

Lower Thames Crossing

**Thurrock Council's Comments on Applicant's Submissions at Deadline 4 (D4)
and Deadline 5 (D5)**

31 October 2023

Thurrock Council

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Executive Summary

Section 1 – Introduction

1. This D6 submission seeks to respond to all of the applicant's Deadline 4 (D4) and Deadline 5 (D5) submission documents that were uploaded to the PINS website on 22 September and 5 October 2023 respectively, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission.
2. Since the submission of the joint SoCG with the applicant at D3 the Council has been working with the applicant to update the SoCG for submission at D6. The applicant will make that submission, but it is notably that whilst many SoCG items have been updated in descriptions and status, there still remains 242 issues that are either a 'Matter Not Agreed' or a 'Matter Under Discussion' (but with little prospect of progression). In fact, in summary, there are now a total of 314 issues, with 72 issues are 'Matter Agreed', 193 issues are 'Matters Under Discussion' and 49 issues are 'Matters Not Agreed'.
3. In the Council's view, very little substantive progress has been made, except but minor changes to wording in control documents. The applicant has declined to change its approach preferring instead for these many issues to be resolved by the ExA through the Examination process – clearly in contravention of the basic purpose of the Examination process.
4. The Council would like to note that in many instances within the applicant's documents covered by this submission, there is no further analysis, evidence, documentation or response that addresses the Council's points made in its submissions. The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'robust, reasonable and proportionate', without actually being so. The Council contends that this is not reasonable, particularly if a major stakeholder is making substantive technical points, then it is incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.

Section 2 – Control Document Changes (at D4 and D5)

5. The Control Documents changes include limited but occasionally helpful changes. There remain unchanged many significant Council comments that the applicant has repeatedly refused to consider or change. With the exception of the Statement of Commonality Table 4.2, the other changes are minor or are changes on which the Council has no objection.
6. In each 11 Control document reviewed in this section there are, nevertheless, a number of significant points for the ExA to consider.

Section 3 – Draft Development Consent Order Matters

7. There has been a number of documents submitted in relation to the wording of the DCO. However, as mentioned at D5 submissions the Council still has multiple concerns regarding the draft DCO. Although the applicant has responded to the Council, it raises largely the same arguments as previously put forward.
8. **Draft Development Consent Order (v7):** the majority of the amendments to it are minor and the Council does not object to them. In relation to the new Requirement 17 regarding the passive provision for Tilbury Link Road, the Council supports the principle of passive provision for the Tilbury Link Road. However, the Council proposes some revised wording which has been agreed with all affected the local highway authorities. The Council's version is to be preferred, because it is both more detailed (with reference to specific drawings and walking and cycling infrastructure) and has the added safeguard of needing to be approved by the Secretary of State.

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9. **Draft Protective Provisions for Local Highway Authorities:** the Council, in common with the other LHAs, is concerned that these are not sufficient to address the concerns raised. The draft Protective Provisions are contained with this submission and are agreed by all LHAs.
10. **New Draft Requirements relating to Key Junctions:** the Council, in connection with other LHAs considers that five new Requirements are necessary to provide assurance that key road junctions and to cover overall mitigation matters (e.g. Asda roundabout, Tilbury Link Road Junction, Orsett Cock junction, etc.) will be effective. These new Requirements are provided as part of this submission and Requirements b – e above have largely been agreed by all affected LHAs and can be found at **Appendix L**. It is understood that the new Requirement for Asda Roundabout preferred by both national Ports only covers construction matters, whereas the Council's version covers construction and operational matters. Furthermore, it is understood that the new Requirement a above for Orsett Cock Junction will be submitted by both national Ports at D6, whereas the Council will await further modelling analysis and submit its draft Requirement at Deadline 6A or 7, in view of its critical importance to the Council as LHA.

Council Comments on Applicant's Responses to IP Comments on dDCO:

11. **Applicant's Comments on the Tidal Lagoon Case:** the Council considers that the applicant's comments regarding this are misplaced. The Council is concerned about the concept of 'begin' rather than 'commence' and the introduction of preliminary works. These effects appear to run contrary to the public interest as it creates greater uncertainty without providing any benefit. The Council is echoing the view of the Court of Appeal and there are clearly relevant considerations, which the applicant has failed to address in its submissions.
12. **Article 6 (3) Order Limits:** the Council has previously raised its concerns regarding the significant degree of flexibility granted to the applicant in relation to the Order Limits, pursuant to Article 6(3). The Council does not consider that the applicant has effectively responded to its concerns that the provision effectively removes the non-material amendment procedure as set out in the Planning Act, 2008. The applicant has also not addressed the Council's suggestion that Article 6(3) is amended to that the flexibility is limited to just within the Order Limits. In the Council's opinion this would provide a proportionate degree of flexibility without the negative impacts.
13. **Article 10:** protective provisions for local highway authorities have been submitted by the applicant and amended by the Council. It is not clear why Article 10(4) which refers to the handover of bridges to the local highway authority is treated different to the rest of the highway network. The Council maintains that the requirement for the infrastructure to be completed to the reasonable satisfaction of the Council is maintained.
14. **Requirement 3:** this sets out appropriate arrangements for the design process, however, a tailpiece provision is provided which allows for a departure from the Design Principles document and preliminary scheme design. The Council considers significant flexibility has already been sought by the applicant as to how and where the authorised development will take place. The applicant is effectively proposing a modified non-material amendment procedure, which results in less consultation and less publication of the potential amendments. It is unclear how this is in the wider public interest.
15. **DCO: Securing Mechanisms:** the Council remains concerned that not all control documents and plans are adequately secured. In particular, the Council wishes to restate its concerns regarding the lack of certainty associated with the use of phrases, such as 'substantially in accordance with', 'reflecting', 'specific outline documents' and 'based on' specific documents. These words and phrases do not provide sufficient certainty. A series of specific comments and examples of these issues regarding the lack of securing mechanisms on specific documents and plans is provided.
16. **Requirement 13 – Securing the Gammonfields Traveller site:** during ISH 8, the operation of Requirement 13 of was discussed. In the Council's opinion there is no requirement for a separate planning permission, if all the details are set out in the DCO and the Council proposes minor changes to Requirement 13 to achieve this effect.

17. **Restoration of temporarily possessed land:** the proposed process is broadly acceptable to the Council. However, the Council requires more details from applicant regarding the hand-back procedure, so that landowners understand the process. It is also required for landowners to have as clear an idea as possible at the beginning of construction as to what the standard of restoration will be. The Council has previously suggested that Article 35 is amended so that the applicant submits a restoration scheme for approval of the relevant landowner within 6 months of taking temporary possession of a piece of land. The applicant has stated this is not necessary due to the operation of the REAC, but the Council considers this not address the Council's concerns. In addition, the Council would like to see reference in Article 35(g) that any agreement to leave temporary works on the land must be in accordance with the ES.

Section 4 – Response to Applicant's D5 Submissions

18. **Preliminary Navigation Risk Assessment (v2):** the Council continues to seek increases in the quanta, proportion and type of materials, plant and equipment that are moved by marine or rail transport, as part of the construction period, reduce environmental and community impacts and reduce risks. The changes, however, that have been made to the Preliminary Navigational Risk Assessment (REP5-059) do not alter that position.
19. **Wider Network Impacts Update:** broadly, the applicant has asserted that if it is able to demonstrate a net improvement in network performance across the affected areas it interprets the extant and draft NPSNN to demonstrate that on balance it has no duty to mitigate impacts on the wider networks, which are caused by the creation and operation of LTC. That assertion is held whether the impacts are on the Local Road Network (LRN) or part of the Strategic Road Network (SRN). The Council does not agree with that interpretation or position.
20. The Council has previously agreed with the applicant that any considerations of effects at the Orsett Cock junction should not be considered as 'Wider Network' impacts, but as an integral part of the design of the core scheme. Without satisfactory operation of the Orsett Cock junction, LTC is a flawed design and does not achieve its objectives as set out in the Need for the Project ([APP-494](#)), namely: to provide free-flowing north-south capacity; to improve resilience of the Thames Crossings and major road network; and, to improve safety. It is the Council's opinion that the statement made regarding amendments to the WNIMMP are irrelevant to the topic of design changes to the Orsett Cock junction amendments.
21. The Council continues to review the localised modelling work being provided by the applicant and is assessing that against the strategic LTAM that the applicant seeks to rely on in its assessments and evidence. A full review of the modelling is to be provided at Deadline 6A or 7, following disruption and delays in the provision of the modelling by the applicant.
22. The Council notes the draft Requirement put forward by the applicant within the WNIU and will provide a response on that proposal once the modelling assessment has been completed. The Council does not consider it acceptable to delay resolution of issues at Orsett Cock to the detailed design stage, where there currently can be no certainty that the Undertaker would be able to achieve suitable resolution within the Limits of Deviation and the Order Limits of the DCO.
23. **Action Point 2 on ISH5 – Impact on the Navigation of River Traffic:** the Council considers that the process for managing and governing the movement of material by river and any consequential derogation applications should include representation by the Port of London Authority
24. **Draft Section S106 Agreement Comments and Progress Update:** the S106 is still not agreed and the process to achieve this 'no agreement' on the S106 has taken almost two years, despite six meetings and much evidence produced by the Council to the applicant. The applicant has sought to disguise its lack of progress in a past submission by only providing a high-level update.
25. The Council met with the applicant to discuss the Council's comments on the draft S106 Agreement. It was a broadly productive meeting, with the applicant agreeing to make a number of amendments to be sent to the Council early in w/c 30 October for review by the Council later that

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week; and the Council agreed actions in the same timeframe. Item c in Section 4.6.8 above was clarified by the applicant and will be amended in the redraft version. Notwithstanding, these comments there are a number of outstanding matters that remain not agreed, largely in relation to the Schedules.

26. The applicant has determined that Schedules 2 and 3 are to be removed from the draft S106 Agreement and placed within the SAC-R. This was broadly acceptable to the Council provided Article 61 of the dDCO were amended to make the commitment on these matters (and others) to be absolute and not 'to take reasonable steps' to commit. The applicant agreed to amend Section 61 accordingly.
27. The applicant's proposed programme for achieving an agreed S106 Agreement is already delayed and unlikely to be achieved to the significant detriment of the Council, in the Council's opinion, especially given the more extensive governance procedures of the Council, given its S114 status, in respect of this financial agreement. There are also several detailed, but preliminary, comments on the draft S106 Agreement that remain a concern to the Council.

Section 5 – Environmental Statement Addendum, other ES Document Changes and ExQ1 Environmental Responses

28. The **ES Addendum (v4 and v5)** involves updates relating to accepted change requests, REAC commitments, in response to ExQ1 responses and for requests for information. Whilst many are minor changes there are several significant issues raised and only these are set out below.
29. **Air Quality:** the Council welcomes the provision of further data, but remains concerned that there is no specific commitment to take the necessary actions to resolve the cause of any exceedance of the air quality action level, only that they will be investigated, recorded and parties informed. The Council considers there needs to be a clear commitment to implement the necessary measures at the earliest opportunity to mitigate the impacts. This is because there are more receptors in Thurrock that experience an increase in concentrations, compared to those that experience a decrease, and, that the increases are much larger in magnitude than the decreases.
30. **Noise and Vibration:** the Council requests that the final assessment of Noise Insulation Regulations is undertaken within the first 6 months of Project opening, as per the Regulations (and not within the first year as stated by the applicant).
31. **Road Drainage and the Water Environment:** minor changes have been made to the ES. The Council would like to understand if the commitment to allow for climate change allowances up to the year 2132 has been considered in relation to updates to the flood risk modelling scenarios, as well as the sizing of Compensatory Flood Storage Areas. The Council seeks confirmation that prior to the early opening of the Muckingford Road Junction the associated attenuation measures will be constructed and operational.
32. **Cultural Heritage:** the Council welcomes the inclusion of site 247 as being identified as of the same importance to that of the Scheduled Monument of the cropmark complex at Orsett and will be treated as such in its mitigation.
33. **Climate Change:** the Council considers that the further information provided in the ES Addendum does not include an exploration or cross-referencing to the cost-benefit impact of the delay emissions as they relate to the higher cost of carbon in future scenarios.
34. **Photomontages and Main Construction Compounds Sections:** the changes are minor and the Council has no comments, except that the designation of roads through the A13/A1089/LTC Orsett Cock interchange is not accurately represented and could be misleading.
35. **Hole Farm:** the Council is satisfied that the additional information provided by the applicant has addressed the concerns raised previously regarding the potential for double counting.

36. **Council Comments on ExQ1 Responses on Various Environmental Topics:** there are a number of comments relating to these environmental topic questions, such as:
- a. **Biodiversity** – the Council notes there is a lack of clarity regarding who will be responsible for managing areas of advance planting. Will the LEMP contractors be appointed on a phased arrangement to enable for this to occur – this should be made clear and a commitment added into the oLEMP?
 - b. **Air Quality** – the Council would question the applicant's judgement (no detailed justification has been provided) as to whether the impact of the COVID-19 pandemic and people changing working patterns and significant changes to fleet composition (uptake of EV as well as renewal of fleet and phasing out of older diesel and petrol vehicles) between 2016 and Opening year is significant enough to render an updated base year; indeed, it is difficult to think of more fundamental changes that could have occurred.
 - c. In addition, the Council have outstanding concerns as to the model verification approach and the lack of assessment of significance for impacts that do not cause an exceedance of the AQO (or limit value) which also apply to PM2.5. It should also be noted that the Council have also requested further information on the verification to show where each of the verification zones have been applied and which receptors are in each zone, to better understand the results, to date this has not been provided by the applicant. Finally, the Council have requested, as part of the SoCG discussions, that the baseline monitoring be undertaken for a minimum 6 months, this matter has not been agreed between the Council and the applicant.
 - d. **Noise and Vibration:** the Council would query why high-rise towers to the north of Chadwell St. Mary adjacent to Godman Road have not been assessed? However, on review of the REAC commitments operational noise measurements are not being undertaken. The Council would want representative sound surveys to be undertaken as part of the operational monitoring.
 - e. The applicant has not accepted that noise insulation or temporary re-housing is included in the REAC. The response states that under REAC commitment NV004 an assessment will be undertaken with provision of noise insulation and temporary rehousing examined and concluded. The Council would re-iterate that this specific measure is included in the REAC. Finally, it is disappointing that further information has not been shared by the applicant. The Council therefore cannot confirm that implementation off Best Practicable Means (BPM) will reduce noise levels below the Significant Observed Adverse Effect Level (SOAEL).
 - f. **Climate:** the Carbon Valuation Toolkit assessment does not take into account adverse impacts of LTC on the ability of local authorities, such as the Council to meet their own reduction commitments, as set out in Local Impact Report. It is important to note that the Government has recently delayed the ban on the sales of new petrol and diesel vehicles by five years. It cannot be assumed that this will not affect the carbon reduction trajectories in the TDP, so these forecasts will need to be reviewed if the applicant intends to use them in support of LTC.
 - g. **Social, Economic and Land Use Considerations:** the Council continues to have serious concerns regarding the adequacy of this REAC PH002 commitment in regard to securing an adequate level of provision (both on-site) and an adequate level of mitigation (off-site) regarding worker healthcare and for confirming both the role of the ICP's as a consultee and approver in this process, rather than just being engaged with, and also guarantee financial contribution where this cannot be met onset.
 - h. Regarding worker accommodation, the Council dispute the case put forward by the applicant that those currently using the lower price end of the Thurrock housing market will not be disproportionately affected due to the allowances offered to workers and likely ability of workers to access more expensive properties. This influx of LTC workers is still likely to have an effect on the housing market and affordability, with the added risk of more vulnerable residents needed to be housed out of Borough. There has been no confirmation to date from the applicant regarding agreeing the mitigations put forward.

- i. The Council remains concerned regarding the adequacy of mitigation for the Whitecroft Care Home, given the highly sensitive nature of this receptor and lack of certainty around proposals. In addition, the Council has remaining concerns regarding the adequacy of this provision and would require further commitment to achieve mitigation regarding specific special needs schools.
- j. Additional suggested mitigation regarding ensuring local residents in highly sensitive wards benefit from the scheme, including a specific suggestion around the SEE and a CLG for young people is suggested in a specific table.
- k. Geology and Soils: the Council reiterates that the emergency plans should be sufficiently developed to ensure that the measures can be delivered effectively, for example, by identifying to where the evacuation will be made and the capacity of each lodging. In addition, the Council requested a new REAC commitment to secure baseline condition and regular monitoring of the river frontage (northern bank within the Order Limits) for deterioration caused by the development. This request was taken away for consideration and no further communications have been received from the applicant.

Section 6 – General Arrangement Plans (GA) (v2 and v4), Rights of Way & Access Plans (v2), Engineering Drawings and Sections (v3), Structures Plans (v2) and all Other Transport Plans (v2 and v3)

- 37. **General Arrangement Plans**: the Council notes that there have been changes to the General Arrangement Plans which remove ecological habitat creation in two locations and the removal of a retaining wall in two locations. The Order Limits have been changed on three sheets.
- 38. **Rights of Way and Access Plans**: the changes relate to the changes to Order Limits and the inclusion of a footpath leading to East Tilbury. These changes have no additional effects.
- 39. **Engineering Drawings and Sections (v3), Structure Plans (v3), Streets Subjects to Temporary Restrictions of Use Plans (v3), Classification of Roads Plans (v4), Traffic Regulation Measures Plans (v2 and v3) and Route Alignment and Order Limits (v3)**: the Council notes there have been minor changes and other changes on several drawings, which do not change the design or information and therefore the Council has no comments.

Section 7 – Works Plans (v2 and v5), Temporary Works Plans (v2 and v5), Tunnel Limits of Deviation Plans (v2)

- 40. **Works Plans (v2 and v5), Temporary Works Plans (v2 and v5) and Tunnel Limits of Deviation (v2)**: the Council notes there have been various changes and has no comments and there has been one change to the Limit of Deviation and has no comment.

Section 8 – Works Plans Utilities (v2), Drainage Plans (v2) and ExQ1 Responses

- 41. **Works Plans Utilities (v2)**: the Council notes there have been several changes which do not appear to impact other utilities. The applicant has continued to not address any of the points raised in Section 18.11 of the Council's D3 submission 'Thurrock Council Comments on applicant's Submissions at Deadline 1 and 2 (D1 and D2)' ([REP3-211](#)) and Thurrock Council's Local Impact Report ([REP1-281](#)).
- 42. **Drainage Plans (v2 and v3)**: the Council notes that there have been several changes to the Drainage Plans. The proposed drainage of the North Portal Ramp and North Portal junction catchments has not been updated to reflect discussions during the Issue Specific Hearing 5 (ISH5) on Tunnelling on the 7 September 2023. The information concerning the discharge from pumping station shown in the central reservation at the lower point of the North Portal ramp is

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contradictory. A containment feature is shown near to the pumping station to collect contaminated water at the lower end of the ramp. 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? Are the seepage and washdown flows collected in the tunnel expected to contribute?

43. **Status of Negotiations with Statutory Undertakers (v3):** the Council notes the update to this document. With regards to number 10 in the Status of Negotiations with Statutory Undertakers ([REP4-163](#)) Table 2.1, the applicant has noted that *'it is anticipated that agreement will be reached with Lumen on all other matters during the Examination period'*. Clarification is required as to whether the separate side agreement between the applicant and Lumen Technologies UK Ltd, which has not yet been agreed, will be agreed during or after Examination. Further detail of the timescales of this separate side agreement is also required. The Council wishes to see an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers. In addition, there are a number of detailed concerns regarding the applicant's responses to ExQ1 Q15.3 and Q15.1.4.
44. **Summary of Council's Position on ExQ1 Q10.1.1 and ExQ1 Q10.4.5:** the Council requested the applicant to discuss the requirements for additional survey and address implications to drainage design and monitoring. Whilst a comprehensive study was completed south of the River Thames, there was no equivalent study north of the River Thames. In general, the Council recognise the detailed flood risk modelling has used high resolution LIDAR and sensitivity of the modelling has been checked in terms of impact on flood risk levels. Whilst there is uncertainty of water course connectivity in some areas (West Tilbury Marshes and Coalhouse Point), the Council accept the applicant's response for long term effects of the Project, on the basis that robust modelling has demonstrated residual risk is negligible. For short term effects, the REAC commitments ensure that water flow and quality will be monitored during construction for the West Tilbury Marshes and around the North Portal. The Council request the applicant to signpost that commitments to groundwater monitoring during construction will be included for these areas.

Section 9 – Land Plans (v5 and v6), Crown Land Plans (v5 and v6), Special Category Land Plans (v5) and ExQ1 CA and Land Responses and Statement of Reasons (SoR v6)

45. The Council considers that none of the changes shown in the Land Plans (v5 ([REP4-015](#)) and v6 ([REP5-009](#))), Crown Land Plans (v5 ([REP4-021](#)) and v6 ([REP5-015](#))) and Special Category Land Plans (v5 ([REP4-026](#))) has a material impact on its interests. The Council understands why there is a need for CA in order to secure delivery of the project and does not object to the use of CA for this purpose but continues to question the extent to which a compelling case is made. It remains willing to engage further with the applicant and, to this point, met with the applicant on 5 October 2023.
46. The Council is minded to enter into options to sell plots of land and is currently considering which plots to transact and on what terms. The Council needs to determine which plots it is minded to sell and put in place the administrative procedures to allow the grant of an option to take place.
47. **Ron Evans Memorial Field (REMF):** the applicant has failed to produce evidence to support its contention that the benefits of improved quantity and quality of the POS replacement outweigh(s) the disbenefits of a 5-year delay in re-provision. Insofar as the assessment of the benefits outweighing the disbenefits relies on professional judgement, then the Council wishes to know whose professional judgement is relied on and the extent to which they are suitably qualified to make that assessment, as well as the analysis/evidence to support any such professional judgement.
48. The Council is advised that, as a matter of law, each of the criteria applied in assessing replacement Public Open Space (POS) is to be assessed in its own right, not collectively or in combination.

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49. The Council notes that there is land which is located between the existing REMF and the higher density residential units to the west, and which could have fulfilled the function of replacement POS, contemporaneous with the CA of part of REMF. The current offer by the applicant is not 'no less advantageous', given the 'temporal' delay to re-provision of many years.
50. The Council notes that the majority of the more northerly plot identified as replacement POS is not required for a secondary purpose and considers that this could be provided contemporaneous with or before the acquisition of those elements of the POS being subject to CA. If this commitment is secured under the SAC-R, then Article 61 of the dDCO needs to be disapplied and both access points should be provided or secured.
51. The Council wishes to understand when land identified as being required for TP will be taken temporarily, what for, when it will be returned, etc., in order that it can best manage both its assets and the situation with the local residents. The Council does not seek a binding commitment of this schedule and has requested this information be provided as 'best estimate' and for there to be regular liaison (no less frequently than 3 monthly) between it and the applicant, as the programme is refined with the applicant confirming that demonstrable regard will be had to the Council's comments.
52. The Council wishes to understand how parcels of land which the Council has been advised are to be taken permanently and then returned. A method statement for this has been requested and is awaited.
53. At CAH2 the applicant criticised the Council for not confirming or clarifying that only 6,870 sqm would be subject to temporary possession. This statement is not correct, as there is an area of 6,870sqm that is subject to TP only, further land (identified as Areas B and C) identified for temporary possession of land and permanent acquisition of rights for diversion and modification of utility works. This means that up to 83,900m² of land at Ron Evans Memorial Field might be subject to TP at the same time.
54. The Council notes the absence of any non-statutory relief schemes, either to assist those not directly impacted but who are affected and those who will suffer construction related issues. The Council considers that the ExA should require the applicant to adopt the Council's recommended non-statutory relief schemes.
55. The applicant wishes to acquire the freehold of plot 29-02 to dedicate it for a Public Right of Way. The Council is willing to undertake to dedicate this land as a PROW. There is no requirement to compulsorily acquire this plot.
56. The Council wishes to be provided with such further information as is required to understand the proposed further mitigation works that are proposed to benefit the residents of Whitecroft Care Home.

Section 10 – Council Comments on NH Post Event Submissions

57. **ISH3 Item 4 (a) (i):** the Council notes that the applicant does not in fact respond to a query from the ExA on why at the Orsett Cock junction it was necessary to keep the direct connection northbound, but the southbound was designed as an indirect connection using Orsett Cock. The Council has submitted analysis in Appendix B of its Local Impact Report ([REP1-281](#)) to show how including the Tilbury Link Road would enable different junction options to be provided, which would provide a range of benefits, including greatly reduced land take. In addition, the Council requests further information is provided including route paths for cyclists, u-turning vehicles and vehicles travelling from DP World to M1 (and vice versa).
58. **ISH3 Item 4 (a) (ii):** the Council considers the needs of pedestrian and cyclists have not been considered in sufficient detail as part of the evolution of the design for the junction and further information should be provided.

