

Lower Thames Crossing

**Thurrock Council Comments on Applicant's Submissions at Deadline 1 and 2
(D1 and D2)**

24 August 2023

Thurrock Council

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Thurrock Council Comments on Applicant's Submissions at Deadline 1 and 2 (D1 & D2)
Lower Thames Crossing

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Executive Summary

PART ONE

Section 1 – Introduction

1. This submission, in Part One, seeks to respond to all of the applicant's Deadline 1 (D1) submission documents that were uploaded to the PINS website on 24 and 26 July 2023, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission.
2. The Council would like to note that in many instances there is no further analysis, evidence, documentation or argument provided by the applicant that addresses the Council's points made in its submissions. The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'reasonable and proportionate', without actually being so. The Council contends that this is not reasonable, particularly if a major stakeholder such as the Council is making key technical points. It seems incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.

Section 2 – Post Event Submissions

Issue Specific Hearing 1 (ISH1)

3. Following Issue Specific Hearing 1 (ISH1) the applicant has confirmed that the reduction in traffic at Dartford Crossing in 2045 is 13% and not 30% as stated at ISH1.
4. In terms of the 'Need' for LTC further the Council has examined the DCO documentation to determine that the base year journey time across Dartford Crossing is approximately nine minutes. This compares to a forecast journey time in 2045 of eight minutes, i.e. a saving of only one minute. This provides further evidence that LTC does not meet a key scheme objective of relieving congestion at Dartford Crossing.
5. Evidence concerning the assessment of alternatives to LTC continues to be withheld by the applicant.
6. The Council has examined the further traffic information provided by the applicant for Dartford Crossing. The analysis shows that by 2045 traffic flows at Dartford Crossing in the southbound direction are forecast to be higher than the baseline, in all three assessment time periods. In the northbound direction traffic flows are forecast to be higher than the baseline in the Interpeak and PM peak periods. This provides further evidence that LTC does not meet its objective of relieving congestion at Dartford Crossing.
7. The applicant provides further analysis concerning new and longer trips (i.e. induced traffic). The applicant makes an important statement that LGVs and HGVs 'do not experience variable demand'. This is a fundamental assumption, and the Council considers it is not supported by TAG and there is strong evidence that this statement is not valid.
8. The applicant continues to maintain that it is not necessary to undertake traffic forecasts using TEMPro 8. The Council considers this is not appropriate and data is provided to show that trip making in Thurrock using TEMPro is forecast to be 7%-16% lower than when using TEMPro. **The Council considers this to be a very significant issue.**

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9. In relation to utilities and transmission diversions the applicant has generally restated information already provided. It is unfortunate that the requests for clearer and more detailed drawings and plans requested within the Council's LIR have not been taken advantage of and provided by the applicant. The Council continues to consider that the information provided should be of a much higher standard for a project of this nature. In addition, the Council considers that further information is required on local impacts and that the statement *'the Environmental Statement assesses all works associated with the Project'*, avoiding assessing local impacts as they prefer to 'swallow them up' in an overall assessment. There is no 'design approach for the siting and design of utility diversions. The overall lack of clarity regarding drawings, local impact assessment and approach to siting/design is a concern to the Council, as it may mask specific effects.

Issue Specific Hearing 2 (ISH2)

10. Whilst the applicant's comments on the dDCO do not add any additional concerns for the Council, there remains a significant amount of work required to address the concerns of the Council. Further comments are provided in Part 2 and Appendix D.

Open Floor Hearing 2: Action Point 2 – Additional Cross Sections

11. The applicant is providing further information on vertical cross sections at the A13/A1089/LTC Baker Street intersection. The Council considers that the contextual cross sections will be significantly more useful in determining the actual visual effects, not just of the proposed roads, but of the proposed land raising.

Section 3 – Relevant Representations Report

12. The information provided by the applicant linking comments in the Relevant Representation and the SoCG was not clear, and cross-referencing is difficult. Whilst the matters may be an accurate reflection of the Council's additional matters (subject to further checking by the Council), the Council does not accept the applicant's responses and its views on these applicant responses will be represented within the updated SoCG submitted jointly at Deadline 3.
13. In many cases, the applicant's response either does not address the issue raised by the Council; offers signposting to other documents that do not provide the required or adequate responses; or disagrees with the Council's position.
14. The item relating to inclusion of the SEE Strategy within the S106 Heads of Terms is closed and now acceptable to the Council.

Section 4 – Comments on Applicant's Amended Proposed ASI Itinerary

15. The Council notes that ASI maps are now included in the ASI document, although details are still unclear (e.g. route and direction of travel). The majority of the Council's proposed additional locations are still not included, and this is considered unacceptable. The number of inspection points in Thurrock (which has 70% of the route and impacts) is similar in number to those for the south, which is considered inadequate. Alternatively, the Council requests that the ExA confirms that these locations will be subsequently covered in a further USI, if they are publicly accessible.
16. Further amendments to the ASI, including an additional day to cover additional locations, are requested.

Section 5 – Control Document Changes

17. The changes made to the Outline Traffic Management Plan for Construction (Version 2) (oTMPfC) at D1 do not alter the Council's stance with regards to LTC.

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18. The Council notes that as yet none of the broader suggestions for inclusion in the Stakeholder Actions and Commitments Register (SAC-R) (Version 2) as set out in the Council's LIR, and the Council encourages the applicant to engage in further technical discussions.
19. The Council is currently working up proposals for additional mitigation and enhancement to be added to the SAC-R in relation to impacts on health associated with Green and Open Space and with WCH's. The Council asks the applicant to comment on whether these additional requests to the SAC-R are being considered and if not why not, including a timetable to provide further information.

Section 6 – Consents and Agreements Position Statement (Version 2) and Statement of Commonality (Version 2)

20. The applicant's commentary relates to the applicant's submission at Deadline 1 entitled 'Consents and Agreements Position Statement (Version 2)'. The Council did not refer to this document within its LIR.
21. It is noted that the amendments in this document do not refer to the draft Agreement referred to in the Council's LIR, Section 14.4. However, there are cross references to other documents, which have been examined and there is no reference to this draft Agreement within the amended SoR (Version 3).
22. Annex B of the amended SoR refers to negotiations with Thurrock Council in No.1012 (Pages 2276 – 2348) and there is no reference to this promised draft Agreement, despite it being discussed and verbally agreed to by the applicant on many occasions during 2022 and 2023. This is considered a major omission and is unacceptable to the Council.

Section 7 – Environmental Statement Addendum (Version 2)

23. **Cultural Heritage:** overall, there has been a slight increase of level of impact on a number of sites and the Conservation Area of East Tilbury, although there is concern at the significant changes in numbers of low value sites identified in the text
24. **Landscape & Visual, Terrestrial Biodiversity and WCH:** various changes have been made by the applicant and further commentary is requested, e.g. changes to visual receptors and adjustments to Biodiversity Net Gain (BNG) calculation.
25. **Population and Human Health – Properties/Businesses at Risk of Demolition:** there are various changes which do not require further comment. The number of properties requiring demolition has been amended from 26 to 31 properties to the north of the River Thames (increasing the overall permanent adverse effects on private property and housing from 30 to 35 properties, when covering both north and south of the River Thames). Further information is though required on the Two Forts Way temporary closures and why the footpath closures do not affect journey lengths.
26. **Climate Change:** the Council continues to consider that the approach taken by the applicant to calculate the carbon impact of LTC in comparison to the total emission budget of the UK does not provide a consistent, comparable, complete and accurate way of extrapolating the scheme's significance.

Section 8 – Draft Development Consent Order (DCO) (Version 2) and Schedule of Changes to the Draft DCO

27. There have been a number of amendments to the dDCO and these have not generally been controversial, but they have not been made to address the Council's concerns.

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28. The Council's position is that there much work still required to justify why the DCO allows such broad and flexible powers to the applicant. It is noted that a further version of the dDCO has been provided and this will be considered further in Part Two and Appendix D.
29. The Council has a particular concern about which drawings are for approval and therefore must be complied with. Following a review of the dDCO the Council concludes that the Structures Plans (and possibly other important 'certified documents and plans') are not secured within the DCO. The Council requires the applicant to demonstrate how each of the certified documents is secured in the dDCO.

Section 9 – Statement of Reasons (Version 3), including Land Plans (Version 3) and Crown Land Plans (Version 3)

30. The Council considers that information is missing from the applicant's submission, particularly Annex B of the SoR. Furthermore, there is no reference to this promised draft Legal Agreement, despite it being discussed and verbally agreed to by the applicant on many occasions during both 2022 and 2023. **This is considered a major omission.**
31. The Schedule of Negotiations is considered by the Council, at best, misleading.
32. There is nothing material within the D1 submissions of the applicant on these documents to cause the Council to change its previously stated position within its LIR on the Statement of Reasons or the various Land Plans.

Section 10 – River Restrictions, Rights of Way, Transport and Engineering Plans

33. **River Restrictions:** the Council's stance has not changed since the LIR and the Council continues to seek further use of marine transport as part of the construction of the project.
34. **Rights of Way:** further commentary is requested on a range of plans and drawings. The changes to the Rights of Way and access plans do not change the Council's previous conclusion.
35. **Streets Subject to Temporary Restrictions of Use Plans:** the additional information provided does not change the Council's stance.
36. **Engineering Drawings and Sections:** the additional information provided does not change the Council's stance. In addition, the Council reiterates its request for clearer drawings showing the detail of the utilities constraints and proposed diversion routes (including, but not limited to the type of utilities in each multi-utility corridor, the type of utility, e.g. kV of the electrical infrastructure, low pressure, medium pressure, high pressure gas mains, diameters, water trunk main, water distribution main, location of telecoms chambers and number of ducts, telecoms provider, etc.) has not been taken advantage of and provided by the applicant.
37. **Classification of Road Plans:** the changes made to the drafting inaccuracies and additions at D1 do not alter the Council's stance with regards to LTC. The Council continues to seek assurance that the applicant has provided sufficient allowance within the design of LTC as an 'All Purpose Trunk Road' to provide adequate notification to drivers to avoid being trapped into making inadvertent journeys onto Special Roads; or, through the 'tolled' tunnel by making mistaken turns or decisions within the complex and convoluted interchange at A13 with no possible route back to the correct road.
38. **Structures Plans:** the changes made to the Structures Plans (Version 2) at D1 do not alter the Council's stance with regards to LTC. The Council contend that these 'Structures Plans' must be part of the drawings for approval and secured within the dDCO.

Section 11 – Environmental Statement (ES) Appendices Changes

39. The further information (generally corrections and minor changes) provided by the applicant does not alter the Council's stance with regards to LTC. Further strengthening of the requirements in terms of remediation is requested. Further information is required concerning application of relevant waste codes.
40. For the assessment of Compensatory Flood Storage Areas the Council seeks further clarification on where there are differences in methodology adopted by the applicant for other CFSAs. Also, the central band allowance has been used based on the critical infrastructure (M25) being approximately 4m higher than the watercourse at the point of crossing. Further clarification is needed to confirm if this assumption is valid along other sections of the M25 and for the other CFSAs. Finally, confirmation is required that the climate change allowances used have been agreed with the Environment Agency for the four CFSAs and this should also include confirmation of the central band allowance assumption for critical infrastructure.

Section 12 – Environmental Statement Appendix 2.2 – Code of Construction Practice, First Iteration of Environmental Management Plan (Version 2)

41. The Council's opinion on the CoCP is documented in the Council's LIR and remains unchanged as a consequence of the changes to create CoCP (Version 2) at D1.

Section 13 – Environmental Statement Appendix 2.2 – Code of Construction Practice, First Iteration of Environmental Management Plan – Annex C – Preliminary Works Environmental Management Plan (Version 2)

42. The Council's opinion on the PWEMP is documented in the Council's LIR ([REP1-281](#)) in Sections 15.1.4 and 15.6.54 briefly (as it was a new document that was not discussed with the Council prior to DCO submission) and remains unchanged, except the further comment set out below. There are a number of issues with the content of this document, in particular, there is no clarity yet as to when commencement will actually begin (assuming DCO grant), given the Secretary of State for Transport's announcement of a two-year delay to construction. Also, clarity is required as to if that includes preliminary works or just main works and the date of any such commencement. This is particularly relevant to 'advance compound works, for the two main compounds and 'vegetation clearance', which would have a significant impact on the local communities, roads, natural environment and social facilities.

Section 14 – Localised Traffic Modelling Report and Appendices A – H

Localised Traffic Modelling Report

43. The Council has pressed for some considerable time to have localised modelling of key impact locations published and submitted within the DCO and this was not accepted by the applicant.
44. Some provisional modelling had been provided by the applicant shortly prior to DCO submission, but that has many critical errors and has not been signed off by the Council.
45. Other models that were requested prior to DCO submission have not yet been provided.
46. The Council is not in a position to undertake an informed response to the localised modelling outcomes until such time as the localised modelling has been signed off and is not able to provide a robust review of the recently submitted localised models in the time frame within the Examination period to enable the ExA to critically appraise such results and conclusions.

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47. The strategic LTAM provides an overview of the forecast general effects on the road network in Thurrock but is not adequate to assess the localised impacts and the resultant need for mitigation. Furthermore, the extent of outstanding information needed on localised traffic modelling became clear at a recent applicant, Council and DPWLG meeting, the considerable list outstanding is set out in Table 14.1 below.
48. It is not acceptable to delay resolution of the impacts and the mitigation until any post-DCO grant and so the applicant's claim that localised modelling would be used by the contractor during detailed design development does not ensure the impacts of LTC would be properly assessed and mitigated or that the current design is appropriate. The certainty of mitigation delivery will not be secured or confirmed to be within the Order Limits or land within the Applicant's control and that mitigation will not be factored into the contractors' costs and programmes.

Orsett Cock Interchange Audit and Comparative Assessment

49. The applicant has undertaken a number of changes to its microsimulation modelling for the Orsett Cock Interchange by the time of submission at Deadline 1 and since it was first provided to the Council in September 2022 as version 1.5. The model submitted at Deadline 1 in July 2023, version 2.4, has not been issued with a change log. The Council had signed off the base model in September 2022, but did not sign off on the forecast models. With changes made to the models without a change log, the Council cannot be certain that the base models are now approved and so there is limited value in analysing or relying on the forecast models. With changes made to the forecast models without a change log, there is limited value in analysing or relying on the forecast models. In order to provide an informed judgment on impacts at Orsett Cock, the Council has provided the applicant with its corrected version of 1.5 of the forecast model at Deadline 3 and will work with the applicant to agree a forecast model sufficient to accurately assess impacts.
50. The Council's concerns relating to the assessment of impacts and the design of the proposed interface between LTC and the local road network are not resolved.

Manorway Model Audit

51. The Council has not been provided with a validated base year model for this junction and so is unable to sign a base model off or to confirm the soundness of the forecast models

Thurrock East West Model Audit

52. The East-West models are yet to be agreed and so the Council cannot provide an informed assessment of the effects of LTC on that network at this time.

Section 15 – Design and Operational Distinction Between an All-Purpose Trunk Road and Smart Motorway

53. The applicant has provided further information, but in order to understand the impacts on the local road network and the Order Limits, the Council continues to seek details from the applicant as to the design changes that would be required to convert LTC to a Smart Motorway.
54. The applicant should provide further clarification that its designs have made allowance for clear, safe and convenient signing on the approaches to LTC from all non-Special Roads to highlight to drivers that they could inadvertently be entering a Special Route, with the consequential safety concerns and enforcement action.

PART TWO

Section 16 – Introduction

55. Part Two of this submission relates to the Council's comments, where necessary, on the applicant's submissions at Deadline 2 (D2) that were uploaded to the PINS website on 7 August 2023.
56. The Council would like to note that in many instances, in subsequent sections of Part Two and within the applicant's documents covered in Part Two of this submission, there is no further analysis, evidence, documentation or argument that addresses the Council's points made in its submissions – this is especially true of responses to the Council's LIR covered in Section 18 below. The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'reasonable and proportionate', without actually being so. The Council contends that this is not reasonable, particularly if a major stakeholder is making key technical points, then it seems incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.

Section 17 – Draft Development Consent Order

57. The Council has reviewed the draft Development Consent Order (dDCO) (Version 4) and its accompanying Schedule of Changes. There are many areas which have not, in the Council's opinion, been adequately addressed. Of particular concern is the uncertainty caused by considerable flexibility with the DCO (such as the Order Limits and Limits of Deviation). Whilst the applicant is quick to point out that it is not in the public interest for there to be any delay, it is important that the Examination process is effective at allowing all those potentially impacted to understand what that impact could be and how they should engage.
58. The Council has accepted and agreed as many areas as possible, but significant input from the applicant is still required. Furthermore, the applicant's focus on precedent is not helpful, and doing so distracts from the analysis of what is most appropriate for LTC.

Section 18 – Applicant's Response to Thurrock LIR

59. **Introduction:** the Council has reviewed the 5-part comments of the applicant on its LIR. The applicant has sought to demonstrate, as usual, the scale of engagement regarding the SoCG, mistakenly assuming such scale is collaborative and positive, but without actually demonstrating it has listened or changed key matters from such engagement. The applicant then further dismisses any further engagement during pre-application, preferring instead to load the Examination with the responsibility of resolving many more outstanding key issues than is reasonable, due mostly to the applicant's intractable positions.
60. **Planning History:** the applicant confirms that the Thames Freeport is not part of the localised traffic modelling at the A13 Manorway junction, which is considered unacceptable, given the likely scale of current and future development. Furthermore, impacts created by the applicant at that junction not only are not mitigated, but remain a 'Matter Not Agreed', which is especially surprising given DPWLG's three submissions at D1.
61. **Planning Policy Context:** the applicant's response regarding appropriate local planning policies to be considered and the reasons for the applicant omitting a third of the Council's recommended Local Policies are considered unacceptable, especially without any discussion prior to DCO submission or recently. The applicant has refused to consider the use of the current NPS for Ports, despite impacting two major national ports and directly impacting the collective Thames Freeport.

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62. **Statement of Common Ground (SoCG):** the applicant's response is once again to quote 'best practice' and provide a list of meetings/workshops, but again fails to respond to the fundamental failings of the latter parts of the process, as identified by the Council – the applicant permitted no pre-discussion of its responses within the SoCG prior to submission, but was heavily involved in determining the Council's points, i.e. one-sided working. The applicant's responses to Sections 5.3 and 5.4 of the Council's LIR contains no substantive points and therefore the Council maintains these positions and evidence.
63. **Overall Position of the Council and Key Issues on Consultation/Engagement:** the applicant states that it rejects that engagement has not been extensive – the Council has not stated this and this represents a further attempt to 'put words into the Council's mouth' and then disagree. The Council does not disagree that engagement has been extensive, but it does not agree that it has been positive and productive. The applicant has consistently maintained a position that it has performed reasonably throughout the pre application and application processes and yet many issues remain outstanding and unresolved, there is considerable missing information still outstanding and localised traffic modelling has been provided late in the DCO process and only under duress and after a year of repeated requests.
64. Further comments on the 19 elements of missing information are provided as part of the remaining applicant responses to the Council's LIR.
65. **Costs and Disbenefits Outweigh the Benefits and Provide Poor Value for Money:** the Council continues to have concerns in many areas and considers that the applicant has not met the policy requirements for carbon assessment, that the submitted evidence shows that traffic flows do not reduce at Dartford Crossing compared to the base year in many time periods and that the applicant's evidence shows that eight fatalities are expected in Thurrock following delivery of LTC. This shows that LTC does not meet its own objectives in terms of congestion relief at Dartford Crossing and safety.
66. The Council is particularly concerned with the lack of response to requests for information associated with the assessment of around Wider Economic Benefits and Reliability, which form fundamental parts of LTC's economic case. The applicant did not address the significant comments provided concerning the approach to the assessment of Wider Economic Impacts.
67. The Council considers that further traffic forecast scenarios are required to be undertaken to meet DfT advice. The Council is unclear how the funding envelope for the scheme could have been increased by the Treasury without the preparation of an updated OBC and requests that the OBC submitted to the Treasury is provided to help the Council understand the impacts of the scheme.
68. **Consideration of Alternatives:** the applicant has still not provided requested information concerning the assessment of different alternatives to LTC. The Council considers that further work is required to assess a wider range of future transport scenarios. The applicant suggests that they work with the Council to bring forward Tilbury Link Road but the Council notes that funding for such a scheme is unsecured. The Council considers that the limited impact of LTC on traffic flows at Dartford Crossing compared to the base year suggests there is scope for cross-river public transport services to remove traffic from Dartford Crossing.
69. The Council continues to consider that the arrangements for public transport services to use LTC are inadequate and that there is insufficient provision for electric vehicle charging facilities. The Council also considers that the proposed regime for charging fees to use LTC could be modified to better manage cross-river demand and there is still insufficient analysis of the management of routes for dangerous and tall vehicles.
70. **Transport:** the Council has outlined over many years the need for detailed modelling to supplement the strategic network modelling to inform assessment of local impacts. The applicant has started to share localised modelling with the Examination, however, that requires significant

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investment before there can be an agreed set of models to run the scenarios and judge the impacts to inform the design of mitigation and whether included in the Order Limits. The applicant has therefore not adequately assessed the impact of LTC on Thurrock.

71. Irrespective of the absence of evidence on impact assessment, LTC does not derive acceptable local connectivity through the convoluted and confusing interchange at A13 and the Council has sought to collaborate with the applicant to include connectivity to the Port of Tilbury, to the areas to the southeast of the Borough and to North and South Ockendon, in particular.
72. The Council believes that a Tilbury Link Road (TLR) should form part of LTC, but in that absence it asserts that the Operational and Emergency access at Tilbury should be designed such that it would take minimal adaptation to become a functioning connection to the local area. The applicant agreed with this intention at the previous Local Refinements Consultation and through engagement with the Council but has now proposed an access that would not serve that purpose and is instead an 'over-engineered' piece of infrastructure for the operational and emergency uses. The applicant has not responded to the Council on this aspect of its LIR.
73. The applicant has not met the scheme objective to facilitate public transport connectivity along LTC and has not responded to the points raised by the Council or the concepts suggested during engagement. LTC does not provide viable options for commercial bus services to operate across the River Thames.
74. The applicant has not developed further its approach to construction management and continues to leave excessive flexibility and decision-making to the contractors. This is unacceptable to the Council as it leaves great uncertainty and the likelihood of poor leadership and management with consequential impacts on the communities and networks within Thurrock.
75. It is inadequate for the applicant to point to the control of the construction process as a source of transport legacy benefits. The Council's view on construction management continues to be that a stronger guiding hand is required from the applicant and that some legacy could be achieved through a rigorous application of initiatives, such as: non-road based materials handling; championing a move towards modern and safe fleets of vehicles and drivers; or, attitudinal change in workforce travel. These however would be marginal legacy from construction and not a robust local legacy of greatly enhanced active travel provision or bus infrastructure or connectivity to the strategic route network.
76. A primary objective of LTC is to introduce resilience into the network crossing the River Thames. The applicant has not demonstrated how this is achieved either through the capacity or alternative linkage within the strategic network, which is discussed in Sections 7 and 8 of the Council's LIR, but also not through a robustly and proactively led incident management approach. The applicant has provided no scenario testing of incidents within the network which would derive the need to enact a network incident management plan.

Assessment of Environmental and Health Impacts

77. **Air Quality:** the applicant's response ([REP2-064](#)) does not provide any additional information beyond that already presented in the ES Chapter 5 ([APP-143](#)) and associated appendices. This lack of engagement is disappointing and is illustrated by the response to the request within Section 10.2 of the Council's LIR ([REP1-281](#)) for a simple figure (which the applicant will already have within their modelling) to understand the verification factors applied within the operational modelling assessment. In addition, the discussion of the findings of an 'AQQHIA' '*demonstrating no measurable change in public health*' is very important, however, the Council was completely unaware of its existence until this mention (Pages 6 – 7) in the applicant's response ([REP2-064](#)). Whilst the Council would welcome such an assessment, it is unaware of the methodology applied and would request that a full report is provided and not a '*technical note....providing detail underpinning this conclusion*'.

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78. Whilst it is acknowledged that the DMRB LA105 methodology only considers significance where there is an exceedance of the legal air quality thresholds, the Council maintains that air quality considerations are relevant where there is a deterioration in air quality irrespective of whether the legal air quality thresholds are exceeded. Also, as stated in the LIR Section 10.2.20 the consideration of the significance of the impacts in relation to EIA (as required by paragraph 5.12) is limited by the DMRB LA105 methodology, which fails to consider the effect of substantial increases in pollutant concentrations at levels below the legal thresholds.
79. **Noise and Vibration:** it is assumed that detailed noise modelling results presented in an accessible format will not be provided. The lack of engagement is disappointing, particularly as the applicant states in their response that the scale of the presentation and the granularity of the calculation grid to cover such a large area means these should only be used for general principles/reference and not to draw specific conclusions relating to specific properties. The applicant accepts that significant effects remain at two receptors. No response has been provided on operational monitoring, which is requested by the Council or compensation for these residents.
80. The applicant agrees that specific mitigation measures are required for Whitecroft Care Home. The applicant goes on to state that these measures are outlined in Table 12.33 of the ES Chapter 12. However, these measures are very general, such as stating that screening provides up to 10 dB noise reduction. The extent to which the mitigation is likely to be achievable in practice needs to be considered now, with full and detailed justification provided including the façade/floor level that has been assessed. The applicant does not intend to change the assessment criteria for a receptor that is considered more vulnerable.
81. The Council has stated in Section 10.3.14 of its LIR ([REP1-281](#)) that noise impacts on the Gammonfields Way traveller site could be more significant given the sound insulation for such receptors is likely to be less than for typical residential dwellings. The applicant has not provided an assessment of the suitability of the site with regards to private external amenity areas or internal noise levels. The Council would require this to be undertaken at the earliest opportunity and before D4.
82. **Cultural Heritage:** under the applicant's response to pages 134-136 (Section 10.4.6), the applicant states that the dismantling and relocation of Thatched Cottage remains under discussion as part of the legacy and benefits work. The topic does still remain under discussion, but it is still recommended that this is embedded as a commitment in the REAC.
83. In addition, on further consideration of the impacts of the scheme and the identified level of impact, it is also recommended that the Grade II listed Whitecrofts is recorded to the same level as Baker Street Windmill and this requirement included within updates to the AMS-OWSI ([APP-367](#)), ideally at D4. The impacts to both Baker Street Windmill and Whitecrofts have been identified as being the same, so the mitigation (recording in this case) should be the same.
84. **Landscape and Visual:** in Section 10.5.5 the Council's LIR ([REP1-281](#)), it again requested that Tilbury Viaduct be identified as a Project Enhanced Structure (PES). In its response the applicant has set out its reasons for why the viaduct has not been identified as such. Given its proximity to residential properties and West Tilbury Conservation Area, the Council maintains its position that this large and prominent structure in a key location deserves to be a PES.
85. The Council has raised concerns about the visual effects of the compounds along the route. These compounds will contain significant elements of 15-25m in height and as they are located within low-lying landscapes these features could be visible from long distances. Although classified as temporary these will be present for up to five years. In its response the applicant reiterates the proposed mitigation to position these structures as far as practical from sensitive viewpoints, however, the Council maintains that these features will introduce large structures into the wider landscape.

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86. **Terrestrial Biodiversity:** the Council agrees that there is a limited number of locations where the hydrogeology allows wetland creation. This is the reason that the Council has consistently pushed for larger scale mitigation work within the Mardyke valley to maximise this potential. In addition, the Council accepts the proposed mitigation has not sought to maximise the Biodiversity Net Gain (BNG) value but focus on providing what is the most appropriate mitigation.
87. **Marine Biodiversity:** the Council's primary concern to ensure that if LTC is constructed, it would not prevent access to the river frontage thereby preventing repair works to the seawall, which is eroding, potentially allowing contaminants to enter the Thames. In its response to Section 10.7.4 of the Council's LIR ([REP1-281](#)), the applicant confirms that access to East Tilbury Landfill will be retained. The Council is satisfied that LTC would not preclude repair works to prevent future contamination.
88. **Water Resources (Surface and Groundwater, Road Drainage and Flood Risk):** the applicant confirms that the drainage infrastructure serving the construction roads is aligned, phased and delivered with the construction works – the applicant should also provide signposting to relevant DCO documents. Any discrepancies where construction roads are commissioned /operational early must be aligned with the drainage infrastructure and the applicant to confirm within its REAC. The Council would like clarification that the drainage in this area (and other areas, if applicable) has been aligned with proposed Transport Management phasing strategy.
89. The Council notes that the pumping station is shown in the central reservation and access will only be via the new trunk road. The Council would like to understand whether the access within the central reservation area would present a safety concern or an additional requirement for lane closures and if it is covered within the CDM Risk Register. The Council would like confirmation that an alternative more accessible location could not reasonably be achieved within the design constraints. Furthermore, in the event of asset failure, is there a contingency plan to prevent flooding?
90. **Geology and Soils:** the Council is asking that the wording of GS001 be amended to clearly commit to the provision of sufficient detail regarding all the intrusive works to be undertaken on the identified medium and high risk sites which should include schedules of exploratory holes with depths and testing, not a method of pollution management. Also, the Council has asked that the wording be amended to GS027 to require the risk assessment (the process that leads to the identification, or not, of unacceptable risks) to be agreed not just the remedial strategy for only those sources that the contractor deems unacceptable. In addition, the applicant has stated ([REP2-064](#), page 58) that *'where any limitation of testing occurred, this is detailed in the Limitations of analysis sections of the GQRA'*. This is not correct. PFAS is identified as a contaminant of concern for multiple sources in Package B. No soil samples were tested and only five groundwater samples yet the Limitation analysis sections of the ES Appendix 10.9: Generic Quantitative Risk Assessments ([APP-431](#)) does not mention PFAS.
91. There are many other instances where information is not provided, questions are not answered, or actions have not been taken as would normally be expected on key matters. In relation to insufficient ground investigation data to characterise significant sources of contamination, the applicant has not sought to provide any additional commentary to support the conclusion that the proposed remedial measures can address the unknown ground conditions.
92. The response to Section 10.9.28 ([REP2-064](#), page 74) regarding the frontage of the river states that this is *'a pre-existing condition which is not considered to be adversely impacted by the Project'*, which is contrary to the reply to Section 10.9.17, which identifies that geotechnical risks including those associated with the river frontage are to be addressed in accordance with REAC GS003.
93. **Materials and Waste:** the lack of phasing information on the works still presents concerns for the Council regarding the rate of export of material from the site. Whilst accepting that the applicant may not be able to precisely identify the works programme, a reasonable assumption of the works

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phasing is needed to provide evidence that the quantities arising will not create environmental issues. If material is to be recycled or recovered in line with the targets, then annual processing capacities are relevant compared to total remaining landfill/remediation capacities.

94. As the applicant has not provided any details on the spatial or temporal phasing of the waste arisings within the Order Limits and the lack of specific statement that the storage areas will be covered by environmental permits, it is not possible for the Council to discount the potential for exemptions being sought.
95. **Land Use and Open Space:** the Council recognises that there have been numerous opportunities to develop additional Green and Blue Infrastructure (GBI) projects through the Legacy project and these are welcome. There are, however, still projects within the 2019 document that are not deliverable and the Council would have liked to have seen these removed.
96. **Walkers, Cyclists and Horse Riders (WCH):** the Council's request for single maps showing all the effects on the rights of way network still do not include those parts of the network which will be diverted or closed during construction – this is spread across different volumes of plans making it impossible to present a clear image of the overall effects during construction and operation.
97. The Council requests that the applicant confirms the raised verges will be surfaced rather than a grass strip and the applicant should confirm in writing, via a commitment in the REAC or oLEMP.
98. The applicant has not responded on the constraints that the design introduces relating to crossing structures of LTC that would constrain future active travel and public transport connections across LTC. Therefore, the Council remains extremely concerned with the resultant impacts on those corridors. The Council has shared with the applicant the locations that it is concerned about and the resolution it proposes.
99. **Human Health, Equalities and Wellbeing:** a further review has been taken of the impact on the Whitecroft Care Home, including that provided in 'Impact of Lower Thames Crossing on the Whitecroft Care Home Psychiatric Report' ([REP1-370](#)). The conclusions of which state that it would not be recommended that a care home is located next to a major traffic interchange. This is especially in view of noise pollution, given that ventilation from doors and windows is currently experienced as a benefit for residents, as well as use of tranquil order space. Overall, taking this expertise into account, even if a temporary relocation of the Care Home were to be considered during construction, the Council considers that significant permanent negative effects may be experienced. It is maintained that mitigation for Whitecroft Care Home is insufficient.
100. It is noted in the applicant's response that a voluntary Air Quality Quantitative Health Impact Assessment has been carried out, which also shows no significant impact on human health and that this assessment '*has no lower threshold*' for significance. A technical note outlining these findings is to be published at Deadline 3. As this has not been seen before, it is requested that this study is published in full for review. The comments outlined in the Council's LIR are maintained.
101. Many of the applicant's responses to matters raised by the Council in its LIR are discounted, do not provide or address, signpost to other documents or are declined.
102. The applicant does not outline any qualitative or quantitative thresholds (aside from referencing reliance on other technical assessments namely air quality and noise and vibration to define quantitative thresholds to significance) to define significance. It remains that there are no thresholds or criteria to meet when considering these factors that would make the assessment replicable, or evidence of how they have been consistently considered across each assessment topic. This remains an overarching issue with the HEqIA.

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103. **Climate and Decarbonisation:** the applicant's responses are characterised as: not provided any further information or adequately counter the Council's points; refusing to present their completed model for review; not provided any further information or adequately counter the Council's points; not addressed the local and regional power utility impact and risks and subsequent traffic impacts of not providing electric vehicle charging infrastructure within LTC; and, a number of issues were excluded from being addressed in Table 10.11.
104. Within the applicant's recently released 'Sustainability Report', it has not followed any national or independent guidance for framing and reporting sustainability. Due to the lack of relevant and recognised framework and structure, the Sustainability Report does not appear to cover full transparency requirements expected of such a report. The report also presents evidence and data that may not be consistent with infrastructure planned within DCO.
105. Finally, a number of reasonable information requests took some six weeks to respond to and the responses were inadequate.
106. **Cumulative Effects:** with regards to the potential for inter-project cumulative effects relating to noise the applicant has stated ([REP2-064](#)) that the conclusions reached are appropriate based on professional judgement. However, the Council would request that further specific details are provided as to how these conclusions have been reached. The Council therefore requests that the inter-project cumulative effects are revisited to ensure they do encompass the full range of potential cumulative effects.
107. The Council requires a summary table setting out the adverse impacts for each of the assessed links within Thurrock for all IEMA transport effects, with signposting to the exact location of the evidence base of the ES assessment. This has not yet been provided by the applicant and therefore the Council's position remains unchanged.

Emergency Services and Safety Provision

108. It is acknowledged that some progress has been made and recorded within the submitted SoCG with the ESSPSG and the first draft of the 'Road Map' (an initiative from the ESSPSG), which is not yet agreed but is ongoing work. Notwithstanding this, insufficient progress has been made after two years on engagement and repeated requested from the ESSPSG to resolve significant issues, which remain outstanding and with many 'Matters Not Agreed' in the SoCG.

Utilities

109. The Council looks forward to seeing an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers.
110. Various WCH routes are affected by utility diversion works and additional clarity is sought about the type of closure/diversion and show the proposed utility routes that cause the impact.
111. The applicant should consider providing utility-specific plans, containing more detail of the infrastructure and their relationship to the proposed LTC design and local environment. Labels on plans including '*overhead electricity lines*', '*underground gas*', '*multi-utility alignment*', are not sufficient and more detailed should be provided.
112. Many of the applicant's responses to matters raised by the Council in its LIR discount, do not provide or address, signpost to other documents or are declined. Some are quite simple questions that remain as not responded from the applicant.
113. The applicant '*does not consider high voltage overhead transmission lines to be a source of vibration during operation*'. The applicant is incorrect in their consideration. High voltage overhead transmission lines are known to be a source of vibration in operation during high winds,

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rain and other weather. It is for this reason that NPS EN-5 requests that the impact of noise and vibration is assessed. It is the noise from vibration that is the issue in terms of local impact.

114. Information on utilities within these documents is hard to find, and again, split around each document. The Council also notes that the applicant has listed 19 separate documents that include reference to the utilities infrastructure. The applicant has not provided any further information to respond to the Council's comments, but rather has reiterated the documents already referenced and included as part of the DCO.

115. Since the utility diversions that have been determined as NSIPs are not associated development, the NSIPs should therefore have separate Environmental Statements.

Skills, Employment and Legacy

116. The Council have continually made sensible and well-reasoned requests for changes to the SEE Strategy and have never been adequately responded to by the applicant (refer to the Council's LIR, Section 13.2.10). There is nothing in the D2 responses provided by the applicant that explain why it has not been possible to meet the Council's two main requests in respect of the SEE Strategy – tighter spatial definition of 'local' and more ambitious SEE targets.

117. The Council would like to reiterate the points made in its LIR (Section 13.4.17) that there is very little SEE staffing resource being explicitly provided to the Council. Furthermore, the applicant has adopted the highly misleading practice of summing together annual jobs estimates and that the actual number of FTE jobs created/people employed over the lifetime of the project will be considerably lower than 22,000. The applicant is clearly unable or unwilling to refute these criticisms.

118. On worker accommodation, the applicant does not provide any further information or adequately counter the Council's points. The applicant has agreed on 9 August 2023 (covering SoCG Items 2.1.233, 2.1.234 and 2.1.235) to provide a Technical Note setting out their explanation in more detail and the Council awaits this information at D3. In addition, the applicant has agreed to provide further details of the Worker Accommodation Working Group (WAWG) in terms of terms of reference and particularly governance in how the Council can influence actions/decisions by the applicant or their contractor and the Council awaits this information at D3. In addition, the Council requires the operation, membership, terms of reference and governance of the WAWG and the Worker Accommodation Helpdesk to be a secured commitment within the REAC.

119. The applicant has sought to defend the scale of the £1.89 million Community Fund by reference to the absence of any standard methodology or benchmark/precedent that can be used to determine scale and by what the applicant sees as lower than average negative residual effects compared to other major UK infrastructure projects. The Council's position on this matter remains clear – namely that the negative impacts on the Thurrock community of LTC are very significant and much greater than those estimated by the applicant and that in comparison to other UK infrastructure projects, the proposed £1.89 million Community Fund is far too modest, and the Council remains clear that an index-linked Fund is required.

120. The LIR expressed the Council's disappointment at the level of progress that has been achieved and the reluctance of the applicant to agree to these legacy requests – on the basis that only three of the 23 legacy measures had been agreed to by the applicant and that we had limited hope of securing further agreements.

Proposed Order Limits, Land Interests and Compensation

121. The applicant has identified during discussions a number of plots that it intends to acquire permanently then transfer back the Council. If the land is not required permanently, it is unclear

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why the applicant seeks to acquire it permanently, when temporary possession would provide it with the interest it requires.

122. There are various detailed points made about specific areas of public open space, but the applicant's response confirms that it does not know when temporary possession might be required, if at all, and if so how many times and for how long. This uncertainty goes to the core of the Council's concerns over occupation of land currently used as Public Open Space.

123. The Council has met and engaged extensively with the applicant on the land implications of this matter of effects on Thurrock-owned land interests over the last 12-18 months. The Council considers that it is essential that there is a legal agreement between the applicant and the Council setting out roles, responsibilities and commitments on each matter. This matter is of critical importance to the Council and so the Council has sets out its position in in some detail. It is essential that the Council both understands which of its land parcels is impacted, how and (broadly) when and is assured that this will not change significantly, by entering into a legal agreement. The Council has indicated clearly the required content of such a legal agreement, so the applicant is clear.

Adequacy of Key Application Documents

124. Updates on the status of outstanding matters in the dDCO are set out in Appendix D and the limited update to the S106 Agreement, Side Agreement on land take and Side Agreement on design and operation of highways is given briefly. The control documents relating to Transport, Construction, Environment and Climate and Carbon have not been updated, so no comments are required.

125. The applicant's response to the Council's points on the Planning Statement are not generally provided or a significantly inadequate. The applicant has consistently maintained a position that it has performed reasonably throughout the pre application and application processes and yet many issues remain outstanding and unresolved and there is considerable missing information still outstanding. Therefore, it is not clear how it is has been possible for the applicant to draw a robust conclusion on the overall planning balance.

126. It is evident that the applicant has not reviewed the Council's full response on Green Belt issues, which is included within the Council's LIR Appendix L Green Belt ([REP1-293](#)). The Council confirms that the Council's LIR Appendix L ([REP1-293](#)) is not additional information, but provides a comprehensive review of Green Belt issues.

Section 19 – Statement of Commonality

127. The Council notes that the colour coding for Thurrock Council in Table 4.2 of the Statement of Commonality for D2 has changed from that submitted within D1. It is not understood why such changes have taken place and the Council can confirm that no discussions on this have been held with the applicant regarding the colour coding in either version. Consequently, the Council's view as set out above in Section 6.2 of this submission has not changed and still apply and the Council awaits the applicant's response

Section 20 – ES Addendum at D2, Environmental Masterplan (EMP) and WRs of Statutory Bodies and Supplementary WCH Maps

128. The Council has reviewed the applicant's ES Addendum at D2 (Appendices C and D): 'Review of a Single TBM Tunnelling Methodology' and 'Appraisal of Effects from the Two-Year Rephasing of Construction'. The Council notes that the applicant does not consider there is a need to update the ES to reflect the proposed changes.

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129. The Council's review (set out in a detailed table (Table 20.1) covering each of the Council's 25 points in its MRC consultation response) indicates that a few of the points have been adequately responded to, however, many remain unresolved and require further explanation and commitments to be secured through the DCO. The delay to the start of construction could result in a significant conflict with the proposals for the emergence of the Thames Freeport. That interaction must be modelled, and impacts assessed and mitigated either by the applicant or in shared commitments.
130. Minor changes have been made to the Environmental Masterplan and the Council has no further comment. However, Historic England have identified the harm to the Orsett Scheduled Monument as severe ([REP1-240](#)) and have also identified Site 247 as being of similar status to the Scheduled Monument. It concurs with Thurrock that this should be seen as a single monument
131. In relation to flood risk at Coalhouse Point, the Council agrees that continued consultation with the EA is required and would like to understand any area of risk identified. The Council requests the applicant provide a plan showing existing flood defences along with the wetland proposals and define extents of long-term maintenance responsibility/ interface with the EA. This should include proposed intake structures and pumping stations.
132. Supplementary WCH maps have been provided (but they do not show any new information) but do show information in an easier-to-read format. The Council has requested something similar for plans that show the proposed temporary diversions and closures for these routes due to LTC. In its response to this point the applicant is still referencing all the separate sets of plans covering the individual effects on WCH routes. The Council is disappointed that the opportunity to address its request has not been taken.
133. Some additional useful information has been provided in the updated Community Impact Report.

Section 21 – Applicant's Response to WR of ESSPSG

134. The Council understands that the ESSPSG will be responding to the applicant's responses in some detail at D3. The Council, as a key member of the ESSPSG, would like to make a number of observations for consideration by the applicant and ExA. There has been some progress on the 'Road Map', but many of the original 56 recommendations remain outstanding. The ESSPSG continues to require commitments on a range of design and process matters and considers that the TDSCG is not the appropriate body for further consultations and actions. The Council notes that the 'Security Management Plan' is not a 'control document' and more details of the Security Working Group are required.
135. There are several design issues, such as cross passage spacings, which require DCO commitments and information is required on the impacts of LTC on 'blue light response' times during construction.

Section 22 - Applicant's Response to WRs for Ports

136. **Port of London Authority (PLA):** the Council wholly supports the Port of London Authority's pressure to enhance commitments and controls associated with marine travel.
137. **The Port of Tilbury London Limited (PoTL):** it shares many concerns with the Council relating to A13 junctions, the need for the TLR, retention of jetties and the conversion of the construction haul road for permanent use and their WR expands on specifics around the safety and critical operations of the port and those working and operating within it, particular by means of additional comments within key control documents and stronger commitments to net zero targets.

