

Lower Thames Crossing

5.4.4.12 Draft Statement of Common Ground between (1) National Highways and (2) Thurrock Council (Clean version)

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1.0	31 October 2022	DCO Application
2.0	24 August 2023	Deadline 3
3.0	31 October 2023	Deadline 6

Status of the Statement of Common Ground

This is a Draft Statement of Common Ground with matters outstanding.

The draft Statement of Common Ground has been drafted by the Applicant and the stakeholder has been able to complete its review in line with its governance process. The Applicant considers that this Statement of Common Ground presents an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date.

A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (the Applicant) to the Secretary of State for Transport (Secretary of State) under Section 37 of the Planning Act 2008 on 31 October 2022.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and Thurrock Council, and where agreement has not been reached. Where matters are yet to be agreed, the parties will continue to work proactively to reach agreement and will update the SoCG to reflect areas of further agreement.
- 1.1.3 This version of the SoCG has been submitted at Examination Deadline 6.

1.2 Principal Areas of Disagreement

- 1.2.1 On the 19 December 2022 the Examining Authority made some early Procedural Decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.
- 1.2.2 One of these Procedural Decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.
- 1.2.4 This SoCG should be read in conjunction with the Thurrock Council PADS Tracker.

1.3 Terminology

- 1.3.1 In the matters table in Section 2 of this SoCG, “Matter Not Agreed” indicates agreement on the matter could not be reached following significant engagement, and “Matter Under Discussion” where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Matter Agreed” indicates where the issue has now been resolved.
- 1.3.2 If any new matters arise, Thurrock Council reserves the right to comment on those matters as it considers appropriate.

2 Matters

2.1 Movement of outstanding matters

- 2.1.1 Following submission of the previous version of this draft SoCG between the Applicant and Thurrock Council, there have been a small number of new matters added. Based on discussions with Thurrock Council, several matters have also changed status.
- 2.1.2 New matters have also been added to the SoCG based on the latest round of discussions with the Council.
- 2.1.3 These new matters are:
- a. Under the '**Land and Compulsory acquisition heading**' – 2.1.324
 - b. Under the '**Population and Human Health**' heading – 2.1.325
 - c. Under the '**EIA Methodology**' heading – 2.1.326
 - d. Under the '**Climate and Carbon**' heading – 2.1.327
- 2.1.4 In its Relevant Representation [[PDA-009](#)], the Council considers there to be significant issues with the SoCG process and as a consequence the Council does not agree to the current version of the draft SoCG. Among other reasons, the Council states in its Relevant Representation that the Applicant did not allow the Council to scrutinise the Applicant's response to each matter, until after DCO submission. The Applicant disagrees with this statement and holds the view that the document (including the Applicant's Response) has been available for comment in draft format since July 2022 and in a final format since September 2022. However, no comments were received from the Council on this section of the document prior to submission. An updated draft of the SoCG was also shared with the Council on 15 May 2023 in anticipation of a submission at DL1 however the Council requested that the submission be delayed until DL3 which was agreed by the Applicant. Subsequently, comments on the SoCG were received from the Council on 7 August 2023. Please see Appendix C which provides a timeline of the SoCG engagement between Thurrock Council and the Applicant. This timeline has been updated for DL-6.
- 2.1.5 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Thurrock Council.

- 2.1.6 In the column 'Item No' in Table 2.1, 'RRN' indicates a 'new' matter entered into the SoCG as a result of content in the Relevant Representation, 'RRE' indicates an 'existing' SoCG matter that was also raised in the Relevant Representation, 'MRCN' indicates a 'new' matter entered into the SoCG as a result of the council's response to the Minor Refinements Consultation, 'LIR' indicates an SoCG matter that was also raised in the Council's Local Impact Report and 'DL-3' and 'DL-6' indicates a new matter added during Examination at/around that deadline.
- 2.1.7 In Table 2.1 relevant issues relating to the draft DCO articles and Requirements in Schedule 2 to the draft DCO have been identified under the heading 'DCO and Consents'.
- 2.1.8 At Examination Deadline 6 there are 314 matters in total, of which 72 are agreed, 193 are not agreed and 49 that remain under discussion.
- 2.1.9 Matters marked as 'Matters Agreed*' have been technically agreed with the Council's officers and are subject to subsequent approval by the Council's members.

Table 2.1 Matters

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
DCO and Consents					
<p>Consent Process Transfer to third parties, Article 8(5)</p>	2.1.1	<p>The Council is concerned that proper due diligence to support the inclusion of those bodies listed in article 8(4) has not been carried out. Instead, National Highways is asking the Council to raise concerns. The effect of article 8(4) is to remove the need to get Secretary of State approval at a later date. National Highways therefore needs to ensure that it has provided sufficient detail to the ExA to justify the removal of the need to get Secretary of State consent. It is the Council's opinion that this is not yet been done.</p>	<p>The Applicant confirms that the transferees listed in article 8(5) have been informed by discussions with the relevant bodies. Consideration has been given to the statutory position of these bodies to ensure that they have responsibility for the relevant network or apparatus. This is to ensure that the transferees are capable of and committed to meeting the obligations. A review of other consented DCOs indicates that a DCO can make provision for the transfer of assets, without consent, to a number of unnamed bodies who hold electricity and gas licences, or who are established port authorities. The Project's draft DCO is, therefore, in line with the accepted practice and will ensure appropriate transfer and operation of these assets. The Applicant reiterates that the bodies under article 8(5) are established utility undertakers.</p> <p>For completeness, the ability to transfer without consent does not apply in respect of the liability to pay compensation for the acquisition of land and rights, meaning that landowners will not be prejudiced by this provision.</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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<p>Environment Ancillary works, Schedule 1</p>	<p>2.1.2</p>	<p>The Council welcomes the addition of the wording which limits the works to those which do not give rise to materially new or materially different environmental effects when compared with the Environmental Statement. We are still concerned about the breadth of the powers, and therefore the ability of those potentially affected to meaningfully engage in the DCO Examination process at this stage. However, the Council proposes raising these at Examination.</p>	<p>The Applicant has considered whether each one of the ancillary works is required. The draft DCO is worded in accordance with many consented highway DCOs from across the country; there is nothing unique or specific in relation to the Project and the powers sought that would justify a departure from this established and accepted wording. The ancillary works in Schedule 1 of the draft DCO cannot be considered in isolation. The draft DCO requires that the Project is designed in accordance with the works plans and general arrangements (see Requirement 3 of the draft DCO); the rights and restrictive covenants which can be acquired are limited for the plots and purposes in Schedule 8; and temporary possession powers are limited to the purposes specified in Schedule 11 for plots listed therein. These controls, amongst others, therefore, impose an important limitation on the use of the ancillary works powers. The Applicant has repeatedly asked the Council to set out which of the ancillary works powers it considers to be wide-ranging. The Applicant has amended the wording to include ensuring that there are no '<i>materially new or materially different environmental effects</i>', as suggested by the Council, something which is not considered</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Agreed</p>

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			necessary but has been done in an attempt to reduce the outstanding matters between the parties.		
Environment Discharge of requirements	2.1.3 RRE LIR	The applicant is strongly of the view that the DCO requirements (currently set out in Schedule 2 of the draft DCO) should largely be discharged by the Secretary of State. It is the Council's position that Requirements 3 (detailed design), 4 (Construction and Handover EMPs), 5 (landscaping and ecology), 6 – (contaminated land), 8 (surface and foul water drainage at a local level (with the Environment Agency responsible for those elements not at a local level), 9- historic environment, 10 (traffic management), 11 (construction travel plans), 12 (fencing), 14 traffic monitoring, 16 – carbon and energy management plan and 17 (amendments to approved details) should be discharged by the relevant local planning authority, with any appeal going to the Secretary of State. Whilst it is not uncommon for transport DCOs to have the Secretary of State as the discharging authority, it is by no means universal (there are at least four other transport DCOs where this is not the case). In addition, the Council are not aware of any other Secretary of State (for example DHLUC, DEFRA or BEIS) being the	<u>Discharging Authority and Local Authority Consultation</u> The Applicant has set out its position on this in its written submissions on Issue Specific Hearing 2 (ISH2) and Post-event submissions, including written submission of oral comments, for ISH2. The Applicant would note that the precedents relied upon for a different approach are not comparable to the Project. In particular, the “four” transport projects referred to and the reasons they are not appropriate are set out below: the West Midlands Rail Freight Interchange Order 2020 and the Port of Tilbury (Expansion) Order 2019 – precedents which are not appropriate because they are site-specific, do not traverse multiple local authorities, and are promoted by private developers rather than a highway authority (who have wide ranging statutory powers which are not subject to secondary consents, and which are not subject to judicial review). Unlike the Project, Reasons, 1, 2, 3, 4, 5, 8 and 9 set out in the Explanatory Memorandum do not apply to these DCO precedents.	Draft Development Consent Order [REP5-024] Explanatory Memorandum [REP4-096] ISH2 Discretionary Submission Annex A Responses [AS-089] Post-event submissions, including written submission of oral comments, for ISH2 [REP1-184] .	Matter Not Agreed

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		<p>discharging authority in connection with non-transport DCOs. In relation to this scheme, the Council is the local highways authority for 70% of the route. Accordingly, the applicant's concerns regarding co-ordinated discharge of functions is not well founded in relation to this LTC scheme.</p> <p>In the Council's view, locally elected local authorities, who are experienced in discharging similar planning conditions, should be the discharging authority. It is precisely because of the complexity of the project that a detailed understanding of the locality, including the local highway network, is required. It is accepted that changes to local highway sections will need to consider the impact of those changes on trunk road sections (and vice versa), and accordingly it is suggested that the relevant planning authority will discharge requirements in consultation with relevant parties, such as the applicant and other key stakeholders. The current proposal, of the Secretary of State being the discharging authority, after consulting the Council, is likely to lead to unnecessary expenditure as the relevant local planning authority will have to commit significant resources to explaining to the Secretary of State the impact of proposals.</p>	<p>The Lake Lothing (Lowestoft) Third Crossing Order 2020 – a precedent which is not appropriate because it involves a scheme which is promoted by a local authority, and does not traverse multiple local authorities, or pertain to the strategic road network. Unlike the Project, Reasons, 1, 2, 3, 4, 5, 8 and 9 do not apply to this DCO precedent.</p> <p>The Silvertown Tunnel Order 2018 – whilst it is acknowledged this project traverses local authorities (albeit a more limited number compared with the Project), Reasons 2, 3, 4, 5, 8 and 9 do not apply to this precedent.</p> <p>For completeness, the discrepancy between the 8 weeks deemed consent period for the Secretary of State and the consultation period is appropriate. The former relates a deemed consent in relation to a decision, and the latter relates to a consultation function. The comments raised by the Council are an "in principle" issue yet the provisions are heavily precedented (and, indeed, in a number of cases the consultation period is shorter than the period suggested for consultation in the Project draft DCO).</p>		

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		<p>A number of the requirements (as currently drafted) refer to consultation with the relevant planning authority. There are no details in the draft DCO as to how long this consultation will be or how it will take place. However, it is understood from the applicant verbally that the consultation period will be four weeks, with the ability to extend to 6 weeks. Accordingly, the Council contends that the setting of 8-week discharge period for the Secretary of State and then only allowing only 4-6 weeks for consultation with local planning authorities is not appropriate or fair, as it does not take into account the complexities of the individual matters being discharged.</p>			
<p>Environment Timeframes for consideration of requests for consent 12(8); 17(6); 19(8); 21(6); Sch 2 / Sch 14</p>	<p>2.1.4</p>	<p>The Council consider that the period of at least 28 days for consultation, which can be extended to 42 days when requested by the Council, is potentially too short. The Council suggest that this is not included within the DCO and is instead a guide to be used by National Highways to engage with the Council for an opinion on what is an appropriate consultation period prior to sending out a consultation and to include that pre consultation period more formally.</p>	<p>The Applicant does not accept that the consultation period in connection with the requirements in Schedule 2 is "too short". In response to the Council's comments, a mechanism has been introduced whereby the consultation period can extend from 21 days to 42 days. The time periods strike an appropriate balance between the Council's interests and the public interest in expeditious delivery of nationally significant infrastructure. The submissions to the Secretary of State under Schedule 2 relate to matters which are the subject of control documents (e.g. outline management plans), which will have already been</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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			<p>through examination and extensive consultation/engagement themselves.</p> <p>In relation to the deemed consent period under article 12, 17, 19 and Requirement 13, if the Council consider insufficient time or information had been provided, it could refuse the relevant application. There is nothing in the draft DCO which would prevent the Council from refusing an application in this case. Following which, the Applicant would determine whether it would utilise the appeal process (endorsed by the Council) or re-submit an application. In circumstances where the Council considers it reasonable to refuse an application, and an application is re-made, it would be within its gift to grant the application sooner than the 28-day period. The Applicant considers the provisions are justified given the need to deliver the Project.</p>		
<p>Consent Process Travellers Site Deemed Approval (c) Timeframes for consideration of requests for consent, Articles</p>	<p>2.1.5 RRE LIR</p>	<p>The Council considers that deemed consent in this situation would not be in the public interest, despite numerous highways DCOs containing these provisions. The Council understands the need to ensure there is not any unnecessary delay. However, inflexible deemed consent provisions will result in unnecessary delay.</p>	<p>In relation to the deemed consent provision, the Applicant considers this is to be appropriate for the following reasons: The Road Investment Strategy, which sets out a statutory programme of road works across the country and time frame in which the Applicant's resources are to be used to ensure value for money. Prolonging the programme would have a detrimental effect</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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12(8); 17(6); 17(7); 17(11); 19(8); 21(6); Sch 2 / Sch 14		<p>In the Council's opinion, the public interest and the interests of the applicant would be better served if:</p> <p>There was the ability for the parties to agree a mutually agreed extension of time (which we would be prepared to cap at a maximum of 3 months), to avoid unnecessary appeals and also avoid delay by having to refuse applications that could have been approved if a short extension could have been agreed.</p> <p>The Council note the applicant's position that there is no need for this, as the Council can simply refuse consent and the applicant can then submit a further application when ready. However, in our opinion this would be more less efficient.</p> <p>The provisions were deemed refusal rather than deemed consent. This will continue to incentivise the Council to work within the specified timeframes, but avoid the risk of decisions being deemed as having consent when they have not been considered by either the Secretary of State or the Council.</p> <p>In relation to Article 12 specifically: our primary concern relates to the notice being given for diversions (which is not currently adequately dealt with in the outline Traffic Management Plan). Clearly the scale of the Project gives greater scope for multiple</p>	<p>on the delivery of this programme and risk the inefficient use of public funds for construction contractors to be put on standby whilst a consent is provided.</p> <p>The Council, and other authorities will have had sufficient time during the consultation and examination of the Project, and beyond, to understand better (compared to any usual approval unrelated to a DCO) the particular impacts and proposals forming part of the DCO.</p> <p>The fact that deemed consent provisions take effect in relation to a failure to reach a decision, not a failure to give consent, is also relevant. It is, of course, open to the Council and other local authorities, if so minded, to refuse consent or to request further information within the time periods specified.</p> <p>The concept of deemed consent is well precedented including on complex projects: see, for example, article 15(6) of the A30 Chiverton to Carland Cross Development Consent Order 2020, article 13(8) of the Southampton to London Pipeline Development Consent Order 2020 and article 15(6) of the A303 Sparkford to Ilchester Dualling Development Consent Order 2021. The Council's position is an in-principle objection which would equally apply to these projects mentioned, but the</p>		

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		<p>diversions which could be ongoing for a significant period of time. This makes it essential that they are properly co-ordinated (see our comments on the permit scheme modifications). There is no reason why the standard 3-month period cannot be followed. It will not lead to delay, it just requires the applicant to effectively plan works (which we assume will be done in any event).</p> <p>In relation to Article 17 specifically: in article 17(2) the DCO refers to consent not being unreasonably withheld or delayed. The reference to delayed appears to be novel. In the Council's opinion this is not required as it adds uncertainty.</p> <p>The 24-month period in Article 17(7) should be reduced to 12 months. The longer period reduces the ability of the Council to control its network. In the Explanatory Memorandum it states that this additional time period is needed because of the 'complexity and scale of the project'. This is insufficient reasoning. If the applicant has specific concerns, then the Council will consider these.</p>	<p>Secretary of State has nonetheless consented these provisions.</p> <p>Leaving aside the Project-specific justification provided above, in relation to both the deemed consent provision and the question of compensation, the provisions put forward by the Applicant are heavily precedent. The Applicant is not aware of any DCO precedent relating to the strategic road network which supports the Council's suggestions.</p> <p>In relation to the Council's comment referring to Article 12, the Applicant does not agree that the outline Traffic Management Plan for Construction does not provide appropriate controls. The Traffic Management Plan submitted for approval under Requirement 10 would require further consultation. The outline management plan provides for the establishment of a Traffic Management Forum which would set out an ongoing monitoring and reviewing function providing further assurance. Insofar as the works to the council's own road network are concerned, the Applicant notes that the permit scheme is proposed to be utilised which has significant timescales and engagement built into it.</p> <p>A 3 month period is not "standard" in the context of this provision, instead it is</p>		

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			<p>unprecedented in the Applicant's DCOs and the Applicant considers that it would impose risk to the delivery of the Project as it would introduce the possibility for delay and reduce certainty that the authorised development can be delivered by the Applicant in a timely fashion.</p> <p>The Applicant considers that the requirement for consent not to be unreasonably delayed is eminently appropriate. The phrase "unreasonably delayed" is a well-used phrase and it is not considered that its removal would provide greater certainty.</p> <p>In relation to the novel drafting in 17(2), the Applicant also considers this necessary and justified. Given the complexity of the Project, it would impose risk to the delivery of the Project if consent were to be unreasonably delayed, as it would introduce the possibility for delay and reduce certainty that the authorised development can be delivered by the Applicant in a timely fashion. The Applicant notes, aside from the justification provided, that the 24-month period is precededented (see, for example, article 48 of the A303 (Amesbury to Berwick Down) Development Consent Order 2023 and article 18 of the M25 Junction 28 Development Consent Order 2022).</p>		

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<p>Consent Process Deemed consent 12(8); 17(6); 19(8); 21(6); Sch 2 / Sch 14</p>	<p>2.1.6 RRE LIR</p>	<p>The Council considers that deemed consent in these situations would not be in the public interest, despite numerous highways DCOs containing these provisions. The Council understands the need to ensure there is not any unnecessary delay. However inflexible deemed consent provisions will result in unnecessary delay.</p> <p>In the Council's opinion, the public interest and the interests of the applicant would be better served if there was the ability for the parties to agree a mutually agreed extension of time (which we would be prepared to cap at a maximum of 3 months). This would avoid unnecessary appeals and also avoid delay by having to refuse applications that could have been approved if a short extension could have been agreed.</p> <p>The Council note the applicant's position that there is no need for this, as the Council can simply refuse consent and the applicant can then submit a further application when ready. However, in our opinion this would be more less efficient.</p> <p>The provisions were deemed refusal rather than deemed consent. This will continue to incentivise the Council to work within the specified timeframes, but avoid the risk of</p>	<p>The Applicant refers to the comments provided in relation to SoCG Item 2.1.5 above.</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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		<p>decisions being deemed as having consent when they have not been considered by either the Secretary of State or the Council.</p>			
<p>Consent Process Modification of the permit scheme, Article 9</p>	<p>2.1.7 RRE LIR</p>	<p>The Council considers that the provisions of the NRSWA should apply in full, as they apply to other development taking place within the Council's area. Failure to follow this approach risks a lack of co-ordination of works, and potentially significantly negative impacts on those using local roads.</p> <p>Article 9(9) - the applicant has previously stated that this is needed in order to avoid a situation where the applicant cannot comply with conditions. The Council is not aware of any conditions that are likely to be imposed which would need to be a breach of the order, or that the applicant would be unable to comply with. Accordingly, this provision is not needed. If the applicant has particular concerns, then these should be raised now.</p> <p>The Council have raised comments in relation to Article 9 of the draft DCO which amends a number of provisions in the New Road and Street Works Act 1991 (NRSWA). The Council have commented on the disapplication of Sections 56, 56A, 58, 58A and 74A of the NRSWA.</p> <p>The Council has found that when these</p>	<p>As explained in the EM, the disapplication of these NRSWA provisions (which are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus) is appropriate given the scale of works proposed under the Order, the specific authorisation given for those works by the Order (particularly article 3 and Schedule 1 to the draft DCO), and the provisions in the Order (including the requirements) which would regulate the carrying out of the Order works. The NRSWA provisions are intended to regulate a general power exercisable by utilities by virtue of their status or a street works licence. By contrast, the DCO would grant specific authority to carry out works, and it is therefore inappropriate for them to be subject to further approval as if they were general powers. By way of further explanation for the approach incorporated into draft DCO:</p> <p>1. Section 56 would permit a street authority (such as the Council) to make directions as to the timing of "street works" (as defined by NRSWA). Section 56A would permit the Council to direct the Applicant to carry out consented works in a</p>	<p>Draft Development Consent Order [REP5-024] Outline Traffic Management Plan for Construction [REP5-056]</p>	<p>Matter Not Agreed</p>

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		<p>provisions of the NRSWA have previously been disapplied, for example, for Tilbury 2, it has significantly impacted the Council's ability to coordinate effectively. Previously granted permits were revoked, which led to delay for Statutory Undertakers for their programme works, which had been previously discussed and coordinated. It rendered not only the roads directly affected by the works as a 'sterile zone' for works, but also a larger area consisting of the diversion, which were set up on unsuitable roads, e.g. Gun Hill. This in addition caused unnecessary complaints, because the established processes were not followed, and mitigation measure could not be enforced.</p> <p>The Council, as Street Authority has a duty under the NRSWA to manage its street network and works within those streets such that delays are minimised and safe operation of the network is maintained. If the Council is not in a position to effectively co-ordinate all works on its network, the risk of conflicting street works is increased, and the Council will then not be fulfilling its duty. Having two determining Street Authorities operating on the same section of network risks conflicting street works being approved, resulting in significant traffic disruption (and potentially significant</p>	<p>location which goes beyond the scope of the consent sought. The ability of the Council to make such directions is likely to lead to delays and has the potential to lead to works which do not form part of the scope of the environmental assessments, and for which separate consent may be required even though a DCO has been granted. In light of the potential for inconsistencies between the DCO (if made), and the provisions of NRSWA, it is proportionate to disapply these provisions. The Applicant would stress that the Secretary of State has accepted the principle that in relation to projects promoted by the Applicant, it is appropriate for these provisions to be disapplied.</p> <p>2. Sections 58 and 58A of the NRSWA give the power to the Council (and other street authorities) to impose moratoria on the carrying out of works for a period of several months. In due course the Project (if consented) will be delivered in phases. If such phasing was disrupted because of moratoria, it is likely to lead to significant delay, a protracted construction programme and worse environmental outcomes. It is not considered appropriate that a consented nationally significant infrastructure project should be subject to this level of delay in light of the safeguards</p>		

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		<p>economic, environmental and social issues in the local area and restricting access to emergency vehicles). Although the Traffic Management Forum (TMF) may well help resolve issues there is still uncertainty regarding its setup and terms of reference therefore this modification is unwarranted.</p>	<p>provided. The Applicant would emphasise its intention to utilise the local authority permit schemes subject to modifications (see further below), and that there will be a traffic management plan which the Council will be consulted upon, and which will need to be approved by the Secretary of State.</p> <p>In relation to permits, by way of preliminary comment, the Applicant notes that there are three broad approaches to how permit schemes are dealt with in development consent orders:</p> <ol style="list-style-type: none"> 1. The permit schemes are disapplied (e.g. the A38 Derby Junctions Development Consent Order 2021). 2. The permit schemes are modified (e.g., the Southampton to London Pipeline Development Consent Order 2020). 3. Local permit schemes are utilised without any modifications (e.g., schemes not promoted by highway authorities such as the Thames Tideway Tunnel Order) or not relevant (e.g., the A19 Downhill Lane Junction Development Consent Order 2020). <p>In light of the Council's (and other local authorities') concerns, the Applicant has not proposed to disapply the permit schemes. Instead, the Applicant proposes to utilise the Council's (and other local</p>		

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			<p>permit schemes subject to modifications which are compatible with the precedented approach to disapplying provisions of NRWSA (see above), and which would ensure that conditions which may conflict with an Order (if granted) could not be imposed on the Applicant. In relation to article 9(9) there are a number of provisions in the Council's existing permit scheme which may conflict with the Order. The Applicant specifically refers to section 14.4 of the Thurrock Council's Permit Scheme.</p> <p>Unlike the Project draft DCO, the Port of Tilbury (Expansion) Order 2019 does not provide for the permit scheme to apply to the authorised development. The Project draft DCO is therefore providing far more comfort than the precedent referenced. The Applicant re-emphasises that article 9 explicitly requires the utilisation of the road booking systems under permit schemes (which are subject to modifications which would otherwise be disappplied). The Applicant considers that the Council's position is overstating the impact on the road network because it does not consider the specific controls which are being proposed.</p> <p>The Applicant refers to Section 3.1.6 of the Outline Traffic Management Plan for</p>		

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			<p>Construction which explicitly states that: <i>'The Project intends to utilise the existing road booking system operated by the respective local highway authority, to aid management and integration of other schemes. In addition, the appointment of a Traffic Manager (see paragraph 3.3.10) and the establishment of a Traffic Management Forum (see paragraph 3.3.11) will enable timely discussions to be held regarding the detailed location, extent and type of traffic management to be used prior to SoS approval of the TMP.'</i></p>		
<p>Planning Exemption of Section 56 of NRSWA (ability of the Council to give directions as to the timing of works), Article 9(3)</p>	<p>2.1.8</p>	<p>A key concern of the Council is lack of coordination to works. Disapplying Sections 56 and 56A of NRSWA is also a significant problem as it could lead to clashes and wider network impacts on the network. Ultimately, the Council needs full control of its highways network so that it can be managed effectively. It is accepted that it would not be in the public interest to delay the project. However, there is a real risk that having two street authorities operating on the same section of network risks conflicting street works being approved. This could lead to significant economic, environmental and social issues</p>	<p>Nationally Significant Infrastructure Projects are located across multiple local authority areas and require a consistent approach to follow for the implementation of the consent. In light of the potential for inconsistencies between the DCO (if made), and the provisions of New Roads and Street Works Act 1991 (NRSWA), it is proportionate to disapply these provisions. The Council making directions under these provisions is likely to lead to delays and has the potential to lead to works which do not form part of the scope of the environmental assessments, and for which separate consent may be required even though a DCO has been granted. The</p>	<p>Draft Development Consent Order [REP5-024] Outline Traffic Management Plan for Construction [REP5-056]</p>	<p>Matter Not Agreed</p>

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		in the local area, as well as impacts on the emergency services.	Secretary of State has accepted the principle that on National Highways projects, these provisions are to be disapplied. The management of these impacts is dealt with via the Traffic Management Plan required post-DCO. The outline Traffic Management Plan for Construction sets out how management would be dealt with. The Applicant refers to Sections 3.2.2 and 3.2.3 of that document, which sets out how such interfaces will be appropriately managed, in addition to the (i) consultation on the Traffic Management Plan; and (ii) the Traffic Management Forum proposed.		
Consent process Exemption of Section 56A of NRSWA (ability of the Council to give directions as to the placing on apparatus), Article 9(3)	2.1.9	The Council's position is that this exemption should only apply in respect of specified numbered works, but not when National Highways is using its general ancillary works powers in draft DCO Schedule 1. There is the potential for ancillary works to have significant traffic impacts and therefore Section 56A should only be disapplied in relation to the agreed works drawings, not the ancillary works in connection with them.	The Council appears to misunderstand the application and the role of ancillary works in Schedule 1, which are carried out <i>in connection</i> with the numbered works. The Applicant understands that, subject to final confirmation, this matter could be agreed. A discussion on this matter was held on 29 August 2023 with the Council taking away an action to review internally before responding to the Applicant on their position. This matter remains under discussion.	Draft Development Consent Order [REP5-024]	Matter Under Discussion
Planning Exemption of Section 58	2.1.10	Sections 58 and 58A provide the power for the Council to restrict works following substantial street and road works. This is to	The Applicant has sought to communicate the scope and process proposed in the DCO to manage construction impacts on	Draft Development Consent Order	Matter Not Agreed

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<p>(restrictions on works following substantial road works) and 58A (restrictions on works following substantial street works) of NRSWA, Article 9(3)</p>		<p>protect the integrity of works undertaken to streets.</p> <p>The Council has commented on why it considers the TMP is unlikely to be sufficient (due to being prepared early in the programme, and not giving precise dates for work being carried out).</p> <p>The Council understands the need for the Project to progress smoothly, however, this is best achieved through a joined-up and agile approach and having a joint Network Management Team or through the provision of additional resources to the Council's team. The Traffic Management Plans, which are to be prepared by the works contractors will be required to provide a robust view of the works that will be carried out and the temporary traffic management that will be required to allow those works to happen, however, those documents are by necessity prepared early in the Project programme and will not give the precise dates that sections of works will be carried out. The Street Authority has to be sufficiently agile to respond to rapidly changing demands on the management of its streets and will need to have current and correct details of street works in order to effectively manage the network. The consented Traffic Management Plans will have their purpose for general governance</p>	<p>the road network. The draft DCO does incorporate measures to ensure network management, including the establishment of a Traffic Management Forum, and ensuring consultation on a Traffic Management Plan. The Applicant also emphasises that in a number of provisions that the Council is required to be consulted or in respect of which, it has an approval role (e.g. article 12 on temporary restrictions on roads and article 17 on future traffic regulation measures). It is for that reason that the provision of further safeguards is disproportionate. The Applicant has considered the creation of a Joint Network Management Team but considered this to be unnecessary because it replicates controls already proposed.</p> <p>The Applicant requires the disapplication of the powers in Section 58 and 58A of the NRSWA because a NSIP of this scale and nature will be implemented in phases, and the Applicant requires control over the construction phases in order to ensure efficient and timely implementation of the Project.</p>	<p>REP5-024</p>	

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		<p>of the traffic management strategies for Project, but will not have the refined detail at the level required for Street Works management. It will be to the benefit of both the Council, as Street Authority, and Highways England to have a well co-ordinated Street Works register managed by one body, which has to be the Council.</p>			
<p>Consent Process Future Section 74A orders under NRSWA.</p>	<p>2.1.11</p>	<p>It is not the position of the Council that charges should be made by National Highways. However, Article 9(11) means that future charges in an order from the Secretary of State does not bind National Highways. This is flawed for a number of reasons, including: Parliament cannot bind itself – so any future order could simply disapply this requirement; It is contrary to established convention.</p> <p>We note that the Development Consent Orders for the M25 Junction 10 and Junction 28 schemes both contain provisions which apply to orders which have not yet been made under Section 74A of NRSWA. However, it does not appear that the legality of these provisions have been raised during the Examination. We also have not found any examples of similar provisions in other DCOs, and in our opinion it is not correct to refer to say that DCOs 'often refer to unmade legislation'. The Council considers that it is</p>	<p>Article 9(11) ensures that the Applicant, as a public body and highway authority, is not charged for carrying out works associated with a Nationally Significant Infrastructure Project under a future road charges scheme.</p> <p>The Applicant does not accept the Council's view that article 9(11) is contrary to established convention. The Applicant's review of made DCOs shows that they often refer to unmade legislation such as the consented DCOs for the following projects:</p> <ul style="list-style-type: none"> • article 10(11) of the M25 Junction 28 Development Consent Order 2022 • article 11(12) of the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022. 	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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		appropriate to raise this at Examination.			
Responsibility Defect correction period for infrastructure constructed by National Highways as part of the project, and on completion transferred to the Council to maintain, Article 10	2.1.12 LIR	<p>This Article requires that a variety of streets and other structures (including bridges) constructed by National Highways must be maintained by and at the expense of the local highways authority from completion.</p> <p>It is our position that this is not reasonable. There needs to be a defect correction period to ensure that the works undertaken are of the correct standard. This should run not from completion, but from operation (as this is when the defects in construction are most likely to become apparent).</p> <p>The Council suggests at least a 12-month defect correct period for a highway asset and structures, such as bridges for 24 months.</p> <p>Without this a huge burden is placed on the local highways authority who may have to try and find funds to repair defects in assets transferred to it. This would clearly divert monies from other essential Council services, which is especially problematic given the Council's financial position</p>	<p>The Applicant is a strategic highways company and is not responsible for the local highway network, which is the responsibility of the local highway authority. Under National Highway's licence issued by the Secretary of State, it has statutory responsibility for the strategic road network. In particular, in exercising its functions and duties in relation to the strategic road network, the Applicant must act in a manner which it considers is best calculated to ensure efficiency and value for money (paragraph 4.2(d)) and must demonstrate how it has achieved value for money (paragraph 5.12(c)). Accordingly, the Applicant does not consider it appropriate for a public sector body, delivering nationally significant infrastructure which will have significant economic benefits, to be liable for payment of commuted sums or ongoing maintenance costs.</p> <p>The Applicant notes that funding for the operation and maintenance of the local road network is a matter which ordinarily forms part of central government funding decisions. The Applicant considers it appropriate that the maintenance of roads which will form part of the local road network is a function which is proposed to</p>	<p>Draft Development Consent Order [REP5-024]</p> <p>Outline Traffic Management Plan for Construction [REP5-056]</p>	Matter Not Agreed

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			<p>be discharged by the local highway authority. The maintenance of both local highways and the strategic road network is funded by the Department for Transport. Local highway funding is mainly based on a formula linked to the total mileage of A roads, B and C roads, and unclassified roads in each area, together with the numbers of bridges, lighting columns, cycleways and footways. This funding is refreshed every few years to take account of changes in road length and number of highway structures. Accordingly, as local highway works are carried out under the DCO, the amount of funding that each local highway authority receives will be amended to recognise these additional responsibilities. Given that this process already exists, it is not appropriate to require the Applicant to provide funding for the maintenance of parts of the local network out of the money given to it to maintain the strategic road network. The Applicant notes that it is making a significant and substantial capital contribution to the delivery of these assets, and in light of the existing funding arrangements, it is not appropriate for the Applicant to have an ongoing and indeterminate responsibility.</p> <p>The Applicant notes that this position has</p>		

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			<p>been endorsed, with limited and rare exceptions, on a number of transport DCOs (see, for example, article 14 of the M42 Junction 6 Development Consent Order 2020, article 12 of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 and article 9 of the A303 (Amesbury to Berwick Down) Development Consent Order 2023).</p> <p>Accordingly, insofar as the Project involves the Council incurring expense for the management of the local road network, this is matter between DfT and the Council, particularly in the context of the significant capital contribution from the Applicant in delivering new or altered assets. Introducing a new funding mechanism for the road network separate from these existing processes is not considered appropriate in the context of the Project.</p> <p>The Applicant is in discussion with TC in relation to appropriate mechanisms to address detailed matters associated with local highway handover processes.</p>		
<p>Environment Article 6(2) Limits of deviation only limited by materially new</p>	<p>2.1.13 RRE LIR</p>	<p>The Council's main concern is about the uncertainty of flexibility, especially in relation to order limits. No explanation explaining why this is required has been provided, despite requests to do</p>	<p>Article 6(3) would permit the Applicant to vary the limits of deviation but only with the Secretary of State's approval, and only where that variation would not entail materially new or materially different environmental effects. As explained in the</p>	<p>Draft Development Consent Order [REP5-024] ISH2 Discretionary</p>	<p>Matter Not Agreed</p>

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<p>or materially different environmental effects in comparison with those reported in the Environmental Statement, Article 6(2)</p>		<p>so. There remains a risk that the limits of deviation could extend the Project onto land not previously within the Order Limits (if the deviation does not give rise to any materially new or materially different environmental effects in comparison with those reported in the Environmental Statement).</p> <p>This means that the design could change, and not take into account non-environmental effects, such as new land ownership. It could lead to changes in assumed construction and methodologies that were used to assess impacts in the ES that make such assessments invalid. It could also include adverse effects on businesses.</p> <p>The Council requires sufficient certainty to the scheme, to allow it to fully comment on the impacts, and allow those potentially affected to take part in the examination.</p> <p>The Council understands the need to balance flexibility for the applicant with certainty for local residents. It is the Council's position that the balance has not been set fairly in the current drafting of the DCO, with too much emphasis on flexibility. The applicant's response of 6 July does not</p>	<p>EM, the purpose of this well precedented provision is to provide the Applicant with a proportionate degree of flexibility when constructing the Project, reducing the risk that the Project as approved cannot later be implemented for unforeseen reasons but at the same time ensuring that any flexibility will not give rise to any materially new or materially different environmental effects. The Applicant considers this to be an acceptable compromise and the fact that the provision has been included in a number of DCOs would indicate that the Secretary of State is also persuaded of its acceptability. Article 6(3) is identical to article 6(2) of the M42 Junction 6 Development Consent Order 2020, and equivalent provision is included in all of the last dozen or so development consent orders granted for which the Applicant was the promoter. The Council has been provided with the Applicant's justification on this provision.</p> <p>The Council raises the issue of certainty. In this regard, the Applicant draws the Council's attention to the proposed drafting in relation to "materially different environmental effects" which was first used in the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 and the following decisions:</p>	<p>Submission Annex A Responses [AS-089] Post-event submissions, including written submission of oral comments, for ISH2 [REP1-184]</p>	

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		<p>address how the balance of flexibility vs certainty for local residents has been set. Instead it relies upon a broad statement that flexibility is in the public interest, without considering the extent of that flexibility and negative impacts associated with that flexibility.</p>	<ul style="list-style-type: none"> the A19 / A184 Testo's correction notice wherein this phrase was explicitly endorsed, confirming that "the Secretary of State's view that the recommended wording would allow the necessary scope for changes that are better for the environment providing such changes do not result in significant effects that have not already been previously identified and assessed in the Environmental Statement"; the Great Yarmouth Third River Crossing decision letter dated 24 September 2020 in which the Secretary of State altered the order for that project so that it referred to "materially new or materially different environmental effects" and confirmed that it "is wording preferred by the Secretary of State"; and the A303 Amesbury to Berwick Down correction notice where the Secretary of State confirmed that the phrase "reflects the Secretary of State's preferred drafting and ensures a consistency of approach across transport development consent orders". <p>Three further specific matters should be noted:</p>		

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			<p>1. The limits of deviation for works are not to be conflated with the land interests required – in this regard, land and land rights are dealt with under Part 5 of the dDCO and importantly no compulsory acquisition of land outside of the Order Limits is sought (nor would such compulsory acquisition be permissible) under the terms of the dDCO.</p> <p>2. The provision does not enable a unilateral variation of limits of deviation, and any deviation sought must be approved by the Secretary of State; and</p> <p>3. In order to provide further comfort, article 6(3) applies the process set out in Schedule 2 to the dDCO to any application for a variation. As consultation with the local planning authority is required, this would mean that any representations from the Council would have to be provided to the Secretary of State (as per paragraph 18(3) of Schedule 2 to the dDCO). The Applicant considers this provides an appropriate safeguard for the Council in these circumstances.</p> <p>The Applicant further refers to its response provided on article 6 and article 2(10) in its responses to Annex A of the agenda for Issue Specific Hearing 2 (ISH2) and Post-event submissions, including written submission of oral comments, for ISH2.</p>		

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			<p>The Applicant has asked the Council to particularise their concerns on potential new impacts, but on each occasion the Council has raised a potential impact which would be excluded because it would entail a materially new environmental effect.</p> <p>For completeness, the Applicant has previously explained to the Council on a number of occasions that article 3 does not refer to development consent being granted “within the Order Limits”. This is because the Order provides for certain activities to be carried out beyond the Order Limits (e.g. articles 20 (protective works to buildings and land) and 21 (authority to survey and investigate land)).</p> <p>The Applicant notes that the Secretary of State has explicitly endorsed the removal of the phrase “within the Order Limits” in the A303 Amesbury to Berwick Down Correction Order “in recognition that the Order provides powers to carry out limited activities beyond the Order Limits”. This drafting approach does not affect the limits of deviation for the works which are controlled under article 6. This removal is carried through to the re-made A303 Amesbury to Berwick Down Development Consent Order 2023.</p> <p>This provision is necessary for the Project because it has not yet been designed in</p>		

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			<p>detail. It is necessary to have a proportionate degree of flexibility when constructing the Project, reducing the risk that the Project as approved cannot later be implemented for unforeseen reasons, but at the same time, ensuring that any flexibility will not give rise to any materially new or materially different environmental effects.</p> <p>The Applicant has requested examples of an impact which it considers is not covered by the Secretary of State's established and preferred terminology ("materially new or materially different"). The Council suggested Noise and Flooding were examples of such impacts. However, the Applicant considers that the Environmental Statement provides detailed assessment and proposed mitigation of these effects, which would therefore fall within the limitations set out in the DCO regarding any material change to the Project.</p>		
<p>Land Rights Extent of Pink Land (which is land proposed for permanent acquisition), Article 28</p>	<p>2.1.15</p>	<p>The Council does not dispute that the power in Article 28 has precedent or that it may be appropriate for the power to apply to some area of the Order Limits. The Council are exploring more detailed justification for pink and blue land with the land and property team. We have yet to discuss how such detail will be included within the Statement of Reasons (SoR) or</p>	<p>The Applicant emphasises that the land included in the Order Limits is both necessary and proportionate to ensure the expeditious delivery of the Project. Reasonable steps to reduce the extent of 'pink land' have been taken, and the Applicant will continue to identify areas of opportunity to reduce the amount of permanent acquisition land required as the</p>	<p>Draft Development Consent Order [REP5 024]</p>	<p>Matter Not Agreed</p>

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		dealt with in a separate legal agreement. The Council is concerned that National Highways has not taken all reasonable steps to reduce the area of 'pink' land as much as possible, as we understand some is due for hand-back.	detailed design for the Project is developed.		
<p>Consent Process Time Limit for acquisition, Article 27</p>	<p>2.1.16 LIR</p>	<p>The Council is not satisfied that the 8-year time period has been justified.</p> <p>The majority of DCOs provide a 5-year time period for acquisition. Where the applicant is seeking a longer period, this must then place a substantive burden on them to justify this extended period of time.</p> <p>The limited examples provided in response to the Council's comments which have granted a longer time period - being the Thames Tideway Tunnel (a 25km Super Sewer) and Hinkley Point C (a National Grid project delivering 57km electricity connection) – do not provide any meaningful comparison. Furthermore, the majority of NSIPs have sought and secured powers with powers extending to only 5 years.</p> <p>The Council are not aware of any highways project of this nature which has been granted such an extended period.</p> <p>The new change to amend the definition of 'start date' at 27(3) exacerbates this position – increasing the level of time and</p>	<p>The Applicant has already reduced the time period for compulsory acquisition from 10 years down to 8 years and considers this time period to be necessary and proportionate taking into account the length of the construction programme and the size of the Project.</p> <p>In relation to the time period, and the start of the relevant period, please see the Applicant's responses provided within responses to Annex A of the agenda for Issue Specific Hearing 2 (ISH2).</p> <p>As regards the novel and unprecedented suggestion that different compulsory acquisition periods should be applied to different parcels of land, this is not considered necessary or proportionate and would give rise to significant uncertainty about the interconnection between the works. The Applicant considers that this would result in greater uncertainty for landowners.</p>	<p>Draft Development Consent Order [REP5-024] ISH2 Discretionary Submission Annex A Responses [AS-089]</p>	<p>Matter Agreed</p>

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		<p>uncertainty faced by landowners. This is on top of the already extended time period. The Council does not accept that this change is suitable.</p> <p>The Council has suggested that where elements of the project may require a period in excess of 5 years, that the time period is extended to these sections of the land only.</p> <p>In particular, consideration be given to:</p> <ul style="list-style-type: none"> • limiting the land to which this provision applies • limiting the categories of work to which this provision will apply. <p>The Council has proposed wording as part of its submission to the LIR that would achieve this.</p> <p>In relation to Articles 30(2) and 30(4), time limits to be reviewed in accordance with actions set out at Article 27.</p>			
<p>Land Rights Power to maintain land after works completed, Article 36</p>	<p>2.1.17 LIR</p>	<p>The Council does not dispute the relevance of the power to maintain land after works have been completed but considers that further efforts should be made to reduce the area of land to which this power is subject.</p> <p>Wherever National Highways can reasonably rule out a need for maintenance on an area of land, that area</p>	<p>The Applicant welcomes the Council's confirmation that it accepts the principle which underpins the inclusion of this provision. The power under article 36(1) is intended to provide the Applicant with the powers to maintain parts of the authorised development. This is a necessary and proportionate power provided for in every transport development consent order and</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO at</p>	<p>Matter Not Agreed</p>

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		<p>land should be excluded from this provision.</p> <p>At Article 36(2), the 28-day Notice period is considered insufficient (See further comments at 'Land Rights Article 35(3)).</p>	<p>is required to ensure that the Applicant has the necessary powers to maintain the authorised development. In addition, under the proposed Register of Environmental Actions and Commitments, the Applicant is proposing to commit to specific maintenance activities in relation to environmental mitigation. Powers to maintain the authorised development are therefore necessary.</p> <p>In relation to the Council's comments on article 36(3), see the Applicant's comments on article 35(2) provided in its responses to IP comments made on the draft DCO at Deadline 1.</p>	<p>Deadline 1 [REP2-077]</p>	
<p>Land Rights Replacement 'special category' land, Article 40</p>	<p>2.1.18 LIR</p>	<p>There currently appears to be a significant risk of delay in replacement land being provided. The wording should follow the Model Provisions, i.e. the replacement land should be delivered before the special category land is vested in the applicant. Otherwise, there is at least a temporary loss of open space, and a potential long-term risk of loss/non delivery.</p> <p>Clear justification is needed if fully implemented replacement land is not in place prior to vesting. The direct impact of this will be felt by those who use this valuable resource without compensation.</p> <p>The Model Provisions specifically require</p>	<p>The Applicant's position in response to the Council's comments on article 40(1) is set out in its written submissions on Issue Specific Hearing 2 (ISH2).</p>	<p>Draft Development Consent Order [REP5-024] ISH2 Discretionary Submission Annex A Responses [AS-089]</p>	<p>Matter Not Agreed</p>

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		<p>that the approved scheme has been implemented on the replacement land prior to the special category land being discharged from its rights, trusts and incidents.</p> <p>The Council does accept that there are DCOs where this has been approved, but this is not considered to be a scheme where it is appropriate for the land to be vested, until the alternative land has been delivered.</p>			
<p>Rights of Way Public rights of way, Article 14 – permanent stopping up of streets</p>	<p>2.1.19</p>	<p>The Council is of the view that the draft DCO should contain a new article which specifically authorises the extinguishment of public rights of way other than streets for clarity. This should no longer be dealt with in Article 14. The Council cites the Thames Water Utilities Limited (Thames Tideway Tunnel) (TTT) Order 2014 and West Midlands Rail Freight Interchange Order 2020 as examples.</p>	<p>The Applicant acknowledges the separate provision in the examples cited, but notes that not all development consent orders include such a provision (for e.g. the A19 Downhill Lane Junction Development Consent Order 2020; the A19/A184 Testo's Junction Alteration Development Consent Order; and the M42 Junction 6 Development Consent Order 2020). The Applicant does not consider that a duplicated provision provides “clarity” in this case – in fact, duplicate provisions could generate confusion. The current drafting approach already satisfies the requirement of legal certainty. Substituting the existing provision is not considered appropriate given the status of public rights of way is not a matter which is, strictly speaking, a compulsory acquisition issue.</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Agreed</p>

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<p>Consultation Works to listed buildings, Article 20 - protective works to land and buildings</p>	<p>2.1.20</p>	<p>The Council are asking to be consulted, and for Historic England to be consulted, prior to works being undertaken to listed buildings. We are not proposing a requirement for Council or Historic England consent, although the comments from both the Council and Historic England should be taken into account. There is no logic in keeping contractors in the dark about how best to avoid damaging those features for which buildings are listed. Whether National Highways and their contractors act on the advice from the Council and Historic England is at the discretion of National Highways.</p>	<p>The Applicant proposes to amend the provision to include the following: (9) Where the undertaker exercises the power under paragraph (1) in relation to a listed building, the undertaker must, except in an emergency— (a) serve the notice served on owners and occupiers of a building or land under (5) on the local planning authority and Historic England; and (b) have due regard to any response received from the local planning authority or Historic England within the period specified in the notice provided under paragraph (5).</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Agreed</p>
<p>Human Remains Processes in relation to human remains, Article 22 (14) – removal of human remains</p>	<p>2.1.21 LIR</p>	<p>The principle of this provision is accepted. However, the effect of Article 22(14) is to remove the requirement to advertise the fact that human remains have been found. Not all DCO's contain this exemption. The Council wishes to understand how the applicant intends to work out that no relative or personal representative of the deceased is likely to object when no advertising of the remains has been undertaken. This is a departure from the Model Provisions and requires further explanation, so parties can comment on the proposed process.</p>	<p>Article 22(12) ensures that no notice is required to be published under article 22(3), where the Applicant is satisfied that the remains were interred more than 100 years ago or that no relative or personal representative of the deceased is likely to object to the removal of the remains in accordance with the article. The Applicant considers that it is reasonable to expect that it is unlikely that there would be any surviving relatives or personal representative of persons interred more than 100 years ago but has provided an additional safeguard for exceptional circumstances where it appears that an</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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		<p>At Article 22(19), no explanation for the disapplication of the Town and Country Planning (Churches and Places of Religious Worship and Burial Ground) Regulations 1950 has been provided.</p>	<p>objection could be made.</p> <p>The Applicant would take account of a number of relevant considerations in determining that no relative or personal representative of the deceased is likely to object. Furthermore, the exercise of this powers should be considered in the light of the Applicant's status as a public body subject to public and administrative law duties. The Applicant further notes that the proposed interference with human remains is limited to "removal of human remains", following which a direction must be sought from the Secretary of State as to their subsequent treatment (under article 22(15)) – this will allow the Project to proceed unimpeded, but ensures that appropriate safeguards are in place.</p> <p>Article 22(14) is identical to a provision in the M42 Junction 6 Development Consent Order 2020 and A303 (Amesbury to Berwick Down) Development Consent Order 2022.</p> <p>On the disapplication of the Town and Country Planning (Churches and Places of Religious Worship and Burial Ground) Regulations 1950, those regulations make provision in connection with the removal of remains. The effect of Article 22 is to replace the existing and disparate regimes for regulating the removal of human</p>		

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			remains and consolidate the applicable provisions in a single article in the Order. Article 22(19), which contains this disapplication, is identical to a provision in the M42 Junction 6 Development Consent Order 2020 and A303 (Amesbury to Berwick Down) Development Consent Order 2022.		
<p>Environment Removal and restoration of compounds, Article 35(6)</p>	<p>2.1.22</p>	<p>We note the powers in Article 35(6). The Council is concerned about when the removal of the compounds will occur. It is noted that the same provisions are in the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 and yet a number of compounds remain unrestored over 2 years after works were completed.</p> <p>The Council is of the view that a requirement for a site restoration scheme to be agreed with the relevant planning authority is needed in connection with the site compounds, with the aim to return the site to the condition it was in prior to construction, unless otherwise agreed with the local planning authority.</p>	<p>The Applicant does not consider this provision necessary in light of article 35(6) of the draft DCO which requires restoration, and the controls contained in the outline Landscape and Ecology Management Plan (secured under Requirement 5). Indeed, provision of an additional scheme may conflict or duplicate the measures secured in the Landscape and Ecology Management Plan.</p> <p>The Applicant highlights that article 35(5) states that '<i>The undertaker may not, without the agreement of the owners of the land, remain in possession of any land... after the end of the period of one year beginning with the date of completion of the part of the authorised development.</i>'</p> <p>The draft DCO, therefore, ensures that land is returned to owners 1 year after the completion of the relevant works. The Applicant's other DCOs provide a period of 2 years rather than 1, as per the proposed draft DCO in the context of the Council's</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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			claim that the draft DCO seeks the "widest" possible powers.		
Environment Ability to review the Environmental Management Plan (Second Iteration), "Schedule 2, paragraph 4	2.1.23	Despite the mitigation measures in the Register of Environmental Actions and Commitments (REAC) being based on a reasonable worst-case scenario, it is the Council's opinion that in exceptional circumstances it can be updated. For example, if it was identified that significant environmental harm was being caused, the plan should be capable of adaptation to stop the harm being caused. Whilst it is noted that the Secretary of State has previously authorised projects without this requirement, the last 3 years has seen exceptional domestic and international changes and challenges. There is a real risk that the current inflexible drafting could lead to the project continuing, despite known significant harm being caused.	The Applicant does not consider the Council's proposed approach to be necessary or proportionate in light of the fact that the environmental and traffic assessments are based on a reasonable worst-case scenario. The construction methodology is controlled via the various control documents provided (e.g. the Traffic Management Plan for Construction must be substantially in accordance with the outline Traffic Management Plan for Construction). Moreover, the outline management plans will provide mechanisms for ongoing engagement and coordination which is considered sufficient to deal with the "exceptional" circumstances referred to by the Council.	Draft Development Consent Order [REP5-024]	Matter Not Agreed
Environment Consultation with the Council on the EMPs (Third Iteration), Schedule 2, Requirement 4	2.1.25 LIR	The Council should be consulted on the EMP Third Iteration and acknowledge that this is a management plan relating to the operation and maintenance of the authorised development. However, the operation of the strategic road network has the potential to have significant impacts on the local road network, especially when the project proposes to disconnect the existing strategic road network (SRN) port link	Requirement 4 – the Applicant's position on this is set out in its responses to the Annex A of the Agenda for Issue Specific Hearing 2 (ISH2) and Post-event submissions, including written submission of oral comments, for ISH2 . For the avoidance of doubt, the suggestion that the council has "not been consulted on this document" is not correct. Section 3 of the version of the Code of Construction Practice included in	Draft Development Consent Order [REP5-024] ISH2 Discretionary Submission Annex A Responses [AS-089]	Matter Not Agreed

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		<p>between the A13 west-bound and the A1089 south-bound and instead divert this traffic via local authority roads. Considering the limited engagement by the applicant with the Council on the impact on the local road network, the Council has real concerns that National Highways is making decisions regarding the operation of the strategic road network without considering the impact on the local road network.</p>	<p>the Community Impacts Consultation was an early iteration of this document. The Council provided comments on that document, including section 3 (i.e., the early version of this document).</p> <p>The Applicant does not agree with the Council's statement that there has been "limited engagement...on the impact on the local road network". The Applicant would also highlight its obligations under the National Highways Licence (April 2015) at paragraphs 4.2(f) and 5.17(c) as set out below:</p> <p><i>"4.2 Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to...</i></p> <p><i>f. Cooperate with other persons or organisations for the purposes of coordinating day-to-day operations and long-term planning;</i></p> <p>...</p> <p><i>5.17 - In complying with 4.2(f) and its general duty to cooperate under section 5(1) of the Infrastructure Act 2015, the Licence holder should co-operate with other persons or</i></p>	<p>Post-event submissions, including written submission of oral comments, for ISH2 [REP1-184]</p>	

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			<p><i>organisations in order to...</i></p> <p><i>c. Take account of local needs, priorities and plans in planning for the operation, maintenance and long-term development of the network (including in the preparation of route strategies, as required at 5.13);"</i></p>		
<p>Environment Contaminated land - Schedule 2, Requirements 4 and 6</p>	<p>2.1.26 LIR</p>	<p>The Council's key concern is that historic contamination is picked up too late. Requirement 6 is only engaged when carrying out the authorised development, whereas the Council suggests that there needs to be a more robust understanding of ground conditions before the construction commences.</p> <p>Accordingly, the Council suggest the following additional requirement for Geology and Soils:</p> <p>(1) No part of the Works may commence until an investigation and assessment report to identify ground conditions and ground stability has been submitted to and approved by the relevant planning authority.</p> <p>(2) The report submitted pursuant to subparagraph (1) must identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants</p>	<p><u>Requirement 6</u> - Requirement 6 would apply to any contaminated land identified post-DCO, and which has not been identified in the Environmental Statement. Historical contamination has been identified to date as part of the environmental impact assessment process. The site investigations carried out are appropriate for this stage of development. Requirement 4 requires that an Environment Management Plan (Second Iteration) (EMP2) is submitted and approved by the Secretary of State. That plan must reflect the mitigation measures in the Register of Environmental Actions and Commitments (REAC), within ES Appendix 2.2: Code of Construction Practice.</p> <p>The REAC includes the following relevant measures:</p> <p>GS001 - requirement to undertake further investigation for detailed design.</p> <p>GS016 - requirement to prepare a verification plan after remediation.</p>	<p>Draft Development Consent Order [REP5-024] Register of Environmental Actions and Commitments (REAC), within ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Not Agreed</p>

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		<p>remaining on the site.</p> <p>(3) In the event that the report submitted pursuant to sub-paragraph (1) identifies necessary remedial measures, no part of the Works may commence until a remediation verification plan for that part has been submitted to and approved by the relevant planning authority.</p> <p>(4) The authorised development must be carried out in accordance with the approved report referred to at sub-paragraph (1) and, where necessary, the approved plan referred to at sub-paragraph (3)</p>	<p>GS018 - investigation to inform gas regime and appropriate mitigation in design of structures on site.</p> <p>GS027 - requirement to develop site specific remediation in consultation with the relevant local authority.</p> <p>MW005 – requirement for pre-demolition surveys. Demolition materials would be identified and quantified including potential sources of recycled aggregate to be reused on site, as well as hazardous materials such as asbestos.</p> <p>MW010 – requirement to comply with waste storage and handling requirements required by legislation, e.g. for asbestos or waste electronics where practicable in order to reduce the quantities of waste requiring offsite management, enhance recovery and recycling rates and minimise the generation of hazardous waste.</p> <p>On the basis that EMP2 will be required to reflect these commitments, it is considered that there are measures in place to capture and if necessary to address historical contamination in connection with the Project. The mitigation measures detailed above are standard practice on schemes such as this. More particularly, if unacceptable contamination is encountered then a site-specific</p>		

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			remediation strategy would be prepared (GS027) and the local authority would be consulted on the strategy prior to work taking place – this would give the Council an opportunity to provide input if they deem this to be necessary. After remediation, a verification report would be prepared (GS016) detailing the work undertaken and these reports would be provided to the Council and the Environment Agency for review.		
Environment Landscaping plan, Schedule 2, requirement 5	2.1.27	The Council is concerned that there are no timeframes for the submission, approval or implementation of the Landscape and Ecological Management Plan (LEMP) or more detailed landscaping plans/details. The Council has suggested that this be prior to the commencement of any part of the authorised development. National Highways disagrees and will be sending an update on this matter.	The Applicant has amended the provision so that it requires the submission and approval of a Landscape and Ecology Management Plan prior to the opening of that part of the authorised development. Matters dealt with under the LEMP include operational aspects and long-term maintenance. It would therefore not be appropriate to require a landscaping scheme (now replaced with a landscape and ecological management plan) to be finalised prior to the commencement of construction. Following the amendments made by the Applicant, it is understood that the Council has indicated that it is not content with the provision in Schedule 2, Requirement 5.	Draft Development Consent Order [REP5-024]	Matter Agreed
Environment Traffic	2.1.28 RRE	The Council considers that traffic monitoring should include noise and air	The purpose of Requirement 14 is to monitor levels of traffic related issues like	Draft Development	Matter Not Agreed

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Monitoring to include and air quality monitoring, Schedule 2, requirement 14	LIR	quality. It should not lead to changes due to the environmental and traffic assessments being based on a reasonable worst case scenario. However, in the event that there are significantly worse environmental outcomes this monitoring will allow them to be identified and ultimately mitigated.	congestion; it is not intended to deal with noise and air quality monitoring. The issues relating to Air Quality are addressed in detail in Part 3 of the response to Thurrock Council's Local Impact Report.	Consent Order [REP5-024] Comments on LIRs Appendix H – Thurrock Council (Part 3 of 5) [REP2-064]	
Consent Process Updating of control documents including the CoCP, oTMPfC, FCTP and oMHP, Schedule 2	2.1.29 LIR	<p>The Council's position is that just because documents are based on a 'reasonable worst case scenario' does not mean that they cannot become unrepresentative. This is especially true given the affects of the pandemic and the drive to reach Net Zero. The Council does not accept that under no circumstances should the documents be capable of review, although it is anticipated that only in exceptional circumstances will they be reviewed.</p> <p>The Council notes that as set out 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). Furthermore, we understand an issue has arisen on the M25 J28 DCO, where NH sought to amend an agreed Control Document that was part of the DCO grant. Therefore, this reemphasises the</p>	<p><u>Updating of control documents</u> – The Applicant objects in the strongest possible terms to this highly novel approach suggested by the Council. It does not consider the proposed approach is reasonable or proportionate in light of the fact that the environmental and traffic assessments are based on a reasonable worst-case scenario. The construction methodology is controlled via the various control documents provided (e.g., the traffic management plan for construction must be substantially in accordance with the outline traffic management plan for construction). The Requirements would require further consultation on updated iterations of the control documents. Moreover, the outline management plans will provide mechanisms for ongoing engagement and coordination which is considered sufficient to deal with the highly unlikely "exceptional" circumstances referred to by the Council. The Applicant refers to its response in</p>	<p>Draft Development Consent Order [REP5-024] Outline Traffic Management Plan for Construction [REP5-056] Applicant Response to Procedural Decisions of 21 March 2023 [AS-086]</p>	Matter Not Agreed

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		<p>need for an appropriate securing mechanism to be finalised prior to DCO grant.</p> <p>The Council understands the need for certainty in relation to the Project, and the reasons why the environmental and traffic assessments are based on a reasonable worst-case scenario.</p> <p>However, the last two years has seen unprecedented change in how we live and work. This is combined with significant environmental concerns and the need to reduce carbon emissions.</p> <p>Accordingly, there needs to be the ability to review and amend the scheme in exceptional circumstances. This is because the likelihood of there being exceptional circumstances, although low, is significantly higher than it might have been two years ago.</p> <p>We note that the outline management plans will provide mechanisms for ongoing engagement and coordination, however the Council does not consider this sufficient because the Council is only consulted, it does not provide the Council with either approval rights or for the applicant to take into account our comments.</p> <p>The Council notes the comments in AS-086, however this does not account for</p>	<p>relation to the Written Ministerial Statement which sets out how further monitoring and survey work would be carried out (see pages 4 to 6 of Applicant Response to Procedural Decisions of 21 March 2023). In light of these controls, no further amendment to the dDCO is considered necessary.</p> <p>The Applicant notes that even though this comment would apply to any DCO project promoted by the Applicant (including complex infrastructure of a similar size and scale to the Project), the Secretary of State has not considered such a requirement to be appropriate or necessary. The Applicant considers that the suggested approach would have implications well beyond the Project and impose an unprecedented and wholly inappropriate effect on development in the UK.</p> <p>For these reasons, the written ministerial statement does not affect the Applicant's position.</p>		

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		<p>what could be very considerable changes over the coming years.</p> <p>The Council's view on the triggers for an update to TMPs is covered in Sections 15.2 and 15.6 of its LIR.</p> <p>The Council will review the applicants position on this issue as part of its D3 submission.</p>			
<p>Consent Process</p> <p>Side agreement/DLO A - Schedule 14</p>	<p>2.1.30</p>	<p>We look forward to seeing the proposed DLOA/side agreement.</p> <p>Within Sections 9.8, 15.6 and 15.3 of its LIR, the Council provides its view on the need for a DLOA and a suitable side agreement to be agreed prior to the conclusion of the Examination.</p> <p>Within Sections 9.8, 15.6 and 15.3 of its LIR, the Council provides its view on the need for a DLOA and a suitable side agreement to be agreed prior to the conclusion of the Examination. That DLOA will confirm the application and disapplication of the clauses within the NRSWA 1991 and the Traffic Management Act 2004.</p> <p>Notwithstanding the additional material within the oTMPfC, the Council are now recommending that the content of the DLOA and its side agreement are contained within Protective Provisions (PP). LB Havering / TfL (with in principle</p>	<p>The Detailed Local Operating Agreement (DLOA) will be developed during the Contractor mobilisation phase, however the outline Traffic Management Plan for Construction (oTMPfC) sets out a framework.</p> <p>The Applicant has responded the Council's comments regarding the DLOA and side agreement in Part 4 of 5 of the Applicant's response to Thurrock Council's Local Impact Report.</p> <p>Please note that matters 2.1.117 and 2.1.129 of this SoCG also refer to the DLOA.</p> <p>A discussion on this matter was held on 29 August 2023 where the Council agreed to send further feedback around the framework of the DLOA in the oTMPfC.</p> <p>The Applicant would like to highlight for the avoidance of doubt that the DLOA would be agreed at the implementation stage.</p>	<p>Outline Traffic Management Plan for Construction [REP5-056]</p> <p>Comments on LIRs Appendix H – Thurrock Council (Part 4 of 5) [REP2-065]</p> <p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Under Discussion</p>

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		<p>support from Essex CC and Kent CC to be received) have proposed significant amendments to the NH draft PPs and the Council will be supporting that fuller draft within its D6 submission. The Council will therefore wait for comments from NH.</p>	<p>The oTMPfC specifically secures a process for this (see paragraph 3.2.2 of the oTMPfC) and the Protective Provisions for Local Highway Authorities further confirms this (see paragraph 143 in Schedule 14, Part 11 of the draft DCO). The Applicant provided the Council with an indication of what this operating agreement could look like, but this is not intended to be entered into at this stage.</p> <p>This matter remains under discussion, and the Applicant will review the amendments suggested by the LHAs referenced.</p>		
<p>Responsibility Protective provisions for drainage authorities, Schedule 14, Part 3</p>	<p>2.1.31 LIR</p>	<p>The Council appreciates the applicant's reasoning around disapplying Land Drainage Act Powers when the Project spans multiple LLFA areas. However, the Council considers that that ultimately enforcement action should be carried out at the discretion of the LLFA in accordance to their respective enforcement policy and protocol. This is to avoid a disjointed approach within the Council's administrative area.</p> <p>The Council does not consider it possible to include parts of enforcement policy/protocol in the protective provisions as this comes as a complete package (i.e. procedure, timescales, etc).</p>	<p>The Applicant does not agree that enforcement action should be carried out at the discretion of the LLFA in accordance with each drainage authority's Enforcement Policy and Protocol, in place of the provisions in Schedule 14, Part 3 to the dDCO.</p> <p>The purpose of the 2008 Act was, and is, to streamline consents, and to acknowledge that because of their importance, and scale, the regimes which would otherwise apply could and should be disapplied. It is acknowledged that protections should be in place and the Applicant considers that the dDCO includes proportionate protections and safeguards for drainage authorities.</p> <p>Parliament set out the enforcement</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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		<p>In relation to previous examples of this in DCOs, we note that it is far from universal that the usual enforcement provisions in the Land Drainage Act 1991 are disapplied. For example, refer to the A30 Chiverton to Carland Cross Development Consent Order 2020.</p> <p>Schedule 14, Part 3, Paragraph 23(5)(b) refers to the removal of obstructions in watercourses. The Council maintains that the current wording places an unacceptable risk on residential properties. The Council understands National Highway's comments about the fact that, in some instances, it may not be practical to remove an obstruction within 14 days. However, generally the applicant should be aiming to remove obstructions within set timescales and where there are exceptions to be made, these can be negotiated with the LLFA on a case by case basis. This will ensure that the risk of watercourse flooding is reduced as it will place some urgency on the applicant to remove obstructions from any watercourses under their care. The risk is that only including 'as soon as reasonably practicable' will mean that bias is placed on the practicality for the applicant of carrying out the work, rather than the increased flood risk the</p>	<p>provisions which it considered should apply in Part 8 of the 2008 Act, and the dDCO does not modify those provisions.</p> <p>The proposed wording, "as soon as reasonably practicable" in paragraph 23(5)(b) already places urgency on the Applicant to remove any obstructions in waterways. The Applicant firmly rejects the assertion that the wording "as soon as reasonably practicable" could put residential properties at unacceptable risk owing to bias. It would be unreasonable to require the Applicant to separately negotiate specific timescales with the Council, and it would be unreasonable to spend time negotiating a time period, when time and resources would be better spent on resolving the obstruction as soon as reasonably practicable. It is not considered appropriate for the Applicant, as a public sector body which utilises public funds, to carry out unreasonably practicable steps. The protective provisions allow any disputes as to reasonableness to be settled under the arbitration article, article 64, in the dDCO.</p> <p>Maintenance for the period of 12 months after the completion of the work is appropriate in circumstances where the Applicant has completed the works which have been approved under paragraph 20.</p>		

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		<p>obstruction will cause (which could put residential properties at greater risk).</p> <p>The Council is of the view that the maintenance period should run from operation of the Project for a period of 12 months, rather than from commencement of construction of the specified work until the date falling 12 months from the date of completion of the specified work, given the LTC development will be under construction for a period greater than 12 months and drainage work will need to be maintained throughout.</p>			
<p>Traffic Management Ability to review traffic assessment, Schedule 2</p>	<p>2.1.32</p>	<p>The Council is concerned that traffic assessments will become out of date due to significant changes on how the transport network is utilised. To continue working on a project without amendment, despite knowing major changes to the transport network will hinder the effective operation of the project, is not in the public interest. The Council understands the need for certainty in relation to the Project and the reasons why the environmental and traffic assessments are based on a reasonable worst-case scenario. However, the last two years has seen unprecedented change in how we live and work. This is combined with significant environmental concerns</p>	<p>The Applicant refers to the response provided under Item No. 2.1.29 of the SoCG, which sets out its position in relation to updating control documents and traffic assessments.</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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		and the need to reduce carbon emissions. Accordingly, there needs to be the ability to review and amend the Project in exceptional circumstances. This is because the likelihood of there being exceptional circumstances, although low, is significantly higher than it might have been two years ago.			
Planning Construction of accesses, Article 11	2.1.33	The Council has no further comments, so long as the accesses are created to an appropriate standard, which we assume will be set out in the Code of Construction Practice. Please confirm.	The Applicant confirms that the Code of Construction Practice will set out that accesses should be constructed to an appropriate standard.	ES Appendix 2.2: Code of Construction Practice [REP5-048]	Matter Agreed
Environment DCO Requirement for ecological and landscape mitigation	2.1.34	The Council, seek the inclusion of a DCO Requirement for ecological and landscape mitigation proposals to be included in the draft DCO, and for the Council to approve the details.	Requirement 5 of the draft DCO deals with landscape and ecology matters and the Council will be consulted under that provision. The Applicant refers to the response provided under Item No. 2.1.3, which sets out the Project's position in relation to the Secretary of State being the appropriate discharging authority.	Draft Development Consent Order [REP5-024]	Matter Not Agreed
Environment EIA mitigation secured through the EMP2	2.1.35	The Council is of the view that the weak approach to EIA mitigation being secured through an EMP2 which merely 'reflects' the REAC is of potential concern as National Highways will have less control over the implementation of 'Non-Contestable' works by utilities statutory undertakers.	This phrasing is used successfully across the Applicant's DCO portfolio and there have been no instances where the issue raised by the Council has arisen. This is an "in principle" concern which would apply to any other project of the Applicant with utilities works but where the word "reflect" is used (e.g. the M42 Junction 6 Development Consent Order 2020, and the	Draft Development Consent Order [REP5-024]	Matter Not Agreed

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		The Council requires stronger wording such as 'incorporating all the mitigation measures in the REAC'.	A19/A184 Testo's Junction Alteration Development Consent Order 2018).		
Traffic Management 2.3.1 to 2.3.4 (Traffic Management Plan (TMP) Consultation and Approval)	2.1.36	The document now clearly commits the contractor to the preparation of TMP/TMPs for approval. It also includes a commitment to consultation with 'the relevant authorities' (which should be defined) on the TMP/TMPs prior to submission to the SoS at 2.3.3. The Council has made representations to National Highways, however, to express that the Council should be the approving authority of the document rather than a consultee. The Council has no certainty that it will be listened to, or commitments actioned, and sanctions taken if it is not the approving body. National Highways refers to reporting to the SoS that consultation with Local Authorities has been undertaken, however, the evidence to the SoS must include a report as to what feedback was received and how it has been addressed. This is fundamental if the local authority is not to be the approving body. The local authority must have the right to respond to the report and a system of conflict resolution identified.	The Applicant's position in relation to the Secretary of State being the appropriate discharging authority, is set out in the response provided under Item No. 2.1.3 of the SoCG. Schedule 2 (Part 2) Requirement 10 of the draft DCO requires that ' <i>evidence to the SoS must include a report detailing feedback received and how it has been addressed.</i> ' There is a specific provision which requires the provision to the Secretary of State of ' <i>any representations made by that authority or statutory body about the proposed application, and a written account of how any such representations have been taken into account in the submitted application</i> ' in the draft DCO. The Applicant does not agree that the Council needs to comment on this report: if the Secretary of State considers that the representations are not considered adequately and the application for an approval is deficient, they will simply not grant the approval. The DCO requirement balances the need to consult and avoid unreasonable delays in implementing the consent if granted.	Draft Development Consent Order [REP5-024]	Matter Not Agreed

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Consent Process Lack of information on certain provisions	2.1.37 LIR	It is the view of the Council that the inclusion of novel drafting in one DCO does not mean that this is the current established preference of the SoS (see also paragraph 1.5 of Advice Note 15). There are a number of instances where wording has been chosen to provide a significant amount of flexibility to the applicant, with little explanation except that a project of this size should not be delayed. For example, no explanation has been provided to the Council as to why such broad Order Limits are in the public interest (Article 6), how deemed consent is in the public interest (Articles 12,17,19,21 and Requirement 13) and how the applicant intends to establish whether remains were interred more than a hundred years ago (Article 22).	The Applicant's position is set out in its responses to Annex A of the agenda for Issue Specific Hearing 2 (ISH2); and Post-event submissions, including written submission of oral comments, for ISH2.	ISH2 Discretionary Submission Annex A Responses [AS-089] Post-event submissions, including written submission of oral comments, for ISH2 [REP1-184]	Matter Not Agreed
Environment Articles 28(5), 30(5) & 31(14)	2.1.38 LIR	The Council seek further justification for the exclusion of subsoil and airspace from the existing statutory counter notice provisions. No clear reason why existing statutory protections should be disapplied under this scheme. The Council seek specific and detailed evidence in relation to both the need and anticipated effect of these changes. Responses from the applicant have indicated that they do not consider that	The counter notice procedures under Schedule 2A are only applicable where notice to treat has been served but entry has not yet been taken. The purpose of the modification in article 28(5)(b) is to clarify that where temporary possession of land is taken under articles 20, 21, 35 or 36, such entry does not legally constitute the taking of entry and possession pursuant to the exercise of powers of acquisition (i.e. through the notice to treat and notice of	Draft Development Consent Order [REP5-024] ISH2 Discretionary Submission Annex A Responses [AS-089]	Matter Not Agreed

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		<p>'material detriment' is not relevant to the acquisition of subsoil, and so counter notice provisions requiring acquisition of retained land are not relevant.</p> <p>Whilst it may be the case that material detriment is less likely in the case of a tunnel project, it is not accepted that the considerations are simply not relevant and this has not been addressed in the EM.</p> <p>If the applicant is confident that there will be no material detriment, then the Council suggests that there should be no issue retaining the provision, as this will not then be a remedy available to a landowner.</p> <p>It is noted that previous tunnel DCOs have included similar provisions, but this does not preclude, as a minimum, a detailed analysis/consideration at this stage of why there will in fact be no potential detriment to any of the landowners with the Order Limits.</p>	<p>entry procedures provided for by the CPA 1965). Accordingly, where land is only to be used and possessed temporarily, it is clear that the counter notice procedures under Schedule 2A does not apply.</p> <p>The Acquisition of Land Act 1981 explicitly permits the disapplication of Schedule 2A in relation to subsoil. The approach adopted by the Project is consistent with every tunnel-based DCO project, including the TTT Order, A303 (Amesbury to Berwick Down Development Consent Order 2020, and the Silvertown Tunnel Order 2018).</p> <p>The Applicant's position on the appropriateness and proportionality of its approach to the drafting of article 28(1) is provided in its responses to Annex A of the agenda for Issue Specific Hearing 2 (ISH2). The Applicant does not consider any concerns have been particularised to allow for a constructive response.</p> <p>The justification for the acquisition of land and rights is contained in substantial detail in the Statement of Reasons.</p> <p>As regards the Council's comments on the time limits for the exercise of the power in article 28, see the responses provided above in relation to article 27.</p> <p>Article 28(6) provides that, where the Applicant needs only to acquire rights over</p>	<p>Statement of Reasons [REP5-028]</p>	

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			<p>land, it shall not be obliged to acquire any greater interest in that land. That is appropriate in the case of the acquisition of rights, and is heavily precedented (having been included in virtually every DCO which contains the equivalent provision).</p> <p>The Council raises comments on Article 33 and material detriment. The Applicant's view is that the material detriment provisions are not relevant in the case of subsoil acquisition (in all developments, including the Project). The approach adopted is consistent with tunnels projects and applies to this specific Project.</p> <p>The Council's comments on precedent are misconceived. This point of principle (i.e., that material detriment provisions are not relevant to the acquisition of subsoil) has been accepted in non-tunnels DCO projects, see for example A585 Windy Harbour to Skippool Highway Development Consent Order 2020, A30 Chiverton to Carland Cross Development Consent Order 2020, A19/A184 Testo's Junction Alteration Development Consent Order 2018 and the M42 Junction 6 Development Consent Order 2020. This principle applies to the Project. The Applicant's agrees that provisions need to be appropriately justified, but considers that the Council's positions is less about seeking appropriate</p>		

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			justification and more about questioning issues of principle (which apply to the Project) and which have been endorsed widely.		
Planning Article 29(4)	2.1.39	The Council is concerned that the provisions in article 29(4) as drafted would allow National Highways to cut off essential services to land such as water or electricity and is of the view that this needs to be specific and restricted.	Article 29(4) does not authorise the suspension of utility services; it deals with private rights, and the rights belonging to utility undertakers (including those in connection with the supply of a service) are excluded by operation of article 29(5). The Applicant notes that the suspension of private rights under article 29(4) is subject to the Applicant serving a notice specifying the right is not extinguished, or an agreement with the landowner (see article 29(7)).	Draft Development Consent Order [REP5-024]	Matter Agreed
Consent Process Article 29(9)	2.1.40	Further justification for wide interpretation of private rights to be provided, including examples of practical application.	Following provision of further justification and no further comment from the Council, the Applicant considers this matter agreed.	Draft Development Consent Order [REP5-024]	Matter Agreed
Consent Process Article 33(1)	2.1.41	National Highways to provide further justification and expected impact on compensation. Article 33(1) allows the applicant to purchase only the airspace or subsoil. Whereas, the Council wanted to be able to make investigations to determine if an unacceptable impact is created in any of their interests. Nothing is raised on this	Following provision of further justification and no further comment from the Council, the Applicant considers this matter agreed.	Draft Development Consent Order [REP5-024]	Matter Agreed

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		issue.			
Compensation Article 39(2)	2.1.42	<p>The Council is of the view that Article 39(2) – Provision relating to the recovery of costs of new connections should be extended to cover compensation for losses, not just expenditure.</p> <p>If a person suffers losses as a result of the removal of a drain or sewer, then it is entirely reasonable they should be compensated for losses as well as expenditure.</p> <p>This would of course be subject to evidence and reasonable mitigation of losses – as with all compensation payments.</p> <p>NH has suggested that no justification has been given for this assertion. The Council considers the suggestion to be self evident and sees no reason why NH would object to paying properly and fairly incurred losses.</p>	<p>The provision already secures compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal. The Council's novel and unprecedented suggestion is not appropriate. No justification has been provided for a departure from the consistent and uniform line of transport DCOs on this issue.</p> <p>A discussion regarding article 39(2) was held on 29 August 2023 with the Council taking an action to review this internally before confirming their position. The council has now provided its position which amounts to a re-statement of its position (a position which the Applicant has responded to on numerous occasions). The Applicant's position therefore is as set out above: to emphasise, compensation is secured, and it is secured in a manner which reflects every single transport DCO to date.</p> <p>This matter remains under discussion.</p>	Draft Development Consent Order [REP5-024]	Matter Under Discussion
Consent Process Discharge of Requirements	2.1.43	The Council suggest that there should be the ability to appeal to the Secretary of State, in the event that the relevant planning authority refuses consent, or granted subject to unacceptable conditions	The draft DCO has been amended to include an article that enables an appeal to the Secretary of State in the event that a local authority refuses an application for any approval required by articles 12(5), 17(2), 21(4) and paragraph 13(1) of	Draft Development Consent Order [REP5-024]	Matter Agreed

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		which National Highways considers to be unacceptable.	Schedule 2; or grants an approval mentioned above subject to conditions; or refuses an application for a permit under a permit scheme; or grants such a permit subject to conditions.		
Consultation Traffic Management	2.1.44	<p>The Council require confirmation on how traffic management in relation to the pre-commencement activities will be undertaken. The current wording of the Traffic Management Plan for construction will not be in place for the pre-commencement activities.</p> <p>The Council notes the commitments to controls during the Preliminary Works and the definition of those works at Section 3.1 and Table 3.1 of the CoCP. Those works exclude pre-commencement works and demobilisation works which would need to be covered by the contractors' TMPs.</p>	The outline Traffic Management Plan for Construction has been revised and now sets out clear requirements for preliminary works to be undertaken prior to commencement.	Outline Traffic Management Plan for Construction [REP5-056]	Matter Agreed
Traffic Management Traffic Management Permits	2.1.45	It is the Council's position is that the TMP and any works must be dealt with via the permitting process. The Council have considered National Highway's previous response in relation to this suggestion. However, it remains the Council's position that the most appropriate way forward is for the permitting scheme not to be modified, and for designated resource to be provided by National Highways to allow the Council to process the Project's permit applications	In light of the Council's concerns, the Applicant proposes to utilise the Council's permit schemes subject to modifications which are compatible with the precedented approach, and would ensure that conditions which may conflict with an Order (if granted) could not be imposed on the Applicant. Although the Council has confirmed that it is not aware of any conditions that are likely to be used which would breach any Order, there is precedent	Draft Development Consent Order [REP5-024]	Matter Not Agreed

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		<p>quickly, whilst continuing to allow the efficient processing of permits from other applicants.</p> <p>The Council require further discussions in order to resolve outstanding differences.</p> <p>Despite the Council raising issues related to this matter within its LIR, D3 and D4 submissions the Applicant has not responded to the Council's comments and remains implacable to making further changes. It is therefore a Matter Not Agreed.</p>	<p>in the Southampton to London pipeline scheme whereby the Secretary of State considered that the identical provision is justified.</p> <p>A further discussion was held on 29 August 2023 with the Council taking an action to review this internally before confirming their position. The Applicant does not consider the claim that it has not responded to be accurate. The Applicant has simply applied the same modifications to the permit scheme which are precedented on virtually every transport DCO, and which are necessary to ensure there is no conflict between the works. The Applicant therefore maintains its position as set out above.</p> <p>This matter is now not agreed, due to both parties' positions remaining unchanged.</p>		
Planning Travellers Site Indicative Layout Plan	2.1.47	Requirement 13 should cross refer to the indicative layout plan (referred to in the Design Principles (S11.12)) and for the development to be completed in accordance with it.	Requirement 13 already requires that, ' <i>The details submitted and approved under [this requirement] must be in accordance with...the design principles document.</i> ' S11.12 of the Design Principles is part of the Design Principles and as such, no change has been made to the draft DCO.	Draft Development Consent Order [REP5-024] Design Principles [REP4-146]	Matter Agreed
Environment Requirement 3	2.1.48 LIR	This requirement must ensure that the Council approves the Outline Landscaping and Ecology Management Plan. As stated above, the Council considers that it is the	<u>Requirement 3</u> – At present the Project has not yet been designed in detail. The drafting of Requirement 3 allows for a proportionate and acceptable level of flexibility in the final design of the Project,	Draft Development Consent Order [REP5-024]	Matter Not Agreed

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		<p>most appropriate discharging authority. There is uncertainty the in this requirement due to the SoS be able to approve amendments if they do not give rise to materially new or materially different environmental effects in comparison with those reported in the environmental statement. This means that the design could change, and not take into account non-environmental effects, such as new land ownership. It could lead to changes in assumed construction and methodologies that were used to assess impacts in the ES that make such assessments invalid. It could also include adverse effects on businesses.</p>	<p>something that is considered necessary and appropriate in delivering complex major infrastructure projects such as this, where an appropriate degree of flexibility is in the public interest. A failure to include any flexibility runs the risk that the Project as approved cannot later be implemented. Importantly, any changes that are within the scope of the assessment must be agreed by the Secretary of State following consultation with the relevant planning authority (or highway authority as necessary). Furthermore, no land outside of the Order land is proposed to be compulsorily acquired under the terms of the dDCO and the dDCO does not authorise such acquisition.</p>		
<p>Environment Requirement 14</p>	<p>2.1.49 LIR</p>	<p>As set out above, a number of the Requirements should be approved by the Council not the Secretary of State. Accordingly, amendments to the approved details will need to be by the Council where the Council is the discharging authority.</p>	<p>It is the view of the Applicant that the Secretary of State is the most appropriate discharging authority for the Project draft DCO. There are a number of local authorities across the Project and the need for consistency in decision making which warrants one discharging authority. The Project is complex, and the disparate elements of the Project being intrinsically linked justifies one discharging authority. A separation would be artificial and impractical, as changes could not be made to the local highway sections without considering the impact of those changes</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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			<p>on the trunk road and vice versa. The requirements reflect the arrangements made in June 2016 whereby the Department for Transport agreed to be the competent authority signing off compliance with the requirements for DCOs promoted by the Applicant. As a result of this arrangement, there is a specific team within the Department for Transport to deal with the discharge of requirements.</p> <p>The Council will be consulted on the discharge of Requirements 3, 4, 5, 6, 8 and 10 (in addition to any variation to the limits of deviation under article 6). Under paragraph 20 of Schedule 2 to the draft DCO, representations from the Council will be provided to the Secretary of State and so its views will be properly represented to, and considered by, the Secretary of State.</p> <p>The Secretary of State has confirmed that it is the appropriate discharge authority for the Applicant's schemes, and went as far as to take the decision to remove a local authority's proposed discharge function in relation to a local road (see the A303 Sparkford to Ilchester Dualling Development Consent (Correction) Order 2021).</p> <p>The Applicant has not experienced significant issues in the engagement and coordination with local authorities in the</p>		

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			<p>implementation of the discharge requirements for its other DCO projects.</p> <p>Where appropriate, the draft DCO provides for a proportionate local authority approval function (e.g. under article 17, consent of a local traffic authority must be obtained for any traffic regulation measures under that article).</p> <p>Paragraph 17 of Schedule 2 to the draft DCO provides that the local planning authority will approve any amendments to approved details to the travellers' site in Thurrock (see paragraph 13), for which the Council is the discharging authority; and amendments to the detailed design must be agreed in writing by the Secretary of State, following consultation with the relevant planning authority, providing that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the Environmental Statement (see paragraph 3 of Schedule 2 to the draft DCO).</p> <p>In relation to the request regarding amendments, the Applicant considers the environmental and traffic assessments are based on a reasonable worst-case scenario. The construction methodology is controlled via the various control</p>		

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			documents provided (e.g. the Traffic Management Plan for Construction must be substantially in accordance with the outline Traffic Management Plan for Construction). The Applicant notes that even though this comment would apply to any of the Applicant's DCO projects (including complex infrastructure of a similar size and scale to the Project), the Secretary of State has not considered such a requirement to be appropriate or necessary.		
Consent Process Schedule 12	2.1.50	<p>The Council has concerns regarding the drafting of Schedule 12. It is of the view that the draft DCO should contain its own provisions, rather than cross-referring to the 2013 Order, even if it mirrors those provisions, to allow for flexibility in the event of amendments to either provision. The Explanatory Memorandum needs to further explain the rationale for aligning the charges, discounts and exemptions to those at the Dartford Crossing.</p> <p>The Council is concerned that Schedule 12 goes further than referring to legislation that may be amended from time to time as it also refers to orders which replace the 2013 Order. The Council is of the view that references to future, as yet undrafted legislation should be removed.</p>	<p>The provisions have been drafted in order to align the Lower Thames Crossing with the Dartford Crossing charging scheme, consistent with the proposals for the Project. There are appropriate mechanisms permitted under the Planning Act 2008 and Transport Act 2000, should a need to create different charging schemes for the two crossings arise.</p> <p>Section 5.204 of the Explanatory Memorandum explains that Schedule 12 has been drafted to align the charges, discounts and exemptions to those existing at the Dartford Crossing. A Road User Charging Statement explaining this in further detail was submitted as part of the DCO application.</p> <p>References to the orders or regulations</p>	<p>Draft Development Consent Order [REP5-024] Explanatory Memorandum [REP4-096] Road User Charging Statement [APP-517]</p>	Matter Not Agreed

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			<p>which may be amended or substituted are in order to ensure that updates to the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (Enforcement Regulations) or the 2013 Order (e.g. the insertion of a new article or regulation), do not affect the operation of Schedule 12. It is not considered appropriate to fetter the Secretary of State's power to provide for an enforcement regime for road user charging schemes which operate outside of the DCO.</p>		
<p>Consent Process Certified Documents</p>	<p>2.1.51 LIR</p>	<p>The Council is concerned that the development is undertaken in accordance with the certified documents. Although some of the certified documents are referred to in conditions, such as the 'general arrangement drawings' others (for example, the 'structures plans') are not. There needs to be a general requirement that works are undertaken in accordance with the certified documents.</p> <p>The Council considers the addition of paragraphs 4-7 of Article 62 to be unnecessary. They were not in the originally submitted DCO in 2020, they act to avoid the normal procedure for amending the DCO and increase uncertainty. Simply because it has been</p>	<p>The Applicant considers that certified documents are already appropriately secured. Relevant certified documents are referred to in the requirements. It would not be appropriate to have a "general requirement" that works are carried out in accordance with all certified documents because not all certified documents are relevant.</p> <p>As noted in the EM, these provisions are included in section 52 of the Crossrail Act 2008. They also find precedent in section 54 of the High Speed Rail (West Midlands - Crewe) Act 2021, section 53 of the Channel Tunnel Rail Link Act 1996, and section 43 of the Dartford-Thurrock Crossing Act 1988. It is considered that the Project, being of a similar scale and</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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		agreed previously does not mean it is appropriate in this instance.	<p>complexity to those projects, should incorporate these provisions on a precautionary basis to minimise a potential delay to the delivery of the Project in the unanticipated event that there is an error. It is not relevant that the projects which have included these provisions to date have been promoted by Acts of Parliament; rather it affirms the principle that it would be disproportionate to require subsequent instrument (be it an amendment Order or an Act of Parliament) to deal with errors (as distinct from 'changes' to an application). It is the Applicant's view this provision is capable of being included in the dDCO under section 120(3) of the Planning Act 2008. The existing processes under the Planning Act 2008 are not intended to prevent the ability to ensure that inadvertent errors or mistakes in certified plans do not delay a nationally significant infrastructure project.</p> <p>For the avoidance of doubt, these provisions were included in the dDCO as submitted.</p>		
Compensation Article 19 – Compensation for discharge of water	2.1.52 LIR	The Council's concern is about those who do not have an interest in land being used in connection with the Project, who are nevertheless being adversely affected impacted. For example, with discharges into watercourses, which adversely impacts	The Applicant does not consider there is any scenario whereby the exercise of this power would lead to a requirement to provide compensation which is not already provided for by other provisions of the draft DCO. In particular, the draft DCO makes	Draft Development Consent Order [REP5-024]	Matter Agreed

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		<p>flooding some distance from the Project. It is our understanding that this situation compensation would not be payable on the DCO as currently drafted (despite comment from the applicant that compensation provisions were adequate – a comment which has yet to be tested). Accordingly, the Council suggest that specific compensation provisions are provided.</p> <p>In Article 19(8), it is not appropriate to have deemed consent provisions.</p>	<p>provision for compensation in connection with temporary works, use of land, the construction of permanent works and acquisition of land/rights. In this case, article 19 must be seen in the context of supporting provisions of the dDCO which make appropriate provision for the payment of compensation. In the absence of the Council providing a plausible scenario where compensation is not already covered by the draft DCO, the Applicant does not consider it necessary to include such a provision (which, it is noted, is absent in DCOs, including projects of a similar scale and size, which contain the same power).</p> <p>In relation to Deemed consent, the Applicant refers to its comments provided under SoCG matter 2.1.5 above and this is a matter not agreed.</p>		
<p>Consent Process Article 58 – defence to proceedings in respect of statutory nuisance</p>	<p>2.1.53 LIR</p>	<p>This Article sets out the scope of the defence to proceedings in respect of statutory nuisance. It remains the Council's position that the purpose of this section is only to provide the statutory defence to nuisance where it is demonstrated that the nuisance is likely to be caused and it is not practicable to mitigate against it. In those situations, the greater good of undertaking the project justifies the nuisance being caused. However, it is not appropriate to</p>	<p>The Applicant considers these comments to be misconceived. Article 38 of the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 references paragraphs (c), (d), (e), (fb), (g), (ga) and (h) of section 79(1) the Environmental Protection Act 1990 in the equivalent provision. Other DCOs contain references to a longer list of nuisances (e.g. article 39 of the Drax Power (Generating Stations) Order 2019) and</p>	<p>Draft Development Consent Order [REP5-024] Explanatory Memorandum [REP4-096] Statement of Statutory Nuisance</p>	<p>Matter Agreed</p>

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		<p>have a blanket defence as this discourages appropriate steps to reduce nuisance. It is also contrary to precedent from other highways DCOs. This is a long-term project and the impacts on local residents need to be carefully considered.</p> <p>If the applicant states that it is required, due to the scale of the project, the applicant needs to demonstrate why is it required? Having such a broad range of defences may discourage NH from reducing the nuisance created.</p>	<p>others contain a shorter list (e.g., Cleve Hill Solar Park Development Consent Order 2020). In the case of the Order, the Applicant has narrowed the list of references to those nuisances which are considered to be potentially engaged. The Statement of Statutory Nuisance included with the application sets out the forms of nuisance that are potentially engaged by the proposals (including but not limited to noise), and explains how the suite of application documents secure measures to avoid or minimise the risk of those forms of nuisance arising. The Applicant considers that these are sufficient to justify the defence to the relevant forms of nuisance provided by article 58.</p> <p>However, there is an important wider context to this question. Section 158 of the Planning Act 2008 provides statutory authority as a general and comprehensive defence to any civil or criminal proceedings for nuisance. Hence Parliament, in enacting the 2008 Act, has endorsed the general principle of a defence of statutory authority for nationally significant infrastructure projects. Where section 158 applies, it should be noted that section 152 provides a right of compensation. Section 158 also allows for contrary provision to be made in a draft DCO. As the Explanatory</p>	<p>[APP-489]</p>	

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			<p>Memorandum states at paragraph 5.247, article 58 represents such a contrary provision. It makes that contrary provision in respect of proceedings under section 82(1) of the Environmental Protection Act 1990, in line with precedent in the vast majority of "made" DCOs. It provides a more detailed regime for the circumstances in which the statutory nuisance defence is engaged under section 82.</p>		
<p>Land Rights Article 35(2)</p>	<p>2.1.54 RRE LIR</p>	<p>Notice period for temporary possession, Articles 35(2) and 36(2) - require National Highways to provide at least 28 days' notice before entering and taking temporary possession of land.</p> <p>The Council considers that both these time frames are far too short, especially if landowners need to make alternative arrangements for their business to continue to function. Accordingly, the period in articles 35(3) and 36(3) should be 3 months.</p> <p>The Council notes that the recent Lake Loathing (Lowestoft) Third Crossing Order 2020 includes a three-month notice period. Therefore, it not accepted that the Council are holding the dDCO to a higher standard than other DCOs or that a 3-month period is inconsistent with a desire to ensure</p>	<p>Notification – time periods: Article 35(2) requires the Applicant to provide a notice 28 days (or a lesser period requested by the Applicant and then approved by the landowner) before taking temporary possession of land. A number of complex DCO projects have provided 14 days, but the Applicant has taken the decision for the Project to double that period. This 28-day period is proportionate and ensures that the Project can be delivered expeditiously, reducing impacts on local communities while balancing the need to provide appropriate notice to persons with interest in land. The provision also allows for this period to be reduced with the agreement of the landowners. This is considered reasonable because where a shorter period is agreed, there can be no question of the landowner being prejudiced. Paragraph (2) also requires that the notice</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO at Deadline 1 [REP2-077] Explanatory Memorandum [REP4-096]</p>	<p>Matter Not Agreed</p>

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		<p>NSIPs are expeditiously delivered, as has been suggested by the applicant.</p> <p>Instead, this simply requires an appropriate level of planning and co-ordination to ensure that notices are served on time to allow this. It is not for the Council to evidence why a 3-month period is justified, but instead for the applicant to justify why it cannot in this case provide a longer period than 28 days.</p> <p>National Highways indicates that the Council provides no support for its assertion that compensation would be likely to increase compensation. The Council considers this to be a matter of simple logic. Where a landowner is given a shorter time period for notification of any possession, they have less time to take steps to mitigate any losses – changes contracts, secure alternatives premises, etc.</p> <p>Further, this would also appear likely to increase the likelihood of increased compensation - where a landowner has increased notice, there will clearly be cases where this gives them a better opportunity to mitigate any losses.</p> <p>National Highways have not taken on the Council's suggested amends to the the Explanatory Memorandum, i.e. that makes</p>	<p>set out the works, facilities or other purposes for which temporary possession has been taken.</p> <p>The Applicant does not consider a three-month notice period is appropriate or proportionate for the Project. The Applicant notes that complex projects such as the A14 Cambridge to Huntingdon project have provided 14 days (which the dDCO is doubling). The 28 days period must be seen in the context that landowners and occupiers have been consulted on land use over numerous consultations; will have an opportunity to take part in the examination process; and the Applicant will be required to publish a notice under section 134 of the Planning Act 2008. A 3-month period is consistent with the government's desire to ensure nationally significant infrastructure projects can be expeditiously delivered.</p> <p>On Article 35(3), the Applicant assumes the reference to "excepts" should read as "accepts" but would welcome confirmation. The dDCO already explains that the power to take possession without notice applies where the Applicant has identified a risk to "(a) any person carrying out the authorised development or any of its parts; (b) the public; and/or (c) the surrounding environment". No further amendment to the Explanatory Memorandum is considered</p>		