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59. **ISH3 Item 4 (a) (iii):** access to the Port of Tilbury will be affected by construction of LTC and the applicant has not responded to the Council's request to provide evidence to demonstrate the future proofing of the operations and emergency access to the Port.
60. **ISH3 Item 4 (b) (i):** the Council notes that the applicant response does not consider the benefits of providing the Tilbury Link Road in terms of reducing considerably the land take requirements at the A13/A1089/LTC junction.
61. **ISH3 Item 4 (c) (i):** the Council notes that the applicant's response concerning the consideration of active travel and public transport does not provide a design methodology nor provide a narrative for the development of the design. The Council considers that a summary document should be provided by the applicant to explain how the design caters for the needs of all users. Finally, it is not appropriate to call the wider benefits 'significant' and as described in the Council's evidence at ISH4, the Council considers that the economic appraisal provided by the applicant has not included a wide range of economic costs, which will reduce the benefits stated by the applicant, possibly to a level where benefits are less than costs. This is very important given that Thurrock contains several deprived areas and the net economic impact of LTC is unclear.
62. **ISH3 Item 5 (a) (i):** the Council continues to request that the applicant provide the Stage 1 Safety Audit brief and safety audit with the designer's response for the A13/A1089/LTC and M25/LTC junctions.
63. **ISH3 Post Hearing Submission:** the Council's requested information on impacts of LTC on public transport users has not been provided. Also, there is an inconsistency between the weaving length for the A13 eastbound off slip in the VISSIM model for the A13/A1089/LTC junction and the proposed outline design that may not be achievable within the Order Limits/Limits of Deviation. Finally, the Council has always sought for Tilbury Viaduct to be an 'Project Enhanced Structure' and as was raised at ISH6 that there were opportunities to further enhance the landscape provision within the existing Order Limits in this area, which would further mitigate the appearance of the structure.
64. The applicant has restricted access to LTAM to a Thurrock cordon model and therefore the journey time analysis prepared by the Council was based on the cordon model. The applicant has not provided any counter evidence based on the full LTAM and therefore the only evidence before the Examination is that provided by the Council. This shows that journeys to/from the Port of Tilbury within the Thurrock cordon model boundary would be quicker via LTC and Orsett Cock than the M25.
65. **ISH4 Item 3 (a) (i):** the Council has ongoing concerns with the modelling of the A13/A1089/LTC junction and significant lack of convergence between the LTAM and VISSIM models and the Council considers that such convergence should have been resolved by the applicant well before the Examination.
66. **ISH4 Item 3 (a) (ii):** the Council provides further comments on the approach to the modelling of the A13/A1089/LTC junction and lack of convergence between the LTAM and VISSIM models. The Council is in a position that at Deadline 6 there is still not a complete set of agreed forecast VISSIM models for the identified local junctions. Clearly, the 'national level factors', i.e. forecast traffic growth assumptions, in LTAM have been applied to VISSIM. Therefore, both types of models meet the criteria of the NPSNN.
67. The Council has reviewed the applicant's comment on the submission made by Professor Phil Goodwin at ISH4 and undertaken further analysis related to traffic forecasting and uncertainty. In summary, this revised analysis shows that consideration of high and low growth cases clearly shows that under low growth the scheme does not deliver sufficient benefits to outweigh the costs. Under high growth, it delivers economic benefits as conventionally calculated, but it does not reduce congestion except for an initial period, and on key parts of the network not even then. There does not seem to be a 'sweet spot' assumption of traffic growth that delivers both acceptable benefit cost ratios and acceptable sustained reductions in congestion.

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68. The Council also provides further evidence that the treatment of LGVs and HGVS has not been appropriate and the Council provides further detailed evidence on this issue.
69. The LTAM is based on 2016 data, i.e. data that is seven years old and the LTC assessment takes no account of current travel patterns. The LTAM is therefore in the Council's view, not a suitable basis for the assessment of a scheme of this scale, cost and national significance. If the applicant is stating that there has been no change in traffic patterns and traffic levels between 2016 and 2023, (i.e. if they were to create a base model for LTAM for 2023 it would be the same as the 2016 model), then this would mean that 7 of the 14 years (i.e. 50%) of traffic growth that they have forecast using TEMPro 7.2 have not materialised.
70. There are also concerns regarding the localised modelling provided by the applicant for the Five Bells Junction - it does not include the A13 westbound merge at Five Bells junction, which according to LTAM forecasts, will result in significant congestion and traffic re-routing through communities of Corringham and Stanford-le-Hope; and, the Council has not received operational period localised modelling for this location that covers forecast impacts at the westbound merge from A176 onto A13.
71. The Council and IPs are of a very different opinion to the applicant on the need for the applicant to mitigate the impacts of LTC. Contrary to the applicant, the Council interprets the policies within NPSNN to require the applicant to mitigate assessed impacts. The Council understands the need for a judgement of proportionality and reasonableness in mitigation, but that does not obviate the applicant from its responsibilities. A number of references are made by the applicant to future Road Investment Strategy (RIS) funds to resolve residual impacts. Those funds are not suited to resolve impacts in the local communities and so are not relevant to the consideration of the wider network impacts.
72. Regarding construction management, the Council notes the scale and complexity of the LTC project and the added governance and rigour that is needed to deliver successfully. That is not reflected in the current construction Control documents or the control mechanism framework and must be provided to guide and lead the contractors when they develop the detailed proposals. This has been expressed many times by the Council as the primary host authority and many other IPs. The applicant is gradually enhancing that framework, but has not yet reached a satisfactory position.
73. **ISH5:** the Council remains of the opinion that more could be done by the applicant to specify materials, plant and equipment that should be moved by marine and/or rail transportation to minimise in an appropriate manner the effects on the road network and local communities of those items otherwise being moved by road.
74. **ISH6 and ISH7:** issues from these Hearings are covered elsewhere and for ISH6 it is covered in the Council's Post Event Written Submissions for ISH9. Regarding ISH7 - the Council wishes to restate its concerns regarding the use of phrases, such as 'substantially in accordance with', 'reflecting', 'specific outline documents' and 'based on' specific documents. These words and phrases do not provide sufficient certainty. The documents referred to are statements of broad principles and not being required to act in accordance with them provides an unacceptable amount of flexibility to the applicant. The Council requests that these references are replaced with 'in accordance with'
75. **CAH1 and CAH2:** the Council has expressed its concerns about the lack of progress on agreeing any acquisition despite several years of discussions. In addition, the Council is very concerned about the impacts of the scheme on both its operations and assets and the residents of the Borough and notes that the applicant is not offering any non-statutory relief schemes for those who suffer significant adverse implications from implementation of the scheme preferring to rely on statutory provisions. There is no explanation as to why the applicant could not recognise the shortcomings of the statutory provisions and commit to a full business case and justification for greater provisions than at present.

Section 11 – ExQ1 Responses – Traffic and Transportation (REP4-189 and REP5-077 (Topic 4))

76. **ExQ1 Responses:** the Council has provided detailed comments on the applicant's ExQ1 responses. A range of important issues remain including the following:
- a. Further analysis showing that LTC does not meet its objective of providing free-flowing traffic at Dartford Crossing;
 - b. Ongoing concerns for the assessment of baseline traffic;
 - c. The incorporation of the effects of COVID with further evidence provided relating to the recent decision to cancel HS2, noting the similarities between HS2 and LTC in terms of the ongoing reduction of BCRs for both schemes during their development;
 - d. Further analysis concerning the approach to forecasting and uncertainty with a request that a full scheme appraisal is published for all of the additional modelling completed;
 - e. Further evidence that the applicant has not incorporate growth in LGVs and HGVs appropriately;
 - f. Further discussions around the approach to modelling of the local highway network and the lack of appropriate mitigation for forecast impacts. The Council requests that additional information is provided, particularly considering that the model falls short of the DfT's TAG validation criteria and guidelines;
 - g. Concerns with the weakness and flaws within the Wider Network Impacts Monitoring and Management Plan (WNIMMP);
 - h. Concerns that the modelled effects of the Thames Freeport have not been properly considered. Furthermore, the emerging Local Plan growth locations in Thurrock (once confirmed next year) have not been included; and, included in any tests so far presented by the applicant and LTC is likely to reduce the available capacity of the local road network to accommodate the emerging Local Plan. The Council therefore considers that the modelling is inconsistent with guidance associated with assessing uncertainty;
 - i. Concerns with the approach to mitigation for impacts on public transport services and travel to school trips; and, the Council considers that the approach proposed by the applicant is not 'reasonable' given that no mitigation for network congestion and delay impacts on the Local Road Network is proposed;
 - j. Further comments on assessment of routes through the local highway network and access arrangements to LTC for public transport services. The applicant states that it does not propose segregated public transport access at locations proximate to the tunnel portals, especially in using the emergency access routes. The Council continues to consider that not providing this type of segregated access is a wasted opportunity to improve cross-river public transport services;
 - k. Regarding diversion routes, the applicant responds by indicating that it does not intend to use diversion routes and it certainly has not agreed any routing with local authorities. A stated objective of LTC is to provide resilience in the network, yet the applicant has put very little emphasis in its response on the availability of LTC to act as resilience during incidents;
 - l. Concerns with the arrangements for walking, cycling and horse-riding (WCH), in particular a lack of a coordinated plan of all WCH closures and diversions and time periods over the 11 construction phases;

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- m. Concerns with the arrangements for excavated materials and during construction, in particular an absence of coordinating control between various main contractors and the lack of commitment of the applicant to optimising the use of non-road transportation; minimising the vehicle miles and climate impacts from the movement of plant, equipment and materials and minimising safety risks; and
 - n. The oTMPfC includes very few actual commitments to resolve effects during the construction period. It sets out the traffic management measures to be adopted around the on-road works and it indicates the routes to be used to access the works compounds. Considerations for the contractor to reflect in their TMP are indicated, but there are no direct proposals to address impacts on communities during the construction period, e.g. how to ensure bus services continue to serve the communities or what measures would be put in place to ensure that traffic does not reassign to inappropriate roads during construction; and,
 - o. Further information provided on the approach to the reporting of casualties and it is important to understand how the accident impacts could vary with different growth scenarios, especially within Thurrock itself, as NTEMv8 suggests lower overall traffic growth.
77. **Joint Position Paper – Orsett Cock Junction:** the applicant has issued two sets of VISSIM models since ISH4 and these are currently being reviewed by the Council. Initial comments include: the VISSIM and LTAM models continue to show conflicting results in terms of queues and delays and there is a lack of convergence between the models. The applicant has adjusted the 'without LTC' VISSIM model and made assumptions concerning the operation of the junction which the Council considers are unrealistic. The Council will provide further detailed comments at Deadline 6a.
78. **Response to SoCG between NH and TfL:** the Council supports TfL's proposal to include Direct Vision Standard 3 Star rating for all HGVs operating on the LTC project irrespective of whether that vehicle has to enter Greater London or not. The Council notes and agrees with the TfL's concerns that public transport would not be facilitated by the creation of LTC.

Section 12 – Policy Assessment Against Draft NPS (REP4-209)

79. The Council's response is set out in full in Appendix B, although the Council has not sought to review non-road national networks or the more general policies outlined in the draft NPSNN and has also not included areas of policy not applicable to this DCO application, such as coastal change, civil aviation, etc. In summary, the Council considers that on balance there are a number of topics where the applicant is not in accordance with the emerging Draft National Policy Statement for National Networks (draft NPSNN).
80. **National Networks in a Greener World, Climate Change Adaptation and Greenhouse Gas Emissions:** Regarding National Networks in a Greener World, it is considered that the applicant has not given any consideration to using design to provide mitigation or nature-based solutions to allay identified adverse social and environmental effects, as set out in the Council's overall response to Deadline 4 and 5 ([REP4-354](#) and [REP5-112](#)). The Council considers that the applicant has not given any consideration to using design to provide mitigation or nature-based solutions to allay identified adverse social and environmental effects. The applicant's response summarises measures taken in construction and design to minimise emissions, but these have not been designed into the application or tested within the ES.
81. The Council has determined that the applicant has not provided adequate responses or undertaken the necessary work to satisfy paragraphs 2.16, 2.17, 2.19, 2.20 and 2.24 of the draft NPSNN and these are detailed in Section 12 and more fully in Appendix B.
82. Regarding Climate Change Adaptation, the Council has not raised any objections concerning adaptation, so it has no further comments to make on these sections.

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83. Regarding Greenhouse Gas Emissions, the applicant's response reiterates the conclusion of the ES that the GHG impacts of the project do not have a material impact on the ability of the government to meet its carbon reduction targets. The Council contends that that the ES does not assess the secondary impacts of LTC impeding the ability of the Council meet their obligations to national decarbonisation plans and therefore Government's ability to reach net zero. Furthermore, in response to paragraph 3.40, the Council do not consider that the scheme will deliver significant benefits and improvements in terms of alleviating congestion and emissions at the Dartford Crossing.
84. The Council has determined that the applicant has not provided adequate responses or undertaken the necessary work to satisfy paragraphs 5.29 – 5.36 of the draft NPSNN and these are detailed in Section 12 and more fully in Appendix B.
85. **National Networks (Statement of Need)**: the draft NPSNN recognises within Sections 3.1 to 3.47 a need to increase capacity within the national strategic network, but the policy basis has long moved away from a predicting for roads for car travel basis to one of a much greater visioning balance across modes with a strong emphasis on facilitating movements by active travel and public transport to assist with a net carbon positive environment and to facilitate local and regional growth. This change in balance is most strongly represented at paragraphs 3.31 and 3.42 of the draft NPSNN.
86. The applicant makes many unsubstantiated promises about the benefits of its project, which are not evidenced through the designs or the appraisals. It delays many commitments until the development of the project detailed design and does not provide assurance to the Council and other stakeholders that the scheme is a visionary strategic project that will deliver on its stated objectives or provide modern environmentally sound connectivity to Thurrock or the surrounding sub-region. It does not comply with the draft NPSNN policy framework for the 'Need for the Development of National Networks'.
87. **Alternatives**: the Council continues to consider that the applicant has not met the requirements of either the extant NPSNN or the draft NPSNN in terms of considering alternative scheme options. This is because the applicant has not completed a robust and rigorous assessment of alternatives to the LTC scheme, especially key main elements, as required by paragraph 4.17 of the draft NPSNN.
88. In addition, the Council has responded to a number of ExQ1 questions, notably Q3.1.1, Q3.2.1 and Q3.2.2, that set out its concerns on alternatives in more detail.
89. **Biodiversity Net Gain**: the draft NPSNN has been updated to include a Biodiversity Net Gain (BNG) section, which reflects the requirements of the Environment Act, 2021. The new section is clear that proposals should use the most appropriate version of the Department of Environment, Food and Rural Affairs (Defra) biodiversity metric. LTC is using the Defra Metric 3.1 BNG calculation. It is noted that Document 9.86 Post-event submissions including written submission of oral comments for ISH6 ([REP4-182](#)) confirms that the applicant will be liaising with Natural England to consider how this can be achieved, as it will not require additional site surveys. However, it was agreed that the applicant would consider whether it would be appropriate to rerun the BNG calculation using Version 4.0. Currently though, it is accepted that any developer would continue to use the Defra metric current at the time of their original BNG calculations due to the frequency of changes.
90. **Criteria for Good Design for National Network Infrastructure and Safety**: the Council does not consider that the applicant has demonstrated that design has been an integral consideration from the start and LTC does not meet the requirements of draft NPSNN paragraph 4.24. It is considered that LTC will result in a severance of Thurrock's communities, as the route would split the Borough into two separate areas. This is clearly not in accordance with the policy within the draft NPSNN.

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91. Draft NPSNN paragraph 4.28 requires applicants to demonstrate how the design process was conducted with effective engagement with communities and stakeholders and how the proposed design evolved to maximise design outcomes. The Council do not agree with the applicant that there has been effective engagement with communities and stakeholders or clear articulation of how the scheme has evolved following consultation. It is considered that the evidence provided by the applicant does not give reassurance that the appropriate levels of consultation have been undertaken.
92. The draft NPSNN text in paragraph 4.55 is clear that highways developments should provide an opportunity to make significant safety improvements and significant incident reduction benefits when they are well designed. However, the Council considers that the design of LTC will impact on both capacity and safety of the local road network in Thurrock. The Council is particularly concerned by the forecast increase in eight fatalities and 35 seriously injured casualties in Thurrock due to increases in traffic flows following the opening of LTC (taken from Table 4 [REP2-062](#)). LTC will result in significant increases of traffic on local roads, which will impact communities, businesses and sensitive receptors particularly educational and care facilities. Accordingly, LTC is not in accordance with draft NPSNN paragraph 4.55.
93. **Health and Accessibility:** paragraph 4.70 of the draft NPSNN has been updated to include the potential effects on opportunities for wheeling, i.e. those who use mobility scooters and wheelchairs, of the national road and rail networks and strategic rail freight interchanges is identified as part of the consideration of good design.
94. There remain outstanding issues with the assessment of human health and impacts on vulnerable populations. This is related to the application of significance requirements within the HEqIA ([REP3-118](#)) based on industry guidance, however, there is no transparency on how criteria to reach difference significance levels have been applied or thresholds or rationale for considering an equalities effect to be differential or disproportionate. These have been raised consistently in the Council's LIR ([REP1-281](#)) in Section 10.13 and in its latest SoCG that will be submitted at D6. Therefore, it is unclear if health has been adequately considered and mitigated against within the scheme.
95. It is also disputed by the Council, that the adverse impacts that would occur that have been identified during construction within the ES Chapter regarding noise and severance, including impacts on open space should be considered as 'temporary' (and therefore less significant) and therefore can be compensated through operational enhancements only. This is because when considering health impacts changes to access to environmental impacts on health (such as noise) and access to wider determinants of health (such as physical activity) over the length of construction period that the LTC is proposing can have significant long-term health impacts on more vulnerable groups (such as children).
96. **Air Quality and Emissions (including Dust, Smoke and Steam):** Paragraph 5.14 expands on paragraph 5.15 of the draft NPSNN and details mitigation measures that could be included in the design of the scheme. Paragraph 5.15 of the draft NPSNN also highlights that there is a need to consider whether air quality mitigation measures are needed. No evidence has been presented within the ES Chapter 5: Air Quality ([APP-143](#)) to demonstrate that the efficacy and practicability of options to mitigate the air quality impacts of operational traffic have been considered through the design process of the Scheme and the Council consider that such mitigation, such as speed limits or additional physical barriers to protect the most impacted and vulnerable receptors, need to be secured through the DCO.
97. The applicant's response to paragraph 5.19 of the draft NPSNN relies on the framework set by the DMRB and only focusses on exceedances of the NAQOs to determine whether mitigation measures are appropriate. Given the impacts and deterioration in air quality predicted for numerous residential properties in Thurrock, the Council consider that appropriate mitigation measures should be investigated by the applicant through the design process of the scheme.

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98. As stated for paragraph 5.14 of the draft NPSNN, no evidence has been presented to demonstrate that the efficacy and practicability of options to mitigate the air quality impacts of operational traffic have been considered through the design process of the Scheme and the Council consider that such mitigation (such as speed limits or additional physical barriers to protect the most impacted and vulnerable receptors) need to be secured through the DCO.
99. **Biodiversity and Nature Conversation:** The changes in wording and addition of new paragraphs, such as paragraphs 5.38 – 5.64, relate to changing legislation and government policy. These include policies irreplaceable habitats, particularly ancient woodland, Local Nature Recovery Strategies and working to ensure habitat connectivity and enhancement. It is considered that LTC has been working in accordance with these policies, although there are instances where the applicant has sought to removal of ancient woodland (at Rainbow Shaw) in preference to moving overhead pylons; or removing 'Long Established Woodland' rather than moving the LTC alignment slight to affect contaminated land.
100. The Council notes there is no discussion in the ES concerning whether there are opportunities for enhancement as required by paragraphs 5.38 to 5.64 of the draft NPSNN.
101. **Resource and Waste Management:** this is considered in draft NPSNN paragraphs 5.66 to 5.74. The updated drafting changes the focus of the requirements from ensuring waste is managed safely to bring a greater consideration on the circular economy principles of sustainable resource management and consumption. This requires a greater level of consideration of the sources of materials, their environmental impacts and the mitigation of these. Complying with the requirements as set out would appear to require a document of greater detail and depth than the current oSWMP and oMHP, more closely aligning to a Circular Economy Statement as required by the GLA for notifiable developments.
102. The requirements of paragraph 5.67 would entail a greater level of commitment to reduction, reuse and recycling targets and sustainable consumption, which the Council has been suggesting could be addressed through amendments to REAC commitments MW007 and MW013, as set out in the Council's responses to ExQ2.
103. **Flood Risk:** paragraph 5.124 states that the vulnerability of those using the infrastructure including arrangements for safe access and escape should be considered, an assessment should be undertaken of residual risk after risk reduction measures have been taken into account and consideration should be given if there is a need to remain operational during a worst case flood event over the development's lifetime. There is no evidence that emergency and contingency measures have been considered to deal with residual flood risk at the tunnel and north portal ramp, which is in conflict with the draft NPSNN in paragraph 5.124.
104. **Land Contamination and Instability:** paragraph 5.147 in the introduction adds text regarding consideration of contamination from previous land uses. In the section 'Applicant's Assessment', the draft NPSNN directs that the applicant should ensure and demonstrate that they have considered the risk posed by land contamination and stability, through engagement in pre-application discussions (including the Local Authority) and how it is proposed to address these (risks). The draft NPSNN does not have additional text under mitigation relating to contamination, but it does cover land instability. It is considered that LTC has been working broadly in accordance with these changes, except that the Council's concerns about instability along the coastal area west of Coalhouse Fort have not been addressed adequately.
105. **Landscape and Visual Impacts:** paragraphs 5.152 – 5.170 of the draft NPSNN relate to Landscape and Visual Impacts. The changes to the Landscape and Visual Impacts paragraphs have made more explicit elements that normally form part of an LVIA, such as minimising the scale of a development, impacts during construction and operation and wider effects such as from light pollution. The changes to paragraphs relating to designated landscapes are not relevant to Thurrock.

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106. **Land Use including Open Space, Green Infrastructure and Green Belt:** the Council consider that LTC is not in accordance with the extant or the draft NPSNN. As stated previously throughout the Examination, the applicant has not submitted a standalone Green Belt Assessment Study for LTC that sets out a clear, comprehensive and robust methodology and assessment of the Green Belt, against the fundamental aim and the purposes of the Green Belt. On balance, the Council consider that the applicant has not undertaken a robust Green Belt assessment to evidence the level of harm to the Green Belt and therefore do not have the information available to demonstrate 'very special circumstances' and in turn meet the draft policy requirements.
107. **Historic Environment:** within paragraph 5.203 an additional sentence has been added which states '*The applicant should undertake an assessment of any significant heritage impact of the proposed project.*' This would have been useful at the start of the project, when the Council were attempting to get all aspects of the historic environment appropriately assessed. This has now largely been achieved.
108. Within paragraph 5.204 an additional paragraph has been added with emphasises that the discovery of heritage assets has the potential to have a significant delay on scheme development and applicants should ensure that protection of the historic environment is considered early in the development process. In areas, such as trial trenching, LTC have achieved this, although in other areas, such as assessment of the geo archaeological deposits they have been less successful.
109. **Noise and Vibration:** paragraph 5.222 also requests '*an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas, including identifying whether any particular groups are more likely to be affected.*' The changes within the draft NSPNN include identifying any particular groups that are more likely to be affected. The response to this paragraph by the applicant has not acknowledged how the assessment has considered particular groups and if the assessment criteria have acknowledged groups more likely to be affected.
110. **Socio-Economic Impacts:** the draft NPSNN in paragraph 5.234 sets out that the construction and operation of nationally significant infrastructure projects may have short or longer term economic and social impacts on local communities, businesses or services. Applicants should look to maximise local employment opportunities during construction and operational phases.
111. The Council consider that the applicant has not adequately demonstrated the benefits of the scheme. The Council area contains several deprived areas and the net economic impact of LTC is unclear, as was set out in the Council's evidence at ISH4.
112. **Water Quality and Resources:** paragraph 2.248 is a new paragraph and states that consideration should be given to protective measures to control the risk of pollution to groundwater beyond those outlined in Environmental Management Plans. It is considered that the applicant should provide specific measures that will control the risk of pollution to groundwater during both construction and operational phases. Currently, too much reliance is diverted to the contractor responsibilities.
113. The water management and pollution containment features required during construction will need significant land take, including management of surface water, waste storage areas, dewatering water and associated treatment facilities. The response does not provide evidence that these requirements may be reasonably be accommodated within the construction works compound or wider Order Limits. Furthermore, evidence should point to any specific requirements for impermeable barriers or containment measures for un-treated water, to prevent seepage to ground during construction.
114. The Council has determined that the applicant has not provided adequate responses or undertaken the necessary work to satisfy paragraphs 2.254, 2.255 and 2.259 of the draft NPSNN and these are detailed in Section 12 and more fully in Appendix B.

