required, then the monitoring locations will be approved by the Secretary of State (SoS) in consultation with the relevant local authorities. There is no detail on how long this proposed process will take and if there is disagreement between the SoS and the LPAs. Furthermore, there is no commitment within the CoCP (APP-336) to monitor air or noise levels up to three years following completion of the works as recommended by the Council.</p> <p>15.6.13 SoCG Issue 2.1.201 – it is considered that the CoCP makes reference to avoiding primary materials in the first instance in favour of recycled or secondary content. However, the wording within the REAC commitment MW001 in the Table 7.1 in</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>(APP-336), as written does not provide enough comfort that recycling and reducing use of primary materials is a commitment, rather than an aspiration. There is reference to ‘key construction materials’ being recycled/reduced primary materials however this should be a scheme wide commitment.</p> <p>15.6.14 SoCG Issue 2.1.202 – within the REAC commitment MW005 in Table 7.1 in the CoCP (APP-336) has not been updated to include details of mitigation measures that would be implemented in the event that contaminated materials are discovered. There are also no details of how the contaminated or suspected materials will be disposed of. Furthermore, within the REAC commitment AQ001 in the Table 7.1 (REAC Table) in CoCP (APP-336) confirms that all on-road heavy vehicles would comply with the standards set within the London Low Emission Zone (LEZ) across all sites within Order Limits for the relevant class of vehicle.</p> <p>15.6.15 SoCG Issue 2.1.236 – there is no summary in the CoCP that sets out the impacts on healthcare and other services from construction workers residing in Thurrock during the construction period. There is a reference in Table 7.1 in (APP-336) (REAC Ref. No. PH002), which states that the Contractor will provide an appropriate range of medical and occupational healthcare services (including on-site facilities) to meet the physical and mental health needs of the construction workforce. However, there is no further information provided on the range of healthcare services or the impact on other services.</p> <p>15.6.16 Section 5.2 of the CoCP sets out the proposed content of the Engagement and Communications Plan. However, there is no information in the CoCP with regards to how the Community Liaison Groups (CLG) will be coordinated and constituted. However, NH has stated that this information is available in the oTMPfC. NH has confirmed that an experienced community relations person will implement the Engagement and Community Plan and support the contractors to resolve community issues. However, no details of the company/person leading this work has been provided or any relevant qualifications.</p> <p>15.6.17 The report title has not been updated, it should be ‘Unexploded Ordnance Desk Study Report and Risk Assessment’. There appears to be no update to the REAC to account for this yet.</p> <p>15.6.18 There is no reference to the proposed DQRA in the CoCP or the REAC table.</p> <p>15.6.19 The Council has raised an issue previously about the standard working hours. Table 6.1 in (APP-336) sets out that standard working hours for a Saturday is 07:00-16:00. However, the Council consider that Saturday hours should be limited to 07:00-13:00 only, as is normal practice.</p>
Applicant’s Response	<p>15.6.1 The Applicant notes this response. In regard to comments on river use this is noted. This matter is addressed later in this section. To clarify on the matter regarding cross referencing commitments within the outline Materials Handling Plan (oMHP) [APP-338] to the CoCP [REP1-157], the Applicant states the following. The oMHP is a Control Document whereby commitments within the OMHP would be secured under Requirement 4 (Part 3 of the draft DCO Schedule 2). It has been produced in support</p>

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	<p>of the commitments set out in the CoCP (which aligns and feeds into the REAC [REP1-157] and subsequential EMP iterations) with regard to how the mitigation and management of environmental effects of the Project would be delivered and maintained.</p> <p>15.6.2 This matter is addressed by SoCG [APP-130] item 2.1.116, summarised below.</p> <p>A further discussion on this matter was held on 13 June 2023. As part of the Construction Logistic Plans, which forms part of the Environmental Management Plan 2 (EMP2), the Contractor must demonstrate and adhere to the requirements of CLOCS and FORS (Silver or above). According to Requirement 4 of the dDCO, no part of the authorised development can commence until an EMP2, in alignment with this CoCP, has been submitted and approved in writing by the Secretary of State. This approval comes after consulting with the relevant stakeholders, including Thurrock Council. Therefore, in compliance to this requirement, the provisions of CLOCS and FORS, must be implemented through the EMP2 before commencing the construction works. Additionally, all Contractors are obligated to maintain a CLOCS Champion throughout the programme, as specified in paragraph 6.1.5 of the COCP. To ensure the continuity of FORS compliance throughout the construction programme, the Applicant will closely monitor performance and publish results as part of the Project reporting to the Traffic Management Forum (TMF), where Thurrock Council is actively involved as a consultee. This collaborative approach aims to uphold the highest standards of environmental management and safety throughout the construction process. This matter remains under discussion.</p> <p>15.6.3 – 15.6.4 This matter is addressed by SoCG [APP-130] item 2.1.134, summarised below.</p> <p>The CoCP [REP1-157] outlines the Applicant’s approach to community engagement during the construction phase. The Applicant has committed to an Engagement and Communications Plan (ECP), which will be developed with the local authorities, post consent, if consented. It would cover communications, reporting metrics, programme of activities and communicating with target audiences/hard to reach groups. The ECP will provide a detailed programme of Community engagement, setting out how relevant planning authorities, communities, stakeholders and affected parties will be engaged with throughout the construction period. It will specify stakeholders, communities and affected parties (such as schools, places of worship, businesses and environmental organisations) and for each group, identify the proposed methods and likely timing of consultation for each key stage of work. The CoCP also includes commitment to community liaison groups, a helpline and notice of works (currently set at two weeks).</p> <p>The Applicant proposes to utilise the Council’s permit schemes, subject to modifications which are compatible with the precedented approach and would ensure that conditions which may conflict with an Order (if granted) could not be imposed on the Applicant. The permitting process requires that the Council are provided information in advance. A further discussion on this matter was held on 13 June 2023 and the Applicant requested the Council for potential additional commitments over and above the existing commitments in the CoCP, Section 5.2 (Engagement and Communications Plan) for further consideration. The</p>

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	<p>Applicant sought clarification from the Council to confirm if the four-week window is for the Council or community. This matter remains under discussion.</p> <p>15.6.5, 15.6.9 SoCG Issue 2.1.138</p> <p>Section 7.1 of ES Appendix 2.2: CoCP [REP1-157], outlines the purpose of the REAC and describes what it contains. The REAC identifies the good practice and essential mitigation commitments that underpin the environmental assessments. It contains environmental commitments that will be implemented during the construction and operational phases of the Project if the DCO is granted. Thurrock Council comments that there is no information on cumulative effects during construction within the REAC. This is correct, as it is not the purpose of the REAC to provide information on effects; that is done within the ES. However, the Applicant would like to assure the Council that a number of commitments within the REAC, listed against specific technical topics, provide essential mitigation against cumulative effects identified. As stated within ES Chapter 16: Cumulative Effects Assessment [APP-154], where mitigation relevant to cumulative effects is proposed, this is detailed at topic level within the ES. The same is true within the REAC. As reported on page 159 of ES Chapter 16, mitigation measures proposed in the relevant topic chapters would minimise cumulative impacts as far as practicable and therefore no additional mitigation has been proposed. This is why the REAC does not contain specific commitments assigned to cumulative effects. The control documents are not independent of the mitigation measures listed in the REAC. Instead, they form a cohesive framework described as the control plan, which is aimed at effectively mitigating, monitoring, and controlling the overall effects of the Project.</p> <p>15.6.7 SoCG Issue 2.1.136 (not 2.1.134) – The outline Materials Handling Plan [APP-338] commits the Applicant to provide trip demand forecasts in Table 3.1. The Materials Handling Plan (MHP), developed post-consent (if consented) and in consultation with Thurrock Council, will include detail of delivery demand forecasts, as well as management systems, to capture performance. It should be noted that the principles and mechanisms set out in the oTMPfC [REP1-174] will be applicable to the oMHP. This includes the monthly TMF committed to in the oTMPfC, which is designed to bring client, Contractors and stakeholders together to discuss proposals, issues and performance of all things traffic related, including materials movements. The timescales/frequencies will be considered at the TMF when the detailed Terms of Reference are drafted. Thurrock Council are agreed in principle with the position set out above. A further discussion on this matter was held on 13 June 2023 and further information was sought by the Council around how monthly forecasts would work in practice and if these can be made weekly.</p> <p>15.6.8 SoCG Issue 2.1.137 – A further discussion on this matter was held on 13 June 2023 and Thurrock Council indicated at the time that they were satisfied with the Applicant’s position.</p> <p>15.6.10 SoCG Item 2.1.140 – A further discussion on this matter was held on 13 June 2023 and Thurrock Council indicated at the time that they were satisfied with the Applicant’s position.</p>

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	<p>15.6.11 SoCG Issue 2.1.197 – A further discussion on this matter was held on 11 July 2023 and this matter covers AQ006 and AQ007. the Council are satisfied with the Applicant’s position on AQ006. The Applicant is reconsidering the Council's request to begin dust monitoring at least six months in advance of construction. This matter remains under discussion.</p> <p>The discharge of requirements is addressed by SoCG [APP-130] item 2.1.3, summarised below.</p> <p>The draft DCO [REP1-042] sets out the procedure for the discharge of requirements in Schedule 2, Part 2. Requirement 18(1) of Schedule 2 to the draft DCO states that the discharge period for the Secretary of State (SoS) is eight weeks. Paragraph 20 states that, where a requirement necessitates consultation with any authority or statutory body prior to an application being made to the SoS to discharge a requirement, a period of 28 days is allowed which can be extended to 42 days by request and agreement. This extended period acknowledges that there may be circumstances where complex matters necessitate a longer period. Under paragraph 18 of Schedule 2 of the dDCO, representations from the Council will be provided to the Secretary of State and so its views will be properly represented to, and considered by, the Secretary of State.</p> <p>15.6.12 SoCG Issue 2.1.198 – During construction, monitoring of dust will be undertaken as part of commitments in the REAC. In relation to monitoring operational impacts three years following completion of the Project, the air quality assessment has concluded there are no significant air quality effects during the operational stage, and consequently there is no requirement for mitigation or monitoring. A further discussion on this matter was held on 11 July and both parties agreed that this is a matter unlikely to be agreed due to both parties' position remaining unchanged. The matter of consultation with the LPA, when the SoS is the approving authority is covered under the responses to 2.1.197 above.</p> <p>15.6.13 SoCG Issue 2.1.201 – The Applicant notes that the comment raised by the interested party does not relate to the existing SoCG issue 2.1.201. In response to the new aspect raised, the Applicant believes that the existing commitment MW001 provides a strong commitment to minimising primary materials throughout the construction phase of the Project and therefore does not consider amendment is required.</p> <p>15.6.14 SoCG Issue 2.1.202 – A further discussion on this matter was held on 11 July 2023 and the Council indicated at the time that they were satisfied with the Applicant’s position.</p> <p>15.6.15 SoCG Issue 2.1.236 – The Applicant believes this is a repeat and addressed in the response to Page 174-176. The Council should note that the CoCP [REP1-157] is a not a document which presented the impacts of the Project, but in ES Chapter 13: Population and Human Health [APP-151] and the Health and Equalities Impact Assessment [APP-539].</p> <p>15.6.16 The Engagement and Communications Plan (ECP) committed to in the CoCP [REP1-157] will provide a detailed programme of community engagement, setting out how relevant planning authorities, communities, stakeholders and affected parties will be engaged with throughout the construction period. ECP will also include additional details regarding the CLGs. The Applicant will establish and maintain Community Liaison Groups (CLGs) in those communities likely to be most impacted by</p>

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	<p>construction activities. The ECP will identify in which communities it will be appropriate to establish a CLG, in advance of construction commencing. The ECP will set out the process by which CLGs will be established and administered together with an initial schedule of planned meetings according to key work stages. CLGs will meet regularly before and during the construction period. The detailed information sought by the council will be developed as part of preparation of the ECP. Plate 5.1 of the CoCP presents more information of the CLGs and how it relates to other forums such as the Joint Operations Forum and the TMF.</p> <p>This matter is also addressed by SoCG [APP-130] item 2.1.176, summarised below.</p> <p>The commitment to a team of Community Liaison Officers is in the CoCP [REP1-157]. Roles and Responsibilities of the Community Liaison Officers are also outlined in Table 4.1. Thurrock Council has seen the commitments set out above and marked the matter agreed. The CoCP also contains the commitment to the roles and responsibilities of these Community Liaison Officers as outlined below.</p> <ul style="list-style-type: none"> • Deliver the Community Engagement Plan • Engage with those who may be affected by construction impacts, including local residents, community groups and local businesses. • Provide information on the construction process to local stakeholders and shall be the first line of response to resolve issues of concern. • In the case of emergency work, the Community Liaison Officers will engage with and advise the local authority and local residents of relevant information as soon as reasonably practicable. • The Community Liaison Officers will ensure compliance with community engagement commitments, as defined in the Register for Environmental Actions and Commitments and Code of Construction Practice • The Community Liaison Officers will maintain a correspondence register. <p>15.6.17 The report title comment has been resolved. The report is not referenced in the REAC. UXO is dealt with in Section 6.11 of ES Appendix 2.2: CoCP [REP1-157]:</p> <p><i>‘6.11.1 The Contractors will carry out pre-construction risk assessments to determine the possibility of finding unexploded ordnance within the construction area. An emergency response procedure will be prepared and implemented by the Contractors to respond to the discovery of unexploded ordnance. This will include notifications to the relevant local authorities and emergency services.</i></p> <p><i>6.11.2 The Contractors will comply with the recommendations of the Unexploded Ordnance Desk Study and Risk Assessment [APP-433].’</i></p>