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138. **DP World/London Gateway:** the Council shares well-founded concerns with DPWLG over the operational and congestion impacts at the Orsett Cock interchange and The Manorway and that the applicant has as a flawed approach to mitigation.

Section 23 – Technical Note on Earthworks

139. The applicant has provided a Technical Note that provides additional information on Earthworks Quantification. Whilst the contractor will ultimately undertake their own final designs and therefore the quantities may vary, the Technical Note provides the Council with a greater level of confidence in the figures provided as the basis for determining the environmental impacts of managing the material.

PART 1:

- **Section 1:** Introduction
- **Section 2:** Post Event Submissions (ISH1, ISH2 and OFH2)
- **Section 3:** Relevant Representations Report
- **Section 4:** Comments on Applicant's Amended Proposed ASI Itinerary
- **Section 5:** Control Document Changes
- **Section 6:** Consents and Agreements Position Statement (Version 2) and Statement of Commonality (Version 2)
- **Section 7:** Environmental Statement Addendum (Version 2)
- **Section 8:** Draft Development Consent Order (DCO) (Version 2) and Schedule of Changes to the Draft DCO
- **Section 9:** Statement of Reasons (Version 3), including Land Plans (Version 3) Special Category Land Plans (Version 3) and Crown Land Plans (Version 3)
- **Section 10:** River Restrictions, Rights of Way, Transport and Engineering Plans
- **Section 11:** Environmental Statement (ES) Appendices Changes
- **Section 12:** Environmental Statement Appendix 2.2 – Code of Construction Practice, First Iteration of Environmental Management Plan (Version 2)
- **Section 13:** Environmental Statement Appendix 2.2 – Code of Construction Practice, First Iteration of Environmental Management Plan – Annex C – Preliminary Works Environmental Management Plan (Version 2)
- **Section 14:** Localised Traffic Modelling Report, including Appendices A – H
- **Section 15:** Design and Operational Distinction Between an All-Purpose Trunk Road and Smart Motorway

1 Introduction

- 1.1.1 This submission, in Part One, seeks to respond to all of the applicant's Deadline 1 (D1) submission documents that were uploaded to the PINS website on 24 and 26 July 2023, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission. Further details of the relevant sections are set out below.
- 1.1.2 Furthermore, in Part Two of this submission it relates to the Council's comments, where necessary, on the applicant's submissions at Deadline 2 (D2) that were uploaded to the PINS website on 7 August 2023. Further details of the relevant sections are set out below and in the introductory page to both Part One and Part Two.

Context

- 1.1.3 There were 438 submissions at D1 and of that total the applicant's made 216 submissions. Then, at D2 there were 120 submissions of which the applicant made 77 submissions. Given the gap between D1 and D2 was just over two weeks, it was considered appropriate by the Council to make its full submission (given the scale of the applicant's submissions) in response to the applicant's submissions at D1 and D2 at Deadline 3. This request was communicated to the Examining Authority (ExA) in the Council's preliminary response at D2.

Structure of Part One this Submission

- 1.1.4 The structure and contents of Part One is set out in the following two pages.

Commentary

- 1.1.5 The Council would like to note that in many instances, in subsequent sections of Part One and within the applicant's documents covered in Part One of this submission, there is no further analysis, evidence, documentation or argument that addresses the Council's points made in its submissions. The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'reasonable and proportionate', without actually being so. The Council contends that this is not reasonable, particularly if a major stakeholder is making key technical points, then it seems incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.

2 Post Event Submissions (ISH1, ISH2 and OFH2)

2.1 Issue Specific Hearing 1 (ISH1)

2.1.2 The following paragraphs provide specific comments from the Council on the applicant's ISH1 post-event submissions, namely: [REP1-183](#), [REP1-184](#) and [REP1-185](#). The subheadings below are taken from the section headings of the applicant's submission document. If there are no comments provided below, then the Council has no further comments on the other sections of this document.

2.1.3 Within Part 2 of this document the Council provides further comments as part of their response to documents issued at D2 and details of these are given in the relevant sections in Part Two.

Section 4.1: Item 4(a) The Need Case

2.1.4 The Council notes that in paragraph 4.1.19 ([REP1-183](#)) the Applicant states that incorrect information was presented at ISH1 by Dr Wright concerning the reduction in traffic at Dartford Crossing in 2045 and that the applicant's forecast of this reduction is **13%** (and not 30% as stated at ISH1).

2.1.5 In paragraph 4.1.11 ([REP-183](#)) the applicant provides information about journey times across the Dartford Crossing. No information is provided about base year journey times across the Dartford Crossing and the Council has not been able to find a clear statement of these base year journey times in the other DCO documents.

2.1.6 The Council has examined the modelled analysis provided within the Combined Modelling and Appraisal Report, Appendix A Transport Data Package ([APP-519](#)) to determine the base year journey times across Dartford Crossing. The derivation of this information is provided in **Appendix B – Baseline Journey Times**.

2.1.7 This analysis shows that the base year (2016) journey time is approximately nine minutes. The forecast journey time in 2045 calculated on an equivalent basis is approximately eight minutes. Furthermore, this analysis shows that compared to the base year (2016) observed journey times, LTC provides a journey time saving of one minute.

2.1.8 The Council considers that a journey time saving of one minute means that the applicant does not meet one of its seven scheme objectives of: *'To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free flowing, north-south capacity'*.

Section 4.2: Item 4(b) (iii) Transport Demand, Traffic Modelling and the Role of the Road in the National and Regional Transport System

2.1.9 The Council notes that in paragraph 4.2.3 (g) the applicant provides commentary on the approach to assessment alternatives. The Council has previously requested from the applicant the full information used as part of re-assessment of scheme alternatives in 2017. This information has still not been provided by the applicant and hence it is not possible for the Council to determine the robustness of the assessment. This request was stated in Section 8.6.11 of the Council's Local Impact Report ([REP1-281](#)).

Section 4.8: Item 4(h) (iii) Economic Benefits

2.1.10 The Council notes that in paragraph 4.8.4e the applicant states that they have used the LTAM model for construction and operational modelling. The Council considers that LTAM is not sufficient to examine the operational performance of junctions and more details on this issue are provided in Section 14 and in Part Two of this submission.

Annex A: A.2 Linking the Reduction of Traffic at the Dartford Crossing to the Benefits of the Project

2.1.11 As with paragraph 2.1.3 above, the provision by the applicant of details of base line journey times across Dartford Crossing would provide further insight into the impacts of the scheme.

2.1.12 Table A.1 provides two-way traffic flow data and the applicant uses changes in two-way flows to present changes in traffic flows at Dartford Crossing (see paragraph 2.1.2 above for example). The Council considers that providing two-way flows (i.e. adding together northbound and southbound flows) masks the impacts of LTC on Dartford Crossing in each direction. This is important because different directions experience different levels of traffic flow and delay in different time periods.

2.1.13 The Council has therefore taken the one-way flow data from Table A.3 and Table A.4 to show in Table 2.1 below the change in traffic flows in each direction compared to the baseline (i.e. 2016).

Table 2.1 Traffic flows at Dartford Crossing, northbound, PCUs

Period	Year	Without the Project	With the Project	Change in traffic flow compared to 2016
		Dartford Crossing	Dartford Crossing	Dartford Crossing
AM peak hour	2016	6,760		
	2030	7,517	5,747	-15%
	2045	7,759	6,425	-5%
Inter-peak hour	2016	6,249		
	2030	7,378	5,497	-12%
	2045	7,754	6,384	+2%
PM peak hour	2016	6,044		
	2030	7,338	5,950	-2%
	2045	7,794	6,707	+11%

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Table 2.2 Traffic flows at Dartford Crossing, southbound, PCUs

Period	Year	Without the Project	With the Project	Change in traffic flow compared to 2016
		Dartford Crossing	Dartford Crossing	Dartford Crossing
AM peak hour	2016	7,665		
	2030	8,500	7,530	-2%
	2045	8,500	8,443	+10%
Inter-peak hour	2016	5,542		
	2030	7,031	5,279	-5%
	2045	7,905	6,389	+15%
PM peak hour	2016	6,784		
	2030	7,974	6,071	-11%
	2045	8,484	6,834	+1%

2.1.14 This data shows that by 2045 traffic flows at Dartford Crossing in the southbound direction are forecast to be higher than the baseline, in all three assessment time periods. In the northbound direction traffic flows are forecast to be higher than the baseline in the Interpeak and PM peak periods.

2.1.15 The provides further evidence that the applicant's statement in paragraph 7.1.7 of the Traffic Forecasts Non-Technical Summary ([APP-528](#)): 'If the Project is built (as shown by the Do Something scenario), it would provide significant relief to the Dartford Crossing and its approach roads' is not support by analysis of the traffic forecasts.

Annex A: A.3 New and Longer Trips

2.1.16 The applicant provides some new analysis providing details of the assessment of new and longer trips. The Council has concerns about the analysis and a summary of their concerns is provided below. Further information will be provided in the Council's response to documents provided at D2 within Part Two below.

2.1.17 Paragraph A.3.9 states that although car trips are considered as part of the variable demand mode, based on TAG Unit M2.1:

'LGVs and HGVs do not experience variable demand as their journeys are driven by commercial needs, and therefore remain consistent between the Do Minimum and Do Something scenarios'.

2.1.18 The Council cannot find these strong assertions claimed by the applicant in TAG Unit M2.1. Department for Transport (DfT) do not give as strong endorsement for the assumption as claimed. TAG is much more nuanced and does not refer to LGVs and HGVs, only referring generally to 'Freight' (a substantial proportion of Light Goods Vehicles (LGVs) are not in fact carrying freight) and it states that:

'1.1.5 Any response in the demand for transport of freight is not considered here, since it is often sufficient to assume that total freight traffic is fixed, but susceptible to re-routing. See TAG unit M1.1, section 4.3, for further details.'

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2.1.19 Then TAG Unit 1.1.1 at Section 4.3.14, states:

'4.3.14 For some trip movements it is more difficult to use choice models. Freight movements, in particular, are often part of a complex logistic chain, which means that it is often not appropriate to assume that each trip can be modelled individually. Simple factoring methods are therefore often used for freight movements. Similar approaches are often used for trip movements from external areas (outside the main geographical study area defined for the model), as for these trips it is often more difficult to represent the full range of destination choices available.'

- 2.1.20 This shows that TAG states that freight traffic in general is more difficult to model in the same way as personal traffic and there is a comment that this is often not done. But given the important of freight movements in travel across the River Thames (and to/from the Channel Ports), there is no justification in TAG for the applicant's assertion that HGV and LGV trips are the same in the Do Minimum and Do Something scenarios.
- 2.1.21 The Council considers that assuming that there is no change in LGV and HGV trips as part of LTC does not make sense. This is because of the focus of LTC on seeking to provide significant congestion relief to goods traffic (and hence enabling economic activity), particularly for traffic travelling to and from the Channel ports.
- 2.1.22 If the assumption that there is no change in LGV and HGV trips is valid, it implies that freight companies do not make use of the time savings provided by LTC to grow their market through travel to new destinations. This means that part of the wider economic benefits assumed by LTC in the economic appraisal cannot exist and the estimate of wider economic benefits should be reduced. This is because the underlying assumption for the assessment of wider economic benefits is that reduced journey times, increased speeds and better reliability are translated into economic growth.
- 2.1.23 However, if the assumption that there is no change in LGV and HGV trips is incorrect and the journey time savings for drivers and vehicles does allow the expansion of freight activity, then there will be induced traffic approximately equal to the estimated time savings for goods vehicles converted into extra freight miles travelled.
- 2.1.24 While this is a small proportion of total goods traffic, it will be focused especially on roads and routes whose travel times are most reduced by LTC and therefore directly relevant to the calculation of benefit from time savings to existing and new travellers. This will reduce the net economic benefit of the scheme by reducing the time savings based on the difference between Do Minimum and Do Something scenarios.
- 2.1.25 A further commentary on this important issue is provided in **Appendix C – Treatment of Wider Economic Impacts and Evidence around Induced Traffic**, including details of how the applicant has promoted LTC using public videos which highlight how the scheme would enable businesses to develop new markets or expand activities in existing markets.
- 2.1.26 The Council considers that further modelling tests and analysis should be undertaken by the applicant and presented in a future submission to assess the impact of LTC on HGV and LGV movements in more detail, in particular in assessing the robustness of the calculation of the new economic benefits of the scheme.

Further Minor Issue

- 2.1.27 The Council notes that the labels for Table A.11 and Table A.12 suggest information is provided in 'PCU/km'. The Council considers this is a labelling error and that the units should be 'PCUkm'.

Annex A: A.4 Responding to Points Raised by Interest Parties

- 2.1.28 In paragraph A.4.3 the applicant restates that they have used TEMPro 7.2 (National Trip End Model Presentation Program) as part of their modelling assumptions. TEMPro is software issued by DfT, which allows users to view trip data in the National Trip End Model (NTEM).
- 2.1.29 As stated in the Council's Local Impact Report (LIR) ([REP1-281](#)), Sections 7.8.24 to 8.8.27, TEMPro 8.0 was issued as a 'forthcoming change' in April 2022 and became definitive in December 2022.
- 2.1.30 Table 2.3 below adds to the information provided in the Council's LIR to provide further evidence that the use of TEMPro 7.2 does not represent trip forecasts in Thurrock and Gravesham.

Table 2.3 Difference between NTEM 8 and NTEM 7.2

Local Authority	NTEM Growth difference % (NTEM8 vs NTEM 7.2)					
	Business		Commute		Other	
	Origin	Destination	Origin	Destination	Origin	Destination
Gravesham	-6.0%	-5.7%	-6.0%	-5.7%	-12.9%	-12.8%
Thurrock	-7.9%	-7.7%	-8.6%	-8.1%	-16.9%	-16.3%

- 2.1.31 This data shows that trip making is expected to be lower when using TEMPro 8 compared to TEMPro 7.2 for all assessed trip purposes.
- 2.1.32 Details for all local authorities in Kent and Essex are then provided in Table 2.4.

Table 2.4 Difference between NTEM 8 and NTEM 7.2

Local Authority	NTEM Growth difference % (NTEM8 vs NTEM 7.2)					
	Business		Commute		Other	
	Origin	Destination	Origin	Destination	Origin	Destination
Ashford	-6.3%	-6.3%	-6.2%	-6.0%	-13.3%	-13.2%
Basildon	-1.7%	-2.2%	1.6%	0.7%	-8.0%	-8.0%
Braintree	-5.4%	-5.6%	-4.1%	-4.4%	-13.9%	-13.8%
Brentwood	-1.6%	-2.0%	0.9%	0.1%	-7.9%	-8.0%
Canterbury	-4.9%	-4.5%	-4.4%	-4.0%	-12.5%	-12.3%
Castle Point	-3.5%	-3.5%	-2.0%	-2.2%	-12.9%	-12.5%
Chelmsford	-5.7%	-5.5%	-5.1%	-4.9%	-14.9%	-14.8%
Colchester	0.0%	-0.7%	4.8%	3.6%	-8.2%	-8.5%
Dartford	-2.1%	-2.4%	0.2%	-0.3%	-9.2%	-9.1%
Dover	-4.2%	-4.2%	-2.8%	-2.8%	-11.6%	-11.5%
Epping Forest	-1.2%	-1.6%	1.2%	0.4%	-6.2%	-6.3%
Gravesham	-6.0%	-5.7%	-6.0%	-5.7%	-12.9%	-12.8%
Harlow	-3.2%	-3.4%	-1.3%	-1.6%	-10.4%	-10.3%
Maidstone	-3.9%	-4.0%	-2.6%	-2.8%	-10.0%	-10.1%

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Local Authority	NTEM Growth difference % (NTEM8 vs NTEM 7.2)					
	Business		Commute		Other	
	Origin	Destination	Origin	Destination	Origin	Destination
Maldon	-3.9%	-4.4%	-1.5%	-2.2%	-11.1%	-11.2%
Medway	-4.3%	-4.3%	-3.3%	-3.4%	-11.8%	-11.5%
Rochford	-1.9%	-2.2%	0.9%	0.2%	-9.1%	-9.0%
Sevenoaks	-1.4%	-1.8%	1.4%	0.5%	-6.8%	-6.9%
Shepway	-0.7%	-1.1%	2.8%	1.8%	-4.1%	-4.4%
Southend-on-Sea	-2.0%	-2.1%	0.3%	-0.1%	-8.3%	-8.3%
Swale	1.0%	0.2%	5.7%	4.2%	-3.9%	-3.9%
Tendring	-8.0%	-7.5%	-8.3%	-7.8%	-15.9%	-15.8%
Thanet	-0.0%	-0.3%	4.5%	3.6%	-4.6%	-4.8%
Thurrock	-7.9%	-7.7%	-8.6%	-8.1%	-16.9%	-16.3%
Tonbridge & Malling	-4.4%	-4.5%	-3.1%	-3.4%	-10.7%	-10.7%
Tunbridge Wells	-2.8%	-2.9%	-1.2%	-1.5%	-8.3%	-8.4%
Uttlesford	-0.3%	-1.1%	3.9%	2.5%	-8.7%	-9.0%

2.1.33 This data shows that across the area modelling using LTAM, trip making behaviour is forecast to be lower when using TEMPro 8 compared to TEMPro 7.2 – therefore an urgent update is required by the applicant.

2.1.34 **This is a very significant issue for the Council.**

2.1.35 If the number of forecast trips used in the model is lower, then there will be lower traffic flows for both the Do Minimum (no LTC) and Do Something (with LTC) scenarios. This means there will be fewer vehicles that will use LTC and hence the economic benefits of LTC will be lower.

2.1.36 This will further weaken the economic case for LTC, which the applicant reports has a 'Level 1' initial Benefit Cost Ratio (based mainly on journey time benefits) of 0.48:1 and even when adding the less well established benefits of reliability and wider economic benefits only increases to 1.22:1 (Table 7.17, Combined Modelling and Appraisal Report ([APP-518](#))).

Annex B: B.4 Response to Points Made by Thurrock Council

2.1.37 In paragraph B.4.7 the applicant provides further comments on the potential for public transport services. The applicant states that it is important to consider the fact that following introduction of LTC *'more people would travel by car across to the other side of the River Thames'*. This 'induced traffic' reflects people's desire to access jobs and services.

2.1.38 The Council notes that the applicant's analysis in Section A.3 ([REP-183](#)) shows that these new or longer trips only equates to a 1% increase in PCUkm. The Council maintains the view that the desired access to jobs and services could be provided using improved public transport services and at a much lower cost than the currently estimated £9+bn estimated cost of LTC.

Section 4.7: Item 4(g) Utilities and Transmission Diversions

2.1.39 The Council notes in paragraph 4.7.1 of the Post-Event Submission document ([REP1-183](#)), including written submission of oral comments, for ISH1 ([REP1-183](#)) that the statutory basis

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- for the diversion works characterised as Nationally Significant Infrastructure Projects (NSIPs) in their own right was explored in ISH2. Annex D of the Post-event submissions, including written submission of oral comments, for ISH2 ([REP1-184](#)) contains a 'note on overlap between Nationally Significant Infrastructure Projects and associated development under the Planning Act 2008, which concludes that utility works that constitute NSIPs in their own right cannot also be associated development.
- 2.1.40 Within items b and d of paragraph 4.7.1, reference is made by the applicant to the details of the NSIPs being included within the Planning Statement ([APP-495](#)), Explanatory Memorandum ([APP-057](#)) and Appendix 1.3 of the Environmental Statement ([APP-334](#)). However, statements contained in the Council's LIR ([REP1-281](#)), Section 12.2 'Policy Compliance and Local Impact' regarding lack of detail specific to the NSIPs to enable the local impacts of the NSIPs to be reviewed (which in addition to the aforementioned submission documents also includes Appendix B of the Planning Statement Volume 7 ([APP-497](#))), have not been taken advantage of, with no additional information provided by the applicant. The Council therefore disagrees with item d of paragraph 4.7.1 of the Post-Event Submission ([REP1-183](#)), including written submission of oral comments, for ISH1 ([REP-183](#)) that '*the Environmental Statement assesses all works associated with the Project*'.
- 2.1.41 Item e of paragraph 4.7.1 of the Post-Event Submissions ([REP-183](#)), including written submission of oral comments, for ISH1 ([REP-183](#)), notes that the Applicants believes the Works Plans ([APP-018](#), [APP-021](#), [AS-024](#), and [AS-030](#)) contain details. But, the Council's comments in their LIR paragraphs 12.3.1, 12.3.2, 12.3.3 and 12.5.1, still stand. Line types on drawings, for example, '*indicative underground gas diversion*' do not provide a suitable level of detail, including pressure level (low, medium, intermediate, high), diameter (to determine the complexity and coverage of said gas diversion). The inclusion of multi-utility corridors on the plans, with no indication as to what utilities are included within these multi-utility corridors does not provide a suitable level of detail required for this scale of project and for a suitable review of submission documents to be carried out. It is unfortunate that the requests for clearer and more detailed drawings and plans within Section 12 of the Council's LIR have not been taken advantage of and provided by the applicant.
- 2.1.42 In reference to item a of paragraph 4.7.3 of the Post-Event Submissions, including written submission of oral comments, for ISH1 ([REP-183](#)) the Council notes that the documents referred to: Plate 2.11 of Environmental Statement Chapter 2: Project Description ([APP-140](#)) and paragraph 5.6.12 of the Planning Statement ([APP-495](#)), do not address the question of '*What design approach has been taken to the siting and design of replacement utilities and transmission alignments?*' in detail, instead providing only a bullet point list of factors considered and a general description of the whole LTC design and construction approach. The Applicant has subsequently provided an update, which is included in Annex G Post hearing submissions on Utilities and transmissions diversions ([REP-183](#)).
- 2.1.43 Annex G, paragraph G2.2 in the Post-event submissions, including written submission of oral comments, for ISH1 ([REP-183](#)) references Schedule 1 of the draft Development Consent Order (dDCO) ([AS-038](#)) regarding the utilities works associated with LTC. This list of utilities works is contained within the draft DCO in the latter sections of Schedule 1 as a very brief description but is not easy to locate or understand in sufficient detail. The descriptions for each utility works is a single short paragraph for each and the majority describe only 'multi-utility' infrastructure and do not explain what utilities are included within this generic label. Whilst referring to the relevant Works Plans, as previously mentioned, the level of detail within the Works Plans ([APP-018](#), [APP-021](#), [AS-024](#), and [AS-030](#)) should be much higher for a submission in relation to a project of this nature.
- 2.1.44 It is noted in paragraph G.2.6, G.2.7 and G.2.10 that these paragraphs have reiterated what had already been referenced in paragraph 4.7.3 of the Post-event submissions, including written submission of oral comments, for ISH1 ([REP-183](#)) and therefore provides no further information on the matter.

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- 2.1.45 Paragraph G.2.5 refers to Section 2.5 Construction of the Environmental Statement Chapter 2: Project Description ([APP-140](#)), which looks at the construction elements for the whole of LTC, rather than the design approach for utilities specifically. As previously commented in Section 2.1.39 above of this document, the Environmental Statement does not look at the local impacts of the NSIPs specifically, but rather LTC as a whole, making it difficult to review the local impacts of the NSIPs themselves. The requests in the LIR ([REP1-281](#)) (Section 12) have therefore not been taken advantage of and provided by the applicant.
- 2.1.46 It is noted, that paragraph G.2.8 of the Post-event submissions, including written submission of oral comments for ISH1 ([REP-183](#)) states that detailed design will be undertaken by the appointed contractors and undertaken at a later stage. It is necessary for the Council to undertake a review of the local impacts of the utilities infrastructure associated with LTC and therefore sufficient detail should be provided at this stage to enable this review to be carried out to determine impacts and any required mitigation discussed with the applicant.
- 2.1.47 Regarding section G.3 T Pylons, the Council takes note that the option and choice for installing these pylons does not sit with the Applicant, but rather National Grid Transmission.

2.2 Issue Specific Hearing 2 (ISH2)

- 2.2.1 The Council has reviewed the document titled 'Post-event submissions, including written submission of oral comments, for ISH2' reference [REP1-184](#). This document takes the record of ISH 2 made by the applicant and adds further post event comments. The Council's analysis of this is contained in Appendix D, where it has combined comments from the Council's LIR (Appendix I, Annex 1) of the LIR ([REP1-281](#)) and ISH 2 (Appendix I, Annex 2 of the LR) ([REP1-290](#)) into a combined table.
- 2.2.2 Whilst the applicant's comments do not add any additional concerns for the Council, there remains a significant amount of work required to address the concerns of the Council. It is noted that the applicant has responded substantively on the Council's comments on 'Annex A' from ISH 2. This is considered further in Part Two, Section 17 and in Appendix D below.

2.3 Open Floor Hearing 2 (OFH2): Action Point 2 – Additional Cross Sections

- 2.3.1 This report ([REP1-195](#)) is an update on Action Point 2 requesting vertical cross sections within the A13/A1089/LTC Baker Street intersection. Five cross sections were identified. The applicant confirms that they have begun works on this Action Point and intend to provide this by D2.
- 2.3.2 It is proposed in Section 1.1.6 to include further engineering cross sections similar to those already provided in [APP-031](#). In addition, it is proposed in 1.1.7 to provide cross sections showing context, including proposed and existing vegetation. The Council considers that the contextual cross sections will be significantly more useful in determining the actual visual effects, not just of the proposed roads, but of the proposed land raising.
- 2.3.3 The remainder of the report signposts the existing documents that have already been submitted.

3 Relevant Representations Report

- 3.1.1 This commentary relates to the applicant's submission at Deadline 1 entitled 'Relevant Representations Report' ([REP1-180](#)), in particular Section 2.46 relating to Thurrock Council, which is approximately 29 pages.
- 3.1.2 Within the applicant's report, Table 2.70 presents the matters raised at the Relevant Representation (RR) stage and covered within the SoCG; and Table 2.71 covers new matters raised in the RR and the 'Heading' and 'Matter' columns within this table cover an additional 23 matters – unfortunately each of these matters are not numbered so referencing is more difficult. Whilst the matters may be an accurate reflection of the Council's additional matters (subject to further checking by the Council), the Council does not accept the applicant's responses and its views on these the applicant responses will be represented within the updated SoCG submitted jointly at Deadline 3.
- 3.1.3 In many cases, the applicant's response either does not address the issue raised by the Council; offers signposting to other documents that do not provide the required or adequate responses; or disagrees with the Council's position.
- 3.1.4 As an example, within Table 2.71 the Heading 'Land and Property' is incorrectly represented in the 'Matter' column. In particular, within the Council's RR, it states at paragraph 102, b: *'.....the Council has and still requires additional provisions for environmental mitigation, off-site planting agreements, noise insulation, noise payments for movable homes, additional expenses for moves into temporary accommodation and an off-line discretionary purchase scheme. These additional provisions could be included within the NH policy documents.....'*. Clearly, it is the additional provisions that are required not inclusion of existing statutory policies.
- 3.1.5 The last item in Table 2.71 relating to inclusion of the SEE Strategy within the S106 Heads of Terms is closed and now acceptable to the Council.

4 Comments on Applicant's Amended Proposed ASI Itinerary

- 4.1.1 This commentary relates to the applicant's submission at Deadline 1 entitled 'Relevant Representations Report' ([REP1-178](#)), which is approximately 20 pages. In order to review this document the Council has referred to its submissions for PDC ([PDC-008](#)) and for PDD ([PDD-001](#)), which set out the Council's recommended additional 18 locations to be covered by the ASI. It is acknowledged and welcomed that ASI maps are now included in the ASI document, although the route and direction of travel still remains unclear, despite the map notation; and the site inspection location numbering is not clear, i.e. it is not clear what the circled 1, 2, 3 refer to.
- 4.1.2 The Council has used its previous submissions on the ASI for comparison and it is noted that the majority of the Council's additional locations are still not included, and the Council would strongly encourage the applicant to make further amendments to the ASI, so that they are covered and included or committed to be included in a subsequent ASI. The following locations are still not covered and in the Council's opinion should be:
- a. A13 Orsett Cock Roundabout and the A13 Manorway Roundabout along with the A13 local road connection between at peak periods;
 - b. A1014 Manorway local road to the DPW/London Gateway (DPWLG) Port and Logistics sites;
 - c. A13 to A1089 route and the key Daneholes roundabout that connect with it at peak periods;
 - d. Villages of Orsett and Horndon-on-the-Hill and all their approaches;
 - e. The potential route of the possible Tilbury Link Road and contrast with the proposed haul road (which is now included) through the Port of Tilbury to Compound 5/5A;
 - f. Footpath routes through the Mardyke Valley and Orsett Fen areas;
 - g. North of Coalhouse Fort to understand the setting of both Scheduled Monuments in that vicinity (East Tilbury Battery and Bowaters Farm Battery);
 - h. Potential crossing area for the National Grid 'East Anglia Green' ('Norwich to Tilbury') project;
 - i. Linford Road and Muckingford Road from Chadwell St Mary to East Tilbury Station;
 - j. Linford village to understand the proximity of the works;
 - k. East Tilbury Landfill area and surrounding viewpoints;
 - l. Green Lane to Fen Lane route;
 - m. A13/A126 partially completed junction (still awaiting upgrade following opening of QE2 bridge in 1991);
 - n. M25 Junction 30 route via local roads (A1306), A1012/A13 Stifford Clays junction, Lodge Lane /Stanford Road A1013 to Orsett Cock as local roads affected by substantial increases in traffic at peak periods;

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- o. A13 Five Bells junction and the routes through Corringham to the A1014 Manorway shown to be affected by significant increases in local traffic;
 - p. A12/A130 junction in Essex and A130 route to A13 shown to be affected by significant increases in local traffic; and,
 - q. Kent Fastrack Bus network operating south of the river and for which there is a shared ambition to provide cross-river infrastructure to connect the Port of Tilbury and Grays, via similar priority measures north of the river.
- 4.1.3 It is very noticeable that almost no recommendations from the Council's two submissions to the ExA have been included in the applicant's amended itinerary. This is considered unacceptable and rather typical of the applicant's approach to Council's comments over the past two years.
- 4.1.4 The Council therefore strongly recommends that the ExA intercedes on the Council's behalf for these additional locations to be included; or, that the ExA confirms that these locations will be subsequently covered in a further USI if they are publicly accessible.
- 4.1.5 It is further noted that the number of site inspection points in Thurrock (which has 70% of the route and impacts) is similar in number to those for the south, which is considered inadequate, and the Council request additional points are added (as above) and an additional day is added to the ASI to cope with these additional locations.

5 Control Document Changes

5.1 Outline Traffic Management Plan for Construction (Version 2)

- 5.1.1 The changes made to the Outline Traffic Management Plan for Construction (Version 2) (oTMPfC) ([REP1-175](#)) at D1 do not alter the Council's stance with regards to LTC.
- 5.1.2 The Council sets out its commentary on the oTMPfC at Section 15.6 of its LIR ([REP1-281](#)) and within its updated SoCG to be submitted at D3 between the Council and the applicant.

5.2 Stakeholder Actions and Commitments Register (SAC-R) (Version 2)

- 5.2.1 This commentary relates to the applicant's submission at D1 entitled 'Stakeholder Actions and Commitments Register (Version 2)' ([REP1-177](#)), only relating to the track changes that apply to Thurrock Council. The Council has also referred to its commentary within its LIR, Section 15.4.
- 5.2.2 There are two additional provisions included with the reference numbers: SACR-007 and SACR-008, with only SACR-008 relating to the Council. SACR-008 was expected and has been the subject of discussions with the applicant and is acceptable to the Council.
- 5.2.3 It is noted that as yet none of the broader suggestions for inclusion in the SAC-R (as set out in the Council's LIR, Section 15.4.5 – 15.4.6) have been incorporated and the Council encourages the applicant to engage in further technical discussions.
- 5.2.4 The Council is currently working up proposals for additional mitigation and enhancement to be added to the SAC-R in relation to impacts on health associated with Green and Open Space and with WCH's. These were requested/suggested in the LIR within Section 15.4.6. The Council would ask the applicant to comment on whether these additional requests to the SAC-R are being considered and if not why not, including a timetable to provide further information.

5.3 Outline Landscape and Ecology Management Plan (oLEMP) (Version 2)

- 5.3.1 In reviewing the changes set out in the oLEMP, there are only a couple that require commentary as set out below:
 - a. Minor corrections have been made to the text which do not alter the contents. The changes include adding Kent AONB Unit to the Table 2.1 - Key Stakeholder, as they had been omitted in error, correcting the size of the mitigation area at Coalhouse Point and removing references to compounds in Kent when referring to land adjacent to Coalhouse Fort.
 - b. The Council has no comment to make on these minor corrections.

6 Consents and Agreements Position Statement (Version 2) and Statement of Commonality (Version 2)

6.1 Consents and Agreements Position Statement (Version 2)

- 6.1.1 This commentary relates to the applicant's submission at Deadline 1 entitled 'Consents and Agreements Position Statement (Version 2)' ([REP1-046](#)), only relating to track changes that apply to Thurrock Council. The Council did not refer to this document within its LIR.
- 6.1.2 It is noted that the amendments in this document do not refer to the draft Agreement referred to in the Council's LIR, Section 14.4. However, there are cross references within this Consents and Agreements Position Statement to the Statement of Reasons (Version 3) ([REP1-048](#)) and its Annex B, Schedule of Negotiations. These documents have been examined and there is no reference to this draft Agreement within the amended SoR (Version 3).
- 6.1.3 Annex B of the amended SoR refers to negotiations with Thurrock Council in No.1012 (Pages 2276 – 2348) and there is no reference to this promised draft Agreement, despite it being discussed and verbally agreed to by the applicant on many occasions during 2022 and 2023. This is considered a major omission and is unacceptable to the Council.

6.2 Statement of Commonality (Version 2)

- 6.2.1 This commentary relates to the applicant's submission at Deadline 1 entitled 'Statement of Commonality (Version 2)' ([REP1-056](#)), only relating to track changes that apply to Thurrock Council. The Council did not refer to this document within its LIR.
- 6.2.2 The Council has no comments on the amendments within this document, except Table 4.2, which sets out '*.....to assist the Examining Authority in understanding the headings which remain under discussion or not agreed, particularly such headings where the position is shared across more than one stakeholder. Therefore, the categorisation and colour coding in the matrix is intended to represent the broad position per heading (it is not absolute). In addition, footnotes have been used to indicate exceptions.*'
- 6.2.3 The Council does not accept that the row relating to Thurrock Council is accurate and has not been discussed with the Council. Some items are listed as 'broadly under discussion' or 'no matters raised at this point' and these are incorrect or not agreed and it misrepresents the status of matters with the Council. This is considered serious and requiring explanation, although it may be updated further by the applicant once it has reviewed the Council's LIR, which makes serious points on all matters colour-coded 'grey' in Table 4.2.
- 6.2.4 Furthermore, Section 4.2 that sets out broad progress on a range of topics is, in the Council's view, too broad to be valuable and is so broad as to be potentially misleading. This is because many points listed as 'agreed' may be minor and some points listed as 'not agreed' may be major and yet this generalisation does not distinguish and it is just a number count, which is of very little value. The Council has serious concerns about most of the topics covered in this section.

7 Environmental Statement Addendum (Version 2)

7.1 Introduction

7.1.1 It should be noted that the Council's comments on the changes outlined in the ES Addendum (Version 2) submitted at D1 ([REP1-181](#)) and at D2 ([REP2-041](#)) only relate to matters of concern to the Council and where changes have been made and these are set out below. Some other commentary for other changes listed in the ES Addendum is contained in Sections 11 and 20 below.

7.2 Cultural Heritage

7.2.1 A range of changes have been made throughout the Cultural Heritage chapter ([AS-045](#)), a number being corrections or formatting which are not commented on.

7.2.2 Sections relating to the potential archaeological impact on the foreshore of the River Thames have been removed from the River Thames section Permanent effects, Sections 6.6.121. It is assumed that this as a result of the tunnel mouths and enabling works being set back from the foreshore of the Thames, however, this is not defined within the Section 9.8 ([REP2-041](#)).

7.2.3 Asset 262 has been deleted throughout the document apart from within 6.6.215: It is recorded as a Bronze Age and medieval site at Whitcroft Farm, although it seems to have been renumbered 3565 or incorporated with 3565 and has been lowered from medium to low value. Unclear why this is and the Council require further explanation.

7.2.4 Sections 6.6.135 and Section 6.6.136 have been edited with three archaeological assets being increased from negligible adverse magnitude to minor adverse magnitude, with all remaining at slight adverse effects, which are assessed as not significant.

7.2.5 Changes have occurred in the number of heritage assets being attributed various levels of harm. These changes are recorded as being a result of the integration of the results of the trial trenching evaluations, but no further details are provided within the Errata Report [REP2-041](#) and the Council require this further explanation/information.

7.2.6 Within Section 6.6.177, some 15 high value grade II listed buildings are identified, but only 14 are numbered, but three have been deleted without explanation.

7.2.7 Within Section 6.6.187 two new medium value Roman salt making sites (442 and 643) have been identified separately within the document, whose impact is identified as moderate adverse and significant. These will be important sites which will require detailed excavation and this needs to be confirmed by the applicant.

7.2.8 Significant numbers of low value sites have been lost from the ES Chapter on Cultural Heritage. Within Section 6.6.114 there were 90 sites, now increased to 104, but in Section 6.6.215 (which was 299 sites), now within Section 6.6.216 this has reduced to 41 and Section 6.6.216 was 97 sites has reduced within Section 6.6.217 to 11 sites. It is unclear why there has been this level of reduction. Within the errata report ([AS-004](#)), it only states for these sections that assets have been amended, but with no description as to why.

7.2.9 Within Section 6.6.339 the heritage impact on the Conservation Area of East Tilbury has been increased from minor to moderate adverse magnitude and from slight to moderate adverse effect. This is supported and would bring it in line with the impact on West Tilbury Conservation Area.

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- 7.2.10 Under section 6.6.358, Marshall's Cottages has been included as having a slight adverse effect (not significant).
- 7.2.11 The magnitude of effect for Bowaters Farm non-designated heritage asset has been changed from moderate to minor under section 6.6.359).
- 7.2.12 Overall, there has been a slight increase of level of impact on a number of sites and the Conservation Area of East Tilbury, although there is concern at the significant changes in numbers of low value sites identified in the text.

7.3 Landscape & Visual, Terrestrial Biodiversity and WCH

- 7.3.1 In reviewing the changes set out in the ES Addendum, there are a number that require commentary as set out below.
 - a. **Table 2.2, Page 8-9 Landscape and Visual** – four additional visual receptors have been added since submission. Three of these are in Thurrock. This has resulted in an increase of residential receptors north of the Thames experiencing 'Large Adverse, Significant Effects' during construction increasing from 28 to 29. There is an increase in other receptors experiencing 'Moderate Adverse, Significant Effects' during construction increasing from 7 to 9.
 - b. **Table 2.2, Page 11 Terrestrial Biodiversity** – paragraph 8.6.268 of ES Chapter 8 has been amended to correct the value error for the irreplaceable loss of unimproved and semi-improved acid grassland from 0.53ha to 1.14ha. Table 8.35 shows that no additional mitigation has been provided. As a result, the net permanent gain has been reduced from 4.5ha to 3.98ha. This still achieves an overall gain in terms of acid grassland. However, the reduction of 0.61ha in the level of mitigation should be reflected in the Biodiversity Net Gain calculation, as this will result in a reduction of the overall percentage uplift.
 - c. **Table 2.2, Page 14** – more information has been provided in Table 13.66 of ES Chapter 13 regarding the temporary closure of FP146, Two Forts Way. The proposed works relate to improvements to the section of path running along the seawall adjacent to the new Coalhouse Point mitigation area. As a result, path users will be able to use the England Coast Path route for the duration of the works. It is agreed therefore that the effects will be Neutral.
 - d. **Table 3.2, ES Figures Updates** – this table provides some commentary outlining the reasons for amendments to ES Figures.
 - e. **Table 4.2, ES Appendix Updates at D1** – this table incorporates changes summarised above.
 - f. **ES Appendix 7.7 Tables 3.1 and 3.2** – these have been amended to provide a full summary of the new visual receptors highlighted above. ES Appendix 7.10 has been amended to include the additional visual receptors.

7.4 Population and Human Health – Properties/Businesses at Risk of Demolition

- 7.4.1 The following changes listed in the ES Addendum ([REP1-181](#)) in relation to Chapter 13 – Population and Human Health ([APP-151](#)), represent either minor editorial changes, are regarding issues outside of Thurrock's concerns or do not represent changes to the assessment that are significant and therefore do not present any further comment.

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- a. Chapter 13 has revised eight instances of the name 'Gammon Field' Travellers Site' with Gammonfields Way Travellers' site'.
 - b. Paragraph 8.6.448 references assessment in relation to recreational pressure at Shorne Woods Country Park as a result of the proposed Thong Lane car park, this assessment was omitted from Chapter 13, and is now provided as a technical note in Appendix A of the Environmental Statement Addendum (REP-181).
 - c. One development (Land South of East Horndon Hall Tilbury Road West Horndon Development, Brentwood Borough Council Planning Application Reference: 19/00315/OUT) is now assessed to have the potential for a moderate beneficial and significant interproject impact on population and human health receptors during operation in relation to employment opportunities. The Environmental Statement Addendum ([REP1-181](#)) states that Chapter 16 – Cumulative Effects Assessment ([APP-154](#)) has been updated regarding this development to remove a single non-significant effect.
 - d. The Environmental Statement Addendum ([REP1-181](#)) states that the number of properties requiring demolition has been amended from 26 to 31 properties to the north of the River Thames (increasing the overall permanent adverse effects on private property and housing from 30 to 35 properties, when covering both north and south of the River Thames), with Table 13.56 within the ES Chapter 13 being amended to listing Whitefield Cottage, Barn View and Stable View, Stifford Clays Road and 105 Yellow Stock Mews, Ockenden Road being subject to demolition. It also notes that this is relevant to the HEqIA ([APP-539](#)) and that this update is reported in the Errata Report (Version 2). The Environmental Statement Addendum ([REP1-181](#)) also states that these changes are reflected within ES Summary Chapter 17 ([APP-155](#)). As this does not change the significance of the effect (very large adverse) identified and it is assumed that adequate consultation has been undertaken with the additional five properties there are no further concerns regarding this amendment.
 - e. Figure 13.3 Population and Human Health Assessment – Properties and Business at Risk of Demolition ([APP-319](#)) has also been updated to reflect the change listed in Section 17.1.2, within [REP1-155](#). There are no further comments on the amendments within this map.
- 7.4.2 The following changes listed in the Environmental Statement Addendum ([REP1-181](#)) in relation to Chapter 13 – Population and Human Health ([APP-151](#)), require further explanation from the applicant.
- 7.4.3 Table 13.66 in ES Chapter 13 has been amended to include further information on the Two Forts Way temporary closures, noting under Receptor 145 that for the duration of the temporary closure that an alternative route would be available via the realigned England Coastal Path and that a further temporary closure is necessary for a period of eight weeks, where an alternative route would be available via the realigned England Coastal Path. It is recognised that this is likely to result in no significant population human health impact, as previously noted, but it is unclear how these realignments result in no change in journey lengths and therefore a neutral significant effect within the DMRB LA 112 methodology, which requires an explanation from the applicant.

7.5 Climate Change

- 7.5.1 LTC ES Addendum Volume 9, Page 142 and Table D1.2 Page 143 states the delay of the project construction by two years places 1,416,952 tonnes CO_{2(e)} into the 5th Carbon Budget.
- 7.5.2 In line with the ES Chapter 15 ([APP-153](#)), it states this figure is deemed not significant compared to the total national budget, which includes all emissions from all UK emission

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segments. The applicant assumes that the 1,416,952 tonnes CO_{2(e)} within the national budget is accounted for. This assumes that the national budget includes for new unknown emissions that have not been planned or built yet.

7.5.3 The 1,416,952 tonnes CO_{2(e)} is in addition to the 5th Carbon Budget, and the % increase over that budget for would determine its significance as a figure.