115. **Impacts on Transport Networks:** the Council continues to consider that the applicant has not met the requirements of the extant NPSNN or draft NPSNN in terms of providing proportionate and reasonable mitigation measures for LTC. The Council continues to have significant concerns about the impact of LTC at the Orsett Cock junction and considers that additional design changes are likely to be required to mitigate the queues and delays predicted by the VISSIM model of the scheme. This together with the lack of congestion relief at Dartford Crossing means that the requirements of paragraphs 5.272 – 5.274 have not been met. Also, the applicant has not provided adequate facilities for active travel being limited and the design of LTC provides poor facilities for public transport and the use of cleaner fuels, e.g. electric vehicles.

Section 13 – Council Responses to Applicant's Comments on IP Submissions at Deadline 3 (REP5-088 Section 2.4, Council LIR Appendices C, E and H and Section 3.1 (Council D3 Submission))

116. **Applicant's Comments on LIR Appendix C: Local Impacts and Impacts of Traffic on Local Communities:** this is covered by comments made in Section 11. The Council considers that the approach to construction modelling and local impacts during Construction Phase continue to be inadequately addressed. The Council considers that these local impacts need to be mitigated and for mitigation to be secured.

117. **Air Quality:** the Council notes that the figure provided by the applicant in Table 3.2 cannot be used because the same colours are used for two different zones. Despite this, the Council's initial view is that this demonstrates significant underpredictions of NO₂ concentrations at some locations within Thurrock.

118. There are a greater number of receptors in Thurrock that experience an increase in concentrations compared to those that experience a decrease and that this deterioration in air quality within Thurrock, particularly where there are substantial changes, should be considered as part of the EIA process, but is limited by the DMRB LA105 methodology, which fails to consider the effect of substantial increases in pollutant concentrations at levels below the legal thresholds. Given the impacts and deterioration in air quality predicted for numerous residential properties within Thurrock, the Council considers that appropriate mitigation measures should have been investigated by the applicant through the design process of the Scheme.

119. **Geology and Soils:** the Council continues to await the applicant's view on the need for a new baseline survey of the river frontage given the last survey was in 2017, it was suggested that a new REAC requiring a baseline survey and regular monitoring of the river frontage was necessary in addition to GS003. The applicant took this away for consideration, but the Council has not seen the outcome of that deliberation. In addition, the Council reiterates its request that there is a baseline survey and regular monitoring of the river foreshore at Goshems Farm.

120. **Excavated and Construction Material:** the applicant's reference to REAC commitment MW009 does not represent a commitment to manufacture tunnel segments or any other tunnel materials within the North Portal. REAC commitment MW009 states that the tunnelling operation will be 'serviced' from the North Portal. The applicant should commit that the segments will be manufactured within the North Portal. Also, the applicant does not commit to the volumes of material that are to be transported to or from the compounds. Committing to the estimated values as provided within the evidence and providing an estimated profile would allow better measurement and monitoring of activities.

121. **Construction Method and Transport:** the Council and the Port of Tilbury London Limited have strongly rebutted the applicant's localised modelling of the effects of the construction period on the Asda Roundabout. A joint alternative model is being presented by the parties, which can be used to better assess the likely effects on the operation of the Asda Roundabout.

122. **Worker Operation:** the applicant has now shown that its strategic modelling does not assign worker traffic through the Asda Roundabout and so has underestimated the effects on that

junction of access to the North Tunnel Portal compound. A revised assessment of the worker effects on the junction will be carried out.

Section 14 – Mitigation Route Map (REP4-203)

123. The Council considers it notable that this is the first draft Mitigation Route Map provided by the applicant and it only includes a summary of the commitments within the Control documents and the REAC commitments. It does not provide a comprehensive audit of all commitments and measures that have been discussed with IPs
124. There are, in the Council's view a number of significant missing elements to the Mitigation Route Map, which can be summarised, as follows:
- a. The additional controls and mitigation measures already included in the ES should be part of this MRM, as was the case with the Thames Tideway version, which is considered industry best practice.
 - b. Other legal agreement commitments.
 - c. There are many 'Certified Documents' as listed in Schedule 16, which is welcomed. However, there are a number of these documents and plans that are either not secured or have very loose wording that weakens the commitment, and these are set out in Section 3 above in Table 3.1.
125. In addition, there are certain Control documents where the 'commitment' is only to 'take reasonable steps', such as the SAC-R and its securing Article 61 of the dDCO and in such cases this is not an absolute commitment and should not be relied on as true mitigation. There may be others.
126. The Council therefore invites the ExA to consider these comments and consider if a more comprehensive document is required by Deadline 7 or 8.

1 Introduction

- 1.1.1 This D6 submission seeks to respond to all of the applicant's Deadline 4 (D4) and Deadline 5 (D5) submission documents that were uploaded to the PINS website on 22 September and 5 October 2023 respectively, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission. Further details of the relevant sections are set out below.
- 1.1.2 The Council would like to note that in many instances within the applicant's documents covered by this submission, there is no further analysis, evidence, documentation or response that addresses the Council's points made in its submissions.
- 1.1.3 The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'robust, reasonable and proportionate', without actually being so.
- 1.1.4 The Council contends that this is not reasonable, particularly if a major stakeholder is making substantive technical points, then it is incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.

1.2 Context

- 1.2.1 There were a total of 412 submissions at D4 and 131 submissions at D5 and of those totals the applicant made 282 submissions of which 124 were in track changes at D4 and 97 submissions of which 40 were in track changes or needed review at D5. The Council has already responded to 10 applicant documents submitted at D4 within its D5 submission. All remaining documents (103 from D4 and 40 from D5) have been assessed within this submission, to determine if the Council needed to comment.

1.3 Structure of this Submission

- 1.3.1 This document provides comments on the relevant and necessary submitted documents, as set out below.
- a. Control Document Changes
 - b. Draft Development Consent Order Matters
 - c. Responses to the Applicant's D5 Submissions
 - d. Environmental Statement Addendum (v4 and v5) and other ES documents
 - e. General Arrangement, Rights of Way and Access, Engineering, Structures and all other Transport Plans
 - f. Various Work Plans and Works Plans Utilities
 - g. Land, Crown Land and Special Category Land Plans, ExQ1 CA Responses and Statement of Reasons (SoR)
 - h. Council Comments on NH Post Event Submissions
 - i. ExQ1 Responses on Traffic and Transportation
 - j. Policy Assessment against Draft NPSNN

- k. Council Responses to Applicant's Comments on IP Submissions at D3
- l. Mitigation Route Map

1.4 SoCG Update Progress

1.4.1 Since the submission of the joint SoCG with the applicant at D3 ([REP3-093](#)) the Council has been working with the applicant to update the SoCG for submission at D6. The applicant will make that submission, but it is notable that whilst many SoCG items have been updated in descriptions and status, there still remains 242 issues that are either a 'Matter Not Agreed' or a 'Matter Under Discussion' (but with little prospect of progression). The current number of SoCG issues in the D6 joint version are, as follows:

- a. Overall matters: 314 items;
- b. 'Matters Agreed': 72 items;
- c. 'Matters Under Discussion': 49 items; and,
- d. 'Matters Not Agreed': 193 items.

1.4.2 In the Council's view very little substantive progress has been made, except but minor changes to wording in control documents. The applicant has declined to change its approach preferring instead for these many issues to be resolved by the ExA through the Examination process – clearly in contravention of the basic purpose of the Examination process. Clearly, to have so many issues for one local authority as 'Matter Not Agreed', at this very late stage in the Examination process, in very unusual and in the Council's view places an unnecessary burden on the ExA to resolve these issues, instead of the applicant.

1.5 Commentary

1.5.1 The Council would like to note that in many instances within the applicant's documents covered by this submission, there is no further analysis, evidence, documentation or response that addresses the Council's points made in its previous submissions in its Local Impact Report (REP1-281) and its Appendices, its D3 Submission ([REP3-206](#) – [REP3-212](#)) and its Appendices, its D4 Submission ([REP4-352](#), [REP4-353](#) and [REP4-354](#)) and its Appendices and its D5 Submission ([REP5-112](#)) and its Appendices.

1.5.2 The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'robust, reasonable and proportionate', without actually being so.

1.5.3 The Council contends that this is not reasonable, particularly if a major stakeholder is making substantive technical points, then it is incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.

2 Control Document Changes (at D4 and D5)

2.1 Introduction

2.1.1 This section covers the Council's comments made to the applicant's 11 updated Control documents for the scheme within its D4 and D5 submission, as set out below. The relevant applicant submission documents are annotated in each sub heading title for ease of reference.

2.2 Outline Traffic Management Plan for Construction (oTMPfC) (v4 and v5) (REP4-161 and REP5-057)

2.2.1 Minor editing and formatting updates are shown in the oTMPfC version 4 ([REP4-161](#)) and therefore there are no further substantive comments from the Council regarding the updated applicant's submission on that version. Further adjustments have been made at Deadline 5 to the oTMPfC ([REP5-057](#)), which include in Appendix E, the addition of the Terms of Reference for the Traffic Management Forum.

2.2.2 The applicant has added point 'f' at paragraph 2.4.21 relating to data collection and review of the Baseline Commitment, i.e. monitoring of the movement of bulk aggregates to the North Portal worksite by river. This topic is part of a larger discussion on the absence of stronger commitments by the applicant to move material, plant and equipment by non-road transportation. Whilst the addition of monitoring of the method of transportation is welcomed, the entry at point 'f' must be much broader and monitor compliance with the more stretching initiatives of the use of non-road transportation. Until the applicant has committed to improve its commitments to minimise the movement of plant, equipment and material by non-road transportation, the detail of this data collection process cannot be finalised and agreed. At an absolute minimum the oTMPfC must also include mechanisms to gather and analyse data on the movement of materials across all compounds; and, assess that data against the forecasts that will be provided within the Construction Logistics Planning (CLP) and reporting on compliance with the commitments to marine, rail and road transportation by type of activity. That monitoring process can employ the data gathered using the 'gateline' checking systems, such as the Vehicle and Vessel Booking Management Systems.

2.2.3 The Council trusts that the applicant will reflect on the detailed response provided by the Council at Deadline 4 to the ExA's Q1 4.6.6 ([REP4-353](#)), which sets out the Council's view on the weaknesses within the suite of transport Control Documents, including the oTMPfC.

2.2.4 The Traffic Management Forum (TMF) Terms of Reference (ToR) are a welcomed addition to the oTMPfC, responding to requests from the Council to define better the format and governance of the TMF/TMFs. The following are summary comments on the TMF ToR:

- a. Representation on disputed items at the JOF (paragraph E6.7) is welcomed and essential to provide a fairer appraisal of the issue. The ToR do not set out how and when unresolved matters are escalated from the JOF to the SoS. The dispute resolution process at E6.10 is shown as stopping at the JOF. Unresolved issues could require escalation to the SoS. Plate 3.3 shows process for normal consents documents and does not identify day-to-day issues and disputes.
- b. The voting rights of members of the TMF are not specified, such that currently it is assumed that the Traffic Manager (TM) will solely determine whether or not an issue is escalated through to the JOF. The applicant's TM cannot 'arbitrate', as it is not a neutral position. The decision making process should have a clear democratic and even handed process of decision making.
- c. There is no consideration of dispute ownership and resolution between contractors, e.g. who owns and resolves the issues that have been raised to the TMF and JOF. It will not

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always be clear which contractor is responsible for which impact and the ToR should consider how this aspect is handled.

- d. No definition is given as to which body will consider the as yet defined derogation processes that would be generated by the contractor/s via the Materials Handling Plan processes. If it is to be the function of the TMF then the PLA and affected ports must be included.
 - e. No clarity is provided as to the overseeing of the CLPs that are to be provided via the CoCP/EMP2. Those governance procedures are inexorably linked to the TMPs and so management and governance must be coordinated.
 - f. The coordination between the Travel Planning workstream (i.e. SSTPs); the materials, plant and equipment handling (i.e. MHPs); the construction logistics, phasing and programming (i.e. CLPs); and, site waste management (i.e. SWMPs) must be more clearly defined and emphasise the important coordination role of the TM across those workstreams. Diagram E.1 does not properly reflect the important and complex role of the TM in coordination. Communication and coordination through the JOF will not be sufficiently agile. The applicant repeatedly relies on the TMF as the mechanism for communication, governance and control across all of the above aspects and so this importance must be recognised.
 - g. Lookaheads for works, programme and phase changes; traffic management introduction and changes; and, consents submissions need to be identified and defined. That will allow a strong flow of information and should reduce complaints from residents and stakeholders and assist with the mobilisation of Council staff to review information and process consultations.
 - h. The ToR do not set out how extra-ordinary TMFs could be called by member organisations, e.g. following incidents or emergencies or with urgent issues to resolve.
 - i. Section E10.1 confuses that the oTMPfC will not be a living or evolving document post consent as it would be a fixed control document within any subsequent DCO grant. Any evolution of the process is through the resultant TMPs, which will need to be coordinated in line with the oTMPfC framework and agreed through the TMF, the Council and other stakeholders.
 - j. E10 does not explicitly state who will fund any resultant initiatives which are not identified at the time of writing the TMPs, but that would be required as a consequence of ongoing management and monitoring. The ToR need to state whether the TMF would be mandated to apply fund or should need to refer those applications through the JOF.
- 2.2.5 As part of the ongoing SoCG discussions the applicant has asked the Council to provide further comment on Table 2.3 within the oTMPfC in order to strengthen commitments regarding travel access to healthcare facilities, local surgeries and hospitals. This would add the following bullet points to the actions that the Traffic Management Plan (TMP) would address as a minimum (further recommendations may be made as part of the SoCG process):
- a. Prior to developing the TMPs, the contractor/s will engage with local bus operating companies to understand passenger journeys to and from major healthcare and education facilities to inform access and egress approach and the mechanisms for addressing those impacts;
 - b. Specific reference as to how the affected services 100, 200 and 435 must be managed to mitigate the effects of the long-term route closures and effects and ensure affected users are able to maintain the current level of service as a minimum; and,

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- c. Communications to update the affected facilities and relevant identified health and social care services regarding any closures and diversion of routes, providing justification if those impacts are not resolved and service level is affected.

2.2.6 It is noted that at Deadline 5, the Terms of Reference for the Workers Accommodation Working Group (WAWG), contained within Appendix D of the Framework Construction Travel Plan ([REP5-055](#)), the Traffic Management Group contained within Appendix E of the Outline Traffic Management Plan for Construction ([REP5-057](#)) and the Travel Plan Liaison Group, contained within Appendix C of the Framework Construction Travel Plan (REP5-055), were all published. Therefore, whilst it is recognised that more detailed Terms of Reference will be developed as part of the future Engagement and Communications Plan, it is recommended that the following text included in **Appendix D** 'Community Liaison Groups – Initial Term of Reference' is either inserted by the applicant into the Framework Construction Travel Plan and the Outline Traffic Management Plan for Construction at Deadline 7, as an Appendix, to strengthen the use of the CLG's as adequate mitigation against health and equalities impacts.

2.3 Code of Construction Practice (CoCP) (v4 and v5) and Construction Information (v2) (REP4-131, REP4-139 and REP5-049)

2.3.1 Minor editing and formatting updates are shown in the CoCP ([REP4-139](#)) and therefore there are no further substantive comments from the Council regarding the updated applicant's submissions.

2.3.2 The REAC ([REP5-049](#)) covering road drainage item RDWE006 has had an adjustment from '2030' to 'the opening year' and REAC Road Drainage item RDWE054 inserts references to Works No. MU33 and MUT6.

2.3.3 In responding to the Examining Authority's Questions at ExQ1, Q4.6.6 ([REP4-353](#)), the Council has provided a detailed commentary on adjustments that should be made by the applicant to the transport planning aspects of the CoCP ([REP4-139](#)). The applicant has been made aware of that response and has been asked to incorporate those changes into a subsequent revision to the CoCP, which is awaited. That response includes coordination enhancements across the suite of Control Documents and adjustments to other Control Documents.

2.4 Framework Construction Travel Plan (FCTP) (v2 and v3) (REP4-159 and REP5-055)

2.4.1 Minor editing and formatting updates are shown in the FCTP ([REP4-159](#)). Plate 2.2 has been amended with no explanation as to the changes made. It is noted that the box surround colours for the Preliminary Works EMP and Outline Traffic Management Plan for Construction have been changed to indicate that these documents are Certified Documents for submission (the issue of the adequacy securing mechanisms is dealt with in Section 3.6 below). The diagram key has, however, been removed. It is not clear what effect this has on the information or process illustrated within that diagram.

2.4.2 Plate 4.1 has been amended, but there are no apparent changes. The Council has previously raised that there is no connection between the travel planning workstream and the traffic management workstream and the associated Traffic Management Forum (TMF). Coordination between the two workstreams should be included prior to reporting and escalation to the Joint Operating Forum (JOF). There is no indication of a Worker Travel Plan for the applicant's own staff and as such this should be rectified within Plate 4.1 and adjusted within the wider document. The flow of the process has to be interpreted, as there are no communication direction arrows.

2.4.3 A new paragraph has been added as paragraph 4.3.3 to state that contractors should encourage their workers to use Active Travel and public transport as a means to travel to and

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from their compounds/works areas. This message is added to by changes at paragraph 4.5.1a. These are acceptable additions; however, it has to be balanced with the challenges that are faced by workers to walk or cycle to the compounds, which are generally poorly connected to these travel opportunities.

- 2.4.4 In paragraph 5.4.13b, d and e new text is added to expand on the data base requirements for monitoring workforce accommodation, the details of initiatives pursued by the contractors and collaboration opportunities. The added text strengthens that statement and allows better measurement of effects.
- 2.4.5 Changes made to paragraph 5.4.14 extends the initiative to employ workers from local areas with greater supply of suitable accommodation and access to active travel and bus service connections.
- 2.4.6 Other minor edits within the FCTP document have limited effects on the generality of the document and the focus of the objectives and initiatives.
- 2.4.7 Alterations to paragraph 6.4.3 seek to clarify the initiative of the workforce shuttle buses. The viability of the proposed shuttle bus strategy within Thurrock has been questioned previously by the Council. It is the Council's view that it is poor practice that the FCTP and oTMPfC do not include fuller consideration to sufficient detail on the proposed shuttle bus services for the northern contractor compounds, such that the incumbent contractors would need only to refine the strategy to align with its agreed shift patterns and workforce travel characteristics rather than develop a system from a flawed basis. In its amendments, the applicant has added text such that the contractor will define the shuttle bus strategy to reflect shift patterns and transport timetabling. This should already be part of the base strategy within the FCTP to demonstrate to stakeholders that this key initiative within the FCTP is both achievable and would forecast a strong reduction in the need to use private cars to access the compounds. The initiative should be accompanied by indicative 'stretch targets' in the FCTP for the contractors to achieve or exceed. Such a target or targets would incentivise the contractors to define robust strategies for the shuttle bus services and other initiatives.
- 2.4.8 In responding to the Examining Authority's ExQ1 Q4.6.6 ([REP4-353](#)), the Council has provided a detailed commentary on adjustments that should be made by the applicant to the FCTP ([REP4-159](#)). The applicant has been made aware of that response and has been asked to incorporate those changes into a subsequent revision to the FCTP.

2.5 Outline Landscape and Ecology Management Plan (oLEMP) (v4) and Appendix 3 (v2) (REP4-141 and REP4-143)

- 2.5.1 The only changes made at D4 to the oLEMP ([REP4-141](#)) and Appendix 3 v2.0 ([REP4-143](#)). This related to changes at Bluebell Hill in Kent. The Council does not have any comment to make on these changes.

2.6 Design Principles (v3) (REP4-147)

- 2.6.1 The changes made to Design Principles v3.0 ([REP4-147](#)) at D6 relate to Kent. The Council does not have any comment to make on this change.
- 2.6.2 This ExQ1 question (Q13.1.19) regarding the limited detail regarding future design and maintenance of the rights of ways and bridleways. As part of the wider SoCG discussions the Council are providing additional text for consideration in Table 4.1 Project Wide Design Principle: Connecting People to strengthen these Design Principles (this is in relation to SoCG issue 2.1.259). These are set out in red in **Table 2.1** below and referred to below in Section 5.18.14.

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Table 2.1: Suggested Amendments and Additional Text: Design Principles (addressing SoCG 2.1.259)

Clause No.	Design Principle name	Design Principle & suggested additional mitigation
PEO.01	Walking, cycling and horse riding (WCH)	<p>All PRoWs crossing the Project route shall have a detailed design that is coherent, direct, safe, comfortable, and attractive, per the five fundamental design principles in LTN1/20 and considers the convenience of the users and appropriateness to the context of the adjacent landscape character, with changes in level minimised where appropriate.</p> <p>The design of all new recreational loops should show consideration of key design principles within Sustrans' Traffic Free Routes and Greenways Design Guides, where appropriate. This includes best-in-practice standards for lighting (in regard to safety and personal security), signage and accessibility and space and maintenance</p>
PEO.02	WCH user experience	<p>In order to allow users to recognise and appreciate their whereabouts, WCH routes across and adjacent to the Project within the Order Limits shall include appropriate clear and informative signage to provide wayfinding for the users.</p> <p>Signing and wayfinding is part of the Sustrans traffic-free routes and greenways Design Guide and is expected to be followed where appropriate (under PEO.01).</p> <p>Maintenance and management arrangements will be considered under this design principle including integration of the following principles to ensure long term public value:</p> <ul style="list-style-type: none"> • Consider maintenance as part of the design process of a traffic-free route. • Include a maintenance period in construction contracts for new paths. • Inspections should form a key part of a maintenance regime. • Involvement of volunteers may be a valuable way of undertaking maintenance activities. • Maintenance programs should consider Table 15-1 of LTN1/20.
PEO.04	WCH detailed design standards	<p>WCH routes shall be designed in accordance with the following standards:</p> <ul style="list-style-type: none"> • DMRB standard CD 143 Designing for walking, cycling and horse-riding (Highways England, 2021a) • DMRB standard CD 195 Designing for cycle traffic (Highways England, 2021b) • Local Transport Note 1/20 Cycle infrastructure design (Department for Transport, 2020) In addition to the above, WCH routes should consider the following guidance (up to the DCO submission date): • Local Cycling and Walking Infrastructure Plans - Technical Guidance for Local Authorities (Department for Transport, 2017) • Sustrans Design Manual – Handbook for cycle-friendly design (2014) and • British Horse Society advice notes <p>All detailed design of WCH routes will follow latest Active Travel England guidance where practicably possible, including the</p>

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Clause No.	Design Principle name	Design Principle & suggested additional mitigation
		June 2023 Active Travel England Standing Advice Note: Active Travel and Sustainable Development. This includes relevant standards and guidance noted in ATE guidance (such as the Manual for Streets, Inclusive Mobility and CIHT's Designing for Walking, LTN 1/20 and Inclusive Mobility 2021).
PEO.05	WCH hubs	<p>Certain points of access into the PRow network shall be designated as WCH hubs. Facilities that make the PRowS accessible and visible shall be provided here, such as suitable wayfinding, placemaking/design features and where appropriate, facilities such as seating and parking for WCH users, hubs may include tool stations and covered cycle parking. Engagement with relevant Local Authorities on needs and design would be required.</p> <p>Guidance on cycle hubs is provided in Section 11.4.2 of DfT's Cycle Infrastructure Design Guidance. All WCH should closely follow this guidance.</p> <p>Mobility Hubs are an emerging concept, CoMo UK has set out a design accreditation scheme mobility hubs. Hubs should seek a minimum standard of CoMo Bronze Accreditation.</p>
PEO.06	WCH: accessibility	<p>To improve access to the existing PRow network and for travel and outdoor recreation, the design of new WCH routes shall maximise access for users (including those with limited mobility) through good design while considering the use of robust design, this includes consideration of provision of accessible features (for example, covered rest stops, bins, and toilets) along loops proposed and elements to prevent and mitigate the potential for misuse of the WCH network by unauthorised vehicles and to prevent and deter anti-social behaviour and unauthorised access to third-party land.</p>

2.7 Outline Materials Handling Plan (oMHP) (v2 and v3) (REP4-137 and REP5-051)

- 2.7.1 Minor editing and formatting updates are shown in the oMHP ([REP4-137](#)) and therefore there are no additional comments from the Council regarding the updated applicant's D4 or D5 submissions.
- 2.7.2 In [REP5-051](#) Table 3.1 and paragraph 3.5.11, oMHP v3, the applicant provides more detail on the measurement of the proportion of bulk aggregate moved by river. In paragraphs 6.2.18 to 6.2.25, Plate 6.119 and the associated new Annexes B.3 and B.4, the applicant describes the proposed sub-group of the Traffic Management Forum to cover the monitoring of the bulk aggregates movement and a derogation process. This is welcomed, but does not adjust the Council's position with regards to an increase in commitment to move more by marine or rail transport and the governance that is required around that commitment. The Council has further expressed that the exemptions currently contained in the oMHP allow too much flexibility to seek derogations. The Terms of Reference contained within the oTMPfC Appendix E provide a stronger basis for the constitution and management of the TMF and must include the Port of London Authority as a member of the TMF and of the associated materials handling and derogations sub-group. Paragraph 6.2.19 must reflect that derogations may also be rejected. As written the statement assumes acceptance and continues to suggest that the applicant is not committed to marine transportation. This is also true for the start of the derogation process as shown in Plate 6.1, where there is no 'rejection' route based on the exemptions alone.