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	<p>15.6.18 DQRA is referred to in ES Appendix 10.11: Remediation Options Appraisal and Outline Remediation Strategy [REP1-165] and would be undertaken by the Delivery Partner if required. The commitment is covered in GS027.</p> <p>15.6.19 This is an old comment (G2- THURROCK-CIC2021-CIC-G-132). This matter is also addressed by SoCG [APP-130] item 2.1.109 and the Council has marked the matter as agreed. The Applicant is committed to minimising the level of disruption for local communities by striking a balance between progressing the construction in a timely fashion to minimise overall impact and site working hours. As per the CoCP [REP1-157], the Contractors shall also be submitting a section 61 consent to the local authorities prior to works commencing – this will include the hours in which works will take place. The section 61 applications will be in accordance with the working hours outlined within Section 6 of the CoCP and the subsequent Environmental Management Plan (EMP) (second iteration). Schedule 2 Requirement 4 of the draft DCO [REP1-042] states that <i>‘no part of the authorised development is to commence until a EMP (Second Iteration), substantially in accordance with the Code of Construction Practice, for that part has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authorities...’</i>. This means that the works undertaken by the Contractors will need to comply with the CoCP including the hours set out in Section 6.4. If development consent is granted, the Contractors will be working in accordance with the working hours in Section 6.4 and this will be confirmed through their S61 applications. The working hours and CoCP has been shared with Thurrock Council previously and also formed part of the Applicant’s Community Impacts Consultation.</p>
Page 231	<p>Register of Environmental Actions and Commitments (REAC)</p> <p>15.6.20 The Council’s comments on the adequacy of the REAC as part of the CoCP (APP-336) are set out in Sections 10.2 to 10.16 above and in this sub section.</p>
Applicant’s Response	<p>The Applicant notes this response.</p>
Page 231-234	<p>Framework Construction Travel Plan (FCTP)</p> <p>15.6.21 At peak construction of LTC, NH estimates in the Worker Accommodation Report (WAR) (APP-551 Table 1.2) there will be 3,802 workers employed across the northern compounds of which 1,991 will require accommodation out with their normal residences or the temporary accommodation at the North Portal compound. That influx of workforce will have direct impacts on the LRN within Thurrock and therefore requires a robust approach to the management of travel demands, particularly around the key compounds at the North Portal; Brentwood Road; Stifford Clays Road and Medebridge. Further details of other Council concerns about the WAR are set out above in Section 13.5 above.</p>

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	<p>15.6.22 The impacts of workforce and construction traffic movements on the LRN are discussed elsewhere in this LIR through the analysis of the construction period modelling undertaken as 11 phase scenario iterations of the strategic LTAM. This section considers NH’s proposals to mitigate the impacts of workforce travel through measures delivered through a suite of Site-specific Travel Plans (SSTPs) to be prepared by its contractors.</p> <p>15.6.23 The Council has provided feedback to NH during the engagement process on the need for enhanced commitments within the FCTP that will have to be adopted by its main works’ and utilities’ contractors through their SSTPs. These points, feedback and concerns are expressed through SoCG Items 2.1.127, 2.1.139 and 2.1.243 – 2.1.255.</p> <p>15.6.24 The FCTP (APP-546) provides a generally good basis from which to develop the SSTPs and to provide a method of reporting and governance. It is not, however, compliant with PAS500:2008 the BSI ‘National specification for workplace travel plans’ (a copy of which is included at Appendix C, Annex 5). The FCTP does not:</p> <ul style="list-style-type: none"> • Provide an assessment of the accessibility of the compounds (e.g. site audits) by the various modes and it only includes statements in the generality; • Identify realisable and committed measure and interventions to reduce car usage; • Define car parking ceilings consistent with achieving the mode shift aspirations; or • Provide a robust baseline for the contractors and utilities contractors to set their targets and includes aspirations for walking, cycling and public transport use that are questionable. <p>15.6.25 Section 7 of the FCTP (APP-546) indicates general objectives (paragraph 7.1.5) and aspirations, but does not provide a baseline from which Contractors and Utilities Contractors should progress. The Council also notes that NH has not proposed to prepare a Travel Plan to cover its own ‘client’ workforce across the construction period, since those people would not be covered by the SSTPs (paragraph 4.4.3 of the FCTP refers).</p> <p>15.6.26 Whilst the FCTP proposes the creation of a monthly Travel Plan Liaison Group, which would include representation from the Council, the role of the Council on that group would be nothing more than an interested stakeholder since approval of the SSTPs rests with the SoS, as set out in Requirement 11 of the dDCO (AS-038). It is feasible for NH and its contractors to ignore matters raised by the Council during preparation of the SSTPs and once approved by SoS there is no mandate for those parties to react to concerns raised by the Council during the construction period. Where the SSTPs affect the operation of the LRN, the Council should be provided with the draft SSTP for approval before submission to the SoS. Approval or rejection would be provided in accordance with the terms stipulated within the dDCO (APP-038) and resultant granted DCO.</p> <p>15.6.27 The associated Worker Accommodation Report (WAR) (APP-551) assesses an assumption of 35% of the workforce living locally to the worksites and targets a ceiling of 70% single occupancy car mode share for larger worksites, as repeated</p>

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	<p>within the Transport Assessment (APP-529). Whilst the 70% single occupancy car mode share is not a ambitious target, it is a basis from which to improve, provided adequate contractor incentives exist within the DCO. The FCTP should reflect the assessments in the WAR and provide basic commitment targets, which reflect NH’s ‘Pathfinder’ project status.</p> <p>15.6.28 The WAR bases part of the analysis of access to worker accommodation on a journey of 60 minutes to the most appropriate transport hub, broken down as a 40- minute main journey with 10-minute transfers at each end of the journey (APP-551, paragraph 5.1.13). That analysis is flawed because access between the transport hub and worksites is extremely unlikely to be made within ten minutes. That in-turn reduces the available time for the remainder of the journey, which reduces the accommodation range.</p> <p>15.6.29 NH should revisit the WAR analysis with a realistic reflection on the transfer times between the north compounds and the transport hubs, bus services, railway stations and appropriate walking and cycling routes.</p> <p>15.6.30 The FCTP states that walking and cycling as methods of accessing the compounds will be encouraged but only ‘<i>in a safe, lit highway environment, with footways for pedestrians</i>’ (APP-546, paragraph 3.1.4a) and ‘<i>where safe and practical</i>’ (APP-546, paragraph 7.1.5). The Council agrees that workers should only be encouraged to walk or cycle in safe locations and so that condition substantially reduces the viable opportunities for workers to access the compound by Active Travel means. The primary North Portal worksite and the associated Station Road compound are neither accessible via lit footways nor cycle corridors. The same is true for most of the compounds, such as Medebridge, Mardyke and Brentwood compounds. The indicated welfare locations within the North Portal compound are to the east of Station Road. The most direct walking and cycling route from Tilbury Town station is via the internal Port of Tilbury Road and the compound access road. It is approximately 5.0 – 5.5 km between the station and the welfare, approximately a 50-minute walk (at 6.4 kph/4mph) or 15-minute cycle ride (at 18 kph/12mph). Only part of that journey would be along dedicated walking and cycling corridors. The compound 5 welfare is geographically closer to Linford station (circa 2.5 km) accessed via Love Lane and Station Road, each unlit and without footway provision. The ES Chapter 2 – Project Description (APP-140) at paragraph 2.6.192 states that workforce will access the compound via a link from Station Road. This effectively rules out access to the North Portal by walking or cycling. Similar access strategies for other compounds would effectively rule out access by walking and cycling.</p> <p>15.6.31 At paragraph 6.3.1 of the FCTP (APP-546) NH claims that there is ‘<i>an extensive walking, cycling and horse-riding network (situated in proximity to the Project’s construction sites) that would be expected to be used for workforce travel.</i>’ However, in accordance with its own criteria for safe use, many of those links would not be considered suitable for use by workers as they are either unlit semi-rural or do not connect to the compounds. NH has not provided any analysis of the suitability of this network for the prospective workforce.</p>

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	<p>15.6.32 NH has not presented any assessment of the viable accessibility to each compound and instead bases its assumptions of mode share on the numbers of workers anticipated to be based at each compound. The two aspects are not mutually compatible and so accessibility analysis should be undertaken to demonstrate the real potential to minimise single car use to access the compounds by workers.</p> <p>15.6.33 Overall, the Council considers that the assumptions within the FCTP for access to compounds by means other than private car are flawed.</p> <p>15.6.34 The Contractors and Utilities Contractors will therefore have to consider alternative strategies to minimise single occupancy car travel to and from the worksites and agree mitigation measures with the Council. As expressed by the Council at SoCG Item 2.1.127, NH should include in the FCTP evidence that contractors are to be incentivised to meet stretching targets and to report on how they are performing to those targets. Without that the FCTPs and the resultant SSTPs will be weak documents with no binding commitments.</p> <p>15.6.35 The Council would, for instance, encourage NH to undertake a review of its proposed shuttle services, which might include a more comprehensive park and ride system, which would operate zero-emissions crew buses via appropriate modal interchanges and rail stations. This would intercept workforce and link to train and public bus services. It would enable workforce parking to be minimise within the compounds; give workers an environmentally sound connection to the compound; provide a useable service for interchange from public transport or walking and cycling to the park and ride hub; and, demonstrate NH’s commitment to reducing workforce travel impacts.</p> <p>15.6.36 There is an inconsistency between the WAR and the FCTP in that the WAR refers to the workforce destination interchange within Thurrock as Tilbury Town Station (APP-551, Section 5.5 and Table 5.40), whilst the strategy within the FCTP proposes an interchange at Grays station (APP-546, paragraph 6.4.2 etc). Workers would be at liberty to travel to either railway station, however, the assessments within the two documents are not aligned and the associated proposal for a workforce shuttle bus system does not match the assessment within the WAR. The FCTP does not set out any assessment of how suitable Grays station would be as a hub location and this strategy has not been considered with the Council. There is also no detail as to which compounds that hub would serve and the likely frequency of the shuttle service. The road network at Grays station is configured to optimise the operations of local bus services. The proposed workforce shuttle bus service would not be classified as a local bus and so the proposal needs to be verified and agreed with the Council to ensure that the shuttle services could operate.</p> <p>15.6.37 The aspiration to provide a zero-emissions public transport connection to the compounds is admirable, however, the detail should be considered prior to any conclusion of the DCO Examination and reflected in an updated FCTP to ensure it is a realisable initiative, which does not conflict with other services and does provide a viable connection strategy. Prior to any conclusion of the DCO Examination NH should work with the Council to agree a strategy for interchange between modes and co- ordination between contractors. The proposed shuttle service between the transport hubs and compounds is a major</p>