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		<p>a commitment to: (a) outlining estimated timescales as accurately as possible to landowners when notices are given; and (b) keeping them updated as to evolving timescales.</p>	<p>necessary. This provision has been included in made temporary possession articles (see, for example, article 34 of the M42 Junction 6 Development Consent Order 2020) but subparagraph (a) has been narrowed in scope so that it refers to those carrying out the authorised development. That change was made following comments received by the Council.</p>		
<p>Land Rights Article 21(3)</p>	<p>2.1.55</p>	<p>At Article 21(3)(b), the Council suggests the insertion of the word 'reasonably necessary'</p> <p>This provision allows persons to enter third party land on behalf of National Highways to carry out surveys, investigation or make trail holes or boreholes. NH is unwilling to as it states that National Highways 'should not be in a worse position under the DCO regime (which intends to streamline consents) as compared with its ordinary functions'. The Council has two concerns with this. First, it is not understood how National Highways would be placed in a worse position - unless of course the intention is to take onto the land such vehicles and equipment as are not reasonably necessary to carry out the survey, investigation, or make trail or boreholes. Second, we are not aware of any provisions which mean that National</p>	<p>The provision in question (article 21(3)) can only be utilised where the primary powers (in article 21(1)) are engaged. Those powers are limited and can only be utilised for the purposes of the construction, operation or maintenance of the authorised development. The power, as drafted, is based on Section 289 of the Highways Act 1980, and the Applicant should not be in a worse position under the DCO regime (which intends to streamline consents) as compared with its ordinary functions. The Applicant is a public body and will exercise powers in a reasonable manner, subject to the enforcement provisions of the Planning Act 2008. The approach adopted here is consistent with the Secretary of State's practice, and there is no basis for the Project departing from the approach taken.</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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		<p>Highways cannot be placed in a less favourable position than the underlying legislation. Each DCO is to be taken as a whole – it is not limited to streamlining the existing consenting regime. Some powers given to National Highways will be greater than the underlying regime, whereas others will be less generous. What is important is that there are sufficient checks and balances in place to allow development to proceed efficiently whilst protecting the public.</p>			
<p>Compensation Article 18</p>	<p>2.1.56 LIR</p>	<p>Powers in relation to relevant navigations or watercourses, Article 18. The Council is concerned that even if loss is to be compensated, this might not be provided in a timely manner and this could negatively impact the those affected. The Council suggests that the establishment of a separate compensation scheme would be more appropriate.</p> <p>This article provides for relatively unusual powers in relation to interference with navigation in watercourses, regardless of any interference with private rights. Whilst Article 18(3) provides for compensation this only applies in relation to Article 1(b). In the Council's opinion compensation should be payable to all those that have suffered loss due to the exercise of the powers in Article</p>	<p>A new compensation scheme is not considered necessary as provision is made for compensation for any person “who suffers any loss or damage from the exercise of the powers” (see article 18(3)). The Council raise the concern that compensation may not be provided in a timely manner but there appears to be no basis or evidence to underpin this.</p> <p>The Applicant is not aware of any transport DCOs, even where they include an equivalent provision, which support the Council's highly novel suggestion.</p> <p>In relation to article 18(3), the Applicant does not consider it necessary to amend the compensation provision (indeed, some DCOs do not contain compensation provision in equivalent articles, see article</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Agreed</p>

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		<p>18(1) (not just article 18(1)(b)). In addition, the reference to compensation under the 1961 Act is not appropriate, as the statutory regime does not apply to temporary rights, and so applying the 1961 Act does not provide sufficient compensation. In particular, specific reference needs to be made to severance and injurious affection and incorporate the compensation code, despite there not being permanent land-take. We welcome National Highways' comments that the compensation should apply to 'any loss', however, the current wording does not achieve that level of protection in relation to the powers in Article 18.</p>	<p>20 of the M25 Junction 28 Development Consent Order 2022). The reason for this is that the provision of compensation is already provided in other articles of the draft DCO. Nonetheless, the Applicant has amended the provision in line with the request by the Council in order to try to resolve mere drafting issues. However, the Secretary of State may simply revert to the precedented approach which he has endorsed on numerous occasions (and for which the Project has no reasons from departing). In relation to the final paragraph, the Applicant highlights the provision requires compensation for 'any loss' and does not consider any further amendment is required. In relation to the comment that the reference to the 1961 Act is not appropriate in relation to the temporary powers, this is not correct as a matter of law. The Applicant refers to BPP (Farringdon Road) Ltd v Crossrail Ltd [2015] UKUT which specifically refutes that argument.</p>		
<p>Consent Development consent etc granted by the Order, Article 3</p>	<p>2.1.296 LIR DL-3</p>	<p>3(3) The wording 'adjoining or sharing a common boundary' causes uncertainty as the extent of other enactments being subject to the provisions of the order. The Council suggest that these refer to specific areas of land to avoid uncertainty.</p>	<p>Article 3(3) states that any enactment applying to land within, adjoining or sharing a common boundary with the Order Limits has effect subject to the provisions of the Order. Article 3(3) has been included and is necessary in order to ensure that there are no acts of a local nature that could hinder</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP</p>	<p>Matter Agreed</p>

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		<p>It is the Council's position that justification for the disapplication of legislation should have been provided prior to submission to allow Council input (as the public body representing local residents).</p> <p>The Council agree that NSIPs should usually take precedence. However, the Council is concerned that the precise impacts have not been considered. Having a blanket provision, where the specific impacts of different legislation being disappplied has not been considered could lead to unexpected adverse impacts.</p> <p>It is not an answer to the Council's concerns to highlight the fact that this is not an unusual provision in National Highways DCOs. Our concern is not primarily about the position, but the analysis which has been undertaken to justify it and avoid unintended consequences.</p> <p>This is now agreed.</p>	<p>the construction and operation of this NSIP. It should be noted that 'adjoining or sharing a common boundary' is the phraseology explicitly requested by the Port of London Authority.</p> <p>The Applicant takes the view that it is necessary to include land adjoining the Order Limits as there may be statutory provisions which are expressed to relate to land which falls just outside the Order Limits but which may also have an effect on land within the Order Limits. The Applicant has carried out a proportionate search of local legislation that applies within reasonably close proximity to land within the Order Limits, but no search can be completely exhaustive and there remains the possibility that a local act or provision may have been overlooked. The Council has been provided with the outputs of this exercise. The Applicant further notes that the Port of Tilbury London Limited has requested further carve outs which the Applicant has accepted in the draft DCO submitted at Deadline 2. The Applicant believes Thurrock Council should particularise its concerns as the "in principle" position it has provided (and which has been responded to) is abstract.</p> <p>The purpose of the regime created by the 2008 Act is to ensure that DCOs provide a</p>	<p>comments made on the draft DCO at Deadline 1 [REP2-077]</p> <p>Explanatory Memorandum [REP4-096]</p>	

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			<p>unified consent for nationally significant infrastructure projects and the Applicant considers that disapplying and amending certain legislative provisions, as set out in the Order, is proportionate in this context.</p> <p>Including this article ensures that the construction and operation of the Project are not jeopardised by any incompatible statutory provisions which might exist, i.e. a provision which would be an absolute restriction that could not be dealt with unless by statutory amendment. The provision would prevent delay in this situation by ensuring that the Project could be constructed without impediment.</p> <p>It is important to emphasise that article 3(3) operates in conjunction with article 55 of the draft DCO, which identifies the specific local enactments revealed through the Applicant's proportionate search of local legislation, which are to be disappplied. The justification for these disapplications is provided in the Explanatory Memorandum (EM). Therefore, the Applicant has taken proportionate steps to identify the specific enactments which would be disappplied by the draft DCO and article 3(3) is intended to act as a backstop, in circumstances where potentially incompatible statutory provisions were to come to light which could frustrate the delivery of the Project.</p>		

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			<p>The Applicant notes that the Council has not questioned the need for the disapplication of these provisions.</p> <p>This is a widely precedented article (see most recently article 3(2) of the A19/A184 Testo's Junction Alteration Development Consent Order 2018 and article 3(2) of the M42 Junction 6 Development Consent Order 2020).</p> <p>A discussion on this matter was held on 29 August 2023 and the Council are now satisfied with the Applicant's position.</p> <p>This matter is now agreed.</p>		
<p>Timescales and process Classification of roads etc, Article 15</p>	<p>2.1.297 LIR DL-3</p>	<p>Article 15(2)(a) a 12-month defect correction period for highways (24 months for structures) should be included before a newly classified road becomes the responsibility of the Council.</p> <p>Article 15(4)(a) - 4 weeks' notice for roads to change classification (and therefore potentially who is responsible for maintenance) is not acceptable.</p> <p>Article 15(6) should be removed as it is unnecessary. Future legislation can amend the DCO in any event and without the inclusion of Article 15(6). However, any such future amendments will need to be in accordance with the correct legislative</p>	<p>In relation to the Council's comment referring to Article 15(2)(a) the Applicant refers to its response above regarding Article 10, where the same principles apply. Article 15(4) relates to notice being provided in relation to a variation of a classification under article 15(3) which relates to trunk or special roads (i.e., roads primarily operated by the Applicant). The limitation of this provision to those roads was made at the Council's request. The period of four weeks is considered appropriate in those circumstances and the Council has not particularised why it considers 4 weeks to be inappropriate. Notwithstanding the Project-specific justification provided, the Applicant notes</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO [REP2-077]</p>	<p>Matter Agreed</p>

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		<p>process and the proper exercise of powers as with any amendment to statute.</p>	<p>that the period is precedent (see article 46(3) of the A303 (Amesbury to Berwick Down) Development Consent Order 2023). The purpose of paragraph (6) is to confirm that the matters covered in paragraphs (1), (2) and (3) can be varied or revoked in the future using existing enactments which are available to provide for such matters, without the need to apply under the 2008 Act for an amendment to the Order. For example, if the Council wishes to change the classification of a road for which it is the highway authority following the completion of the Project, article 15(6) permits the process under the Highways Act 1980 or Road Traffic Regulation Act 1984 to operate in order to amend any classification made under the DCO. The provision is heavily and broadly precedent (see, for example, article 46(7) of A303 (Amesbury to Berwick Down) Development Consent Order 2020, article 15(8) of the M42 Junction 6 Development Consent Order 2020, and article 11(6) of the A585 Windy Harbour to Skippool Highway Development Consent Order 2020). It is not considered appropriate or proportionate to limit the functions of a highway authority (including the Council) so that it is bound by classifications in the DCO thereby giving rise to the need for an</p>		

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			<p>amendment Order to the DCO (if granted). The highway network which falls within the scope of the DCO should not, once open for traffic, be subject to a less flexible regulatory regime as compared to the rest of the network to which it is connected.</p> <p>A discussion on this matter was held on 29 August 2023 and the Council confirmed they are now satisfied with the Applicant's position.</p> <p>This matter is now agreed.</p>		
<p>Certainty, Environment Felling or lopping of trees and removal of hedgerows, Article 23</p>	<p>2.1.298 LIR DL-3</p>	<p>In relation to Article 23(1), to aid stakeholders in understanding the full impact of the scheme, a schedule and plan should be included identifying the relevant trees or shrubs.</p> <p>In relation to Article 23(2), the industry best practice for tree work can be found in British Standard BS3998:2010. The DCO should reflect this.</p> <p>At Article 23(4), in accordance with Advice Note 15 (paragraph 22 and good practice point 6) either a schedule and plan should be included identifying the relevant hedgerows should be included, or there should be a requirement for consent from the local authority.</p>	<p>The Applicant notes that a number of documents show the relevant assets (see Hedgerow and Tree Preservation Order Plans, Existing Tree Constraints Plan which shows the trees subject to TPOs and the Environmental Masterplan. In relation to the Council's comments on article 23, the Applicant would refer to its responses to Annex A of the agenda for Issue Specific Hearing 2 (ISH2).</p> <p>As regards, article 23(2), the Applicant refers to paragraph 5(3) of Schedule 2 to the draft DCO which sets out that "All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice". It is not considered appropriate to reference the</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO [REP2-077] Hedgerow and Tree Preservation Order Plans [REP4-088] to [REP4-092] Existing Tree</p>	<p>Matter Agreed</p>

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			<p>specific standards on the face of the draft DCO in the event they are substituted at a later date.</p> <p>Article 23(4) - The Applicant has had regard to the approach set out in Section 22 of Advice Note 15 in drafting this article. For example, to reflect good practice point 6 in Advice Note 15, the Applicant has included a relevant Schedule – Schedule 7 to the draft Development Consent Order (draft DCO) – and plan – the Hedgerow and Tree Preservation Order Plans, which identify the trees affected that are protected by Tree Preservation Orders and fall within the scope of the power in article 24 of the draft DCO. Those plans also identify the hedgerows that are located along the route of the Project, distinguishing between important hedgerows (as defined by the Hedgerows Regulations 1997) and other hedgerows. However, the Applicant has not opted to include a separate schedule for hedgerows. The Applicant recognises that precedent for and against this approach can be identified but is of the view that the approach which has been taken in the dDCO is correct and appropriate. This is on the basis that:</p> <p>For the purposes of DCO drafting, at least, hedgerows which are not important</p>	<p>Constraints Plan [REP1-147] and [REP1-149] ISH2 Discretionary Submission Annex A Responses [AS-089]</p>	

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			<p>hedgerows within the meaning of the Hedgerows Regulations 1997 fall to be considered on the same basis as trees which are not subject to TPOs. Except for trees which are subject to TPOs, Advice Note 15 does not indicate that trees affected by a scheme should be identified in a separate schedule. The removal of hedgerows which are important hedgerows within the meaning of the Hedgerows Regulations 1997 would, in the case of development authorised by planning permission, be permitted under the permitted works rights found in regulation 6 of the 1997 Regulations. Therefore, to require important hedgerows to be identified in a schedule would, in effect, place the applicant for a DCO in a worse position than an applicant for planning permission, since the assumption would be that any works proposed to be undertaken to important hedgerows which are not identified in the schedule would require prior approval. In the Applicant's view, this would be an illogical outcome given the national significance of schemes promoted under the Planning Act 2008.</p> <p>Notwithstanding the above, however, the Applicant has for illustrative purposes submitted with the Application plans showing the location of both hedgerows</p>		

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			and important hedgerows affected by the Project. The Applicant had previously provided this explanation to the council, and it was addressed in its responses to Annex A of the agenda for Issue Specific Hearing 2 (ISH2).		
Tree Preservation Orders Trees subject to tree preservation orders, Article 24	2.1.299 LIR DL-3	<p>In relation to Article 24(1), Advice Note 15 (paragraph 22.3) sets out that it is not appropriate to include the power to fell trees subject to TPO or trees in a conservation area on a precautionary basis. Proper identification of affected trees will enable the ExA to give full consideration to the particular characteristics they gave rise to their designation and desirability of continuing such protection.</p> <p>The details in Schedule 7 are noted, however, the provision of a plan identifying the TPOs will help understand the impact of this provision. This should also include trees in a conservation area.</p> <p>The Existing Tree Constraints Plan (REP1-147 and REP1-149) includes all TPOs within or adjacent to the Order Limits. There are no issues with regard to trees in Conservation Areas being impacted.</p>	<p>The Applicant notes that paragraph 22.2 of Advice Note 15 states that the power to carry out activities in relation to trees subject to Tree Preservation Orders “can extend to trees which are otherwise protected by virtue of being situated in a conservation area” The Applicant refers to ES Figure: 7.23: Existing Tree Constraints Plan which shows the trees subject to TPOs.</p> <p>A discussion on this matter was held on 29 August 2023 and the Applicant signposted to ES Figure 7.24: Tree Removal and Retention Plan to help aid discussions. Additional signposts were also provided to Appendix A of the Planning Statement. The Council have now reviewed this information and confirmed and confirmed, this matter is now agreed.</p>	Draft Development Consent Order [REP5-024] ES Figure 7.23: Existing Tree Constraints Plan (1 of 2) [REP1-147] and (2 of 2) [REP1-149] ES Figure 7.24: Tree Removal and Retention Plan [REP1-151] Planning Statement Appendix A: National Policy Statement for National	Matter Agreed

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				Networks (NPSNN) Accordance Table [APP-496]	
Minerals Compulsory acquisition of land – incorporation of mineral code, Article 26	2.1.300 LIR DL-3	Even though Essex CC are the responsible body for minerals, the point here relates to the exclusion of mines/minerals from compulsory acquisition. Consequently, the Council would need to carry out further investigation into the impact of the changes in relation to minerals in their land ownership and may have further comments accordingly.	The Applicant notes the Council's response.	Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO at Deadline 1 [REP2-077]	Matter Agreed
Restrictive Covenants Compulsory acquisition of rights and imposition of restrictive covenants, Article 28(1) and 28(2)	2.1.301 LIR DL-3	In relation to Article 28(1), further explanation and justification should be provided in respect of the need for the power to impose new restrictive covenants. The Council considers that the applicant should ensure that they cause the least impact possible on landowners. The blanket power set out in Article 28(1) creates significant uncertainty and could stagnate the local property market and impact prices / the ability to lease commercial land. The Council does not accept that the applicant has provided sufficient	The Applicant's position on the appropriateness and proportionality of its approach to the drafting of article 28(1) is provided in its responses to Annex A of the agenda for Issue Specific Hearing 2 (ISH2). The Applicant does not consider any concerns have been particularised to allow for a constructive response. The justification for the acquisition of land and rights is contained in substantial detail in the Statement of Reasons. A discussion on this matter was held on 29 August 2023 and the Council agreed to	Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO at Deadline 1 [REP2-077] ISH2 Discretionary Submission	Matter Under Discussion

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		<p>justification either in the Statement of Reasons or in its formal responses, to demonstrate that it has taken all reasonable steps to reduce the area of land which are not subject to the restrictions in Article 28(2).</p> <p>The applicant has previously referred to not being able to make a more specific determination 'at this juncture because of the stage of design development'.</p> <p>In order to demonstrate a compelling case, the applicant should be taking every step to advance the progress of the design to ensure that the powers used are the minimum possible. The Council is concerned by wider powers being used with references to the Project design not being advanced sufficiently to limit these.</p> <p>The Council's comments about time limits in Article 27(1) above apply equally to the use of powers to acquire rights, as they do to the compulsory acquisition of land.</p> <p>The Council has undertaken a further review of land to be taken temporarily. The extent of this land is subject to a further review and the Council is waiting on the applicant for this together with a draft of the legal agreement that has been proposed by the applicant.</p> <p>In relation to Article 28(2), the Council will</p>	<p>review their position on restrictive covenants. This matter is under discussion.</p>	<p>Annex A Responses [AS-089] Statement of Reasons [REP5-028]</p>	

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		<p>be carrying out a review of the extent of the proposed Order Land and may have further comments accordingly</p> <p>Whilst the Council is still concerned about the extent of the land take, and the wide scope for restrictive covenants, the Council does accept that the use of restrictive covenants is precedent and may be necessary Accordingly, the Council has no further comments to make.</p>			
<p>Restrictive Covenants Compulsory acquisition of rights and imposition of restrictive covenants, Article 28(6)</p>	<p>2.1.302 LIR DL-3</p>	<p>In relation to Article 28(6), further justification should be provided for the disapplication of existing statutory provisions.</p> <p>Responses from the applicant have indicated that they do not consider that 'material detriment' is not relevant to the acquisition of subsoil, and so counter notice provisions requiring acquisition of retained land are not relevant.</p> <p>Whilst it may be the case that material detriment is less likely in the case of a tunnel project, it is not accepted that the considerations are simply not relevant and this has not been addressed in the EM.</p> <p>If the applicant is confident that there will be no material detriment, then the Council suggests that there should be no issue retaining the provision, as this will not then be a remedy available to a landowner.</p>	<p>Article 28(6) provides that, where the Applicant needs only to acquire rights over land, it shall not be obliged to acquire any greater interest in that land. That is appropriate in the case of the acquisition of rights, and is heavily precedent (having been included in virtually every DCO which contains the equivalent provision). The Council raises comments on Article 33 and material detriment. The Applicant's view is that the material detriment provisions are not relevant in the case of subsoil acquisition (in all developments, including the Project). The approach adopted is consistent with tunnels projects and applies to this specific Project. The Council's comments on precedent are misconceived. This point of principle (i.e., that material detriment provisions are not relevant to the acquisition of subsoil) has been accepted in non-tunnels DCO projects, see for</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO [REP2-077]</p>	<p>Matter Not Agreed</p>

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		<p>It is noted that previous tunnel DCOs have included similar provisions, but this does not preclude, as a minimum, a detailed analysis/consideration at this stage of why there will in fact be no potential detriment to any of the landowners within the Order Limits.</p> <p>As set out in the Council's post hearing submission to ISH7 [REP4-352], it has been a long established principle in compulsory purchase that in limited circumstances where an affected party's interest in land is subject to material detriment then that affected party can serve a counter notice requiring the authority to acquire the totality of the affected party's interest. NH has failed to engage properly with this point saying that they do not consider that the 'material detriment' provisions are relevant to the acquisition of subsoil. That does not create a reason to disallow the provisions – Parliament clearly envisaged occasions, albeit limited, when a counter notice was appropriate and there can be no justification for NH seeking to re-write the law in this respect.</p> <p>These comments also apply to Article 33(4)</p>	<p>example A585 Windy Harbour to Skippool Highway Development Consent Order 2020, A30 Chiverton to Carland Cross Development Consent Order 2020, A19/A184 Testo's Junction Alteration Development Consent Order 2018 and the M42 Junction 6 Development Consent Order 2020. This principle applies to the Project. The Applicant agrees that provisions need to be appropriately justified, but considers that the Council's position is less about seeking appropriate justification and more about questioning issues of principle (which apply to the Project) and which have been endorsed widely.</p> <p>A further discussion on this matter was held on 29 August 2023 with the Applicant requesting the Council demonstrate an example of another tunnel project which would support their position. The council has now provided an updated position which does no more than repeat its unusual position. The council has not identified a single instance of its argument being justified in the precedents. The argument that Parliament's will is somehow being circumvented ignores that section 120 of the Planning Act 2008 allows these form of modifications (which is itself a statement of Parliament's intention), and</p>		

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			<p>the Applicant would reiterate that the fact its position is precedent is important in this context because the Council is presenting an in-principle argument which conflicts with established practice and which would apply to any project.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Legislative position Application of the 1981 Act, Article 31</p>	<p>2.1.303 LIR DL-3</p>	<p>For Article 31(3), further information on this approach is required. This is a significant departure from standard provisions and the Council needs to understand the full implications of the proposal</p> <p>Matter now agreed.</p>	<p>The Applicant had considered this matter to be resolved between the parties: the Council confirmed that the approach to vesting land in third parties was an "area on which we have reached agreement" following further information from the Applicant. The Applicant requests that the Council clarify whether this item was included in error. For completeness, the draft DCO seeks to vest land and rights directly into statutory undertakers and other persons where appropriate and seeks further justification for this. The provision in question is part of article 31. As explained in the Explanatory Memorandum (EM), the provisions confirm the position that notwithstanding references in the Compulsory Purchase (Vesting Declaration) Act 1981 and General Vesting Declarations Regulations 2017 to vesting land "in themselves" (i.e., in the Acquiring Authority), land and rights can be acquired by the Applicant in favour of any third party</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO [REP2-077] Explanatory Memorandum (EM) [REP4-096]</p>	<p>Matter Agreed</p>

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			<p>identified directly. A detailed justification for this is provided in the EM.</p> <p>A further discussion on this matter was held on 29 August 2023 and the Council confirmed they are now satisfied with the Applicant's position.</p> <p>This matter is now agreed.</p>		
<p>Acquisition of subsoil or airspace Article 33</p>	<p>2.1.304 LIR DL-3</p>	<p>At Article 33(2), the Council will be carrying out a review of the extent of the land included at Schedule 10 and may have further comments in due course.</p> <p>For Article 33(4), See comments at 28(6). The Explanatory Memorandum does not explain the disapplication of statutory provision for counter notices, and further information and justification is requested from the Applicant on this matter.</p> <p>The matters relating to Article 33(2) are now considered agreed.</p> <p>As NH comments suggest, the matters relating to Article 33(4) are under discussion and the Council's comments can be seen at item 2.1.302, which now a Matter Not Agreed.</p>	<p>In relation to article 33(2), noted. In relation to article 33(4), see the Applicant's comments above. In relation to the disapplication of the provision for counter notices, as set out above, it is to be noted that land needed for development projects often cuts across parts of landowners' property. In such cases, acquiring authorities would only seek to compulsorily purchase the relevant parts required. This may result in "material detriment" to the claimant's retained land, where the retained land will be less useful or less valuable to some significant degree.</p> <p>Schedule 2A to the Compulsory Act 1965 therefore sets out a process whereby a landowner can serve a notice to require an acquiring authority to acquire a greater parcel as a result of that material detriment. Schedule 1A of the Compulsory Purchase (Vesting Declaration) Act 1981 (the second provision quoted) replicates that protection in connection with general vesting</p>	<p>Draft Development Consent Order [REP5-024]</p> <p>Applicant's response to IP comments made on the draft DCO [REP2-077]</p>	<p>Matter Agreed</p>

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			<p>declarations and section 153(4A) replicates that protection in connection with the blight regime under the Town and Country Planning Act 1990. As explained above, such considerations are not relevant to the acquisition of acquisition of subsoil. The Applicant notes that the Acquisition of Land Act 1981 explicitly permits the disapplication of Schedule 2A in relation to subsoil. The approach adopted is consistent with every tunnel based DCO project, including the Thames Tideway Tunnel Order (relied upon by the Council in numerous respects), the A303 (Amesbury to Berwick Down) Development Consent Order 2020 and the Silvertown Tunnel Order 2018).</p> <p>A further discussion on this matter was held on 29 August 2023 and it was discussed that part of this matter concerning Article 28(6) pertains to item 2.1.302 which is not agreed. This has been split from this matter.</p> <p>The remaining discussion and part of this matter concerning Article 33(2) has now been agreed.</p>		
<p>Temporary use of land Temporary use of land for</p>	<p>2.1.305 LIR DL-3</p>	<p>The Council accepts that there are instances where temporary possession is appropriate, however, the Council has a number of concerns regarding the</p>	<p>The Applicant notes that Thurrock Council have fundamentally changed the contents of this matter. In relation to public open space, please see entries dealing with Ron</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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carrying out the authorised development, Article 35		<p>provisions in relation, in particular, to the Ron Evans Memorial Field (REMF). For background, the REMF is a large area of public open space (POS) in a Borough, which has an under provision of POS. The loss of any POS will have adverse implications for the residents of the Borough. The Council's concerns include:</p> <ul style="list-style-type: none"> • A 28 day notice period. Whilst it is acknowledged that in many DCOs the notice period for temporary possession is only 14 days, there is precedent for a 3 month period (Lowestoft) – a timeline which matches that for permanent acquisition. The Applicant is in control of its own programme and will know well in advance when TP will be required; • NH has given no indication as to when land will be subject to temporary possession, for how long it is required, on how many occasions it will be subject to temporary possession or provisions for hand back (either in terms of notice period or condition). The Council has long recognised the need for flex in programming and considers that NH should be well capable of addressing these points and providing a legal undertaking that it will use best/reasonable endeavours to 	<p>Evans elsewhere in this SoCG.</p> <p>In relation to timelines, the Applicant has set out its position that 28 days is appropriate in the context of (1) the extensive consultation with landowners to date; (2) the need for a section 134 notice if development consent is granted; (3) various management groups secured under Schedule 2, including the Community Liaison Group. 28 days is double that of most precedent. The Applicant therefore considers its position is proportionate and precedented.</p> <p>A further discussion on this matter was held on 29 August 2023 with the Council seeking some additional text re-agreeing an additional time period in certain circumstances. The Applicant clarified that this time period has already been extended and there is no need for any extra provision. Thurrock Council disagree that the groups committed to in the control documents are adequate to justify this time period and would like a provision to agree an extension. Both parties agree that this is a matter not agreed due to both positions remaining unchanged.</p> <p>In relation to notice requirements, the Applicant has already explained that under the dDCO, the notice will be required to set out "<i>the works, facilities or other purpose</i></p>	Applicant's response to IP comments made on the draft DCO [REP2-077]	

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		<p>adhere to them. It would be good forward planning and prudent financial management to provide affected parties with an early indication as to the nature and extent of possession; and</p> <ul style="list-style-type: none"> Lack of re-provision. The law is clear that in instances of permanent acquisition that POS should be replaced with POS that is of no lesser amenity. Regardless of whether there exists a legal obligation on NH to re-provide land occupied temporarily (which itself could be a substantial period) it must be the case, particularly having regard to the deficit, that a moral obligation exists. <p>Side agreement</p> <p>The Council has spent a considerable amount of time agreeing a detailed document on potential land take (temporary and permanent) of the Council's land. The Council is asking for National Highways to use reasonable endeavours to comply with this, as it helps provide greater certainty about how we utilise public land.</p>	<p><i>for which the undertaker intends to take possession of the land</i>". It is not considered appropriate, nor proportionate, for the notice to set out the time period during which possession will be taken. The Applicant is necessarily seeking a degree of flexibility to the deliver the Project and any requirement to set out prescriptive temporary possession periods would conflict with that. The detailed and precise construction programme is yet to be established, and will require flexibility. There is a risk that, by setting estimated timescales, the Applicant will create expectations that cannot subsequently be met and may even be required to serve notice of temporary possession, which would incur further delay, cost, uncertainty and frustration for landowners. The Applicant is not aware that any DCO has included such a requirement, the 2008 Act does not require it and the Council has failed to explain why such a requirement is justified in this case.</p> <p>Discussions are ongoing in relation to the Memorandum of Understanding (referenced as a "side agreement" by the council).</p>		
Temporary use of land	2.1.306 LIR	In relation to Article 36(1), the Council does not take issue with the principle of this provision, but the Council is not satisfied	The Applicant welcomes the Council's confirmation that it accepts the principle which underpins the inclusion of this	Draft Development Consent Order	Matter Not Agreed

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Temporary use of land for maintaining the authorised development, Article 36	DL-3	<p>that the applicant has taken all steps reasonably possible to reduce the area of land.</p> <p>The Council considers that the area covered by this power can be reduced. This would remove the uncertainty for those landowners. Wherever the applicant can reasonably rule out a need for maintenance on an area of land, that area land should be excluded from this provision.</p> <p>Within Article 36(3), the Notice period is considered insufficient. See comments within Article 35(2).</p> <p>For Article 36(8), please see comments in 18(3), which apply equally to this provision.</p> <p>In relation to Article 36(11), the Council will be carrying out a review of the extent of the proposed Order Limits and may have further comments accordingly.</p> <p>In respect of Article 36(13), see actions within Article 27, which are in addition to the maintenance period.</p> <p>Further justification to be provided for:</p> <p>As per actions for Article 36(1), power to be limited to specific areas.</p> <p>Necessity for 5-year period (as opposed to any permanent right of maintenance) to be justified. This should include assessment of</p>	<p>provision. The power under article 36(1) is intended to provide the Applicant with the powers to maintain parts of the authorised development. This is a necessary and proportionate power provided for in every transport development consent order and is required to ensure that the Applicant has the necessary powers to maintain the authorised development. In addition, under the proposed Register of Environmental Actions and Commitments, the Applicant is proposing to commit to specific maintenance activities in relation to environmental mitigation. Powers to maintain the authorised development are therefore necessary. In relation to the Council's comments on article 36(3), see the Applicant's comments on article 35(2). In relation to the Council's comments on article 36(8), see the Applicant's comments on article 18(3). The Council's comments on article 36(11) are noted. With regard to the Council's comments on the maintenance period, see the Applicant's comments on article 27.</p> <p>A further discussion on this matter was held on 29 August 2023. Both parties' positions remain unchanged on this matter and it is not agreed.</p>	<p>[REP5-024] Applicant's response to IP comments made on the draft DCO at Deadline 1 [REP2-077] Register of Environmental Actions and Commitments (REAC), within ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	

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		<p>whether areas of land can have a lower time limit.</p> <p>Rights of landowner during the maintenance period to carry out activity on the land to be clarified.</p>			
<p>Power to operate, use and close the tunnel area Article 44</p>	<p>2.1.307 LIR DL-3</p>	<p>The Council are concerned at the short notice period for shutting the tunnel. This could have significant impacts on networks and network planning. The Council would like the applicant to explain why a 7-day notice period is appropriate</p> <p>The NH has provided the Partnership Agreement and there is no MOU which part of that agreement. The Council has reviewed this document and it applies to the M25 J31 signals only, which Thurrock maintain. Subsequently, NH has corrected their position – saying that Partnership Agreement is an example of how NH and the Council could work together to manage the operation of the highway network if issues occur. This matter is more appropriately dealt with under SoCG item 2.1.30.</p>	<p>These bodies comprise the two host local authorities (Thurrock and Gravesham), and the two local highway authorities (Thurrock and Kent) for the tunnel area. The need for notification was inserted at the request of Thurrock Council. The tunnel area will form part of the strategic road network and it is not considered appropriate for the Applicant's powers to be unduly limited. It is to be noted that the 7 day period is precedented (see A303 Amesbury to Berwick Down Development Consent Order 2023 as well the Silvertown Tunnel Order 2018).</p> <p>A further discussion on this matter was held on 29 August 2023 and the Applicant discussed the Collaborative Traffic Management Memorandum of Understanding (dated 11 April 2022) and the Collaborative Traffic Management Partnership Agreement, which are examples of how the Council and the Applicant could work together to manage the operation of the highway network if issues occurred. These documents also</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO [REP2-077]</p>	<p>Matter Under Discussion</p>

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			highlight the fact that there is a mechanism to jointly work on such matters. This matter is under discussion.		
Legislative position Disapplication of legislative provisions, etc, Article 53	2.1.308 LIR DL-3	<p>Whilst it is not unusual to disapply certain legislative provisions, this amount of disapplied legislation is greater than in many other DCO's.</p> <p>The Council request that National Highways explains the impact of the disapplication of statutory provisions, including the analysis which justifies this. In our opinion significant additional justification is required to explain the rationale for such a wide approach.</p> <p>Despite this we do not disagree with the fact that primarily the DCO should take precedence, the Council's position is that we need to understand the impact better so we can assess whether any specific mitigation is required.</p> <p>Whilst the Council does not consider that the analysis given by National Highways is sufficient, the Council has not identified any specific issues. Accordingly, it is for the ExA to determine whether National Highways needs to undertake further analysis.</p>	<p>This article provides (pursuant to section 120(5)(a) of the 2008 Act) for the disapplication in relation to the authorised development of certain requirements which would otherwise apply under general legislation. Section 120(5)(a) provides that an order granting development consent may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order. The justification for each of the provisions listed in article 53 is provided in the Explanatory Memorandum. The number of disapplications reflect the scale of this project.</p> <p>A further discussion on this matter was held on 29 August 2023. This matter is not agreed, due to both parties' positions remaining unchanged, but the Applicant is pleased to see that the council now confirms it cannot identify any specific issues.</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO [REP2-077] Explanatory Memorandum [REP4-096]</p>	Matter Not Agreed
Legislative position	2.1.309 LIR	The Council is concerned about the disapplication of parts of the Wildlife and	In relation to the Wildlife and Countryside Act 1981, the Applicant considers the	Draft Development	Matter Not Agreed

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Wildlife and Countryside Act 1981	DL-3	Countryside Act 1981. The uncertainty in the application (for example, with the significant flexibility of Order Limits) means that it is going difficult to fully assess the potential impact on sites of special scientific interest. The requirements of the Wildlife and Countryside Act 1981 should therefore apply to avoid harm being caused to these sites.	Council's position is misconceived. The disapplication of sections 28E and 28H of the Wildlife and Countryside Act 1981 confirms that approvals and notifications under those provisions are not required to be obtained or given; these are not provisions which require the relevant body (Natural England, in this case) to consent to their inclusion, under section 150 of the 2008 Act in England; and the disapplication of section 28E in particular is precedented (e.g. article 3 of the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022). Section 28P of the 1981 Act confirms that there is no contravention of sections 28E and 28H by carrying out operations in a SSSI where there was a reasonable excuse for not complying with those sections. There is a reasonable excuse where the operation in question was authorised by a section 28G authority (for example, the Secretary of State where it grants a DCO) following the process set out in section 28I (this provides that the section 28G authority must give notice to NE of the proposed operations and provide NE the opportunity to advise upon those operations). NE has previously confirmed that it considers the provisions of section 28I to be met in relation to DCO applications, therefore the defence in	Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO [REP2-077]	

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			<p>section 28P would in principle be available to the Applicant in relation to existing SSSIs. The disapplication for existing sites therefore merely confirms the existing position. In addition, in the Applicant's view, the development of NSIPs should not be frustrated or delayed by potential SSSI designations over land for which development consent has been granted. The Applicant considers that it is clearly preferable for the draft DCO to disapply these provisions rather than require the application of the statutory defence to be considered on a case-by-case basis, thus failing to provide legal certainty.</p> <p>A discussion on this matter was held on 29 August 2023 and both parties' agreed that this matter could be removed from the SoCG.</p>		
<p>Legislative position Application of local legislation, Article 55</p>	<p>2.1.310 LIR DL-3</p>	<p>The Council would like to see the applicant's analysis of the potential impact of this disapplication. This would be to allow specific mitigation works to be put in to address any concerns. For example, what are the potential impacts from the disapplication of the Thames Barrier and Flood Prevention Act 1972? The Council clearly wants to avoid an increase in flood risk.</p>	<p>The Applicant has carried out a proportionate search of local legislation directories for legislation by using localities along the Project route as search terms (e.g. Tilbury and Thurrock). This is a standard approach to identifying local legislation.</p> <p>The Applicant has shared the outputs of this analysis with Thurrock. The EM provides an explanation for why each referenced local enactment has been</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO [REP2-077]</p>	<p>Matter Under Discussion</p>

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		<p>The Council has no further comments regarding the disapplication of the Thames Barrier and Flood Prevention Act 1972.</p> <p>Whilst the Council considers that analysis undertaken by National Highways should have been more detailed (and instead there is significant reliance on precedent rather than analysis), the Council has not identified any specific issues. Accordingly, it is for the ExA to determine whether National Highways needs to undertake further analysis.</p>	<p>referenced in article 55 (in terms similar to the Silvertown Tunnel EM). With regard to the Thames Barrier and Flood Prevention Act 1972, that Act includes powers to undertake works across a broad geographical area. The disapplication of these powers, insofar as their exercise would be inconsistent with a provision of, or power conferred by, the Order ensures that there is no prejudice to the delivery of the works pursuant to the Order. The disapplication of this Act is precedent, under article 3 of the Silvertown Tunnel Order 2018 and article 3 of the Port Tilbury (Expansion) Order 2019 Article 55 operates by stating that the provisions of the enactments therein are “excluded and do not apply insofar as inconsistent” with a provision or power in the draft DCO. Article 55 provides a non-exhaustive list of where a provision may be inconsistent. The basis on which local legislation has been listed in article 55 is generally because the provisions may give rise to a conflict because, for example, they impose restrictions or make provision for matters which would not be consistent with the powers sought under the draft DCO. The disapplication would not frustrate the underlying purpose of the 1972 Act to address flood risk.</p>		

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			<p>A discussion on this matter was held on 29 August 2023 and the Council agreed to review their position on mitigation. Until they have responded with their residual concerns, this matter is under discussion. This was provided and the Applicant notes that the council cannot find “any specific issues”, and this is welcomed. For completeness, analysis explaining the disapplication is provided in the EM. The council continues to misunderstand the Applicant's approach in relation to precedent, and considers the fact that it can find no specific issues reflective of the fact that proportionate information has been provided.</p>		
<p>Planning Planning permission, etc, Article 56</p>	<p>2.1.311 LIR DL-3</p>	<p>The ExA raised comments relating to Article 56(3) and (4) in ISH2 and questioned whether these provisions were necessary. For the avoidance of doubt, the Council does not object to these provisions being included in the DCO.</p> <p>The Council understands why the applicant considers these provisions necessary. Although the judgement in <i>Hillside Parks Ltd v Snowdonia National Park Authority 2022 UKSC [30] ('Hillside')</i> was not a statement of new law – there was, and still is, some ambiguity in this area that future cases are going to have to resolve.</p>	<p>The Applicant thanks the Council for the confirmation that the provision “makes the position clearer for the Council” and that the provision should be included.</p> <p>A discussion on this matter was held on 29 August 2023 with the Council confirming they are now satisfied with the Applicant's position. This matter is now agreed.</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO at Deadline 1 [REP2-077]</p>	<p>Matter Agreed</p>

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		<p>Therefore, for certainty the Council think it is sensible that this provision is included.</p> <p>However, whilst in the Council's opinion the inclusion of these provisions fall within the range of broad powers for the DCO – refer to Section 120 of the Planning Act 2008. The applicant should identify where this may be applied.</p> <p>This is now agreed.</p>			
<p>Appeals Appeals to Secretary of State, Article 65</p>	<p>2.1.312 LIR DL-3</p>	<p>It is the view of Thurrock Council that the 10-business day period for responding appears unnecessarily short. While there is precedent for the 10-business days (refer to the DCO for A14 Cambridge to Huntingdon). The Council recommends a minimum of 20 days considering the scale of the scheme.</p> <p>The Council still considers that 10 business days is unnecessarily short. Irrespective of precedent, considering the scale of LTC, and the role the Council is going to have to play, allowing 20 business days is reasonable. No reason for not allowing 20 business days has been provided.</p>	<p>It is not considered that 10 business days is insufficient time in the specific context of the appeals process. At that stage, any appeal party would have had the benefit of the extensive engagement up until the end of the examination, it would have seen the application (which would have been refused), and then provided with further time to consider the submissions from the Applicant. For the avoidance of doubt, the Applicant has 42 days in which to make an appeal. These timescales are heavily precedent (see, for example, article 52 of the M25 Junction 28 Development Consent Order 2022).</p> <p>A discussion on this matter was held on 29 August 2023. This matter is not agreed, due to both parties' positions remaining unchanged.</p>	<p>Draft Development Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO at Deadline 1 [REP2-077]</p>	<p>Matter Not Agreed</p>
<p>Generation</p>	<p>2.1.313</p>	<p>Interaction with Thurrock flexible Generation Plan. The Council is unclear</p>	<p>These matters are addressed in the Applicant's response to Annex 1 of</p>	<p>Draft Development</p>	<p>Matter</p>

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Plan Schedule 2, Requirement 15	LIR DL-3	why this is only necessary if the Flexible Generation Plant Development Consent Order 2022 is commenced. Further explain is needed to that the Council can fully assess the impacts. This matter is agreed.	Appendix I in the applicant's response to IP comments made on the draft DCO at Deadline 1. A discussion on this matter was held on 29 August 2023 with the Council confirming they are satisfied with the Applicant's position. This matter is now agreed.	Consent Order [REP5-024] Applicant's response to IP comments made on the draft DCO at Deadline 1 [REP2-077]	Agreed
Need for the Project					
Lack of secured local benefits and significant disbenefits which are not adequately mitigated	2.1.57 RRE, LIR	Thurrock Council is opposed to the Project, as it provides few local benefits to the Borough, but more importantly has significant disbenefits which are not adequately mitigated. There is a lack of legally secured (in DCO or suitable agreements), real benefits for Thurrock from the Project, in terms of provision of open space, increased local road and Public Rights of Way (PRoW) connectivity, active travel, investment, and local regeneration. National Highways needs to secure DCO benefits to ensure a lasting beneficial legacy – covering community infrastructure, environment, health and wellbeing and opportunities for local employment, apprenticeships, and training programmes. Thurrock Council disputes National Highways claiming Designated Funds	The need for the Project is set out in the Need for the Project document. The economic benefits for Thurrock, accounting for the disbenefits, are set out in Combined Modelling and Appraisal Report (ComMA) Appendix D. The Project's DCO application is accompanied by a series of documents providing detail of the legacy and benefits of the Project for each local authority area (including Thurrock Council), together with estimates of the monetary uplift expected as a result of the Project. The Benefits and Outcomes Document summarises the Project's benefits that are both inherent to the Project and secured through DCO, and signposts out to documents where these are set out more fully. Four categories are presented:	Need for the Project [APP-494] Benefits and Outcomes Document [APP-553] Combined Modelling and Appraisal (ComMA) Report [APP-518] ComMA Appendix D: Economic Appraisal Package – Economic	Matter Not Agreed

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		<p>benefits for the scheme. These are a separate funding stream and Designated Funds themselves own the benefits from their schemes, not LTC. The Council suggests that reference to Designated Funds benefits is removed from the National Highways Response due to this.</p> <p>The Council has not seen the weighting or degree to which level 3 impacts have been included in the VfM judgement.</p> <p>The Council continues to require strengthening of the suite of control documents including the CoCP, the oTMPfC, the oMHP, oSWMP, and the FCTP.</p> <p>Those documents relate to construction period and do not provide acceptable mitigation of impacts during that period.</p> <p>The WNIMMP provides no basis for securing through the DCO mitigation of forecast impacts.</p>	<ul style="list-style-type: none"> • Transport benefits of the Project – DfT guidance defines monetised benefits when calculating the Benefit Cost Ratios (BCR) known as Level 1 and 2 impacts, and also when assessing a project's Value for Money know as Level 3 impacts. These are as set out in the ComMA and its Appendix D (Economic Appraisal Report, Distributional Impact Analysis, Appraisal Summary Table and Wider Economics Impact Report). As outlined in the ComMA, Thurrock would receive the most monetised benefits of the Project. • Other benefits of the Project including a range of other planning policy, environmental and sustainability benefits are set out in the Need for the Project, Planning Statement and Sustainability Statement. • Mitigation and enhancements are secured through a range of control documents, notably the Code of Construction Practice (CoCP), which includes the Register of Environmental Actions and Commitments (REAC); and the Section 106 (S106) Agreements. The S106 Agreements sets out obligations that will deliver benefits to the local community 	<p>Appraisal Report [APP-526]</p> <p>ComMA: Appendix D – Distributional Impact Appraisal Report [APP-525]</p> <p>ComMA Appendix D: Economic Appraisal Package – Appraisal Summary Table Report [APP-524]</p> <p>ComMA Appendix D: Economic Appraisal Package – Level 3 Wider Economic Impacts Report [APP-527]</p> <p>Planning</p>	

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			<p>including targets for skills, education and employment; and a Community Fund to support mental health and wellbeing, local skills and employment, connecting communities and the environment.</p> <ul style="list-style-type: none"> Wider benefits via designated funds – The Applicant operates several dedicated funds (known as designated funds) to provide environmental, social and economic benefits to the people and businesses who live and work near to the SRN. The money is allocated to four funding streams focused on making improvements that will make the biggest difference and deliver lasting benefits. The four designated funds cover safety and congestion, environment and wellbeing, users and communities and innovation and modernisation. These funds sit outside the Lower Thames Crossing Project and are not considered benefits as part of the planning balance. They form part of the Applicant's 'business as usual' and are not directly linked to the DCO application. <p>In addition, public recreation spaces are being created as part of the Project, such as Tilbury Fields. Public access to Tilbury Fields will be permitted offering</p>	<p>Statement [APP-495] Planning Statement Appendix A: National Policy Statement for National Networks (NPSNN) Accordance Table [APP-496] Sustainability Statement [APP-544] Register of Environmental Actions and Commitments (REAC), within ES Appendix 2.2: Code of Construction Practice [REP5-048] S106 Agreements – Heads of</p>	

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			<p>recreational space and views across the Thames Estuary. The local public walking, cycling and horse riding (WCH) network will be enhanced with greater network opportunities providing a greater variety of routes for active travel (SoCG Item No. 2.1.256 and 2.1.241). These are secured by the design within the DCO application via the Design Principles.</p> <p>This matter is now not agreed, due to both parties' positions remaining unchanged.</p>	<p>Terms [REP4-144] Design Principles [REP4-146]</p>	
Planning statement/policy					
<p>Infrastructure strategy Accordance with National and Strategic Policy</p>	<p>2.1.58 (also refer to SoCG item 2.1.156) DL-3 RRE, LIR</p>	<p>The Council is concerned by the lack of the Project's performance against national and National Highways strategic policies and its 7 scheme objectives (which have not been prioritised or weighted)</p> <p>Additionally, the national and strategic policies and scheme objectives that the Project does not satisfy relate to the following documents:</p> <ol style="list-style-type: none"> 1. NPSNN (2015) – paragraph 2.13, 2.22, 4.3, 4.5, 4.27 2. DFTs Road Investment Strategy 1 and 2 (RIS 1 and 2) - selected paragraphs 3. National Highway's 'The Road to Growth – Our Strategic Economic Growth Plan' (2017) - selected paragraphs 4. National Highway's Strategic Business 	<p>The Applicant has set out how the Project meets national policies and scheme objectives, both in consultation and through provision of documents and discussion with the Council.</p> <p>The DCO application documents clearly address this issue. The Planning Statement maps the Project objectives to the National Policy Statement for National Networks (NPSNN) evidence and demonstrates the alignment between the policy and the Project at a high level.</p> <p>In accordance with paragraph 4.5 of the National Policy Statement for National Networks (DfT, 2014) the Applicant has developed a business case for the Project that aligns with the Government's appraisal requirements set out in HM Treasury's</p>	<p>Need for the Project [APP-494] Planning Statement [APP-495] Planning Statement Appendix A: National Policy Statement for National Networks (NPSNN) Accordance Table</p>	<p>Matter Not Agreed</p>

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		<p>Plan (2017) - selected paragraphs</p> <p>The Council will review the applicants response to the LIR at D2 within its D3 submission.</p>	<p>(2018) Green Book, as well as the DfT Business Case guidance and Transport Analysis Guidance (TAG). The latest version of the Project's business case, prepared in 2020, was published 26 October 2022. The Combined Modelling and Appraisal Report (ComMA) provides an updated version of the Project's appraisal. It summarises the transport modelling, forecasting and appraisal work for the Project, and reports on the social, environmental and economic benefits and disbenefits associated with the Project in accordance with the requirements of NPSNN paragraph 4.5.</p> <p>The application also provides evidence to illustrate the performance of the Project against the policy requirements of the National Networks and Energy National Policy Statement (NPS) as they apply to the Project. The Planning Statement also provides evidence to demonstrate the optioneering process, how engagement and consultation has influenced the Project, and the link between the delivery of sustainable development.</p> <p>This matter is now not agreed, due to both parties' positions remaining unchanged.</p>	<p>[APP-496]</p> <p>ComMA</p> <p>[APP-518]</p> <p>ComMA Appendix D: Economic Appraisal Package – Economic Appraisal Report</p> <p>[APP-526]</p>	
<p>Environment</p> <p>Green Belt</p>	<p>2.1.59</p> <p>LIR</p>	<p>The Project is 'inappropriate development' and harmful to the Green Belt.</p>	<p>The Project Planning Statement robustly addresses Green Belt policy. It contains</p>	<p>Need for the Project</p>	<p>Matter Not Agreed</p>

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Methodology		<p>Furthermore, the Council questions the compliance with NPS policy in relation to the Green Belt is adequately demonstrated and all other reasonable options have been examined.</p> <p>The Council has not yet had the opportunity to comment on a full LTC Green Belt assessment, despite 2 years having elapsed since DCOv1 was withdrawn. A Green Belt Assessment (GBA) should have been undertaken of all alternative routes, to help inform the preferred route of the scheme and National Highways should have consulted LPAs on the GBA methodology prior to the assessment and consultation on the GBA should have been undertaken prior to submission of the DCO application. The assessment is not considered to be in accordance with the NPPF and local planning policy including the Thurrock Strategic Green Belt Assessment.</p> <p>The Council has assumed that the assessment of harm to the Green Belt has not informed the alternatives process or the selection of the preferred route for the Project.</p>	<p>information on emerging local plan policies and allocations, where these are at an advanced stage and therefore carry weight. There is also a chapter in the Planning Statement that assesses the relationship between the Project and other major planned and consented developments.</p> <p>The Planning Statement was shared at DCO submission. The Applicant is awaiting further discussions with Thurrock Council once the Council's review of the document is complete. The Local Impact Report will be an opportunity for Thurrock Council to respond to the approach taken by the Project on Green Belt issues.</p> <p>The route options assessment was undertaken giving due regard to the presence of the Metropolitan Green Belt, alongside many other constraints. The project objectives require the Project to address the fundamental issues at Dartford.</p> <p>The assessment of the routes to the east and to west of the Green Belt did not, for a variety of reasons, meet the Project objectives and demonstrated greater economic, social and environmental impacts. Therefore, on balance, despite the location of the Project within Green Belt, the current route was selected.</p>	<p>[APP-494] Planning Statement</p> <p>[APP-495] Planning Statement Appendix A: National Policy Statement for National Networks (NPSNN) Accordance Table</p> <p>[APP-496] Planning Statement Appendix C: Local Authority Policy Review</p> <p>[APP-498] Planning Statement Appendix E: Green Belt</p> <p>[APP-500]</p>	

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			This matter is not agreed, due to both parties' positions remaining unchanged.		
Environment Green Belt Assessment	2.1.60 LIR	<p>The Green Belt assessment does not sufficiently assess the impact of the Project as a whole.</p> <p>Thurrock Council consider that the Project is without a correct assessment of the Green Belt which raises questions to whether the right option was selected to comply with Green Belt policy, preferred route and design, and whether the right mitigation has been selected to minimise the impact on the Green Belt.</p>	<p>the Project is located within the Green Belt and is considered to be an inappropriate development as a whole. Linear Nationally Significant Infrastructure Projects often pass through designated Green Belt as recognised within the NPS, though there are very special circumstances which justify those impacts.</p> <p>The Applicant considers that the approach to the Green Belt assessment is robust and is presented in the Planning Statement. The Applicant's view is that there is a clear and convincing basis to grant development consent for the Project.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>	<p>Need for the Project [APP-494] Planning Statement [APP-495] Planning Statement Appendix A: National Policy Statement for National Networks (NPSNN) Accordance Table [APP-496] Planning Statement Appendix C: Local Authority Policy Review [APP-498] Planning Statement Appendix E: Green Belt</p>	Matter Not Agreed

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				[APP-500]	
Planning Process Planning Balance	2.1.61	<p>Thurrock Council have provided evidence of what they consider to be the adverse effects of the Project, yet these adverse effects and missing data and information remain outstanding. This includes key data on traffic modelling, AQ and noise assessments and health impacts and mitigation.</p> <p>Therefore, the Planning Statement included as part of the previously submitted application is considered to be incorrect to conclude that the planning balance weighs towards a positive outcome. As stated in NPSNN 4.4 the potential benefits and potential adverse impacts should be considered at a national, regional and local level.</p>	<p>The Applicant will continue to discuss the contents of the Planning Statement, including the planning balance post submission and during examination as required.</p> <p>The Planning Statement is based on the information and data available at the time of drafting. Therefore, the Planning Statement was not 'incorrect'; it reflected the information available. However, as the Project has continued to evolve, the Planning Statement has been updated and reflects the impacts and benefits of the Project assessed against National Policy and articulates a balanced judgement in the DCO submission.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>	<p>Planning Statement [APP-495]</p> <p>Planning Statement Appendix A: National Policy Statement for National Networks (NPSNN) Accordance Table [APP-496]</p> <p>Planning Statement Appendix C: Local Authority Policy Review [APP-498]</p>	Matter Not Agreed
Traffic Cumulative Effects and effect on Local Plan	2.1.62 (also refer to 2.1.163) RRE, LIR	The Council has concerns of cumulative impacts from other large-scale developments in the local area, which would result in increased impacts of additional traffic movements on the Local Road Network (LRN), as well as on Junction 30 of the M25. National Highways'	Works on junction 30 of the M25 are not being proposed as part of the Project. The Applicant continues to engage with Thurrock Council on the local plan in accordance with the licence obligations, to work with others to align national and local plans and investments, balance national	ComMA [APP-518] ComMA Appendix C: Transport Forecasting	Matter Not Agreed

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		<p>holding objections to two major planning applications at Purfleet and north of lakeside failed to identify what mitigation or interventions are required at Junction 30, in order to allow the proposed development of these sites proceed. Until an agreed solution to the Junction 30 and the Project local connectivity issues, it will remain difficult for the Council to progress the new Local Plan.</p> <p>The Council acknowledges that National Highways proposed to prepare modelling of the implications of local strategic growth (i.e. indicative Local Plan tests) on the operation of the LTC and the consequential effects on the local road network, to be shared directly with the Council. The Council is unable to wholly comment on those effects until that testing has been received (it has now been over 1 year awaiting these results) and, therefore, currently remains concerned that the proposals do not recognise the importance of local sustainable growth and connectivity. It is the Council's opinion that the current configuration of the route does not allow effective connectivity for new local bus services connecting Kent and Essex and does not respond to measures for strategic cycle connections.</p>	<p>and local needs and support better end-to-end journeys for road users. The Applicant considers that these matters, being managed as the authority for the strategic road network, are not related to the Project's application.</p> <p>The forecast traffic flows indicate that in the opening year there would be a reduction in the traffic flow on key roads on the strategic road network in Thurrock, including at junction 30 and on the A13 west of the junction with the proposed Project. The traffic forecasts of the Project are documented in the Combined Modelling and Appraisal Report (ComMA) and its Appendix C (The Transport Forecasting Package).</p> <p>The lack of public transport provision in design is covered under 2.1.163 and the Applicant's position is not repeated here.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>	<p>Package [APP-522]</p>	

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		<p>Through the review of the ComMA and TA that any modelled reduction in traffic at Junction 30 and on M25 is quickly eroded following opening of LTC.</p> <p>The Council sets out its view on this across shortcoming of LTC at Sections 7 and 8 and with particular reference to Public Transport connectivity at Sections 8 and 9 and Appendix B Annex 1 and Appendix C Annex 2 Sub-Annex 2.4 of its LIR</p>			
<p>Public Transport Lack of Public Transport Provision in Design</p>	<p>2.1.63 RRE, LIR</p>	<p>The Council believe the Project's design does not facilitate viable public transport services along the route, does not provide necessary connections in the Borough and does not provide adequate provision on key LTC crossings.</p> <p>1. National Highways states 'there are currently no proposals to run local buses' on LTC but does not explore why this is so, despite national and government policy advice (NPS NN & GD 300 – Requirements for new and upgraded all-purpose trunk roads (expressways)).</p> <p>2. The design does not enable public transport connections (buses) to serve residential or employment growth locations. In the absence of the Tilbury Link Road there is no convenient access for local public transport to the tunnel.</p> <p>3. The current configuration of the route</p>	<p>The Applicant is not a public transport operator; however, the Project would be available for use for public transport services, and the Project does provide additional connectivity across the River Thames, as well as providing shorter and faster journeys across many routes. The services and routings that private coach operators select is a matter for them and their commercial considerations. As with local public transport, the Project is available for use by long distance coaches. Consideration of the use of the emergency access points onto Lower Thames Crossing by buses has been made, and it has been determined that their use in this way would not be possible. There are plans to work together collaboratively to help bring forward the Tilbury Link Road which would be able to provide additional network</p>	<p>Planning Statement Appendix A: NPSNN Accordance Table [APP-496]</p>	<p>Matter Not Agreed</p>

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		<p>does not allow effective connectivity for new local bus services connecting Kent and Essex and does not respond to measures for strategic cycle connections.</p> <p>Discussion on the prospect of the Tilbury Link Road has been removed from the DCO and has stalled. The use of Designated Funds will not improve opportunities for connectivity to the corridor and is therefore misleading on this matter. There is therefore no progress on providing appropriate connectivity to LTC for public transport and NH does not propose to consider reconfiguration of any interfaces with LTC to allow bus connections – including adaptation at the proposed emergency connections.</p> <p>This matter must be resolved and secured through the DCO for NH to meet Sections 3.15 – 3.22 of the current NPSNN.</p> <p>The Council sets out its view on this across Sections 8 and 9 and with particular reference to Public Transport connectivity at Section 8.6 and Appendix B Annex 1 and Appendix C Annex 2 Sub-Annex 2.4 of its LIR.</p>	<p>connectivity, particularly for local buses.</p> <p>Local authorities are best placed to lead on the development and appraisal of future public transport projects. They also have strong existing relationships and lines of communication with commercial bus operators as part of local transport authority duties. The Applicant is willing to work with authorities where appropriate. The Applicant has established a Sustainable Transport Working Group (STWG) in parallel to the Project, with its primary purposes to maximise the benefits of the new crossing and develop sustainable travel initiatives that could be eligible for the Designated Funds Programme, and to support cases for future investment. Should the Project gain consent, the Applicant will use the STWG up until opening as a forum to engage local authorities and operators to build awareness and develop improvements to existing commercial services and potential new services to make best use of the opportunities provided by the new crossing. The STWG has already proposed several local priorities and opportunities for feasibility studies for future funding applications (as stated in the Sustainable Transport Complementary Measures report of March 2021). The report includes nine</p>		

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			<p>Stakeholder Priority Measures including ferry service improvements, feasibility studies for cycling and e-bike initiatives, and a Walking, Cycling and Public Realm Action Plan for Tilbury. The Applicant considers that supporting this collaboration between local authorities on both sides of the River Thames (using the Designated Funds Programme) is the most effective and sustainable solution for providing such measures, which fall outside of the remit of the DCO but may be facilitated to lead to improvements in sustainable modes and public transport.</p> <p>Please also refer to the NPSNN accordance tables appended to the Planning Statement to understand how the Project delivers against all NPSNN objectives. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Utilities Utility Relocations</p>	<p>2.1.64 RRE, LIR</p>	<p>The Council notes that there are 4 additional Nationally Significant Infrastructure Projects (NSIPs) related to significant power and gas diversions. Specific concerns include:</p> <p>1. Inadequate reporting in respect of individual utility diversions, especially within the technical assessment chapters of the ES, and no information has been</p>	<p>The Applicant has responded to these matters raised by the Council in Part 4 of 5 of the Applicant's response to Thurrock Council's Local Impact Report (page 4-15). The Applicant's position is that the utility-specific information contained within the application is sufficient and proportionate for a preliminary design of a project of this scale and complexity – it is compliant with</p>	<p>ES Chapter 1: Introduction [APP-139] ES Chapter 2: Project Description [APP-140] ES Chapter 3: Assessment of</p>	<p>Matter Not Agreed</p>

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		<p>provided on impact assessment or effects. This is set out in Section 12 of the LIR.</p> <p>2. Weak application of the undergrounding test. Neither the Planning Statement or the ES fully address the tests set out in NPS EN-5 and the commitments in the REAC does not adequately cover necessary commitments. Additionally, whilst the various justifications provided by National Highways as to why undergrounding in specific locations is not proposed present a binary choice between the proposed OHL diversion and a specific (discounted) under-grounding design, without reference to potential wider OHL route changes that may well extend the length of diversions but could offer the potential to then under-ground route sections in more feasible locations and thus reduce overall environmental impacts from the utility route</p> <p>3. The need for and design of individual utilities diversions has been considered as a necessary consequence of the preferred route, rather than a major design consideration at the outset.</p> <p>4. Due to the above the Council cannot validate the NSIP screening conclusions</p> <p>5. Lack of clear identification and screening of proposed works to confirm whether each</p>	<p>the requirements of the DCO process and aligns with precedent in other NSIP applications. An explanation of the utility works required for the construction and operation of the Project including those assets proposed to be located within multi-utility corridors and the process undertaken to incorporate them into the application is provided within ES Chapter 2: Project Description.</p> <p>In relation to points 1, 4, 5 and 6, the EIA assesses the impacts of the Project as a whole, rather than of individual component parts. This is consistent with the DCO being sought for the whole Project, rather than for individual elements. Any subdivision of the assessment is considered unnecessary, would be difficult to do, and would add considerable length and complexity to the ES. The screening exercise has been completed and presented in an appendix to Chapter 1 of the ES. Details of the proposed utility diversions were included in 2022 Local Refinement Consultation.</p> <p>In response to point 2, information from an options assessment undertaken by National Grid and from the Applicant's own assessment has informed the ES, which has assessed the impacts of the diverted routes versus the baseline. It is provided in</p>	<p>Reasonable Alternatives [APP-141] Need for the Project [APP-494] Planning Statement [APP-495] Planning Statement Appendix A: National Policy Statement for National Networks (NPSNN) Accordance Table [APP-496] Planning Statement Appendix B: National Policy Statements for Energy Infrastructure Accordance</p>	

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		<p>qualifies as a NSIP in its own right or requires to be treated as an Associated Development. The documents relating to gas and electrical infrastructure are difficult to find and included within larger documents. Also, it is not clear how several gas mains can be high-level below 7 bar which prevents them from being classified as NSIPs.</p> <p>6. Lack of clarity regarding the identification of individual utilities. This also applies in terms of the ability to demonstrate 'compliance with reasonable alternatives requirements' within NPS EN-5. The plans show multiple utility corridors, but it is not clear what utilities are included. Furthermore, each utility should be identified by its power rating, pressure or gas or diameter for water; and, location of telecommunications, junction boxes and cabinets.</p> <p>7. The extent of land-take required and likely impacts on communities and existing infrastructure, including in terms of disruption and safety. All these matters should be part of the ES, but are currently not.</p> <p>8. Information gaps - Information requirements for EN-1, EN-4 and EN-5 are the same as those set out within NPSNN, need to be addressed directly for the</p>	<p>ES Chapter 3: Assessment of Reasonable Alternatives; and in Chapter 5 of the Planning Statement. Where the ambition to underground is not justified by the impact of the Project, engineering or environmental reasons, the Project is not empowered to alter a third parties' assets without justification. Alternatives for key elements of the design, including the undergrounding of the overhead powerlines, are described in ES Chapter 3 and will also be assessed in Chapter 3 Project Evolution in the Planning Statement.</p> <p>ES Chapter 3 records the reasonable alternatives that have been considered as part of the Environmental Impact Assessment. The Planning Statement includes a chapter (Chapter 4) which records the Project's evolution, which assesses the Project's accordance with the National Policy Statement. The Planning Statement Chapter includes information about the Nationally Significant Infrastructure Project utility diversions and associated works.</p> <p>In response to point 3, all of the proposed routes considered at the options stage of the Project would have impacted on existing utilities and required their diversion. The nature of the routes for</p>	<p>Tables [APP-497] ES Appendix 2.2: Code of Construction Practice [REP5-048] Explanatory Memorandum [REP4-096]</p>	

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		<p>proposed utilities NSIP diversions within the Project.</p> <p>The Council consider that the above deficiencies significantly hinder the ability to clearly understand the types and levels of environmental impacts and mitigation requirements associated with each proposed utilities diversion. In consequence, it is the Council's view that the Projects DCO does not clearly establish the environmental acceptability of all proposed diversions including the proposed utilities NSIP diversions in accordance with relevant requirements set out within EN-1, EN-4 and EN-5, including information requirements and requirement to assess all likely significant effects of the proposals.</p> <p>The Council will review the applicants response to the LIR at D2 within its D3 submission.</p>	<p>major utilities in the Project area and the distribution of population centres indicate that all route options would have had the potential to require utility works that in themselves could qualify as Nationally Significant Infrastructure Projects. Assets such as National Grid's overhead powerlines and the gas Feeder Mains have been considered as an impact from the outset versus residents, and potential impacts on the environment. The need to divert them was communicated at the 2018 Statutory Consultation, and a re-appraisal of the options supports the selected route in the context of the utility networks, as reported in Chapter 4 of the Planning Statement. Further knowledge of the assets within the Project have been made known by the asset owners, and the requirements to divert or protect them have been developed along with the Project design.</p> <p>With regard to point 5, those NSIPs relating to the utility networks (Work Nos G2, G3, G4 and OH7) are Principal Development and development consent must be obtained from the Secretary of State to authorise it (section 37 of the 2008 Act), however they are resultant of the A122 Principal Development. All other utility works are associated or composite</p>		

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			<p>development. These Works are shown on the Works Plans and are shown at Plates 3.2 and 3.3 of the Planning Statement.</p> <p>With regard to the high pressure gas pipelines, the Applicant has applied the tests of s.20 of the Planning Act accordingly and appropriately, as demonstrated in ES Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008. The test contained within section 20(4) of the Planning Act 2008 is that 'The pipe-line must have a design operating pressure of more than 7 bar gauge' and does not concern itself with its function as part of the gas transmission or distribution networks (NHP or LHP). Section 20(1) states that 'The construction of a pipe-line by a gas transporter is within section 14(1)(f) only if (when constructed) each of the conditions in subsections (2) to (5) is expected to be met in relation to the pipe-line', of which the design operating pressure is one of the tests, at s.20(4).</p> <p>The Applicant would like to clarify that the threshold for high pressure gas pipelines in the UK is greater than 7 bar so they cannot be "high-level below 7 bar" as stated by the Council. Those pipelines would be intermediate, medium or low pressure pipelines and therefore they would not</p>		

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			<p>meet the threshold of being NSIPs due to not meeting the test of s.20(4) as communicated above.</p> <p>With regard to the overhead electric lines, the Applicant has applied the tests of s.16 of the Planning Act accordingly and appropriately, as demonstrated at Annex 2 of the Explanatory Memorandum (Assessment of proposed electricity line works for purposes of section 16 of the Planning Act 2008).</p> <p>In response to point 7, the land-take proposed for the diversion of utilities has been substantially refined through design development and further information on the land required, and for which utilities have been included in the Works Plans and Land Plans submitted as part of the application documents. The majority of the land required for the utilities works will be temporary and will be reinstated following construction. All impacts of the land-take are covered by relevant technical assessments, such as the Environmental Statement, with mitigation for impacts on communities covered by REAC items under a range of topics.</p> <p>In response to point 8, the application documents will provide clarity on the scope and scale of the utility works and the assessment of the Project against all</p>		

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			<p>relevant National Policy Statements where relevant. Policy compliance tables considering EN-1, EN-4 and EN-5 are included, as well as the assessment of compliance with these policies.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Environment Specific comments on the oLEMP</p>	<p>2.1.65 (also refer to 2.1.104)</p>	<p>The Council raised the following:</p> <p>1. Ockendon Link: It will be important to ensure the sections adjacent to Orsett Fen complement the character of its habitat through appropriate design and species choice. It should complement the proposed Orsett Fen open space compensation land.</p> <p>2. Orsett Fen - Wetland Creation: The design should consider how it relates to the proposed Orsett Fen open space compensation land.</p> <p>The Council consider that in addition to the enhanced design of the 2 viaducts further landscape enhancement of the area is required and requires further decision.</p>	<p>The detailed reinstatement and planting scheme for these sites will be provided as part of the discharge of requirements process (Requirement 5) should a DCO be granted. It is not appropriate to design to this detail at this stage in the Project.</p> <p>The outline Landscape and Ecology Management Plan (oLEMP) and Environmental Masterplan will set out the parameters for planting across the Project and will provide the framework for the detailed design stage. If the Project is consented, the Landscape and Ecology Management Plan (LEMP) will be developed in consultation with the local authorities including Thurrock Council, be based on the Environmental Masterplan, and be in line with the controls and commitments of the Design Principles and Register of Environmental Actions and Commitments (REAC).</p> <p>The Applicant has shared the proposals in these areas including drafts of the above</p>	<p>Outline Landscape and Ecology Management Plan [REP4-140]</p> <p>ES Figure 2.4: Environmental Masterplan [REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 REP2-031]</p> <p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p> <p>Design</p>	<p>Matter Agreed</p>

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			control documents. Thurrock Council is now satisfied with the Applicant's response on this matter. The wider issue of providing more expansive habitats is included under 2.1.104 and the Applicant's position is not repeated here.	Principles [REP4-146] Draft Development Consent Order [REP5-024]	
Route selection, modal alternatives & assessment of reasonable alternatives					
Design alternatives Appraisal of alternative configurations of the Project	2.1.66 (also refer to SoCG items 2.1.158, 2.1.165, 2.1.84, 2.1.144, 2.1.165, 2.1.99, 2.1.167) RRE, LIR	National Highways has not tested any alternative configurations for various elements of the Project such as 1. the design of A13 junction 2. potential TLR connection and connections with local junctions 3. provision of local growth 4. connections with active travel and public transport modes 5. consideration of the utility diversions in the route selection National Highways has provided insufficient modelling evidence in support of the evaluation of these alternative configurations. As a result, there is insufficient detail to understand the impacts (on the local road networks as well as residents, businesses, open countryside and designated environmental areas) and to determine mitigation.	1. The design of the A13 junction During the development of the A13 junction, the Applicant considered the connectivity needed with the A13 junction by considering the key traffic movements between the A13, the A1089, and the new connectivity provided by the Lower Thames Crossing. A key consideration during the development of the junction was to minimise the impacts to the local area by making better use of the existing infrastructure. 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 judgement informed by the traffic model, rather than undertaking a sequence of detailed models of all possible alternatives as proposed by the Council.	Need for the Project [APP-494] ComMA Appendix C: Transport Forecasting Package [APP-522]	Matter Not Agreed

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		<p>National Highways traffic modelling to date is based upon superseded forecasts (NTEM7.2) and not based upon the latest Government traffic growth projections (NTEM8). Local growth is therefore likely to be misrepresented within the modelling. The Council's issues with the traffic forecasting approach used for LTC are discussed in the Thurrock Council LIR (para 7.8.12 – 7.8.30). This would apply to the current scheme only.</p> <p>Section 9.2 of the Council's LIR responds on NH's proposals for the operational and emergency access and its absence of suitability to facilitate local connections or to form a future connection to a Tilbury Link Road.</p>	<p>As an all-movements junction would have led to significant additional land requirements and environmental impacts, the number of movements provided were reduced, with priority given to those movements that supported the Project objectives of providing relief to the Dartford Crossing and approach roads, and supporting sustainable local development and regional economic growth, providing regional economic benefit. The junction design was then further developed based on stakeholder feedback, and the design of the A13 junction has since evolved as a result. Following feedback from the Council and others, the A13 junction design has been updated and was consulted on in 2022. Outside of the scope of the Lower Thames Crossing, the Applicant is also 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.</p> <p>2. Tilbury Link Road (TLR)</p> <p>The Tilbury Link Road was not included in the Project proposals consulted on at Statutory Consultation because it was not considered necessary to achieve the Transport Scheme Objectives of the</p>		

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			<p>Project. The Tilbury Link Road has been identified in the pipeline of projects in the Applicant's road investment strategies for 2020-2030 (known as RIS2 and RIS3). During the review of the Project, undertaken when the Thames Freeport was designated, the Applicant sought direction and received instruction from DfT and Department of Levelling Up, Housing and Communities (DLUHC), that the Tilbury Link Road should be delivered through a separate consenting process to the Lower Thames Crossing. Notwithstanding that, the Applicant has undertaken some additional traffic modelling of scenarios including the TLR to assist the Council in developing its position on the consideration of alternatives.</p> <p>Connections with local junctions / Provision for local growth</p> <p>Although the Council has identified locations for proposed connectivity with the Project to support the Local Plan and local growth, the plan for the area, including highways connectivity, has not yet been developed to a sufficient extent to carry out a detailed analysis of that proposed connection. Local growth has been accounted for using the Government projected growth into the traffic model forecasts. It is clear that any future</p>		

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			<p>connectivity proposals with local junctions will need to take the latest Project operation into consideration at that particular time of the proposal. As the Project is being designed to the latest standards, the implementation of future connectivity with local junctions will be compatible with the Applicant's infrastructure and such connection is likely to be significantly simpler than for other areas of the strategic road network. Nevertheless, significant design changes have been made in the Tilbury area to accommodate a future local junction connection.</p> <p>3. Provision for local growth</p> <p>The current problems at the Dartford Crossing are regional-level issues that have implications beyond the local areas. Therefore, the Project is a regional project rather than necessarily a project that solely seeks to cater for local growth. The Need for the Project demonstrates that there is a clear and compelling need to address the long-standing traffic problems at the Dartford Crossing, as well as an opportunity to provide capacity for sustainable local and regional economic growth. It also illustrates how the chosen Project meets the Scheme Objectives, how the existing issues in the Lower Thames</p>		

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			<p>area would be addressed by the Project, and sets out the wide range of benefits and opportunities that can be expected.</p> <p>4. Connections with active travel and public transport modes</p> <p>The consideration of connections with active travel is not necessarily carried out as an assessment of alternatives considered, but rather it forms part of an evolution of the Project design of a selected route. Since the selection of the route, the Project design has evolved significantly to improve the existing routes for walking, cycling and horse riding. In terms of the proposed route, the relevant design standard GD-300 requires that 'Walkers, cyclists, horse-riders and slow-moving vehicles are prohibited' for the design level (Level 3) of the Project, in order to enhance the safety and operational performance of the road. Consideration of the use of the emergency access points onto the Project has been made, and it has been determined that their use in this way would not be possible. The Applicant proposes to work collaboratively with the Council outside of the scope of the Project to help bring forward the Tilbury Link Road, which would be able to provide additional network connectivity, particularly for local buses.</p>		

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			<p>5. Consideration of utility diversions</p> <p>The location of utilities was a factor in the consideration of route selection, which fell under the engineering element of route selection. As engagement with utility companies developed, alterations to the preferred route were made. Also, several amendments to the Project have been made in response to emerging details of utilities within the area. Examples of these include the movement of the route by 200m to the south-west around South Ockendon, and the movement of the route by 50m by Linford to avoid the need for major changes for the overhead line network. The initial route selection considered the location of utilities (as a major design consideration). As understanding of the location of utilities developed, efforts were made to change the alignment to address potential conflicts and a number of amendments were made. Where conflicts remain, the Applicant has been working hard with its utility stakeholders to develop solutions which minimise environmental impacts (for example, the change in working area between supplementary consultation and the more recent community impacts consultation).</p> <p>NTEM v8.0 was published in November 2022, after the DCO submission. Likewise</p>		

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			<p>the NTEM v8.0 traffic growth forecasts for the Common Analytical Scenarios were published in December 2022, after the DCO submission. The transport modelling presented in ComMA Appendix C: Transport Forecasting Package was carried out using DfT's Transport Appraisal Guidance, and associated data books at the time the modelling was undertaken in early 2022.</p> <p>The Applicant uses traffic modelling to inform its option identification and to provide baseline information for assessment. The Applicant does not require the traffic modelling to do any option testing to understand these scheme impacts. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Route selection Preferred Route Selection</p>	<p>2.1.67 LIR</p>	<p>The Council continues to take the view that the 2016 public consultation did not provide satisfactory comparative evidence for alternative route alignments A and C, and that the approach to deciding the preferred route was methodologically inadequate. No transport modelling evidence was presented at that time to substantiate the strategic choice made.</p> <p>The Council would like additional information on the methodology of the</p>	<p>The 2016 public consultation provided robust comparative evidence for alternative route alignments A and C. Extensive transport modelling evidence was presented at the time of the 2016 public consultation in the Scheme Assessment Report - Volume 5 - Traffic and Economics Appraisal to substantiate the strategic choice made. Furthermore, Section 4 (Traffic Impacts) of the Operations Update in the 2021 Community Impacts Consultation presented sufficient transport</p>	<p>Planning Statement [APP-495]</p>	<p>Matter Not Agreed</p>

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		<p>sifting process, particularly how the options were weighted. The options were assessed against the Scheme Objectives, however, the Council does not agree with some of the major design elements (such as, A13 junction) or the detail of the layout of that route.</p> <p>The Council sets out its opinion on the absence of the benefits and value for money at Section 7 of its LIR and comments on alternatives to LTC at Section 8 and associated Appendices.</p>	<p>modelling evidence for future growth scenarios in Thurrock and consideration of impacts on the Local Road Network. In addition, the revised Planning Statement includes a Project Evolution Chapter (Chapter 3) which tells the story of the Project, the options, alternatives and how the pre-application process has impacted on the DCO application and Project design.</p> <p>The options were reviewed in the round using professional judgement by technical specialists (e.g. traffic benefits, environment impacts, engineering feasibility, costs, etc.) considering all of the Scheme Objectives. This is evidenced in the Appraisal Summary Tables in the Pre-Consultation Scheme Assessment Report Volume 7 Appendices, as well as Tables 3.1 and 4.1 of the Post-Consultation Scheme Assessment Report Volume 7, which are all published as part of the 2016 consultation.</p> <p>The Council disagrees with the Project position set out above.</p> <p>Please refer to SoCG matters 2.1.66 (Appraisal of alternative configurations of the Project), 2.1.68 (Testing scheme alternatives for Thurrock Council) and 2.1.156 (value for money). The Applicant's position on these matters is not repeated</p>		

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<p>Design alternatives Testing scheme alternatives for Thurrock Council</p>	<p>2.1.68 RRE, LIR</p>	<p>The Council has suggested a number of alternatives for testing, including:</p> <ol style="list-style-type: none"> 1. LTC with a Tilbury Link Road. 2. LTC with different configurations of the connections to the A13 and with a Tilbury Link Road. <p>Models for testing these alternatives have been completed and demonstrate that alternative configurations of the A13/A1089/LTC interchange and including a Tilbury Link Road provide some relief to that congested and convoluted interchange and improve connectivity to Thurrock. Appraisal of those more positive outcomes has not been advanced by NH. The Council considers that further refinement of that modelling work is required to help move towards a resolution of the many and significant problems at the A13 junction. The Council sets out its view on this matter at Section 8.6 and Appendix B Annex 2 of its LIR.</p>	<p>here.</p> <p>In response to point 1, the Applicant has modelled the Project with a Tilbury Link Road to assist Thurrock Council, although this is outside the scope of the Project.</p> <p>In response to point 2, during the development of the A13 junction, the Applicant considered the connectivity needed with the A13 junction by considering the key traffic movements between the A13, the A1089, and the new connectivity provided by the Lower Thames Crossing. A key consideration during the development of the junction was to minimise the impacts to the local area by making better use of the existing infrastructure.</p> <p>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 judgement informed by the traffic model, rather than undertaking a sequence of detailed models of all possible alternatives as proposed by the Council.</p> <p>As an all-movements junction would have led to significant additional land requirements and environmental impacts, the number of movements provided were</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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			<p>reduced, with priority given to those movements that supported the Project objectives of providing relief to the Dartford Crossing and approach roads, and supporting sustainable local development and regional economic growth, providing regional economic benefit. The junction design was then further developed based on stakeholder feedback, and the design of the A13 junction has since indeed evolved as a result. Following feedback from the Council and others, the A13 junction design has been updated and was consulted on in 2022. The Applicant is also 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, which is being considered separately to the Lower Thames Crossing.</p> <p>A further discussion on this matter was held on 9 August 2023 and the Council reiterated its concerns on the lack of testing scheme alternatives as outlined in its LIR. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
Modal alternatives	2.1.69 (also	The Council query what future proofing of the road can be done to provide for sustainable transport solutions and support	The Project would be designed as an all-purpose trunk road. The decision to restrict certain types of vehicles has three key	Road User Charging Statement	Matter Not Agreed

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Future Proofing the Project	refer to 2.1.95, 2.1.165, 2.1.167, 2.1.63, 2.1.66) DL-3 RRE, RRN, LIR	<p>the Government's commitment to reduce carbon emissions by 78% by 2035. In the Council's opinion, it would not be in the public interest to have to retrofit at great expense adjustments to the tunnel and associated works, which had only just been completed. The Council would welcome comments on how National Highways has engaged with the design requirements to accommodate the future change in public transport demand and use.</p> <p>1. The design excludes trains, trams, light rail, electric bikes, and scooters. Any future provision of these modes would require expensive retrofitting as the design is not future proof to accommodate the future changes in public transport demand and use.</p> <p>2. There is no mention of safeguarding the Project for future upgrades such as autonomous vehicles.</p> <p>3. There is no mention of bus routes or allowing for bus priority (in key areas such as the A1013) within the Design Principles and the design does not enable buses to serve efficiently existing centres and growth locations (residential or employment).</p> <p>The Council note that the use of rail has been ruled out by DfT due to a poor</p>	<p>areas of consideration:</p> <ul style="list-style-type: none"> The standard (GD300) that the Project is designed in accordance with, requires that 'Walkers, cyclists, horse-riders (WCH) and slow-moving vehicles are prohibited' for the design level (Level 3). This is to enhance the safety and operational performance of the road. To the south of the A13 the tunnel is a critical factor. Non-motorised and slow-moving vehicles are prohibited from using the tunnel, to achieve a consistent travel speed through the tunnel, reducing the likelihood of stoppages, overtaking manoeuvres and lane changing within the tunnel. To the north of the A13 the majority of traffic joins to/from the M25. To achieve route consistency and to minimise the need for complex signage, the same vehicle restrictions are proposed for this section of the carriageway. <p>The Applicant has recognised that as a result of advancing technology, the Transport Decarbonisation Plan and Net Zero by 2050 targets, new technologies such as Connected and Autonomous Vehicles will emerge. From 2030, there will</p>	[APP-517]	

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		<p>business case, but no similar references were observed regarding bus routes, priority bus lanes or autonomous vehicles.</p> <p>The Council is concerned there is no strategy for charging/demand management to reduce/control demand beyond replicating the charging regime of the Dartford Crossing.</p> <p>The Council's views on LTC's futureproofing is set out at Sections 8 and 9 of its LIR.</p> <p>The Council acknowledges that the applicant has defined the terms 'toll' and 'charge' so as to understand the difference in law and practice.</p> <p>The Council notes that the Sustainable Transport Working Group has not met since 12 December 2022 and there has therefore been no progress since then in agreeing sustainable transport measures. The concerns with future proofing set out in Sections 8 and 9 of the Council's LIR remain.</p>	<p>be ban on the sale of vehicles powered wholly by petrol and diesel. The timescales and exact nature of these interventions is currently unknown as is the policy and legislative framework in which they will sit. In absence of this, the Applicant, or other highway authorities, are not able to make adaptations to either existing or proposed infrastructure. It is clear that the delivery mechanisms for any future technology will need to be cost-effective implementation across the entire road network that exist at that particular time of implementation. As the Project is being designed to the latest standards, the implementation of future technology will be compatible with the infrastructure and such retrofitting is likely to be significantly simpler than for other areas of the strategic road network. The Applicant is unable to provide further detail or discussion on this element without government policy.</p> <p>The whole Project route would be available for public transport, if operators choose to use it. The Applicant is not a public transport operator, and so are not proposing to run buses as a result of the Project. However, the Project does provide additional connectivity across the River Thames and is fully available for use by public transport operators should they</p>		

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			<p>choose to make use of them. Furthermore, consideration of the use of the emergency access points onto the Lower Thames Crossing has been made, and it has been determined that their use in this way would not be possible.</p> <p>The Applicant considers that local authorities are best placed to lead on the development and appraisal of future public transport projects. They also have strong existing relationships and lines of communication with commercial bus operators as part of local transport authority duties. The Applicant is willing to work with authorities where appropriate.</p> <p>The Applicant has established a Sustainable Transport Working Group (STWG) in parallel to the Project, with its primary purposes to maximise the benefits of the new crossing and develop sustainable travel initiatives that could be eligible for its designated funds, and to support cases for future investment. Should the Project gain consent, the Applicant will use the STWG up until opening as a forum to engage local authorities and operators to build awareness and develop improvements to existing commercial services and potential new services to make best use of the opportunities provided by the new crossing.</p>		

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			<p>The Applicant considers that supporting this collaboration between local authorities on both sides of the Thames is the most effective and sustainable solution.</p> <p>The Road User Charging Statement sets out the rationale for charging and the powers that are being sought in the draft DCO. Please refer to paragraphs 1.4.1, 1.4.2, 1.4.4 and 1.4.5 of that document.</p> <p>The Applicant reiterates that the road user charge is not a toll, instead the road user charge is for traffic management purposes, to ensure the effective operation of an integrated river crossing network. The Applicant will provide the Council with a response relating to the status of the road user charge.</p> <p>As per the Council's request for the Applicant to define 'toll' and 'charge', there is no singular definition of 'toll' or 'charge' that exists in UK law, but rather the distinction is drawn through the use of the terms in relevant UK legislation.</p> <p>In essence a toll is a fee which is typically imposed in order to pay for the construction and physical maintenance for the road to which it relates. Historically tolls were imposed by private Acts through the 'turnpike' system to repair and improve the road in question, and various river</p>		

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			<p>crossings also had tolls imposed by specific authorising Acts. Toll orders may now be imposed on new trunk roads under the New Roads and Street Works Act 1991, which allows tolling for a specified period and includes specific provisions for charging by a concessionaire.</p> <p>By contrast, a road user charge may apply to zones (e.g. the congestion charge in London, or Clean Air Zones in other cities) as well as bridges and tunnels (such as the Dartford Crossing), and allows for charges to be imposed for an indefinite period and for a range of purposes (e.g. management of congestion or improvement of air quality). Road user charges in England and Wales may be imposed under the Transport Act 2000, and subordinate legislation also sets out a system for enforcement, penalty charges and adjudication.</p> <p>This matter remains not agreed due to both parties' positions remaining unchanged.</p>		
<p>Design alternatives Transport Modelling for resilience to future change</p>	<p>2.1.70 RRE, LIR</p>	<p>The Project's design is for a life span of some 100 years, yet there is no modelling for resilience to future change, such as travel trends, mode shift and emerging technologies. The Council would require further testing to consider these scenarios. The Council acknowledges that National</p>	<p>The Applicant has recognised that as a result of advancing technology, the Transport Decarbonisation Plan and Net Zero by 2050 targets, new technologies such as Connected and Autonomous Vehicles will emerge. The timescales and exact nature of these interventions is</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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		<p>Highways proposed to prepare sensitivity modelling of the implications of local strategic growth (i.e. indicative Local Plan tests) on the operation of the Project and the consequential effects on the local road network. The Council is unable to wholly comment on those effects until that testing has been received, and, therefore, currently remains concerned that the proposals do not recognise the importance of local sustainable growth and connectivity.</p> <p>The Council sets out its view on the absence of facilitation and allowance for local growth and changes in technology and decarbonisation of travel at Sections 7, 8 and 10 of its LIR and specifically at Sections 7.3, 8.5 and 10.15.</p>	<p>currently unknown as therefore is the policy and legislative framework in which they will sit. In absence of this, the Applicant, or other highway authorities are not able to make adaptations to either existing or proposed infrastructure. It is clear that the delivery mechanisms for any future technology will need to be implemented cost-effectively across the entire road network that exists at the particular time of implementation. As the Project is being designed to the latest standards, the implementation of future technology will be compatible with the infrastructure and such retrofitting is likely to be significantly simpler than for other areas of the strategic road network. The Applicant is unable to provide further detail or discussion on this element without government policy.</p> <p>The Applicant has offered to provide model runs for Thurrock Council, including local plan growth. These runs, which fall outside the guidance on the approach to including development into the modelling, have been offered to support Thurrock Council in developing the Council's local plan and are not considered to be a matter relating to the DCO submission.</p>		

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Consultation and engagement					
Consultation information Prematurity of the Local Refinement Consultation (LRC)	2.1.71 RRE	The Council considers the LRC to have been premature due to ongoing work, which may lead to further consultation/changes once completed. This includes: <ol style="list-style-type: none"> 1. Traffic modelling work - including LTAM traffic modelling work as well as development and use of local traffic models 2. Ongoing environmental assessments which could lead to further mitigation and scheme changes 3. Policy changes including further provision and scheme changes to accommodate recent policy changes re decarbonisation, active travel and public transport provision 	Careful consideration was given to the timing and proposed changes consulted on at the LRC, following project development and feedback from previous consultations. The Applicant has reviewed all stakeholder comments made at the consultation, while finalising its design for submission. The precise submission date for the application was chosen to allow sufficient time for the Project to develop as a result of stakeholder feedback. The design submitted in the DCO application will be subject to further scrutiny and development as a result of the examination process. <p>In response to point 1, the Applicant considers that the modelling work undertaken in parallel to the consultation would not result in changes beyond that allowed for in the flexibility provided through the limits of deviation, and that could be addressed through detailed design. Had the model identified that changes were required, then there would have been a need for further consultation, which the Applicant acknowledges. However, this proved not to be the case.</p> <p>In response to point 2, the same principle applies to the environmental assessments. Development of a project is an iterative</p>	Planning Statement [APP-495]	Matter Not Agreed

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			<p>process, with early design, assessments and consultation informing the development of a final design which is assessed and presented within the consent application. The Applicant has undertaken a number of iterations, informed by a series of developing assessments and consultations.</p> <p>In response to point 3, the Planning Statement details the national and local policy context and assessed the Project within this policy context. Policy formulation is dynamic and the Applicant will respond to emerging policy as requested during the Examination process.</p>		
<p>Consultation information Inadequacy of consultations and Public Environmental Information at Statutory Consultation</p>	2.1.72	<p>The Council are concerned that the consultations undertaken have been inadequate. Concerns include:</p> <ol style="list-style-type: none"> 1. The duration of the consultations, considering the complexity and scale of the materials provided 2. The broader accessibility of the consultation materials and the volume of documents for the wider public 2. The provision of events, where events were not held within key communities 3. The level of detail provided in the consultation materials, including for example, the level of detail provided in the Preliminary Environmental Information 	<p>The Applicant strongly disagrees with the position set out by Thurrock Council.</p> <p>In response to point 1, the Applicant has carried out consultation at appropriate periods during the Project's design and development. At each stage of consultation, the Applicant provided appropriate and clear environmental information to allow the public and stakeholders to understand the potential impacts of the proposals on the environment and local communities. The durations of the consultation periods are sufficient and proportionate to the nature of the content, which has been included in</p>	<p>ES Appendix 4.1: The Inspectorate's Scoping Opinion and National Highways Response [APP-340]</p>	<p>Matter Not Agreed</p>

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		<p>during the Statutory Consultation</p> <p>4. As a consequence of this, the Council have concerns that the public have not been sufficiently consulted on key aspects of the proposals.</p> <p>The Council have concerns that the consultation has been inadequate for vulnerable or hard to reach groups. The inadequacies identified above mean that the views of key groups, including the elderly, those with disabilities, people who may not be able to read, and people for whom English is not their first language. The Council received technical documents alongside the consultation documents, which limited the council's opportunity to reflect understanding of detailed technical information into the consultation response.</p> <p>The information presented in the Preliminary Environmental Information Report (PEIR) during the Statutory Consultation and the ES Update Reports during the Supplementary Consultation and the Design Refinement Consultation did little to provide the public with information to review and understand the baseline conditions and develop an informed view of the likely significant environmental effects.</p>	<p>each of the consultations undertaken.</p> <p>In response to point 2, the Applicant believes the volume of material shared at the consultation is proportionate to the scope and nature of the consultation as well as a direct response to stakeholder (including Thurrock Council's) feedback. For example, details of the proposed impacts and mitigation at the local (ward) level were previously requested, which led to detailed Ward Summaries. The Applicant appreciates that these summaries were detailed documents due to their nature and scope; however, they were clearly labelled to ensure the public only had to read their individual sections. More details on construction effects and mitigation were also requested, which led to a construction (and an operational update) document. It was also an ongoing request from the Council to share the draft control documents (and the mitigation contained within them), therefore all the control documents were made a part of the Community Impacts Consultation (CIC). As the documents were developed, accessibility was a key consideration. The document hierarchy was developed to allow readers to access information through the Guide to Consultation, and then enter into more detailed materials via</p>		

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			<p>the Ward Summaries, with provision of the control documents for those who wanted to understand the detailed legal framework of control. Other tools, such as the interactive map, were also provided to assist with accessibility.</p> <p>The Applicant was cognisant of the time and effort required to review all these documents in time. Therefore, control documents were shared in a phased manner, with several documents being made available up to 3.5 weeks before the commencement of the formal consultation. The Applicant also altered the length of consultation and its timing following consideration of Thurrock Council's concerns over timing and the pre-election period. The Applicant also organised webinars and telephone call-back services for the local public during consultation to ensure feedback and concerns were picked up.</p> <p>In response to point 3, the Applicant considers that the provision of events has been adequate. The programme of consultation events has been chosen and based on the areas directly affected by the consultation proposals, as well as other factors such as attendance levels at events for previous consultations. The Applicant has made efforts to make sure the</p>		

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			<p>locations of venues were as evenly spread as possible so that it would be possible for residents to travel a relatively short distance to attend one, should they wish to.</p> <p>In response to point 4, the PEIR published at Statutory Consultation provided sufficient environmental information to allow consultees to take an informed view of the Project and provide their consultation feedback. The Applicant followed the relevant regulations, paid attention to guidance notes and industry best practice and, where appropriate, involved relevant stakeholders in the development of the PEIR. The PEIR was produced to include the environmental topics in line with the scoping report and the approach to the Environmental Impact Assessment (EIA) was updated to reflect the Scoping Opinion. The response to the Scoping Opinion is set out line-by-line in the Environmental Statement (ES) submitted as part of the DCO application. The Applicant has also had further discussions with relevant stakeholders to discuss and agree the scope of certain assessments, as the Scoping Opinion requested. The information presented in the PEIR included a detailed description of the policy and legislative requirements for the Project, and it set out how the Project would respond to</p>		

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			<p>areas of concern in the ES.</p> <p>The Applicant considers that the PEIR was a robust representation of the impacts of the Project and met the requirements set out in both legislation and guidance. Nevertheless, they recognise that there was concern from the Council about the consultation with the community in Thurrock. The Applicant therefore undertook a further consultation in 2021, the Community Impacts Consultation, which presented the impacts on a localised level.</p> <p>The CIC materials included the Ward Impacts summaries document which provided an overview of the changes and impacts the Project may have during its construction, and operation within the wards. The summaries covered 12 topics including traffic, noise and air quality.</p> <p>In response to point 5, the Applicant's view is that a comprehensive programme of consultation has taken place which has received over 90,000 responses. The Applicant put in place measures to ensure that those with limited or no access to computers or the internet could participate. These measures have included the delivery of leaflets addressed across the area where the Project would be situated, letters to people with an interest in land</p>		

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			<p>that would be affected by the Project, as well as public notices in local newspapers. The Applicant has also arranged for alternative formats such as braille, where requests have been received and organised BSL interpreters at specific events or online videos/webinars. Easy read versions of consultation documents have also been produced.</p> <p>Furthermore, during the Design Refinement, Community Impacts and Local Refinement consultations, it has been possible to request the delivery of copies of the consultation material free of charge and a telephone service was introduced. Responses could be submitted via the telephone and, if further information was required, it was possible to speak to a member of the Project team on the telephone. A range of information points and deposit locations where leaflets and paper consultation materials were made available in the local community.</p> <p>At each stage of consultation, the Applicant has asked respondents about how each consultation was delivered including the quality of consultation materials. From this information, the following positive feedback has been determined:</p> <ul style="list-style-type: none"> • Statutory Consultation – 67% of 		

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			<p>respondents who answered the question said the information provided was 'Very good' or 'good'.</p> <ul style="list-style-type: none"> • Supplementary Consultation – 54% of respondents who answered the question said the information provided was 'Very good' or 'good'. • Design Refinement Consultation – 49% of respondents who answered the question chose 'Very good' or 'good', when asked if the information was presented clearly and was easy to understand. • Community Impacts Consultation – 63% of respondents who answered the question chose 'Very good' or 'good', when asked if the information was presented clearly. • Local Refinement Consultation – 46% of respondents who answered the question chose 'Very good' or 'good', when asked if the information was presented clearly. 		
<p>Adequacy of Consultation Response to Community Impact Consultation</p>	2.1.73	<p>National Highways has provided limited feedback on the outcome of the consultations, both to the public and to the Council. Thurrock Council are unclear on how the consultation responses have influenced the proposals and consider that as a result there is insufficient mitigation</p>	<p>The Applicant strongly disagrees with the position set out by Thurrock Council. Extensive efforts have been made to communicate how feedback from individuals and stakeholders has been considered and acted upon, and the Applicant will provide additional information</p>	<p>Consultation Report APP-064; APP-065; APP-066; APP-067; APP-068; and</p>	<p>Matter Not Agreed</p>

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(CIC) and Other Consultations		<p>proposed that responds to the consultation concerns. The National Highways document used stock responses making it quite repetitive, and only provided responses on those matters that had the highest number of respondents. In addition, it is unclear whether National Highways reviewed diversity monitoring data during the consideration of issues. National Highways states confidently that it has designed a scheme that adequately mitigates impacts and provides benefits to the local community. National Highways' confidence in its proposals being transformative and responding to public comments belies the barrage of negative technical comments and questions from the Council and other key stakeholders. The tone and the narrative of the document is misleading. In reality, the scheme provides inadequate levels of mitigation in key areas and there is a need for improved design with more meaningful engagement with the council. The statistics used by National Highways is also unrepresentative of the public opinion, as most residents remain opposed to the scheme</p>	<p>as part of the DCO submission, via the Consultation Report. The Applicant considered all feedback and paid attention to responses commenting on scheme design and the proposed mitigation. In response to the feedback submitted, changes were made to some parts of the proposals. For example:</p> <ul style="list-style-type: none"> • In the Supplementary Consultation and Design Refinement Consultation guides, the Applicant presented an overview of the key changes to the proposals and the rationale for implementing these, including the provision of photographic montages showing the changes. • In addition, responses to issues raised as part of the Consultation Report were shared with local authorities in October 2020 as part of the DCO submission. This document summarised the issues raised during statutory, supplementary and design refinement consultation, as well as providing responses from the Project to those issues. • In the <i>You Said, We Did</i> document published during the Community Impacts Consultation in July 2021, the Applicant summarised the responses received during the statutory, 	<p>APP-069</p>	

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			<p>supplementary and design refinement consultations. How those responses have been considered and have influenced the Project during its extensive design and development phase were also summarised.</p> <ul style="list-style-type: none"> • The <i>Response to Community Impacts Consultation</i> document published at the Local Refinements Consultation, provided readers with a summary of the key themes to emerge from what was necessarily a complex and varied set of responses to the consultation, and to explain the Applicant's position on those issues. The intention was not to provide a point-by-point analysis of every issue raised in each response and an accompanying position of the Applicant, because to do so would be inconsistent with the objective of a summary document that is accessible to non-technical readers. The document consistently acknowledged that there is opposition from some consultees to different elements of the Project proposals, alongside support for many of the same elements, and aimed to describe the ways in which those concerns have been or will be addressed as part of ongoing development. 		