7.5.4 ES Addendum, Volume 9, Page 143 also includes a statement about the use of the Transport Decarbonisation Plan (TDP), further reducing the impact of emissions into the 6th Carbon Budget. The TDP includes a significant reduction in cars on the UK road system. The assessment of the impact of the reduction of cars on the road defined in the TDC appears not been assessed in the economic appraisal of the scheme.

7.5.5 ES Addendum, Volume 9, Page 144 states:

'Overall, it is not anticipated that there would be a material change in the significance of effects on climate / GHG emissions as reported in the ES as a result of the two-year rephasing of construction.'

7.5.6 A 515,000 tonne CO_{2(e)} increase to the 5th Carbon Budget should be considered a material increase when considering local and sectoral emissions quantum and budgets. Comparing 515,000 tonne CO_{2(e)} to the total emission budget of the UK is not consistent, comparable, complete and accurate way of extrapolating its significance.

8 Draft Development Consent Order (DCO) (Version 2) and Schedule of Changes to the Draft DCO

- 8.1.1 The Council has reviewed the draft Development Consent Order Version 2 ([REP1-043](#)) and its accompanying Schedule of Changes ([REP1-216](#)). The Council's full and comparative analysis of this is contained in Appendix D, where it has combined comments from the Council's LIR (Appendix I, Annex 1) of the LIR ([REP1-281](#)) and ISH 2 (Appendix I, Annex 2 of the LR) ([REP1-290](#)) into a combined table.
- 8.1.2 There have been a number of amendments to the dDCO and these have not generally been controversial, but they have not been made to address the Council's concerns. The Council's position is that there much work still required to justify why the DCO allows such broad and flexible powers to the applicant. It is noted that a further version of the dDCO has been provided and this will be considered further in Part Two, Section 17 of this submission and in Appendix D.

Drawings for Approval

- 8.1.3 The Council has a particular concern about which drawings are approved and therefore must be complied with. The key issue is that not all 'certified documents' (as listed in Schedule 16 of the dDCO and which is in accordance with Paragraph 11 of the PINS Advice Note 15 (AN15)) appear to be control documents, as they are not secured within the DCO. This issue is also set out in Appendix D, but is covered in more detail here.
- 8.1.4 The 'Introduction to the Application ([APP-003](#))' it states in paragraph 1.3.4 that each document in Plate 1.1 is secured within the draft DCO by means of an article, a specific requirement within Schedule 2 Requirements, Protective Provisions, or the Deemed Marine Licence. Then in paragraph 1.3.5, Table 14.1 it identifies the individual control documents submitted as part of this application and their relevance to each phase of the development and implementation of the Project. Reference is also provided to the specific securing mechanism for each. In paragraph 1.3.6 it states that the control plan demonstrates that the mitigation of effects of the Project presented in this DCO will be secured.
- 8.1.5 Table 14.1 of ([APP-003](#)) does set out a number of the control documents and how their secured. However, it is notable that the list of control documents is not as extensive as the list of certified documents in Schedule 16 of the DCO (and not all the control documents appear to the certified documents, for example see the Environmental Masterplan and Draft Archaeological Mitigation Strategy (unless they are contained in the Environmental Statement)).
- 8.1.6 The Council is particularly concerned that the Structures Plans, which are included in Schedule 16, but are not listed in Table 14.1 and yet they link to other 'Works Plans' in Schedule 1 of the dDCO. They are referred to in ([APP-003](#)), as follows:
- 'The Structures Plans (Application Document 2.13) show an illustration of the design and location of key features of the Project, such as bridges, tunnel structures and gantries and will be subject to detailed design development. This is not a prescribed document but has been produced to provide further information about the proposed structures.'*
- 8.1.7 Therefore, the Council concludes that the Structures Plans (and possibly other important 'certified documents and plans') are not secured within the DCO. The Council requires the applicant to demonstrate how each of the certified documents is secured in the dDCO.

9 Statement of Reasons (Version 3), including Land Plans (Version 3), Special Category Land Plans (Version 3) and Crown Land Plans (Version 3)

9.1 Statement of Reasons

9.1.1 The Council has reviewed the Statement of Reasons and note that in the Statement of Reasons, Annex B, 'Schedule of Negotiations to Statement of Reasons' (Version 3) ([REP1-048](#)) refers to the following:

- a. It refers to the meeting on 16 August 2022, but makes no reference to the subsequent emails;
- b. It refers to a meeting on 26 August 2022 and indicates that it was '*Discussion regarding effect of Project on property*'. It is not clear who attended this meeting, as the two key Council representatives did not attend
- c. There is no reference to this promised draft Legal Agreement, despite it being discussed and verbally agreed to by the applicant on many occasions during both 2022 and 2023. This is considered a major omission.

9.1.2 The Schedule of Negotiations is considered by the Council, at best, misleading.

9.1.3 There is nothing material within the D1 submissions of the applicant on these documents to cause the Council to change its previously stated position within its LIR.

9.2 Land Plans, Special Category Land Plans and Crown Land Plans

9.2.1 The Council has reviewed the changes to Land Plans – whilst none is material the Council notes minor amendments. Nothing has occurred to cause the Council to change its previously stated position.

10 River Restrictions, Rights of Way, Transport and Engineering Plans

10.1 River Restrictions Plans (Version 2)

- 10.1.1 The changes made to HE540039-CJV-BOP-SZZ_WZ000000_-DR-CX-10001 at D1 and contained within the River Restrictions Plans do not alter the Council's stance with regards to LTC.
- 10.1.2 Albeit not covered by the detail within the River Restrictions Plans, the Council continues to seek further use of marine transport as part of the construction of the project. That opinion has been stated within Sections 9.8 and 15.6 of the Council's LIR ([REP1-281](#)) and within its updated SoCG to be submitted at D3.

10.2 Right of Way and Access Plans (Version 2) and ES Figures 6.6, 7.23, 7.24, 7.4 and 7.16

- 10.2.1 In reviewing the changes set out in the above plans, there are a number that require commentary as set out below.
- a. The changes to 2.7 Rights of Way and Access Plans relate to minor corrections to a total of 9 sheets. Volume B ([REP1-024](#)) covers sites within Kent. Three sheets relating to sites within Thurrock are contained in Volume C ([REP1-027](#)). All the amendments are very minor and do not have any effect on the previous assessment and conclusions.
 - b. ES Figures 6.6 - Representative Viewpoints – Summer View Heritage – 1 of 2 ([REP1-122](#)) has been expanded to include winter views and additional viewpoints that were previously missing. Confusingly [APP-192](#) was labelled Representative Heritage Viewpoints; however, the new version has been named Summer Heritage Views despite the addition of the winter viewpoints. It would be helpful for all the images associated with Tilbury Fort to be grouped; they are currently split between pages 2-7 and 17-18.
 - c. The winter views from the roof of Coalhouse Fort on page 11 is helpful in assessing the potential visual effects from the Fort towards the proposed Tilbury Fields. This is an issue that has been raised previously by the Council within its LIR ([REP1-281](#)), Section 10.5.19.
 - d. ES Figures 6.6 - Representative Viewpoints – Summer View Heritage 2 of 2 ([REP1-124](#)) relates solely to sites in Kent.
 - e. ES Fig 7.4 - Landscape Designations ([REP1-127](#)) - the only change is a correction to the boundary of the Southern Valley Golf Club in Kent. There are no changes in Thurrock.
 - f. ES Figure 7.16 - Visual Effects Drawing with representative Viewpoint and Photomontage Locations ([REP1-129](#)) has been updated to include the locations of the three additional viewpoints identified in ES Addendum ([REP1-181](#)). These are on pages 15 and 19 of the plans.
 - g. ES Figure 7.23 ([APP-259](#) & [APP-260](#)) show existing tree constraints. The plans have been amended ([REP1-146](#) & [REP1-148](#)) to show tree crowns of potentially veteran trees. Within Thurrock the largest group is line of trees growing on the field boundary within the ecological mitigation area near East Tilbury Battery. An additional 9 individual trees are identified in the Borough. This change is considered to be beneficial as it better represents the value of these trees.

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- h. The amended ES Figure 7.24 - Tree Removal and Retention Plan ([REP1-150](#)) has been updated to include the potential veteran trees recorded in Figure 7.23. This confirms that none of these trees would be removed as part of the scheme. It is concluded therefore that the changes will not result in any increased impact on trees within the Borough.

10.3 Streets Subject to Temporary Restrictions of Use Plans (Version 2)

- 10.3.1 The changes made to the drafting inaccuracies and additions within the Streets Subject to Temporary Restrictions of Use Plans Volume B ([REP1-028](#)) and Volume C ([REP1-031](#)) at D1 do not alter the Council's stance with regards to LTC.

10.4 Engineering Drawings and Sections (Version 2)

General

- 10.4.1 The following drawing changes are the only ones that the Council has comments.

Volume A

- a. Minor typographical changes regarding LTC profile dimensions.
- b. HE540039-CJV-BOP-SZA_RX000000_-DR-CH-10012 addition of topographical plan.

Volume F

- a. The Key Plan (HE540039-CJV-BOP-SZA_RX000000_-CH-105000 for this set of engineering drawings is busy, unclear and hard to read in conjunction with the numbered drawings. It would have been appropriate to use a different solution to create clarity, for example, using multiple key plans.
- b. HE540039-CJV-BOP-SZA_RX000000_-DR-CH-10508 addition of A13 WB to A122 LTC NB bridge (Work No. 7E). Minor typographical changes regarding AOD.

Utilities

- 10.4.2 As part of the Engineering Drawings and Section (Version 2), whilst Volume A (A122 LTC plan and profiles) ([REP1-033](#)) and Volume F (A13 junction plan and profiles) ([REP1-034](#)) have been provided, the request in the Council's Local Impact Report (LIR), Section 12, Sections 12.1.6, 12.3.1, 12.3.2 and 12.3.3 for clearer drawings showing the detail of the utilities constraints and proposed diversion routes (including, but not limited to the type of utilities in each multi-utility corridor, the type of utility, e.g. kV of the electrical infrastructure, low pressure, medium pressure, high pressure gas mains, diameters, water trunk main, water distribution main, location of telecoms chambers and number of ducts, telecoms provider, etc.) has not been taken advantage of and provided by the applicant.
- 10.4.3 Within the applicant's D2 submissions, the changes made to the drafting inaccuracies and additions within the Engineering Drawings Volume A ([REP1-033](#)) and Volume F ([REP1-034](#)) at Deadline 1 do not alter the Council's stance with regards to LTC.

10.5 Classification of Road Plans (Version 2)

- 10.5.1 The changes made to the drafting inaccuracies and additions within the Classification of Road Plans (Version 2) ([REP1-036](#)) at D1 do not alter the Council's stance with regards to LTC.

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10.5.2 The Council continues to seek assurance that the applicant has provided sufficient allowance within the design of LTC as an 'All Purpose Trunk Road' to provide adequate notification to drivers to avoid being trapped into making inadvertent journeys onto Special Roads or through the tolled tunnel by making mistaken turns or decisions within the complex and convoluted interchange at A13 with no possible route back to the correct road.

10.6 Structures Plans (Version 2)

10.6.1 The changes made to the Structures Plans (Version 2) ([REP1-038](#)) at D1 do not alter the Council's stance with regards to LTC.

10.6.2 The Council's opinion on the configuration of the crossings of LTC; the absence of clarity over the configuration of the walking, cycling and horse-riding corridors and the constraints to future provision for those uses and public transport are documented in the Council's LIR ([REP1-281](#)) within Sections 9.5, 10.12 and Annex 2 Sub-Annex 2.5.

10.6.3 The Council considers these Structure Plans within the Section 8 above and in the Council's dDCO comments in Appendix D, in that they are not listed for approval and therefore cannot be relied upon, even though they are listed to be 'certified' in Schedule 16 of the dDCO. The Council contend that these 'Structures Plans' must be part of the approved drawings.

11 Environmental Statement (ES) Appendices Changes

11.1 ES App 5.3 – Air Quality Construction Phase Results (Version 2)

11.1.1 Changes relate to Tables 3.4, 3.5, and 3.6, the figures in these tables have been updated to present the correct NO₂ concentrations. The changes do not alter the Applicants conclusions of the AQ Chapter as the updated values were already used in determining significance.

11.2 ES App 10.11 – Remediation Options Appraisal and Outline Remediation Strategy (Version 2)

11.2.1 The majority of the changes made in the Remediation Options Appraisal and Outline Remediation Strategy (Version 2) ([REP1-164](#)) represent minor editorial changes and do not represent changes to the assessment that are significant and therefore do not present any further comment.

11.2.2 Regarding the change in the Remediation Options Appraisal and Outline Remediation Strategy (Version 2) ([REP1-164](#)) Section 8, paragraph 8.2.1, page 35 which reads '*remediation works are likely to require regulatory sign-off to ensure that the works have been implemented in compliance with the agreed remedial strategy*', 'likely' is not accepted and should be changed to 'will'.

11.3 ES App 11.3 – List of Third Party Offsite Waste Infrastructure Receptors (Version 2), including ES Figure 11.1

11.3.3 ES Fig 11.1 now differentiates between active landfills and other facilities. It was expected to also identify those facilities shortlisted within the EMA screening for the management of the excavated wastes, but it does not and should.

11.3.4 ES App 11.3 has the active landfill section extensively updated. However, it is not clear why all of the site details have changed, but it still does not identify which of the relevant waste codes are acceptable at the sites and which would clarify that they are suitable. This is considered incomplete.

11.4 ES App 12.4 – Construction Noise and Vibration Assessment (Version 2)

11.4.1 Changes relate to erroneous daily haulage movement by construction phase. The amendments apply to Table 2.5 of the Appendix 12.4.

11.4.2 Of the amended movement numbers, only Link 65 is within the boundary of Thurrock. The changes for Link 65 result in minor decreases in the number of movements for Phases 5 – 10. However, these minor decreases do not alter the conclusions of the Noise and Vibration Section 10.3 of the Council's LIR ([REP1-281](#)).

11.5 ES App 14.6 – Flood Risk Assessment (Version 2)

Annex A Compensatory Flood Storage Calculations Included

11.5.1 Calculations for the Compensatory Flood Storage Areas (CFSAs) dated 26 August 2022, have been added in Annex A of the Flood Risk Assessment. The calculations determine the

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compensatory storage required to offset the floodplain storage displaced by the proposed developments.

- 11.5.2 Earthworks calculations are also included and determine the net spoil for offsite disposal as well as the volume of topsoil that following excavation will be stockpiled and finally replaced to the same original thickness. 0.25 m of topsoil has been assumed throughout.
- 11.5.3 Reference: Environmental Statement Appendix 14.6 – Flood Risk Assessment (Version 2) Part 6 ([APP-465](#)). The calculations included are for the four Compensatory Flood Storage Areas considered as shown in the Table 11.1 below.

Table 11.1: CFSA Calculations Included

Calculation Number	Calculation Title
0200	Compensatory Flood Storage Area – Summary
0210	Compensatory Flood Storage Area – Tilbury-CFSA-1
0220	Compensatory Flood Storage Area – Mardyke-CFSA-1
0230	Compensatory Flood Storage Area – M25-CFSA-1
0240	Compensatory Flood Storage Area – M25-CFSA-2

Supplementary Commentary on Climate Change Allowances used for CFSA's

- 11.5.4 Background Methodology has been provided for the Compensatory Flood Storage Area - M25-CFSA-2 only. The assumptions about climate change for the other CFSA's are not explicit within the Annex A Calculations.
- 11.5.5 The information in Table 11.2 below is taken from [APP-465](#). Climate change allowances for peak river flow has been taken from the latest [Environment Agency Guidance](#), which is entitled 'Climate Change Allowances for Peak River Flow in England' published by DEFRA – this source is stated by the applicant within [APP-465](#) within its FRA, Part 6. These values are summarised in Table 11.2 below. The 2080s epoch (2070 to 2125) has been used as the closest range to reflect the operational life of the project (2129).

Table 11.2: Climate Change Allowances for Peak River Flow from latest Environment Agency Guidance

South Essex Management Catchment peak river flow allowances			
Epoch	Central	Higher	Upper
2020s	6%	11%	22%
2050s	5%	11%	27%
2080s	17%	26%	48%

- 11.5.6 The methodology references the Environment Agency Guidance that states: *'the appropriate allowance to calculate floodplain storage compensation depends on land uses in affected areas as follows: the central allowance shall be used for most cases and the higher central allowance shall be used when the affected area contains essential infrastructure'*.
- 11.5.7 It is acknowledged in the methodology that whilst the M25 is considered as essential infrastructure, it is approximately 4m above the watercourse at the point of crossing. On this basis the methodology adopts the central band allowance (17%).

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11.5.8 The calculations use the available flood level data and have selected the 1 in 100 year event with 20% climate change allowance. Using a value higher than the required 17% is acknowledged in the methodology as a precautionary approach.

Further Information Required

Climate Change Assumptions

11.5.9 The Climate Change Allowance used is stated for the Compensatory Flood Storage Area - M25-CFSA-2 only. **Further clarification is needed to confirm where there are differences in methodology used for the other CFSAs.**

11.5.10 The central band allowance has been used based on the critical infrastructure (M25) being approximately 4m higher than the watercourse at the point of crossing. **Further clarification is needed to confirm if this assumption is valid along other sections of the M25 and for the other CFSAs.**

11.5.11 **Confirmation is required that the climate change allowances used have been agreed with the Environment Agency for the four CFSAs and this should also include confirmation of the central band allowance assumption for critical infrastructure.**

12 Environmental Statement Appendix 2.2 – Code of Construction Practice, First Iteration of Environmental Management Plan (Version 2)

- 12.1.1 The changes made to the Code of Construction Practice (Version 2) (CoCP) ([REP1-156](#)) at D1 do not alter the Council's stance with regards to that Control Document or the principals of LTC.
- 12.1.2 The updating at Section 6.1 of the CoCP of the Fleet Operator Recognition Scheme (FORS) and the deletion of Silver FORS to require Gold FORS is favourably recognised.
- 12.1.3 The expansion and consistency at Section 6.7 of the CoCP of compliance with a Security Management Plan to all Contractors rather than the Main Works Contractors is favourably recognised.
- 12.1.4 The addition of REAC item MW009 as clarification on the operation of the tunnelling process is noted and is consistent with other documentation and statements made by the applicant. This does not vary the Council's view on the need to commit further to the use of non-road transport for the movement of materials plant and equipment associated with the construction of LTC. The Council's opinion relating g to this is set out within Section 15.6 and Annex 4 of its LIR ([REP1-281](#)).
- 12.1.5 The addition of explanations within the Glossary is noted.
- 12.1.6 **The Council's opinion on the CoCP is documented in the Council's LIR ([REP1-281](#)) within Sections 15.6 and remains unchanged as a consequence of the changes to create CoCP version 2 ([REP1-156](#)) at D1.**

13 Environmental Statement Appendix 2.2 – Code of Construction Practice, First Iteration of Environmental Management Plan – Annex C – Preliminary Works Environmental Management Plan (Version 2)

- 13.1.1 The changes made to the Code of Construction Practice Annex C – Preliminary Works Environmental Management Plan (Version 2) (CoCP) ([REP1-159](#)) at D1 do not alter the Council's stance with regards to that Control Document or the principals of LTC.
- 13.1.2 Whilst the definition of 'Preliminary Works' is clear in Section 1.1.2 of this document, there is no clarity yet as to when commencement will actually begin (assuming DCO grant), given the Secretary of State for Transport's announcement of a two year delay to construction. Clarity is required as to if that includes preliminary works or just main works and the date of any such commencement. This is particularly relevant to 'advance compound works', for the two main compounds and 'vegetation clearance', which would have a significant impact on the local communities, roads, natural environment and social facilities.
- 13.1.3 It is also notable from Table 1.2 that only a few REAC commitments apply to preliminary works and the Council require an explanation of why all commitments do not apply.
- 13.1.4 Section 1.15.10 has deleted the process for the Contractor's procedures for immersive induction of the workforce without any explanation, which is required.
- 13.1.5 **The Council's opinion on the PWEMP is documented in the Council's LIR ([REP1-281](#)) in Sections 15.1.4 and 15.6.54 briefly and remains unchanged, except the further comment set out above. In addition, the Council reiterates its point that this document was not discussed or shared with the Council prior to DCO submission.**

14 Localised Traffic Modelling Report, including Appendices A – H

14.1 Introduction

- 14.1.1 The applicant has sought to express that it has worked collaboratively on developing the localised modelling to inform the design development for LTC. **This is not accurate.**
- 14.1.2 The long delays over the last year or so in providing localised modelling and working in collaborating with the Council and other stakeholders have culminated in those models being presented late in the process as part of the information and evidence base to the DCO and Examination.
- 14.1.3 Consequently, the Council and other Interested Parties (IPs) are unable to provide adequate appraisal of the evidence or to agree those models within the tight programme of the Examination, which in turn places the ExA at a severe disadvantage as agreed and critical evidence is not finalised.
- 14.1.4 The applicant states in its Localised Traffic Modelling Report ([REP1-187](#)) in Table 3.1 items 5 to 8 that it suspended preparation of the models during a period when the Council's consultant team was temporarily stood down. This demonstrates that the applicant had no intention of finalising the localised modelling for publication as part of the Examination process unless pressed.

Additional Actions required by Applicant

- 14.1.5 At a joint meeting on 16 August 2023 between the applicant, the Council and DP World London Gateway, the applicant committed to provide further information relating to the appraisal of the localised modelling of the Orsett Cock Interchange and of The Manorway. That information would assist with the appraisal and auditing of the models and include information such as change logs and version control that should have been issued with the submissions at Deadline 1.
- 14.1.6 The applicant has also agreed to take subsequently signed-off localised forecast models back into LTAM to assess the effects on the strategic model network. This iterative approach, together with agreed sensitivity modelling, should have been adopted many months prior to DCO submission to allow the collaborative assessment of impacts and resolutions to be established and agreed.
- 14.1.7 The following is the list of actions that were agreed between the parties and the dates for the exchange of that information:

Table 14.1: Actions from Applicant/DPWLG/Council Meeting on 16 August 2023

Topic	Actions
General	<ul style="list-style-type: none"> For all of these actions the scope and method must be agreed with the Council as LHA (and DPWLG), prior to issuance /the applicant's response The applicant to have version control for all modelling going forward and model log summarising changes that are made between versions The applicant to provide dates of models set out in Table 3.2 of the Local Modelling Report submitted at D1 and their intended purpose

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Topic	Actions
	<ul style="list-style-type: none"> • The applicant to provide map showing the extent of the models in Table 3.2 of the Local Modelling Report issued at D1 and how they relate to each other (e.g. once we have agreed the Orsett Micro simulation can the applicant use it to update the A13 Micro simulation model?) • The applicant to clarify whether it is prepared to share the A13 corridor Micro simulation model and the A122 LTC Micro simulation model • The applicant to clarify whether it is prepared to share the M25 corridor model to enable the Council to better understand the performance of J31, J30 and routes through Thurrock • The applicant to provide a timeline to clearly show which models have been used to update the LTAM model and when, as part of the applicant's iterative approach to modelling (and equally which micro-sim has only been used to test design) • The applicant to provide programme of provision of additional information set out in this action list, aligned with Examination deadlines and circulate to stakeholders on the meeting
LTAM	<ul style="list-style-type: none"> • The applicant to provide flow difference plots between CS67 and CS72 LTAM versions and between CM45 and CM49 (Do-Minimum) • The applicant to provide turning movement information for the additional traffic at Orsett Cock (difference between DS and DM) and explanation of where this traffic is going to and from. This will include SLA for movements through the junction to all main destinations including Tilbury and Stanford Le Hope.
Orsett Cock VISSIM Model	<ul style="list-style-type: none"> • Stantec to provide the applicant with information about key changes between Aug/Sept 2022 and D1 submission VISSIM models • Following the above, the applicant to provide explanation about the differences and reasons for these • The applicant to demonstrate increased traffic on local roads A1013, A128/Brentwood Rd, B188, as a result of traffic seeking to avoid congestion at Orsett Cock. • The applicant has run a sensitivity test for extended links to reduce latent demand. The applicant to take on board Thurrock's comments on VISSIM forecasting model at D3 and incorporate into 'extended' model for submission to Examination – aim is for this to be the agreed VISSIM model. • Once have agreed 'extended' model, the applicant to run two sensitivity tests for Rectory Road: <ul style="list-style-type: none"> ○ Reallocate proportion of Rectory Road traffic to A128 (i.e. limit to local traffic through Orsett) and understand implications on Orsett Cock – assume 2016 base traffic through Orsett remains and all other traffic reallocated onto A128 ○ Rectory Road closed to all traffic except public transport and active travel • The applicant to provide zoomed in versions of Plates 7.25 – 7.27 in TA for Orsett Cock and Manorway and explain differences between these and VISSIM outputs • Once Orsett Cock VISSIM model agreed, the applicant to feed VISSIM model parameters back into LTAM and re-run to determine what changes, if any, result from the refinement to the LTAM model at Orsett Cock – the approach to this will need to be agreed with the stakeholders in advance

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Topic	Actions
	<ul style="list-style-type: none"> • The applicant to review Tables 4.5 – 4.8 of Report 9.15 to explain why flows from Point 6 (A13 eastbound) to Points 5 and 8 are zero. The applicant to provide updated tables / explanation • The applicant to provide details of traffic congestion on the approaches to Orsett to determine what impact this might have on route choices, such as rerouting back via M25 J30/M25 • Test an all-arms signalised Orsett Cock junction that provides facility for bus priority and safe passage for active travel modes to determine whether this is viable given the capacity constraints of the junction. The applicant proposes that this could be done at detailed design stage, but the Council (as LHA) disagrees and requires this to be done to test the validity of the design proposals submitted at DCO and to indicate how that could impact on the Order Limits.
Manorway	<ul style="list-style-type: none"> • The applicant to provide information sufficient to demonstrate that Orsett Cock queuing and delay will not impact on Manorway as a result of traffic re-routing / u-turning at Manorway. The scope for this data needs to be agreed with TC/DPW in advance of issuance
Construction	<ul style="list-style-type: none"> • The applicant to signpost how DP World/London Gateway can understand effect of LTC on DP World/London Gateway during construction – how many HGVs per day on A13 past Manorway during the construction phases
ASDA Roundabout	<ul style="list-style-type: none"> • Within its D1 submissions REP1-187 – REP1-194, the applicant has also agreed to share the ASDA Micro simulation model and to develop this to test construction traffic. The applicant to provide the Council with a copy of this model ASAP so that the scope of the model and tests required can be agreed with the Council as LHA.

14.1.8 The applicant has consistently resisted undertaking refined localised traffic assessments and instead proposed that its strategic Lower Thames Area Model (LTAM) was sufficient to inform the DCO Examination process and the assessment of impacts of the operational status of LTC on the local road network.

14.1.9 The Council has repeatedly stated that more detailed localised modelling is required to inform the understanding of local impacts and has applied pressure on the applicant to provide that analysis.

Council Analysis

14.1.10 In spite of its resistance to provide localised modelling to assess the viability of the DCO designs and the impacts, the applicant's recent documents issued at Deadline 1 refer to its own technical guidance on modelling, which quotes at paragraph 2.3.1 of the 'Localised Traffic Modelling Appendix G – Traffic Operational Appraisal – VISSIM Local Model Validation Report (LMVR)' ([REP1-193](#)) that '*micro-simulation models do provide a mechanism to undertake analyses that cannot be realistically addressed using traditional packages*' and states that the applicant would use these to understand the operation of closely spaced interactions, i.e. complex junctions or networks and signal controlled gyratories.

14.1.11 At a Borough strategic level the Council has sought to use LTAM to analyse the variance in traffic effects across the network for matters, such as: alternative connectivity; and to review the magnitude of effect on communities and corridors including traffic reassignment. However, to understand the likely impacts on the negatively impacted areas at network nodes, junctions and corridors localised modelling was required, which could then be used to inform mitigation.

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14.1.12 Prior to the DCO submission in October 2022 the Council had received from the applicant:

- a. a base model and a provisional version of a forecast model for the A13/A1089/LTC/Orsett Cock interchange (v1.5);
- b. a forecast model only of A13/The Manorway junction; and,
- c. a base year model only of the Thurrock East-West model.

14.1.13 Only the base model for Orsett Cock has been signed off by the Council and so the forecast models of that interchange are not acceptable for assessing the impacts of LTC. Further versions of the above models have now been issued at Deadline 1 and are discussed later in this section.

14.1.14 In spite of repeated requests, the Council has not received operational period localised modelling for:

- a. A1089 / Asda Roundabout; or,
- b. A13 Five Bells interchange.

14.1.15 The applicant states at Table 3.1 Items 3 and 9 of the Localised Traffic Modelling report ([REP1-187](#)) that models for the Asda Roundabout and A13 Five Bells interchange have been previously prepared, but not shared with the Council.

14.1.16 This is extremely surprising since the Council has been requesting modelling to understand the impacts at these locations (as well as the other mentioned locations), since before the earlier DCOv1 submission in October 2020.

14.1.17 The approach adopted by the applicant does not appear to be collaborative as claimed.

14.1.18 When models are shared, each organisation is required to operate under a Non-disclosure Agreement or Data-sharing Agreement. The Council wishes to understand when these models were developed and why the applicant determined it should not share them until required by the ExA to do so?

14.1.19 If there are no forecast adverse impacts, why would the applicant decide to withhold its modelling?

14.1.20 The applicant appears to be highly selective as to the modelling that is shared with stakeholders, as is demonstrated by the various models that are referenced within its documents at Deadline 1.

14.1.21 The Council would have welcomed the opportunity to determine for itself which modelling was important to assist with its appraisal of LTC and at no point agreed with the applicant the undefined criterion set out at paragraphs 3.5.9 and 3.5.10 of the Localised Traffic Modelling report ([REP1-187](#)).

Applicant's Further Work

14.1.22 The models for Asda Roundabout and Five Bells are understood to be being presented by the applicant at Deadline 3 and will be reviewed by the Council and submissions on them made at D4.

14.1.23 The interaction between the models will need to be analysed. The Council contends that the impacts of LTC at the A13 Five Bells interchange are important to the operation of the local

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road network and should not be unilaterally dismissed by the applicant as stated at Table 3.1 Item 3, i.e. *'not considered to be in sufficiently close proximity to the project to meet with criterion 3.4.9 b(i) (sic – 3.5.9 b(i))'*.

14.1.24 It is further understood that the applicant is to submit a microsimulation model for the Asda Roundabout at Deadline 3 for a construction phase. Again, the Council and other IPs have been requesting this modelling for over a year now.

Localised Modelling Inconsistency

14.1.25 The applicant submitted at Deadline 1 a summary report of the Localised Traffic modelling and accompanying technical reports of the models for Orsett Cock interchange, The Manorway, and the Thurrock East-West model. The Council provides at Appendix E to this report its current review of the modelling package, including preliminary audit reports of the submitted models (included as Annexes 3, 4, 5 and 6 to Appendix E).

14.1.26 The applicant states at paragraph 1.1.4 in its Localised Traffic Modelling report ([REP1-187](#)) that the *'localised traffic modelling has been used to check the robustness of the finding of the Lower Thames Area Model (LTAM)'* with similar assertion made at paragraph 4.1.1.

14.1.27 Within the Thurrock area the Council has not signed off on the validity of those models and so it cannot agree that the models provide a suitable sense check.

14.1.28 The applicant's assertion that the localised modelling was used to support stakeholder engagement is misleading, as is evidenced by the time taken to submit the unagreed models to the ExA, including the further models to be submitted at Deadline 3.

14.1.29 At no point has the localised modelling been used collaboratively with the Council to inform the design of proposals for LTC.

14.1.30 Irrespective of the timeline to produce the localised modelling, the applicant seeks to use its Localised Traffic Modelling report ([REP1-187](#)) to show only marginal differences between the appraisal of the effects of LTC, using LTAM strategic modelling and the current outputs from the Do-minimum and also the Do-something forecast localised traffic modelling.

14.1.31 The applicant proposed to use Tables 4.1 to 4.8 of the Localised Traffic Modelling report ([REP1-187](#)) to illustrate the similarities between the data returned by the LTAM strategic modelling and the microsimulation models.

14.1.32 Rather than showing similarities, the tables clearly demonstrate the significant differences between the two techniques and that more refined modelling is required to accurately assess the effects of LTC, especially on local communities and the local road network.

14.1.33 The applicant uses a comparison of route length, traffic flow, and journey time. Analysis of those comparisons is shown in Appendix E, Annex 2 of this submission and shows the substantive variances between many parts of the network, both for the Do Minimum and Do Something scenarios. Even taking the sum of weighted journey time comparisons (which are intended to smooth out the differences between the two models), it is evident that the two processes return very different outcomes.

14.1.34 There is no consistency between the outputs from the two processes, but there is also a strong case for the Council proposing detailed appraisal of part of its network where there was evidence from the LTAM that impacts would be experienced.

14.1.35 The localised modelling would assist the Council in better understanding the forecast impacts and how those impacts might be mitigated. That process is not feasible with the strategic

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LTAM, which is not validated on junction turning movements and does not include the detail of geometry and operation that would be in a localised model.

- 14.1.36 In paragraph 2.2.3 of the Localised Traffic Modelling report ([REP1-187](#)) the applicant claims that the localised modelling undertaken validates the LTAM and that the conclusions drawn through the DCO evidence are valid for *'the performance of individual junctions'* and the *'scale of traffic impacts and benefits, and by extrapolation, the scale of economic disbenefits and benefits at individual junctions'*.
- 14.1.37 The Council asserts that the comparative analysis within the Localised Traffic Modelling report ([REP1-187](#)) demonstrates the differences between the two modelling approaches, thus confirming that each has its purpose and requires careful development to be of value to the assessment of impacts.
- 14.1.38 The applicant acknowledges at paragraph 3.1.11 and 3.1.16 of the Localised Traffic Modelling report ([REP1-187](#)) that strategic modelling and localised modelling have complementary applications, yet the applicant has until D1 proposed not to employ localised modelling in collaborative engagement with the Council.
- 14.1.39 The Council concurs that both modelling approaches are required, but cannot progress with that until it is able to sign off the localised modelling and that those models would then be used to inform the mitigation of LTC's impacts.
- 14.1.40 At no point has the Council been made aware of the applicant's checks on alignment of the localised modelling with the LTAM, for which the applicant states in paragraph 4.1.1 of the Localised Traffic Modelling report ([REP1-187](#)) was being undertaken. The local model development has only been progressing following pressure from the Council and other stakeholders.
- 14.1.41 The Council's concerns are expressed through Figure 9.1 of its LIR, which illustrates the absence in progress to provide acceptable analysis of the forecast impacts. That position is updated at Appendix E, Annex 1 of this submission and shows very little progress even with the submissions at Deadline 2.
- 14.1.42 The Council has continued to review the localised modelling as submitted at Deadline 1 and is not able to sign off on any of the models.
- 14.1.43 The Orsett Cock interchange model was the most developed between the two parties, but the Council has substantial and substantive concerns with the forecast model.
- 14.1.44 It is noted that the version submitted to the Examination has changed since that previously issued to the Council. No change log has been provided and so the Council is having to retrace steps to compare the current and previous version to understand which if any of its former concerns have been resolved and where further concerns might now arise.
- 14.1.45 The Manorway model does not have a base model and so a forecast model cannot be signed off.
- 14.1.46 The East-West model has been partly adjusted since earlier correspondence but does not take account of all of the Council's model audit comments, some of which are model critical concerns. The process is therefore not helped by poor logging of version control and changes which slow the assessment process down.
- 14.1.47 Those errors and concerns would need to be amended and the models signed off before the Council can provide a response to the assessment of impacts of LTC based on accurate evidence base.

14.1.48 SUMMARY: the Council has pressed for some considerable time to have localised modelling of key impact locations published and submitted within the DCO. Some provisional modelling had been provided by the applicant shortly prior to DCO submission, but that has many critical errors and has not been signed off by the Council. Other models that were requested prior to DCO submission have not yet been provided. The Council is not in a position to undertake an informed response to the localised modelling outcomes until such time as the localised modelling has been signed off and is not able to provide a robust review of the recently submitted localised models in the time frame within the Examination period to enable the ExA to critically appraise such results and conclusions.

14.1.49 The strategic LTAM provides an overview of the forecast general effects on the road network in Thurrock but is not adequate to assess the localised impacts and the resultant need for mitigation. The extent of outstanding information needed on localised traffic modelling became clear at a recent applicant, Council and DPWLG meeting, the considerable list outstanding is set out in Table 14.1.

14.1.50 It is not acceptable to delay resolution of the impacts and the mitigation until post DCO grant and so the applicant's claim that localised modelling would be used by the contractor during detailed design development does not ensure the impacts of LTC would be properly assessed and mitigated or that the current design is appropriate. The certainty of mitigation delivery will not be secured or confirmed to be within the Order Limits or land within the Applicant's control and that mitigation will not be factored into the contractors' costs and programmes.

14.2 Orsett Cock Interchange Audit and Comparative Assessment

14.2.1 Through earlier engagement with the applicant the Council signed off the Base Year Orsett Cock microsimulation model. Following that the Council was issued with a provisional forecast model in September 2022 (version 1.5) representing the interchange between LTC / A1089 / A13 and the Orsett Cock interchange.

14.2.2 A working draft model audit being prepared by the Council is provided at Appendix E, Annex 5 to this submission. A number of critical errors were noted in the forecast models and especially the coding of the proposed scheme.

14.2.3 Of particular note were the coding of vehicles joining from merge points where heavy goods vehicle traffic on the main corridor was coded, such that it was required to wait for vehicle to enter from the joining merge. This created queuing on the main through routes, including on LTC and A13.

14.2.4 A further challenge was the merge and weaving connection to the Orsett Cock gyratory. The short length was shown to be regularly congested and was therefore over doubled in length in the models to seek to reduce the impact. That revision needs to be reflected in the applicant's modelling and design proposals.

14.2.5 Driver behaviour coded into the circulation of Orsett Cock was over-estimating typical lane discipline and underestimating impacts. The Do-something models do not include the Pegasus crossing that is proposed on A1013 to the west of Rectory Road and do not therefore allow for the network alterations for that measure and for the effects on the operation of the network.

14.2.6 The Council has prepared a corrected version of the forecast model version 1.5 and the coding to reflect more accurately network operation and this will be submitted to the applicant separately.

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- 14.2.7 The localised traffic model now submitted at Deadline 1 is version 2.4. The review in Appendix E, Annex 3 considers the following documents issued by the applicant at Deadline 1:
- a. Localised Traffic Modelling Appendix B – Orsett Cock LMVR ([REP1-188](#))
 - b. Localised Traffic Modelling Appendix C – Orsett Cock Forecasting Report ([REP1-189](#))
 - c. Localised Traffic Modelling Appendix G – Traffic Operational Appraisal – VISSIM Local Model Validation Report (LMVR) ([REP1-193](#))
 - d. Localised Traffic Modelling Appendix H – Traffic Operational Appraisal – VISSIM Forecasting Report ([REP1-194](#))
- 14.2.8 The review of the Base Year model LMVR (Local Model Validation Report) identified marginal changes between the June 2022 report, which was previously reviewed by Thurrock, and July 2023 report. They are confined to additional reporting text.
- 14.2.9 A comparison of the model output reported in terms of network performance statistics, journey time and flow analysis, show consistent model outputs suggesting that no changes were made to the version of the Base Year microsimulation model signed off by the Council.
- 14.2.10 However, version 2.5 of the forecast model issued at Deadline 1 differs from the forecast model version 1.5 issued by the applicant to the Council in September 2022.
- 14.2.11 A change log has not been provided with the Deadline 1 submission.
- 14.2.12 The Council has undertaken a review of the model to establish what revised assumptions have been made by the applicant before a reliable assessment can be carried out of the impacts.
- 14.2.13 An initial comparison of the version 1.5 and version 2.4 models is provided at Appendix E, Annex 3 of this submission. This indicates that there are differences in network coding and travel demand between the two versions of the models and there are coding issues present in the model meaning that the outputs cannot be relied on.
- 14.2.14 The Council has corrected the Orsett Cock forecast model version 1.5 provided by the applicant in September 2022 and provided the model files to the applicant at Deadline 3. The coding changes made by the Council to the forecast model version 1.5 are summarised in Appendix E Annex 5.
- 14.2.15 The Council would request that the applicant uses this corrected version 1.5 forecast microsimulation model and the further changes that the Council would require would be for the applicant to use the updated demand matrices from LTAM CM49 for the DM model and LTAM CS72 for the DS model as well as extend the link lengths to resolve the latent demand issues raised by the Council.
- 14.2.16 Whilst the Council has not signed off the localised models for the Orsett Cock interchange, from previous inspection of the outcomes from the September 2022 models the analysis of the applicant's modelling showed that there was substantial queuing on the local road network in both the 2030 and 2045 forecast years. Furthermore, there were a number of substantive queues within the applicant's LTC network.
- 14.2.17 The images below (Plates 14.1, 14.2 and 14.3) provide example screenshots from the evening peak forecast models version 1.5 for the Orsett Cock Interchange Do Something models and illustrate the magnitude of queuing on the local network. The images indicate substantial queuing on both the local road network to the extents of the model on A128, Brentwood Road

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(south) and Rectory Road. The images under-represent the actual forecast impacts as the latent demand should be applied to those images to represent the demand flow through those respective periods.

Plate 14.1: Orsett Cock Interchange – 2030 Do Something Forecast Queuing PM Peak (17:00-18:00)

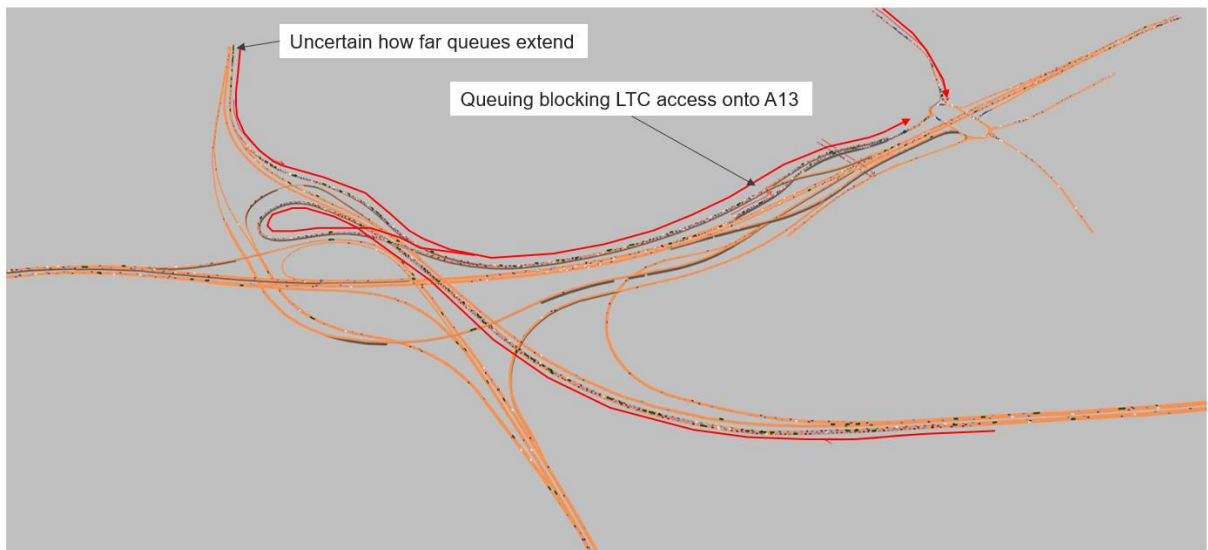


Plate 14.2: Orsett Cock Interchange – 2045 Do Something Forecast Queuing PM Peak (17:00-18:00)



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Plate 14.3: Orsett Cock Interchange – 2045 Do Something Forecast Queuing PM Peak (17:59)



14.2.18 Across all timeframes the models had latent (i.e. residual) demand that was unable to ‘enter’ the model in the modelled period. That demand represents traffic that was to be assigned to the modelled hour period, but that was not able to pass through the model due to delays.

14.2.19 The demand forecasts were taken from the LTAM strategic models and were assigned as per the suggested modelled capabilities of the interchange under the strategic modelling. That model traffic flow would have already allowed for forecast reassignment across the strategic network.