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	<p>component of the mitigation strategy for workforce travel and yet is undeveloped with no evidence of its effectiveness. The Council reserves judgement on the appropriateness and success of the shuttle service in providing a suitable connection to the compounds at high enough frequency to suit all shift patterns across the roads, tunnelling and utilities contracts north of the River Thames.</p> <p>15.6.38 Further weakness in the FCTP (APP-546) is illustrated by the proposal for Tier 1 and Tier 2 initiatives, as set out its Section 8.2. The Tier 1 initiatives are largely standard Travel Plan initiatives, which have not been honed to meet the specific challenges of accessing the construction compounds and the Tier 2 measures will either be met as part of the standard set up of the workforce welfare facilities or should be included within the Tier 1 list as standard offers to workers. The realism and robustness of the Tier 1 initiatives has not been demonstrated through the FCTP as assessed against the compound locations. The initiatives are therefore unsubstantiated statements.</p> <p>15.6.39 SUMMARY: as with many other DCO ‘Control Documents’, the FCTP does not provide an assessment of effectiveness or a robust basis of viable initiatives and binding commitments. Much of what is proposed relies on the goodwill of the contractors, over which neither the Council nor NH has any control.</p>
<p>Applicant’s Response</p>	<p>The FCTP [APP-546] has been developed to address concerns from stakeholders including the Council with regard to the Applicant reducing the impact of its construction workforce on the road network. The FCTP submitted with the application has been through multiple rounds of engagement with stakeholders including the Council, with many previous comments being incorporated into the submission version.</p> <p>15.6.21 The Applicant notes this response</p> <p>15.6.22 The Applicant notes this response</p> <p>15.6.23 The Applicant notes this response</p> <p>15.6.24 As noted at paragraph A.3.12 of the FCTP [APP-546], while that document is not designed to be accredited to PAS 500, the Site Specific Travel Plans would include the necessary items detailed within PAS 500 to enable them to be compliant with the required specification and that certification against the specification could be sought if required.</p> <p>15.6.25 A baseline would be obtained for each SSTP as set out at a number of locations in the FCTP including paragraph 7.1.7, Table 9.1 and paragraph B.6.2. As set out at paragraph 4.5.1 of the FCTP, workers employed by the Applicant would be covered by Site Specific Travel Plans.</p> <p>15.6.26 – consultation and role of the LA in developing and approving Site Specific Travel Plans is in line with the discharge of Requirements outlined in the draft DCO and addressed by SoCG [APP-130] item 2.1.3, marked as a matter not agreed.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>The Applicant considers the Secretary of State to be the most appropriate discharging authority for the Project draft DCO. The Explanatory Memorandum provides a justification for the Secretary of State being the discharging authority. In short, there are a number of local authorities across the Project and the need for consistency in decision making which warrants one discharging authority. The Requirements reflect the arrangements made in June 2016, whereby the DfT agreed to be the competent authority signing off compliance with the requirements for DCOs promoted by the Applicant. As a result of this arrangement, there is a specific team within the DfT to deal with the discharge of requirements.</p> <p>The Council will be consulted on the discharge of Requirements 3, 4, 5, 6, 8 and 10 (in addition to any variation to the limits of deviation under article 6). In relation to fencing, paragraph 12 provides for any departures from the manual to be agreed by the Secretary of State, following consultation with the relevant planning authority on matters related to its functions. Under paragraph 18 of Schedule 2 of the draft DCO, representations from the Council will be provided to the Secretary of State and so its views will be properly represented to, and considered by, the Secretary of State. Where appropriate, the draft DCO provides for a proportionate local authority approval function (e.g. under article 17, consent of a local traffic authority must be obtained for any traffic regulation measures under that article). The draft DCO [REP1-042] sets out the procedure for the discharge of requirements in Schedule 2, Part 2.</p> <p>Requirement 18(1) of Schedule 2 to the draft DCO states that the discharge period for the SoS is eight weeks. Paragraph 20 states that, where a requirement necessitates consultation with any authority or statutory body prior to an application being made to the SoS to discharge a requirement, a period of 28 days is allowed which can be extended to 42 days by request and agreement. This extended period acknowledges that there may be circumstances where complex matters necessitate a longer period.</p> <p>15.6.27 - 15.6.29 This matter is addressed by SoCG [APP-130] item 2.1.244, summarised below.</p> <p>The assumptions set out in the FCTP [APP-546] are indicative and designed to give an idea of the likely catchment.</p> <p>The accessibility maps are based on the morning peak period, with a start/end time of 07:00/09:00 for bus and rail network services. This morning peak has been used to represent the time period with the greatest level of transport services available, and therefore the time period that will be able to implement the greatest level of mode shift.</p> <p>It should be noted that the Applicant is committed to developing SSTPs post DCO consent, if consent is granted, in line with the controls and commitments in the FCTP. Thurrock Council would be a consultee to the development of this document. The specific measures Thurrock Council are after, are for the SSTPs to address, as there is currently no information on where people will live, or the exact shift times, so it's not possible to robustly identify what modes people will use and to/from where.</p> <p>The FCTP, however, presents a framework for developing robust site-specific targets and influencing travel behaviour of the workforce through the post consent SSTPs. The key aims of the FCTP are to reduce the number of single- occupancy vehicle</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>trips and encourage the uptake of sustainable and active modes of travel. It also presents key tasks required as a minimum to be achieved across all construction areas and compounds during the construction period (Table 10.1). These include a commitment to use of shuttle buses, car share schemes, maintenance of agreed walking/cycling routes and regular review of active travel facilities within the vicinity of each site.</p> <p>The Applicant considers that in reality more Project workers would use public transport which therefore reduces the 60-minute catchment area because public transport is slower. In reality there will be more car sharing which is faster than public transport and so Project workers will be able to make use of a wider 60-minute catchment area.</p> <p>15.6.30 – 15.6.33 This matter is addressed by SoCG [APP-130] item 2.1.252 and 2.1.255, summarised below. Many of the proposed construction compounds/ULH are in locations with poor accessibility by foot and this is recognised within the FCTP [APP-546]. The Applicant does not support its workforce using unlit or roads without footways as part of its home safe and well corporate aim. Provision of temporary/permanent active travel provision to these compounds would likely not deliver value for money, would have considerable environmental impact, and in the post construction scenario these routes would not offer connectivity to places people would wish to travel to in numbers that would warrant this provision. However, the Applicant does not consider that the FCTP and SSTPs would be unsuccessful in reducing Project workforce impact on the highway network. The SSTPs would be developed by the Contractor and recognise the surroundings and context for each location they are developed for. Each SSTP would therefore present measures and targets that are tailored for that specific location. Thurrock Council would be a consultee to these SSTPs, when they are produced post consent, if consent is granted.</p> <p>The FCTP states that the baseline mode share has been assumed based on the number of available parking spaces at each compound and the likely vehicle occupancy without FCTP measures in place, simply for modelling purposes. Furthermore,</p> <ol style="list-style-type: none"> 1. The Project Action Plan sets out the implementation of a car park management scheme which would seek to ensure car parking spaces meet demand (ideally reducing the number over time). This would be aligned with planned shift patterns and workforce numbers for both onsite and offsite car parking and developed at least six months prior to construction. 2. FCTP is already committed to controls such as a car share scheme, shuttle buses, car park management strategy and review of active travel facilities (Project Action Plan). <p>The SSTPs will contain more details around this issue, for the compound and Utility Logistic Hubs (ULH) they cover. The SSTPs, would be developed post DCO consent, if consent is granted, in consultation with local authorities and in line with the controls and commitments set out in the FCTP. Thurrock Council disagree with the Applicant’s position set out above and request specific targets to be developed before DCO submission.</p> <p>15.6.34 This matter is addressed by SoCG [APP-130] item 2.1.127, summarised below.</p> <p>The TMF committed to in the oTMPfC [REP1-174] is designed to bring together Client, Contractor and stakeholders together to</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>discuss proposals, issues and performance of all things traffic related, including monitoring and reporting. The Applicant has set out a range of commitments in a series of control documents and non-compliance would be considered a breach of the DCO. However, enforcement of non-compliance, development of KPIs and provision of incentives for Contractors to exceed targets are a matter of contract between the Applicant and its Contractors and, as such, may contain commercial sensitive and confidential information which will not be shared. Unresolved disputes will be referred to the Joint Operations Forum (JOF) for resolution. The Council do not agree with the Applicant’s position as set out above.</p> <p>15.6.35 – The Applicant has already committed at paragraph 8.2.5 part j that the shuttle buses would be zero emission. As set out at paragraph 6.4.3 of the FCTP [APP-546], details regarding set down/pick up points, routes, hours of operation and frequency would be refined by the Contractors and would be agreed with the relevant local highway authority and public transport operators as applicable.</p> <p>15.6.36 The locations identified within Table 5.4 of the WAR [APP-551] are not intended to be the same as the hub locations identified within the FCTP. As noted above in response to paragraph 15.6.35, the FCTP is clear at paragraph 6.4.3 that detail of the shuttle buses has not yet been concluded and would be a matter for the Contractors. The Council would be consulted where appropriate in line with relevant approval processes.</p> <p>15.6.37 As noted above in response to paragraph 15.6.35 the shuttle buses would be zero emission. The effectiveness of the buses together with other measures employed as part of the SSTPs would be measured through the surveys as set out in Section 10.2 of the FCTP.</p> <p>15.6.38 The overarching aims and objectives of the FCTP [APP-546] are secured as commitments to be delivered by the Project. The FCTP sets out that, given the uncertainties, setting specific mode share targets at a Project-wide level is difficult especially prior to undertaking initial baseline travel surveys (which will provide real-world data from the Project’s workforce). Therefore, the Applicant cannot currently produce this level of detail at this stage of project development. Project-wide targets would also be related to site-specific targets, which have not yet been prepared. The FCTP, however, sets out a framework and overarching principles for the future Site Specific Travel Plans (SSTPs). This approach would provide the flexibility required to respond to and adapt to changing conditions over the duration of the Project. As set out in the FCTP, all targets will be developed and included within the SSTPs in consultation with the relevant highway and local planning authorities. No part of the authorised development is to commence until a Site Specific Travel Plan for the construction of that part, which is substantially in accordance with the FCTP, has been submitted to and approved in writing by the Secretary of State.</p>

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Outline Traffic Management Plan for Construction (oTMPfC)

15.6.40 The oTMPfC ([APP-547](#)) provides a reasonable basis from which to monitor the flow of construction traffic during the construction phases and, when combined with the LTAM modelling of the construction phases and local operational modelling, provides a mechanism to understand the headline magnitude of re-routing traffic within the LRN. It does not, however, provide sufficient commitment to mitigating the observed impacts. The Council has, however, noted there are deficiencies with the LTAM to reliably reflect impacts on the LRN.

15.6.41 The Council's concerns regarding the predicted impacts on the LRN during the construction period are set out in Section 9 of this LIR. This section considers the specifics of the oTMPfC and its effect on the Borough.

15.6.42 There has been engagement with NH over the aspects of the oTMPfC prior to DCO submission and NH has made progress towards reflecting on a number of the Council's concerns, however, the Council continues to have concerns that the impacts are not adequately mitigated, especially around the harm to local communities during the construction period.

15.6.43 The oTMPfC outlines the phase of traffic management but does not cover the management of construction traffic numbers visiting the compounds. It is of significant concern to the Council that there are differences between the modelled scenarios and the commitments to traffic management within the oTMPfC. There are no controls proposed that would cap the number of daily movements at each compound and hence no assurance to the Council that the effects that are proposed by NH would not be exceeded. There are no controls on the contractors to adhere to the predicted division of movements, such that the contractors are at liberty to exceed those predictions.

15.6.44 As stated, there are a number of positives that have been incorporated in the submitted oTMPfC following engagement with the Council. NH has acknowledged at paragraph 2.3.4 that the contractor must take account of the feedback from the Council when preparing its TMPs and that that feedback should be reported to the SoS and demonstrated that if there are matters that are not agreed, giving the SoS the opportunity to understand why and to determine accordingly.

15.6.45 Plates 3.2 and 3.3 constitutes the Traffic Management Forum (TMF) well and indicate the route for collaboration, coordination and escalation. These plates demonstrate some progress towards setting the governance process for temporary traffic management during the construction phase but does not indicate the cross-linkage with the logistics planning and the construction workforce management. The timeframe for governance by the Council is insufficient for its normal determination, as described within Relevant Representation Principal Issue XIV and it is not set out clearly the procedure for escalation to the Joint Operating Forum and the consequences of that escalation. Therefore, although the TMF may help resolve issues, there is still uncertainty regarding its set up and terms of reference, the detail of which has not been provided to the Council or discussed. The draft oTMPfC does not address how conflicts between NH and other developers would be managed, so as to avoid significant negative impact on the wider road network. In summary, the Council requires details of the TMF membership, structure, terms of reference and powers set out in the CoCP/REAC.

15.6.46 Furthermore, it is noted that the requirement for revision to the TMP is shown as only by NH, which proposes that the Council is not able to inform whether the TMP should be updated (this matter is covered within Section 15.2 and its accompanying **Appendix I, Annex 1**). The Council would work with the Traffic Manager and the TMF, if there is a clear reason to update the TMP due to factors such as project programme over run; a change in approach to the works or other external changes that would influence the works.

15.6.47 The Council notes that a separate TMF would be established for the works north of the river, which will assist with geographically focusing the forum, albeit with the stated pan-project co-ordination through the Traffic Manager. The Council supports that at paragraph 3.3.17 NH proposes to establish the TMF early, which will allow early coordination and collaboration before significant project planning takes place. It will be essential that both the TMF and the associated roles are maintained through the life of the construction period.

15.6.48 NH recognises the linkages between the control documents and mechanisms, such as at paragraph 2.2.10, albeit the linkage to the FCTP ([APP- 546](#)) should be strengthened with communication between the TMF and the TPLG. This will allow the management of construction and general traffic, covered through the TMPs, to link to the management of workforce travel, covered through the SSTPs. Furthermore, the linkage to the contractors' logistics planning is recognised by the connection to the CoCP ([APP-336](#)), however, that linkage should be much stronger. Together with the linkage to the oMHP ([APP-338](#)) and the oSWMP ([APP-505](#)), the management of traffic, workforce travel, logistics, materials, plant and equipment would be linked.

15.6.49 The guidance to contractors on the key consideration for stakeholders at Table 2.3 of the oTMPfC is a robust starting point, albeit the matters such as enforcement of vehicle speeds and parking are not in the gift of the contractor and will require co-operation with Essex Police and the Council.

15.6.50 The Council propose that topics that should be added to the schedule would include: communicating changes to public transport users, protecting routes near compounds from workforce parking and construction traffic.

15.6.51 The management of parking in the vicinity of compounds would continue to require close working with the Council to enforce parking and introduce appropriate parking restriction as needed. The likely challenge areas could be around the Stifford Clays Road compounds, Brentwood Road and on the approaches to the north and east of the North Portal compound – from where access is proposed (ES Chapter 2 Project Description ([APP-140](#)) paragraph 2.6.192). That workforce parking management must be carried out in coordination with the FCTP and SSTP initiatives, which would require collaboration between the TMF and the TPLG to ensure no overspill or inappropriate parking on the approaches to the compounds.

15.6.52 The Council is not aware of NH's engagement with the local bus operators to establish strategies for managing services during the phases of construction. The oTMPfC should include the approach to mitigating the effects on bus services in sufficient detail to inform contractors of what will be needed, such as the potential for additional buses to maintain service headway and additional bus stops on amended and diverted routes. The contractors must also ensure that mobile traffic signals are actively managed to minimise the delays to the services. It is noted that bus operators would be a stakeholder at the TMF and the

Council will seek their input to the reviews of the TMPs. The Council's concerns regarding impacts on public transport are set out at Section 9 of this LIR.

15.6.53 The proposed coverage of traffic during the construction period as set out at paragraphs 2.4.11 through to 2.4.19 and plate 2.4 represent the data coverage that has been discussed through the engagement process. Ensuring that data is electronically and consistently captured, including the construction fleet compliance checks, will greatly assist in the assimilation and review of the data.

15.6.54 The Council was concerned that early and final works such as site establishment and demobilisation would not be covered by the controls within the TMPs and the CLPs. However, the definition of preliminary works in the CoCP ([APP- 336](#) Table 3.1) clearly states that site establishment and demobilisation are not included in preliminary works and would be covered by the TMPs and CLPs.

15.6.55 NH has indicated that a DLOA or LOA would be established with the Council, but this should be advanced before the completion of the DCO Examination to ensure an acceptable agreement is reached. An initial draft was provided by NH but that has not been progressed – this matter is covered in more detail in Section 15.3 above. Either through the DLOA or as part of the operation of the TMPs, NH and its contractors should provide weekly lookaheads of key logistics operations and any changes to traffic management to assist in network management. The DLOA will require full coordination across NH's contractors with their joint buy-in to the agreement. This has been raised with NH through the SoCG Item 2.1.30. The agreement would allow the efficient management and governance of the network and interfaces between LRN management and management of the network within the Order Limits.

15.6.56 As expressed through SoCG Item 2.1.9, the Council continues to require that contractors provide notification of works through the established permitting system and note that NH will adopt that. The right to refuse a permit is noted and this could cause challenges where emergency works are required by third parties either within or adjacent to the Order Limits. Those emergency works would continue to be managed by the Council and would need to be co-ordinated with NH and its contractors.