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			Additionally, the Applicant has also explained during regular meetings with local authorities the rationale for taking on board some feedback, while rejecting other suggestions.		
Consultation information DCO programme and submission date	2.1.74	<p>The Council consider that there are still key elements of engagement that have not concluded. Key ongoing issues include:</p> <ol style="list-style-type: none"> 1. the ongoing traffic modelling work 2. discussions over the strategic connectivity of the project and impact on local roads, including the Tilbury Link Road 3. the outcomes of the latest environmental & health assessments 4. the updates to the Control Documents following the Councils review <p>As a result, Thurrock Council consider that further engagement is required in order to allow these ongoing technical discussions to be undertaken in a proper and thorough way, that the proposed DCO submission date in late 2022 is premature and that there will be a lack of time to account for consultation comments. This means that there has not been an adequate amount of time for National Highways to consider and incorporate comments into its DCO documentation. It is the Council's view that the lack of issue resolution may increasingly challenge the</p>	<p>The Applicant consulted on limited changes to the Project in 2022 as part of the Local Refinement Consultation. The feedback was received and subjected to the feedback review processes in place within the Project. All comments made by stakeholders were reviewed and final proposals refined in light of the feedback. The targeted submission date has been identified taking account of the necessary design revisions that may form part of the post consultation feedback review. The Applicant is confident that sufficient time has been programmed to allow for these changes to be made.</p> <p>With regard to items 1 and 2, the Applicant is satisfied that the information shared with Thurrock Council is appropriate and sufficient to set out the nature of the Project, and for Thurrock Council to understand both the decision processes that led to the current design and the changes to traffic flows across the region resulting from the proposals. Nevertheless, the Applicant will continue to engage with</p>	<p>ES Chapter 5: Air Quality [APP-143]</p> <p>ES Chapter 12: Noise and Vibration [APP-150]</p> <p>Health and Equalities Impact Assessment (HEqIA) [REP3-118]</p>	Matter Not Agreed

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		examination timetable.	<p>Thurrock Council on these matters.</p> <p>In response to point 3, the Applicant shared the entire withdrawn DCO application in December 2020, including the full environmental and health assessments. Comments made on these documents were responded to and incorporated into the SoCG Issue Logs. The Applicant explained the Project approach to sharing the revised assessments in the CIPHAG meeting on 9 December 2021. A schedule of environmental information was shared and discussed in the CIPHAG meeting in May 2022, outlining the changes to the environmental disciplines since the first DCO submission. Furthermore, the Applicant briefed the relevant authorities, including Thurrock Council, on the findings of the finalised assessments (focussing on impacts and mitigation) prior to the submission of the DCO application. The final traffic modelling and environmental information related to air quality, noise and health impacts is available with the DCO application. The Applicant highlights that Thurrock Council has the opportunity to make further representation through the Local Impact Reports.</p> <p>In response to point 4, the Applicant highlights that the control documents and the Statements of Common Ground will</p>		

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			<p>remain as live documents and evolve in the period between submission and examination. This is indicative of the position the Project takes in that the Project will benefit from refinement through the whole DCO application process, and the Applicant recognises that the position at submission is not the final position for the Project. The Project has run a thorough issue review and resolution engagement process, grounded in the triaging and grouping of issues, and the Project team has worked collaboratively with the Thurrock team to resolve these issues through bilateral and multilateral engagement.</p>		
<p>Responses Lack of progress of technical issues</p>	<p>2.1.75 RRE, LIR</p>	<p>The Council is not satisfied with the process of engagement undertaken by National Highways. While there have been extensive meetings and exchanges in correspondence, there remain many outstanding issues and there has been a lack of progress in resolving key technical discussions.</p> <p>The Council believes that there are many critical, valid and acceptable points that could be built into the scheme prior to re-submission that would greatly improve the scheme. Such changes, if accepted by National Highways, would offer the Planning Inspectorate (PINS) a greater</p>	<p>These concerns are noted.</p> <p>The Applicant has established a workstream-based issue resolution process to address technical issues. The Applicant has engaged extensively with Thurrock and other local authorities by triaging and grouping issues into groups 1, 2, 3, based on their significance. Further explanation of these groups is presented in the Statement of Engagement. Since December 2021, the Applicant has provided technical responses to over 1,100 Group 1 issues and 1,387 Group 2 issues. The Applicant has also engaged on over 550 Group 3 issues, marked as fundamental matters, through</p>	<p>Statement of Engagement [APP-091]</p>	<p>Matter Not Agreed</p>

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		<p>chance of dealing with all such issues within the 6-months period of the Examination, otherwise it will be challenging, as so many issues will be outstanding and the SoCG would be substantively negative.</p>	<p>the course of 2022. This represents a collaborative approach to working together to resolve a range of issues. Where specific issues need focussed meetings, these have been arranged, e.g. 10 fortnightly sessions on construction traffic impacts have been arranged between May-September 2022, with commitments and interventions discussed live.</p> <p>During these sessions the scope of requests has often changed significantly at the request of the Council, often during negotiations. A good example of this is the commitment to transport bulk aggregates through ports. The lack of a commitment was highlighted by Thurrock Council and categorised as a significant issue; however, when a commitment was presented, the Council's response was for the Applicant to address several more comments and refusal to agree on the matter in principle, until each and every subsequent ask was also agreed in full.</p> <p>In most cases, when the Applicant's position differs from the position adopted by the Council, the Council presents this as a 'lack of progress' rather than adopting an approach of acknowledging the Applicant's position.</p> <p>The fact that the Applicant and Thurrock may disagree on a number of issues is not</p>		

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			<p>reflective of inadequacies in the engagement process. As the Council has made clear, for example, in response to issue 2.1.57 above, it objects to the Project and while the Applicant is committed to ongoing engagement with Thurrock, there may be some issues on which the parties will be unable to reach agreement. This is in spite of the thorough engagement that has taken place to date and will continue throughout the examination process.</p> <p>The Applicant considers that pre-application discussions have been taken as far as they can, and that there is no merit in holding more discussions prior to application. The over-arching thrust of this feedback from Thurrock will be addressed in the Statement of Engagement.</p> <p>The Council disagrees with the Applicant position set out above.</p>		
<p>Consultation information Detailed comments on CIC Consultation documents (Group 1a)</p>	2.1.76	<p>The Council made some detailed technical comments on documents during the CIC which are not due to be updated e.g. Ward Summaries, <i>You said We Did</i>, Construction update, operational update. In the Council's opinion, many matters (circa 244) in these documents, particularly the Ward Summaries could be considered misleading, inaccurate or overly positive, when the impacts could be more</p>	<p>The detailed comments made by the Council at the Community Impacts Consultation are too granular to present in this SoCG. In summary, these comments cover specific concerns primarily related to ES documents and other technical assessments, which the technical leads needed to be aware of when completing their assessment.</p> <p>These comments were categorised</p>	N/A	Matter Not Agreed

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		significant.	separately and were circulated to respective technical leads for consideration and incorporation where appropriate, during the preparation of the final DCO application documents. Although these additional comments offer a further level of granularity, they are already well represented in principle in this document.		
<p>Consultation information Lack of updated traffic and environmental (including air quality, noise, updated Health and Equalities Impacts Assessment) assessments</p>	<p>2.1.77 RRE, LIR</p>	<p>The Council is concerned that the public consultations (particularly CIC and LRCon) are based on earlier iterations of the traffic and environmental assessments, and that the information on impacts set out in the consultation may therefore not reflect the final outcomes of the assessments. Updated construction traffic modelling and other assessments have not been issued with consultation material and this is vital evidence that helps understand impacts on the road network and local communities and informs the development of appropriate design changes and mitigation measures.</p> <p>National Highways has not provided detailed technical information (traffic modelling, environmental assessments and utilities' construction assessments) in sufficient time for Thurrock Council to consider and respond, allowing National</p>	<p>The Applicant maintains that the information provided on traffic, air quality and noise impacts, during both public consultation and engagement, has been sufficient to understand the Project-wide and localised impacts of proposals, and to determine the suitability of the mitigation. During the Community Impacts Consultation this information was set out on a localised basis in the Ward Summaries, then during the Local Refinement Consultation, the Guide to the Consultation set out the proposed changes to the Project and again confirmed the validity of this information previously released. It should be noted that during the consultation and engagement over the past few years, Thurrock Council has made a number of recommendations for additional mitigation, such as low noise surfacing and increased bunding. The Applicant has incorporated these recommendations into</p>	<p>Statement of Common Ground between (1) National Highways and (2) Thurrock Council [APP-130]</p>	<p>Matter Not Agreed</p>

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		<p>Highways to make needed changes in advance of freezing the proposals for the DCO submission. Thurrock Council are also concerned that some of the ongoing local modelling workstreams need linking to conclude activities such as the Strategic Traffic Modelling to confirm the robustness of those core assessments.</p>	<p>the proposals.</p> <p>The traffic modelling outputs are being regularly discussed with the Thurrock team on a fortnightly basis (via the traffic modelling workshops and strategic discussions). The scope of this work has already been agreed with the authority and a programme of outputs has been shared, which will be revised continuously as necessary over the coming months. This ongoing work includes microsimulation modelling at key junctions to provide additional assurance alongside the cordons of LTAM and GIS shapefiles. The operational cordon models were shared with Thurrock Council in April 2022 and the construction cordon models in May 2022, the Applicant awaits Thurrock Council's review of these cordons. The Applicant is confident that the modelling undertaken is representative, and that the Project design is robust. The ongoing modelling exercises will support the detailed design process.</p> <p>The Applicant has shared the full suite of DCO documents, including the full traffic assessment(s), air quality, noise and health assessments in December 2020, following the withdrawal of the first DCO application. Following this, technical engagement has continued in all the areas highlighted above via regular meetings, SoCG issue log</p>		

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			<p>discussions and topic specific technical workshops (for topics such as modelling). Further details are presented in Appendix C in the submission version of the SoCG. The Applicant explained the Project approach to sharing air quality and noise assessments in the CIPHAG meeting on 09 December 2021. A schedule of environmental information was shared and discussed in the CIPHAG meeting in May 2022, outlining the changes to the environmental disciplines since the first DCO submission. Furthermore, the Applicant briefed the relevant authorities, including Thurrock Council, on the findings of the finalised noise and air quality assessments (focussing on impacts and mitigation) prior to the submission of the DCO application. The final traffic modelling and environmental information related to air quality, noise and health impacts will be available with the DCO application. Thurrock Council will then have the opportunity to make further representation through the Local Impact Reports.</p> <p>Technical engagement with the Council is ongoing and continues to be a valuable opportunity to address issues and allow for meaningful engagement and input from local authorities.</p>		

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<p>Consultation information Detailed comments on minor (Group 2) issues</p>	2.1.78	<p>Thurrock Council provided comments on some draft DCO documents. Detailed comments on all matters requiring checking within the DCO are now part of the LIR and its Appendices. It should be noted that many outstanding matters were not satisfactorily dealt with.</p>	<p>The individual comments referred to by the Council are matters that were jointly agreed to be categorised as Group 2 matters and are thus to be managed outside of this Statement of Common Ground; however, together they are being presented as a single entity here for the purposes of this SoCG. The Applicant is continuing to engage with Thurrock Council as documented in this SoCG.</p> <p>Where these discussions identify new issues that warrant conclusion in this document, they have been inserted. This matter will remain under discussion until this exercise has been completed.</p> <p>Following this exercise being completed and following further discussion with the Council, this issue has now been removed from the SoCG.</p>	N/A	Matter Under Discussion
<p>Consultation information Minor Refinement Consultation – Construction Update</p>	2.1.293 DL-3 MRCN	<p>Following the conclusion of this MRC consultation, National Highways will review responses and will need to make changes to its application documents. As there was only one month from the end of the consultation period until Deadline 1 on 18 July 2023, changes could not be both published and reviewed, by host/directly affected local authorities prior to the submission of their LIRs. It is therefore not clear how this consultation will affect the</p>	<p>Proposed changes timeline Since the submission of the DCO Application, the Applicant has continued to constructively engage with Interested Parties with a view to addressing their comments, while also continuing with detailed Project development. This work has identified a small number of minor changes, which the Applicant considers would further enhance the Project.</p>	<p>Additional Submission – Notification of Proposed Changes [AS-083] Procedural Decision 11 [PD-011] Action Points from Issue</p>	Matter Under Discussion

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		<p>Examination timetable and the Council requires NH to set out its proposed timetable for completion of its consultation response review and its publication of amendments to the DCO application. The Council will then be able to determine how and when it might respond to such changes.</p> <p>Chapter 4 of the MRC provides a construction update in how the tunnels beneath the River Thames could be constructed, which is not itemised as being a change or requiring feedback. The Council contends that this is a change and requires it to be formally part of the MRC consultation and scrutinised carefully. This need for further information and scrutiny would appear to be supported by the ExA as it set out a question (Item c) ii) within its published ISH1 agenda (EV-014): <i>'What is the effect on construction duration and environmental effects of the proposed use of a single tunnel boring machine (TBM).'</i></p> <p>NH has not responded to the request for information around the proposed TBM option and does not provide detailed analysis in its submission at D1.</p> <p>Statements are made by NH as to the absence of significant change to construction operations and that the one TBM option would not materially affect the</p>	<p>The Applicant submitted a Notification of Proposed Changes to the Examining Authority on 16 March 2023 which related to three proposed minor changes to the Application, in accordance with Advice Note Sixteen: Requests to change applications after they have been accepted for examination (version 3) ('Advice Note Sixteen') (Planning Inspectorate, 2023). Following that, the Applicant undertook a period of non-statutory consultation from 17 May to 19 June 2023 to seek feedback on the proposed changes. Following review of the consultation responses the Applicant has formally submitted the change request to the Examining Authority in August 2023 which is subject to acceptance by the Examining Authority.</p> <p>The Examining Authority acknowledged the Applicant's plan to request changes to the Application at Procedural Decision 11, 21 March 2023. It will be for the Examining Authority to decide whether to accept the changes and determine the timescales of this and any follow up actions. The Applicant does not consider that any of the proposed changes would, individually or collectively, result in a materially different project. The reasons for this are detailed at Section 2.4 of the Notification of Proposed Changes (March 2023). Should the</p>	<p>Specific Hearing 1 [EV-023a] Deadline 1 Submission: Cover letter for Deadline 1 [REP1-001] Deadline 2 Submission - Environmental Statement Addendum [REP5-062]</p>	

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		<p>project programme but will make a carbon saving. No evidence to this end has been provided and the Council cannot comment on the effects of a changed profile of materials handling on imports and exports from the north portal compound.</p> <p>The Council awaits a more detailed analysis of the alternative option and the specific points that it raised through the MRC.</p> <p>The Council will review the applicant's submissions at D1 and D2 within its D3 submission.</p>	<p>Examining Authority accept the changes, the local planning authority will have the opportunity to comment on the proposed changes in more detail during the examination. In addition the Examining Authority has requested at Action Point 2 from Issue Specific Hearing 1 that the Applicant provides "a tabulated addendum to the ES, reviewing the construction effects changes consequent on the possible effect of changing from the use of 2 tunnel boring machines (TBMs) to 1 TBM" at Deadline 2. The Applicant confirms that this has been provided at Deadline 2, and that it will confirm there are no materially new effects arising from the TBM methodology.</p> <p>Tunnel construction methodology</p> <p>The Notification of Proposed Changes submitted to the Examining Authority 16 March 2023 sets out at Section 3 why the Applicant considers that the single tunnel boring machine (TBM) approach does not constitute a change to the Application as it is already accommodated within the proportionate degree of construction flexibility the application allows for.</p> <p>The Applicant met with the Thurrock Council team on 22 May 2023 to provide more information on the proposed TBM</p>		

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			<p>approach and has subsequently provided additional information as follows:</p> <ul style="list-style-type: none"> • Annex C to the Cover Letter and Submissions for Deadline 1. • Appendix C of Environmental Statement Addendum updated at DL2. 		
<p>Consultation information Minor Refinement Consultation – Construction Update</p>	<p>2.1.294 DL-3 MRCN</p>	<p>With regards to the Construction Update for Tunnels, this is described in just one page with a further 2.5 pages assessing in summary the environmental effects, with no supporting maps or diagrams. In itself this is considered by the Council to be insufficient and inadequate.</p>	<p>The Applicant considers the information provided to be adequate, bearing in mind that it does not represent a change to the flexibility already contained and assessed in the Application (including in the detailed and extensive information in the Environmental Statement). The Applicant provided the Construction update to keep the public and stakeholders informed of a potential change to the TBM methodology, with it being made clear that the final decision on whether to use one or two TBMs would be the appointed Contractor's, working within the constraints of the DCO. The Construction update provided a summary of the logistical changes that would be involved if one TBM were used instead of two, while also making it clear that this would require no changes to the Order Limits or the overall construction schedule and would have no additional significant impacts on construction traffic, the environment or local people. The assessment of significant additional effects</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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			<p>considered 10 key environmental topics in turn, with these set out across several pages.</p> <p>For the reasons set out above, the Applicant provided sufficient information for consultees to understand the proposed change in TBM methodology and its impacts, and there was an opportunity for people to comment on the change if they chose to do so in Q6 of the consultation survey. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Public Engagement Information	2.1.314 LIR	<p>Information/press releases put into the public domain by NH during LTC Examination may contain misleading/incorrect information, which may be misleading to the general public, including the residents of Thurrock. For example, NH published a Sustainability Report on 27/28 July 2023, which is being reviewed to determine its accuracy. Furthermore, on the 1 August 2023 NH also reiterated that work will be provided for 22,000 people – this incorrect statement has been challenged in Section 13.4 of the Council's LIR.</p> <p>The Council will review the applicants submissions at D1 and D2 within its D3 submission.</p>	<p>The Applicant strongly refutes the suggestion that the information specified by the Council is misleading. The statement relating to 22,000 is not inaccurate, as explained in Part 4 of 5 of the Applicant's response to Thurrock Council's Local Impact Report. In particular, the Applicant has explicitly specified that '<i>Over the six-years of construction, the Project will provide work for more than 22,000 people locally and nationally, from jobs building the Project to the work generated with hundreds of businesses</i>'. This included direct and indirect demand from data in 2020. The Applicant notes no other examples are particularised by the Council and therefore considers that broad and speculative statements should be</p>	9.54 Comments on LIRs Appendix H: Thurrock Council (Part 4 of 5) [REP2-065]	Matter Not Agreed

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			disregarded.		
Land and Compulsory acquisition					
Compensation Inadequate provision for compensation: Detailed comments on the 'Your Property and Compensation or Mitigation for the Effects of Our Road Proposals' document	2.1.80 RRE, LIR	<p>Thurrock Council consider that there is an inadequate provision for compensation to residents and businesses affected beyond that covered in statutory provision, particularly covering non-statutory compensation, respite stays, additional noise mitigation and off-line discretionary purchase. The policies provide limited comfort due to their discretionary nature and lack of specific details (including application process, response timeframe and support etc.).</p> <p>The Council have made detailed comments and recommendations in respect of each policy contained within the 'Your Property and Compensation or Mitigation for the Effects of Our Road Proposals' Document published by National Highways.</p> <p>National Highways must include reference to this financial compensation available as part of the HEqIA mitigation.</p> <p>The Council will review the applicants submissions at D1 and D2 within its D3 submission.</p>	<p>The Applicant adheres to current legislation and government guidance in relation to compensation which is detailed in its suite of booklets. Additionally, the Applicant regularly meets with local residents and local businesses to discuss specific concerns and agree specific mitigation wherever possible.</p> <p>As part of ongoing engagement with local communities and people impacted by the proposals, the Applicant has held many discussions to help assess the potential impact on people and local businesses on a case-by-case basis. In a number of cases, the Applicant has already provided funding for specific professional advice to assist people with finding alternative premises or advising on the specific impacts of the Project.</p> <p>The Applicant has been in regular correspondence with the affected parties. Application information has been provided in letters and also in notices published in the local press. The Project's website also provides contact details for those wishing to reach out with queries. The Applicant is willing to meet with anyone who has queries in relation to these matters, and to</p>	<p>Statement of Reasons [REP5-028] Statement of Reasons Annex C: Land Referencing Methodology [APP-061] Book of Reference [REP5-030] Funding Statement [APP-063]</p>	Matter Not Agreed

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			<p>talk them through the processes and procedures that would apply to their personal circumstances.</p> <p>The statutory financial compensation is required by current legislation. As a result, the Applicant does not include this as mitigation as it is already a legal obligation.</p>		
<p>Land acquisition Thurrock's Land Interests - likely impacts and compensation requirements</p>	<p>2.1.81 RRE, LIR</p>	<p>The Statement of Reasons provides limited justification for the compulsory temporary possession powers being sought or the requirement for the permanent acquisition of Thurrock Council land to facilitate the Scheme. Due to positive engagement on the likely effects on Thurrock-owned land, there is a thorough assessment of likely impacts or compensation requirements on the 142 remaining land parcels in Thurrock ownership, through proposed permanent and temporary acquisition and rights. Discussions are still required as to how the assessment of land parcels information can be secured in a separate agreement.</p> <p>In relation to parcels required on a permanent basis, Thurrock Council have raised specific concerns and site specific queries on the following sites:</p> <ul style="list-style-type: none"> • Land to the West of Gammonfields Way • Land at A13, Orsett Grays 	<p>For Thurrock-owned land, a thorough exercise has and will continue to be undertaken with the Council and its land and property advisors to work through each land plot affected, and to provide a full justification and indicative timescales for the applicable Project works to be undertaken. This is being worked through in a series of technical review meetings with the discussions captured in a working document.</p> <p>Work has also been ongoing between the Project, the Traveller community at the Gammon Field site and Thurrock Council. The Applicant, Thurrock Council and the Travellers Community have agreed the pitch layout leading to the indicative layout being appended to Design Principle S11.12.</p> <p>In a meeting held on 5 October 2023, the Applicant confirmed that it is in a position and has funding available to acquire any Thurrock Council owned land, rights or</p>	<p>Statement of Reasons [REP5-028] Statement of Reasons Annex C: Land Referencing Methodology [APP-061] Book of Reference [REP5-030] Funding Statement [APP-063] Design Principles [REP4-146]</p>	<p>Matter Not Agreed</p>

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		<ul style="list-style-type: none"> Public Highway, Footway and Verge (Baker Street, B118) <p>Site specific queries have also been raised in respects of land at Fort Road, Tilbury which is required on a temporary basis.</p> <p>Further work is required on the Statement of Reasons or a separate Agreement setting out adequate provisions. There are ongoing discussions regarding each land parcel owned by Thurrock Council to determine its usage, timescales and limitations on area required. Thurrock Council would request that these matters of detail are secured via a separate agreement.</p> <p>The Council strongly objects to the applicant's stance on this matter and has written in detail to the applicant on the 15 August 2023 and such response will be part of the Council's D3 submission.</p>	<p>temporary land by agreement at such point the Council may wish to dispose of the land or alternatively enter into an Option Agreement to secure the drawing down of the land in the future.</p> <p>Thurrock Council has confirmed in an email on 20 October 2023 that they would like to enter into an Option Agreement for land within its ownership. This is subject to terms being agreed. Both parties are working towards such an agreement.</p> <p>In relation to parcels required on a temporary basis, the Applicant has shared details, where possible, of the temporary works and construction timelines for utility works with the Council. Further detail will be forthcoming in due course as the Project progresses. Temporary possession under the DCO allows land to be taken for as long as it is required. The Project will not restrict this further</p> <p>A further discussion on this matter was held on 9 August 2023 and the Council reiterated their need for a separate legal agreement setting out adequate provisions (including timescales and limitations).</p> <p>The Applicant does not agree that the temporary possession timings should be the subject of a legal agreement. The Project is currently at the preliminary</p>		

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			<p>design stage, and neither a detailed construction programme nor methodology have been finalised. Seeking to secure timings for works would be highly novel, and curtail the flexibility required under the Order. The Applicant would highlight that the dDCO contains controls on the purposes for which temporary possession can be taken, and the DCO application documents set out a justification for the proposed land use.</p> <p>Whilst the position stated above still stands, at the meeting held on 5 October 2023 the Applicant agreed to share indicative/advance notice of the programme of land take on a plot-by-plot basis once the Delivery Partner develops their programme of works. Both parties are happy to secure this commitment within the dDCO and are liaising on the appropriate wording.</p> <p>Further controls on the works, including strict requirements to return the land on the completion of the works, are included within the dDCO. A draft legal agreement which seeks to bind the Applicant into details which are not known will therefore not be provided; the Applicant has offered a Memorandum of Understanding (which would reflect the flexibility, and design</p>		

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			development stage) but the council has refused to accept that form of agreement. This matter is not agreed, due to both parties' positions remaining unchanged.		
Compensation Acquisition Completion Premium	2.1.82	<p>It is noted that on the A66 Trans-Pennine project National Highways has introduced what it calls an Acquisition Completion Premium. This is a scheme whereby those who agree to sell within 12 months of having been advised of the scheme will receive a premium on the land acquisition compensation only of 20%.</p> <p>No similar scheme is proposed on the Lower Thames Crossing – it is unclear on what basis the Acquisition Completion Premium is offered on one National Highways scheme but not this project.</p>	<p>On the National Highways Project for the A66 Northern Trans-Pennine Route Upgrade, there is a pilot scheme in place offering 20% above market value, provided completion on land and property included within the Order Limits is achieved prior to the end of the DCO examination period. This pilot has been put in place to test whether any uplift secures an increased amount of early land purchase to support project delivery costs savings and certainty of delivery. Following successful completion of the A66 scheme, the findings will be analysed by DfT and HM Treasury to see whether this approach should be offered more widely across the Applicant's portfolio.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>	N/A	Matter Not Agreed
Open Space and common land Public Open Space	2.1.83 RRE, LIR	Under s19 of the Acquisition of Land Act 1981 an acquiring authority is in all but a limited number of cases that where the land to be acquired forms 'part of a common, open space or field or garden allotment' that there will be provided as replacement land to fulfil the	<p>This applicable requirement is reflected in Sections 131 and 132 of the Planning Act 2008 which the Project adheres to. Temporary possession of land does not engage the requirements of the Sections 131 and 132 as it does not involve any acquisition of land or rights.</p>	<p>Statement of Reasons [REP5-028] Statement of Reasons Annex C: Land</p>	Matter Not Agreed

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		<p>function of the land acquired and that other land will be of no lesser area and no less advantageous.</p> <p>We see no reasons why this requirement should not apply both in respect of land permanently acquired and that acquired temporarily. Failure in either circumstance would leave the residents of Thurrock with less of this particular land type.</p> <p>It is for National Highways to demonstrate, in each instance, the extent to which it meets these criteria.</p> <p>The Council will review the applicant's submissions (Appendix D of the Planning Statement) at D1 and D2, initially within its D3 submission and in more detail in its D4 submission.</p>	<p>An assessment has been undertaken to consider the potential effects of the Project on existing open space, sports and recreational facilities. Where relevant, replacement land will be provided, which is described in detail in Appendix D of the Planning Statement. Further information is provided in the Statement of Reasons and in ES Chapter 13: Population and Human Health.</p> <p>Further discussions will be carried out after the Council's review is complete, but this matter is unlikely to be agreed, due to both parties' positions remaining unchanged.</p>	<p>Referencing Methodology [APP-061] ES Chapter 13: Population and Human Health [APP-151] Planning Statement Appendix D: Open Space [REP3-108]</p>	
<p>Special Category Land Ron Evans Memorial Field</p>	<p>2.1.324 DL-6</p>	<p>Thurrock Council, as owner and operator of Ron Evans Memorial Field, agrees in principle about the quantum and quality of the replacement land as included in the DCO application (as shown on Special Category Land Plan [REP4-026] Sheet 29 and Sheet 33). However, Thurrock Council has a concern about the timing of replacement land, and absent those matters being resolved, Thurrock Council's position is that is not appropriate replacement land within the meaning given in Section 131 of the Planning Act 2008.</p>	<p>Following recent discussions with the Council, this is a new matter added to the SoCG in relation to Ron Evans Memorial Field.</p> <p>The Applicant welcomes Thurrock Council's agreement in principle to the quantum and quality of replacement land, noting their comments about the timing of replacement land.</p> <p>The Project is currently at the preliminary design stage, and neither a detailed</p>	<p>Temporary Works Plans Volume C [REP5-022] Works Plans (Volume C) Utilities [REP5-018] Special Category Land Plans Volume</p>	<p>Matter Under Discussion</p>

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		<p>The Council objects to the proposed delay in providing replacement land.</p> <p>The Council acknowledges that NH are considering providing a small area of replacement POS earlier than previously proposed.</p> <p>The Council does not consider that NH has complied with their legal requirements in respect of re-provision of Public Open Space (POS).</p> <p>The Council does not agree with NH statements opposite and this is likely to become a Matter Not Agreed.</p>	<p>construction programme nor methodology have been finalised.</p> <p>The two land parcels designated as replacement land for Ron Evans Memorial Field are subject to temporary possession for construction. The northern parcel is to be used for utilities works (Works Nos. MU57 and MU54) and the southern parcel is to be used for utilities works (Works Nos. OHT6, OH6, OH7, MUT20 and MU56), a construction compound (Long Lane compound A, Work No. CA 8A) and access to Stifford Clays Road Utility Logistics Hub (Work No. ULH 08). Please refer to Sheets 29 and 33 of the Temporary Works Plans (Volume C) and Sheets 29 and 33 of the Works Plans (Volume C) Utilities, in conjunction with Sheet 29 of the Special Category Land Plans (Volume C) and Schedule 1 of the draft Development Consent Order for a full picture of the proposals in this location.</p> <p>It is in those circumstances that thereafter, the Applicant is proposing a scheme for the provision of the replacement land, including a timetable for the implementation of that scheme, in accordance with article 40 (Special Category Land) of the draft Development Consent Order. The scheme must be certified by the Secretary of State</p>	<p>C [REP4-026] Draft DCO [REP5-024] Planning Statement Appendix D: Open Space [REP3-108]</p>	

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			<p>before existing Special Category Land is acquired by the Applicant.</p> <p>The design and specifically area (sqm) of replacement land for Ron Evans Memorial Field has taken into account the period of time that open space would not be accessible to the public. An assessment of replacement land against relevant planning policy and law is provided in Planning Statement Appendix D: Open Space.</p> <p>In light of Thurrock Council's comments at Compulsory Acquisition Hearing 2 (CAH2), the Applicant will investigate the feasibility of bringing replacement land for Ron Evans Memorial Field into public use earlier than anticipated in the DCO application currently, taking account of construction constraints and public safety among other things. The outcome of this has been submitted at Deadline 6.</p>		
Design – Road, Tunnels, Utilities					
Bridges and Structures A13 Junction; Consideration of alternatives	2.1.84 RRE, LIR	The Council have concerns that the connectivity provided by the A13 junction results in a number of adverse impacts on regional traffic movements, local traffic flows, local communities and the environment. The proposed arrangement sterilises land within the Borough without assisting connections. The proposals are almost entirely about strategic benefit	The Applicant has provided an overview of the design process for the junction of the A13/A1089. The Project's approach to the design is in accordance with the standards set out in the Design Manual for Roads and Bridges. The design has sought to strike a balance between forming connections with the wider SRN and local road network. During development of the A13 junction,	N/A	Matter Not Agreed

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		<p>without supporting local growth, sustainable local access and connectivity, or the transport decarbonisation agenda.</p> <p>The Council do not consider that National Highways has presented enough information on alternative configurations to demonstrate that their proposed configuration is the optimal solution. Further detail on specific concerns is set out in the following issues.</p> <p>The Council has presented a number of alternatives to test. National Highways has already stated that it has no intention that the scheme will be further amended as a result of the option testing currently undertaken – even though a lower impact scheme emerged from the work. This approach is inadequate.</p> <p>The Council has set out its view on alternatives at section 8 of the LIR and at Appendix B Annex 2.</p>	<p>the Applicant considered the connectivity needed at the junction by considering the key traffic movements between the A13, the A1089, and the new connectivity provided by the Lower Thames Crossing. A key consideration during the development of the junction was to minimise the impacts to the local area by making better use of the existing infrastructure.</p> <p>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 judgement informed by the traffic model, rather than undertaking a sequence of detailed models of all possible alternatives as proposed by the Council.</p> <p>As an all-movements junction would have led to significant additional land requirements and environmental impacts, the number of movements provided were reduced, with priority given to those movements that supported the Project objectives of providing relief to the Dartford Crossing and approach roads, and supporting sustainable local development, and regional economic growth, providing regional economic benefit. The junction design was then further developed based on stakeholder feedback, and the design of</p>		

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			<p>the A13 junction has since evolved as a result. Following feedback from the Council and others, the A13 junction design has been updated and was consulted on in 2022. The Applicant is also 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.</p> <p>The Project A1089/A13 junction retains all existing movements to/from the A13. In addition, it provides connections from the A1089 northbound to the Project north and south. Depending on the origin and destination of any journey, these connections provide more direct links to parts of the strategic road network freeing up other sections.</p> <p>Following feedback, the Applicant has made changes to the A13 junction to local road connection to reconnect the Orsett Cock roundabout (A128) to the A1089 southbound. This has resulted in less traffic on local roads. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Junctions A13 Junction; No</p>	<p>2.1.85 RRE, LIR</p>	<p>The Council do not support the delivery of the Tilbury Link Road as a separate project to be appropriate. The Council consider</p>	<p>The Tilbury Link Road was not included in the Project proposals consulted on at Statutory Consultation because it was not</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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consideration of the Tilbury Link Road as part of the alternative configurations		<p>that the Tilbury Link Road could provide connections that might enable a different configuration of the A13 junction, reducing the impacts associated with that junction. The Council view this as being an important element of the consideration of alternatives (as stated in paragraph 4.27 the NPSNN) and do not consider the work undertaken by National Highways to be sufficient to demonstrate that their proposals are the optimal scheme.</p> <p>It is the Council's view that the crucial SRN links between LTC, A13 and A1089 could alternatively be made via a junction at Tilbury and the Tilbury Link Road (TLR). This could enable an alternative LTC / A13 / A1089 interchange configuration (potentially removing some A1089 links), reducing its complexity, scale, cost and local community impacts and making the interchange safer. Whilst this option is recognised by National Highways it is the Council's view that alternative options have not been adequately resolved and discussion has ceased on this topic.</p> <p>The Council has set out its view on alternatives at section 8.5 of the LIR and at Appendix B Annex 2.</p>	<p>considered necessary to achieve the Transport Scheme Objectives of the Project.</p> <p>The Tilbury Link Road has been identified in the pipeline of projects in the Applicant's road investment strategies for 2020-2030 (known as RIS2 and RIS3). During the review of the Project undertaken when the Thames Freeport was designated, the Applicant sought direction and received instruction from DfT and Department of Levelling Up, Housing and Communities (DLUHC), that the Tilbury Link Road should be delivered through a separate consenting process to the Lower Thames Crossing.</p> <p>The Applicant has undertaken a series of modelling exercises to demonstrate the traffic flows associated with the Tilbury Link Road, alongside configurations of the A13 junction agreed in advance with Thurrock Council. The Applicant acknowledges the impacts of the proposed layout on the wider road network, but maintains that the current proposed Project demonstrates the right approach to deliver against the Scheme Objectives, and to deliver local and regional growth.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Junctions	2.1.86	The Council are concerned that the east-	The east-facing connections between the	N/A	Matter Not

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A13 Junction; Connectivity	(also refer to 2.1.157) LIR	<p>facing connections at the junction with the A13 lead to an increase in traffic in both directions along the A13 and the A130 to the east of the Lower Thames Crossing, removing capacity on the network to support local growth. This also leads to local traffic moving off the A13 onto local roads, at Manorway roundabout and Five Bells roundabout, impacting on local communities.</p> <p>The Council expresses its substantive concerns on this matter throughout its LIR and specifically at Sections 7, 8 and 9 with impacts detailed in Appendix C Annex 1 Sub-Annex 1.1 and Sub-Annex 1.4.</p>	<p>Lower Thames Crossing and the A13 provide important connectivity, allowing for areas east of the Project, including London Gateway Port, better access onto the M25 and the M2. Traffic using this route would otherwise use the Dartford Crossing to access the M2, and the A13 and junction 30 to access the M25 northbound. The east-facing connections provide for this traffic and so relieve the congested Dartford Crossing and approach roads, supporting the Scheme Objectives. In addition, the faster journey times will lead to economic benefits at these locations, supporting regional economic growth.</p>		Agreed
Junctions A13 Junction; Connectivity	2.1.87	<p>The Council are concerned that the lack of west-facing connections at the junction with the A13 miss an opportunity to provide local connectivity, supporting local growth and sustainable local access.</p> <p>There is no proposal to manage the traffic induced on the local road network as a consequence of these absent connections.</p>	<p>Provision of additional slips at the A13 does not align with the Scheme Objectives as set out in the Need for the Project. Furthermore, any additional connectivity puts further demand on local connections. The current arrangement provides the optimum balance of traffic using the Dartford Crossing and the Project, while minimising impact on the local road network but providing local connectivity where it has the greatest value, such as the additional link from the A1089 onto the Project and the local connections at Orsett Cock.</p> <p>This matter is not agreed, due to both</p>	Need for the Project [APP-494]	Matter Not Agreed

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			parties' positions remaining unchanged.		
Junctions A13 Junction; Connectivity	2.1.88 (also refer to 2.1.158) LIR	<p>The Council stated a concern that the proposals removed the connection between the Orsett Cock and the A1089 southbound. As a result, traffic from the A128 or from LTC travelling to the Port of Tilbury would need to travel along the A1013, as well as other local roads which are inappropriate for this traffic. The Council acknowledge that this link was reinstated at the Local Refinement consultation, by reconnecting the slip from the A13 westbound to A1089 to connect to Orsett Cock roundabout. However, the Council have concerns that this change increases the pressure on Orsett Cock roundabout, leading to additional traffic moving onto local roads, and increases the complexity of the interchange, impacting on driver understanding and causing safety concerns. The Council are concerned that the traffic flows through Orsett Cock junction cannot be accommodated without additional works.</p> <p>Aside from its view on the absence of justification for LTC as set out in Section 7 of its LIR, the Council has set out its review of the assessment of the effects in section 9.2 and Appendix C Annex 1 of the LIR and will respond to the localised modelling of effects as reported by the East-West</p>	<p>The Applicant acknowledges that there are increases in traffic flows on some local roads, resulting from local road users choosing different routes to access the wider road network once the Project is open to traffic. The modelling demonstrates that in some locations journey times will increase, and in others journey times will decrease. The Economic Appraisal Report sets out the aggregated benefits in Thurrock, considering both faster and slower journeys, and demonstrates the overall economic benefit in this area.</p> <p>The Project's strategic modelling demonstrates that the Orsett Cock junction will operate acceptably, though it is acknowledged that specific concerns have been raised by the Council that are not addressed by the strategic model. As a result, the Project has progressed a local junction model in collaboration with the Council's team to consider these issues. Detailed modelled outputs have been shared with the Council. The Applicant considers that this modelling has demonstrated that the junction operates acceptably.</p> <p>The environmental and community impacts associated with the changes in traffic flows</p>	<p>ComMA Appendix D: Economic Appraisal Package – Economic Appraisal Report [APP-526]</p> <p>Environmental Statement [APP-138 to APP-486]</p> <p>Health and Equalities Impact Assessment (HEqIA) [REP3-118]</p> <p>Community Impact Report [REP2-032 to REP2-038]</p>	Matter Not Agreed

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		<p>models, The Manorway models and the Orsett Cock models provided at Deadline 1. It is noted that localised modelling of the substantive impacts at the Five Bells interchange is not responded to by NH.</p> <p>The Council will respond to the local operational modelling that has been submitted at D1 to the Examination, however, its review of provisional operational modelling provided by NH has demonstrated substantial concerns relating to the proposed arrangements and forecast effects. This review is set out at Appendix C Annex 1 Sub-Annex 1.3 of the Council's LIR.</p>	<p>are set out in the Environmental Statement, the Community Impact Report and the HEqIA.</p> <p>The Applicant is obligated by its licence to work with others to align national and local plans and investments, balance national and local needs, and support better end-to-end journeys for road users. The Applicant will continue to work with Thurrock Council as it develops its local plan to look at the relationship between the local road network and the strategic road network. In addition, the Applicant is considering the potential to trunk the A13 and A1014, separately to the delivery of the Lower Thames Crossing, as set out in the Road Investment Strategy 2.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Design A13 Junction; Impacts on local roads</p>	<p>2.1.89 RRE, LIR</p>	<p>The Council are concerned that Project will result in additional traffic movements across the local road network, both from increased traffic using local roads to access the Lower Thames Crossing, and from vehicles diverting off the A13 to avoid congestion arising from the increased regional traffic. This will lead to adverse impacts on local communities, impacts on local bus services, and restrict local growth.</p>	<p>The Applicant acknowledges that there are increases in traffic flows on some local roads, resulting from local road users choosing different routes to access the wider road network once the Project is open to traffic. The modelling demonstrates that in some locations journey times will increase, and in others journey times will decrease. The Economic Appraisal Report sets out the aggregated benefits in Thurrock, considering both faster and slower journeys, and demonstrates the</p>	<p>ComMA Appendix D: Economic Appraisal Package – Economic Appraisal Report [APP-526] Environmental Statement [APP-138] to</p>	<p>Matter Not Agreed</p>

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		<p>Increased traffic flows across Orsett Cock roundabout will take up the additional capacity delivered by Thurrock Council through the A13 widening project. Delays resulting from the increased traffic will lead to increased flows along a number of roads around the A13 junction, and in addition the increase in traffic on the A13 east of the scheme will result in increased traffic on local roads through Orsett, Corringham and Stanford-le-Hope.</p> <p>The Council has set out its views on local impacts and mitigation in section 9 of the LIR and will respond to the localised modelling of effects as reported by the East-West models, The Manorway models and the Orsett Cock models provided at Deadline 1. It is noted that localised modelling of the substantive impacts at the Five Bells interchange is not responded to by NH.</p>	<p>overall economic benefit in this area.</p> <p>The Project's strategic modelling demonstrates that the Orsett Cock junction will operate acceptably, though it is acknowledged that specific concerns have been raised by the Council that are not addressed by the strategic model. As a result, the Project has progressed a local junction model in collaboration with the Council's team to consider these issues. The Applicant considers that this modelling has demonstrated that the junction operates acceptably.</p> <p>The environmental and community impacts associated with the changes in traffic flows are set out in the Environmental Statement, the Community Impact Report and the HEqIA.</p> <p>The Applicant is obligated by its licence to work with others to align national and local plans and investments, balance national and local needs, and support better end-to-end journeys for road users. The Applicant will continue to work with Thurrock Council in the development of its local plan to look at the relationship between the local road network and the strategic road network. In addition, the Applicant is considering the potential to trunk the A13 and A1014, separately to the delivery of the Lower Thames Crossing, as set out in the Road</p>	<p>APP-486 and REP4-116 to AS-054 Health and Equalities Impact Assessment (HEqIA) [REP3-118] Community Impact Report [REP2-032] to [REP2-038]</p>	

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			<p>Investment Strategy 2.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Local WNI concerns Impact of proposed new link on local roads;</p>	<p>2.1.90 (refer to 2.1.158) LIR</p>	<p>The latest LTAM traffic modelling presented by National Highways in the LR consultation material forecasts that the proposed Orsett Cock / A1089 Junction Link Road will in the main help to reduce the effects of LTC traffic on A1013 Stanford Road and Brentwood Road north of the Orsett Cock roundabout, which is welcomed albeit there continues to be an overall increase in traffic flow on A128 Brentwood Road south of the Orsett Cock roundabout, which remains unmitigated. There is also an increase in Chadwell Hill through Chadwell St Mary and Marshfoot Road. National Highways should amend the Project, such that traffic flow is not increased on Brentwood Road and if this is not viable, work closely with the council to design and fund traffic mitigation for this area. The effects of these measures need to be tested on A128 Brentwood Road and also on Buckingham Hill Road, Muckingford Road and Fort Road as all of these roads are predicted to see an increase in traffic as a result of the project. These traffic management mitigation measures may result in further traffic using</p>	<p>The Applicant is continuing to actively engage with the Council with regard to the forecast impacts of the Project on the road network in Thurrock during operation. This includes microsimulation modelling at key junctions to provide additional assurance alongside the cordons of LTAM and GIS shapefiles. The scope of this work was agreed with the authority. Detailed reports have been provided setting out how traffic flows are anticipated to change in the area, providing information that addresses the concerns raised in the traffic survey technical note issued by the Council.</p> <p>The Applicant does not consider that any intervention at Marshfoot Road is required.</p> <p>The Applicant considers that the information supplied will be beneficial to allow the Council to understand in further detail the impacts of the Project at the relevant junctions. The Applicant acknowledges that Thurrock Council has concerns over the traffic flows at these junctions, and therefore will continue this engagement to ensure that discussions at Examination on these matters can be held on an informed basis.</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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		<p>Orsett Cock junction or other routes.</p> <ul style="list-style-type: none"> • National Highways must also develop and test the mitigation measures at Marshfoot road, particularly the priority junction on the east side of the A1089. • The increased traffic also raises concerns related to the operational performance of the A1089 ASDA Roundabout and micro-simulation should be undertaken. • A negative impact of the proposed new link is to route more traffic through the A13 Orsett Cock junction itself and the consultation doesn't provide any specific information in this. The local operational modelling of the interchange has now been submitted to the Examination at D1 and will be responded to by the Council. NH asserts that the scope of this work was agreed with the Council and so documentation of that scoping should be provided. Irrespective of that the local operational modelling must review the effects on the adjacent communities – such as Orsett village. • The effect of the new link in increasing traffic flows through Orsett village (Rectory Road / Conways Road) is concerning and is not appraised 	<p>A further discussion on this matter was held on 19 July and the Council expressed overarching concerns around the operational traffic modelling outputs. The Applicant confirmed that relevant localised traffic modelling reports will be submitted to the ExA at DL-1. However, this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p> <p>The Council also expressed concerns around traffic flows through Orsett Village during construction and operation. The Applicant clarified that the effects on all local roads during construction are covered by 2.1.120 and 2.1.121 and impacts during operation are covered by 2.1.160.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		

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		<p>through the local operational models which does not include critical linkages through Orsett Village which would be used to bypass delays and disruption at Orsett Cock. Whilst it is noted that the LTAM cordon forecasts the project will be to reduce flows through the village, the Council remains very concerned about the accuracy of the LTAM and the Project's traffic impacts on Orsett Village during construction and the ongoing risk of rat running through the area once the Project is operational due to potential congestion at the A13 Orsett Cock National Highways must work closely with the Council to design and fund traffic and environmental mitigation measures for this area and it is disappointing that little progress has been made on this issue.</p> <p>The Council continues to have substantive concerns over the wider impacts of LTC and sets this out in the LIR section 9 and at Appendix C Annex 1 Sub-Annex 1.1 and 1.3.</p>			
<p>Junctions A13 Junction; Ownership and management -</p>	<p>2.1.91 (also refer to 2.1.88)</p>	<p>The Council consider that the Project makes use of Orsett Cock roundabout, on the local road network, to provide strategic road connections, for example, between the Lower Thames Crossing and the</p>	<p>The draft Development Consent Order (Construction and maintenance of new, altered or diverted streets and other structures) sets out the requirements for transfer and ownership of the local roads. It</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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Use of local roads to make strategic connections (Orsett Cock roundabout)	RRE, LIR	<p>A1089. This places an obligation onto Thurrock Council to operate and maintain this junction while it accommodates SRN traffic and reduces the capacity of Orsett Cock roundabout to support future local growth.</p> <p>The Council is concerned that the LTC / A13 / A1089 interchange configuration is using Council roads at the A13 Orsett Cock junction, which is designated as part of the Major Road Network (MRN) to provide critical SRN to SRN connections.</p> <p>This will be inappropriately reducing the cost of LTC by using this local highway road and junction increasing the future financial burden on the Council, by placing SRN traffic on the Major Road Network (MRN) junction. It will also mean LTC traffic will use up capacity delivered at this junction as part of the recent and expensive A13 highway upgrades to support local growth requirements and aspirations. The Council believes it should be compensated by DfT and a strategy derived by National Highways as to how that reserve capacity would be reintroduced to the network to allow the Council to realise its local growth requirements and aspirations.</p> <p>Changes to A13/Orsett Cock Junction Arrangements - Impacts at Orsett</p>	<p>is normal for junctions to be formed from a combination of roads operated by a strategic highways company (i.e. National Highways in England), and another highways authority. In addition, the Applicant is considering the potential to trunk the A13 and A1014, separately to the delivery of the Lower Thames Crossing, as set out in the Road Investment Strategy. This potential trunking is therefore not secured in the draft DCO.</p> <p>The Applicant has considered thoroughly, and discussed with the DfT, the Council's request for a financial payment as compensation in relation to the recent schemes on the A13 and A1014 that were promoted by Thurrock Council. It concluded that there are no grounds for a financial compensation payment to be offered. The Applicant recognises that this will be a disappointment to the Council, but it is considered that trunking of the A13 will provide significant benefits to the Council.</p> <p>The design of the A13 junction, alongside the rest of the Project, has been developed to ensure safe operation. The Applicant does not agree that the designs are conceptual in nature, as they are supported by traffic modelling and have been through appropriate reviews, including the safety audit.</p>		

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		<p>Cock Junction</p> <p>It is inappropriate to repeatedly consult on a scheme that National Highways do not know will operate effectively and has not been assessed fully. National Highways cannot rely on the designs currently considered by the Council to be of a conceptual nature, such that detail arrangements can be defined through detailed designs. This approach does not confirm the impacts of the project to sufficient detail for the Council to be confident of delivery of the project without significant unmitigated impact and does not effectively assess any 'worst case' through the EIA process.</p>	<p>A further discussion on this matter was held on 19 July and the Applicant clarified that there are two issues here, the principle of ownership of the roads and the associated details in relation to the functioning of the junction. Although Thurrock Council is continuing the trunking discussions with the Applicant, it is outside the scope of the DCO and therefore the Council believes this matter is not agreed for the purposes of the SoCG.</p>		
<p>Junctions Orsett Cock Roundabout Mitigation</p>	<p>2.1.92 (also refer to 2.1.158) LIR</p>	<p>It is the view of the Council that additional mitigation is needed to negate the negative impact of the Project upon the junction, including the A128 approach to the junction, signalisation of the A128 arm and possible widening of existing lanes.</p> <p>The Council will respond to the local operational modelling that has been submitted at D1 to the Examination, however, its review of provisional operational modelling provided by NH has demonstrated substantial concerns relating to the proposed arrangements and forecast effects. This review is set out at Appendix</p>	<p>The Applicant acknowledges that there are adverse impacts on selected local roads but has demonstrated that the benefits from improved traffic flows across Thurrock outweigh the adverse impacts. This is set out in the approach to Wider Network Impacts.</p> <p>The Applicant is continuing to actively engage with the Council with regard to the forecast impacts of the Project on the road network in Thurrock during operation. This includes microsimulation modelling at key junctions (including Orsett Cock) to provide additional assurance alongside the cordons</p>	<p>Wider Network Impacts Update [REP5-085]</p>	<p>Matter Under Discussion</p>

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		<p>C Annex 1 Sub-Annex 1.3 of the Council's LIR.</p> <p>That review indicates that the interchange is severely congested during peak periods and those impacts are not mitigated. An initial forecast model of the Manorway was also issued to the Council prior to DCO submission. The Council's review of that model is provided at Appendix C Annex 1 Sub-Annex 1.4. The Council does not agree with the basis for this forecast model and is unable to conclude the likely impacts. The Council has set out summaries of its views on local impact and mitigation in Section 9.4 of the LIR.</p> <p>The Council is currently considering the protective provisions proposed by the Applicant. It also considers that a specific requirement is needed to address concerns regarding the Orsett Cock junction. The updated wording for the protective provisions and the requirements will be shared with the Applicant as soon as possible and submitted in detail within the Council's D6, D6a or D7 submission.</p>	<p>of LTAM and GIS shapefiles. The Applicant has extended the extent of works to cover Orsett Cock roundabout. This will allow for the signalisation of the A128 arms, both north and south, if it is found that this is required during the detailed design development.</p> <p>A further discussion on this matter was held on 19 July 2023 and the Council stated its intention of providing some active travel provisions at this location in the future.</p> <p>The Applicant has also submitted Protective Provisions for Local Highway Authorities in Schedule 14 to the draft DCO which secures further engagement at the detailed design stage in relation to the design and works to local roads. The Applicant has proposed a requirement in relation to the operation of Orsett Cock Roundabout. This was set out in the Wider Network Impacts Update provided at Deadline 5 and has been included as Requirement 18 in Schedule 2 of the draft DCO submitted at Deadline 6. This matter remains under discussion.</p>		
<p>Mitigation A13 Junction; Design Matters - Safe design of</p>	<p>2.1.93 LIR</p>	<p>The Council has concerns that the elements of the road network have unsafe design aspects, including roads that are to be returned to Thurrock Council following</p>	<p>The Project's approach to the road safety in design is in accordance with the standards set out in the Design Manual for Roads and Bridges. The standard</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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local road links		<p>completion of the works. The Council has provided information on these concerns to National Highways, but has not been provided with a justification, or been provided with information on any modifications to the design to address the concern. National Highways has effectively concluded that the safety matters raised by the Council are either not of concern or can be mitigated during detailed design. This response is unreasonably dismissive, and it is considered inappropriate to delay resolution for post DCO submission or grant.</p> <p>The Council does concur that, subject to confirmation of the boundary between local and trunk road network, some of the concerns that it has raised in the safety note could only directly affect the SRN. It may be that National Highways' designers have concluded that there are no concerns at these locations, but that point must be documented and not ignored.</p> <p>The Council has set out its view on safety and design changes in 9.6 of the LIR and at Appendix C Annex 2 Sub-Annex 2.1</p>	<p>approach set out in DMRB is to undertake a Stage 1 Safety Audit at the preliminary design stage, and a further Stage 2 audit at detailed design. The Applicant has undertaken the Stage 1 audit and shared the findings with the Council. This safety audit demonstrated no concerns that needed to be addressed at this design stage. The Applicant is satisfied that, based on this safety audit, the highways design is safe. Further consideration will take place at the next stage of design.</p> <p>The safety concerns identified by the Council have been included into the information to be considered in the next stage of design. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Safety A13 Junction; Design Matters, Link Capacity	2.1.94 (also refer to 2.1.88)	The Council are concerned that the capacity of the link between the LTC off slip to A13 eastbound and to Orsett Cock is insufficient, leading to a lack of resilience	The Project's strategic modelling demonstrates that the Orsett Cock junction will operate acceptably, though it is acknowledged that specific concerns have	N/A	Matter Not Agreed

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	LIR	<p>and impacting effective management on the network.</p> <p>The Council has set out its view on safety in Section 9.6 and Appendix C Annex 2 Sub -Annex 2.1 of the LIR.</p>	<p>been raised by the Council that are not addressed by the strategic model. As a result, the Project has progressed a local junction model in collaboration with the Council's team to consider these issues. The Applicant considers that this modelling has demonstrated that the junction operates acceptably.</p> <p>The Applicant recognises that there are other pressures on this junction due to development in the area, and will continue to discuss this with the Council. The Applicant has also written to the Council setting out considerations around bringing the A13 in this area into the strategic road network. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Safety Spacing of non-emergency stopping areas	2.1.95 LIR	<p>The Council request National Highways to confirm if they propose to adhere to the spacing of non-emergency stopping areas within its network, once the Project is constructed and if so, the Council would like confirmation of these spacings.</p> <p>This matter relates to non-emergency stopping areas and the Council requires NH to provide the reasoning for not having a published strategy for adequate rest and waiting areas on the SRN in this region which could result in drivers leaving LTC to</p>	<p>The Project is designed as an All-Purpose Trunk Road to expressway standards GD 300. GD 300 states that parking lay-bys shall not be provided on expressways (E/8.3). The Project provides emergency areas along its route which are included within the land-take.</p> <p>Within the DCO documentation, the Applicant does not secure a specific distance for the emergency area spacing. The emergency areas are shown on the Engineering Drawings and Sections and</p>	<p>Engineering Drawings and Sections (Volume A) [REP4-058]</p> <p>Engineering Drawings and Sections (Volume B) [REP4-060]</p> <p>Engineering Drawings and</p>	Matter Not Agreed

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		<p>seek facilities with Thurrock for rest or refuelling (including charging) that will impact on the local network and facilities.</p> <p>This reasoning needs to be done prior to the conclusion of the separate NH/DfT review and any controls secured through the DCO.</p>	<p>the design is required to be undertaken in accordance with these drawings. It is important to recognise that the road will be designed to the safety standards current at the time of construction, and the Applicant anticipates that there is sufficient flexibility in the application to be able to accommodate any further developments in this area.</p> <p>A further discussion on this matter was held on 19 July and the Council questioned the Applicant's wider approach to providing lay-bys and Rest and Service areas (RASA). The Applicant confirmed that a review is currently ongoing into provision of non-emergency stopping areas across the wider region, outside the scope of the Project. The Project does not include a RASA or lay-bys. A RASA was previously proposed as part of the Project but removed based, in part, on the Council's previous objections. The Council still has residual concerns around a potential RASA and how this might affect local roads in the future, but does not agree with the Applicant's position. The Applicant's rationale for removing the RASA is set out in the Planning Statement.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>	<p>Sections (Volume C) [APP-032]</p>	

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<p>Local WNI concerns Manorway Roundabout Mitigation</p>	<p>2.1.96 LIR</p>	<p>The Council requests additional lane capacity on the A1013 and A1013 approaches (including the Manorway roundabout) to ensure port and local traffic movements are not impaired by the Project.</p> <p>The Council sets out its view on local impacts and mitigation in the LIR Section 9 and will respond to the local operational modelling submitted by NH at D1 on The Manorway. The Council's review of the preliminary forecast models for The Manorway is provided at Appendix C Annex 1 Sub Annex 1.4 setting out that the Council continues to have concerns over the impact of LTC on that junction.</p>	<p>The Applicant is not proposing to undertake any works at the Manorway Junction. The forecast impacts on traffic flows through the Manorway junction, as set out in the ComMA and the Transport Assessment, are considered to be acceptable when reviewed against the policy obligations as set out in the NPSNN. The Applicant is currently in discussions with the Council relating to the trunking of the A13.</p> <p>A further discussion on this matter was held on 19 July 2023 and the Council expressed overarching concerns around the Applicant's approach. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2. As stated in response to LIR pages 207 – 209 in Comments on LIRs Appendix H: Thurrock Council (Part 4 of 5), the Applicant is not proposing to undertake any works at the Manorway Junction. The forecast impacts on traffic flows through the Manorway junction, as set out in the Combined Modelling and Appraisal Report (ComMA) and the Transport Assessment are considered to be acceptable when reviewed against the policy obligations as</p>	<p>ComMA [APP-518] Transport Assessment [REP4-148 to REP4-152] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Parts 1 to 5) [REP2-062, REP2-063, REP2-064, REP2-065 and REP2-066].</p>	<p>Matter Not Agreed</p>

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			set out in the NPSNN.		
Local WNI concerns ASDA Roundabout Enhancement	2.1.97 LIR	<p>The Council considers that the requirement for enhancements at the ASDA roundabout should be actively examined alongside other delivery highway improvements.</p> <p>The Council sets out its view on local impacts and mitigation in the LIR section 9. It is noted that NH has not provided any local operational modelling of the ASDA junction as part of its submission at D1 and this is required to be provided to the Council for review.</p> <p>The Council is currently reviewing the local junction modelling provided of the ASDA roundabout and will provide comments as part of its D6, D6a or D7 submission.</p>	<p>Based on the traffic modelling outputs, the Applicant does not consider that there are significant changes to traffic flows at the ASDA roundabout associated with the operation of Project that require any intervention at this location.</p> <p>During the construction works there will be increased traffic through the ASDA roundabout and measures to manage this additional traffic flow are set out in the outline Traffic Management Plan for Construction (oTMPfC) and have partly been developed in collaboration with Thurrock Council.</p> <p>A further discussion on this matter was held on 19 July 2023 and the Council expressed overarching concerns around the Applicant's approach. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p> <p>The Applicant has provided local junction modelling of ASDA Roundabout at Deadline 3.</p>	N/A	Matter Not Agreed
Design Passive Provision at Tilbury and	2.1.98 RRE, LIR	The provision of a new junction at Tilbury is supported in principle by the Council, if it is accompanied by a commitment to deliver the future Tilbury Link Road (TLR) that it is intended to facilitate. In the absence of this	The operations and emergency access has not been designed specifically for any particular future connection into the local road network; however, if the local authority or a third-party stakeholder is considering	N/A	Matter Not Agreed

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<p>Provision of the Tilbury Operational Access Tilbury Operational Access, Options assessment</p>		<p>commitment, the junction is over-specified for an operational and emergency access only. Simply provided as an operational and emergency access it is an expensive and unnecessary luxury in the context of the Project as currently proposed. The Project should include provision of both a junction at Tilbury and the TLR to connect LTC to the A1089 and provide multi-modal access to the Tilbury, East Tilbury and potentially Chadwell St Mary Growth Areas.</p> <p>It is the Council's view that National Highways has to date not completed adequate option assessment, traffic modelling and design development work in relation to the Project overall, at the A13 Orsett Cock junction or at the proposed Tilbury junction to enable it to make fully informed judgements and comments on this latest proposal. The Council expects National Highways to demonstrate that the proposed junction design will provide the vital capacity, connectivity, configuration and operational performance required to accommodate future traffic, public transport and walking, cycling and horse-riding (WCH) movement demands arising as a result of the proposed project configuration with a TLR in place and with local growth aspirations for the area (e.g. Thames</p>	<p>any future development, they would need to liaise with National Highways Spatial Planning to develop their proposals. The operations and emergency access have been designed to standard and all gradients, loops and distance from the tunnel portal, have met the relevant requirements.</p> <p>The Tilbury Link Road was not included in the Project proposals consulted on at Statutory Consultation because it was not considered necessary to achieve the Transport Scheme Objectives of the Project.</p> <p>The Tilbury Link Road has been identified in the pipeline of projects in the Applicant's Road Investment Strategies for 2020-2030 (known as RIS2 and RIS3). During the review of the Project undertaken when the Thames Freeport was designated, the Applicant sought direction and received instruction from DfT and Department of Levelling Up, Housing and Communities (DLUHC), that the Tilbury Link Road should be delivered through a separate consenting process to the Lower Thames Crossing.</p> <p>The appraisal of alternative configurations of the Project is covered by issue 2.1.66 of this SoCG. This matter is not agreed, due</p>		

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		<p>Freeport expansion and the Thurrock emerging Local Plan).</p> <p>The Council sets out its view and appraisal on local impacts and mitigation associated with the prospective linkage at Tilbury in the LIR section 9.2 and Appendix C Annex 2 Sub-Annex 2.3.</p>	<p>to both parties' positions remaining unchanged.</p>		
<p>Junctions Tilbury Operational Access, Design</p>	<p>2.1.99 RRE, LIR</p>	<p>The Council has a number of concerns related to the half-clover leaf junction configuration and design as currently proposed which requires further evidence to be provided by National Highways covering:</p> <p>junction design options assessment; evidence of why this configuration has been proposed, and other alternatives discounted</p> <p>junction design capacity and standards; National Highways should confirm the overall capacity constraints associated with this configuration (and associated National Highways design standards), especially the merge/diverge arrangements between slip roads</p> <ul style="list-style-type: none"> provision of a future East Tilbury link; National Highways to demonstrate that this design can accommodate a future link eastward the East Tilbury Growth Area 	<p>This is an operations and emergency access and not a junction open to the public. The operations and emergency access has not been designed specifically for any particular future connection into the local road network; however, if the local authority or a third-party stakeholder is considering any future development, they would need to liaise with National Highways Spatial Planning to develop their proposals. The issues highlighted by Thurrock Council, including the necessary details around design and capacity, need to be considered by the promoter of the subsequent development proposals.</p> <p>The suitability of the access to provide connectivity for specific aspects, such as the provision of an East Tilbury link, will have to be considered as those proposals are developed. The provision of capacity on the bridge structure is set out in the Structures Plans.</p>	<p>Structures Plans (Volume A) [REP4-072] Structures Plans (Volume B) [REP1-039]</p>	<p>Matter Not Agreed</p>

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		<p>the ability to accommodate future public transport and active travel i.e. National Highways should demonstrate sufficient width and space has been provided at the junction and on the new bridge structure to facilitate the creation of high quality public transport and active travel corridor. The added widths should allow for a minimum of 3.5m bus lane in each direction across the bridge and for a 5.0m segregated path pedestrian and cycle path.</p> <p>The Council sets out its view on local impacts and mitigation in the LIR section 9.2 and Appendix C Annex 2 Sub-Annex 2.3.</p>	<p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Plants & Woodlands Landscaping Changes at A13 Junction and North Road</p>	2.1.100	<p>The Council wishes to have details of the proposed planting mix prior to DCO submission to be confident that it is likely to succeed on these steep earthworks.</p>	<p>The Applicant confirms these details were made available as part of the oLEMP, shared at DCO submission.</p> <p>A further discussion on this matter was held on 19 July 2023 and additional signposts were provided by the Applicant to the Design Principles Appendix A as well as some additional section drawings previously supplied to the Council. The Council is satisfied with the Applicant's position.</p>	<p>Outline Landscape and Ecology Management Plan (oLEMP) [REP4-140] Design Principles [REP4-146]</p>	Matter Agreed
<p>Infrastructure/ Landscape Integration Tilbury Fields</p>	2.1.101 LIR	<p>The final design of the public open space provision and facilities have yet to be prepared and will not form part of the DCO, however, the Council requires additional</p>	<p>Design Principles and Plan The Applicant has developed a design principle for Tilbury Fields; and this is included in the DCO submission. There is</p>	<p>Design Principles [REP4-146]</p>	Matter Agreed

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<p>Design Principles and Plan</p> <p>Additional information required for Tilbury Fields</p>		<p>Design Principles and an 'Indicative Plan' to be prepared, so that the design of Tilbury Fields is both constrained, controlled and delivered as discussed to the appropriate standard and agreed with the Council. In particular, these should include the layout, route of all the WCHs, surfacing palette and ecological finish and details of any structure/building.</p> <p>The Council requests the following additional information.</p> <ol style="list-style-type: none"> 1. Sections and visualisations showing how the new earthworks will appear from Coalhouse Fort in context with intervening East Tilbury Landfill to better understand its visual effects on this sensitive heritage site 2. More details of the emerging design, including habitat features and their future management prior to DCO submission 3. A horse-riding route connecting the Two Forts Way to FP200 is included as part of the Project 4. The network of paths would improve recreational connectivity between the river and three Scheduled Monuments. However, the Council do require further details of the proposed designations of these WCH 5. Information on how would National Highways look to strategically link this new 	<p>also a separate design principle for the tunnel service building and portal. The plan for the area and the ecological finish is covered by the Environmental Masterplan and the General Arrangement drawings. All walking, cycling and equestrian routes will be designed in accordance with the latest standards and guidance with a surface appropriate for its intended use. Design Principle (Clause PEO.03) requires that surfacing needs to balance design quality and practicality, within the context of the local environment. Further details of surfacing materials will be developed at detailed design.</p> <p>Additional Information requested by Thurrock Council</p> <ol style="list-style-type: none"> 1. The Applicant undertook a site visit at Coalhouse Fort recently to consider the feasibility of producing the requested sections and visualisations. It was determined that the proposed sculptural landforms within Tilbury Fields would be obscured by existing vegetation and the existing land/ topography around Coalhouse Fort. Therefore, any representative visualisation at eye level would not show the sculptural landforms from Coalhouse Fort. 2. More details of the emerging design, including habitat features and their future 	<p>ES Figure 2.4 - Environmental Masterplan [REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031]</p> <p>Rights of Way and Access Plans – Volume A [REP4-046]</p> <p>Rights of Way and Access Plans – Volume B [REP4-048]</p> <p>Rights of Way and Access Plans – Volume C [REP4-050]</p> <p>ES Chapter 5: Air Quality [APP-143]</p> <p>ES Chapter</p>	

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		<p>park to existing footpaths and other open spaces locally?</p> <p>6. Updated noise and air quality impact assessments demonstrating how the proximity to the highway affects Tilbury Fields.</p>	<p>management is presented in the oLEMP and will thus be available for the Councils review following application.</p> <p>3. The North Portal is located within East Tilbury Marshes and would not result in any severance to walkers, cyclist or horse riders within the Tilbury Fields area, given it does not cross any existing Public Rights of Way. Although there is no specific impact to mitigate in this area, the Applicant is proposing WCH routes as an enhancement within this area with the aim of creating walks that link the heritage assets in areas such as Coalhouse Fort, East Tilbury Battery and Bowater Battery. This will be achieved by linking Two Forts Way and the proposed country park at Tilbury Fields to the improved PRow network further north.</p> <p>To provide public access through the country park at Tilbury Fields, the Applicant is proposing two north-south routes. These routes will connect to the FP200, proposed to be realigned and redesignated as bridleway to Two Forts Way along the shoreline of the Thames, where the Applicant proposes to resurface, widen, and redesignate the footpath to a pedestrian-cycle track in readiness for similar future improvements (by others) to the west and east. The western end of these routes will be designated as a</p>	<p>12: Noise and Vibration [APP-150]</p>	

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			<p>permissive footpath and will follow the newly created topography to bring users to these new viewing points. The eastern route will follow an historic watercourse through the marshes and will be designated as a footpath. There will be two permissive paths linking these primary north-south paths. The proposed WCH routes are considered to provide valuable improvements to the existing PRoW network and helping Thurrock with its aspirations to improve public access. There may be an opportunity in the future for the eastern footway through Tilbury Fields to be upgraded to bridleway/ped-cycle route by the same third parties as the eastern works to Two Forts Way, in order to create a complete loop from Coalhouse Fort but it is not considered appropriate to prejudice those proposals or incorporate them as part of the Project.</p> <p>4. This information has already been presented as part of the Interactive Map at LRCON, which included a legend of the proposed designations of these WCH routes. This information is also presented in the Book of Plans in the DCO submission.</p> <p>5. Public Rights of Way through this area are set out in the Rights of Way and Access Plans.</p>		

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			<p>6. The updated air quality and noise impact assessment demonstrating how the proximity to the highway affects sensitive receptors near Tilbury Fields is included in Chapters 5 and 12 of the ES.</p> <p>The Applicant has discussed the design approach in this area during design development and set out the proposals at the Local Refinement Consultation.</p> <p>A further discussion on this matter was held on 19 July 2023 and the Council is satisfied with the Applicant's position.</p>		
<p>Infrastructure/ Landscape Integration Tilbury Fields Design/ Facilitating the restoration of East Tilbury Landfill</p>	<p>2.1.282 LIR</p>	<p>The Council would like to look at the alternatives options appraisal to demonstrate that the currently proposed site is appropriate and why the East Tilbury Landfill area was not included to lower landform levels.</p>	<p>East Tilbury Landfill is a much larger area of land than is needed to replace the land relinquished for the Thames Freeport Development. The Environment Agency has strongly advised against any activities on the landfill site that could result in the mobilisation of contaminants from within the landfill into the chalk aquifer, this particularly includes land raising/any form of ground disturbance and is therefore not compatible with the Applicant's vision for Tilbury Fields and the creation of placemaking earthworks. In addition, ecology surveys have identified the East Tilbury Landfill as an important site for invertebrates, reptiles and ground nesting birds. This area is a valuable ecological habitat and by retaining it in its current form</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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			<p>and linking it to areas of mitigation to the west and east, the Applicant is creating a strong connection of valuable ecological habitats along the northern side of the Thames. For these reasons, the Applicant has discounted the use of this area from the Tilbury Fields proposal.</p> <p>A further discussion on this matter was held on 19 July and 9 August 2023 and the Council reiterated their concern regarding an alternative's options appraisal for Tilbury Fields, as the Council believe the East Tilbury Landfill (after decontamination by the Applicant) should have been considered as a viable option. There is no change to the Applicant's position, which avoids the landfill altogether (an approach supported by EA). Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
<p>Junctions Design of Tilbury Viaduct</p>	<p>2.1.102 RRE, LIR</p>	<p>National Highways should classify the Tilbury Viaduct as a Project Enhanced Structure and provide a justification on if this is not the case. If the viaduct is not an 'enhanced design structure' it could worsen the environment for the population in this area. There are direct views from the West Tilbury Conservation Area onto Tilbury Viaduct.</p>	<p>The Applicant responded in detail to this request in October 2020 and on 8 April 2022.</p> <p>Project Enhanced Structures</p> <p>The full design rationale for 'Project Enhanced Structures' is found in the Project Design report. The Applicant has sought to secure additional commitments within the Design Principles document to</p>	<p>Design Principles [REP4-146] Project Design Report Part A: Introduction and Project Background [APP-506]</p>	<p>Matter Not Agreed</p>

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			<p>ensure that the Preliminary Design presented at DCO is carried through to detailed design and implementation. There are Design Principles for all structures across the Project, with the aim of ensuring the designs:</p> <ul style="list-style-type: none"> • use a complementary and consistent material palette • are well detailed and coordinated • are integrated sensitively and seamlessly into the landscape. • The Tilbury viaduct has not been included as a 'Project Enhanced Structure' for the following reasons: <ul style="list-style-type: none"> • It is already taller than the Mardyke Viaduct relative to the surrounding ground level, giving it better proportions and greater clearance for views under and through it. • In terms of long views, the landscape is less open with more woodland areas trees and hedge lines breaking up views. Through the landscape design, the existing wooded ridge would be strengthened with new tree planting, which (once mature) will effectively screen and integrate the viaduct on both sides. • The existing landscape already has a 	<p>Project Design Report Part C: Design rationale [APP-508]</p>	

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			<p>number of urbanising structures like the Overhead Line Electrification associated with the Tilbury Loop railway and in particular, parallel lines of pylons on a north-south axis.</p> <p>As a result of these factors it was felt that a good, but more standard approach would be appropriate here. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>WCH / Active Travel – Design Configuration and Surfacing Materials for WCH routes Tilbury Green</p>	<p>2.1.103</p>	<p>The Council would like National Highways to set out;</p> <ol style="list-style-type: none"> 1. Surfacing materials for WCH routes (e.g. FP200). These should be agreed with the Council as Highways Authority responsible for their future upkeep. While materials should be hard wearing their environmental impacts should also be considered. 2. Configuration of the WCH routes; e.g. safety (lighting and fencing), widths, subdivisions between bound and unbound surfaces etc. 3. Wording of PEO.01 is too vague. How do National Highways propose to provide convenient and safe PRowS?4. Tilbury Green is in effect Footpath 200 and the proposed route is acceptable. However, no detail has been provided regarding its width and design (e.g. will it be enclosed by hedges?). 	<ol style="list-style-type: none"> 1. All walking, cycling and horse rider routes will be designed in accordance with the latest standards and guidance with a surface appropriate for its intended use. Design Principle Clause PEO.03 requires that surfacing needs to balance design quality and practicality, within the context of the local environment. Further details of surfacing materials will be developed at detailed design. 2. Configurations of the WCH routes are also a matter for detailed design. At this stage, the Applicant has provided an appropriate framework of design principles for the detailed design to be based on. Design Principle Clause PEO.04 lists out the WCH detailed design standards. 3. The current wording of PEO.01 has been amended to: '<i>All PRowS crossing the Project route shall have a detailed design</i> 	<p>Design Principles [REP4-146] Rights of Way and Access Plans (Volumes A to C) [REP4-046] to [REP4-050]</p>	<p>Matter Agreed</p>

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			<p><i>that is safe and considers the convenience of the users and appropriateness to the context of the adjacent landscape character, with changes in level minimised where appropriate.'</i></p> <p>4. FP200 has been upgraded to a Bridleway and detail has been provided regarding its detailed design in Clause PEO.04</p> <p>A further discussion on this matter was held on 19 July 2023 and the Council agrees with the Applicant's approach.</p>		
<p>Mitigation</p> <p>Adequate space for wetland habitat</p> <p>Adequate space within Order Limits</p>	2.1.104	<p>The Council consider that considering the BNG calculations, National Highways should be providing more expansive wetland habitats as per the Council and the environmental organisations' aspirations. Further flood storage should be provided that delivers improved landscape and ecological mitigation.</p> <p>The Council would like to investigate the space within Order Limits to deliver.</p> <p>1. Additional landscaping around earthworks referred to at Design Principle LSP.03.</p> <p>2. Enhanced green infrastructure and access referred to at Design Principle LSP.06</p> <p>The boundary of the project is tight, which</p>	<p>The Biodiversity Net Gain calculations provide an understanding of the overall change in the number of biodiversity units resulting from the Project. The Biodiversity Net Gain calculations are only applied to land within the Project's Order Limits. The Applicant can only acquire land through compulsory acquisition for essential mitigation and compensation requirements – not for enhancement. On this basis, there are no powers to acquire additional land purely for the purposes of increasing the biodiversity metric score as this is not essential mitigation. That notwithstanding, the Applicant is content that it is providing the correct level of essential mitigation for the Project in relation to provision of wetland habitat creation within the Order</p>	<p>Design Principles</p> <p>[REP4-146]</p>	<p>Matter Not Agreed</p>

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		<p>limits its capacity to accommodate enhanced green infrastructure and access within the Order Limits and secure it appropriately. If the current Order Limits constrain the achievement of the above, they should be extended.</p>	<p>Limits. It should be noted that there are a limited number of locations where the hydrogeology allows wetland habitat to be successfully established – as is the case at Coalhouse Point for the HRA mitigation area and at the Mardyke where the water vole mitigation area is proposed. These areas of habitat creation have been discussed in detail with Natural England and the Environment Agency both in relation to the Habitats Regulations Assessment and protected species licensing requirements.</p> <p>The Project has provided adequate and appropriate flood storage, landscaping and ecological mitigation as required by a scheme of this size and nature. Over provision would need additional spend of public funds and would require separate justification. There are no proposals to provide any further flood storage as part of the Project.</p> <p>1. The Design Principle – Clause LSP.03 Landscape integration features for visual screening</p> <p>The current landscape design proposals have been developed and designed to align with this Project-wide Design Principle; there is adequate space within the Order Limits. However, the landscape design itself will be further developed</p>		

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			<p>during the detailed design, in line with the controls and commitments of the DCO documents. There is no requirement to obtain additional land as the current landscape design proposals are compliant with the design principle.</p> <p>2. The Design Principle – Clause LSP.06 Landscape legacy</p> <p>Where large-scale landscape mitigation is required, the design of this shall be developed to maximise the Project's legacy for local communities and landowners, while considering existing land use. Where compatible with mitigation proposals the Project shall provide, within the Order Limits, enhanced access, amenities and green infrastructure. Where there is alignment between the Project and other existing or planned green infrastructure, schemes identified by local authorities and other relevant stakeholders, the Project's detailed design will be developed to integrate with the delivery of green infrastructure by others. The current Project Order Limits do not constrain the achievement to Design Principle – Clause LSP.06, which is a Project-wide Design Principle.</p> <p>A further discussion on this matter was held on 19 July 2023 and the matter and the Applicant's response were both</p>		

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			reframed based on the Council's outstanding concerns. Due to both parties' positions remaining unchanged on this matter, this matter is now not agreed.		
Utilities Provision of internet and 5G cables	2.1.105 RRE	National Highways should utilise the construction phase of the Project as an opportunity to lay down internet and 5G cables within the alignment and make provision on all bridges and tunnels, as appropriate.	The Applicant is committed to using the construction phase to lay down provisions for internet and 5G cables within the alignment and make appropriate provisions on its structures. The following commitment was added to the Design Principles document (STR.14): <i>'The following new bridge structures shall include spare ducts to provide for all necessary communications infrastructure by others, providing sufficient capacity to meet both current and likely future fibre, phone and cabling needs:</i> <ul style="list-style-type: none"> • <i>Muckingford Road</i> • <i>Brentwood Road</i> • <i>A1013 over A1089 overbridge</i> • <i>A1013 over A122 Lower Thames Crossing overbridge</i> • <i>Rectory Road overbridge</i> • <i>Stifford Clays Road over A122 Lower Thames Crossing overbridge</i> • <i>Stifford Clays Road over A122 Lower Thames Crossing northbound overbridge</i> 	Design Principles [REP4-146]	Matter Agreed*

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			<ul style="list-style-type: none"> • Farm track and footpath 136 • Green Lane bridge • North Road bridge • Brewers Road green bridge • Thong Lane green bridge south • Thong Lane green bridge north.' <p>Thurrock Council has seen the Project position set out above and marked the matter agreed.</p>		
<p>Design Provision of low-noise road surfacing</p>	<p>2.1.106 RRE</p>	<p>National Highways should use low-noise road surfacing on the Project and the local network.</p>	<p>The Applicant is committed to the use of low-noise surfacing on the Project and local network and the commitment is included in the REAC under NV013:</p> <ul style="list-style-type: none"> • For the locations identified on ES Figure 12.6, a surfacing system that has a reported noise Road Surface Influence (RSIH) of -7.5dB(A) or better in accordance with the Highway Authorities Product Approval Scheme certification system shall be installed. • For the locations identified on ES Figure 12.7, a 'Level 3' (i.e. RSIH -3.5 dB(A) or better), very quiet surfacing material, as defined by Manual of Contract Documents for Highway Works Volume 1 - Specification for Highway Works, Series 0900, Table 9-17, shall be installed on all other new 	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Agreed*</p>

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			<p>and altered trunk roads and associated slip roads forming part of the Project.</p> <ul style="list-style-type: none"> For the locations identified on ES Figure 12.7, a 'Level 2' (i.e. RSIH - 2.5dB(A) or better), quieter than Hot Rolled Asphalt surfacing material, as defined by Manual of Contract Documents for Highway Works Volume 1 - Specification for Highway Works, Series 0900, Table 9-17, shall be installed on all new and altered local roads forming part of the Project. <p>Thurrock Council has seen the Project position set out above and marked the matter agreed.</p>		
Construction					
<p>Impacts Phasing of construction activities</p>	<p>2.1.107 RRE</p>	<p>The Project should ensure the construction operations cause the minimum level of disruption by phasing activities.</p>	<p>The commitment to share phasing plans (post consent, if the Project is consented to) for information is included in the Code of Construction Practice (CoCP), including the Register of Environmental Actions and Commitments (REAC):</p> <p><i>'...ensure construction phasing plans have been made available to the relevant Local Authorities for information, prior to works commencing in that phase.'</i></p> <p>The Project is also committed to a Joint Operations Forum, secured by the CoCP. The Joint Operations Forum would enable</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Agreed*</p>

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			collaborative working to ensure coordination of construction phasing and logistics, and make sure the Contractors' construction programmes are aligned. Thurrock Council has seen the commitments set out above and marked the matter agreed.		
Impacts Ensuring minimum level of disruption during construction	2.1.108 RRE	The Project should ensure the construction operations cause the minimum level of disruption by locating compound sites away from properties and sensitive receptors.	The commitment to sharing site layouts for information is included in the CoCP: <i>'Site layouts for construction compounds will be made available to the relevant local authority for information, prior to works commencing in that phase.'</i> The Project is also committed to a range of measures included in the REAC (LV006-LV027) all around the location and layout of construction compounds, heights of bunds and stockpiles, and minimising disruption to properties and sensitive receptors. Thurrock Council has seen the commitments set out above and marked the matter agreed.	ES Appendix 2.2: Code of Construction Practice [REP5-048]	Matter Agreed*
Impacts Working Hours	2.1.109 RRE	The Project should minimise the level of disruption by only applying appropriate on-site working hours.	The Project is committed to minimising the level of disruption for local communities by striking a balance between progressing the construction in a timely fashion to minimise overall impact and site working hours. The following commitment is included in the CoCP:		Matter Agreed*

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			<ul style="list-style-type: none"> • <i>'Earthworks will be executed during core hours, with option retained to extend to 22.00 outside of identified impacted zones.</i> • <i>Impact zones will be identified, where receptors are within 300m of the Order limits – those zones will be restricted to core hours working. The opportunity to extend to 22.00, within impact zones, will only be taken where the Project can determine methodology that enables Earthworks, within those zones, may be carried out provided that noise levels are no greater than the levels recorded during pre-construction monitoring. Works undertaken in impact zones will be included, prior to undertaking the works, in the application made by the Contractor to the relevant local authority under Section 61 of the Control of Pollution Act 1974 unless appealed.'</i> <p>Thurrock Council has seen the commitments set out above and marked the matter agreed.</p>		
Logistics, materials and operations Use of Port	2.1.110 DL-3 RRE,	National Highways should make firm commitments as to the type and amount of material that can be transported by marine transport including via Port of Tilbury and	The Applicant recognises the opportunity that the use of the river for material transportation presents for reducing impacts of vehicle movements. As such,	ES Appendix 2.2 Annex B: Outline Materials	Matter Not Agreed

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Facilities to transport construction materials	RRN, LIR	<p>Tilbury2. At present whilst contractors are apparently encouraged to investigate this further as part of their MHPs and TMPs there is no firm commitment to do so and contractors will opt for the easiest and cheapest option. The oMHP must form a robust framework in which stretching targets around the movement and handling of materials which will bring about reductions in the environmental impacts of moving and handling that material. The targets should be minimal which the contractors adopt within their developed Materials Handling Plans and that they are incentivised to exceed those targets.</p> <p>National Highways has offered a commitment and Thurrock Council have made formal comments summarised as follows:</p> <p>1. National Highways should extend its commitments to moving materials, plant and equipment associated with the delivery of the project beyond the current commitment relating solely to 35% of bulk aggregates and revisit the wording such that it is specifically expressed that movement must be by non-road transport. Specifically, it is noted that concrete will be batched on site and also tunnel segments cast on site. How will concrete aggregate be delivered to the site for</p>	<p>subject to the exceptions set out in the outline Materials Handling Plan (oMHP), the Project shall utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal Construction Area (the Baseline Commitment). This commitment translates into 35% of the total bulk aggregates across the Project being transported via port facilities. In addition, and subject to the exceptions set out in the oMHP, the Contractor will engage with aggregate and material suppliers collaboratively, to proactively maximise utilisation of river transport for the import of sand and aggregates for the North Portal Construction Area beyond the Baseline Commitment so far as is reasonably practicable.</p> <p>Further details of this commitment are set out in the oMHP.</p> <p>The purpose of this commitment is to:</p> <ul style="list-style-type: none"> • reduce the number and length of construction-related transport movements; and • reduce the potential social and environmental impacts arising from construction-related import of materials associated with the Project. <p>The Applicant understands that Thurrock Council would like this commitment to be</p>	<p>Handling Plan (oMHP) [REP5-050] ES Appendix 2.2: Code of Construction Practice [REP5-048] Outline Traffic Management Plan for Construction [REP5-056]</p>	

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		<p>preparation/batching?</p> <p>2. National Highways should commit to move other materials, plant and equipment by marine and rail.</p> <p>3. National Highways should set out the justification for exclusion of any material, plant or equipment that is dismissed by National Highways within the oMHP.</p> <p>4. National Highways should indicate how road safety and reductions in transport-based carbon has been taken into account for road-based transport.</p> <p>5. National Highways should establish a process within the oMHP by which contractors would apply for a derogation from the contracted commitments, if required. That process should allow suitable notification, review and approval between National Highways, the contractor and the Council. The process should be designed by National Highways to incentivise the contractor to pursue movements by non-road-based transport except in exceptional circumstances.</p> <p>6. National Highways should confirm why the existing jetties are not available or appropriate to the project and how alternative marine and rail facilities would be used or created.</p> <p>Furthermore, both the Council and PLA are</p>	<p>extended. The Applicant has provided responses to the Council's suggestions (points 1-6).</p> <p>Paragraph 3.1.1 of the outline Materials Handling Plan (oMHP), states that '<i>no part of the authorised development is to start until an Environmental Management Plan (Second Iteration) ...has been submitted to and approved in writing by the Secretary of State, following consultation with the stakeholders identified in Table 2.1 of the CoCP</i>'. Both Thurrock Council and Port of London Authority (PLA) are named bodies within Table 2.1 of the Code of Construction Practice (CoCP).</p> <p>Section 3.2 of the oMHP explains the requirements for Contractors to produce a Material Handling Plan (MHP) for the construction phase of each part of the works. Table 3.1 within this document lists out information which will be required in each MHP. Paragraph 6.2.14, specifically in relation to the commitment, requires the Contractor to explain '<i>how the Baseline Commitment and the Better than Baseline Commitment are addressed</i>'.</p> <p>The mechanism to incorporate the views of stakeholders is via the consultation process of the construction phase MHP (EMP, Second Iteration) to which TC and PLA are consultees. Therefore, it is through</p>		

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		<p>seeking for NH to:</p> <p>7. Define the procedures and governance that would accompany the adopted strategy, including the involvement of the PLA and the Council; an appropriate forum comprising Thurrock Council and Port of London Authority (PLA) to oversee the delivery of the commitment and discuss operational exemptions, safety improvements, and sustainability improvements.</p> <p>The Council has set out its views on local impacts and mitigation in Sections 9.8 and 15.6 and Appendix C Annex 4 of the LIR. Further concerns about the TMF are set out within the LIR Section 15.6.45.</p> <p>National Highways has made no alterations to the proposals for moving materials, plant and equipment by non-road transport and in its Written Statement to ISH5 [REP4-181] NH states that it <i>'does not consider any further commitment to use of the river to be either sensible or deliverable'</i>. The Council does not agree with either assertion.</p> <p>The insertion of a derogation procedure at Deadline 5 is noted [REP5-051/REP5-050] and will be responded to at D6. On initial review the principles are supported by the Council but flaws in the process are noted.</p>	<p>the consultation process of the submission of the MHP that the Council and PLA can discuss these matters.</p> <p>If the exemptions under paragraphs 6.2.15, and or 6.2.17 of the oMHP apply, then arrangements would have to be made for discussions with relevant stakeholders at the Traffic Management Forum (TMF), again this includes TC and PLA. Further details of the TMF can be found in the Outline Traffic Management Plan for Construction (oTMPfC)</p> <p>A further discussion on this matter was held on 13 June 2023. Points 1-4 and 6 are unlikely to be agreed due to both parties' positions being unchanged. However, both parties discussed point 5 further on 20 September 2023, which revolves around the derogation and exemptions process and how this would work in practice. The Applicant would use the Traffic Management Forum for this derogation process. Further information was supplied to the Council and the Applicant is awaiting feedback</p>		

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		<p>The oMHP remains to be a weak strategy and Control Document that neither leads, governs or incentivises NH's contractors (including the Roads North contractors) to optimise the use of non-road transport as a major part of the movement of plant, equipment and materials associated with the construction of LTC.</p> <p>It is unacceptable to assume that strengthening of this strategy would occur during the development of post-consent Materials Handling Plans, where contractors and NH will be targeting cost and programme savings.</p>			
<p>Logistics, materials and operations Number and type of vehicle movement</p>	<p>2.1.111 RRE, LIR</p>	<p>No evidence has been provided to support the assessment of the number of on-line vehicle movements identified and the assessment appears to use different vehicle capacities for the waste removed from the North of the river to that removed from the South of the river with no justification for this difference.</p> <ol style="list-style-type: none"> 1. There is no clarity as to the numbers and type of movements associated with materials handling and 2. There is no cap on movements from the project in total or from any defined compound, including the utilities logistics hubs. <p>The Council has set out its views on local</p>	<p>The assessment for the number of vehicles is based on the scale and magnitude of vehicle movements and is developed from the volume of materials associated with the Project design. The variance in vehicle capacities is dependent on whether the movement is online or offline. For movements online, a vehicle capacity of 8.5m³ based on a 20ton HGV has been used. For offline movements, a vehicle capacity of 17m³ based on a 40-tonne articulated dump truck has been used.</p> <p>The forecasted truck movements have been used to support the construction traffic modelling, this includes earthwork movements using the network to transport</p>	<p>Transport Assessment [REP4-148 to REP4-152]</p>	<p>Matter Not Agreed</p>

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		<p>impacts and mitigation during construction in Section 9.8 of the LIR and its review of construction period modelling at Appendix C Annex 3. That construction period modelling does not accurately assign forecast construction period vehicles to specific locations and routes within the network, it instead allows certain vehicles to freely assign across the network and within a larger modelled zone than the specific compound destination or origin. This approach masks the impacts of those construction movements.</p>	<p>material. The impact of the construction traffic is detailed in Transport Assessment, Chapter 8, and appropriate mitigation measures are presented within the EIA.</p> <p>The movement of construction vehicles from compounds and ULHs has not been restricted by a vehicle cap, but rather the impact it has on the road network. The appointed Contractor would be required to manage deliveries to compounds using vehicle booking systems. In addition there would be monitoring of vehicle movements to and from compounds to promote improvements in road safety and to minimise Project construction traffic and environmental impacts on the road network and local communities. The Contractors will set out co-ordinated monitoring proposals in their Traffic Management Plans.</p> <p>A further discussion on this matter was held on 13 June. Although both parties agreed that a blanket cap on movements is not appropriate, Thurrock Council expressed concerns around the use of compounds, the use of local roads, the number of vehicles at each compound, monitoring and compliance. The Applicant clarified that these matters are considered elsewhere in the SoCG. Suitable signposts were provided for where the DCO</p>		

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			<p>documentation responds to all these concerns for the Council to read and confirm its updated position.</p> <p>The Applicant notes the Council's comments in the LIR on this matter and considers that the freedom for vehicles to route on the construction assessment is appropriate at this stage of design development and does not consider that the approach taken masks the impacts of these construction movements. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Materials & waste handling Receiving wastes</p>	<p>2.1.112 LIR</p>	<p>No information on the receiving sites has been identified to provide comfort that they will be able to accept the wastes generated at the point that they are exported from the site.</p> <p>There is a lack of detail on the sites receiving the wastes to provide confidence that they are suitably licensed or have sufficient capacity to receive the wastes generated at the point that they are produced. It is not possible to align the facilities identified within Appendix B the oMHP with those considered within the Excavated Materials Assessment (EMA) within the ES, making it impossible to assess the surrounding capacities and potential for the management of the</p>	<p>A list of existing third-party waste management facilities within Essex, Kent and the East London Waste Authority study area is provided in the appendices of ES Chapter 11: Materials Assets and Waste. All of the sites listed in the list of third-party off-site waste infrastructure receptors have been taken from the Environment Agency datasets and are appropriately permitted to accept the anticipated wastes generated by the Project. This demonstrates the variety of facilities available to the Project. The final selection of the receiver sites for surplus excavated materials would be carried out by the Contractor using the screening criteria presented in the Excavated Materials Assessment.</p> <p>The ES Chapter 11: Materials Assets and</p>	<p>ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050] ES Chapter 11: Materials Assets and Waste [APP-149] ES Appendix 11.6: Material Assets and Waste Legislation</p>	<p>Matter Under Discussion</p>

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		<p>material arising from the site.</p> <p>The Council has set out its views on NH's strategy for materials handling at Section 10.10 and Appendix C Annex 4 and the associated local network impacts in section 9.8 and Appendix C Annex 3 of the LIR.</p> <p>NH had committed to providing further information on its strategy for materials receptor sites and the differentiation of those sites for suitability and lifespan. That information, which is requested and should now reflect the additional option of a single TBM tunnelling strategy with the revised profile of materials generation and handling. The Council will review the applicant's submission at D2 (ES Addendum Appendix C and the technical note on earthworks).</p> <p>Within discussions held 16 October 2023 the Applicant identified potential additional drafting to resolve the issues discussed within the 20 September 2023 meeting. The Council agreed that the proposed drafting would address their concerns and that the Applicant should update the relevant documents as soon as practicable to allow the position to be agreed. The Council is awaiting the final drafting before agreeing that the matter is agreed.</p>	<p>Waste provides an assessment of likely significant effects of Project wastes on waste management facilities within the study area, defined as Essex, Kent and East London Waste Authority, in line with the requirements of DMRB LA 110. The assessment presents the baseline capacity of landfill and other waste management facilities within the study area.</p> <p>The appointed Contractor will manage waste during the construction period and typically they would look to use local (sub-regional) waste infrastructure wherever feasible to minimise the environmental impact and cost of transport and support the economic wellbeing of local communities. Procurement rules mean that it is not possible to prescribe specific waste management facilities to be used during construction of the Project, and these rules prevent setting a precedent that would potentially tie the appointed Contractor to exclusive arrangements with specific waste management facilities. The ability to use waste management infrastructure from a wide range of locations would allow existing waste management capacity to be used effectively and efficiently, without resulting in local overcapacity to the detriment of the local economy.</p> <p>A discussion on this matter was held on</p>	<p>and Policy [APP-440] ES Appendix 11.1: Excavated Materials Assessment [APP-435] ES Appendix 11.3: List of Third Party Offsite Waste Infrastructure Receptors [REP1-166] Technical Note on Earthworks Quantification [REP2-076]</p>	

