

Lower Thames Crossing

Deadline 5 –Essex County Council
Submission

3 October 2023

Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional Protective Provisions

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

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

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

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

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

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

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

ECC is working with all five highway authorities to agree a revised set of provisions based on those previously accepted by National Highways elsewhere. We are jointly targeting agreement and submission to the examining authority at Deadline 6.

Orsett Cock Junction

To follow up from the Issue Specific Hearing on Traffic (ISH 4) ECC wishes to formally record its position in relation to this junction. ECC notes the discussions that took place at Issue Specific Hearings and agrees with the submissions from Thurrock and both Ports that the junction must perform adequately. ECC has no comments on the current modelling because the cordons provided to us by the LTC modelling team do not allow us to adequately investigate that junction, but we note the concerns raised by others. The junction is also not part of the Greater Essex network, Thurrock is the Highway Authority. We agree that this vital junction must perform adequately from day 1 of the Lower Thames Crossing operation and be capable of dealing with revised and increased traffic movements. Until there is consensus around this matter, we remain concerned.

However, at Issue Specific Hearing 7 on 11 September 2023 the Examining Authority directed the Applicant and relevant local authorities to:

“Undertake a workshop and then present a joint paper in respect of the traffic modelling for this junction. The focus should be on narrowing areas of disagreement specifically to reconcile identified differences between the LTAM and VISSIM modelling while recognising that there will always be a degree divergence between different models. Local Highway Authorities should not insist on an unreasonable degree of convergence which goes beyond that normally achieved in respect of other large road schemes.”

ECC attended the workshop that the examining authority requested (held on the 25/9/2023) and whilst additional model outputs will be prepared ECC remains sceptical that a full agreed position will emerge. We are a joint contributor and in agreement with the joint position statement that was circulated in draft prior to this deadline 5 submission. On the basis this document is submitted by National Highways, unchanged, we agree that this represents an accurate summation and position in relation to this key matter for the examining authority to consider.

Section 106 Agreements

As requested by the examining authority ECC can confirm that, we are and remain in Section 106 discussions with National Highways and that these are ongoing to secure benefits. In summary:

- Submitted in the original DCO application as APP-505
- S106 under the Town & Country Planning Act being proposed and drafted with the following Local Authorities: Brentwood Borough Council, ECC, Gravesham Borough Council, Kent County Council, London Borough Havering and Thurrock Council
- No firm commitment about making financial contributions to Officer Support
- Paragraph 2.1.6 states “it is expected that the draft section 106 agreements will be distributed to the local authorities in September 2023 for review and comment with a view to progressing negotiations and in readiness for the submission of the draft agreements at Deadline 7.”

- 1no. ECC officer to be involved in the Awarding Panel for the Community Fund (north) - £180k
- ECC has no involvement in the Pedestrian Crossing Improvements – Severance part of the S106. LTC only proposed 3 locations in this category which are in Kent County Council, Medway and Thurrock.

Schedule of Changes to the draft Development Consent Order during Examination

- Definitions: No 'as-built' definition, Within the 'detailed information' definition, LTC appear to exclude (1) Traffic Signal equipment/phasing/timing detail and (2) Road lighting.
- Design input and commencement: LTC has prescribed a 10 business days for the Officers/LTC to provide them with comments for detail information submitted to them. Whilst we accept that 10 days is typical but is far too short, with no funding from National Highways to ensure this is achieved Furthermore, there are agreements being progressed around local operating arrangements.
- LTC removed 'survey reinstatement' and (maintenance) 'access' from their draft PP.
- Inspection and testing: LTC removed the specific 7 business days and replaced it with "as soon as reasonably practicable". This should be amended to include "and within no longer than 5 working days following receipt of the required test certificates"
- Road Safety Audit (RSA): The applicant was not prescriptive on the timeline that they will provide copies of the RSA. For some reason, the applicant removed that section which allows them not to carry recommendation made by the RSA team if they agree it with the Local Highway Authority that it isn't required hence ECC would suggest the following text is reinstated "...to the reasonable satisfaction of the relevant local highway authority all the works recommended unless otherwise agreed with the relevant local highway authority or unless the works..."

Comments on the London Borough of Havering Deadline 4 Submission - Post-event submissions, including written submission of oral comments made at the hearings held w/c 4 and 11 Sept 2023

- ECC fully supports the following statement made in reference to the proposed crossing of the A127: "The Council is fully supportive of the proposed walking, cycling and horse-riding bridge that is proposed over the A127, to the west of the M25. However, currently users would have to use Folkes Lane into order to access the new community forest at Hole Farm in the Borough of Brentwood. The Council is of the view that this road is not suitable for a significant increase in Non-Motorised Users (NMU's)."
- "The Council remains of the view that a dedicated NMU route should be created to provide the safe and secure access from the A127 Footbridge to Folkes Lane Woodland and, ultimately, across to Hole Farm. The Council is also of the view that such a route should be delivered as part of the project and not through

Designated Funds. The Council would suggest that the footbridge is being delivered as a mitigation measure to mitigate the changes to how NMU's navigate the M25/J29, which will be from the northern side as opposed to the southern side of the junction, as is currently the case. This designed-in mitigation prevents the creation of new significant adverse severance impacts and, as such, should be secured as part of the scheme. The Council is also concerned that the footbridge going over the M25 linking Folkes Lane Woodland and Hole Farm is currently not suitable for use by NMUs. The Council is working with the Applicant regarding the improvements required at this location."

Brentwood Enterprise Park


As has been outlined in previous submissions in Essex a new junction is proposed with the M25 between junctions 29 and 30, with improvements to both the A127/M25 junction and a commitment to replace the existing access to the Brentwood Enterprise Park (BEP) to the immediate southeast of this junction. BEP is shown in the Adopted Brentwood Local Plan as a site for employment and economic growth, hence it is considered vitally important that the access to this site is both safeguarded and improved by LTC. ECC have asserted that the Project should not compromise the viability and access to the BEP. The site is now subject to an active planning application. ECC has requested that the Project coordinates safe and suitable access during construction and operation of BEP and the Project. It is vitally important that LTC, which effectively removes the existing entrance to BEP, provides an alternative point of access which is both suitable for the traffic generated, safe and future proofed. It is noted that there remain ongoing discussions between the applicant and Brentwood Borough Council on the matter and ECC will be content when Brentwood receive assurances that the viability of the BEP is not affected by LTC.

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