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- 2.7.3 In the Council's responses to the ExQ1 Q4.6.6 ([REP4-353](#)), the Council has provided a detailed commentary on adjustments that should be made by the applicant to the oMHP ([REP4-137](#)). The applicant has been made aware of that response and has been asked to incorporate those changes into a subsequent revision to the oMHP. There are a number of unresolved items within the SoCG, which relate to the strategy for handling materials, plant and equipment to and from the construction compounds and works areas. The applicant does not propose to strengthen its approach to reducing the environmental impacts and risks associated with the materials, plant and equipment handling and has expressed this position within its Written Statements to ISH5 ([REP4-181](#)). The Council and the Port of London Authority jointly continue to press for a change in the applicant's stance on this issue.
- 2.7.4 The statement in [REP5-051](#) paragraph 8.2.20 is again welcomed in the generality and is at some odds to statements made by the applicant in its Written Statement to ISH4, where it concluded that additional movements of material were neither sensible or deliverable. The Council notes, however, that the statement made continues not to commit and instead refers across to the weak 'Better than Baseline' that has no commitment associated with it. The statement in paragraph 8.2.20 is therefore hollow.
- 2.7.5 The statement at [REP5-051](#) paragraph 8.2.24 is noted. The Council continues to question the basis of the current usage and how the applicant can forecast that that usage will be valid at the time of construction, bearing in mind the recent ministerial decision on the delay to the start of construction. The opinion remains that other opportunities could have been considered if the applicant were minded to capitalise on the use of marine transportation.

2.8 Environmental Masterplan (EMP) (various versions) (REP4-125, REP4-127 and REP4-128)

- 2.8.1 The changes made to EMP Section 1 and 1a ([REP4-125](#)) relates to sites in Kent and therefore the Council does not have any comment to make. The changes to EMP Section 9 ([REP4-127](#)) and Section 10 ([REP4-128](#)) relate to the minor amendments to the Order Limits to include the proposed changes MRC01, MRC02 and MRC03 following the procedural decision made by the Examining Authority ([PD-031](#)). These changes do not alter any of the proposed landscape or ecological measures proposed within Thurrock. The Council does not object to the changes.

2.9 Stakeholder Actions and Commitments Register (v3) (SAC-R) (REP5-061)

- 2.9.1 Within this updated SAC-R, there are limited changes and the addition of SAC-R-009 – SAC-R-013, none of which are located within Thurrock and are therefore not required for comment.
- 2.9.2 Additional mitigation has been prepared outlining proposed mitigations regarding walking cycling and Horse Riding and Open and Green Space, as was originally set out in the Council's LIR ([REP1-281](#)) in Section 15.4.6 b and c. This is part of ongoing SoCG discussions in relation to SoCG items 2.1.209 and 2.1.232. These requests can be seen in **Appendix C** – 'LTC Stakeholder Actions and Commitments Register (SAC-R): Proposed Mitigation and Enhancements'. These mitigations centre on providing additional resource within the Council area to address the engagement needed to mitigate disruptions to the active travel network during construction and encourage continued access to green and open spaces. This will help achieve the positive outcomes suggested in operation through working with local communities to embed healthy behaviours.

2.10 Statement of Commonality (v5) (REP4-105 and REP5-033)

- 2.10.1 Regarding both documents at D4 and D5 (referred to above in the sub section title) from the applicant, the Council has no comments on the amendments within this document, except Table 4.2, which sets out '*.....to assist the Examining Authority in understanding the headings which remain under discussion or not agreed, particularly such headings where the position is*

shared across more than one stakeholder. Therefore, the categorisation and colour coding in the matrix is intended to represent the broad position per heading (it is not absolute). In addition, footnotes have been used to indicate exceptions.'

- 2.10.2 The Council does not accept that the row relating to the Council is accurate and still has not been discussed with the Council, as was the case in the previous version 3 and version 4. Some items are listed as 'broadly under discussion' or 'no matters raised at this point' and these are incorrect or not agreed and it misrepresents the status of matters with the Council. This is considered serious and requiring explanation, although it may be updated further by the applicant, which makes serious points on all matters colour-coded 'grey' in Table 4.2 in previous submission especially its LIR ([REP1-281](#)). The Council is willing to discuss with the applicant the content of Table 4.2 and is prepared following such discussions to arrange for a corrective update to that table at D7. The applicant has not approached the Council for such discussions at any point before or during the Examination. In its present form the Statement of Commonality cannot be relied upon as providing an accurate indication of the Council's position in respect of a range of matters.
- 2.10.3 Furthermore, Section 4.2 that sets out broad progress on a range of topics is, in the Council's view, too broad to be valuable and is so broad as to be potentially misleading. This is because many points listed as 'agreed' may be minor and some points listed as 'not agreed' may be major and yet this generalisation does not distinguish and it is just a number count, which is of very little value. The Council has serious concerns about most of the topics covered in this section.
- 2.10.4 In addition, there have been a number of other changes that comprise minor editing and formatting updates and therefore there are no further substantive comments from the Council regarding the updated applicant's submission.

2.11 Consents and Agreements Position Statement (v4 and v5) (REP4-099 and REP5-027)

- 2.11.1 There have been a number of minor changes that comprise minor editing and formatting updates and therefore there are no further substantive comments from the Council regarding the updated applicant's submission, although why it has been re-submitted with so little change is not clear. However, the Council's comments in Section 6.1 of its D3 submission ([REP3-211](#)) have not been dealt with and still require responses from the applicant, as was reiterated in its D4 submission ([REP4-354](#)).

2.12 Draft Archaeological Mitigation Strategy and OWSI (v2) (REP5-053)

- 2.12.1 This document is still under discussion with the heritage consultants including the following key elements below:
- a. Under Section 2.5.4 sub section C needs to be updated to include site 247;
 - b. Table 3.1 Section 4.3 needs to be reworded to provide an accurate description of the strip, map and excavate method that has been discussed, which can lead to a detailed excavation as described within Section 4.2
 - c. Also within Table 3.1 Section 5.1 the Council would not expect archaeological monitoring and recording on a site of moderate potential, this should be strip, map and excavate.
 - d. With regard the section on Strip map and sample, there needs to be clarity that this methodology can result in a detailed excavation of areas of significance identified during the work.

- e. Under Section 6.3.2 within the OWSI there will need to be a series of plans defining each of the proposed areas for archaeological interventions. There also needs to be a table which identifies the construction zone, land parcel, asset number and site number to facilitate cross referencing. Public Archaeology and engagement strategy Sections 6.4.43 – 6.4.45 and Annex A define the proposals for this, but it is unclear how this will tie in with the Lower Thames Community Archaeological officers being funded at present from the Highways Legacy funding. The Council contends that continuing to support the present officers who are promoting heritage both north and south of the Thames should be confirmed.
- f. Under Section 7.2 Monitoring and communication and the following section on Site Sign Off needs to have the role of the Local Authority Archaeologist clearly defined as the ones that will both monitor the fieldwork and sign off each area in advance of the construction work commencing. At present the role of the Local Authority is not clear and is likely to cause confusion to any contractors who are costing up the project or the environmental managers. Within Strip map and sample (after paragraph 7.3.93), it needs to be made clear that this initial work can identify important archaeological deposits, which potentially will require a programme of detailed excavation as detailed after paragraph 7.3.27. Table 9.2. This follows on from the comments above relating to paragraph 6.3.2, with this table needing an improved link to the location of the proposed mitigation. At present it links to the heritage asset, whilst the trial trenching reports relates to land parcel numbers. Plans are needed and possibly a more detailed table linking mitigation areas to site numbers, land parcels, and construction areas linked to illustrative maps showing mitigation areas.
- g. Regarding Table 9.3, it should be clear that the mitigation relating to Baker Street Windmill involves the recording of its setting. It is also recommended that Whitecrofts Farmhouse is included as this asset has been determined to experience the same effect as Baker Street Windmill. The setting of Whitecrofts Farmhouse should therefore also be recorded at Level 3.

2.13 Overall Summary

- 2.13.1 **The Control Documents changes include limited but occasionally helpful changes. There remain unaddressed many significant Council comments with the consequences that the Control Documents remain inadequate and unfit for purpose. With the exception of the Statement of Commonality Table 4.2, the other changes made by the applicant are minor or are changes on which the Council has no objection.**

3 Draft Development Consent Order Matters

3.1 Introduction

3.1.1 There has been a number of documents submitted in relation to the wording of the DCO. These are considered below. However, as mentioned at D5 submissions the Council still has multiple concerns regarding the draft DCO, as recorded in our [SoCG \(REP3-092\)](#), LIR ([REP1-281](#) and [REP1-290](#)) and most recently the table included in ([REP3-210](#)), which sets out its comments on the draft DCO and [submission following ISH7 on the DCO \(REP4-352\)](#). The Council has been working hard to narrow the differences between it and the applicant, as can be seen by the most recent SoCG.

3.1.2 However, whilst progress has been made on certain issues, there remain a number of key concerns for the Council. Although the applicant has responded to the Council, it raises largely the same arguments as previously put forward. Accordingly, whilst these arguments are duplicated at this stage, the Council maintains its concerns as previously set out.

3.2 Draft Development Consent Order (v7) Changes (REP5-025 and REP5-070)

3.2.1 The majority of the amendments are minor and the Council does not object to them.

3.2.2 In relation to the new Requirement 17 regarding the passive provision for Tilbury Link Road, the Council supports the principle of passive provision for the Tilbury Link Road. However, it suggests it is replaced by the wording as set out below, which has been discussed with all affected the local highway authorities. For completeness, the Council notes that although the new Requirement 17 was in tracked changed in [REP5-025](#), it did not appear to be in the Schedule of Changes [REP5-070](#).

3.2.3 Requirement 17 proposed by the applicant:

Passive provision for Tilbury link road

17.—(1) The undertaker must design the detail of Work Nos. 5D, 5E and 5F in a manner that reasonably facilitates and accommodates a connection to the proposed Tilbury link road to the extent the route and design of proposed Tilbury link road is available prior to and up to the date of the submission of the detailed design of the tunnel area north of the river Thames to the design review panel pursuant to clause PRO.01 of the design principles.

(2) Work Nos. 5D, 5E and 5F must be designed in detail and carried out by the undertaker so as to comply with Design Manual for Roads and Bridges in order to reasonably accommodate a connection with the proposed Tilbury link road.

(3) In this paragraph, "proposed Tilbury link road" means a proposal which includes a road connection or junction onto the A122 from Tilbury which is—

(a) reflected in a preferred route announcement by the Secretary of State, or

(b) in the absence of that announcement, such other proposal as is reasonably considered by the undertaker to constitute the likely route and function of that link road.

3.2.4 Requirement 17 proposed by the Council:

Tilbury Link Road Junction readiness and compatibility

1.(1) No part of the authorised development is to commence until Work No. [North Portal Junction] is designed in detail and approved by the Secretary of State, in consultation with the relevant planning authority. The design of [North Portal Junction] must:

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(i) not preclude the design, construction, operation and maintenance of the proposed Tilbury link road.

(ii) be consistent with the parameters within the General Arrangement drawings HE540039-CJV-BOP-SZZ_GN000000_DR-CX-10017 and HE540039-CJV-BOP-SZZ_GN000000_DR-CX-10020 and Works Plans HE540039-CJV-BOP-SZZ_GN000000_DR-CX-20017 and HE540039-CJV-BOP-SZZ_GN000000_DR-CX-20020 and with the proposals to be developed by National Highways for the Tilbury Link Road to be set out in the Roads Investment Strategy 3 2025-2030 (or relevant subsequent Roads Investment Strategies) Such provision will allow for LTN1/20 compliant walking and cycling infrastructure (or equivalent design standard updates thereof).

(iii) include an east-west oriented route for walking, cycling and public transport which connects with Station Road to the east of Work No. [North Portal Junction]

(iv) demonstrate that the junction caters for forecast future port and future traffic growth to 2045 via the proposed Tilbury link road and access to east tilbury.

(2) Work No. (North Portal Junction), once approved by the Secretary of State pursuant to paragraph (1) above, must be constructed by the undertaker prior to the operation of [specific drawing number] of the authorised development.

- 3.2.5 The applicant's definition of 'Tilbury link road' (set out in their proposed drafting) would follow the Council's draft Requirement 17 at 17(3). The Council's version is to be preferred because it is both more detailed (with reference to specific drawings and walking and cycling infrastructure) and has the added safeguard of needing to be approved by the Secretary of State.

3.3 Draft Protective Provisions for Local Highway Authorities (LHA)

- 3.3.1 The Council notes the submission of Protective Provisions for LHA by the applicant. However, the Council, in common with the other LHAs, are concerned that these are not sufficient to address the concerns raised. The draft Protective Provisions are contained with the submission by the London Havering Borough at this D6, but are a joint submission between the Council, Essex County Council, Kent County Council, Transport for London and the London Borough of Havering. In addition, it is included in the Council's D6 submission for completeness at **Appendix O**.

3.4 New Draft Requirements relating to Key Junctions

- 3.4.1 The Council, in connection with other LHAs, consider that new Requirements are necessary to provide assurance that key road junctions will be effective and to cover overall mitigation matters. The Council remain firmly of the view that the applicant should be mitigating unacceptable impacts on the local highway network, and it is therefore critical that certain details are expressly addressed, assessed and mitigated for within the DCO. The inclusion of additional Requirements will help to deliver this need. The new Requirements contain provisions to provide for the following:

- a. Mitigation proposals and an ongoing scheme of monitoring and mitigation for Orsett Cock junction;
- b. Construction traffic mitigation and monitoring at the Asda roundabout;
- c. Tilbury Link Road Junction readiness and compatibility;
- d. An overall Monitoring and Mitigation Strategy similar to Silvertown Tunnel; and,
- e. Air Quality Monitoring and Mitigation provisions.

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- 3.4.2 Regarding Requirement a above, this has been discussed between all affected parties and the agreed statement regarding Orsett Cock Junction is set out below.

'PoTLL, DPWLG and Thurrock Council have been working together in relation to a Requirement to secure the works necessary to ensure that the Orsett Cock junction operates to acceptable levels as at the date of the opening of the Lower Thames Crossing (LTC), and that this operational standard is maintained for the five years post-opening, as driver behaviour adapts to the presence of LTC.

The draft Requirement was originally provided by PoTLL at Deadline 4 [REP4-350] and revised drafting has now been provided in PoTLL's Deadline 6 submission "Draft DCO Requirements", which also includes a full explanation of how this Requirement is intended to operate.

PoTLL, DPWLG and Thurrock Council are mindful of the Applicant's proposed Requirement, contained in paragraph 3.1.6 of National Highways' submission 9.114 Wider Networks Impacts Update [REP5-085]. It is the view of PoTLL, DPWLG and Thurrock Council that this drafting is inadequate and would not secure the necessary works to the Orsett Cock junction, required to avoid serious adverse impacts on the transport network and access to the ports as a result of the LTC as currently designed. In particular, it does not seek to identify or secure any threshold or standard to which the Orsett Cock junction must operate to at opening and in three years post-opening.

The draft Requirement is being submitted in order to provide the Examining Authority with alternative drafting for how the effective operation of the Orsett Cock junction with LTC in place can be secured within the draft Order.

The draft has been agreed by PoTLL and DPWLG as suitable to address their concerns with the impacts to this junction potentially caused by LTC. Thurrock Council is satisfied in principle that the draft Requirement is more robust and effective than that proposed by National Highways, however, in light of its additional considerations as local highway authority, it is planning to confirm agreement or provide further drafting, at Deadline 6A. That submission will be informed by further discussions between the three parties post Deadline 6 to seek to maximise alignment between the parties as much as is possible.'

- 3.4.3 Requirements b – e above has been discussed and largely been agreed by all affected LHAs and can be found at **Appendix N, subject to matters of detail to be resolved between the parties**. It is understood that the new Requirement for Asda Roundabout preferred by both national Ports only covers construction matters, whereas the Council's version covers construction and operational matters. Furthermore, it is understood that the new Requirement a above for Orsett Cock Junction will be submitted by both national Ports at D6, whereas the Council will await further modelling analysis and submit its draft Requirement at Deadline 6A or 7, in view of its critical importance to the Council as LHA.

3.5 Council Comments on Applicant's Responses to IP Comments on dDCO at Deadline 4 (REP5-089)

Applicant's Comments on the Tidal Lagoon Case

- 3.5.1 As set out in the Council's D5 submission ([REP5-112](#)), the Council objects to the use as a trigger of the term 'begin' rather than 'commence' and the introduction of preliminary works. These effects of this choice of drafting runs contrary to the public interest, as it generates unacceptable and unjustified uncertainty, an outcome which was disapproved of by the Court of Appeal in the Tidal lagoon case. As was set out in the Council's submission [REP4-352](#) (pages 335-336), the Tidal Lagoon case concludes (emphasis added):

'It creates a dysfunctional planning situation that has never been intentionally created either in infrastructure development projects or in planning permissions more generally. No other development consent order that we have been shown had a similar effect. Even the National Infrastructure Planning Handbook 2015 (written, with others, by Mr Michael Humphries KC, counsel for the Company) did not go so far as to suggest that two time limits were appropriate. The consequences of the construction proposed by the Company would be undesirable. DCOs could be left on the stocks for years, inhibiting future development and placing landowners at potential risk of delayed compulsory purchases.'

- 3.5.2 Accordingly, the applicant's comments regarding this are misplaced and wrong on law. The Council's observations (supported by other UIP) reflects and respects the decision of the Court of Appeal, which the applicant has failed properly to address.

Article 6(3) – Order Limits

- 3.5.3 Article 6(1) and (2) set out detailed provisions in relation to limits of deviation. In general, the lateral limits of deviation are shown on the relevant works plans. The vertical limits of deviation 0.5 metres upwards or 1 metre downwards, or as specially set out in relation to individually listed works plans. Article 6(3) sets out a broad exemption to these, in that if the Secretary of State approves it, deviation in excess of these limits, including outside the Order Limits, is allowed subject to there not being any materially new or materially different environmental effects in comparison with those reported in the ES. It should be noted that the ES only reports 'significant' environmental effects. It is not clear what 'materially' new or different means in this context. If this term was interpreted/applied broadly, it would mean that the Secretary of State could permit very large deviations in objective spatial terms to the defined Limits of Deviation.
- 3.5.4 The Council has previously raised its concerns regarding the significant degree of flexibility granted to the applicant in relation to the Order Limits, pursuant to Article 6(3). Without wishing to raise the particulars of the Council's concern again, the Council does not consider that the applicant has effectively responded to its concerns that the provision effectively removes the non-material amendment procedure as set out in the Planning Act 2008 (which the Council considers Parliament intended to have exactly the purpose that the applicant's Article 6(3) seeks to circumvent); and, this could lead to residents not taking part in this Examination process as they are outside the Order Limits, only to find they are later impacted, but not consulted.
- 3.5.5 The applicant considers that Article 6(3) gives it a proportionate amount of flexibility. The Council disagrees. Rather, Article 6(3) gives the applicant a wholly disproportionate amount of flexibility in that it enables the Limits of Deviation to be rewritten and extended (with no objective spatial limitation) at any point in the future. As set out by the applicant the provision does not allow for the use of compulsory acquisition powers outside of the Order Limits. However, this does not mean that development cannot take place outside the Order Limits, albeit with agreement. This potentially moves the authorised development closer to a group of landowners and businesses, which were not previously aware that the authorised development was going to pass so close to them.
- 3.5.6 The applicant has also not provided clarity, despite the request of the Council, over what is included within 'environmental effects' (see page 6 of [REP5-112](#)). The applicant has also not addressed the Council's suggestion that Article 6(3) is amended so that the flexibility is limited to and can only be exercised within the Order Limits. In the Council's opinion this would provide a proportionate degree of flexibility without the negative impacts previously described.
- 3.5.7 The applicant has stated that the Council's concerns are unfounded, but does not say why, except to say that there is precedent for their approach. As has been repeatedly maintained, just because an approach has previously been followed does not mean it is justified here. To dismiss the Council's concerns because there is precedent for another approach is not in the spirit of an effective Examination and not in the public interest. The applicant comments on

the use of precedent in ([REP4-212](#)), and the Council has responded to this in [REP5-112](#). The purpose of the Examination is to consider what is appropriate in specific circumstances, and no two DCOs are identical. The Council's objections are based on the proposed DCO, in connection with the current project. Even if a provision has been accepted previously, the rationale for including it in this DCO should still be justified, if the Council considers another provision is more appropriate.

Article 10

- 3.5.8 The applicant raises the protective provisions for local highway authorities (the version of the protective provision submitted by the applicant can be found in **Appendix M**). These have been amended and can be found in **Appendix M**.
- 3.5.9 Article 10(4) refers to the handover of 'any other bridges' (not being those bridges referred to in Article 10(3)) to the local highway authority. In Article 10(4) there is no requirement for the bridge to be constructed to the reasonable satisfaction of the Council even though the Council will be required to maintain both the highway structure and the remainder of the bridge, where it is caught by this provision (specifically bridges that do not carry a highway over a trunk road or special road). This is in stark contrast to other parts of the authorised development (see Article 10(2)). Whilst the Council appreciates the effect of the protective provisions, it is still unclear why these are treated differently to the rest of the highway network. The Council maintains that the requirement for the infrastructure to be completed to the reasonable satisfaction of the Council is maintained.

Requirement 3 – materially new or materially different

- 3.5.10 Requirement 3 sets out that the development must be designed in detail and carried out in accordance with the Design Principles document and the preliminary scheme design shown on the engineering drawings and sections and the general arrangement drawings. This is appropriate and takes into account that the authorised development proposed by the applicant is largely at an outline stage. It provides significant flexibility as to scheme design, whilst still providing some certainty for the purposes of effective examination.
- 3.5.11 However, Requirement 3 also allows for a departure from the Design Principles document and preliminary scheme design provided that the Secretary of State is satisfied that any amendments to those documents showing departures from preliminary scheme design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the ES. This is a tailpiece provision, because it allows for a departure from the previously agreed document, without going through the usual process.
- 3.5.12 The Council is conscious of the case law relating to tailpiece provisions, specifically the *Midcounties Co-Operative Ltd, R (on the application of) v Wyre Forest District Council [2009] EWHC 964 (Admin)*. Caselaw has drawn a distinction between unlawful tailpiece provisions that allow major changes that would allow a developer to exercise a permission that was wholly or materially different from the permission originally applied for or assessed; and, lawful tailpiece provisions that allow only minor variations to what has been assessed and permitted.
- 3.5.13 The Council remains of the view that there needs to be clarity and transparency around what is meant by 'environmental effects' to ensure that the provision itself is not an unlawful tailpiece provision, as a result of the amount of variation that flows from an agreed change that has not been properly assessed or considered as part of this DCO process. Furthermore, the Council has noted that, as drafted, Requirement 3 in the dDCO effectively removes the non-material amendment procedure as set out in the Planning Act 2008; and so the Council remains concerned that there could be material changes to the Design Principles document with less consultation and publication of potential amendments (compared to if the process in the Planning Act, 2008 was followed). The Council contends that there needs to be further analysis of why this tailpiece provision is needed and justification should be provided by the

applicant on why changes should be capable of being made in this manner; and, without the legislative consultation and publication requirements of the Planning Act, 2008 being met. A link is provided to this case should that be convenient – [Midcounties Co-Operative Ltd, R \(on the application of\) v Wyre Forest District Council \[2009\] EWHC 964 \(Admin\) \(27 March 2009\) \(bailii.org\)](#).

- 3.5.14 In the Council's opinion, significant flexibility has already been sought by the applicant as to how and where (see comments on Limits of Deviation above) the authorised development will take place. The tailpiece provision in Requirement 3 provides even greater flexibility for the applicant, but uncertainty for other stakeholders.
- 3.5.15 The applicant places significant weight in the fact that the Secretary of State may only authorise departures from the preliminary scheme design that would not give rise to materially new or materially different environmental effects in comparison with those reported in the environmental statement. However, as explained above, the applicant has declined to comment on what consists of 'environmental effects'. Is that everything in the environmental statement or just certain aspects? When considering things like business impact, how are new businesses treated? How do we know what the impacts are considering the limited publication/consultation requirements? Furthermore, what does 'material' mean?
- 3.5.16 The applicant fails to grapple with the fact that what they are proposing is effectively a modified non-material amendment procedure, which results in less consultation and less publication of the potential amendments. It is unclear how this is in the wider public interest. It amounts to an unacceptable circumvention of the non-material amendment procedure in the Planning Act 2008.