15.6.57 The Council has raised with NH that the ongoing management of the network and the works to construct LTC will significantly increase demands on Council officer time. As such NH should provide funds through the S106 agreement to provide additional resource and this matter is dealt with further in Section 13.6 above. The REAC at Section 7 of the CoCP ([APP-336](#)) notes the potential to assist with resource funding at the Council, but the S106 Heads of Terms submitted do not include for that resource.

15.6.58 The inadequacy of the LTAM model to predict to sufficient detail the effects on local junctions and routes has been raised elsewhere in this LIR. The Council notes, however, the statement at paragraph 2.4.20 that contractors would undertake localised modelling. That impact modelling should be carried out prior to the completion of the DCO Examination and appropriate mitigation proposed that contractors would then adopt. The locations that should be modelled are set out at Section 9 of this LIR.

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.6.59 SUMMARY: the Council notes the progress made since initial drafts of the oTMPfC were shared prior to the submission of DCO, however, there are continued concerns that the predicted impacts have not and would not be resolved. The oTMPfC should be revised prior to completion of the DCO Examination to address the Council’s concerns.</p> <p>15.6.60 NH has previously committed to agreeing a DLOA or side agreement and to funding additional network management resource during the construction period. Those agreements must be secured prior to completion of the DCO Examination.</p>
<p>Applicant’s Response</p>	<p>15.6.40 The Applicant notes this response.</p> <p>15.6.41 The Applicant notes this response.</p> <p>15.6.42 The Applicant has developed the oTMPfC [REP1-174] while actively collaborating with Thurrock Council over numerous engagement sessions. The Applicant has incorporated relevant control measures, including the establishment of a monitoring system and protocols for the Traffic Management Plan (TMP), to address the Council’s concerns. Throughout this stage of the Project, the Applicant has taken a balanced and proportionate approach to devising the measures within the control plan, recognising that the Project’s design and construction methodology, as consented, may require further refinement and optimisation prior to and during construction. Central to the oTMPfC is the TMF, which serves as a robust framework for engaging with all relevant stakeholders on developing those matters as the detail is developed during the construction phase. This framework facilitates the development, monitoring, and updating of the TMP, providing a platform for stakeholders to raise issues or non-conformances. Furthermore, it incorporates a real-time monitoring system that offers valuable data, enabling informed decision-making regarding appropriate mitigation measures.</p> <p>While the Applicant is dedicated to working closely with the Council to resolve any matters that arise, it is essential to acknowledge that certain issues may lead to differing views between the parties. In such cases, these points of disagreement are documented within the SoCG, providing clarity and transparency.</p> <p>15.6.43 This matter is addressed by SoCG [APP-130] item 2.1.111, summarised below.</p> <p>The assessment for the number of vehicles is based on the scale and magnitude of vehicle movements and is developed from the volume of materials associated with the scheme design. The variance in vehicle capacities is dependent whether the movement is online or offline. For movements online a vehicle capacity of 8.5m³ based on a 20-tonne HGV has been used. For offline movements a vehicle capacity of 17m³ based on a 40-tonne articulated dump truck has been used. The forecasted truck movements have been used to support the construction traffic modelling, this includes earthwork movements using the network to transport material. The impact of the construction traffic is detailed in Chapter 8 of the Transport Assessment [APP-529], and appropriate mitigation measures are presented within the EIA. The movement of construction vehicles from compounds and</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>ULHs has not be restricted by a vehicle cap, but rather the impact it has on the road network. The appointed Contractor would be required to manage deliveries to compounds using vehicle booking systems. In addition monitoring of vehicle movements to and from compounds to promote improvements in road safety and to minimise Project related construction traffic and environmental impacts on the road network and local communities. The MWCs will set out their co-ordinated monitoring proposals in their Traffic Management Plans. A further discussion on this matter was held on 13 June 2023. Although both parties agreed than a blanket cap on movements is not appropriate, Thurrock Council expressed concerns around the use of compounds, the use of local roads, the number of vehicles at each compound, monitoring and compliance. The Applicant clarified that these matters are considered elsewhere in the SoCG and suitable signposts were provided for where the DCO documentation responds to all these concerns for the Council to read and confirm their updated position. This matter remains under discussion.</p> <p>15.6.44 The Applicant notes this response.</p> <p>15.6.45 This matter is addressed by SoCG [APP-130] item 2.1.125, summarised below.</p> <p>The Applicant has established a range of control documents, notably two specific ones that address logistics and workforce management. These documents are the outline Materials Handling Plan [APP-338] and the FCTP [APP-546]. Together, these control documents form part of the control plan, serving as the overarching framework for mitigating, monitoring, and controlling the impacts of the Project. The control plan encompasses a series of 'control documents' that outline the mitigation measures identified in the application. These measures are crucial for implementation during the design, construction, and operation phases to effectively reduce the adverse effects of the Project. Plate 14.1 of the Introduction to the Application provides a visual representation of the control plan, and further in-depth information can be found within this section.</p> <p>The oTMPfC [REP1-174] serves as a comprehensive document detailing the function of the TMF. It not only acts as a framework for consulting with relevant stakeholders but also establishes a structured approach to address traffic management matters, particularly those associated with construction traffic impacts, including workforce movements and material handling logistics.</p> <p>Regarding the terms of reference for the TMF, the oTMPfC provides a detailed illustration of the proposed TMF’s structure. This includes its ability to facilitate coordination across contracts and its capacity to adapt to current situations through collaborative efforts with relevant stakeholders. The forum's attendees would include representatives from Local highway authorities, emergency services, community representatives, and other affected stakeholders relevant to the scope of works. Table 2.1 within the oTMPfC specifically outlines the Traffic Management Plan's consultees, describing the stakeholders involved in the process. The establishment of the TMF is anticipated following the granting of the DCO, and it is designed to be a monthly gathering. Throughout the oTMPfC, various control measures are set out, and the document describes how the TMF is utilised in relation to these measures. For instance, it plays a significant role in the development of TMP, monitoring construction traffic</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>activities, and effectively managing interfacing projects. In summary, the oTMPfC provides a comprehensive outline of the TMF’s terms of reference, detailing its structure, key stakeholders, frequency of meetings, and its role in various aspects of traffic management, thereby ensuring efficient and collaborative handling of construction traffic impacts.</p> <p>Although the OMHP and FCTP are distinct documents from the oTMPfC [REP1-174], their implementation and usage are interdependent. Throughout these documents, several references are made to the oTMPfC for any construction traffic-related matters, including logistics, temporary traffic management, or workforce movements. For instance, as stated in paragraph 1.3.12: A final mile strategy would be developed as part of the MHP and implemented by the Contractors in conjunction with the oTMPfC, making full consideration of required mileage and mileage reduction, peak traffic hours conflicts and associated impacts, similarly the FCTP.</p> <p>In regard to resolution and escalation process, the TMF has a direct link to the JOF in terms of reporting and escalating issues. Although the local authorities are represented on the JOF, the oTMPfC also commits to a monthly TMF to be chaired by the Applicant’s Traffic Manager. Table 5.1 in the oTMPfC is a reflection of adjacent projects known at the time of drafting the oTMPfC. During construction the Contractor would review any active projects that interfaces with the Project when developing the TMP. The Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes explains how the Applicant has worked with third-party project promoters to design out and control project interfaces, where necessary, to avoid prejudicing the successful delivery of other projects. As stated in para 5.5.5 of this document: Where construction activities for the Project are likely to proceed at the same time as the construction of other projects in proximity to it, Contractors will manage this in a coordinated way, maximising opportunities to reduce the overall impact on communities and the environment. A TMF would be set up by the Applicant to support integration with other projects on construction traffic and logistics matters. A National Highways Traffic Manager would also be appointed for the entire Project network (i.e. logistic routes and routes requiring temporary traffic management). Their role would include oversight of and coordination with third-party project construction activities to minimise the impacts on the public and stakeholders.</p> <p>15.6.46 The opportunity to raise issues on the TMP would be via the TMF of which Thurrock Council is part. 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. Updates to the TMPs would be consulted upon with the relevant LHA. The cycle of updates to the TMP when required, is illustrated in Plate 3.3 of the oTMPfC.</p> <p>15.6.47 The Applicant notes this response.</p> <p>15.6.48 The Applicant would envisage that informal communication would occur between those on the TMF and TPLG, in particular the Traffic Manager and Travel Plan Manager. In addition, a formal route is established through the JOF.</p> <p>15.6.49 The Applicant notes this response.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.6.50 The Applicant has established initial minimum requirements outlined in Table 2.3 of the oTMPfC as a starting point for implementing measures aimed at minimising the impact on public transport. As part of this process, the Contractor will actively collaborate with public transport operators, expecting them, being in the best position to do so, to inform their customers about any service changes.</p> <p>The space allocation within compounds has been carefully considered to ensure sufficient car park space, effectively reducing the risk of workforce parking along roads leading up to the construction compound. An illustrative layout of the compounds is shown in ES Appendix 2.1: Construction Supporting Information [AS-049].</p> <p>15.6.51 The Applicant acknowledges this response. As mentioned in the Applicant response to items raised in page 234-237, the control documents and their associated mechanisms form part of the control plan. While these control documents are separate, they work together cohesively to effectively enforce appropriate control measures, thereby minimising the impacts of the construction works.</p> <p>15.6.52 The Applicant has established initial minimum requirements outlined in Table 2.3 of the oTMPfC as a starting point for implementing measures aimed at minimising the impact on public transport. As part of this process, the Contractor will actively collaborate with public transport operators who are a consultee of the TMF as set out in Table 2.1 of the oTMPfC. The TMF will form the framework to which the Contractor would work with public transport operators in developing, monitoring and updating of the TMP.</p> <p>15.5.53 Sections 2.4.8 – 2.4.11 of the oTMPfC [REP1-174] provide information about the monitoring system that will be in place to capture real-time data about traffic and vehicle control measures. This monitoring data will inform reporting to the TMF and it will form part of the monitoring report which will be shared on a monthly basis within the TMF, ensuring electronically consistent capture. The data that will be provided would be to inform LA on performance of TTM, but the compliance check will be part of the Applicant’s role.</p> <p>15.6.54 The Applicant notes this response.</p> <p>15.6.55 The Applicant has discussed the proposed content of the future DLOA, which would be prepared once the DCO have been granted and before commencement of the main works. The Requirements to be covered by the DLOA are set out in the oTMPfC Section 3.2. Part 22 of the draft DLOA shared with the Council requires the Contractor to provide Thurrock Council with a detailed programme of traffic management activities at least 14 days before the proposed implementation of the traffic management phase. The Applicant’s Contractor will be responsible for producing and getting agreement to the DLOA in conjunction with the Applicant, Thurrock Council and the Applicant’s Network Maintenance Contractor.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.6.56 The Applicant notes the council’s recognition of its intent to use the current road permitting process. In addition the Applicant through the proposed monthly TMF will discuss planned traffic management measures as set out in the oTMPfC [REP1-174] Plate 3.2 Traffic Management Forum.</p> <p>15.6.57 The Applicant notes this concern. However, it should be noted that the Applicant is willing to offer one Full Time Equivalent role focused on supporting the network management team as outlined in the SoCG item 2.1.173. The S106 Heads of Terms [APP-505] submitted with the DCO application does not detail the numbers of officer and their exact remit. Resourcing during the delivery of the Project is subject to ongoing discussion with the local authorities and updates will be provided as future iterations of these Heads of Terms post submission.</p> <p>15.6.58 This matter is addressed by SoCG [APP-130] item 2.1.126, summarised below.</p> <p>Where necessary, local junction models will be prepared to support the planning of construction works. These local junction models will be developed in collaboration with the relevant highways’ authority and local authority. This commitment has been secured via the oTMPfC. A further discussion on this matter was held on 13 June 2023 and the Council supplied a provisional list of locations where the Contractor should expect to have to prepare localised models. The Applicant is considering the locations and this matter remains under discussion.</p> <p>15.6.60 The Applicant has set out two forms of agreement relevant to the highways. A side agreement has been shared which would provide details in relation to works undertaken on local authority assets and handover of those assets and the Applicant’s aim is that this should be agreed before the end of the examination. This is to be distinguished from the DLOA which is anticipated to be completed in the construction phase.</p> <p>As explained in the oTMPfC [REP1-174], where the Project has an interface with either the strategic or local road network, the Contractor delivering the works would seek to reach agreement with the relevant highway authority, on the extent of the operational boundaries by way of a Detailed Local Operating Agreement (DLOA) or a Local Operating Agreement (LOA). In the event that no agreement can be reached, the Contractor delivering the works would set out the arrangements covering these themes in its Traffic Management Plan (where relevant to the construction of the Project) for the approval of the SoS.</p>
<p>Page 237-239</p>	<p>Outline Materials Handling Plan (oMHP)</p> <p>15.6.61 NH sets out in its oMHP (APP-338) the totality of its projection to capitalise on the juxtaposition of the construction of LTC to marine and rail transportation opportunities. The Council is of the opinion that NH has withdrawn from all but the minimum commitments to minimising road transport for materials, plant and equipment during the construction of LTC and is not incentivising its contractors to use marine or rail transport. This is contrary to the ethos of LTC being a ‘Pathfinder’ project, as claimed by NH.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.6.62 The Council has previously presented a joint Technical Note with the Port of London Authority (PLA) which expressed that NH should review and extend its commitment to marine transportation. That joint Technical Note and the NH response to it is provided at Appendix C, Annex 4 to this LIR. The letter provided guidance to NH on the types of material, plant and equipment that should be considered with a view to extending the Baseline Commitment. That aspiration to maximise the use of marine transport for construction related activity is reiterated by the PLA in its Principal Areas of Disagreement submission to the Examination (AS-078).</p> <p>15.6.63 NH has not seized this initiative and as such the Council remains unconvinced that a robust commitment is being made to minimising the use of road transport for materials, plant and equipment. Annex B to the preliminary Navigational Risk Assessment (APP-548) presents the notes of meetings between NH’s representatives and the PLA, at which NH’s representatives are minuted as referring to the possible movement of precast segments and the import/export of other materials using marine transport and existing riparian facilities.</p> <p>15.6.64 This is at odds to the proposal for an on-site segment factory within the North Portal (ES Chapter 2 Project Description (APP- 140) paragraph 2.6.149). NH should commit within the oMHP (APP-338) that segments will be cast within the confines of the North Portal. ES Chapter 2 Project Description (APP- 140) Paragraph 2.7.125 further states that segments for the ground protection tunnel will not be cast within the compound and would be transported by road. Those segments should be cast within the segment factory within the compound and the associated materials included within the oMHP commitments to be moved by non-road transport.</p> <p>15.6.65 It is further noted that NH had intended to prepare a River Transport Strategy, but this has not formed part of the DCO application documentation and NH has also reduced the proposed Order Limits to now exclude operating jetties close to the North Portal, stating that they would not be available during construction due to existing commitments. The previously stated justification for excluding the jetties was that they would be used by the Silvertown Tunnel and Thames Tideway Tunnel projects, however, these will have completed exporting material before LTC construction begins (oMHP APP-338 paragraphs 4.3.4 and 8.2.24).</p> <p>15.6.66 In analysing the impact of moving material, plant and equipment associated with the construction period, NH indicates in the oMHP (APP-338) a ‘Baseline Commitment’ for the project, which proposes to import 35% of all bulk aggregates to the project by river. That baseline is proposed to be met by importing 80% of bulk aggregates to be used at the North Portal compound. NH uses a basic description of ‘bulk aggregates’ at the North Portal, such that it <i>‘includes sand and aggregate for the manufacture of concrete, aggregates for the construction of permanent and temporary infrastructure such as roads, haul routes and working platforms’</i> (APP-338 paragraph 6.2.13a). <i>NH has not been prepared to further specify the materials or processes for which the bulk aggregate would need to be used, e.g. for segment manufacture or for permanent pilling or sprayed concrete lining.</i></p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.6.67 The Council is concerned that the current definition of the use of the bulk aggregates will allow the tunnelling contractor inappropriate and extensive flexibility. No other contractors will be bound by the commitment in the oMHP. Paragraph 6.2.15 of the oMHP (APP-338) sets out exemptions that the contractor can apply at its own discretion if it wishes to bring bulk aggregates in by road. The Council would have no ability to question that decision, which is a serious concern to the Council. The proposed commitment is therefore little more than a stated aspiration and has no derogation approval process.</p> <p>15.6.68 Whilst the oMHP includes statements on a prospective ‘Better than Baseline Commitment’ (APP-338 paragraph 6.2.11), that continues only to refer to the import of bulk aggregates and does not constitute a commitment. Paragraph 1.3.7 states that ‘Contractors would engage with aggregate and material suppliers collaboratively to proactively maximise utilisation of river transport for the import of bulk aggregates to the north portal construction area beyond the Baseline Commitment so far as is reasonably practicable’. The statement allows so much flexibility and has no commitment that it is a ‘hollow’ statement.</p> <p>15.6.69 The Council has sought to encourage NH to maximise and commit to using non-road transportation (i.e. marine and rail), such that those methods would reduce the impact of the construction period on the LRN and SRN within the Borough. Through the oMHP (APP-338 paragraph 8.2.11) NH dismisses rail as a viable option on the basis that there are no existing rail heads available to the project. It is the Council’s opinion that NH could further explore the opportunity of collaborating with the operator of the current railhead within the Port of Tilbury and/or amending that to derive a useable facility for the project and eventually a legacy for the wider port. The stated reason of the recently created ecology zone is not insurmountable. NH acknowledges at paragraph 2.1.5 of the oMHP that ‘upgrading of existing infrastructure’, might be appropriate for the construction of LTC. At paragraph 2.6.188 of ES Chapter 2 Project Description (APP-140) NH states that allowance has been made for the establishment of a conveyor to the Tilbury2 Construction Materials and Aggregate Terminal. That conveyor would be used to move aggregate to the North Portal compound, however, NH should explore further the opportunities to use that corridor for the export of waste excavated material by rail or marine transport.</p> <p>15.6.70 The oMHP (APP-338) covers only the consideration of ‘final mile’ travel for bulk aggregates and neglects that the construction process will generate a significant quantum of material to be removed from the works and that there are many other bulk materials, plant and equipment that could conceivably be moved by marine or rail operations.</p> <p>15.6.71 Table 7.1 of the oMHP (APP-338) indicates a quantum of excavated material that is predicted to be moved from, to or between the compounds north of River Thames. In NH’s predictions that quantum amounts to approximately 660,000 m3 of material which NH currently proposes to move by road. At a load capacity of approximately 8.5 m3 per load NH predicts that there will be approximately 155,300 HGV movements at the northern compounds across the construction period. When predicting HGV movements NH has typically used an unrealistic flat profile across the six-year construction period. When applying that to a five-day working week, this equates to approximately 100 HGV movements each day to and from the Roads North and North Portal construction works for excavated material alone. That estimate excludes the 314,000m3 (74,000 HGV</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response										
	<p>movements) of material that is to be moved from the Roads North contract to the Northern Portal. Approximately a quarter of those HGVs would be removed from the road network if NH was to commit to exporting the 154,000 m3 hazardous excavated material from the North Portal compound by non-road transport. NH recognises at paragraph 1.3.6 that riparian facilities are available for use by the project to export material from the construction works.</p> <p>15.6.72 SUMMARY: further HGV reductions could be made if NH was to commit to importing other bulk and bulky materials and plant and equipment by non-road transport. This approach has seen significant benefit when adopted by the Thames Tideway project and other Nationally Significant Infrastructure Projects. NH dismisses importing cement either for onsite batching or to local batching plants, however, existing local batching uses marine import of cement.</p>										
<p>Applicant’s Response</p>	<p>The oMHP and the use of port facilities commitment were both developed as part of extensive stakeholder engagement. The Applicant has therefore been receptive to comments and ideas which improve the planning and delivery of the Project. Thurrock Council is suggesting expanding the river use commitment, which may give the impression that it would reduce the number of vehicles that use the road network because the movements will be undertaken via the river. The conclusion then drawn would be that fewer vehicles would mean fewer adverse effects, providing a benefit from an environmental perspective.</p> <p>However, when assessing the Project as a whole, this is not the case due to the proximity of the river to compounds other than the northern tunnel entrance compound increasing the extent of reliance on the road network by those vehicles. In addition, an expanded river commitment may potentially result in larger volume of truck movements in more concentrated areas around the few suitable port facilities. This larger volume of truck movements is likely to increase the road traffic noise and deteriorate the air quality in those concentrated areas.</p> <p>Continuing the principle of proximity of the Project compounds to the river, comparisons drawn to commitments made by other dissimilar schemes do not provide an accurate representation of the benchmark to be met by the Project, which (unlike its comparators) is not entirely at, on or adjacent to the river. A basic comparison of the Projects indicates that in fact the Project is setting the standard as a ‘Pathfinder’. The table below shows how only 13% of the Project is at, on or adjacent to the river and yet is committed to utilise port facilities for 35% of the Project’s bulk aggregates when for example Silvertown Tunnel project, 100% of which was at, on or adjacent to the river, committed to moving 55% of all materials by river.</p> <table border="1" data-bbox="416 1145 2078 1350"> <thead> <tr> <th data-bbox="416 1145 801 1198">Category</th> <th data-bbox="813 1145 1238 1198">LTC</th> <th data-bbox="1249 1145 1641 1198">Silvertown Tunnel</th> <th data-bbox="1653 1145 2078 1198">Thames Tideway Tunnel</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 1201 801 1350">Context</td> <td data-bbox="813 1201 1238 1350"> 23km long – 13% at, on or adjacent to the river 18.75km of surface road – 0% within 1km of river </td> <td data-bbox="1249 1201 1641 1350"> 1.4km of tunnel – 100% at, on or adjacent to the river (within 1km) </td> <td data-bbox="1653 1201 2078 1350"> 25km of tunnel – circa 92% at, on or adjacent to the river (within 1km, that is 22 of 24 sites) </td> </tr> </tbody> </table>			Category	LTC	Silvertown Tunnel	Thames Tideway Tunnel	Context	23km long – 13% at, on or adjacent to the river 18.75km of surface road – 0% within 1km of river	1.4km of tunnel – 100% at, on or adjacent to the river (within 1km)	25km of tunnel – circa 92% at, on or adjacent to the river (within 1km, that is 22 of 24 sites)
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LIR Reference	Local Impact Report Extract / Applicant’s Response			
		4.25km of tunnel – 71% which is at, on or adjacent to the river (within 1km)		
	Total excavated volume of materials	12.5 million m3	0.85 million m3	8 million m3
	Volume taken off site (% for beneficial reuse)	0.5 million m3 (96% for beneficial reuse)	0.65 million m3 (80% for beneficial reuse)	85% beneficial reuse
	Use of port facilities	Utilise port facilities for... 35% of the total bulk aggregates...	Transport: At least 55% by weight of all materials associated with the Project by river; and 100% of suitable excavated material out by river.	To achieve the transportation of at least 90% of the specified materials by the river.
<p>The Navigational Risk Assessment considers the import of precast in order that a reasonable worst case (for navigation) is considered. The ES considers on site casting in order that a reasonable worst case (for on-site activity) is considered. If the segments are cast on site, then the materials for that i.e., sand, aggregate would come via river and this is secured via the Use of the River commitment in the oMHP [APP-338]. It either comes by river as precast or it comes by river as raw material.</p> <p>For the Ground Protection Tunnel there is not enough space in the local GPT compounds (drive and reception shaft) for a pre-cast factory nor sufficient numbers required to warrant a dedicated factory. Segments for this tunnel would either be cast offsite and delivered by road or cast at the North Portal (if a pre-cast factory is located there and the programme permits because it would be a separate mould design and production run) and moved by road. There is no suitable jetty on the south bank so materials would have to come by road. In terms of the general (main drive) choice between pre-cast and on-site production the Project has not committed to either and does not intend to commit to either. This is a Design and Build matter for the Contractor to decide.</p> <p>The land providing access to the existing jetties forms part of the Freeport development and as a result is no longer within the Projects Order Limit. This is an evolving area with various variables yet to be defined, but always under the umbrella of the Freeport masterplan. The Applicant is in ongoing discussions with third parties to work towards an aligned position where the two projects interface. The current river use commitment is reflective of change for betterment and defined as ‘the Better Than</p>				