14.2.20 It is considered bad practice to have latent demand in the base models as those models demonstrate that the model has not been established acceptably and would underestimate the journey times through the models and the queuing within the links in forecasting. Due to the software limitations, the forecast effects are therefore underestimated, and the models are unreliable. As an indication, Table 14.2 below presents our initial observations taken from the auditing of version 1.5 of the microsimulation model.

Table 14.2: Orsett Cock Interchange – Latent Demand in model version 1.5

	AM 7-8	AM 8-9	PM 17-18
Base	31	2	59
2030 Without LTC	68	208	2
2030 With LTC	376	523	669
2045 Without LTC	336	801	48
2045 With LTC	896	1529	1527

14.2.21 The more detailed localised models were unable to cater for the forecast traffic flows, but no mitigation is being proposed by the applicant.

14.2.22 It is the Council's strongly held concern that if the models are accurately reflecting the operation of the proposed network, then the demand in the strategic model could seek further to reassign away from the Strategic Road Network and onto the Local Road Network. The observed impacts are unacceptable, but need to be reviewed once a forecast model can be signed off.

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14.2.23 This is a key piece of appraisal work for the Council, as it reviews the interface between the proposed convoluted interchange with LTC and A1089 and the Council's Local Road Network (LRN).

14.2.24 The Council has many well-founded concerns with the proposals, including:

- a. Understanding the community harm;
- b. Seeking to resolve the negative environmental effects;
- c. Designing out driver and active travel safety risks;
- d. Removing long delays and consequential rerouting and removing disruption to public transport;
- e. Confirming the realism of the deliverability of the proposed concepts;
- f. Correcting the absence of impact mitigation and sustainability legacy; and,
- g. Guarding against the impacts on future environmentally-sound initiatives, such as active travel enhancements and bus priority measures.

14.2.25 These concerns have all been set out in the Council's LIR, primarily in Sections 8 and 9, but across all parts of its review of local impacts. The localised modelling provided at Deadline 1 does not resolve the Council's concerns, but instead amplifies the concerns by demonstrating the likely delays and disruption and consequential safety concerns with the proposed interface between LTC and the local road network.

14.2.26 **SUMMARY: the applicant has undertaken a number of changes to its microsimulation modelling for the Orsett Cock Interchange by the time of submission at Deadline 1 and since it was first provided to the Council in September 2022 as version 1.5. The model submitted at Deadline 1 in July 2023, version 2.4, has not been issued with a change log. The Council had signed off on the base model in September 2022, but did not sign off on the forecast models. With changes made to the forecast models without a change log, there is limited value in analysing or relying on the forecast models. In order to provide an informed judgment on impacts at Orsett Cock, the Council has provided the applicant with its corrected version of 1.5 of the forecast model at Deadline 3 and will work with the applicant to agree a forecast model sufficient to accurately assess impacts.**

14.2.27 **The Council's concerns relating to the assessment of impacts and the design of the proposed interface between LTC and the local road network are not resolved.**

14.3 The Manorway Model Audit

14.3.1 The review at Appendix E Annex 6 considers the following documents issued by the applicant at Deadline 1:

- a. Localised Traffic Modelling Appendix D – Manorway Forecasting Report ([REP1-190](#)).

14.3.2 A base model has not been provided for this junction and so it is not feasible to sign off a validated base year model and is therefore not possible to judge whether the provided forecast models are reliable to assess impacts at the junction. The forecast models have been established using traffic flows output from the LTAM model and are therefore not validated against turning counts or site observations.

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- 14.3.3 At the time of preparing a microsimulation model of The Manorway, there were construction works in place on A13. Given this, it was accepted by the Council at that time that it was not feasible for the applicant to develop a base model on observed traffic conditions. Therefore the applicant proceeded to prepare a forecast model of The Manorway solely based on LTAM outputs.
- 14.3.4 On completion of the A13 construction works in 2022 the Council discussed with the applicant the need for a base year model and the specification of traffic surveys. It was clear that the applicant was not going to prepare a base model for this junction and was not submitted at Deadline 1, so the Council is preparing a base year model using observed traffic flows from 2022 that will be provided to the applicant to allow an updated forecast model to be developed and agreed.
- 14.3.5 **Summary: the Council has not been provided with a validated base year model for this junction and so is unable to sign a base model off or to confirm the soundness of the forecast models.**

14.4 Thurrock East West Model Audit

- 14.4.1 In June 2022 the applicant provided the Council with the East-West base year microsimulation model and associated LMVR (Local Model Validation Report). The modelled area of the East-West model covers the network from the A13/A1012 junction, Lodge Lane through Daneholes Roundabout, incorporating Marshfoot Road and junction to the roundabout of the B149/St. Chads Road. The review of the base year model completed by the Council was provided to the applicant in November 2022. The applicant was required to address the Council's comments on the model, before the model could be signed off by the Council.
- 14.4.2 An updated version of the base year model and the accompanying documentation has been issued by the applicant at Deadline 1:
- a. Localised Traffic Modelling Appendix E – Thurrock East-West LMVR ([REP1-191](#))
- 14.4.3 The Council has undertaken a review of this model, which is presented in Appendix E, Annex 4. It has been identified that only selected issues reported to the applicant in November 2022 were addressed so there are residual critical problems. The review of the model has also identified further critical issues, which need to be addressed before comments can be provided on the forecast models and the results.
- 14.4.4 The Council has observed that the Asda roundabout is not included within the East-West model and that the interaction between that junction and the wider network is not represented. The Council awaits the submission at Deadline 3 of the applicant's modelling of Asda roundabout before it can make an informed review of the base and forecast models and resultant impacts.
- 14.4.5 **Summary: the East-West models are yet to be agreed and so the Council cannot provide an informed assessment of the effects of LTC on that network at this time.**

15 Design and Operational Distinction Between an All-Purpose Trunk Road and Smart Motorway

- 15.1.1 Through Action number 3, requested by the Examining Authority, the applicant has been requested to 'provide a summary document describing the design and operational distinction between a three lane per side AAPT and a Smart Motorway' ([REP1-196](#) paragraph 1.1.12). The comparative statements provided by the applicant ([REP1-196](#)), which considers the differences between an All-purpose Trunk Road (APTR) and a Smart Motorway at Section 2.3 to 2.5 and Tables 2.1 to 2.3 largely concludes that there are no major design differences and yet an APTR is deemed safe to implement, whilst the Secretary of State has determined to halt the development of Smart Motorways due to uncertainty over the safety of those initiatives. The applicant indicates at Table 2.2 that the edge treatment is wider with LTC than a typical retrofit ALR Motorway and at Table 2.4 that some classes of vehicle would need to adhere to APTR lower speed restrictions and that the design would use green backed signs. Aside from those difference it is the Council's opinion that LTC is effectively a Smart Motorway.
- 15.1.2 The applicant is in effect introducing a Smart Motorway by stealth. In order to understand the impacts on the local road network and the Order Limits, in its LIR ([REP1-281](#)) within Section 8.6.16, the Council seeks details from the applicant as to the design changes that would be required to convert LTC to a Smart Motorway or indeed if any design changes would be required, (including confirmation that no changes would be required outside the Order Limits), besides different signing on the Borough network – for which there are currently no confirmed details or prospective designs.
- 15.1.3 Within paragraph 2.3.1(e) of the document the applicant states that LTC will be largely designated as Trunk Road with the immediately preceding text stating that Motorways are designated as Special Roads. The Council continues to seek assurance that the applicant has provided sufficient allowance within the design of LTC as an 'All Purpose Trunk Road' and on the adjoining SRN and LRN to provide adequate notification to drivers to avoid being trapped into making inadvertent journeys onto Special Roads or through the 'tolled' or charged tunnel by making mistaken turns or decisions within the complex and convoluted interchange at A13 with no possible route back to the correct road.
- 15.1.4 The Classification of Road Plans (Version 2) ([REP1-036](#)) at D1 and DCO Schedule 5, Part 1 'A122 Lower Thames Crossing northbound to M25 northbound' indicates that vehicles travelling north on LTC north of A13 will enter a Special Road. The last opportunity to leave LTC before being trapped into entering the Special Road is at the northbound exit to A13 / Orsett Cock, furthermore drivers would need to be notified before joining LTC northbound from A13, A1089 or from Orsett Cock that they would be entering a Special Road.
- 15.1.5 The applicant should provide sufficient clarification that its designs have made allowance for clear, safe and convenient signing on the approaches from all non-Special Road that those drivers could inadvertently be entering a Special Route, with the consequential safety concerns and enforcement action.
- 15.1.6 This position is equally important for drivers that might inadvertently head south on LTC where they would have no opportunity to avoid accessing the tolled and restricted tunnel with no opportunity to turn back.
- 15.1.7 The above points, however, other than to cast doubt over the true designation of LTC and the ability of the applicant to properly sign the restrictions with the Order Limits or with land under its control, has no bearing on the Council's opinion over the impact of LTC on the local community as set out in its LIR ([REP1-281](#)).

PART 2:

- **Section 16:** Introduction
- **Section 17:** Draft Development Consent Order (DCO)
- **Section 18:** Applicant's Response to Thurrock LIR
- **Section 19:** Statement of Commonality
- **Section 20:** ES Addendum at D2, Environmental Masterplan (EMP), and WRs of Statutory Environmental Bodies and Supplementary WCH Maps
- **Section 21:** Applicant's Response to WR of ESSPSG
- **Section 22:** Applicant's Response to WRs for Ports
- **Section 23:** Technical Note on Earthworks

16 Introduction

- 16.1.1 This submission, in Part One, seeks to respond to all of the applicant's Deadline 1 (D1) submission documents that were uploaded to the PINS website on 24 and 26 July 2023, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission. Further details of the relevant sections are set out below.
- 16.1.2 Furthermore, in Part Two of this submission it relates to the Council's comments, where necessary, on the applicant's submissions at Deadline 2 (D2) that were uploaded to the PINS website on 7 August 2023. Further details of the relevant sections are set out below and in the introductory page to both Part One and Part Two.

Context

- 16.1.3 There were 438 submissions at D1 and of that total the applicant's made 216 submissions. Then, at D2 there were 120 submissions of which the applicant made 77 submissions. Given the gap between D1 and D2 was just over two weeks, it was considered appropriate by the Council to make its full submission (given the scale of the applicant's submissions) in response to the applicant's submissions at D1 and D2 at Deadline 3. This request was communicated to the ExA in the Council's preliminary response at D2.

Structure of Part Two of this Submission

- 16.1.4 The structure and contents of Part Two is set out above.

Commentary

- 16.1.5 The Council would like to note that in many instances, in subsequent sections of Part Two and within the applicant's documents covered in Part Two of this submission, there is no further analysis, evidence, documentation or argument that addresses the Council's points made in its submissions – this is especially true of responses to the Council's LIR covered in Section 18 below. The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'reasonable and proportionate', without actually being so. The Council contends that this is not reasonable, particularly if a major stakeholder is making key technical points, then it seems incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.

17 Draft Development Consent Order (DCO)

- 17.1.1 The Council has reviewed the draft Development Consent Order Version 4 ([REP2-005](#)) and its accompanying Schedule of Changes ([REP2-042](#)). The Council's analysis of this is contained in Appendix D, where it has combined comments from the Council's LIR (Appendix I, Annex 1) of the LIR (REP1-281) and ISH 2 (Appendix I, Annex 2 of the LR) (REP1-290) into a combined table.
- 17.1.2 As can be seen from Appendix D, there are a large number of areas which have not, in the Council's opinion, been adequately addressed. Of particular concern is the uncertainty caused by considerable flexibility with the DCO (such as the Order Limits and Limits of Deviation). Whilst the applicant is quick to point out that it is not in the public interest for there to be any delay, it is important that the Examination process is effective at allowing all those potentially impacted to understand what that impact could be and how they should engage.
- 17.1.3 As noted by the SoS for Transport on 9 March 2023:
- 'To date we have spent over £800 million on planning the Lower Thames Crossing. It is one of the largest planning applications ever and it is important we get this right' (AS-086).'*
- 17.1.4 In the Council's opinion, and without prejudice to the Council's wider comments regarding the considerable disadvantages of LTC, this means allowing the applicant a proportionate degree of flexibility, but also allowing for sufficient certainty to allow effective engagement of other stakeholders.
- 17.1.5 Appendix D sets out the Council's concerns on a wide range of issues, which need amendment if LTC is to avoid problems, such as significant congestion of local roads, unintended consequences from disappplied legislation, nuisance to residents over a significant period of time and progression of a scheme that could be outdated prior to its completion.
- 17.1.6 The Council have accepted and agreed as many areas as possible, but significant input from the applicant is still required. Furthermore, the applicant's focus on precedent is not helpful, where to do so distracts from the analysis of what is most appropriate for LTC.

18 Applicant's Response to Thurrock LIR

18.1 Introduction

- 18.1.1 The Council has reviewed the 5-part comments of the applicant on its LIR ([REP1-281](#)), namely [REP2-062](#), [REP2-063](#), [REP2-064](#), [REP2-065](#) and [REP2-066](#). If the Council has no comments on the responses then it has omitted that sub section from the commentary below.
- 18.1.2 With regard to the applicant's response to Section 1.2.4 of the Council's LIR, the applicant has sought to demonstrate, as usual, the scale of engagement regarding the SoCG, mistakenly assuming such scale is collaborative and positive, but without actually demonstrating it has listened or changed key matters from such engagement. It cites that disagreement on issues is not reflective of inadequacies of the engagement process, but fails to recognise that the number of outstanding issues that are either 'Matters Under Discussion' or Matters Not Agreed' and that have been so for 1 – 2 years of engagement directly demonstrates that the applicant's engagement has been unresponsive in the main.
- 18.1.3 The applicant has mistaken the stance of the Council, as the Council does not object to the project and states in the Executive Summary paragraphs 2022 and Section 6.1 of its LIR that ***'The Council objects to the current proposals for LTC as the scheme fails to strike an acceptable balance between national benefit and the substantial harm to the Borough. This position was set out in the Council's Statutory Consultation response and all five previous rounds of non-statutory public consultation. The Council considers that this position has not changed as a result of the current proposals, which deliver very little benefit for local people and do not deliver on the applicant's own scheme objectives, such as 'to support sustainable local development and regional economic growth in the medium to long term' or to 'minimise adverse impacts on health and the environment'***.
- 18.1.4 The applicant then further dismisses any further engagement during pre-application, preferring instead to load the Examination with the responsibility of resolving many more outstanding key issues than is reasonable, due mostly to the applicant's intractable positions.

18.2 Planning History

- 18.2.1 The applicant's response to Section 3.3.2 of the Council's LIR is to confirm that the Thames Freeport is not part of the localised traffic modelling at the A13 Manorway junction, which is considered unacceptable, given the likely scale of current and future development. Furthermore, that impacts created by the applicant at that junction not only are not mitigated but are also a 'Matter Not Agreed'. The ExA may wish to consider this position in the light of DPWLG's three submissions at Deadline 1 ([REP1-331](#), [REP1-332](#) and [REP1-333](#), whom are also a significant member of the Thames Freeport.

18.3 Planning Policy Context

- 18.3.1 The applicant's response to Section 4.2 of the Council's LIR regarding appropriate local planning policies to be considered (which are 28 policies) and the reasons for the applicant omitting some 15 Council Local Policies (or approximately one third of the Council's recommended local planning policies) are considered unacceptable, especially without any discussion. Surely it is the Council who best understands the applicability of its own local policies? The reasoning given by the applicant is that the policies are not directly related to the LTC project; that the project does not impact on such facilities; or, that the policy is dealt with in a DCO application document – this is not accepted without further discussion.

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18.3.2 The applicants have refused to consider the use of the current NPS for Ports, despite impacting two major national ports and directly impacting the collective Thames Freeport. This reasoning is for the ExA to adjudge.

18.4 Statement of Common Ground (SoCG)

18.4.1 The applicant's response to Sections 5.1.1 – 5.1.3 of the Council's LIR ([REP1-281](#)) is once again to quote 'best practice' and provide a list of meetings/workshops, but again fails to respond to the fundamental failings of the latter parts of the process, as identified by the Council. This process favoured the applicant in that it permitted no pre-discussion of its responses prior to submission but was heavily involved in determining the Council's points. The emphasise on the joint working is reasonable, but it was a one-sided working with the Council having very little involvement in the applicant's responses. The references to 'cross references' is dealt with by the Council in Section 5.3.3 of its LIR.

18.4.2 The applicant's responses to Sections 5.3 and 5.4 contain no substantive points and therefore the Council maintains these positions/evidence. The issue with the Council not responding to a draft SoCG that was part of its submission in late October 2022 is clear – the Council only had a month between DCO acceptance, and its S114 Notice being issued. There was clearly insufficient time to review 55,000 pages, including the draft, unsigned and not agreed SoCG.

18.5 Overall Position of the Council and Key Issues on Consultation/Engagement

18.5.1 The applicant, in responding to Section 6.1 of the Council's LIR, states that it rejects that engagement has not been extensive – the Council has not stated this and this represents a further attempt to 'put words into the Council's mouth' and then disagree. The Council does not disagree that engagement has been extensive, but it does not agree that it has been positive and productive. This is summarised as: *'progress on agreeing measures for mitigation, avoidance or compensation of impacts with NH has been unnecessarily slow and difficult, with very little movement on significant measures and the necessary collaboration and engagement from the applicant to resolve such matters has been mixed. This mixed reaction from the application has involved positive approaches to having meetings or workshops and some measure of written responses, but in the main has failed to provide critical information when requested, has refused to provide essential mitigation, and has delayed progress on a range of technical matters'*.

18.5.2 The applicant has consistently maintained a position that it has performed reasonably throughout the pre application and application processes and yet many issues remain outstanding and unresolved, there is considerable missing information still outstanding and localised traffic modelling has been provided late in the DCO process and only under duress and after a year of repeated requests. The applicant steadfastly relies on its Consultation Report and the fact of DCO 'acceptance' to demonstrate all has been done and all is well with consultation and engagement, yet many issues persist. As indicated above, a recent example of the applicant's persistent refusal, for over one year, to provide local traffic modelling within the DCO application, then refuse to provide it in the Issue Specific Hearing 1 and only provide at the ExA's insistence at D2, more than adequately demonstrates the applicant's approach to providing key information (especially that might challenge the acceptability of the scheme), i.e. provide it only when forced to do so.

18.5.3 The Council does not contend with the facts of the SoCG process presented by the applicant, only the lack of commitment to resolving issues with the Council and extent the applicant either delaying or not providing key information, with much of that information requested by the Council still remaining outstanding.

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- 18.5.4 With regard to Table 6.1 within the Council's LIR, the applicant deals with each of the outstanding 19 elements of missing information/evidence in turn – Council responds below.
- 18.5.5 **Point 1** – the Council's assessment of the applicant's Green Belt assessment is set out clearly in Section 15.10 and Appendix L (Annexes 1 – 8) of its LIR and do not need to be restated here, except to reemphasise that such assessment has not been undertaken and is not adequate. The applicant has not published a Strategic Green Belt Assessment for the selection of preferred route, based on the purposes and fundamental aim of the Green Belt. The applicant has not published a Detailed Green Belt Assessment for the preferred route, based on the purposes and fundamental aim of the Green Belt.
- 18.5.6 **Point 2** – the applicant's final response to providing the localised traffic modelling at D1 and subsequently to be at D3 was achieved only after more than a year of requests from the Council and then the final requirement from the ExA and at no point did the applicant volunteer such information publicly and has resisted such provision throughout.
- 18.5.7 **Point 3** – this is dealt with in Sections 14 above and Section 18.7 below.
- 18.5.8 **Point 4** – this is dealt with in Section 14 above.
- 18.5.9 **Point 5** – this is dealt with in Sections 18.6.26 – 18.6.29 below.
- 18.5.10 **Point 6** – the Council is aware of the information within the various DCO documents, which is considered inadequate; therefore, it will review the Technical Note provided by the applicant and the Council's comments are set out in Section 23 below.
- 18.5.11 **Point 7** – this is dealt with in Sections 18.9.1 – 18.9.12 below.
- 18.5.12 **Point 8** – this is dealt with in Sections 18.9.13 – 18.9.22 below.
- 18.5.13 **Point 9** – in Section 6.4 and Table 6.1 of the Council's LIR, the Council notes that in paragraph 4.2.3 (g) the applicant provides commentary on the approach to assessment alternatives. The Council has previously requested from the applicant the full information used as part of re-assessment of scheme alternatives in 2017. This information has still not been provided by the applicant and hence it is not possible for the Council to determine the robustness of the assessment. This request was restated in Section 8.6.11 of the Council's LIR ([REP1-281](#)).
- 18.5.14 **Points 10 and 11** – these are dealt with in Sections 18.9.96 – 18.9.109 below.
- 18.5.15 **Point 12** – this is dealt with in Section 18.6 – 18.8 below.
- 18.5.16 **Point 13** – this is dealt with in Section 18.6 below within paragraphs 18.6.9 – 18.6.11, outlining the Council's response to the additional safety data provided by the applicant.
- 18.5.17 **Point 14** – this is dealt with in Section 18.6 – 18.8 below. Paragraphs 18.6.19 – 18.6.21 set out the Council's concerns with the reliability benefits claimed by the applicant and highlight that the applicant still has not shared the requested user defined input assumptions used in the appraisal. These inputs are required for the Council to make an informed assessment of the validity of the assessment. Paragraphs 18.8.14 – 18.8.16 again highlight this point.
- 18.5.18 **Point 15** – this is dealt with in Section 18.6 below.
- 18.5.19 **Point 16** – this is dealt with in Section 18.9.42 – 18.9.48 below.
- 18.5.20 **Point 17** – this is dealt with in Section 18.9.79 – 18.9.95 below.

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18.5.21 **Point 18** – this is dealt with in Section 18.11.1 – 18.11.20 below.

18.5.22 **Point 19** – this is dealt with in Sections 8 and 17 above and Appendix D.

18.6 Costs and Disbenefits Outweigh the Benefits and Provide Poor Value for Money

Response to Comments in Comments on LIRs – Appendix H (Part 1 of 5)

Response to paragraph 7.2.1-7.2.16 of LIR (Policy requirements and alternatives, and carbon)

- 18.6.1 The Council provides further comments concerning the assessment of alternatives in accordance with NPSNN in Section 18.7 below.
- 18.6.2 The applicant continues to maintain that they have met the policy requirements for carbon assessment. The Council continues to disagree.
- 18.6.3 The Climate Change Committee (CCC) has given its formal advice to Parliament that the transport sector is not on track to reach the carbon trajectory necessary to meet legal targets. It has formally recommended that road appraisal should pay more attention to the two lowest of the DfT's test scenarios for traffic growth (which are lower than the applicant's range) and are based on two quite different possible trajectories: (a) if economic and demographic trends should be lower than expected; or, (b) assuming the core economic circumstances but allowing for continuation of changes in behavioural trends, which had already been observed in the period 1991-2018.
- 18.6.4 A combination of these possibilities would give even lower growth than either of these taken separately. CCC has also recommended that road appraisal should also consider two further scenarios, not yet formally included in the DfT advice (though compatible with the implicit traffic trends in the lower carbon trajectories included in the DfT 2021 Transport Decarbonisation Strategy): for continuing stable traffic levels without further growth; and, for a reduction in traffic levels as had been considered as a possible scenario in Wales (and also in Scotland). This would mean an even further move of the LTC appraisal to negative territory, even in the case where the less well established 'Level 2' economic benefits are fully included.

Response to paragraphs 7.3.1-7.3.4 of LIR (Objective 1: To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity)

- 18.6.5 In response to the Council's assertion that insufficient evidence has been provided to show this objective is achieved, the applicant has quoted a 19% reduction in two-way traffic using the Dartford Crossing in the 2030 Opening Year. This is compared to the forecast two-way traffic flow without LTC in that year.
- 18.6.6 The Council notes that this change falls to a reduction of 13% by the year of 2045 for the same comparison. The Council has provided further analysis of traffic flows at Dartford Crossing in Table 2.1 of this document, including analysis of one-way directional flows that shows that there is an increase in traffic in 2045 at the Dartford Crossing compared to the 2016 base year.

Response to paragraph 7.3.5 of LIR (Objective 2: To improve the resilience of the Thames Crossings and the major road network)

- 18.6.7 The Council notes that the applicant states in their response to paragraphs 7.8.12 to 7.8.31 that no test has been undertaken in LTAM closing either crossing as '*The LTAM is not*

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designed as a modelling tool to make forecasts in those circumstances, and the behaviour responses of drivers for such limited duration events is not part of the variable demand model elasticities incorporated in the model.

- 18.6.8 The Council continues to contend that for longer duration closures (>1hr) the model would be sufficient to understand a demand response and that undertaking such a test would provide evidence concerning the contribution of LTC to the resilience of the road network.

Response to paragraphs 7.3.6 – 7.3.11 of LIR (Objective 3: To improve safety)

- 18.6.9 The Council notes that the applicant acknowledges there is an additional £3m of disbenefit when the A2 is included within the COBALT assessment of accidents. This gives an updated overall monetised disbenefit of £70.7m for the economic disbenefits associated with the safety for the scheme.

- 18.6.10 The Council notes that there will be an additional **8 fatalities** within Thurrock following the introduction of LTC, with an additional 35 seriously injured casualties.

- 18.6.11 The Council considers that this is not acceptable and shows that LTC does not meet its objective 'to improve safety'.

Response to paragraphs 7.3.12 – 7.3.17 of LIR (Objective 4: minimize the impacts on health and the environment)

- 18.6.12 The Council's concerns around carbon and wider environmental issues are dealt with in Section 18.9 *Assessment of Environmental and Health Impacts* of this submission.

Response to paragraphs 7.3.19 – 7.3.22 of LIR (to be affordable to government and users)

- 18.6.13 The applicant's response provides a link to the explanation of how they have included inflation in their costs in Annex H.3 of *9.10 Post-event submissions, including written submission of oral comments, for ISH1* ([REP1-183](#)).

- 18.6.14 The Council notes that this states 'if the rates of inflation for cost elements that are included in the capital and operating costs of the Project are greater than the general rate of inflation in the UK economy, then it is this element that is used in the appraisal.' ([REP1-183](#)).

- 18.6.15 However, the same document states that CAPEX costs have been estimated using 2019 Q1 Prices, before the current (and prolonged) inflationary spike which has affected general inflation and construction inflation in different ways. The Council would like the applicant to provide further analysis of changes to costs if they were based upon a more up-to-date price base (e.g. Q1 or Q2 2023).

Response to Section 7.4 of LIR (Transport User Disbenefits/Benefits and Distribution. Subsection: Lack of Relief to Dartford Crossing and SRN)

- 18.6.16 The Council notes that the applicant has presented comparisons of traffic flows at Dartford Crossing between 'with' and 'without scheme' scenarios for future years of 2030 and 2045.

- 18.6.17 The Council considers that it is very important to compare the 'with scheme' traffic flows at Dartford Crossing with traffic flows in the 2016 base year. Undertaking this comparison will show the observable impact of LTC on the operation of Dartford Crossing to residents of Thurrock and other users of Dartford Crossing. This is a much more understandable and relatable comparison than the comparison which uses a theoretical future counterfactual. This

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is also important given that Dartford Crossing is currently operating at or near its design capacity in some time periods.

18.6.18 The Council notes the acknowledgement of an error by the applicant on Page 49 of [REP1-183](#) regarding the derivation of traffic flow changes. The applicant states that Table 5.1 of Traffic Forecasts Non-Technical Summary ([APP-528](#)) should read 18% not 25% in the PM peak hour. The applicant contends this is a 'minor error'. The Council considers this is in fact an important correction, because it reduces the level of presented benefits at Dartford Crossing by over a quarter.

Response to Section 7.4 of LIR (Transport User Disbenefits/Benefits and Distribution. Subsection: Journey Time Reliability)

18.6.19 The Council continues to have concerns around the reliability benefits claimed by the applicant. Despite requests from the Council, the applicant has not shared the user defined assumptions with the Council, which are important for the Council to understand the validity of the claimed benefits. For example, the Council does not know if any assumptions around technology have been applied for the scheme or other routes within the MyRIAD model.

18.6.20 Further, the Council has concerns as to the magnitude of benefits that is claimed from non-modelled hours where basic annualisation has been applied (outlined in Annex A of 7.7 Combined Modelling and Appraisal Report – Appendix D – Economic Appraisal Package ([APP-526](#))). The Council notes the applicant's statement that the '*benefits from the diversion impacts are higher in the PM shoulder peak as there is less traffic on the diversion routes, and so there is less of an adverse impact on the existing users of these links when traffic is diverted onto them*' ([REP2-062](#)).

18.6.21 However, this reduction is purely down to a globally applied factor, which is derived using data from the whole M25, including the northern, southern and western parts of the orbital that are not included in the assessment. These include sections of the M25 with high traffic flows which may weight any assessment more towards traffic patterns in these areas and these may not be representative of traffic in the area around LTC assessed in MyRIAD.

Response to Section 7.5 of LIR (Transport User Construction Disbenefits)

18.6.22 The Council provides further comments on the impact of construction traffic in Thurrock in the response to Section 18.6 of this document.

Response to Section 7.6 of LIR (Wider Economic Disbenefits/Benefits and Distribution Wider Economic Costs)

18.6.23 The Council's LIR made some profound and concerning criticisms in Section 7.6 in respect of the applicant's failure to properly model the Wider Economic Costs of LTC.

18.6.24 The applicant has provided no meaningful response to these criticisms and inputs and outputs for the assessment using WITA still have not been provided.

18.6.25 Their brief response is provided at page 81 of [REP2-062](#), which refers the ExA to document [APP-527](#) (which is the applicant's assessment of Level 3 Wider Economic Impacts).

18.6.26 The Council has reviewed APP-527 once again and it is clear there is no modelling of Level 3 Wider Economic Costs within it. The applicant only models Wider Economic Benefits.

18.6.27 The Council remains very firmly of the view that the applicant has failed to give any acknowledgment to Wider Economic Costs in their analysis of Level 3 Wider Economic Effects and within their BCR. As set out in Section 7.6 of the Council's LIR, the Council still considers

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the analysis of Wider Economic Impacts to be incomplete and suggests further work is undertaken to establish and include any Wider Economic Costs.

18.6.28 The Council's LIR acknowledged that the applicant provided some partial analysis of negative development land impacts (within [APP-151](#), paragraphs 13.4.77 – 13.4.88), but this was described this analysis of lost/delayed growth as overly simplistic.

18.6.29 The Council stands by these criticisms and firmly believes that the applicant's modelling of development land impacts is only partial and misses vital transmission mechanisms in terms of development land impacts. The applicant has stated in [REP2-062](#) page 82 that their analysis accords with DMRB LA 112.

18.6.30 The Council sees DMRB LA 112 as a base guideline to which applicants can and should add to where there are known negative impacts that require modelling.

18.6.31 Further information on the importance of correctly incorporating WEIs is provided in **Appendix C – Treatment of Wider Economic Impacts and Evidence around Induced Traffic**.

Response to Section 7.7 of LIR (Poor Value for Money. Subsection: Review of OBC and Identification of BCR Options)

18.6.32 The Council notes that no further sensitivity tests are proposed by the applicant using the latest Government traffic forecasts (NTEM 8). The Council considers these tests to be important and could have a material impact on the case for the scheme given the differences between the latest and previous forecasts provided by NTEM (outlined in Table 2.3 and 2.4 of this submission).

18.6.33 As the applicant also states that they consider that sufficient sensitivity tests have been completed the Council restates its view that the DCO appraisal is already out of date and inadequately informed by important earlier studies which underpin current DfT advice.

18.6.34 Different sections of the applicant's arguments are no longer internally consistent with each other, or compatible with the latest advice and statistical detail to support its conclusions, or the available evidence base from official DfT and other sources.

18.6.35 The clearest message from the evolution of the appraisal of the LTC scheme is that each successive stage has demonstrated a significant decline in the scheme's value for money and transport effectiveness.

18.6.36 The cut-off date which the applicant has adopted in its DCO submission now shows, just, benefit cost ratios at the barely acceptable level. However, in the period between the applicant's last calculations prepared for the DCO submission and now there have been further developments which have the combined effect of pushing the value for money below an acceptable level and reducing its calculated success in relieving congestion. This means that LTC is far from making the transformational contribution to cross-river transport that the language of last decade has promised.

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18.6.37 This change in show in the following table taken from Table 7.2 of the Council's LIR ([REP1-281](#)).

Table 7.2 Successive outline appraisals of the Lower Thames Crossing by the Promoters

2010 Prices, £m	2016 Summary Business Case – Route Consultation Favoured scheme R3ESL	2020 Core growth ComMA Appendix D Economic Appraisal Report 2020	2022 Central Case ComMA Appendix D Appraisal Summary Table (APP-524)
Initial Present value benefits	3,856	1,946	1,296
PV Costs	1,656	2,877	2700
Initial BCR	2.3	0.68	0.48
WEBS	1,677	1,657	1,517
Reliability	147	545	487
'Adjusted' BCR	3.4	1.44	1.22
Carbon by value £m	288	122	528

18.6.38 The data shows that in 2016 the applicant reported that they had calculated that their preferred scheme would produce benefits of 2.3 times the costs using the longer established 'initial' calculations (mainly of values of travel time savings) and 3.4 times after including some less well-established wider economic benefits and improvements in reliability.

18.6.39 Four years later, in 2020, the initial benefits were actually less than the costs (BCR 0.68), and only exceeded the costs by 40% after adding figures for the less well-established reliability and wider economic benefits.

18.6.40 By 2022, the initial benefits were less than half the costs, (BCR 0.48) and only 22% more than the costs after adding reliability and wider economic benefits.

18.6.41 All these figures reflected the prevailing official views on the future of the economy, traffic growth, population growth, expectations on fuel price and official advice on how the calculations should be carried out, albeit with some delays since the official views kept developing and the studies to applying them to the LTC were, in general, a little behind the most recent thoughts and evidence.

18.6.42 That remains true now, and the calculations made by the applicant and presented with their DCO submission do not reflect the now current assumptions and methods.

18.6.43 The base for calculation remains 2016. The most notable feature of the changes since then have been that the latest information would, as before, lead to a reduction in the value for money and the resultant ratio of benefits to costs. This is because much more has changed which is unfavourable to LTC than things to its favour.

18.6.44 All the applicant's calculation of benefits has assumed a future rate of traffic growth called 'core' or 'base', being roughly in the middle of a range of different possible futures (the 'core' used to be treated as the most probable, but DfT no longer takes that view, emphasising that it is essential to take account of the uncertainty within a range of possible trends).

18.6.45 This enables a judgement to be made of the **robustness** of the appraisal to changes in different possible futures.

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18.6.46 The applicant has accepted (in the Council's understanding) that the figures in table above as an accurate statement of the history, but has not addressed the Council's argument that it is important in assessing the suitability of the scheme.

18.6.47 In its Combined Modelling and Appraisal Report Appendix D ([APP-526](#)), the applicant reports a sensitivity test of the appraisal in relation to higher or lower traffic growth rates.

Table 11.3 BCRs for Low, Core and High growth (£m, 2010 prices and values)

	Low growth	Core growth	High growth
Level 1 PVB	1,080.2	1,295.9	1,554.7
PVC	-2,781.5	-2,700.2	-2,626.1
Initial BCR	0.39	0.48	0.59
Journey time reliability	487.1	487.1	487.1
Wider economic impacts	1,470.2	1,516.6	1,529.7
Level 2 PVB	1,957.3	2,003.7	2,016.8
Level 1 and 2 PVB	3,037.4	3,299.5	3,571.5
PVC	-2,781.5	-2,700.2	-2,626.1
Adjusted BCR	1.09	1.22	1.36

18.6.48 The applicant reports its calculations of the effects on costs and benefits of 'High' and 'Low' traffic growth. The Council considers that some of the components of these calculations are unexplained and extremely questionable. For example, it is difficult to justify the assumption made that the benefits of travel time reliability are the same with high travel growth as they are with low travel growth.

18.6.49 If though, the figures are taken at face value, it is notable that the overall BCR reduces to only 1.09 under the assumption of 'low' traffic growth, since congestion would not be so bad therefore the improvement offered by the LTC would be less.

18.6.50 Conversely, the benefits of LTC with high traffic growth are said to be higher, since congestion would be worse, though the period of relief offered by LTC would in that case be shorter.

18.6.51 This means that the BCR results are highly vulnerable to the assumptions both at the high end (any higher, and the relief of traffic congestion becomes insignificant) and the low end (any lower, and the benefit-cost and value-for-money calculations becomes unacceptable).

18.6.52 The applicant states that the scheme is acceptable at both the high and low end of the range, which they have assumed and the applicant has resisted extending the range of scenarios tested. However, DfT now recommend looking at significantly higher and lower possibilities within their 'likely' range.

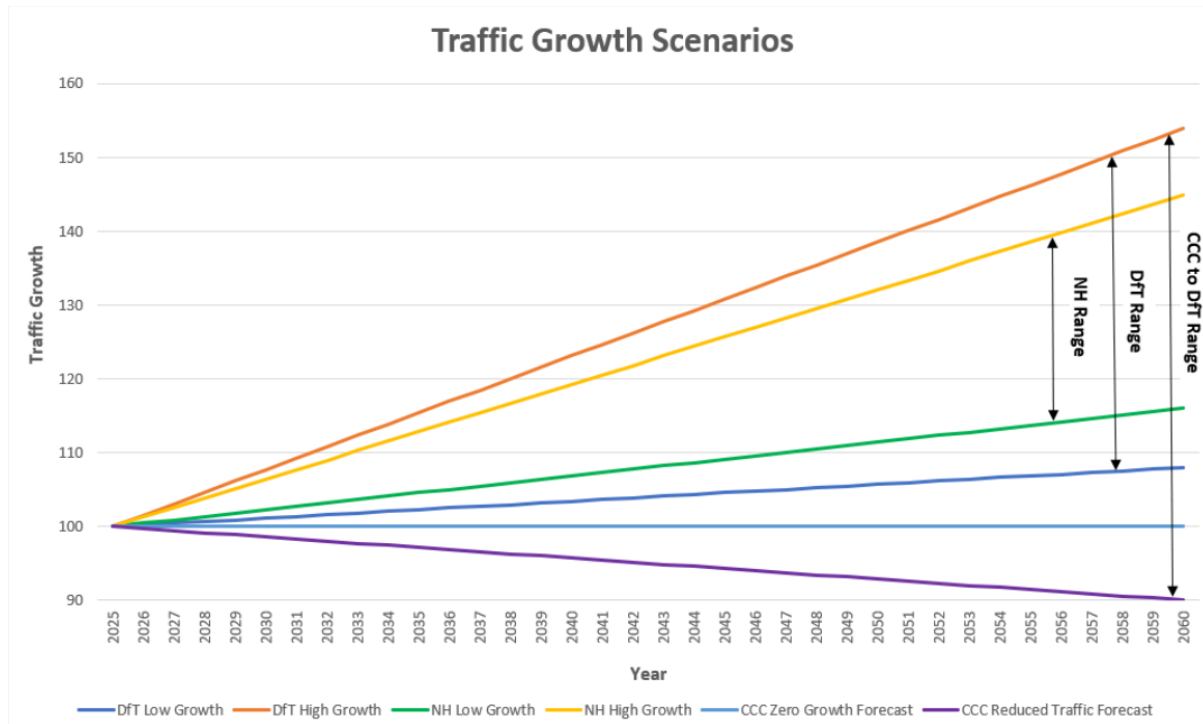
18.6.53 Given the delay of two years in the delivery of the scheme, there is no longer any strong rationale for not implementing the current DfT advice, which is a straightforward calculation using modelling methods the applicant is already familiar with, and indeed the likely impact of this process can be inferred by extrapolating from the results already published.

18.6.54 The implications of the current DfT advice on the short-cut method of generating a high and low traffic growth is shown on the Figure 18.1 below (as presented in Figure 8.2 of the

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Council's LIR ([REP1-281](#)) and updated to include two new scenarios associated with comments from the Climate Change Committee).

Figure 18.1: Updated Traffic Growth Scenarios



18.6.55 The latest official DfT advice makes it *very likely* that the 'low' traffic growth test would almost certainly lead to lower traffic forecasts. This is because the main features of the new DfT advice are:

- A change in the starting point of forecasts, because the most recent traffic conditions are influenced by Covid, Brexit and financial and economic circumstances.
- A reduction in the 'core' rate of traffic growth, driven mainly by new TEMPRO / NTEM trip rate forecasts, which take into account more recent expectations of economic conditions and growth over the appraisal period.
- A wider range of 'high' and 'low' possible traffic growth to take account of the inherent uncertainty of traffic forecasts, i.e. the DfT advice now accepts that the future is more uncertain than they had assumed and recommends a lower figure for 'low' and a high figure for 'high'.
- Traffic growth futures do not consider the recommendations of the Climate Change Committee, or the decarbonisation strategy proposals of the Government since 2021, both of which would suggest scenarios of lower traffic than the ranges analysed.

18.6.56 This means that the best current judgements on traffic growth strongly support consideration of lower traffic trajectories than have been included in the DCO submission.

18.6.57 The Council (and others) have asked for the applicant to provide the detailed results of such tests, or to provide the software and data that it has used, so that the Council can run such tests ourselves. So far this request has been refused by the applicant.

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18.6.58 However, it is possible to infer, approximately, the results of doing so from the results of the applicant providing using their 'narrow' set of sensitivity tests. Because the tests that the applicant has undertaken are now so close to zero net benefit, the Council can be confident that any such tests to update the range would show costs exceeding benefits, a BCR of less than 1 and a negative net present value.

18.6.59 At the other end of the scale, traffic projections higher than considered in the applicant's range of possibilities would show a much shorter period of relief to congestion at Dartford Crossing and, on the network, generally.

18.6.60 Both future scenarios would mean that the scheme would not meet its objectives.

Response to Section 7.7 of LIR (Poor Value for Money. Subsection: Wider Economic Impacts)

18.6.61 The Council notes that the applicant continues to refuse to release the WITA inputs, outputs and assumptions despite repeated requests from the Council. The Council has therefore been unable to verify the validity of the appraisal of Wider Economic Impacts and has deep concerns over the robustness of the numbers presented by the applicant. This is very important given that WEIs make up 48% of the benefits of the scheme and without these benefits the scheme would provide 'Poor' Value for Money.

18.6.62 More specifically, the Council's makes the following points in response to applicant's commentary on the Council's LIR Wider Economic Impacts analysis (see [REP2-062](#) page 87):

- a. The applicant is completely silent on our central criticism, namely that their WEIs are a nebulous and uncertain concept and quantified using old world economic models. Section 7.7.17 of the Council's LIR ([REP1-281](#)) pointed out that the applicant's analysis of Wider Economic Impacts is based on 15-year-old data and patterns of working/business interaction that have changed fundamentally since then, and there is now far less reliance on physical connectivity.
- b. The applicant states that the WEIs have been quality assured via two methods: one via some additional Python modelling; and, one via the National Highways Head of Economics. As far as the Council knows, neither of these quality assurance findings have been made available to the Examination. The Council requests these results alongside our previous requests for the inputs and outputs of the WITA modelling.
- c. The Council notes that the applicant confirms its own interpretation of their data, namely that relatively few of the WEIs flow to Thurrock. The data presented by the applicant indicates that Thurrock receives just 5.7% of the so-called static agglomeration benefits.

18.6.63 In Appendix C of this submission, the Council provides further evidence on the role of WEIs and their assessment and why the current approach presented by the applicant is flawed.

Response to Section 7.8 of LIR (Review of Transport Modelling Evidence Base. Subsection: Inadequate Consideration of Uncertainty in Forecasting)

18.6.64 Table 2.3 and 2.4 above of this submission outlines the differences between NTEM 8 and the previous NTEM 7.2 forecasts used by the applicant in the LTAM model. *Annex A: A.4 Responding to Points Raised by Interest Parties* of this submission outlines the Council's view that an NTEM 8 sensitivity test would result in lower traffic forecasts and the weakening of the scheme's economic case. The sensitivity test should be undertaken to understand the magnitude of these reductions.