3.6 Additional comments on the DCO

Comments on Securing Mechanisms

- 3.6.1 The Council remains concerned that not all control documents and plans are adequately secured. In particular the Council restates its concerns regarding the use of phrases, such as 'substantially in accordance with', 'reflecting', 'specific outline documents' and 'based on' specific documents. These words and phrases do not provide sufficient certainty. The documents referred to are statements of broad principles and not being required to act in accordance with them provides an unacceptable amount of flexibility to the applicant. The Council requests that these references are replaced with 'in accordance with'.
- 3.6.2 The applicant states that the removal of the phrases would fetter the discretion of the Secretary of State. It is correct that these would place limits on what can be approved, but this is the purpose of referring to the specific outline documents. It is accepted that the applicant does not have to fully design the authorised development before bringing it for examination. However, there does need to be a degree of certainty in order for the Examination to be effective. That certainty is reduced by using the words and phrases advocated for by the applicant. It should also be noted that the applicant is prepared to use the phrase 'in accordance with' in a number of places within the draft DCO and therefore it is not accepted that the use of 'in accordance with' is unlawful.
- 3.6.3 Our comments are set out below in **Table 3.1** below:

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Table 3.1: Securing Mechanism Concerns

Document	Article/schedule	Concern
Stakeholder Actions and Commitments Register (SAC-R)	Article 61	<p>Article 61(1) states: <i>'(1) The undertaker must when carrying out the authorised development take all reasonable steps to deliver the measures contained in the stakeholder actions and commitments register unless'</i></p> <p>For the register to be adequately secured, the Council suggests the removal of the words 'take all reasonable steps'. There should be no uncertainty as to whether it will be delivered, such as 'in accordance with'.</p> <p>This is now of particular relevance as the applicant is proposing the securing of aspects of the draft Section 106 agreement within the SAC-R and element of replacement public open space.</p>
Outline Landscape and Ecology Management Plan (oLEMP)	Article 40, Article 54, Requirement 5	<p>The OLEMP is referred to in a number of places in the draft DCO. It is used in relation to special category land, fen land landscape and landscaping. However, there are references to:</p> <ul style="list-style-type: none"> The LEMP being 'substantially in accordance with' (Requirement 5) The LEMP 'reflecting the design principles' The LEMP must be 'based on' the environmental master plan. <p>These provisions are insufficiently certain and should be replaced with obligations to be 'in accordance with' the specific documents. The documents are by their nature outline and there is no reason why they cannot be complied with.</p>
Outline Materials Handling Plan (oMHP)	Requirement 3	<p>In order to provide sufficient certainty, the words 'substantially' and 'reflect' should be removed (and in the case of 'reflect' replaced with 'in accordance').</p>
Code of Construction Practice and the REAC (CoCP/REAC)	Requirement 4 Requirement 8	<p>In order to provide sufficient certainty, the word 'substantially' should be removed.</p> <p>In order to provide sufficient certainty, the word 'reflecting' should be removed and replaced with 'in accordance with'.</p>
Environmental Masterplan (EMP) and Design	Requirement 5	<p>The EMP is referred to in Requirement 5 (the LEMP must be 'based' on it). This is not sufficiently certain.</p>

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Document	Article/schedule	Concern
Principles Document		In addition, reference to 'reflecting' the design principles document should be removed for certainty.
Outline Traffic Management Plan for Construction (oTMPfC)	Requirement 10	The obligation for the traffic management plan for construction to be 'substantially in accordance with the outline traffic management plan for construction' is not sufficiently certain.
Wider Network Impacts Management and Monitoring Plan (WNIMMP)	Requirement 14	In order to provide sufficient certainty, the word 'substantially' should be removed.
Carbon and Energy Management Plan (C&EMP)	Requirement 16	In order to provide sufficient certainty, the word 'substantially' should be removed.
Structures plans	Schedule 16	It is acknowledged that these cross refer to Works Plans, however there are elements of the Structures Plans that don't appear to be in the Works Plans. For example, the width and use of bridge crossings. Accordingly, there needs to be a securing mechanism for the structures plans within the draft DCO.
Temporary Works Plans	Schedule 16	Please explain how these are secured. They are only referenced in schedule 16.
Works Plans Utilities	n/a	Please explain how these are secured. They are not within the DCO.
Route Alignment and Order Limits Plans	n/a	Please explain how these are secured. They are not within the DCO.
Drainage plans	n/a	Please explain how these are secured. They are not within the DCO.

Requirement 13 – Securing the Gammonfields Traveller site

3.6.4 During ISH 8, the operation of Requirement 13 of was discussed. In the Council's opinion there is no requirement for a separate planning permission, if all the details are set out in the DCO.

3.6.5 The Council proposes amendments to Requirement 13. Requirement 131(1) states:

13.—(1) The replacement of the Gammonfields travellers' site in Thurrock (Work No. 7R) must not commence until details of its layout and design have been submitted and approved in writing by the local planning authority, such approval not to be unreasonably withheld or delayed, following consultation by the undertaker with the local planning authority and the occupiers of the existing Gammon Field travellers' site.

3.6.6 The Council considers this should be amended as set out in red below:

*13.—(1) The replacement of the Gammonfields travellers' site in Thurrock (Work No. 7R) must not commence until details of its design, layout, **use and operation** have been submitted and approved in writing by the local planning authority, such approval not to be unreasonably withheld or delayed, following consultation by the undertaker with the local planning authority and the occupiers of the existing Gammon Field travellers' site.*

- 3.6.7 These amendments would secure that it continued to be used as a travellers' site and, in particular, used for the provision of permanent residential accommodation to travellers, as is the intention of all parties; and, to enable any use of the replacement site that is not in accordance with approved details relating to the site's use and operation to be subject to enforcement action under the Planning Act 2008.

Restoration of temporarily possessed land

- 3.6.8 Article 35 of the draft DCO sets out the provisions in relation to the temporary use of land for carrying out the authorised development, including the restoration of the land temporarily occupied. This would include temporary construction compound sites. In summary, Article 35(4) and (5) states that land should not remain occupied after the end of the period of one year beginning with the date of completion of that part of the authorised development (as set out in Schedule 11).
- 3.6.9 Before giving up possession of land for which temporary possession has been taken, the applicant must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land subject to a number of provisions.
- 3.6.10 Compensation is available for land temporarily possessed.
- 3.6.11 Broadly speaking, this process is acceptable to the Council. Nevertheless, it, is necessary to have more details from applicant regarding the hand back procedure, so that landowners understand the process. It would also be helpful for landowners to have as clear an idea as possible at the beginning as to what the standard of restoration will be.
- 3.6.12 During ISH 8 the Council suggested that Article 35 is amended so that the applicant submits a restoration scheme for approval of the relevant landowner within 6 months of taking temporary possession of a piece of land. This should be inserted as a new part of Article 35. The purpose of this is to allow the dialogue to commence early on what restoration is going to look like, providing greater certainty both for the landowner and also the applicant.
- 3.6.13 The applicant responded during ISH 8 to state that this is not necessary due to the operation of the REAC and gave REAC references GS002 and GS014.
- 3.6.14 GS002 states:
- 'Prior to any construction compound area being prepared, a pre-condition survey would be undertaken to determine the current land quality across the compound area. A repeat survey would be done after the compounds have been removed to confirm that the area has been restored in line with article 35 of the draft DCO'.*
- 3.6.15 GS014 states:
- 'Following soil reinstatement there would be a five-year aftercare period. The Contractors would prepare and present to National Highways for acceptance a schedule of aftercare monitoring, maintenance and correction. This would include soil testing, appropriate to the target specification (e.g. land grade where restoration is to agricultural use or specific characteristics where restoration is to support habitat creation or re-provision). Implementation of the aftercare monitoring, maintenance and correction will be overseen by an Environmental Clerk of Works'.*

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- 3.6.16 Neither GS002 or GS014 address the concerns raised by the Council. The condition that the land is handed back in is important. It impacts how landowners can use the land once it is handed back to them and also is relevant in relation to any compensation claim. Having early negotiations on this element is beneficial to the landowner as it helps them to plan. It is also beneficial to the applicant as it the expectation management is less likely to result in prolonged disputes as to what is reasonable.
- 3.6.17 It should be noted that Article 35 does not set out the condition the land should be handed back in, except that it needs to be to the 'reasonable satisfaction' of the landowner. From the owner's perspective what is reasonable is likely to be returning the land to its previous condition. This is supported by the undertaking of the precondition survey pursuant to GS002.
- 3.6.18 However, this is not always going to be the case considering the applicant is not required to undertake some specific actions in Article 35(5)(a)-(g). This includes not being required to restore the land on which any soil reprofiling work has occurred or the removal of ground strengthening works. The sooner clarity is provided on this for the landowner, the better for all parties concerned.
- 3.6.19 A separate but connected point is the scope of Article 35(5)(g). Article 35(5)(g) allows temporary works to stay in place with the consent of the landowner. Leaving temporary works in place permanently is contrary to the assessment in the ES, which could include hardstanding piles, etc. The Council would like to see reference in Article 35(g) that any agreement to leave temporary works on the land must be in accordance with the ES.

4 Response to Applicant's D5 Submissions

4.1 Introduction

4.1.1 This Section only covers the updated Preliminary Navigational Risk Assessment (v2), Wider Network Impacts Update, Action Point 2 for ISH5, the Joint Position Statement for the Bed of the River Thames and the Draft S106 Agreement Progress Update, as set out below.

4.2 Preliminary Navigational Risk Assessment (v2) (REP5-059)

4.2.1 Through engagement with the applicant on the oMHP ([REP4-137](#)), the Council continues to seek increases in the quanta, proportion and type of materials, plant and equipment that are moved by marine or rail transport, as part of the construction period, such that those movements could help to reduce environmental and community impacts and reduce risks. The changes, however, that have been made to the Preliminary Navigational Risk Assessment (REP5-059) do not alter that position.

4.3 Wider Network Impacts Update (REP5-085)

4.3.1 This Wider Network Impacts Update (WNIU) note ([REP5-085](#)) relates to Action Point 3 of ISH 4 and Action Points 5, 6, 7 and 8 of ISH 7. The topic covered by the update document has been the subject of extensive discussion at ISH10 and is reported through the Council's Written Statements of that Hearing, which are submitted by the Council at Deadline 6.

4.3.2 Broadly, the applicant has asserted that if it is able to demonstrate a net improvement in network performance across the affected areas it interprets the extant and draft NPSNN to demonstrate that on balance it has no duty to mitigate impacts on the wider networks which are caused by the construction and operation of LTC. That assertion is held whether the impacts are on the Local Road Network (LRN) or part of the Strategic Road Network (SRN). The Council does not agree with that interpretation or position.

4.3.3 ISH4 Action Point 3 and ISH7 Action Point 6 relate to the Orsett Cock junction and the wider LTC/A13/A1089 interchange. The Council has previously agreed with the applicant that any considerations of effects at the Orsett Cock junction should not be considered as 'Wider Network' impacts, but as an integral part of the design of the core scheme. Whilst the Orsett Cock junction is part of the LRN, LTC relies on the local junction as a node within LTC.

4.3.4 Without satisfactory operation of the junction, LTC is a flawed design and does not achieve its objectives as set out in the Need for the Project ([APP-494](#)), including:

- a. To provide free flowing north-south capacity;
- b. To improve resilience of the Thames Crossings and major road network; and,
- c. To improve safety.

4.3.5 As indicated within the Statement of Reasons ([APP-060](#)) Table 2.1 the applicable key benefits the project should include are:

- a. No sub-optimal junction layouts;
- b. Reduced accident rates;
- c. Reliable journey times and less frequent delays and uncertainty;

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- d. Significant benefit to business transport; and
 - e. Enhanced connectivity for walkers, cyclists and horse-riders.
- 4.3.6 The modelled assessment of the interface between LTC and Orsett Cock has not demonstrated that the applicant has achieved those objectives or scheme benefits.
- 4.3.7 The applicant has only now given '*careful consideration to the impacts at Orsett Cock junction*' (as stated at paragraph 2.2.1) following the assignment of an Action Point by the ExA, whilst the Council and other IPs have been expressing their concerns for a number of years prior to submission. Irrespective, at paragraph 2.2.1 of the WNIU the applicant unilaterally concludes that its previously submitted Wider Network Impacts Management and Monitoring Plan (WNIMMP) ([APP-545](#)) would not require amendment '*to secure mitigation of potential but uncertain unacceptable impacts at the Orsett Cock roundabout*'. The applicant does note at paragraph 2.2.2 that works would be required at Orsett Cock, in its words, '*to optimise the scheme design*'. That statement is both misleading and disingenuous. The alterations to Orsett Cock are required to resolve design deficiencies within the applicant's submitted design. Those design amendments are yet to be put to the Examination and have yet to be properly tested and agreed with the Council, as Local Highway Authority, and with the ports as nationally important stakeholders.
- 4.3.8 As expressed above, it is the Council's opinion that the statement made regarding amendments to the WNIMMP are irrelevant to the topic of design changes to the Orsett Cock junction amendments. It has been accepted by the applicant that the Orsett Cock junction is a core interface within the overall LTC scheme. The appropriate network operations and provision for all road users must therefore be a fundamental aspect of the scheme design and layout and cannot be considered as subset of a wider network impacts workstream. The Council and the two national Ports are not assured that the applicant or its designers would establish an acceptable design for that junction / interface within the Order Limits or the resultant Limits of Deviation. It is the Council's opinion that this challenge should be solved before the close of the Examination to provide the necessary assurance to the ExA in its decision making.
- 4.3.9 The applicant acknowledges at paragraph 3.1.1 of the WNIU that there are impacts at Orsett Cock junction in the 2030 opening year assessment, but it does not accept that the effects are sufficiently severe to require mitigation and are not unacceptable. Those impacts increase significantly during the period to design year of 2045. The Council has been provided with an indication of the layout and operational changes that the applicant proposes to put to the Examination as part of its Do-Something case, but the Council is not currently in a position to comment in detail on the appropriateness or effectiveness of the proposed changes within the operation of the Orsett Cock junction and the wider LRN. It is noted that the applicant does not propose to include measures to assist access or reduce severance for active travel or to directly enhance public transport connectivity.
- 4.3.10 The Council continues to review the localised modelling work being provided by the Applicant and is assessing that against the strategic LTAM that the applicant seeks to rely on in its assessments and evidence. A full review of the modelling is to be provided at Deadline 6A or 7, following disruption and delays in the provision of the modelling by the applicant.
- 4.3.11 The Council notes the draft Requirement put forward by the applicant within the WNIU at paragraph 3.1.6 and will provide a response on that proposal once the modelling assessment has been completed for Orsett Cock junction. It is anticipated that would be for Deadline 7. It, however, remains the Council's position that the design changes necessary at the Orsett Cock junction to resolve the deficiencies in the applicant's design must be prepared prior to the completion of the Examination and be adequately tested by the ExA. It is not acceptable to delay resolution to the detailed design stage where there currently can be no certainty that the Undertaker would be able to achieve suitable resolution within the Limits of Deviation and the Order Limits of the DCO. If the applicant's approach were to be adopted, the construction

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of other sections of the project could be advanced and there would be inappropriate pressure on the Council and other IPs to agree a sub-optimal solution, contrary to the applicant's own Statement of Reasons.

- 4.3.12 It is essential that, as the Local Highway Authority for the Orsett Cock junction, the Council will not be able to agree to a sub-optimal design for the junction. It must be noted that the addition of further signal controls within the Orsett Cock junction to allow for the operation of LTC will attract commuted sums to cover the additional maintenance burden placed on the authority.
- 4.3.13 The Council reserves observations on the emerging discussions and Action Points over the effects of LTC on the Asda roundabout and will provide a full response at Deadline 6A or 7.

4.4 Action Point 2 on ISH5 – Impact on the Navigation of River Traffic (REP5-090)

- 4.4.1 The Council makes one point in regard to the reporting and outcome of Action 2 of ISH5 ([REP5-090](#)). The process for managing and governing the movement of material by river and any consequential derogation applications should include representation by the Port of London Authority (PLA). That representation is not picked up in the reporting of the Protective Provisions between the applicant and the PLA. It has been proposed in consideration of the Terms of Reference of the Traffic Management Forum (TMF) that a derogation process should be established as a function of the TMF and its materials management compliance reviewing and that the PLA should be a party to that process.

4.5 Joint Position Statement – Bed of the River Thames (REP5-094)

- 4.5.1 The Council has no comment to make on this document.

4.6 Draft Section S106 Agreement Comments and Progress Update

Introduction

- 4.6.1 This Section provides the Council's comments on progress in developing and agreeing the S106 Agreement and its various more detailed provisions.
- 4.6.2 The Council presented a limited update on the lack of progress with the Section 106 progress within its D3 submission ([REP3-211](#)) in Section 18.14.3 and in its D4 submission ([REP4-354](#)) in Section 12. The notes and actions, provided by the applicant on 15 August 2023, from the meeting with the applicant on 8 August 2023 were reviewed and a further meeting with the applicant was held for 28 September 2023. Subsequently, the applicant has made two proposals on Officer Support Contributions and the Pedestrian Crossing/Severance issue in Brennan Road, Tilbury, which are discussed below. In addition, the applicant provided the Council with a full draft S106 Agreement on 29 September 2023 and the key issues are set out below.

Council's Areas of Concern/Key Issues

- 4.6.3 The five areas of concern set out in the Council's D4 submission ([REP4-354](#)) largely remain, particularly on Skills, Education and Employment, Community Fund and Other. In terms of the 'Other' category, following a meeting with the applicant on 28 September 2023, regarding a S106 contribution to Orsett Village mitigation, the applicant has determined to withdraw any offer of funding/mitigation. The applicant determined that the lack of a Council report on this and other similar issues meant it would remove this item from further S106 consideration and rely instead on other temporary measures as part of more detailed design and management plans, supported by ongoing monitoring. This is unacceptable to the Council.

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- 4.6.4 However, the applicant has made two detailed proposals relating to Officer Support Contributions (on 29 September 2023) and Pedestrian Crossing Improvements/Severance (Brennan Road, Tilbury) (on 17 October 2023), which are set out below.
- 4.6.5 **Officer Support Contributions** – the applicant provided its proposals for funding four officer posts to support the LTC project during construction and required the Council to set out its position and requirements for responsibilities and funding for the applicant's consideration. The Council sent its detailed proposals for both funding and the responsibilities of these four posts to the applicant on 20 October 2023 and a response is awaited.
- 4.6.6 **Pedestrian Crossing Improvements – Severance (Brennan Road, Tilbury)** – the applicant provided its proposals for funding a pedestrian crossing in Brennan Road. The Council responded on 18 October 2023, setting out its concerns regarding the lack of a Stage 1 Feasibility Study for the proposed works and the subsequent risks to the Council and the inadequacy of the proposed funding and made suggestions for a way forward. A response from the applicant is awaited.

Draft S106 Agreement

- 4.6.7 The applicant provided the Council with its programme for agreeing a S106 Agreement with the Council on several occasions, the latest being 3 October 2023. In that programme it was proposed to provide the draft S106 Agreement by 29 September 2023. However, this was 2 – 4 weeks later than in the earlier programme (as set out in the Council's D4 submission ([REP4-354](#)) in Section 12.3.8) and hence was significantly delayed.
- 4.6.8 The Council has sent the applicant its detailed, but preliminary, comments on the draft S106 Agreement on 20 October 2023 and awaits the applicant's response. A meeting was undertaken on 27 October to discuss these comments in more detail and the broad results of that meeting are set out in Sections 4.6.9 and 4.6.10 below. However, whilst not discussing the detail, the Council would wish to draw the ExA's attention to three fundamental issues with the current draft S106 Agreement and its programme to completion within the Examination:
- a. The Council's comments are considered preliminary, as the final S106 Agreement would need formal governance through the Council's formal procedures, given its current Section 114 financial position and to ensure that any implications and risks (at least financial or legal) are fully assessed. This can be achieved if and when the draft reaches a more acceptable stage.
 - b. Within the ExA's amended Rule 8 letter, draft S106 Agreements can also be submitted at D8 on 5 December, with final signed versions at D9 on 15 December. However, the Council has concerns that the current programme may not be achievable as the draft S106 Agreement was received late and the governance procedures may compromise the Examination programme.
 - c. The current draft S106 Agreement seems to be written more as a contractual agreement between the parties and it does not appear to be bound by any land ownership of National Highways, as would always be the case with a S106 Agreement. This matter needs further discussion with the applicant to understand the implications for the Council and the validity of this as a S106 Agreement.
- 4.6.9 The Council met with the applicant to discuss the Council's comments on the draft S106 Agreement. It was a broadly productive meeting, with the applicant agreeing to make a number of amendments to be sent to the Council early in w/c 30 October for review by the Council later that week; and the Council agreed actions in the same timeframe. Item c in Section 4.6.8 above was clarified by the applicant and will be amended in the redraft version. Notwithstanding, these comments there are a number of outstanding matters that remain not agreed, largely in relation to the Schedules.

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- 4.6.10 The applicant has determined that Schedules 2 and 3 are to be removed from the draft S106 Agreement and placed within the SAC-R. This was broadly acceptable to the Council provided Article 61 of the dDCO were amended to make the commitment on these matters (and others) to be absolute and not 'to take reasonable steps' to commit. The applicant agreed to amend Section 61 accordingly.
- 4.6.11 **Summary: the process to achieve no agreement on the S106 has taken almost two years, despite six meetings and much evidence produced by the Council to the applicant. The applicant has sought to disguise its lack of progress in a past submission by only providing a high level update.**
- 4.6.12 **There are three significant areas of concern to the Council and which have received negative responses from the applicant as set out in Section 4.6.8 above. The first two current concerns above remain outstanding following Council comments/concerns and therefore are uncertain; however, the third matter was discussed and will be clarified by the applicant.**
- 4.6.13 **The applicant's proposed programme for achieving an agreed S106 Agreement is already delayed and unlikely to be achieved to the significant detriment of the Council, in the Council's opinion, especially given the more extensive governance procedures of the Council, given its S114 status, in respect of this financial agreement. There are also several detailed, but preliminary, comments on the draft S106 Agreement that remain a concern to the Council.**

5 Environmental Statement Addendum, other ES Document changes and ExQ1 Environmental Responses

5.1 Introduction

- 5.1.1 This Section is a collection of comments on recent changes to environmental documents (as set out below) and Council responses from the applicant to various ExQ1 environmental questions.
- 5.1.2 The only amendments in ES Fig 2.5 Construction Information are shown on Sheet 1, 5, 6, and 11 ([REP4-131](#)), where the Order Limits have changed in the highlighted areas on Sheets 1, 5, 6, 11.

5.2 ES Addendum (v4 and v5) (REP4-176 and REP5-063)

- 5.2.1 The ES Addendum v4 includes consequential updates as a result of the acceptance by the ExA of change requests MRC01, MRC02 and MRC03, as confirmed in Procedural Decision addressing proposed changes to the Application ([PD-031](#)). Other updates to documents include those made in response to ExQ1 and requests for information ([PD-029](#)) and the correction of errata identified during the Examination process.
- 5.2.2 The ES Addendum v5 includes updates to REAC commitments to reflect changes made in Table 7.1 of the Code of Construction Practice (CoCP) First iteration of Environmental Management Plan (Version 5) [Document Reference 6.3 Appendix 2.2 (5)]. Also, updates to documents include those made in response to ExQ1 and requests for information ([PD-029](#)), Issue Specific Hearings and from stakeholder engagement and errata identified during the Examination process are also corrected.
- 5.2.3 The Council has reviewed both versions changes and whilst some are within the Council's area but do not concern the Council and no further comments are made here, except those in the sub sections below.

5.3 Air Quality – Annex A to ES Appendix 5.4 in response to ExQ1 5.1.8 (REP5-093)

- 5.3.1 The Council welcome the inclusion of the Tables showing the results based on the change of the concentrations and the cross reference to the corresponding figure. This makes it easier to identify where the greatest changes in concentrations occur.
- 5.3.2 With respect to NO₂ concentrations, Table A.1 shows that four of the ten worst affected receptors (including the top two) are located within Thurrock's administrative boundary. For PM₁₀ and PM_{2.5} concentrations in Table A.2 and Table A.3 respectively, shows that three of the ten worst affected receptors are located within Thurrock.
- 5.3.3 The reordering of the receptors further demonstrates to the Council's concerns (as illustrated in the Local Impact Report ([REP1-281](#)) in Section 10.2 that more receptors in Thurrock experience an increase in concentrations compared to those that experience a decrease and that the increases are much larger in magnitude than the decreases.
- 5.3.4 Given the evident disproportionate impacts and significant deterioration in air quality predicted for numerous residential properties within Thurrock, the Council considers that appropriate mitigation measures should have been investigated (and implemented) by the applicant through the design process of the LTC project.

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- 5.3.5 Whilst we note the minor updates to AQ008 ([REP5-049](#)), the Council remain concerned that there is no specific commitment to take the necessary actions to resolve the cause of any exceedance of the air quality action level, only that they will be investigated, recorded and parties informed. As currently worded, AQ008 does not preclude the continuation of activities that are causing excessive levels of dust. The Council consider, there needs to be a clear commitment to implement the necessary measures at the earliest opportunity to mitigate the impacts, whether this relates to enforcement of the dust control measures in AQ003 – 005, or additional measures including the suspension of the specific activity until appropriate mitigation can be applied and to ensure these are applied for the remainder of the activity.