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			<p>13 June and although the Council is satisfied by the principle of receiver sites, further information was requested around how sites are classified as 'acceptable' and how the waste amounts in the outline Materials Handling Plan have been generated. The Applicant agreed to produce a technical note to describe the process behind how earthwork quantities have been derived, which was submitted to the ExA at Deadline 2. Thurrock Council have confirmed that they are satisfied with the tonnages set out in the technical note.</p> <p>A further discussion on this matter was held on 20 September and 16 October 2023 where the Council expressed residual concerns in relation to the criteria for identifying offsite facilities. Thurrock Council have requested a commitment that identified sites will be used if they satisfy screening criteria and requested clarification on how these sites will be reviewed. The Applicant considers that REAC item MW012 and the oSWMP provide assurance regarding the screening criteria for identifying offsite facilities. Additional text will be added to MW012 as follows:</p> <p><i>'Sites would be considered acceptable where they perform no worse than those sites on the detailed assessment list (at the</i></p>		

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			<p><i>time of submission of the DCO application)</i> Once this change has been made this matter can be agreed.</p>		
<p>Materials & waste handling Excavated Material Assessment</p>	<p>2.1.113 LIR</p>	<p>The Excavated Material Assessment report provided states that waste classification of the soils (as either Hazardous or Non-Hazardous) will be undertaken once ground investigation is complete. Without this fundamental assessment we do not understand the origin of the quantities used in this oMHP.</p> <p>The Council has set out its views on Environment and health impacts in Section 10 of the LIR.</p> <p>Technical Note has been received from the applicant at D2 and will be reviewed in the Council's D3 submission.</p>	<p>Information on the classification of the excavated materials (inert, non-hazardous and hazardous) is provided within the Excavated Materials Assessment (EMA) and within the outline Materials Handling Plan (oMHP).</p> <p>The preliminary Ground Investigation works carried out has been used to determine suitability of excavated material for construction. This has supported the earthwork quantities assessment detailed in the oMHP. As part of the oMHP, the appointed Contractor would conduct further testing to ensure suitability of material as and when required.</p> <p>The Applicant has shared detailed documentation and undertaken a number of discussions on these matters.</p> <p>A discussion on this matter was held on 13 June and further information was requested by the Council around how the waste amounts in the outline Materials Handling Plan have been generated, the classification of material as 'waste' and 'clean excavated material'. The Applicant agreed to produce a technical note to describe the process behind how</p>	<p>ES Appendix 11.1: Excavated Materials Assessment [APP-435]</p> <p>ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050]</p> <p>Technical Note on Earthworks Quantification [REP2-076]</p>	<p>Matter Agreed</p>

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			<p>earthwork quantities have been derived, which was submitted to the ExA at DL-2.</p> <p>A further discussion on this matter was held on 20 September 2023 and Thurrock Council is satisfied with the Applicant's position regarding the origin of the quantities used in the oMHP.</p>		
<p>Materials & waste handling</p> <p>Use of clean excavated material and associated impacts</p>	<p>2.1.114 LIR</p>	<p>Clean excavated material is proposed to be re-used onsite to reduce the need for vehicles to transport the waste material offsite for disposal. All the clean material would be used to provide new landscaping features and could reduce truck movements on local roads. This would likely have a positive health, equalities and wellbeing effect to physical and environmental health through a reduction in congestion and resultant air and noise pollution. National Highways must, however, commit and incentivise its contractors to meet this proposal whilst also investigating how to further reduce the movement of all materials, plant and equipment – particularly by road. Furthermore, control measures are needed to ensure that if material is not deemed suitable for use within the Order Limits that the contractor must stick to committed limits of movement of material.</p> <p>The Council has set out its views on</p>	<p>The Applicant acknowledges the positive comments made by Thurrock Council for re-use of clean excavated waste.</p> <p>The oMHP sets out the approach and high-level principles for handling construction materials and waste on the Project, both inside and outside the Order Limits. Consideration of multimodal transport options including the use of rail and river to minimise road miles, where reasonably practicable, and the utilisation of internal haul routes are key considerations.</p> <p>Material quantities and the assumptions to reuse materials identified in the oMHP are based on the geological data available. Contractors will be required to realise opportunities for re-use, etc. for the benefit of the Project. The oMHP provides the high-level principles in handling this material; however, if consented, the detailed post consent Materials Handling Plans will provide a robust plan to ensure materials are reused where feasible.</p>	<p>ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050]</p> <p>Health and Equalities Impact Assessment (HEqIA) [REP3-118]</p> <p>Technical Note on Earthworks Quantification [REP2-076]</p>	<p>Matter Not Agreed</p>

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		<p>Environment and health impacts in section 10 of the LIR.</p> <p>Technical Note has been received from the applicant at D2 and will be reviewed in the Council's D3 submission.</p> <p>This is now a Matter Not Agreed.</p>	<p>However, there are also other additional commitments which should be considered, for example, the Project is now committed to use the port facilities for transporting 80% of bulk aggregates to the North Portal Construction Area (baseline commitment) for the tunnel construction project. There is also a 'better than baseline' commitment (80%) in the oMHP, whereby the Contractor would engage with aggregate and material suppliers collaboratively to proactively maximise utilisation of river transport for material import of bulk aggregates. The Contractor is required to adhere to all commitments made in the oMHP.</p> <p>The Applicant is committed to complying with the principles and commitments in the oMHP and developing detailed Material Handling Plans, as required by the oMHP. These will be developed post DCO consent, in line with the controls and commitments of the oMHP, and in consultation with local authorities including Thurrock Council.</p> <p>Thurrock Council's comments on the impacts of construction noise are noted. The HEqIA takes into account the duration of impacts as part of the assessment, rather than whether or not the impacts are described as permanent or temporary.</p>		

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			<p>Impacts are classified according to whether they are short, medium or long-term, with long-term impacts relating to those which may last for more than two years in duration. This helps to describe where impacts may have a different effect on particularly sensitive populations, notably older people and children in particular.</p> <p>A discussion on this matter was held on 13 June and further information was requested by the Council around how the waste amounts in the oMHP have been generated, the classification of material as 'waste' and 'clean excavated material'. The Applicant agreed to produce a technical note to describe the process behind how earthwork quantities have been derived, which was submitted to the ExA at DL-2.</p> <p>A further discussion on this matter was held on 20 September and Thurrock Council stated that a cap should be in place for materials being taken offsite. The Applicant explained the challenges with such a cap. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Materials & waste handling Removal of tunnel materials</p>	<p>2.1.115 (also refer to SoCG)</p>	<p>The Council would like confirmation of the route for the removal of the Tunnel Boring Machines (TBM); if these are to be brought back from the North Portal, then there must</p>	<p>The Project has committed to a target for use of port facilities for bulk aggregates. These targets are now contained in the oMHP. TBM removal methodology and</p>	<p>ES Appendix 2.2: Code of Construction Practice</p>	<p>Matter Not Agreed</p>

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	item 2.1.127) LIR	<p>be commitments to its removal using marine transport from PoT/PoT2.</p> <p>The Council has set out its views on local impact and mitigation impacts in section 9 of the LIR.</p> <p>The movements associated with the delivery and removal of TBMs would lie outside the definition of Preliminary Works, as defined within the CoCP [APP-336] Section 3.1 and Table 3.1. They would therefore need to be covered within the contractors' TMPs.</p> <p>References by NH to the oMHP Bulk Aggregates commitment has no relevance to the movement of the TBM/TBMs.</p> <p>NH continues not to commit to using non-road transportation of the TBM/TBMs and associated plant and equipment to and from the Project – subject to an agreed derogation process.</p> <p>On that basis, this matter remains Not Agreed</p>	<p>route will be selected by the Contractor but will be in accordance with the restrictions of the DCO.</p> <p>Please refer to the traffic management measures & controls for preliminary works in Section 6.3 of the oTMPfC. This includes the commitment in relation to Abnormal Indivisible Loads which would include the TBM, and which would need to be adhered to for the preliminary works.</p> <p>A discussion on this matter was held on 13 June. The Applicant clarified that it is anticipated some parts, if not all, of the tunnel boring machinery will be imported or exported via the river with local connection to the compound via the road network. Due to the size and weight of some tunnel boring machine components, the contractor will prepare plans for delivery and removal of the machinery following the completion of the procurement. As the tunnel boring machinery has not yet been procured, the exact parts that could be delivered or exported via the river are not yet known and therefore cannot be committed to. The Council was broadly satisfied with the position but expressed residual concerns about the extraneous non-AIL movements (i.e. other materials related to TBMs) and if these materials would be moved using local roads. The use of the SRN and/or</p>	<p>[REP5-048] ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050] Outline Traffic Management Plan for Construction [REP5-056]</p>	

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			<p>marine means would be preferable to the Council. The Applicant confirmed that these details would be available when the TMPs are developed.</p> <p>A further discussion on this matter was held on 20 September and Thurrock Council note the additional commitment made by the Applicant under MW009 (which covers servicing the tunnel boring machinery) and which the Applicant considers provides appropriate controls. However, the Council still has residual concerns about the route for the removal of the TBM and this matter is now not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Safety Safety and efficiency in construction logistics management and fleet operation</p>	<p>2.1.116 LIR</p>	<p>The Council expects a clear commitment by National Highways (including their contractors and sub-contractors) to operate to the Construction Logistics and Community Safety Standard (CLOCS) and Fleet Operator Recognition System (FORS) Silver Standard with progression to Gold.</p> <p>The Council has set out its views on the CoCP [APP-336] and the oTMPfC [APP-547] at Section 15.6 of the LIR. The Council has set out its views on the CoCP [APP-336] and the oTMPfC [APP-547] at Section 15.6 of the LIR. It is noted the</p>	<p>The Applicant's commitment to use CLOCS and FORS is detailed in the CoCP, Chapter 6 and presented below:</p> <p><i>'The Contractors will inform National Highways what their strategy is for implementing FORS Gold, or equivalent by assessment, where applicable, along with supporting their supply chain to gain FORS Silver or above Equivalency, by assessment, is intended to open opportunity for local businesses who would otherwise be excluded due to an absolute requirement to achieve FORS</i></p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Agreed</p>

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		<p>commitment by NH to require CLOCS and FORS membership and compliance for its contractors and hauliers and the Council will respond on the updated documents submitted at D1.</p> <p>The Council awaits further details from the applicant regarding the timing of when contractors must comply with these standards.</p>	<p><i>accreditation which may be onerous to small businesses.</i></p> <p><i>National Highways will monitor performance against compliance with FORS progression and publish results as part of the project performance reporting to the Traffic Management Forum (TMF). Strategies to address non-compliance will need to be prepared by the Main Works Contractors and utility contractors to be presented and agreed at the TMF.'</i></p> <p>A further discussion on this matter was held on 13 June and the Council suggested some minor text amendments to the CoCP which have now been completed as part of the updated document submitted at DL-1. The Council sought clarification on when the Contractors would have to sign up to the FORS accreditation.</p> <p>As part of the Construction Logistic Plans, which forms part of the Environmental Management Plan 2 (EMP2), the Contractor must demonstrate and adhere to the requirements of CLOCS and FORS (Silver or above). According to Requirement 4 of the draft DCO, no part of the authorised development can commence until an EMP2, in alignment with this CoCP, has been submitted and approved in writing by the Secretary of</p>		

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			<p>State. This approval comes after consulting with the relevant stakeholders, including Thurrock Council. Therefore, in compliance to this requirement, the provisions of CLOCS and FORS, must be implemented through the EMP2 before commencing the construction works. Additionally, all contractors are obligated to maintain a CLOCS Champion throughout the programme, as specified in paragraph 6.1.5 of the COCP.</p> <p>To ensure the continuity of FORS compliance throughout the construction programme, the Applicant will closely monitor performance and publish results as part of the Project reporting to the Traffic Management Forum, where Thurrock Council is actively involved as a consultee. This collaborative approach aims to uphold the highest standards of environmental management and safety throughout the construction process. This matter remains under discussion.</p>		
<p>Road alteration and maintenance Asset Management and Maintenance</p>	<p>2.1.117 RRE, LIR</p>	<p>The Council has concerns around maintenance of its road network during construction works. National Highways need to outline and secure its proposals for preventing damage on local roads and how these will be rectified. A regime of regular inspections and intervention needs to be recognised and set out in the oTMPfC and</p>	<p>The Applicant provided further information on road maintenance and rat running issues in a presentation to Thurrock Council in May 2022, which outlined the Project's position on these matters and next steps. The Applicant recognises the need to provide support to the local authority on these matters. As a</p>	<p>Draft DCO [REP5-024]</p>	<p>Matter Under Discussion</p>

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		<p>the resources needed should be covered by a s106 or a suitable agreement.</p> <p>At Sections 9.8, 15.6 and 15.3 of its LIR, the Council provides its view on the need for a DLOA and a suitable side agreement / Protective Provisions to be agreed prior to the conclusion of the Examination.</p> <p>Please see comments in response to 2.1.92 above. Updated Protective Provisions and requirements will be circulated as soon as possible and submitted in detail within the Council's D6 submission.</p>	<p>consequence, the Applicant has set up a working group to discuss issues of road maintenance and rat running in detail with Thurrock Council, and further workshops and site visits are planned. As specific interventions are identified and agreed, the Applicant will work with Thurrock Council to formulate suitable agreements to fund these works.</p> <p>The Applicant is progressing conversations with other local authorities regarding asset conditions. With regard to Thurrock, the Applicant is still waiting for the Council to provide more detail of its requests. Inspections of any road included in a DLOA (A13) would be covered by the Contractor. Inspections of any local road would remain the responsibility of the local authority and would be defined in the LOA.</p> <p>A further discussion on this matter was held on 20 September 2023 and the Applicant has received further details of the Council's requests on 28 September 2023.</p> <p>The Applicant has also submitted Protective Provisions for Local Highway Authorities in Schedule 14 to the draft DCO which secures further provisions relating to maintenance of assets, and appropriate controls relating to defects correction post-construction. This matter remains under</p>		

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			discussion.		
Construction traffic impacts Designated Access Routes	2.1.118 RRE, LIR	<p>Thurrock Council require further detail on how the designated construction access routes would be managed/ enforced and the consequences of non-compliance.</p> <p>The Council has set out its views on local impact and mitigation impacts in Section 9.8 of the LIR.</p> <p>At Deadline 4 in response to the Examining Authority's Questions ExQ1 reference Q4.6.4 [REP4-353], the Council has provided a detailed response to NH on the strengthening and adjustments to the oTMPfC that NH should take on-board. That response provides specific adjustments including to the approach taken to compliance to routes and the measurement of those effects. The Council remains concerned about the decision making and depute resolution process of the TMF, as set out in the Council's LIR and D3 and D4 submissions.</p> <p>At Deadline 6 the Council will respond on the Terms of Reference for the Traffic Management Forum and escalation approach, as set out in the NH submissions at D4 and D5.</p>	<p>Access routes are presented in the Outline Traffic Management Plan for Construction (oTMPfC).</p> <p>Further details on the management of access and egress routes from compounds will be developed when the Traffic Management Plans (TMPs) are produced, post consent (if consented), in line with the controls and commitments in the oTMPfC. Thurrock Council is a consultee to the production of this document. Enforcement of non-compliance is a matter of contract between the Applicant and its Contractors.</p> <p>The Applicant has undertaken a series of engagement sessions and shared wording for inclusion into the oTMPfC.</p> <p>A discussion on this matter was held on 13 June and the Council expressed concerns around the level of information available at this stage and managing breaches and non-compliance. The Applicant stated that the level of detail is appropriate and proportionate at this stage and non-compliance is covered by a separate issue in this SoCG - 2.1.127 (which is a matter not agreed). The Applicant requested that the Council particularise potential additional commitments over and above the existing</p>	<p>Outline Traffic Management Plan for Construction [REP5-056]</p> <p>Thurrock Council Responses to ExQ1 [REP4-353]</p>	Matter Under Discussion

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			<p>commitments in Plate 3.3 and Section 2 of oTMPfC related to monitoring, for further consideration.</p> <p>A further discussion on this matter was held on 20 September 2023 where the Applicant shared an initial draft of the Terms of Reference (ToR) for the TMF. The draft ToR for the TMF is included within Appendix E of the oTMPfC submitted into Examination at Deadline 5. Thurrock Council have raised further concerns in relation to the decision making at the TMF and the process around escalation of matters to the Joint Operations Forum (JOF). The Applicant has agreed to consider these queries whilst Thurrock Council have been asked to provide some further clarification and examples in relation to their questions. This matter remains under discussion.</p> <p>At Deadline 6 the Applicant has provided a response to Thurrock Council's response to ExQ1_Q4.6.4.</p>		
<p>Road alteration and maintenance Construction of haul routes in alignment with emerging</p>	<p>2.1.119 RRE, LIR</p>	<p>The Council would like National Highways to construct any elements of the proposed haul road that will fall within the general alignment of the TLR alignment to a standard to support the subsequent delivery of the TLR.</p> <p>The Council has set out its views on</p>	<p>The Applicant is actively investing in developing the Tilbury Link Road, which is outside the scope of the DCO application for the Project. The opportunity of using the haul road construction requirements to lower the future scope of works for Tilbury Link Road is recognised by the Applicant.</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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Tilbury Link Road (TLR) alignment		alternatives in Section 8 of the LIR emphasising the benefits of the creation of linkage from LTC at Tilbury. The Council remains of the opinion that that linkage should be a part of the LTC proposal.	However, until such time as a preferred route for the Tilbury Link Road is determined, it is not possible for the Applicant to commit to this request, as the identified preferred route may not align with either the requirements of the haul road, or the powers obtained within the DCO. A further discussion on this matter was held on 13 June. This matter is now not agreed due to both parties' positions being unchanged.		
Construction traffic impacts Local construction traffic impacts	2.1.120 RRE, LIR	Thurrock Council have set out their concerns on the construction traffic impacts at 39 locations and have produced a comprehensive consideration of our concerns and requirements. National Highways has engaged collaboratively on a review of these concerns, and this work is ongoing. Thurrock Council expect these discussions to continue, and to see further outcomes committed to and secured within the control documents. National Highways should undertake detailed traffic assessments where there is significant impact on the Local Road Network (e.g. junction capacity assessments, shuttle working/contra flow/temporary signal assessments, swept path testing on unclassified roads to check the feasibility of HGV use and if any widening is needed, etc.) and outline what mitigation is	The Applicant has undertaken a series of construction-specific engagement sessions with Thurrock Council. A series of additional commitments have been included into the oTMPfC to reflect these discussions, and the oTMPfC further sets out provisions for ongoing engagement on these matters throughout construction. The Applicant has developed the 11-phase programme to describe the works, to aid in the development of the assessments and the representation of the impacts. The presentation of this programme has been developed to ensure that the proposals present a reasonable worst case and are representative of the impacts during each of the 11 phases. Revised construction cordons based on a 2030 opening year have been shared with the Council,	Outline Traffic Management Plan for Construction [REP5-056] ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050]	Matter Under Discussion

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		<p>proposed to accommodate additional traffic.</p> <p>Some of these locations of concern relate to where haul roads either cross or enter onto the local road network. National Highways need to consider greater internal haul road connectivity to reduce construction traffic on local roads.</p> <p>The Council has set out its views on local impact and mitigation impacts in Section 9.8 of the LIR and in its review of the oTMPfC at Section 15.6 of the LIR.</p> <p>At Deadline 4 in response to the Examining Authority's Questions ExQ1 reference Q4.6.4 [REP4-353], the Council has provided a detailed response to NH on the strengthening and adjustments to the oTMPfC that NH should take on-board. That response provides specific adjustments including to the approach taken to compliance to routes and the measurement of those effects.</p> <p>That response includes a list of likely impacted locations that should be modelled by the contractor/contractors to inform their preparation of TMPs – such as assessment of the impacts on High Road / Stifford Clays Road and the North Stifford interchange and the creation of accesses on Brentwood Road and</p>	<p>providing a further updated view. These were accompanied by a technical note giving more details on the modelled HGV and workforce movements. Combined with the draft oTMPfC and oMHP, this now provides a considerably developed understanding of the impacts of movements associated with the construction works.</p> <p>As part of the technical engagement sessions the topic of internal haul roads and connectivity was discussed in detail. This involved the Project presenting illustrative layouts of the internal haul road and responses to any comments raised by Thurrock. In addition, a written response was provided in September 2022 to address the individual comments raised on the internal haul road.</p> <p>During construction, the appointed Contractor will develop its haul road requirements to facilitate the construction methodology and phasing, while adhering to the principles set out in the oTMPfC and oMHP.</p> <p>In establishing the access routes that connect onto haul roads to access compounds, the appointed Contractor would take a risk-based approach when choosing and implementing traffic management measures. This would be</p>		

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		<p>Gammonfields Way.</p> <p>At Deadline 6 the Council will respond on the Terms of Reference for the Traffic Management Forum and escalation approach, as set out in the NH submissions at D4 and D5.</p>	<p>dependent on several factors including but not limited to traffic counts, types of traffic, WCH interface, and nearby points of interests (e.g. schools), and will include engagement with relevant authorities. Further detail on establishing and maintaining construction access routes is detailed within the oTMPfC.</p> <p>These matters will be set out in further detail in the plans to be developed by the Contractor prior to commencement, and discussion will continue as these plans are developed, should the DCO be granted.</p> <p>A discussion on this matter was held on 13 June and the Council expressed residual concerns around non-compliance, which is covered by a separate issue in this SoCG - 2.1.127 (this is a matter not agreed). The Applicant requested that the Council particularise potential additional commitments over and above the existing commitments in Plate 3.3 and Section 2 of oTMPfC related to monitoring, for further consideration.</p> <p>A further discussion on this matter was held on 20 September 2023. Thurrock Council has referred the Applicant to their response to ExQ1_Q.4.6.4 of the ExA's first written questions and requests for information, which are currently being considered. The draft ToR for the TMF was</p>		

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			discussed with the Council and included within Appendix E of the oTMPfC submitted into Examination at Deadline 5. This matter remains under discussion.		
<p>Construction traffic impacts Rat Running during Construction</p>	<p>2.1.121 RRE, LIR</p>	<p>The disruption on the road network resulting from the construction of the Project will lead to changes in the movements of local traffic unrelated to the construction work. Thurrock Council are concerned that this will lead to rat-running around construction sites, leading to adverse impacts on local communities. For example, traffic rat running via Marshfoot Road and by the two schools that will exist then, to avoid the congestion on the A1089. Another example is traffic using Rectory Road to avoid Orsett Cock Roundabout.</p> <p>The Council has set out its views on local impact and mitigation impacts in Section 9.8 of the LIR and through the review of the construction period modelling as presented at Appendix C Annex 3.</p> <p>At the meeting of 28 September 2023 relating to S106 contributions. NH has indicated that it would be the role of its contractor to resolve problems associated with traffic impacts and reassignment during the construction period and as such would not therefore be covered by a separate (S106 or side agreement) funding</p>	<p>The Applicant provided further information on road maintenance and rat running issues in a presentation to Thurrock Council in May 2022, which outlined the Project's position on these matters and next steps. The Applicant recognises the need for providing support to the local authority on these matters, also the potential benefit of delivering some works in advance of the start of construction. As a consequence, the Applicant has set up a working group to discuss issues of road maintenance and rat running in detail with Thurrock Council, and further workshops and site visits are planned. As specific interventions are identified and agreed, the Applicant will work with Thurrock Council to formulate suitable agreements to fund these works.</p> <p>A further discussion on this matter was held on 20 September 2023. Thurrock Council are preparing a report regarding potential traffic control measures including within Orsett Village. However, the Council have confirmed that this report will not be ready by the end of Examination. The Applicant is confident that the oTMPfC</p>	<p>oTMPfC [REP5-056]</p>	<p>Matter Not Agreed</p>

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		<p>stream. NH has stated at that meeting that the mitigation required would be established through the detailed TMPs and, as needed, through the negotiations at the TMFs.</p> <p>The oTMPfC must be adjusted to capture that position for adoption into the resultant TMPs.</p> <p>The Council remain unconvinced that this approach is adequately secured and therefore this is a Matter Not Agreed.</p>	<p>provides adequate measures to mitigate the impacts around traffic impacts on Orsett (e.g. development of detailed measures at TMP, the establishment of the TMF and monitoring), a position which the Council disagrees with. This matter is now not agreed.</p>		
<p>Construction traffic impacts Monitoring during Construction</p>	<p>2.1.122 RRE, LIR</p>	<p>This Council would have expected to see any monitoring during construction to form part of a much wider monitoring and evaluation plan for the Project to demonstrate the Project impacts in a much wider sense considering a range of socio-economic and environmental issues. This does not seem to be the case from the documents presented for consultation.</p> <p>It is unclear what road network impact monitoring is proposed before and during the construction period. Monitoring will be required to ensure impacts of the construction logistics approach and delivery are identified to determine appropriate mitigation. Further discussions to agree a construction traffic monitoring framework are ongoing.</p> <p>The Council has set out its views on local</p>	<p>For the construction phase, the monitoring requirements (across several topics) are set out in a range of documents, notably the REAC, CoCP, FCTP, and even the SEE strategy (appended to the S106 Agreements). However, the Applicant notes that one of the key issues raised by Thurrock Council is traffic monitoring on local roads during construction.</p> <p>Following technical sessions with Thurrock Council (from May-September 2022) on developing a proposal for monitoring during construction, the oTMPfC was updated to include the agreed drafted text on this matter. This can be found in the oTMPfC— Section 2.4 para 2.4.5 to 2.4.24.</p> <p>A further discussion on this matter was held on 13 June and the Applicant stated that this issue is too broad and arguably</p>	<p>Outline Traffic Management Plan for Construction [REP1-174]</p>	<p>Matter Under Discussion</p>

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		<p>impact and mitigation impacts in Section 10.13 of the LIR regarding construction impacts on Human Health, Equalities and Wellbeing.</p>	<p>covers all mitigation and monitoring related to the Project. The Council expressed residual concerns around non-compliance, which is also covered by a separate issue in this SoCG – 2.1.127 (this is a matter not agreed). The Applicant requested that the Council particularise potential additional commitments over and above the existing commitments in Plate 3.3 and Section 2 of eTMPfC related to monitoring, for further consideration. This matter remains under discussion.</p> <p>A further discussion on this matter was held on 20 September 2023. Item 2.1.122 relates to the coordination of various control documents and commitments and it was considered that all points are covered by other issues in the SoCG. The SoCG items which cover the issue of monitoring during construction in more detail are item 2.1.120 (Local construction traffic impacts/monitoring), items 2.1.208 to 2.1.222 (Independent review of the HEqIA/adequacy of HEqIA), items 2.1.123/2.1.25 (Production and coordination of the TMPs), item 2.1.169 (wider socio economic impacts), items 2.1.170 to 2.1.173, 2.1.315, 2.1.177 to 2.1.184 (various socio economic/section106 interventions), items 2.1.185 to 2.1.194 (EIA methodology), items 2.1.195, 2.1.196 (Air Quality) and</p>		

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			item 2.1.206 (Noise and vibration).		
Construction traffic impacts Production, Coordination and Management of the Traffic Management Plans (TMP)	2.1.123 LIR	<p>The production of the TMP is required 'before commencing the relevant part of the Project'. This is vague. The oTMPfC should make a commitment to the production of a TMP by the contractor in advance of all works associated with the scheme (including enabling, site establishment and decommissioning phases.).</p> <p>There is a need for co-ordination of the contractors to provide detailed appraisal of the effects on the road network for the delivery stages of the Project, in particular the delivery of the A13 interchange and the impacts on the operations of the network. A system for updating, coordinating and managing Traffic Management Plans is required.</p> <p>The oTMPfC needs to stipulate the mechanism for coordinating the Contractors' TMPs, which will often be developed at differing phases and by different Contractors. The alignment and coordination will need management, especially where the cumulative effect on the local road network (LRN) could be partly out of the control of the Local Highway Authority (LHA), if the proposals for such processes as Permitting are consented as set out within the draft DCO.</p>	<p>There are appropriate controls in place in relation to works carried out prior to commencement, including the commitment to utilise the permit schemes (subject to modifications), and consultation or approval requirements in relation to temporary traffic management measures under the draft DCO (both of which apply to pre- and post-commencement works), as well as a preliminary works Environmental Management Plan. The position has been reconsidered for the DCO application, as the view is that it would be disproportionate to require the TMPs to be prepared in advance of all works, given the level of measures proposed to be in place.</p> <p>The oTMPfC outlines the purpose and objectives of the document including its role in informing the post-consent TMP which would be developed following appointment of the Contractors, in line with the controls and commitments in the oTMPfC and in consultation with local authorities.</p> <p>The oTMPfC illustrates the structure of the proposed Traffic Management Forum (TMF), including the ability to coordinate across contracts and the ability to adapt as</p>	<p>Draft Development Consent Order [REP5-024]</p> <p>Outline Traffic Management Plan for Construction [REP5-056]</p>	Matter Under Discussion

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		<p>The establishment of a Joint Operations Forum (JOF) indicated in the Code of Construction Practice (CoCP) is noted, however the LHA is not party to that forum. The Council would wish to see proposals for network co-ordination which could consist of monthly update meetings through the Traffic Management Forum (TMF).</p> <p>The Council has set out its views on local impact during construction in Section 9.8 of its LIR and on the oTMPfC [APP-547] at Section 15.6 of the LIR.</p> <p>At Deadline 4 in response to the Examining Authority's Questions ExQ1 reference Q4.6.4 [REP4-353], the Council has provided a detailed response to NH on the strengthening and adjustments to the oTMPfC that NH should take on-board. That response provides specific considerations of the preparation, co-ordination and review of the TMP/TMPs.</p> <p>At Deadline 6 the Council will respond on the Terms of Reference for the Traffic Management Forum and escalation approach, as set out in the NH submissions at D4 and D5.</p>	<p>a result of current situations with collaboration with relevant stakeholders. The document outlines the process and ownership structure including the Applicant's responsibilities. The oTMPfC also discusses the DLOA/LOA which would include maintenance regime agreements between the Contractor and local highway authority.</p> <p>In Section 4.3 of the CoCP, the Applicant has clearly detailed the role of the Joint Operations Forum. Functioning as a project internal forum, it would efficiently coordinate the works among the different contract packages. The purpose of the TMF, as outlined in paragraph E.4.23 of the oTMPfC, is, the TMF is not intended to serve as an integration forum for individual contractors, but rather as a platform for consulting on TMPs presented as a cohesive project.</p> <p>The TMF has a direct link to the JOF in terms of reporting and escalating issues and coordination with other relevant forums, i.e. Travel Plan Liaison Group and Workers Accommodation Working Group. In the event of a dispute raised at the TMF, the relevant member of the TMF would be invited to attend a meeting of the JOF to present their case (paragraph E.6.7 of the oTMPfC).</p>		

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			<p>The Applicant is committed to providing a dedicated resource for Thurrock Council to cover the requirements to manage the transport network in response to the impacts of the Project's construction (SoCG Item No. 2.1.173), secured via the S106 Agreement.</p> <p>A discussion on this matter was held on 13 June and although the Council was satisfied in principle with the preliminary works TMP, residual concerns were shared around the working, coordination and management of the Traffic Management Forum (TMF) and role of the Traffic Manager. Suitable signposts were provided for where the DCO documentation responds to all these concerns for the Council to read and confirm its updated position. Plate 3.3 of the oTMPfC clarifies the process for updating the TMPs.</p> <p>A further discussion on this matter was held on 20 September 2023 where Thurrock Council requested further clarification regarding the scope of the TMPs and referred the Applicant to further details submitted in their Deadline 4 response which have been considered and responded to at Deadline 6. This matter remains under discussion.</p>		

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<p>Construction traffic impacts Production of the Traffic Management Plans (TMP)</p>	<p>2.1.124 RRE</p>	<p>The oTMPfC should make clear the requirement for the contractor to undertake the following during development of the TMP:</p> <ol style="list-style-type: none"> 1. Consider and assess a range of alternative Traffic Management options 2. Undertake a safety assessment / audit 	<p>The oTMPfC will be developed into detailed TMPs post DCO grant, and the additional details will be drafted in consultation with local authorities through the Traffic Management Forum (TMF). The outline plan sets out the principles that would be followed in the development of the detailed plan:</p> <ol style="list-style-type: none"> 1. Traffic management will be designed and implemented to be effective in all lighting conditions, weather conditions and under all envisaged circumstances. The Contractors would demonstrate that the traffic management proposals had been developed to consider alternative options, minimal traffic management measures, safety and space assessments to reduce delays, disruptions and diversions to traffic. Further details of proposed measures are contained below: <ol style="list-style-type: none"> a. In the event a road has to be closed for construction purposes which require traffic to be diverted, meetings would be held with the appropriate highway authority as part of the TMF to ensure minimal disruption to road users and communities affected by the diversion. b. Provision for potential emergency closures would also be discussed for 	<p>Outline Traffic Management Plan for Construction [REP5-056]</p>	<p>Matter Agreed</p>

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			<p>certain roads as deemed appropriate.</p> <p>c. For the purposes of protecting the workforce and the public while maintaining traffic, the TMP will secure appropriate traffic management measures, including narrow lanes, lane closures, closures with diversions, etc. These measures would introduce safe working zones (through use of cones and/or safety barriers as appropriate) adjacent to the carriageway, as required by Chapter 8 of the Traffic Signs Manual.</p> <p>2. A risk-based approach would be taken when choosing and implementing traffic management measures. This would be dependent on several factors including but not limited to traffic counts, types of traffic, WCH interface, nearby points of interest (e.g. schools), and will include engagement with relevant authorities. Where traffic signals or similar are required to facilitate construction movements such as access to compounds and construction vehicle crossing points, they will be locally controlled to ensure that the LRN has priority in terms of traffic movements. Additionally, when not required operationally the traffic signals will be turned off.</p> <p>The Applicant has undertaken engagement</p>		

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			and shared wording for inclusion in the oTMPfC. A further discussion on this matter was held on 13 June and Thurrock Council is satisfied with the Applicant's position.		
Construction traffic impacts Coordination and Management of TMPs	2.1.125 RRE, LIR	<p>There is a need for co-ordination of the contractors to provide detailed appraisal of the effects on the road network for the delivery stages of the Project, in particular the delivery of the A13 interchange and the impacts on the operations of the network. A system for updating, coordinating and managing Traffic Management Plans is required to:</p> <ul style="list-style-type: none"> • ensure that they are effective and current to changing programmes/ tasks/ methods; • give clarity of ownership of measures, enforcement and consent; • include associated off-site Statutory Undertakers Works and; • reflect on-going maintenance regimes – including street cleansing. <p>These need to be secured through inclusion in the oTMPfC.</p> <p>The oTMPfC needs to stipulate the mechanism for coordinating the Contractors' TMPs, which will often be developed at differing phases and by different Contractors. The alignment and</p>	<p>A further discussion on this matter was held on 20 September 2023 where it was agreed to combine this matter with SoCG item 2.1.123 above.</p> <p>The oTMPfC outlines the purpose and objectives of the document including its role in informing the post consent TMP which would be developed following appointment of the Contractors, in line with the controls and commitments in the oTMPfC and in consultation with local authorities.</p> <p>The oTMPfC, illustrates the structure of the proposed Traffic Management Forum (TMF), including the ability to coordinate across contracts and the ability to adapt as a result of current situations with collaboration with relevant stakeholders. The document outlines the process and ownership structure including the Applicant's responsibilities. The oTMPfC also discusses the DLOA/LOA which would include maintenance regime agreements between the Contractor and local highway authority.</p> <p>The TMF has a direct link to the JOF in</p>	Outline Traffic Management Plan for Construction [REP1-174] S106 Agreements – Heads of Terms [APP-505]	Matter Under Discussion

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		<p>coordination will need management, especially where the cumulative effect on the local road network (LRN) could be partly out of the control of the Local Highway Authority (LHA), if the proposals for such processes as Permitting are consented as set out within the draft DCO. The establishment of a Joint Operations Forum (JOF) indicated in the Code of Construction Practice (CoCP) is noted, however the LHA is not party to that forum. The Council would wish to see proposals for network co-ordination which could consist of monthly update meetings through the Traffic Management Forum (TMF).</p> <p>The Council has set out its views on the eTMPfC [APP-547] at Section 15.6 of the LIR. The Council has set out its views on the oTMPfC [APP-547] at Section 15.6 of the LIR. There is no clear requirement for contractors to keep the TMPs up to date following approval of the initial TMP by the SoS.</p>	<p>terms of reporting and escalating issues. Although the local authorities are represented on the JOF, the oTMPfC also commits to a monthly Traffic Management Forum (TMF) to be chaired by the Applicant's Traffic Manager. Attendees to the forum would include local highway authorities, emergency services, community reps and other affected stakeholders relevant to the scope of works.</p> <p>The Applicant is committed to providing a dedicated resource for Thurrock Council to cover the requirements to manage the transport network in response to the impacts of the Project's construction (SoCG Item No. 2.1.173), secured via the S106 Agreements.</p> <p>A further discussion on this matter was held on 13 June and although the Council was satisfied in principle with the preliminary works TMP, residual concerns were shared around the working, coordination and management of the Traffic Management Forum (TMF) and role of the Traffic Manager. Suitable signposts were provided for where the DCO documentation responds to all these concerns for the Council to read and confirm its updated position. Plate 3.3 of the oTMPfC clarifies the process for</p>		

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			<p>updating the TMPs. This matter remains under discussion.</p>		
<p>Construction traffic impacts Post-consent traffic modelling requirements</p>	<p>2.1.126 LIR</p>	<p>The Outline Traffic Management Plan for Construction (oTMPfC) must set out the project position on post consent traffic modelling requirements.</p> <p>The detailed models must use appropriate Transport Planning modelling software and reflect the stages of the construction. They must demonstrate how they affect the operations on the local roads and how those effects are mitigated. The strategic level analysis of the construction impacts using the LTAM Saturn model will give an indication of the strategic effects but will not inform the detailed management and mitigation of effects during the delivery of the scheme. National Highways and its contractors must engage with the Council when preparing and analysing the effects of the work stages. This is essential to allow the Council to carry out its Network Management duties. This commitment must be covered by a Requirement within the DCO, including defined engagement periods and communication strategies.</p> <p>The Council has set out its views on local impact and mitigation impacts in Sections 9.8 and 15.6 of the LIR.</p> <p>At Deadline 4 in response to the Examining</p>	<p>Where necessary, local junction models will be prepared to support the planning of construction works. These local junction models will be developed in collaboration with the relevant highways' authority and local authority. This commitment has been secured via the oTMPfC.</p> <p>A discussion on this matter was held on 13 June and the Council supplied a provisional list of locations where the Contractor should expect to have to prepare localised models.</p> <p>A further discussion on this matter was held on 20 September 2023 and the Council restated their position that the list of anticipated areas of concerns should be included within the oTMPfC. The Applicant is considering the locations and this matter remains under discussion.</p>	<p>Outline Traffic Management Plan for Construction [REP5-056]</p>	<p>Matter Under Discussion</p>

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		<p>Authority's Questions ExQ1 reference Q4.6.4 [REP4-353], the Council has provided a detailed response to NH on the strengthening and adjustments to the oTMPfC that NH should take on-board. That response provides specific adjustments including to the areas that are most apparent to require traffic modelling. Those locations should set out in the oTMPfC as a minimum base for the contractors to model. It will be the role of NH to determine how that modelling is undertaken, co-ordinated and funded but that modelling will need to inform the detailed TMP/TMPs.</p>			
<p>Construction traffic impacts Incentivisation, Reporting and Enforcement and the governance processes and dispute mechanisms</p>	<p>2.1.127 RRE, LIR</p>	<p>The Council need further information on proposed incentivisation, monitoring, reporting and enforcement arrangements that will be put in place across all construction phases, particularly</p> <ol style="list-style-type: none"> 1. how will the contractors be incentivised (e.g. in the FCTP/oMHP) to exceed targets and reduce impacts on travel network 2. the Key Performance Indicators (KPIs) that will be regularly reported on; and 3. effective enforcement mechanisms which will be used e.g. consequences of non-compliance and consequence of targets not being met in the FCTP. <p>The control documents must set out</p>	<p>The Traffic Management Forum committed to in the oTMPfC is designed to bring together Applicant, Contractor and stakeholders together to discuss proposals, issues and performance of all things traffic related, including monitoring and reporting. The Applicant has set out a range of commitments in a series of control documents and non-compliance would be considered a breach of the DCO. However, enforcement of non-compliance, development of KPIs and provision of incentives for Contractors to exceed targets are a matter of contract between the Applicant and its Contractors and, as such, may contain commercial sensitive</p>	<p>Outline Traffic Management Plan for Construction [REP5-056]</p>	<p>Matter Not Agreed</p>

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		<p>requirements for a defined management and governance process which encompasses the mechanisms by which the contractors' compliance is judged and measured. It must set out the corrective action procedures and timescales and the way in which dispute is resolved. The day-to-day governance process must be a system operated by the Client and the affected Local Authorities in collaboration with the Contractor. Only unresolved disputes should be referred to the Secretary of State.</p> <p>Those TMPs are to be based on the oTMPfC (APP 547) which is yet to be agreed by the Council -requiring greater definition and leadership from NH as to the governance processes that must be adopted by its contractors and associated hauliers.</p> <p>The Council has set out its views on local impact and mitigation impacts in Section 9.8 of the LIR.</p>	<p>and confidential information which will not be shared. Unresolved disputes will be referred to the Joint Operations Forum (JOF) for resolution.</p> <p>The Council does not agree with the Applicant's position as set out above.</p>		
<p>Construction traffic impacts A13 Junction; Construction</p>	<p>2.1.128 RRE, LIR</p>	<p>The Council are concerned that the complexity of the A13 interchange will lead to substantial disruption and delays due to the required temporary traffic management during the works.</p> <p>The Council has set out its review of the construction period modelling at Appendix</p>	<p>Details of construction phase impacts were presented at the Community Impacts Consultation in Summer 2021. More detail on construction phasing will be developed by the Contractor following DCO grant. The Applicant is committed to sharing phasing plans post consent (if consented), for</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048] Outline Traffic Management</p>	<p>Matter Not Agreed</p>

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		<p>C Annex 3, however, that modelling does not include a detailed analysis of the impacts of the construction of the interfaces between the existing network and the new linkages. Those impacts must be understood and appropriate mitigation developed. That position must be committed to in detail within the oTMPfC.</p>	<p>information as stated in the Code of Construction Practice (SoCG Item No. 2.1.107).</p> <p>The Applicant has undertaken further engagement with the Council, as part of the fortnightly construction sessions, looking at the construction of the A13 junction and the potential consequential impacts. The oTMPfC sets out the control measures that will be in place to manage traffic through construction. This matter is not agreed, due to both parties' positions remaining unchanged.</p>	<p>Plan for Construction [REP5-056]</p>	
<p>Safety Management of incidents</p>	<p>2.1.129 LIR</p>	<p>Thurrock Council consider there is a lack of information on the process for management and reporting of incidents and emergencies which affect the operation of the travel networks, which should include contingency planning and defined contingency routes and the reporting processes of the incidents.</p> <p>The Council has set out its views on local impact and mitigation impacts in section 9.9 of the LIR and Appendix C Annex 1 Sub-Annex 1.1. At Section 15.6.55 the Council provides its view on the need for a DLOA and a suitable side agreement / Protective Provisions to be agreed prior to the conclusion of the Examination.</p> <p>The management of incidents during</p>	<p>The Detailed Local Operating Agreements (DLOA) or a Local Operating Agreement (LOA), required under the oTMPfC, outlines procedures for incident management. During the operation phase, incident management will be in accordance with the operation incident management procedures used on the SRN by the Regional Operations Centre (ROC) and traffic officers. The use of VMS and media outlets will be utilised where necessary to communicate alternative routes.</p> <p>In the event of an incident happening, where appropriate, the ROC will liaise with the various emergency services, traffic officers, the Applicant's network maintainers and other highway authorities</p>	<p>Outline Traffic Management Plan for Construction [REP5-056]</p> <p>Responses to the Examining Authority's ExQ1 Appx B: 4. Traffic & Transportation [REP4-189]</p>	<p>Matter Not Agreed</p>

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		<p>construction would be encapsulated within the DLOA/LOA or side agreement (or more likely within the draft Protected Provisions that will be submitted at D6) that is under discussion between the parties.</p> <p>The aspect that is not being developed is the satisfactory preparation of an Incident Management Plan for the operational period. NH has refused to engage in defining such a plan and has reiterated its position in response to ExQ1 Q4.3.5 that it will unilaterally seek to manage incidents without pre-planning with the Council and other stakeholders, particularly the blue light emergency services.</p> <p>The Council's concerns with that approach will be reiterated through its response at Deadline 6 with regards to NH's response to that ExQ1 Q4.3.5.</p> <p>It is the Council' opinion that the preparation or absence of an operational period Incident Management Plan is a Matter Not Agreed.</p> <p>Given the link provided by NH (https://nationalhighways.co.uk/media/zrfk5fqa/bhm22_0112-strategic-road-responder-agreement_web-accessible-final.pdf) the Council will provide a view on this at either D6 or D7, which is new information.</p>	<p>to ensure that the resolution of the incident is as quick as possible, and any diversions are managed appropriately.</p> <p>The Applicant is open to discussing existing contingency plans and potential changes required during the Project's construction phase. The Applicant has provided further clarification on the proposed side agreement as well as some associated details in February 2023. Further discussions will be carried out with Thurrock Council regarding this proposed framework during the development of the TMP and the DLOA, should consent be granted.</p> <p>A discussion on this matter was held on 13 June 2023. The Applicant asked the Council to respond to the latest information shared on this topic and particularise potential additional commitments over and above the existing commitments in Section 3.2.2 of oTMPfC related to DLOA, for further consideration.</p> <p>A further discussion on this matter was held on 20 September 2023 and the Applicant again requested Thurrock Council to particularise potential additional commitments over and above the existing commitments in Section 3.3.2 of the oTMPfC related to DLOA, for further consideration. This matter is not agreed,</p>		

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			<p>due to both parties' positions remaining unchanged.</p> <p>With reference to Thurrock Council's comment on the Applicant's response to ExQ1_4.3.5, the Applicant disagrees with the characterisation of the position and maintains that the CLEAR agreement is a collaborative approach to incident management.</p>		
<p>Closures and diversions Impact of construction works on PROWs</p>	<p>2.1.130 RRE, LIR</p>	<p>During construction, National Highways has advised of their intent to close several PRoW and WCH routes. For example, Footpath FP79, 82, 93, 94, 95, 96, 97, 104, 136, and BR 161, 2056, and 219 all face closures of between 8 months and 5 years. The Council has previously requested provision of temporary diversions to routes of suitable and similar standards for all closures to avoid severance and other community effects. National Highways need to present final proposals for all these closures and diversions before DCO submission. As such, a robust assessment of the potential effects to active travel for the construction phase cannot yet be made. National Highways is having ongoing discussions relating to the management of PRoW closures. Thurrock Council expect to see the outcomes of these discussions secured within the</p>	<p>Three topic-specific meetings have been organised to date with Thurrock Council, most recently on 09 August 2022, to discuss the suitability of proposed temporary diversion routes during construction. The Applicant has completed discussions with other relevant parties, such as local riding schools, before finalising the proposals.</p> <p>The final proposals (for closures and diversions) and the associated commitments, which will be secured via the oTMPfC and the Rights of Way Plans, are currently being considered by Thurrock Council.</p> <p>Additionally, the oTMPfC provides a framework for dealing with such stakeholder considerations. Table 2.3 outlines the relevant stakeholders (i.e. WCH users), their requirements and how subsequent Traffic Management Plans</p>	<p>Outline Traffic Management Plan for Construction [REP5-056] Rights of Way and Access Plans – Volume A [REP4-046] Rights of Way and Access Plans – Volume B [REP4-048] Rights of Way and Access Plans – Volume C [REP4-050]</p>	<p>Matter Under Discussion</p>

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		<p>appropriate control documents.</p> <p>The Council will respond on the specifics of management of the PROW network during the construction period which should be reflected in the oTMPfC to guide the contractors in developing their TMPs.</p> <p>Further discussion at ISH10, the Council will set out its clear requirements for the single plan across the 11 construction phases at D6.</p>	<p>(TMPs) will take these requirements into account. These TMPs will be developed post consent (if the Project is consented to), and in line with the controls and commitments in the oTMPfC. Thurrock Council will be a consultee when developing this document.</p> <p>A discussion on this matter was held on 13 June and the Council expressed concerns around the level of details presented. The Applicant requested that the Council particularise potential additional commitments over and above the existing commitments in the Table 2.3 of oTMPfC related to PROWs, for further consideration.</p> <p>A further discussion on this matter was held on 20 September 2023 and 16 October 2023. Thurrock Council confirmed they had no further residual issues; however, they have requested the Applicant to provide a single plan showing all the PROW closures, potential diversions and phasing information. This matter remains under discussion.</p>		
<p>Construction traffic impacts Management of interfaces between</p>	<p>2.1.131 RRE</p>	<p>The oTMPfC is silent on the methods of management of interfaces between construction traffic corridors and vulnerable users along access corridors. The interface with vulnerable users is much broader than</p>	<p>Considerations of affected stakeholders are contained in Table 2.3 within the oTMPfC (under the headings of walkers, cyclists and horse riders, sports clubs, nearby events, local businesses and</p>	<p>Outline Traffic Management Plan for Construction [REP5-056]</p>	<p>Matter Agreed</p>

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construction traffic and vulnerable users		<p>at PROWs. What methods of safety management and initiatives, reductions in fear and intimidation and mitigation of severance are to be committed to for the contractors to adopt within their TMPs?</p> <p>For example, Muckingford Road must be protected from the impacts of construction activity in the early years of the Project before haul routes are established within the line of the LTC. Without suitable mitigation and protections to vulnerable users, such as those accessing the recreation ground at the northern end of Muckingford Road, and residential properties on that corridor. Therefore, construction traffic must not be permitted to use Muckingford Road to access the works including the construction of the realigned section that will form the overbridge of LTC or other early works.</p>	<p>residents). The oTMPfC also lists out the requirement of these affected stakeholders and how post consent Traffic Management Plans would take these into account. Traffic-signal-controlled pedestrian crossing points or similar would be provided where appropriate (i.e. based on road usage, safety considerations, pedestrian usage, etc). Using this robust framework, post consent TMPs (if the Project is consented to) will develop site specific measures, in line with the controls and commitments of the oTMPfC, and in consultation with Thurrock Council.</p> <p>A further discussion on this matter was held on 13 June and Thurrock Council is satisfied with the Applicant's position.</p>		
<p>Construction traffic impacts Impacts on bus networks</p>	<p>2.1.132 RRE, LIR</p>	<p>The Council believe impacts on the local bus network during construction should be assessed, and suitable monitoring and mitigation measures provided to reduce impacts on operators and bus passengers.</p> <p>1. More information is needed on the impacts on journey times. Mitigation is required for the adverse impact on journeys between Thurrock and Basildon (in particularly the Thurrock University</p>	<p>The forecast impact on bus networks as a result of the construction and operation of the Project was set out in the Community Impact consultation, and further information is provided in the Transport Assessment.</p> <p>The oTMPfC provides a framework for dealing with such stakeholder considerations. Table 2.3 outlines the relevant stakeholders (i.e. public transport users and operators), their requirements</p>	<p>Outline Traffic Management Plan for Construction [REP5-056] Transport Assessment [REP4-148] to [REP4-152]</p>	<p>Matter Not Agreed</p>

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		<p>Hospital located in Basildon and between Basildon and employment in Thurrock). Impacts on bus journeys to and from this site could have an adverse impact on health, reducing health enhancing behaviours (e.g. attending clinics/checks/screening) if accessibility is reduced.</p> <p>2. Consideration should be given to relocation of a pair of bus stops at Heath Road (due to be relocated by 400 metres) and the potential impacts (re health and accessibility) on elderly residents of the area.</p> <p>The Council has set out its views on local impact on public transport during the construction period and mitigation in Section 9.8 of the LIR.</p>	<p>and how subsequent TMPs will take these requirements into account. It also sets out how the Project would liaise with bus operators to ensure that impacts on their services, and consequently their customers, are minimised. These TMPs would be developed post consent (if the Project is consented to), and in line with the controls and commitments in the oTMPfC. Thurrock Council will be a consultee when developing this document. The oTMPfC also commits to a Traffic Management Forum, where relevant bus operators could be invited, in relation to the works being planned and progressed at that time.</p> <p>1. The Applicant has set out impacts on local roads during construction both in the consultation and through the provision of traffic modelling results. The Applicant is continuing to actively engage with Thurrock Council in relation to the impacts of the Project on Thurrock's roads during construction. Information including construction models for review has been provided, and a Transport Assessment is included with the DCO submission.</p> <p>2. The Applicant notes the comments from the Council with regard to the proposed relocation of these bus stops. Details of the management of these bus stops will be</p>		

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			<p>developed once the TMPs are produced, and in line with the commitments set out in Table 2.3 of the oTMPFC (under public transport users and operators). Table 2.3 presents a commitment to provide temporary bus stops when and where required and seek the views of the relevant authorities when designing temporary bus stops following the approval of the TMP.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Construction traffic impacts Impacts on public transport</p>	<p>2.1.133 RRE, LIR</p>	<p>National Highways has set out impacts on traffic and public transport links due to traffic management measures at a ward level. The Council question how these impacts fit into surrounding wards and the borough more widely in terms of supporting connectivity for local residents and reducing severance. Bus routes and roads are not situated in silo but rather interlink and support residents to access local amenities and social activity opportunities. A further understanding of how closures, diversions and other traffic management measures will impact on different wards throughout the duration of the construction phase is needed, in particular how this will be monitored and what mitigation measures will be taken to reduce impacts on bus operators and passengers.</p>	<p>Impacts to public transport, including bus routes, are highlighted within the TA. Impacts to journey times and reliability are presented within TA Chapter 8. Impacts of construction on human health, equality and severance are covered in the HEqIA. Impacts of construction on residents is covered in ES Chapter 13.</p> <p>The level of detail sought by Thurrock Council would be available when the Traffic Management Plans are developed. The oTMPfC, however, provides a framework for dealing with such stakeholder considerations. Table 2.3 outlines the relevant stakeholders (i.e. public transport users and operators), their requirements and how subsequent TMPs will take these requirements into account. These TMPs will be developed post consent (if the</p>	<p>Outline Traffic Management Plan for Construction [REP5-056] Transport Assessment (TA) [REP4-148 to REP4-152] Health and Equalities Impact Assessment (HEqIA) [REP3-118] ES Chapter 13: Population and Human</p>	<p>Matter Under Discussion</p>

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		<p>The Council has set out its views on local impact on public transport during the construction period and mitigation in Sections 9.8 and 10.13 of the LIR.</p> <p>The Council will review meeting notes from 13 June 2023 to identify and review signposts.</p> <p>Two local bus routes will currently be most affected by the construction period i.e. routes 100 and 200. The high frequency 100 service will be affected over extended periods by the works along the A1013 Stanford Road, works at the Orsett Cock junction and other adjoining works, The 200 will also be affected by those works and the closure of Baker Street and Rectory Road. Service 475 will also be directly affected and is a low frequency school service.</p> <p>NH should set out in the oTMPfC the likely resolution to the impacts on those services rather than leaving that issue to be covered by the generic statement in Table 2.3 which includes the unconditioned caveat 'as far as reasonably practicable' and could be readily not adopted into the detailed TMP/TMPs if not specified. Vulnerable users and areas of deprivation will be affected by the impacts on these services which must be resolved. Initiatives such as direct engagement with the bus operators,</p>	<p>Project is consented to) and in line with the controls and commitments in the oTMPfC. Thurrock Council will be a consultee when developing this document.</p> <p>The Applicant considers the existing control measures are sufficiently robust to effectively minimise the effects on public transport and maintain acceptable and accessible service levels, while delivering the construction of the Project. When assessing the impacts of the Project, the Applicant has taken into account the impacts to public transport services to then determine sufficient controls to manage those impacts. The oTMPfC details the mechanisms throughout the document which would be in place such as the Traffic Management Forum, Plate 3.2) which would allow for discussions with public transport operators and local authorities to take place on matters such as appropriate mitigation for public transport impacts during construction. When developing the Traffic Management Plan (TMP), specific measures are outlined to address and minimise the impacts on public transportation, including public transport users and operators (set out in Table 2.3 of the oTMPfC). These measures are designed to reduce the impacts on public transport users and operators, to a</p>	<p>Health [APP-151] ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	

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		<p>directly affected facilities and communities should be set out in the oTMPfC – this could include social media campaigns, community group engagement and direct approaches.</p> <p>There could be substantive changes during the period between DCO Grant and the commencement of the affecting works and as such the oTMPfC needs to clearly set out how the contractors must respond to the current situation at the time of the works within the more detailed resolution framework for the current services.</p>	<p>minimum, demonstrating a commitment to maintaining the service and accessibility of public transportation during the construction of the Project.</p> <p>Additionally, the oTMPfC is committed to a Traffic Manager and Traffic Management Forum (TMF), with attendees, consultees and contributors listed. The TMF, specifically, is intended to resolve issues, through consultation and exploring the local knowledge that the relevant authority possess and incorporating that knowledge into the Traffic Management Plans (TMPs). As part of the preparation of TMPs, all temporary traffic management measure proposals will be consulted on with the relevant authority, as set out in the oTMPfC. As such, the exact length, nature and duration of temporary traffic management measures will be discussed and relevant authority comments, issues considered and incorporated, where reasonably practicable.</p> <p>A discussion on this matter was held on 13 June. The Council expressed concerns around the level of detail presented and queried if the Community Impact Report (CIR) covers traffic impacts in each ward. The Applicant confirmed that the CIR does cover these aspects and suitable signposts were provided for where the TA responds</p>		

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			<p>to all these concerns, for the Council to read and confirm its updated position.</p> <p>A further discussion on this matter was held on 20 September 2023 where the Applicant confirmed their position remains unchanged. Thurrock Council committed to reviewing the Community Impacts Report and Chapter 8 of the TA and confirm their position. The Applicant requested that the Council particularise potential additional commitments over and above the existing commitments in Table 2.3 of the oTMPfC related to public transport, for further consideration.</p> <p>Additionally, it should be noted that the CoCP in Chapter 5 presents details on post consent engagement and communications. The Applicant has committed to an Engagement and Communication Plan (ECP), which will be prepared in consultation with the local authorities. The CoCP already commits the Applicant to the following, as requested by the Council:</p> <ol style="list-style-type: none"> 1. Communication with local authorities, councillors, parish councillors and the Project's 'neighbours' will be undertaken throughout the construction phase, including through Community Liaison Groups and the Traffic Management Forum. 		

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			<p>2. The Contractors will engage with the local community, particularly focusing on those who may be impacted by construction, including local residents, businesses, landowners and the specific needs of protected groups (as defined in the Equality Act 2010).</p> <p>3. The ECP will provide a detailed programme of community engagement, setting out how relevant planning authorities, communities, stakeholders and affected parties will be engaged with throughout the construction period. It will specify stakeholders, communities and affected parties (such as schools, places of worship, businesses and environmental organisations) and for each group, will identify the proposed methods and likely timing of engagement for each key stage of work. <i>Such methods may cover, but are not limited to, community drop-in sessions, one-on-one meetings with key stakeholders as relevant, newsletters and leaflet drops explaining forthcoming works.</i></p> <p>4. The ECP will also include details of how the needs of vulnerable groups will be met in terms of use of accessible media and appropriate formats for visually impaired people.</p> <p>5. The Project will establish and maintain Community Liaison Groups (CLGs) in</p>		

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			<p>those communities likely to be most impacted by construction activities. Further details are set out in paragraphs 5.2.6 and 5.2.11 to 5.2.15 of the CoCP.</p> <p>The Applicant is awaiting further feedback on the commitments above from the Council at Deadline 6. This matter remains under discussion.</p>		
<p>Closures and diversions Communication and Notice Periods for local community</p>	<p>2.1.134 LIR</p>	<p>National Highways must specify</p> <ol style="list-style-type: none"> 1. The period of advance notice prior to implementing the closures and diversions and the mechanism for those notices. A minimum of four weeks' notice of closures and diversions is suggested. 2. How communications will be managed to ensure communities are kept informed (especially hard to reach communities). 3. The Council require further information well in advance of when and where temporary road diversions occur. <p>The Council will review NH's amended proposals relating to notice periods once they are received.</p>	<p>The CoCP outlines the Project's approach to community engagement during the construction phase. The Applicant has committed to an Engagement and Communications Plan (ECP), which will be developed with the local authorities, post consent, if consented. It would cover communications, reporting metrics, programme of activities and communicating with target audiences/hard to reach groups. The ECP will provide a detailed programme of Community engagement, setting out how relevant planning authorities, communities, stakeholders and affected parties will be engaged with throughout the construction period. It will specify stakeholders, communities and affected parties (such as schools, places of worship, businesses and environmental organisations) and for each group, identify the proposed methods and likely timing of consultation for each key stage of work. The CoCP also includes</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p> <p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Under Discussion</p>

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			<p>commitment to community liaison groups, a helpline and notice of works (currently set at two weeks).</p> <p>The Applicant proposes to utilise the Council's permit schemes, subject to modifications which are compatible with the precedented approach and would ensure that conditions which may conflict with an Order (if granted) could not be imposed on the Applicant. The permitting process requires that the Council is provided information in advance.</p> <p>A discussion on this matter was held on 13 June and the Applicant requested that the Council particularise potential additional commitments over and above the existing commitments in the CoCP, section 5.2 (Engagement and Communications Plan) for further consideration. The Applicant sought clarification from the Council to confirm if the four-week window is for the Council or community.</p> <p>A further discussion on this matter was held on 20 September 2023 where the Applicant provided an overview of existing commitments already included in the oTMPfC and CoCP. The Applicant clarified that it will be using Thurrock Council's permitting system and the notice for this will be three months; similarly, the notice</p>		

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			period for local communities will be two weeks (as committed to in the CoCP). Thurrock Council have requested some additional clarity in wording in relation to the length of closures and diversions which the Applicant is considering. This matter remains under discussion.		
Logistics, materials and operations Management of Abnormal Indivisible Loads (AILs)	2.1.135	National Highways need to set out how they will manage AILs, including the provision of notice periods and the permitting mechanism to be applied. This needs to align with standard adopted protocols, to allow co-ordination across the contracts and also with external AIL movements	The oTMPfC commits to the use of Electronic Service Delivery for Abnormal Loads (ESDAL) to communicate AIL notices. Thurrock Council has seen the commitment set out above and marked the matter agreed.	Outline Traffic Management Plan for Construction [REP5-056]	Matter Agreed
Construction traffic impacts Use of look-ahead projections	2.1.136	National Highways need to commit to weekly look-ahead projections to be provided by the contractor or National Highways, giving a co-ordinated projection of construction related traffic on the affected network. The Council notes the proposal of trip demand forecasting within Table 3.1 of the oMHP, however, there is no definition of what that must constitute or how it is communicated to the Council; its frequency and detail and how that forecasting is managed and enforced. The commitment for forecasts of materials, plant and equipment handling at each	The outline Materials Handling Plan commits the Applicant to provide trip demand forecasts in Table 3.1. The Material Handling Plan (MHP), developed post consent, (if consented) and in consultation with Thurrock Council, will include detail of delivery demand forecasts, as well as management systems, to capture performance. It should be noted that the principles and mechanisms set out in the oTMPfC will be applicable to the oMHP. This includes the monthly Traffic Management Forum (TMF) committed to in the oTMPfC, which is designed to bring together the Applicant,	Outline Traffic Management Plan for Construction [REP5-056] ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050]	Matter Not Agreed

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		<p>compound is not made clearly within Table 3.1. The bullet 'Trip demand forecasting' is generic. The note added at Deadline 5 for the measurement of movement of 'bulk aggregate' is only a review statistic and only one aspect of the bigger picture. Forward planning must be a live process, which will not be reflected fully or accurately within the TMP/TMPs or the MHP/MHPs. Both the oTMPfC and the oMHP must be developed to provide a commitment to provide weekly forecasts to the Local Highway Authority to enable planning and monitoring by works compound and area across its network.</p> <p>The Council currently consider the Matter Not Agreed until adequate information has set out above is provided; and, does not consider that the TMF on its own is a satisfactory securing mechanism.</p>	<p>Contractor and stakeholders together to discuss proposals, issues and performance of all things traffic related, including materials movements. The timescales/frequencies will be considered at the TMF when the detailed Terms of Reference are drafted.</p> <p>Thurrock Council agrees in principle with the position set out above. A discussion on this matter was held on 13 June and further information was sought by the Council around how monthly forecasts would work in practice and if these can be made weekly.</p> <p>A further discussion on this matter was held on 20 September 2023 where the Applicant provided a signpost to Section 3.5 of the oMHP and paragraphs 2.4.9–11 of the oTMPfC which sets out the Applicant's requirement to submit monthly delivery forecasts to the local authority. Paragraph 2.4.11 sets out a comprehensive list of what is to be included in the monitoring report, detailing 14 items which include actual vs planned deliveries, vehicle arrival and departure times vs booked times as well as breaches and complaints. The Applicant considers this list to be comprehensive and robust to providing sufficient monitoring data for the management of the highway authorities</p>		

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			respective road network. As further clarification, if Thurrock Council have any specific format requirements to enhance the management of their local road network (i.e. a weekly report), the Traffic Management Forum (TMF) will serve as the platform to seek those arrangements as the construction works progresses where the level of forecast data needs may change. Thurrock Council have indicated that this matter could be agreed which is subject to confirmation. This matter remains under discussion.		
Safety Use of autonomous plant	2.1.137	National Highways need to set out how contractors will optimise the use of autonomous plant and equipment and a modernised fleet to reduce risks.	The commitment to encourage the Contractors to optimise the use of autonomous plant and equipment and a modernised fleet is included in the CoCP. However, it is for the Contractors to identify opportunities to use autonomous plant and equipment. The Applicant will support this approach where appropriate, recognising that it can reduce risk. However, the Applicant will not pre-judge when and where autonomous plant and equipment will be employed. A further discussion on this matter was held on 13 June and Thurrock Council is satisfied with the Applicant's position.	ES Appendix 2.2: Code of Construction Practice [REP5-048]]	Matter Agreed
Mitigation	2.1.138 RRE,	There is no mention of commitments to mitigate/enhance the cumulative effects	Effects on health and wellbeing are presented in ES Chapter 13: Population	ES Chapter 13: Population	Matter Under

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Mitigating cumulative effects	LIR	<p>(either intra-related/interrelated) of the construction of the LTC. National Highways should ensure that cumulative effects during construction are included and sufficiently assessed and mitigated against as required.</p> <p>Such potential effects could have a significant negative impact on residents' health and wellbeing through increased noise, air pollution, particularly in areas where there are high levels of deprivation, and poor health, such as Tilbury.</p> <p>The Council has set out its views on local impact on Health, Equalities and Well-being in Section 10.13 of the LIR.</p>	<p>and Human Health, and the Health and Equalities Impact Assessment (HeqIA). Where appropriate, mitigation measures associated with these effects have been proposed and are included in a range of control documents, most notably the REAC. The REAC covers air quality and noise mitigation and also presents a framework for exceedances.</p> <p>Further assessment of cumulative effects is presented in ES Chapter 16: Cumulative Effects, including a consideration of further mitigation measures, in addition to those identified for individual topics.</p> <p>The Applicant has set out the impacts both during consultation and engagement with the Council.</p> <p>A further discussion on this matter was held on 13 June and Thurrock Council stated that it would confirm its position on this matter after its review of the documents above, as well as the Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes document, is complete. This matter remains under discussion.</p> <p>A further discussion on this matter was held on 20 September 2023. Thurrock Council confirmed that they are unable to</p>	<p>and Human Health [APP-151]</p> <p>ES Chapter 16: Cumulative Effects Assessment [APP-154]</p> <p>Health and Equalities Impact Assessment (HeqIA) [APP-539]</p> <p>ES Appendix 2.2: Code of Construction Practice [REP1-157]</p> <p>Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes. [APP-550]</p>	Discussion

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			<p>provide any specific additional commitments they would like the Applicant to consider. The Applicant clarified that this issue is also covered under item 2.1.220 of the SoCG where it is considered to be better captured. This matter has been removed from the SoCG and is instead covered under item 2.1.220.</p>		
<p>Worker Transport Worker travel between compounds</p>	<p>2.1.139</p>	<p>What measures will be put in place to ensure that workers from wards south of the river that work at compounds north of the river do not travel by car?</p> <p>The Council has severe concerns over the effectiveness of NHs proposed approach to workforce travel planning and sets out its views on the FCTP at Section 15.6 of the LIR.</p>	<p>The Framework Construction Travel Plan (FCTP) sets out principles for worker travel to compounds. With regard to measures that would restrict the use of private vehicles for workers travelling from south to north of the river, the Applicant does not propose to adopt any such proposals, as these could be deemed to exclude workers that live south of the river from the opportunity for employment that the Project represents.</p> <p>The tasks set out in Table 10.1 (Project action plan) will be undertaken to:</p> <ol style="list-style-type: none"> 1. maximise the most effective travel patterns between the workforce origin location and compound location (using post code analysis with the aim to reduce the distance travelled); and 2. encourage the use of sustainable measures where this cannot be provided, such as through the use of shuttle bus services and car share schemes etc. 	<p>Framework Construction Travel Plan (FCTP) [REP5-054]</p>	<p>Matter Not Agreed</p>

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			<p>It should be noted that the Project is committed to developing site-specific travel plans post DCO consent, if consent is granted, in line with the controls and commitments in the FCTP. Relevant local authorities, including Thurrock Council, would be a consultee to the development of this document. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Construction traffic impacts Access to accommodation and welfare facilities outside working hours</p>	<p>2.1.140 RRE</p>	<p>How will access to accommodation and welfare facilities within the compounds be managed outside of working hours to ensure construction vehicle movements are not occurring during those periods i.e. differentiating between accommodation movements (including deliveries) and construction-based movements?</p>	<p>The CoCP highlights the core working hours strategy, with exemptions listed within, when construction movements will occur.</p> <p>The Applicant does acknowledge that not all staff will arrive by 6am and leave after 8pm, and also that, where compounds contain accommodation facilities, that work force will enter and leave compound areas outside of the CoCP working hours. Automatic Number Plate Recognition (ANPR) will be in use at compound locations, as secured by the oTMPfC. This provides data that can be audited to confirm that only authorised vehicle movements happen outside of the core working hours, as determined in the CoCP.</p> <p>A further discussion on this matter was held on 13 June and Thurrock Council is satisfied with the Applicant's position.</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048] Outline Traffic Management Plan for Construction [REP5-056]</p>	<p>Matter Agreed</p>

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<p>Closures and diversions Community impacts at Baker Street during construction</p>	<p>2.1.287 DL-3</p>	<p>Thurrock Council are concerned about significant impacts on the community at Baker Street during construction. The need for closure of Baker Street over an extended period is acknowledged, but it is the Council's view that the proposed controls are not sufficient. Thurrock Council would like to see further detailed plans for construction in this area, to specifically address uncertainties relating to diversions in the local area, and the associated impacts, access to the community, provision for walkers and cyclists during the works.</p> <p>The Council has set out its views on local impact on Health, Equalities and Well-being in Section 10.13 of the LIR.</p> <p>The Council has expressed its concerns with the general weakness of the oTMPfC and has provided a detailed response in answer to ExQ1_Q4.6.6 on aspects to be strengthened in the Transport Control Documents.</p> <p>The Council is also concerned that the community around Baker Street will be heavily impacted throughout the construction period and is already suffering due to the spectre of the project hanging over them. Following opening of LTC, the communities would be directly affected by</p>	<p>Detailed construction plans for the Baker Street area will be developed by the Contractor. A number of controls are set out in the oTMPfC, especially as part of Table 2.3, which will need to be developed in the TMP and consulted with Thurrock Council before approval by the Secretary of State. This process will address the concerns raised by Thurrock Council.</p> <p>A discussion on this matter was held on 13 June and the Applicant requested that the Council particularise potential additional commitments over and above the existing commitments in the oTMPfC for further consideration.</p> <p>A further discussion on this matter was held on 20 September 2023. The Applicant clarified that feedback from the various stages of consultation have been key in defining the construction proposals to date and what has been proposed is proportionate to this stage of the Project. Communications with the community will be ongoing via the CLG and JOF, as set out in the oTMPfC and CoCP. This matter will be not agreed due to both parties' positions remaining unchanged.</p>	<p>Outline Traffic Management Plan for Construction [REP5-056] ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Not Agreed</p>

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		<p>the scheme. NH does not propose any mitigation to that community and has carried out no targeted engagement to explore mechanisms to ameliorate the effects of the project. The Council set out its concerns regarding impacts at Baker Street within ISH3 and this is set out in detail in its post event submission for ISH3 in its D4 submission.</p> <p>This item remains a matter not agreed.</p>			
Operation and Maintenance					
<p>Emergency Services Limited progress on issues of concern and insufficient details for incident management</p>	<p>2.1.141 RRE, LIR</p>	<p>LTC has demonstrated limited progress on the Emergency Services & Safety Partners Steering Group's (ESSPSG) 56 specific recommendations as outlined in the CIC and supported by all local authorities including Thurrock Council.</p> <p>The Council is concerned about the lack of adequate provision for emergency services within the LTC scheme, especially around</p> <ol style="list-style-type: none"> 1. the timely safe and efficient access to and from incidents for the emergency and rescue services; 2. management of traffic and people affected by those incidents; locations of rendezvous points (RVP) and emergency hubs 3. management of the impacts on local routes as a consequence of those incidents 	<p>The Emergency Services & Safety Partners Steering Group's (ESSPSG) was formed and funded to address the identified issues around operations and incident management. The engagement is active and ongoing. The ESSPSG platform provides blue lights services with an opportunity to express its concerns collaboratively and resolve key issues. Previously, the discussions on the matters of concern to the blue lights services have taken place in ESSPSG and break-out working groups, resulting in significant Project changes. Examples of these issues include the key changes made in identifying location and requirements for RVP locations and assembly point locations; and agreeing the provision of helicopter landing points during the</p>	<p>Works Plans (Volume A) Composite (Key Plan) [APP-018] Works Plans (Volume B) Composite (Sheets 1 to 20) [APP-019] Works Plans (Volume C) Composite (Sheets 21 to 49) [APP-020]</p>	<p>Matter Not Agreed</p>

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		<p>including emergency service response times.</p> <p>The Council sets out its view on emergency services in Section 11 of the LIR.</p>	<p>construction and operation of the Project for emergency services. The Project, at the request of the ESSPSG, is developing a Statement of Common Ground to address some of the matters which are still under discussion, and to set out those matters which have been agreed and not agreed. This Statement of Common Ground was provided to the ESSPSG in October 2022, and the Applicant will continue to work with the Group to finalise the SoCG. The Applicant have noted the specific concerns and these will be addressed through continued dialogue with the ESSPSG, and the associated SoCG.</p> <ol style="list-style-type: none"> 1. Ongoing discussion continues relating to timely, safe and efficient access. 2. Potential RVP locations have been identified in consultation with ESSPSG. These are now included in the Works Plans (Key Plan). The exact location for assembly points will be an item within detailed design. 3. A multi-agency Emergency Response Plan would be developed based on the Operational Control Philosophy and Operational Risk Assessment. This will be developed through detailed design, and construction ready for testing and implementation prior to road opening. It is 		

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			<p>not considered appropriate or necessary to secure operational incident management requirements within the draft DCO or Control Plan framework. The Applicant will continue to work with emergency services, as it does elsewhere on the network. Any defined operational controls fixed at this point in time would be superfluous and raise the risk of constraining the effective management over the future of the Project.</p>		
<p>Maintenance Maintenance of the PROW infrastructure</p>	<p>2.1.142 RRE, LIR</p>	<p>More detail is needed on how the maintenance of the PROW infrastructure, during construction and operation. The Council sets out its view on maintenance in Section 15.6 of the LIR. The Council awaits NH additional text at D6 and will determine its position thereafter.</p>	<p>During the construction phase, management of PROW infrastructure will remain the responsibility of Thurrock Council as the local highway authority. As committed to in the oTMPfC, the Applicant would ensure any temporarily diverted routes are designed with users in mind and that consideration is given to visual, hearing and physically impaired users. Diverted and existing routes will also be clearly signed and segregated from construction sites.</p> <p>During the operational phase, public highway assets including PROWs that sit within the jurisdiction of Thurrock Council will be maintained by Thurrock Council as the Local Highway Authority, and this will include the road surfacing over structures from the (but not including the) waterproof layer. Green elements of Green Bridges</p>	<p>Outline Traffic Management Plan for Construction [REP5-056] Draft Development Consent Order [REP5-024] ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Under Discussion</p>

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			<p>will be managed by the Applicant which will put in place an appropriate maintenance programme. Further information will be communicated to local authorities as the detailed design develops.</p> <p>A further discussion on this matter was held on 9 August 2023 and the Council clarified their concern was mainly around the maintenance of PRowS during construction. The Applicant signposted to Section 4.5.1 - 4.5.2 of the CoCP, which commits to protection of existing infrastructure and buildings; including design and implementation of any repairs, strengthening and modifications (temporary or permanent) if required.</p> <p>It should also be noted that under Article 35 of the draft DCO the Applicant would repair any damage to PRowS as a result of the Project. The Council would like the term 'PRow' to be mentioned explicitly in the commitment. The Applicant proposed to add <i>'in accordance with article 35 of the DCO'</i> into the text in Section 4.5.2 of the CoCP at the next iteration. This wording has been amended at Deadline 6, and following review by the Council this matter is likely to become agreed. For now this remains under discussion.</p>		

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Interface with third party assets Management after construction	2.1.288 DL-3	<p>Thurrock Council need to understand how the interfaces with third party assets will be managed during testing, commissioning and handover of assets after construction.</p> <p>The Council has been negotiating with NH over the DLOA and Side Agreement, which is likely to become draft Protective Provisions (PPs). The Council and other LHAs will provide submissions at D6 regarding PPs.</p> <p>In addition, if any other testing and commissioning is required the Council have received no information from NH yet, regarding highways, PRowWs, structures.</p>	<p>The Testing and Commissioning process of the Project will be led by the Applicant in consultation with stakeholders where appropriate. Where this process involves third party assets or assets that will be handed over to the Council at completion, then there will be consultation with the relevant stakeholder(s) prior to the commencement of the testing and commissioning. Operating practice during the testing and commissioning process will be discussed in relation to the potential side agreements.</p> <p>The Applicant still awaits the Council's review on whether there are still residual concerns on this matter. This remains under discussion.</p>	N/A	Matter Under Discussion
Traffic and Economics					
Modelling methodology Model development Changes to A13/Orsett Cock Junction Arrangements – Impact of proposed new link on local	2.1.143 RRE, LIR	<p>The Council does not think LTAM is a suitable tool to predict traffic effects on the local network. Thurrock Council have a number of concerns relating to the methodology applied to development of the traffic model, including:</p> <ul style="list-style-type: none"> The model is based upon the strategic road network peak in the morning, rather than the local network peak The model is not validated using junction turning flows and therefore the 	<p>The Applicant is of the firm opinion that the calibration and validation of the Project's transport model is acceptable for its use to assess the impacts of the Lower Thames Crossing. The model has been assessed by the Applicant's independent assurer who has approved the model as being suitable to assess the predicted impacts of the Lower Thames Crossing.</p> <p>However, the Applicant has rebased the 2016 (base) model following the release of traffic count data near Orsett Cock to the</p>	<p>Transport Assessment [REP4-148 to REP4-152]</p>	Matter Not Agreed

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roads		<p>model performance at junctions is unknown.</p> <p>We would also expect analysis / sensitivity testing to have been completed by National Highways to demonstrate the validity of LTAM given significant events that have influenced travel patterns, such as the pandemic and associated working pattern changes. No evidence of this has been presented.</p> <p>The Council sets out its view on Modelling and Methodology in the LIR Section 9.4 as informed by its review of the LTAM cordon model as set out at Appendix C Annex 1.</p> <p>The Council will respond on the local operational modelling that has been submitted to the Examination by NH at D1.</p>	<p>Applicant, by the local authority.</p> <p>The Applicant has actively engaged with the Council with regard to the forecast impacts of the Project on the road network in Thurrock during operation. This included microsimulation modelling at key junctions to provide additional assurance alongside the cordons of LTAM and GIS shapefiles. The scope of this work was previously agreed with the authority. Up to September 2022, the Applicant had also been regularly meeting with Thurrock Council to examine the forecast construction impacts and the proposed measures to reduce these.</p> <p>The Applicant has undertaken an appropriate design process, which has included testing the performance of the design through modelling. To assist the Council with its understanding of how the Project functions, the Applicant has undertaken further local modelling in a collaborative framework, seeking to achieve agreement on the model design and inputs to improve confidence in the model outputs. This engagement has been ongoing on certain agreed areas, and information has been supplied to the Council on a progressive basis.</p> <p>The Applicant does not consider it necessary to undertake the collaborative local junction modelling exercise for the</p>		

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			<p>A1089 ASDA roundabout, as the operational impacts on flows through this junction are limited.</p> <p>The Applicant has developed the traffic modelling in accordance with the relevant guidance. This does not set out a requirement or framework for considering the pandemic, and so this has not been produced.</p> <p>A further discussion on this matter was held on 19 June 2023 and the Council expressed its view that the micro-simulation modelling agreed and undertaken should be submitted into the Examination. The Applicant's position remains unchanged and the Project's transport model is acceptable for its use to assess the impacts of the Lower Thames Crossing. Nevertheless, to provide transparency on the work done to date, the Applicant has submitted information on the localised traffic modelling done to date at DL-1. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
<p>Modelling methodology Operational model development</p>	<p>2.1.144 RRE</p>	<p>The traffic model presents a number of network restrictions, such as HGV bans. Thurrock Council have concerns around the practical implementation and operation of enforcement, and hence the realism of</p>	<p>The network within the Project's transport model only includes existing network restrictions such as existing HGV bans. The Applicant has not made any adjustments within the model to prohibit</p>	<p>N/A</p>	<p>Matter Agreed</p>

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		these modelling adjustments.	<p>rat-running. Vehicles are free to choose their preferred route given the existing network restrictions and forecast speeds along each link and at the junctions.</p> <p>A further discussion on this matter was held on 19 June 2023 and Thurrock Council is satisfied with the Applicant's position.</p>		
<p>Local modelling requests Sharing of full LTAM operational model</p>	<p>2.1.145 RRE</p>	<p>Thurrock Council have requested issue of the full LTC Traffic Model (LTAM) to allow the Council to undertake its own review of the cause of changes in traffic flows within Thurrock for journeys that start and / or end outside Thurrock. National Highways has advised that they will not share the full traffic model.</p>	<p>It is not normal practice for highways development projects to share full traffic models, and the Applicant does not intend to share its full model. The Lower Thames Area Model (LTAM) is an extensive and complex model which has been developed over a number of years to support the Project's development. The Applicant is regularly updating this model to reflect changes in guidance, to reflect new regional developments, and to reflect the latest plans for the Project. If LTAM were to be released, the model would then be able to be modified by third parties, which could result in significant confusion over which outputs were accurate reflections of the Applicant's proposals. Following the conclusion of the Project's DCO statutory process, the Applicant will make a finalised version of the LTAM model available to all stakeholders.</p> <p>The Applicant recognises the Council's</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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			<p>concerns that the Project will create regional changes in traffic movements, and that to understand this, the Council would like to utilise the model to interrogate the forecasts in more detail. However, the Applicant has provided the Council with both a cordon model of the local authority area, which allows for the assessment of these changes at a local level, and a GIS file of the full model output, which can be used to answer many of these questions.</p> <p>Since this request, the Applicant has released the operational cordon models in April 2022 and the construction cordon models in May 2022, for Thurrock Council to investigate and understand the strategic and local impacts of the Project.</p> <p>Following a request in early 2022, the Applicant organised a joint meeting with Thurrock and Essex County Council to better define the information that is needed by both Councils. Following this session that information was provided. The Applicant has also held a fortnightly traffic modelling meeting with the modellers of the Project and Thurrock Council to discuss ongoing work, timescales, and technical issues as they arise. A programme of work (for the various components of traffic modelling being undertaken for Thurrock Council) has also been shared and</p>		

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			completed. The Applicant will continue to engage with Thurrock Council on all relevant traffic and transport matters throughout the DCO process and provide additional information to aid its understanding of technical matters.		
Local plan growth Impacts on Local Plan	2.1.146 RRE, LIR	<p>The Council do not have a Local Plan housing target yet as the potential supply has not yet been defined - our last Local Plan consultation for IO2 indicated a need for 32,000 new homes.</p> <p>Since then, the Council have updated the Housing Needs Assessment and Economic Development Needs Assessment – these indicate that there may be a need for at least 23,320 new dwellings and 342 ha employment land by 2040. Although the HNA and EDNA were prepared separately there is likely to be a need to model population growth against the EDNA to determine if there an impact on housing needs going forward.</p> <p>In terms of job growth, Thurrock's recently published EDNA stated over 27,000 new jobs based on the higher growth scenario which corresponds with a requirement for 342 hectares of employment land up to 2040.</p> <p>Thurrock Council consider that LTC would result in strategic issues for existing communities, employment areas and ports,</p>	<p>The Traffic Forecasts Non-Technical Summary has been produced to provide a high-level summary of the work undertaken in the development and use of the Project's transport model. This document is fully consistent with the more detailed documents including the ComMA and Transport Assessment. The Transport Forecasting Package provides full details of the Uncertainty Log.</p> <p>As set out in the ComMA, growth in the Project's transport model has been capped on a regional basis in line with DfT traffic forecasts, up to 2051. Planned growth that is not under construction, does not have a planning application or planning permission (as of 30 September 2021 for the DCO submission) is not explicitly included within the transport model in accordance with TAG.</p> <p>The Applicant has undertaken a number of model runs to assist Thurrock Council with its emerging local plan. The Applicant has also worked with the Council to undertake</p>	<p>Traffic Forecasts Non-Technical Summary [APP-528] ComMA [APP-518]</p>	Matter Not Agreed

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		<p>as well as for future growth in Thurrock. This conflicts with the project's objective 'to support sustainable local development and regional economic growth in the medium to long term'.</p> <p>The Government will be bringing some changes to the standard method in the short term, which are not expected to change Thurrock's requirement. In the longer term, the Government's 2020 Planning White Paper indicates that there could be wholesale changes made to the setting of housing requirements.</p> <p>Traffic growth forecast in LTAM has been based upon TEMPro 7.2 data, which as we have pointed out the Council's LIR, Section 7.8, the version of TEMPro should be NTEM v8.0.</p> <p>The Council sets out its views on this SoCG matter in more detail in the LIR Section 7.8.</p>	<p>testing to support and assess its local plan on the highway network using the LTAM.</p> <p>A further discussion on this matter was held on 19 June 2023 and the Applicant reaffirmed its intention to continue working with the Council to support and assess its Local Plan, however this work is not part of the model published for the DCO application and will not be further progressed until at least the latter part of 2023. Due to both parties' positions remaining unchanged on this matter, this matter is now changed to not agreed.</p>		
<p>Local modelling requests Impact on Orsett Cock</p>	<p>2.1.147 LIR</p>	<p>Thurrock Council have concerns that the increased traffic flow through Orsett Cock roundabout means that the layout will no longer work. The Council has requested information from National Highways to address these concerns, including:</p> <ul style="list-style-type: none"> checking the validation of the LTAM model at this location using local traffic counts 	<p>The Applicant has undertaken a local junction modelling exercise at Orsett Cock junction, agreeing the model extents, validation process and consideration of the peak hour through a series of collaborative workshops. These results have been provided to Thurrock Council on completion, demonstrating that Orsett Cock roundabout still functions safely. The</p>	<p>Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5)</p>	<p>Matter Under Discussion</p>

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		<ul style="list-style-type: none"> addressing the difference in the peak hour, whereby the local traffic peak is 8:00 to 9:00 while the LTAM peak is 07:00 to 08:00 consideration of the assignment of traffic associated with the Freeport <p>The Council acknowledges that National Highways has undertaken a local junction modelling exercise for the Orsett Cock A13/A1089/LTC interchange which has been submitted to the Examination at D1.</p> <p>The Council had sets out its view on a preliminary version of the Orsett Cock local operational modelling at Appendix C Annex 1 Sub-Annex 1.3 of its LIR and summarised its findings in the LIR section 9.4. It was concluded that the localised modelling showed an interchange that was unable to operate during peak periods and had substantial reserve demand. The impacts are not mitigated and would lead to displacement of traffic to local roads and communities.</p> <p>Notwithstanding that the Orsett Cock VISSIM forecast model is yet to be agreed, the results of the model confirmed the Council's concerns that LTAM has significantly underestimated the impacts of LTC on Orsett Cock. NH's own microsimulation modelling show</p>	<p>Freeport is not part of that assessment due to the lack of information currently available on the proposed developments (with none yet meeting the TAG criteria for inclusion in the model), and the lack of associated mitigation for the prospective new developments. The assumptions and data underlying the Project's transport model have been provided to the Council and were updated with the release of the modelling for the DCO submission.</p> <p>A discussion on this matter was held on 19 June 2023 and the Council expressed some outstanding concerns regarding the modelling outputs. Both parties agree that the modelling components might be agreed eventually but the impacts and potential to introduce interventions at this junction into the DCO will be a matter not agreed.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2 in Comments on LIRs and Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5). As stated in response to LIR pages 108 – 111 in Comments on LIRs Appendix H: Thurrock Council (Part 2 of 5), the Applicant does not agree with the Council's assertion in relation to a difference in outputs from the local junction modelling and the LTAM at the Orsett Cock junction. The Applicant has</p>	<p>[REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066]</p> <p>Action Points from Issue Specific Hearing 7 (ISH7) – 11 September 2023 [EV046e]</p> <p>Joint Position Statement: Orsett Cock junction [REP5-084]</p> <p>Combined Modelling and Appraisal Report (ComMA) [APP 518]</p> <p>Post-event submissions, including written submissions of oral</p>	

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		<p>significantly worse operational performance of Orsett Cock in comparison with NH's own strategic modelling completed using LTAM. These delays, if fully accounted for within LTAM, may have an impact on estimates of flow and congestion on local roads including Rectory Road.</p> <p>The Council will respond on the local operational modelling of the Orsett Cock interchange that has been submitted to the Examination by NH at D1, in preliminary form in the Council's D3 submission and in more detail in its D4 submission.</p> <p>The Council met with the applicant and others on 25 September and the joint position statement was submitted at Deadline 5. The Council continues to consider that the significantly different results provided by the LTAM and VISSIM models is of fundamental importance and the Council does not consider that the degree of alignment between the models is normal. The Council is currently reviewing additional modelling information provided by the applicant and comments will be provided at Deadline 6, 6a or 7.</p> <p>Requirements for the potential mitigation strategy for the junction have been provided by the applicant and these are currently being consider by the Council.</p>	<p>been clear that there would be an increase in traffic and delays at this junction as a result of the Project, which is evident in both the LTAM and the local junction modelling. The impacts at the Orsett Cock junction have been assessed through both the Transport Assessment and the economic appraisal, and it should be noted that the Applicant considers that the junction performs acceptably, and that overall, the benefits on the road network would outweigh the adverse impacts.</p> <p>At Issue Specific Hearing 7 on 11 September 2023 the Examining Authority directed the Applicant and relevant local authorities to '<i>Undertake a workshop and then present a joint paper in respect of traffic modelling for this junction. ...</i>' (Action Point 6). The Applicant met with Thurrock Council, Essex County Council and other Interested Parties on 25 September 2023 and the joint position statement was submitted at Deadline 5.</p> <p>As set out under the Applicant's position on any Forward Plan (Table 4), the Applicant maintains that the LTAM run used to inform the application and set out in the Combined Modelling and Appraisal Report is an appropriate model to determine the impacts of the project and to inform the planning decision. The Applicant does not</p>	<p>comments, for ISH4 [REP4-180]</p>	

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			<p>consider there to be a need to '<i>reconcile identified differences between the LTAM and VISSIM modelling</i>'. As the Applicant has set out in Annex A.5 of the Post-event submission for ISH4, the two different models are developed for different purposes, and the degree of alignment between the models is normal.</p>		
<p>Local modelling requests Impact on Manorway</p>	<p>2.1.148 LIR</p>	<p>Thurrock Council have concerns that the increased traffic flow through Manorway roundabout means that the layout will no longer work. The Council has requested information from National Highways to address these concerns, including:</p> <ul style="list-style-type: none"> • checking the validation of the model at this location using local traffic counts • addressing the difference in the peak hour, whereby the local traffic peak is 8:00 to 9:00 while the LTAM peak is 07:00 to 08:00 • consideration of the assignment of traffic associated with the Freeport, and the final consented scheme for Thames Enterprise Park. <p>The Council acknowledges that National Highways has undertaken a local operational modelling exercise for The Manorway A13 junction which has been submitted to the Examination at D1.</p>	<p>The Applicant has undertaken a local junction modelling exercise at Manorway junction, agreeing the model extents, validation process and consideration of the peak hour though a series of collaborative workshops. Thurrock Council has been provided with model outputs demonstrating that Manorway roundabout still functions safely.</p> <p>The Freeport is not part of that assessment due to the lack of information currently available on the proposed developments (with none yet meeting the TAG criteria for inclusion in the model), and the lack of associated mitigation for the prospective new developments. The assumptions and data underlying the Project's transport model have been provided to the Council and were updated with the release of the modelling for the DCO submission.</p> <p>A further discussion on this matter was held on 19 June 2023 and the Council</p>	<p>Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066] Combined Modelling and Appraisal Report (ComMA) [APP-518] Transport Assessment</p>	<p>Matter Under Discussion</p>

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		<p>The Council had sets out its view on a preliminary version of the forecast model for The Manorway at Appendix C Annex 1 Sub-Annex 1.4 of its LIR and summarised its findings in the LIR Section 9.4. It was concluded that the localised modelling was not validated against base traffic flows and used only LTAM outputs. The model showed impacts that are not mitigated and would lead to displacement of traffic to local roads and communities.</p> <p>The Council will respond on the local operational modelling of The Manorway interchange that has been submitted to the Examination by NH at D1, in preliminary form in the Council's D3 submission and in more detail in its D4 submission.</p>	<p>expressed some outstanding concerns regarding the modelling outputs. Both parties agree that the modelling components might be agreed eventually but the impacts and potential to introduce interventions at this junction into the DCO will be a matter not agreed.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2. As stated in response to LIR pages 207 – 209, the Applicant's position regarding traffic flow changes at Manorway Roundabout is raised and addressed under SoCG matter 2.1.96. As stated, the Applicant is not proposing to undertake any works at the Manorway Junction. The forecast impacts on traffic flows through the Manorway junction, as set out in the Combined Modelling and Appraisal Report (ComMA) and the Transport Assessment, are considered to be acceptable when reviewed against the policy obligations as set out in the NPSNN. The Applicant is currently in discussions with the Council relating to the trunking of the A13.</p>	<p>[REP4-148 to REP4-152]</p>	
<p>Local modelling requests Operational impact on ASDA</p>	<p>2.1.149 LIR</p>	<p>Thurrock Council have concerns that traffic flow through ASDA roundabout will increase, and expect National Highways to set out how these increased flows are to be mitigated. Thurrock Council consider that local junction modelling of ASDA</p>	<p>Thurrock Council has been provided with GIS shape files and a cordon of the Project's transport model, allowing the Council to interrogate the detail of forecast flow changes such as those around the ASDA roundabout. The Applicant considers</p>	<p>Localised Traffic Modelling Appx I – ASDA roundabout VISSIM LMVR</p>	<p>Matter Not Agreed</p>

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Roundabout		<p>roundabout is necessary in order to validate this claim.</p> <p>The Council sets out its view on this in the LIR Section 9.5 and the absence of detailed modelling of the forecast impacts as identified through the LTAM cordon. The Council will reflect on localised operational modelling of the ASDA roundabout if it is submitted in due course. The applicant will be submitting further details within its D3 submission and the Council will review it in its D4 submission.</p>	<p>that the impacts on the ASDA roundabout are acceptable, and do not require any further intervention.</p> <p>A further discussion on this matter was held on 19 June 2023. The Applicant proposed submitting information relating to local traffic modelling of the A1089 ASDA roundabout at Deadline 3. Both parties agreed that this matter is unlikely to be agreed due to both parties' positions remaining unchanged.</p> <p>The Applicant has provided local junction modelling of the ASDA Roundabout at Deadline 3.</p>	<p>[REP3-128] Localised Traffic Modelling Appx J – ASDA roundabout VISSIM Forecasting Report [REP3-129]</p>	
<p>Local modelling requests Construction impact on ASDA Roundabout</p>	2.1.150 DL-3 RRE, RRN, LIR	<p>The Council has repeatedly raised the potential for the project to negatively affect the ASDA roundabout and has been told that the worst-case scenario modelling of the construction period has no negative impacts on that junction. Whilst the Council continues to refute that claim. National Highways must explain what the impact is of construction on ASDA roundabout, and whether it that is deemed to be significant.</p> <p>National Highways has refused to undertake local junction modelling of this junction explaining that the LTAM model demonstrates it works satisfactorily. This is despite the fact that at Orsett Cock junction local junction modelling demonstrates</p>	<p>The Applicant does not agree that it has indicated that the Project has no negative impacts on the ASDA roundabout during construction. The Applicant has stated that the impacts on the junction do not prevent it from operating, albeit with delays for some users. Thurrock Council has been provided with GIS shape files and a cordon of the Project's transport model, allowing them to interrogate the detail of forecast flow changes such as those around the ASDA roundabout.</p> <p>The Applicant considers that the impacts on the ASDA roundabout are acceptable, and can be managed through the construction management framework,</p>	<p>Outline Traffic Management Plan for Construction [REP5-056] Transport Assessment [REP4-148 to REP4-152] Transport Assessment Appendix B: Journey Time Changes 2030 [APP-531] Traffic</p>	Matter Not Agreed

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		<p>serious issues whereas the LTAM model does not, demonstrating a contradiction of evidence. This junction requires detailed analysis to demonstrate its acceptability during construction and for NH to commit to any mitigation that is deemed necessary. The Council sets out its view on this in the LIR Section 9.8</p>	<p>including particularly the outline Traffic Management Plan for Construction (oTMPfC).</p> <p>The Applicant does not agree with the Council's assertion in relation to a difference in outputs from the local junction modelling and the LTAM at the Orsett Cock junction. This matter is not agreed, due to both parties' positions remaining unchanged.</p> <p>The Applicant has provided local junction modelling of the ASDA Roundabout at Deadline 3.</p>	<p>Forecasts Non-Technical Summary [APP-528]</p> <p>Localised Traffic Modelling Appx I – ASDA roundabout VISSIM LMVR [REP3-128]</p> <p>Localised Traffic Modelling Appx J – ASDA roundabout VISSIM Forecasting Report [REP3-129]</p>	
<p>Local modelling requests</p> <p>Sharing of construction modelling</p> <p>Construction model development</p>	<p>2.1.151 LIR</p>	<p>Thurrock Council have requested further clarity on the phased vehicles movements associated with the works. The information provided lacks detail regarding the timing/phasing of the works therefore it is not possible to identify the timing or quantum of vehicle movements to identify the potential impacts – this is despite the construction period apparently being</p>	<p>The Applicant has provided updated construction model information to Thurrock Council for the Council's review.</p> <p>The number of forecast LGV trips per compound is forecast as 25 trips per day for the main compounds, and 15 trips per day for other compounds. As this level of demand equates to a very small number of additional LGV trips in each modelled hour,</p>	<p>Outline Traffic Management Plan for Construction [REP5-056]</p>	<p>Matter Not Agreed</p>