Further Consideration of Issues related to the Applicant's Outline Business Case for LTC

- 18.6.65 The substantial majority of the economic benefits arising from LTC are predicted by the applicant to derive from regions of the UK that are outside the immediate regions affected by the construction of LTC (Kent, Thurrock, Essex, Gravesham, Havering) and conversely the substantial majority of the economic disbenefits will be borne by Thurrock and Gravesham BC.
- 18.6.66 The Council remains seriously concerned that the applicant may have under-estimated the economic disbenefits and therefore the local impact. Therefore, it is essential that the Council understands how the economic disbenefits were calculated and apportioned and to do this further information on the methodology deployed and data sources used is required.
- 18.6.67 As stated in the Council's ISH1 submission at D1 ([REP1-296](#)), the Council has repeatedly attempted to obtain the latest economic impact information contained in the OBC for LTC from the applicant. This is so the Council could understand the economic impacts of the scheme in relation to Thurrock and engage the applicant in constructive dialogue to understand the inputs selected and the applicant's interpretation of the Treasury business case methodology.
- 18.6.68 To date the Council still has not received the information on economic impact that it requires.
- 18.6.69 A clear summary timeline setting out the Council's exhaustive efforts to seek crucial information on the economic impacts of LTC is set out in the table below for additional clarity.

Table 18.1: Key Timetable for Council to obtain Business Case Data from Applicant

Key Timeline
2021 – early 2022 – Council repeatedly seeks information on economic impacts through regular programme of engagement meetings
11 March 2022 – FOI request from the Council to NH for the <u>latest</u> LTC OBC
8 April 2022 – NH respond to the Council refusing to release latest LTC OBC
13 May 2022 – the Council responds formally to NH to ask it to reconsider its decision to release the latest OBC
17 May 2022 – the Council sets out detailed questions following its review of ComMA from LTC DCOv1, which NH states remains valid
10 June 2022 – Letter to Chief Secretary of Treasury regarding the OBC for LTC, copied to the applicant, DfT and others (no response received)
20 July 2022 – the Council formal requests ICO to review NH not to release the latest version of the OBC
20 July 2022 – the applicant responds to the Council to explain that it remains unable to release the latest version of the OBC
22 July 2022 – ICO accepts case to review the decision by the applicant to withhold the latest version of the OBC
14 October 2022 – ICO upholds the Council's appeal against the refusal by the applicant to provide the latest OBC and instructs the applicant to release

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Key Timeline

27 October 2022 – the applicant re-provides the August 2020 OBC in response to the ICO ruling that it must release to the Council the latest OBC for LTC

14 November 2022 – the applicant attends the Council LTC Task Force and on questioning by Members re-assert that the 2020 OBC remains the version that will be used for the DCO

- 18.6.70 The Council has not had a response from the applicant nor from its attempts to escalate its concerns to the Treasury on 10 June 2022 (refer to [REP1-296](#)).
- 18.6.71 Thurrock and Gravesham BC are both local authorities determined by Government as a priority for 'levelling up'. The Council is seriously concerned that the local impact of LTC on the local area is not mitigated by the applicant and the impact will be to further disadvantage the areas. Without access to the methodology it is not possible for the Council to reasonably assess whether it considers the economic disbenefits of LTC to Thurrock are appropriate and, if so, what mitigation might be necessary for these to be acceptable.
- 18.6.72 As presented in Annexes A to E ([REP1-296](#)), due to inadequate engagement by the applicant on this matter, the Council resorted to requests via the Information Commissioner's Office (ICO) to seek to obtain the OBC.
- 18.6.73 The OBC was initially withheld by the applicant who stated on 8 April 2023 that '*the Outline Business Case is incomplete and hasn't been approved by the Chief Secretary of Treasury. The information is therefore being withheld as it falls under the exception in Regulation 12(4)(d) material in the course of completion, unfinished documents and incomplete data*'.
- 18.6.74 This provided confirmation that a revised OBC had been produced but the applicant claimed that this was exempt from release due to it being unapproved by the Chief Secretary of the Treasury. Following an appeal by the Council, the ICO over-ruled the NH position and instructed it to release the latest OBC stating that '*the project will have a major and lasting impact on people living and working in that area. Those people are entitled to take part in the associated decision-making and to be as fully informed as possible before any final planning decisions are made*'.
- 18.6.75 In response, the applicant in late 2022 re-issued the August 2020 version of the OBC to the Council, whilst recognising in its cover letter that the information had been superseded. Following questioning by the Council, the applicant stated that the 2020 version of the OBC is the only version of the OBC.
- 18.6.76 The Council is unclear why the applicant has steadfastly refused to release an up to date OBC reflecting transport, economic and environmental conditions and policies in 2022.
- 18.6.77 In 2022 DfT announced that the budget envelope for LTC would again be increased. It is understood that Treasury rules require an updated business case to be produced to support an application for a budget increase of this kind. It is unclear what the applicant presented to Treasury to justify a budget increase and whether this information may constitute a 'shadow' business case with different data to the version submitted in the DCO.
- 18.6.78 It would be helpful for the applicant to clarify this matter at Deadline 4.
- 18.6.79 If the analysis in the 2022 ComMA ([APP-518](#)) has been updated since the 2020 OBC, then it will be different to the 2020 business case. Conversely, if the 2022 ComMA does not reflect the updates in costs since 2020, then it will misrepresent the current business case.

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- 18.6.80 The applicant should clearly explain what these differences are and how it proposes to engage key stakeholders appropriately on this crucial matter.
- 18.6.81 The Treasury will require the applicant to prepare an updated final business case, if the DCO is granted, for it to review the final cost. Without this approval it is understood that the scheme cannot proceed.
- 18.6.82 The costs that Treasury will consider will be in relation to construction prices and costs that will be significantly higher than those set out in the 2020 OBC. The applicant should detail their process for developing an updated business case to obtain funding approval from the Treasury; how these additional costs will be factored; and, publish sensitivity analysis that can be reviewed by stakeholders to establish confidence that the scheme will remain viable in accordance with Treasury financing rules if the scheme is delayed further.
- 18.6.83 DfT recently announced that the construction of LTC will be delayed by at least two years. It is unclear how a delay of at least two years and potentially longer will impact on the business case and the applicant should clearly explain the impact that each year of delay will have on the scheme viability.
- 18.6.84 In terms of specific information missing from the DCO documents and which would be expected in an OBC, the applicant has provided details of the economic impact of the scheme and other information expected to be provided in an OBC – but as described in Sections 18.6.19 and 18.6.24 above, vital information concerning input assumptions and output results is missing from the DCO, e.g. information on assessment of Wider Economic Impacts and reliability which underpin the economic case for the scheme. This information has been repeatedly requested from the applicant in an extensive series of engagement meetings, but it has still not been provided.
- 18.6.85 Summary: the Council's continues to have concerns in many areas and considers that the applicant has not met the policy requirements for carbon assessment, that the submitted evidence shows that traffic flows do not reduce at Dartford Crossing compared to the base year in many time periods and that the applicant's evidence shows that eight fatalities are expected in Thurrock following delivery of LTC. This shows that LTC does not meet its own objectives in terms of congestion relief at Dartford Crossing and safety.**
- 18.6.86 The Council is particularly concerned with the lack of response to requests for information associated with the assessment of around Wider Economic Benefits and Reliability, which form fundamental parts of LTC's economic case. The applicant did not address the significant comments provided concerning the approach to the assessment of Wider Economic Impacts.**
- 18.6.87 The Council considers that further traffic forecast scenarios are required to be undertaken to meet DfT advice.**
- 18.6.88 The Council is unclear how the funding envelope for the scheme could have been increased by the Treasury without the preparation of an updated OBC and requests that the OBC submitted to the Treasury is provided to help the Council understand the impacts of the scheme.**

18.7 Consideration of Alternatives

Response to Comments in Comments on LIRs – Appendix H (Part 2 of 5)

Response to Section 8.2 of LIR (Policy Context)

- 18.7.1 In its LIR the Council stated that the applicant needs to demonstrate which alternative proposals have been considered and provide supporting evidence that their requirements under NPSNN have been met. The applicant has responded by restating their previous position and providing links to sections of the DCO documents, which the Council has already reviewed and found to be lacking in detail and evidence.
- 18.7.2 The continuing lack of detailed information (which has been requested many times) to support the applicant's case means that the Council continues to consider that the applicant's assertion that alternative modes have been considered appropriately is not supported by the evidence submitted as part of the DCO submission. This means there is no change to the Council's previous position presented in the LIR, Sections 8.2 and 8.6 ([REP1-281](#)).

Response to Section 8.3 of LIR (Alternative Traffic Growth Trajectories)

- 18.7.3 The Council continues to maintain that insufficient modelling tests of different alternative growth trajectories have been undertaken and further details are provided in Section 18.6.54. A key issue is that sensitivity tests using the latest NTEM8 trip generation forecasts are required as they will likely have a significant negative impact on the scheme's economic case.

Response to Section 8.4 of LIR (Absence of Traffic Modelling for Future Change)

- 18.7.4 The Council considers that most of the applicant's response to this Section of the Council's LIR does not appear to correlate with the actual content, where the Council has queried the traffic forecasts and the importance of undertaking further sensitivity tests to show how LTC would perform under different traffic growth forecasts. The Council considers that this is important given the uncertain nature of traffic forecasts in the current economic, political and environmental climate.
- 18.7.5 In its responses, the applicant states that the A13/A1089/A122 junction is located away from Tilbury, but next to the A1013 corridor, which has been identified by the Council as part of its investigation into Mass Rapid Transit (MRT) in the Borough as a potential route for the South Essex Rapid Transit (SERT), which aims to connect Lakeside, Grays, Stanford le Hope and Basildon.
- 18.7.6 Whilst this is accurate it should be noted that SERT is not a committed scheme and that the majority of residents in Thurrock would need to add a slow additional leg of their journey through the highly congested local roads around the junction. This would make journeys by public transport less attractive.
- 18.7.7 The applicant also states that they wish to work collaboratively with the Council to bring forward Tilbury Link Road (TLR), a potential element of LTC that the Council considers essential to the delivery of the scheme. This could be part of a separate scheme delivered as part of the National Highways Roads Investment Strategy 3 (RIS3).
- 18.7.8 However, the Council notes that funding for the delivery of TLR is unsecured and future government infrastructure spend is uncertain given recent spending decisions by both the applicant and DfT and as such this essential element of a cross-river scheme may never be delivered. In addition, should TLR be progressed as a separate scheme it would require significant works on LTC to accommodate a new junction, adding more cost to the taxpayer compared to its delivery as part of the current LTC scheme.

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Response to LIR Section 8.5 (Limited Connectivity to Facilitate Sustainable Development)

- 18.7.9 The applicant states that TLR would not contribute to the Scheme Objectives of relieving the congested Dartford Crossing and approach roads, and as such it is not included as part of LTC. The Council refuted this claim in the LIR, Section 8.6, as modelling shows that LTC has very little impact on flows over Dartford Crossing by the design year and that the inclusion of TLR would remove additional trips over Dartford Crossing compared to the current LTC design.
- 18.7.10 The issues described in the previous response to Section 8.4 of the Council's LIR and associated with the delivery of TLR also apply for this issue.
- 18.7.11 The applicant acknowledges there are increased flows on some local roads and decreases on others but in assessing the impact of these changes the applicant relies on their strategic modelling. In fact, microsimulation modelling carried out by the applicant and supplied to the Council shows significant additional delay at these junctions which is not incorporated in the strategic modelling used by the applicant to determine the impact of this scheme. A key impact shown by the microsimulation modelling is the effect of this additional delay in limiting people in Thurrock from being able to access LTC.
- 18.7.12 The applicant states that the Orsett Cock junction will operate acceptably. This junction is within the Order Limits of the DCO and an integral part of the LTC interchange, but will remain part of the local highway network. As it remains under the jurisdiction of the Council as Local Highway Authority (LHA), the Council will continue to be responsible for its future operation. However, as described in Section 18.8 below, microsimulation modelling provided by the applicant to the Council shows that the current LTC scheme will cause significant adverse impacts on the approach roads and local roads surrounding the Orsett Cock junction. The Council does not consider that this negative impact is acceptable for local residents and businesses and it is imperative that the applicant sets out mitigation proposed for evaluation by the Council.
- 18.7.13 The applicant states it is considering the potential to trunk the A13 and A1014 separately to the delivery of LTC. The Council considers that this has no relevance to this application.
- 18.7.14 The shortest route from DPWLG to the M25 via A13 will not change following introduction of LTC. DPWLG would benefit from a shorter route into Kent, but this is providing that the Orsett Cock junction works adequately for the design period of LTC. This has not been established by the applicant and microsimulation modelling suggests that delays at Orsett Cock and Manorway junctions may be sufficient to deter use of this route from DPWLG into Kent via LTC, because of slower journey times compared to the existing route.

Response to LIR Section 8.6 (Inadequate provision of Active, Public Transport and Local Road Bridges)

- 18.7.15 The applicant states that they consider that reasonable alternatives and opportunities have been assessed appropriately. The Council does not agree with this statement.
- 18.7.16 The Council has previously requested further information on which alternative options have been considered and how they have been assessed. The applicant has so far refused to provide this analysis.
- 18.7.17 The applicant made a statement in the Post-Consultation Scheme Assessment Report (this is not a DCO document, but a relevant extract has been provided in Appendix B, Annex 1, Section B.1.60 of the Council's LIR ([\(REP1-283\)](#)) that no public transport alternative could

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relieve 75% of the identified problem for the first 15 years (which they say equates to the removal of 34,000 cars and more than 8,000 HGVs).

- 18.7.18 The Council does not consider this statement to be accurate. By design year (2045) the impact of LTC on traffic using the Dartford Crossing is minimal in the peak hours (when congestion is observed on a daily basis – refer to Section 2.1 above).
- 18.7.19 The description of the benefits of removing trips in the interpeak and off-peak periods is disingenuous as this is not currently as significant a problem as that seen in the peak periods.
- 18.7.20 Analysis by the Council has shown there is a market for cross-river public transport services that could remove traffic from Dartford Crossing as described in Section 8.6 the Council's LIR ([REP1-281](#)).
- 18.7.21 The only evidence presented to date by the applicant in determining the design of the scheme, stems from a decision made in 2009 which the Council (and other stakeholders) believe to be outdated given the extensive changes to transport, economic and environmental conditions, and policies since 2009. This was outlined in the Council's LIR, Appendix B ([REP1-283](#)).
- 18.7.22 The applicant states that TLR would not contribute to the Scheme Objectives of relieving the congested Dartford Crossing and approach roads, and as such will not be included as part of LTC. The Council refuted this claim as modelling shows that LTC has very little impact on flows over Dartford Crossing by the design year and that the inclusion of TLR would remove additional trips over Dartford Crossing compared to the current LTC design.

Response to LIR Section 8.7 (Lack of Provision for Public Transport or Priorities Through Tunnel)

- 18.7.23 The applicant states that the A13/A1089/A122 LTC junction is located away from Tilbury but next to the A1013 corridor which has been identified as a potential route for the South Essex Rapid Transit (SERT), which aims to connect Lakeside, Grays, Stanford le Hope and Basildon and that this location could support new cross river services to connect with SERT. While this is true it should be noted that SERT is not a committed scheme and that the majority of residents in Thurrock would need to add a slow additional leg of their journey through the highly congested local roads around the junction making journeys by public transport less appealing.
- 18.7.24 The applicant also states that they wish to work collaboratively with the Council to bring forward Tilbury Link Road (TLR), a potential element of LTC that the Council considers essential to the delivery of the scheme, as a separate scheme as part of National Highways Roads Investment Strategy 2-3. However, funding for the delivery of TLR is unsecured and future government infrastructure spend is uncertain given recent spending decisions by both National Highways and DfT and as such this essential element may never be delivered. In addition, should TLR be progressed as a separate scheme it would require significant works on LTC to accommodate a new junction, adding cost to the taxpayer than if it was delivered as part of LTC.

Response to LIR Section 8.8 (No Support for Rapid Vehicle Electrification)

- 18.7.25 The applicant claims it has undertaken regular engagement with Thurrock on climate change and carbon reduction. The Council has detailed its serious concerns about the serious inadequacy of the applicant's engagement on such matters repeatedly in each of its formal consultation responses. Concern with regards to DCO commitments to carbon reduction was such that the Council considered it necessary to escalate its concerns with senior management of the applicant and DfT to emphasise the inadequacy of engagement on climate change and carbon reduction matters.
- 18.7.26 Despite these efforts to raise concern, the applicant has failed to provide the commitments required in its DCO application. It is notable given the poor focus on transport decarbonisation, that the applicant has failed to identify and incorporate opportunities for the scheme to help facilitate the transition to electric vehicles and provide the infrastructure necessary to support a future electric vehicle fleet.
- 18.7.27 The applicant has not properly evaluated opportunities to improve the scheme to ensure it is better able to deliver on climate commitments.
- 18.7.28 Despite its comprehensive media campaign promoting so-called green credentials of the scheme as a 'pathfinder', the applicant does not commit to specific plans to reduce carbon in the DCO, and its ambitions remain unclear and loosely defined.
- 18.7.29 The Council has expressed concerns about the applicant's misleading media communications, but the applicant's media approach continued unabated (a new SoCG item on this has been included by the Council and it sets out further commentary in Sections 18.9.103 – 18.9.104 and 18.12.5 below.
- 18.7.30 Carbon impacts caused by the operation of the scheme are substantial and the design of the scheme will facilitate and encourage car dependent lifestyles and significant increases of traffic on local roads. This lack of transparency in the carbon accounting that the applicant has undertaken means that it is impossible for the Council to ascertain the likely impact of LTC on the Council's emerging plans for decarbonising transport, as it prepares its next Local Transport Plan in alignment with new DfT guidance.
- 18.7.31 Whilst the applicant emphasises that there are 'currently no plans to use charging, specifically to target carbon', it is likely that charging will be necessary in future. It is also notable that Wales and Scotland have both set traffic reduction targets as a part of their transport decarbonisation strategy, and that recent scrutiny of the DfT data on transport decarbonisation has reaffirmed that traffic reduction will also be required for England alongside ambitious targets for vehicle fleet electrification.
- 18.7.32 Traffic reduction is likely to significantly impact the business case for LTC and an aspect that TAG guidance has yet to adequately consider.
- 18.7.33 Whilst it is recognised that the NPSNN paragraph 4.6 states that the ExA does '*not need to be concerned with the national methodology and national assumptions around the key drivers of transport demand*', it does clearly state that: '*The modelling should include appropriate sensitivity analysis to consider the impact of uncertainty on project impacts*'. It is essential that the applicant evaluates the impact of transport decarbonisation pathways on the LTC business case and the scheme design requirements and publishes these sensitivity analyses.
- 18.7.34 At present, the local authorities affected by LTC find themselves in a situation where they are being asked by DfT to establish Local Transport Plans that decarbonise local transport, whilst the applicant is promoting an LTC scheme set to intensify carbon emissions (increased traffic) and lock in future carbon intensive lifestyles (car dependency).

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- 18.7.35 The lack of engagement by the applicant on this issue has constrained ability to collaborate on scheme design aspects with potential to reduce the adverse impacts on the environment.
- 18.7.36 NPSNN states in paragraph 4.4 that the adverse environmental impacts should be considered at a national, regional, and local level. This information on local carbon impacts is absent from the applicant's DCO application.
- 18.7.37 In earlier iterations of the LTC scheme, the applicant considered it necessary to include a junction at Tilbury to provide rest and service facilities. This facility along with the junction at Tilbury was then removed in the DCO 2020 submission in response to concerns regarding unmitigated potential impacts. The Council and the applicant were in agreement that a Rest and Service Area was required within the SRN to fill the gap that exists in the network. The applicant has yet to propose an updated Rest and Service Area strategy and does not respond to its own policy on the frequency of these facilities and the emerging need for appropriately spaced charging locations for electric vehicles.
- 18.7.38 In the absence of an appropriate strategy, strategic traffic could be forced to access facilities within Thurrock for mid-journey charging – putting undue pressure on the local vehicle charging strategy.
- 18.7.39 The applicant's publicity is promoting LTC as the greenest road in history. This position is in contradiction to the applicant's unwillingness to incorporate basic provision of servicing facilities as part of LTC and the SRN to facilitate vital fleet decarbonisation. The applicant has consistently refused to engage on its servicing strategy and local authorities are unaware of any alternative sites the applicant considers appropriate. Failure to provide adequate EV charging facilities as part of LTC is likely to influence driver behaviour and the Council requests detail of how this impact has been considered in the applicant's traffic modelling.
- 18.7.40 It is crucial that each new road project designed to increase traffic capacity optimises all opportunities to decarbonise road traffic and to establish new best practice, particularly those, such as LTC, that are heavily promoted as pathfinder projects. It is entirely possible for the LTC project to adopt pioneering approaches to assist transport decarbonisation.
- 18.7.41 Transport decarbonisation is not only a national issue it is also a local issue. The DfT requires all local authorities to develop local strategies for transport decarbonisation. It is unclear why it would therefore not require the applicant to consider opportunities to enhance the ability of its road projects to contribute to transport decarbonisation. The Strategic Road Network, despite covering some 4,500 miles of highway, does not work in isolation from the local road network and transport system, it works as part of the transport network and must be recognised as such.
- 18.7.42 It is a serious concern that the applicant's justification for inadequately considering opportunities to engage with local authorities to assist transport decarbonisation, is simply that the applicant considers this is a 'national issue, being addressed by the UK Government and the DfT'. This is inadequate and such an approach creates a host of adverse impacts in the context of transport decarbonisation.
- 18.7.43 The applicant has not explained how the LTC project as defined by this DCO submission supports the decarbonisation of the vehicle fleet in accordance with National Highways 2021 Net Zero Highways Plan 'Our roadmap to net zero by 2050'. This set out its approach to achieve net zero and includes three key commitments, one of which is to '*support net zero carbon travel on our roads by 2050*'. The applicant recognises that many of the actions required are outside of its direct control, but unfortunately does not recognise any of the obvious opportunities to take action to assist transport decarbonisation that are either within its control or within the potential scope of a revised DCO submission.

Response to LIR Section 8.9 (No Strategy for Demand Management Charging Regimes)

18.7.44 The Council notes the applicant's response that the charges for using the crossing are for 'demand management'. The Council contends that having the same charge at both crossings does not manage demand as there is no incentive outside of distance and time travelled to use one or the other crossing from a cost viewpoint.

Response to LIR Section 8.10 (No Consideration of Alternative Dangerous Load and Tall Vehicle Routing)

18.7.45 The Council notes the applicant's response to its concerns around the lack of consideration to alternative dangerous and tall vehicle routing and the reference to the applicants response on pages 76-78 of Part 1 of Appendix H against Section 7 of the Council's LIR ([REP2-062](#)). Upon review of these pages the Council can find no mention from the applicant on this issue.

18.7.46 **Summary: the applicant has still not provided requested information concerning the assessment of different alternatives to LTC. The Council considers that further work is required to assess a wider range of future transport scenarios. The applicant suggests that they work with the Council to bring forward Tilbury Link Road, but the Council notes that funding for such a scheme is unsecured. The Council considers that the limited impact of LTC on traffic flows at Dartford Crossing compared to the base year suggests there is scope for cross-river public transport services to remove traffic from Dartford Crossing.**

18.7.47 **The Council continues to consider that the arrangements for public transport services to use LTC are inadequate and that there is insufficient provision for electric vehicle charging facilities. The Council also considers that the proposed regime for charging fees to use LTC could be modified to better manage cross-river demand and there is still insufficient analysis of the management of routes for dangerous and tall vehicles.**

18.8 Transport

Response to LIR Section 9.2 (Assessment of Main Scheme Changes since last DCO)

18.8.1 The applicant's response asserts that LTAM and the microsimulation model show that Orsett Cock will operate 'acceptably' in the Do Something scenario. The Council strongly disagrees with this statement and the summary of the Council's Orsett Cock modelling review is set out in Section 14 above.

18.8.2 With regards to operations and emergency access, the applicant's response states that it '*has not been designed specifically for any particular future connection into the local road network.*' This contradicts the Local Refinement Consultation in May 2022, which stated that '*the new operational access arrangement at Tilbury has been designed in consultation with key stakeholders, with possible future development in mind, helping to avoid potentially disruptive re-work at a later date. The previous design may have required substantial work in this area. This is a significant benefit with this layout compared with that presented at the community impacts consultation.*'

18.8.3 The extract from the Local Refinement Consultation in May 2022 is not included in (Appendix T of the Consultation Report ([APP-088](#))) and therefore the relevant extract has been provided in Figure 18.2 below.

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Figure 18.2: Extract from the Local Refinement Consultation, May 2022

Map reference	Location of the change	Lower Thames Crossing proposals	Impact of the change
8	North of the tunnel entrance and south of the Tilbury Loop railway line.	<p>Any new road connecting to the LTC at this point would have to follow the relevant planning process at the appropriate time.</p> <p>As a result of the changes to the access roads, two further alterations have been made to the engineering design in this area:</p> <ul style="list-style-type: none"> The flood protection for the tunnel entrance has been changed from flood bunds to concrete retaining walls, which can be built earlier to provide better flood protection during the construction works. On the western side, an earth embankment would blend the wall into the landscape, while on the eastern side, the wall would be integrated into the revised Tilbury Fields landforms. 	<ul style="list-style-type: none"> The new operational access arrangement at Tilbury has been designed, in consultation with key stakeholders, with possible future development in mind, helping to avoid potentially disruptive re-work at a later date. The previous design may have required substantial work in this area. This is a significant benefit with this layout compared with that presented at the community impacts consultation. The form of flood protection has been changed from flood bunds to concrete retaining walls. It is predicted that this will have a minor detrimental visual impact for those using the LTC but is unlikely to be noticeable from the west or east of the new road, due to the nearby adjacent landforms screening the LTC. Moving the attenuation pond to sit within the footprint of the new operational access.

18.8.4 The Council's review of the operations and maintenance junction is included in Appendix C, Annex 2.3 of the LIR ([REP1-281](#)). It shows that the currently proposed Tilbury junction design would only accommodate the 'Port only' 2030 forecast traffic demand scenario. The applicant's configuration of the junction does not provide adequate capacity to support the 'low' and 'high' 2030 forecast traffic demand scenarios along the Tilbury Link Road. It would therefore not provide adequate capacity to fully support future growth aspirations and movement demands associated with Thames Freeport proposals at the Port of Tilbury and developments sites proposed as part of the emerging Thurrock Local Plan.

18.8.5 Given the reassurance provided at the Local Refinement Consultation in May 2022 that the operations and emergency access had been designed with possible future development in mind, the Council requires the applicant to provide evidence to demonstrate the future proofing of the operations and emergency access and how it could be used to facilitate access for the future growth of Thurrock, including Freeport proposals and 'avoid disruptive re-work at a later date'.

Response to LIR Section 9.3 (Policy Compliance and Local Impacts)

18.8.6 The applicant provided no comments on this section of the LIR ([REP1-281](#)).

Response to LIR Section 9.4 (Local Transport Impacts of Operational Phase)

Deficiencies in Modelling Approach for Local Impacts

18.8.7 Until Deadline 1 of the Examination, the applicant has sought to rely solely on LTAM to assess the impacts of the Project on the local highway network, which the Council contends is an inadequate tool to assess the operational impacts of the Project on local junctions. The

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purpose of a strategic model is to understand the strategic effects of a scheme and assignment / reassignment of traffic across a wide area. A strategic model would not be sufficiently well validated at a micro level to understand detailed operational effects of a project on junctions. The strategic model is used to determine where potential effects on the network may occur, which should be examined further with localised modelling. The applicant recognises this in response to Section 9.4 of the LIR ([REP1-281](#)) *'Since the LTAM is a strategic transport model and covers a vast area, it is not possible nor necessary to achieve validation on every road'* (Page 40 [REP2-063](#)).

18.8.8 No localised modelling was included in the DCO submission and limited localised modelling was provided to the Council prior to the DCO submission, which was not yet approved by the Council as fit for purpose, as presented in Figure 9.1 of the LIR ([REP1-281](#)), which summarises the modelling status at the time of the DCO submission in October 2022.

18.8.9 It is only since the ExA required the applicant to submit localised modelling that the applicant has provided microsimulation modelling at D1 for Orsett Cock, Manorway and East-West model with further microsimulation modelling to be provided at D3 for ASDA roundabout and A13 Five Bells junction. The Council has undertaken a review of the localised modelling submitted at D1 as part of the Localised Traffic Modelling report ([REP1-187](#)), which is summarised in Section 14 above.

Impact of Local Traffic and Local Communities

18.8.10 The Council continues to contend that LTAM shows impacts on the local road network and through local communities, which the applicant is not proposing to mitigate. LTAM shows that LTC will cause traffic to re-route away from the strategic roads in Thurrock and through local communities, as set out in Section 9.4.14 of the LIR ([REP1-281](#)). The applicant's response does not refute this conclusion.

18.8.11 The Council's review of the localised modelling submitted at D1 as part of the Localised Traffic Modelling report ([REP1-187](#)) is provided in Section 14 above. Despite the localised modelling review highlighting the need for model refinements before the models can be agreed by the Council, the emerging results demonstrate that there will be significant adverse impacts on the local highway network as a result of LTC.

18.8.12 With regards to Daneholes Roundabout, the applicant proposes that if the changing levels of traffic warrant further consideration, the applicant will 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. The Council contends that impacts on the local highway network as a result of LTC need to be mitigated as part of the DCO and not left to the Council at a later date to try to secure funding to mitigate LTC impacts.

18.8.13 The applicant does not consider any mitigation is required at Orsett Cock (except signal timing optimisation) or A126 Marshfoot Road junction. The Council considers that the emerging results from the localised modelling (yet to be agreed by the Council) show that there are significant adverse impacts at these junctions that require mitigation. Those impacts include the junction of A1012 / Devonshire Road, which has been identified in the strategic LTAM as being negatively impacted and has not been included in the East-West microsimulation or any response from the applicant on impacts.

18.8.14 The applicant asserts that *'Many parts of the network, including within Thurrock, would experience significant benefits on both journey times and journey reliability, whilst other locations would experience adverse impacts. Overall, the benefits on the road network would outweigh the adverse impacts. This is reflected in the positive economic benefit of the Project as a whole, and within Thurrock'* (Page 41, [REP2-063](#)).

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- 18.8.15 With regards to journey time benefits and impacts within the Borough, the Council has significant concerns over the discrepancies between the strategic and localised modelling and the applicant has agreed to provide iterative scenario testing using outcomes from the localised modelling back into the strategic model to better understand journey time changes in the borough. Microsimulation modelling carried out by the applicant and submitted at D1 shows significant additional delay at local junctions as a result of LTC, which is not reflected in LTAM. The microsimulation modelling has not been incorporated iteratively into LTAM used by the applicant to determine the impact of the scheme on journey times. The Council is concerned that LTAM may be underestimating delays on the local highway network. The Council held a meeting with the applicant and DPWLG on 16 August 2023 to discuss the modelling information submitted at D1 and the applicant agreed to incorporate the microsimulation modelling at Orsett Cock into LTAM, among many other actions that are summarised in Table 14.1 above.
- 18.8.16 Section 7.4.19 of the Council's LIR ([REP1-281](#)) notes that the assumptions used to generate the reliability benefits have not been shared and so the Council cannot consider or scrutinise the validity of the assumptions or results. The applicant's response to the LIR has not provided this requested information and therefore the Council's position remains unchanged with regards to journey time reliability (SoCG Item 2.1.154).

Response to LIR Section 9.5 (Required Mitigation of Local Transport Impacts)

- 18.8.17 The applicant's response states that there are adverse impacts on the local road network but that *'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'* (Page 43 [REP2-063](#)). Please refer to the Council's response to LIR Section 9.4 above for the Council's view on this assertion.
- 18.8.18 Rather than mitigate local impacts through the DCO, the applicant proposes to monitor the impacts of the LTC on traffic on the local and strategic road networks and if the monitoring identifies issues related to the local road network, the applicant proposes that the Council could apply for funding.
- 18.8.19 The Council contends that mitigation for identified significant adverse impacts on the local highway network need to be secured through the DCO. The Council recognises that in addition to the identified impacts within the traffic modelling there may be further unforeseen local impacts, which have not been identified through the modelling, but could arise. The monitoring of the effects of the LTC should be solely for these unforeseen impacts and not the already identified impacts through the modelling. The recently consented Sizewell C DCO followed this approach with a package of transport mitigation secured through the DCO to mitigate the identified local highway impacts and a further Transport Contingency Fund secured through the DCO, which the local highway authority could draw down if ongoing monitoring identified further unforeseen local highway impacts.
- 18.8.20 The applicant is not clear on the Council's reference to 'Community/Environmental mitigation' in Section 9.5.10 b) of the LIR ([REP1-281](#)), but assumes that it relates to mitigation from traffic noise. As set out in Section 9.5 of the LIR [[REP1-281](#)], the Council is concerned that LTC will reassign traffic on inappropriate roads and through local communities, which should be mitigated. One way of doing this would be to provide additional capacity on the more strategic routes to ensure that through traffic remains on these roads and to provide traffic management/calming through local communities to discourage traffic from reassigning through local communities. However, no mitigation is proposed by the applicant.
- 18.8.21 In response to Section 9.5.10 d) on public transport, the applicant does not provide any response on the design of LTC to allow for bus priority at certain LTC crossings to facilitate sustainable growth of Thurrock, such as at the Muckingford Road crossing. The only commitment by the applicant is to participate in the Sustainable Transport Working Group

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(STWG) up until opening of LTC to develop sustainable travel initiatives that could be eligible for National Highways' Designated Funds. However, if bus priority measures at LTC crossings are not incorporated into the design now (or at the very least safeguarded for), it will not be possible in the future and thereby would provide a constraint to sustainable growth of Thurrock.

18.8.22 The applicant's response to Sections 9.5.6 to 9.5.11 of the LIR ([REP1-281](#)), merely repeats their position but does not address any of the points raised by the Council with regards to local transport mitigation and as such the Council's position set out in Section 9.5 of the LIR ([REP1-281](#)) remains unchanged.

Response to LIR Section 9.6 (Required Amendment to Key Elements of LTC Design)

18.8.23 The applicant's response does not address the safety concerns raised by the Council with regards to the design of the interface between LTC and Orsett Cock, which are detailed in Appendix C, Annex 2 of the LIR ([REP1-281](#)). The Council requires a detailed response from the applicant providing evidence to support their assertion that this part of the network will operate safely.

18.8.24 With regards to the design of the A13/A1089 junction, the applicant states that *'During the development, multiple factors were considered, including the land requirements, impacts on local traffic flows and on the environment, as well as cost. This assessment used professional judgment informed by the traffic model, rather than undertaking a sequence of detailed models of all possible alternatives as proposed by the Council'* (Page 51, [REP2-063](#)). Such a critical junction on the network should be designed based on traffic modelling of design options rather than professional judgement. As such the Council requested LTAM model runs of a number of A13/A1089 junction design options to enable the Council to form a view on the implications of the options on the local highway network. All of the options proposed by the Council show improvements compared with the design proposed by the applicant in terms of journey times for key strategic routes, together with much improved performance on the local road network. The analysis of these options is included in Appendix B.3, Annex 2 of the LIR ([REP1-281](#)). The applicant's response does not provide any response to the A13/A1089 junction option analysis undertaken by the Council and the Council's position therefore is retained that there are alternative designs of the A13/A1089 junction, which would better meet LTC objectives.

18.8.25 The applicant states that it is *'currently in discussions with the Council in relation to the merits of consideration of wider network developments that connect the strategic and local road network, such as the Tilbury Link Road'* (Page 51, [REP2-063](#)). This is disingenuous as the applicant has merely stated to the Council that the TLR could potentially form part of a separate scheme as part of NH's RIS3 and no further discussions are taking place (refer to the Council's response to the applicant's response to LIR Section 8.4 for further detail). The Council considers the TLR to be an essential part of LTC to reduce impacts on the local highway network and better meet LTC objectives as set out in the analysis in Appendix B.3, Annex 2 of the LIR ([REP1-281](#)).

Response to LIR Section 9.7 (Legacy Benefits)

18.8.26 With regards to legacy benefits, the applicant has referred to the Level 2 Wider Economic Impacts for Thurrock of £454m and the Level 1 TUBA Impacts for Thurrock of £78m presented in the Combined Modelling and Appraisal Report (ComMA) Appendix D ([APP-524](#) to [APP-527](#)). The Council's response to the Economic Case is set out in Section 7 of the LIR ([REP1-281](#)). The Council's view is that the Wider Economic Benefits (WEBs) presented by the applicant are an overestimate and misrepresent the case that would be considered acceptable if an independent assessment was undertaken. There is also a lack of transparency on the derivation of the WEBs. The Council has asked for the assumptions used within the Wider Impacts in Transport Appraisal (WITA) economic analysis software to assess WEBs, but the information has not been provided by the applicant.

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- 18.8.27 The applicant's response cites the control documents, notably the Code of Construction Practice (CoCP), as providing legacy benefits. From a transport perspective the control documents are intended to control traffic movements and mitigate impacts during the construction phase of the scheme. The Council contests that there are not any transport related local active travel and public transport legacy benefits associated with the control documents or derived through the creation of LTC.
- 18.8.28 The applicant claims that NH's Designated Funds are a legacy benefit of LTC to Thurrock. There is no certainty that the Council would be successful in any application for Designated Funds and therefore this cannot be claimed to be a legacy benefit.
- 18.8.29 The applicant states that the Council has not shared a concept design related to enhancing public transport provision on Stanford Road. Discussions have previously been held with the applicant on the design of the scheme and how it can incorporate or safeguard for public transport priority on the local highway network at LTC crossings. However, these discussions did not progress to the design of LTC incorporating bus priority. The Council welcomes the applicant's request to provide a concept of what would be required to be incorporated into the design and/or secured within the DCO with regards to bus priority, which the Council will submit at D4.

Response to LIR Section 9.8 (Local Transport Impacts of Construction Phase)

Local Transport Impacts on Construction Phase

- 18.8.30 Appendix C, Annex 3 of the LIR ([REP1-284](#)) sets out the Council's position regarding the deficiencies in the applicant's assessment of the impacts of the construction period on the Borough and how control documents and governance processes proposed by the applicant fail to mitigate the impacts in the Borough or provide a sufficiently strong set of parameters and controls within which the contractors can construct the scheme.
- 18.8.31 The applicant's response does not provide any response to the concerns raised by the Council regarding the construction phase modelling.
- 18.8.32 The applicant's response does not respond to the issues raised by the Council in the LIR ([REP1-281](#)) with regards to the strategy for materials, plant and equipment handling (SoCG items 2.1.110 to 2.1.115) and the process for governing the construction period (SoCG items 2.1.7 to 2.1.9, 2.1.36, 2.1.45, 2.1.107, 2.1.117 to 2.1.142, and 2.1.243 to 2.1.255), except to reiterate their position in the DCO documents. The Council's position therefore remains unchanged in light of no new information.

Impact of Traffic on Local Communities during the Construction Phase

- 18.8.33 The applicant's response does not respond to the issues raised by the Council in the LIR ([REP1-281](#)) with regards to the impact of traffic on local communities during the construction phase.
- 18.8.34 The Council continues to be concerned that the Outline Traffic Management Plan for Construction (oTMPfC) ([REP1-174](#)) does not provide a set of controls that would require the construction of LTC to be constructed in accordance with the DCO assessment. For example, HGV routes are indicative and not fixed, there are no limits on the number of construction vehicles, no targets are set for workforce mode share, no details are provided on the number of Abnormal Loads and how these will be managed to reduce impacts on the local highway network.
- 18.8.35 Whilst the oTMPfC ([REP1-174](#)) sets out the broad principles of a monitoring system no details are provided on the information that will be included in monitoring reports, i.e. without a set of

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parameters and controls within the oTMPfC ([REP1-174](#)) what is the monitoring data comparing against?; nor the consequence of non-compliance and the TMF will not be mandated to resolve matters raised during the construction period.

18.8.36 No mitigation is proposed to mitigate the effects of traffic re-routing through local communities to avoid delays and as a result of the lack of controls and indicative nature of HGV routing within the oTMPfC ([REP1-174](#)), the re-routing of traffic through local communities may be worse than the assessment shows.

Impact on Public Transport during the Construction Phase

18.8.37 The Council has raised significant concerns with regards to the long term impacts on buses in Thurrock during the construction phase (Section 9.8 of the LIR ([REP1-281](#))). The applicant's response refers to Table 2.3 of the oTMPfC ([REP1-174](#)) with regards to the approach to liaising with bus operators and their key considerations, but these are generic headlines and do not bind the contractors into action. The response from the applicant has not provided any new commitments or information and the Council's position is therefore unchanged.

Impact of Traffic on Local Communities during the Construction Phase

18.8.38 The applicant's response does not respond to the issues raised by the Council in the LIR ([REP1-281](#)) with regards to the strategy for materials, plant and equipment handling (SoCG items 2.1.110 to 2.1.115) and the process for governing the construction period (SoCG items 2.1.7 to 2.1.9, 2.1.36, 2.1.45, 2.1.107, 2.1.117 to 2.1.142, and 2.1.243 to 2.1.255), except to reiterate their position in the DCO documents. The Council's position therefore remains unchanged in light of no new information.

Required Mitigation of Construction Impacts

18.8.39 Section 9.8 of the LIR ([REP1-281](#)) sets out detailed comments of the transport controls and commitments that the Council is seeking to be included within the control documents.

18.8.40 The applicant claims within their response that they *'have set out a range of commitments in a series of control documents and non-compliance would be considered a breach of the DCO'*. (Page 64 of [REP2-063](#)). It would be helpful if the applicant could provide a summary table of the transport controls that have been made, with signposting to the control documents and where they are secured within the DCO.

Response to LIR Section 9.9 (Incident Management)

18.8.41 One of the objectives of LTC is to *'improve the resilience of the Thames crossings and the major road network'* ([APP-494](#)). Within the Need for the Project ([APP-494](#)) resilience is defined as *'how well the network can cope with full or partial closure of key links, for either a short or long period of time.'*

18.8.42 The applicant asserts that LTC would improve resilience in three ways, as follows:

- a. **Provision of an alternative route:** *'As a result of the lack of, and limitations with, existing alternative routes, the network in the Lower Thames area lacks the resilience to quickly return to normal operation following incidents, closures and periods of high congestion.'* (paragraph 4.2.26 of the Need for the Project ([APP-494](#))). *'By providing an additional crossing of the River Thames, the Project would improve the resilience of the road network in the event of a longer-term closure of part of the existing Dartford Crossing or approach roads by ensuring that there remained opportunity for a substantial number of trips to continue to cross the River Thames east of London.'* (paragraph 5.2.8 of the Need for the Project ([APP-494](#))).

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- b. **Less congested Dartford Crossing:** *'Currently at the Dartford Crossing when incidents do occur, the fact that the Crossing is often operating at, or above, capacity means that it has little resilience and users experience further flow breakdown, resulting in greater delays and even poorer levels of service. The Project would reduce traffic flows at the Dartford Crossing by 19% on average in the opening year (Annual Average Daily Traffic). As a result, journey times across the existing Dartford Crossing would become more reliable. Due to the lower volumes of traffic, the Dartford Crossing and approach roads would recover more rapidly from minor incidents on the crossing.'* (paragraph 5.2.10 of the Need for the Project ([APP-494](#)).
- c. **Reduced risk of incidents:** *'The Applicant's design also reduces the risk of incidents occurring.....1) The tunnel for the Project has been designed as a Category A tunnel which can be used by vehicles carrying hazardous loads. 2) The tunnel would have dual three-lanes which would enable it to accommodate higher and wider vehicles. 3) The Project has been designed as a free flow addition to the road network and does not have closely spaced junctions (as set out in ComMA Appendix D: Economic Appraisal Package - Economic Appraisal Report [[APP-526](#)])'* (the applicant's response to Section 9.9 of the LIR, Page 67 of [REP2-063](#)).