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>Baseline’ position. For example, this commitment may result through development of engagement with third parties, changes to infrastructure for river use and innovation.</p> <p>The Council states that <i>‘NH could further explore the opportunity of collaborating with the operator of the current railhead within the Port of Tilbury and/or amending that to derive a useable facility for the Project and eventually a legacy for the wider port.’</i></p> <p>The Council goes on to state that construction in the ecological mitigation area of Tilbury2 is not insurmountable however construction on this land would require the Project to replace the areas of mitigation and/or provide mitigation for the retained high-value biodiversity habitat that PoTLL have within the Tilbury2 Order Limits. This would not only result in an additional mitigation burden for the Project, meaning more land would need to be found and purchased but it goes against industry best practice and could prevent Port of Tilbury from complying with the legal requirements of their DCO (as made) and so would be opposed by PoTLL <i>and</i> Natural England. It has therefore strongly been recommended that the provision of a rail head is not pursued in this location due to unacceptable biodiversity impacts. It should also be highlighted that the Council’s interpretation of paragraph 2.1.5 of the oMHP is incorrect and this paragraph does not state that upgrading of existing infrastructure might be appropriate for the construction of the Project.</p> <p>It is alleged that the oMHP [APP-338] covers only the consideration of ‘final mile’ travel for bulk aggregates and that excavated material, waste, other bulk aggregates, materials and plant have not been considered. Section 7.2 of oMHP provides a breakdown of the anticipated movements of excavated material including waste, the Project is committed to re-using such material where practicable for instance in the use of haul roads or temporary working platforms. With regard to other bulk aggregates the focus of the commitment is on material that lend themselves to marine logistics of ‘bulk’ materials that are easily stored, do not deteriorate in storage and can be placed into the permanent works in ‘bulk’, all of which have been accounted for in the commitment. Materials which are not required in bulk and therefore would form part of smaller, less frequent deliveries are also subject to the requirements of the oMHP and this is set out in paragraph 2.1.3 of the oMHP. Finally, with regard to the movement of plant, there are a very limited number of suppliers who would be able to deliver plant via marine transport and mandating this would exclude suppliers who would otherwise rightly expect to benefit from the construction of the Project and would undermine the Applicant’s objective of ‘supporting...local economic growth and regeneration’. As a real-life example, welfare units used on the M4 improvement project were reused, transported by road and installed for use by the Project at its Pilgrims Lane office in Thurrock – to transport those via the river would necessitate double handling and is not favourable from a logistical and time aspect. The loading of heavy plant and equipment onto barges is not straightforward, is time consuming and requires extensive experience and knowledge of the gravitational and buoyancy forces at play. A supplier, not situated by the river, as not many are, would have to load the plant onto a low-loader at the yard, then off-load at a riparian facility onto barges, load the low-loader again at the riparian facility which is receiving the plant and finally off-load at the compound or site receiving</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>the plant. Comparing this to the delivery of plant on a low-loader directly to a compound shows quite clearly the impracticality of the proposal.</p> <p>In response to the Council’s comment on the movement of material between compounds that ‘NH propose to move by road’, Chapter 7, Movements of excavated material, of the oMHP [APP-338] explains in the opening paragraph, 7.1.1, that the assessment is a baseline position produced to support traffic and environment assessments and is not the Applicant’s proposal, i.e., the reasonable worst case, that all movements are carried out using HGVs. The oMHP has laid out principles which maximise non-road transport during the construction phase. Paragraph 3.1.1 of the oMHP [APP-338], states that ‘<i>no part of the authorised development is to start until an Environmental Management Plan (Second Iteration) ...has been submitted to and approved in writing by the Secretary of State, following consultation with the stakeholders identified in Table 2.1 of the CoCP</i>’. Both Thurrock Council and Port of London Authority (PLA) are named bodies within Table 2.1 of the CoCP [REP1-157]. Section 3.2 of the oMHP explains the requirements for Contractors to produce a Material Handling Plan (MHP) for the construction phase of each part of the works. Table 3.1 within this document lists out information which will be required in each MHP. Paragraph 6.2.14, specifically in relation to the commitment, requires the Contractor to explain ‘<i>how the Baseline Commitment and the Better than Baseline Commitment are addressed</i>’. The mechanism to incorporate the views of stakeholders is via the consultation process of the construction phase MHP (EMP, Second Iteration) to which TC and PLA are consultees. Therefore, it is through the consultation process of the submission of the MHP that the Council and PLA can discuss these matters.</p> <p>The excavated material produced in one contract and required in another contract is subject to several variables, the most critical being the point in the programme when the material becomes available, the stockpile capability of compounds in roads north and similarly the point in the programme the material would be required in the North Portal area and the stockpile capability there at the time, if required. It would be incorrect to speculate at this stage when the two could reconcile and commit to moving all the material off-line, although it is likely this would be the most practical and efficient strategy it would be a matter for the Contractors to agree and optimise a solution. The Council would have a say in this matter when the construction phase MHP would be produced for those respective works.</p> <p>The Applicant would like to draw the Council’s attention to ES Appendix 10.7: East Tilbury Landfill Risk Assessment [APP-428] which provides the ground investigation findings.</p> <p>At this stage the Applicant is unable confirm the exact location of where the material will go due to a number of factors including the classification and testing of the material on excavation, the exact timing of when the material is excavated, the availability of the waste management facility to accept the material, hence it would not be appropriate to provide a commitment which could restrict or exacerbate the Project’s impact on delivery. The amount of hazardous waste capacity in the study area will vary annually, depending on the number, type, and scale of ongoing construction projects. These fluctuations are significantly influenced by factors like the economic climate, investment levels, and changes in legislative and policy frameworks. Given this</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>context, it becomes crucial to consider various variables, such as the limited hazardous landfill capacity within the study area and the specific details of waste sites, including their location and proximity to the river. To effectively address these uncertainties that may arise during construction, it is essential to maintain a sufficient level of flexibility. Consequently, it is deemed more appropriate for Contractors to make such decisions when developing EMP2 MHP. The Council, as a named relevant stakeholder, would be engaged by the Contractor before seeking approval from the SoS.</p> <p>The cement facilities noted by the Council are not prohibited for use by the Contractor and would be reviewed as part of the Contractor’s procurement strategy. The transportation of cement that forms part of river use commitment is a matter under review by the Applicant.</p>
<p>Page 239</p>	<p>15.7 Control Documents – Environment</p> <p>15.7.1 The only document the Council has any additional comments that are not captured in Section 10 is set out below.</p> <p>Outline Site Waste Management Plan (oSWMP)</p> <p>15.7.2 Within the oSWMP (APP-337) NH provide an overview on the approach to the management of wastes generated during the construction of LTC and how the relevant commitments within the REAC apply.</p> <p>15.7.3 Whilst the REAC commitments are appropriate at a high level, the oSWMP (APP-337) does not contain sufficient detail on the approaches to the management of the wastes to provide confidence that these measures will be achieved.</p> <p>15.7.4 The oSWMP (APP-337) provides an overarching view of the management of waste at a high level, but the scale and duration of the construction phase of LTC is such that a standard SWMP template does not provide sufficient granularity of data to understand the impacts. The document should provide temporal phasing of arisings and also consider the arisings being generated/managed at each of the compounds. Annual breakdowns by compound fit the typical use profile of an SWMP more appropriately and would allow a greater understanding of the appropriate regulatory environment that will be necessary and therefore the level of environmental impact control and scrutiny that each site will be subjected to during construction.</p> <p>15.8 Control Documents – Climate and Carbon</p> <p>15.8.1 The only document the Council has any additional comments are captured in Section 10.15 and is set out below in more detail.</p> <p>Carbon and Energy Management Plan</p> <p>15.8.2 The content of the Carbon and Energy Management Plan (APP-552) provides the methodology on how NH intend to manage contractors to achieving carbon and energy demand reduction. It does not provide clear links between how these actions achieve the carbon reduction quantum defined within ES Chapter 15.</p>