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		<p>divided into 11 phases. Information on the number of vehicle movements inbound and outbound should be provided on at least an averaged monthly projection to give an indication as to the impacts on the local road network.</p> <p>In addition, Thurrock Council consider that there needs to be more detailed work undertaken at selected locations including ASDA roundabout and the A13 junction's impacts.</p> <p>The Council sets out its view on this in the LIR Section 9.8 and in its submissions at D3, D4 and D5.</p>	<p>these have been excluded from the assessment within the LTAM.</p> <p>The Applicant considers the phasing information shared with Thurrock Council and utilised within the various DCO assessments as appropriate to reflect the anticipated impacts of the works. More detailed information will be developed at the detailed design phase by the Contractor and used to inform the development of the Traffic Management Plans, as required by the oTMPfC.</p> <p>As set out in the construction engagement sessions, the detail of works at the A13 junction and the ASDA roundabout will need to be prepared at detailed design stage by the Contractor, and the traffic management arrangements for these works set out in the post consent Traffic Management Plans on which Thurrock Council will be consulted.</p> <p>A further discussion on this matter was held on 19 June 2023. The Council confirmed that its review of the updated construction model information is ongoing, which is now included in their LIR. The Applicant requested that the Council particularise specific concerns on the modelling for further discussions. This matter is not agreed, due to both parties'</p>		

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			positions remaining unchanged.		
<p>Modelling WNI Changes to A13/Orsett Cock Junction Arrangements Overall impacts of the Project on local roads</p>	<p>2.1.153 RRE, LIR</p>	<p>The Council review of National Highways' latest strategic modelling (LTAM DCOV2) has determined that there are impacts of the LTC on Thurrock's LRN at:</p> <ul style="list-style-type: none"> • A13 Orsett Cock roundabout; significantly increased traffic flow (14% in the AM and 19% in the PM peak in comparison with the DM model) negatively impacting on the operational performance of the junction (increasing delays and queuing) and reducing capacity for future local plan growth • Brentwood Road south of the Orsett Cock junction – significantly increased traffic flow (ranging between 11% and 82%) with associated safety, noise and air quality impacts on local communities • Buckingham Hill Rd (increase of 24% in traffic flow in the PM) • A1012 Elizabeth Rd (increase in traffic flow of 7% in the AM and 14% in the PM) • Rectory Road, Orsett Village (increase in traffic flow of 18% in AM and 20% in PM) • B1007 North Hill in Horndon (increase of 4% in the AM peak) 	<p>The Applicant has communicated the impacts of the Project in previous consultations. However, the Applicant is continuing to actively engage with stakeholders regarding the traffic impacts of the Project. As part of this programme, the Applicant has supplied outputs from the modelling and held appropriate technical meetings, supported by further data assistance where necessary. This will enable a well-founded discussion of the Applicant's response to these concerns. The DCO application contains the results of further traffic assessments and presents the traffic conditions on the wider road network.</p> <p>The Applicant recognises that as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Thurrock, this will lead to beneficial impacts on the network, and in some cases will lead to adverse impacts. Overall, the benefits on the road network outweigh the adverse impacts, and this is reflected in the positive economic benefit of the Project within Thurrock. The Applicant has identified the adverse impacts on traffic flows across the local road network, and this assessment has been set out in the</p>	<p>Transport Assessment [REP4-148 to REP4-152] Environmental Statement [APP-138 to APP-486] Wider Network Impacts Management and Monitoring Plan [APP-545]</p>	<p>Matter Not Agreed</p>

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		<ul style="list-style-type: none"> S. Chadwell Hill, Chadwell St Mary (increase of 11% in the AM and 6% in the PM) Muckingford Road (increase of 32% in traffic flow in the PM) The Council sets out its view on this in the LIR Section 9.4 and Appendix C Annex 1 Sub-Annex 1.1 	<p>Transport Assessment and wider Environmental Statement documentation within the DCO application. The Applicant has assessed the wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014), and considers that the adverse impacts are acceptable under this policy.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Road safety Incident Modelling	2.1.154 LIR	<p>The effects of incidents on the LTC have not been tested and presented to the Council, to understand the local roads that will be at risk of impact. Mitigation measures should be incorporated to minimise the use of unsuitable routes.</p> <p>A COBALT analysis has been undertaken and the results provided to the Council. Thurrock specific A Roads of the A13 and A1089 reported in the information shared states there is a 16.8% and 8.8% increase in the total number of accidents per vehicle kilometre driven as a result of the Project. This is a key concern with the SERP Vision Zero target.</p> <p>It is understood the scheme would have an impact on the number of incidents recorded in the future, however, mitigation is not</p>	<p>Safety is the Applicant's highest priority. The new crossing will be designed and built to the standards recommended today, but the Applicant will continue to adapt its plans to incorporate advances in safety design and technology that will come forward in the years ahead to minimise the number and severity of incidents. When incidents do occur, the design includes technology to quickly detect and respond, supplemented by operational resources available to attend incidents, minimising the duration and impact.</p> <p>In the event of an incident occurring, the National Highways Regional Operations Centre will liaise with the various emergency services, Traffic Officers, the Applicant's network maintainers and other</p>	<p>Transport Assessment (TA) [REP4-148] to [REP4-152] ComMA Appendix D: Economic Appraisal Package – Economic Appraisal Report [APP-526] Need for the Project [APP-494] Planning</p>	Matter Not Agreed

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		<p>proposed on the local roads, given the statement "Local accident rates were derived mainly for the SRN roads within the appraisal area for which local accident rate information could be derived.</p> <p>The Council sets out its view on this in the LIR Section 7.3 and 9.9</p>	<p>network authorities to ensure that any delays are kept to a minimum; that incidents are cleared within National Highways' response times; and any diversions are managed in line with agreements with other network authorities. In addition, the Applicant will use multiple communications channels to advise motorists of traffic conditions so that that they can adjust their journeys to suit.</p> <p>It should be noted that the TA reflects the operational modelling that forms the basis of the DCO application. Discussions relating to the operational protocols will continue through until scheme opening, and then beyond as the Applicant continues its statutory duty to operate the strategic road network.</p> <p>While it is forecast that there is likely to be a small increase in collision numbers as a result of more traffic in the area appraised, there would be a reduction in the collision rate (collisions per vehicle mile travelled) as a result of a managed, less congested network. This is further detailed in the Appendix D (Economic Appraisal Report) of the Combined Modelling and Appraisal Report.</p> <p>A further discussion on this matter was held on 19 June 2023. In response to the Council stating its concerns with the</p>	<p>Statement [APP-495]</p>	

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			<p>impacts of closures at Dartford, the Applicant clarified that the Project's approach has been explained in the Planning Statement and Need for the Project documents. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
<p>Combined Modelling and Appraisal Report (ComMA) Combined Modelling and Appraisal Report (ComMA)</p>	<p>2.1.155 RRE, LIR</p>	<p>Thurrock Council have raised the following points further to a review of the ComMA:</p> <ol style="list-style-type: none"> 1. The justification of the scheme should be explained given its weak economic case. 2. Further details should be provided on how construction disbenefits are calculated and how these have been refined. 3. Further details should be provided on how economic appraisal outputs are consistent with the case for change, including whether the scheme objectives have been met. 4. The spatial distribution of the benefits attributed to Thurrock should be provided. 5. Further consideration should be made of the potential impacts on the scheme VfM of increased participation of activities via digital means. 6. Air quality impacts should be assessed for scenarios likely to have worse impacts than those of the core scenario such as the 	<ol style="list-style-type: none"> 1. The justification for the Project is set out in the Need for the Project. 2. The Applicant has revised the construction proposals and undertaken new modelling of the impacts. The Applicant has reviewed how the construction impacts were assessed, and has revised the approach for the DCO submission. 3. The case for change, including consideration of the Scheme Objectives, is set out in the Need for the Project. 4. The lowest sector (spatial area) at which the economic benefits are assessed, considers Thurrock as a single unit. A more granular breakdown of spatial distribution does not exist within Thurrock. 5. The Applicant interprets this to be a reference to changing travel demands as a result of increases in the numbers of people working from home and similar societal changes. The Applicant has 	<p>ComMA [APP-518] Need for the Project [APP-494]</p>	<p>Matter Not Agreed</p>

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		<p>High Growth scenario, instead of assuming them to be equal to those of the core scenario as has been done.</p> <p>The Council sets out its view on this in the LIR Section 7.3</p>	<p>prepared its assessments to reflect government guidance, and therefore followed the standard approaches set by the Government. The Applicant is aware that there will be future guidance on different scenarios and will consider the implications of them for the Lower Thames Crossing, once these are released.</p> <p>6. The Applicant has prepared the assessments to reflect government guidance, and therefore followed the standard approaches and conventions that apply for this analysis. This includes the convention of standardising the assessment of the GHG implications using the Core Scenario.</p> <p>The Applicant has shared earlier versions of this assessment. The ComMA was shared at DCO submission.</p> <p>A further discussion on this matter was held on 19 June 2023 and both parties realised that although the majority of these comments were made on a previous version of the ComMA, the Council still has overarching concerns about the points presented in the matter. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		

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<p>Combined Modelling and Appraisal Report (ComMA) Value for money</p>	<p>2.1.156 DL-3 RRE, RRN, LIR</p>	<p>Increasing scheme costs over the past 4 years and scheme benefits decreasing mean that Thurrock Council are unclear on the benefits of the scheme and do not consider that it currently provides value for money.</p> <p>The Council is undertaking further work on the economic costs of the proposed scheme. The modelling included in the ComMA does not incorporate the DfT's Uncertainty Toolkit guidance sufficiently and is based upon superseded traffic forecasts (NTEM7.2 rather than the most recent NTEM8).</p> <ul style="list-style-type: none"> The consequences of late sharing of the OBC and these increasing costs is that the Council has not had sufficient time to scrutinise the OBC. <p>Furthermore, the resulting Benefit Cost Ratio (BCR) has been reducing and is currently set at between 1.09 – 1.36, depending on the growth scenario used – this is categorised by DfT as a 'low' value for money category. Clearly, by updating the costs, the OBC and recognising the disbenefits more clearly and the lack of the scheme achieving its objectives, is likely to cause this BCR to reduce further.</p> <p>The economic impact assessment of</p>	<p>The Applicant considers that the Project does provide value for money. A ComMA forms part of the DCO application. This includes an Economic Appraisal Report (as Appendix D), reflecting the latest scheme cost estimates and calculated benefits, while incorporating updated guidance from the DfT. It also will address the concerns raised by Thurrock Council that the information provided with the previous submission had been superseded.</p> <p>The Project BCR has been updated at each stage to reflect both the modelling outcomes and the government guidance at that stage. While the BCR has changed over time, as the changes have reflected changing government guidance, individual BCRs cannot be compared on a like-for-like basis, and it is not appropriate to extrapolate trends.</p> <p>The economic appraisal of the Project has been produced following the Transport Analysis Guidance from the Department for Transport. Values and methodology as were current at the time the valuation was made. For the DCO application, this is as is set out in the Combined Modelling and Appraisal Report. NTEM v8.0 was published in November 2022, after the DCO submission. Likewise, the NTEM v8.0 traffic growth forecasts for the Common</p>	<p>ComMA [APP-518] ComMA Appendix D: Economic Appraisal Package – Economic Appraisal Report [APP-526]</p>	<p>Matter Not Agreed</p>

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		<p>carbon from National Highways keeps changing, i.e. in 2020 the Outline Business Case established a cost of carbon of £122m and this has increased to £528m in 2022. The difference has not been explained. Any additional increase would further reduce the 'Value for Money' of the scheme.</p> <p>The Council sets out its view on the weaknesses in the benefits case for the scheme in the LIR Section 7.</p>	<p>Analytical Scenarios were published in December 2022, after the DCO submission. The transport modelling presented in ComMA Appendix C: Transport Forecasting Package was carried out using DfT's Transport Appraisal Guidance, and associated data books at the time the modelling was undertaken in early 2022.</p> <p>The Outline Business Case was produced in 2020, with the appraisal undertaken for the DCO application undertaken in 2022. Changes in this time that affected the appraisal include:</p> <ul style="list-style-type: none"> • Changes to TAG guidance – only tailpipe carbon emissions were included in the OBC, whereas the DCO application in 2022 also included construction carbon emissions, maintenance and renewals. • Increases in the unit values of greenhouse gases (GHG). • The version and forecast years of the Project's transport model used in each appraisal. • A change to the methodology that GHG emissions were calculated (TUBA for the OBC appraisal, and the Department for Environment, Food and Rural Affairs Emission Factor Toolkit 		

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			<p>(v11) for the DCO appraisal).</p> <p>The value quoted (-£122m) by the authority within its Relevant Representation as from the OBC, is from the withdrawn DCO application submitted in 2020. The value of -£523m is not recognised by the Applicant; the value within the DCO application is -£528m as is set out in paragraph 8.5.11 of Combined Modelling and Appraisal Report Appendix D: Economic Appraisal Package – Economic Appraisal Report. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Modelling output interpretations Limited relief to the Dartford Crossing</p>	<p>2.1.157 RRE, LIR</p>	<p>Thurrock Council are concerned that the relief to the Dartford Crossing is limited and that there is marginal benefit by 2045. The Council sets out its view on this in the LIR Section 7.4.</p>	<p>The Applicant's traffic modelling has demonstrated the benefits to the Dartford Crossing in the opening year and the design year, as well as the future flows at the Dartford Crossing in the counterfactual scenario (Do Minimum) where the Lower Thames Crossing is not built. This information has been shared at consultation and the latest traffic forecasts have been supplied to demonstrate the forecast performance that is set out in the DCO resubmission as part of the Transport Assessment.</p> <p>Thurrock Council has made public statements about its interpreted performance of the Dartford Crossing. Although the Council has not been clear</p>	<p>Transport Assessment [REP4-148 to REP4-152]</p>	<p>Matter Not Agreed</p>

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			<p>how it calculated the figures in its claims, the source of its data or what year it relates to, it appears the Council is comparing traffic levels which used the Dartford Crossing in 2016 with those predicted to use the crossing in 2045. In doing so, the Council has assumed there will be no increase in traffic using the Dartford Crossing for nearly 30 years. Traffic levels are already higher than in 2016. If the Lower Thames Crossing is not built, in 2045 it is expected that traffic levels using Dartford will be 13% higher in the AM peak and 27% higher in the PM peak than in 2016. Traffic levels are already above the capacity of the Dartford Crossing, which carries around 150,000 vehicles a day and 180,000 on some of the busiest days. In the year the road is planned to open, 2030, the Applicant's traffic modelling shows that traffic levels on the Dartford Crossing are predicted on average to fall by around 19%, with a 17% reduction in the AM peak and a 21% reduction in the PM peak. Even after the road has been open for 15 years, traffic levels using the Dartford Crossing are still predicted on average to fall by 14%, and by 9% in the AM peak and 17% in the PM peak. These figures compare predicted traffic levels in 2030 and 2045; they do not compare traffic levels with</p>		

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			<p>2016. The Applicant has never claimed that traffic levels using the Dartford Crossing will remain the same in 2045 as they were in 2016; however, it appears that is what Thurrock Council is seeking to claim.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Rebasing of LTAM	2.1.289 DL-3 RRN, LIR	<p>The Council have concerns around the need to rebase the LTAM to reflect the delay to the scheme, which was the subject of the Ministerial Statement (PD-011). It is now known that the scheme will be delivered at the earliest by 2032, (rather than the previously assumed opening year of 2030), some 16 years after the current baseline data. This is clearly not in line with DfT guidance about the use of data. (para. 20)</p> <p>There is therefore significant uncertainty about the validity of the forecasts, and the implications of this are exacerbated now that scheme opening is two years into the 5 year flexibility window proposed by NH in the draft DCO.</p> <p>The Council sets out its view on this in the LIR Section 7.8.</p>	<p>The Lower Thames Crossing DCO application has been developed in line with standard practice. The draft Development Consent Order sets a time limit on the start of works (article 2) as follows: '<i>The authorised development must begin no later than the expiration of 5 years beginning with the date that this Order comes into force.</i>' A two-year rephasing sits within this five year time limit. That five-year period is heavily precedented in DCOs across all sectors and is intended to accommodate circumstances such as this type of delay. DCO applications typically do not provide any sensitivity assessments associated with that five-year period of commencement flexibility, but instead reflect a reasonable worst-case scenario to provide adequate information for the Examining Authority and Secretary of State to reach conclusions on likely significant effects. Consequently, the DCO, if granted as drafted, would allow for this two-year</p>	Draft Development Consent Order [REP5-024]	Matter Not Agreed

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			<p>rephrase without any need for change in the Application documents, including the submitted assessments and the proposed powers sought within the draft Development Consent Order.</p> <p>Due to both parties' positions remaining unchanged on this matter, this matter is now not agreed.</p>		
Scheme Modelling	2.1.290 DL-3 RRN, LIR	<p>Due to Council concerns about future junction performance National Highways undertook a local VISSIM model of the LTC/A13/Orsett Cock Roundabout/A1089 interchange junction in 2021. These modelling results are now part of the DCO application as submitted at Deadline 1 to be included in the ExA's considerations.</p> <p>The Council is very concerned that National Highways has submitted the DCO application when it is clear that the NH modelling shows that LTC scheme does not work.</p> <p>The Council sets out its view on this in the LIR Section 9.4.</p>	<p>The Applicant and Thurrock Council undertook a joint collaborative exercise to produce a microsimulation model of the A13 Orsett Cock junction.</p> <p>The scenarios and flows were agreed with the Council as part of this process. This approach means that both parties are aware of what was to be included within the model and its purpose.</p> <p>The Applicant is satisfied that the microsimulation modelling results did not show that the junction, and therefore the Project, does not work or have unacceptable impacts.</p> <p>The model does include elements that are not part of the proposed DCO design. Nonetheless, the Applicant is satisfied that there is sufficient flexibility within the DCO to incorporate these through the detailed design process for further changes to be implemented as part of the design, and contends that this is a normal part of</p>	Transport Assessment [REP4-148 to REP4-152]	Matter Not Agreed.

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			<p>the process.</p> <p>The microsimulation modelling demonstrates that while some traffic would be slow moving on the approach to the Orsett Cock junction, this would not extend to either the A13 or Lower Thames Crossing carriageways. The vast majority of traffic using the Orsett Cock junction, while experiencing some delay at this junction, would benefit from overall time savings for their journey as a result of either using the Project, or through the relief to existing roads such as the A13.</p> <p>The Applicant recognises that, as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Thurrock, this will lead to beneficial impacts on the network, and in some cases will lead to adverse impacts. Overall, the benefits on the road network outweigh the adverse impacts, and this is reflected in the positive economic benefit of the Project within Thurrock. The Applicant has identified the adverse impacts on traffic flows across the local road network from the Project's strategic transport model, and this assessment has been set out in the Transport Assessment. Each of these impacts has been assessed and considered against policy requirements as</p>		

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			<p>set out in Appendix F of the Transport Assessment.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Performance of Manorway Junction	2.1.291 DL-3 RRN, LIR	<p>In May 2022 both the Council and DP World / London Gateway (DPWLG) sent a joint technical note to NH expressing concerns about the effect of LTC on the performance of Manorway Junction. This set out that NH must collaborate with the Council, DPWLG and other parties with interest in managing future growth/impact on the junction, to identify a scheme, determine proportionate funding contributions and mechanisms to ensure that the traffic generated by LTC does not contribute to conditions which inhibit port access.</p> <p>Although progress has been made with regards to microsimulation modelling (The forecast microsimulation models have been developed and provided to the Council by NH), the approach to the assessment of The Manorway completed by NH has a significant limitation. There is no Base Year microsimulation model of The Manorway and NH has solely relied on the flows from its strategic LTAM model to develop forecast VISSIM models of The Manorway roundabout. This is wholly inadequate</p>	<p>The Applicant has been working closely with the authority and DP World London Gateway (DPWLG) to develop a microsimulation model of the A13 Manorway junction. This uses observed data as well as information from the Project's transport model.</p> <p>The outputs from this assessment have been shared with both Thurrock Council and DPWLG.</p> <p>The Applicant recognises that, as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Thurrock, this will lead to beneficial impacts on the network, and in some cases will lead to adverse impacts. Overall, the benefits on the road network outweigh the adverse impacts, and this is reflected in the positive economic benefit of the Project within Thurrock. The Applicant has identified the adverse impacts on traffic flows across the local road network, and this assessment has been set out in the Transport Assessment. Each of these impacts has been assessed and</p>	<p>Transport Assessment [REP4-148 to REP4-152]</p> <p>Transport Assessment Appendix F: Wider Network Impacts Management and Monitoring Policy Compliance [APP-535]</p> <p>Wider Network Impacts Management and Monitoring Plan [APP-545]</p> <p>Transport Assessment [REP4-148 to REP4-152]</p>	Matter Not Agreed

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		<p>considering that LTAM is a large strategic multi-modal model and its accuracy to represent turning flows at junctions has not been checked.</p> <p>The Council sets out its view on this in the LIR Section 9.4 and at Appendix C Annex 1 Sub-Annex 1.4.</p> <p>The Council will respond on the local operational modelling of The Manorway interchange that has been submitted to the Examination by NH at D1, in preliminary form in the Council's D3 submission and in more detail in its D4 submission.</p>	<p>considered against policy requirements as set out in Appendix F of the Transport Assessment.</p> <p>The junction is identified within the Transport Assessment as forecast to have an adverse impact. In addition, the junction is one of the locations identified within Wider Network Impacts Management and Monitoring Plan, which means that monitoring would be undertaken at this location as set out within Chapter 5.</p> <p>Specifically in relation to the Orsett Cock junction, journey time analysis is set out in Chapter 7 of the Transport Assessment. Plate 7.37 shows that journey time analyses that have been conducted for routes passing through Orsett Cock or local to it including:</p> <ul style="list-style-type: none"> • Route 12 (A13, passing beneath the Orsett Cock junction) • Route 14 (A1013) • Route 18 (A128 Brentwood Road) • Route 21 (Rectory Road). <p>Journey time comparisons have been completed for these routes in 2030 (as included in Transport Assessment Appendix B: Journey Time Changes 2030, and show that the change in journey times along these routes is sometimes positive</p>	<p>Transport Assessment Appendix B: Journey Time Changes 2030 [APP-531]</p> <p>ComMA Appendix C: Transport Forecasting Package [APP-522]</p>	

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			<p>and sometimes negative. Where a negative change is forecasted (i.e. an increase in journey time), the increase is small in relative terms (max 5.1%) and in all cases, less than one minute.</p> <p>Specifically in relation to DP World London Gateway, Section 8.2 of Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package, provides journey time analysis for 2030 for a number of routes, including to and from DP World London Gateway to six locations (across a range of spatial locations that require use of different routes). For each of these, and in all three modelled time periods, the forecasts show that journey times would reduce.</p> <p>Within the Wider Network Impacts Management and Monitoring Plan, the Applicant sets out in Section 3.3 the work that has been undertaken with local highway authorities to consider the localised capacity or congestion issues.</p> <p>A validated baseline model could not be produced for Manorway junction as no data on traffic flows from 2016 was available. This was discussed and agreed with the Thurrock Council team at the time of the development of the scope for the Manorway localised junction model. This matter is not agreed, due to both parties'</p>		

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			positions remaining unchanged.		
Wider Network Impacts					
WNI approach Consideration of Wider Network Impacts	2.1.158 RRE, LIR	<p>The Council has concerns over the inadequate recognition of the likely impacts on the wider transport network in Thurrock and the lack of commitment to monitor and then mitigate effects on the wider network or junctions and local roads within Thurrock.</p> <p>1. If improvements/ mitigation are required then National Highways should legally commit to securing these measures and providing the relevant funding (possibly through suitable agreements/ requirements).</p> <p>2. There is no commitment to mitigate the known impacts on the LRN. National Highways does not provide any reassurance to LAs and the community that LTC's impacts on the wider road network will be mitigated.</p> <p>3. National Highways should identify impacts, including those on the LRN, as part of the evidence base for the DCO Examination and not defer this to a later date, at which stage the local authority may be little more than a consultee</p> <p>The Council also retains significant concerns about the impacts on the Local</p>	<p>The Applicant recognises that as a result of the Lower Thames Crossing opening, people will choose to make different journeys. In many places on the network, and within Thurrock, this will lead to beneficial impacts on the network, and in some cases will lead to adverse impacts. Overall, the benefits on the road network outweigh the adverse impacts, and this is reflected in the positive economic benefit of the Project within Thurrock. The Applicant has identified the adverse impacts on traffic flows across the local road network, and this assessment is set out in the Transport Assessment and wider Environmental Statement documentation within the DCO submission. The Applicant has assessed the wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014), and considers that the adverse impacts are acceptable under this policy.</p> <p>The Project is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of</p>	<p>Transport Assessment [REP4-148 to REP4-152]</p> <p>Environmental Statement [APP-138 to APP-486]</p> <p>Wider Network Impacts Management and Monitoring Plan [APP-545]</p> <p>Post-event submissions, including written submission of oral comments, for ISH4 [REP4-180]</p>	Matter Not Agreed

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		<p>Road Network and local communities as a consequence of the configuration of the A13 interchange and the induction of traffic by LTC.</p> <p>NH does not recognise the specific impacts on local communities and network within the DCO submitted documents and is entirely dismissive of the need for mitigation of wider impacts of LTC as set out in its Wider Networks Impacts Management and Monitoring Plan [APP-545].</p> <p>The Council has set out its views on local impact and mitigation impacts in Section 9.4 of the LIR, Section 14 and 18.6 – 18.8 of the Council D3 submission, Section 10 of the Council's D4 submission and post event submission for ISH4 at D4 and Section 3 and of the Council's D5 submission.</p>	<p>traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes.</p> <p>The Applicant is obligated to work with local authorities and others to align national and local plans and investments, balance national and local needs, and support better end-to-end journeys for road users (the Applicant's Licence from DfT, paragraph 5.19). The Applicant will continue to deliver against this obligation in its collaborative work with local authorities.</p> <p>The Project position is set out in the Wider Network Impacts Management and Monitoring Plan (WNIMMP) and was set out at ISH4 as documented in the Applicant's Post-event submission. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Local WNI concerns Roads and junctions of concern</p>	<p>2.1.159 (also refer to SoCG item 2.1.92) RRE, LIR</p>	<p>Thurrock Council have identified that there may be adverse impacts at a number of locations including the following:</p> <ol style="list-style-type: none"> 1) A13 interchange and Orsett Cock, 2) The Manorway roundabout, 3) ASDA roundabout, 4) Daneholes roundabout and 	<p>The Applicant continues to actively engage with stakeholders regarding the traffic impacts of the Project. As part of this programme the Applicant has supplied outputs from its modelling and held appropriate technical meetings, supported by further data assistance where necessary. The DCO application will</p>	<p>Wider Network Impacts Management and Monitoring Plan [APP-545] Draft</p>	<p>Matter Not Agreed</p>

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		<p>5) Marshfoot Road junction. 6) A1013 (Daneholes roundabout), B149, Marshfoot Road. 7) Marshfoot priority junction (with slips to A1089). 8) Brentwood Road and Chadwell Hill, Chadwell St Mary. 9) A1012/Lodge Lane/Long Lane Roundabout. 10) Stifford Clays Road. 11) A13/A126 eastbound off slip. 12) M25 J30 – Mardyke Interchange. 13) Devonshire Road/A1012/Hogg Lane.</p> <p>Thurrock Council is of the view that locally validated junction modelling should be carried out at key pressure points on the network, using accurate baseline traffic data for validation. Where this work indicates further mitigation is required, this should be secured through the DCO or through a separate legal agreement. This should inform mitigation and the Wider Network Impacts Management and Monitoring Plan, which the Council would seek to review prior to DCO submission.</p> <p>Localised operational modelling has been submitted to the Examination by NH at D1 for the Orsett Cock interchange, The Manorway and an East-West model. That</p>	<p>contain the results of the traffic assessments and present the traffic conditions on the wider road network. The Applicant considered comments when preparing the DCO application documents for submission to ensure confidence can be provided about the nature of future traffic conditions.</p> <p>The Applicant has worked with Thurrock Council to conduct a series of workshops and modelling exercises to interrogate the impacts of the Project on the wider road network in more detail, led by the outputs from the main scheme modelling which has been shared with authorities. The Applicant is currently in joint discussions with relevant authorities in accordance with licence obligations to work with others to align national and local plans and investments, balance national and local needs, and support better end-to-end journeys for road users.</p> <p>The Applicant has been undertaking local junction modelling on several junctions on the Thurrock road network (such as Orsett Cock and Manorway), with the model outputs being shared through a series of collaborative workshops and documents.</p> <p>The Applicant's position on the traffic impacts on the wider road network is set</p>	<p>Development Consent Order [REP5-024]</p>	

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		<p>will be reviewed by the Council and responded to.</p> <p>Preliminary base and forecast models for the Orsett Cock interchange were issued to the Council prior to DCO submission and the Council's review of those models is provided at Appendix C Annex 1 Sub-Annex 1.3.</p>	<p>out above. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Local WNI concerns Impact on Orsett Village and Rat running</p>	<p>2.1.160 (also refer to SoCG item 2.1.147) RRE, LIR</p>	<p>There is concern that the modelling demonstrates an increase in traffic through Orsett village and Rectory Road. Traffic levels and delays at Orsett Cock are also likely to be underestimated. Traffic management is necessary in Orsett. The Council has set out its views on local impact in Section 9.4 of the LIR. In addition, the Council will set out its more detailed views once the localised modelling report has been assessed.</p>	<p>The Applicant is continuing to actively engage with relevant authorities regarding the traffic impacts of the Project. As part of this programme the Applicant has supplied outputs from its modelling and held appropriate technical meetings, supported by further data assistance where necessary.</p> <p>During the continual development of the LTAM, the location of a zone connector near the Orsett Cock junction was adjusted. This resulted in minimal differences on forecast flows on roads in the area (including Rectory Road). The base year model was recently re-validated for 2016 to make use of an additional traffic count in the area, provided by Thurrock Council. This model validation includes the new location of the zone connector and is reported in the Transport Modelling Package, as part of the DCO submission.</p> <p>The Applicant recognises the increasing</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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			<p>focus on development in this area will continue to put pressure on the local road network. As a result, the Applicant will continue to discuss connections onto the Orsett Cock roundabout during the detailed design of the Project. In addition, and separately from the Project's DCO, the Applicant will discuss the proposed trunking order for the A13 in this area. Impacts on Orsett village and the potential for rat running will form part of these discussions.</p> <p>A further discussion on this matter was held on 19 June 2023. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
<p>Monitoring approach Impacts at Daneholes Roundabout and Daneholes Roundabout Enhancement</p>	<p>2.1.161 RRE, LIR</p>	<p>Rat-running should be monitored including Daneholes roundabout and routes via Chadwell St Mary. National Highways traffic modelling indicates there could be additional flows along the A1013 leading to this junction and this could impact upon congestion. This is an important route for buses leading into Grays and so it is proposed that a bus lane is added (as an outside lane) to the A1013 approach. The National Highways traffic modelling indicates there could be additional flows along the A1013 leading to this junction and this could impact upon congestion.</p>	<p>Thurrock Council has been undertaking a review of the latest modelling to understand the impact at this junction. If it is appropriate that the changing levels of traffic warrant further consideration at this location, the Applicant has agreed to fund a study into potential interventions, allowing them to be developed and appraised at SOBC level, as part of the Applicant's duty to collaborate with local authorities.</p> <p>A further discussion on this matter was held on 19 June 2023. Thurrock Council's understanding of the impact at this junction</p>	<p>Localised Traffic Modelling Appendix E: Thurrock East-West VISSIM Local Model Validation Report [REP1-191] Localised Traffic Modelling</p>	<p>Matter Under Discussion</p>

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		<p>This is an important route for buses leading into Grays and so it is proposed that a bus lane is added (as an outside lane) to the A1013 approach. However, review of latest LTAM model is underway to determine if further work or an additional bus lane is required.</p> <p>An East-West local operational modelling has been submitted to the Examination at D1. The Council will respond to that submission.</p> <p>The Council has set out its views on the evidence provided prior to D1 at Appendix 1 Annex 1 Sub-Annex 1.1 and summarise in Section 9.4 of the LIR.</p>	<p>is dependent on the Applicant sharing the East-West model, which was subsequently provided in July 2023 in addition to the information included at Localised Traffic Modelling Appendix E and Appendix F of the Localised Traffic Modelling submitted at DL-1. Further discussions will be undertaken after a review of the model is complete and if both parties decide that the work set out in the study should be completed. This issue remains under discussion.</p>	<p>Appendix F: Thurrock East-West Forecasting Report [REP1-192]</p>	
<p>WNI approach Traffic Management Measures in Orsett, Horndon and Chadwell</p>	<p>2.1.162 RRE, LIR</p>	<p>Mitigation for additional traffic movements on local roads both during construction and operation through local settlements, including HGV movements, to avoid further diversion of traffic on other local routes.</p> <p>The Council has set out its views on local impact in Section 9.4 of the LIR.</p> <p>The Council continues to have significant concerns relating to the potential harm to local communities and local travel networks are not resolved by NH. The Council has given details of the areas of harm and expect NH to respond to and resolve those impacts.</p> <p>The proposed WNIMMP is far from</p>	<p>The Applicant acknowledges that there are adverse impacts on selected local roads but has demonstrated that the benefits from improved traffic flows across Thurrock outweigh the adverse impacts. This is set out in the approach to Wider Network Impacts. The Applicant is continuing to actively engage with stakeholders regarding the traffic impacts of the Project. As part of this programme the Applicant has supplied outputs from its modelling and held appropriate technical meetings, supported by further data assistance where necessary. This will subsequently enable a well-founded discussion of the Applicant's</p>	<p>Transport Assessment [REP4-148] to [REP4-152] Outline Traffic Management Plan for Construction (oTMPfC) [REP5-056]</p>	<p>Matter Not Agreed</p>

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		<p>adequate and provides no assurance that these local impacts would be resolved either prior to or post scheme completion.</p> <p>Discussions are being encouraged by the Examining Authority on the prospect of a mitigation Requirement, however, those discussion are not developed, currently.</p> <p>This item is a Matter Not Agreed.</p>	<p>response to these concerns. The DCO application contains the results of further traffic assessments and presents the traffic conditions on the wider road network. The Applicant's position on wider network impacts is set out in item 2.1.158.</p> <p>The Applicant has engaged in discussions about the construction phase impacts at these locations, and has set out management processes in the oTMPfC. A further discussion on this matter was held on 19 June and 20 September 2023.</p> <p>Thurrock Council are preparing a report regarding potential traffic control measures including within Orsett village. However, the Council have confirmed that this report will not be ready by the end of Examination. The Applicant is confident that the oTMPfC provides adequate measures to mitigate the impacts around traffic impacts on Orsett (e.g. development of detailed measures within the TMP, the establishment of the TMF and monitoring), a position which the Council disagrees with. This matter is now not agreed.</p>		
<p>WNI approach Specific Comments on Wider Network Impact</p>	<p>2.1.163 (also refer to SoCG item</p>	<p>1. The document should recognise interventions that may be required across a geographic area rather than at specific junctions only</p> <p>2. The timeframe for delivering interventions required to mitigate impacts</p>	<p>1. The updated WNIMMP is based on the traffic modelling findings presented within the Transport Assessment, which has identified a number of areas (some of which are already subject to congestion or operating near capacity) where the forecast</p>	<p>Wider Network Impacts Management and Monitoring Plan</p>	<p>Matter Not Agreed</p>

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Monitoring and Mitigation Plan (WNIMMP)	2.1.158) RRE, LIR	<p>would be 5 – 10 years following opening due to need to undertake traffic monitoring (one year and five year) and subsequent suitability assessments. The WNIMMP should include scope for fast-track scheme development and/or delivery of early interventions (after year one monitoring).</p> <p>3. A commitment to funding the work required to identify, assess and develop business cases etc for interventions should also be provided</p> <p>4. WNIMMP in Table 2.1 should include local road network interventions in the Orsett Village, Rectory Road and Baker Street area and Chadwell St Mary area identified by the Council.</p> <p>The Council sets out its review of the WNIMMP at Section 15.6 of its LIR.</p>	<p>changes in traffic flows create conditions that could cause further capacity effects on the wider road network. The Applicant has assessed the wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014), and considers that the adverse impacts are acceptable under this policy. Nonetheless, the Applicant understands the importance of its statutory obligations as a strategic highway company, and will continue engagement with all the relevant local highways authorities. This has been focused around working collaboratively on authorities' development of local plans, effective management of the strategic road network, and management of the interfaces between the strategic road network and the local road network in local authority areas.</p> <p>2. As noted above, while interventions for the wider network impacts identified are not incorporated in the DCO submission, the Applicant is cognisant of its wider responsibility, and has been working collaboratively with the local highway authorities to consider the localised capacity or congestion issues. The Applicant will continue to provide support to help understand what projects local highway authorities may wish to develop</p>	[APP-545]	

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			<p>and to submit for funding consideration; and has participated in some early studies which have been progressed in parallel to the ongoing Project development work, to identify potential solutions to form the basis of bids for funding. Assessment and prioritisation of those schemes must be properly dealt with through the relevant investment approval processes, including any intervention that requires obtaining its own consent (e.g. DCO).</p> <p>3. Following on from above, the Applicant will continue to help define the funding opportunities available to local authorities for different types of road investment.</p> <p>4. In the event that the traffic impact monitoring and the approved assessment identifies that future investment would be suitable, the Applicant would work in partnership with the relevant local highway authorities to provide support, as part of the Applicant's statutory obligations.</p> <p>A further discussion on this matter was held on 19 June 2023. Both parties agreed that although these comments are made on a previous version of the WNIMMP, this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		

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<p>Monitoring approach Monitoring for the Traffic Monitoring Scheme</p>	<p>2.1.164 (also refer to SoCG item 2.1.158) RRE, LIR</p>	<p>Further work is required by National Highways to select and agree the locations to be assessed in the traffic impact monitoring scheme submitted for approval under the traffic monitoring requirement of Schedule 2 to the draft DCO, in particular on local roads.</p> <p>1. This includes along the A1013, B149, and at Daneholes Roundabout and on local roads through Chadwell St Mary and Orsett Village.</p> <p>2. Junctions such as The Manorway roundabout, Orsett Cock junction, ASDA roundabout and Marshfoot priority junction should also be monitored.</p> <p>3. Reliability of journey times, congestion, incidents, noise and air quality are also important to monitor</p> <p>The WNIMMP needs to state the exact level of change required for triggering of any additional mitigation</p> <p>The Council sets out its review of the WNIMMP at Section 15.6 of its LIR. The stance taken by NH is not acceptable and leaves the Council the burden of resolving impacts that are already forecast to be created by LTC. That mitigation must be secured through the DCO and not left for unsecured and uncertain future funding.</p> <p>Whilst the Council are content that</p>	<p>1,2. Monitoring locations</p> <p>The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes.</p> <p>An updated WNIMMP was included in the application, providing information about the proposed traffic monitoring.</p> <p>The Applicant has also provided a briefing on the changes made to the WNIMMP since a draft version was shared in the July 2021 Community Impacts Consultation.</p> <p>The locations to be monitored under the monitoring scheme would be:</p> <ul style="list-style-type: none"> • those set out below as part of the Management and Monitoring Plan; and • those selected following engagement with the relevant local highway authorities, before formally consulting them during the Requirement 14 approval process. <p>With regard to the first point, the Applicant</p>	<p>Wider Network Impacts Management and Monitoring Plan [APP-545] Draft Development Consent Order [REP5-024] Post-event submissions, including written submission of oral comments, for ISH4 [REP4-180]</p>	<p>Matter Not Agreed</p>

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		<p>monitoring will be undertaken the locations are yet to be agreed and there is no agreement on actions to be taken should the monitoring reveal issues. Therefore, the matter is still a Matter Under Discussion.</p> <p>The Council's position was set out in the Post-event submission for ISH4 and in Section 3 and the Joint Position Statement in its D5 submission.</p> <p>The Council will be making further commentary in its D6 submission, but this Matter remains a Matter Not Agreed.</p>	<p>has identified locations on the SRN that are geographically close to the A122 junctions. In addition, as one of the principal purposes of the SRN is to enable journeys between major ports, links to the two ports located closest to the A122 have been included. The identified junctions constitute the nearest and second nearest junctions on the SRN and MRN located adjacent to the junctions with the A122, the A2, the A13 and the M25. In addition to the monitoring locations identified by the Applicant above, the monitoring locations proposed in response to the previous Community Impacts Consultation and the <i>You Said We Did</i> (YSWD) Consultation would also be included.</p> <p>With regard to the second point, additional monitoring locations proposed through local highway authority engagement (before formal consultation on the Requirement 14 approval process) would be considered with proposals put forward during the formal consultation on the monitoring scheme.</p> <p>3. Monitoring criteria</p> <p>The document states that monitoring would be undertaken using standard methodologies available at the time of data collection. This may include automatic traffic counters (ATCs), video surveys</p>		

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			<p>and/or Global Positioning System (GPS) data. Traffic monitoring would be undertaken to identify localised delays and/or any worsening of network performance through the analysis of traffic flows/change in flows, traffic routes, journey times/journey time reliability, junction performance, traffic composition and road safety. Detailed development of the methodology to be employed within the monitoring scheme will be a key part of the consultation undertaken prior to the submission to Secretary of State for approval. The project position on operational air quality and noise monitoring is presented under SoCG Item No. 2.1.198 (operational air quality and noise monitoring).</p> <p>Trigger for any additional mitigation</p> <p>Trigger points are not being set in the WNIMMP. The Applicant's position on how the WNIMMP functions was set out in ISH4 and was documented in the Applicant's Post-event submission. However, data collected by the monitoring scheme would be used by local authorities as evidence within their intervention case making.</p> <p>The traffic impact monitoring scheme will be secured in Schedule 2 of the draft Development Consent Order and would require approval by the Secretary of State,</p>		

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			<p>after consultation with relevant local highway authorities, which would begin one year before the tunnel area opens.</p> <p>A further discussion on this matter was held on 19 June 2023. Thurrock Council indicated it was content with the monitoring scheme itself. However, subsequently the Council updated this matter to reflect its concern relating to the lack of criteria and so changed the status to Matter Under Discussion. As the Council still disagrees with the Applicant's position on the wider network impact (recorded under item 2.1.158 above), and the Applicant's position remains unchanged, this matter is now not agreed.</p>		
<p>Non-Project highway improvements Delivering Tilbury Link Road (TLR) as part of the Project</p>	<p>2.1.165 RRE, LIR</p>	<p>The Council would like the TLR to be delivered as part of LTC and are opposed to its removal from the LTC proposals. Its inclusion would support the delivery of Thames Freeport, the planned growth of the Port of Tilbury, the expansion of DP World, the delivery of Thurrock's emerging Local Plan's employment and housing growth and avoiding unnecessary impacts of HGVs accessing LTC on local roads and communities.</p> <p>Recent correspondence with National Highways casts serious doubts over the eligibility of the TLR for funding via any</p>	<p>The Tilbury Link Road has been identified in the RIS2 as part of the RIS3 pipeline of projects. During the review of the Project undertaken when the Thames Freeport was designated, the Applicant sought direction and received instruction from DfT and Department for Levelling up, Housing and Communities (DLUHC), that the Tilbury Link Road should be progressed through a separate consenting process to the Lower Thames Crossing.</p> <p>The revised design at Tilbury Fields provides an operational access, with no access for public traffic on or off the Project</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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		<p>future RIS3 programme, therefore the Council believes that the most efficient way of delivering the TLR is as part of the LTC scheme.</p> <p>1. The Council believe adding this to the scheme now would take 12-18 months more than a LTC only DCO. National Highways has suggested that a combined LTC / TLR DCO would add 4 years to the delivery programme making it an unacceptable option.</p> <p>2. If TLR cannot be added to the LTC DCO, it is essential to accelerate its delivery using alternative funding and delivery mechanisms (before RIS3, in line with the delivery of LTC). There must be a firm legal commitment from National Highways/DfT for its provision.</p> <p>The Council has set out its views on proposed amendments to the scheme at Section 8.5 including the need for the TLR to be provided as part of LTC.</p>	<p>road at this location. This operations and emergency access has not been designed specifically for any particular future connection into the local road network; however, if the local authority or a third-party stakeholder is considering any future development, they would need to liaise with National Highways Spatial Planning to develop their proposals. Any new road connecting to the Project at this point would have to follow the relevant planning process at the appropriate time.</p> <p>The Applicant disagrees with the Council's statement on development timeframes and considers that the proposed change would take substantially longer. As the Tilbury Link Road is within the RIS3 pipeline, it is not possible to bypass the government investment decision process by committing to funding for the consenting and construction of the Tilbury Link Road within the Project's DCO. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Non-Project highway improvement Evidence for removal of TLR from Project</p>	<p>2.1.166 LIR</p>	<p>Though originally included in the DfT's non-statutory consultation (2016) and HE Scoping Report for the LTC scheme (2017), the TLR was dropped from LTC proposals. The reasons for not including the TLR were set out in the 'Approach to Design, Construction and Operation' in July</p>	<p>The TLR has been identified in the RIS2 as part of the RIS3 pipeline of projects. During the review of the Project undertaken when the Thames Freeport was designated, the Applicant sought direction and received instruction from DfT and DLUHC that the Tilbury Link Road should be delivered</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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proposals		<p>2018, which have been countered by the Council in the formal CIC response. These are not considered valid or adequate by the Council but seem to have guided National Highways" approach since that time, even though some reasons are now out of date.</p> <p>The Council has set out its views on proposed amendments to the scheme at Section 8.5 including the need for the TLR to be provided as part of LTC.</p>	<p>through a separate consenting process to the Lower Thames Crossing. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Non-Project highways improvements Modelling the TLR link</p>	2.1.167 LIR	<p>National Highways has ruled out delivering TLR as part of the LTC DCO application but the supporting modelling work from LTAM associated with any options appraisal for the TLR has been provided to the Council. The Council has used the LTAM model runs provided by NH to analyse the provision of TLR and provision/adequacy of the Tilbury junction for future needs.</p> <p>The Council has set out its views on modelling in Section 8 of the LIR and provides at Appendix B Annex 2 and Appendix C Annex 2 Sub-Annex 2.3 it review of the modelling of alternative configurations of the A13/A1089/LTC interchange with and without a connection at Tilbury and the TLR. Those reviews demonstrate the local benefits of the TLR and that the operational and emergency</p>	<p>Fortnightly traffic modelling sessions with Thurrock Council have been undertaken. LTAM model runs with the Tilbury Link Road have been undertaken, with the outputs shared with the Council.</p> <p>The Applicant continues to engage with Thurrock Council on the Tilbury Link Road project, which is being considered separately to the Lower Thames Crossing. Until such a time as a preferred route is determined for the Tilbury Link Road project, it is not possible for the Applicant to determine whether changes would be required to the operational access provided at the North Portal to connect.</p> <p>During the development of operational access, an analysis of the configuration of a connection was undertaken. This showed that in principle a road could be delivered connecting to the operational access,</p>	N/A	Matter Not Agreed

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		access as proposed by NH is not appropriate for future expansion to provide a local link to Thurrock.	noting that without definition of the nature of any connection, it is not possible to determine the sufficiency of the current design to accommodate such a connection. A further discussion on this matter was held on 19 June 2023 and Thurrock Council indicated that they were satisfied with the Applicant's position however on further consideration they have reverted this to a matter not agreed.		
<p>Local WNI concerns Potential route of the TLR and impacts</p>	2.1.168	<p>It is clear that access to the Port of Tilbury, once the LTC scheme is completed and operational, will be circuitous from the LTC north and southbound. The local A roads and unclassified roads/junctions are not designed to accommodate these increases in traffic and/or HGV traffic. There are safety, air quality and noise concerns relating to increasing traffic and HGVs, particularly related to the schools, residential dwellings, and local bus services along these routes.</p> <p>The Council has set out its views on local air quality and noise impact in Section 10.2 and 10.3 of the LIR.</p>	<p>The Port of Tilbury benefits from the provision of direct, new free-flowing connections from the A1089 northbound onto the Lower Thames Crossing, from where traffic can travel onto the M25 at junction 29 and the A2/M2 corridor. This would reduce journey times for traffic using these routes. While no new direct and free-flowing connectivity is provided for traffic heading from the M25 southbound towards to Port of Tilbury, the relief to the M25 at junction 30 and the reduction of traffic on the A13 to the west of the Lower Thames Crossing means that journey times along this route would also decrease and remain the shorter and faster route.</p> <p>Recognising the concerns raised about connectivity by Thurrock Council, the Applicant modified the proposed connectivity at the A13 junction, rerouting</p>	<p>Transport Assessment [REP4-148 to REP4-152] Environmental Statement [APP-138 to APP-486]</p>	Matter Not Agreed

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			<p>traffic off the A1013 and onto the A1089, reducing traffic flows along the roads of concern. This change was made and set out at the Local Refinement Consultation.</p> <p>The Transport Assessment provides an assessment of the Project and its impacts on the local A roads surrounding the Project. The impacts arising from the Project (including safety, air quality, noise, impacts on receptors, etc.) have been assessed and addressed throughout the Environmental Statement. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Socio-Economics					
<p>Assessment Wider Socio Economic Impacts</p>	<p>2.1.169 RRE, LIR</p>	<p>The wider impact on Thurrock's socio-economic mix has not been considered by National Highways, for example, the effect on housing delivery and how a Lower Thames Crossing will impact on future growth and investment.</p> <p>1. The Council requests that an additional and standalone socio-economic study is undertaken to assess in detail the impact the Lower Thames Crossing would have on the Borough.</p> <p>2. This should also take into consideration the wider economic benefits and especially the disbenefits.</p>	<p>The Combined Modelling and Assessment Report (ComMA Appendix D: Economic Appraisal Package – Economic Appraisal Report) details the benefits/disbenefits (costs) of the Project in monetised terms, borough-by-borough. This considers the changes in journey times and costs for all traffic in the area, including for people who will not use the crossing but whose journeys will be affected by new traffic patterns. The report clearly shows that Thurrock is the greatest net beneficiary from the Project (compared to other host and neighbouring authorities), as Thurrock receives the most significant benefits from</p>	<p>Need for the Project [APP-494] ComMA Appendix D: Economic Appraisal Package – Economic Appraisal Report [APP-526] ComMA Appendix D: Economic</p>	<p>Matter Not Agreed</p>

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		<p>The Council's position is that wider economic costs have not been factored into the scheme VfM. Our view is that the NH modelling of wider economic benefits (see [APP-527]) is not robust and overstates the scale of potential wider economic benefits. We also have distributional concerns, with the NH wider economic benefits modelling showing that only 5% of such benefits flow to Thurrock.</p>	<p>the Project in terms of better connectivity, journey time and reliability, translating into economic benefits. The ComMA also includes a Level 3 Wider Economic Impacts Report at Appendix D (beyond the Benefit Cost Ratio for the Project). The report also provides a quantitative and qualitative analysis of business clusters that currently exist in the Lower Thames area, and how the Project may impact these clusters and encourage the development of emerging clusters.</p> <p>Road developments are strictly guided by TAG (Transport Analysis Guidance) which dictates what can be claimed as benefits/disbenefits (costs) of road developments in monetised forms. TAG does not allow a road project to monetise housing developments that may be unlocked by the road project, and therefore Lower Thames Crossing cannot include a housing boost in Thurrock as a benefit that can be monetised.</p> <p>That said, the likely effects of the Project on development land are also assessed in ES Chapter 13: Population and Human Health, and there would not be a significant impact. The DCO submission considers the adopted and emerging local plan policies in local authorities with advanced emerging Local Plans to evidence how the Project</p>	<p>Appraisal Package – Level 3 Wider Economic Impacts Report [APP-527] ES Chapter 13: Population and Human Health [APP-151] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062, REP2-063, REP2-064, REP2-065 and REP2-066]</p>	

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			<p>interacts with ambitions for future growth. The A122 Lower Thames Crossing would not prevent strategic policy-making authorities from positively planning for housing growth. The construction of the Project provides decision makers and developers with options with respect to the development of land in proximity to the route. The additional capacity in the highway network may also assist local authorities in finding suitable land for new housing in their areas. However, the Applicant cannot advise how or where new housing should be allocated.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2. The Applicant has clarified in the response to pages 82-83, that the BCR for the Project has been calculated in accordance with the DfT's Transport Appraisal Guidance. The value of the agglomeration benefits has been calculated using DfT's WITA software and overall Thurrock receives 16% of the benefits calculated using the TUBA and WITA software, not 5%. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
SEE Strategy and Supply	2.1.170 RRE,	Thurrock Council would like a dedicated council led labour and business team. This	To support early development of the Skills, Education & Employment (SEE) ambitions	S106 Agreements:	Matter Not Agreed

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<p>Chain Council-led local Labour and Business Team (LLBT)</p>	<p>LIR</p>	<p>team would have responsibility for ensuring the residents and businesses of the borough secured economic benefits through working closely with LTC/National Highways, contractors and sub-contractors. We have made repeated requests for this resource to be provided to the Council. All requests have been rejected.</p>	<p>and targets, the Applicant established a SEE Team in 2021. The SEE Team was responsible for building relationships across the south-east and hosting authorities to underpin the skills provisions for the programme. This included working closely with local authorities, education and training providers to develop upskilling initiatives to minimise potential skill gaps, and provide information to residents on the upcoming job opportunities ahead of the onboarding of Main Works Contractors.</p> <p>Project resourcing will be changing to reflect the next phase of the programme, as Contractors are onboarding to begin mobilisation for the three Main Works Contracts (Roads North, Kent Roads, Tunnels & Approaches). Contractor attainment of SEE commitments secured in S106 Agreements will be continually reviewed across the Project to demonstrate delivery of local SEE outcomes. To provide flexibility as to how the Project achieves these outcomes, the Applicant is currently reviewing the reference to specific roles within S106 Agreements. The Project will continue to engage with local authorities to discuss SEE opportunities and challenges, as well as provide updates once the Contractors are onboarded. This matter is not agreed, due to both parties' positions</p>	<p>Heads of Terms [REP4-144]</p>	

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<p>SEE Strategy and Supply Chain Targets for local labour during construction</p>	<p>2.1.171 RRE, LIR</p>	<p>Thurrock Council want National Highways to establish clear targets for engaging local labour and apprentices during the construction of the LTC scheme.</p> <p>The Council has provided NH with a full set of more ambitious skills, employment and education targets, and to ensure that they are sufficiently 'localised'. As it stands these more ambitious/more localised targets have not been accepted by NH.</p> <p>See Thurrock's LIR Sections 13.4.8 - 13.4.14 for a full overview of the changes proposed on this matter.</p>	<p>remaining unchanged.</p> <p>The Applicant will undertake best endeavours to implement the principles and measures set out within the Skills, Education and Employment Strategy, which sets out how measures would enable the skills, education and employment opportunities associated with the Project to be realised.</p> <p>To achieve the skills legacy, the Applicant shall require its Contractors and supply chain partners to use best endeavours to:</p> <ul style="list-style-type: none"> • Achieve a target of at least 20% of employees to be local people who usually reside within Gravesham, Medway, Thurrock, Havering and Brentwood immediately prior to obtaining work on the Project, and continue to do so on starting work on the Project; • Achieve a target of at least 45% of employees to be within 20 miles of the Project or associated works (including employees within the boroughs in (a)) • Achieve the minimum targets set out below: • Training for local communities – 350 people • Sector skill qualification – 500 people 	<p>S106 Agreements – Heads of Terms [REP4-144]</p>	<p>Matter Not Agreed</p>

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			<ul style="list-style-type: none"> • Apprentices – 437 people • Graduates/trainees – 291 people • Newly employed – 500 people • Pre-employment programmes – 650 people • Education engagement – 5,000 hours • Support to educators – 2,000 hours • Work placements – 470 people • SME spend – £1 in every £3 • Business upskilling – 1,000 businesses • Supply chain payment – within maximum of 30 days. <p>The targets presented above have been benchmarked, and the Applicant presented the work and the calculations done to reach them to the Skills and Employment Working Group on 16 Sept 2022.</p> <p>The Contractors will be required to develop Employment and Skills Plans which aligns with the overarching SEE Strategy. All Contractors and supply chain partners will be required to undertake regular reporting to monitor progress against the target outcomes during the construction of the Project. These plans will be reviewed annually. The findings from this reporting will be discussed in a quarterly SEE Forum and released in an annual outcomes</p>		

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			<p>report. The data will be reviewed at Project, contract and local authority levels. The Council would like to see more ambitious targets to be pursued by the Project.</p> <p>Thurrock Council disagrees with the definition of the local area, and would like to only include Thurrock, LB Havering and Gravesham. The Applicant has identified five local authorities directly impacted by the construction works; Thurrock, Brentwood, the London Borough of Havering, Gravesham and Medway. Local is defined by a 20-mile radius from the Project to maximise local economic development.</p> <p>A further discussion on this matter was held on 27 June and 8 August 2023. The Council expressed concerns around the definition of local and the opportunity to engage with the Contractors, as part of the Employment and Skills Working Group, with specific regards to the minimum targets as listed above. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
<p>Community Resource/ Initiatives Council-led</p>	<p>2.1.172 RRE, LIR</p>	<p>Thurrock Council would like a resource to be given to support the Local Community and Public Health Team within Thurrock Council, who would have the responsibility</p>	<p>The Applicant is willing to fund two Full Time Equivalent roles, supporting on activities such as</p>	<p>S106 Agreements: Heads of Terms</p>	<p>Matter Under Discussion</p>

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Community and Public Health Team (CPHT)		<p>to work with the local community and ensure local people experience positive social and economic benefits as a result of the LTC. This would encompass the management or oversight of delivering agreed community mitigations, such as a community-led programmes to build cohesion.</p> <p>In addition to the two FTEs offered by NH, the Council also requires:</p> <ol style="list-style-type: none"> 1. an accompanying administrative post and an apprentice post. 2. a commitment from NH to fund all posts for 8 years 3. a commitment from NH to fund a standard 15% on-costs. <p>All requests are as set out in the Hatch October 2020 Mitigation report (see Appendix G, Annex 1 to the Thurrock LIR). Given the rapid wage inflation of the last 3 years we have also recently June 2023) recalibrated the funding request with updated salary scales and provided this to NH. This latest information should be the basis for any agreement.</p> <p>The Council will provide the required information to NH prior to the D6 submission for their consideration, along with comments on the draft S106 Agreement (both of which will be covered</p>	<ul style="list-style-type: none"> • Coordinating and providing comments on applications made under Schedule 2 of the Development Consent Order. • Liaising with technical specialists to provide appropriate comments on management plans. • Reviewing applications made under Schedule 2 of the DCO • Supporting the efficient approval of applications, plans and schemes associated with the DCO, including liaising with the contractors and National Highways. • Monitoring compliance with the DCO. • Monitoring construction noise levels at the site and measure compliance with the relevant environmental measures committed to by National Highways • Section 61 approvals <p>This will be secured via the S106 Agreements.</p> <p>A further discussion on this matter was held on 27 June 2023, 8 August 2023 and 28 September 2023. The Applicant has provided an assessment of the additional resource burden to the Council and proposed funding levels for those roles. On 28 September, the Applicant provided clarification on all outstanding concerns</p>	<p>[REP4-144]</p>	

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		within the Council's D6 submission).	from the Council including the name of the role, the scope, the funding levels and all associated costs. The Applicant has now sought a final figure from the Council on Officer contributions and both parties agreed that this is a positive step forward towards agreement of this matter. A draft of the s106 agreement was also sent to the Council on the 29 September for review. This remains a matter under discussion.		
Community Resource/ Initiatives Transport Network Management and Development Resource (TNMDR)	2.1.173 RRE, LIR	Thurrock Council would like an additional resource provision to cover the requirements to manage and develop the transport network in response to the impacts of the LTC construction. It is understood that this item has been agreed to by National Highways, however, no evidence of this has yet been provided. When providing confirmation, we also require NH to confirm a commitment to fund this post for 9 years and a commitment to fund a standard 15% on-costs. These requests are as set out in the Hatch October 2020 Mitigation report (see Appendix G, Annex 1 to the LIR). Given the rapid wage inflation of the last 3 years we have also recently June 2023) recalibrated the funding request with updated salary scales and provided this to NH. This latest information should be the basis for any	The Applicant is willing to offer one Full Time Equivalent role supporting on activities such as <ul style="list-style-type: none"> • Undertaking local highway authority NRSWA obligations under Part 3 of the Development Consent Order • Responding to applications for Traffic Regulation Orders (TROs) • Reviewing and providing comments on the Traffic Management Plans and Travel Plans produced by the contractors. • Attendance and participation at the Traffic Management Forum. This will be secured via the S106 Agreements. A further discussion on this matter was held on 27 June, 8 August 2023 and 28 September 2023. The Applicant has	S106 Agreements: Heads of Terms [REP4-144]	Matter Under Discussion

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		<p>agreement. The Council will provide the required information to NH prior to the D6 submission for their consideration, along with comments on the draft S106 Agreement (both of which will be covered within the Council's D6 submission).</p>	<p>provided an assessment of the additional resource burden to the Council and proposed funding levels for those roles. On 28 September, the Applicant provided clarification on all outstanding concerns from the Council including the name of the role, the scope, the funding levels and all associated costs. The Applicant has now sought a final figure from the Council on Officer contributions and both parties agreed that this is a positive step forward towards agreement of this matter. A draft of the s106 agreement was also sent to the Council on 29 September for review. This remains a matter under discussion.</p>		
<p>Community Resource/ Initiatives Highway Development Manager</p>	<p>2.1.315 RRE, LIR</p>	<p>The Council seek support for highway development tasks post consent. The Council will provide the required information to NH prior to the D6 submission for their consideration, along with comments on the draft S106 Agreement (both of which will be covered within the Council's D6 submission).</p>	<p>The Applicant is willing to offer one Full Time Equivalent role supporting on activities such as</p> <ul style="list-style-type: none"> • Participation in the detailed design process • Implementation of the side agreement with local highway authorities • Agreeing the Local Operating Agreement • Works to the Local Highway Network (including signage, barriers, safety measures and visibility) 	<p>S106 Agreements: Heads of Terms [REP4-144]</p>	<p>Matter Under Discussion</p>

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			<ul style="list-style-type: none"> • Site inspections (during works and prior to issuing of Final Certificate), including testing of materials at NH expense. • Road Safety Audits (Stages 3 and 4) • Issuing of Provisional Certificates and Final Certificates <p>This role has been discussed with the Council via the discussions on the Highways Side Agreement. This will be secured via the S106 Agreements.</p> <p>A further discussion on this matter was held on 8 August 2023 and 28 September 2023. The Applicant has provided an assessment of the additional resource burden to the Council and proposed funding levels for those roles. On 28 September, the Applicant provided clarification on all outstanding concerns from the Council including the name of the role, the scope, the funding levels and all associated costs. The Applicant has now sought a final figure from the Council on Officer contributions and both parties agreed that this is a positive step forward towards agreement of this matter. A draft of the s106 agreement was also sent to the Council on 29 September for review. This remains a matter under discussion.</p>		

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<p>Effect on businesses Compensation for properties and businesses Business rates holidays for firms affected during construction</p>	<p>2.1.174 RRE</p>	<p>Businesses located in close proximity to construction sites and therefore most affected by the LTC scheme during construction should receive a temporary Business Rates reduction or holiday. National Highways should also provide more clarity on their policy for compensation for properties and businesses that could be adversely affected during construction works.</p> <p>The Council accepts that any losses it faces in Business Rate income will be offset by additional Business Rate receipts from temporary construction compounds.</p>	<p>Compensation for properties and businesses</p> <p>The Applicant has discussed the existing mechanisms in the statutory provisions which cover compensation for properties or businesses that have been adversely affected by the construction works carried out for the Project. The potentially affected parties may be able to claim compensation under section 152 of the Planning Act 2008 or under section 10 of the Compulsory Purchase Act 1965. This approach is also summarised at page 13 in the Applicant's document <i>Your property and our road proposals</i> (National Highways, 2022).</p> <p>Business Rate Holidays/Business Rate Income</p> <p>It should be noted that only the Government can grant business rate holidays and there is nothing under the compensation code which would allow the Applicant to provide something similar. Additionally, no other infrastructure project has provided business rate holidays. It is also worth noting that temporary infrastructure, such as compound sites etc. will be rateable and will therefore provide an additional revenue for local authorities during the construction programme which could off-set any potential losses. The</p>	<p>N/A</p>	<p>Matter Agreed*</p>

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			<p>Council has done its own detailed analysis of this principle and agrees with the statement above.</p> <p>Thurrock Council has seen the Applicant's position set out above and marked the matter agreed.</p>		
<p>Social Value Alignment with Thurrock's Social Value Framework Ring fencing social value</p>	<p>2.1.175 RRE, LIR</p>	<p>Ensure LTC procurement meets with requirements of the Council commissioning, procurement and grant funding strategy and to include greater priority to be given to Thurrock council as a Level 2 Authority within the DLUHC Levelling Up White Paper beneficiary and recipient of greater disbenefits.</p> <p>The Council is very firmly of the view that NH should be using its procurement processes to explicitly capture social value outcomes for Thurrock. It is entirely reasonable in our view that social value outcomes should flow to those areas negatively impacted by LTC works. It is within the gift of NH, and their procurement team, to steer social value outcomes in this way. It is a major disappointment that NH has rejected our requests on this matter.</p>	<p>Alignment with Thurrock's Social Value Framework</p> <p>The Applicant is required to procure in accordance with Procurement Policy Note (PPN) 06/20, which sets out how the award of central government contracts should place a priority on social value. The Applicant is committed to ensuring that delivery of the Project maximises positive outcomes for the local economy, communities and the environment. The Applicant's baseline contract requirements contain a number of measures which support this including apprenticeships, workless job starts and work placements. As confirmed by the Council's email of 19 July 2021, the approach adopted by the Thurrock Social Value Framework (SVF) is broadly aligned with PPN 06/20.</p> <p>Ring Fencing Social Value</p> <p>The Applicant's position is that it should not direct the areas in which the social value spend should occur, and so has not provided for this within the draft DCO or</p>	<p>S106 Agreements: Heads of Terms [REP4-144] Carbon and Energy Management Plan [APP-552] Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

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			<p>other Application Documents. Having a predetermined and specific set of criteria would likely affect the spending profile, resulting in prioritisation of spend in areas that do not necessarily deliver the best value outcomes. For example, there could be a direction of spending into Priority 1 areas, at the expense of Priority 2 areas.</p> <p>The Applicant notes that the levelling up guidance does provide some useful metrics for demonstrating why social value spend might provide benefits in terms of filling the skills gap, etc., as metrics in particular around skills and employment are some of the key indicators under the government policy. The Applicant therefore proposes to draw the attention of the Tenderers to this government guidance, not on the basis that there will be a requirement to prioritise investment in a specific way, but that it provides useful information to influence their consideration about how their social value propositions can align with priorities for Government spending through the levelling up programme.</p> <p>The Project contains a number of commitments that address overall social value for this project by:</p> <ul style="list-style-type: none"> • Helping local communities by committing to targets for employment, 		

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			<p>re-training, apprenticeships, work placements, education engagement and other return-to-work opportunities</p> <ul style="list-style-type: none"> Increasing supply chain resilience and capacity, by creating a diverse local supply chain, upskilling local businesses and maximising spend with SMEs Fighting climate change, by delivering additional environmental benefits, increasing biodiversity and reducing carbon <p>Therefore, while the Applicant cannot ring fence social value for Thurrock Council in its DCO application, its proposed approach does, while seeking to maximise social value for the country as a whole, very specifically focus on achieving specific local outcomes as a core part of that wider objective. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Communication and Community engagement Use of Community Liaison Officers Roles and</p>	2.1.176	<p>Support to enable community engagement during the construction of the LTC scheme. NH has responded positively and in full to our requests on this matter.</p>	<p>The discussion on this matter was divided into two parts.</p> <p>Use of Community Liaison Officers The Applicant is committed to enable community engagement during the construction phase of the Project. The commitment to a team of Community</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Agreed*</p>

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Responsibilities of the Community Liaison Officers			<p>Liaison Officers is in the CoCP.</p> <p>Roles and Responsibilities of the Community Liaison Officers</p> <p>The CoCP also contains the commitment to the roles and responsibilities of these Community Liaison Officers as outlined below:</p> <ol style="list-style-type: none"> 1. Deliver the Community Engagement Plan. 2. Engage with those who may be affected by construction impacts, including local residents, community groups and local businesses. 3. Provide information on the construction process to local stakeholders and shall be the first line of response to resolve issues of concern. 4. In the case of emergency work, the Community Liaison Officers will engage with and advise the local authority and local residents of relevant information as soon as reasonably practicable. 5. The Community Liaison Officers will ensure compliance with community engagement commitments, as defined in the Register of Environmental Actions and Commitments and Code of Construction Practice. 6. The Community Liaison Officers will 		

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			maintain a correspondence register. Thurrock Council has seen the commitments set out above and marked the matter agreed.		
Community Fund Scale of the Community Fund (North)	2.1.177 RRE, LIR	<p>The Council are of the opinion that the scale of the proposed LTC Community Fund remains very modest in comparison with all the available benchmark information for similar DCOs. Securing an appropriately sized community fund is of critical importance and the Council would like LTC to share the results of its benchmarking exercise and do further work to increase the quantum of the fund.</p> <p>The Council has requested that NH increase the overall scale of the Community Fund from £1.89 million over 7 years to £3.75 million. This uplift is based on benchmark evidence set out in a paper we prepared jointly in December 2022 with other impacted authorities and submitted to NH – see Appendix G, Annex 5 of the LIR.</p> <p>The joint paper also requested that the Fund is subject to an annual index-linked review, whereby the remaining unallocated amount is increased in line with the Consumer Prices Index with Housing (CPIH) each year. Also, that if the overall LTC capital cost increases above the</p>	<p>The Applicant will provide two community funds. The two funds of £1.26 million (£180,000 per year for seven years) and £0.63 million (£90,000 per year for seven years) (indexed) are to be administered and assured by the Essex Community Foundation and Kent Community Foundation respectively.</p> <p>Relationship to Designated Funds Programme</p> <p>It should be noted that the Applicant has now allocated over £40 million of Designated Funds that can be awarded to local organisations to deliver projects that:</p> <ul style="list-style-type: none"> • Enhance the environment • Protect and conserve heritage assets • Promote active travel • Invest in local communities <p>Full funding criteria can be found online and has been shared with the local authorities.</p> <p>Further funding will be allocated to the Project as soon as plans to spend this have been developed in partnership with</p>	S106 Agreements: Heads of Terms [REP4-144] Benefits and Outcomes Document [APP-553]	Matter Not Agreed

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		<p>current £8.2 - £9 billion budget envelope, then the Fund should increase proportionally in line with any revised budget envelope.</p> <p>The results of the recent NH Community Fund Pilot (that ran during February 2023 only) also reveal the need and demand for a larger scale Fund - as set out in the LIR Section 13.6.8.</p>	<p>local authorities and other delivery bodies.</p> <p>The Applicant has responded to all the matters raised in the Community Fund Joint Paper in March 2023 and the position is summarised below.</p> <p>Benchmarking exercise against other DCOs</p> <p>The Applicant has completed a benchmarking exercise for developing the size of the Community Fund by comparing with projects like A14, HS2, Thames Tideway Tunnel, A428 and A303. This exercise was shared with stakeholders in June 2021 and presented again on 29 June 2022. The funds offered by the majority of the projects above were designed to mitigate against certain impacts that were not being mitigated by the measures in the DCO itself. In addition, the Applicant has made a pot of Designated Funds available for the route of the Project, which HS2 and Hinkley did not have.</p> <p>There is no standard methodology or benchmark/precedent that can be used to set the overall value of Community Funds given the scope, scale, type, and location of developments and their effects, and the socio-economic environment within which each project is set, as well as the approach to direct mitigation. The proposed</p>		

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			<p>Community Funds have been increased in value by £390,000 during 2022 in response to feedback from some of the local authorities that the Community Funds should run one year after road opening. The funds are unable to be indexed-linked as a final figure must be included within the Final Business Case.</p> <p>The size of Community Funds is not determined by the overall cost of the Project, but to count in the planning balance it has to be related to (residual) impacts of the Project. These are hard to compare across schemes because:</p> <ul style="list-style-type: none"> • Different schemes have different residual impacts and different ways of dealing with them (e.g. for tackling unanticipated impacts, Designated Funds may be the most suitable). • They are clearly different for linear projects (A14, Thames Tideway Tunnel) compared to single site ones (nuclear power stations). • Different lengths of construction period. • Different numbers of people affected. <p>The purpose of the proposed Community Fund is to address the residual impacts of the Project on local communities and is not intended to resolve existing funding deficiencies. The Applicant considers that</p>		

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			<p>the value of the fund mitigates the residual impacts of the Project on the local community.</p> <p>The Applicant's proposal is proportionate and part of a suite of investment either as part of the DCO (under proposed mitigation) or wider Designated Fund Programme, that will benefit communities and the environment beyond the benefits of the improved transport connectivity itself. The Community Fund is therefore aimed at smaller community-led initiatives, that are not considered mitigation for the Project, and do not meet these pre-set criteria for Designated Funds. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Community Fund Fund Allocation Ring fencing the Community Fund by Local Authority Area</p>	<p>2.1.178 RRE, LIR</p>	<p>The Council would like further information on how these funds will be allocated. Furthermore, the Council support the ring-fencing/apportioning the Fund by local authority area. The Council's view is that the Community Fund must be designed from the outset to benefit those areas and communities most impacted by the LTC works and subsequent operation, especially giving priority to the Level 1 and Level 2 Authorities within the DLUHC Levelling Up White Paper beneficiaries. The Council requested some modest</p>	<p>Funding allocation has been apportioned based on the number of wards considered likely to experience the most change during the construction of the Project, and where the Environmental Impact Assessment and other assessment documents (including the Community Impact Report) within the DCO application have identified risks of significant adverse effects across more than one environmental topic area during construction.</p> <p>The Applicant agrees with the ring-fencing approach proposed by the Council. For the</p>	<p>S106 Agreements: Heads of Terms [REP4-144] Community Impact Report (Part 1 of 4 to Part 4 of 4) [REP2-032] to [REP2-038]</p>	<p>Matter Not Agreed</p>

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		<p>changes, agreed amongst all other relevant local authorities (Gravesham BC, LB Havering and Medway Council), to the percentage distribution of any Fund across local authorities. These proposed changes are set out in Appendix G, Annex 5 of the LIR, but have not been agreed to by NH.</p>	<p>Community Fund (North) up to £180,000 is to be made available annually across the six years of construction and one year post construction as follows:</p> <ul style="list-style-type: none"> • £135,000 (75%) to community-led initiatives within Thurrock • £27,000 (15%) to community-led initiatives within Havering • £18,000 (10%) to community-led initiatives within Brentwood <p>Each year, any unawarded funds will be transferred to the following year, and in the final quarter of each financial year, up to 10% of the following year's funding can be brought forward subject to the Applicant's approval.</p> <p>Further information on fund allocation is presented in the S106 Agreements: Heads of Terms, for the Community Fund.</p> <p>The Applicant has responded to all the matters raised in the Community Fund Joint Paper in March 2023.</p> <p>The collective position indicates that the councils would seek to remove the allocation from wards within Brentwood Borough Council and support those which are identified as priority boroughs for levelling up. However, this approach does not align with the impact assessment</p>		

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			<p>undertaken as part of the EIA which identifies wards in Brentwood as directly affected, nor is the intention of the fund to address levelling up challenges. The Applicant is therefore not willing to change the distribution to exclude impacted wards from what is proposed at submission.</p> <p>The Community Funds aim to address the more residual, multiple and intangible impacts rather than direct impacts (which if significant are required to be mitigated directly). Those direct, significant impacts would be addressed through mitigation outlined in the ES and other application documents.</p> <p>Ward level has been deemed as appropriate to identify the scale of funding attributed to each local authority area, however the funds would not be dispensed by ward (e.g., the £945,000 apportioned to Thurrock would not be further ringfenced for each of the 16 wards). The effects of the Project have been assessed at a local/receptor level as in some cases there may be residual impacts (such as construction impacts) that sit beyond the route alignment. This means that the spend of the Community Funds would occur closer to the route alignment as opposed to within the entirety of boroughs that fall within a local authority area (in which case,</p>		

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			wards that may not be impacted by the Project at all would be eligible to apply). A further discussion on this matter was held on 27 June 2023. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.		
<p>Community Fund Grant amount, key themes and detailed funding criteria covered by the Community Fund</p>	<p>2.1.179 RRE</p>	<p>The Council would like further clarification on the grant amount and key themes covered by the Community Fund. The Council would also like more detail on what activities are likely to be covered by each theme and how detailed criteria would be developed. The Council would want to be able to reassure local stakeholders that the themes will be broad in their remit and will not be overly restrictive in their reach, but yet target appropriate projects. Further information on this matter has been supplied by NH and this item has now been marked as a Matter Agreed.</p>	<p>Grants of up to £10,000 (with grants of up to £25,000 considered for exceptional projects) would be awarded to eligible community-led initiatives across four themes:</p> <ol style="list-style-type: none"> 1. Mental health and wellbeing 2. Local skills and employment support 3. Connecting communities 4. Environment <p>More detail on what activities are likely to be covered by each theme was circulated on 13 March 2023. The detailed criteria for the Community Funds is to be developed democratically in partnership with the panel and local authorities ahead of the funds becoming available. The criteria are eligible to be reviewed annually at the start of each funding cycle. The Applicant has proposed some key principles to guide the development of detailed criteria and ensure that there is consistency across the funds.</p>	<p>S106 Agreements: Heads of Terms [REP4-144]</p>	<p>Matter Agreed</p>

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			<p>Further details of these issues are presented in detail in the S106 Agreements: Heads of Terms for the Community Fund.</p> <p>A further discussion on this matter was held on 27 June 2023 and the Council is satisfied with the Applicant's position.</p>		
<p>Community Fund Other governance arrangements for the Community Fund</p>	2.1.180 RRE	<p>The Council would like further information and clarity on the governance arrangements for the proposed Community Fund particularly around</p> <ol style="list-style-type: none"> 1. administration of the fund 2. awarding panel and membership 4. frequency of meetings 5. annual funding allocations 6. annual spending limits <p>Further information on this matter has been supplied by NH and this item has now been marked as a Matter Agreed.</p>	<p>Thurrock Council agree with the emerging approach to other governance arrangements as set out in the S106 Agreements: Heads of Terms for the Community Fund, subject to further development of the detail for the Final s106 Agreement.</p> <p>A further discussion on this matter was held on 27 June 2023 and the Council is satisfied with the Applicant's position.</p>	S106 Agreements: Heads of Terms [REP4-144]	Matter Agreed
<p>Community Fund Capacity building and support for applicants</p>	2.1.181 RRE, LIR	<p>Thurrock Council would urge LTC to make provision for over and above the Fund itself, to facilitate community capacity building. If the communities of Thurrock are to benefit in full from the Fund then they will need support in working up their ideas into Fund-ready concepts. The Council would like to review proposals for how capacity building will be delivered.</p>	<p>The Applicant can confirm that providing support for applicants will be written into the scope of the Essex and Kent Community Foundation(s), when the Funds are established, in accordance with good practice. The Community Foundations will be required to support potential applicants to identify whether the Lower Thames Crossing Community Fund would be a suitable funding mechanism for their</p>	N/A	Matter Not Agreed

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		<p>The Council is not satisfied nor reassured that NH will commit sufficient resource into community capacity building to facilitate full and proper access to the proposed Community Fund.</p> <p>NH has refused any funding or support for capacity building within the local community and has refused the joint position of four local authorities (Thurrock, Gravesham BC, Medway and LB Havering) for amended distribution and increased total amount for Community Fund. This is despite a year of negotiations and requests and remains a Matter Not Agreed.</p>	<p>initiative. They will also be required to support applicants to understand the information required to submit an application for consideration by the Community Fund awarding panel. This will include submitting the information on behalf of applicants where literacy levels/digital accessibility may discourage applications. Promotional materials, including case studies, will also be used to demonstrate the art of the possible and inspire communities to extend its reach.</p> <p>A further discussion on this matter was held on 27 June and 8 August 2023, and the Council expressed concerns on the level of detail available to facilitate community capacity building. The Council would like additional commitments around capacity building committed to in the DCO application documents. The Applicant considers its position is proportionate and appropriate. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
<p>Community Resource/ Initiatives Provision of grants</p>	<p>2.1.182 RRE, LIR</p>	<p>National Highways should provide the following grants</p> <ol style="list-style-type: none"> 1. Grants to support voluntary and community organisations who are helping local people into employment 2. Capital grants to facilitate aesthetic and 	<p>The Applicant is proposing two Community Funds (one north and one south of the river). Grants of up to £10,000 would be awarded to eligible community-led initiatives across four key themes. Discussions are underway with local authorities to secure these funds via</p>	<p>S106 Agreements: Heads of Terms [REP4-144]</p>	<p>Matter Not Agreed</p>

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		environmental improvements within the community	Section 106 Agreements. It is Thurrock Council's view that an adequately-funded 'Community Fund' would be able to deliver these in principle; however, the Council disagrees with the quantum of the Community Fund in the first place.		
SEE Strategy and Supply Chain Provision of grants	2.1.183 RRE, LIR	National Highways should provide the following grants: 1. Grant funding to improve business environments. 2. Green business support scheme. The Council's view is that both of these measures are required in order to help compensate the Thurrock business community for the wider economic costs caused by LTC.	Thurrock Council's requests have been considered and the Applicant's position is to not go ahead with these proposals as there are other statutory tools available from the government to address these types of initiatives (e.g. businesses asking for compensation).	N/A	Matter Not Agreed
Community Resource/ Initiatives Additional street tree planting	2.1.184 RRE	National Highways should support additional street tree planting initiatives. NH have confirmed that tree planting initiatives are eligible within the Community Fund.	The Applicant had proposed a Community Tree Planting Programme in addition to the Community Fund to support local communities with tree-planting initiatives. Initial proposals were shared with all local authorities including Thurrock Council in January 2022. However, feedback on the idea was mixed; some local authorities felt that the objectives of the tree-planting initiative could be met by the 'Environment' theme within the Community Fund. Plus, similar initiatives already exist in some other local authorities, notably in Essex. It was also highlighted that there are many	N/A	Matter Agreed

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			<p>existing sources of free trees, e.g. from the Woodland Trust, however what the local authorities really need was land to plant them on, and this is not something the Applicant is able to help with. Based on this feedback, it was decided to drop the Community Tree Planting Programme from further consideration.</p> <p>Furthermore, the criteria for the Community Tree Planting Programme was not aligned to the aspirations of the Council to begin with. The Council was keen on street tree planting, and the initiative was to be focussed on planting trees on land that would be accessible by the local community such as owned by schools, attached to community centres, community owned/managed public space and allotments.</p> <p>A further discussion on this matter was held on 27 June and 8 August 2023. The Applicant has confirmed that additional tree planting initiatives are eligible for the Community Fund. This matter is now agreed.</p>		
EIA Methodology					
Scoping Need for a new Scoping Opinion	2.1.185 RRE	The Council are of the opinion that a new Scoping Opinion needs to be provided for the project. This is due to the significant changes since the original Scoping Opinion	The Scoping Opinion for the Project formed the basis for the Preliminary Environmental Impact Report (PEIR), which was shared at Statutory Consultation and the	ES Chapter 4: EIA Methodology [APP-142]	Matter Not Agreed

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		<p>was issued, including a significant change in the size of the development boundary, which could have led to new, unassessed, environmental impacts. The significant changes include:</p> <ul style="list-style-type: none"> • Removal of Tilbury Link • A13 junction redesigned • Pylons relocated • Additional land-take around East Tilbury • Growth in development boundary <p>The determination of the significance of the receptors was undertaken by National Highways, in the absence of input from local authorities like Thurrock Council, which should be corrected.</p>	<p>Environmental Statement (ES) submitted as part of the subsequently withdrawn application for development consent.</p> <p>Over the time between the receipt of the Scoping Opinion and the submission of the application there have been a number of changes as noted by Thurrock Council. To help ensure that the scope of the environmental assessment has remained comprehensive and robust, an Environmental Update document [Remaining Changes since DCO 1, May 2022] was also shared and discussed at CIPHAG in May 2022. This is following the release of the full ES submitted with the previous, now withdrawn, application for development consent, which was shared with all local planning authorities (LPAs) for their consideration and comment.</p> <p>With regard to the identification of receptors and the sensitivity of receptors, this has been done in accordance with the DMRB methodology set out in the Applicant's 'Standards and guidance' section within ES Chapter 4: EIA Methodology. A series of briefings were held prior to the DCO submission to present the results of the EIA in advance of the full ES which was made available to the LPAs, as part of the submitted application. This matter is not agreed, due to both</p>		

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			parties' positions remaining unchanged.		
<p>Assessment methodology Inclusion of a Transport Chapter in the ES</p>	<p>2.1.186 RRE, LIR</p>	<p>The Council's requirement is that a transport chapter is included within the ES. This will ensure that all of this information is clearly dealt with in one place, providing a more legible understanding of impacts in a transparent manner. In doing so, this will help facilitate a collaborative approach to identify and mitigate impacts locally. A transport chapter should set out:</p> <ul style="list-style-type: none"> • Preparation of data to underpin assessment of operational and construction transport effects; • Assessment of transport related effects, e.g. severance etc; and <p>References to the assessments relating to air quality, noise, human health and cumulative assessment.</p> <p>The Council is satisfied with the signposting, but having reviewed Appendix 4.4 of the ES there are various impacts are not clearly identified or mitigated and the Council's concerns are set out in the LIR in Sections 10.13.12 – 10.13.14.</p>	<p>The Project memorandum titled 'LTC – Traffic and transport assessment in DCO 2.0' was issued to Stakeholders including Thurrock Council in April 2022. The memorandum was provided in response to feedback from stakeholders and the Planning Inspectorate, related to the inclusion of a dedicated Traffic and Transport Assessment chapter within the Environmental Statement (ES) in the DCO application. The memorandum explains how the Project has proposed that the traffic and transport assessment will be covered within the DCO application documents.</p> <p>In response, Thurrock Council has commented on this memo saying the Applicant's assessment of the previous DCO issues raised on this matter, including review of policy documents, legal requirements and gap analysis, is satisfactory. The proposed approach of using the Transport Assessment and the relevant chapters of the ES was also considered appropriate and better coordinated. There was a request from Thurrock Council to make sure the detailed description (of how the data has been used in each relevant ES assessment topic chapter) clearly sets out exactly what traffic</p>	<p>Environmental Statement [APP-138 to APP-486] Transport Assessment [REP4-148 to REP4-152]</p>	<p>Matter Agreed</p>

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			<p>modelling data has been used, provides a justification for the use of that data, signposts where the traffic modelling data relevant to that topic chapter can be found and states the version/date of the traffic model data used. The Applicant has confirmed this has been undertaken and is presented in the relevant chapters of the ES.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Applicant provided additional signposts (to appendix 4.4) for the Council to read and confirm its position. The Council is largely satisfied with the signposting provided. The other impacts and mitigation identified in the LIR are covered under the respective SoCG headings and the Applicant's position on these matters is not repeated here.</p>		
<p>Assessment methodology Comments on Air Quality methodology (LA105 - Significance and Limit Values)</p>	<p>2.1.187 RRE, LIR</p>	<p>The Council disagree with the approach to methodology undertaken by LTC and the reliance on LA105. In the Council's opinion, the thresholds applied remain a limitation of the approach that only identifies significance where limit values are exceeded, which is not relevant when addressing health related impacts of non-threshold pollutants.</p> <p>Please refer to the Council's LIR Section 10.2.</p>	<p>The Applicant disagrees with the Council's position. The air quality assessment does not only focus on areas of exceedance. Given the size of the study area, it would not be feasible or proportionate to model every receptor within 200m of the ARN, and this would not change the assessment or its conclusions.</p> <p>National Highways' Design Manual for Roads and Bridges (DMRB) guidance in terms of significance makes it consistent</p>	<p>ES Chapter 5: Air Quality [APP-143] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part</p>	<p>Matter Not Agreed</p>

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		<p>The draft NPSNN highlights (paragraph 5.18 and 5.21) that air quality considerations will be important where there is a deterioration in air quality, particularly where substantial changes are expected, and not be limited to areas where breaches of any national air quality limits or statutory air quality objectives are predicted. The current significance criteria in DMRB LA105 guidance are not considered to reflect this emerging requirement and there are receptors where substantial increases in pollutant concentrations are predicted and the ES Chapter 5: Air Quality [APP-143] does not consider them as significant due to the background level rather than the degree of deterioration.</p>	<p>between schemes; without the guideline bands there would be no guidance on numbers of properties that would lead to a significant effect, it is therefore more transparent to decision makers and stakeholders. The significance assessment explains the reasoning behind determining whether the impacts are significant or not, so that the professional judgement decision process is transparent to stakeholders. The DMRB affected road criteria is applicable to all roads in the study area regardless of whether they are a trunk or urban road. The final modelling and data is presented in ES Chapter 5: Air Quality. The findings of the completed assessment, along with relevant mitigation was also presented at a briefing session in September.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2. As stated in response to LIR pages 126 – 128), 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.</p> <p>Furthermore, the Applicant states in response to LIR – Appendix H (Part of 5) that the air quality assessment has been undertaken as a means of meeting the decision-making requirements of the</p>	<p>5 of 5) [REP2-062, REP2-063, REP2-064, REP2-065 and REP2-066]</p>	

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			<p>NPSNN (paragraphs 5.12 and 5.13). DMRB LA 105 provides the framework of determining whether there is a significant air quality effect on sensitive receptors in line with the requirements of the NPSNN. 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 on compliance with legal air quality thresholds. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Assessment methodology Omission of PM_{2.5} in air quality assessment</p>	<p>2.1.188 RRE, LIR</p>	<p>PM_{2.5} is not currently assessed and reported as part of the DMRB HA207/07 and hence will not be included within the assessment for the project. The Council believes that this should also be included as part of the assessment, as it is PM_{2.5} which is potentially more prejudicial to health than PM₁₀. The evaluation of significance of this pollutant should also be assessed, particularly as it is the very fine elements of particulate matter i.e. PM_{2.5}, such as brake & tyre wear emissions and diesel exhaust emissions that contribute to the bulk of PM_{2.5} emissions and it is this element which is most prejudicial to health. Please refer to the Council's LIR Section 10.2.</p>	<p>The air quality assessment has considered the impact of the Project on Particulate Matter (PM), both for PM₁₀ and PM_{2.5}. PM₁₀ has been explicitly modelled using road traffic PM₁₀ emissions factors and Defra background pollution maps. In the case of PM_{2.5}, it has been assumed that all road traffic PM₁₀ is also equivalent to PM_{2.5}, which is a worst-case assumption given that PM_{2.5} typically makes up less than 70% of PM₁₀. The concentrations predicted have been assessed against national air quality objectives and limit values. The final modelling results are presented in the ES Chapter 5: Air Quality. This matter is not agreed, due to both parties' positions remaining unchanged.</p>	<p>ES Chapter 5: Air Quality [APP-143]</p>	<p>Matter Not Agreed</p>

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<p>Assessment methodology Other Issues on Air quality methodology</p>	<p>2.1.189 RRE, LIR</p>	<p>Thurrock Council requested a response to the following key issues:</p> <ol style="list-style-type: none"> 1. Confirm National Highways agree with the WHO and Coroner as to the adverse effects of traffic related air pollution on health (in particular PM_{2.5}) at levels below the current AQOs? 2. Acknowledge that there will be an overall increased air pollution burden to the residents of Thurrock as a result of LTC or advise where in the DCOv2 submission they have or will demonstrate otherwise? 3. Confirm in relation to 'EIA significance' why these impacts do not require mitigation or monitoring during the operational phase? 4. Clarify how National Highways is proposing to deliver on their LAQM obligations (as a relevant public authority) under the Environment Act and that the requirements of the Act are compatible with the current DMRB LA105 approach? 5. Advise how they will improve the communication of the findings of the air quality assessment to enable members of the public to engage and be informed? 6. Confirm that they will share pertinent technical data used to undertake the air quality assessment to allow meaningful review, which would include the traffic data 	<ol style="list-style-type: none"> 1. UK's Air Quality Expert Group (AQEG) acknowledge that PM_{2.5} is considered a non-threshold pollutant and there is no evidence that there is a safe level of PM_{2.5}, below which human health impacts can be ruled out. However, the focus of legislation for PM_{2.5} is on limiting long-term exposure through the use of annual standards. The Applicant acknowledges the position set out by AQEG that particulates in terms of human health have the potential to contribute to health impacts below legal thresholds. However, the Applicant, like local authorities and developers, is obliged to evaluate the impacts of particulate matter (PM₁₀ and PM_{2.5}) with respect to the thresholds set out in UK legal frameworks for air quality. 2. There are both improvements and deteriorations in air quality as a result of the Project on roads within the area covered by Thurrock Council. The results of the air quality assessment are set out in ES Chapter 5: Air Quality. The Applicant does not agree with the statement from Thurrock Council that overall there will be an increased air pollution burden for their residents. The air quality modelling shows that the majority of improvements in air quality within Thurrock coincide with the most populated areas. None of the 	<p>ES Chapter 5: Air Quality [APP-143]</p>	<p>Matter Not Agreed</p>

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		<p>for the full network (flow, speed, % HDV) and modelled outputs both in georeferenced GIS format (including DM/DS traffic flows and speed bands for AADT and modelled periods) and results (DM/DS NO2 and PM concentrations) and webTAG appraisal worksheets (in full). Please refer to the Council's LIR Section 10.2.</p>	<p>receptors modelled within Thurrock are predicted to exceed the UK legal thresholds for either nitrogen dioxide nor particulate matter (PM₁₀ and PM_{2.5}).</p> <p>3. The air quality assessment has concluded there are no significant air quality effects during the operational stage, and consequently there is no requirement for mitigation or monitoring.</p> <p>4. The Applicant already works with local authorities in England on their air quality plans where they interact with the SRN and is in keeping with the recent requirements set out in the environment act as an air quality partner. These duties are different to the requirements of scheme assessment such as for the Project. The approach for assessing schemes is set out DMRB LA 105 which is focused on the evaluation of new road schemes.</p> <p>5. The Applicant has offered to have a technical discussion with Thurrock Council to understand the concerns about the presentation of the information and to explore ideas to communicate the information to the public.</p> <p>6. The Applicant will work to support Thurrock Council in preparing its Local Impact Reports following submission of the DCO application.</p>		

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			<p>The ES Chapter 5 was shared at DCO submission.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Council expressed overarching concerns around the Applicant's approach, methodology and the points above. Thurrock Council agrees with the Applicant about Point 1 but disagrees with Points 2-6. In respect of Point 5, the Council stated that CoCP Section 5 should be expanded to provide technical details around air quality to the local community. The Applicant clarified that the level of detail at this stage is appropriate and proportionate, but can be developed further as part of the Engagement and Communications Plan (Thurrock Council is a consultee to this document). Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining largely unchanged.</p>		
<p>Assessment methodology Consideration of sensitive receptors in air quality and noise assessments</p>	<p>2.1.190 RRE, LIR</p>	<p>The assessment of impacts from construction should consider other sensitive receptors beyond dwellings and include schools, hospitals and any traveller sites (Gammon Field traveller site along Long Lane) as these are particularly vulnerable to air quality and noise impacts. The traveller community should be identified as a vulnerable group in the</p>	<p>Receptors have been defined in accordance with the relevant DMRB guidance (such as LA 111 Noise and vibration) and comprise dwellings, hospitals, healthcare facilities, education facilities, community facilities, quiet areas or potential quiet areas, international and national or statutorily designated sites, public rights of way and cultural heritage</p>	<p>ES Chapter 5: Air Quality [APP-143] ES Chapter 12: Noise and Vibration [APP-150] ES Chapter</p>	<p>Matter Under Discussion</p>

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		<p>HEqIA.</p> <p>The Council is concerned about the air quality and noise impacts on the relocated travellers site (and the broader Baker Street/A13 area) and the Whitecroft Care Home. Further details are within the LIR Sections 10.2 and 10.3.</p> <p>The updated Stakeholder Actions and Commitments Register (SAC-R) will be reviewed by the Council in respect of SAC-R-008).</p> <p>The Council will be responding in its D3 submission with further commentary concerning both the Traveller site and the Whitecroft Care Home.</p> <p>The Council request that a site suitability assessment with regards to noise is undertaken for the relocated Gammonsfield traveller site. This should cover both internal noise levels and external noise levels. Given the sound insulation for such receptors is likely to be less than for typical residential dwellings, impacts could be more significant.</p> <p>A construction noise assessment for the relocated site should also be undertaken.</p> <p>Construction noise impacts are concluded as being not significant with mitigation measures being identified within the REAC. However, specific measures to mitigate</p>	<p>assets. The travellers' site has been treated as a residential receptor. The traveller community is identified as a vulnerable community in the HEqIA.</p> <p>The assessment of the noise and air quality impacts on the relocated travellers' site has been considered in ES Chapter 5: Air Quality, ES Chapter 12: Noise and Vibration and ES Chapter 13: Population and Human Health.</p> <p>The design of the Gammon Field travellers' site was developed in collaboration with the Council and the occupiers. An indicative site plan was developed in conjunction with the Council and the occupiers and appended to the Design Principles in Appendix C, to support Clause S11.12. A final Design Report (Gammon Field Travellers' Site Design Report, HE540039-CJV-SAR-S11-REP-ARC-00001) was issued to the Council on 21 June 2023, which documents the development and design of the replacement travellers' site (from September 2020 to July 2022). A draft indicative site plan and draft Clause S11.12 was shared with the council prior to the submission of the draft DCO. Thurrock Council has indicated its support for the design but has not formally confirmed its position on the matter.</p> <p>A further discussion on this matter was</p>	<p>13: Population and Human Health [APP-151]</p> <p>Design Principles [REP4-146]</p> <p>Draft Development Consent Order [REP5-024]</p> <p>Comments on LIRs Appendix H: Thurrock Council (Part 3 of 5) [REP2-064]</p> <p>Stakeholder Actions and Commitments Register [REP1-176]</p>	

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		<p>impacts have not been identified. Significant daytime construction impacts are likely at Whitecroft Care Home. Baseline sound levels at this receptor are 55 dB, L_{Aeq,T}. Construction noise levels are predicted to be over 70 dBA. Impacts are therefore significant and specific mitigation measures are required for this receptor.</p>	<p>held on 11 July 2023. The Applicant clarified the approach and methodology adopted for assessing the travellers' site and provided additional signposts for the Council to read and confirm its updated position. Both parties agreed that the schools, hospitals and travellers' sites are covered as sensitive receptors in the assessment, but the discussion is now around how the assessment addresses the traveller's site. The Applicant committed to sharing a technical note on how the noise assessment for the travellers' site has been completed.</p> <p>Further to the Council's comments as included within their Local Impact Report, the Applicant has responded with this further information regarding the Gammonfields Way Travellers' Site as explained at pages 22-23 & 101-102 of Part 3 of 5 of the Applicant's response to Thurrock Council's Local Impact Report: Appendix H.</p> <p>A further discussion on this matter was held on 25 September 2023 to discuss residual concerns by the Council on the changing of noise levels within the HEqIA for both amenity and habitable areas, and clarification on when the site will be moved within the construction programme. The sequence of relocation works is outlined in</p>		