18.8.43 The Council's response to each of the applicant's assertion of increased resilience is:

- a. **Provision of an alternative route:** in the event of an incident on Dartford Crossing, resulting in a closure, the applicant claims that the provision of an alternative route at LTC will improve resilience. No evidence has been provided to support this assertion. As set out in Section 9.9 of the LIR ([REP1-281](#)), in the absence of an incident management plan being prepared by the applicant, the Council requested LTAM model runs to provide some indication of the potential effects on Thurrock of the closure of Dartford Crossing. The Council contends that an LTAM run with the closure of Dartford Crossing could be undertaken, bearing in mind limitations of LTAM for incident testing. This would provide some indication of the re-routeing of traffic in the event of an incident at Dartford Crossing and could be used to inform an LTC Incident Management Plan.
- b. **Less congested Dartford Crossing:** as set out in Section 7.4 of the LIR ([REP1-281](#)), the applicant's traffic modelling shows that congestion levels will return to the existing levels at Dartford Crossing within five years of opening and therefore additional resilience will not be realised.
- c. **Reduced risk of incidents:** as set out in Section 7.3 of the LIR ([REP1-281](#)), the scheme increases the number of casualties over 60 years with 26 additional Fatalities and 182 Seriously Injured Casualties. As far as the Council is aware, this is the only NH scheme with an increase in all casualty types with the scheme in place. The Council therefore does not agree that there would be a reduced risk of incidents with LTC in place.

18.8.44 The applicant's is not proposing to work collaboratively with the Council to prepare an Incident Management Plan for the operational phase of the Project, which is required by the Council and the emergency services.

18.8.45 **Summary:** the Council has outlined over many years the need for detailed modelling to supplement the strategic network modelling to inform assessment of local impacts. The applicant has started to share localised modelling with the Examination, however, that requires significant investment before there can be an agreed set of models to run the scenarios and judge the impacts to inform the design of mitigation and whether included in the Order Limits. The applicant has therefore not adequately assessed the impact of LTC on Thurrock.

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- 18.8.46 **Irrespective of the absence of evidence on impact assessment, LTC does not derive acceptable local connectivity through the convoluted and confusing interchange at A13 and the Council has sought to collaborate with the applicant to include connectivity to the Port of Tilbury, to the areas to the southeast of the Borough and to North and South Ockendon, in particular.**
- 18.8.47 **The Council believes that a Tilbury Link Road (TLR) should form part of LTC, but in that absence it asserts that the Operational and Emergency access at Tilbury should be designed such that it would take minimal adaptation to become a functioning connection to the local area. The applicant agreed with this intention at the previous Local Refinements Consultation and through engagement with the Council but has now proposed an access that would not serve that purpose and is instead an 'over-engineered' piece of infrastructure for the operational and emergency uses. The applicant has not responded to the Council on this aspect of its LIR.**
- 18.8.48 **The applicant has not met the scheme objective to facilitate public transport connectivity along LTC and has not responded to the points raised by the Council or the concepts suggested during engagement. LTC does not provide viable options for commercial bus services to operate across the River Thames.**
- 18.8.49 **The applicant has not developed further its approach to construction management and continues to leave excessive flexibility and decision-making to the contractors. This is unacceptable to the Council as it leaves great uncertainty and the likelihood of poor leadership and management with consequential impacts on the communities and networks within Thurrock.**
- 18.8.50 **It is inadequate for the applicant to point to the control of the construction process as a source of transport legacy benefits. The Council's view on construction management continues to be that a stronger guiding hand is required from the applicant and that some legacy could be achieved through a rigorous application of initiatives, such as: non-road-based materials handling; championing a move towards modern and safe fleets of vehicles and drivers; or, attitudinal change in workforce travel. These however would be marginal legacy from construction and not a robust local legacy of greatly enhanced active travel provision or bus infrastructure or connectivity to the strategic route network.**
- 18.8.51 **A primary objective of LTC is to introduce resilience into the network crossing the River Thames. The applicant has not demonstrated how this is achieved either through the capacity or alternative linkage within the strategic network, which is discussed in Sections 7 and 8 of the Council's LIR, but also not through a robustly and proactively led incident management approach. The applicant has provided no scenario testing of incidents within the network which would derive the need to enact a network incident management plan.**

18.9 Assessment of Environmental and Health Impacts

Air Quality

- 18.9.1 The applicant's response ([REP2-064](#)) does not provide any additional information beyond that already presented in the ES Chapter 5 ([APP-143](#)) and associated appendices. This lack of engagement is disappointing and is illustrated by the response to the request within Section 10.2 of the Councils' LIR ([REP1-281](#)) for a simple figure (which the applicant will already have within their modelling) to understand the verification factors applied within the operational modelling assessment. As these factors range from 0.41 to >4 they will have a material impact upon the reported impacts at each receptor and could easily be clarified by the applicant to resolve a simple and key request.

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- 18.9.2 The Council therefore maintains the position that a Figure should be provided which shows where each zone has been applied and therefore which receptors are in each verification zone to better understand the reported predicted changes in air quality within the Borough (and indeed across the Study Area).
- 18.9.3 Equally, the discussion of the findings of an 'AQHIA' *'demonstrating no measurable change in public health'* is very important, however, the Council were completely unaware of its existence until this mention (Pages 6 – 7) in the applicant's response ([REP2-064](#)). Whilst the Council would welcome such an assessment, it is unaware of the methodology applied and would request that a full report is provided and not a *'technical note....providing detail underpinning this conclusion'*.
- 18.9.4 The applicant's response to Sections 10.2.8 – 10.2.16 of the LIR ([REP1-281](#)) fails to provide an response to Sections 10.2.8 and 10.2.9 of the LIR ([REP1-281](#)) which use the results of the applicant's modelling to understand the balance of impacts on residents of Thurrock which identified *'despite the sparsity of modelled receptors in residential areas in proximity to the Scheme, there are more receptors within Thurrock that experience an increase (81 No.) in concentrations compared to those that experience a reduction (56 No.)'*.
- 18.9.5 Despite reservations as to the modelling methodology applied by the applicant (such as unclear verification factors and traffic data reliability), the applicant's agreement or comment on this key finding of their own assessment would be welcomed.
- 18.9.6 The additional Borough-wide modelling which the applicant declines to comment upon was only undertaken to provide the clarity that the applicant's assessment was lacking.
- 18.9.7 It is acknowledged in the applicant's response ([REP2-064](#)) to Sections 10.2.18 - 10.8.22 of the LIR ([REP1-281](#)) that the Secretary of State has decided that for any application accepted for Examination before designation of the 2023 amendments, the 2014 NPSNN should have effect. However, the Council disagrees with the approach applied by the applicant to determine significance.
- 18.9.8 Whilst it is acknowledged that the DMRB LA105 methodology only considers significance where there is an exceedance of the legal air quality thresholds, the Council maintains that air quality considerations are relevant where there is a deterioration in air quality irrespective of whether the legal air quality thresholds are exceeded. This is considered to be material where substantial changes are expected and this is supported by paragraph 5.12 of the NPSNN.
- 18.9.9 Therefore, the Council maintains the position that changes at receptors, whilst below the current legal thresholds (such as at Receptor LTC326, where there is a predicted increase in annual average NO₂ concentration of 4.8µg/m³), should be appropriately considered in the EIA process.
- 18.9.10 The applicant's response ([REP2-064](#)) to Sections 10.2.23-10.2.25 of the Council's LIR, states that *'the DMRB LA 105 provides the framework of determining whether there is a significant air quality effect on sensitive receptors. This is consistent with all other highways schemes that have been through the DCO process. The significance assessment in relation to EIA within the NPSNN is focused around compliance with legal air quality thresholds'*. The Council disagrees with the approach whilst it is acknowledged that the DMRB LA105 methodology only considers significance where there is an exceedance of the legal air quality thresholds. As stated in the LIR Section 10.2.20 the consideration of the significance of the impacts in relation to EIA (as required by paragraph 5.12) is limited by the DMRB LA105 methodology, which fails to consider the effect of substantial increases in pollutant concentrations at levels below the legal thresholds.

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18.9.11 The applicant's response ([REP2-064](#)) to Sections 10.2.26 - 10.2.28 of the Council's LIR states that '*where significant effects are identified, the Applicant would only progress measures that are quantifiable and deliverable. The measures referred to by Thurrock are unlikely to be quantifiable, for example influencing driver behaviour, greater awareness, etc*'. The Council disagrees with this as the response ignores the measures suggested that could be quantifiable, such as speed limit reduction or the use of barriers.

18.9.12 The applicant's response ([REP2-064](#)) to Section 10.2.29 states that as there are no significant effects no mitigation is required. The Council disagrees with this as the DMRB LA105 methodology only considers significance where there is an exceedance of the legal air quality thresholds and the Council still consider it appropriate to undertake monitoring post completion.

Noise and Vibration

18.9.13 The applicant has not responded to Section 10.3.1 of the LIR ([REP1-281](#)) and therefore it is assumed that detailed noise modelling results presented in an accessible format will not be provided. The lack of engagement is disappointing, particularly as the applicant states in their response that the scale of the presentation and the granularity of the calculation grid to cover such a large area means these should only be used for general principles/reference and not to draw specific conclusions relating to specific properties. Therefore, the assessment as presented cannot be used to fully assess the potential impacts.

18.9.14 In response to Section 10.3.6 of the LIR ([REP1-281](#)) the applicant confirms that receptors along Cheelson Road have not been assessed, but receptors closer to the LTC have been included. Whilst this assessment is considered worst case, the ES should present and report effects at all receptors which fall within the DMRB study area, especially if impacts are likely to be significant.

18.9.15 The applicant agrees that specific mitigation measures are required for Whitecroft Care Home. The applicant goes on to state that these measures are outlined in Table 12.33 of the ES Chapter 12. However, these measures are very general, such as stating that screening provides up to 10 dB noise reduction. The extent to which the mitigation is likely to be achievable in practice needs to be considered now, with full and detailed justification provided including the façade/floor level that has been assessed. The applicant does not intend to change the assessment criteria for a receptor that is considered more vulnerable.

18.9.16 The applicant's response to construction traffic impacts being identified is to state that this will be managed through a Traffic Management Plan. Whilst this is welcomed, the Council reiterates that the details and resulting noise impacts should be provided now.

18.9.17 The Council has stated that permanent increases in noise levels that are likely to be perceptible will remain. The applicant does not intend to increase mitigation with their response in Section 10.3.9 ([REP2-064](#)) stating that current measures are proportionate to reduce noise as far as reasonably possible to minimise impacts. Given that major changes in noise levels remain, the Council would not agree that sufficient mitigation has been included.

18.9.18 The applicant accepts that significant effects remain at two receptors. No response has been provided on operational monitoring, which is requested by the Council or compensation for these residents.

18.9.19 No assessment of noise impacts at Tilbury Fields has been provided with the applicant simply referring to the ES Landscape chapter. The Council would re-iterate that a noise assessment is undertaken for this receptor.

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- 18.9.20 The Council has stated in Section 10.3.14 of its LIR ([REP1-281](#)) that noise impacts on the Gammonfields Way traveller site could be more significant given the sound insulation for such receptors is likely to be less than for typical residential dwellings. The applicant has not provided an assessment of the suitability of the site with regards to private external amenity areas or internal noise levels. The Council would require this to be undertaken at the earliest opportunity and before D4.
- 18.9.21 The applicant states that a survey of building conditions is not considered proportionate for the ES and will not be undertaken at this stage with a commitment provided in the REAC to undertake this for Listed buildings. The Council requests that a commitment be provided for other dwellings/sensitive uses within the REAC?
- 18.9.22 An assessment of other vibration generating plant, such as a vibratory roller, have not been assessed. An indication of impact of these should be provided now.

Cultural Heritage

- 18.9.23 Under the applicant's response to pages 134-136 (Section 10.4.6), the applicant states that the dismantling and relocation of Thatched Cottage remains under discussion as part of the legacy and benefits work. The topic does still remain under discussion, but it is still recommended that this is embedded as a commitment in the REAC.
- 18.9.24 In Section 10.4.9 of the Council's LIR ([REP1-281](#)) it highlighted the extent of adverse effects on important historic landscapes. In its response the applicant notes the statement and provides no further commentary.
- 18.9.25 Within the applicants response ([REP2-064](#)) to the Thurrock LIR ([REP1-281](#)) in relation to Section 10.4.4, SoCG item 2.1.191, the response acknowledges the loss of the Scheduled Monument in part, however, the development will result in the loss of the protection of the monument as a designated asset. Within the REAC ([APP-336](#) Table 7.1 CH0003), it requires the archaeological contractor to request the removal of this asset from the National List, thus losing its protected status.
- 18.9.26 The Council support the proposed inclusion of Site 247 within the REAC CH0003 [REP1-157](#) and the recognition that this is of equal importance to the Scheduled Area.
- 18.9.27 With regard the response to the evaluation of the tunnel mouth in Section 10.4.12 of the Council's LIR, it is agreed that there are considerable challenges to assessing this area. There is concern that no further ground truthing will occur until the actual construction stage and discussion seems to have stalled on this potentially important area. The potential importance of this area has been recognised by the applicant with the changing of the value of these deposits to high ([AS-043](#))
- 18.9.28 Under 10.4.14 the applicant has identified that separate figures for each of the mitigation areas (within the applicant's response [REP2-064](#)) will be included within the AMS-OWSI. It is our view that this will be a significant improvement to the AMS-OWSI ([APP-367](#)), as it will provide clearly defined areas requiring investigation for both the Local Authority Archaeological advisors and any future contractor to work from and understand.
- 18.9.29 Within Section 10.4.16 of the Council's LIR, the Council would concur that the role of the Local Authority Archaeological Curators is defined in paragraph 2.6.5 of the AMS-OWSI. However, this is not clear within the (REAC CH007 [APP-336](#)), where it states that findings shall be reported to National Highways and made available to the relevant Local Planning Authorities or Historic England on request. This makes it unclear for a contractor using the REAC.

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18.9.30 The Applicant's response to Section 10.4.20 of the Council's LIR is positive. In addition, on further consideration of the impacts of the scheme and the identified level of impact, it is also recommended that the Grade II listed Whitecrofts is recorded to the same level as Baker Street Windmill and this requirement included within updates to the AMS-OWSI ([APP-367](#)), ideally at D4. The impacts to both Baker Street Windmill and Whitecrofts have been identified as being the same, so the mitigation (recording in this case) should be the same.

18.9.31 Within Section 2.6.5 of the AMS-OWSI ([APP-367](#)) Thurrock Unitary Authority is not identified as one of the Local Authority curators and it should be.

Landscape and Visual

18.9.32 In Section 10.5.5 the Council's LIR ([REP1-281](#)), it again requested that Tilbury Viaduct be identified as a Project Enhanced Structure (PES). In its response the applicant has set out its reasons for why the viaduct has not been identified as such. Given its proximity to residential properties and West Tilbury Conservation Area, the Council maintains its position that this large and prominent structure in a key location deserves to be a PES. Furthermore, following the 'Design' SoCG meeting with the applicant on 14 July 2023 this matter (2.1.102) remains as a 'Matter Not Agreed'.

18.9.33 In Sections 10.5.6 – 10.5.8 the Council's LIR ([REP1-281](#)), it raises concerns about the visual effects of the compounds along the route. These compounds will contain significant elements of 15-25m in height and as they are located within low-lying landscapes these features could be visible from long distances. Although classified as temporary these will be present to up to five years. In its response the applicant reiterates the proposed mitigation to position these structures as far as practical from sensitive viewpoints, however, the Council maintains that these features will introduce large structures into the wider landscape.

18.9.34 In its response to concerns about visual effects from the England Coast Path (within Section 10.5.9 of the Council's LIR ([REP1-281](#))), the applicant confirms that these effects would be significant throughout the period of construction. During a recent SoCG meeting with the applicant the Council confirmed that sufficient information has been provided to confirm the effects from Coalhouse Fort will be largely screened by existing vegetation and landforms.

18.9.35 With regard to Section 10.5.14 of the Council's LIR ([REP1-281](#)), the Council recognises that it is not possible to provide detailed designs at this stage, therefore the designs can only be illustrative.

Terrestrial Biodiversity

18.9.36 In Section 10.6.9 of the Council's LIR ([REP1-281](#)), the Council understands the limitations that are placed on what level of mitigation can be provided. The Council agrees that there is a limited number of locations where the hydrogeology allows wetland creation. This is the reason that the Council has consistently pushed for larger scale mitigation work within the Mardyke valley to maximise this potential.

18.9.37 Regarding Section 10.5.12 of the Council's LIR ([REP1-281](#)), it is noted that Natural England has not raised an issue within its SoCG with habitat fragmentation to the Council accepts the response provided by the applicant.

18.9.38 For Section 10.6.14 of the Council's LIR ([REP1-281](#)) - this matter is now accepted. For the applicant's Habitats Regulations Assessment (HRA) – it is agreed that Section 10.6.17 of the Council's LIR ([REP1-281](#)), is addressed in Section 10.7 of the Council's LIR ([REP1-281](#)).

18.9.39 **Further work or Mitigation Required** – in response to Sections 10.6.19 and 10.6.20 of the Council's LIR ([REP1-281](#)), the applicant provides the same response as for Section 10.6.9 of

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the Council's LIR ([REP1-281](#)). Following further discussion at the 'EIA Combined Topics' and 'Design' SoCG meetings on 11 and 14 July 2023, it was agreed that SoCG Items 2.1.199 and Item 2.1.104 would remain Matters Under Discussion. The Council accepts the proposed mitigation has not sought to maximise the Biodiversity Net Gain (BNG) value but focus on providing what is the most appropriate mitigation.

Marine Biodiversity

18.9.40 The Council's primary concern to ensure that if LTC is constructed, it would not prevent access to the river frontage thereby preventing repair works to the seawall, which is eroding, potentially allowing contaminants to enter the Thames. In its response to Section 10.7.4 of the Council's LIR ([REP1-281](#)), the applicant confirms that access to East Tilbury Landfill will be retained. The Council is satisfied that LTC would not preclude repair works to prevent future contamination.

Water Resources (Surface and Groundwater, Road Drainage and Flood Risk)

18.9.41 The Applicants response to the LIR in relation to Drainage and Water Environment (within Comments on LIRs Appendix H – Thurrock Council (Part 3 of 5) ([REP2-064](#))) are in response to Sections 10.8.14 to 10.8.19 of Thurrock Council's LIR: ([REP1-281](#)).

Flood Modelling Updates

18.9.42 Regarding Section 10.8.14, the applicant states that changes in modelling using updated software and methods are unlikely to affect the findings of the FRA. It is also noted that the Order Limits include provision of land for flood compensation greater than the area actually required for flood compensation. The applicant states that this approach was agreed with the EA and allows for sufficient margin of safety to accommodate potential changes at detailed design stage. The Council may therefore accept this response from the applicant.

Biodiversity Assumptions for Drainage Features

18.9.43 Regarding Section 10.8.15, the applicant states that there was coordination between the drainage and BNG teams to provide information about drainage features and that the BNG assessment takes a precautionary approach to the calculations. The Council accepts that the precautionary approach is appropriate at this concept stage.

North Portal Junction

18.9.44 Regarding Section 10.8.16, in answer to the question about temporary works that may be required prior /during the construction of the North Portal Junction; the applicant refers to the Code of Construction Practise ([REP1-157](#)), which requires the Contractor to manage Surface Water relating to Temporary works. The Council accepts this response in relation to Temporary works during Construction, provided the applicant confirms that the drainage infrastructure serving the construction roads is aligned, phased and delivered with the construction works – the applicant should also provide signposting to relevant DCO documents. Any discrepancies where construction roads are commissioned /operational early must be aligned with the drainage infrastructure and the applicant to confirm within its REAC. For example, the Transport Assessment ([APP-529](#)) shows that a section of road (part of Work No. 6A) near the Muckingford Road junction, will be in operation during Phase 5. The Drainage Plans ([APP-049](#)) indicate the drainage infrastructure that serves this section includes ditches and an Attenuation Basin (Work No. 6E). The catchment for Work No. 6E extends beyond the section of road that will become operational during phase 5. The Council would like clarification that the drainage in this area (and other areas, if applicable) has been aligned with proposed Transport Management phasing strategy.

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18.9.45 Regarding Section 10.8.17, the applicant references the location of the proposed the Pumping Station proposed for the tunnel approach ramps is shown on drainage plans ([APP-048](#)). The applicant states that the responsibility for maintenance will remain with the applicant. The Council notes that the pumping station is shown in the central reservation and access will only be via the new trunk road. The Council would like to understand whether the access within the central reservation area would present a safety concern or an additional requirement for lane closures and if it is covered within the CDM Risk Register. The Council would like confirmation that an alternative more accessible location could not reasonably be achieved within the design constraints. Furthermore, in the event of asset failure, is there a contingency plan to prevent flooding?

18.9.46 Regarding the access to maintain the two ponds located within the North Portal Junction, the applicant refers to the Rights of Way and Access Plan ([REP1-025](#)). The plans show that a cycle track is proposed around most of the Basin circumference at the top of the bank. The Council accepts this response on the basis that the applicant will be responsible for the maintenance of the ponds and have shown access can be made via the cycle track.

Coalhouse Fort

18.9.47 The applicant confirmed that discussions with the Environment Agency are ongoing. In addition, the applicant confirmed that water supply from the moat is a less likely option, as is recognised in the Council's LIR (Sections 10.8.18 – 10.8.19). However, the applicant would like to keep the option open until the assessments are concluded. The Council recognise this and keep the Matter Under Discussion.

Geology and Soils

Pages 149-150 of the Applicant's Response

18.9.48 In its response to Section 10.9.6 of the Council's LIR ([REP1-281](#)), the applicant has stated (page 56, first bullet) that the method statements would include the scope of works. The method statement required by GS001 are *'to reduce the risk of creating pollutant pathways'*. This does not address the LIR comment. The Council is asking that the wording of GS001 be amended to clearly commit to the provision of sufficient detail regarding all the intrusive works to be undertaken on the identified medium and high risk sites which should include schedules of exploratory holes with depths and testing, not a method of pollution management.

18.9.49 In its response to Section 10.9.6 of the Council's LIR ([REP1-281](#)), the applicant has stated (fourth bullet page 57) that the suggested additional wording is already covered by GS027. It is not covered as claimed by the applicant. The Council have asked that the wording be amended to require the risk assessment (the process that leads to the identification, or not, of unacceptable risks) to be agreed not just the remedial strategy for only those sources that the contractor deems unacceptable.

Page 150-151 of the Applicant's Response

18.9.50 In its response to Section 10.9.8 of the Council's LIR ([REP1-281](#)), the applicant has stated ([REP2-064](#), page 58) that *'where any limitation of testing occurred, this is detailed in the Limitations of analysis sections of the GQRA'*. This is not correct. PFAS is identified as a contaminant of concern for multiple sources in Package B. No soil samples were tested and only five groundwater samples yet the Limitation analysis sections of the ES Appendix 10.9: Generic Quantitative Risk Assessments ([APP-431](#)) does not mention PFAS. This omission is further compounded by the inaccurate listing in Section 3.18 of ES Appendix 10.11: Remediation Options Appraisal and Outline Remediation Strategy ([REP1-165](#)), which the applicant states *'considers the identified contaminants of concern requiring further*

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assessment of remedial action'. This section does not list the potential contaminations with insufficient testing, such as PFAS.

- 18.9.51 In its response to Section 10.9.9 of the Council's LIR ([REP1-281](#)), the applicant has provided an explanation on the process adopted regarding the data search ([REP2-064](#), page 59). Regarding the walkovers there is repetition of the previously provided statements, which does not provide confidence that site description accurately reflects the current conditions, particularly the river frontage at the northern portal.
- 18.9.52 In its response to Section 10.9.10 of the Council's LIR ([REP1-281](#)), the applicant has stated that the GI factual reports were provided to the Council on 24 July 2023 ([REP2-064](#), page 60). The links to not work and are restricted to an individual. The Council have requested that these documents are made available as part of the application.
- 18.9.53 The applicant has not provided any additional information regarding the risk ratings ([REP2-064](#), page 60) and the Council remain unconvinced that the amalgamation approach in the PRA ([APP-427](#)) is appropriate given that the applicant is only committing to ground investigation for Medium and High risk sites. For example, HLU0516 and HLU819 are both potentially infilled pits, both with asbestos as a potential contaminant and both with residential receptors identified. However, the former is identified as Low risk and the later Medium. The concern is increased when it is noted (ES Appendix 10.9: Generic Quantitative Risk Assessments ([APP-431](#)) Annex B-A page 4 of 6) that revised risk rating for HLU0537 has been reduced from Medium to Low; whilst, Figure B: Phase 2 Ground Investigation - Package B Exploratory Hole Locations and Credible Contaminant Sources (Drawing No. HE540039-CJV-GEN-GEN-MAP-GEO-00204 of the same document) shows that there has been no ground investigation undertaken. Disturbance is identified as likely to occur with asbestos as a potential contaminant and residential as a potential receptor.
- 18.9.54 The Council note the reply ([REP2-064](#), page 60) to betterment of the river frontage and assume that the proposed works will address the concern regarding potential erosion and exposure of waste as the park extends to the shore of the River Thames.

Page 151-152 of the Applicant's Response

- 18.9.55 In its response to Section 10.9.11 of the Council's LIR ([REP1-281](#)), regarding Point 9 of the PADs the applicant has responded ([REP2-064](#), page 66) that the matter is not agreed. The Council reiterate the available ground investigation is limited both in terms of quantum and coverage, 77 of the 84 exploratory holes in Package B are within Goshems Landfill, meaning the remaining numerous identified potential sources have no investigation and only extremely limited investigation has been undertaken in two (five holes in Shed Marsh and two holes in Low Street landfill). The Council reiterate that the wording of the identified REAC commitments is not adequate to address our concerns, as it focusses on consultation only in respect of proposed remediation and not the design and assessment of the additional ground investigations that are necessary due to the limited nature of the works undertaken to date.
- 18.9.56 The reply to bullet point 9 ([REP2-064](#), page 66) regarding whether processing and re-use will be undertaken under an Environmental Permit is potentially only relevant to the materials excavated from the northern portal (Consents and Agreements Positions Statement ([REP1-047](#)) Appendix A Permits and consents that may be required page 17). If processing is not undertaken in accordance with an Environmental Permit the potential impacts cannot be assumed to be adequately mitigated and should be assessed in the ES.

Page 152-154 of the Applicant's Response

- 18.9.57 The applicant's response to Section 10.9.15 is a repeat of information provided earlier in respect of the dataset and the issue is considered closed.

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18.9.58 Regarding the condition of the river frontage and destabilisation (Sections 10.9.16 and 10.9.17) the applicant has responded ([REP2-064](#), page 69) that the frontage was inspected and that there were no notable geohazard observations. However, the applicant does not deem that an amendment to the ES Appendix 10.2 – Stability Report [[APP-423](#)] is warranted and the Council remain concerned that by not explicitly identifying landfill as a manmade geohazard, then such adverse ground conditions will not be transferred to the geotechnical risk register.

18.9.59 Regarding the reply to Section 10.9.18, this does not address the question as to whether the development will result in exposure to waste materials in the frontage.

18.9.60 Regarding Sections 10.9.19 and 10.9.20 relating to insufficient ground investigation data to characterise significant sources of contamination, the applicant has not sought to provide any additional commentary to support the conclusion that the proposed remedial measures can address the unknown ground conditions.

18.9.61 Regarding the reply to Section 10.9.21 relating to processing of waste ([REP2-064](#), page 70) the direction to Appendix 10.11 - Remediation Options Appraisal and Outline Remediation Strategy (updated at Deadline 1 to [REP1-165](#)), paragraph 7.11.11, which states '*some form of ex-situ biological, chemical or physical treatment method would be most appropriate* does not address the request for 'further information on the nature and location of the processing operations'.

Page 154-155 of the Applicant's Response

18.9.62 The response to Section 10.9.22 ([REP2-064](#), page 72) regarding competency is noted and the issue closed. The response to Section 10.9.23 ([REP2-064](#), page 72) regarding addressing policy requirements relating to contamination is a direction to the reply to Section 10.9.10, which is responded to above.

18.9.63 The response to Section 10.9.23 ([REP2-064](#), page 72) regarding transportation impacts arising due to earthworks is noted.

Page 155-156 of the Applicant's Response

18.9.64 The response to Section 10.9.28 ([REP2-064](#), page 74) regarding provision of a vermin management plan is non-committal in that such a document is identified as '*where required*' and '*may be one of these*'.

18.9.65 The response to Section 10.9.28 ([REP2-064](#), page 74) cites extensive consultation with the Environment Agency. The Council is not party to these discussions and remains concerned that the applicant may intend processing and re-use of excavated materials without the benefit of the controls imposed by an Environmental Permit.

18.9.66 The response to Section 10.9.28 ([REP2-064](#), page 74) regarding the frontage of the river states that this is '*a pre-existing condition which is not considered to be adversely impacted by the Project*', which is contrary to the reply to Section 10.9.17, which identifies that geotechnical risks including those associated with the river frontage are to be addressed in accordance with REAC GS003.

18.9.67 The remaining responses to Section 10.9.28 ([REP2-064](#), page 75) are taken to be that the applicant does not intend to undertake further work or mitigation.

Materials and Waste

- 18.9.68 In response to Section 10.10 of the Council's LIR ([REP1-281](#)), concerning materials and waste the applicant has provided additional information on the calculation of the quantities of excavated materials within the order limits, the commentary on this new document is provided in Section 23 below. Whilst this document does not provide the modelling information, it does provide confidence in the reliability of the quantities of material identified within the documents.
- 18.9.69 The lack of phasing information on the works still presents concerns for the Council regarding the rate of export of material from the site. Whilst accepting that the applicant may not be able to precisely identify the works programme, a reasonable assumption of the works phasing to provide evidence that the quantities arising will not create environmental issues. Whilst the applicant identifies that if '*...all surplus excavated materials were generated and removed from the Order Limits in a single year this would represent 2.7% of the capacity to the North of the River Thames.*' If material is to be recycled or recovered in line with the targets then annual processing capacities are relevant compared to total remaining landfill/remediation capacities.
- 18.9.70 As the applicant has not provided any details on the spatial or temporal phasing of the waste arisings within the Order Limits and the lack of specific statement that the storage areas will be covered by environmental permits, it is not possible for the Council to discount the potential for exemptions being sought. The Council does not consider that the applicant has demonstrated within the outline Site Waste Management Plan ([APP-337](#)) that it does have '*... the necessary management plans in place to control and mitigate releases to the environment ...*' during the processing and storage of wastes on site.

Land Use and Open Space

- 18.9.71 In response to Section 10.11.5 of the Council's LIR ([REP1-281](#)), concerning indirect environmental effects, the applicant has flagged the relevant assessments in Chapter 13 – Population and Human Health within its Table 13.58. This table shows consideration of community land within the DMRB guidance, which is within the guidelines of the methodology and is an acceptable approach for land use.
- 18.9.72 The applicant has explained that it commissioned the Green Infrastructure Study to provide evidence and advice which has helped define and embed mitigation measures. In its response to Section 10.11.8 of the Council's LIR ([REP1-281](#)), it recognises that it is a baseline study and that further projects have been proposed, including six WCH projects within Thurrock. The Council recognises that there have been numerous opportunities to develop additional Green and Blue Infrastructure (GBI) projects through the Legacy project and these are welcome. There are, however, still projects within the 2019 document that are not deliverable and the Council would have liked to have seen these removed.
- 18.9.73 The applicant has confirmed that the Assessment of Open Space can be found within the Planning Statement Appendix D Open Space (APP-499). The Council's review of applicant's assessment of Open Space, in Planning Statement Appendix D Open Space ([APP-499](#)), will be undertaken for D4, although some preliminary commentary is contained in Section 18.13 below.

Walkers, Cyclists and Horse Riders (WCH)

- 18.9.74 Within Sections 10.12.5 and 10.12.6 of the Council's LIR ([REP1-281](#)), the Supplementary WCH Maps ([REP2-072](#), [REP2-073](#) and [REP2-074](#)) have partially addressed the Council's request for single maps showing all the effects on the rights of way network; however, these still do not include those which will be diverted or closed during construction. The Council accepts that the information has been provided, however, as the applicant's response to

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Section 10.11.6 of the Council's LIR ([REP1-281](#)) demonstrates, this is spread across different volumes of plans making it impossible to present a clear image of the overall effects during construction and operation.

18.9.75 Sections 10.11.11 and 10.12.7 of the Council's LIR ([REP1-281](#)) – following discussion with the applicant during the recent SoCG meeting in July 2023, the Council accepts that the policy and design principles provide sufficient assurance of the specification of the new and upgraded WCH for the DCO stage. These matters are now agreed.

18.9.76 The applicant's response to Section 10.12.14 of the Council's LIR ([REP1-281](#)) regarding the purpose of the raised verges confirms that they will provide a shared space allocated for walkers and cyclists. It does not answer the question as to what they will comprise. **The Council requests that the applicant confirms the raised verges will be surfaced rather than a grass strip and the applicant should confirm in writing, via a commitment in the REAC or oLEMP.**

18.9.77 Section 10.12.15 of the Council's LIR ([REP1-281](#)) – this sets out the Council's concerns relating to the way in which the crossing structures of LTC would constrain future active travel and public transport connections across LTC which complement development growth and local initiatives to encourage a move away from private car use. The applicant has not responded on the constraints that the design introduces and so the Council remains extremely concerned with the resultant impacts on those corridors. The Council has shared with the applicant the locations that it is concerned about and the resolution it proposes. That information was further included in the Council's LIR at Appendix C, Annex 2, Sub-Annex 2.5 ([REP1-281](#)).

Human Health, Equalities and Wellbeing

Page 166-168 (as referred to in the Applicant's Response)

18.9.78 The applicant has responded to the Council's LIR ([REP1-281](#)), Sections 10.13.3 - 10.13.4 within [REP2-064](#). As this section of the LIR is a summary of the Council's position, the only outstanding matter from this section is consideration of Whitecroft Care Home (SoCG item 2.1.23), noting that the applicant considers the mitigation put forward in the DCO to be effective in reducing health inequalities. Further review has been taken, including that provided in 'Impact of Lower Thames Crossing on the Whitecroft Care Home Psychiatric Report' ([REP1-370](#)). The conclusions of which state that it would not be recommended that a care home is located next to a major traffic interchange. This is especially in view of noise pollution, given that ventilation from doors and windows is currently experienced as a benefit for residents, as well as use of tranquil order space. Overall, taking this expertise into account, even if a temporary relocation of the Care Home were to be considered during construction, that significant permanent negative effects may be experienced. It is maintained that mitigation for Whitecroft Care Home is insufficient.

Pages 168-169 (as referred to in the Applicant's Response)

18.9.79 The applicant has responded to the Council's LIR ([REP1-281](#)) Sections 10.13.5 - 10.13.8 within [REP2-064](#). The applicant maintains their position on the adequacy of the air quality assessment, which is disputed by the Council (SoCG issue 2.1.217) and should be seen in conjunction with the LIR response regarding air quality. It is noted in the applicant's response that a voluntary Air Quality Quantitative Health Impact Assessment has been carried out, which also shows no significant impact on human health and that this assessment '*has no lower threshold*' for significance. A technical note outlining these findings is to be published at Deadline 3. As this has not been seen before it is requested that this study is published in full for review. The comments outlined in the Council's LIR are maintained.

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18.9.80 Additionally, Section 10.13.8 of the Council's LIR ([REP1-281](#)), still stands as the applicant's response within [REP2-064](#) does not outline a response to the analysis submitted by the Council regarding the adequacy of the noise modelling at Relevant Representation (Principal Issue VIII) ([PDA-009](#)) or address issues raised regarding SoCG issue 2.1.232 regarding qualitative noise impacts on PRoWs and WCH routes.

Page 169 – 170 (as referred to in the Applicant's Response)

18.9.81 Paragraph 10.13.9 of the Council's LIR ([REP1-281](#)) is maintained after reviewing the applicant's response within [REP2-064](#). Whilst the applicant's response outlines mitigation proposed to reduce the impact of light pollution at Orsett Cock Junction, it does not respond to concerns raised regarding microsimulation modelling or address concerns regarding the effectiveness of the mitigation on health impacts. This should be seen in conjunction with Orsett Cock Interchange Audit within this report.

Page 170 (as referred to in the Applicant's Response)

18.9.82 Section 10.13.11 of the Council's LIR ([REP1-281](#)) regarding the Workers Accommodation Report (WAR) within [REP2-064](#) has not been addressed within the applicant's response. It is not clear how the mitigations stated would specifically 'neutralise' impacts on the vulnerable groups identified in the assessment. Additionally, population projections post 2011 are available through the ONS that could be used to supplement this analysis. It is noted that further engagement has been requested by the applicant from the Council regarding the scale of use of emergency and temporary/visitor accommodation provision. This is welcomed, however, it does not guarantee a change in the impact on the local area given the assumptions of demand on local housing stock.

Pages 170 – 171 (as referred to in the Applicant's Response)

18.9.83 The applicant has responded to the Council's LIR ([REP1-281](#)) regarding specific impacts on proposed construction traffic routes and long term effects of road closures and how this impacts on access to hospitals (SoCG Issue 2.1.194). The applicant's response notes that two hospitals have been identified in the baseline (Orsett National Health Service Hospital and Thurrock Community Hospital). However, it remains that it is unclear how these have been considered in the HEqIA assessment and if any particular effects will be felt by these receptors. The applicant's response details that the subsequent TMP must address access and egress to healthcare facilities, including in relevance to those outside of the 500m study area and used by Thurrock residents (including Basildon and Thurrock University Hospital and Queen' Hospital, Romford, which is welcomed). The applicant's response also suggests that the applicant will provide additional signposts on how road closures will affect community infrastructure (including health care facilities), which has not been seen.

Pages 171-172 (as referred to in the Applicant's Response)

18.9.84 The applicant has responded to the Council's LIR ([REP1-281](#)) regarding policy compliance and local impact within [REP2-064](#) stating that compliance with the Equalities Act is covered in a further response (pages 173-174). However, it does not address the other points raised regarding replicability and ensuring that updates to other technical chapters are adequately reflected. These issues are also reflected in Sections 10.13.20 and 10.13.21 regarding SoCG item 2.1.208.

Page 172 (as referred to in the Applicant's Response)

18.9.85 The applicant has responded to the Council's LIR ([REP1-281](#)) Sections 10.13.20 -10.13.21 regarding the Health and Equalities Impact Assessment within its [REP2-064](#). Whilst it is acknowledged that the applicant provided a response to the Independent Review of the

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HEQIA (June 2021) in July 2021, an updated version of the HEqIA was not provided until the DCO submission in October 2022, which prevented review of the adequacy of implemented changes. Furthermore, it remains unclear how the engagement with CIPHAG referenced by the applicant has influenced the HEqIA or the wider DCO submission.

18.9.86 Furthermore, Section 10.13.21 within the Council's LIR still stands, as the applicant does not outline any qualitative or quantitative thresholds (aside from referencing reliance on other technical assessments namely air quality and noise and vibration to define quantitative thresholds to significance) to define significance. It is acknowledged that a range of factors as outlined in paragraph 3.6.13 of the applicant's HEqIA are considered, however, it remains that there are no thresholds or criteria to meet when considering these factors that would make the assessment replicable, or evidence of how they have been consistently considered across each assessment topic. This remains an overarching issue with the HEqIA and is a point that is repeated throughout the LIR regarding health, equalities and wellbeing and is in reference to SoCG item 2.1.208.

Page 172 (as referred to in the Applicant's Response)

18.9.87 The applicant has responded to the Council's LIR ([REP1-281](#)) Sections 10.13.22 regarding the integration of local health policies into the assessment, SoCG item 2.1.209 within its [REP2-064](#). The Council's list of particularised concerns within the LIR, which has been provided. The applicant states in its response within [REP2-064](#) that no further action is going to be taken regarding integrating policy considerations, which in the Council's view lacks specificity to place in relation to the applicant's calculation of significance. Therefore, this matter still stands.

Page 172-173 (as referred to in the Applicant's Response)

18.9.88 The applicant has responded to the Council's LIR ([REP1-281](#)) Sections 10.13.24 - 10.13.25 regarding the justification of significance and aggregation SoCG item 2.1.209 within its [REP2-064](#). No further information has been provided regarding the specific topic assessments listed within the LIR that require justification regarding both significance and sensitivity. The Council's concern still stands regarding the methodological approach to the HEqIA. The applicant's response also points to comments regarding unmitigated impacts on Brennan Road, suggesting that the Section 106 Agreement Head of Terms identifies a number of locations where further investigations are suggested for mitigation including pedestrian infrastructure. This comment still remains as this mitigation is unconfirmed.

Page 173 (as referred to in the Applicant's Response)

18.9.89 The applicant has responded to the Council's LIR ([REP1-281](#)) Section 10.13.26 regarding construction phasing and cumulative effects, SoCG item 2.1.220 (SoCG item 2.1.209 has been merged with this issue) within [REP2-064](#). No further information has been provided regarding how construction phasing affects the cumulative intra-project effects discussed in the HEqIA. This comment is maintained.

Page 173 (as referred to in the Applicant's Response)

The applicant has responded to the Council's LIR ([REP1-281](#)) in Section 10.13.27 regarding the scoping of the HEqIA, SoCG item 2.1.211, within its [REP2-064](#). The applicant has provided further detail within this response that the only topic considered that was scoped out was 'effects on the food environment' and 'sterilisation of land'. It is suggested that this matter can be agreed at Page 173-174 (as referred to in the Applicant's Response).

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18.9.90 The applicant has responded to the Council's LIR ([REP1-281](#)) Sections 10.13.28 - 10.13.29 regarding the scoping of the HEqIA, SoCG item 2.1.222, within its [REP2-064](#). The applicant has not adequately addressed the points raised within this section. This is because it does not address the listed topic assessments within the LIR where issues during consultation regarding protected characteristic groups are noted and further information is required regarding how these issues have been addressed. Additionally, the text provided by the applicant does not address the underlying methodological issues with identifying disproportionate or differential effects and how these have been consistently considered across the application. It is acknowledged that sex has been scoped into the assessment but is assigned a neutral position within the screening tool which is disputed. Additionally, the Hard-to-Reach Strategy, referenced in the applicant's response to the Independent Review of the HEqIA received in July 2021 is noted not to be regarded as a DCO document and therefore has not been shared. However, this comment within the LIR is regarding the lack of demonstration that the equalities duty has been met, this strategy and evidence of its implementation would be beneficial in ascertaining if this has been achieved. Additionally, the strategy was said to be provided within the July 2021 response to the Independent Review. This is considered unresolved.

Pages 174- 176 (as referred to in the Applicant's Response)

18.9.91 The applicant has responded to the Council's LIR ([REP1-281](#)) Section 10.13.30 regarding Further Work or Mitigation Required within its [REP2-064](#). No further information is provided by the applicant regarding how the project or mitigations put forward will contribute to reducing health inequalities or entrenching further inequalities given the health objectives of the scheme.

Page 174 – 176 (as referred to in the Applicant's Response)

18.9.92 The applicant has responded to the Council's LIR ([REP1-281](#)) Section 10.13.391 regarding Further work or Mitigation Required within its [REP2-064](#). Regarding SoCG item 2.1.236, this remains inadequate due to the lack of definition of the term 'appropriate'. Regarding SoCG item 2.1.238, no further mitigation is outlined regarding land take and health concerns regarding lack of alternative open space and access remain. Regarding SoCG item 2.1.259 the applicant's response does not outline how an increase in walking, cycling and active travel will be achieved or promoted through this mitigation. Regarding SoCG item 2.2.240 concerns regarding health impacts previously outlined regarding Orsett Cock Junction remain despite mitigations described. Regarding SoCG items 2.1.233 and 2.1.234 within the signposted FCTP ([APP-546](#)) there is no mention of mitigation for low income groups in particular. Regarding SoCG items 2.1.218 and 2.1.230, although further information on what is likely to be within an Engagement and Communication Plan in relation to CLG's is welcomed, it is still unclear what powers these groups will have, their governance and how they will specifically relate to health mitigations.