LIR Reference	Local Impact Report Extract / Applicant’s Response
	<p>15.8.3 It provides no evidence on how LTC supports the host community of Thurrock in both decarbonisation and climate adaptation. It therefore provide no analysis of local impact or mitigation at a local level to Thurrock.</p>
<p>Applicant’s Response</p>	<p>15.7.2-15.7.4</p> <p>The purpose of the oSWMP [APP-337] is to set out the overarching principles and procedures that would be applied to the management of waste during the construction of the Project. Prior to the commencement of construction, Contractors would, for each part of the authorised development, prepare and submit a CSWMP for the approval of the Secretary of State, under Requirement 4 of the draft DCO [REP1-042]. The CSWMP would need to be written in accordance with the oSWMP and would need to be updated as a live document throughout the construction phase. Section 6 of the oSWMP sets out the implementation of the oSWMP during the construction phase including the roles and responsibilities of those involved in the construction, the implementation of project waste commitments and the monitoring of compliance against project commitments and targets.</p> <p>The detailed design has not been completed yet so the Applicant is not in a position to provide the exact detail on how or when the approaches to the management of the wastes will be delivered. As set out in Section 6 of the oSWMP [APP-337] the Contractor will be required to provide the detailed Construction Site Waste Management Plan (CSWMP) and report monthly predictions, actual waste arisings and waste management routes for the Project. It would not be appropriate to provide a detailed CSWMP when the Project is still at planning stage.</p> <p>15.8.2 – 15.8.3 The Carbon and Energy Management Plan [APP-552] provides a transparent presentation of the carbon quantification for the Project, representing current best practice in carbon reduction. This sets the carbon limit that has been used as the basis for analysis in ES Chapter 15: Climate [APP-153]. Through the comprehensive carbon commitments, summarised in Appendix E, the Carbon and Energy Management Plan provides a ground-breaking framework in order for the Project to deliver further carbon reductions and maximise innovative low carbon construction.</p>
<p>Pages 239-243</p>	<p>15.9 Planning Statement</p> <p>Introduction</p> <p>15.9.1 LTC Planning Statement (APP-495) is not a Control Document. However, it is <u>the</u> overarching document for the whole DCO submission and therefore a significant document in the DCO submission. It is important for the Council to provide comments on the document.</p> <p>15.9.2 The submitted Planning Statement (APP-495) includes nine Appendices: four Appendices (A – C and I) are policy compliance tables; Appendix F relates to Kent Downs Area of Outstanding Natural Beauty and is not relevant to Thurrock; and four Appendices relate to specific policy topics, as listed below:</p> <ul style="list-style-type: none"> • Appendix D – Open Space (APP-499)

LIR Reference	Local Impact Report Extract / Applicant’s Response						
	<ul style="list-style-type: none"> • Appendix E – Green Belt (APP-500) • Appendix G – Private Recreational Facilities (APP-502) • Appendix H – Green Infrastructure Study (APP-503) <p>15.9.3 NH submitted a Planning Statement as part of the DCOv1 submission (October 2020) (Appendix L, Annex 6), which was subsequently withdrawn. The Council reviewed the document and provided NH with comments (Appendix L, Annex 5) on the Planning Statement DCOv1 in October 2020.</p> <p>15.9.4 NH consulted the Council on a revised structure for LTC Planning Statement in March 2022. The Council provided comments to NH on the structure on 23 August 2022. At that time, the Council were broadly comfortable with the structure listed for the Planning Statement. However, the Council have not seen any content for the Planning Statement until the DCO application was submitted in October 2022.</p> <p>Recommended/Best Practice Content of Planning Statement</p> <p>15.9.5 The aim of a Planning Statement is to provide a balanced justification for development. A good Planning Statement should include the elements listed in the table below (left -hand column) . The Council concludes that LTC Planning Statement (APP-495) does not cover matters adequately, as explained in the table below (right-hand column).</p> <p>Table 15.1 Planning Statement Best Practice Recommendations</p> <table border="1" data-bbox="409 903 2078 1254"> <thead> <tr> <th data-bbox="409 903 987 991">What a Planning Statement should include:</th> <th data-bbox="999 903 2078 991">LTC Planning Statement (PS) (APP-495)</th> </tr> </thead> <tbody> <tr> <td data-bbox="409 994 987 1177">Local context.</td> <td data-bbox="999 994 2078 1177">The ES and HEqIA do provide an accurate baseline of Thurrock’s cultural heritage, environmental and social assets, however, there are a number of areas where that are not robust, e.g. NH have not used existing local evidence to inform NH’s own LTC assessments, such as the Thurrock Strategic Green Belt Assessment Study (2019).</td> </tr> <tr> <td data-bbox="409 1181 987 1254">The need for the proposed development.</td> <td data-bbox="999 1181 2078 1254">The need for LTC is not adequately demonstrated by NH, as set out in Section 7 above.</td> </tr> </tbody> </table>	What a Planning Statement should include:	LTC Planning Statement (PS) (APP-495)	Local context.	The ES and HEqIA do provide an accurate baseline of Thurrock’s cultural heritage, environmental and social assets, however, there are a number of areas where that are not robust, e.g. NH have not used existing local evidence to inform NH’s own LTC assessments, such as the Thurrock Strategic Green Belt Assessment Study (2019).	The need for the proposed development.	The need for LTC is not adequately demonstrated by NH, as set out in Section 7 above.
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The need for the proposed development.	The need for LTC is not adequately demonstrated by NH, as set out in Section 7 above.						

LIR Reference	Local Impact Report Extract / Applicant’s Response	
	How the proposed development accords with relevant national, regional and local planning policies.	Emerging national policies are set out in the Planning Statement (APP-495). Although not adopted policy, it is acknowledged that there may be some national policies That are adopted before the end of the Examination.
	Whether emerging policies should be taken into consideration.	
	Include a full list of all DCO application documents with a summary contents of application documents.	The Planning Statement does signpost to other key DCO documents. However, this does not provide a summary for all key DCO documents These are documents that Identify issues and their identified issues and need to be summarised in the Planning Statement, e.g. the HEqIA, ComMA, Transport Assessment, Project Design Report, ES, etc. There should be a section that outlines issues that emerge from other DCO documents. In the Council’s view, NH cannot undertake the planning balance exercise until all impacts and issues are properly identified and assessed and mitigation identified.
	Summary of all identified issues and impacts in the DCO application, to base judgement on planning balance.	There is no coverage of SoCG issues at all for each Local Planning Authority (LPA), including Thurrock, in the Planning Statement. The Council would expect it to draw out the main SoCG issues identified by key stakeholders, providing a link to the Consultation Report.
	Include a comprehensive project-wide planning assessment.	In the Council’s view, NH cannot undertake the planning balance exercise until all impacts and issues are Properly identified and assessed and mitigation identified.
	Summary of EIA effects and Mitigation.	The Planning Statement does not include a chapter covering a robust assessment of planning issues/impacts and how they are dealt with and a summary of other key document findings. Due to missing information or lack of evidence studies/DCO documents for some technical topics, such as Green Belt and traffic modelling, some issues have been incorrectly reported or missed altogether. Planning Statement Chapter 6, sets out NH’s assessment of environmental, social and economic impacts, which should be clearly cross referenced, for all topics, to the relevant DCO documents, which have identified mitigation measures.

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	<p>Any Planning Statement should set out a planning balance. This is based on the social, economic and environmental benefits of the proposal and should demonstrate how these Outweigh any of the negative impacts.</p>	<p>The planning balance does not adequately set out the balance of benefits and adverse effects and need for the project. Further detail and commentary is provided in Section 16. The DCO application documents do not provide sufficient depth of information for the ExA to make a judgement on the planning balance.</p>
	<p>Planning Policy Compliance</p> <p>15.9.9 LTC does not meet several of NH’s strategic policy tests and scheme objectives, such as option testing, delivery/facilitation of economic growth and achieving sustainable local growth, which is analysed in Section 7 above.</p> <p>15.9.10 There is a long list of strategic issues still remaining, which are fundamental to the design of LTC, reducing impacts on Thurrock communities and helping to facilitate future growth in the most sustainable way possible. (NPSNN paras 1.2, 1.18, 2.6-2.9, 3.3, 3.5, 3.19, 4.3- 4.4, 4.26-4.33, 4.37, 4.40, 4.79-4.82, Chapter 5). NPSNN paragraph 1.2, 3.3 and 3.5, 4.3-4.4, 4.15, 4.79-4.80 and Chapter 5 in particular relate to the assessment and avoidance of potential adverse impacts.</p> <p>15.9.11 Not all necessary data/information, to inform LTC alternatives and best design for both national and local level, has been collated by NH (and not provided to the Council to make an informed response) (NPSNN paras 1.2, 2.6, 2.8, 2.9, 3.3, 3.5, 4.3-4.4, 4.15-4.20, 4.26-4.27, 4.79-4.82, Chapter 5). NPSNN paragraphs 4.28-4.33 in particular, require design to be included as an integral consideration from the outset and for a good design to eliminate or substantially mitigate the identified problems by improving operational conditions and simultaneously minimising adverse impacts. NPSNN paragraphs 4.26-4.27 require projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant’s choice, taking into account the environmental effects.</p> <p>15.9.12 Without resolving many of the strategic issues and without all the necessary data/information:</p> <ul style="list-style-type: none"> • There are potential significant impacts on Thurrock communities which the Council are unable to comment on (NPSNN paras 1.2, 2.7-2.9, 3.3, 3.5, 3.19, 4.3-4.4, 4.15-4.20, 4.79-4.82, Chapter 5). For example, Thurrock Council have not received the air quality and noise assessments and cannot therefore make an informed response on potential impacts on Thurrock communities. There is particular concern for vulnerable communities, such as Whitecroft Care Home and Gammonfields traveller site which are both located adjacent to LTC. Significant daytime construction impacts are likely at Whitecroft Care Home. Baseline sound levels at this receptor are 55 dB, $L_{aeq,T}$. Construction noise levels are predicted to be over 70 dBA. Impacts are therefore significant and specific mitigation measures are required for this receptor. The Gammonfield traveller 	