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			SACR item 008. The Applicant has agreed to review this information and will respond to the Council by Deadline 6. This matter remains under discussion.		
<p>Heritage Assets: Mitigation Designation of a Scheduled Monument in the assessment and the primacy of NPS over DMRB</p>	<p>2.1.191 RRE, LIR</p>	<p>The issue of NPS V DMRB was discussed on a number of occasions at heritage workshops with the Council and Historic England and finally was not seen as a conflict issue.</p> <p>The submitted documentation does now identify the harm to the Scheduled Monument as Substantial Harm, although it still identifies this as part of the monument, when in fact the importance of the monument will be lost with any elements remaining probably not worth retaining the Scheduled status. In fact CH003 [APP-367] actually requires the archaeological contractor to apply for the de-scheduling of the site thus removing its protected status.</p> <p>Site 247 was requested to be added to the mitigation of the Scheduled Monument area (REAC CH003 [APP-336]) as it forms an integral part of the overall site, but is located to the north of Stifford Road.</p> <p>The role of the Local Authority archaeologists in the monitoring and signing off of the sites is identified within Section 2.6 (paragraph 2.6.5) of the OWSI [APP-367]. This section does need the</p>	<p>Nationally Significant Infrastructure Projects (NSIPs) are determined in accordance with the decision-making framework in the Planning Act 2008 and relevant National Policy Statements (NPSs), as well as any other matters that are both important and relevant (which may include the National Planning Policy Framework (NPPF)). The DMRB is a framework to set out and agree methodology for design and assessment for highway schemes. It allows for a consistent approach across all road schemes. The Applicant has and continues to be in consultation with government in the development of the NPSNN to ensure that DMRB and National Policy are developed in the knowledge of each other. As noted by the Council, this issue is now resolved. NPSNN and the NPPF both acknowledge that the loss wholly or in part of a scheduled monument could be classed as substantial harm. Following the assessment presented within ES Chapter 6: Cultural Heritage, and discussions with Historic England, the Applicant acknowledges that the loss in part of the</p>	<p>ES Appendix 6.9: Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [APP-367] ES Appendix 2.2: Code of Construction Practice [REP5-048] Draft Development Consent Order [REP5-024] ES Chapter 6: Cultural Heritage [REP4-116] ES Appendix 6.9: Draft Archaeological</p>	<p>Matter Under Discussion</p>

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		<p>Council to be identified as well as the other authorities. Having read dDCO Requirement 9, the Council is satisfied that this covers the role of the LA archaeologists in the monitoring of the mitigation. However, there remains a concern with the second sentence of REAC Ref CH007 [APP-336] – ‘<i>The findings shall be reported to National Highways and made available to the relevant Local Planning Authorities or Historic England on request</i>’. The Council requests that the findings should be reported to the LPA and HE automatically (rather than on request) to align with Section 2.6 of the OWSI and Requirement 9.</p> <p>A specific mitigation strategy should be agreed when dealing with the complete loss of a scheduled monument.</p> <p>The Council confirms that the addition of site 247 into REAC CH003 is welcomed and will ensure that this important element of the Scheduled site is recorded to the same standard as the rest of the site. This is supported.</p>	<p>scheduled monument cropmark complex at Orsett, is substantial harm. However, the need for the Project along with its benefits constitute exceptional circumstances, which justify the substantial harm.</p> <p>REAC commitment CH003 ‘Cropmark complex scheduled monument at Orsett’ commits the Contractors to ‘<i>follow the Management of Research Projects in the Historic Environment (MoRPHE) procedural model (Historic England, 2015) to prepare a detailed project design for the archaeological investigation of the cropmark complex at Orsett (SM1) and the non-designated area of cropmarks identified at Greygoose Farm (247). This design will inform the Written Scheme of Investigation (WSI) and the development of archaeological mitigation. After completion of the archaeological works, as specified in the WSI, the relevant archaeological contractor shall apply to Historic England for removal of the site designated Orsett cropmark (SM1) from the official list of protected historic sites.</i>’</p> <p>The Applicant has shared earlier versions of these documents. ES Chapter 6: Cultural Heritage and appendices were shared at DCO submission.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Council</p>	<p>Mitigation Strategy and Outline Written Scheme of Investigation [REP5-052]</p>	

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			<p>requested the Applicant to include asset 247 in CH003 and the draft Archaeological Mitigation Strategy and outline Written Scheme of Investigation (AMS-OWSI). Further to this discussion, the Applicant can confirm that this has been added under REAC CH003 as reflected in the wording set out above and included in the updated CoCP submitted at DL-3. It is noted that the Council is satisfied that Requirement 9 covers the role of the local authority archaeologists in the monitoring of the mitigation.</p> <p>Following further discussions on 25 September 2023 the Applicant can confirm that REAC CH007 has been amended to include reporting of findings being automatic rather than on request. This was added at Deadline 5.</p> <p>Following the Council's review this matter is expected to move to matter agreed, however remains under discussion.</p>		
<p>Mitigation and Compensation Relocation of Thatched Cottage</p>	<p>2.1.326 DL-6</p>	<p>As per Section 15.4.6 of the LIR, the Council are undertaking discussions with various parties to find a suitable location for the relocation of Thatched Cottage within Essex.</p>	<p>Historic England, Essex Place Services and the Applicant remain in discussion over the potential for relocation of the Grade II listed buildings identified for demolition during construction of the new junction on the A13. Notwithstanding the agreement between all parties that there is no policy requirement to relocate the listed buildings</p>	<p>Comments on LIRs Appendix H: Thurrock Council [REP2-064] ES Chapter 6: Cultural Heritage</p>	<p>Matter Under Discussion</p>

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			<p>and the mitigation identified in the Application (Level 4 Buildings Recording) is adequate, it is appropriate to consider whether any future use for all or part of the buildings could be found.</p> <p>Following extensive research and survey as part of the assessment process, it has been established that the three buildings are each of a different nature, and although all have a degree of heritage significance, this varies considerably across the building types represented. This has been agreed by all parties.</p> <p>The heritage significance of No 1 and 2 Grays Corner Cottage does not warrant the building's dismantling and reconstruction so it has been excluded from future discussion. Murrells Cottage would be an excellent source of original fixture, fittings and structural components which could be used in repairs and renovation of listed buildings in the area. The Thatched Cottage is a small simple building with a greater overall heritage significance of the three. Thatched Cottage is therefore the only building considered for dismantling and relocation at this time.</p> <p>Historic England have recommended that any final decision about the ability of a building to be relocated is made only following a review of the information</p>	<p>[REP4-116]</p>	

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			<p>gathered during the soft strip stage. This is once further investigations have been undertaken, which include the removal of wall plaster and modern internal fittings. Historic England have also made it clear that it is not their role to identify a new location for any building, but they are happy to continue to be involved and offer advice.</p> <p>Both Historic England and Essex Place Services agree that the most suitable location would be at a museum, park or similar where people could learn from the building, Historic England have proposed three levels of suitable location, based on distance from the Project, with the most desirable site being within the districts or boroughs affected by the Project, the next being a regional museum and the least best solution being a national museum. Essex Place Services and Historic England have identified potential locations and discussions are ongoing.</p>		
<p>Mitigation and Compensation Impact on historic character of the landscape</p>	<p>2.1.192 RRE</p>	<p>The impact of mitigation measures such as earthworks and planting upon the historic character of the landscape must be considered</p>	<p>The design of the proposed environmental mitigation has had regard to the historic character of the landscape. For example, Clause LSP.07 of the Design Principles states that to protect views across historic landscape and topography, the new landscape design will take account of local landscape character, respect historic</p>	<p>Design Principles [REP4-146] Environmental Statement [APP-138 to APP-486]</p>	<p>Matter Agreed</p>

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			<p>features and reference historic land use, landforms, field patterns and boundaries. Examples of this within Thurrock include agricultural land being reinstated either side of the main alignment between Tilbury and Chadwell St Mary which is in keeping with the historic character of reclaimed marshland.</p> <p>Prior to submission, these documents were shared in draft at consultation and engagement, and have been subject to discussion with the Council. The ES and Design Principles were shared at DCO submission.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Council expressed concerns around Tilbury Fields, and the amount of soil and landscaping which could potentially change the character of the area, although it was agreed that this character is probably being changed by the industrial land use anyway. The Applicant reiterated its position, clarified the process behind developing the associated design principles and requested the Council to read the signposts and confirm the updated position. This matter is now agreed.</p>		
Assessment of likely	2.1.194 RRE,	The oTMPfC must set out either specific mitigations or a framework to mitigate the	The potential traffic impacts arising from construction are assessed within the	Transport Assessment	Matter Under

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<p>significant effects Potential impact of proposed construction traffic</p>	<p>LIR</p>	<p>deleterious effects that the additional construction traffic and reassigned other traffic would cause along the Councils routes to the contractor's compounds and works.</p> <p>The Council has set out its opinion on the oTMPfC and the CoCP at Section 6 of its LIR. It continues to work with NH to strengthen the leadership and guidance through those documents to the contractors to improve mitigation and management during the construction period. At Section 10.13 the Council provides its review of the residual impacts on people's health and well-being, including access to important local community and health facilities. The HEqIA does not explicitly list hospitals or other healthcare facilities and the impacts that may be felt regarding construction traffic delay or congestion within the HEqIA. Despite 'people in key settings: work places/ schools/ hospitals/ care homes and prisons being listed as a sensitive population to consider under accessibility and severance, hospitals are only mentioned in reference to signposting the LTAM modelling used to determine accessibility impacts in operation.</p> <p>Within the HEqIA there is only one reference in accessibility assessment,</p>	<p>Transport Assessment, including changes in vehicle flows and journey times. Potential impacts of the proposed construction routes in relation to specific topics such as severance are assessed within the HEqIA and reported on in the ES. The ES also reports on the effects of road closures on access to community infrastructure, including to healthcare facilities such as hospitals where relevant.</p> <p>The oTMPfC provides an overview of the approach that will be followed when undertaking temporary traffic management for the safe construction of the Project. It also discusses construction access routes and explains management measures available to the Contractors to reduce the impact on the local community (including journey time reliability, access, and safety). The oTMPfC states that access and egress to healthcare facilities will be maintained throughout the construction period and that communications will update facilities regarding any closures and diversion routes.</p> <p>It should be noted that this document will be used to inform the update of a Traffic Management Plan for Construction (TMP), a requirement of the draft DCO, which will be produced by the Contractors post DCO grant. It should be noted that local</p>	<p>[REP4-148 to REP4-152] Health and Equalities Impact Assessment (HEqIA) [REP3-118] Outline Traffic Management Plan for Construction [REP5-056] Comments on LIRs Appendix H: Thurrock Council [REP2-064]</p>	<p>Discussion</p>

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		<p>where it is noted that hospitals have been included in the LTAM. However, they are not referenced in any of the other assessment sections concerning traffic severance or accessibility.</p> <p>The Council will provide additional wording for Table 2.3 of the oTMPfC in relation to specific measures and initiatives that should be included with reference to protecting vulnerable and disadvantaged communities. This will include improved protections to bus services and improved engagement with those affected communities. These responses will be provided in the Council's Deadline 6 submission.</p>	<p>authorities would be consultees to the production of this document.</p> <p>A discussion on this matter was held on 11 July 2023 and additional signposts were provided by the Applicant to Table 2.3 of the oTMPfC which outlines how access to hospitals and potential closures would be addressed during the construction phase. The Council committed to particularising any additional potential commitments for Table 2.3 for the Applicant's consideration. The Applicant will provide additional signposts on how effects of road closures on access to community infrastructure. The Council also queried any specific environmental mitigation related to construction traffic in general.</p> <p>A further discussion on this matter was held on 28 September 2023 and 16 October 2023 with the Council taking an action to review the Applicant's latest response in their LIR document (Comments on LIRs Appendix H – Thurrock Council (Part 3 of 5), page 107-108). This item remains under discussion until the Council have reviewed and highlighted any specific items of the oTMPfC, if any, that are still of concern.</p>		

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Consultation information Minor Refinement Consultation – Construction Update	2.1.295 DL-3 MRCN	<p>The Council requires a clear demonstration 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, noise and construction transport activity.</p> <p>The Council is content that the evidence provided is adequate and has provided inputs on this topic at ISH5 (Tunnelling) to reach assurances that the selected tunnelling strategy does not exceed the appraised Rochdale Envelope and that opportunities should be taken to reduce environmental impacts.</p>	<p>In response to Action 2 from Issue Specific Hearing 1, held on 21 June 2023, the Applicant intends to submit an addendum to the Environmental Statement for Deadline 2, reviewing any material environmental differences in effects between the use of two tunnel boring machines (TBMs) and one TBM.</p> <p>This matter will be discussed once this addendum has been submitted and reviewed.</p> <p>Following review of the updated addendum by the Applicant at Deadline 2 and further discussion of this matter on 25 September 2023 the Council have confirmed they are satisfied and this matter is now agreed.</p>	N/A	Matter Agreed
Air Quality					
Project design and mitigation Best practice approaches in relation to dust and emissions	2.1.195 RRE	<p>Thurrock Council requested LTC to demonstrate compliance on how the Mayor's 'Control of Dust and Emissions During Construction and Demolition' Supplementary Planning Guidance (SPG) is incorporated as appropriate within the REAC & CoCP.</p>	<p>The Applicant is committed to best practice measures for managing dust and emissions, secured via the CoCP and REAC measures AQ001, AQ002, AQ003, AQ004, AQ005, AQ006, AQ007 and AQ008. The Project has also demonstrated compliance with the Mayor's Supplementary Planning Guidance document.</p> <ul style="list-style-type: none"> REAC AQ001 – All Non-Road Mobile Machinery (NRMM) would comply with the engine emission standards set by 	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	Matter Agreed*

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			<p>London's Low Emission Zone for NRMM across all sites within the Order Limits (even when the compounds are outside London).</p> <ul style="list-style-type: none"> REAC AQ008 – Actions taken to resolve the situation will be recorded in a site logbook and the relevant local authority notified of the event and actions by telephone or email, as soon as is reasonably practicable, after or during the dust event. REAC AQ001 – Use low emission vehicles and plant fitted with catalysts, diesel particulate filters or similar devices where reasonably practicable (previously worded as: avoid the use of diesel or petrol powered generators and use mains electricity or hydrogen or battery powered equipment where these options are available). <p>Thurrock Council has seen the Applicant's position set out above and marked the matter agreed.</p>		
<p>Assessment of likely significant effects Air Quality impacts along</p>	<p>2.1.196 RRE, LIR</p>	<p>Thurrock Council consider that there may be unacceptable air quality impacts at a number of locations arising from construction and operation. Subject to confirmation of the impacts set out in the Environmental Statement, there are unacceptable impacts at:</p>	<p>The road network which forms the study area for the air quality assessment is known as the affected road network (ARN). Representative Receptors are modelled along the ARN to determine the Project's impacts. Receptors outside the ARN are not included in the air quality assessment.</p>	<p>ES Chapter 5: Air Quality [APP-143] ES Appendix 2.2: Code of Construction Practice</p>	<p>Matter Agreed</p>

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
the route		<ul style="list-style-type: none"> • Tilbury Fields • Buckingham Road (Linford) • The A1089 • Dock Road • Calcutta Road • Fort Road • The A13 • Tilbury • Chadwell St Mary • Grays <p>Stifford Clays, Chafford and North Stifford, and Belhus wards - A1013 - Brentwood Road - Orsett Cock Junction - The link between Orsett Cock Roundabout and the A1089</p>	<p>The areas listed by the local authority are included in the traffic model and therefore the change in traffic flows on those roads determines whether there is a requirement to include in the air quality model. The methodology and results of the modelling is included in the ES Chapter 5.</p> <p>The air quality assessment is presented in ES Chapter 5: Air Quality, together with mitigation measures where appropriate. The air quality assessment assesses the impact of the Project on roads that trigger the traffic criteria change in DMRB LA 105.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Council expressed concerns around the number of 'unmitigated' impacts and questioned if measures such a lower speed limit were investigated. The Applicant clarified that all mitigation options including viability and effectiveness were investigated.</p> <p>The Council questioned if the Tilbury Fields area and the tunnel entrances were looked at and the Applicant has agreed to supply a technical note to demonstrate air quality impacts on the area.</p> <p>A further discussion on this matter was held on 25 September 2023 and the Council is now satisfied with the Applicant's position following a review of the technical</p>	<p>[REP5-048]</p>	

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			note on air quality impacts at Tilbury Fields. This matter is now agreed.		
Monitoring Actions in case of air quality monitoring exceedance	2.1.197 RRE	<p>The Council require amendments to the REAC:</p> <p>AQ006 – the local authorities must be able to comment and approved if dust monitoring is required and the monitoring locations.</p> <p>AQ007 – dust monitoring should begin at least 6 months in advance of construction to cope with seasonal variations.</p> <p>NH agreed, at a meeting on 16 Oct 2023, that dust monitoring will commence 6 months in advance of construction and this will be confirmed in the NH D6 submission. If confirmed, this will become a Matter Agreed.</p>	<p>AQ006 – The approval of the air quality monitoring programme (AQ006) will be made by the Secretary of State in consultation with relevant local authorities.</p> <p>AQ007 – Extensive baseline monitoring surveys were completed between 2018 and 2019 for Air Quality. Based on other projects, pre-construction baseline monitoring would usually be undertaken 3 to 6 months prior to commencement of construction; however, to address concerns raised by local authorities, a commitment was made to install additional pre-construction baseline monitors. The installation of monitors is ongoing. Due to power supply issues with UKPN, the Applicant has opted for a renewable power supply for many of the outstanding locations. These are intended to be completed by Summer 2023. A handful of locations would still require power supplies from UKPN and these would be installed as soon as practicable. This is pre-construction monitoring outside of the DCO process. As the modelling and assessment work for DCO submission has been completed, the pre-construction baseline monitoring data will not be available in time to inform the assessment. However, the</p>	ES Appendix 2.2: Code of Construction Practice [REP5-048]	Matter Under Discussion

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>pre-construction baseline monitoring data would be used to inform the Contractors' air quality and noise monitoring programme for construction as set out in REAC commitments AQ006 and AQ007.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Council is satisfied with the Applicant's position on AQ006. Following a meeting held with Thurrock Council on 16 October 2023, the Applicant can now confirm that dust monitoring will commence six months in advance of construction as requested by the Council. This has been included in the updated CoCP under REAC AQ007 submitted at Deadline 6. This matter remains under discussion.</p>		
<p>Monitoring Operational Air Quality and Noise Monitoring</p>	<p>2.1.198 RRE, LIR</p>	<p>Thurrock Council would like LTC to install sensors to monitor operational air quality and noise, with required actions if target limits are exceeded</p> <p>1. NO2 Monitoring - The Council would also like LTC to supplementing the proposed particulate monitoring programme with monitoring of NO2 particularly in proximity to proposed heavily trafficked haul routes and construction compounds where there is currently limited monitoring undertaken by Councils and potential impacts are largely unquantified.</p>	<p>The Applicant has proposed monitoring where relevant and linked to potential effects, and as guided by relevant policy, legislation and standards. In each case, the consideration for monitoring of environmental effects has been included by each Environmental Statement topic throughout the EIA having regard to the relevant scope, methodology and professional standards and in-line with EIA Regulations and adopted policy and legislation. The Applicant is content that by applying this approach, the Project has met its requirements to undertake a full detailed</p>	<p>ES Chapter 5: Air Quality [APP-143] ES Chapter 12: Noise and Vibration [APP-150] ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Not Agreed</p>

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
		<p>2. Operational Monitoring for air quality and noise - The Council require operational air quality and noise monitoring for up to 3 years following completion of the works and for the same Exceedance Framework to be applicable during this period.</p>	<p>assessment of likely significant effects and identified mitigation to address them where necessary.</p> <p>Where mitigation and/or monitoring is considered necessary, this has been secured either through the DCO itself (as part of the REAC or Code of Construction Practice (CoCP).</p> <p>1. The REAC sets out a requirement for air quality monitoring (particulates) during construction.</p> <p>Following a request from Thurrock Council, the Applicant has installed this air quality equipment (in 2022), although this is not necessary to meet the environmental mitigation requirements set out through the environmental assessment.</p> <p>The Applicant is not proposing to monitor NO₂ during construction as its latest air quality modelling and assessment work suggests that the construction of the Project would not result in significant air quality effects. Furthermore, any construction-related change in NO₂ concentrations near haul routes or construction compounds would be very challenging to quantify through measurements, particularly when accounting for the variability in NO₂ caused by weather conditions and NO₂</p>		

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			<p>from other sources that are not associated with the Project. It is also worth noting that the Applicant has various commitments which are outlined in the REAC to reduce NOx emissions from vehicles and plant during construction, for example all-road heavy vehicles and non-road mobile machinery would comply with the requirements of London Low Emission Zone across all sites within the Order Limits.</p> <p>2. The air quality assessment has concluded there are no significant air quality effects during the operational stage, and consequently there is no requirement for mitigation or monitoring.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Council reiterated residual concerns around the Applicant's approach and the points above. The Applicant does not agree with Thurrock Council for the reasons set out above. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
Terrestrial Biodiversity					
Mitigation Commitment to Biodiversity Net	2.1.199 (also refer to SoCG)	The Council state that Biodiversity Net Gain should be considered from the outset of the design process and it is currently unclear as to how National Highways will	The biodiversity metric is detailed in Appendix 8.21 of the Environmental Statement. Details of the habitats proposed areas of landscaping, ecological mitigation	ES Appendix 8.21: Biodiversity Metric	Matter Not Agreed

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Gain	item 2.1.104) RRE, LIR	<p>ensure that biodiversity net gain (BNG) policy requirements are met.</p> <p>The Council note that no commitment has been made within the proposed mitigation for the provision of Biodiversity Net Gain. The scheme should ensure ecological, landscaping, and flood compensation areas contain high quality habitats which are appropriate, and Thurrock Council and other stakeholder should be consulted on the appropriateness of these areas.</p> <p>The Council consider that considering the latest BNG calculations, National Highways should be providing more expansive wetland habitats as per the Council and the environmental organisations' aspirations (refer to SoCG item 2.1.104).</p>	<p>and compensation, and flood compensation are shown on the Environmental Master Plan and in the planting specifications. The objectives of these habitats, including management and monitoring proposals is detailed in the oLEMP and in the Design Principles. The Project design has been developed with a view to increasing the biodiversity value wherever possible across the Project and has sought to deliver a landscape-scale approach to habitat mitigation through improved connectivity and links with areas of retained habitats as well as new areas of habitat creation associated with other projects. This aligns with the advice provided by Natural England.</p> <p>The design of the Project has developed in parallel with updated versions of Natural England's biodiversity metric being released: initial calculations shared with Thurrock being run in Metric v2.0 with the submitted calculations following v3.1 guidance and metric calculator. Although biodiversity net gain is not currently mandated by legislation, the output of these calculations is presented in ES Appendix 8.21: Biodiversity Metric Calculations. These metric outputs are based on the outline design that forms the basis of the application.</p>	<p>Calculations [APP-417] Outline Landscape and Ecology Management Plan (oLEMP) [REP4-140] Design Principles [REP4-146] ES Figure 2.4: Environmental Masterplan [REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031]</p>	

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			<p>A further discussion on this matter was held on 11 July 2023 and both parties agreed that this is a complex position, especially related to the BNG calculations for watercourses. The Applicant clarified that engagement on this issue will be ongoing and it will try to achieve the best outcome from an ecological perspective. Thurrock Council accepted that these calculations are based on the preliminary design and a number of limitations and assumptions, which is a worst-case scenario. The issue of 'enhancement' was discussed and the Applicant clarified that this is more likely to be delivered by the Benefits team and not as part of the Project. The Biodiversity Net Gain calculations provide an understanding of the overall change in the number of biodiversity units resulting from the Project. The Biodiversity Net Gain calculations are only applied to land within the Project's Order Limits. The Applicant is limited in seeking compulsory acquisition where necessary and where there is a compelling case in the public interest (e.g., in this context, for essential mitigation or compensation). In light of the current policy requirements relating to BNG and compulsory acquisition, and the particular circumstances of the Project, there are no</p>		

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			<p>powers to acquire additional land solely for the purposes of increasing the biodiversity metric score and in the context of the Project's ecological mitigation and compensation. This matter is not agreed, due to both parties' positions remaining unchanged.</p> <p>The Applicant's response to matter 2.1.104 is not repeated here.</p>		
<p>Mitigation Specific queries regarding design changes included in the Design Refinement Consultation</p>	<p>2.1.200 RRE</p>	<p>Change 35 – Additional land for overhead electricity distribution cable diversion works</p> <ol style="list-style-type: none"> 1. Details on the extent of the habitat loss needs to be provided. 2. No details of mitigation or compensation have been provided. <p>Change 38 – Reduced woodland planting within The Wilderness</p> <ol style="list-style-type: none"> 1. Evidence of biodiversity mitigation to increase the area's biodiversity value needs to be provided 	<p>Change 35</p> <ol style="list-style-type: none"> 4. Details on the extent of the habitat loss have been provided in the Design Refinement Consultation material and ES Chapter 8: Terrestrial Biodiversity. Any relevant mitigation or compensation proposals are also presented in ES Chapter 8. <p>Change 38</p> <ol style="list-style-type: none"> 5. Further details around increasing the area's biodiversity value are included in the outline Landscape and Ecology Management Plan (oLEMP). <p>A further discussion on this matter was held on 11 July 2023 and the Council is satisfied with the Applicant's position.</p>	<p>ES Chapter 8: Terrestrial Biodiversity [APP-146] Outline Landscape and Ecology Management Plan [REP4-140]</p>	Matter Agreed
Geology and Soils					
<p>Data Gaps Factual GI</p>	<p>2.1.316 LIR</p>	<p>The factual GI reports have not been provided as part of the DCO application and should be submitted as part of the</p>	<p>The relevant reports have been made available to Thurrock Council for information in July 2021 and July 2023.</p>	NA	Matter Not Agreed

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report	DL-3	<p>application and be in the public domain. Summaries and selected information only are provided in the reports presented in the appendices to the topic.</p> <p>Whilst the request to submit the factual GI reports as part of the DCO is a Matter Not Agreed, the Council accept that this is not a legal requirement. However, the Applicant was to provide the files electronically to the Council and once received, they will be reviewed by the Council.</p>	<p>The Ground Investigation factual reports have not been submitted as part of the DCO application, this is a typical approach taken for a development at this stage. All data sets used to support the DCO assessments have been included as evidence.</p> <p>This matter was discussed on 27 September 2023 with the Applicant agreeing to resend the requested GI report files to the Council for review. The Applicant maintains its position that the GI reports will not be submitted into the DCO due to the volume of material. This matter is now not agreed.</p>		
Data Gaps Limitation Analysis	2.1.317 LIR DL-3	<p>The section on limitation analysis is not considered to truly reflect the data gaps. The gaps include:</p> <ul style="list-style-type: none"> • Potential sources of contamination not benefiting from GI, including landfills. • Not testing the identified potential contaminations for a particular source – there are no PFAS tests on soils despite may of the landfills including Goshems Farm having the contaminant identified. • The gap analysis must present the degree of confidence that can be placed on the data and the level of 	<p>The contaminants of concern (COC) identified in Appendix 10.6 Preliminary Risk Assessment Report and tested for are presented in the “Potential contaminants and analysis” sections of Appendix 10.9 Generic Quantitative Risk Assessments. The testing suites were designed to correspond with the identified contaminants of concern.</p> <p>Limitation of testing is detailed in the Limitation analysis sections of the Appendix 10.9 Generic Quantitative Risk Assessments. Appendix 10.11 - Remediation Options Appraisal and Outline Remediation Strategy considers the</p>	<p>Environmental Statement – Appendix 10.6 – Preliminary Risk Assessment Report [APP-427] Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment</p>	Matter Not Agreed

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		<p>uncertainty in the assessment. See LCRM</p> <p>The Council will consider the applicants additional comments and respond in a subsequent submission of the SoCG (probably D5).</p> <p>At the meeting with NH on the 16th October the revised wording of GS027 was discussed and agreed.</p> <p>The revised wording for GS001 was noted not to secure the requested data gap analysis by the contractor for review by the council (see adjacent). The Council would note that if a misinterpretation is possible by ourselves then it is possible that it will also be by others and the wording should be revised. The wording for GS001 will be reviewed and comments included in D6.</p>	<p>identified contaminants of concern requiring further assessment of remedial action.</p> <p>A further discussion on this matter was held on 27 September 2023 with the Council still maintaining concerns regarding the quantum of GI information that has been collected. The Council have amended wording in the REAC on the testing and monitoring, stating that the Contractor should undertake a data gap analysis which should be presented to the relevant local authority. The Applicant noted the Council's concerns with GS001 and clarified that these method statements do relate directly to the supplementary ground investigations and that there may be a misinterpretation of this wording by the Council.</p> <p>Both parties' positions remain unchanged, and this matter is not agreed.</p>	<p>Report for Phase 2 Investigation (1 of 3) [APP-430] Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (2 of 3) [APP-431] Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (3 of 3) [APP-432] Environmental Statement</p>	

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				Appendices Appendix 10.11 - Remediation Options Appraisal and Outline Remediation Strategy [REP1-165]	
Impact Assessment Gas Assessment	2.1.318 LIR DL-3	<p>The gas assessment presented is only a summary of data. The gas regime at each credible source should be discussed. For each source the certainty or not regarding the gas regime should be clearly presented including whether capturing worst case situations and data uncertainty.</p> <p>Given the number of issues identified in the limitation analysis section for ground gases it is clear that the gas assessment currently is inadequate. This lack of robust characterisation of potentially significant gas generation sources is of concern. The Council will consider the applicants additional comments and respond in a subsequent submission of the SoCG (probably D5).</p> <p>As per the meeting with NH on the 16th October the Council disagrees on this technical point. Whilst disappointing and</p>	<p>The locations, approximate dates of filling and material composition of each potential ground gas sources are clearly discussed in Table 5.9, Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3), Appendix 10.9, Application Document 6.3, Environmental Statement.</p> <p>Commentary on the ground gas regimes of credible gas sources is clearly discussed in paragraphs 5.11.3, 5.11.9, 5.11.21, 5.11.43, Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3), Appendix 10.9, Application Document 6.3, Environmental Statement.</p> <p>Commentary on worse-case conditions within credible gas sources is clearly discussed in paragraphs 5.11.8 and 5.11.32, Generic Quantitative Risk Assessment Report for the Phase 2</p>	Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (2 of 3) [APP-431] ES Appendix 2.2: Code of Construction Practice [REP5-048]	Matter Not Agreed

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		<p>not ideal the Council accept the data presented and its limitations on the basis that further ground investigation is to be undertaken, secured through REAC GS001 and the land contamination management plan to be prepared by the Contractor as a requirement of the EMS. Due to the current wording of GS001 the Council would want to record that the Council are expecting the management plan to include a review of the base data identifying gaps /limitations for all potential hazard sources including those current assigned as Low risk.</p>	<p>Investigation (2 of 3), Appendix 10.9, Application Document 6.3, Environmental Statement.</p> <p>Data gaps and uncertainties associated with the ground gas risk assessment are clearly discussed in paragraphs 7.1.4 to 7.1.8, Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3), Appendix 10.9, Application Document 6.3, Environmental Statement.</p> <p>The largest ground gas data gap and uncertainty identified in the limitation analysis relates to low-risk sites (e.g., infilled ponds, farms, etc) or geologies (e.g., natural strata) which are unlikely to be disturbed as part of the works or have very low/low gas generation potentials. Although ground gas monitoring is not essential for sites or geologies with very low/low gas generation potentials, low risk sites will be subjected to further investigation, assessment and/or be managed as part of the commitments outlined in the REAC. Commentary on the above is discussed in paragraphs 6.1.4 and 7.1.7, Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3), Appendix 10.9, Application Document 6.3, Environmental Statement.</p>		

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			<p>The ground gas data collected for Goshems Farm Landfill, a high-risk site with a high/very high gas generation potential, is sufficiently robust and has enabled the ground gas regime within the landfill to be fully characterised.</p> <p>Commentary on the above is discussed in paragraph 7.1.6, Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3), Appendix 10.9, Application Document 6.3, Environmental Statement.</p> <p>A further discussion on this matter was held on 28 September 2023 with the Council still expressing residual concerns around the adequacy of the gas assessment. Both parties' positions remain unchanged, and this matter is now not agreed.</p>		
<p>Impact Assessment Asbestos</p>	<p>3.1.319 LIR DL-3</p>	<p>The nature of the asbestos analysis is not stated. For human health risk assessment this should be a presence/ absence test not a weight quantification analysis. If reporting the later this does not appropriately identify where asbestos fibre release might occur.</p> <p>Asbestos is not identified in the limitation analysis section, however, the distribution of testing (not just the location of positive detections) is not known and potentially</p>	<p>The nature of the asbestos analysis is summarised in Table 5.2, the number of asbestos screens/tests completed is stated in Table 3.3, the location of asbestos detections is shown on Plate 5.1 and discussed in paragraphs 5.3.13 to 5.3.18, Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3), Appendix 10.9, Application Document 6.3, Environmental Statement.</p>	<p>Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (2 of 3)</p>	<p>Matter Not Agreed</p>

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		<p>asbestos should be. Until further information is provided we do not agree with the proposal that reassurance monitoring should be on a daily basis during the earthworks. As the demolition works this should be continuous. An additional REAC for the preparation of an asbestos management plan to be prepared by the Contractor.</p> <p>The Council will consider the applicants additional comments and respond in a subsequent submission of the SoCG (probably D5).</p> <p>The Council's response to this issue is covered in item 2.1.318.</p>	<p>Information on the distribution of asbestos testing is provided in the Phase 2A Area 1 Package B Factual Report on Ground Investigation.</p> <p>The distribution of asbestos testing can be determined by reviewing Figure B: Phase 2 Ground Investigation – Package B Exploratory Hole Locations and Credible Contaminant Sources, and Annex B-B Soil assessment screening results, Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3), Appendix 10.9, Application Document 6.3, Environmental Statement.</p> <p>UK Asbestos guidance documents (e.g., L143, HGS248, CAR-SOIL and C733) state that employers should “<i>arrange regular monitoring of airborne asbestos fibres (Regulation 19) where necessary</i>”.</p> <p>Although continuous air monitoring is referenced in several case studies, it is not an explicit requirement.</p> <p>An asbestos management plan is outlined as a requirement in paragraphs 4.1.5, and 6.5.2 to 6.5.3 of the Remediation Options Appraisal and Outlined Remediation Strategy, Appendix 10.11.</p> <p>A further discussion on this matter was held on 27 September 2023. This is now a</p>	<p>[APP-431] Environmental Assessment Appendices Appendix 10.11 – Remediation Options Appraisal and Outline Remediation Strategy [REP1-165]</p>	

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			matter not agreed due to both parties' position remaining unchanged.		
Mitigation Clarity on where and what additional GI is needed	3.1.320 LIR DL-3	The need for additional GI (including outline scope at each feature) should be identified or an additional action added to the REAC under Soils and Geology. The revised wording of GS027 has been reviewed and this will become a Matter Agreed.	Fifteen medium risk sites and one high risk site are identified in the GQRAs: <ul style="list-style-type: none"> Annex A-A Generic Quantitative Risk Assessment (ES Appendix 10.9 - Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (1 of 3)); Annex B-A Generic Quantitative Risk Assessment (ES Appendix 10.9 - Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3)) Annex C-H Generic Quantitative Risk Assessment (ES Appendix 10.9 - Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (3 of 3)) Annex D-A Generic Quantitative Risk Assessment (ES Appendix 10.9 - Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (3 of 3)) Medium and high risk credible contaminant sources including those sources identified where ground investigation has not been undertaken therefore data gaps exist, and where the pollutant linkages cannot be	Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (1 of 3) [APP-430] Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (2 of 3) [APP-431] Environmental Statement – Appendix 10.9 – Generic	Matter Under Discussion

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			<p>managed via the provisions set out in the REAC, have been brought forward to Appendix 10.11 Remediation Options Appraisal and Outline Remediation Strategy; with the commitment to undertake supplementary ground investigation, DQRA and the identification of specific remedial measures if required. The management of these residual risks are secured through REAC GS001 and GS027.</p> <p>A further discussion on this matter was held on 28 September 2023 with the Applicant confirming the current revision of wording on REAC GS027 for Deadline 5. A further discussion on this matter was held on the 16 October 2023. Following this update and review by the Council this matter may be agreed. This matter remains under discussion.</p>	<p>Quantitative Risk Assessment Report for Phase 2 Investigation (3 of 3) [APP-432] ES Appendix 2.2: Code of Construction Practice [REP5-048] Environmental Assessment Appendices Appendix 10.11 – Remediation Options Appraisal and Outline Remediation Strategy [REP1-165]</p>	
<p>Mitigation Re-use criteria</p>	<p>3.1.321 LIR DL-3</p>	<p>We are concerned that there are conflicting statements in section 5 assessment criteria – para 5.1.1 For soils to be remediated or reuse during the development work, specific site assessment criteria (SSAC)</p>	<p>This issue has been responded to in the Applicant's response to the Council's Local Impact Report which sets out that this step would be unnecessary as MW007 (to which GS006 provides a cross reference)</p>	<p>Comments on LIRs [REP2-054] Comments on LIRs Appendix</p>	<p>Matter Agreed</p>

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		<p>should be derived v para 5.1.2 'No contaminants of concerns have been identified by the ground investigations, to date, to warrant the derivation of SSAC.'</p> <p>For clarity the derivation of re-use criteria is required and are to be agreed with both the LPA unless an Environmental Permit is obtained for the activity.</p> <p>As GS027 is worded for remediation we request a new commitment securing the above.</p> <p>The Council will be responding to this point in more detail within its D3 submission.</p> <p>This is acceptable and now a Matter Agreed.</p>	<p>already explains that Materials Management Plans would be subject to compliance with relevant regulatory controls which would include consultation with the EA and LPA and that would include re-use criteria and locations for re-use where applicable.</p> <p>A further discussion on this matter was held on 28 September 2023 with the Council confirming they are satisfied with the Applicant's response. This matter is now agreed.</p>	<p>H: Thurrock Council (Part 1 of 5) to (Part 5 of 5)</p> <p>[REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066]</p>	
<p>Impact Assessment</p> <p>How have data gaps and uncertainty been addressed in the ES</p>	<p>3.1.322 LIR DL-3</p>	<p>The lack of GI data to characterise the High and Medium risk sources of contamination is identified but the degree of uncertainty is not quantified and given the very extensive limitations identified with the gas data (limited coverage, flooded wells, suitability of the assessment criteria) we are concerned that appropriately protective measures for both on-site (during construction) and off-site receptors have not been identified and the ES could be subject to challenge.</p> <p>A further uncertainty is the lack of information on the nature and location of the 'processing/treatment' operations to be</p>	<p>Fifteen medium risk sites and one high risk site are identified in the GQRAs:</p> <ul style="list-style-type: none"> Annex A-A Generic Quantitative Risk Assessment (ES Appendix 10.9 - Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (1 of 3)); Annex B-A Generic Quantitative Risk Assessment (ES Appendix 10.9 - Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (2 of 3)) Annex C-H Generic Quantitative Risk Assessment (ES Appendix 10.9 - 	<p>Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (1 of 3)</p> <p>[APP-430]</p>	<p>Matter Not Agreed</p>

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		<p>undertaken on excavated materials prior to re-use.</p> <p>LTC Environmental Statement Appendix 10.9 – Generic Quantitative Risk Assessment Report for the Phase 2 Investigation – Annex B [APP-431] page 29 para 4.2.4 identifies the incomplete nature of GI data to characterise the High and Medium risk sources of contamination. However, the degree of uncertainty associated with the data gaps is not quantified. We are concerned that appropriately protective measures for both on-site (during construction) and off-site receptors have not been identified and assessed.</p> <p>All these issues are set out within Section 10.9 of the Council's LIR and the Council will review the applicants responses to these issues within its D3 submission.</p>	<p>Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (3 of 3))</p> <ul style="list-style-type: none"> Annex D-A Generic Quantitative Risk Assessment (ES Appendix 10.9 - Generic Quantitative Risk Assessment Report for the Phase 2 Investigation (3 of 3)) <p>Medium and high risk credible contaminant sources including those sources identified where ground investigation has not been undertaken therefore data gaps exist, and where the pollutant linkages cannot be managed via the provisions set out in the REAC, have been brought forward to Appendix 10.11 Remediation Options Appraisal and Outline Remediation Strategy; with the commitment to undertake supplementary ground investigation, DQRA and the identification of specific remedial measures if required. The management of these residual risks are secured through REAC GS001 and GS027.</p> <p>“Processing/treatment” activities would be regulated through an environmental permit. The approach to environmental permits is confirmed in the Consents and Agreements Positions Statement and are dependent on finalisation of detailed design, the detailed</p>	<p>Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (2 of 3) [APP-431]</p> <p>Environmental Statement – Appendix 10.9 – Generic Quantitative Risk Assessment Report for Phase 2 Investigation (3 of 3) [APP-432]</p> <p>Environmental Assessment Appendices Appendix 10.11 – Remediation Options</p>	

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			<p>construction site set-up and methodologies, and discussions with the consenting authorities. These are not sufficiently developed at this stage to confirm the requirements, and therefore it is not practical to include them within the DCO.</p> <p>A further discussion on this matter was held on 28 September 2023 and both parties' positions remain unchanged. This matter is now not agreed.</p>	<p>Appraisal and Outline Remediation Strategy [REP1-165] ES Appendix 2.2: Code of Construction Practice [REP5-048] Consents and Agreements Position Statement [REP5-026]</p>	
Material Assets and Waste					
<p>Project design and mitigation Construction waste eliminated through project design changes</p>	<p>2.1.201 RRE, LIR</p>	<p>National Highways state the reuse of excavated material from the tunnels for reuse within the Order Limits as 10,400,000 cubic metres. Is this to be a commitment to which the appointed contractors will have to adhere? It should be stated within the control documents as a commitment and not just an aspiration. The metrics on that should then be reported to the stakeholders and the Secretary of State.</p> <p>The Council will respond to the Technical Note on Earthworks Quantification within</p>	<p>At Community Impacts Consultation the outline Materials Handling Plan (oMHP) and outline Site Waste Management Plan (oSWMP) stated that the Project (not just tunnels) would retain 10.4M m³ of site won material within the Order Limits for re-use and 1.33M m³ to be taken offsite for management. This was aligned to the design DR3.0 and earthwork approach at the time. In the development of the Project design (DR3.3) and an updated earthwork approach, the Project has further improved the amount of material retained onsite and thus reducing the quantity transported</p>	<p>ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050] ES Appendix 2.2 Annex A: Outline Site Waste Management Plan</p>	<p>Matter Not Agreed</p>

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		<p>its D3 submission. This is now a Matter Not Agreed.</p>	<p>offsite to approximately 0.5M m³. The earthwork quantities and associated management at this stage has informed the environmental impact assessments, including traffic impacts. The metrics to which the Contractors will need to adhere to are the impact of the management of earthwork materials not the quantity itself. The earthwork quantities are a developing aspect aligned to design development and will be further refined in conjunction with the detailed design development. The principles of how material will be handled is detailed in the oMHP and further commitments to handling and re-use targets are detailed in the REAC. A further discussion on this matter was held on 11 July 2023 and the Council expressed overarching concerns around how the waste quantities have been derived along with its classification and management. The Applicant confirmed that this is an outline document with details to be developed post consent and agreed to produce a technical note to describe the process behind how earthwork quantities have been derived. This note was submitted to the ExA at DL-2. A further discussion on this matter was held on 26 September 2023 and the Council stated that they are satisfied with</p>	<p>[APP-337] ES Appendix 2.2: Code of Construction Practice [REP5-048] Technical Note on Earthworks Quantification [REP2-076]</p>	

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			<p>the Technical Note on Earthworks Quantification. However, there are residual concerns around the volume of materials leaving the site and the Council would like a cap placed on this volume along with this amount being presented in a percentage figure (by amending MW11). The Applicant explained the challenges with an overall cap and clarified that a robust monitoring and management system enabled by the TMF would be much more efficient in addressing these concerns. It would also enable Contractors to seize opportunities for continuous improvement. The Applicant offered to append the Technical Note on Earthworks Quantification to the ES Chapter 11: Materials and Waste, to provide certainty around quantities, but this was not acceptable to the Council. This is now a matter not agreed due to both parties' positions being unchanged.</p>		
<p>Project design and mitigation Lack of adequate mitigation</p>	<p>2.1.202 RRE</p>	<p>Thurrock Council consider there to be a lack of adequate mitigation measures in regard to some commitments listed in the Register of Environmental Actions and Commitments (REAC). Specific commitments which have been highlighted are REAC ref no. 1. MW005 (Pre-demolition surveys) – No clear outline of mitigation measures that will be implemented in the event that</p>	<p>1. MW005 relates specifically to undertake pre-demolition surveys to identify the potential presence of hazardous material. This is only one of a number of measures relating to the safe management of hazardous material including a commitment to develop Construction Site Waste Management Plans (CSWMPs) (MW010). Other commitments include segregation of hazardous materials and</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Agreed</p>

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		<p>materials are identified as being hazardous. Clear mitigation measures are required in relation to how hazardous substances will be disposed of in a safe manner that protects workers health. If this is linked to mitigation outlined elsewhere in the REAC, then clear signposting is required.</p> <p>2. AQ001 (Vehicle and plant emissions) – Use of electric/hybrid vehicles where practicable has not been included in the mitigation measures. It would be useful to have clarification on the rationale for not including this.</p>	<p>disposal under duty of care (MW010).</p> <p>2. AQ001 includes a specific commitment for all on-road heavy vehicles to comply with the standards set within the London Low Emission Zone across all sites within the Order Limits for the relevant class of vehicle.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Council is satisfied with the Applicant's position.</p>		
<p>Project design and mitigation Ensure clear waste management processes and mitigation measures during construction</p>	2.1.203 RRE	<p>The discussion on M11 was initially focussed on waste management measures during construction. However, on further discussion, Thurrock Council confirmed their concerns were for both construction and operational phases of the project, summarised below. The concerns on the operational phase are listed under Item No. 2.1.204</p> <p>Construction phase</p> <ol style="list-style-type: none"> 1) Management of wastes in accordance with waste hierarchy 2) Management of wastes in accordance with the proximity principle 3) Management of wastes in line with extant Environmental Permits or 	<p>The Project is committed to clear and robust waste management and mitigation processes during its construction phase as summarised below.</p> <ol style="list-style-type: none"> 1) Covered by oSWMP (Project commitments and targets) and REAC MW006 and MW007. 2) Covered by the outline Materials Handling Plan (oMHP) which states '<i>Priority would be given to sourcing primary, secondary and recycled aggregates from Kent, Essex and Greater London whenever the design specification permits and supply is available, to embody the proximity principle of sourcing materials as close to the Project as possible</i>'. The 	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p> <p>ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050]</p> <p>ES Appendix 2.2 Annex A: Outline Site Waste</p>	Matter Agreed*

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		<p>Exemptions.</p> <p>4) Storage and management of wastes clearly identified appropriate storage areas or containers</p> <p>5) Records to comply with Duty of Care and Environmental Permit/Exemption compliance requirements</p> <p>6) Quantification of projected waste arisings and allocation (both spatially and temporally) within the development boundaries</p> <p>7) Identification of targets/rates for minimum recycling /reuse/landfill for the project and/or specific waste streams</p> <p>8) Regular training for or staff and/or sub-contractors</p> <p>9) Appropriate containment of wastes during transportation</p> <p>10) Detailed measures to deliver these requirements should be set out within either a detailed SWMP</p>	<p>Contractors will use the BRE Framework Standard for Responsible Sourcing (BES 6001) (BRE, 2008), to verify imported materials are sustainably sourced and managed, to reduce impacts throughout the supply chain.</p> <p>3) Covered by REAC MW007 (Reuse of excavated materials and soils).</p> <p>4) Covered by REAC MW010 (Construction Site Waste Management).</p> <p>5) Covered by oSWMP (Monitoring) and REAC MW010 (Construction Site waste management procedures).</p> <p>6) The Project waste arisings will be split into the three contract areas. This has not been completed yet as the Applicant is waiting for updated materials and waste quantity information. Material stockpile and storage information will be provided in the oMHP. REAC MW010 provides commitments about stockpiles and storage of waste.</p> <p>7) Covered by oSWMP and REAC MW001, MW007, MW011 and MW0013.</p> <p>8) Covered by oSWMP and CoCP in the section on '<i>Induction, training and briefing procedures for staff</i>'.</p> <p>9) Covered by REAC MW010 (Construction Site waste management).</p> <p>10) Covered by oSWMP, which is a</p>	<p>Management Plan [APP-337]</p>	

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			<p>framework document. A Construction Site Waste Management Plan would be submitted under Requirement 4 of the draft DCO, in line with the controls and commitments in the oSWMP.</p> <p>REAC MW011 was updated as listed below to demonstrate the levels of reuse that are achievable for the Project. The Contractor would achieve a target that 95% (by weight) of inert construction, demolition and excavation wastes destined for offsite waste management outside the Order Limits would be diverted from final disposal in landfill.</p> <p>Thurrock Council has seen the commitments set out above and marked the matter agreed.</p>		
<p>Project design and mitigation Ensure clear waste management processes and mitigation measures during operation</p>	<p>2.1.204 RRE</p>	<p>Thurrock Council have the following concerns for the operational phases of the project</p> <ol style="list-style-type: none"> 1) Provision of clearly marked and/or colour coded bins 2) Management of planned/unplanned maintenance in accordance with the best practice procedures. 3) Source segregation of hazardous waste 4) Regular training for staff and/or sub-contractors] 5) Exploration of further opportunities for re-use of materials during 	<p>The Applicant is committed to clear and robust waste management and mitigation processes during its operational phase as summarised below.</p> <ol style="list-style-type: none"> 1) Covered by REAC MW016 (points 6, 8, 9) 2) Covered by REAC MW016 (point 3) 3) Covered by REAC MW016 (point 6) 4) Covered by CoCP in the section on <i>'Induction, training and briefing procedures for staff'</i> 5) Covered by REAC MW006 and MW016 	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Agreed*</p>

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		detailed design	(point 17) Thurrock Council has seen the commitments set out above and marked the matter agreed.		
Project Design and mitigation	2.1.205 LIR	<p>Thurrock Council's concerns relate to the sufficiency of the level of detail provided for the scale, duration and waste generation potential of the proposed project.</p> <ol style="list-style-type: none"> 1. There is no clarity on if the contractor would comply with the 'anticipated management targets' or are they for guidance. Confirmation is needed that there is sufficient capacity at off-site recycling sites and landfill sites to take the predicted arisings 2. The waste arisings are not described with regards to their phasing 3. There is no evidence that the storage capacities within the compounds have been assessed for sufficiency. 4. The movements of large tonnages to/from excavation to stockpile/sorting/treatment locations before reuse (over an extended area) should be considered within assessments and control documents. Are these wastes likely to cross the river? Multi modal approach needs to be considered by various assessments. 	<p>The Applicant has provided the following in response to the concerns raised by Thurrock Council:</p> <p>The level of detail sought will be provided in the next iteration of documents provided to secure secondary consents including the SWMP and MHP, developed post consent in consultation with the local authorities.</p> <p>The updated assessment of likely significant effects on landfill capacity is detailed in Chapter 11: Material Assets and Waste and will assume the worst-case scenario achieving a minimum recovery of 70% (by weight).</p> <p>The DCO contains a requirement to the effect that the Environmental Management Plan must include measures or plans for the management of materials for approval by SoS following consultation with relevant planning authorities.</p> <p>The oSWMP sets out the framework for how wastes will be managed and provides a forecast of wastes anticipated to be generated. The post consent SWMP, if consent is granted will set the detailed approach for waste management and</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p> <p>ES Appendix 2.2 Annex A: Outline Site Waste Management Plan [APP-337]</p> <p>ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [REP5-050]</p> <p>ES Appendix 11.6: Material Assets and Waste Legislation and Policy [APP-440]</p>	Matter Not Agreed

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		<p>5. There is no identified structure for monitoring, recording and reporting on the wastes generated by the scheme.</p> <p>6. There are no proposed actions to ensure that the materials identified are captured for reuse, recycling or recovery, and in particular, how will material be separately collected?</p> <p>The Council will respond to the Technical Note on Earthworks Quantification within its D3 submission.</p>	<p>would be substantially in accordance with this oSWMP.</p> <p>The Materials Handling Plan (MHP) will be produced during the construction phase of the Project which would be substantially in accordance with this oMHP. The MHP would set out a detailed approach for waste and material movement and handling, taking into account a higher level of detail that will be available at that stage, including design, construction programme, traffic management, environmental management and site waste management requirements and commitments.</p> <p>The oMHP provides details on the compounds that have been identified for the Project. The construction compounds have been identified and designed based on various requirements including to support the type, scale and complexity of works such as the tunnel portal sites.</p> <p>The oMHP provides the Applicant's stance on multi-modal transport use which is strongly encouraged for Contractors to reduce the impact on the road network. A commitment to the use of the river is now included in the oMHP which supports the Applicant's stance on encouraging a multi-modal approach to the transport of materials.</p>	<p>ES Chapter 11: Materials Assets and Waste [APP-149] Technical Note on Earthworks Quantification [REP2-076]</p>	

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			<p>The ES Chapter 11: Materials Assets and Waste provides an assessment of likely significant effects of Project wastes on waste management facilities within the study area and in line with the requirements of DMRB LA 110. The assessment presents the baseline capacity of landfill and other waste management facilities within the study area.</p> <p>The EIA has presented a material and waste transportation scenario, through the modelling carried out in the traffic assessments. The Project requires the Contractor to consider and implement a multimodal approach to material transport in order to minimise negative impacts and reduce safety risks. The post consent detailed MHP (should consent be granted), will be submitted to the SoS for approval and would include an explanation of how multimodal solutions have been included and implemented or discounted.</p> <p>The oSWMP (and subsequently the SWMP) sets out the overarching principles and procedures that would be applied for the management of waste during the construction phase of the Project. REAC MW007 commits the contractor to prioritising the reuse of materials within the design and sets out the process to achieve this in line with the Waste Framework</p>		

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			<p>Directive Article 2. REAC MW010 sets out the requirements to reduce the quantities of waste requiring offsite management, enhance recovery and recycling rates and minimise the generation of hazardous waste.</p> <p>The oSWMP sets out the overarching principles and procedures that would be applied for the management of waste during the construction phase of the Project. REAC MW010 sets out the measures which the contractor would implement to reduce the quantities of waste requiring disposal. The SWMP would be developed in line with the principles and controls of the oSWMP, in consultation with the local authorities.</p> <p>A discussion on this matter was held on 11 July 2023 and the Council expressed overarching concerns around how the waste/earthworks quantities have been derived along with its classification and management. The Applicant confirmed that this is an outline document with details to be developed post consent and requested the Council to particularise specific outstanding concerns with points 1-6. The Applicant has also submitted a Technical Note about how earthwork quantities have been derived and submitted to the ExA at DL-2.</p>		

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			<p>A discussion on this matter was held on 26 September 2023 and the Council stated that they are satisfied with the Technical Note on Earthworks Quantification. However, there were residual concerns around several REAC items, specifically MW007 and MW013 related to waste hierarchy and targets, as outlined in the Council's response to ExQ1_Q.8.1.4, ExQ1_Q8.1.6 and ExQ1_Q8.1.9 of the ExA's first written questions. A further discussion was held on 16 October 2023 on commitments MW007 (about the waste hierarchy) and MW013 (regarding individual material level targets for reuse and recycling). However the key issue for the Council is the level of detail at this stage and the Council would like more specific wording. The Applicant consider the wording is appropriate for this stage of the Project. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Noise And Vibration					
<p>Project design and mitigation Noise impacts along the route Noise mitigation along the route</p>	<p>2.1.206 RRE, LIR</p>	<p>The Council consider that there may be unacceptable noise impacts at a number of locations arising from construction and operation., Additional mitigation is required for:</p> <ul style="list-style-type: none"> • Edge of East Tilbury 	<p>Noise Impacts An updated noise assessment is presented in ES Chapter 12: Noise and Vibration, together with mitigation measures where appropriate.</p> <p>Noise Mitigation</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048] ES Chapter</p>	<p>Matter Under Discussion</p>

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and design of acoustic barriers		<ul style="list-style-type: none"> • Linford • North of Chadwell St. Mary • To the North of South Ockendon and Ockendon • Tilbury • Orsett Heath <p>The Council would like the following mitigation:</p> <ol style="list-style-type: none"> 1. Additional noise mitigation in Chadwell and East Tilbury during construction. 2. Build sufficient earth bunds and noise barriers along the route to reduce noise impact. <p>The acoustic barriers (where provided) need to be set out and secured, to ensure they are as naturalistic as possible and blended in with the landscape. Further details are required on the nature, composition and scale.</p> <p>During construction of the proposed landforms there is the potential for construction noise effects to local receptors, such as the residential areas of East and West Tilbury. However, although these would be temporary it would be experienced over a 6-8-year period - therefore, for people in later life the impacts could result in a permanent erosion of the quality of their remaining life.</p>	<p>1. The Applicant is also committed to the preparation of a Noise and Vibration Management Plan (NVMP) for each part of the construction works subject to section 61 control for consideration by the relevant planning authorities (NV002). NV004 states that where appropriate, consents would be obtained from the relevant local authorities under section 61 of the Control of Pollution Act 1974 (which may include noise and vibration limits where relevant) for the proposed construction works. This would include construction works at Chadwell and East Tilbury. Furthermore, day and night-time noise and vibration monitoring would be undertaken at locations identified in consultation with the relevant local planning authorities to ensure that the mitigation measures suggested are working effectively (NV008).</p> <p>2. The ES Chapter 12 and the REAC commitments set out proposed noise mitigation measures including acoustic barriers along with route, prior to road opening at the locations identified on ES Figure 12.6: Operational Road Traffic Noise Mitigation (NV011). The embedded mitigation measure such as earth bunds are presented in the Environmental Masterplan.</p> <p>Design of acoustic barriers</p>	<p>12: Noise and Vibration [APP-150] Design Principles [REP4-146] ES Figure 12.6: Operational Road Traffic Noise Mitigation [APP-314] ES Figure 2.4: Environmental Masterplan [REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031] ES Appendix 12.10: Road Traffic Noise Mitigation and Cost Benefit Analysis</p>	

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		<p>A review has been undertaken of Appendix 12.10. Based on the information provided within Appendix 12.10, the Council requests that barrier options 4, 6 and 8 are implemented. These barriers are likely to reduce 10 or more dwellings from the moderate/major change in noise level category to minor or below.</p>	<p>Acoustic barriers are covered under Design Principle STR.09, which commits the Project to design materiality and appearance with consideration of the surrounding context of the landscape. The height, length and barrier type are set out in ES Chapter 12: Noise and Vibration as part of the DCO submission and have been considered within the context of the existing landscape.</p> <p>A further discussion on this matter was held on 11 July 2023 and the Council expressed concerns around the process of acoustic barrier appraisal and why they were not more extensive. The Applicant explained the process of choosing the location and dimensions of the barriers and additional considerations such as environmental setting, drainage, buildability and design elements such as cuttings and earthworks. The aim is to ultimately providing a balanced solution which does not increase environmental impacts for other disciplines such as landscape. Further information is presented in ES Appendix 12.10. The Council provided a list of specific locations where the barriers should be considered/extended and queried any specific environmental mitigation for construction traffic (covered in full in 2.1.194). The Applicant is currently</p>	<p>APP-450</p>	

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			<p>reviewing the list which has been provided by Thurrock Council and will respond accordingly.</p> <p>Following a further discussion on this matter on 25 September 2023 and 16 October 2023 the Applicant remains satisfied with the level of detail provided in ES Appendix 12.10 on barrier locations and justification. The Applicant is currently considering the Council's comments on barrier options 4, 6 and 8. This matter remains under discussion.</p>		
<p>Project design and mitigation Actions in case of noise monitoring exceedance</p>	2.1.207 RRE	<p>The Council welcome the text in the NV015 (exceedance framework for noise); however seek immediate stoppage of works in case of an exceedance (after the works undertaken as part of the scheme are confirmed to be the source of the noise)</p> <p>Original text for NV015 – In the event that noise and vibration monitoring (as provided for in NV009) identifies that noise and vibration limits (as provided for in NV004) have been exceeded the Contractor shall, at the earliest practicable opportunity, investigate to confirm that works being undertaken as part of the scheme are the source of the noise. If this is confirmed, then the Contractor shall immediately undertake a further review of the best</p>	<p>In relation to REAC reference no. NV015, the proposed alternative wording sought by Thurrock Council is not accepted.</p> <p>It would not be practicable to completely stop works every time there is an exceedance. There might be some elements of work which are unsafe to stop at short notice or would take much longer to complete if stopped causing more inconvenience to local communities (e.g. works being completed by undertaking a closure). Instead, the Applicant's approach is to work collaboratively with the Council to quickly identify more effective but still practicable mitigation. The details on this matter will be contained in the application for prior consent under section 61 of the Control of Pollution Act 1974, when it is</p>	ES Appendix 2.2: Code of Construction Practice [REP5-048]	Matter Not Agreed

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		<p>practicable means (as defined under the Control of Pollution Act, 1974) employed for the activity to minimise noise and agree additional or modified mitigation with the relevant local authority unless otherwise agreed with the Secretary of State.'</p> <p>Alternative text sought by the Council for the (last sentence): If this is confirmed, then the contractor shall immediately stop those works causing the exceedance and undertake a further review of the best practicable means employed for the activity to minimise noise and agree additional or modified mitigation with the relevant local authority. These particular works will only re-commence when satisfactory and agreed (with the local authority) mitigation is provided.</p>	<p>submitted to the Council. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Population and Human Health					
<p>HEqIA Independent review of HEqIA</p>	<p>2.1.208 RRE, LIR</p>	<p>There was an Independent Review in June 2021 of the Health and Equalities Impact Assessment (HEqIA) (from DCOv1) on behalf of nine Local Authorities named in the report. National Highways responded. Overall, the recommendations made regarding the adequacy of the methodology within the HEQIA have not been addressed sufficiently and puts the Lower Thames Crossing at risk of not meeting its core objectives to minimise</p>	<p>The comments regarding the independent review of the HEqIA are noted. The Project has responded to these comments by ensuring that matters raised in the review are processed and discussed with the respective local authority and in the CIPHAG forum.</p> <p>In December 2021 the Project shared the approach to sharing further environmental information with external stakeholders,</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118]</p>	<p>Matter Not Agreed</p>

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		<p>adverse impacts on health and the environment.</p> <p>Although the methodology section states that the chapter relies on the DMRB guidance, as discussed in more detail below after consultation various other guidance sources (WHIASU and IAIA) have also now been considered. It is unclear how these guidance documents have been integrated into the DMRB approach.</p> <p>It is noted that through consultation with the CIPHAG and responding to the Independent Review (2021) that further assessment criteria have been included in the assessment framework (outlined in paragraph 3.6.11), which includes sensitivity of the population, whether the change is beneficial or adverse, duration, magnitude, the severity of change and a judgment as to whether or not the effect is likely to be significant) drawn from the International Association for Impact Assessment and the European Public Health Association. Additionally, Paragraph 1.2.1 notes that WHIASU guidance has been incorporated into the assessment, specifically regarding considering sensitive populations. However, it is unclear how these considerations and approaches have been incorporated into the topic</p>	<p>which has included at the monthly CIPHAG meetings.</p> <p>The Project has held monthly meetings with external stakeholders including Thurrock Council to go through the HEqIA. The Project provided a line-by-line response on how it would respond to the content of the independent review at the CIPHAG meeting on 22 July 2021. In addition, a presentation was given to the Thurrock Task Force in July 2021. To continue this engagement, briefings on these topics were organised in September 2022.</p> <p>The impact of the Project on sensitive communities is set out in the HEqIA. Section 3.6 of the HEqIA sets out the Assessment Framework, including how individual pieces of guidance have informed the assessment. An earlier version of the HEqIA was shared and discussed with the Council. The HEqIA was shared at DCO submission. The Applicant is awaiting further discussions with Thurrock Council once the Council's review of the document is complete.</p> <p>In relation to guidance use, the Applicant has used a combination of guidance from WHIASU and DMRB (plus other sources such as the Mental Health and Wellbeing Toolkit) and this was explicitly stated and</p>		

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		<p>assessments, and how they relate to the criteria for determining health outcomes (positive, negative and neutral). There is an overall lack of clarity regarding how the health outcomes are being assessed, resulting in uncertainty around the consistency of the assessment and the replicability of outcomes found (whilst recognising that some level of professional judgement is needed). Specific examples where clarification is needed are included in SoCG 2.1.214.</p> <p>Consequently, it is unclear if the mitigations described within the chapter will effectively prevent the negative impacts identified within the assessment as the outcomes designated to each topic are generalised across the entire scheme geography. Generalisation skews the overall picture presented of health and equalities impacts to a 'neutral' position, when it is noted at baseline that some areas experience greater adverse effects than others. The following are specific topic assessments where negative effects on sensitive groups or specific wards are identified within the assessment, but it is not clear how the negative effects outlined in the assessment summaries have been integrated within the final health impact identified: accessibility (construction); traffic related severance</p>	<p>discussed at both CIPHAG meetings and in the Applicant's response to the Independent Review. The inclusion of IEMA guidance around significance was in response to specific issues raised by Thurrock Council and other stakeholders around identifying significance of effect.</p> <p>Although an overarching health outcome has been accorded for individual assessment topics as a whole (reflecting general and sensitive populations separately where this is considered relevant), the assessment detail makes reference to particular localities and areas where specific effects may be experienced and draws out where geographically-specific mitigation may be required.</p> <p>A further discussion on this matter was held on 5 July 2023. This is an overarching comment, and the detailed concerns are listed under matters 2.1.209 - 2.2.228. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		

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		<p>(construction); traffic related severance (operation); road safety (construction); air quality (construction and operation); and, impacts on housing and community service (construction and operation).</p> <p>This leaves the LTC at risk of not meeting its core objective of minimising health and environmental risk (2.4.1, d 'To minimise adverse impacts on health and the environment').</p> <p>Further discussion of specific areas of disagreement is included in other SoCG issues and within Section 10.13 of the LIR.</p>			
<p>HEqIA CIPHAG Independent Recommendations</p> <p>HIA recommendation from independent review – Health Priorities</p>	<p>2.1.209 RRE, LIR</p>	<p>Links between local health priorities and the assessment should be made clear. Where the local priorities identify topics or sensitive groups, these should be considered in the assessment (including in consideration of enhancement measures). Whilst the sections within the HEqIA under each topic contains a section entitled 'review of themes from local health and equalities strategies' is welcomed, further clarification is needed regarding what weight local policy objectives and JSNA priorities have had in concluding significance in the assessment.</p> <p>Additionally, it is not clear if Thurrock's Health and Wellbeing priorities have been correctly referenced within each topic</p>	<p>Local health and equalities priorities have been set out within Appendix A of the HEqIA. (Appendix A was updated between the 2020 and 2022 versions of the HEqIA) in line with updated priority and strategy documents produced by individual local authorities.</p> <p>A new section has been included within each of the assessment topics of the HEqIA itself, setting out which of the local health and equalities priorities are relevant for that topic, together with findings from consultation and from baseline data.</p> <p>Paragraph 3.6.13 of the HEqIA sets out the factors which have been taken into account when assessing population health effects that may arise as a result of the Project,</p>	<p>Health and Equalities Impact Assessment [REP3-118]</p> <p>Comments on LIRs [REP2-054]</p> <p>Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062], [REP2-063], [REP2-064],</p>	<p>Matter Under Discussion</p>

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		<p>assessment and how this has been weighted in the consideration of the health outcome identified. Specific topic assessments that have omitted reference and discussion of Thurrock specific policies or JSNA priorities highlighted in Health and Equalities Impact Assessment Appendix A Local Policy and Strategy Context (APP-540) are:</p> <p>a. Accessibility (Thurrock Whole Systems Obesity Strategy 2018-2021, Thurrock Council, 2018d); b. Affordability, Work and Training (JSNA 2017 – Children and Young People, Thurrock Council, 2017); c. Housing and Community Services Training (JSNA 2017 – Children and Young People, Thurrock Council, 2017); and d. The Thurrock Health and Wellbeing Strategy (2022) is only considered within the Active Travel and Work and Training domains and should be integrated across the assessment. 10.13.23</p> <p>Lastly, the assessment does not address if the proposed enhancement or mitigation measures in Tables 8.1 and 8.2 enable local priorities to be met. Further details of the Council's concerns are set out in the Council's LIR Section 10.13.</p> <p>In order to progress this matter the Council has agreed to provide additional mitigation suggestions by Deadline 6. This will be in</p>	<p>including the relationship with the health policy context and/or local health priorities. The assessment tables for each topic in Section 7 of the HEqIA include reference to the relevance/importance of local health and equalities priorities for each assessment topic.</p> <p>A discussion on this matter was held on 5 July 2023 and the Council stated that there are some areas where the links between local health priorities and the assessment could be strengthened, especially around local policy (including topics of accessibility, obesity and other health equalities). The Applicant requested a list of these potential areas of improvement and clarified that these details would not affect the HEQIA conclusions.</p> <p>The Applicant's response to the Council's Local Impact Report was provided at Deadline 2.</p> <p>A further discussion on this matter was held on 28 September 2023 and 16 October 2023 with the Council agreeing to provide additional commitments for the Applicant's consideration. This matter remains under discussion.</p>	<p>REP2-065 and REP2-066</p>	

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		<p>the form of additional SAC-R Green and Open Space and WCH requests, which are linked to the objectives within the Thurrock Health and Wellbeing Strategy (2022) and Thurrock Whole Systems Obesity Strategy (2018) outlined above. This is because the inclusion of additional text within either the HEqIA or the ES Population and Human Health Chapter would not address the core of this issue, which is that these objectives have been considered in the assessment, but the inclusion of additional mitigations would demonstrate NH commitment to upholding health and wellbeing policy objectives.</p>			
<p>HEqIA CIPHAG Independent Recommendations</p> <p>HIA Recommendations from Independent review – Construction Phasing</p>	<p>2.1.210 RRE, LIR</p>	<p>Further information should be provided on construction phasing as part of HEqIA (when available) and indication of how this may influence assessment and an explanation of how HEqIA has been planned and timed to inform decision making.</p> <p>Remaining issues within construction and phasing are covered under issue 2.1.220.</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.13.</p>	<p>Further detail relating to construction phasing was presented and discussed at a CIPHAG meeting in June 2021.</p> <p>The HEqIA includes a new section on Project construction phases and timelines (Section 4.3), providing further detail on construction activities across the four construction sections, information relating to individual construction compounds, and estimated timelines for construction in each section.</p> <p>Information relating to construction activities which may potentially impact individual assessment topics is included within the assessment sections as relevant.</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118]</p>	<p>Matter Agreed</p>

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			<p>This includes information relating to the length of time construction activities are anticipated to last as well as to construction phasing.</p> <p>A further discussion on this matter was held on 5 July 2023 and Thurrock Council is satisfied with the Applicant's position.</p>		
<p>HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review – Scope</p>	<p>2.1.211 RRE, LIR</p>	<p>Further commentary and evidence should be provided to understand how the scope of the HIA was identified and agreed. This could include provision of further information on the outcomes of discussions on scoping that were undertaken with the Community Impacts and Public Health (CIPH) advisory group.</p> <p>Additional commentary has been requested, as Table 3.1 (of the HEQIA) is not a sufficient summary of the scoping discussions. Table 5.2 within the HEQIA does not answer the recommendation regarding provision of information regarding outcomes of discussions and scoping. The only meeting that appears to have included scoping discussions was the November 2018 meeting, of which only this information is provided: 'Initial list of HEqIA topics agreed', but does not state which ones, and how they were agreed upon, and by what criteria or framework health topics were presented to CIPHAG and selected or</p>	<p>Further commentary and evidence around outcomes of discussions with CIPHAG concerning the scope of the HEqIA has been included within the HEqIA .</p> <p>Section 3.4 of the HEqIA covers screening and scoping. Table 3.1 summarises scoping discussions held as part of CIPHAG meetings between 2018 and 2021. The findings from the Independent Review and subsequent discussions with CIPHAG stakeholders included further information relating to the scoping and assessment of individual topics within the HEqIA. Paragraph 3.4.5 of the HEqIA includes a summary of the changes made to the original scope of the HEqIA as a result of subsequent discussions with stakeholders.</p> <p>Table 5.2 of the HEqIA details the CIPHAG meetings which have taken place between 2018 and 2022 (of which there were more than 20) and summarises the matters discussed at each meeting and outcomes</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062, REP2-063, REP2-064, REP2-065 and REP2-066]</p>	<p>Matter Agreed</p>

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		<p>excluded (or how if and how equalities groups were discussed and scoped). Further information has been requested regarding scoped out issues within the assessment and how these decisions were reached.</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.13. The Council will respond to the applicant's D2 submission within its D3 submission.</p> <p>Further information was provided outlining the scoped out domains at D3. This is considered sufficient and this matter can be agreed.</p>	<p>of those discussions where relevant.</p> <p>A discussion on this matter was held on 5 July 2023 and the Council expressed concerns around the level of detail presented in the tables signposted above. The Applicant was requested to provide a list of topics that have been scoped out of the HEqIA along with the topics discussed in CIPHAG.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2 and includes information relating to topics scoped out of the HEqIA, together with justification for doing so.</p> <p>A further discussion on this matter was held on 28 September 2023 and the Council is now satisfied with the Applicant's position.</p>		
<p>HEqIA CIPHAG Independent Recommendations</p> <p>HIA Recommendations from Independent review – Stakeholder Engagement</p>	2.1.212 RRE, LIR	<p>Further information should be provided on the outcomes of stakeholder engagement exercises and how this has meaningfully informed the HEqIA and the LTC project.</p> <p>1. This includes providing further details of what was agreed at the CIPH advisory group and methods of engagement and issues raised at the focus groups and how these comments were addressed. As outlined in issue 2.1.211 the HEqIA does not detail further information on the specific outcomes that arose because of the</p>	<p>Section 5 of the HEqIA sets out the approach taken to consultation and engagement for the Project and how this has fed into/informed the HEqIA assessment. The section summarises activities and headline information from both non-statutory and statutory consultation, including the Supplementary Consultation, design refinement Consultation, Community Impacts Consultation and Local Refinement public consultation events.</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118] Appendix I of the Consultation Report [APP-078] Appendix O of</p>	Matter Not Agreed

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		<p>engagement discussions, but instead presents summaries of topics discussed. Consequently, a lack of presentation on the outcomes means that there is no specific text to indicate how the HEqIA has been informed by the engagement.</p> <p>Information should be provided regarding how consultation has fed into the design and mitigation. Each topic assessment contains a section regarding consultation where issues regarding the topic during consultation are raised, however multiple topics do not clearly lay out how these concerns have been addressed (namely accessibility, traffic-related severance, affordability, noise and vibration, mental health, light pollution and climate change.) or how these concerns relate to engagement with protected characteristic groups or the Hard to Reach Focus Groups,</p> <p>2. Information should also be included on measures used to reach hard to reach groups. Wider concerns have also been raised regarding the consultation activities which should be addressed as part of the wider consultation strategy. Paragraph 3.6.13 does not answer the recommendation for LTC to set out how the engagement has informed the HEqIA – it notes that stakeholder engagement has</p>	<p>Following feedback from stakeholders including that received as part of the Independent Review, the Community Impacts Consultation included a comprehensive 'You Said, We Did' document, setting out how the Applicant has addressed issues and suggestions received at each of the previous consultations.</p> <p>Section 5.4 of the HEqIA sets out the Applicant's approach to consultation and engagement with hard-to-reach groups (more favourably referred to as under-represented groups). At a CIPHAG meeting held in June 2021, the Applicant's approach to engagement with under-represented groups was discussed with stakeholders; this included research undertaken by the Applicant into the presence of hard-to-reach communities along the route of the Project, which typically include older people, those with disabilities, those who may not be able to read, and those for whom English is not their first language. The findings from this meeting helped to inform the approach to engagement during the Community Impacts Consultation.</p> <p>In relation to the focus groups held during 2019, the Applicant reiterates the view that these formed just one part of engagement</p>	<p>the Consultation Report [APP-084] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062, REP2-063, REP2-064, REP2-065 and REP2-066]</p>	

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		<p>been taken into account when assessing population health effects (note this contradicts information discussed under SoCG issue re 2.1.227), but this does not mean that it was taken into account for the approach towards incorporating findings from the HEqIA process into the project design. Additionally, there is a lack of description of the methods of engagement used for focus groups, besides those who cannot access digital resources. Section 5.4.1 states that 'the Applicant researched and considered the presence of hard to reach communities' however, the process between this research and putting together the focus groups in Table 5.1 is not clear.</p> <p>Additionally, there is no description of issues raised at focus groups, particularly for hard-to-reach groups.</p> <p>Furthermore, it is noted that a hard to reach strategy was going to be included as part of the DCOv2 submission but this has not been seen.</p>	<p>with vulnerable groups and that wider conclusions were not drawn from this sample. This is explicitly stated in paragraph 5.4.6 of the HEqIA.</p> <p>The individual topic assessments contained in Section 7 of the HEqIA include a section summarising relevant findings to have arisen from consultation and engagement. The assessment methodology described in paragraph 3.6.13 of the HEqIA sets out the various factors which have informed the individual assessments; these include the extent to which stakeholders are concerned about particular determinants of health or health outcomes.</p> <p>A further discussion on this matter was held on 5 July 2023 and the Council expressed concerns around how much the Project has changed based on stakeholder engagement (especially for groups with protected characteristics) and use of focus groups. The Applicant reiterated the position that that the HEqIA adequately addresses these concerns and clarified that the input from focus groups formed only one part of the overall engagement picture, with more detailed consultation taking place with communities along the length of the route as summarised in the various non-statutory consultations. Both</p>		

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			<p>parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p> <p>Appendix I of the Consultation Report details respondents to statutory consultation and Appendix O of the Consultation Report provides details of any additional consultees; these include engagement with protected characteristic groups (for example schools).</p> <p>As noted in the Response to the Council's LIR (REP2-064), the Applicant's Hard to Reach Strategy was an internal document used to help inform the approach to engagement with under-represented groups; it was not intended that this would be submitted as a DCO document.</p>		
<p>HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review – Ward sensitivity</p>	<p>2.1.213 RRE, LIR</p>	<p>National Highways should clarify how ward sensitivity has been determined through clear links to the baseline. (SoCG Issue ref: 2.1.213) The NH response to comments received from Thurrock Council on clarifying how 'ward sensitivity has been determined through clear links to the baseline' suggests that amendments have been provided in TR010032/App 6.3 Environmental Statement Appendices Appendix 13.2 Ward Sensitivities. Appendix 13.2 contains no reference to which data has been amended</p>	<p>This was discussed at the CIPHAG meeting held on 29 September 2021. At this meeting, the process for attributing sensitivity on a ward by ward basis was presented to stakeholders using a series of metrics (people aged 60+, children, income deprivation, health metrics (long term illness, disability, life expectancy, hospital emissions (COPD, etc.), deaths from respiratory diseases) to attribute low, medium or high sensitivity to individual wards.</p> <p>The Applicant acknowledged that there are</p>	<p>ES Chapter 13: Population and Human Health [APP-151] Health and Equalities Impact Assessment (HEqIA) [REP3-118] ES Appendix 13.2: Ward</p>	<p>Matter Under Discussion</p>

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		<p>to provide additional ward sensitivity information.</p> <p>It remains unclear how the information on ward sensitivity has been consistently integrated to inform the overall health outcome within the HEqIA and designations of significance.</p> <p>Furthermore, it is also not clear how the ward sensitivity, which is based on health data (and income deprivation) informs the equalities assessment. It is unclear how the ward sensitivity designations and the assessment interact with the Tables 3.4 and Tables 3.5 within the HEqIA which outline sensitive populations identified in the WHIASU checklist and sensitive populations by assessment topic.</p> <p>Examples of where specific sensitive ward considerations need further clarification include Tilbury St Chads and Tilbury Riverside and Thurrock Park are high sensitivity wards, but it is not clear how they have been considered within the health outcome identified as part of the traffic severance assessment for operation (neutral), despite there being an unmitigated severance issue for older people at Brennan Road. Additionally, Tilbury St Chads is not considered within traffic related severance for construction, despite it being affected by severance</p>	<p>some data limitations as 2011 Census data is used for two metrics; however, most is much more recent (e.g. data provided by the Office for Health Improvement and Disparities). This information was subsequently shared with CIPHAG members who were asked to provide feedback as appropriate.</p> <p>Comments were received from Thurrock Council regarding additional metrics which could be considered. These comments have been reviewed and any amendments made to the ward sensitivity assessments have been set out in Appendix 13.2 to ES Chapter 13: Population and Human Health.</p> <p>The methodology for determining ward sensitivity is subsequently described in Section 3.6 of the HEqIA. The sensitivity of individual wards has been identified as high, medium or low based on the range of indicators identified.</p> <p>Draft ward sensitivity data and information was distributed to CIPHAG attendees; this information was subsequently included in the DCO submission in 2022. The assessment of sensitivity by ward is summarised in Table 3.3 of the HEqIA; data informing this assessment is set out in Appendix 13.2 of the Environmental Assessment (Chapter 13: Population and</p>	<p>Sensitivities [APP-452] S106 Agreements – Heads of Terms [REP4-144]</p>	

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		<p>issues on St Chads Road. Furthermore, no specific highly sensitive wards are referenced within the light pollution assessment.</p> <p>In order to progress this matter the Council is providing as part of D6 additional mitigation suggestions that are tied to those wards that are identified as highly sensitive and also providing suggested wording for Terms of Reference for CLGs.</p> <p>The Council agrees with the Applicant on the sensitivity allocations for individual wards. However, the following points remain important to note:</p> <ul style="list-style-type: none"> No clear justification has been provided regarding the integration of information regarding highly sensitive wards and significance impacts assigned or how highly sensitive wards are considered in the EqlA process. 	<p>Human Health).</p> <p>A discussion on this matter was held on 5 July 2023 and the Council expressed residual concerns around how the ward sensitivity has affected the assessment outcome (2.1.214). The Council committed to double checking if the wards are represented correctly in the HEqIA before the matter can then be agreed.</p> <p>A further discussion on this matter was held on 28 September 2023 and 16 October 2023 with the Council agreeing to provide additional commitments for the Applicant's consideration along with additional wording for the CLGs in the CoCP.</p> <p>The assessment set out in the HEqIA takes into account the sensitivity of individual wards and the sensitivity of specification populations/communities. Where sensitivity is considered to be a particularly appropriate or relevant aspect of the assessment, it has been referenced within the individual topic sections. The Applicant looks forward to receiving additional mitigation measures that may be of relevance to sensitive wards. This matter remains under discussion.</p>		

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<p>HEqIA CIPHAG Independent Recommendations</p> <p>HIA Recommendations from Independent review – Methodology for aggregating impacts</p>	<p>2.1.214 RRE, LIR</p>	<p>Justification / methodology for aggregating impacts at general population / ward level should be provided.</p> <p>As outlined in issue ref 2.1.208 it is recognised that discussion of human health and equalities outcomes need to be aggregated in order to make a proportionate assessment. However, it is not clear within the HEqIA where specific baseline data making wards more or less sensitive based on either health or equalities trends are influencing the assessment</p> <p>The approach to aggregation is disputed as further clarification is needed to justify why the following effects are not considered negative or significant: accessibility (construction); traffic related severance (construction); traffic related severance (operation); road safety (construction); air quality (construction and operation); and, impacts on housing and community service (construction and operation).</p> <p>Various GIS maps have now been provided in the HEqIA baseline to highlight information.</p>	<p>In each case, the scale of data that can be presented is informed by the approach to baseline data availability, monitoring data, modelling, and assessment of significant effects in-line with each relevant chapter of the Environmental Statement. The location, scale and sensitivity of sensitive receptors and concentration of effects in spatial and temporal terms has been considered, along with the health metrics. Where appropriate, mapping has been used to present baseline and assessment information. Where impacts have been aggregated at ward level, justification has been provided. More detailed geographic assessments have been included where appropriate. Effects on health inequalities have been strengthened throughout the HEqIA.</p> <p>The Assumptions and Limitations section of the HEqIA set out in paragraph 3.6.18 states that for all topics, the assessment has been aggregated to ward level unless otherwise specified.</p> <p>A further discussion on this matter was held on 5 July 2023 and the Council expressed residual concerns around the Applicant's approach, methodology of aggregation and consideration of specific groups in the aggregation. The Applicant does not agree with Thurrock Council for the reasons set out above. Both parties</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118]</p>	<p>Matter Not Agreed</p>

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			<p>agreed that this is a matter unlikely to be agreed due to both parties' positions being unchanged, but the Council committed to supplying specific concerns and examples for the Applicant's consideration, which is now being reviewed.</p>		
<p>HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review – Duration of effects</p>	<p>2.1.215 RRE, LIR</p>	<p>Further information should be included about the duration of effects anticipated beyond if they are temporary or permanent. This is particularly relevant to the health outcomes identified during the construction phase as this phase is anticipated to last six years. Further information should be included on if effects are considered to be short term, medium term or long term and a definition provided which outlines what each of these terms mean (e.g. short term = 1-2 years).</p> <p>Definitions on impact duration have now been provided. Although, as under Issue ref 2.1.208 it is unclear how this has been considered as a criteria for significance, and what thresholds have to be met to constitute a significant impact, including cumulative effects.</p>	<p>Paragraph 3.6.9 of the HEqIA sets out the temporal scope for the assessment. This describes the duration of potential effects as being short-, medium- or long-term (with durations as appropriate) or permanent. This enables a more granular assessment to that provided at DCO 1.0, where effects were simply described as temporary or permanent; this is as a direct result of discussions with stakeholders as part of CIPHAG meetings (as described in paragraph 3.6.11 of the HEqIA).</p> <p>The assessment methodology described in paragraph 3.6.13 of the HEqIA sets out the various factors which have informed the individual assessments; these include the duration of effect as described above. In relation to thresholds for significance, paragraph 3.6.11 states that a judgement as been made as to whether or not the effect is likely to be significant.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2. This response contains further</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118]</p> <p>Comments on LIRs [REP2-054]</p> <p>Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066]</p>	<p>Matter Agreed</p>

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			<p>information in relation to a threshold basis for significance in health impact assessment.</p> <p>A further discussion on this matter was held on 5 July 2023 and Thurrock Council is satisfied with the Applicant's position.</p>		
<p>HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review – Severity and Likelihood of health outcomes</p>	<p>2.1.216 RRE, LIR</p>	<p>The assessment should provide information on the severity and likelihood of the health outcomes. At present it is just stated whether a health outcome is considered to be positive, negative or neutral, however the assessment would benefit from further information being provided on the severity of the effect (e.g. minor, moderate or major positive/negative) to help provide a more balanced assessment and increase understand of the level of health outcomes anticipated. Within DCO 2.0 further evidence has been claimed to have been applied in the HEqIA to inform an assessment of severity and significance As noted in issue ref. 2.1.208 it is unclear how these criteria have been consistently applied to create a judgement on severity and a significance outcome. The following topic assessments have been noted as having a significant impact, however, further clarification is needed regarding what threshold these have met to be considered significant: Noise and</p>	<p>The methodology for assigning impacts on health outcomes is set out in DMRB LA 112, which states that health outcomes should be described as positive, negative, neutral or uncertain. While LA 112 states that <i>'it is not possible to quantify the severity or extent of the effects which give rise to these outcomes'</i>, the guidance also states that information should be presented relating to changes to health determinants as a result of a scheme or project, together with evidence provided to support conclusions.</p> <p>The HEqIA provides information around the plausibility of health outcomes as part of the review of evidence for each assessment topic. Further evidence has been presented in relation to the individual assessments to help increase understanding of the level of health outcomes anticipated. The assessment methodology described in paragraph 3.6.13 of the HEqIA sets out the various factors which have informed the individual</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066]</p>	<p>Matter Not Agreed</p>

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		<p>Vibration (construction); Working and Training (construction); Accessibility (operation); Access to green space and outdoor space (operation); Active Travel (operation); Work and training (operation); and, Mental health and wellbeing (operation).</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.13. The Council will respond to the applicant's D2 submission within its D3 submission.</p>	<p>assessments; these include an assessment of the severity of health outcome, for example, whether this relates to changes in mortality/morbidity or whether the change may be more related to wellbeing or quality of life.</p> <p>The HEqIA also identifies where health effects are likely to be significant; the guidance document 'Human health: ensuring a high level of protection. A reference paper on addressing human health in Environmental Impact Assessment' (International Association of Impact Assessment and European Public Health Association, 2020) has been used to inform an approach to identifying significance, taking into account multiple criteria, including severity of health outcome as described above. This has enabled the identification of significant effects within Section 7 of the HEqIA.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2. The response contains further information in relation to a threshold basis for significance in health impact assessment. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		

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<p>HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review – Data Sources</p>	<p>2.1.217 RRE, LIR</p>	<p>There are some concerns identified with the technical data sources used to inform the HEqIA (e.g. transport, air quality and noise assessments). Technical concerns should be addressed and updated accordingly in the HEqIA as these may have implications for the health outcomes identified. Clarification should also be provided on how the level of effect identified in the source assessment has been translated into the effect identified in the HEqIA (including how this has been aggregated to general population / ward level)</p> <p>It is important to note that the HEqIA relies on multiple technical assessments. There are specific concerns in Thurrock regarding the air quality and noise and vibration modelling, if any changes or fundamental queries are raised regarding these assessments a clear update or caveat will need to be reported regarding the HEqIA. Specific issues raised are as Air Quality: the assessment currently identifies a neutral health impact in both construction and operation for the scheme regarding air quality, which is disputed given the wards affected, length of impact and amount of people affected, alongside the mitigations proposed. The assessment that, at a ward level the following Thurrock Wards, are the</p>	<p>The HEqIA uses the findings of each of the topic-specific assessments within the EIA and relies on the technical data sources developed for those assessments.</p> <p>A further discussion on this matter was held on 5 July 2023. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged, but the Council committed to supplying specific concerns with examples for the Applicant's consideration.</p> <p>The examples provided by Thurrock Council are noted and are being reviewed by the Applicant, however the position as stated in the above paragraph is likely to remain unchanged.</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118]</p>	<p>Matter Not Agreed</p>

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		<p>more sensitive to air quality changes, Tilbury St Chads, Aveley and Uplands, Belhus and West Thurrock and South Stifford. However, no further information is provided in the HEqIA on how these areas would be affected by the LTC and a key issue is that the HEqIA does not deal with the detail of specific air quality effects on specific areas. Additionally, it is noted that communities close to construction, or construction traffic routes should be considered be highly sensitive. These impacts are said to be mitigated by measures in the REAC and the CoCP, so would result in no physical health impacts, although no additional mitigation is highlighted in the HEqIA for sensitive wards.</p> <p>Thurrock has raised concerns regarding the adequacy of the air quality assessment and technical data used during the assessment, most recently within the Council's Relevant Representation (Principal Issue VIII) (PDA-009). This is in particular regarding the increase in the number of people affected by air pollution and increase in traffic on local roads, even if under the permissible standards outlined by Air Quality Standard (AQS), as health effects can be felt below these standards. This is in alignment with the UK Health</p>			

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		<p>Security Agency's Relevant Representation (RR-1116) 'the UKHSA would welcome further assessment and clear presentation on the summary of impacts on human receptors where there is a change in air quality, where the AQS is not exceeded'.</p> <p>It is unclear from the DCO 2.0 documentation if the concerns raised by the Council regarding the level air quality have been acknowledged in DCO 2.0.</p> <p>A neutral outcome is assigned for both construction and operation through applying mitigation to reduce mental health impacts of environmental changes, alongside controls during construction. However, it is disputed that the current mitigation (just establishment of the Community Liaison Groups) is adequate. Upon review of the CoCP (APP336) it is unclear document how many Community Liaison Groups will be formed and there is limited fixed detail on how they will function and what remit these groups will have..</p> <p>Noise: a similar concern is raised to air quality regarding noise, significant concern was raised in the Council's Relevant Representation (Principal Issue VIII) (PDA-009) regarding the adequacy of the noise assessments and modelling and analysis submitted to NH from the Council in 2022 demonstrated that the scheme will</p>			

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		<p>significantly increase noise disturbance and tranquillity of public space.</p> <p>It is not clear what changes, if any, have been made in this assessment in light of this information, although negative significant impacts are noted for construction and both positive and negative impacts are noted for operation.</p> <p>Secondly, NH responded to SoCG issue 2.1.232 to provide a qualitative assessment of noise impacts on PRoWs and WCH routes, but this has not been included in the DCO 2.0 submission, this was in particular reference to the shared path in the A13/A1089 area proposed for walkers, cyclists and horse riders between Green Lane and Stifford Clays Road that is now proposed slightly closer to LTC to avoid impacting farmland. It is noted that the noise assessment in the HEqIA outlines specific effects on wards, including years that they are affected, which is welcomed.</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.13. The Council will respond to the applicant's D2 submission within its D3 submission.</p>			
HEqIA CIPHAG Independent Recommen-	2.1.218 RRE, LIR	The HEqIA should provide further information regarding effectiveness of mitigation / enhancement measures.	Section 4.4 of the HEqIA presents the approach taken to the provision of mitigation and enhancement measures,	Health and Equalities Impact	Matter Not Agreed

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<p>ditions HIA Recommendations from Independent review – Effectiveness of mitigation</p>		<p>Specific issues where mitigation where further demonstration is needed regarding how mitigation is deemed to be sufficient is needed for the following issues: SoCG Issue 2.1.259 – there is no description of specific enhancement measures to encourage use of the active travel routes by members of the public. Given the positive, significant health benefits ascribed to use of the WCH routes this is lacking. Specific Community Liaison Groups (CLG) could be specified to be created to promote and monitor this outcome. SoCG Issue 2.1.233 and 2.1.234 – the assessment of the health impacts from the construction workforce on accommodation is considered neutral after mitigation. It is unclear which specific mitigations would enable it to be considered a neutral impact on residents on a low income SoCG Issue 2.1.218 and 2.1.230 – mitigation mentioned in the report regarding providing funding or support to the affected Boroughs, namely the Community Fund and S106 agreements are noted, but there is a lack of detail tied to how these will reduce or address specific health outcomes in specific areas and the mechanisms by which they will be delivered and monitored. Consequently, it</p>	<p>including the categories within which mitigation falls and the locations where mitigation measures are secured within the DCO. For each assessment topic in Section 7 of the HEqIA, mitigation measures are described within relevant sections relating to construction and operation. The assessment conclusions relate to residual health outcomes after mitigation measures have been implemented. A further discussion on this matter was held on 5 July 2023, and the Council committed to supplying specific concerns and potential additional commitments for the Applicant's consideration. The examples provided by Thurrock Council are noted. The Applicant's response to the Council's Local Impact Report has been provided at DL-2. The Applicant's position on the matters highlighted is set out under those individual matters and not repeated here. Both parties agree that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>	<p>Assessment (HEqIA) [REP3-118] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066]</p>	

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		<p>is unclear if the mitigation described within the relevant HEqIA or ES Chapter will effectively prevent the negative impacts identified within the assessment, particularly in areas where it is noted will experience greater adverse effects than others. The detail provided in the CoCP regarding CLG's does not specify how many will be supported in each affected authority, what the likely terms of reference will be, including what remit these groups will have and any additional funding that will be supplied to support these groups, particularly if any capacity building is needed.</p> <p>Additionally, the justification that the embedded mitigation listed under the following SoCG issues will address health issues is also needed: 2.1.236, 2.1.238, 2.1.240</p> <p>The HEqIA and ES Chapter Population and Human Health could include providing a conclusion on the residual health outcome anticipated after mitigation measures is implemented.</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.13. The Council will respond to the applicant's D2 submission within its D3 submission.</p>			

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<p>HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review – Monitoring</p>	<p>2.1.219 RRE, LIR</p>	<p>Further information to be included on monitoring (impacts, mitigation, and enhancement – to be clearly specified), how this will be secured and anticipated timelines.</p> <p>As laid out in NH's response) monitoring approaches are detailed in the chapter across a number of topics for both construction and operation (including air quality, noise, transport, housing and services, pollution and flood risk). However, this does not address specific concerns regarding monitoring health or equalities outcomes and the role that monitoring could play in enhancing legacy benefits.</p>	<p>Monitoring has been an area of specific interest to stakeholders and discussed at a number of CIPHAG meetings over the course of Project development (for example, an exceedance framework and various potential approaches to health monitoring were discussed at the CIPHAG meeting in May 2021, as referenced within the HEqIA).</p> <p>Further, more detailed information on monitoring has been included where relevant in the HEqIA, including in relation to both construction and operational phases of the Project. For construction:</p> <ul style="list-style-type: none"> Air quality and baseline dust monitoring during construction – Contractors shall determine the level of any dust and particulate monitoring carried out on Project construction sites by means of a risk based approach. If required, further commitments are included in the REAC in relation to actions that would be taken in cases of air quality monitoring exceedances. Noise monitoring at agreed sensitive receptors (to be defined through development of the CoCP and Noise and Vibration Management Plan) to ensure that the mitigation measures suggested are working effectively. 	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118] ES Appendix 2.2: Code of Construction Practice [REP5-048] Framework Construction Travel Plan [REP5-054] Wider Network Impacts Management and Monitoring Plan [APP-545] ES Chapter 12: Noise and Vibration [APP-150]</p>	<p>Matter Not Agreed</p>

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			<p>Monitoring would be undertaken at locations identified in consultation with the relevant Environmental Health Officers before works start. The REAC includes measures relating to noise and vibration monitoring during the construction phase (REAC Ref. NV009), including the identification of a framework should noise exceedances occur (REAC Ref. NV015).</p> <ul style="list-style-type: none"> In relation to workforce accommodation, a monitoring framework is proposed to be established (and is secured by the FCTP). <p>During operation:</p> <ul style="list-style-type: none"> Traffic impact monitoring during the operational phase of the Project would identify changes in performance on the surrounding road network. Information setting out how such a scheme would be implemented is contained in the Wider Network Impacts Management and Monitoring Plan. The findings of ES Chapter 12: Noise and Vibration concluded that there would be some significant effects as a result of the Project. Post-construction monitoring and evaluation would therefore be undertaken for the Project 		