5.4 Geology and Soils (REP5-063 (pages 34-35))

- 5.4.1 Minor edits have been made to 6.1 Environmental Statement - Chapter 10 - Geology and Soils ([APP-148](#)) to update the text to reflect the rewording of REAC commitments GS001 and GS027.

5.5 Noise and Vibration

- 5.5.1 Within [REP5-063](#), in paragraph 12.6.202 of Chapter 12, it has been amended to state the final assessment of Noise Insulation Regulations will be undertaken within the first year of Project opening. The Council would request this is undertaken within the first 6 months of Project opening as per the Regulations

5.6 Road Drainage and the Water Environment (REP5-063)

- 5.6.1 The Updates to the ES Addendum are included within the Deadline 5 Submission - 9.8 Environmental Statement Addendum v5.0 (Tracked Changes) ([REP5-063](#)).
- 5.6.2 Section 2.5 Deadline 4 Updates: paragraph 14.5.10 in ES Chapter 14 is amended to state that the surface water drainage design for temporary works shall include climate change allowances up to the '*opening year*', where before the climate change allowance was stated as '*up to 2030*'. This amendment reflects the possibility of the Project operational start date being delayed beyond 2030. All other changes to the ES Addendum at Deadline 4 in relation to Road Drainage and Water Environment are minor.
- 5.6.3 Section 2.6 Deadline 5 Updates: paragraph 14.5.10, in ES Chapter 14 have been amended to include climate change allowance up to the year 2032, where before the year 2030 was stated. This has been changed in response to ExQ1 and requests for information ([PD-029](#)), which suggested that the contractors construction phase drainage plan and design of temporary works, such as surface water management, should use up to date climate change allowances to reflect potential delays to commencing on site.
- 5.6.4 Section 2.6 Deadline 5 Updates: paragraphs 14.5.14 and 14.5.15, in ES Chapter 14 have been amended to include climate change allowance up to the year 2132, where before the year 2130 was stated. The Council assume that this change is intended to also reflect potential delays to commencing on site and the extra 2 years has been passed on to allow for 100 years of operational design life. However, the Council would like to understand if this commitment to allow for climate change allowances up to the year 2132 has been considered in relation to updates to the flood risk modelling scenarios, as well as the sizing of Compensatory Flood Storage Areas.
- 5.6.5 If the extra two years has not yet been accounted for in the modelling, the Council would like to understand the implications to the Flood Risk and Drainage strategy for the project with the potential marginal increase in Flood Risk levels and Rainfall intensities.

Applicant's Comments on IP submissions

- 5.6.6 The applicant's response to IP submissions, specifically relating to the Council's comments are included within Table 3.2 of the D5 Submission - 9.117 Applicant's Comments on IP submissions at Deadline 1 to 3 ([REP5-088](#)).
- 5.6.7 In Table 3.2 Section 18.9.44 the applicant responds to the Council's comments on submissions at D1 and D2 (Section 10.8.16) ([REP3-211](#)). The applicant makes a general response deferring construction phase drainage planning to the contractor. However, the applicant has not addressed the Council's question, which specifically highlights a section of road (part of Work No. 6A) near the Muckingford Road junction, that will be in operational during Phase 5. The Council have identified that the Drainage Catchment for Work No. 6E extends beyond the section that will become operational early. There is concern that the proposed drainage for the Muckingford Junction area is dependent on the Attenuation Pond 4 Work No. 6E. The Council seek confirmation that the attenuation measures that serve the catchment highlighted will be constructed and operational prior to the early opening of the Muckingford Road Junction.
- 5.6.8 The Council requests the applicant to clarify their response to address the Muckingford Road Junction specifically. The commitment that sections of the works that become operational early, will be served by fully operational and appropriately sized attenuation and compensatory measures. This commitment can be secured through an additional (or updated) REAC commitment in the ES Appendix 2.2: Code of Construction Practice ([REP4-138](#)).

5.7 Cultural Heritage (REP4-117)

- 5.7.1 Within 6.5.17 paragraph C: the Council welcome the inclusion of site 247 as being identified as of the same importance to that of the Scheduled Monument of the cropmark complex at Orsett and will be treated as such in its mitigation.

5.8 Climate Change response to REP5-063 (pages 176-178 and Annex D1 pages 182-183)

- 5.8.1 The document 9.8 ES Addendum ([REP5-063](#)) explains the impact of shifting the delay of construction on the comparative National emission budget scenarios and concludes there would be no material change of the significance of impact.
- 5.8.2 In addition to the Council's position on the methodology adopted by the applicant presented within the Local Impact Report ([REP1-281](#)) in Section 10.14 it should be noted no exploration or cross referencing has been made of the cost benefit impact of the delayed emissions as it relates to the higher cost of carbon in these future scenarios.

5.9 Hedgerow and Tree Preservation Order Plans (v3) (REP4-089, REP4-091 and REP4-093)

- 5.9.1 The changes to these plans relate to minor amendments to the Order Limits to include proposed changes MRC01, MRC02, and MRC03 following procedural decisions made by the Examining Authority ([PD-031](#)). Volume A ([REP4-089](#)) is the Key Plan. The changes in Volume B ([REP4-091](#)) and Volume C ([REP4-093](#)) do not alter the effects on hedgerows or protected trees within Thurrock. The Council has no objection to the proposed changes.

5.10 Environmental Constraints Plans (REP4-123)

- 5.10.1 The changes to the Environmental Constraints Plan ([REP4-123](#)) relate to minor amendments to the Order Limits to include proposed changes MRC01, MRC02, and MRC03 following the

procedural decision made by the Examining Authority ([PD-031](#)). The changes within Thurrock do not result in any changes to environmental constraints. The Council has no objection to the proposed changes.

5.11 Project Proposals (WCH) (v3) (REP4-121)

- 5.11.1 The changes to the Project Proposals plans ([REP4-121](#)) relate to minor amendments to the Order Limits to include proposed changes MRC01, MRC02 and MRC03 following the procedural decision made by the Examining Authority ([PD-031](#)). The changes within Thurrock are minor and do not result in any changes to the scheme.

5.12 Photomontages and Main Construction Compounds Sections (v2 and v3) (REP4-135, REP4-133, REP4-207, REP5-047 and REP5-079)

- 5.12.1 No amendments made to Visual Representation of A13-A1089-LTC v2 ([REP4-207](#)) because there is no v1 to refer to. The Council has no comments for ([REP4-207](#)).
- 5.12.2 There are no significant changes to ES Fig 7.8 ZTV – 5km DTM Analysis of Main Construction Compounds ([REP4-133](#)). There are very minor changes to the photomontage of the A13/A1089/LTC junction from Viewpoint N-25 within ES Figure 7.19 - Photomontages Winter Year 1 and Summer Year 15 ([REP4-135](#)). However, these do not alter the significance of the impacts.
- 5.12.3 9.108 Diagrammatic Sections – Construction Compounds ([REP5-047](#)) is a new document prepared in response to ExQ1 Q12.3.6. It shows examples of potential visual effects caused by the compounds from the nearest residential receptors. Those north of the Thames have some degree of separation in addition to established belts of vegetation. The Mardyke compound is shown as the tallest, with a maximum height of up to 25m, although this is set back from the residential properties at Hobletts.
- 5.12.4 [REP5-047](#) relates solely to a site in Kent.
- 5.12.5 [REP4-207](#) provides the slides that were presented at ISH3 by the applicant to seek to explain navigation through the convoluted, complex and land-hungry LTC/A13/A1089 interchange. Whilst the Council does agree that the routeing shown is correct, the indication of the designation of Strategic Road Network (SRN), Major Road Network (MRN) and Local Road network (LRN) is not accurately represented and could be misleading. Broadly, the network to the east of LTC is LRN, i.e. A13. To the west of LTC A13 is SRN and to the south A1089 is SRN. Other roads in the area are LRN. LTC would clearly be SRN.

5.13 Issue Specific Hearing 6 (ISH6) Action Points 6 and 7 for Hole Farm (REP4-213)

- 5.13.1 The applicant has provided a specific note in response to ISH6 Actions 6 and 7 ([REP4-213](#)) to address the issues raised regarding the current planning application being considered by Brentwood Borough Council, the use of land originally purchased as a legacy project and the potential for double counting of mitigation and compensation.
- 5.13.2 The Council has reviewed the planning application under consideration by Brentwood BC and is satisfied that the proposal seeks permission for to create new vehicle parking, replacement buildings and six new ponds and does not include any elements relating to other habitat creation.

Repurposing of Hole Farm from legacy benefit' into the DCO

- 5.13.3 The applicant sets out within ISH6 Actions 6 and 7 ([REP4-213](#)) in paragraph 1.2.4
'The Applicant's repurposing of Hole Farm in this way was in line with compulsory acquisition law and good practice – the Applicant looked to land that that it owned first, to minimise to the extent reasonably possible acquisition of land from private landowners'.
- 5.13.4 The applicant has confirmed that there have been material changes in the proposed planting scheme within the site to achieve the necessary ancient woodland and Nitrogen Deposition compensation requirements. The advance tree planting undertaken in winter 2022/23 has been undertaken as part of the Nitrogen Deposition compensation measures and agreed with Natural England and Forestry England.
- 5.13.5 If LTC were not to progress this proposal, then Forestry England, which currently manages the site, would be able to change the proposed planting on site.
- 5.13.6 The Council is satisfied that the additional information set out in [REP4-213](#) has addressed the concerns raised previously regarding the potential for double counting.

5.14 ExQ1 Responses – Biodiversity (Parts 1-6) (REP4-194 – REP4-199 and REP5-077 (Topic 11))

- 5.14.1 9.89 Response to the Examining Authority's ExQ1 Appendix G – 11. Biodiversity ([REP4-194](#)) sets out the applicant's responses to detailed questions raised by the ExA. Most relate to issues not raised by the Council. Matters such as ExQ1 Q11.6.1 West Tilbury Main Culvert have been addressed elsewhere. Detail is provided regarding the water inlet for the wetland compensation land adjacent to Coalhouse Fort.
- 5.14.2 There are 5 volumes of appendices ([REP4-195](#) - [REP4-199](#)) that provide details underpinning the answers raised.
- 5.14.3 The Council has no comments to make on 9.105 Applicant's Comments on IP Responses to ExQ1 at Deadline 4 ([REP5-077](#)) regarding Topic 11.

5.15 ExQ1 Responses – Physical Effects of Development and Operation (REP4-200 and REP5-077 (Topic 12))

- 5.15.1 9.89 Responses to the Examining Authority's ExQ1 Appendix H - 12 Physical Effects of Development and Operation ([REP4-200](#)) principally relates to Cultural Heritage and Landscape. The Council has no comment make regarding the Cultural Heritage responses.
- 5.15.2 ExQ1 Q12.2.5 relates to the establishment of mitigation planting where this REAC No. LV003 contained in the CoCP First Iteration of Environmental Management Plan ([REP1-157](#)) states that *'the first 5 year of vegetation establishment would be overseen by an Environmental Clerk of Works'*. The applicant has confirmed that maintenance beyond that date will be secured under the oLEMP. The Council agrees with this in principle, however, there is a lack of clarity regarding who will be responsible for managing areas of advance planting. Will the LEMP contractors be appointed on a phased arrangement to enable for this to occur – this should be made clear and a commitment added into the oLEMP?
- 5.15.3 The Council has no comments to make on 9.105 Applicant's Comments on IP Responses to ExQ1 at Deadline 4 ([REP5-077](#)) regarding Topic 12.

5.16 ExQ1 Responses – Air Quality (REP4-190 and REP5-077 (Topic 5))

EXQ1 Q5.1.1 Baseline

- 5.16.1 Whilst the applicant states that the 2017 ES Scoping Report indicated the application of a 2016 baseline year; clearly considerably time has passed in the intervening period. It is acknowledged that from an air quality perspective the baseline year traffic data is combined with monitoring data from the same year to 'verify' the air quality model. Whilst there is no accepted 'lifespan' of such baseline data, the Applicant states (emphasis added):

*'The Applicant has reviewed the information and confirmed that the traffic flows in 2016 are appropriate for use as a baseline for the transport model, **on the basis that there have been no fundamental changes to the road network, or other local or national conditions that would have led to the data becoming unrepresentative**'.*

- 5.16.2 The Council would question the applicant's judgement (no detailed justification has been provided) as to whether the impact of the COVID-19 pandemic and people changing working patterns and significant changes to fleet composition (uptake of EV as well as renewal of fleet and phasing out of older diesel and petrol vehicles) between 2016 and Opening year is significant enough to render an updated base year; indeed, it is difficult to think of more fundamental changes that could have occurred.
- 5.16.3 Whilst it is accepted that the use of a 'GAP-factor' provides an additional safety factor for NO₂, it does not for PM₁₀ or PM_{2.5}. Furthermore, it is considered misleading to seek to demonstrate the representativeness of the baseline by comparing to 2021 and 2022 monitored results, which will be highly influenced by the changes (perhaps fundamental) to traffic flows and vehicle types, which the applicant has not considered within their modelling.
- 5.16.4 It is worth noting that the latest monitoring data has been compared to the modelled predictions along the A228, where the Project results in the largest changes and where there are exceedances of AQS objectives. The applicant concluded that using a more recent base year (e.g. 2021 or 2022) is likely to result in much lower concentrations in the future, as the modelled predictions were found to be pessimistic.

EXQ1 Q5.1.2 Baseline and Legislative Requirements

- 5.16.5 No comment required, the applicant's response provides clarification of the difference between the PM_{2.5} limit value and Air Quality Strategy objective.

EXQ1 Q5.1.3 Methodology: Open Spaces for Human Users

- 5.16.6 No comment required, as it is considered that the applicant's response addresses the question raised by the ExA.

EXQ1 Q5.1.4 Methodology: Air Quality and Junctions

- 5.16.7 The applicant's response confirms speed banding has been undertaken in accordance with the DMRB LA 105 guidance.

EXQ1 Q5.1.5 Methodology

- 5.16.8 It is accepted that the impact of assessing PM_{2.5} through the results of PM₁₀ will result in an over prediction of concentrations and is an appropriate way to demonstrate the impacts of the scheme on PM_{2.5} concentrations. However, the Council have outstanding concerns as to

the model verification approach and the lack of assessment of significance for impacts that do not cause an exceedance of the AQO (or limit value) which also apply to PM2.5.

EXQ1 Q5.1.6 Legislative Requirements

- 5.16.9 It is acknowledged that the Environmental Targets (Fine Particulate Matter) Regulations 2023 and the Environmental Improvement Plan 2023 were published after the DCO was submitted and therefore they are not referenced within the ES. It is also acknowledged that there is currently no guidance on how these targets should be considered within the planning system and as such the wording of the 2023 Regulations is used. Based on the requirements of the 2023 Regulations and the likely impact at the Thurrock monitoring station it can be concluded that the scheme does not have an impact on the ability to meet the 2023 AMCT. However, the addition of new monitoring stations by DEFRA (or indeed application of data from the applicant's own network) may influence the ERT.

EXQ1 Q5.1.7 Construction Phase Traffic Impacts

- 5.16.10 No comment required, as the applicant's response clarifies that there are no exceedances of the Limit Values during the construction phase as presented in the ES Air Quality Chapter.

EXQ1 Q5.1.8 Operational Phase Impacts

- 5.16.11 It is noted in the applicant's response that the additional receptor tables requested by the ExA are to be prepared for submission at Deadline 5. The Council welcomes the addition of these tables to enable better understanding of the results and will review them once they have been published. It is noted that the Council also requested that an additional figure be supplied that showed the verification zones that had been applied and which receptors were in each zone to better understand the results, to date this has not been provided by the applicant.
- 5.16.12 The Council welcomes the inclusion of tables showing a summary of the change in concentrations at the relevant human receptors. These tables show that increases (in $\mu\text{g}/\text{m}^3$) because of the scheme tend to be greater than the decreases experienced because of the scheme. While it does not provide adequate information to fully determine the overall burden to the residents of Thurrock, it does add weight to the Council's concerns that more receptors in Thurrock experience an increase in concentrations compared to those that experience a decrease and that the increases are much larger in magnitude than the decreases.

EXQ1 Q5.1.9 Operational Phase Impacts

- 5.16.13 The Council welcomes the inclusion of Tables 4 – 6 within the response to the ExA question. These tables again show that, in the case of NO₂ and PM₁₀, there are more receptors that experience an increase in concentrations because of the scheme than decreases; and, that the magnitude of the increases tend to be greater than the decreases. While for PM_{2.5} there are more receptors that experience a decrease in concentrations than an increase. While it does not provide adequate information to fully determine the overall burden to the residents of Thurrock it does add weight to the Council's concerns that more receptors in Thurrock experience an increase in concentrations compared to those that experience a decrease and that the increases are much greater than the decreases. It is considered that these increases result in a 'significant air quality impact in relation to air quality' and should be considered when determining significance and whether mitigation measures should be applied to those receptors experiencing medium to large increases in concentrations, which the Council suspect are predominantly located within Thurrock.

ExQ1 Q5.1.10 Monitoring – Construction Phase

5.16.14 No comment required, as it is considered that the applicant's response addresses the question raised by the ExA.

ExQ1 Q5.1.11 Monitoring – Operational Phase

5.16.15 The Council disagrees with the applicant's response to the ExA question particularly suggesting reliance on the AURN dataset, which the applicant has already identified as having very limited coverage close to the ARN. The Council considered that as set out in the LIR ([REP1-281](#)) in Section 10.2, given the inherent uncertain in the underlying traffic data and methodologies for modelling emissions from traffic, it would be appropriate (and in line with non-Highway related developments) to undertake extensive monitoring post completion, at receptors identified by the air quality assessment to have the greatest change in concentrations because of the scheme. This would provide clarity as to the actual impacts of the Scheme on air quality (and risk of adverse health effects) and support the Council in its statutory duties in regard to Local Air Quality Management and Public Health.

ExQ1 Q5.1.12 River Traffic

5.16.16 No comment, as it is considered that the applicant's response addresses the question raised by the ExA.

ExQ1 Q5.2.1 Methodology

5.16.17 No comment, as it is considered that the applicant's response addresses the question raised by the ExA.

ExQ1 Q5.2.2 Methodology

5.16.18 No comment, as it is considered that the applicant's response addresses the question raised by the ExA.

ExQ1 Q5.2.3 Sensitive Receptors

5.16.19 No comment, as it is considered that the applicant's response addresses the question raised by the ExA.

ExQ1 Q5.2.4a Nitrogen Deposition

5.16.20 The Council is not aware of any published record for the derivation of the NH₃ emission rates applied in the tool applied, or the IAQM peer-review referred to and would request that both are provided to the ExA, rather than just a summary explanation of the process applied.

ExQ1 Q5.2.4b Nitrogen Deposition

5.16.21 No comment, as it is considered that the applicant's response addresses the question raised by the ExA.

ExQ1 Q5.2.5 Modelling NO₂

5.16.22 While it is acknowledged that the overall Root Mean Square Error (RMSE) (5.8µg/m³) of the verification is within the recommended RMSE value of 10µg/m³, it should be noted that this does not imply it is 'robust' and LAQM.TG(22) states that ideally the RMSE should be within 10% (4µg/m³) further clarification should be provided as to whether further consideration had

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been given to the model inputs to improve verification further. It should also be noted that the Council have also requested further information on the verification to show where each of the verification zones have been applied and which receptors are in each zone, to better understand the results, to date this has not been provided by the applicant.

ExQ1 Q5.2.6 Assessment

5.16.23 No comment, as it is considered that the applicant's response addresses the question raised by the ExA.

ExQ1 Q5.2.7 Mitigation

5.16.24 No comment, as it is considered that the applicant's response signposts to the relevant documents and addresses the question raised by the ExA.

ExQ1 Q5.2.8 Additional Modelling Sites

5.16.25 The ExA question appears to relate to Gravesham BC's Local Impact Report. In the applicant's response it states that no monitoring is proposed during the operational phase. However, as highlighted in the Thurrock Local Impact Report ([REP1-281](#)) in Section 10.2, it is considered appropriate to undertake monitoring post completion at receptors identified to have the greatest change in concentrations. The applicant's response also makes reference to dust monitoring during the construction phase, within the REAC AQ006 and AQ007 ([REP3-104](#)), which states that monitoring would 'begin at least three months prior to the commencement of the construction works'. It should be noted that the Council have requested, as part of the SoCG discussions, that the baseline monitoring be undertaken for a minimum 6 months, this matter has not been agreed between the Council and the applicant.

5.17 ExQ1 Responses – Noise and Vibration (REP4-192, REP5-063 and REP5-077 (Topic 9))

Within REP4-192: ExQ1 Q9.1.1

5.17.1 No comment on the response provided, although it is noted that new baseline surveys will be undertaken to establish pre-construction baseline noise levels. These will need to be agreed with the Council.

ExQ1 Q9.1.3

5.17.2 In paragraph 2.2.6 of the applicant's ES Appendix 12.4 – Construction Noise and Vibration Assessment ([REP1-169](#)) indicates that a reduction of 20% in model flow has been applied to the future year 2030 to produce a representative 2025 Baseline. This is significantly higher than the DfT's National Road Traffic Projections 2022 (NRTP22) Core Scenario growth. The NRTP22 presents the latest projections of road traffic, congestion and emissions for England and Wales. These are long-term, strategic projections of future road travel demand under a range of different plausible future scenarios. This estimates an increase of 3.9% on minor roads and 4.4% on A roads between 2025 and 2030. The Council is therefore of a view that the applicant has significantly underestimated the Baseline by applying a reduction of 20% for the same period. Whilst it is agreed that the construction noise threshold is conservative, it is not agreed that representative flows have been utilised for the 2025 baseline scenario.

5.17.3 Whilst it is agreed that the construction noise threshold is conservative, it is not agreed that representative flows have been utilised for the 2025 baseline scenario.

ExQ1 Q9.2.7.

- 5.17.4 In explaining how a reasonable worst-case assessment has been undertaken with regards to construction noise and vibration, the applicant has stated receptors based on representing the closest and most exposed receptors to construction works have been selected. The Council would query why high-rise towers to the north of Chadwell St. Mary adjacent to Godman Road have not been assessed?

ExQ1 Q9.5.2.

- 5.17.5 In response to monitoring approval, the applicant has stated that this will be secured via a new REAC agreement. However, on review of the REAC commitments within [REP5-048](#) operational noise measurements are not being undertaken. The Council would want representative sound surveys to be undertaken as part of the operational monitoring.
- 5.17.6 Within [REP5-077](#), the applicant has responded to the Council's responses to ExQ1 at Deadline 4. In response to Q9.2.5 the applicant has not accepted that noise insulation or temporary re-housing is included in the REAC. The response states that under REAC commitment NV004 an assessment will be undertaken with provision of noise insulation and temporary rehousing examined and concluded. The Council would re-iterate that this specific measure is included in the REAC.
- 5.17.7 Within the response to Q9.2.5 in regards to construction traffic noise impacts, the applicant has stated that '*specific control of construction traffic noise is therefore implemented through the ability to actively monitor and manage the flows around the network, allowing route changes and other control measures to be implemented to alter flow patterns of construction traffic where problems are identified.*' The Council would query how these problems would be identified and if noise assessments /monitoring will be undertaken.
- 5.17.8 In response to Q9.4.5 the applicant considers the sufficient information has been provided upon which to understand the assessment. It is disappointing that further information has not been shared by the applicant. The Council therefore cannot confirm that implementation of Best Practicable Means (BPM) will reduce noise levels below the Significant Observed Adverse Effect Level (SOAEL).

5.18 ExQ1 Responses – Climate (REP4-186 – REP4-188)

- 5.18.1 The applicant's written responses to questions to ExQ1 Q2.1.1 to ExQ1 Q2.1.4 are provided in [REP4-188](#) (9.89 Responses to the Examining Authority's ExQ1 Appendix A – 1, 2, 3). In support of these responses the applicant also provided a copy of the Carbon Valuation Toolkit version 1.4.2, as two Annexes ([REP4-186](#) (as PDF) and [REP4-187](#) (as Excel)).
- 5.18.2 The Carbon Valuation Toolkit includes the data sources, inputs and outputs, and calculations used for the monetisation of the forecast carbon impacts of LTC for the DCO, following the method set out in DfT's Transport Appraisal Guidance (TAG). The Toolkit does not alter, or provide additional information on, the greenhouse gas emission forecasts submitted for the DCO. This response does not therefore affect the concerns that the Council has previously submitted, in particular that the assessment does not take into account adverse impacts of LTC on the ability of local authorities, such as the Council to meet their own reduction commitments, as set out in Local Impact Report ([REP1-281](#)).
- 5.18.3 In response to ExQ1 Q2.1.2, the Carbon Valuation Toolkit ([REP4-186](#) (as PDF) and [REP4-187](#) (as Excel)), shows an additional calculation of the monetary impacts of the GHG emissions using the High set of carbon prices. This results in a higher disbenefit of £807.8 million (2010 prices and values) but does not affect the Project's central case BCR. As noted above, this does not affect the calculation of the emissions themselves, which is the basis of the Council's objections, as set out in Local Impact Report ([REP1-281](#)) in Section 10.14.