Page 174 – 176 (as referred to in the Applicant's Response)

18.9.93 The applicant has responded to the Council's LIR ([REP1-281](#)) Section 10.13.32 regarding further information requests within [REP2-064](#). The applicant's response suggests that these requests have been covered under other responses. As these do not cover or resolve these issues the further information requests still stand.

Climate and Decarbonisation

[REP2-062](#) – Comments on LIRs Appendix H – Thurrock Council (Part 1 of 5) page 46 applicants' response to: LIR Reference page 62-67 Table 6.1 Lack of Evidence or Missing from DCO 10 Carbon Emissions

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18.9.94 The applicant is refusing to present their completed model for review. It is not possible to accept the modelled output without access to actual model that derives them.

[REP2-062](#) – Comments on LIRs Appendix H – Thurrock Council (Part 1 of 5) page 55-60 applicants' response to: LIR Reference page 69-72 Paragraph 7.2.10 to 7.2.16

18.9.95 The applicant has not provided any further information or adequately counter the Council's points referred to between Sections 7.2.10 to 7.2.16. The Council maintains its position in the LIR Section 7.2.16.

[REP2-062](#) – Comments on LIRs Appendix H – Thurrock Council (Part 1 of 5) page 68-69 applicants' response to: LIR Reference page 74, paragraphs 7.3.12 to 7.3.17

18.9.96 The applicant has not provided any further information or adequately counter the Council's points referred to in Sections 7.3.12 to 7.3.15. The applicant has not addressed the inconsistencies between the National Highways Net Zero Plan and the information or lack thereof, presented in the DCO.

[REP2-063](#) – Comments on LIRs Appendix H – Thurrock Council (Part 2 of 5) page 22-25 applicants' response to: LIR Reference page 100-101, paragraphs 8.8.1 to 8.8.12

18.9.97 The applicant has not provided any further consideration to the Council's points referred to in Sections 8.8.1 to 8.8.12 of the Council's LIR. The applicant has not addressed the local and regional power utility impact and risks and subsequent traffic impacts of not providing electric vehicle charging infrastructure within LTC.

[REP2-064](#) – Comments on LIRs Appendix H – Thurrock Council (Part 3 of 5) page 125-128 applicants' response to: LIR Reference page 177-179, Table 10.11

18.9.98 The applicant states that matters within Table 10.11 have been addressed in detail in their responses between pages 128-136. The following issues were excluded from being addressed by the Applicant:

- a. There is no consistency between claims of the benefits from the reduction in traffic from DfT's future transport scenarios taken into consideration in the carbon emissions calculations and the subsequent economic disbenefit to the project with the same reduced road transport numbers;
- b. Chapter 15 of the ES has not considered the impacts on Thurrock meeting its own net zero transition;
- c. No carbon mitigations targets have been set that will allow verification of progress in decarbonisation during construction;
- d. ES Chapter 15 states (paragraph 15.6.5, page 67) states the project is compatible with the budgeted science-based 1.5oC trajectory. There is no scientific explanation or justification for this statement;
- e. The detailed calculation workbooks have not been submitted with the DCO application. It is therefore not possible to audit verify the emission calculations undertaken. The raw data has been subject to numerous requests since December 2022 and forms part of the unresolved issues within the SoCG between the Council and the applicant; and,
- f. No consideration of the local power capacity impact from LTC power demand on the host communities uptake of electric led decarbonisation technology, e.g. heat pumps, EV's, solar, etc.

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[REP2-064](#) – Comments on LIRs Appendix H – Thurrock Council (Part 3 of 5) page 128-132 applicants' response to: LIR Reference page 179, paragraphs 10.14.8 to 10.14.10

- 18.9.99 The applicant has not provided any further response to the Council's points referred to in Sections 10.14.8 to 10.14.10 of the Council's LIR. This includes the following:
- a. Not assessing the parameters for infrastructure for zero emission fuels within the ES and therefore not securing infrastructure to deliver it within the ES;
 - b. Not setting carbon reduction targets through the delivery of the project for compliance;
 - c. Not addressing the low bar set for verification of BREEAM and the Carbon Literacy Project, considering the pathfinder status;
 - d. Not addressing the transparency issues when comparing LTC GHG emission boundaries to the National GHG budget;
 - e. Not providing suitable context of emissions following the reference IEMA 2022 guidance; and,
 - f. Not addressed all the opportunities for supporting host community's climate vulnerability.

18.9.100 In response to the Council's LIR Sections 10.14.8 – 10.14.10, the applicant has emphasised its status as a 'pathfinder' project in pages 130 – 131 and has further released its 'Sustainability Report' as further proof of its credentials as an innovator on carbon reduction. The Council has reviewed this 'Sustainability Report' and both the Report and the Council's review are set out in Appendix F. Furthermore, the Council has raised this matter (along with another issue set out in Section 18.12.5) in the updated SoCG entitled 'Public Engagement Information, which had not been assigned a specific reference number until D3.

18.9.101 In summary, the Sustainability Report has not followed any national or independent guidance for framing and reporting sustainability. Due to the lack of relevant and recognised framework and structure the Sustainability Report does not appear to cover full transparency requirements expected of such a report. The report also presents evidence and data that may not be consistent with infrastructure planned within DCO.

[REP2-064](#) – Comments on LIRs Appendix H – Thurrock Council (Part 3 of 5) page 132-136 applicants' response to: LIR Reference page 180-181, paragraphs 10.14.11 to 10.14.23

18.9.102 The applicant has not provided any further information or adequately counter to the Council's points referred to in Sections 10.14.11 to 10.14.23 of the Council's LIR.

18.9.103 The applicant has not addressed the disconnect of the GHG assessment boundaries and calculation methodology used in ES Chapter 15 ([APP-153](#)) and the boundaries and methodology used for National Carbon Budgets, when forming the judgement that the GHG emissions are not significant in the UK meeting its net zero targets by 2050.

18.9.104 The comparison of LTC project level emissions against all national emissions is not very meaningful, given the size of the project both physically and economically in a national context.

Information Requests

18.9.105 The Council issued three information requests relating to climate and carbon reduction to the applicant on 7 July 2023 and the applicant responded on 21 August 2023.

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The information requests were straightforward but the applicant has not sought to provide the required information as set out below in turn.

- 18.9.106 **Request 1: Please state how much allowance was made in the carbon calculations for the impact of any policies in the Transport Decarbonisation Strategy (TDS) for the effects of policies which were not committed and funded? Please state which policies, and the tonnes of carbon they were deemed to contribute.**
- 18.9.107 **Applicant's Response:** the TDP is not policy, but a delivery plan setting out how the transport sector will decarbonise to support the economy wide net zero targets. EFTv11, used for the central case (core traffic) appraisal scenario, does not reflect the measures outlined in the TDP. The sensitivity test was developed by determining the relationship between the outputs from EFTv11 and the 'upper' and 'lower' bound uncertainty estimates of the Decarbonising Transport Projection for changes in transport CO₂e emissions between 2020 and 2050, based on enacting all measures in the TDP, as described by Figure 2 in the TDP.
- 18.9.108 The majority of emissions resulting from the Project are tailpipe road user emissions from vehicle usage. The TDP includes a range of non-planning policies, which will help to reduce the carbon emissions of the transport network over time (including policies to decarbonise vehicles and radically reduce vehicle emissions) and will help to ensure that national carbon reduction commitments are met. The TDP recognises that the government's policy of investment in the strategic road network will continue. It is therefore reasonable for the applicant to present a scenario linked to the TDP's predictions of road-transport emissions reduction, within the supporting assessments and for the Secretary of Transport to give weight to the TDP in their decision making. This is particularly because achieving net zero is a legal requirement and the Government is therefore obliged to bring forward policies to achieve it, although it should be noted the assessment of likely significant effects has taken a risk-based approach by presenting a range of emissions.
- 18.9.109 **Request 2: Please provide base data and results of model runs, for the whole appraisal period, as shown in the following two tables (tables are not reproduced here).**
- 18.9.110 **Applicant's Response:** the information requested in request 2 goes beyond the assessment set out in the DCO application, as the calculations have only been undertaken on the Core Scenario. NH have appraised LTC's road user carbon impacts based on just core traffic growth because that always was, and still is, the standard appraisal approach for road user carbon.
- 18.9.111 **The** carbon valuation toolkit is an internal National Highways toolkit used to determine the values associated with greenhouse gas emissions.
- 18.9.112 The National Highways tool used only contains a central set of unit monetary carbon values, and so a value of carbon disbenefits using a higher carbon value cannot be produced.
- 18.9.113 Refer to pages 47 – 48 in Part 1 of 5 of the Applicant's response to Thurrock Council's Local Impact Report: Appendix H ([REP2-062](#)) for a full response on carbon values and impacts.
- 18.9.114 **Request 3: Please could you state the total carbon emissions calculated due to the scheme as a percentage of the following:**
- a. Total carbon in the transport sector;
 - b. In the Roads Sector; and,

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c. For all the RIS2 schemes for the country and in the modelled region. Also, please provide calculations of carbon emitted due to the scheme in the Thurrock area.

18.9.115 **Applicant's Response:** this information is not appropriate or valuable for the assessment of the Project GHG emissions, given there are no statutory sector budgets or targets, below the national level made under the Climate Change Act 2008. NH will therefore not be providing this.

18.9.116 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and NPSNN represent current legislation and policy and do not specify a requirement for sub-national (sectoral or local) assessments. The NPSNN refers only to the national budgets made under the Climate Change Act 2008. Table 15.17 of ES Chapter 15 Climate ([APP-153](#)) presents a comparison of the Project emissions against the national carbon budgets. Given the size of the Project, it is considered that comparison to the national budgets is appropriate and also follows current policy. Further, the assessment presented in Section 15.6 of ES Chapter 15 ([APP-153](#)) is not limited to an assessment against the national budgets, but also includes a contextualisation in terms of alignment with the net zero trajectory as per the Institute of Environmental Management & Assessment (IEMA) guidance 'Assessing greenhouse gas emissions and evaluating their significance' (IEMA, 2022).

18.9.117 The Council does not consider that these responses are adequate and wishes to bring them to the attention of the ExA. For Request 1 there seems to be an inconsistency between the TDP lower bound carbon and the traffic that would have to apply in that case. For Request 2 the response seems to be a tautology of not doing this because NH do not do it, despite it being a simple calculation that may have been undertaken on other NH schemes.

Cumulative Effects

18.9.118 The applicant's response to the Cumulative Effects is set out in ([REP2-064](#)).

18.9.119 With regards to the potential for inter-project cumulative effects relating to noise the applicant has stated ([REP2-064](#)) that the conclusions reached are appropriate based on professional judgement. However, the Council would request that further specific details are provided as to how these conclusions have been reached.

18.9.120 With regards to the potential for inter-project cumulative effects, Section 10.15.8 of the Councils' LIR ([REP1-281](#)) queried as to the how this had been undertaken in relation to Air Quality and highlighted potential sources of emission to air such as the Thurrock Flexible Generation Plant (TFGP), which could result in cumulative effects on Air Quality. In response ([REP2-064](#)), the applicant has stated '*The Applicant confirms that Thurrock Flexible Generation Plant is covered in the cumulative effects chapter of the ES*'. However, Table 16.10 of the cumulative effects chapter of the ES ([APP-154](#)) indicates that only Landscape and Visual Amenity cumulative effects have been considered in relation to the TFGP.

18.9.121 The Council therefore request that the inter-project cumulative effects are revisited to ensure they do encompass the full range of potential cumulative effects.

18.9.122 With regards to transport, ES Appendix 4.4 – Traffic and Transport ([APP-343](#)) states that '*the guidance followed for environmental assessment of traffic and transport is the Environmental Assessment of Road Traffic published by the Institute of Environmental Management and Assessment (IEMA) in 1993 (referred to as the IEMA guidance)*'. Given that there is no Traffic and Transport Chapter with all of the IEMA assessments in one place, it is extremely difficult for the Council to determine what the impacts are within Thurrock. As requested in the LIR, the Council requires a summary table setting out the adverse impacts for each of the assessed links within Thurrock for all IEMA transport effects, with signposting to

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the exact location of the evidence base of the ES assessment. This has not yet been provided by the applicant and therefore the Council's position remains unchanged.

18.10 Emergency Services and Safety Provision

18.10.1 The Council's significant comments on the applicant's responses to the ESSPSG submission at D1 ([REP1-338](#), [REP1-339](#) and [REP1-340](#)) are set out in Section 22 below. This section deals with the applicant's response to Section 11 of the Council's LIR ([REP1-281](#)).

18.10.2 The applicant's factual statement of the process with the ESSPSG are not disputed. It is understood that the ESSPSG will be responding to the applicant's responses in some detail at D3. However, the Council, as a key member of the ESSPSG, has made a number of observations for consideration by the applicant and ExA in Section 22 below. It is acknowledged that some progress has been made and recorded within the submitted SoCG with the ESSPSG and the first draft of the 'Road Map' (an initiative from the ESSPSG), which is not yet agreed but is ongoing work. Notwithstanding this, insufficient progress has been made after two years on engagement and repeated requested from the ESSPSG to resolve significant issues, which remain outstanding and with many 'Matters Not Agreed' in the SoCG.

18.11 Utilities

Summary of Negotiations and WRs with Statutory Providers

18.11.1 Regarding the applicant's submissions at D1, upon review of the Status of Negotiations with Statutory Undertakers ([REP1-179](#)) it is noted that numbers 3, 5, 11, 12, 14, 16, 18, 19, 21, 22, 26, 27, 28, 29, 30 and 31 within Table 2.1 that an agreement has yet to be reached, but that the *'Applicant is confident that agreement will be reached during the Examination Period'*. It is also noted that regarding numbers 8, 13, 17 within Table 2.1 the Applicant is expecting ongoing negotiations to take place during the Examination. With regard to number 10 in Table 2.1 the Applicant has noted that *'it is anticipated that agreement will be reached with Lumen on all other matters during the Examination period'*. Clarification is required as to whether the separate side agreement between the Applicant and Lumen Technologies UK Ltd, which has not yet been agreed, will be agreed during or after Examination; further detail of the timescales of this separate side agreement is also required. The Council looks forward to seeing an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers.

18.11.2 Further details on the negotiations with, and written responses from, the statutory providers has been provided by the applicant as part of the submissions at D2 – 'Comments on WRs Appendix B – Statutory Undertakers' ([REP2-047](#)). The Council notes that there aside from Anglian Water Services, matters and negotiations with the remaining statutory providers who have submitted WRs (National Gas Transmission Plc, National Grid Electricity Transmission Plc, Network Rail Infrastructure Limited, Northumbrian Water Limited, operating as Essex & Suffolk Water, Southern Gas Networks plc, Southern Water Services Limited, and HS1 Limited) are not yet agreed. As previously stated, the Council looks forward to seeing an update on the matters and negotiations during the Examination.

Applicant's Response to Council's LIR Submission

Pages 191-192 of the Applicant's Response

18.11.3 The applicant has noted in Comments on LIR Appendix H – Thurrock Council (Part 4 of 5) ([REP-2-065](#)) that in reference to Section 2.1.5(c) within the Council's LIR, the works listed should be Work No. G4. The Council takes note and agrees with this statement.

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- 18.11.4 In response to Section 12.1.8 within the Council's LIR, the applicant has reiterated the Council's comment, with no further update. As previously noted within Section 12.1.8 in the Council's LIR, adequate time has not been allowed for these issues to be resolved.
- 18.11.5 In response to Section 12.1.9 in the Council's LIR, the applicant has referenced Section 5.1 and Table B.1 of the outline Traffic Management Plan for Construction (oTMPfC) ([REP1-174](#)). The Council notes that Section 5.1 provides general information on route diversions but does not specifically reference Table B.1 – it would be useful to reference this. Within Table B.1 further information is provided on the referenced diverted routes, which are due to utilities works G8, OH7, OHT8, and MU62 – MU64. Clarification is sought regarding route references FP136, BR58 and FP61, where the nature of effect is '*permanent closure*' or '*permanent closure and diversion*', but the mitigation measures begin by stating '*route may be closed temporarily for safety reasons*' before explaining '*Open the permanent diversion route*'. Clarification is needed to whether the route will be temporarily closed during the construction of the permanent diversion route and if an temporary diversion route will be in place during that time, or whether the note on temporary closure is a written error and will be closed permanently. Regarding route reference BR219, this has been identified as a '*temporary closure*', but also mentions in Mitigation Measures to '*open the permanent diversion route*'. Clarification is required as to whether this route will be a temporary closure or permanent closure. With regards to Plates B.3 and B.6 it would be useful to include the utilities diversion route and, where possible, the existing route in relation to the rights of way diversions, so as to be able to properly review the diversions.
- 18.11.6 Regarding the applicant's references to the Work Plans ([AS-024](#), [AS-026](#), [AS-028](#), and [AS-030](#)) and Plates 3.2 and 3.3 of the Planning Statement ([APP-495](#)), the Council stands by their comments in Section 12 of the LIR, specifically Sections 12.1.6, 12.3.1, 12.3.3, and 12.4.3, which already references the above Plates and Works Plans and comments on the level of detail of the plans provided to date. The applicant should consider providing utility-specific plans, containing more detail of the infrastructure and their relationship to the proposed LTC design and local environment. Labels on plans including '*overhead electricity lines*', '*underground gas*', '*multi-utility alignment*', are not sufficient and more detailed should be provided. For example, voltage level (LV, 11kV, 33kV, 132kV, 275kV, 400kV), gas pressure (low, medium, intermediate, high), pipe diameter, telecoms chambers and telecoms infrastructure, the type of utilities in the multi-utility corridors / alignment – it is assumed these vary across the LTC scheme.

Pages 192-194 of the Applicant's Response

- 18.11.7 Sections 12.2.13 and 12.2.14 in the Council's LIR are still valid and the applicant's response to these Sections has not provided any further information on these matters. In order to review how the applicant has assessed the local and environmental impacts of the NSIPs, notably OH7 in Thurrock's area, this needs to be more than general information provided in the ES. The Council notes that the NSIPs are NSIPs in their own right and the ES should therefore include a separate section for each NSIP, looking at the local and environmental impacts or a separate utility ES. The Council would also expect reference to utilities within the ES where impact will affect the local environment for all utilities infrastructure works.
- 18.11.8 The Council notes the applicant's response to Section 12.2.3 in the Council's LIR and requests that the high-pressure gas main, which is reportedly operating at below 7 bar, is questioned with the statutory provider to ensure that this is correct for this high pressure gas main. The query was raised initially due to the standard pressures that high pressure and nationally high-pressure gas mains operate at around the country. Provided that the statutory provider has confirmed that this particular high pressure gas main is unusually below the standard pressure, then that is acceptable.

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18.11.9 The applicant's response to Section 12.2.5 in the Council's LIR is noted. The reason for not referencing EN-4 is due to the fact that only the NSIP OH7 is within the Council's area, and therefore EN-1 and EN-5 are relevant.

18.11.10 In response to Section 12.2.7 in the Council's LIR, the applicant has referenced Table B.1, Appendix B of the Planning Statement ([APP-497](#)), notably pages 18-37 and 51, 62. The Council refers the applicant to Section 12.2.6 in the Council's LIR regarding the ES. In addition, it is noted that the applicant refers to 'the Project' as a whole when providing a Project Response in Table B.1, Appendix B of the Planning Statement. For example, it is unclear whether the community consultation specifically discussed and outlined NSIP OH7, or whether this consultation looked at LTC, written by the Applicant as 'the Project', as a whole. As previously mentioned, the NSIPs should be assessed in their own right as Nationally Significant Infrastructure Projects.

18.11.11 With regards to the applicant's response to Section 12.2.8 in the Council's LIR, the applicant has not made it clear of the document to which they are referring in relation to '*paragraph 2.4.1 commencing on page 50*'. The applicant will need to reference the document in question specifically.

18.11.12 The applicant also refers to '*paragraphs 2.9.10 and 2.9.13 commencing on 59*' for their response to Section 12.2.10 in the Council's LIR. Again, it is not clear which document the applicant is referring to and they will need to reference this document in question specifically. In addition, the applicant '*does not consider high voltage overhead transmission lines to be a source of vibration during operation*'. The applicant is incorrect in their consideration. High voltage overhead transmission lines are known to be a source of vibration in operation during high winds, rain and other weather. It is for this reason that NPS EN-5 requests that the impact of noise and vibration is assessed. It is the noise from vibration that is the issue in terms of local impact.

18.11.13 Regarding the Council's Section 12.2.12 in the LIR, the applicant has misunderstood the request. The Council acknowledges that the applicant has reviewed the draft NPS EN-1, EN-4 and EN-5 policies that are not yet formally issued and simply requests that where '*National Grid Electricity Transmission has confirmed in writing that the Project would not involve the use of SF6*', that this be provided as part of the DCO submission. The Council would expect a document that is referenced to be appended / included.

Pages 194-195 of the Applicant's Response

18.11.14 The Council stands by the comments in Sections 12.3.1, 12.3.2 and 12.3.3. The number of documents, over 15, that the utilities diversions are spread over in the DCO makes clarity and review difficult. In addition, information on utilities within these documents is hard to find, and again, split around each document. The Council also notes that the applicant has listed 19 separate documents that include reference to the utilities infrastructure. The applicant has not provided any further information to respond to the Council's comments, but rather has reiterated the documents already referenced and included as part of the DCO, to which the Council has already commented in Section 12 of the LIR.

Pages 195-196 of the Applicant's Response

18.11.15 Regarding the applicant's response to Section 12.4.11 in the LIR, the Council acknowledges that Appendix 1.3 of the Environmental Statement ([APP-334](#)) covers the gas infrastructure only, but notes that the electrical infrastructure assessment should be contained within the same document, rather than a different document entirely. It is also not made clear the reason behind Appendix 1.3 being for gas only. The Council stands by their comment regarding no reference 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 –

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6.6.52 of the Planning Statement ([APP-495](#)) or Appendix B of the Planning Statement ([APP-497](#)), which further amplifies the Council's previous comments in Section 12.3.1 in the LIR, regarding the spread of utilities information throughout the DCO documents with no central reference to these.

18.11.16 The Council takes note of the applicant's position regarding the assessments of both Sections 16 and 20 of the Planning Act 2008. The information provided in these assessments is a summary and the Council would expect to see background detail appended to back these assessments, which will assist in the review of the local and environmental impacts.

18.11.17 The applicant is correct in their understanding that the existence of the four utilities NSIPs is not contested by the Council.

Pages 195-196 of the Applicant's Response

18.11.18 The applicant does not appear to have taken on board the Council's comments in Section 12.5.1 of its LIR and further information has not been provided to allay in the Council's concerns.

18.11.19 The applicant refutes the need for a separate utilities document as suggested by the Council for the utilities NSIPs. However, the ISH2 ([REP1-184](#)) contains a '*note on overlap between Nationally Significant Infrastructure Projects and associated development under the Planning Act 2008*', which concludes that utility works that constitute NSIPs in their own right cannot also be associated development. Since the utility diversions that have been determined as NSIPs are not associated development, the NSIPs should therefore have separate Environmental Statements.

18.11.20 The Council has already commented above within the paragraphs relating to Pages 191-192 on the level of detail of the plans provided as part of the DCO. This has also been repeatedly mentioned in Section 12 of the LIR.

18.12 Skills, Employment and Legacy

18.12.1 The Council's LIR addressed issues of Skills, Employment and Legacy under three main sub-headings. These same three sub-headings are utilised below:

SEE Strategy Proposals, SEE Targets and Localisation

18.12.2 The applicant has provided within Part 4 of 5 pages 18-22 ([REP2-065](#)) an historic timeline of when the SEE Strategy was circulated to Thurrock members for comment. The provision of this chronology by the applicant somewhat misses the central point made in the Council's LIR in relation to the SEE Strategy – namely that we have continually made sensible and well-reasoned requests for changes to the SEE Strategy and have never been adequately responded to by the applicant (refer to the Council's LIR, Section 13.2.10). There is nothing in the D2 responses provided by the applicant that explain why it has not been possible to meet the Council's two main requests in respect of the SEE Strategy, namely:

- a. The Council's very reasonable request for a tighter spatial definition of 'local' in order that a higher proportion of any positive labour market outcomes from LTC flow to Thurrock rather than get dispersed over a wider area.
- b. The Council's very reasonable request for a more ambitious set of SEE Strategy targets.

18.12.3 The Council believe these to be fair and reasonable requests and will continue to pursue them.

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- 18.12.4 In relation to the Council's request for a bespoke Thurrock SEE team comprising six posts, the applicant's D2 submission (page 23 of [REP2-065](#)) simply presents generic information on the provision of SEE staffing resource and fails to provide any reassurance that a significant proportion of this will be targeted at supporting Thurrock. The Council would like to reiterate the points made in its LIR (Section 13.4.17) that there is very little SEE staffing resource being explicitly provided to the Council. The Council has a share of one 'northern' post pre-construction and no dedicated resource once construction begins. This is wholly inadequate.
- 18.12.5 The applicant has provided at page 24 of [REP2-065](#) some explanatory text about the derivation of the LTC '22,000 jobs' figure. None of this additional text addresses our central criticism of the applicant's use of the 22,000 figure (refer to Section 13.4.6 of the Council's LIR) – namely that the applicant is adopting the highly misleading practice of summing together annual jobs estimates and that the actual number of FTE jobs created/people employed over the lifetime of the project will be considerably lower than 22,000. The applicant is clearly unable or unwilling to refute these criticisms. This matter has been raised in the updated SoCG entitled 'Public Engagement Information, which had not been assigned a specific reference number until D3.

Worker Accommodation Provision and Impact

- 18.12.6 The applicant's response within Part 4 of 5 pages 32-33 ([REP2-065](#)) to the Council's Sections 13.5.1 – 13.5.6 of its LIR do not provide any further information or adequately counter the Council's points in Section 15.5.2 a – f; and, therefore the Council's points remain unanswered and require an actual response.
- 18.12.7 The applicant's response within Part 4 of 5 pages 36-37 ([REP2-065](#)) to the Council's Section 13.5.7 of its LIR are difficult to follow, as the applicant has not followed the Council's numbering system and the Council requests more clarity.
- 18.12.8 Notwithstanding this, the applicant's response to Section 13.5.7 point b with the explanation that it is based on '*professional judgement and experience of construction schemes*' is incomplete. The applicant has agreed at a SoCG meeting on WAR matters on 9 August 2023 (covering SoCG Items 2.1.233, 2.1.234 and 2.1.235) to provide a Technical Note setting out their explanation in more detail and the Council awaits this information at D3.
- 18.12.9 The applicant's response to Section 13.5.7 points d and f is not adequately addressed, and no updated evidence is provided as required by the Council. In addition, point h should be dealt with in an updated to the WAR at a future deadline.
- 18.12.10 The applicant has agreed at a SoCG meeting on WAR matters on 9 August 2023 (covering SoCG Items 2.1.233, 2.1.234 and 2.1.235) to provide further details of the Worker Accommodation Working Group (WAWG) in terms of terms of reference and particularly governance in how the Council can influence actions/decisions by the applicant or their contractor and the Council awaits this information at D3. In addition, the Council requires the operation, membership, terms of reference and governance of the WAWG and the Worker Accommodation Helpdesk to be a secured commitment within the REAC (beyond that presented to the Council in meetings in July/August 2022).

Community Fund and Wider Legacy Provision

- 18.12.11 The Council's LIR (Section 13.6.5) explained that the Council, together with other directly impacted local authorities, has requested that the applicant: (i) increase the overall scale of the Community Fund from £1.89 million over 7 years to £3.75 million and that the new sum be index-linked; and, (ii) make some modest changes to the percentage distribution of the Fund by local authority.

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- 18.12.12 The applicant's position on these Community Fund matters is provided at pages 41 to 46 of [REP2-065](#). The applicant has sought to defend the scale of the £1.89 million Community Fund by reference to the absence of any standard methodology or benchmark/precedent that can be used to determine scale and by what the applicant sees as lower than average negative residual effects compared to other major UK infrastructure projects. The Council's position on this matter remains clear – namely that the negative impacts on the Thurrock community of LTC are very significant and much greater than those estimated by the applicant and that in comparison to other UK infrastructure projects, the proposed £1.89 million Community Fund is far too modest.
- 18.12.13 On the scale of the Fund, we also request clarification on the meaning of the applicant's statement at page 41 of [REP2-065](#), which states *'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'*. It appears to open the door to an enhanced Community Fund, but is at odds with statements elsewhere in [REP2-065](#).
- 18.12.14 On the Council's indexation request, the applicant states at page 42 of [REP2-065](#) *'The funds are unable to be indexed-linked as a final figure must be included within the Final Business Case'*. This is a weak defence as it is clearly possible to predict likely levels of inflation and make provision for this in the Fund costings. The Council remains clear that an index-linked Fund is required.
- 18.12.15 On distribution, the Council is surprised at the applicant's position as set out on pages 43-44 of [REP2-065](#). The applicant continues to reject the modest distributional changes as proposed by Thurrock and other Councils on the basis of residual negative impacts in Brentwood BC. The Council believe any residual impacts in Brentwood BC are minimal compared to Thurrock, especially given the minimal works in that Borough and is more than compensated for via other means, such as the provision of Hole Farm.
- 18.12.16 The Council's LIR (Sections 13.6.1 to 13.6.3) described that the Hatch LTC Mitigation Benefits Report (Annex K1 to the LIR) identified some 23 'Legacy' measures that are collectively seeking to secure a series of investments from the applicant to deliver positive outcomes for Thurrock residents in return for 'hosting' LTC. The LIR expressed the Council's disappointment at the level of progress that has been achieved and the reluctance of the applicant to agree to these legacy requests – on the basis that only three of the 23 legacy measures had been agreed to by the applicant and that we had limited hope of securing further agreements.
- 18.12.17 Across pages 57-62 of [REP2-065](#) the applicant has tabulated all 23 legacy measures and provided commentary. The applicant claims that four out of 23 legacy measures have been agreed to and identifies the majority as either 'Matter Not Agreed' or are a 'Matter Under Discussion'. The Council is happy to discuss the slight difference of opinion as to whether three or four legacy measures have been agreed, but our central point remains abundantly clear for all to see – namely that the applicant has agreed to only a very small proportion of our legacy requests. This is a major concern for the Council.

18.13 Proposed Order Limits, Land Interests and Compensation

Applicant's Comments on LIRs Appendix H – Thurrock (Part 4 of 5)

18.13.1 The Council have reviewed the document and dealing with each section in turn below.

LIR Sections 14.1 and 14.2 (Introduction and Proposed Order Limits)

- a. The applicant states that 'the compelling case for acquisition detailed within the Statement of Reasons [REP1-049] submitted with the Application.' Later it notes 'The Applicant is

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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.' The Council consider that if the compelling case were set out, it would not require fuller detail and therefore requires the applicant to re-consider this point.

- b. The applicant states '*The Applicant is unaware of where the Council believes the Applicant has confirmed 'that in some instances it is seeking a greater interest than it requires' and would welcome clarification on this point'*. The applicant has identified during discussions a number of plots that it intends to acquire permanently then transfer back the Council. If the land is not required permanently, it is unclear why the applicant seeks to acquire it permanently, when temporary possession would provide it with the interest it requires.

LIR Section 14.3 (Thurrock-Owned Land Interests Impacts)

18.13.2 The applicant's response fails to adequately address the points raised In its Planning Statement, Appendix D ([APP-499](#)) in the following sections:

- a. **Paragraph D.7.30 (Ron Evans Memorial Field)** the applicant notes 'There is no local authority or independent assessment which identifies Ron Evans Memorial Field as being surplus to requirements'. The land is Public Open Space (POS) and therefore, self evidently, not surplus to requirement.
- b. **Paragraph D.7.31 (Ron Evans Memorial Field)** that:
 - i. The applicant notes '*Thurrock Council is satisfied with the replacement land in principle'* and this is correct with the exception set out below;
 - ii. At sub paragraph a. '*...the replacement land is anticipated to become available for public use five years after the existing Ron Evans Memorial Field is impacted by the Project...*'. The Council was previously unaware that there was to be a gap (and which might be longer than 5 years) in the provision of replacement POS. The applicant notes in Table 7.4 of its Statement of Reasons that the provision of a greater area offsets the gap. There is no evidence to support this assertion and it is not considered that the Acquisition of Land Act anticipated any gap in provision of POS – this gap of replacement provision is unacceptable to the Council; and,
 - iii. At sub para c. – the applicant says that the re-provided land will (when it is eventually re-provided) will be more useful, because it will serve a dual purpose of being POS and Open Mosaic Habitat. It is unclear the extent to which either purpose may compromise the other.
- c. **Paragraph D.7.32 (Ron Evans Memorial Field)** – the applicant states that '*...the replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be better, and therefore it would be no less advantageous to the persons, if any, entitled to rights, and to the public.*'. Issues arising from this statement are:
 - i. In order to state that the replacement land is '*equally*' or '*more*' accessible, useful and attractive the applicant must have made a quantitative or qualitative assessment. It is unclear what metrics it relies on, however, given this assessment it must be possible for the applicant to say, in relation to each of accessibility, usefulness and attractiveness, whether it is '*equally*' or '*more*';
 - ii. The applicant states '*...overall quality would be better*' without stating what metric is relied on to allow it to make this statement; and,
 - iii. In relation to the Ron Evans Memorial land it is unclear how, when POS is eventually re-provided, it can be said to be more advantageous when the re-provided land is on 2 sites which are separated.

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- d. The applicant's response confirms that it does not know when temporary possession might be required, if at all, and if so how many times and for how long. This uncertainty goes to the core of the Council's concerns over occupation of land currently used as Public Open Space.
- e. The applicant emailed the Council on 23 August 2023 and it relates to all open space in Thurrock, rather than just that which the Council owns. The applicant has:
 - i. Provided details of the exemptions that the applicant has relied upon where no replacement land is required in exchange for the temporary possession of and/or acquisition of permanent rights over Special Category Land;
 - ii. The applicant has '*...re-set out the reasons for not providing replacement land for the sub-areas below for your review*' providing a greater level of detail as to:
 - why land is required temporarily (but still fails to identify when it might be required, how often it might be required and for how long); and,
 - rationale for the permanent rights being acquired and the implications arising.
 - iii. Noted that temporary possession does not engage Sections 131 and 132 of the Planning Act (2008). The outcome is not satisfactory – the residents of the Borough will be denied access to POS for an unknown period of time. The applicant asserts that following possession the land '*would be reinstated to its original condition following the completion of works and remain as open space*'. Without the certainty afforded by a legal agreement the Council has no certainty of this position.

18.13.3 The Council will consider this additional information further and respond accordingly.

LIR Sections 14.4.1 to 14.4.14 (Lack of Compensation Provision)

- a. Contrary to the applicant's assertion Annex B of the SoR is an incomplete record of negotiations.
- b. It is simply untrue to say '*..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*'. In the various meetings the Council has had with the applicant's representatives and subsequently in correspondence this issue has been discussed; and, at no time until the applicant's email dated 7 August 2023 was it indicated that it could not enter into a legally binding agreement. In fact, the applicant was to instruct their legal advisors to prepare Heads of Terms for a binding legal agreement. The Council has explained verbally and in writing why an MoU is not acceptable and yet these reasons are not recorded or acknowledged.
- c. The applicant states '*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*'. In spite of assurances given by the applicant both at meetings and in emails that lawyers would be instructed to prepare a legal agreement, the Council is unaware that this was ever actioned, having seen neither Heads of Terms nor a draft legal agreement.
- d. The applicant states '*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*'. As has been reiterated at meetings with the applicant and in subsequent correspondence the Council accepts that dates cannot be binding, but this does not obviate the need, previously accepted by the applicant, for a binding legal agreement.

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- e. It is also not correct for the applicant to state: *'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 policies the applicant refers to are the statutory minimum and only routinely used on schemes promoted by National Highways. The policies that were referenced in the Council's LIR submission related to other major infrastructure projects including High Speed 2, Thames Tideway and the Third Runway at Heathrow are enhancements to the provisions offered by the applicant.

18.13.4 The applicant is disingenuous in adopting this approach, the more so having regard to the discussions between representatives of the Council and the applicant.

LIR Sections 14.4.15 to 14.4.17 (Public Open Space)

18.13.5 Whilst the applicant might be correct to say that, as a matter of law that there is no obligation to provide replacement land for Special Category Land (SCL) required temporarily, this overlooks the potentially very significant effect that the loss of the SCL might have on the local community for an extended period.

Thurrock Council Land Interests Legal Agreement

18.13.6 As has been reiterated in both the Council's RR and LIR, the LTC DCO scheme has a very significant impact on the Borough, taking approximately 10% of the Borough. The Council has an obligation to its residents to promote their interests. To this end the Council has met (both virtually or in person) and corresponded with the LTC project team.

18.13.7 In respect of land issues, the Council has met and engaged extensively with Anne Richards, Land Property Manager, and members of her team on the land implications of this matter over the last 12-18 months. The Council considers that it is essential that there is a legal agreement between the applicant and the Council setting out roles, responsibilities and commitments on each matter. This matter is of critical importance to the Council and so the Council sets out its position in this section in some detail.

18.13.8 The land requirements have recently been revised (and may be again) and the Council understands the need for such ongoing changes. It is essential that the Council both understands which of its land parcels is impacted, how and (broadly) when and is assured that this will not change significantly, by entering into a legal agreement.

18.13.9 Should the DCO be granted and implemented as drafted, then the applicant will be entitled to acquire those interests identified within its DCO. Those directly impacted will be entitled to compensation, the quantum of which is assessed in accordance with the 'so called', compensation code. As it has previously advised LTC, the Council is very concerned as it considers that this compensation methodology fails to fully address the impact of the scheme on the Borough and the Council's land interests.

18.13.10 Following an initial meeting, LTC provided a schedule of plots that allowed the Council to better understand the impacts. This led to a series of meetings during 2022 with the LTC team and the Council seeking clarification as to the rationale for plots being included and then assessing the compensation implications. It was clear from these meetings that LTC had adopted a cautious approach, identifying large areas which might be required. At an early stage (and contrary to what is now being stated by the applicant) 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, such detail not forming part of the applicant's Statement of Reasons (SoR).

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18.13.11 The table below sets out a summary of the relevant interactions on these matters with the critical meetings and email correspondence regarding the legal agreement being highlighted in yellow:

Table 18.2: Timeline of Council/Applicant Meetings on Land and Property Matters and Discussions on Legal Agreement

Date	What	Who	Commentary
12/07/21	email	Chris Stratford (CS) to Anne Richards (AR) and Tim Gloster (TG)	Regarding need for meetings re land parcels and justification for plots for temp, perm and rights
04/08/21	emails	AR, CS, HC and TG	AR aware of need to progress, CS asking for meeting dates
23/08/21	emails	CS, AR & HC	CS chasing meeting, AR offering dates and to discuss agenda on land take
26/08/21	call	HC and AR	To discuss next steps
20/09/21	email	HC to AR	Re: meeting on plots
Sept & Oct 21	emails	CS, AR & HC	Discussions to arrange meeting dates
25/10/21	email	HC to AR	With spreadsheet re land take and agenda
27/10/21	Meeting (virtual)	AR, CS, HC, Keith Howell (KH), Louise Smith (LS), Sharon Jeffries (SJ) & Jiren Shah (construction manager)	AR keen to agree a way forward. DCO application now delayed estimated submission Q1/2 22. AR not willing to restrict project's ability for temp possession, but willing to give non-binding indicative timings. CS – Thurrock needs to understand scheme impact and reinstatement arising from temporary possession
24/11/21	Meeting (virtual)	AR, CS, Sharon Jeffries, Louise, Yannis, Connor James (CJ)	To discuss land take plots and implications
10/01/22	email	AR to CS	AR cancels meeting dated for 12 Jan.
20/01/22	Meeting (virtual)	AR, CS, HC, CJ and KH	To discuss land take plots and implications arising
07/02/22	emails	CS and AR	Regarding updated land take spreadsheet
10/02/22	email	HC to AR	Email re compensation, where no land taken
25/03/22	Meeting (virtual)	AR, CS, CJ, KH and Yannis	Re-arranged from February re land take. Issue of legal agreement raised – LTC keen to progress this
29/03/22	emails	AR & CJ	Emails re land take spreadsheet
21/06/22	emails	HC & AR also HC, CS and AR	Regarding updating the land take spreadsheet and AR asking about the Council and the 'land piece' (i.e. what the position on a legal agreement is), emails re meeting
04/07/22	email	LS to HC, CS and AR	Re: updated land take spreadsheet
28/07/22	emails	HC & AR	Re: lack of updated land take spreadsheet
28/07/22	Meeting (virtual)	AR, LS, CS, HC & CJ	Meeting regarding land take and included chasing for updated land take spreadsheet
03/08/22	emails	AR & CJ	Re: updated land take spreadsheet
16/08/22	Meeting (in person)	AR, CS, HC & CJ	Discussion on land in (including for Nitrogen deposition)/land out (reduction in land take for utilities) and compensation implications. AR open to discussion on compensation implications and keen to understand whether the Council will be objecting to the proposal.

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Date	What	Who	Commentary
			Discussion on temporary possession of Public Open Space. Requirement for legal agreement identified and commitment given that BDB would be instructed to draft Heads of Terms.
22/08/22	email	CS to AR and others	Follow up to 16/08 meeting, including reference by CS to ' <i>NH to prepare a binding short legal agreement within 3-4 weeks</i> '
Sept 22	email	HC, CS, AR	Emails regarding provision of files regarding areas and land parcels.
10/10/22	email	AR to HC, CS and CJ	Email from AR re: outstanding action, including response to CS email dated 22/08/22. <i>'I have noticed that there seems to be an action with regard to a binding legal agreement. I think my action was to discuss this with the NH lawyers and confirm their position on this. I will chase the response up to this but ultimately the DCO will set out the rights and uses for each parcel of land. I stated that I am sure we could put some form of Memorandum of understanding/ collaboration agreement etc in place.'</i>
12/10/22	email	CS to AR & others	CS response to AR email, extract below <i>'We have taken advice and a Memorandum of Understanding is not binding and therefore not acceptable to the Council. We do recognise that NH will require some flexibility over implementation and provision for that needs to be incorporated into that Agreement. We therefore look forward to hearing from you with a draft Agreement soon.'</i>
07/12/22	email	CS to AR & others	Email from CS to NH on confirmation of need for <i>'.....binding legal agreement committing National Highways (NH) to the activities identified in the spreadsheet (including the points below). A Memorandum of Understanding is not binding and therefore not acceptable to the Council. However, we do recognise that NH will require some flexibility over implementation and provision for that needs to be incorporated into the agreement. We therefore look forward to receiving your draft Agreement soon in order to resolve issues within the SoCG between us'</i>
May 23	emails	AR, CS & HC	Re: meeting arrangements
25/05/23	email	AR to CS, HC and others	Responding to CS email dated 07/12/22
26/05/23	Meeting (virtual)	HC, CS and AR	Meeting to discuss progress. AR confirmed that she was instructing BDB to progress the agreement (notwithstanding previous commitments to the same effect). Discussion regarding concerns over dates being indicative with AR being reluctant to commit on dates. HC suggested that NH should use best or reasonable endeavours, a suggestion that AR felt unable to commit to.

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Date	What	Who	Commentary
			A discussion about how NH intends to take land - AR to set out options
26/05/23	email	AR to CS & HC	Sending updated plot plans
June 23	emails	HC to AR, LS and CS	Re: difficulties with updating spreadsheet
23/06/23	Meeting (virtual)	AR, HC and CS	Discussing land parcels and land take Follow up emails
07/08/23	email	AR to CS and HC	Suggesting MoU <i>'is the best way forward'</i> .

18.13.12 The following matters are clear from the above timeline:

- a. From an early stage both LTC and the Council could see benefit in concluding an agreement, given that the Statement of Reasons did not offer the detail necessary; and,
- b. The Council has been consistent throughout that:
 - i. It accepts timings can only be indicative at this stage, but wanted commitments to likely usage and type of use, understanding that qualifying statements may be needed within the legal agreement;
 - ii. It requires a binding legal agreement; and,
 - iii. A Memorandum of Understanding does not provide the Council with any comfort or legal commitment.