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			<p>as set out in DMRB LA 111 (Highways England, 2020c).</p> <p>However, the monitoring of health specifically or as an aggregated indicator is not proposed. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review – Cumulative Effects</p>	<p>2.1.220 RRE, LIR</p>	<p>An assessment of cumulative effects (in relation to inter project effects) should be included in the HEqIA instead of cross referencing the ES to see that cumulative effects on vulnerable groups are appropriately considered.</p> <p>An issue remains regarding clarity on how construction phases and ward sensitivities are considered in the cumulative assessment of intra-project effects, especially for those communities closest to the scheme, i.e. those within 1km of the scheme and host authorities where potential negative effects have been identified in the assessment. It is currently unclear where NH view these effects happening (given the majority of environmental topics health been designated a neutral health impact during construction) and how mitigation addresses the potential health inequalities associated with these impacts</p>	<p>Section 7.17 of the HEqIA contains an assessment of cumulative effects. The section covers both intra-project effects (impacts that can occur as a result of interrelationships between different assessment topics); and inter-project effects (due to the Project in combination with other existing and/or approved developments).</p> <p>The assessment of cumulative effects undertaken within the HEqIA is consistent with that included within the Environmental Statement, for example, using the same short-list of projects identified for inclusion in the assessment of inter-project effects (as set out in ES Chapter 16: Cumulative Effects Assessment).</p> <p>A further discussion on this matter was held on 5 July 2023 and the Council expressed concerns on how cumulative effects could have a potential impact on health inequalities. The Applicant clarified that this is covered under matter 2.1.110 of</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118] ES Chapter 16: Cumulative Effects Assessment [APP-154]</p>	<p>Matter Not Agreed</p>

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			the SoCG. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.		
HEqIA CIPHAG Independent Recommendations HIA Recommendations from Independent review – Limitations	2.1.221 RRE, LIR	The HEqIA should include a limitations section to clearly outline any limitation or constraints of the assessment. A limitations section has been provided in the report (Section 3.6.18) (TR010032/APP/7.10 Health and Equalities Impact Assessment.).	A series of assumptions and limitations are included at paragraph 3.6.18 of the HEqIA, clearly outlining limitations or constraints of the assessment. A further discussion on this matter was held on 5 July 2023 and Thurrock Council is satisfied with the Applicant's position.	Health and Equalities Impact Assessment (HEqIA) [REP3-118]	Matter Agreed
HEqIA CIPHAG Independent Recommendations EqIA Recommendations from Independent Review – Lack of Specificity	2.1.222 RRE	The overall document lacks specificity, with individual incidences being highlighted in the tabulated analysis of the EqIA. It is important to be specific about the rationale behind decisions when evidencing that they meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty. Lack of specificity in the EqIA leads to an assumption that some things have been missed, when it is possible this work has been done. NH suggests that APP-541 Health and Equalities Impact Assessment Appendix B - National Highways EqIA Screening Template of the HEqIA has been expanded to respond to concerns raised regarding evidencing that they have met the Public Sector Equality Duty and lack of specificity	Appendix B of the HEqIA has been expanded to respond to the concerns raised and to be specific about the rationale behind decisions when evidencing that they meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty. The EqIA has been prepared in line with the Applicant's approach and utilising the standard reporting template used by the Applicant for this purpose. A thorough review of the document was undertaken between DCO 1.0 and the submission in 2022. Further detail was incorporated into the EqIA to ensure that in the Applicant's view, the requirements of the Equality Act 2010 and the Public Sector Equality Duty were met. A further discussion on this matter was	Health and Equalities Impact Assessment (HEqIA) [REP3-118] HEqIA Appendix B: National Highways EqIA Screening Template [APP-541] Comments on LIRs [REP2-054]	Matter Not Agreed

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		<p>within the EqIA. It is unclear from this document where this has been expanded to demonstrate meeting this duty.</p> <p>Additionally, there is limited response to the issues raised in Table 4.2 of the 2021 Independent Review of the HEqIA which highlighted areas where the due regard was not evidenced within the HEqIA through a RAG system. The remaining red issues include:</p> <ul style="list-style-type: none"> • Hard to Reach Groups: NH suggested that a Hard-to-Reach Strategy (2021) regarding engagement was being prepared to inform the 2021 consultation. This is not referenced or described in the HEqIA (aside from being noted as being presented to the CIPHAG group in June 2021 regarding approach); • Diversity monitoring: it was noted at this stage that there was an underrepresentation of female respondents during the consultation. NH responding suggested that the Hard-to-Reach Strategy would consider barriers to participation. This is not evident within the HEqIA. • A concern was raised in the Independent review regarding how consultation with WCH groups have 	<p>held on 5 July 2023 and Thurrock Council committed to providing examples of where specificity could be tightened.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2. As noted in REP2-064, the Applicant's Hard to Reach Strategy was an internal document used to help inform the approach to engagement with under-represented groups; it was not intended that this would be submitted as a DCO document. The strategy is referenced in the HEqIA as a relevant mechanism for engagement. The Strategy identified potential barriers to participation and potential solutions for overcoming these. REP2-064 also provides the Applicant's response in relation to comments made about the Table of Equality Information.</p> <p>Paragraphs 3.6.15 and 3.6.16 of the HEqIA describe the approach to assessing disproportionate or differential effects. This is not a criteria-based approach, but one that relies on professional judgement in light of various evidence identified (for example extensive baseline information and literature reviews).</p> <p>A further discussion on this matter was held on 28 September 2023. This is now a matter not agreed due to both parties'</p>	<p>Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5)</p> <p>[REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066]</p>	

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		<p>been incorporated into the assessment, although it is noted that extensive consultation with WCH groups has been undertaken no specific detail is given regarding WCH therefore making it hard to tell whether the updated work is proportionate or how the consultation fed into scheme design and mitigation regarding equalities.</p> <ul style="list-style-type: none"> • Section 5.4 on engagement with hard-to-reach groups (APP-539 Health and Equalities Impact Assessment) does not provide a rationale for the groups selected and why certain geographic locations were chosen for different groups. • Table of Equality Group Information: Sex: it is unclear why this is designated as neutral within the National Highways EqIA Screening Template. Religion & Belief: it is unclear why this protected characteristic has been scoped out. It is noted that NH has suggested that access to faith and religious facilities is not relevant to the assessment but no justification of this is provided. Age: no reference to changes to commuting patterns due to working from home is included in the report. Race: whilst vulnerability of ethnic minority 	<p>positions remaining unchanged.</p>		

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		<p>populations to certain health and equalities impacts is referenced in the assessment, and 'individuals from ethnic minority backgrounds' are referenced as a 'hard to reach group' engaged during the consultation process, it is unclear how race and ethnicity is considered in the report (aside from the consideration of the Traveller community under noise and housing). - Pregnancy/Maternity: the alternative active travel provision described in the active travel assessment for construction and operation does not mention impacts on the protected characteristic of pregnancy and maternity. Mitigations proposed and alternative routes are described theoretically but have not been agreed, and design for accessibility is not referenced.</p> <p>Information regarding the consultation process and how this included some protected characteristic groups has been provided. However, it remains unclear how the information from the consultation has been incorporated into the equalities assessment or how the mitigations and enhancements referenced as reducing impact on protected characteristic groups will help meet the Public Sector Equalities Duty.</p> <p>The analysis within the HEqIA under each</p>			

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		<p>topic regarding equalities is limited and there is no criteria for a disproportionate or differential effects being met.</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.13. The Council will respond to the applicant's D2 submission within its D3 submission.</p> <p>The comments outlined above remain relevant and unagreed as no sufficient detail has been supplied regarding these issues and the integration of these equalities considerations within the assessment. The issue regarding the traveller community is now discussed under SoCG item 2.1.325.</p>			
<p>HEqIA CIPHAG Independent Recommendations EqIA Recommendations from Independent Review – Engagement with the Travellers community at Gammonfields</p>	<p>2.1.325 DL-6</p>	<p>The Council has concerns about engagement with the Traveller community. NH responds that further detail on engagement with this group is outlined in the APP-541 Health and Equalities Impact Assessment Appendix B - National Highways EqIA Screening Template. However, it is still difficult to determine if this was adequate or not as there is no reference to numbers of participants or outcomes of the engagement. Additionally, Traveller communities have been included in the qualitative description of the assessment for housing, services and</p>	<p>It should be noted that this matter has been separated from Item 2.1.222 at the Council's request.</p> <p>Engagement with the travellers community at Gammonfields Way has been extensive and positively received by residents. The details of engagement activities are clearly summarised in Appendix B of the HEqIA with the outcome of engagement being that the design of the new site and the pitch layout has been agreed with the travellers and with Thurrock Council, as well as the inclusion of a condition within the Schedule 2 Requirements of the Development</p>	<p>Health and Equalities Impact Assessment (HEqIA) [REP3-118] HEqIA Appendix B: National Highways EqIA Screening Template [APP-541]</p>	<p>Matter Agreed</p>

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Way		<p>noise but are not mentioned in other key topics such as air quality (see issue ref 2.1.229 for further information); - APP-541 Health and Equalities Impact Assessment Appendix B - National Highways EqIA Screening Template outlines detail of engagement with disability and mobility groups and this is referenced in paragraph 5.3.13 of the HEqIA. However, it is not clear what the key outcomes of these meetings were.</p> <p>After discussions held with NH on the 28 September there is no longer concern regarding past engagement with traveller communities as this is unable to be changed. The remaining concern centres on the adequacy of the relocated traveller site at Gammonsfield way and whether adequate consideration has been shown to air quality and noise impacts at this site (and therefore this issue is tied to issue 2.1.190 concerning noise), which needs to include reference to travellers as a vulnerable group.</p>	<p>Consent Order that provides for Thurrock Council to approve the detailed design of the replacement facility.</p> <p>A discussion on this matter was held on 28 September and the Council is satisfied with the Applicant's position.</p>		
<p>HEqIA CIPHAG Independent Recommendations</p> <p>EqIA Recommen-</p>	<p>2.1.223 RRE, LIR</p>	<p>The document lacks important context, such as study area demographic breakdowns. Providing this would give a clearer picture as to whether resources/consultation efforts have been correctly apportioned. Where shortfalls are identified, analysis of possible reasons for</p>	<p>The EqIA is informed by the comprehensive baseline set out in Appendix C of the HEqIA, which includes information relating to all protected characteristics within the study area for the HEqIA. This information has not been</p>	<p>HEqIA Appendix C: Baseline [APP-542] Health and Equalities</p>	<p>Matter Agreed</p>

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<p>dations from Independent Review – Context</p>		<p>this and reasonable mitigations should be included. Whilst demographic breakdown of the study area is provided in APP-542 Health and Equalities Impact Assessment Appendix C - Baseline of the HEqIA, this is not consistently summarised in the HEqIA to provide context for each topic considered, particularly regarding highlighting key wards affected by the scheme and trends within these wards regarding both health data and equalities characteristics.</p> <p>Additionally, the APP549 Community Impact Report provides a breakdown by ward regarding key baseline information, construction and operation timeline and potential outcomes based on the information in the ES chapters.</p> <p>Furthermore, Section 6.2.5-6.2.9 of APP539 Health and Equalities Impact Assessment has the potential to include a summary of the study area demographic breakdowns from Appendix C, but only provides some description of key health issues amongst demographics, missing potential equalities concerns.</p> <p>It is noted that information regarding equalities baseline and is provided across within various appendices, it is noted that it is difficult to understand from the HEqIA what the implications of these findings are</p>	<p>replicated in the EqlA itself.</p> <p>The EqlA identifies for each protected characteristic whether people may have different levels of access, and whether there are social or physical barriers to participation, such as language, format or physical access. When preparing for non-statutory consultation, the Applicant developed a strategy for engaging effectively with the stakeholders and communities it had identified as its target audience. In developing this strategy, the Applicant researched and considered the presence of hard-to-reach communities, which typically include older people, those with disabilities, those who may not be able to read, and those for whom English is not their first language.</p> <p>The Consultation Report provides a full description of the consultation activities undertaken, including the Project response to the feedback received. The Statement of Engagement describes the extensive engagement with stakeholders throughout the pre-application stage of the Project. Ongoing engagement has helped stakeholders shape the Project and has facilitated continuous improvement to its design, providing a deeper understanding of local issues and enabling information to be gathered to support decision making.</p>	<p>Impact Assessment (HEqIA) [REP3-118]</p> <p>HEqIA Appendix B: National Highways EqlA Screening Template [APP-541]</p> <p>Consultation Report [APP-064]; APP-065; APP-066; APP-067; APP-068; and APP-069</p> <p>Statement of Engagement [APP-091]</p>	

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		for both the assessments and mitigations proposed.	A further discussion on this matter was held on 5 July 2023 and Thurrock Council is satisfied with the Applicant's position.		
HEqIA CIPHAG Independent Recommendations EqIA Recommendations from Independent Review – Disparity in genders	2.1.224 RRE, LIR	<p>There is a large disparity between numbers of male and female consultees. This is of particular concern as gender plays an important role in travel patterns, and women may have less time to take part in consultation activities than men.</p> <p>It is not agreed that the disparity between men and women's participation does not undermine the robustness of the consultation. It is well documented that gender has a significant impact on travel patterns, work patterns and accessing and using public spaces. Therefore, where consultation is relied on to inform conclusions this needs to be taken into account and could be addressed through further enhancement and legacy benefit considerations. Additionally, the scheme has been recorded as having a 'neutral' impact on Sex and Religion & Belief as protected characteristic groups. It is recommended this is reviewed and consultation with representatives of these groups evidenced and reconsidered. Given that women are identified as a sensitive group within the following topics in the report: accessibility, active travel, air quality and noise, the assessment in APP541</p>	<p>This is noted as an issue, and the literature reviews have identified the importance that gender plays in travel patterns. The Applicant considers it to be of vital importance that everyone who wishes to participate in the various consultations has had the opportunity to consider and respond to the proposals. When preparing for non-statutory consultation, the Applicant developed a strategy for engaging effectively with the stakeholders and communities it had identified as its target audience. In developing this strategy, the Applicant researched and considered the presence of hard-to-reach communities, which typically include older people, those with disabilities, those who may not be able to read, and those for whom English is not their first language.</p> <p>Consultation response forms from each of the consultation events allowed people to record gender identity as part of their response. Although there may have been a recorded disparity between male and female consultees at a number of events, this is not considered to impact the robustness of the assessment itself.</p>	<p>Health and Equalities Impact Assessment [REP3-118]</p> <p>HEqIA Appendix B: National Highways EqIA Screening Template [APP-541]</p>	Matter Not Agreed

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		Health and Equalities Impact Assessment Appendix B – National Highways EqIA Screening Template seems to contradict a neutral impact designation	<p>The EqIA includes evidence from literature reviews in relation to various of the assessment topics covered in the document; this includes the role that gender plays in travel patterns (for example, public transport may be more commonly used by women). It also notes that sex is scoped in to the assessment, stating that 'women are more likely to be users of public transport than men and may be affected by temporary changes in bus travel during the construction period, although it is noted that changes in journey times are small'.</p> <p>Paragraph 3.6.13 of the HEqIA sets out the various factors that have been taken into consideration for each topic assessment; these include the extent to which stakeholders are concerned about a particular issue or topic. Consultation findings alone have not been relied upon to inform conclusions, but form part of the evidence base. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
HEqIA CIPHAG Independent Recommendations	2.1.225 RRE	Additionally, the scheme has been recorded as having a 'neutral' impact on Sex and Religion or Belief characteristic groups. A rationale for a neutral designation has been provided within the	The EqIA was reviewed between DCO 1.0 and the final submission in 2022. The submitted EqIA records a neutral impact on both Sex and Religion or Belief characteristic groups. Supporting text in relation to the Sex characteristic group	Health and Equalities Impact Assessment [REP3-118]	Matter Agreed

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EqlA Recommendations from Independent Review – Specific Characteristic Groups		DCO.	references the fact that ' <i>women are more likely to be users of public transport than men and may be affected by temporary changes in bus travel during the construction period, although it is noted that changes in journey times are small</i> '. Full analysis and assessment of the changes in journey time for each construction phase are provided in the HEqlA. The Council is satisfied with the Applicant's approach.	HEqlA Appendix B: National Highways EqlA Screening Template [APP-541]	
HEqlA CIPHAG Independent Recommendations EqlA Recommendations from Independent Review – Consideration of Covid 19	2.1.226 RRE	Covid-19 should be considered more comprehensively in the EqlA as it effects groups differently and is impacting upon and shaping travel habits and consultation efforts. The HEqlA lacks a clear consideration of COVID-19 and how it has impacted upon travel habits (such as uptake of walking and cycling or reliance on private vehicles) and how this might particularly effect vulnerable and protected characteristic groups. Section 5 (Consultation and engagement) does describe how consultation efforts were refined in light of COVID-19, by using digital methods to collect responses. The HEQIA states that 'statistics relating to the impacts of COVID-19 on the local population have been drawn from relevant sources (e.g. ONS data) but it is unclear	The submitted HEqlA includes baseline data in relation to deaths involving COVID-19 by local authority area (Office for Health Improvement and Disparities) in addition to available information relating to populations considered to be clinically extremely vulnerable and therefore advised to shield during the pandemic. The HEqlA describes the measures taken to overcome restrictions to consultation that were in place due to the COVID-19 pandemic and the measures which were put in place during times when these restrictions had eased but not all people felt able to join in traditional face-to-face engagement. These measures are described in Section 5.3 of the HEqlA. Impacts of the pandemic on travel and behavioural patterns have been	Health and Equalities Impact Assessment [REP3-118] Consultation Report [APP-064] ; APP-065 ; APP-066 ; APP-067 ; APP-068 ; and APP-069	Matter Not Agreed

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		how this information has impacted the assessment and consultation,	incorporated into the assessment where relevant – for example, in relation to the impacts of COVID-19 on levels of exercise, usage of green space and the link between nature and wellbeing (described in Section 7.4 of the HEqIA) and in relation to work and training (described in Section 7.10 of the HEqIA). This matter is not agreed, due to both parties' positions remaining unchanged.		
<p>HEqIA CIPHAG Independent Recommendations</p> <p>EqlA Recommendations from Independent Review – Intersectional Characteristics</p>	<p>2.1.227 RRE, LIR</p>	<p>Intersectional characteristics (i.e., Religion and Gender, Age and Disability) appear not to have been considered. This can be of specific use in identifying hard-to-reach groups who may have more complex considerations, and in providing important context. Intersectional characteristics are not considered adequately in the HEqIA. NH's response states, 'The submitted EqlA [Application Document APP-541] (referring to the Health and Equalities Impact Assessment - Appendix B - National Highways EqlA Screening Template) includes a section on intersectional effects, highlighting that multiple social identities can mean that individuals experience overlapping systems of potential discrimination or disadvantage. However, the HEqIA chapter does not include a section or analysis within topics of</p>	<p>The cumulative assessment within the HEqIA has been revisited and strengthened as part of DCO submission, including intra-project effects. The submitted EqlA includes a section on intersectional effects, highlighting that multiple social identities can mean that individuals experience overlapping systems of potential discrimination or disadvantage. The assessment identifies two groups considered to have more complex considerations, notably older women, and older people with disabilities.</p> <p>The assessment notes that no additional mitigation or intervention is considered necessary in relation to intersectional effects than that already proposed and that ongoing stakeholder engagement will continue to inform detailed Project design. A further discussion on this matter was</p>	<p>HEqIA Appendix B: National Highways EqlA Screening Template [APP-541] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062, REP2-063, REP2-064,</p>	<p>Matter Not Agreed</p>

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		<p>intersectional effects and does not identify these intersectionality's.</p> <p>NH have indicated in Section 5.4.6 that the intersectional characteristics (hard-to-reach/focus groups) that were considered in engagement, are not relied upon for topic assessments. Whilst the limitation of focus groups not being fully representative is acknowledged, given the limitations of quantitative data it would be expected that evidence from the consultation is incorporated into the assessment where relevant.</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.13. The Council will respond to the applicant's D2 submission within its D3 submission.</p>	<p>held on 5 July 2023 and Thurrock Council is satisfied with the Applicant's position regarding consultation but would request further evidence of consideration of intersectional characteristics within the HEQIA and the cumulative assessment.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2, which includes further information in relation to response to comments on intersectional assessment. This matter is now not agreed, due to both parties' positions remaining unchanged.</p>	<p>REP2-065 and REP2-066</p>	
<p>HEqIA CIPHAG Independent Recommendations</p> <p>EqIA Recommendations from Independent Review – Data</p>	<p>2.1.228</p> <p>RRE, LIR</p>	<p>The HEqIA shared by National Highways in December 2020 set out a baseline. The baseline occasionally missed an opportunity to use more recent or relevant data than the 2011 Census. It is recommended that alternatives are researched where indicated. If better data does not exist, then it is recommended this is stated in the report so that reviewers are aware. DCO now includes data post-2011 Census, including from the Office of National Statistics (such as the Mid-Year</p>	<p>The baseline (Appendix C of the HEqIA) was reviewed and updated as relevant prior to submission in 2022. The most up-to-date data sources were used where relevant, including data available at the time from the 2021 Census. The HEqIA includes a section on limitations to the assessment, which references the fact that some of the baseline data used to inform ward sensitivities and the topic assessments themselves is based on the 2011 Census and is dated.</p>	<p>HEqIA Appendix C: Baseline [APP-542]</p>	<p>Matter Agreed</p>

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		Population Estimates 2020) the Annual Population Survey 2019, the Office for Health Improvement and Disparities, Public Health England and the Census 2021. It is noted that at the time of drafting not all Census 2021 data may have been available at a ward or small area level.	A further discussion on this matter was held on 5 July 2023 and Thurrock Council is satisfied with the Applicant's position.		
HEqIA Assessment Consideration of travellers site	2.1.229 RRE, LIR	<p>The Council is of the opinion that the traveller community should be identified as a vulnerable group in the HEqIA and all impacts (from construction and operational) on them re air quality, noise, health accessibility be fully assessed to ensure the health of the community will not be adversely impacted.</p> <p>The Council seek assurances that the health of the community will not be adversely impacted and will not suffer worse health outcomes as a result of this relocation. For example, it must be ensured that, once the road is operational, noise levels and air quality are within permitted limits. There is also potential for OHL noise. Site specific baseline should be provided to the Council and included in the submission.</p> <p>Currently, the traveller community are only considered within the Human Health portion of the assessment under housing and services within Environmental</p>	<p>A further discussion on this matter was held on 28 September 2023. The only residual concern around this matter is related to the noise impacts on the Gammonfields site which is better covered by item 2.1.190 of this SoCG.</p> <p>The Traveller community is identified as a vulnerable population in the HEqIA. Further assessment work has been undertaken in relation to impacts on the Gammon Field Travellers Site as a result of the new road layout. The HEqIA incorporates updated information relating to impacts on the Travellers Site as a result of the new road layout. This includes further consideration of environmental impacts on the site and mitigation measures where appropriate. Engagement with the Traveller Community at Gammonfields Way has been taking place as part of discussions on the revised site layout.</p> <p>The noise and air quality impacts on the replacement site for the Gammon Field</p>	<p>Health and Equalities Impact Assessment [APP-539] ES Chapter 5: Air Quality [APP-143] ES Chapter 12: Noise and Vibration [APP-150] ES Chapter 13: Population and Human Health [APP-151] Comments on LIRs Appendix H: Thurrock Council (Part 3 of 5) [REP2-064]</p>	Matter Under Discussion

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		<p>Statement Chapter 13 – Population and Human Health (APP-151) (this is despite Table 13.5 identifying traveller communities as a sensitive population within the topics of mental health and wellbeing) and within noise within Health and Equalities Impact Assessment (APP-143). However, specific reference to traveller communities are not carried over into the ES chapter regarding consideration of noise impacts. The Council seeks assurances that the health of the traveller community will not be adversely impacted and will not suffer worse health outcomes as a result of proposed relocation at Gammonsfield Way. For example, it must be ensured that, once the relocation site is operational noise levels are monitored in line with standards outline in the REAC (in particular NV001 and NV009 if agreed as appropriate). Within the HEqIA and the ES Human Health Chapter there is no mention of specific air quality assessments regarding traveller sites, in Thurrock or elsewhere. Specific assessment of the potential noise impacts undertaken on all traveller sites (including Gammonfields Way) is referenced in paragraph 7.9.41 of the HEqIA and after mitigation no significant effects are found. However, details of this assessment cannot be found in the HEqIA,</p>	<p>Travellers Site has been considered in the ES chapters on Noise and Vibration, Air Quality and Population and Human Health, as appropriate.</p> <p>A further discussion on this matter was held on 5 July 2023 and the Council stated that progressing this issue is dependent on the air quality and noise assessments. Suitable signposts were provided to where the DCO documentation responds to all these concerns for the Council to read and confirm its updated position.</p> <p>Further to the Council's comments as included within their Local Impact Report, the Applicant has responded with further information regarding the Gammonfields Way Travellers' Site as explained at pages 22-23 & 101-102 of Part 3 of 5 of National Highways' response to Thurrock Council's Local Impact Report. This matter remains under discussion.</p>		

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		<p>therefore this will need to be shared with the Council in order to understand any impacts and if further mitigation is required. Further details of the Council's concerns are set out in the Council's LIR Section 10.13. The Council will respond to the applicant's D2 submission within its D3 submission.</p>			
<p>HEqIA Assessment Health inequalities</p>	<p>2.1.230 RRE, LIR</p>	<p>The Council believe there is no clear information about what mitigation will be employed to reduce health inequalities. Mitigation measures are mentioned within assessment topics but do not clearly describe how they relate to reducing health inequalities found in the baseline. Opportunities to improve health and quality of life through legacy benefits have not been explored in the HEqIA. National Highways also need to ensure these are not widened as an unintended consequence of the scheme and monitoring is in place. Specific examples are discussed within other SoCG issues.</p>	<p>The HEqIA describes a range of measures that will help to overcome health inequality in the region. These include access to jobs and training as a result of construction of the Project, which can have a direct positive impact on people's health. Other enhancements, including to the walking, cycling and horse riding (WCH) network will similarly play a role in reducing health inequalities. The HEqIA has been updated to include a more detailed assessment of the duration of impacts; and to include reference to the Worklessness and Health Joint Strategic Needs Assessment (JSNA). Furthermore, health has been considered in reporting what mitigation is required to support and protect the health and wellbeing of local residents. Mitigation proposed in relation to a number of topic areas is considered to be effective in reducing health inequalities. A further discussion on this matter was</p>	<p>Health and Equalities Impact Assessment [REP3-118]</p>	<p>Matter Not Agreed</p>

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			<p>held on 5 July 2023 and the Council expressed residual concerns around the Community Fund (2.1.177), its apportionment (2.1.178), capacity building (2.1.181) and SEE strategy (2.1.171). The Applicant explained that these matters are represented elsewhere in the SoCG and considered broader than these matters. These are all matters not agreed and the Applicant's position is not repeated here. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions being unchanged.</p>		
<p>HEqIA Assessment HEqIA and Noise Impact on Whitecroft Care Home</p>	<p>2.1.231 RRE, LIR</p>	<p>The Council note some significant noise impacts on the Whitecroft care home and appropriate mitigation is needed. Paragraph 7.9.21 of the HEqIA identifies that noise impacts on the Whitecroft Care Home would not constitute a significant effect in construction once mitigation measures (specifically acoustic screening) is applied that is secured through the Register of Environmental Actions and Commitments (REAC), Measures like noise barriers might not be the most appropriate for dealing with noise in an outdoor environment, especially when windows need to be kept open for ventilation.</p> <p>The Council will be responding in its D3 submission with further commentary</p>	<p>Further to the Council's comments as included within their Local Impact Report, the Applicant has responded with further information regarding the Whitecroft Care Home as explained at page 18 of Part 3 of 5 of National Highways' response to Thurrock Council's Local Impact Report [REP2-064]. Engagement with Whitecroft Care Home is ongoing and the Applicant is continuing to discuss impacts with the owners.</p> <p>A discussion on this matter was held on 5 July 2023 and the Applicant clarified that engagement with Whitecroft Care Home is ongoing. Thurrock Council enquired if the outdoor environment of the care home is being accounted for and committed to supplying potential additional commitments</p>	<p>ES Chapter 12: Noise and Vibration [APP-150]</p>	<p>Matter Under Discussion</p>

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		<p>concerning both the Traveller site and the Whitecroft Care Home.</p> <p>The Council remains concerned about the noise and construction impacts on extremely vulnerable residents. The sections submitted by NH at D5 are considered misleading and need a scalable version that can be interpreted correctly. The Council's comments will be included with its D6 submission.</p>	<p>over and above the existing commitments in the DCO documentation. This matter remains under discussion but is unlikely to be agreed.</p> <p>A further discussion on this matter was held on 28 August 2023 with the Council's position remaining unchanged. The Applicant confirmed that engagement with Whitecroft Care Home is ongoing, with a meeting held on 23 October 2023. Equally, consideration of all written representations on this matter are ongoing. This matter remains under discussion.</p>		
<p>HEqIA Assessment Impact on mental health and wellbeing</p>	<p>2.1.232 RRE, LIR</p>	<p>The Council would like to understand what specific mitigation measures are proposed for supporting the mental health and wellbeing of people who have to leave their homes as a result of this project or face anxiety due to the environmental impacts. For example, Whitecroft Care Home.</p> <p>Consideration should also be given to the impact of the project on an individual's ability to make healthy choices. For e.g. the severance and disruption to PRow networks and the delays in journey times to access to key facilities could be detrimental especially for those who may be on low incomes or not have access to private transport.</p> <p>Within Section 7 of the HEqIA, specific</p>	<p>The Applicant understands that there are mental health and wellbeing concerns among local residents and construction workers. The HEqIA specifically includes an assessment of mental health and wellbeing impacts using the mental health and wellbeing toolkit. The Applicant has continued to discuss potential measures that might be appropriate to support the mental health and wellbeing of those impacted by the Project with stakeholders. Many measures set out across the Control documents will contribute to a reduction in the adverse mental health impacts.</p> <p>Consideration is given in the updated HEqIA to the impacts of severance and disruption to PRow networks and delays in</p>	<p>Health and Equalities Impact Assessment [REP3-118] Framework Construction Travel Plan [REP5-054]</p>	<p>Matter Under Discussion</p>

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		<p>mitigation measures to support the mental health and wellbeing of those who have to leave their homes, or face anxiety due to environmental impacts resulting from the project, are not stated, general mitigation measures referenced that control environmental impacts during construction, need further clarification of how this will impact residual health impacts identified for mental health.</p> <p>Further information could be made available regarding community funds and how these will be allocated (see under issue. 2.1.218 for more information on clarification on CLG's and community funds).</p> <p>The Council will provide within its D6 submission details of additional commitments, draft terms of reference for the CLGs, comments on the ToR for the WAWG.</p>	<p>journey time to key facilities on people's health and wellbeing.</p> <p>A further discussion on this matter was held on 5 July 2023 and measures such as the early notices to the community (secured in the CoCP) and Community Fund themes (secured via the s106 HoT) around mental health were discussed. The Applicant clarified that severance is a separate topic in the HEqIA and requested the Council to particularise potential additional commitments over and above the existing commitments in the DCO documentation.</p> <p>The Project will establish and maintain Community Liaison Groups (CLGs) in those communities likely to be most impacted by construction activities. Further details regarding how many CLGs will be created and in which affected authority, will be developed as part of the Engagement and Communications Plan (ECP), as committed to in the CoCP. As committed in the CoCP - <i>The ECP will identify in which communities it will be appropriate to establish a CLG, in advance of construction commencing. The ECP will set out the process by which CLGs will be established and administered together with an initial schedule of planned meetings according to key work stages. CLGs will</i></p>		

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			<p><i>meet regularly before and during the construction period.</i> Funding for the CLGs will be covered by the Project, as this is a DCO commitment. The Applicant is confident that level of detail at this stage is appropriate and proportionate and further details can be developed, in consultation with the local authorities, as part of the ECP. A further discussion on this matter was held on 28 September 2023 and 16 October 2023 and with the Council agreeing to provide additional commitments for the Applicant's consideration along with additional wording for the CLGs in the CoCP. The Council will also review the draft Terms of Reference for the Worker Accommodation Working Group contained within Appendix D of the FCTP, submitted at Deadline 5. This matter remains under discussion.</p> <p>It should be noted that the allocation of the Community Funds is covered by item 2.1.178, a matter not agreed. The Applicant's position on this matter is not repeated here.</p>		
<p>Worker Accommodation/ Housing Market Assumptions</p>	<p>2.1.233 LIR</p>	<p>The Council have some concerns on the assumptions used by LTC in developing their worker accommodation strategy:</p> <p>1. LTC use the term 'bed spaces', which is distinctly different to 'bedrooms', which</p>	<p>More details on each of these points is contained in the Workers Accommodation Report (WAR).</p> <p>1. The original analysis by the Applicant was not based on the assumption that</p>	<p>Workers Accommodation Report [APP-551] ES Chapter</p>	<p>Matter Under Discussion</p>

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made around the Project's worker accommodation strategy		<p>may account for additional bed spaces that could have been included in LTC's estimates.</p> <p>2. How was the figure of 400 or 480 on page 6 derived for on-site demand?</p> <p>3. What is the percentage figure for home-based workers in key assumptions</p> <p>4. Potential reduction in emergency accommodation (BnBs etc.) available to homeless households needs to be assessed.</p> <p>The Council will respond to the applicant's promised Technical Note at D4.</p> <p>The Council has provided commentary on the Technical Note (received from NH on 22 Sept 2023) to NH and remains concerned about the affects on the Council's housing market. These concerns will be set out further in the D6 submissions.</p>	<p>people would share rooms, and the available capacity (bed spaces) can also be read as (bedrooms). An element of the workforce, particularly those with specialist skill sets, will be non-home-based (i.e. require temporary accommodation in the area). The Applicant is keen to reduce this element of the workforce by implementing a Skills, Employment and Education Strategy (SEE Strategy), but recognise that some of the skill sets required for the Project (particularly tunnelling) are very limited in the UK.</p> <p>2. The figures for onsite accommodation for tunnel workers (provision being made for up to 400 'normal' condition workers and up to 80 hyperbaric workers) is based on the specialist needs for the tunnelling labour and is provided within the construction compound. This is based on the Applicant's professional judgement and experience of construction schemes and predicted on the scale of the tunnelling operation to be undertaken.</p> <p>3. The WAR includes several key assumptions on the proportion of the workforce that is likely to need accommodation, and the types of accommodation they may seek. A conservative estimate of 75% (workers seeking temporary accommodation) had</p>	<p>13: Population and Human Health [APP-151] Health and Equalities Impact Assessment [REP3-118] Framework Construction Travel Plan [REP5-054]</p>	

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			<p>previously been used and formed part of the example shared with local authorities in 2019. Since then, the Project has developed its understanding of the construction workforce, using other projects as benchmarks, and developed measures within the SEE Strategy to enhance local recruitment. As such, the Applicant now considers that 35% is a more realistic assumption; however, this percentage figure is conservative and likely to be exceeded.</p> <p>4. The Project would welcome any information regarding the housing demand and pressures. Technical meetings with housing officers from authorities likely to host temporary construction workers have been undertaken to help the Project understand the scale of local authorities' use of private sector accommodation for emergency provision. The Applicant has provided information on the workers accommodation strategy to the Council and discussed this in engagement meetings.</p> <p>A discussion on this matter held on 9 August 2023 and the Council expressed concerns around the how the assumptions used in the WAR tied to those used in the SEE strategy (around % of local labour) and how the number of workers requiring accommodation was reached. The</p>		

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			<p>Applicant explained the assumptions and agreed to produce a technical note to clarify these further. The note has been sent to the Council for review.</p> <p>A further discussion on this matter was held on 28 September 2023 with the Council agreeing to points 1 and 3 but still having some residual concerns around points 2 and 4. The Applicant reiterated the position in the technical note which explains how the workforce accommodation interventions are expected to work in practice, along with the other uncertainties and pressures around housing in the local area. The Applicant also signposted to new interventions in the FCTP submitted at Deadline 4, around visitor accommodation utilisation, collaboration opportunities and proactive monitoring. The Council committed to reviewing the technical note, the updated FCTP and the draft Terms of Reference for the Worker Accommodation Working Group, which was submitted at Deadline 5. The Applicant is currently considering the Council's comments on the technical note. This matter remains under discussion.</p>		
Worker Accommodation / Housing	2.1.234 LIR	New and existing housing supply in the Borough will be affected by the construction of the LTC. The Council	The likely effects of the Project on private property and housing in relation to demolition and land take (temporary and permanent) are assessed in ES Chapter	Health and Equalities Impact Assessment	Matter Under Discussion

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<p>Market Impact LTC's worker accommodation strategy on existing and proposed housing</p>		<p>estimates</p> <ol style="list-style-type: none"> 1. Up to 20 homes will be lost to make way for the construction of the LTC, 2. An additional 1,400 residential properties are estimated to be affected due to their proximity to LTC, 3. 160 dwellings are located within 200m of the LTC scheme, and a further 1,240 homes located within 500m. 4. Land with the potential for up to 3,500 new homes will either be lost or will see construction delayed due to the LTC, further affecting the ability of the Borough to meet its future housing needs. <p>The Council has provided commentary on the Technical Note (received from NH on 22 Sept 2023) to NH and remains concerned about the affects on the Council's housing market. These concerns will be set out further in the D6 submissions.</p>	<p>13, Section 13.6. Mitigation measures comprise financial compensation; however it is acknowledged that there are wider implications for local residents associated with the loss of private property (for example, in relation to anxiety, or loss of community) and these issues are considered in more detail in the HEqIA.</p> <p>The likely effects of the Project on development land are also assessed in ES Chapter 13, and no significant effects are ascertained.</p> <p>Since April 2017, the owners of properties that are within the development boundary have been able to ask the Applicant to buy their property by serving a blight notice. A property is considered blighted when its value is reduced as a result of the Project and the owners are unable to sell the property at the value the property would have expected without the blight. The Applicant purchases blighted properties at their unaffected market value; this is the amount the property would be worth if the Project did not exist, not the blighted (lower) value.</p> <p>A further discussion on this matter was held on 9 August 2023 and 28 September 2023 and the Council noted that the Applicant's response appears to be reasonable when considered alongside the</p>	<p>[REP3-118] ES Chapter 13: Population and Human Health [APP-151]</p>	

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			current stage of the emerging Local Plan. The Applicant is currently considering the Council's comments on the technical note. This matter remains under discussion.		
Worker Accommodation / Housing Market Impact of construction worker numbers on private rental market	2.1.235 LIR	The Council would expect National Highways to fully assess the impact of its workers accommodation strategy on 1. Rental market in Thurrock, with knock on impacts for housing affordability relating to the private rental market. The Council has provided commentary on the Technical Note (received from NH on 22 Sept 2023) to NH and remains concerned about the effects on the Council's housing market. These concerns will be set out further in the D6 submissions.	1. The Applicant has assessed the impacts of construction workers on the private rental market in the Workers Accommodation Report and what it would mean for knock on impacts for housing affordability. Although the Project is unlikely to have an adverse impact on the local accommodation, the Applicant has committed to an Accommodation Helpdesk, which is secured in the draft DCO by the FCTP. The Project recognises that there is some uncertainty around the modelling of workforce locations, as well as a dynamic and sensitive environment in terms of accommodation supply. While there is a sizeable amount of accommodation available, there may be localised risks of concentrations which the Project and local authorities may need to be aware of and respond to. The early creation of an effective Accommodation Helpdesk will not only identify and direct workers to appropriate accommodation but will be a key mechanism, together with the workforce surveys, to monitor impacts on the local accommodation market. It is also	Workers Accommodation Report [APP-551] Health and Equalities Impact Assessment [REP3-118] Framework Construction Travel Plan [REP5-054]	Matter Under Discussion

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			<p>likely to act as a means to signpost potential landlords and businesses to assist and encourage bringing forward of latent beds to the market. The Applicant has discussed the principles of this helpdesk at CIPHAG (07 July 2022) and a further discussion with the housing officers at Thurrock was completed on 18 August 2022. Further discussions on the scope and implementation of the Accommodation Helpdesk will follow.</p> <p>The Applicant is committed to the creation and use of an accommodation database that would monitor the accommodation being used by the workforce in terms of type and location. A Workforce Accommodation Working Group would also be established which would include representatives from the Applicant, its Contractors, and local authorities. This group would receive monthly workforce accommodation monitoring reports from the helpdesk and regular updates and information from the Project including a 'look ahead' for potential workforce implications over a 12-month period. The findings would be considered alongside other information such as other monitoring secured by the Project (e.g. via the FCTP and SEE strategy) and the information provided by the authorities on market</p>		

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			<p>conditions and other developments in the local area.</p> <p>A discussion on this matter was held on 9 August 2023 and the Applicant explained the three key items of mitigation explained under 1) above. The Council noted that there has been some progress on this matter and the FCTP provides some useful information about mitigation; especially around the proposed Workforce Accommodation Working Group, its membership, the proposed 12-month lookahead and the data which will be collected. The Council would like more information around the governance arrangements; including decision making and issue resolution, which the Applicant is considering further.</p> <p>A further discussion on this matter was held on 28 September 2023 with the Council being satisfied in principle by the Applicant's commitments in the FCTP as outlined above. The Council agreed to review the draft Terms of Reference covering governance arrangements for all post-consent groups including the Worker Accommodation Management Group contained within Appendix D of the FCTP submitted by the Applicant at Deadline 5. The Applicant is currently considering the</p>		

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			Council's comments on the technical note. This matter remains under discussion.		
HEqIA Assessment Impact of construction workers on health and other services and Public Health mitigation during construction	2.1.236 RRE, LIR	<p>The Council would like to understand how the impacts on demand for healthcare and other services from construction workers residing in Thurrock will be mitigated and monitored.</p> <p>There is no summary in the CoCP that sets out the impacts on healthcare and other services from construction workers residing in Thurrock during the construction period.</p> <p>It is not clear within the HEQIA where the assessment of impact including projects and capacity is included or referenced.</p> <p>There is a reference in Table 7.1 in (APP-336) (REAC Ref. No. PH002), which states that the Contractor will provide an appropriate range of medical and occupational healthcare services (including on-site facilities) to meet the physical and mental health needs of the construction workforce. However, there is no further information provided on the range of healthcare services or the impact on other services. Or how appropriate measures will be decided on, who makes such decisions and what impact or powers partners will have in ensuring the level of mitigation if there is disagreement with NH or contractors.</p>	<p>An assessment has been undertaken on the demand for healthcare from construction workers residing in Thurrock. This has taken into account information provided by health stakeholders through the CIPHAG group. As a result of this work, the Applicant has made the following commitment in the REAC (PH002) regarding the provision of medical services and occupational services to construction workers:</p> <p><i>'The Contractor will provide an appropriate range of medical and occupational healthcare services (including on-site facilities) to meet the physical and mental health needs of the construction workforce. The range of services will be agreed with National Highways, following engagement with Integrated Care Partnerships'.</i></p> <p>Within the Thurrock Integrated Care Partnerships, partners are Thurrock Council, NELFT, EPUT, Thurrock CCG, Directors from the four Primary Care Networks, Healthwatch, Thurrock CVS and Mid and South Essex Hospital Trust.</p> <p>The impact of the construction workforce on demand and access to healthcare has been assessed within the Environmental</p>	<p>ES Chapter 13: Population and Human Health [APP-151]</p> <p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p> <p>Health and Equalities Impact Assessment [REP3-118]</p> <p>Draft Development Consent Order [REP5-024]</p>	Matter Not Agreed

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		<p>Therefore, it is considered that an impact of minor adverse and not significant within the Population and Human Health Chapter and neutral within the HEqIA are not appropriate as specific mitigation has not been agreed that would demonstrate meeting health and wellbeing needs of the construction workforce and local community.</p> <p>Table 4.4 and 4.6 note where welfare facilities will be provided on-site, but do not state exactly what these facilities are.</p> <p>Mental health outcomes of the workforce are considered in Table 7.44. The only discussion of potential mitigation states, 'The Project has adopted a range of measures to ensure that mental health and wellbeing is at the centre of contractor activities' but does not detail further than this.</p> <p>Public Health mitigation measures would include the enhancement of public transport to healthcare facilities and the reinforcement of local NHS provision during the construction phase, in addition to providing welfare facilities for construction workers.</p> <p>The Council and MSE ICB proposed amended wording which was rejected by NH and the Matter remains Not Agreed.</p>	<p>Statement and a measure has been incorporated into the REAC specifically to ensure that impacts on local healthcare services would be minimised. Impacts of the construction workforce on other community services are assessed in ES Chapter 13.</p> <p>The HEqIA also includes an assessment of the impacts of the Project on mental health and wellbeing, which incorporates factors such as feelings of safety and crime within the community during the construction phase. The mental health and wellbeing assessment will include consideration of the construction workers themselves.</p> <p>A discussion on this matter was held on 5 July and the Council expressed concerns around the word 'appropriate' in PH002 and enquired about the process in case the integrated care partnerships (and its constituents) cannot agree the scope of these services post consent. The Applicant clarified that all the relevant stakeholders would be consulted when the range of medical and occupational healthcare services are being planned, as committed to in PH002.</p> <p>Mental health is specifically included in commitment PH002 which states that the Contractor will provide an appropriate range of medical and occupational</p>		

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			<p>healthcare services to meet the physical and mental health needs of the construction workforce.</p> <p>The wider issue of consultation with stakeholders when discharging Requirements and the associated process is outlined in Schedule 2 of the draft DCO and covered by 2.1.2 in the SoCG (matter not agreed).</p> <p>A further discussion on this matter was held on 28 September 2023 and 16 October 2023 with both parties discussing the wording set out in PH002 further. The Council has supplied some draft wording for the Applicant's consideration, including the provision of 'necessary' medical and occupational healthcare services and requiring services to be 'approved' by the Integrated Care Partnerships. The wording of PH002 has been further considered by the Applicant and modification has been made as outlined below, which has been submitted at Deadline 6.</p> <p><i>'The Contractor will provide an appropriate range of medical and occupational healthcare services (including on-site facilities) to meet the physical and mental health needs of the construction workforce. The range of services will be agreed with the Secretary of State, following engagement with and having regard for the</i></p>		

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			<p><i>views of the Integrated Care Partnerships.</i> However, the Council is not satisfied with this commitment and this is therefore now a matter not agreed.</p>		
<p>HEqIA Assessment Comments on DCOV1 documents</p>	<p>2.1.237</p>	<p>It is recognised that findings from the Distributional Impact Assessment (DIA) are reflected qualitatively in the HEqIA, but clarification is needed as to why only income and children/schools are considered in the air quality assessment and not prevalence of long-term health conditions as a relevant characteristic. It is unclear how the DIA has informed mitigations related to health and air quality impacts in particular and any particular measures for sensitive wards identified in Thurrock.</p>	<p>The ComMA, Health and Equalities Impact Assessment and Distributional Impact Appraisal Report have been updated and included in the DCO application. The ComMA deals with a range of impacts (defined as Level 1, Level 2 and Level 3 impacts), including both benefits and disbenefits. Monetised environmental disbenefits are expressed within the ComMA and not repeated in the ES Chapters (air quality, landscape and noise). However, relevant qualitative assessments of disbenefits have been included in the relevant ES Chapters. Where relevant, these have been considered in the HEqIA (a summary of which has been included in ES Chapter 13). Relevant topics relate to road safety, physical activity, affordability and severance. While the methods used in DMRB for the environmental assessment of air quality and TAG for the environmental appraisal of air quality are different, they are based on the same underlying traffic forecasts and emissions factors. Therefore, the results reported in the ES and in the economic appraisal are compatible. The</p>	<p>Combined Modelling and Appraisal Report (ComMA) [APP-518] ComMA Appendix D: Economic Appraisal Package – Distributional Impact Appraisal Report [APP-525] ES Chapter 13: Population and Human Health [APP-151] Health and Equalities Impact Assessment [REP3-118]</p>	<p>Matter Not Agreed</p>

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			<p>Applicant will work to support Thurrock Council in analysing the assessments supplied following the DCO submission.</p> <p>Chapter 13 of the ES and the HEqIA have not taken into account disbenefits where they are expressed in monetary terms, for example, journey time reliability disbenefits during the construction period; these are instead reported qualitatively using information from the Transport Assessment (TA). Section 7.2 of the HEqIA (Accessibility impacts and mitigation during construction) makes reference to journey time reliability disbenefits (these are referred to as increases in journey times) and information from the TA is explained in paragraphs 7.2.13 to 7.2.15 and Table 7.1.</p> <p>For example, disbenefits identified in the Distributional Impact Assessment (DIA) as they affect vulnerable populations are reported in the HEqIA (notably in relation to noise and severance during the operational phase). Social impacts described in the Appraisal Summary Tables of the ComMA have been carried across into the HEqIA where relevant. Disbenefits described in the DIA, for example, with regard to noise impacts during operation, are described in paragraphs 7.7.45 and 7.7.47 of the HEqIA and are one of the areas of evidence which contribute to the health outcomes</p>	<p>Transport Assessment [REP4-148 to REP4-152] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062, REP2-063, REP2-064, REP2-065 and REP2-066]</p>	

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			<p>described in Table 7.24. At a local level, there are areas where noise improvements occur, which may translate into positive health outcomes; similarly, there are negative health outcomes for certain locations and these have been identified.</p> <p>A further discussion on this matter was held on 5 July 2023. Although these comments were made on an older version of the ComMA, the matter is unlikely to be agreed due to both parties' positions remaining unchanged.</p>		
<p>Public Open Space / Access to Recreation Impact of possession of common land and private recreational facilities</p>	<p>2.1.238 RRE, LIR</p>	<p>Some areas of common land and private recreational facilities will be requisitioned (temporarily or permanently) resulting in changes to the availability of open space. Where effects are anticipated, such as effects to the operation of the Wild Thyme Outdoors centre (should it recommence operations), discussions are ongoing, but no secured mitigation is noted. Additionally, there is no mitigation proposed for the temporary land take at Linford Allotments, Walton Common and the common land at Parsonage, despite being within the Order Limits. This is in addition to the adverse impacts identified at Tilbury Fort and Coalhouse Fort regarding amenity during construction (with no mitigation referenced within Table 13.58 within the ES Chapter Population and Human Health), as well as</p>	<p>As noted in the comment, the Project will require temporary and permanent land take from areas including common land and private recreational facilities. The Applicant has worked with the Project's design team and stakeholders to ensure that effects are for limited durations where possible in order to reduce impacts on users of these areas and facilities. These impacts, together with proposed mitigation, are reported in ES Chapter 13 as well as in HEqIA Chapter 7 (under the headings of Access to Open Space and Access to Nature).</p> <p>The response also notes potential effects on the operation of the Wild Thyme Outdoors Centre which previously operated from The Wilderness (an area of private</p>	<p>ES Chapter 13: Population and Human Health [APP-151] Health and Equalities Impact Assessment [REP3-118] Statement of Reasons [REP5-028] Planning Statement Appendix D: Open Space [REP3-108]</p>	<p>Matter Not Agreed</p>

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		<p>the slight adverse impact assigned regarding the permanent acquisition of land at Tilbury Green (replacement land is noted in operation but there is a six year disruption stage). A slight adverse impact has been put forward within the ES Chapter Population and Human Health Chapter 13 regarding access to community assets, which is disputed based on the above. The HEqIA identifies a negative health outcome during construction regarding access to green space and recreation (although further clarification is required regarding why this is not considered significant and why further mitigation has not been considered). This also needs to be seen in conjunction with issues raised regarding temporary land take in the Section 14 below and the potential loss of open space for up to six years without re-provision or compensation.</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.11. The Council will respond to the applicant's D2 submission within its D3 submission.</p>	<p>woodland, part of which will be lost to permanent land take). Impacts on private recreational facilities, which are not special category land, are considered in detail in Appendix G of the Planning Statement.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2 in Comments on LIRs. Page 121 sets out the Applicant's position in relation to areas of common land identified such as the Linford Allotments, where construction activities may include temporary restrictions in use, however access would be maintained at all times. As such no mitigation is considered necessary, beyond effective engagement with local residents / users of the allotments (and this type of activity would be included in the Communication and Engagement Plan as set out in ES Appendix 2.2 - Code of Construction Practice, First Iteration of Environmental Management Plan. A further discussion on this matter was held on 5 July. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p>	<p>Planning Statement Appendix H: Green Infrastructure Study [APP-503]</p> <p>Planning Statement Appendix G: Private Recreational Facilities [APP-502]</p> <p>Comments on LIRs [REP2-054]</p> <p>Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062, REP2-063, REP2-064, REP2-065 and REP2-066]</p>	
HEqIA Assessment	2.1.240 RRE	Thurrock Council consider that there may be unacceptable health impacts at a	The health impacts of the Project are set out in the HEqIA and ES Chapter 13.	ES Chapter 13: Population	Matter Not Agreed

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Health impacts arising from construction and operation		<p>number of locations arising from construction and operation. Subject to confirmation of the impacts set out in the HEqIA, there are unacceptable impacts at:</p> <ol style="list-style-type: none"> 1. residential areas surrounding the A13 junction 2. Link between Orsett Cock roundabout and the A1089 <p>It is unclear how mitigation outlined in Health and Equalities Impact Assessment (APP-143) and the Environmental Statement Chapter 13 - Population and Human Health (APP-151) address specific concerns raised in the Council's Relevant Representation (Principal Issue VIII) (PDA-009) regarding the A13 Junction 2 and the link between Orsett Cock Roundabout and the A1089. These are regarding the effects on health of light pollution and VISSIM modelling these impacts are not referenced. Whilst the ES Chapter considers health impacts along the Project route as a whole, there is no specific mitigation outlined demonstrating reduction of human health impacts in these areas. Further clarification is needed.</p> <p>Further details of the Council's concerns are set out in the Council's LIR Section 10.13. The Council will respond to the applicant's D2 submission within its D3</p>	<p>Relevant mitigation measures for the whole route (including Orsett Ward) are set out in the CoCP and REAC. The Applicant has reviewed the cumulative assessment as part of the HEqIA and additional mitigation has been included in the REAC where necessary.</p> <p>A further discussion on this matter was held on 5 July and Thurrock Council is concerned about the overall health impacts of the Project. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions remaining unchanged.</p> <p>The Applicant's response to the Council's Local Impact Report has been provided at DL-2. Page 103 of Comments on LIRs Appendix H: Thurrock Council (Part 3 of 5) contains further information in relation to Thurrock Council's comments relating to light pollution and locational specific mitigation.</p>	<p>and Human Health [APP-151] Health and Equalities Impact Assessment [REP3-118] Register of Environmental Actions and Commitments (REAC), within ES Appendix 2.2: Code of Construction Practice [REP5-048] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062, [REP2-063, [REP2-064,</p>	

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		submission.		REP2-065 and REP2-066	
WCH/ Active Travel – Design Complete and improve the PRow network: PRow proposals sought within and outside of the LTC DCO	2.1.241 RRE, LIR	<p>Thurrock Council sent through detailed proposals around how LTC can complete and improve the PRow network. This discussion was split into two parts</p> <p>PRow proposals sought within the LTC DCO</p> <ol style="list-style-type: none"> 1) BR58 2) FP200 3) Link through Ron Evans Memorial Ground <p>PRow proposals sought outside the LTC DCO</p> <ol style="list-style-type: none"> 1) FP1 south of Dennises Lane 2) Improved link north south links via the Gatehope route through Little Belhus to Dennis 3) North south link on western side of M25 from Stifford Road to Bridleway 230 Belhus Chase 4) Gatehope Drive to Dennis Road 5) Aveley to Purfleet link 6) Mardyke bridge – Arena Essex 7) Buckingham Hill Lane 	<p>The Applicant has worked very closely with the Council to work on all the proposals put forward to complete and improve the Public Rights of Way network within Thurrock. Commitments have been made in the Design Principles document/ Rights of Way and Access Plans as outlined below.</p> <p>Public Rights of Way proposals within the Project DCO</p> <ul style="list-style-type: none"> • BR58 – this is now enshrined within the Tilbury Fields proposals and connected to FP200, secured by the Rights of Way and Access Plans. • FP200 – this has been upgraded to bridleway as requested by the Council, secured by the Rights of Way and Access Plans. • Link through Ron Evans Memorial ground – the indicative route through the Ron Evans Memorial Field was presented and the Council has indicated that this is considered appropriate and would be supported. This would be secured by the Design Principles (S11.06) and the Rights of Way and Access Plans. <p>Public Right of Way proposals outside</p>	<p>Design Principles [REP4-146]</p> <p>Rights of Way and Access Plans [REP4 046] to [REP4-050]</p>	Matter Agreed*

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			<p>the Project DCO but covered by Designated Funds</p> <p>All other Public Rights of Way proposals requested by the Council were considered by the Benefits team, except the Mardyke proposal. A fund of £280,000 has been granted by the National Highways Designated Funds Programme for feasibility studies, which will be completed in 2022 followed by capital works applications for these proposals.</p> <p>Thurrock Council has seen the commitments set out above and marked the matter agreed.</p>		
<p>WCH/ Active Travel – Operational Effects</p> <p>PRoW proposals sought within the LTC DCO: Potential Improvements around the northern side of Baker Street</p>	<p>2.1.242 RRE, LIR</p>	<p>Thurrock Council sent through proposals around how LTC can complete and improve the PRoW network. The PRoW proposals sought within the LTC DCO included potential improvements around the northern side of Baker Street.</p>	<p>The Applicant investigated potential measures to improve PRoW provision on the northern side of Baker Street and shared this further information with the Council. A shared use concept was identified as the preferred potential measure.</p> <p>However, subject to undertaking further investigation, the Project concluded that this measure was not feasible due to several issues including the loss of on-street residential parking.</p> <p>Furthermore, the works in this area do not provide mitigation for an adverse impact of the Project, and as a consequence it would not be appropriate to seek the powers</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

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			through the Project DCO.		
Worker Transport Targets in the Framework Construction Travel Plan (FCTP)	2.1.243 RRE, LIR	<p>Following a review of National Highways position, the Council's position is that the FCTP lacks clear targets, contains loosely defined measures, lacks incentives for contractors and relies on car travel.</p> <p>1. The Council would like specific and stretch targets in the FCTP to be adopted by contractors. These targets should cover a certain percentage of car trips (preferably trips made via EV), cycle trips, trips by foot, trips via public transport.</p> <p>For the Travel Plan to be effective there must be a robust and proactive commitment and governance from National Highways to be incorporated from Travel Plan Co-ordinators and Managers.</p> <p>The Council sets out its review of the FCTP at Section 15.6 of its LIR. IT notes the flaws in the framework surrounding the FCTP and requires NH to review the FCTP to provide a robust framework from Contractors will base their SSTPs.</p>	<p>The overarching aims and objectives of the FCTP are secured as commitments to be delivered by the Project. The FCTP sets out that, given the uncertainties, setting specific mode share targets at a Project-wide level is difficult especially prior to undertaking initial baseline travel surveys (which will provide real-world data from the Project's workforce). Therefore, the Applicant cannot currently produce this level of detail at this stage of Project development. Project-wide targets would also be related to site-specific targets, which have not yet been prepared. The FCTP, however, sets out a framework and overarching principles for the future Site Specific Travel Plans (SSTPs). This approach would provide the flexibility required to respond to and adapt to changing conditions over the duration of the Project.</p> <p>As set out in the FCTP, all targets will be developed and included within the SSTPs in consultation with the relevant highway and local planning authorities. No part of the authorised development is to commence until a Site Specific Travel Plan for the construction of that part, which is substantially in accordance with the FCTP,</p>	Framework Construction Travel Plan [REP5-054]	Matter Not Agreed

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			has been submitted to and approved in writing by the Secretary of State. This matter is not agreed, due to both parties' positions remaining unchanged.		
<p>Workforce Travel FCTP Assumptions</p>	<p>2.1.244 RRE, LIR</p>	<p>The Council has the following suggestions for the FCTP assumptions</p> <ol style="list-style-type: none"> 1. FCTP assumes 60-minute travel time for workers based at compounds. This should account for the time taken to access the origin station or bus service and the period to travel from the destination hub or bus stop, which would reduce the catchment for the two hubs. 2. Compound shift arrangements should reflect availability and suitability of public transport services for worker commuting periods. Early and late tunnelling shift are not suited to public transport due to the early start or late finishes. How will these challenges be resolved without encouraging travel by private cars? <p>The Council sets out its view on the FCTP (APP-546) at Section 15.6 of its LIR. It repeats its concerns over the robustness of the initiatives, including the absence of realism over the shuttle bus services and the flaws in the aspirations to encourage workforce active travel to and from the compounds – stipulating that it would not condone walking or cycling on most of the</p>	<p>The assumptions set out in the FCTP are indicative and designed to give an idea of the likely catchment.</p> <p>The accessibility maps are based on the morning peak period, with a start/end time of 07:00/09:00 for bus and rail network services. This morning peak has been used to represent the time period with the greatest level of transport services available, and therefore the time period that will be able to implement the greatest level of mode shift.</p> <p>It should be noted that the Project is committed to developing SSTPs post DCO consent, if consent is granted, in line with the controls and commitments in the FCTP. Thurrock Council would be a consultee to the development of this document. The specific measures Thurrock Council requests, are for the SSTPs to address, as there is currently no information on where people will live, or the exact shift times, so it is not possible to robustly identify what modes people will use and to/from where.</p> <p>The Applicant notes that many of the proposed construction compounds/ULH</p>	<p>Framework Construction Travel Plan REP5-054</p>	<p>Matter Not Agreed</p>

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		<p>access routes to its compounds and not promoting any mitigation measures to resolve that position.</p>	<p>are in locations with poor accessibility by foot and this is recognised within the FCTP and covered by the matter 2.1.252 of this SoCG. It should be noted that the FCTP in para 7.2.5 commits the Applicant to targets which focus on increasing walking and cycling trips to construction worksites, compounds and ULHs, either as part of the journey or the full trip, e.g. cycling to a transport hub.</p> <p>The FCTP, however, presents a framework for developing robust site-specific targets and influencing travel behaviour of the workforce through the post consent SSTPs. The key aims of the FCTP are to reduce the number of single-occupancy vehicle trips and encourage the uptake of sustainable and active modes of travel. It also presents key tasks required as a minimum to be achieved across all construction areas and compounds during the construction period (Table 10.1). These include a commitment to use of shuttle buses, car share schemes, maintenance of agreed walking/cycling routes and regular review of active travel facilities within the vicinity of each site. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		

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<p>Worker Transport Sustainable worker transport access</p>	<p>2.1.245 RRE, LIR</p>	<p>The Council seek sustainable worker transport access to construction sites. Following a review of National Highways position, the Council welcome the commitment to shuttle buses. However, the Council seek more clarity around how this strategy will be realised, maintained and its ultimate effectiveness.</p> <p>Section 15.6 of the LIR sets this out in more detail, including consideration of the realism of a shuttle bus service as defined within the FCTP (APP-546).</p> <p>An amended text for paragraph 6.4.3 of the FCTP was provided by NH and whilst the Council is comfortable in principle, will be reviewing it in further detail (to be included within its D6 submission).</p>	<p>The Project is committed to providing sustainable worker transport arrangements for access to its construction compounds. The following commitment was added to the Framework Construction Travel Plan: <i>'Minibus shuttle buses (using zero emission vehicles) will be used to provide connectivity to and from public transport hubs...'</i></p> <p>The details of the shuttle bus scheme as sought by the Council will be produced by the Contractor when developing the SSTPs post consent. Paragraph 6.4.3 of the FCTP clarifies <i>'that the hub locations would be refined by the Contractors in producing the SSTPs. Locations, and the specific details of their operation (of shuttle buses) (such as set down and pick up locations (including additional locations outside of the hubs, compounds and ULHs, e.g., the Tilbury passenger ferry terminal), routes, hours of operation and frequency) would be agreed with the relevant local highway authority(s) and/or public transport operator(s) and would follow their relevant approval processes.'</i></p> <p>A further discussion on this matter was held on 28 September 2023 and 16 October 2023 and the Council confirmed that a review of the Applicant's commitment</p>	<p>Framework Construction Travel Plan [REP5-054]</p>	<p>Matter Under Discussion</p>

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			as outlined above is underway. This matter remains under discussion.		
Worker Transport Use the construction phase as an opportunity to trial innovative forms of worker transport measures	2.1.246 (also refer to SoCG item 2.1.243) RRE, LIR	The Council would like National Highways to commit to a journey planner including lift share booking to help construction workers make better choices based upon price, health, air quality, etc.	The Project does not necessarily provide a journey planner 'app' as such, but there are multiple schemes proposed to be run by the Travel Plan Coordinator which would serve the same purpose. These include car park management and car share schemes, as well as the provision of a site-specific welcome pack, noticeboard and intranet/website page providing details of the Site Specific Travel Plan, key contacts, the measures in force at that particular construction area or compound, along with local public transport information. All of these measures will work together towards providing better journey planning and are included in the FCTP. This matter is not agreed, due to both parties' positions remaining unchanged.	Framework Construction Travel Plan [REP5-054]	Matter Not Agreed
Worker Transport Use the construction phase as an opportunity to trial innovative forms of worker transport measures	2.1.247 RRE	The Council would like National Highways to commit to pool electric vehicles; travel between compounds should be done by zero emission means such as EVs.	The Project is committed to providing sustainable worker transport arrangements and can confirm that the shuttle buses that will provide inter compound connectivity will be EV/equivalent. The Project is currently considering its position on pool vehicles. This matter remains under discussion.	Framework Construction Travel Plan [REP5-054]	Matter Under Discussion

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<p>Worker Transport Use the construction phase as an opportunity to trial innovative forms of worker transport measures</p>	<p>2.1.248 (refer to SoCG item 2.1.245 and 2.1.243) RRE, LIR</p>	<p>The Council would like National Highways to commit to mobility hubs, enabling employees to travel in by rail, bus or car and switch to shuttle bus/DRT or e-bike to the construction compound or between construction compounds.</p>	<p>It is assumed by the Applicant that due to the shuttle buses connecting to existing transport hubs on both sides of the river, a mobility hub would be created anyway.</p> <p>Shuttle buses would operate from existing transport hubs on both sides of the River Thames. These hubs are currently envisaged at Gravesend (Bus, HS1, National Rail), Grays (Bus, National Rail), Pitsea (Bus, National Rail) and Upminster (Bus, National Rail, London Underground, London Overground). Buses are currently expected to provide routes to each compound and inter-compound connectivity, although this will be determined as the Site Specific Travel Plans are brought forward and as agreed at the Travel Plan Liaison Group. These buses would be for Project workforce only.</p> <p>The commitment to shuttle buses is included in the Code of Construction Practice. Please see below against Item No. 2.1.251 with regard to the response regarding Demand Responsive Transport. The detail being sought by the Council at this stage, could restrict the shuttle bus contractor from delivering a successful shuttle bus service. The Applicant is confident that it has provided a framework that would enable the success of the shuttle buses service. This matter is not</p>	<p>Framework Construction Travel Plan [REP5-054]</p>	<p>Matter Not Agreed</p>

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			agreed, due to both parties' positions remaining unchanged.		
Worker Transport Use the construction phase as an opportunity to trial innovative forms of worker transport measures	2.1.249 (refer to SoCG item 2.1.243) RRE, LIR	<p>The Council would like National Highways to Travel Incentives – to cycle, use public transport, life-share and use electric vehicles.</p> <p>Following a review of National Highways position, the Council's position is that the lack of specific targets before DCO submission and incentives for contractors will discourage the delivery of the commitments in the FCTP.</p> <p>The framework is not compliant with BSI PAS 500:2008 National Specification for Workplace Travel Plans (attached at LIR Appendix C Annex 5)</p>	<p>KPIs and incentivisation will be matters discussed between the Applicant and its Contractors, post Contract award, and during the development of the SSTPs. The Applicant will not require its Contractors to provide incentives that promote active travel, as a commitment within the DCO application documents. However, the Project is committed to the development of the SSTPs, with suitable targets, in consultation with the relevant highway and local planning authorities.</p> <p>The Applicant has also included some additional information about PAS 500:2008 within Appendix A of the FCTP (A.3.7-A.3.12). This FCTP has not been designed to be accredited to PAS 500. However, the scope of work for the SSTPs (as set out in this FCTP) include the necessary items detailed within PAS 500 to enable them to be compliant with the required specification. Certification against the specification could be sought if required. This matter is not agreed, due to both parties' positions remaining unchanged.</p>	Framework Construction Travel Plan [REP5-054]	Matter Not Agreed
Worker Transport Use the	2.1.250 RRE, LIR	The Council would like National Highways to adopt smart management to ensure that shuttle bus operational schedules is co	The Applicant will not require its Contractors to implement smart management of shift patterns and gangs	Framework Construction Travel Plan	Matter Under Discussion

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<p>construction phase as an opportunity to trial innovative forms of worker transport measures</p>		<p>ordinated and aligned with shift patterns and gangs to minimise travel in peak hours and maximum opportunity to lift share.</p> <p>Following a review of National Highways position, the Council's position is that travel spreading will flatten the profile but may not help to discourage car travel. The management of shift patterns therefore needs to be 'smart' and not solely driven by construction profiles.</p> <p>The Council sets out its review of the FCTP at Section 15.6 of its LIR. It is fundamental that workforce travel times align with the primary initiative that NH is promoting i.e. the shuttle bus initiative. The Council considers this initiative to be currently flawed but in addressing that NH must consider its intended flexible arrival and departure times. This must be set out in the FCTP as leadership to the contractors.</p> <p>The Council will review the additional text in NH's D6 submission and respond accordingly.</p>	<p>for the purposes of travel demand management.</p> <p>The Code of Construction Practice provides a band of working hours that provides flexibility for arrival (to site) and departure times. By not being overly prescriptive with respect to arrival and departure times, the Applicant will encourage a broader spread of arrivals/departures based on different attendance times for different roles which should reduce travel demand. Regardless of the shift times, the measure and targets which will be set in the SSTPs, will be implemented.</p> <p>As clarified under matter 2.1.245 of the SoCG further details of the shuttle bus service will be available as part of the development of the SSTPs post consent. It should also be noted that the Applicant has not specified hours of operation for the shuttle buses at this stage and this will be developed at the SSTP stage, to align with the shift pattern of the workers</p> <p>A further discussion on this matter was held on 28 September 2023 and 16 October 2023 and the Applicant has made the following change to the FCTP at Deadline 5 as suggested by the Council: <i>'In order to maximise usage, shuttle bus</i></p>	<p>[REP5-054] Code of Construction Practice [REP5-048]</p>	

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			<p><i>operational schedules would operate in line with shift patterns and consider public transport timetables.'</i></p> <p>This matter is likely to be agreed following a review by the Council and is currently under discussion.</p>		
<p>Worker Transport Use the construction phase as an opportunity to trial innovative forms of worker transport measures</p>	2.1.251 RRE, LIR	<p>The Council would like National Highways to commit to Demand Responsive Transport (DRT) – partner with a provider to enable employees to book a service either from home (within a service area), hotel/temporary accommodation or public transport interchange.</p> <p>Following a review of National Highways position, the Council's position is that the wording in the FCTP is weak. National Highways should provide sufficient appropriate opportunities for workers to travel by non-car modes. Without these complementary measures National Highways is effectively proposing that car travel is the primary means of access. The contractors should be required to demonstrate why DRT would not form part of the package of measures.</p> <p>The Council sets out its review of the FCTP at Section 15.6 of its LIR.</p>	<p>The Applicant will not be requiring its Contractors to implement Demand Responsive Transport; however, the Applicant will include in the FCTP that the Contractors will consider providing Demand Responsive Transport to and from local public transport hubs.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>	<p>Framework Construction Travel Plan [REP5-054]</p>	Matter Not Agreed
Worker Transport	2.1.252 RRE,	The Council would like National Highways to commit to new construction phase cycle infrastructure – providing a permanent	The Project will not be upgrading local roads to the Project construction compounds for the purpose of encouraging	Framework Construction Travel Plan	Matter Not Agreed

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Use the construction phase as an opportunity to trial innovative forms of worker transport measures	LIR	<p>scheme for community, when not accessing the LTC construction site/compounds.</p> <p>Following a review of National Highways position, the Council's position is that National Highways does not support the use of unlit access routes and routes with no footways (CoCP Para 6.3.5 (a)). Therefore, the FCTP and SSTPs will not support active travel without alterations to the existing network. The FCTP and SSTP are therefore entirely reliant on a strategy of shared transport (bus, van or car based sharing) to reduce the impact of workforce travel on the network.</p> <p>NH recognises in its response that active travel is not a mechanism to reduce the impact of workforce travel to its compounds, albeit continuing to assume in its framework for walking and cycling to be a part of the package of mode sharing. NH must therefore rely on other initiatives to mitigate workforce travel impacts.</p> <p>The Council sets out its review of the FCTP at Section 15.6 of its LIR.</p>	<p>active travel.</p> <p>Many of the proposed construction compounds/ULH are in locations with poor accessibility by foot and this is recognised within the FCTP. The Applicant does not support its workforce using unlit or roads without footways as part of its home safe and well corporate aim. Provision of temporary/permanent active travel provision to these compounds would likely not deliver value for money, would have considerable environmental impact, and in the post construction scenario these routes would not offer connectivity to places people would wish to travel to in numbers that would warrant this provision. However, the Applicant does not consider that the FCTP and SSTPs would be unsuccessful in reducing Project workforce impact on the highway network.</p> <p>As covered by the matter 2.1.252 of this SoCG, the FCTP in para 7.2.5 commits the Applicant to targets which focus on increasing walking and cycling trips to construction worksites, compounds and ULHs, either as part of the journey or the full trip, e.g. cycling to a transport hub. Walking, cycling and use of public transport all form part of the suite of measures which the workers could rely upon to complete their journeys.</p>	REP5-054	

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			<p>The SSTPs would be developed by the Contractors and recognise the surroundings and context for each location they are developed for. Each SSTP would therefore present measures and targets that are tailored for that specific location. Thurrock Council would be a consultee to these SSTPs, when they are produced post consent, if consent is granted.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>WCH/ Active Travel – Construction Effects Enable active travel to construction sites:</p>	2.1.253 RRE	<p>The Council request funding from National Highways to support the continued operation of the Hubs (cycle hubs at Stanford le Hope and Tilbury) will secure the infrastructure for the community for the future and provide the infrastructure for LTC construction workers to cycle from the hubs to the construction compounds.</p> <p>Following a review of the National Highways position, it is the Council's opinion that without this funding, National Highways is demonstrating a lack of commitment to these methods of travel.</p>	<p>The Applicant is not providing funding as it is not associated with the construction of the Project.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>	N/A	Matter Not Agreed
<p>WCH/ Active Travel – Construction Effects Enable active travel to</p>	2.1.254 RRE, LIR	<p>The Council would like National Highways to provide further capital works to facilitate convenient, well-lit cycle and pedestrian access to each of construction compounds from surrounding residential areas and transport hubs.</p>	<p>Section 6 of the FCTP, sets out an extensive walking, cycling and horse riding network (in proximity to the Project's construction sites) that could be expected to be used for a proportion of workforce travel. It is recognised, however, that this</p>	<p>Framework Construction Travel Plan [REP5-054]</p>	Matter Not Agreed

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construction sites:		<p>Following a review of the National Highways position, it is the Council's opinion that National Highways is demonstrating a lack of commitment to these methods of travel.</p> <p>NH accepts that walking and cycling will at best be a small proportion of its workforce travel choice yet relies on those modes as part of the mitigation package. The FCTP is therefore misleading.</p> <p>The Council sets out its review of the FCTP at Section 15.6 of its LIR.</p>	<p>would be a limited proportion of workforce travel, especially for some compounds. Furthermore, it is not expected that a significant proportion of the Project workforce will cycle and walk to the construction sites due to the remote location of some of the compounds, the nature of working hours and shift patterns and the nature of work these staff will be undertaking.</p> <p>As stated above, in response to 2.1.252 under 'Use the construction phase as an opportunity to trial innovative forms of worker transport measures' the Project will not be upgrading local roads to the construction compounds for the purpose of encouraging active travel. The FCTP in paragraph 7.2.5 commits the Applicant to targets which focus on increasing walking and cycling trips to construction worksites, compounds and ULHs, either as part of the journey or the full trip, e.g. cycling to a transport hub. Walking, cycling and use of public transport all form part of the suite of measures which the workers could rely upon to complete their journeys.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
Worker Transport	2.1.286 DL-3	Thurrock Council have specific concerns about the access to compound CA5. The	Thurrock Council's concerns are noted. The images shown at CIC and the	Framework Construction	Matter Not Agreed

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Compound CA5	LIR	<p>use of roads in this area, including station road, Linford Road, and the level crossing at East Tilbury will create impacts on the road network in this area.</p> <p>The Council has severe concerns over the effectiveness of NHs proposed approach to workforce travel planning and sets out its views on the FCTP at Section 15.6 of the LIR.</p> <p>This includes the difference in proposed workforce access strategies which NH appears to be adopting for the North Portal compound and welfare - differing between the Project Description document and the FCTP and oTMPfC.</p>	<p>assessment contained within the modelling assume virtually similar access arrangements, albeit that the modelling enables staff access into CA5a immediately east of the Tilbury Loop railway line as opposed to further east on Station Road. This difference would not affect the application of the FCTP to the compound. The treatment of this compound within the FCTP is no different to other compounds where a baseline mode share for car drivers has been assumed, and within the illustrative compound layouts where parking has been indicated.</p> <p>Station Road is a secondary access into the Northern tunnel entrance compound. Primary access into compound will be via the Ingrebourne Valley Ltd (IVL) track. Time periods and durations for use of this road are contained in the CoCP and East Tilbury Ward Summaries (Table 12.2). There are no specific restrictions on the use of Station Road.</p> <p>A further discussion on this matter was held on 13 June and the Council expressed concerns around the use of these roads and junctions for worker travel and the need for interventions. Although this matter is unlikely to be agreed, the Applicant agreed to consider potential restrictions on</p>	<p>Travel Plan [REP5-054] Outline Traffic Management Plan for Construction [REP5-056]</p>	

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			<p>the use of certain roads in West Tilbury for worker access. The Applicant has now considered the access restrictions at certain roads in West Tilbury and does not consider that restricting vehicle movements through West Tilbury would be acceptable to the local and wider community.</p> <p>The Applicant will consult with Thurrock Council and other stakeholders in developing a more detailed, risk-based Traffic Management Plan, post DCO consent, in line with the controls and commitments of the oTMPfC and other relevant control documents. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Worker Transport Parking at Construction Compounds</p>	<p>2.1.255 RRE, LIR</p>	<p>The Council would like compound parking provision to be based on accessibility of compound location not as a percentage of the number of workers. Poor accessibility should not be a justification for high numbers of parking spaces but should lead to improvements in environmentally sustainable options.</p> <p>What mechanisms will be put in place to ensure parking does not cascade to other compounds and result in movement between compounds along the trace or disguised as essential inter-compound travel?</p>	<p>The Applicant is unsure where this assumption has been made on parking provision.</p> <p>The FCTP states that the baseline mode share has been assumed based on the number of available parking spaces at each compound and the likely vehicle occupancy without FCTP measures in place, simply for modelling purposes. Furthermore,</p> <p>1. The Project Action Plan sets out the implementation of a car park management scheme which would seek to ensure car parking spaces meet demand (ideally</p>	<p>Framework Construction Travel Plan [REP5-054]</p>	<p>Matter Not Agreed</p>

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		<p>At Section 5.4 and Table 5.3 of its FCTP NH sets the percentage mode share per compound by the size of compound. It then derives the parking spaces by that mode share and number of workers. This approach has no reflection on the accessibility criteria for each compound and influences mode share by parking provision rather than demand management.</p> <p>Along with the assumptions over extremely limited active travel mode share and a flawed shuttle bus strategy the FCTP is not robust and does not provide a suitable framework from which to prepare progressive SSTPs. As a pathfinder project this is not adequate.</p> <p>The Council sets out its review of the FCTP at Section 15.6 of its LIR.</p>	<p>reducing the number over time). This would be aligned with planned shift patterns and workforce numbers for both onsite and offsite car parking and developed at least six months prior to construction.</p> <p>2. FCTP is already committed to controls such as a car share scheme, shuttle buses, car park management strategy and review of active travel facilities (Project Action Plan).</p> <p>The SSTPs will contain more details around this issue, for the compound and Utility Logistics Hubs (ULHs) they cover. The SSTPs, would be developed post DCO consent, if consent is granted, in consultation with local authorities and in line with the controls and commitments set out in the FCTP.</p> <p>The Applicant's position on mode share/targets (2.1.43) and shuttle busses (2.1.245) is not repeated here.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Bridges & Structures Appropriate provision on LTC bridge crossings</p>	<p>2.1.256 RRE, LIR</p>	<p>Ensuring that the proposed re-provision of bridges across the LTC, along existing corridors, deliver sufficient legacy provision to encourage active sustainable travel and support future growth.</p> <p>1. Hoford Road – 4m WCH</p>	<p>The Applicant has now made the following WCH provision on all the bridges listed, as per Thurrock Council's request. The WCH provision on each of these bridges will be secured via a Design Principle.</p> <p>1. Hoford Road green bridge (S10.11) – 3.6m (this is a 3.6m shared pedestrian,</p>	<p>Design Principles [REP4-146]</p>	<p>Matter Not Agreed</p>

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		<p>provision sought</p> <p>2. Farm Track and FP 79 – 3.5m WCH provision sought</p> <p>3. A1013 over A1089 – 5m WCH provision sought</p> <p>4. Rectory Road – 8m WCH provision sought</p> <p>5. Green Lane – 4m WCH provision sought</p> <p>6. Farm Track and FP 136 – 4m WCH provision sought</p> <p>7. North Road – 5m WCH provision sought</p> <p>NH has indicated the widths to be provided at these structure but does not provide detail to assure the Council of sufficient clear commitment to provision or guidance to its contractors on the Council's requirements.</p> <p>The Council sets out its view regarding the provision at structures at Sections 9.5 and 10.12 of its LIR with a comparative summary of requirements and apparent provision at Appendix C Annex 2 Sub-Annex 2.5.</p> <p>The Council has made repeated requests to NH for additional active travel provision on several LTC bridge crossings, which have been refused. Furthermore, the Structures Plans and Design Principles do not provide adequate assurance and the</p>	<p>cycling and horse-riding route shared with the carriageway; noting that this road is closed to motor vehicles)</p> <p>2. Farm Track and FP 79 (S10.13) – 3.5m</p> <p>3. A1013 over A1089 (S11.17) – 5m</p> <p>4. Rectory Road (S11.16) – 8.5m</p> <p>5. Green Lane (S12.16) – 4m</p> <p>6. Farm Track and FP 136 (S12.17) – 4m</p> <p>7. North Road (S12.18) – 5m</p> <p>Thurrock Council has refused to comment on the adequacy of the WCH provision without full cross-sectional details and dimensions of these bridges. Although the WCH widths are what Thurrock Council asked for, the Council is seeking further confirmation of which standards will be used in further development. The Applicant considers this level of detail is a matter that should be addressed during detailed design.</p> <p>The Applicant has reviewed the Council's LIR Appendix C, Annex 2, Sub-Annex 2.5 which sets out a comparative summary of the Council's requirements to the DCO submission provision for crossing structures widths. Whilst it is welcomed that the Council consider that some of the Project bridge crossings provide appropriate WCH provision, the Applicant</p>		

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		Structures Plans are not secured in the DCO. This remains a Matter Not Agreed.	<p>understands the Council's position of requesting detailed cross-sections for these bridges to be unchanged. The Applicant's position is as stated above regarding this point.</p> <p>This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Bridges & Structures Appropriate provision on LTC bridge crossings</p>	<p>2.1.257 RRE, LIR</p>	<p>Ensuring that the proposed re-provision of bridges across the LTC, along existing corridors, deliver sufficient legacy provision to encourage active sustainable travel and support future growth.</p> <ol style="list-style-type: none"> 1. Muckingford Road – 5m WCH provision sought along with a 7m bus lane 2. Brentwood Road – separate provision for WCH sought on the bridge 3. FP 252 over LTC – 5m provision sought on the bridge 4. FP 252 over Railway – 5m provision sought on the bridge 5. Stifford Clays – 7m provision sought on the bridge, with a separate equestrian route provided 6. A1013 over LTC – 5m WCH provision sought <p>NH has indicated the widths to be provided at these structures, but precludes public transport network on certain bridge</p>	<p>The Applicant is unable to provide the WCH provision sought by the Council due to the reasons listed below.</p> <p>1. Muckingford Road green bridge (S10.10) – A 5m WCH provision has been made as requested by the Council. Although Thurrock Council want a 7m (2x3.5m) bus lane provision to facilitate its local plan aspirations of public transport connectivity, the Applicant has not been provided with a firm commitment outlining a sound reasoning on why they are required, data evidence, or a delivery programme for these works to understand how these fit in with the construction of the Project. Provision of a bridge significantly wider than the east and western approaches would not be appropriate. Further, it is understood that any additional widening of the bridge would impact on the relocation of existing utilities. The Applicant's review of Thurrock Council's public transport</p>	<p>Design Principles [REP4-146]</p>	<p>Matter Not Agreed</p>

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		<p>crossings as part of future growth in Thurrock.</p> <p>The Council sets out its view regarding the provision at structures at Sections 9.5 and 10.12 of its LIR with a comparative summary of requirements and apparent provision at Appendix C Annex 2 Sub-Annex 2.5.</p> <p>The Council has made repeated requests to NH for additional active travel provision on several LTC bridge crossings, which have been refused. Furthermore, the Structures Plans and Design Principles do not provide adequate assurance and the Structures Plans are not secured in the DCO. This remains a Matter Not Agreed.</p>	<p>proposals has not identified this as a key connector route from policy documents reviewed to date. It is also not clear why a bus lane would be required at this location given current and future vehicle flows do not appear excessive and unlikely to cause significant congestion. Furthermore, it is noted that to the east and west of the proposed bridge, the carriageway width is limited by adjacent land use towards Chadwell St Mary and Linford, therefore the bus lane along Muckingford Road would only be over a short section which will not offer continuity of public transport provision.</p> <p>2. Brentwood Road – No WCH route provided on the bridge as a separate provision has been made, i.e. 2.75m verges have been provided. Currently there are no confirmed commitments that identify the need for pedestrian and cycle facilities along Brentwood Road. The Applicant is promoting an alternative route within the WCH strategy that connects Brentwood Road to the A1013 and Rectory Road via resurfaced footpaths, that are re-designated to bridleways, so available for all WCH. This would cross the Project via a new bridge. Provision of a bridge significantly wider than the east and western approaches would not be</p>		

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			<p>appropriate with potential tie-in issues. No details have been provided to justify the provision of pedestrian and cycle facilities along Brentwood Road nor a programme for delivery of the adjacent works required.</p> <p>3. FP 252 over LTC (S12.17) – The WCH width provided is 3.5m, not 5m. The widths provided are consistent with current design standards for a shared surface.</p> <p>4. FP 252 over Railway (S12.17) – The WCH width provided is 3.5m, not 5m. The widths provided are consistent with current design standards for a shared surface.</p> <p>5. Stifford Clays Road (S11.18) – Along Stifford Clays Road the Applicant proposes to provide an extension to the existing pedestrian/cycle footway. This will be a combined pedestrian (2m) and cycling route (3m). Provision for equestrian users has not been provided. Consultation with the local riding school/stables identified that routes to the north are used, rather than Stifford Clays Road.</p> <p>6. A1013 over LTC (S11.17) – A 5m WCH provision has been made as requested by the Council. Although Thurrock Council want a 7m (2x3.5m) bus lane provision to facilitate its local plan aspirations of public transport connectivity, the Applicant has not been provided with a firm commitment</p>		

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			<p>outlining a sound reasoning on why they are required, data evidence, or a delivery programme for these works to understand how these fit in with the construction of the Project. Provision of a bridge significantly wider than the east and western approaches would not be appropriate. Further, it is understood that any additional widening of the bridge would impact on the relocation of existing utilities (if any exist). The Applicant's review of Thurrock Council's public transport proposals has not identified this as a key connector route from policy documents reviewed to date. It is also not clear why a bus lane would be required at this location given current and future vehicle flows do not appear excessive and unlikely to cause significant congestion.</p> <p>The Applicant considers that the proposed provision of capacity on these bridges is proportional to the current and likely forecast usage. Increasing capacity on bridges would lead to an increase in the requirement for land, and increased cost, which is not proportionate to the identified need.</p> <p>The Applicant has reviewed the Council's LIR Appendix C, Annex 2, Sub-Annex 2.5 which sets out a comparative summary of the Council's requirements to the DCO</p>		

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			<p>submission provision for crossing structures widths. Whilst it is welcomed that the Council consider that some of the Project bridge crossings provide appropriate WCH provision, the Applicant understands the Council's position of requesting detailed cross-sections for these bridges to be unchanged. The Applicant's position is as stated above regarding this point. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>WCH/ Active Travel – Design Delivery of the Two Forts Way Project (TFWP)</p>	<p>2.1.258 RRE</p>	<p>The Council would like LTC to complete the improvements to cycling and footpath provision for the Two Forts Way</p>	<p>The Applicant has now funded and completed the scope works on Two Forts Way, as agreed with Thurrock Council. This comprised fencing and signing the new route, as well as some minor areas of surfacing to ensure the route remains passable. The Applicant is also committed to delivering the first phase of the Association of South Essex Local Authorities (ASELA) Coastal Path Project between Coalhouse Fort and Stanford-le-Hope using the Designated Funds Programme. It would comprise improvements to the existing public right of way along the north bank of the Thames, connecting into a number of wildlife sites. Thurrock Council has seen the commitments set out above and marked</p>	<p>N/A</p>	<p>Matter Agreed</p>

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			the matter agreed.		
Safety Safety of NMUs	2.1.259 LIR	<p>Other impacts of the construction, operation and maintenance periods for the Project, such as fear and intimidation, safety and disruption should be assessed and suitable mitigation proposed.</p> <p>There is insufficient detail relating to the safety of NMUs or the details of the proposed complementary strategy to enhance opportunities to encourage a move away from vehicular travel.</p> <p>The current Design Principles in Table 4.1 (PEO.01-PEO.13) do not address in sufficient detail concerns about safety, particularly relating to lighting and diversion routes during construction.</p> <p>This SoCG item needs to be seen in conjunction with the wider discussions regarding the consideration of traffic and transport impacts across multiple documents, as well as wider ongoing discussions regarding mitigations and approaches to severance and safety particularly regarding Orsett Cock Junction, Asda Roundabout and Brennan Road. Further information regarding additional wording for the Design Principles is to be provided at D6.</p>	<p>Any replaced WCH routes will be designed as per relevant design and safety standards. In-line with the requirements of the Planning Act, and national and local policy and guidance, the Project will mitigate its effects in terms of severance, changes in amenity and temporary and permanent changes to the WCH network where a significant effect is identified.</p> <p>This has been primarily secured through embedded mitigation, for example, where the Applicant has included new road crossings or diverted or upgraded routes within the Project. In other cases, the Applicant is working with local authorities and other partners to consider alternative securing mechanisms – such as section 106 Agreements – for other works which may be outside of the Order Limits.</p> <p>Beyond that, the Applicant has taken a precautionary and responsible approach to the wider WCH network in order to maintain and enhance the social and health benefits of good accessibility across WCH links. Where new public open space will be provided as part of the Project, it has been considered in the context of how local communities will access it. The Applicant recognises the importance of a</p>	<p>ES Chapter 13: Population and Human Health [APP-151] Health and Equalities Assessment (HEqIA) [REP3-118] Design Principles [REP4-146]</p>	Matter Under Discussion

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			<p>coherent network of links that contribute to health and wellbeing and go beyond a simple 'identify and fix' approach to affected locations, and the changes to the network have been assessed in this way through Chapter 13 of the ES, and through local level assessments within the HEqIA. The benefits of an uplift in access to active travel is a key component of the HEqIA.</p> <p>Assessments of the users of PRoW, including in terms of their Protected Characteristics at a community level, are set out within Chapter 13 of the ES and the HEqIA.</p> <p>A discussion on this matter was held on 5 July and the Applicant provided some additional signposts to the Design Principles regarding WCH routes (Table 4.1 and PEO.01-PEO.13).</p> <p>A further discussion on this matter was held on 28 September 2023 and the Council confirmed that a list of potential amendments to relevant Design Principles was being prepared which would be shared with the Applicant shortly. The Applicant also supplied some additional signposts around where fear, intimidation, safety and disruption have been assessed in the DCO application. This matter remains under discussion.</p>		

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Road Drainage and Water Environment					
Project design and mitigation Flood risk mitigation and water quality improvement through SuDS	2.1.260 RRE	The Council would like more information on the flood risk mitigation and water quality improvement measures used by LTC on the Project.	<p>The Project scope has been reviewed by the Environment Agency. This review covers all aspects of Environment Agency regulation and includes flood risk and water quality. If the Project does comply with their requirements, this is documented within the Statement of Common Ground with the Environment Agency which was submitted as part of the DCO application.</p> <p>Sustainable drainage systems have been integrated into the operational surface water drainage design and the features are illustrated on the Environmental Masterplan. North of the river, drainage systems would generally discharge to surface watercourses via retention ponds and detention basins, with the exception of one infiltration basin at the A13/A1089 junction. The drainage strategy and its sustainable drainage systems components is detailed in Part 7 of the Flood Risk Assessment. Water quality of highway run-off would be improved prior to discharge by means of separate lined sedimentation forebay and/or vortex separators located upstream of the infiltration basins and attenuation ponds/basins. In addition, penstock chambers are provided as emergency shut-off facilities.</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048] Flood Risk Assessment [APP-460]; APP-461; APP-462; APP-463; APP-464; REP1-171; APP-466; APP-467; APP-468 and APP-477 ES Appendix 14.3: Operational Surface Water Drainage Pollution Risk Assessment [APP-456] ES Appendix 14.5: Hydrogeologic al Risk</p>	Matter Agreed*

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			<p>Sedimentation forebays would be utilised for containment of spillages (when the penstock is closed during an incident) and therefore would be lined to prevent escape of contaminants, in line with REAC reference RDWE034.</p> <p>A schedule of water quality treatment systems per infiltration basin is provided in Annex 1 of the Hydrogeological Risk Assessment.</p> <p>A schedule of water quality treatment systems per attenuation pond/basin is provided in Appendix 14.3 of the Environmental Statement.</p> <p>The adequacy of the treatment provided has been tested through application of both National Highways Water Risk Assessment Tool, the Construction Industry Research and Information Association Simple Index Approach, and detailed groundwater modelling. The results of these assessments are reported in Appendices 14.3 and 14.5 of the Environmental Statement.</p> <p>Thurrock Council has seen these commitments and marked the matter agreed.</p>	<p>Assessment [APP-458 and APP-459]</p>	
<p>Project design and mitigation Design matters</p>	<p>2.1.261 RRE,</p>	<p>As part of these discussions the Council have also sought more clarification/commitment on some additional matters as</p>	<p>1) As acknowledged in technical engagement with Thurrock and Essex County Council on drainage matters, the</p>	<p>Draft Development Consent Order</p>	<p>Matter Under Discussion</p>

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related to flood risk mitigation and water quality improvement through SuDS	LIR	<p>listed below</p> <ol style="list-style-type: none"> 1. Consideration of local design standards, Essex SuDS Design Guide (2020) 2. Assurance that the 'preliminary design' will be pushed through the detailed design stage and SuDS features won't be reduced in favour of value engineering. Confirmation that further detail will be submitted at the detailed design stage, demonstrating that the SuDS strategy meets all the LLFA's requirements and standards 3. Reference to LIR: Sections 10.8.10 - 10.8.14: It is noted that the hydrological and hydraulic model methods and software versions have been superseded. As discussed in the SoCG EIA Workshop on 11 July 2023 with NH, it is noted that the Environment Agency (EA) has accepted the modelling approach as set out in SoCG item 2.1.56 of the EA's Statement of Common Ground (October 2022 (APP-094)). However, it is further noted that the EA's SoCG predates the 2022 DCO submission documents. <p>An updated confirmation of the approach and agreement with the EA is required. Further, additional information is required to confirm that there is sufficient area and volume available to accommodate any</p>	<p>Project has, through the sharing of a series of technical notes, demonstrated that the preliminary drainage design has considered, and meets the requirements of local drainage design requirements in additional to those of the DMRB.</p> <p>2) It is key to note that the assessment of the effects of the Project on the watercourses that would receive drainage discharges (water quality and flood risk) is based on the preliminary drainage design. Surety that the detailed drainage design will deliver an equivalent degree of both attenuation and treatment of drainage discharges is provided by Requirement 8 of the DCO. It stipulates that no part of the authorised development is to commence until, for that part, written details of the surface water drainage system have been submitted and approved in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its function. This requirement also states that the surface water drainage system must be constructed in accordance with the approved details and that where any amendments are proposed, the Secretary of State (following consultation with the relevant planning authority on matters related to its function) must be satisfied</p>	[REP5-024]	

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		<p>changes at detailed design when later methods are used.</p> <p>The Council still require further clarifications regarding 2 matters relating to flood compensation and temporary flooding alleviation measures. These matters will be set out in more detail in the Council's D6 submission.</p>	<p>that these amendments would not give rise to any materially new or different environmental effects to those presented in the Environmental Statement. The Lead Local Flood Authorities (Thurrock) and Essex County Council would both be consulted as part of the discharge of this Requirement, therefore given the opportunity to review the detailed drainage design and provide comments on it, removing the risk of the final drainage scheme not achieving compliance with local drainage standards. This commitment provides the necessary safeguards to ensure that the detailed drainage design will deliver to both local and national drainage standards.</p> <p>Thurrock Council has seen the commitments addressing points 1 and 2 and these are agreed.</p> <p>3) The Applicant acknowledges that there have been updates to software versions and software tools since completion of the hydrology that informs the DCO FRA. However, from experience of the comparative performances of the latest versions and those superseded, it is considered very unlikely that there would be any meaningful change to the adopted flood flows. The Applicant has engaged frequently and in detail with the EA during</p>		

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			<p>preparation of the FRA and this engagement has continued since submission of the Application. The EA have not raised this matter as a concern, nor requested updates to the flood models hydrology (other than to apply the most up to date climate change allowances). It would not impact the compensation flood storage areas proposed, in catchments EFR-2, EFR-4 and EFR-5 because land set aside within the Order Limits for provision of compensation flood storage is larger than the land needed to provide the required volumes of compensation. This approach has been adopted, and agreed with the EA, to allow the Contractor flexibility in configuring the compensation areas and provides for a margin of safety to accommodate any changes at detailed design when later methods are applied.</p> <p>A further discussion on this matter was held on 26 September 2023 and 16 October 2023 and the Council stated that they are satisfied with the Applicant's position on point 3 as per para 18.9.42 of their Responses to D1/D2 submissions [REP3-211]. Some further queries around climate allowances and drawings within the FRA were clarified and signposts provided. The Applicant is currently considering the additional queries raised by the Council.</p>		