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- 5.18.4 In response to ExQ1 Q2.1.3 and ExQ1 Q2.1.4, the Carbon Valuation Toolkit ([REP4-186](#) (as PDF) and [REP4-187](#) (as Excel), provided, as a sensitivity test, LTC's carbon emissions if the Upper Bound and Lower Bound carbon reduction trajectories in the Transport Decarbonisation Plan (TDP) were applied. While this does not affect the Council's previously submitted objections to the GHG calculations for LTC, as set out in Local Impact Report ([REP1-281](#)) in Section 10.14, it is important to note that the Government has recently delayed the ban on the sales of new petrol and diesel vehicles by five years. It cannot be assumed that this will not affect the carbon reduction trajectories in the TDP, so these forecasts will need to be reviewed if the applicant intends to use them in support of LTC.
- 5.18.5 ExQ1 Q2.3.1 asks what are the implications for LTC of the recent *Boswell v Secretary of State for Transport* High Court Judgement [2023] EWHC 1710. The judgement concerns schemes at three different locations on the A47, each of which was the subject of a separate decision by the Secretary of State. The judgement considers the case made by the Claimant that the SoS acted unlawfully in '*failing to meaningfully assess the combined emissions from the three road schemes*'. The judgement concludes that the approach taken was lawful. The applicant's response to this question does not affect the Council's own response to ExQ1, as submitted previously ([REP4-353](#)), which is that as the Council's objections to LTC are not based on an argument that emissions from other DCOs should be taken into account within the LTC examination, the judgement does not have implications for LTC.

5.19 ExQ1 Responses – Social, Economic and Land Use Considerations (REP4-201 and REP5-077 (Topic 13))

- 5.19.1 Each of the relevant ExQ1 questions relating to this topic are dealt with in turn below.

ExQ1 Q13.1.2

- 5.19.2 The ExA question relates to the methodology used within ES Chapter 13 ([APP-151](#)) to identify sensitivity. The Council have no further comments to add regarding the use of the DMRB LA 112 methodology to assess impact on land use and accessibility.

ExQ1 Q13.1.3

- 5.19.3 The ExA question is referring to community woodland project at The Hole Farm in Brentwood, falling outside of the area of concern for the Council. However, it is noted that the applicant's response does not make it clear which mitigation referred to in the ES Chapter 13 – Population and Human Health ([APP-151](#)) is considered part of a legacy projects (and therefore, as outlined in the applicants answer to ExQ1 13.1.6 should not be considered as part of mitigation for this project.

EXQ1 Q13.1.5

- 5.19.4 The ExA question is regarding the permissive routes proposed as part of Tilbury Fields. The applicant's answer refers to Design Principles ([REP3-110](#)), this is discussed in further details below. The Council has no specific comments on the issues raised in this question.

EXQ1 Q13.1.6

- 5.19.5 The ExA's question is regarding the delineation between the legacy projects, which are funded through National Highways Designated Funds and the direct benefits associated with the projects. The applicant has explained that the Designated Funds are not contingent on the project being approved and, therefore, should not be considered as a benefit of the project in the planning balance. The Council accepts this position.

EXQ1 13.1.9

- 5.19.6 The ExA in this question has requested that the applicant appraise the impact of visual bulk or overshadowing on individual properties as a result of new structures and embankments in close proximity to residential properties. The applicant has provided a Daylight and Sunlight Analysis as part of the Deadline 5 submission. It is recognised that this was previously not included, as it was not identified as a potential domain within the Planning Inspectorate's (PINS) Scoping Opinion ([APP-340](#)). The assessment concludes that there are no daylight and sunlight impacts. The Council would like to review and provide any further feedback at Deadline 7.

EXQ1 13.1.11

- 5.19.7 In this question the ExA is querying the what the term 'appropriate' range means regarding the REAC PH002 provision for the provision of healthcare facilities and additionally asks what if any dedicated health services have been agreed. The Council continues to have serious concerns regarding the adequacy of this commitment in regard to securing an adequate level of provision (both on-site) and an adequate level of mitigation (off-site) regarding worker healthcare. This is in regard to confirming both the role of the ICP's as a consultee and approver in this process, rather than just being engaged with, and also guarantee financial contribution where this cannot be met onset. The Council through the SoCG process put forward suggested wording regarding this, which has not been accepted by the applicant and this therefore remains a matter not agreed. Furthermore, the Council has aligned the suggested wording with the ICP and their SoCGs. The following is recommended for PH002:

'Worker Healthcare: to ensure that the Integrated Care Partnerships have a consultation and approval role in agreeing the necessary range of medical and occupational healthcare services required to meet the physical and mental health needs of the construction workforce. Where on-site services cannot be offered, funding for greater capacity in the NHS will be provided.'

ExQ1 13.1.12

- 5.19.8 This question is querying the assessment of likely significant effects on Whitecroft Care Home and requests clarity on the specific noise and air quality impacts during both construction and operation and specific mitigation that is proposed given the high sensitivity of the resident. The Council remain concerned regarding the air and noise impacts and knock on human health affects on Whitecroft Care Home during both construction and operation. This remains a 'Matter Not Agreed' between the Council and the applicant. The applicant's answer notes that there is ongoing discussion regarding measures to be put forward that would form part of the BPM secured within the REAC, particularly given the recognition within the HEqIA ([REP3-118](#)), of those residents within the Whitecroft Care Home being highly sensitive. Therefore, the concern still remains regarding the adequacy of mitigation, given the highly sensitive nature of this receptor and lack of certainty around proposals.

ExQ1 Q13.1.14

- 5.19.9 The ExA in this question is requesting further information as the Treetops and Beacon Hill Schools (both of which are establishments for children with Special Educational Needs and Disabilities) identified concerns regarding air quality and noise, but information was not provided on how these concerns were addressed. The applicant suggests that there are no significant affects and that mitigation secured in the REAC will be sufficient. It is important to note here that the oTMPfC also outlines in Table 2.3 principles within the TMP that would be maintained for schools, early engagement regarding changes to school access it. The Council has remaining concerns regarding the adequacy of this provision and would require further commitment to achieve mitigation.

ExQ1 13.1.15

5.19.10 The question from the ExA has multiple points that are relevant to the Council. This includes needing further mitigation regarding guaranteeing sourcing labour from Thurrock given that some 70% of the route falls within the area. This is particularly important as within the Community Impact Report and the HEqIA positive benefits of the scheme are claimed due to access to jobs across multiple wards without guarantee as to how this is to be achieved specifically in geographic locations. Additional suggested mitigation regarding ensuring local residents in highly sensitive wards benefit from the scheme, including a specific suggestion around the SEE and a CLG for young people is suggested in **Table 5.1 below** 'Suggested Additional Mitigations: Highly Sensitive Wards' (addressing SoCG item 2.1.213) and discussed in Section 5.18.15.

EXQ1 13.1.16

5.19.11 The ExA in this question queries the likelihood of sourcing 45% of employees from a local workforce given the cumulative impact of other large projects at the same time. The applicant has provided calculations to justify this approach, the validity of which are also queried within comments on the Workers Accommodation Report (found in the Council's LIR ([REP1-281](#)) in Section 13.5. Additionally, the rationale for this 45% figure seems to rely on the measures within SEE being successful, with no acknowledgement of the impact on the local area if this is not the case. The previous example of the A14 project is referenced but does not provide convincing evidence that this experience has been taken into account, as no data was collected on the geographical spread of the workforce.

ExQ1 13.1.17

5.19.12 Again, the ExA's question covers multiple points of ongoing conversation with the applicant and the Council regarding workforce accommodation and assumptions made within the Workers Accommodation Report regarding the impact of the construction workforce on local accommodation and the adequacy of mitigation proposed. The Council is considering the Technical Note submitted by the applicant and has provided recommendations to the applicant regarding further mitigation; and also dispute the case put forward by the applicant that those currently using the lower price end of the Thurrock housing market will not be disproportionately affected due to the allowances offered to workers and likely ability of workers to access more expensive properties. This is covered in Appendix E that sets out the Technical Note and the Council's comments on it in its email dated 17 October 2023 and a response is awaited from the applicant. This influx is still likely to have an effect on the housing market and affordability, with the added risk of more vulnerable residents needed to be housed out of Borough. There has been no confirmation to date from the applicant regarding agreeing the mitigations put forward.

ExQ1 13.1.18

5.19.13 This question is regarding the loss of agricultural land, the Council has no further comments on this issue.

ExQ1 13.1.19

5.19.14 This question is regarding the limited detail regarding future design and maintenance of the rights of ways and bridleways. As part of the wider SoCG discussions the Council are providing additional text for consideration in Table 4.1 Project Wide Design Principle: Connecting People to strengthen these design principles (this is in relation to SoCG item 2.1.259). These are set out in the table in Section 2.6 above.

5.19.15 The final point of note regarding broader social and economic issues are the additional mitigations and amendments that are being put forward as part of SoCG discussions (item 2.1.213). This is in reference to specific mitigations regarding wards identified as highly

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sensitive within ES Chapter 13 – Population and Human Health ([APP-151](#)). An ongoing issue with between the applicant and the Council is understanding how more sensitive populations have been considered when putting forward impact assessment thresholds and mitigations. Given this, there is a lack of confidence that highly sensitive wards are being adequately mitigated for. **Table 5.1** below outlines these concerns and suggestions.

Table 5.1: Suggested Additional Mitigations: Highly Sensitive Wards (addressing SoCG 2.1.213)

Ward	Issues Identified in the Community Impact Report	Suggested additional mitigation
Ockendon	<p>Ockendon ward has a younger population than Thurrock as whole (6.15.5)</p> <p>Temporary adverse effects from construction traffic noise are predicted to occur in Ockendon, along Dennis Road.</p> <p>The local community would be impacted by severance during the temporary closure of footpath FP136 and bridleway BR219.</p> <p>Residential areas on the northern and eastern edges of South Ockendon are likely to see the construction activities.</p> <p>Significant adverse effects during operation would comprise cumulative changes to the settings of heritage assets and change to the historic landscape due to large scale change in land use and character.</p> <p>Net gain in access for motorists within Ockendon but there are areas to the east and west that would no longer be accessible by car within 30 or 60 minutes</p>	<p>Demonstrates need for additional SAC-R WCH funding.</p> <p>This is particularly as temporary severance for the routes identified within the CIR (FP13, BR219) will last for three years, with BR219 providing access to green spaces</p>
Belhus	<p>Belhus ward has a younger population than Thurrock as whole.</p> <p>Construction activities in this ward would include the provision of roads for construction traffic to access the worksite, which would lie to the east and north of Belhus ward.</p> <p>The ward has an Air Quality Management Area (no 15).</p> <p>Temporary closures of BR210 for 36 months.</p>	<p>Demonstrates need for additional SAC-R WCH funding.</p>
Little Thurrock and Blackshots	<p>Little Thurrock Blackshots ward has a noticeably older population than is the case for Thurrock as a whole and nationally.</p> <p>As a whole, Little Thurrock Blackshots ward has low rates of deprivation (<i>additionally, in the Appendix 13.2 Ward Sensitivities it is noted that this ward also</i></p>	<p>Demonstrates need for additional SAC-R WCH funding.</p> <p>Additionally, although not highlighted in the Community Impact report, due to the structure of discussing ward by ward impacts, the Ron Evans Memorial Field is accessed by the north of Little Thurrock Blackshots, and also can be accessed by the east</p>

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Ward	Issues Identified in the Community Impact Report	Suggested additional mitigation
	<p><i>has an higher than average percentage of children under 16.)</i></p> <p>Changes in accessibility: this may be the case for people who are more dependent on public transport and have less choice about method and route travelled (15 bus routes delayed).</p> <p>WCH: FP97/BR206/BR223 closed.</p> <p>Treetops School and Beacon Hill School within ward (8-month construction period) top 20% most deprived in England.</p> <p>Several Prows would be re-routed permanently, and the A1013 Stanford Road would have a cycle route diversion parallel to the southbound carriageway, connecting to Little Thurrock and Grays.</p>	<p>of Stifford Clays ward, this suggests further evidence for the need for additional SACR open and green space funding to mitigate impacts during construction phase.</p> <p>Additional mitigation: CoCP: Paragraph 5.2.1 should include reference to non-digital communication methods.</p> <p>g. Commitment to using a range of communication methods including non-digital methods and embedding accessibility principles into communication plans.</p> <p>oTMPfC: Table under Paragraph 6.3.1</p> <p><u>Additional row requested:</u> Community Engagement: Information regarding diversions (including bus routes) will be published at least 2 weeks before works being carried out online on Thurrock Council's website. accessed by the east of Stifford Clays ward, this suggests</p>
<p>Chadwell St Mary</p>	<p>The Chadwell St Mary ward is characterised by a younger population.</p> <p>Parts of Chadwell St Mary are within the top 10% most deprived in England.</p> <p>In Chadwell St Mary ward, 76.6% of residents report their health as good or very good, compared with 82.9% in Thurrock as a whole.</p> <p>Most of Chadwell St Mary ward is outside the Order Limits (the area required to deliver the Project). However, in the north of the ward, a significant amount of construction work would be carried out.</p> <p>Footpath F978 closed 9 months, F979 severed by construction, FP95 resurfaced and redesignated.</p> <p>The main construction activities that are expected to create a slight increase in noise and vibration levels in this ward relate to the A1089 upgrade, the A122 and selected utilities works.</p> <p>Changes in accessibility, which may impact people who are more dependent on public transport and have less choice about method and routes travelled.</p>	<p>Demonstrates need for additional SAC-R WCH funding.</p> <p>Additional Mitigation: CoCP: 5.2.12: Whilst the exact number of CLG's is to be determined, a particular CLG will be set up in conjunction with the SEE Strategy with the aim to provide a forum for young people affected by the project and provide a conduit into SEE strategy. This CLG will specifically target membership of wards with higher levels of construction such as Tilbury St Chads, Tilbury Riverside and Thurrock Park and Chadwell St Mary.</p>

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Ward	Issues Identified in the Community Impact Report	Suggested additional mitigation
	<p>Temporary visual impacts have been identified.</p> <p>There are likely to be mental health and wellbeing impacts associated with stress and anxiety relating to construction of the Project.</p> <p>Traffic at the Marshfoot junction on the A1089 and traffic flows on the Chadwell bypass southbound would also increase, as would traffic on Chadwell Hill southbound and Marshfoot Road westbound, by between 20% and 40% in the morning and evening peak hours. Traffic on the Brentwood Road southbound would increase by over 40% throughout the day (operation)</p> <p>The assessments undertaken for noise have shown that the Project would result in significant adverse permanent noise effects. The relatively high proportion of younger people living in the area may be more susceptible increases in noise levels. In addition, significant adverse visual impacts in the opening year have been identified.</p>	
<p>Tilbury St Chads</p>	<p>Within the ward, 28.8% of the population is under 16 years of age, compared with 24.5% for Thurrock and 20.3% for England.</p> <p>Around half of Tilbury town falls within the ward, from the north of Brennan Road. The remainder of the ward is mostly agricultural.</p> <p>Within Tilbury St Chads ward, the Thurrock AQMA No.24 has been declared an Air Quality Management Area (AQMA) due to yearly levels of airborne pollution above accepted standards.</p> <p>Only a small section of the Order Limits (the area required to deliver the Project) lie within Tilbury St Chads ward and little construction activity would take place within this ward, compared with neighbouring wards.</p> <p>Within Tilbury St Chads ward, the Applicant proposes to acquire permanent rights over an area of land at Walton Common and Parsonage Common for utilities works required for the North Portal. 12 bus routes effected (no train stations in ward – although residents would likely access Tilbury train station in Tilbury Riverside).</p>	<p>Demonstrates need for additional SAC-R WCH funding.</p> <p>Demonstrates need for additional SAC-R Open Space funding.</p> <p>Additional Mitigation CoCP:</p> <p>5.2.12: Whilst the exact number of CLG's is to be determined, a particular CLG will be set up in conjunction with the SEE strategy with the aim to provide a forum for young people affected by the project and provide a conduit into SEE strategy. This CLCG will specifically target membership of wards with higher levels of construction such as Tilbury St Chads, Tilbury Riverside and Thurrock Park and Chadwell St Mary.</p>

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Ward	Issues Identified in the Community Impact Report	Suggested additional mitigation
	<p>Changes in accessibility: this may be the case for people who are more dependent on public transport and have less choice about method and route travelled.</p> <p>Changes in access to open space: much of the local footpath network to the east of the urban area of Tilbury would be temporarily closed during construction. People without access to private cars would have access to fewer alternatives.</p> <p>A proportion of residents may also experience positive health benefits through accessibility improvements, better access to educational opportunities (specifically with further education colleges and primary schools), better access to employment opportunities and to open space, including new recreational areas outside Tilbury St Chads. This would include the Tilbury Fort and Coalhouse areas.</p>	
<p>Tilbury Riverside and Thurrock Park</p>	<p>Tilbury Riverside and Thurrock Park ward is characterised by a younger population, with nearly a third of its residents aged under 16 (31.5% compared with 24.5% for Thurrock and 20.3% for England)</p> <p>The ward has a relatively ethnically diverse population compared with other Thurrock wards.</p> <p>Parts of Tilbury Riverside and Thurrock Park ward are among the top 10% deprived areas in England. Economic activity rates are lower than for Thurrock and nationally.</p> <p>Tilbury Riverside and Thurrock Park ward exhibits high rates of long-term health problems.</p> <p>The main construction activities in this ward would involve HGV movements to build the compounds and the tunnels, as well as works to build Tilbury Viaduct. There would also be utilities connections for the tunnel works and for the operation of the north portal building.</p> <p>Employment benefits would be both direct and indirect. Direct employment would include local residents who would be employed to work on the Project. There is expected to be a high level of benefit from this within the sub-region. Indirect benefits would include employment from expenditure on supplies and services necessary for construction of the Project.</p>	<p>Demonstrates need for additional SAC-R WCH funding.</p> <p>Demonstrates need for additional SACR Open Space funding.</p> <p>Additional Mitigation: CoCP:</p> <p>5.2.12 Whilst the exact number of CLG's is to be determined, a particular CLG will be set up in conjunction with the SEE strategy with the aim to provide a forum for young people affected by the project and provide a conduit into SEE strategy. This CLCG will specifically target membership of wards with higher levels of construction such as Tilbury St Chads, Tilbury Riverside and Thurrock Park and Chadwell St Mar.</p> <p>SEE Strategy Pg. 34 'Support Business Growth'</p> <p>Create an online local business directory to encourage use of local business by workforce (particularly in wards with higher levels of construction), e.g. Tilbury St Chads, Tilbury Riverside and Thurrock Park, Chadwell St Mary and e.g. The Gateway Academy.</p>

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Ward	Issues Identified in the Community Impact Report	Suggested additional mitigation
	<p>Tilbury Fort is located to the east of the Project on the northern banks of the river Thames, along the coastal path and cycle path networks. Construction impacts at the fort would relate primarily to amenity impacts for visitors, as a result of changes in noise and landscape quality.</p> <p>Receptors on Calcutta Road and Dock Road and at the Convent of Mercy, Grapecroft Care Home, Lansdowne Primary Academy and Little Angels Day Nursery would experience an increase in road traffic noise levels during the construction phase of the Project.</p> <p>Changes in access to open space: much of the local footpath network to the east of the urban area would be temporarily blocked during construction. People without private cars may have fewer alternatives within a reasonable travel time.</p> <p>There may be mental health and wellbeing impacts associated with stress and anxiety relating to construction of the A122.</p>	
Stifford Clays	<p>When compared with Thurrock as a whole, the Stifford Clays ward has a higher proportion of people aged 60 and over (26.3% compared with 18.3% for Thurrock).</p> <p>Of the ward's population, 20.8% report their health as fair, bad or very bad, compared with 17% for Thurrock.</p> <p>Construction activities would include providing roads for construction traffic to access the worksite. Stifford Clays ward is included within the Order Limits (the area of land required to construct and operate the Project), because Medebridge Road is accessed via Stifford Clays Road, which runs through the ward.</p> <p>Delays to local bus services in the ward, this includes the analysis that the impact on the 11 service would be greatest in phases 5 and 9, when the journey time could increase by up to seven minutes. This would be due to a diversion when Rectory Road is closed.</p> <p>Throughout construction, there may be some increases in journey times to Grays and Ockendon stations, associated with increased traffic through the area and traffic management on the local roads.</p>	<p>Demonstrates need for additional SAC-R WCH funding.</p> <p>Demonstrates need for additional SACR Open Space funding.</p> <p>Links to suggested mitigations at Deadline 6 for strengthening of commitments within the OtMPfC Table 2.3 regarding maintaining access and egress to health and community facilities during construction.</p>

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Ward	Issues Identified in the Community Impact Report	Suggested additional mitigation
	<p>Bridleway BR161 would need to be closed for six months for OHL realignment works.</p> <p>6.12.22 Two temporary closures of Bridleway BR219, or alternative management, would be required for periods of two months to facilitate utility diversion works. A further temporary closure of the section that falls within the Order Limits would be required for construction of the Project route for a period of 36 months.</p> <p>Negative impacts on views in the ward due to construction activity.</p> <p>Health and wellbeing benefits stated include access to work and training, improvements to accessibility and access to open space in operation (Tilbury Fields).</p> <p>Negative impacts during construction include severance due to closures to roads and footpaths and impacts on accessibility due to changes to public transport and associated impacts on stress and anxiety.</p>	
Aveley and Uplands	<p>Not assessed within the Community Impact Report (it is unclear why this is not included)</p> <p>The HEQIA identifies potential impacts in Aveley and Uplands within the text, such as being vulnerable to changes in affordability and higher levels of mortality related to respiratory diseases than national averages.</p> <p>Within Table 1.3 there are positive impacts identified for work & training, and mixed impacts identified for mental health and wellbeing. Within operation there are positive impacts identified for: accessibility, access to open space and recreation, affordability, noise and vibration (particularly on Park Lane) and work and training, and mixed impacts identified for mental health and wellbeing.</p>	<p>There is a lack of detail regarding specific impacts on Aveley and uplands but given the positive benefits claimed the ward would benefit from mitigation aimed at securing detail on CLG's for work and training, as well as enhancing engagement regarding WCH and access to open spaces.</p>
West Thurrock and South Stifford	<p><i>Assumed to be indirectly effected in CIR.</i></p> <p>West Thurrock and South Stifford ward has the youngest population with 27.8% under the age of 16.</p> <p>West Thurrock and South Stifford ward is located approximately 4.5km to the south of the main Project route and, as such, there would be no direct noise impacts from the Project in the ward. Noise impacts within this ward would be as a result of changes in traffic flow, the number of HGVs and traffic speeds on the existing road network within the ward, and</p>	<p>Not applicable as indirectly affected.</p>

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Ward	Issues Identified in the Community Impact Report	Suggested additional mitigation
	<p>changes along the M25 and A282 across the Dartford Crossing.</p> <p>Within the ward, a significant beneficial effect has been identified at Harris Primary Academy.</p>	
<p>Stanford East and Corringham Town</p>	<p><i>Assumed to be indirectly affected in CIR.</i></p> <p>In contrast, only 77.4% of the population in Stanford East and Corringham Town report their health as good or very good. In Stanford East and Corringham Town, there would be a minor worsening in air quality along The Manorway and Southend Road. The highest predicted annual mean NO₂ concentration is 29.5µg/m³. This is within the annual mean NO₂ AQS objective of 40 µg/m³.</p>	<p>Not applicable as indirectly affected.</p>
<p>East Tilbury</p>	<p>East Tilbury within the HEQIA is considered to be of medium sensitivity.</p> <p>However, this designation has been questioned within the SoCG process due to the Council's concerns regarding this area as an isolated community.</p> <p>This is recognised within the HEQIA, as quoted below: The communities of Linford and East Tilbury have previously been isolated from areas of employment and services to the west (Chadwell St Mary) from an active travel perspective, as a result of relatively few connecting PRow in this area. This situation is improved as a result of new connections such as the Hoford Road green bridge (with associated improved connectivity via High House Lane) and provision of a shared pedestrian–cycle track along Muckingford Road.</p> <p>These proposals may tap into a latent demand for cycling in this area, where there are younger populations with a higher propensity to cycle.</p> <p>Additionally, the HEQIA picks up the following vulnerabilities:</p> <p>Severance (particularly given the wards higher concentration of children): PRow Diversions needed, in particular footpath FP61 between Low Lane and East Tilbury could be for up to 2.5 years.</p> <p>Access to space: A large adverse effect is identified at the green space on Stenning Avenue.</p>	<p>Demonstrates need for additional SAC-R WCH funding.</p> <p>Demonstrates need for additional SAC-R Open Space funding.</p> <p>It is also noted that there may still be adverse noise impacts despite mitigations put forward in this ward and this needs to be acknowledged as a risk to sensitive populations.</p>

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Ward	Issues Identified in the Community Impact Report	Suggested additional mitigation
	<p>Tilbury Green improvements identified as key potential benefit for area.</p> <p>Noise Impacts in East Tilbury are identified in the Equalities Impact assessment as a potential differential effect (especially given the higher number of children). The ward is identified as one which may experience negative health outcomes due to the increase in construction rates. This is particularly important for East Tilbury from a health perspective due to the association of increases in noise with health conditions such as Strokes and Coronary Heart Disease (CHD). East Tilbury is in the quintile 5 (out of 5 in England) for death rates from (CHD), according to OHID Local Health tool, data 2016 - 2020. It is also in quintile 5 (out of 5 in England) for emergency hospital admissions for both Stroke and CHD and is significantly worse than England for both conditions (according to OHID Local Health tool, data 2016/17 – 2020/21). The ward has a number of suggested noise mitigations.</p>	

5.20 ExQ1 Responses – Geology and Waste (REP4-191 and REP5-077 (Topic 8))

Geology and Soils (REP4-191) ExQ1 Q6.1.1

- 5.20.1 There is nothing new in the applicant's response. The primary concerns of the Council relate to sufficient provision for influencing and ensuring appropriate investigation in advance of construction and adequate controls (and evidencing of the effectiveness controls) to protect offsite human health. The rewording of the REAC GS001 and GS027 was undertaken in DL5. The draft wording of GS001 and GS027 presented in Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 ([REP5-049](#)) requires the contractor to provide a scheme of ground investigation design for approval by various parties, including the Council and for the contractor to implement remediation where unacceptable risks are identified taking into account representations from various parties including the Council, respectively. The wording presented is acceptable and addresses the first part of the Council's concern above. Regarding a mechanism requiring evidencing the adequacy of controls it has been suggested in ExQ2 Responses in response to Q6.1.2 that an additional commitment for reassurance air monitoring for asbestos fibres is added to the REAC.
- 5.20.2 Whilst the title of this question relates to contamination and unexploded ordnance the question does not explicitly require clarification on the measures to address the later. The Council highlight that unexploded ordnance was brought up in ISH5 (the Tunnelling Hearing). The Council reiterates that the emergency plans should be sufficiently developed to ensure that the measures can be delivered effectively, for example, by identifying to where the evacuation will be made and the capacity of each lodging.

