

Lower Thames Crossing

Deadline 3 – Essex County Council
Submission

24 August 2023

1. BACKGROUND

The Lower Thames Crossing (LTC) scheme as proposed represents a huge step change for how vehicles can cross the Thames, giving an alternative to the current Dartford Crossing and providing a direct link between Junction 29 on the M25 and the M2 in Kent with two lanes being proposed southbound and three northbound. The connection will be made by tunnel under the river close to the village on East Tilbury in Thurrock, a Unitary Council.

Some of the route will be formed in Essex where the M25 intersects with the A127 at Junction 29, and the impacts this proposal will have on the free flow of vehicles and trade across the River is hugely significant and considered, for the most part, to be beneficial, and is supported in principle by Essex County Council (ECC).

Essex County Council (ECC) is a host authority and statutory consultee for this Nationally Significant Infrastructure Project (NSIP) proposal.

Since the DCO scheme was first put forward for the Lower Thames Crossing (LTC) NSIP ECC has actively engaged with National Highways (NH) on the scheme. This has included commenting on the evolving scheme design, responding to the EA scoping exercise and making submissions to the various statutory and non-statutory consultations which have taken place.

ECC is one of the largest local authorities in England and has significant interests in the project. Our functions as County Council include that of the local highway and transport authority, the lead local flood authority, the local education authority and the planning authority for applications relating to minerals and waste within our administrative boundary.

In our role as local Highway Authority, ECC are responsible for over 5,000 miles of roads, 4,000 miles of public rights of way, over 1,500 bridges and other highway structures and over 130,000 streetlights. We recognise the vital role that the highways network plays in the lives of the residents, as well as the travelling public, local business and the movement of goods, services and product within Essex and the wider region. At the same time, we are dedicated to ensuring that everything we do supports the drive towards a Greener Essex, supports the council's strategic priorities documented in Everyone's Essex, and contributes towards achieving the County's target of net zero by 2050.

ECC recognises the benefits of the LTC project to the performance of the Strategic Road Network (SRN) for which NH is responsible, including the improvements in resilience, reliability and road safety for the many people who travel on this stretch of the network, including the current Dartford Crossing.

The council supports the principle of the scheme as is proposed by LTC, and has said so many times in engagement, and is keen to see it delivered to ensure that the expected benefits can be realised. However, such a development should not come forward at unacceptable environmental cost.

The as proposed development would alleviate the long-standing transport problems at the Dartford Crossing, which constrain the economy, the free flow of people, goods and services through Essex.

Current levels of traffic demand for crossing the River Thames east of London outstrips the available supply, with growth and development in the connected communities exasperating the situation and making it progressively worse over time. Due to the age of the existing crossing, and despite incremental improvements have been made to maximise the capacity of the available road, there are little practical options to what can now be delivered in this location to make the Dartford Crossing more efficient. Despite these challenges, road users have little choice but to continue to use the Dartford Crossing because of the lack of alternative routes. LTC, if consented, would provide a practical alternative for people and goods to crossing the Thames in this location east of London and overcome current high levels of congestion at peak times which affects the M25 and linked highways network on both sides of the Thames.

Reduced congestion and delays and improved journey time reliability and cross river connectivity would aid the growth potential for the local economies on both sides of the River Thames, including those in Essex, by helping to form a single market with enhanced labour market, competition and efficiencies to drive up productivity. The benefits would extend across the London region by creating a greater synergy and across the country where the economy relies on road connectivity for international trade via the ports.

The council does consider, however, that although the development should come forward at pace, its impact should not be such that detrimental impacts could result in significant adverse impact on the highway network, nor on the amenity of residents, the environment, business premises and growth in Greater Essex and the wider region.

Whilst many of the issues as they relate to Essex have been discussed with NH and allowed ECC to agree what is a full and comprehensive Statement of Common Ground (SoCG) it is considered that some further information is required on the impacts of the scheme and that fundamentally some material changes to the proposals are required. In many cases we believe these changes should be secured through the Development Consent Order (DCO).

Most of these changes relate to traffic and transport, and more specifically to the impacts on and interface between the local highway network (for which ECC is responsible) and the SRN, to safeguarding land which is allocated for employment growth, and to provide a full and co-ordinated non-motorised user (NMU) network.

More generally, the council's approach to this and other NSIPs is guided by our NSIP Policy which was approved in December 2022 and is available here¹. Our aim is to ensure that the full impacts of NSIPs across Essex are considered, adverse impacts are minimised and the benefits to Essex are explored and maximised with a lasting legacy provided by NSIP proposals. This includes securing appropriate mitigation where required and impact monitoring.

Additional Protective Provisions

Essex County Council fully supports the London Borough of Havering and their call for Protective Provisions to be applied to this project.

Draft protective provisions were submitted by the London Borough of Havering at Deadline 2 (REP2-087) having previously been sent to National Highways and all other local highway authorities affected by the project including Essex County Council.

Essex County Council shares the London Borough of Havering's objections in principle to matters being dealt with solely in a side agreement on the basis of lack of transparency.

Essex County Council also agrees and sees no reason why the matters to be included in the side agreement should not be included in protective provisions. Indeed, the draft side agreement provided to the London Borough of Havering by National Highways (shared with Essex County Council) appears to have used the A303 Sparkford to Ilchester DCO protective provisions as a precedent.

The A303 provisions are evidence that there can be no objection in principle to the inclusion of protective provisions for the benefit of local highway authorities and, given that the side agreement proposed by National Highways deals with same issues as the A303 protective provisions there cannot be an objection to the substance of them.

The distinction regarding statutory undertakers in the National Highways response is not accepted by Essex County Council – there are statutory protections directly built into the Order for statutory undertakers – (see for example Article 18, 19 and 37). In addition, National Highways itself benefits from protective provisions in orders promoted by others notwithstanding the inclusion in those DCO of Articles such as 9 and 10 referred to in the National Highways response (See The East Midlands Gateway Rail Freight Interchange and Highway Order 2016, The Northampton Gateway Rail Freight Interchange Order 2019 and The West Midlands Rail Freight Interchange Order 2020)

In addition, it is the case that side agreements, acknowledged to be needed by National Highways, are not agreed and there are significant outstanding areas of disagreement. It will not be possible for those areas to be adjudicated upon by the Examining Authority if they are contained within a side agreement however it will be possible if those matters are contained in protective provisions which are subject to scrutiny by the Examining Authority.

Essex County Council confirm that they have been involved with discussions have taken place with the other Highway Authorities. We agree with all Highway Authorities to the need for protective provisions.

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