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	<p>site has also not been assessed in the construction assessment. Given the sound insulation for such receptors is likely to be less than for typical residential dwellings, impacts could be more significant.</p> <ul style="list-style-type: none"> LTC does not support local economic activity and facilitate growth (does not support Local Plan growth). (NPSNN paras 1.2, 1.18, 2.6-2.8, 3.3, 3.5, 3.19, 4.3-4.4, 4.15-4.20, 4.26- 4.27, 4.33, 4.40). NPSNN paragraph 2.6 requires development on the national networks to support national and local economic growth and regeneration. LTC bisects Thurrock and takes up approximately 10% of Thurrock land, therefore, all sites being considered for the emerging Local Plan should be taken into account, including national port development in Thurrock, considering the level of impact LTC has without it. <p>15.9.13 Benefits have not been confirmed/legally binding – Hatch report sets out 58 measures, but only 16 have been technically agreed. (NPSNN paras 1.2, 3.3, 4.3, 4.4) . NPSNN paragraphs 3.3 and 4.3-4.4 in particular require applicants to provide evidence that they have considered opportunities to deliver environmental and social benefits as part of schemes and requires the Secretary of State to weigh a proposed development’s adverse impacts against its benefits.</p> <p>Main Planning Issues</p> <p>15.9.14 Overall, the Council considers that there are fundamental issues with the DCO design and DCO documents, as set out in the sections above in this LIR. The main planning issues identified by the Council are summarised in Section 16 below.</p>
Applicant’s Response	<p>The Applicant notes the comments raised by Thurrock Council, however, the purpose of the Planning Statement [APP-495] is set out clearly in its second chapter. The Planning Statement has been prepared pursuant to Regulation 5(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 and draws together relevant matters derived from the extensive evidence base within the application and considered them in the context of relevant planning policy. While the Planning Statement is not a mandatory legal requirement as part of a development consent application, it has been prepared to accompany the application and sets out how the Project accords with the relevant National Policy Statements and other matters considered to be both important and relevant to the decision maker. Chapter 8, Section 8.7 of the Planning Statement also provides a carefully considered and evidenced account of the planning balance in relation to the potential benefits of the Project weighed against the potential adverse impacts.</p> <p>The Applicant disagrees and considers that the Planning Statement [APP-495] and its supporting appendices set out a full and detailed consideration of all of the adverse impacts which might result from the Project alongside the benefits, including the need for the Project, it will deliver. The approach accords with relevant policy and will allow the ExA / Secretary of State to come to a fully informed view in accordance with paragraph 4.3 of the NPSNN.</p> <p>15.9.9 - The Applicant has addressed this in the response to Section 7 (copied below).</p>

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	<p>The Applicant has set out how the Project meets national policies and scheme objectives, both in consultation and through provision of documents and discussion with the Council. The DCO application documents clearly address this issue. The Planning Statement maps the Project objectives to the National Policy Statement for National Networks (NPSNN) evidence, and demonstrates the alignment between the policy and the Project at a high level.</p> <p>In accordance with paragraph 4.5 of the National Policy Statement for National Networks (DfT 2014) the Applicant has developed a business case for the Project that aligns with the Government’s appraisal requirements set out in HM Treasury’s (2018) Green Book, as well as the DfT Business Case guidance and Transport Analysis Guidance (TAG). The latest version of the Applicant’s business case, prepared in 2020, was published 26 October 2022. The ComMA [APP-518] provides an updated version of the Applicant’s appraisal. It summarises the transport modelling, forecasting and appraisal work for the Project, and reports on the social, environmental and economic benefits and disbenefits associated with the Project in accordance with the requirements of NPSNN paragraph 4.5.</p> <p>The application also provides evidence to illustrate the performance of the Project against the policy requirements of the National Networks and Energy National Policy Statement (NPS) as they apply to the Project. The Planning Statement also provides evidence to demonstrate the “optioneering” process, how engagement and consultation has influenced the Project, and the link between the delivery of sustainable development.</p> <p>15.9.10-11 Chapter 5 of the Planning Statement [APP-495] outlines the process that has been followed to identify and assess potential options and alternatives for the delivery of the Lower Thames Crossing, from initial government studies exploring ways to address the capacity constraints at the Dartford Crossing. It provides a narrative on the evolution of the Project and demonstrates accordance with NPSNN paragraphs 3.3; 4.11; 4.26; and 4.27 see section 5.2.</p> <p>15.9.12 The Applicant does not agree that the DCO application does not demonstrate accordance with NPSNN policies. ES Chapter 5: Air Quality [APP-143] and ES Chapter 12: Noise and Vibration [APP-150] set out clearly the assessments carried out including the impact on sensitive receptors such as Gammon Field Travellers Site and Whitecroft Care Home. The accordance with policy is reported in the Planning Statement in Chapter 6, Section 6.5 [APP-495] for both construction and operation, with additional granular evidence of accordance reported in Appendix A of the Planning Statement [APP-496] including for air quality on pages 78-84, and for noise on pages 186 to 198.</p> <p>15.9.13 – A response to the discussion on Hatch matters is addressed in detail in the response to Pages 207-209.</p>
Pages 243-244	<p>15.10 Green Belt</p> <p>15.10.1 Green Belt national policy is set out in NSPNN, paragraphs 5.164, 5.170, 5.171 and 5.178 and NPPF paragraphs 137 – 151.</p>

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	<p>15.10.2 Green Belt policy in the NPSNN is included under ‘Land use including open space, green infrastructure and Green Belt’. Paragraph 5.164 states that: ‘The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. For further information on the purposes and protection of Green Belt, see the National Planning Policy Framework’.</p> <p>15.10.3 Paragraph 5.170 of the NPSNN sets out that there is a general presumption against inappropriate development in the Green Belt and ‘...such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt policy’.</p> <p>15.10.4 If it is determined that a proposal would involve inappropriate development in the Green Belt, paragraph 5.178 of the NPSNN sets out the decision-making policy: ‘When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.’</p> <p>15.10.5 Paragraph 6.5.277 of the Planning Statement (APP-500) concludes that: ‘Appendix E to this Statement provides a detailed assessment of the case for the Project within the Green Belt in order to show that very special circumstances exist sufficient to justify the location of the development in the Green Belt and so demonstrate accordance with the relevant requirements of the NPSNN and Energy NPSs, and as far as this may be relevant, consistency with other relevant national and local Green Belt policies.’</p> <p>15.10.6 Following review of LTC DCO documents, the Council concludes that NH have not demonstrated ‘very special circumstances’ for LTC. A full explanation, with relevant detail and reference documentation, is set out in Appendix L, Annex 1.</p> <p>15.10.7 Following review of LTC DCO documents, the Council concludes that:</p> <ul style="list-style-type: none"> • LTC is within the Metropolitan Green Belt; • LTC is ‘inappropriate development’ in the Green Belt; and, • ‘Very special circumstances’ have not been demonstrated by NH for LTC (see Appendix L, Annex 1 for further detail), because:

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	<ul style="list-style-type: none"> – NH have not undertaken a robust Green Belt assessment for LTC, against the purposes of the Green Belt and impact on openness set out in the NPPF, which would robustly set out the harm in any location and for project as a whole; – NH have not properly identified or clearly set out the level of harm to the Green Belt, including to its openness and the purposes of the Green Belt, to inform the selection of alternatives (at a strategic level) or for the preferred option design (at a detailed level, e.g. for the A13/A1089/LTC junction) or for the construction sites, such as construction compounds; – In terms of ‘any other harm’, the impacts of LTC in Thurrock on air quality, biodiversity, climate change, geology and soils, health, heritage, landscape, noise, socio economics, transport (such as PRow, public transport, wider network impacts), water, etc., is significant; and, – In terms of ‘other considerations’, NH evidence for the need for LTC has not been properly demonstrated (see Section 7 above); the level of benefits of LTC has been overestimated (see Section 7 above) and there is a lack of proper assessment of alternatives (see Section 8 above). <p>15.10.8 Therefore NH, through the LTC DCO application has not demonstrated ‘very special circumstances’. The potential harm to the Green Belt by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations. Therefore, NH cannot demonstrate and the ExA cannot conclude that the DCO submission complies with national policy NSPNN 5.164, 5.171 and 5.178 and NPPF.</p> <p>15.10.9 As the consideration of ‘very special circumstances’ relies on the considering of all the factors listed in NPSNN, it is suggested that the ExA programme the hearing for Green Belt matters towards the end of the ExA current programme, following deliberation of all other matters set out in Appendix L, Annex 1, such as need, impacts of the project, benefits and alternatives.</p>
Applicant’s Response	<p>The Applicant disagrees and considers that Appendix E to the Planning Statement [APP-500] sets out a robust and balanced assessment of Green Belt impacts and justifies why ‘very special circumstances’ exist to justify inappropriate development in the Green Belt. It considers the impacts in the context set by the NPPF five purposes of Green Belt including a consideration of impacts on openness. As noted at paragraph E.7.17 <i>‘There are no viable, feasible or deliverable alternative solutions for the provision of a crossing of the River Thames to the east of London that are located outside of the Green Belt’</i>. On that basis there is no benefit to be gained by the Applicant undertaking a Green Belt Assessment of alternatives as suggested by Thurrock. Green Belt was one of many factors weighed in the balance in the selection of the preferred route option. ES Chapter 3 Assessment of Reasonable Alternatives [APP-141] identifies how Green Belt impacts were assessed in the route optioneering process.</p> <p>This matter is addressed by SoCG [APP-130] item 2.1.59 and 2.1.60, summarised below.</p>

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	<p>The Applicant addresses the impact of the Project in relation to Green Belt Policy in Appendix E Planning Statement [APP-500]. It contains information on emerging local plan policies and allocations, where these are at an advanced stage and therefore carry weight. There is also a chapter in the Planning Statement that assesses the relationship between the Project and other major planned and consented developments.</p> <p>The Planning Statement was shared at DCO application submission. The route options assessment was undertaken giving due regard to the presence of the Metropolitan Green Belt, alongside many other constraints. The project objectives require the Project to address the fundamental issues at Dartford. The assessment of the (alternatives) routes to the east and to west of the proposed route which may have had a smaller footprint on the Metropolitan Green Belt designation did not, for a variety of reasons, meet the Project objectives and demonstrated greater economic, social and environmental impacts. Therefore, on balance, despite the location of the Project within Green Belt, the current route was selected.</p> <p>Green Belt is considered in the Planning Statement within Chapters 5, 6, 7 and 8, [APP-495] and Appendix E [APP-500]. It is also considered in ES Chapter 3: Assessment of Reasonable Alternatives [APP-141] and ES Chapter 7: Landscape and Visual [APP-145].</p> <p>Paragraph 5.164 of the NPSNN states that: <i>‘The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. For further information on the purposes and protection of Green Belt, see the National Planning Policy Framework’.</i></p> <p>The starting point for assessment is set out in paragraph 5.170 of the NPSNN which states that there is <i>‘a general presumption against inappropriate development in the Green Belt. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt policy’.</i></p> <p>The NPSNN provides further guidance specifically in relation to linear infrastructure recognising the prospect of passing through Green Belt land, stating at paragraph 5.171 that: <i>‘linear infrastructure linking an area near a Green Belt with other locations will often have to pass through Green Belt land. The identification of a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt and as far as possible, of the need to contribute to the achievement of the objectives for the use of land in Green Belts’.</i></p> <p>If it is determined that a proposal would involve inappropriate development in the Green Belt, paragraph 5.178 of the NPSNN sets out the decision-making policy: <i>‘When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the</i></p>

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	<p><i>Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.’</i></p> <p>As set out in paragraph E.1.1 and on Plate E.1 of the Planning Statement Appendix E [APP-500] the majority of Project lies within the designated Metropolitan Green Belt. Paragraph E.8.1 states, ‘<i>the Project, when taken as a whole, is inappropriate development in the Green Belt and therefore as per paragraph 5.178 of the NPSNN, the SoS will need to assess whether there are very special circumstances to justify inappropriate development in the Green Belt.’</i></p> <p>Chapter 5 of the Planning Statement [APP-495] and ES Chapter 3: Assessment of Reasonable Alternatives [APP-141] set out the route selection process that has led to the development of the Project. Paragraph E.8.3 of Planning Statement Appendix E: Green Belt [APP-500] summarises that: ‘<i>The Project has been through a rigorous assessment process and has been included in both the first DfT Road Investment Strategy (RIS) 2015-2020, published in 2014 and in RIS2 2020-2025. A lengthy process of route selection has taken place with full community and stakeholder consultation, and it was found that to satisfy the Scheme Objectives, technical considerations and achieve a least impactful solution it would not be possible for an intervention to take place without it being located in the Green Belt.’</i></p> <p>It is also clear from the two Scheme Appraisal Reports (SAR) produced in connection with the 2016 route options consultation (pre-consultation in 2016, and post-consultation in 2017) that Green Belt policy identified in local plans was taken into account in the route selection process. See Section 4.2 of Volume 6 of the pre-consultation SAR, Sections 4.1, 4.2, and 6.2 of Volume 6 of the post-consultation SAR, and Volume 7 of the post-consultation SAR. In combination with a range of constraints and considerations, Green Belt and Green Belt policy was therefore one of many factors which were weighed in the balance when considering route options.</p> <p>The 2018 Statutory Consultation on the preferred route (Route 3 and Location C) included the Preliminary Environmental Information Report (PEIR) (Highways England, 2018). The PEIR assessed the Project’s effects on the different Landscape Character Areas it passes through which includes consideration of the Green Belt including its openness.</p> <p>Paragraph 6.5.277 of the Planning Statement [APP-495] concludes that: ‘<i>Appendix E to this Statement provides a detailed assessment of the case for the Project within the Green Belt in order to show that very special circumstances exist sufficient to justify the location of the development in the Green Belt and so demonstrate accordance with the relevant requirements of the NPSNN and Energy NPSs, and as far as this may be relevant, consistency with other relevant national and local Green Belt policies.’</i></p> <p>The Project road is located within the Green Belt and is considered to be an inappropriate development as a whole. Linear Nationally Significant Infrastructure Projects often pass through designated Green Belt as recognised within the NPS, though</p>