18.13.13 As indicated in the table above, the applicant indicated at the 16 August 2022 meeting that BDB (the applicant's legal representatives) were to be instructed to prepare Heads of Terms. No action having followed the applicant then confirmed at the meeting on 26 May 2023 that they were (again) instructing BDB. On the 26 May 2023 meeting the Council reiterated previous comments that it accepted that dates could only be indicative, but suggested that LTC should use best or reasonable endeavours to meet them.

18.13.14 The applicant has recently indicated that the project's legal advisors, if what the Council has been told is to be believed, have been instructed on this matter for many, many months, are suggesting an MoU is the best way forward. Given all that has gone before this is deeply disappointing. In its correspondence the applicant has incorrectly suggested that:

- a. This is a view the applicant has asserted before; and,
- b. The document the Council has been working to has only been illustrative.

18.13.15 The Council recognises the limitations arising from the DCO process and the lack of scheme design insofar as they impact on timing but contends that the LTC project team has caused the Council to believe that the project's intention was to enter into a legal agreement.

18.13.16 An MoU is of no value to the Council being non-binding. The Council considers that a legal agreement is readily capable of being entered into, which should cover the following issues:

- a. The process as to how land will be taken permanently;

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- b. The process as to how land will be taken temporarily including, in each instance:
- c. Whether there are to be multiple temporary possessions of land;
- d. How long temporary possession is to last for;
- e. Confirmation as to when temporary possession will end;
- f. Status and condition of land on return;
- g. An obligation on LTC to use best endeavours to minimise land take and temporary possession as far as is reasonably possible;
- h. A commitment to pay compensation in accordance with the compensation code;
- i. A commitment to making advance payments in a timely fashion and in accordance with the provisions of the LCA1973; and,
- j. Dispute resolution.

18.13.17 In the absence of any binding legal commitments from LTC the Council has no option but to object to all land acquisition proposals in order to protect its position and that of the residents of the Borough.

18.14 Adequacy of Key Application Documents

The Draft DCO

18.14.1 The Council's comments on this updated document at both D1 and D2 are set out above in Sections 8 and 17 and Appendix D.

Legal Obligations/Agreements

18.14.2 These documents as outlined in Section 15.5 of the Council's LIR comprises the Section 106 Agreement, Side Agreement on Land Take and Side Agreement on Design and Operation of Highways and there is some progress which is reported below in turn.

18.14.3 **Section 106 Agreement** – the Council presented its understanding and justification for all 38 elements requested to the applicant in a detailed table on 7 August 2023. This was prior to a meeting with the applicant on 8 August 2023. Notes and actions from that meeting are under review by the Council, pending further discussions. However, there is a fundamental disagreement between the parties regarding some 12 matters that the applicant will not consider for inclusion largely due to the applicant's refusal to mitigate clear transport impacts on key local roads and junctions. The Council will make further submissions on these matters at a later date.

18.14.4 **Side Agreement on Land Take** – the lack of progress and misleading nature of discussions from the applicant on this matter is set out above, in detail, in Section 18.13.

18.14.5 **Side Agreement on Design and Operation of Highways** – the Council continues to engage with the applicant on this agreement and technical comments were recently sent to the applicant. However, LB Havering submitted draft protective provisions at D2 (REP2-087), which had been previously sent to all five highway authorities. Discussions have taken place with the other Highway Authorities, including the Council, and all agreed in principle to the

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need for protective provisions and the need for provisions that are stronger than those currently part of the respective draft Side Agreements. The Council is keen to strengthen the provision and ensure that the provisions of the currently negotiated DLOA are enshrined legally within either a strengthened Side Agreement or Protective Provisions. Council discussions with the applicant will continue.

Control Documents – Transport

18.14.6 These documents as outlined in Section 15.5 of the Council's LIR comprises the WNIMMP and this has not been updated at D1 or D2 and therefore no comments can be made, but the Council reiterates its previous comments.

Control Documents – Construction

18.14.7 These documents as outlined in Section 15.5 of the Council's LIR comprises the CoCP (and REAC), the FCTP, the oTMPfC and the OMHP and these has not been updated at D1 or D2 and therefore no comments can be made, but the Council reiterates its previous comments.

Control Documents – Environment

18.14.8 These documents as outlined in Section 15.5 of the Council's LIR comprises the oSWMP and this has not been updated at D1 or D2 and therefore no comments can be made, but the Council reiterates its previous comments.

Control Documents – Climate and Carbon

18.14.9 These documents as outlined in Section 15.5 of the Council's LIR comprises the Carbon and Energy Management Plan and this has not been updated at D1 or D2 and therefore no comments can be made, but the Council reiterates its previous comments.

Planning Statement

18.14.10 The Council's response to the applicant's Planning Statement ([APP-495](#)) is set out in the Council's LIR ([REP1-281](#)), Sections 15.9.1-15.9.14. The applicant's response includes a summary of the Council's LIR, which is set out within Part 4 of 5 pages 126-130 ([REP2-065](#)). The following Section 15.9.8 of the Council's LIR regarding the Planning Statement is missing from the applicant's summary:

15.9.8 'National policy has been changing since LTC was first proposed, in terms of national policy relating to climate change and the environment (NPSNN paragraph 2.7). Public consultation on the draft revised NPSNN has just closed in June 2023, with an updated NPSNN potentially published towards the end of 2023. Public consultation on the revised NPSs EN1 to EN5 were held in 2021 with an additional recent public consultation, which closed on 23 June 2023. A review of the NPS was announced in the 2020 Energy White Paper: 'Powering our net zero future'. This review was to ensure the NPSs were brought up to date to reflect the policies set out in the Energy White Paper (2020). It is anticipated that the updated Energy National Policy Statements will be published towards the end of 2023, subject to consultation responses.'

18.14.11 The applicant does not provide a response to the above LIR Section 15.9.8.

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- 18.14.12 The applicant's response within Part 4 of 5 pages 130-131 ([REP2-065](#)) do not provide any further information than is set out in the Planning Statement ([APP-495](#)) or adequately counter the Council's LIR ([REP1-281](#)) points in Sections 15.9.1-15.9.14.
- 18.14.13 The applicant states on page 130 of ([REP2-065](#)) that the Planning Statement '*draws together relevant matters derived from the extensive evidence base within the application and considered them in the context of relevant planning policy*'. The Council would reiterate comments made in its LIR that there is missing evidence base, for example, transport modelling, noise and air quality assessments and Green Belt assessment, which have not been published by the applicant. The applicant states on page 130 of ([REP2-065](#)) that '*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*'. However, as stated in the LIR and above, there is missing evidence base.
- 18.14.14 The applicant has consistently maintained a position that it has performed reasonably throughout the pre application and application processes and yet many issues remain outstanding and unresolved and there is considerable missing information still outstanding. A recent example of the applicant's persistent refusal, for over one year, to provide local traffic modelling within the DCO application, then refuse to provide it in the Issue Specific Hearing 1 and only provide at the ExA's insistence at D2, more than adequately demonstrates the applicant's approach to providing key information, i.e. provide it only when forced to do so.
- 18.14.15 The Council disagrees with the applicant and considers that the Planning Statement ([APP-495](#)) and its appendices do not set out a full and detailed consideration of all adverse impacts that result from LTC alongside the benefits, including the need for the Project, as set out in the Council's LIR ([REP1-281](#)).
- 18.14.16 The applicant states on page 130 of ([REP2-065](#)) that the Planning Statement '*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*'. The applicant has provided details of the economic impact of the scheme and other information expected to be provided in an OBC, but as described in Sections 7 of the Council's LIR ([REP1-281](#)), vital information concerning input assumptions and output results is missing from the DCO, e.g. information on assessment of Wider Economic Impacts and reliability, which underpin the economic case for the scheme. This information has been repeatedly requested from the applicant and has still not been provided.
- 18.14.17 Similarly, all other responses from the applicant within Part 4 of 5 pages 130-131 ([REP2-065](#)) do not provide any further information than that set out in the Planning Statement ([APP-495](#)) or adequately counter the Council's LIR ([REP1-281](#)) points in Sections 15.9.1-15.9.14; and, therefore the Council's points in the LIR ([REP1-281](#)) remain unanswered.
- 18.14.18 Therefore, it is not clear how it has been possible for the applicant to draw a robust conclusion on the overall planning balance, as set out in the Council's LIR Sections 15.9.1-15.9.14 and Section 16.

Green Belt

- 18.14.19 The Council's response to the LTC Planning Statement Green Belt Section ([APP-495](#)) and Appendix E ([APP-500](#)) is set out in the Council's LIR Appendix L ([REP1-293](#)) and a summary provided in Sections 15.10.1-15.10.9 of the LIR ([REP1-281](#)).
- 18.14.20 The applicant has confirmed in its response page 3 ([REP2-066](#)) to the Council's LIR Appendix L Green Belt ([REP1-293](#)), that *'The Applicant acknowledges additional information in this appendix. Due to time limitations this has not been reviewed in full. A comprehensive consideration of the Green Belt and the policy tests is provided as Planning Statement Appendix E: Green Belt [APP-500]. The Applicant expects that the Council have drawn the relevant conclusions into the main body of the Local Impact Report to which a response has been provided. The Applicant will review and consider a further response, if necessary, at a future Deadline.'* It is evident that the applicant has not reviewed the Council's full response on Green Belt issues, which is included within the Council's LIR Appendix L Green Belt ([REP1-293](#)). The Council confirms that the Council's LIR Appendix L ([REP1-293](#)) is not additional information, but provides a comprehensive review of Green Belt issues. The applicant needs to fully review and respond to the Council's LIR Appendix L Green Belt ([REP1-293](#)) – not just the conclusions in the Council's LIR Sections 15.10.1-15.10.9.
- 18.14.21 The applicant's response also includes a summary of the Council's LIR Sections 15.10.1-15.10.9, which is set out within Part 4 of 5 pages 132-133 ([REP2-065](#)), which (as explained above) is just part of the Council's response on Green Belt impacts. The applicant's response does not provide any new information, that is not already in the Planning Statement ([APP-495](#)) or Planning Statement Appendix E ([APP-500](#)).

19 Statement of Commonality

- 19.1.1 It is noted that the colour coding for Thurrock Council in Table 4.2 for D2 has changed from that submitted within D1. It is not understood why such changes have taken place and the Council can confirm that no discussions on this have been held with the applicant.
- 19.1.2 Consequently, the Council's view as set out above in Section 6.2 have not changed and still apply and the Council awaits the applicant's response.

20 ES Addendum at D2, Environmental Masterplan (EMP) and WRs of Statutory Environmental Bodies and Supplementary WCH Maps

20.1 ES Addendum (Version 2) at D2

20.1.1 Within the D2 submission of the ES Addendum ([REP2-041](#)), it is noted by the Council that within Table 2.3, pages 23 – 24, Table 3.3, pages 31 - 33 and Table 4.3, page 47 - the following matters are covered:

- a. there are two minor corrections, i.e. an incorrectly identified bat and the wrong amount of woodland to be lost given in one paragraph;
- b. Page 31, Table 3.3 refers to the amended EMP sheets showing the retaining walls as covered in the review of the EMP; and
- c. Page 47 is again a reference to the incorrectly identified bat.

20.1.2 It is further noted that the applicant does not consider it necessary to update the ES as a result of the use of a single TBM methodology, this is despite the Council's 25 technical questions raised in Section 3.5 of its Minor Refinement Consultation response (refer to **Appendix A**). However, the applicant has provided a 29 pages Technical Note in Appendix C of this ES Addendum entitled '**Review of a Single TBM Tunnelling Methodology**' and this is reviewed below.

20.1.3 In addition, the applicant does not consider it necessary to update the ES as a result of the rephrasing of construction and has provided a 27 pages Technical Note in Appendix D of this ES Addendum entitled '**Appraisal of Effects from the Two-Year Rephrasing of Construction**' and this is also reviewed below.

Appendix C: Review of a Single TBM Tunnelling Methodology and Appendix D: Appraisal of Effects from the Two-Year Rephrasing of Construction

20.1.4 Table 20.1 below provides a review of the points raised by the Council in response to the Minor Refinements Consultation (as set out in **Appendix A** of this submission) and indicates whether the applicant's ES Addendum ([REP2-041](#)) Appendix C and Appendix D responds or resolves the Council's comments and concerns.

Table 20.1: Appraisal of the applicant's response or resolution to the Council's MRC submission

The Council's response to the MRC	The Council's opinion on the applicant's evidence at REP2-041	Matter addressed?
Overall		
a. The Council requires a clear demonstration from the applicant, with evidence, that there are no additional or changed significant adverse environmental effects due to this potential change in construction methodology. This should include changes in air quality (minimal changes are expected, as stated by the applicant	The applicant has provided an update on its ES review at Appendix C and that the one TBM option would not amend the outcome of the previous assessment on the basis of a changed profile of construction movements associated with the tunnelling. On balance the peaks would be flatter with a spreading of the	Yes

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The Council's response to the MRC	The Council's opinion on the applicant's evidence at REP2-041	Matter addressed?
on page 31 of the MRC booklet), noise and construction transport activity?	peak where the tunnels are progressed consecutively rather concurrent. The Council accepts that the assessment is unchanged.	
b. In the current DCO application, there are a number of significant adverse effects to non-designated archaeological assets (as currently reported in the ES Chapter 6 (APP-144)). The Council requests information to determine whether this potential change in construction methodology offer any opportunities to reduce these effects and if not, why not?	This item is covered within the ES review at Appendix C Table C.5 'Cultural Heritage' and that the one TBM option would not amend the outcome of the previous assessment. The Council accepts that the assessment is unchanged.	Yes
Proposal Definition		
a. The applicant to confirm how, under the revised tunnelling strategy, the TBM will be removed from the northern main compound following completion of tunnelling and if nearby ports would be used to transport the TBMs to and from the site?	The applicant has committed via REAC MW009 that the TBM would be removed via the North Portal compound, however, the applicant does not commit to maximising the use of marine or rail-transport for that operation. The contractor will be able to use the most economically viable option. The applicant should adjust its REAC item MW009 to require the contractor to use marine transport to deliver and remove the TBM and associated components by marine transport unless justified by the contractor and agreed with the Council and the PoTL and DPWLG. The Council seeks the increased clarity and commitments to be secured through the DCO irrespective of the TBM option.	No
b. Does the optional method of using one TBM have any reduced effects on Thurrock by displacing any movements into Gravesham BC?	The applicant has committed to using only the North Portal for the one TBM operation. The option is stated to have a marginal reduction and flattened profile in road movements for staff, materials and equipment. The Council notes the applicant's statements and that the one TBM option is neutral on this aspect.	Yes
c. The applicant to explain the cost reduction in using one TBM and if this affects the transport business case or overall Benefits Cost Ratio (BCR)?	The applicant has indicated at paragraphs C.2.3 to C.2.6 that cost savings (undefined) would be expected by the use of one TBM option. The applicant has not directly responded to the implications of the option on the BCR. An assumption of a reduced construction cost with no significant implications on the construction period and no changes to the operation of LTC would infer a minor adjustment to the BCR. Direct response not provided.	Yes
d. Are there any changes to the source and direction of water and power supplies for operation of the TBM?	The applicant confirms at Table C1 that water and power would continue to be provided from the North Portal	Yes

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The Council's response to the MRC	The Council's opinion on the applicant's evidence at REP2-041	Matter addressed?
	<p>compound. This does not alter the current assessment.</p> <p>The Council notes the applicant's statements and that the one TBM option is neutral on this aspect.</p>	
Excavated and Construction Material		
<p>a. Calculations and evidence are required to demonstrate the claim that there will be a reduction in material use and a requirement for less machinery. The likely materials would seem to include pre-cast segments, pre-cast road slabs, ready mix, grout, pipework and rails and sundries and there may be further craneage, additional pumps and MEICA equipment required – where will these plant and materials be stored or used?</p>	<p>At Table C.1 the applicant has asserted that the change will be a reprofiling of material extraction rate and the need for tunnel construction material and there would be a reduction of one TBM and marginally fewer staff across a flatter profile. A minor reduction in the launch site could be feasible and the tunnel fit out is stated as being rescheduled, albeit not specified. All of the material and equipment will still come from the north. The applicant does inadvertently suggest that a two TBM option could involve removal of the TBMs by marine vessel movements as it suggest the one TBM would reduce marine removals. The Council accepts that there should be a very marginal reduction in materials and equipment use under the one TBM option.</p> <p>The Council continues to press the applicant to enhance its commitments to use marine or rail transport for bulk materials and equipment.</p> <p>The Council notes the applicant's statements and that the one TBM option is neutral on this aspect.</p>	<p>No – with reference to the need to enhance commitments to the use of marine or rail transport.</p>
<p>b. Calculations and evidence are required to demonstrate the claim that there will be a reduction in approximately 38,000 tonnes of carbon (CO2e) by using less machinery, reduced hardstanding and smaller slurry treatment and segment production facilities, as stated on pages 30 and 33 of the MRC booklet?</p>	<p>The applicant reasserts its opinion that the one TBM would save approximately 38,000 tonnes of Carbon Dioxide equivalent but does not provide details of how that figure is derived.</p> <p>The Council notes the applicant's statements that the one TBM option could have a CO2e saving, but this is not justified in the documentation.</p>	<p>No</p>
<p>c. The applicant should provide greater clarity and detail regarding the treated tunnel material and segments, their use together with information setting out the timing of that use (given it is likely to be slower)? This should reflect how that material will be stored and deposited within the Order Limits.</p>	<p>The applicant has stated that the excavated material would continue to be used as assessed and the segments would be supplied to the tunnel from the North Portal. The applicant does not commit that the segments would be cast within the North Portal compound or detail the method of storage or reprofiling.</p> <p>The applicant should add a commitment that the segments will be cast within the North Portal compound and stored within that compound to be supplied direct to the tunnelling operation.</p> <p>The Council seeks the increased clarity and commitments to be</p>	<p>No</p>

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The Council's response to the MRC	The Council's opinion on the applicant's evidence at REP2-041	Matter addressed?
	secured through the DCO irrespective of the TBM option.	
<p>d. The applicant to confirm that all arisings from the tunnel will be entirely used within the confines of the northern main compound CA5/5A and not either along the construction 'trace' (construction haul road along the LTC alignment) or in landscaping works? The Council also requires a commitment within the oMHP that such arisings are not taken off-site or along the trace to ensure its appropriate use, unless it can be demonstrated that the material is suitable for landscaping and confirmation of the location for its use.</p>	<p>The applicant states at Table C.1 'Key assumptions' that arisings would be used at Tilbury Fields. The oMHP has not been amended and continue to include Table 7.1 which indicates all arisings (except hazardous material) to be used within the North Portal compound area. The Council notes the applicant's statements and that the one TBM option is neutral on this aspect.</p>	Yes
<p>e. Where are the segments stored and then delivered to the northbound TBM when they are due to be cast in Tilbury? Is the segment production and delivery the same as for the option with two TBMs? It is noted that following initial reviews of the DCO application documents, which is the evidence before the ExA, it seems to be silent on the production location of the tunnel segments.</p>	<p>The applicant has stated that segments would be supplied to the tunnel from the North Portal. The applicant does not commit that the segments would be cast within the North Portal compound or detail the method of storage. The applicant has suggested that the creation of a segment factory is included within the North Portal compound but does not commit that the segments will be cast within the North Portal compound and stored within that compound to be supplied direct to the tunnelling operation. There is nothing secured in the DCO that would stop a contractor from using its own facility outside the Order Limits. The Council seeks the increased clarity and commitments to be secured through the DCO irrespective of the TBM option.</p>	No
Construction Method and Transport		
<p>a. The proposed differences in construction programme between one or two TBM's needs to be set out in indicative detail and compared, so as to evidence the claim that the construction programme would remain the same?</p>	<p>The applicant has reasserted at paragraphs C.2.5 and C.2.6 that the one TBM option should be approximately one month longer for tunnelling, on balance, and it claims that that extension could be won back. The Council accepts that statement and would be able to hold the applicant to require adherence to the binding ES.</p>	Yes
<p>b. Please offer more clarity and detail as to how the tunnelling can start approximately 10 months earlier, as claimed on page 30 of the MRC booklet? Furthermore, by bringing forward the tunnelling start does that affect any other construction activities, such as the haul road establishment?</p>	<p>The applicant has provided some explanation as to the derivation of an earlier start but is silent on the knock-on to other activities. The start date is controlled through the Requirements for consent of the scheme design and the production of other Control documents such as the MHP, EMP2, TMP and CTP. The Council accepts The applicant's explanation and would be able to influence construction start as secured within the DCO.</p>	Yes

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The Council's response to the MRC	The Council's opinion on the applicant's evidence at REP2-041	Matter addressed?
c. Please set out exactly what the 'small number of differences in logistics' would be, as claimed on page 30 of the MRC booklet?	The applicant has provided some explanation as to the changes to the construction methodology. The Council accepts the applicant's explanation.	Yes
d. Please explain with evidence what changes in arrangements for staff vehicles and deliveries would occur at each compound and how these will be accounted for in any revised Transport Assessment ? In particular, greater detail is required of '...an increase in journeys related to construction in the second year of building LTC' (as stated on page 30) and how this will be accounted for in any revised Transport Assessment?	The applicant proposes that a revised TA doesn't need to be provided as the current assessment represents a 'worst case' scenario. The changes noted in workforce profiles should be reflected in localised sensitivity modelling of the Asda Roundabout. The Council continues to require evidence of the operation of the Asda Roundabout and adjoining network during construction phase.	No
e. The applicant to set out the construction method including the turning of the TBM and transport of materials, supported by diagrams, especially the route of multi-service vehicles (MSV)? Also, if undertaking such changes result in increased or reduced activity at either the northern or southern main compounds?	The applicant has not provided diagrammatic information but assures that all movements will be via the North Portal and would equate to a marginal overall reduction and reprofiling. The Council notes the applicant's statements and that the one TBM option is neutral on this aspect.	Yes
f. Is there any change to the method or timing of construction of the cross passages as a result of using one TBM and does this affect the construction programme	The applicant proposes that the cross passages could be constructed in a different sequence but culminating in a general neutralising of the overall programme. The Council accepts that statement and would be able to hold the applicant to require adherence to the binding ES.	Yes
Worker Operation		
a. Page 30 of the MRC booklet sets out that staffing patterns would change at the northern and southern compounds, so the applicant must set out these changes , any differences in staffing numbers between the use of one or two TBMs (and at what stage) and any consequential effects on the surrounding areas?	The applicant has provided at Tables C.1, C.3 and C.4 an indication of the changes in workforce quanta – with particular note to an increase in Phase 2 of the construction scenarios. The different workforce profiles should be reflected within localised sensitivity modelling of the Asda Roundabout. The Council remains concerned about the operation of that junction and the assumptions made over workforce assignment to the network.	No
b. The applicant to explain in detail if workers all approach these works via the northern compound or if some workers approach from the southern compound; and, does this result in the need for less accommodation in the northern compound? This may have an impact on worker transport routes, numbers and impacts on nearby communities.	At Table C.1 the applicant has stated that all TBM workers will arrive and depart via the north portal but there could be an increase in workers at the South Portal for cross passage works with the revised profiles indicated at Tables C.3 and C.4. No statements are made on accommodation. The different workforce profiles should be reflected within localised sensitivity modelling of the Asda	Yes

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The Council's response to the MRC	The Council's opinion on the applicant's evidence at REP2-041	Matter addressed?
	Roundabout which is covered elsewhere.	
c. How will safety be managed for workers who will be transported through the first bore along with the 'slurry pipeline', water and power and transport of other materials and will such worker movements will be two way or separated from other activities?	Workforce safety is not directly referenced in the document. The Council does not seek to pursue this point further.	Yes
DCO Commitments and Control		
a. There is currently no mechanism within the DCO to control the main contractor's proposals on the use of two or one TBM(s) and their consequential effects/impacts. In the Council's view controls need to be in place to protect residents and businesses from potential impacts of changed construction methodology, even if no significant environmental effects are predicted. The Council needs to understand how will such decisions and methods be controlled, so that different boring methods or spoil disposal are controlled by DCO commitments.	The applicant is silent on further control mechanism within the explanation of the one TBM option. The Council continues to press for clarity and strength in the control documents and procedures. It would use the ES as a mechanisms for this and commitments in the CoCP / EMP2 and REAC.	No
b. The DCO application document that sets out the method for constructing the tunnel , i.e. primary lining via segments cast in a factory in Tilbury, needs to be clear and defined.	The Council seeks the increased clarity and commitments to the mechanism of construction to be secured through the DCO irrespective of the TBM option.	No
c. Will there be controls within the DCO application 'control documents' to restrict the main contractor from making any deliveries, extractions or worker transport via the southern compound and portal? Are there opportunities that the TBM could be removed from the northern compound by river via a nearby port? This should be an additional DCO commitment to reduce both 'abnormal indivisible loads (AIL) and materials transport and commit to not using local roads for such transport.	The applicant has committed through the REAC MW009 to move all material via the North Portal but there is no commitment for the use of river for transport. The applicant should adjust its REAC item MW009 to require the contractor to use marine transport to deliver and remove the TBM and associated components by marine transport unless justified by the contractor and agreed with the Council and the PoTL and DPWLG. The Council seeks the increased clarity and commitments to be secured through the DCO irrespective of the TBM option.	No
d. The Council considers that the applicant should take this opportunity to improve significantly its commitments to using non-road transport to move materials, equipment and plant to and from the project compounds	The Council seeks the increased clarity and commitments to use marine or rail transport to be secured through the DCO irrespective of the TBM option.	No
Emergency and Incident Provision		
a. The applicant must set out what provisions it will make if there is an incident or emergency in either tunnel bore during construction at either end of	The applicant has made no provisions or explained its strategy.	No

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The Council's response to the MRC	The Council's opinion on the applicant's evidence at REP2-041	Matter addressed?
the tunnels? This should be a further DCO commitment that would require the involvement and approval of the emergency services	The Council retains its position on this point irrespective of the TBM option.	

20.1.5 This analysis of Appendix C and D against the Council's MRC submission indicates that a few of the points have been adequately responded to, however, many remain unresolved and require further explanation and commitments to be secured through the DCO.

20.1.6 Appendix D further reflects that the delay to the start of construction could result in a significant conflict with the proposals for the emergence of the Thames Freeport. That interaction must be modelled, and impacts assessed and mitigated either by the applicant or in shared commitments.

20.2 Environmental Masterplan (EMP) and WRs of Statutory Environmental Bodies

20.2.1 Minor corrections have been made to the Environmental Masterplans to illustrate the positions of retaining walls, principally associated with major structures, such as the North Portal and the A13/A1089/LTC junction. These retaining walls were shown in the General Arrangement Plans, Works Plans and Engineering Drawings and Sections. The Council accepts that no changes to these structures have been made and this addition is a minor correction.

20.2.2 Without prejudice assessment of the air quality effects on European sites following Natural England advice ([REP2-068](#)) provides further information regarding potential effects of nitrogen deposition on North Downs Woodland SAC, which informs the emerging HRA. This is a Matter Under Discussion between Natural England and the applicant. This additional information does not relate to any sites within Thurrock. The Council does not wish to make any comments on this document.

20.2.3 Historic England have identified the harm to the Orsett Scheduled Monument as severe ([REP1-240](#)) and have also identified Site 247 as being of similar status to the Scheduled Monument. It concurs with Thurrock that this should be seen as a single monument.

WRs Environment Agency Flood Risk Response

20.2.4 The applicant has responded to comments from Statutory Environmental Bodies in: 'Comments on Written Representations (WRs) Appendix A - Statutory Environmental Bodies' ([REP2-046](#)). The Environment Agency WR is found in [REP1-225](#).

20.2.5 In relation to Flood Risk, the applicant highlighted the discussion with the Environment Agency regarding the updated Thames Estuary 2100 Plan. The applicant state that they will continue to engage with the Environment Agency on this matter and what the implications may be for the Flood Risk Assessment and modelling. The Council agree that continued consultation with the EA is required and would like to understand any area of risk identified.

20.2.6 In relation to Flood Defences at Coalhouse Point, the Council note that during the SoCG meeting on the 11 July 2023, the applicant confirmed that it would be their responsibility to maintain the flood defences in the section where wetland creation works are proposed near Coalhouse Point. It was also noted that there is not simply a linear line of flood defence along the Thames frontage, but a more complex arrangement providing protection to the Coalhouse Fort car parking. The Council suggest that the applicant extend the discussion with the EA to include Flood Defences. The Council requests the applicant to provide a plan showing existing flood defences along with the wetland proposals and define extents of long-term

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maintenance responsibility/ interface with the EA. This should include proposed intake structures and pumping stations.

20.3 Supplementary WCH Maps

20.3.1 The Supplementary WCH maps ([REP2-072](#), [REP2-073](#) & [REP2-074](#)) have been prepared at the request of the British Horse Society. They do not contain any new information but provide smaller-scale plans showing the existing and proposed new routes in an easier to read format with routes overlaying satellite images.

20.3.2 In principle, the Council is content with these maps, however, it has been requesting repeatedly for something similar with plans also showing the proposed temporary diversions and closures due to the duration of some of these (e.g. [REP2-064](#) – covering the Council's LIR Section 10.12.6). In its response to this point the applicant is still referencing all the separate sets of plans covering the individual effects on WCH routes. The Council is disappointed that the opportunity to address its request has not been taken.

20.4 Community Impact Report (CIR)

20.4.1 The applicant has provided updates to the Community Impact Report in within the following documents [REP2-033](#), [REP2-035](#), [REP2-037](#) and [REP2-039](#). Changes within [REP2-033](#) relate to minor typos and editorial changes, apart from the addition of the following receptors regarding predicted constructed noise levels in Chadwell St Mary Ward (Table 6.24): CN53, CN66, CN85, CN93. There are no comments on these additions,

20.4.2 All other amendments refer additional figures provided for each ward outlining an overview map of local authority areas and wards, and construction compounds and haul roads. As well as figures outlining construction impacts, operational impacts and mitigation proposals for each ward considered. These are considered welcome additions notwithstanding any comments within this report regarding the impacts they depict.

21 Applicant's Response to WR of ESSPSG

21.1.1 This commentary below relates to the applicant's response ([REP2-049](#)) to the D1 WR from the ESSPSG ([REP1-338](#), [REP1-339](#) and [REP1-340](#)). It is understood that the ESSPSG will be responding to the applicant's responses in some detail at D3, however, the Council, as a key member of the ESSPSG, would like to make a number of observations for consideration by the applicant and ExA. It is acknowledged that some progress has been made and recorded within the submitted SoCG and the first draft of the 'Road Map' (an initiative from the ESSPSG), which is not yet agreed but is ongoing work.

21.1.2 These observations and the main outstanding matters are listed below.

- a. The **submitted SoCG** between the applicant and the ESSPSG and the **first draft of the 'Road Map' (which is not comprehensive or agreed at this stage)** referred to by the applicant do provide an update on progress, but many of the original ESSPSG 56 Recommendations (not 'asks'), remain outstanding with limited progress and/or disagreement. The applicant suggests further engagement at the ESSPSG monthly meetings, but it is understood that such attendance did not provide for progress in the past and the ESSPSG requires action on these recommendations from the applicant before further discourse is worthwhile.
- b. The applicant implies that many of the ESSPSG recommendations require a more **detailed design level** than is appropriate within the DCO process. The ESSPSG contend that assertion and require commitments on a range of design and process matters that can then be developed later, but with such securing mechanisms there is no surety of commitment. Many such commitments are currently absent. Furthermore, the most appropriate body to determine such design matters is the emergency services as the users and operators of such design features.
- c. The ESSPSG has set out its reasons for why the **TDSCG is not the appropriate body** for further consultations and actions, in addition to its use only being within the DfT guidance of DRMB CD 352. The ESSPSG contends that further discussions about its use are pointless and that the ESSPSG is now the most appropriate body for such future consultations, and it remains a 'Matter Not Agreed'.
- d. Regarding the applicant's commitment to consult with the emergency services on the 'Security Management Plan', whilst welcomed, this Plan is not currently secured through the DCO and is not a 'control document'. Furthermore, the emergency services membership of the Security Working Group (SWG) is welcome, but without its terms of reference, details of governance procedures and constituent elements for discussion, its function or suitability is not known.
- e. The location and design of the RVPs, the cross passage spacings, 'emergency muster points and Protest Areas remain outstanding and 'Matters Not Agreed'. The ESSPSG understands that detailed design will provide the detail but requires DCO commitments for these elements now to avoid unnecessary discussions later.
- f. The ESSPSG's understanding of the likely delays to current response times for the 'blue light services' during the 6 year construction period is absent and awaits information from the applicant to determine the likely impacts and any appropriate mitigation and appropriate validation of the results.

22 Applicant's Response to WRs for Ports

22.1 The Port of London Authority

- 22.1.1 Through its Written Representations (WR) and '*Comments on documents and submissions made at Deadline 1 submitted on behalf of the Port of London Authority*' ([REP2-091](#)), the Port of London Authority (PLA) has expressed its support for the requirements to extend the use of marine transportation as part of the movement of plant, equipment and materials for the construction of LTC. The Council continues to wholeheartedly support that opinion and has expressed this through its LIR in Sections 9.8.24 – 9.8. 41 and Appendix C, Annex 4.
- 22.1.2 Furthermore, the Council agrees with the PLA that opportunities to use existing licenced jetties should be included as a requirement of the Contractors and not excluded from the construction processes.
- 22.1.3 Section 6 of the PLA's WR ([REP2-091](#)) – supports increased use of marine transportation for bulk materials and clarity over the definition of those materials to be transported by river – including for cement transportation. The applicant's investigations as to why materials have been discounted is not currently shared with interested parties and so there has been no rigorous appraisal of options. The PLA also notes that there are no commitments to target monitoring or reporting in the oMHP ([APP-338](#)) and that there is no derogation process to allow the PLA or other authorities to scrutinise derogations. As has been raised by the Council, the PLA also notes that the applicant's assertion that the East Tilbury Jetty would not be available to the applicant's contractors due to existing commitments, is false as those commitments would have expired at the time of construction.
- 22.1.4 The Council supports the PLA's proposals that marine transport should be included as a viable option for workforce travel and should be aligned with the proposed shuttle bus strategy.
- 22.1.5 The Council supports that the PLA should be a consultee to the derivation of the Control Documents, such as the Environmental Management Plans, the Construction Logistics Plans, the Materials Handling Plans, the Traffic Management Plans and the Construction Travel Plans and other environmental management plans. Where the Council is a consultee to those plans, it will be able to seek the views of the PLA.
- 22.1.6 **Summary: the Council wholly supports the PLA's pressure to enhance commitments and controls associated with marine travel.**

22.2 Port of Tilbury London Limited (PoTL)

- 22.2.1 Whilst not repeating the Written Representation of the Port of Tilbury London Limited (PoTL), the Council concurs with many of the sentiments expressed by PoTL.
- 22.2.2 In Section 3.2 and other points within its WR, the PoTL supports and echoes the Council's LIR and the concerns regarding the applicant's approach to modelling and assessing network impacts, as has been expressed repeatedly by the Council and comprehensively in Section 14 of this report. Importantly, the PoTL WR notes its concerns over the assessment of impacts at the Asda Roundabout during construction and once LTC would be operational. It raised the shortcomings of the Operational and Emergency Access at Tilbury and of the assessment of the Orsett Cock interchange and the absence of local linkage between the port and LTC, via a Tilbury Link Road (TLR) and that LTC should not preclude the creation of the TLR. The Council has a slightly different opinion in that that link should be included as a part of LTC, as there will be no certainty of delivery through subsequent Roads Investment Strategies (RIS3 or RIS4).

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- 22.2.3 In Section 2.1 of its WR the Port expresses concerns over the impacts indicated through the strategic and Localised Modelling of the Orsett Cock Interchange and the A1089 connectivity. The delays forecast to occur in the interchange at 2030 and 2045 undermine the stated objectives of LTC and will not facilitate the robust operations of the Thames Freeport, which must be recognised by the applicant in its forecast modelling. This view is entirely supported by the Council along with its many other concerns over the assessment of the operation of the interchange and the flaws in the proposed design and the unmitigated impacts.
- 22.2.4 The need for a local connection to LTC at Tilbury is supported although the PoTL notes the resilience to the port that would also be brought to the operation of the port by the addition of a linkage to LTC at Tilbury. The applicant should share with other parties the alternatives appraisal that has been carried out for the Council into the prospects of linkage from LTC to the port and the positive effect those options had on reducing the impacts at Orsett Cock and enhancing access to the port.
- 22.2.5 The PoTL notes at paragraph 5.4.1 of its WR that the applicant has undertaken modelling of the Tilbury Operational and Emergency Access without including an estimation of Thames Freeport traffic. This localised modelling should be provided to the Examination for the Council to review it and provide its opinion – in line with the collaborative approach that the applicant has expressed in the Localised Traffic Modelling Report submitted at Deadline 1. It is noted, however, that the applicant does not propose any future use of the access by anything other than operational and emergency vehicles. The Council has already expressed its concerns regarding this and that the position is shortsighted and does not reflect the recommendations made by the Council, the PoTL and other interested parties. The PoTL proposes a mechanism to retain the contractor's haul road for future uses and this should be explored further in the absence of the creation of a link to LTC at Tilbury.
- 22.2.6 The Council notes and would echo the PoTL's concerns over the forecast impacts of construction traffic movements over the Sub-station Road level crossing (see WR paragraph 2.4.11). Whilst that road is a private road, the Council has raised with the applicant on many occasions the need for robust programming of vehicle movements and the need to cap movements to and from each construction compound. These measures would help to allay some of the concerns raised by PoTL. It is further noted that there continues to be some confusion over the access routes that would be used by the workforce at the North Portal compound and that on Station Road. Within its Appendix 1, Item 5 (access through Tilbury 2 for workers), the PoTL raises its concerns about safe and secure interaction with operational port and enforcement of Byelaws. The Council has raised concerns over the FCTP, and these concerns add further to the opinion that the FCTP does not provide sufficient clarity, mitigation and management of the contractors' workforce. Safety and security of access through the port and the need for clarity on routeing and the management of the construction period movements should be derived primarily through a strengthening of the oTMPfC and the resultant TMPs but reflected in the commitments within the CoCP.
- 22.2.7 It is noted that the PoTL also shares concerns in its PADs over the incident management approach for closures of LTC and its tunnels, with PoTL's particular concerns relating to the impacts in port operations and security.
- 22.2.8 The Council supports that both the PLA and PoTL should be consultees to the Construction Logistics Plans that would be prepared as secured through the CoCP and the resultant EMP2. Currently, these are only to be approved by the SoS, but are of substantial importance to stakeholders and would encapsulate any justification for and against using marine transport. The same should be true with the preparation of the TMPs and MHPs.
- 22.2.9 The PoTL notes in Section 4 of its WR that it does not consider that '*the inherently limited measures in the oTMPfC will be sufficient to mitigate the adverse effect of LTC construction traffic on the port and particularly at the ASDA roundabout.*' The PoTL clearly shares the

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Council's opinion that the oTMPfC must be strengthened in its commitments and guidance to contractors to enable robust management and mitigation.

- 22.2.10 It is interesting to note from the PoTL submission that the applicant has been in discussion over the removal of use of Fort Road for construction, which must include workforce travel. Fort Road continues to be shown as an access route for workforce to the North Tunnel Portal worksite and compound facilities accessed from Station Road. The applicant appears to be inconsistent with its undertaking around some of its assumptions and assertions.
- 22.2.11 In line with the Council, the PoTL also supports the principle of maximising the use of marine transport and port facilities for the movement of materials, albeit the Council would extend that to include the transportation of plant and equipment. The PoTL goes into some depth on the value of the riparian facilities at the port and the Council wholly support the optimisation of their use to reduce vehicle kilometres within the construction of LTC, including comprehensive use of, for example, the Construction Materials and Aggregate Terminal (CMAT).
- 22.2.12 Aside from the concerns raised by PoTL associated with the validity of the Ecology assessments undertaken by the applicant, the Council is keen to work with PoTL and understand that differences can be resolved between the applicant and PoTL, associated with the setting and provision of the conveyor connection within Tilbury 2, as this is key to the success of the marine transport undertakings and could help towards a rail based solution for other handling of materials.
- 22.2.13 One point of departure between the Council and PoTL would be around the removal of current jetties from the DCO Order Limits, which the Council considers is a negative step as it reduces the opportunities for the applicant and its contractors to use marine transport for materials handling.
- 22.2.14 The Council has repeatedly proposed that a strong commitment should be made by the applicant to use zero-tailpipe emissions vehicles as part of the construction fleet and notes that the PoTL is planning a collaboration to create a hydrogen generation station within the port. It is therefore wholly appropriate that the applicant should make a commitment through the DCO to a zero-emissions fleet. The current commitment is to zero-emissions shuttle buses. The Council has expressed its opinion on the shortcomings of that strategy within its LIR.
- 22.2.15 **Summary: the PoTL shares many concerns with the Council and expands on specifics around the safety and critical operations of the port and those working and operating within it.**

22.3 London Gateway Written Representations

- 22.3.1 DP World London Gateway's (DPWLG's) WR highlight the shared concerns about congestion at Orsett Cock and absence of direct linkage between LTC and the Port of Tilbury. Specifically, DPWLG expresses that that strategy would result in extra demand on the junction of The Manorway and in turn impact on access reliability to and from London Gateway. The Council has similarly raised concerns about the impacts in these strategic junctions and the absence of robust and reliable localised modelling to allow assessment of the impacts.
- 22.3.2 Aside from the transport implications of the congested network the impacts on the efficient operations and commercial viability of both the London Gateway and the Port of Tilbury having significant economic, societal and community effects across Thurrock and the region.
- 22.3.3 DPWLG concurs with the Council in that the proposed approach by the applicant for mitigating the impacts of LTC is to rely on a flawed Wider Network Impacts Monitoring and Management Plan (WNIMMP), which obfuscates the mitigation strategy by requiring local authorities to bid

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for unsecured funding in future years, thereby absolving the applicant of the need to mitigate impacts through the LTC DCO. DP World London Gateway and the Council is aligned in objecting to that approach.

22.3.4 Summary: the Council shares well-founded concerns with DPWLG over the operational and congestion impacts at the Orsett Cock interchange and The Manorway and that the applicant has as a flawed approach to mitigation.

23 Technical Note on Earthworks

- 23.1.1 The Council's review of the Outline Material Handling Plan (oMHP) ([APP-338](#)) and Outline Site Waste Management Plan ([APP-337](#)) identified that there was no basis for the quantities of excavated materials generated within the Order Limits.
- 23.1.2 The additional information provided within the Technical Note on Earthworks Quantification ([REP2-076](#)) provides a basis for the calculation of the values provided within the Outline Material Handling Plan ([APP-338](#)) and Outline Site Waste Management Plan ([APP-337](#)). Whilst the Technical Note does not provide the modelling developed, it does explain the process undertaken, the data sources used, and the principles incorporated into the development of the applicant's models.
- 23.1.3 Whilst the contractor will ultimately undertake their own final designs and therefore the quantities may vary, the Technical Note provides the Council with a greater level of confidence in the figures provided as the basis for determining the environmental impacts of managing the material.

Appendix A Council's MRC Consultation Response (June 2023)

Appendix B Baseline Journey Times

Annex A: Journey Time Validation

Appendix C Treatment of Wider Economic Benefits and Evidence Around Induced Traffic

Annex A: Treatment of Wider Economic Impacts

Annex B: Evidence Around Induced Traffic

Appendix D Council's DCO Review

Appendix E Summary Review of National Highways' Localised Traffic Modelling Report

Annex 1: D3 Modelling Status Flowchart

Annex 2: Comparative Assessment of Journey Times

Annex 3: Orsett Cock VISSIM Model v1.5 and v2.4 Differences

Annex 4: Review of Base Year East-West Base Model

Annex 5: Review of Do Minimum and Do Something Orsett Cock VISSIM Models

Annex 6: The Manorway VISSIM Modelling, Comparison of Model Documentation, September 2022 vs July 2023

Appendix F National Highways Sustainability Report and the Council Review