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			This matter remains under discussion.		
<p>Project design and mitigation Commitments related to flood risk mitigation and water quality improvement through SuDS</p>	<p>2.1.262 RRE, LIR</p>	<p>As part of these discussions the Council have also sought more clarification/ commitment on some additional matters as listed below</p> <p>1) A greater commitment to use Open SuDS features, integrated into the landscape to deliver water quality requirements as these provide additional amenity and biodiversity benefits should be considered.</p> <p>2) Commitment wording (RDWE025) to better reflect the agreed assessment methodology that includes both the HEWRAT and CIRIA SiA assessment.</p> <p>3) Reference to LIR: Section 10.8.15. Further information is required regarding the amenity and biodiversity benefits from SuDS. The allocated areas and assumptions made within the Biodiversity calculations (APP-417) must be checked against the proposed drainage strategy. As discussed in the SoCG EIA Workshop on the 11 July 2023 with NH, it is noted that defining BNG values for SuDS is challenging, especially at concept design stage. Some detailed issues such as embankment profiles and planting regimes may necessarily be only verified at detailed design stage. However, there are some</p>	<p>1) The commitment to the use of Open Sustainable drainage systems features is secured by the Project's Design Principles and the Environmental Masterplan, which shows Open Sustainable drainage systems features included in the preliminary drainage design that provide for both attenuation and water quality treatment. A series of infiltration basins are shown to the south of the Thames, and a combination of attenuation basins, an infiltration basin and swales are shown to the north. Where this attenuation is provided via ponds, the ponds would be designed to appear as naturalistic elements within the wider landscape setting, with planting provided to soften edges where this is appropriate; this is secured by Design Principle Clause LSP.17.</p> <p>2) The current wording of RDWE025 in the REAC is robust in securing the treatment necessary to prevent discharge of highway drainage causing detriment to the water quality of receiving watercourses. The preliminary drainage design has been assessed using HEWRAT, with verification undertaken using the Construction Industry Research and Information Association Social Impact Assessment methodology, the results of which have been shared with</p>	<p>Design Principles [REP4-146] ES Appendix 2.2: Code of Construction Practice [REP5-048] ES Figure 2.4: Environmental Masterplan [REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031]</p>	<p>Matter Agreed</p>

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		<p>broad assumptions that should be coordinated at concept stage.</p>	<p>Essex Country Council. These results demonstrated that proposed treatment measures are sufficient. It is also noted that RDWE025 commits to further assessment to confirm treatment measures at the detailed design stage, informed by survey and sampling to define the flow regime and water quality of receiving watercourses.</p> <p>Thurrock Council has seen these commitments relating to points 1 and 2 and these are agreed.</p> <p>3) The Applicant confirms that there was coordination and data exchange between the drainage and BNG teams to provide information about water body types, swales and ditches. The BNG assessment has been precautionary with regard to watercourse units.</p> <p>A further discussion on this matter was held on 26 September 2023 and the Council stated that they are satisfied with the Applicant's position on point 3 as per para 18.9.43 of their Responses to D1/D2 submissions [REP3-211]. Some additional clarifications around the North Portal area were provided in the meeting. This matter is now agreed.</p>		

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<p>Project design and mitigation Future responsibilities of sea defences at Coalhouse Point</p>	<p>2.1.263 RRE, LIR</p>	<p>Thurrock Council have been part of the discussion with the Environment Agency and LTC regarding future responsibilities of sea defences at Coalhouse Point.</p> <p>Discussions regarding the proposed water supply for the HRA and ecology mitigation which is proposed by LTC adjacent to Coalhouse Fort are ongoing between the EA and LTC. Thurrock Council are engaging with National Highways to better understand these proposals and determine next steps and await further detail.</p> <p>Reference to LIR Sections 10.8.18 and 10.8.19: At the SoCG EIA Workshop on 11 July 2023 with NH, NH confirmed that it is unlikely to proceed with providing water from the Coalhouse Fort moat, preferring the option for the water inlet from the River Thames that is included within the DCO application, but would be undertaking further studies to confirm.</p> <p>The Council will provide comment and response following receipt of a plan illustrating existing and proposed flood defence assets (including intake structures and pumping stations), wetland proposals and to define the extents of ownership/maintenance responsibilities.</p>	<p>The Applicant is considering options for ensuring a water supply to the Functionally Linked Land mitigation adjacent to Coalhouse Fort. A site visit was completed on 20 April 2023 with Thurrock Council, and a number of other relevant stakeholders, and a greater understanding of the hydrological system was gained.</p> <p>A further discussion on this matter was held on 11 July and the Applicant clarified that the current proposal is to allow ingress of water from the River Thames through a water inlet with self-regulating valve, or equivalent.</p> <p>Initial studies confirm that groundwater (by boring into chalk) is also a suitable option to be used as a suitable water source. Therefore, supply from the moat is looking less likely. The Applicant confirmed that discussions with Environment Agency are ongoing and the Flood Risk Team are doing further work on this proposal.</p> <p>A further discussion on this matter was held on 26 September 2023 with the Council requesting a plan illustrating existing flood defences and wetland proposals and for the responsibilities around maintenance to be defined. The Applicant has agreed to share this plan with the Council who will then provide an</p>	<p>N/A</p>	<p>Matter Under Discussion</p>

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			updated position following review. This is likely to become agreed but remains a matter under discussion.		
Project design and mitigation North Portal Junction	3.1.323 DL-3 RRE, LIR	<p>Reference to LIR: Section 10.8.16 and 10.8.17.</p> <p>Clarification is required regarding the phasing at the North Portal junction with regard to the drainage strategy and whether temporary measures are required. Further information must be provided regarding the proposed pumping station in relation to the North Portal junction. This should include location, access proposals, maintenance and operational requirements and also definition of adoption responsibilities. The Council will be responding to this point in more detail within its D3 submission.</p> <p>The Council will review revised plans upon receipt.</p> <p>The plans should reflect proposed discharge location for the North Portal Junction catchment and also the North Portal Ramp Catchment. The applicant should identify if temporary drainage discharge locations is expected to be consistent with the operational catchment boundaries, or if direct discharge of SW to the Thames during construction is anticipated.</p>	<p>The interim/temporary drainage requirements to manage surface water runoff during construction of the Project would be developed during the detailed design stage, in accordance with commitment RDWE006 within the Code of Construction Practice. This requires to the Contractor to develop a construction phase drainage plan for approval by the Secretary of State following consultation with the relevant planning authorities. The plan shall demonstrate how the Contractor would manage surface water runoff across the worksite, including details of how offsite impacts would be prevented. The surface water drainage design for temporary works shall include climate change allowances up to 2030 in accordance with Flood Risk Assessments: climate change allowances.</p> <p>The proposed pumping station for the tunnel approach ramps is shown in Volumes B and C of the Drainage Plans. The pump will be located within the tunnel portal area with access for inspection and maintenance. The catchment area for RP-01 and RP-02 (attenuation pond 2 and attenuation pond 3 on sheet 20 of the Drainage Plans) will include the operational</p>	<p>Environmental Statement – Appendix 14.6 – Flood Risk Assessment – Part 7 [APP-466]</p> <p>ES Appendix 2.2 Code of Construction Practice [REP5-048]</p> <p>Drainage Plans Volume B [REP4-078] and Volume C [REP4-080]</p> <p>Rights of Way and Access Plans: Volume B [REP4-048]</p>	Matter Under Discussion

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		<p>The proposed drainage is shown on the Drainage Plans (Volume B) [APP-048]. Sheet 20 shows the catchment serving the north portal ramp, a containment feature is shown near to the pumping station to collect contaminated water at the lower end of the ramp.</p> <p>The Council would like clarification on the purpose of the proposed containment feature and what capacity it is expected to have, i.e. what is the contributing catchment, and also what storm scenarios are designed for? Is GW seepage from the tunnel expected to contribute? Will washdown flows be included?</p>	<p>access and junction. The responsibility for maintaining this junction will remain with the Applicant as it forms part of the strategic road network. Access to maintain the two ponds is shown in the Rights of Way and Access Plans Volume B.</p> <p>Following discussions on this matter on 26 September 2023 the Applicant has taken an action to include updated drainage drawings for the North Portal ramps within the next ES addendum.</p> <p>During construction a discharge to the Thames is proposed from the northern tunnel compound construction compound. During construction of the Project road, temporary drainage locations are expected to be consistent with the operational drainage catchment boundaries (Subject to confirmation during detailed design).</p> <p>During operation the drainage design for the tunnel provides for a piped outfall to discharge tunnel drainage (e.g. GW seepage, and rainfall from vehicles/tyres) to the Thames during high tide. The new outfall would be near to the existing outfall of the West Tilbury Main (the Bowater's Sluice). The containment feature is to capture contaminated waters from the tunnel in an exceptional circumstance e.g. if there was a spillage or fire, as well as to capture water from washing of the tunnel</p>		

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			interior. The contributing catchment is limited to the tunnels only. This matter remains under discussion.		
Climate and Carbon					
Legislative and Policy Frameworks Responding to National Policy changes on Climate Change and Decarbonisation	2.1.264 DL-3 RRE, RRN, LIR	The Council would like LTC recognise the urgency of the climate emergency, and the scale of ambition required to meet net zero carbon by 2050 in the UK. The current focus on only relieving congestion at Dartford is considered too narrow, potentially at the cost to local communities and with unresolved impacts. LTC helps to resolve one historic problem but creating creates new ones for Thurrock. National Highways, in doing so, is not observing the Governments own aspirations to decarbonise the transport network and LTC scheme objectives that also include supporting sustainable local development. LTC should assess the implications of the scheme to transport decarbonisation i.e. how the scheme might need to be adapted to respond to this challenge or to become an enabler of transport decarbonisation and green growth in the Thames Estuary using alternative modes and travel patterns. The proposals should clearly address how the scheme will support the 6 strategic priorities set out in the DfT's Transport Decarbonisation Plan and in	More information on how the Project aligns with the Transport Decarbonisation Plan is included within the Planning Statement and Carbon and Energy Management Plan. The Applicant has completed a series of meetings between late 2021 to mid-2022 to discuss the Project's approach to climate and carbon as well as wider innovative approaches being pursued by the Applicant outside the DCO application. An update on climate and carbon related issues was provided to all local authorities including Thurrock Council at CIPHAG in April 2022. This was followed by a more detailed presentation in August 2022, covering carbon emissions related to both construction and operational phases of the Project as well as commitments made in the DCO. 1. New walking and cycling infrastructure is proposed as part of the Project design to help improve connectivity and increase opportunities for active travel, thereby supporting sustainable development. New and improved routes include routes for recreational purposes and those which link	Planning Statement [APP-495] Carbon and Energy Management Plan [APP-552] ES Appendix 15.1: Climate Legislation and Policy [APP-480] Planning Statement Appendix I: Carbon Strategy and Policy Alignment [APP-504] ComMA Appendix D: Economic Appraisal Package –	Matter Not Agreed

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		<p>particular, how the scheme will support and contribute to</p> <ol style="list-style-type: none"> 1. accelerating modal shift to shift to public and active transport, 2. decarbonise road transport/ reduce road user emissions, and 3. decarbonise how we get our goods. <p>There are multiple benefits of taking action to reduce carbon (especially around reduction in cost of delivery & maintenance of infrastructure, active travel, lower congestion, better air quality, reduction in noise, improvements to health) and these should be priorities for the project.</p> <p>The Council considers that the National Highways assessment of carbon impacts is inadequate, incomplete, and inconsistent, using out of date economic and policy assumptions about the value of carbon. The analysis of traffic growth and vehicle fleet composition are inconsistent with the assessment of carbon and the assessment of carbon impacts of the scheme are incomplete. Overall, the analysis is inconsistent government and National Highways policy. The Council contends that the NH assessment is fundamentally flawed. The LIR notes the assessment does not meet the requirements of transparency as defined within the Paris</p>	<p>people with jobs, services and facilities.</p> <ol style="list-style-type: none"> 2. The DCO is being developed in accordance with national guidance and latest policy in road user emissions. As a consequence, the DCO submission is not linked to any further additional initiatives by the Applicant generally or the Project locally relating to road user emissions. Through Project Rapid, the Applicant is committed to increasing the number of rapid charging points at existing Motorway Service Areas on the strategic road network. This will not be delivered at a Project level and would be delivered at a strategic regional/national level to ensure the most effective rollout to meet growing demand for EV infrastructure. 3. The Applicant is also undertaking initiatives to develop new HGV solutions at a national level. The Applicant recognises the responsibility of local authorities to develop local solutions for residents and businesses and where the Applicant can support Thurrock Council-led programmes, it would be happy to get involved, such as through the Sustainable Travel Working Group. The Applicant is currently under discussion with UK Power Networks (UKPN) to determine suitable opportunities, but these are outside the scope of the Project. 	<p>Economic Appraisal Report [APP-526] ES Chapter 15: Climate [APP-153]</p>	

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		<p>Agreement (See Table 10.11 of LIR, and Sections 10.14.20 to 10.14.21).</p> <p>This is of particular importance in how the DCO application justifies the economic benefits of LTC due to increase road traffic, but then uses decreased road traffic as part of the justifications for future carbon emission scenarios.</p> <p>The Council require the applicant to confirm if the methodologies are appropriate for a low carbon future. This is especially because the project is defined as a 'pathfinder' and the assessment has made no consideration of thinking beyond the outdated methodologies that have been applied to the assessment. The assessment has dismissed the most up to date IEMA guidance on carbon assessment, which is used extensively across all industries.</p>	<p>A further discussion on this matter was held on 26 June 2023 and the Applicant requested that the Council particularise potential additional commitments over and above the existing commitments in the DCO, for further consideration.</p> <p>The Applicant does not agree with the criticisms of the approach taken to the assessment of the carbon impacts of the Project.</p> <p>The Applicant's assessments are based upon accepted methodologies used extensively across the industry and in line with Government guidance.</p> <p>The Project's compliance and alignment with legislation, policy and plans relevant to climate are presented in ES Appendix 15.1: Climate Legislation and Policy; and Planning Statement Appendix I: Carbon Strategy and Policy Alignment.</p> <p>The economic appraisal of carbon is set out in Combined Modelling and Appraisal Report Appendix D: Economic Appraisal Package – Economic Appraisal Report, while an assessment of the Project's GHG emissions in the context of the UK carbon budgets is presented in ES Chapter 15: Climate.</p> <p>This matter is now not agreed, due to both parties' positions remaining unchanged.</p>		

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<p>Legislative and Policy Frameworks Responding to National Highways' Net Zero Plan</p>	<p>2.1.265 RRE, LIR</p>	<p>The LTC proposals need to be reviewed in light of National Highways' Net Zero Plan and its associated commitments.</p> <p>Thurrock Council consider there are important questions to consider about how freight movement on the strategic road network will develop and what consequences this might have for the operation of the SRN. For example, encouraging the development of a hydrogen network for freight and construction vehicles, developing locations for intermodal and last mile connections (including transfer to river transport), and delivering enabling roadside technology, (such as the development of HGV platooning technology) to support improved logistics functionality and operation should also be explored, thus enabling safety and environmental gains.</p> <p>These issues are explained in the LIR, Section 10.14.10, bullets b, c, and d.</p> <p>Within ES Chapter 15 of the DCO application National Highways provides calculations relating to the pathways for decarbonisation and the management procedures within the supporting document Carbon and Energy Management Plan.</p> <p>The DCO has not designed or tested any of the physical infrastructure required to</p>	<p>The DCO application (ES Chapter 15 and Carbon and Energy Management Plan) demonstrates how the Project is aligned to the National Highways Net Zero Plan (and consequently to the government's own target for 2050), which sets ambitious targets for corporate emissions, maintenance and construction emissions, road-user emissions and follows a trajectory towards achieving net zero by 2050.</p> <p>The Project is committed to promoting low carbon innovation and approaches. On completion, it will be demonstrated that the Project has achieved its low emission aims and is aligned to the National Highways Net Zero Plan's highways trajectory of a 40–50% reduction in emissions in the construction year 2030. This is a challenging target, and one that the Applicant is committed to. ES Chapter 15: Climate, and the Carbon and Energy Management Plan demonstrate how the Project has adopted market leading practice to align with the emissions reduction trajectory required to achieve the government's 2050 aspirations.</p> <p>Within the Carbon and Energy Management Plan, the Project presents its low carbon position in the form of a detailed emissions baseline calculation.</p>	<p>ES Chapter 15: Climate [APP-153] Carbon and Energy Management Plan [APP 552]</p>	<p>Matter Not Agreed</p>

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		<p>enable decarbonisation of construction and operation of the project, that is alluded to in National Highways own pathways to net zero and their project Sustainability Report. For example, the applicant states that there is insufficient detail on how hydrogen will be physically used on the project, but the applicant has publicly announced that they have launched one of the largest purchases of hydrogen in the UK and intent to use hydrogen fuelled construction equipment on their.</p> <p>There is inconsistency between the DCO, which has not tested or allowed for zero carbon energy infrastructure and National Highway's public declarations.</p> <p>The carbon target set within the DCO is for the project as a whole, and not broken down per phase. The targets also do not come with any policy in determining the potential needs for readjustment if the project enters delays, redesign, or budget extensions. The applicant has not provided any satisfactory evidence or approach to applying such a target, as prescribed in industry guidance, such as the Greenhouse Gas Protocol suite of documents.</p>	<p>This takes account of emission savings based on today's best practice and availability of low carbon technologies/materials and applies to both the construction and operation phase. This sets the baseline position on GHG emissions for the construction and operation phases and forms the worst-case scenario assessed in the EIA.</p> <p>The Applicant is undertaking further discussions to develop ambitious approaches to carbon reduction. For example, the Applicant is under discussions with plant manufacturers and specialists in the Thames Estuary area to explore the practicalities of using hydrogen fuelling onsite and other alternative energy sources. This will continue outside of the DCO application process, as something that the Applicant considers may present a genuine alternative to fossil fuel for site plant. However, due to the nature of these discussions in this evolving environment, there is insufficient detail to make this part of the DCO application.</p> <p>Therefore, the management procedures for decarbonisation of construction are presented within the Carbon and Energy Management Plan but no specific physical infrastructure to deliver the management procedures has been explicitly defined or</p>		

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			<p>secured within the DCO application.</p> <p>A discussion on this matter was held on 26 June 2023 and the Council expressed residual concerns around verification in terms of achieving targets. The Applicant requested that the Council particularise potential additional commitments over and above the existing commitments in Section 3.8 of the Carbon and Energy Management Plan, for further consideration.</p> <p>A further discussion on this matter was held on 26 September 2023 with the Applicant confirming that what is outlined in the Carbon and Energy Management Plan is appropriate for this stage of the Project and that each year a carbon account will be published.</p> <p>The achievement of substantial carbon reduction relies on modelling the carbon impact of design decisions, minimising the use of high emissions materials, value engineering and finally a component, which is likely to increase over time, of materials that are currently seen as innovative. Hydrogen is one of these, and the Applicant is working to accelerate the rate at which such materials can be adopted.</p> <p>As explained previously, the Applicant has committed to annual carbon reporting and forecasting which will be flexible to match</p>		

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			<p>with whatever phasing the Contractors choose to adopt. There is no need for predicted phases to be analysed at this time.</p> <p>Both parties' positions remain unchanged and this matter is now not agreed.</p>		
<p>Legislative and Policy Frameworks Future changes in vehicle use due to electrification</p>	<p>2.1.266 DL-3 RRE, RRN, LIR</p>	<p>The Council notes that the 6th Carbon Budget Methodology report (published by the Climate Change Committee) identifies vehicle electrification, and the introduction of CAV technology will result in significant impact on road transportation (including increases), on the basis of assumptions made. The Council queries:</p> <ol style="list-style-type: none"> 1. Are these good outcomes for carbon reduction and community cohesion? 2. What assumptions would need to be made to secure reductions in single vehicle use, and how might these apply to the road user charging regime for LTC? 3. How could the operational regime be used to create positive outcomes from a carbon and community perspective? <p>The Council has seen no assessment of uncertainty as part of the development of this scheme, and no evidence of proposals that could suggest that LTC could become a transformational project.</p> <p>The Council is concerned there is no</p>	<p>Over the last year, there has been regular engagement with Thurrock Council regarding the Applicant's approach to climate change and carbon reduction. These have included discussion of how these issues will be addressed in the DCO submission, as well as the broader opportunities that the Applicant is working on, primarily for the construction phase of the Project. There are currently no plans to use the charges specifically to target carbon and this is a policy matter for government, outside the remit of the Project.</p> <p>The Project is aiming to be aligned with National Highways' Net Zero Plan, which sets ambitious targets for corporate emissions, maintenance and construction emissions, road-user emissions and follows a trajectory towards achieving net zero by 2050. The Carbon and Energy Management Plan sets out the framework which the Contractors will be required to adopt to ensure continued identification of</p>	<p>Carbon and Energy Management Plan [APP-552]</p>	<p>Matter Not Agreed</p>

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		<p>provision for the measures needed to support rapid electrification of the vehicles fleet, such as provision for electrical distribution and charging facilities, as set out as being critical for the decarbonisation of the surface transport sector in Decarbonising Transport (July 2021) and the Carbon Budget Delivery Plan (March 2023).</p> <p>Table 10.11, 14th paragraph Page 178 of LIR defines this.</p> <p>No assessment has been made within the DCO of the impact of power systems from the construction of the tunnel, and operation of the tunnel (ventilation, lighting etc), on local and regional power capacity, and the local and regional need for the same electricity to support electrification of transport and heating</p>	<p>low carbon opportunities and low carbon innovation during the detailed design and construction phases.</p> <p>Decarbonising road traffic in the UK is a national issue, being addressed by the UK Government and the Department for Transport. National action is not being addressed on a project-by-project basis, in this case a new project representing only a proposed 14-mile (23km) section of the 4,500-mile strategic road network. The Applicant is actively considering collaborative infrastructure development with both UKPN & third parties (including a proposed residential development adjacent to the road alignment) which will introduce additional capacity and resilience on the UKPN distribution network.</p> <p>The Applicant is supporting the decarbonisation of the vehicle fleet in a number of ways, as set out in the 2021 document 'Net zero highways: our 2030 / 2040 / 2050 plan'. As stated in the plan, many of the actions that will deliver the ambition of net zero transport on the road network are outside of the Applicant's direct control.</p> <p>The Project requires power to enable its construction and operation. The legal powers to carry out works to supply energy for the construction and operation of the</p>		

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			<p>Project are sought and have been assessed within the DCO application. The anticipated demand has been discussed and secured with UK Power Networks (UKPN) who are the distribution network operator and have a statutory duty to manage the demands on those networks. The Project continues to liaise with UKPN to understand any conflicts or impacts with other developers' proposals and any opportunities to release secured capacity back to the network. The Project contributes to the operation and maintenance of the electricity infrastructure via the payment of its electricity bill which has been considered as part of the Project costs. This matter is now not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Legislative and Policy Frameworks Developing a suitable framework for carbon commitments secured via the DCO</p>	<p>2.1.267 (also ref to SoCG item 2.1.265) RRE, LIR</p>	<p>LTC needs to provide clear commitments to decarbonising the scheme throughout its lifecycle. The current LTC scheme and the associated climate change impacts appear to be inconsistent with the 78% Carbon Reduction by 2035, and its subsequent Carbon Budget Orders of 2021.</p> <p>National Highways has previously said the DCO commitments on carbon will be stronger and more comprehensive but have expressed concern about committing to delivering outcomes that are inherently</p>	<p>The aim is to make the Project compliant with National Highways Net Zero Plan. To illustrate the interventions that are going to make this possible, the DCO application includes a detailed Carbon and Energy Management Plan. This document sets out the necessary framework and clear commitments which the Contractors will be required to adopt to ensure continued identification of low carbon opportunities and low carbon innovation during the detailed design and construction phases.</p>	<p>Carbon and Energy Management Plan [APP-552] ES Appendix 2.2: Code of Construction Practice [REP5-048]</p>	<p>Matter Not Agreed</p>

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		<p>uncertain. However, the Council would like to set broad objectives and a framework for future action secured through the DCO. At present, there is nothing which acts as an incentive on National Highways to make a concerted effort to be progressive on this agenda, and the Council believes that this needs to be grasped.</p> <p>For example, National Highways could go further to improve conditions/outcomes, for example, including an incentive for more ambitious carbon reduction targets should be included beyond that stated in REAC items CC002 (GHG emissions reductions from the carbon model baseline).</p> <p>See Table 10.11 of the LIR sets out the broad range of issues that represent the missing commitments to ensure decarbonisation.</p>	<p>Some of the stronger, more comprehensive commitments include:</p> <p><i>CBN08 – The Applicant will require Contractors to provide and maintain electric vehicle charging facilities, using zero carbon electricity, for 30% of parking capacity in each compound, increasing this as necessary to satisfy demand. CBN09 – The Applicant will require Contractors to use zero tailpipe emission vehicles for all staff movements within the working areas of compounds and to and from public transport hubs. CBN10 – The Applicant will require Contractors to promote the use of active transport for personnel to and from the compounds and to provide managed electric charging facilities for e-bikes at each compound, in covered cycle parking areas, to satisfy demand.</i></p> <p>Incentivisation is covered by the following commitments:</p> <p><i>CBN11 – The Applicant will provide commercial incentives for Contractors to reduce emissions below the maximum level of emissions (as set out in CBN04)</i></p> <p><i>CBN12 – The Applicant will include a contractual mechanism that allows Contractors to be paid the additional costs of implementing agreed carbon reduction technologies, together with an incentive</i></p>		

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			<p><i>payment to further encourage their identification and adoption.</i></p> <p>The Applicant is investigating the potential for a hydrogen supply to the construction compounds and has promoted the concept of using hydrogen as a diesel replacement, to the Contractors as outlined in the CoCP. Therefore, the management procedures for decarbonisation of construction are presented within the Carbon and Energy Management Plan but no specific physical infrastructure to deliver the management procedures has been explicitly defined or secured within the DCO application.</p> <p>Decarbonising road traffic in the UK is a national issue, being addressed by the UK Government and the Department for Transport. National action is not being addressed on a project-by-project basis, in this case a new project representing only a proposed 14-mile (23km) section of the 4,500-mile long strategic road network.</p> <p>The Applicant is supporting the decarbonisation of the vehicle fleet in a number of ways, as set out in its 2021 document 'Net zero highways: our 2030 / 2040 / 2050 plan'. As stated in the plan, many of the actions that will deliver the ambition of net zero transport on the road network are outside of the Applicant's</p>		

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			<p>direct control.</p> <p>A further discussion on this matter was held on 26 June 2023. This matter is now not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Project Design and Mitigations Reduction of carbon during construction</p>	<p>2.1.268 RRE, LIR</p>	<p>The Council seeks clarity on</p> <ol style="list-style-type: none"> 1. How 'new standards for reducing carbon during construction' have been incorporated into the design of these local refinements and carbon reduction has been achieved through these design changes. The standards need to be enforceable by National Highways. 2. National Highways should include a Low Emissions Strategy for Construction in the DCO 3. Since autumn 2021, National Highways have been in discussions about wider ambitions and innovation measures to address climate change and decarbonisation, including with the TEGB and supply chains. These discussions are welcomed by the Council, but there is still a lack of clarity in terms of commitments that will be incorporated within the DCOv2 application. The Council would expect to see details of what infrastructure will be included within the DCO to enable carbon neutral construction (for example power infrastructure scaled and sited for 	<p>1. Details of the Project proposals for reducing carbon emissions in relation to construction were shared with the local authorities on 2 August 2022 during the 'Local Authority Carbon Update'. The Applicant's ambition is for net zero construction emissions by 2040. The Applicant has designated the Project as a 'pathfinder' for low carbon construction and set the following ambitions in the Carbon and Energy Management Plan (C&EMP):</p> <ul style="list-style-type: none"> • To construct it for the lowest practicable carbon emissions • To test low carbon innovation and approaches • To leave a legacy that enables future projects to decarbonise <p>The Carbon and Energy Management Plan, a secured document, sets out the mechanisms to deliver these ambitions, including a list of carbon commitments in Appendix E of the C&EMP by which the Project would continue to make improvements in carbon performance</p>	<p>Carbon and Energy Management Plan [APP-552]</p>	<p>Matter Not Agreed</p>

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		<p>electrification of construction equipment, or spatial planning of new fuels, such as hydrogen).</p> <p>As per Item 2.1.265 above National Highways have not provided any further evidence on the physical ability to deliver their targets and commitments.</p> <p>National Highways commitments are not in line with OFGEM guidance on reporting carbon emissions relating to electricity use or GHG Protocol location base emission reporting standards. National Highways have provided no further evidence to the Council in stakeholder engagement meetings to their claims on how energy used during construction and operation will be zero carbon.</p>	<p>through following a PAS2080 carbon management system and ongoing innovations. The C&EMP in the DCO application is the first iteration.</p> <p>The Applicant considers that the provision of new standards for reducing carbon during construction will be an ongoing process and that discussions with the Council will continue until the completion of the Project.</p> <p>The Applicant has maintained the principles of carbon reduction through all changes in the design, e.g. the placement of materials close to or within the footprint of the North Portal area, to reduce carbon footprint and double handling. The Project is also committed to delivering carbon literacy training and achieving silver level certification from the carbon literacy project to develop a skills syllabus to support low carbon construction. It will work with partners including local educational institutions and the Supply Chain Sustainability School.</p> <p>2. The Project's lowest carbon strategy, set out in the Carbon and Energy Management Plan describes commercial and management mechanisms by which the Project would continue to make improvements in carbon performance through following a PAS2080 carbon</p>		

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			<p>management system and ongoing innovations.</p> <p>3. There is currently no clear precedent for the implementation of specific carbon neutral construction technologies, e.g. use of hydrogen for fuelling a large plant at a construction site. As such, any delivery of this would have to be delivered collaboratively with the Contractor/ supplier/ regulator, and in this evolving environment, there is insufficient detail to make this part of the DCO application. To achieve this, the Applicant would need to know what plant will be available in two to three years' time, the physical requirements necessary and then do a spatial analysis of its construction sites to determine what might be necessary to deliver. However, the Applicant is already investigating the potential for a hydrogen supply to the construction compounds and has promoted the concept of using hydrogen as a diesel replacement, to the Contractors as outlined in the CoCP (paragraph 6.1.7). Commitment (CBN07) as included in the Carbon and Energy Management Plan states:</p> <p><i>'The Applicant will require Contractors to procure renewable electricity throughout construction, to meet any demand that is not met through onsite renewables and will</i></p>		

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			<p><i>provide Renewable Energy Guarantee of Origin (REGO) certificates covering the total amount of electricity consumed.'</i></p> <p>In addition, the Applicant will continue to:</p> <ul style="list-style-type: none"> • Work with Contractors/equipment suppliers to promote the use of alternative fuels • Work with hydrogen and hydrogen equipment suppliers to understand technical requirements (size of facility, safety offsets), all so that the Applicant is ready to support the Contractors with delivery when they start onsite <p>A discussion on this matter was held on 26 June and the Applicant agreed to provide additional clarification in respect of how the carbon assessment has been undertaken in accordance with relevant policy and guidance.</p> <p>A further discussion on this matter was held on 26 September 2023 with the Council maintaining concerns over the lack of clarity regarding the literal measurements used to achieve the set targets. The Applicant is satisfied with their response and that reductions will come from value engineering and carbon saving techniques.</p> <p>The Applicant has been quite clear that the Contractors will be required to source</p>		

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			Renewable Energy Guarantees of Origin (REGO) certified electricity supplies. Both parties' position remains unchanged and this matter is now not agreed.		
Project Design and Mitigations Use of best-in-class energy efficient systems	2.1.269 RRE, LIR	<p>The Council would like LTC to commit to best-in-class energy efficient systems for the operational phase of the Project.</p> <p>It should be noted that CEEQUAL was bought recently by BRE and turned into BREEAM infrastructure - https://bregroup.com/products/ceequal/. Therefore, BREEAM Outstanding is now Best in Class and the NH proposal for Very Good or Excellent is not Best in Class. Therefore, the Council requires the applicant to confirm what level of BREEAM will now be committed to?</p> <p>This is discussed within the LIR Section 10.14.10 bullet c.</p> <p>The applicant has not responded to the fact that the environmental standards being applied which includes for resource use, such as energy are not best-in-class.</p>	<p>The Project is committed to using the best-in-class energy efficient systems for its operations and the following commitments are included in the DCO application documents for both construction and operational phases.</p> <p>The CoCP says <i>'The Contractor will achieve a CEEQUAL 'Very Good' standard by completion of their works and support National Highways in achieving a Project standard of 'Excellent'</i></p> <p>The Carbon and Energy Management Plan includes the following commitments:</p> <p>CBN13 – <i>'The Applicant will obtain PAS 2080 certification for the Project from an independent, UKAS accredited third-party certification body by the end of 2023 and will maintain the certification annually.'</i></p> <p>CBN14 – <i>'The Applicant will require Contractors to obtain PAS 2080 certification from an independent, UKAS accredited third-party certification body within 52 weeks of the contract starting date and will maintain the certification annually.'</i></p> <p>CBN15 – <i>'The Applicant will require</i></p>	<p>ES Appendix 2.2: Code of Construction Practice [REP5-048]</p> <p>Carbon and Energy Management Plan [APP-552]</p> <p>Comments on LIRs [REP2-054]</p> <p>Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066]</p>	Matter Not Agreed

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			<p><i>Subcontractors to obtain PAS 2080 certification within 52 weeks of appointment, unless otherwise agreed by the Applicant.'</i></p> <p>Furthermore, the Carbon and Energy Management Plan states that the Applicant will continue to engage with industry partners to seek to reduce carbon emissions during the operation of the Project. The Applicant has included a requirement in the draft DCO, which would require it to prepare and submit for the approval of the Secretary of State a third iteration of the Carbon and Energy Management Plan. The Carbon and Energy Management Plan includes the following commitments:</p> <p><i>'CBN04 – The Applicant will develop and, where appropriate, implement measures to avoid / prevent, reduce and remediate emissions arising from the construction of the Project to ensure that net construction emissions do not exceed 1.763 million tCO₂e.</i></p> <p><i>CBN16 – The Applicant will publish an annual carbon report that will include information on forecast life cycle carbon emissions, carbon reductions and progress against carbon commitments as well as key actions and targets for the following</i></p>		

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			<p><i>year.</i></p> <p><i>CBN22 – The Applicant will publish a third iteration of this Carbon and Energy Management Plan explaining how carbon emissions will be managed and minimised during the operation and maintenance of the Project, to support the Applicant's carbon policies, plans and strategies. This would include measures such as the use of low energy lights.'</i></p> <p>Please also refer to the Applicant's Comments on LIRs Appendix H – Thurrock Council (Part 3 of 5).</p> <p>A further discussion on this matter was held on 26 September 2023. This matter is now not agreed due to both parties' positions remaining unchanged.</p>		
<p>Project Design and Mitigations</p> <p>Building in climate resilience and maximising carbon sequestration in new habitats</p>	<p>2.1.270 LIR</p>	<p>The Council welcome the creation of new habitats and the benefits they will bring. Further information is required to understand the following:</p> <ol style="list-style-type: none"> 1. How are these habitat proposals designed to achieve benefits such climate change resilience. 2. How will they in turn be established to be resilient to the impacts of climate change? (for example, noting comments regarding landscaping and tree planting on high bunds and irrigation challenges, which may 	<p>The oLEMP will ensure any planting established will be successful and deal with the challenges of climate change. The approach to planting will be agreed by stakeholders in the oLEMP advisory group, post consent, if consent is granted. There is a monitoring and aftercare period during which the Contractors are responsible for ensuring vegetation is successfully established. Further robust arrangements will be put in place for long-term management.</p> <p>The planting of landscaping and</p>	<p>ES Appendix 15.3 - Climate Resilience Impacts and Effects [APP-482]</p> <p>ES Chapter 15 - Climate [APP-153]</p> <p>Outline Landscape and Ecology Management</p>	<p>Matter Agreed</p>

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		<p>be exacerbated by future climate change).</p> <p>3. How will the commitments made in DCOv2 ensure habitat design and delivery will maximise carbon sequestration where appropriate balanced against good design for nature recovery.</p> <p>The Council accepts that points 1-3 above are now Agreed.</p>	<p>compensatory habitats is secured through the Environmental Masterplan, Design Principles document and oLEMP. The oLEMP includes provision for the oLEMP advisory group to oversee the planting detailed design and implementation. The advisory group will have the opportunity to consider carbon sequestration in the detailed design.</p> <p>A discussion on this matter was held on 11 July 2023. Thurrock Council is agreed in principle with the position on matters 1-3.</p>	<p>Plan [REP4-140] ES Figure 2.4: Environmental Masterplan [REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031] Design Principles [REP4-146] Comments on LIRs [REP2-054] Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062, REP2-063, REP2-064, REP2-065 and REP2-066]</p>	

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Project Design and Mitigations	2.1.327 DL-6	<p>4. Appendix K of the LIR also notes the missed opportunities for LTC to support local community climate resilience planning through its own planned infrastructure.</p> <p>The Council has responded to this point in more detail within its D3 submission.</p> <p>Regarding point 4 this matter has not been dealt with by NH and is part of the Council's wider concerns concerning climate change and decarbonisation, as covered in items 2.1.265, 2.1.268, 2.1.269 and 2.1.271.</p>	<p>As stated in response to LIR pages 129 – 132 in Comments on LIRs Appendix H: Thurrock Council (Part 3 of 5), the Applicant has carried out a climate resilience risk assessment in line with DMRB LA 114 which is presented in ES Appendix 15.3: Climate Resilience Impacts and Effects. This has informed ES Chapter 15: Climate, which concludes that with the implementation of embedded design measures and best practice and essential mitigation, the Project's vulnerability to climate change is not significant.</p> <p>A further discussion on this matter was held on 26 September 2023. This matter is now not agreed due to both parties' positions remaining unchanged.</p>	<p>ES Appendix 15.3 - Climate Resilience Impacts and Effects [APP-482]</p> <p>ES Chapter 15 - Climate [APP-153]</p> <p>Comments on LIRs Appendix H: Thurrock Council (Part 1 of 5) to (Part 5 of 5) [REP2-062], [REP2-063], [REP2-064], [REP2-065] and [REP2-066]</p>	Matter Not Agreed
Assessment of likely significant effects Specific comments on DCOV1 submission documents	2.1.271	<p>1. The GHG emission calculations of 5.98M tCO₂e over the 60-year appraisal period – these calculations and results should be provided to the Council.</p> <p>2. Further information is needed to have a clear understanding of the spatial scope of the operational assessment of traffic, and to understand the associated GHG assessment conclusions.</p> <p>3. In the Carbon and Energy Plan, we</p>	<p>The Applicant has completed a series of meetings between late 2021-mid 2022 to discuss the Project's approach to climate and carbon as well as wider innovative approaches being pursued by the Applicant outside the DCO application. An update on climate and carbon related issues was provided to all local authorities including Thurrock Council at CIPHAG in April 2022. This was followed by a more detailed</p>	<p>ES Chapter 15: Climate [APP-153]</p> <p>Planning Statement Appendix I: Carbon Strategy and Policy Alignment</p>	Matter Under Discussion

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		<p>would expect estimates to be made of emissions reduction through phased/ increased use of electric vehicles. We would also anticipate calculations to be included of carbon emissions reduction of operational mitigation measures.</p> <p>4. The mitigation measures included are high level and specific measures relevant to Thurrock should be clarified, for example in relation to the landscape design and GHG emissions offset, and specific measures to maintain existing and provide new connectivity for walkers, cyclists and horse riders.</p> <p>National Highways have refused to release the GHG emission calculations and model. Their reasoning on the 26 September is the model contains construction details that are too sensitive for disclosure. The Council has not been able to audit the calculation and model used and therefore cannot consider the assessment of greenhouse gas emissions to be transparent or identify consistency, accuracy, and completeness of the assessment or compatibility with local, regional, sectoral and national emissions.</p> <p>The Council await the information from NH and unless a satisfactory response is received, this is a matter that is likely to be</p>	<p>presentation in August 2022, covering carbon emissions related to both construction and operational phases of the Project as well as commitments made in the DCO. A detailed Carbon and Energy Management Plan has been developed for the DCO application. This document sets out the necessary framework and clear commitments which the Contractor will be required to adopt to ensure continued identification of low carbon opportunities and low carbon innovation during the detailed design and construction phases. The Council's attention is also drawn to DCO document Planning Statement Appendix I: Carbon Strategy and Policy Alignment.</p> <p>1. The figures for the operational phase road user traffic emissions are calculated by using WebTAG and the Emissions Factor Toolkit and cover the appraisal period of 60 years from the opening year. The latest Emissions Factor Toolkit was used for the assessment in the DCO application. It reflects some electrification of the fleet and the Applicant anticipates that the calculated road traffic emissions will be further reduced. The latest appraisal on the operational phase road user traffic emissions is included in the ES Chapter 15: Climate together with a clearer</p>	<p>[APP-504] Carbon and Energy Management Plan [APP-552]</p>	

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		a Matter Not Agreed.	<p>definition of the model's spatial scope. In addition to the modelled values, analysis is included within this ES chapter on the potential impacts of the DfT's Transport Decarbonisation Plan on the operational phase emissions.</p> <p>2. The Project's transport model covers the whole of England, Wales and Scotland, but more comprehensively so in Dartford, Thurrock, Kent, Essex and London. This is set out in the Transport Assessment and the ES Chapter 15, as well as consultation materials – most recently the Operations Update at the Community Impacts Consultation. The GHG assessment conclusions are presented in ES Chapter 15.</p> <p>3. During construction, there will be provision for Contractors to use electric vehicles on the local road network, and electric hybrid and hydrogen plant onsite. The Carbon and Energy Management Plan details the measures embedded within the carbon baseline to reduce GHG emissions as well as the processes and procedures that the Contractors would be required to follow to ensure continued carbon performance. The Carbon and Energy Management Plan includes the following commitments:</p> <p><i>'CBN08 – The Applicant will require</i></p>		

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			<p><i>Contractors to provide and maintain electric vehicle charging facilities, using zero carbon electricity, for 30% of parking capacity in each compound, increasing this as necessary to satisfy demand.</i></p> <p><i>CBN10 – The Applicant will require Contractors to promote the use of active transport for personnel to and from the compounds and to provide managed electric charging facilities for e-bikes at each compound, in covered cycle parking areas, to satisfy demand.'</i></p> <p>4. GHG emissions offsets through using WCH provision would be negligible in comparison to Project journeys. Land-use change emissions have been calculated and show a positive benefit.</p> <p>A discussion on this matter was held on 26 June 2023 and the Council expressed concerns around its ability to understand the calculations underpinning the climate assessment. Thurrock Council has since provided this request in writing to the Applicant which has now been responded to.</p> <p>A further discussion on this matter was held on 26 September 2023 and the Applicant has agreed to send a copy of the independent UKCRIC review of the carbon model, under separate cover. The carbon</p>		

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			<p>quantification model was reviewed by an independent expert, UKCRIC Limited, a network of leading UK universities. The report confirmed that the approach to calculating carbon represents good practice and that the construction phase emissions level (1.76 MtCO₂e) is in line with industry best practice. The Applicant considers that this third-party review renders additional scrutiny by interested parties unnecessary. The findings of the UKCRIC report have been adopted where they are relevant to this phase of the Project, or alternatively will be the responsibility of the Contractors, who are incentivised to adopt them during detailed design and the creation of the second iteration of the Carbon & Energy Management Plan. This matter is likely to be agreed however remains under discussion until the Council have reviewed the report and confirmed their position.</p>		
<p>Legislative and Policy Frameworks Net Zero Objectives</p>	<p>2.1.292 DL-3 RRN, LIR</p>	<p>It is the Council's opinion that there are no deliverable scenarios to deliver net zero transport without necessary reductions in vehicle kilometres (vkms) being required to meet the Climate Change Committee, NH's Net Zero Strategy or the Government's Transport Decarbonisation Plan carbon reduction trajectories of 15% - 40% by 2030, depending on assumptions. The</p>	<p>The DfT's Transport Decarbonisation Plan sets out how the transport sector will support the UK's transition to net zero in line with the Net Zero Strategy and Climate Change Act 2008.</p> <p>The Transport Decarbonisation Plan includes investment in active travel which will predominantly focus on active transport in towns and cities areas, reducing urban</p>	<p>ES Appendix 15.1: Climate Legislation and Policy [APP-480] Planning Statement Appendix I: Carbon</p>	<p>Matter Not Agreed</p>

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		<p>Council contends that the current scheme and its various assessments are not in compliance with national policy, guidance and legislation and as such undermine LTC's strategic case.</p> <p>This has been highlighted in the LIR Sections 10.14.21 - 10.14.23.</p> <p>The DCO and statement above has been reviewed. The policies referred to have not evenly been applied to the economic business case and carbon emission reduction accounting methodology as such the DCO has not accounted for the Government's decarbonisation projections within the LTC's strategic business case.</p>	<p>traffic and consequently vehicle kilometres. However, the report also acknowledges the importance of continued investment in the UK's strategic road network, particularly in terms of freight transport and the reduction of congestion which contributes to carbon emissions.</p> <p>The Project's response to legislation, policy and plans relevant to climate is presented in ES Appendix 15.1: Climate Legislation and Policy and Planning Statement Appendix I: Carbon Strategy and Policy Alignment. These documents demonstrate that the Project complies with national policy, legislation and guidance.</p> <p>This matter is now not agreed due to both parties' positions remaining unchanged.</p>	<p>Strategy and Policy Alignment [APP-504]</p>	
Nitrogen Deposition					
<p>General Methodology/ Modelling/ Alternatives</p> <p>Nitrogen Deposition, Assessment and Methodology</p>	<p>2.1.272 RRE</p>	<p>The Council seek the following details</p> <ol style="list-style-type: none"> 1. Detail regarding the methodology for quantifying the predicted emissions or for determining what levels of mitigation would be required. As a result, it is not possible to assess the robustness of the assessment and proposed mitigation and compensation. 2. The mitigation hierarchy requires that avoidance and mitigation be fully considered before compensation measures are adopted as a final level. 	<p>The Applicant has been at the forefront of developing best practice related to compensating impacts arising from nitrogen deposition; with the Project being one of the first National Highways projects to identify the impacts of nitrogen deposition and propose compensation.</p> <p>This issue has come forward as a result of a change (advancement) in government guidance on nitrogen deposition (NDEP). The impacts of the Project have not changed as a result. The Applicant's</p>	<p>ES Chapter 8: Terrestrial Biodiversity [APP-146]</p>	<p>Matter Agreed</p>

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		<p>3. No detail has been provided setting out the reasoning why measures such as lower speed limits could not be enforced along the route.</p> <p>The Council wishes to see the detailed evidence justifying the proposed approach/ methodology.</p>	<p>understanding of the effects the Project might have on plants and soils in certain environmentally sensitive areas has been progressed. The Applicant has worked with Natural England to be the first to create a much more robust model around the effects of nitrogen deposition – in essence the Applicant now understands the potential impacts far better than previously.</p> <p>The Applicant's approach to determining the scale of compensation required to address the potential impact of NDEP on designated sites and habitat is, as required, proportionate and appropriate to the significance of the effects assessed. Key to this is the consideration of the character of the impact on designated sites and habitats. This would occur as a potential degradation in habitat quality rather than a direct loss of habitat, and therefore the scale of compensation reflects this.</p> <p>The Applicant has discussed this approach with Natural England, both in terms of the scale of compensation provision and also its location, focusing on a landscape-scale approach rather than more localised site-based measures, which are considered less effective or certain in their benefit. Natural England has responded in support of the Applicant's approach.</p>		

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			<p>These detailed comments are noted and are addressed in ES Chapter 8: Terrestrial Biodiversity which was shared at DCO submission.</p> <p>A further discussion on this matter was held on 11 July. The Applicant reiterated the current position on how the methodology was developed in conjunction with Natural England and provided additional signposts to oLEMP regarding future management of the NDEP sites. Both parties agreed that this was a methodological discussion and these aspects have been addressed by the Applicant.</p>		
<p>General Methodology/ Modelling/ Alternatives Nitrogen Deposition, DCO Requirement</p>	<p>2.1.273 RRE</p>	<p>It is essential that Thurrock Council are involved in development work to ensure that these schemes deliver appropriate new habitat and wider green infrastructure benefits that accord with the Council's emerging Local Plan. We therefore request an additional DCO Requirement to cover such controls and discussions.</p>	<p>The detailed design of the new habitat on the Nitrogen Deposition compensation sites will be developed through the Landscape and Ecological Management Plan (LEMP). The LEMP will be developed post consent, if consent is granted, and would reflect the Design Principles document, and mitigation measures set out in the REAC and will be based on the Environmental Masterplan contained in the Environmental Statement. The LEMP would be developed in consultation with the landowner, local authority and approved by the Secretary of State secured through Requirement 5 of the draft</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			Development Consent Order. The Council disagrees with the position as it wants to approve the LEMP rather than be a consultee to this document.		
Protective Provisions					
Drainage Work on flood defences	2.1.274 RRE	Thurrock Council, as the local flood authority, have reviewed the proposed Protective Provisions. The Council are concerned that there is not sufficient information on the obligations on National Highways to undertake works on flood defences damaged as a result of the Project. As discussed during the EIA meeting on the 11 th July, Thurrock Council seek confirmation that obligations for long term maintenance of flood defences will be clearly defined. In particular to protect the access and car parking at Coalhouse Point.	The approach taken to development of the Protective Provisions for the protection of drainage authorities has considered precedent approaches taken by other projects. The Applicant will be responsible for any works on flood defences within the Order Limits and will have to follow the relevant approvals process. The Applicant has agreed to provide Thurrock Council with a plan showing the current arrangement of the flood defences that protect the access and car park at Coalhouse Point and confirm the maintenance responsibilities for each element of the defences. This matter remains under discussion.	N/A	Matter Under Discussion
Legacy items beyond the scope of the Project					
Smart speed limits Smart speed limits	2.1.275 RRE	The Project should set smart speed limits on the LTC that can respond to traffic flows and pollutant concentrations.	This request was declined by the Applicant on 2 March 2021. However, this could be developed through the life of the Project. Although the infrastructure will be capable of doing this, there will be knock on impacts on the rest of the road network both locally and nationally that would need	N/A	Matter Not Agreed

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			to be considered for this proposal to be implemented. It would therefore have to be developed as part of a regional strategy with the Applicant, Essex, Kent and Thurrock and is considered beyond the scope of the DCO application.		
LTC tolls Hypothecation of LTC tolls	2.1.276 RRE	The Project should ensure a fixed proportion of LTC tolls are hypothecated to support projects within Thurrock.	This request was declined by the Applicant on 2 March 2021. This is outside the Applicant's control and would need to be taken up directly with the Department for Transport. A hypothecated funding to support would be complex and novel within the UK, and therefore unlikely to be successful as described.	N/A	Matter Not Agreed
Bus access Bus access at the operational access (at Tilbury)	2.1.277 RRE, LIR	It's the Council's opinion that the operational access (at Tilbury) opens an opportunity for bus access which the LTC doesn't currently provide. The Council sets out its view on the absence of connectivity with LTC for public transport in Sections 9.5 and 9.6 and within Appendix C Annex 2 Sub-Annex 2.3 of the LIR.	The Applicant has provided for an operations and emergency access at Tilbury, and not a junction open to the public. This operations and emergency access has not been designed specifically for any particular future connection into the local road network; however, if the local authority or a third-party stakeholder is considering any future development they would need to liaise with National Highways Spatial Planning to develop their proposals and follow the relevant planning process at the appropriate time. Consideration of the use of the emergency access points onto the Project has been made and it has been determined that their	N/A	Matter Not Agreed

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>use in this way would not be possible. There are plans to work together collaboratively to help bring forward the Tilbury Link Road which would be able to provide additional network connectivity, particularly for local buses.</p> <p>The opportunity to provide a link for new bus services across the Thames between North Kent and Thurrock/South Essex, could provide a significant change in public transport connectivity across the Thames. The positive impact would extend to the Dartford Crossing which is forecast to see journey time reliability increase, and journey times reduce as a result of the Project. The whole of the Project route is accessible to local and longer distance public transport routes, if operators choose to make use of it.</p> <p>The Applicant considers local authorities best placed to lead on the development and appraisal of future public transport projects. They also have strong existing relationships and lines of communication with commercial bus operators as part of local transport authority duties. The Applicant is of course willing to work with authorities where appropriate. The Applicant has established a Sustainable Transport Working Group (STWG) in parallel to the Project, with its primary</p>		

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>purpose to maximise the benefits of the new crossing and develop sustainable travel initiatives that could be eligible for the Applicant's designated funds and to support cases for future investment. Should the Project gain consent, the Applicant will use the STWG up until opening as a forum to engage local authorities and operators to build awareness and develop improvements to existing commercial services and potential new services to make best use of the opportunities provided by the new crossing. The Applicant considers that supporting this collaboration between local authorities on both sides of the Thames is the most effective and sustainable solution and this ask is beyond the scope of the Project DCO. This matter is not agreed, due to both parties' positions remaining unchanged.</p>		
<p>Passive Provision Passive Provision at South Ockendon</p>	<p>2.1.278 RRE</p>	<p>It is Thurrock Council's opinion that the LTC scheme either severs or impacts access to a number of potential housing and employment growth areas in Thurrock including at Ockendon. Therefore, LTC should confirm that 'passive provision' for an interchange on LTC between North and South Ockendon is acceptable and that the LTC would be configured not to preclude</p>	<p>The Order Limits for the Project have been developed looking at what is necessary and proportionate to enable the delivery of the Project only. The Applicant is not permitted to seek any land, rights or works powers that are not explicitly required for the delivery of the Project, as per Ministry of Housing, Communities and Local Government guidance on both compulsory acquisition and associated development</p>	<p>Draft Development Consent Order [REP5-024]</p>	<p>Matter Not Agreed</p>

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
		<p>that aspiration. Therefore, Thurrock Council would like the</p> <ol style="list-style-type: none"> 1. DCO to include provision for the non-preclusion zones within its Plans for Approval and 2. This passive provision should be legally secured within a separate legal agreement that is finalised and signed prior to DCO re-submission. 	<p>(as defined in section 115 of the Planning Act 2008).</p> <p>The position on the passive provision of junctions is therefore that the Applicant will seek to ensure that the proposed design of the Project does not preclude the potential for future junctions. The Project will use reasonable endeavours to ensure that potential locations for future junctions, are kept as clear as reasonably practicable of any unnecessary obstructions such as major utility diversions or significant permanent structures. This passive provision is embedded within the Project design which is already secured via Requirement 3 contained in Schedule 2 to the DCO. The Applicant will not be seeking any separate legal agreement around passive provision as the securing mechanism is already in place. The Applicant has also provided further clarification of the terms such as significant permanent structures, major utility diversions, unnecessary obstructions, as reasonably practicable on the Council's request.</p> <p>Any links to the Project which do not form part of the Project, (including a connection at Ockendon), will require their own planning consent (and associated approvals and appropriate assessment</p>		

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>work). In line with the processes in place for any development which could affect the operation of the strategic road network, there will be ongoing engagement with, and evaluation by, the National Highways Spatial Planning Team.</p> <p>A further discussion on this matter was held on 19 June. Both parties agreed that this is a matter unlikely to be agreed due to both parties' positions being unchanged.</p>		
<p>Road Upgrade Upgrading Medebridge Road</p>	<p>2.1.279 RRE</p>	<p>The Project should deliver the proposed construction haul road along Medebridge Road alignment from the A13 to Grangewater to a sufficient width and standard to enable it to be adopted by the council</p>	<p>The Project team has had discussions with Thurrock Council about the proposed use of Medebridge Road as a haul road. The powers proposed within the draft DCO are limited to those required for its safe use as a haul road. The Applicant and Thurrock Council are currently discussing an opportunity to undertake additional works along this road, increasing the scope of works along this road to support the local development aspirations. Any such works would not be undertaken in support of the construction of the Project and would be subject to their own planning approval. Thurrock Council is in agreement that this is a matter outside the scope of the Project DCO.</p> <p>A further discussion on this matter was held on 19 June. Both parties agreed that this is a matter unlikely to be agreed due to</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
<p>Enhancement Enhancement of key sites in close proximity of LTC</p>	<p>2.1.280 RRE</p>	<p>The Council would like the Project to enhance key sites that are in close proximity to the LTC, are of low quality, and are in need of investment</p> <ul style="list-style-type: none"> • King George's Park (Daisy Field) • Koala Park • Anchor Fields • Fielding Avenue • Orsett Heath and Chadwell Recreational Ground and Wickham Fields • Blackshots 	<p>both parties' positions being unchanged.</p> <p>This is not tied to the Project and considered a legacy item. The Council asked the Project for £100,000 to fund the delivery of masterplans for six key sites in the Borough.</p> <p>The funding has been granted by the Applicant's Designated Funds Programme on the basis of the co-ordinated masterplans which would be produced to demonstrate how the identified future investment(s) would increase levels of physical recreational activity and trips by foot or bike, and the impact this would have on public health, and improvements to biodiversity. The amounts allocated to each site are listed below:</p> <ul style="list-style-type: none"> • £25,000 for King George's Park (Daisy Field) • £15,000 for Koala Park • £20,000 for Anchor Fields • £10,000 for Fielding Avenue • £20,000 for Orsett Heath and Chadwell Recreational Ground and Wickham Fields <p>The last site on this list is Blackshots. The Council is broadly satisfied with the proposals at Blackshots, within the wider Project proposals, and therefore this has</p>	<p>N/A</p>	<p>Matter Agreed*</p>

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			not been put forward for further investment. Thurrock Council has seen these commitments and marked the matter agreed.		
Restoration Restoration of Belhus Wood	2.1.281 RRE	The Project should complete the restoration of Belhus Woods including a site survey and Conservation Management Plan	This is not linked to the Project and considered a legacy item. The Applicant has funded the management plan for Belhus Park for £50,000 via the Designated Funds Programme. Thurrock Council has seen the Project position set out above and marked the matter agreed.	N/A	Matter Agreed*
Value for money Incentivisation of electric and/or low emissions vehicles	2.1.283 RRE	The Project should ensure that electric and/or low-emission vehicles are incentivised to use the LTC with discounted or free use.	Any incentivisation of electric vehicles would need to align with the wider DfT proposals for transport decarbonisation. At present the Transport Decarbonisation Plan does not set out a need to incentivise use of electric vehicles on the strategic road network to achieve the government target of net zero. In the event that such incentivisation were to be identified as appropriate and aligned with government strategy, the Applicant would work with Thurrock Council to support this case being made to the Department for Transport.	N/A	Matter Not Agreed
Vehicle usage targets Low-emission vehicle usage targets	2.1.284 RRE	The Project should commit to low-emission vehicle usage targets with financial penalties payable to Thurrock in the event of exceedance.	This request was declined by the Applicant on 2 March 2021. This request is associated with a wider issue that would need to be taken up with the Department for Transport for consideration. The Project	N/A	Matter Not Agreed

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			cannot commit to the request as it is outside the scope of the Project DCO. Item No. 2.1.283 (Incentivisation of electric and/or low emission vehicles) is more likely to be successful and the Applicant could support Thurrock making that case.		
<p>Trunking Changes to A13/Orsett Cock Junction Arrangements; Trunking of A13</p>	<p>2.1.285 RRE</p>	<p>The Project should commit to trunking of the A13 from Stanford-le-Hope and Manorway Roundabout (including a section of the A1014) to the A13 junction with the A1089. National Highways' trunking / de-trunking proposals as part of the LTC scheme are not yet clear and have not been the subject of effective technical engagement and / or consultation.</p>	<p>The Applicant has written to Thurrock Council on 23 August 2022 offering to work collaboratively and resume trunking process meetings as soon as possible. The offer contains a pledge to work as quickly as possible so that, subject to further detailed assessment work on the route, a trunking order can be promoted with a view that the Applicant can take over operations of the A13 and the A1004 by the end of the current RIS period. This offer has been set out by the Applicant separately from the development of the Project and it is neither contingent on nor associated with the Project.</p> <p>In addition to working towards trunking the section of the A13 to Manorway and A1014, the Applicant would also be willing to explore trunking the whole of the A13 in Thurrock to Five Bells junction in parallel with the section to Manorway. The Applicant believes this approach will maximise the benefits to Thurrock Council. As well as transferring the costs and liabilities associated with an additional 7km</p>	<p>N/A</p>	<p>Matter Not Agreed</p>

Topic	Item No.	Thurrock Council Comment	The Applicant's Response	Application Document Reference	Status
			<p>to the Applicant, it will remove the last remaining section of high-speed road network from Thurrock Council maintenance responsibilities. Trunking will also transfer the responsibility for operation, maintenance and any future upgrading of the A13 and A1014 to the Applicant, meaning that Thurrock Council can divert specialist resources onto other A and B roads managed by the Council. It will allow any necessary large-scale enhancements to the A13 corridor to be more easily developed and delivered through the RIS process.</p> <p>Following the 23 August 2022 letter, the Applicant has proposed dates for a meeting between Thurrock Council, the Department for Transport and the Applicant to discuss the Applicant's trunking offer to help Thurrock Council provide feedback. This proposal for a meeting remains in place and the Applicant would welcome Thurrock Council's engagement on this subject.</p> <p>A further discussion on this matter was held on 19 June. Both parties agreed that this is a matter unlikely to be agreed as Thurrock Council is of the opinion that the trunking proposals should be part of the DCO application. The Applicant does not agree for the reasons set out above.</p>		

Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Thurrock Council since Deadline 3

Date	Overview of Engagement Activities
29/08/2023	Thurrock Council: SoCG DCO and Consents Workshop: Discussion in relation to new DCO and Consents matters under discussion.
31/08/2023	Thurrock Council: Fortnightly Catch-Up Meeting – Provide updates and discuss ongoing work and tasks.
20/09/2023	Thurrock Council: SoCG Construction Workshop: Discussion in relation to Construction matters under discussion.
25/09/2023	Thurrock Council: SoCG EIA Combined Workshop: Discussion in relation to EIA methodology, Air Quality and Noise matters under discussion.
25/09/2023	Orsett Cock Workshop: Dedicated workshop with Thurrock Council, Port of Tilbury, DP World London Gateway and Essex County Council to discuss Orsett Cock Junction joint position.
26/09/2023	Thurrock Council: SoCG Workshop on Waste, Road Drainage, and Climate and Carbon matters under discussion.
27/09/2023	Thurrock Council: SoCG Geology and Soils Workshop: Discussion in relation to Geology and Soils matters under discussion.
28/09/2023	Thurrock Council: SoCG Population and Human Health Workshop: Discussion in relation to Population and Human Health matters under discussion.
28/09/2023	Thurrock Council: SoCG s106 Workshop: Discussion in relation to s106 matters under discussion.
29/09/2023	Thurrock Council: Fortnightly Catch-Up Meeting – Provide updates and discuss ongoing work and tasks.
12/10/2023	Thurrock Council: Fortnightly Catch-Up Meeting – Provide updates and discuss ongoing work and tasks.
16/10/2023	Thurrock Council: SoCG Workshop to discuss outstanding matters under discussion.
26/10/2023	Thurrock Council: Fortnightly Catch-Up Meeting – Provide updates and discuss ongoing work and tasks.
27/10/2023	Thurrock Council: SoCG s106 Workshop: Discussion in relation to s106 draft agreement.

Appendix B Glossary

Term	Abbreviation	Explanation
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Affected Road Network	ARN	In air quality assessment, the network of roads to be considered within the air quality model (selection of the roads within the model depends on a number of criteria such as changes in Heavy Duty Vehicle flows).
Air Quality	AQ	A measure of the level of various atmospheric pollutants.
Air Quality Expert Group	AQEG	The Air Quality Expert Group (AQEG) is an Expert Committee to Defra that provides independent scientific advice on air quality, in particular the air pollutants contained in the 2019 Clean Air Strategy, the Air Quality Strategy (AQS) for England, Scotland, Wales and Northern Ireland and those covered by the EU Directives on Ambient Air Quality. Specifically, AQEG gives advice on concentrations, emission sources and characteristics of air pollutants in the UK.
Air quality objectives	AQO	There are a wide range of terms and concepts in national and international initiatives, for example, standards, objectives, target values and limit values. The two which feature within the UK's air quality strategy are standards and objectives. The Air Quality Standards Regulations 2010 contain Limit Values and Target Values. The national Air quality objectives and Air Quality Standards Regulations limit and target values with which the UK must comply are summarised in the National air quality objectives of the Air Quality Strategy.
Air Quality Strategy 2019	AQS	A strategy defined by the Government for improving air quality in the UK in the medium term.
All-purpose trunk road	APTR	A road available for all types of traffic to use, unless restricted by a Traffic Restriction Order. In contrast, a motorway is restricted to use only by certain types of traffic in accordance with relevant DMRB standards.
Association of South Essex Local Authorities	ASELA	A partnership of six neighbouring councils that have come together to promote growth and prosperity in the region. The partners are Basildon Borough Council, Brentwood Borough Council, Castle Point Borough Council, Rochford District Council, Southend-on-Sea Borough Council and Thurrock Council
Biodiversity Net Gain	BNG	Ecological enhancements introduced by the Project which leave the natural environment and the number of species present in it, in a measurably better state than before construction.

Term	Abbreviation	Explanation
Carbon and Energy Plan	CEP	A DCO document that demonstrates the Applicant's carbon ambitions for the Project and how they will be achieved. This is a secured document, meaning that the carbon-reduction commitments contained within it will be legally binding.
Carbon dioxide	CO ₂	Carbon dioxide is a colourless gas, naturally occurring in the Earth's atmosphere. Carbon dioxide is a significant long-lived greenhouse gas. Anthropogenic emissions of carbon dioxide since the Industrial Revolution have rapidly increased its concentration in the atmosphere.
Chronic Obstructive Pulmonary Disease	COPD	An obstructive lung disease characterised by chronically poor airflow that typically worsens over time.
Civil Engineering Environmental Quality Assessment and Award Scheme	CEEQUAL	An evidence-based sustainability assessment, rating and awards scheme for infrastructure and celebrates the achievement of high environmental and social performance.
Clinical Commissioning Group	CCG	Clinically led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area. CCGs were created following the Health and Social Care Act in 2012 and replaced Primary Care Trusts on 1 April 2013.
Code of Construction Practice	CoCP	Control measures and standards to be implemented by the Project, including those to avoid or reduce environmental effects.
Combined Modelling and Appraisal Report	ComMA	The purpose of the Combined Modelling and Appraisal Report is to inform decision makers and stakeholders on how the evidence underpinning the business case has been developed, from the initial identification of the underlying problem through the collection of data and the production of any supporting traffic models and forecast impacts of the Project on traffic to the eventual economic appraisal.
Community Impacts Consultation	CIC	This consultation explained the impacts of the Project and how the Applicant plans to reduce them, as well as the changes made to the Project since the Design Refinement Consultation. These have been informed by feedback received from stakeholders and ongoing design work.
Community Impacts and Public Health Advisory Group	CIPHAG	An advisory group established by the Applicant to understand local knowledge and understanding to feed into the relevant technical assessments.
Compulsory Purchasing Order	CPO	A compulsory purchase order (CPO) is a legal process that allows acquiring authorities (including public and private bodies) to require those with interest in property, e.g. owners and occupiers, to sell their interests if they

Term	Abbreviation	Explanation
		obstruct any development or infrastructure project that benefits the 'greater public good'.
Connected and Autonomous Vehicles	CAV	Connected and autonomous vehicles combine connectivity and automated technologies to assist or replace humans in the task of driving. This can be through a combination of advanced sensor technology, on-board and remote processing capabilities, and telecommunications systems.
Construction Environmental Management Plan	CEMP	The primary environmental management document that defines the procedures for achieving the objectives set out in the environmental policy. It incorporates environmental performance targets set for the Project.
Construction Industry Research Information Association	CIRIA	A not-for-profit, independent organisation that facilitates a range of collaborative activities to help improve the construction industry.
Construction Logistics and Community Safety Standard	CLOCS	The CLOCS Standard is the direct result of collaboration between the construction and fleet sectors to address shared issues. It draws together evolving and applied best practice from a number of standards, policies and codes of practice to provide one industry standard that can be implemented by regulators, clients, principal contractors and fleet operators.
Council Led Support	CLS	Term used in the Thurrock Council 'LTC Mitigation Benefits' Report also referred to as the 'Hatch Report dated October 2020 which identified mitigation and legacy measures. Council-led Support: measures that ensure sufficient local resource is available to support local businesses and communities throughout the construction phase and into the transition of the operating scheme.
Demand Responsive Transport	DRT	A flexible service that provides shared transport to users who specify their desired location and time of pick-up and drop-off.
Department for Environment, Food and Rural Affairs	Defra	The UK Government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the United Kingdom of Great Britain and Northern Ireland.
Department for Levelling Up, Housing and Communities	DLUHC	The UK Government department for housing, communities, local government in England and the levelling up policy. Formerly called the Ministry of Housing, Communities and Local Government.
Department for Transport	DfT	The UK Government department responsible for the English transport network and a limited number of transport matters in Scotland, Wales and Northern Ireland that have not been devolved.

Term	Abbreviation	Explanation
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is the highway authority. For the A122 Lower Thames Crossing, the Overseeing Organisation is National Highways.
Design Principle	DP	Design principles are the fundamental ideas and elements that could be applied to achieve successful design; the elements that together comprise a design.
Detailed Local Operating Agreement	DLOA	The Detailed Local Operating Agreement will set out the agreed operational and communication protocols for the LTC Project throughout the construction period and will enable handover into Operational Maintenance.
Development Consent Order	DCO	A DCO is a means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Distributional Impact Appraisal	DIA	Distributional Impact Appraisal
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Electric vehicle	EV	Electric vehicles are vehicles that are either partially or fully powered on electric power.
Environmental Health Officers	EHO	Environmental health officers are responsible for mentoring and enforcing health and hygiene legislation. They also investigate when there's an incident, such as pollution, a noise problem, toxic communication, pest infestation or an outbreak of food poisoning.
Environmental Impact Assessment Report	EIA	A report prepared for a consenting authority who, when deciding whether to grant consent for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.
Environmental Impact Assessment	EIA	A process by which information about environmental effects of a proposed development is collected, assessed and used to inform decision making. For certain projects, EIA is a statutory requirement, reported an Environmental Statement.
Environmental Management Plan	EMP	A plan setting out the conclusions and actions needed to manage environmental effects as defined by the Design

Term	Abbreviation	Explanation
		Manual for Roads and Bridges standard LA 120. The CoCP is the equivalent of the first iteration of the EMP (EMP1). The Contractor's EMP would be EMP2 and the end of construction EMP would be EMP3.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Engagement with the Emergency Services and their Safety Partners	ESSPSG	An advisory capacity only, to enhance local knowledge and understanding. All decisions relating to opportunities to reduce impacts or identification of benefits as a result of the Project are reserved for Highways England.
Equalities Impact Assessment	EQIA	a process designed to ensure that a policy, project or scheme does not unlawfully discriminate against any protected characteristic.
Essex Partnership University NHS Foundation Trust	EPUT	an NHS foundation trust which provides community health, mental health and learning disability services to approximately 1.3 million people throughout Bedfordshire, Essex, Suffolk and Luton.
Examining Authority	ExA	The Examining Authority is the Inspector, or the Panel of Inspectors appointed to conduct the Examination of the application
Excavated Materials Assessment	EMA	Excavated Materials Assessment provides a mechanism to determine and validate which third-party potential receiver sites would be capable of accepting excavated materials from the Project.
Fine particulate matter	PM	Particulate matter containing microscopic solids or liquid droplets that are so small that they can be inhaled and cause serious health problems.
Fleet Operator Recognition System	FORS	The Fleet Operator Recognition Scheme (FORS) is a voluntary accreditation scheme for fleet operators. FORS aims to drive up standards within fleet operations and demonstrate which operators are achieving exemplary levels of best practice in safety, efficiency and environmental protection.
Flood Risk Assessment	FRA	An assessment of the risk of flooding from all flooding mechanisms, the identification of flood mitigation measures, and identification of actions to be taken before and during a flood.
Footpath	FP	A footpath is a type of thoroughfare that is intended for use only by pedestrians and not other forms of traffic such as motorized vehicles, bicycles and horses. They can be found in a wide variety of places, from the centre of cities, to farmland, to mountain ridges.
Functionally Linked Land	FLL	'Functionally linked land' (FLL) is a term often used to describe areas of land or sea occurring outside a

Term	Abbreviation	Explanation
		designated site which is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a Special Areas of Conservation (SAC)/ Special Protection Area (SPA)/ Ramsar site has been designated.
GD 300	GD 300	Requirements for new and upgraded all-purpose trunk roads (expressways).
Geographic Information System	GIS	A geographic information system (GIS) is a computer system for capturing, storing, checking, and displaying data related to positions on Earth's surface. GIS can show many kinds of data on one map, such as streets, buildings, and vegetation.
Green Belt Assessment	GBA	A Green Belt Assessment is a process which considers the impact of a proposed development on the Green Belt designation, takes account of the Policy Tests set out in National Policy and reaches a policy-based conclusion.
Greenhouse gas	GHG	Gases able to absorb infrared radiation emitted from Earth's surface and reradiate it back to Earth's surface, thus contributing to the greenhouse effect. Carbon dioxide, methane, and water vapour are the most important greenhouse gases.
Habitats Regulations Assessment	HRA	A tool developed by the European Commission to help competent authorities (as defined in the Habitats Regulations) to carry out assessment to ensure that a project, plan or policy will not have an adverse effect on the integrity of any Natura 2000 or European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites), either in isolation or in combination with other plans and projects, and to begin to identify appropriate mitigation strategies where such effects were identified.
Health and Equalities Impact Assessment	HEqIA	A systematic process used to identify the potential health and equalities impacts arising from policies, plans, programmes and projects, to identify the distribution of those effects amongst the population and to identify mitigation measures to address these effects, thereby minimising adverse effects on the local population
Health Impact Assessment	HIA	An assessment of potential impacts on human health. Not a legal requirement but good practice and will almost certainly be done for the Project.
Heavy Duty Vehicle	HDV	Freight vehicles of more than 3.5 tonnes (e.g. lorries) or passenger transport vehicles of more than 8 seats (e.g. buses).
Heavy Goods Vehicle	HGV	A large, heavy motor vehicle used for transporting cargo.

Term	Abbreviation	Explanation
Highways England Water Risk Assessment Tool	HEWRAT	Highways England Water Risk Assessment Tool – a spreadsheet which automates the calculation of the risk of discharges of routine highway runoff to surface watercourses causing sedimentation as well as failures of environmental quality standards for dissolved metals. The tool also allows calculation of the risk of an accidental spillage causing a serious pollution incident.
Institute of Air Quality Management	IAQM	A professional body for air quality professionals.
Joint Operations Forum	JOF	The JOF is an executive level forum made up of National Highways and its Contractors. National Highways will establish and chair a JOF, attended by senior representatives from the Contractors.
Joint Strategic Needs Assessment	JSNA	Joint Strategic Needs Assessment (JSNA) looks at the health needs of local people to help Thurrock council: commission health, well-being and social care services in the borough; and improve the physical and mental health and well-being of individuals and communities. It supports commissioning processes used by health, council and community organisations in Thurrock.
Key Performance Indicator	KPI	Measurable value that demonstrates how effectively a company is achieving key business objectives.
Landscape and Ecology Management Plan	LEMP	A document which provides details on the delivery and management of the landscape and ecology elements identified in the Environmental Masterplan for the Project, including their success criteria.
Lead Local Flood Authority	LLFA	LLFAs are county councils and unitary authorities. They lead in managing local flood risks (i.e. risks of flooding from surface water, ground water and ordinary (smaller) watercourses). This includes ensuring co-operation between the Risk Management Authorities in their area. The LLFA for the M25 area is Essex County Council who is acting on behalf of Thurrock.
Light-emitting diode	LED	A semiconductor device that emits visible light when an electric current pass through it.
Limits of deviation	LoD	The tolerances, both laterally and vertically, that any parts of the Project can be constructed from the lines and situations shown on the Works Plans [Application Documents APP-018 and APP-021 and Additional Submissions AS-024 , AS-026 , AS-028 and AS-030] and the levels shown on the Engineering Drawings and Sections [Application Documents APP-030 to APP-037].
Local Air Quality Management	LAQM	A process that requires local authorities across the UK to review, assess and manage the air quality within their geographical areas.

Term	Abbreviation	Explanation
Local authority	LA	A local authority is an organisation that is officially responsible for all the public services and facilities in a particular area.
Local highway authority	LHA	A local highway authority is an organisation that is responsible for the maintenance of public roads. The current role of a highway authority is defined in the Highways Act 1980 and the role is held by a large number of different groups.
Local Operating Agreement	LOA	Any agreement governing the formation and operation of any Local Operating Entity formed pursuant to Section 3.3 of this Agreement.
Local planning authority	LPA	A local planning authority is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area of the UK. May also be referred to as 'local authority'.
Local Refinement Consultation	LRC	The local refinement consultation was held to share a number of updates made to the Project based on feedback from a consultation in 2021, ongoing stakeholder engagement and technical surveys.
Local Road Network	LRN	The Local Road Network is that portion of the Road Network for which a Local Government is responsible and is eligible for funding from the State Government to operate and maintain.
Lower Thames Area Model	LTAM	Transport model designed to forecast impacts of providing additional road-based capacity across the River Thames at locations at or east of the existing Dartford Crossing.
M2 Motorway	M2	Orbital motorway that encircles most of Greater London.
M25 Motorway	M25	Orbital motorway that encircles most of Greater London.
Contractor	-	The Contractor which will be awarded a main contract for the delivery of a section of the Project programme. The Contractor will be responsible for delivering all main works and will work with the Applicant to discharge obligations under the DCO.
Major Road Network	MRN	The Major Road Network (MRN) is a classification of local authority roads in England. It incorporates the National Highways-controlled Strategic Road Network (SRN) and the more major local authority-controlled A roads.
Management of Research Projects in the Historic Environment	MoRPHE	The Management of Research Projects in the Historic Environment (MoRPHE) is a series of project-management guides designed to support the planning and implementation of both basic research and applied research and development projects in the historic-environment sector produced by Historic England. They provide the highest levels of best practice for archaeological work in England.

Term	Abbreviation	Explanation
Medium-sized enterprises	SME	An SME is any organisation that has fewer than 250 employees and a turnover of less than €50 million or a balance sheet total less than €43 million. A breakdown of the different organisation sizes is in the below table.
National Health Service	NHS	The name of the public health services of England, Scotland and Wales, also commonly used in Northern Ireland.
National Health Service Thurrock Clinical Commissioning Group	Thurrock CCG	Thurrock Clinical Commissioning Group (CCG) is responsible for the commissioning and delivery of local health care services. The CCG buys healthcare from hospitals, community and mental health services and some specialist services (service contracts with GPs, dentists, pharmacists and opticians are managed by NHS England).
National Highways	NH	A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
National Networks	NN	The national networks comprise the strategic road network (the network for which the Secretary of State for Transport is highway authority), the rail network and strategic rail freight interchanges (SRFIs). The strategic road network covers motorways and major A roads in England.
National Planning Policy Framework	NPPF	The National Planning Policy Framework sets out government's planning policies for England and how these are expected to be applied.
National Policy Statement	NPS	There are 12 designated National Policy Statements (NPSs), setting out government policy on different types of national infrastructure development, including energy, transport, water and waste. NPSs provide the framework within which Examining Authorities make their recommendations to the Secretary of State.
National Policy Statement for Electricity Networks Infrastructure (EN-5)	NPS EN-5	NPS EN-5 sets out the needs for the Government's policy for delivery of major energy infrastructure and provides the primary basis for decisions taken by the Infrastructure Planning Commission (IPC) on applications it receives for electricity networks infrastructure.
National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)	NPS EN-4	Formed in January 2018, the MHCLG took over the duties of the former Department for Communities and Local Government. In September 2021, it was renamed the Department for Levelling Up, Housing and Communities.
National Policy Statement for National Networks	NPSNN	The NPSNN sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects on the national road and rail networks in England. It provides planning guidance for promoters of Nationally Significant Infrastructure Projects

Term	Abbreviation	Explanation
		on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects, etc. that require a development consent under the Planning Act 2008.
Natural England	NE	An executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs, which is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide.
New Engineering Contract	NEC	A system of contracts created by the Institution of Civil Engineers and used as the form of contract to engage both designers and contractors.
New Roads and Street Works Act 1991 (c.22)	NRSA	Legislation for the Co-ordination of Street Works and Works for Road. Purposes and Related Matters.
Nitrogen Deposition	NDEP	The rate at which nitrogen accumulates on a surface as a result of separation from the atmosphere. The principal unit of measurement of nitrogen deposition is kilograms of nitrogen per hectare per year (kgN/ha/yr).
Nitrogen dioxide	NO ₂	A reactive gas introduced into the environment by natural causes, including entry from the stratosphere, bacterial respiration, volcanos, and lightning. It is also introduced by the emissions of internal combustion engines burning fossil fuels.
Non-motorised user(s)	NMU	Users of non-motorised vehicles (e.g. cyclists, horse riders) and pedestrians
Non-Road Mobile Machinery	NRMM	Any mobile machine, item of transportable industrial equipment, or vehicle – with or without bodywork – that is not intended for carrying passengers or goods on the road and is installed with an internal combustion engine.
North East London NHS Foundation Trust	NELFT	NELFT provides an extensive range of integrated community and mental health services for people living in the London boroughs of Barking & Dagenham, Havering, Redbridge and Waltham Forest and community health services for people living in the south west Essex areas of Basildon, Brentwood and Thurrock.
Outline Landscape and Ecology Management Plan	oLEMP	A document which outlines the proposed management of the landscape and ecological elements of the A122 Lower Thames Crossing.
Outline Materials Handling Plan	oMHP	A document which sets out the approach and high-level principles for handling construction materials and waste on

Term	Abbreviation	Explanation
		the Lower Thames Crossing Project, both inside and outside the Order Limits.
Outline Site Waste Management Plan	oSWMP	The Outline Site Waste Management Plan (oSWMP) sets out the overarching principles and procedures that would be applied for the management of waste during the construction phase of the Project.
Outline Traffic Management Plan for Construction	oTMPfC	The outline Traffic Management Plan for Construction (oTMPfC) has been produced to provide an outline framework and principles that will be applied for the design and management of construction traffic management and transport logistics for the Lower Thames Crossing Project.
Overarching National Policy Statement for Energy (EN-1)	NPS EN-1	A document which sets out the need for the Government's policy for delivery of major energy infrastructure. This Overarching National Policy Statement for Energy (EN-1) is part of a suite NPSs initially issued by the Secretary of State for Energy and Climate Change (now the Department for Business, Energy and Industrial Strategy). There are a further five technologies specific NPSs for the energy sector.
Preliminary Environmental Information Report	PEIR	The PEIR presents preliminary environmental information compiled by the applicant for consultation bodies to use to develop an informed view of the likely significant environmental effects of a development (and of any associated development).
Preferred Route Announcement	PRA	The announcement by the SoS for Transport on the route selected from the options stage of the Project.
Procurement Policy Note	PPN	This note sets out how to take account of social value in the award of central government contracts by using the Social Value Model.
Public Right of Way	PRoW	A right possessed by the public to pass along routes over land at all times. Although the land may be owned by a private individual, the public may still gain access across that land along a specific route. The mode of transport allowed differs according to the type of Public Right of Way, which can consist of footpaths, bridleways and open and restricted byways.
Register of Environmental Actions and Commitments	REAC	A document which identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice [REP5-048].
Rendezvous Point	RVP	A location to which responding services personnel attending an incident can be held prior to deployment to the scene.
Road Investment Strategy	RIS	The UK Government's long-term strategy to improve England's motorways and major A roads. The first RIS (known as RIS 1) was published in 2015 and covers the

Term	Abbreviation	Explanation
		period 2015-2020. A second RIS (RIS 2) was published in 2020 and covers the post-2020 period.
Road Investment Strategy 2	RIS2	The Department for Transport's 5-year strategy for investment in and management of the strategic road network from April 2020 to March 2025.
Royal Institute of British Architects	RIBA	A professional body for architects primarily in the United Kingdom, but also internationally, founded for the advancement of architecture under its royal charter granted in 1837, three supplemental charters and a new charter granted in 1971.
Statement of Reasons	SoR	The Statement of Reasons is a DCO Application Document which sets out the Applicant's reasons for seeking to acquire land.
Secretary of State	SoS	The Secretary of State has overall responsibility for the policies of the Department for Transport.
Site Specific Travel Plans	SSTPs	Site Specific Travel Plans will be developed by contractors in respect of the sites which they are responsible (either an individual construction area or compound, or a number of construction areas and compounds where these are closely located with similar levels of accessibility), following the latest policy advice and best practice documents.
Site Waste Management Plan	SWMP	A document which sets out how resources will be managed, and waste controlled during the Project. Plans usually involve recording the amount of waste that will be produced and details the proposed methods of waste disposal.
Skills, Education and Employment (SEE) Strategy	SEE Strategy	The Skills, Education and Employment Strategy introduces how the Applicant aims to provide long-term benefits to communities close to the Project through new jobs and work, higher skills and education. It also explains how the Applicant will set the standard for construction in a low carbon world. This document will be revised every two years throughout the delivery of the Project to remain current and responsive to local and national needs.
Small and Medium Sized Enterprise	SME	A small or medium-sized enterprise with fewer than 250 employees. The EU also defines an SME as a business with fewer than 250 employees, a turnover of less than €50 million, or a balance sheet total of less than €43 million.
Social Value Framework	SVF	The Project's Social Value framework is reflective of local needs and priorities and sets out the wider opportunities that are realised through the way the Applicant designs and builds the crossing. It also aligns with the Government's Social Value Model, published December 2020.

Term	Abbreviation	Explanation
Statement of Common Ground	SoCG	A written statement containing information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.
Strategic Outline Business Case	SOBC	First stage of drawing together evidence pertaining to a transport scheme, focusing on the strategy or reasons why change may be required.
Strategic road network	SRN	The core road network in England managed by National Highways.
Supplementary Planning Guidance	SPG	Documents which provide supplementary information in respect of the policies in current or emerging Local Plans or national policy.
Sustainable Drainage System	SuDS	A drainage system designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges.
Sustainable Transport Working Group	STWG	To develop and deliver improvements to integrated sustainable transport infrastructure, including maximising use of the River Thames and improving connectivity and accessibility for walkers, cyclists and horse riders.
Targets in the Framework Construction Travel Plan	FCTP	A document which sets out a framework to reduce the impact of the Project's construction workforce on the road network as a result of travel to and from construction areas and compounds (including utility logistic hubs). The FCTP sets out proposed ways in which this would be done, including by reducing single occupancy vehicle trips and encouraging sustainable and active travel.
Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014	TTT	The Thames Tideway Tunnel Project as authorised under the 2014 Order.
The National Planning Framework	NPF	The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied.
The Third Road Investment Strategy	RIS3	RIS3 sets out the government's aims and proposals for <i>investment</i> in the <i>strategic road</i> network from 2025 to 2030
Thurrock Community and Voluntary Services	Thurrock CVS	Thurrock CVS (Community and Voluntary Services) supports local organisations and community groups in Thurrock by working behind the scenes to ensure the long-term future of essential services delivered by the voluntary sector.
Thurrock Council	TC	Thurrock Council is the local authority for the borough of Thurrock in Essex, England. Since 1997, Thurrock has been a unitary authority, combining the functions of a non-metropolitan county with that of a non-metropolitan district. The other such authority in Essex is Southend-on-Sea.

Term	Abbreviation	Explanation
Tilbury Link Road	TLR	An option considered, following PRA in developing the preliminary design for Statutory Consultation.
Tonnes of carbon dioxide equivalent	tCO ₂ e	A metric relating to emissions of carbon dioxide and the resultant climate change impact adopted by the UN.
Traffic Management Forum	TMF	The TMF would review planned traffic management arrangements and receive comments as to their appropriateness. The TMF would also monitor, review, and provide updates to the TMPs when required.
Traffic Management Plan	TMPs	The approach to carrying out temporary traffic management for the safe construction of the Project. It will also explain management measures available to the Contractor to reduce the impact on the local community (including journey time reliability, access, and safety).
Transport Analysis Guidance	TAG	National guidance document produced by the Department for Transport.
Transport Assessment	TA	A document that sets out assessments of the transport implications of development, and Transport Statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (i.e. in the case of developments with anticipated limited transport impacts).
Tunnel boring machine	TBM	Machine used to excavate tunnels with a circular cross-section.
UK Power Network	UKPN	An energy network operator. Owns and maintains the electricity cables in Southeast England, the East of England and London.
United Kingdom Accreditation Service	UKAS	The United Kingdom Accreditation Service is the sole national accreditation body recognised by the British government to assess the competence of organisations that provide certification, testing, inspection and calibration services.
Utilities Logistics Hub	ULH	The ULH receives, stores and distributes the plant machinery and materials for specific utility works.
Walkers, cyclists and horse riders	WCH	Walkers, cyclists and horse riders.
Web-based Transport Appraisal Guidance	WebTAG	Former name given for the Department for Transport's web-based multi-modal guidance on appraising transport projects and proposals, now known as Transport Analysis Guidance (TAG).
Wider Network Impacts Management and Monitoring Plan	WNIMMP	A document which sets out a traffic impact monitoring scheme to be carried out a year prior to opening (to establish a baseline) and one and five years after the road opens.
Workers Accommodation Report	WAR	The Workers Accommodation Report [APP-551] sets out the estimated number of workers at the peak construction phase of the Project who would require temporary

Term	Abbreviation	Explanation
		accommodation, what type of accommodation these workers are anticipated to seek and where, and a consideration of this demand in the context of supply and the operation of the accommodation market
World Health Organization	WHO	The WHO is a specialised agency of the United Nations that is concerned with international public health.
Written Scheme of Investigation	WSI	A document which sets out the scope, guiding principles and methods for the planning and implementation of archaeological assessment.

Appendix C Timeline of SoCG Engagement

- C.1.1 The below table provides a timeline of the SoCG development and work undertaken to date between Thurrock Council and the Applicant.
- C.1.2 It highlights how the SoCG was developed and written in a joint manner. It lists the number of times the complete draft SoCG, including the Applicant's commentary, was shared with the Council for review, but no comments were received until 7 August 2023. It also outlines the Pre-Examination strategy presented to Thurrock Council to progress all the matters under discussion in the SoCG, but this was unsuccessful due to Thurrock Council's paused engagement with the Applicant.

Date	When the SoCG or matters (issues) was issued to Thurrock Council by the Applicant	When comments from Thurrock Council were received
Iterative SoCG Issues resolution and discussion		
May – August 2022	G3 Issues and Responses – G3 The Applicant's responses sent to Thurrock Council in batches. Feedback received in batches and discussions completed on the status of matters.	Feedback received from Thurrock Council throughout this period (19 May 2022 and 8 August 2022) and also took place in discussion held at fortnightly meetings.
June – October 2022	G2 Issues and Responses – G2 The Applicant's responses sent to Thurrock Council in batches. Feedback received in batches and discussions completed on the status of matters. This included discussion and agreement on where to escalate Group 2 issues to Group 3 and therefore inclusion within the SoCG.	Feedback received from Thurrock Council throughout this period. Group 2 matters were also discussed within technical meetings.
May – August 2022	Draft SoCG issued in excel format with draft Applicant commentary and G3 responses included.	No comments were received from Thurrock Council on the Applicant's commentary.
July – September 2022	SoCG Governance Process – The Applicant repeatedly queried Thurrock Council about the Council's process and procedures for SoCG approval and relevant timescales to ensure the Council had adequate time to read the final SoCG prior to DCO submission. An action was recorded in the fortnightly meeting notes.	No clear answer provided by the Council regarding governance or timescales for review. At this time, the Council was investigating if it would have delegated authority to review the document.
Joint Iterative SoCG Writing		
10 and 11 August 2022	SoCG Writing Session 1 – this two-day workshop was used to re-draft the Group 3 issues (Thurrock Council Comments in the SoCG) together with the Council.	Feedback received in the 19 September 2022 as included below.

Date	When the SoCG or matters (issues) was issued to Thurrock Council by the Applicant	When comments from Thurrock Council were received
	<p>Prior to this and during a regular catch-up meeting with Thurrock Council on 6 July, a discussion took place on the approach to the SoCG. The Applicant explained that the final SoCG would need a fundamental rewrite so that it could be presented in a way which is helpful to the Planning Inspectorate. This led to the arrangement of the in-person writing sessions held on 11 and 12 August.</p> <p>The Applicant also issued a draft of the rewritten SoCG matters on the 5 August 2022 as the basis of discussion to be held with the Council in the writing session.</p>	
<p>11 August 2022</p>	<p>SoCG Governance process – Email sent to Thurrock Council outlining what the Applicant had done in the writing session, next steps, asking about governance arrangements, and the status for the SoCG.</p>	<p>No formal response received.</p>
<p>5 Aug – 19 September 2022</p>		<p>19 September 2022: Thurrock council undertook a review of the SoCG matters (Thurrock Council Comment) and provided suggested additions/deletions which were used as the basis of discussion on the 20 September.</p>
<p>20 September 2022</p>	<p>SoCG Writing Session 2 – this second workshop was used to continue the discussion from the 10 and 11 August regarding the development of the SoCG and to draft the SoCG matters (Thurrock Council Comment) further to a review undertaken by the council.</p>	
<p>SoCG Finalisation and Review</p>		
<p>23 September – 27 September 2022</p>	<p>The Complete SoCG Draft (V1) (with the matters and Applicant’s commentary) was sent to Thurrock Council on 23 September.</p> <p>Thurrock Council was reminded to send final comments on this document by 17 October to address any final comments by DCO submission.</p>	<p>Response received from Thurrock Council on 27 September reviewing the first three columns. The Council chose not to review the last three columns, saying it would do so once it was satisfied with all the matters (first three columns).</p> <p><u>No comments received on the Applicant’s commentary.</u></p>

Date	When the SoCG or matters (issues) was issued to Thurrock Council by the Applicant	When comments from Thurrock Council were received
28 September 2022	The Complete SoCG Draft (V2) was sent out with the matters and <u>the Applicant's commentary</u> with some additional information as requested by the Council on 28 September.	Comment received from Thurrock Council to update one issue in the SoCG and some statuses. <u>No comments received on the Applicant's commentary.</u>
30 September 2022	The Complete SoCG Draft (V3) was sent out with the matters and <u>Applicant's commentary</u> , updating one issue in the SoCG as requested by the Council.	Response issued (edited draft of the SoCG) on 10 October as included below. <u>No comments received on the Applicant's commentary.</u>
6 October 2022	Final SoCG meeting with Thurrock Council to debate the wording of a few outstanding matters and adding text where relevant. The Council was reminded to send final comments on this document by 17 October to address any final comments by DCO submission.	Thurrock Council confirmed that they are still focussing on the review of the matters and <u>have not commenced the review of the Applicant's commentary.</u>
10 October 2022		Email from Thurrock Council with Thurrock Council's final review of the first three columns with some minor changes. <u>No other comments received on the rest of the draft SoCG, the Applicant's commentary within the SoCG, or status of matters.</u>
11 October 2022	The Complete and Final SoCG (V4) issued to Thurrock Council based on final review of SoCG by the Applicant. The Council was reminded to send final comments on this document by 17 October to address any final comments by DCO submission.	<u>No comments received on the draft SoCG or Applicant's commentary within the SoCG.</u>
17 October 2022	Deadline for comments on SoCG	<u>No comments received on the draft SoCG or Applicant's commentary within the SoCG.</u>
18 October 2022	Reminder sent to Thurrock Council saying that the Applicant would be progressing with final pre-submission reviews and checks on the latest draft shared with Thurrock Council in the absence of any other comments.	<u>No comments received on the draft SoCG or Applicant's commentary within the SoCG.</u>

Date	When the SoCG or matters (issues) was issued to Thurrock Council by the Applicant	When comments from Thurrock Council were received
18 October – 25 October 2022	<p>Discussion on the status of the SoCG (wording to characterise the SoCG position) on the front page / introduction of the SoCG.</p> <ul style="list-style-type: none"> Intended wording sent by the Applicant on 18 October 2022 and included at paragraph 1.5.1 of the SoCG. Update provided by the Applicant on 25 October 2022 confirming additional text regarding status of the SoCG would be added to the front cover. <p>Final status message communicated via meeting to Thurrock Council.</p>	<p>Additional wording regarding status of the SoCG sent by Thurrock Council for inclusion on front cover of the SoCG on the 21 October 2022.</p> <p><u>No comments received on the draft SoCG or the Applicant's commentary within the SoCG.</u></p>
31 October 2022	Draft SoCG submitted as part of DCO	<u>No comments received on the draft SoCG or the Applicant's commentary within the SoCG.</u>
SoCG progress since DCO submission		
31 October – 19 December 2022 (date of s114 notice)	Fortnightly Meetings - A total number of three meetings held between the Applicant and Thurrock Council and comments verbally requested on this draft version of the SoCG at two meetings.	<u>No comments received on the draft SoCG or the Applicant's commentary within the SoCG.</u>
24 November 2022	<p>Pre-Examination Strategy presented to Thurrock Council, focussing on progressing the 'matters under discussion' in the draft SoCG under the topics of:</p> <ol style="list-style-type: none"> Construction EIA Topics HEqIA Traffic and Wider Network Impacts Design Socio Economics Climate <p>The Applicant suggested the above topic sessions in agreement with Thurrock Council. These topic sessions were selected as they contain the majority of the matters under discussion in the SoCG. The seven SoCG sessions were set up from mid-January to late February 2023</p>	<p>Thurrock Council requested that limited meetings be set up in the Adequacy of Consultation period (until the end of Nov).</p> <p>Thurrock Council stated that they need 6-8 weeks to read the DCO documents before having any technical meetings.</p> <p><u>No comments received on the draft SoCG or Applicant's commentary within the SoCG.</u></p>
19 December 22 – 2 February 2023	Fortnightly Meetings - A total number of three meetings held between the Applicant and Thurrock Council and comments <u>requested on this draft version of the SoCG on three occasions.</u>	<u>No comments received on the draft SoCG or Applicant's commentary within the SoCG.</u>

Date	When the SoCG or matters (issues) was issued to Thurrock Council by the Applicant	When comments from Thurrock Council were received
2 February – 18 April 2023	Engagement paused due to Thurrock Council’s financial situation. The SoCG meetings in the diary to progress technical matters cancelled.	
4 May 2023		In the Relevant Representation, Thurrock Council make the claim that 1. The Applicant’s commentary not available for review at a sufficient time. 2. The Applicant’s commentary is a long rebuttal whereas the Thurrock issues are summarised. 3. DCO documents and meetings referred to dilute the position. 4. No clarity on the status of matters and the SoCG portrayed as more positive. 5. No progress on technical matters since DCO submission.
SoCG for Deadline 3 (DL-3)		
15 May 2023	The Draft SoCG for DL-1 was shared with Thurrock Council when it was intended to submit for DL-1. It was subsequently decided not to submit an updated SoCG at DL1.	<u>No comments received on the draft SoCG or the Applicant’s commentary within the SoCG.</u>
2 June 2023 21 June 2023	Reminders – sent to Thurrock Council to send comments on the SoCG. Thurrock Council confirmed comments are imminent in mid-June.	<u>No comments received on the draft SoCG or the Applicant’s commentary within the SoCG.</u>
24 July 2023	The Draft SoCG for DL3 was shared with Thurrock Council.	<u>Comments received on the 7 August 2023.</u>
SoCG for Deadline 6 (DL-6)		
9 October 2023	The Draft SoCG for DL-6 was shared with Thurrock Council.	

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