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	<p>there are very special circumstances which justify those impacts. The Applicant considers that the approach to the Green Belt assessment is robust and is presented in the Planning Statement. The Applicant view is that there is a clear and convincing basis to grant development consent for the Project.</p> <p>The DCO application, therefore, demonstrates accordance with Green Belt policy as set out in the National Policy Statements and as relevant NPPF.</p>
<p>Page 245-249</p>	<p>Overall Strategic Assessment of Impacts</p> <p>16.1.1 Overall, the Council considers that there are fundamental issues with the DCO design and DCO documents, as set out in the sections above in this LIR. The LTC, as currently proposed, should not proceed given its high cost, poor economic case and the significant harm it would impose on residents of Thurrock.</p> <p>16.1.2 The main planning issues identified by the Council are summarised below, which summarise the SoCG issues in Section 5 and throughout this LIR.</p> <ul style="list-style-type: none"> • Need for the Project – the need for LTC has not been adequately demonstrated. LTC does not relieve the congested Dartford Crossing and traffic levels return to existing levels five years after the opening of LTC – refer to the Council’s review of LTC Need in Section 7. • Scheme Objectives - the Council believes that there are a number of valid concerns around LTC scheme objectives and believes that those in the Transport, Economic and Community & Environment areas are not met by the current scheme. The Council feels the scheme does not provide significant relief to the Dartford Crossing, may be incompatible with the UK’s and NH’s net zero ambitions and legal targets and additionally there are concerns around the safety impacts of the scheme. The Council also considers that the Value for Money of the scheme may be overstated due to cost pressures and the robustness of the evidence used in the economic appraisal (refer to the Council’s review of the Scheme Objectives in Section 7 above). • Costs and Disbenefits and Poor Value for Money – the cost of LTC has increased with each revision of the proposals. The estimated cost in the NH RIS2 Report is £6.4 – £8.2bn dated March 2020 and in the NAO Report of November 2022 it is £5.3 – £9bn and so an increase in overall costs is shown in just two years. Furthermore, costs are based on an inflation forecast from February 2022, which does not reflect recent global events and economic challenges. Any increase in cost would further reduce the ‘low’ estimate of value for money calculated by NH. In particular, LTC provides ‘low’ value for money with a BCR based on journey time benefits of 0.48. The estimated margin of benefit of LTC is now so low, that even quite modest changes in the assumptions would wipe out the net benefit entirely. This would mean that the scheme would cost more than the benefits it could produce and could not be justified in terms of value for money (refer to the Council’s review of the LTC scheme’s Value for Money in Section 7 above).

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	<ul style="list-style-type: none"> • Consideration of alternatives – the Council’s list of issues relating to the consideration of alternatives is listed below and considered in detail in Section 8 above: <ul style="list-style-type: none"> – The Council considers that the analysis of alternatives provided by NH does not meet the requirements of the NPSNN and therefore the submitted analysis is not valid and needs updating; – The ‘high’ and ‘low’ traffic forecast scenarios used by NH do follow DfT’s guidance concerning the use of Common Analytical Scenarios and do not reflect the wide range of possible future scenarios for the operation of LTC; – The traffic forecasts used by NH do not reflect the likely impacts of the delivery of Government policies, including decarbonisation, active travel and public transport; – The design of LTC provides limited access to development sites and national port facilities in Thurrock. This would be remedied by the inclusion of Tilbury Link Road (TLR) and changes to the operation of Orsett Cock junction, as part of the LTC scheme; – The option selection for LTC is based on an initial decision made in 2009. This was reviewed and confirmed by NH in 2017, but despite requests, the underpinning analysis has not been made available to the Council. Since the initial decision there have been many substantial changes to transport patterns and the wider economy, which have not been considered as part of the decision-making process. Analysis by the Council shows that there are several potential public transport-based options, which would better meet NH’s scheme objectives for LTC. There are also several alternative options for elements of the LTC, e.g. including TLR, which would better meet the objectives for LTC. The Council considers that these options should have been considered by NH and still could be to the betterment of the overall scheme; and, – The provision of facilities to enable public transport services to access LTC is poor leading to circuitous routes and increased journey times. The Council considers that the design of LTC should be refined to enable better facilities to be provided, e.g. at the Tilbury service vehicle junction. There are also insufficient facilities provided for electric vehicle charging. – Transport Modelling Issues –the transport modelling to support the LTC design is not fit for purpose and inadequate and the main reasons for this conclusion are set out below: – The current transport model is underpinned by data which dates from 2016. The Council contends that the traffic modelling supporting LTC does not represent an up to date or representative view of the current conditions and leads to the benefits of the scheme being overestimated;

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	<ul style="list-style-type: none"> – Inadequate sensitivity testing has been undertaken as part of the scheme appraisal. This is inconsistent with the latest Uncertainty Toolkit approach from DfT published in 2021. Given significant changes, the level of uncertainty and in accordance with TAG guidance, the Council contends that the scheme assessment is outdated. – Furthermore, a much more comprehensive framework for consideration of national and local uncertainty beyond just the implementation of Low and High Growth Scenarios should be followed by NH, with follow-up technical engagement and consultation with the Council and public; – NH need to provide the Council and ExA, with the following information to enable others understand how the design has been arrived at and what the impacts on the wider network and junctions are, as set below and in full in the sections above: – <i>Microsimulation/ junction modelling is required at the following locations for LTC</i> – <i>operation and construction periods to understand the local impacts and the requirement for mitigation: Orsett Cock; Manorway; Daneholes and Marshfoot junctions; Five Bells junction; A1012/Devonshire Road; and, ASDA roundabout; and,</i> – <i>Scenario testing is required of the Tilbury operations and emergency access to demonstrate that it could accommodate the national importance of the Port of Tilbury’s traffic, the development of the Thames Freeport and local development aspirations.</i> <p>Access to Development Sites Impacts – the design of LTC provides limited access to development sites and the two national port facilities in Thurrock. This would be remedied by the inclusion of Tilbury Link Road and changes to the operation of Orsett Cock and probably Manorway’s junction, as part of the LTC scheme (refer to the Council’s review of Connectivity set out in Section 8.6 above).</p> <ul style="list-style-type: none"> • Transport Impacts – the modelling assessment is inadequate and potentially underestimates impacts on the Local Road Network (LRN). NH’s assessment shows that there are many communities, roads and junctions across Thurrock that are significantly adversely affected by LTC, but that no mitigation is proposed by NH. DCO application documents do not reflect the likely impacts of the delivery of Government policies including decarbonisation, active travel and public transport (refer to the Council’s review of transport impacts set out in Section 9 above). • Environmental and Health Impacts – the Council have set out analysis of the positive, neutral and negative impacts of the proposed development against each of the ES environmental topic areas in Section 10. The Council conclude that LTC will have significant impacts on the environment and health of people in Thurrock. Section 10 sets out the Council’s assessment of environmental effects, which substantiates why the Council believe this is the wrong scheme and conclude that other

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	<p>alternatives have not been considered, which could result in less impact to the environment and health of the local community. There are a number of changes which would need to be made to the application to be more acceptable to the Council.</p> <ul style="list-style-type: none"> • Flooding – the flood Exception Test comes into play where the Sequential Test concludes there are no alternative options at lower flood risk and development is necessary in high-risk zones. In this case, the route has to cross areas of high risk. The Exception Test states (NPPG paragraph 164): <i>‘It should be demonstrated that development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk’</i>. Exception Test (and Sequential Test) is for the planning authority to judge. The Environment Agency (EA) will offer thoughts, but are not the relevant authority. The Council question whether the ‘wider sustainability benefits to the community’ outweigh the flood risk. • Emergency Services Provision – the Council has serious concerns with the limited satisfactory response from NH to requirements of the Emergency Services and Safety Partners, which was previously set out in 56 recommendations made by the Emergency Services and Safety Partners Steering Group (ESSPSG), as set out in Section 11 above. Despite an interim response from the applicant in July 2021 to each recommendation and a number of ESSPSG and other ‘Scoping Group’ meetings, there has been limited progress on resolving and agreeing these recommendations and ensuring they are ‘secured’ within the DCO, which will be captured in a jointly submitted SoCG at Deadline 1. • Utilities – several concerns have been raised regarding the DCO submission in relation to the proposed utilities works. Of key consideration is the lack of a cohesive review of the proposed utilities works, with reference to utilities spread across a wide number of documents within the DCO. This causes both confusion and difficulty in the Council's ability to review the proposals and impacts. This is considered a deficiency in the DCO submission. Another key concern is the limited information given on the proposed utility works, particularly in relation to the electrical and gas NSIPs and assessment of these NSIPs. For a project of this importance and complexity and for each identified NSIP, the Council would expect detailed plans, reviews of impacts, assessments and reports to be included, as one section, within the DCO. Referring to NPS EN-1, EN-4 and EN-5, there is a requirement to assess the impacts of the identified electrical and gas NSIPs, with either a separate environmental statement for each or specific sections within the wider environmental statement. This has not been provided for LTC and the Council is therefore unable to review the impacts of the proposed utilities works on the local area. This is considered a deficiency in the DCO submission. The Council would expect further and more detailed information to be submitted regarding assessment of the impacts of the proposed utilities works and for this information to be provided as a cohesive section within the DCO submission. • Legacy – the Council identified 23 legacy measures as part of the October 2020 Hatch Mitigation Report (Appendix G, Annex1). These are investments the Council are seeking from NH to deliver positive outcomes for Thurrock residents and to serve as a partial offset to the negative impacts of LTC in our area. The Council expected that Designated Funds would have

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	<p>the potential to deliver many, if not all, of these legacy measures. At the current time, only three of the 23 measures are classed as ‘Matters Agreed’ in the LTC/Thurrock Statement of Common Ground (APP-130). Some £1.3 million of Designated Funds have been approved for deployment in Thurrock. Whilst this is a welcome investment, it is far below the investment required to deliver the 23 legacy measures that the Council has requested and also represents a very poor ‘offset’ against the many disbenefits that LTC will deliver in Thurrock. NH has missed an opportunity to agree to our legacy requests. These requests were made nearly three years ago and were all clear and potentially fundable. Related to our legacy requests, the Council also engaged early and with clarity on the proposed NH Community Fund. Working with other impacted authorities, the Council requested that: (i) that NH increase the overall scale of the Community Fund from £1.89 million over six years to £3.75 million based on benchmark evidence collected from a wide range of UK infrastructure projects; and, (ii) some modest changes to the percentage distribution of any Fund across local authorities. Neither request has been accepted by NH.</p> <ul style="list-style-type: none"> • Skills, Education and Employment Strategy (SEE) – the Council recognises that the LTC proposal has the potential to deliver some skills, employment and education benefits for the local area. With this in mind, the Council have sought to engage at every opportunity on the NH Skills, Education and Employment Strategy (SEE Strategy). Unfortunately, NH has not prepared the SEE Strategy in an open and transparent way and has not listened to the Council’s requests. The Council wants all SEE targets to be suitably ‘localised’; and, by localised the Council mean that any skills, employment and education benefits must flow primarily to those local areas within which the proposed LTC works take place. Circa 70% of the proposed LTC works are located within Thurrock and the Council has made repeated requests that a commensurately high share of labour market and skills benefits flow to Thurrock. As it stands, the Council are explicitly targeted to receive only 4% of SEE outcomes. The Council have also made repeated requests that the SEE Strategy is more ambitious. Of the 12 key targets in the current SEE Strategy, all lack ambition in the Council’s view. The Council have provided NH with more stretching targets on each and every measure. The Council also needs to be properly resourced by NH to help secure positive labour market outcomes. This means having a dedicated internal team to work on a range of matters including labour market readiness, skills, recruitment, supply chain development etc. The Council’s requests on this matter have been rejected by NH. The combination of unambitious and insufficiently localised targets and the absence of any dedicated local resource means that the opportunity for NH to deliver positive SEE outcomes in Thurrock will not be taken. • Land and Property – NH has identified a larger area of land interests for permanent acquisition, temporary possession and over which rights are required than it can fully justify. It also seeks to take greater interests in some parcels than it has acknowledged it requires. The Council considers that the impacts of both the compulsory acquisition and construction activity will be significantly adverse. Whilst the financial losses that the Council suffers will be compensable under the ‘so-called’ Compensation Code, NH offers little or no comfort for those indirectly affected – be that from noise, dust, fumes or traffic delays during both construction activity and subsequent use of the scheme. Furthermore, significant areas of public open

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	<p>space are to be occupied by the project and yet the Council does not know when this will happen, how often, when the land will be returned and in what condition. Furthermore, NH is not seeking to re-provide the temporarily acquired public open space or otherwise compensate those who will suffer because it is unavailable for public use.</p> <ul style="list-style-type: none"> • Adequacy of Application – Section 15 sets out the Council’s position on the adequacy of the ‘Control Documents’ within the DCO application, covering the draft DCO Order and many of the ‘Control Documents’, concluding that many do not offer sufficient mitigation, compensation or mitigation. • Green Belt Impacts – NH have not provided the Council with a robust Green Belt Assessment for the alternatives assessment or preferred route. Therefore, it is unclear how the Green Belt impacts have been assessed correctly (refer to the Council’s more detailed review of Green Belt methodology and impacts as set out in Appendix L, Annex 1).
Applicant’s Response	The Applicant has addressed these points in the response to Sections 5 to 15 above.

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