Geology and Soils (REP4-191) ExQ1 Q6.1.2

- 5.20.3 The question is titled 'East Tilbury Landfill' and raises the matter of river frontage deterioration. The applicant has chosen to respond specifically in respect of the East Tilbury Landfill, however, the Council has raised concerns regarding the river frontage within the Order Limits at Goshams Farm Landfill, where the northern portal is to be constructed. At a recent SoCG meeting on the 16 October 2023, the Council requested that in addition to GS003 (geotechnical risk register), a new REAC commitment to secure baseline condition and regular monitoring of the river frontage (northern bank within the Order Limits) for deterioration caused by the development. This request was taken away for consideration and no further communications have been received from the applicant.
- 5.20.4 The Council's proposed wording of the additional commitment is *'Prior to construction activities commencing the Contractors would carry out further ground investigation and/or inspections to establish and accurately record the baseline condition of the river frontage within the Order Limits. The contractor will prepare a programme of instrumentation and monitoring for acceptance of National Highways in consultation with the Environment Agency and relevant Local Authorities prior to commencement of the works.'* The aim of this commitment is to enable the contractor to demonstrate that the development has not adversely impacted the stability and condition of the river frontage.

6 General Arrangement Plans (GA) (v2 and v4), Rights of Way & Access Plans (v2), Engineering Drawings and Sections (v3), Structures Plans (v2) and all Other Transport Plans (v2 and v3)

6.1 Introduction

6.1.1 This section covers the above mentioned plans and offers comments on any significant changes made by the applicant in the sub sections below.

6.2 General Arrangement (GA) Plans (v3) (REP4-029, REP4-030, REP4-032 and REP5-017)

6.2.1 The amendments in the General Arrangement Plans are shown on Sheets 1 and 2 ([REP4-030](#)) and Sheets 22, 23, and 24 ([REP4-032](#)).

6.2.2 There is the removal of ecological habitat creation and receptor site for protected species E1 and the removal of a section of retaining wall on Sheet 1. There is the removal of ecological habitat creation and receptor site for protected species E2 and the removal of a retaining wall on Sheet 2.

6.2.3 The Order Limits have changed in the highlighted areas on Sheets 22, 23, and 24.

6.3 Rights of Way and Access Plans (v3 and v5) (REP4-047, REP4-049, REP4-051)

6.3.1 The only changes that have been made are to the Order Limits on Sheets 22, 23, and 24. The Order Limits, however, have been drawn to include Footpath 61, which leads into East Tilbury. These changes have no additional effects on the rights of way network.

6.4 Engineering Drawings and Sections (v3) (REP4-059, REP4-061, REP4-063 and REP4-210)

6.4.1 The only amendments in Engineering Drawings and Sections are shown on Sheet 6 ([REP4-059](#)) and Tilbury Sheet 2 ([REP4-063](#)), where the Order Limits have changed in the highlighted areas on Sheets 6, and Tilbury Sheet 2.

6.4.2 The amendments described above do not appear to impact the Engineering Drawings and Sections.

6.4.3 The amendments to Large Scale Engineering Design Plans (ISH3 Action Point 9) ([REP4-210](#)) involve the change of scale to the Engineering Design Plans to a scale that is better suited to the type of information displayed and so the extents of the scheme are more easily viewed on one sheet, rather than across multiple sheets. There is no change to the design or information and therefore the Council has no comments ([REP4-210](#)).

6.5 Structure Plans (v3) (REP4-073)

6.5.1 The only amendments in Structure Plans are shown on Sheets 5 and 6 ([REP4-073](#)). The Order Limits have changed in the highlighted areas on Sheet 5 and 6.

6.6 Streets Subject to Temporary Restrictions of Use Plans (v3) (REP4-053, REP4-055, REP4-057)

6.6.1 The only amendments in Streets Subject to Temporary Restrictions are shown on Sheets 1 and 2 ([REP-055](#)) and Sheets 23 and 24 ([REP4-057](#)), where the Order Limits have changed in the highlighted areas on Sheets 1, 2, 23 and 24.

6.6.2 The amendments described above do not appear to impact Streets Subject to Temporary Restrictions.

6.7 Classification of Roads Plans (v4) (REP4-071)

6.7.1 The only amendment in Classification of Road Plans is shown on Sheet 3 ([REP4-071](#)), where the Order Limits have changed in the highlighted areas. The amendments described above do not appear to impact Classification of Road Plans.

6.8 Traffic Regulations Measures Plans (v2 and v3) (REP4-065, REP4-066, REP4-069)

6.8.1 The only amendment in Traffic Regulation Measures Plans is shown on Sheet 23 and 24 ([REP4-069](#)), where the Order Limits have changed in the highlighted area on Sheet 23 and 24. The amendments do not appear to impact Traffic Regulation Measures Plans.

6.9 Route Alignment and Order Limits (v3) (REP4-119)

6.9.1 The only amendment in Route Alignment and Order Limits is shown on Sheet 1 ([REP4-119](#)), where the Order Limits have been removed in the highlighted areas on Sheets 1.

7 Works Plans (v2 and v5), Temporary Works Plans (v2 and v5), Tunnel Limits of Deviation Plans (v2)

7.1 Introduction

7.1.1 This section covers the above mentioned plans and offers comments on any significant changes made by the applicant in the sub sections below.

7.2 Works Plans (v3 and v4) (REP4-035, REP4-039 and REP4-045 and REP5-019 and REP5-021)

7.2.1 The amendments in the Works Plans - Composite are shown on Sheets 1 and 2 ([REP4-039](#)) and Sheets 22, 23, and 24 (REP4-045).

7.2.2 There is the removal of ecological habitat creation and receptor site for protected species E1 and the removal of a section of retaining wall on Sheet 1. There is the removal of ecological habitat creation and receptor site for protected species E2 and the removal of a retaining wall on Sheet 2.

7.2.3 Sheet 23 previous mislabelling has been corrected, from 'Utilities' to 'Composite'.

7.2.4 On Sheet 23 there is the addition of construction area utilities logistics hub 6A; the addition of the ecological habitat creation and receptor sites for protected species E1, E14, and E18; the addition of linear work centrelines: 5B, 5C, 5F, 5J, 5N, 5R, 5T, 5U, 5V, 5W; the addition of construction area main works compound CA5 and CA5A; the addition of open space provision OSC5; the addition of flood compensation area FCA1; and, the addition of work area ULH12.

7.2.5 On Sheet 24 the Order Limits, and the temporary overhead electricity lines and multi-utility works have changed in the highlighted area. There is the relocation of construction area ULH11 on Sheet 24.

7.3 Temporary Works Plans (v3, v4 and v5) (REP4-083, REP4-085 and REP4-087 and REP5-023)

7.3.1 The amendments on the Temporary Work Plans are shown on Sheets 22, 23, and 24 ([REP4-087](#)). The Order Limits have changed in the highlighted areas on Sheet 22, 23, and 24. The indicative temporary underground multi-utility alignment MUT6 has changed in the highted areas on Sheets 23 and 24. On Sheet 23 there is the removal of utility logistics hub ULH12. On Sheet 24, there is the relocation of utility logistics hub ULH11. The amendments do not appear to impact the utilities.

7.3.2 The amendment on the Temporary Work Plans Volume C (sheets 21 to 49) ([REP5-023](#)) is shown on sheet 28. This amendment is as described in 7.2 where the route of the underground gas diversion, Work No. G5, has been altered with an additional temporary possession and permanent acquisition of rights of 428m² of land. This altered route does not appear to impact other utilities.

7.4 Tunnel Limits of Deviation Plans (v2) (REP4-075)

7.4.1 The only amendment in Tunnel Limits of Deviation Plans is shown on Sheet 2 ([REP4-075](#)) where the Limit of Deviation on bored tunnel headway has been amended from 125m North of alignment to 275m North of alignment.

8 Works Plans Utilities (v2), Drainage Plans (v2) and ExQ1 Responses

8.1 Introduction

8.1.1 This section covers the above mentioned plans and ExQ1 question responses and offers comments on any significant changes made by the applicant in the sub sections below.

8.2 Works Plans Utilities (v3 and v4) (REP4-037, REP4-041 and REP4-043)

8.2.1 The amendment to the Works Plans Utilities is shown on sheets 22 – 24 of the Works Plans Volume C Utilities v4 (sheets 21 to 49) ([REP4-043](#)). The indicative temporary underground multi-utility alignment (MUT6) has been altered to be located and realigned further west and closer to other indicative underground multi-utility alignments (MU33). This has also reduced the Order Limits to follow the route of MUT6. The altered route does not appear to impact other utilities.

8.2.2 The amendment on the Works Plans Volume C Utilities v5 (Sheets 21 to 49) ([REP5-019](#)) and Works Plans Volume C Composite (Sheets 21 to 49) ([REP5-021](#)) is shown on Sheet 28 on both plans. The route of the underground gas diversion, Work No. G5, has been altered with an additional temporary possession and permanent acquisition of rights of 428m² of land. This altered route does not appear to impact other utilities.

8.2.3 The applicant has continued to not address any of the points raised in Section 18.11 of the Council's D3 submission 'Thurrock Council Comments on applicant's Submissions at Deadline 1 and 2 (D1 and D2)' ([REP3-211](#)) and Thurrock Council's Local Impact Report ([REP1-281](#)).

8.3 Drainage Plans (v2 and v3) (REP4-077, REP4-079 and REP4-081)

Changes to Drainage Plans

8.3.1 The following Deadline 4 Submission 2.16 Drainage Plans have been updated with minor amendments:

- a. Drainage Plans Volume A (key plan) v3.0 (Tracked changes) ([REP4-077](#))
- b. Drainage Plans Volume B (sheets 1 to 20) v2.0 (Tracked changes) ([REP4-079](#))
- c. Drainage Plans Volume C (sheets 21 to 49) v3.0 (Tracked changes) ([REP4-081](#))

8.3.2 The plans have been updated for Deadline 4 to include the proposed changes MRC01, MRC02 and MRC03 following the procedural decision made by the Examining Authority ([PD-031](#)), which do not relate to the proposed drainage strategy. The changes include updates to Sheets 1, 2, 22, 23, 24 and consist of minor changes to Order Limits.

Other Changes to Drainage Plans Required

8.3.3 The proposed drainage for the North Portal Ramp and North Portal Junction catchments is shown on Sheet 20 of the Drainage Plans (Volume B) ([REP4-079](#)). This has not been updated to reflect discussions during the Issue Specific Hearing 5 (ISH5) on Tunnelling on the 7 September 2023.

8.3.4 The pumping station is shown in the central reservation at the lower point of the North Portal ramp. Document 6.3 Environmental Statement Appendix 14.6 - Flood Risk Assessment - Part

7 ([APP-466](#)) describes the discharge of the pumped system to be towards the Basins within the North Portal Junction. However, this is contradictory to the drawing which suggests the discharge is directly to the River Thames.

8.3.5 During the Issue Specific Hearing 5 (ISH5), the applicant confirmed that the pumped discharge from the North Portal Ramp catchment would be to the Basins located within the North Portal Junction.

8.3.6 Furthermore, a containment feature is shown near to the pumping station to collect contaminated water at the lower end of the ramp. 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? Are the seepage and washdown flows collected in the tunnel expected to contribute?

8.4 Status of Negotiations with Statutory Undertakers (v3) (REP4-163)

8.4.1 The Status of Negotiations with Statutory Undertakers ([REP4-163](#)) has been updated. Items 5 and 25 have been amended to confirm that agreement have been reached with the Environment Agency and Vodafone. Item 31 has been amended to state that an agreement with the Council regarding the drainage Protective Provisions has not been reached, although the Council is unaware of such discussions or their status, regarding the drainage Protective Provisions under item 31. The Council would appreciate further detail on this matter, such as previous and planned discussion dates and any minutes taken during these discussions.

8.4.2 The Council notes that numbers 5, 11, 12, 14, 16, 19, 21, 22, 26, 27, 28, 29 and 31 within the Status of Negotiations with Statutory Undertakers ([REP4-163](#)) Table 2.1 show that an agreement has yet to be reached, but that the *'applicant is confident that agreement will be reached during the Examination Period'*.

8.4.3 It is also noted that for numbers 8 (High Speed One Ltd) and 13 (Network Rail Infrastructure Ltd), within the Status of Negotiations with Statutory Undertakers ([REP4-163](#)) Table 2.1, the applicant is expecting ongoing negotiations to take place during the Examination.

8.4.4 With regards to number 10 in the Status of Negotiations with Statutory Undertakers ([REP4-163](#)) Table 2.1, the applicant has noted that *'it is anticipated that agreement will be reached with Lumen on all other matters during the Examination period'*. Clarification is required as to whether the separate side agreement between the applicant and Lumen Technologies UK Ltd, which has not yet been agreed, will be agreed during or after Examination. Further detail of the timescales of this separate side agreement is also required.

8.4.5 The Council wishes to see an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers.

8.5 ExQ1 15.1.3 and 15.1.4 Response (REP4-174)

ExQ1 15.1.3 Response

8.5.1 Amendments to the ExQ1 Q15.1.3 PA2008 sS27 Statutory Undertakers' Land/Rights - LTC v2.0 ([REP5-076](#)) include changes to land plots affected.

8.5.2 An amendment to the land plots affected, specifically plot 41-44, is relevant to Cadent Gas Limited. The Council notes that Cadent Gas had previously withdrawn their objection, but no update is given as to whether this withdrawn objection still stands after the change in land plots affected.

8.5.3 The land plots affected relevant to National Gas Transmission PLC has also been amended in relation to plots 28-144, and 41-44. The Council notes that no further update is provided

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within the 'Status of Objection' column to note that National Gas Transmission PLC are aware of this change and whether it has affected the Status of Objection.

- 8.5.4 The land plot affected relevant to National Grid Electricity Transmission PLC has also been amended in relation to plot 41-44. The Council notes that no further update is provided within the 'Status of Objection' column to note that National Gas Transmission PLC are aware of this change and whether it has affected the Status of Objection.
- 8.5.5 The applicant has noted that they believe Thames Water Utilities Limited to have withdrawn their objection, but a notification of this withdrawal has still not yet been submitted to the ExA.
- 8.5.6 Several Statutory Providers listed all still have an existing objection, including the Environment Agency, Essex and Suffolk Water Limited, HS1 Limited, National Gas Transmission PLC, National Grid Electricity Transmission PLC, National Grid PLC, Network Rail Limited, Northumbrian Water Limited, Port of London Authority Limited, Port of Tilbury London Limited, Southern Water Services Limited and Thurrock Flexible Generation Limited. The applicant has stated that they are confident an 'agreement will be reaching during the Examination period'.
- 8.5.7 The Council therefore wishes to see an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers.

ExQ1 15.1.4 Response

- 8.5.8 The ExQ1 Q15.1.3 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC ([REP4-174](#)) contains a schedule, Table 1.1, of Statutory Providers, and telecommunication providers who retain rights under the Electronic Communication Code, that have 'made a representation as part of the Examination Process (on any matters) with rights and/or apparatus to which S138 of the Planning Act 2008 applies'. The schedule includes a summary of the rights to be extinguished or utility apparatus to be removed / altered, Protective Provisions and/or agreements and the status of objection.
- 8.5.9 Several statutory providers including Anglian Water Services Limited, Cadent Gas Limited, and Southern Gas Networks PLC, have withdrawn their objection. Royal Mail Group Limited have no objection.
- 8.5.10 The applicant has not received any objections from London and Continental Railways Limited but summarised in 'Status of Objection' is the statement that their land interests are managed by HS1 Limited, who have an existing objection.
- 8.5.11 The applicant has noted that they believe Thames Water Utilities Limited to have withdrawn their objection, but a notification of this withdrawal has still not yet been submitted to the Planning Inspectorate.
- 8.5.12 The remaining Statutory Providers listed in Table 1.1 have an existing objection, including the Environment Agency, Essex and Suffolk Water Limited, HS1 Limited, Lumen Technologies UK Limited, National Gas Transmission PLC, National Grid Electricity Transmission PLC, National Grid PLC, Network Rail Limited, Northumbrian Water Limited, Port of London Authority Limited, Port of Tilbury London Limited, Southern Water Services Limited and Thurrock Flexible Generation Limited. The applicant has stated that they are confident an 'agreement will be reaching during the Examination period'.
- 8.5.13 The Council therefore wishes to see an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers.

8.6 ExQ1 Response – Road Drainage, Water Environment and Flooding (REP4-193 and REP5-077 (Topic 10))

Deadline 4 Submission

- 8.6.1 The Deadline 4 Submission - 9.89 Responses to the Examining Authority's ExQ1 has been prepared by the applicant to set out its responses to the Examining Authority's ExQ1 ([PD-029](#)). Appendix F includes the Section 10. Road Drainage, Water Environment & Flooding ([REP4-193](#)).

Deadline 5 Submission

- 8.6.2 The Deadline 5 Submission - 9.105 Applicant's Comments on IP Responses to ExQ1 at Deadline 4 ([REP5-077](#)) has been prepared to address selected issues that were raised by stakeholders following the Deadline 4 submission. The Council provided responses to two issues under the Topic 10: Road Drainage, Water Environment & Flooding and these included ExQ1 Q10.1.1 and ExQ1 Q10.4.5. The applicant has addressed these issues robustly and result in only minor residual issues requiring further clarification.

ExQ1.Q10.1.1 Consultation

- 8.6.3 The ExQ1 question relates to the Water Features Survey report and questions what difference would be made to the survey limits if other Flood Risk Management Authorities were consulted. In the Council's response to the Deadline 4 submission, the Council requested the applicant to discuss the requirements for additional survey and address implications to drainage design and monitoring. Whilst a comprehensive study was completed south of the River Thames, there was no equivalent study north of the River Thames.
- 8.6.4 The response from the applicant states that an additional water features survey is not required north of the River Thames and asserts that a comprehensive water features survey was carried out across the full study area, both north and south of the River Thames. The applicant points to the agreement with the EA for a more detailed review of locations south of the River (Filborough and Shorne Marshes) due to the sensitive water environment at these locations.
- 8.6.5 The applicant also states that the Mucking Flats, Marshes Ramsar, the Site of Special Scientific Interest, and the Special Protection Area, have been identified as a protected area within the Project's Zone of Influence.
- 8.6.6 Further assurances are provided with the REAC commitment RDWE025 within the Code of Construction Practice ([REP4-138](#)) secures commitments to further survey and sampling of watercourses that are intended to receive road drainage discharges, including all those north of the River Thames, would be undertaken to define their flow regime and water quality, such that this data can inform the detailed design of highway runoff treatment measures.
- 8.6.7 The applicant does not fully address the requested commitment to water flow and quality monitoring within the West and East Tilbury Marshes. However, this is addressed in ExQ1.Q10.4.5.

ExQ1.Q10.4.5 Site Information

- 8.6.8 This ExQ1 question relates to site information presented in the document 6.3 Appendix 14.5 – Hydrogeological Risk Assessment ([APP-458](#)) and subsequently used for catchment delineation and modelling within the document 6.3 Environmental Statement Appendices Appendix 14.6 – Flood Risk Assessment - Part 5 ([APP-464](#)).

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- 8.6.9 There are a number of ordinary watercourses within the Council area that appear disconnected and do not have an obvious outfall. These include the watercourses within the West Tilbury Marshes and also the watercourses around Coalhouse Point. In the Council's response to the Deadline 4 submission, the Council requested the applicant to interrogate the sensitivity model output in relation to flood risk and long term water levels and report on the subsequent potential impact on ecology. The Council requested that where risks are identified, these should be included as key indicators within a water level and quality monitoring plan, with appropriate contingency measures proposed.
- 8.6.10 The applicant maintains that the Project's long term effects on water levels in the watercourses in the West Tilbury Marshes and around Coalhouse Point has been assessed as having no residual risk. Furthermore, the applicant points to REAC commitment GS021 ([REP4-138](#)) to monitoring during construction, in relation to the West Tilbury Marshes and around the North Portal.
- 8.6.11 Whilst there are defined commitments to water flow and quality monitoring. The applicant has not made clear the extent of groundwater monitoring commitments to the North of the Thames.

Summary of Council's Position on ExQ1.Q10.1.1 and ExQ1.Q10.4.5

- 8.6.12 In general, the Council recognise the detailed flood risk modelling has used high resolution LIDAR and sensitivity of the modelling has been checked in terms of impact on flood risk levels.
- 8.6.13 Whilst there is uncertainty of water course connectivity in some areas (West Tilbury Marshes and Coalhouse Point), the Council accept the applicant's response for long term effects of the Project, on the basis that robust modelling has demonstrated residual risk is negligible.
- 8.6.14 For short term effects, the REAC commitments ensure that water flow and quality will be monitored during construction for the West Tilbury Marshes and around the North Portal. The Council request the applicant to signpost that commitments to groundwater monitoring during construction will be included for these areas.

9 Land Plans (v5 and v6), Crown Land Plans (v5 and v6), Special Category Land Plans (v5) and ExQ1 CA and Land Responses and Statement of Reasons (SoR v6)

9.1 Introduction

9.1.1 This Section provides the Council's comments on changes to the Land Plans (v5 ([REP4-015](#)) and v6 ([REP5-009](#))), Crown Land Plans (v5 ([REP4-021](#)) and v6 ([REP5-015](#))), Special Category Land Plans (v5 ([REP4-026](#))) and ExQ1 CA and Land Responses ([REP4-171](#), [REP4-202](#) and [REP5-072](#)) and Statement of Reasons (SoR v6 ([REP5-029](#))).

9.2 Land Plans (v5), Crown Land Plans (v5) and Special Category Land Plans (v5) (REP4-011, REP4-013, REP4-015, REP4-017, REP4-019, REP4-021, REP4-023, REP4-025 and REP4-027 and REP5-005, REP5-007, REP5-009, REP5-011, REP5-013 and REP5-015)

9.2.1 The Council has reviewed the Land Plans (v5 ([REP4-015](#)) and v6 ([REP5-009](#))), Crown Land Plans (v5 ([REP4-021](#)) and v6 ([REP5-015](#))) and Special Category Land Plans (v5 ([REP4-026](#))). None of the changes has a material impact on the Council's interests.

9.3 ExQ1 CA and Land Responses (REP4-171 – REP4-173, REP4-202 and REP5-072, REP5-074 and REP5-076)

9.3.1 In this section the Council addresses questions raised by the ExA about the progress of negotiations between the Council and the applicant. Specifically the ExA requested of Deadline 4 Submission - 9.77 ExQ1.15.1.1 Schedule of CA and TP Objections ([REP4-171](#)) that the applicant '*requested to complete the attached Objections Schedule with information about any objections to the CA and/ or TP proposals, and at each successive deadline to make any new entries, or delete any entries that it considers no longer apply, taking account of the positions expressed in relevant representations (RRs) and written representations (WRs) and giving reasons for any additions or deletions.*'

9.3.2 Within Table 1.1 of Deadline 4 Submission - 9.77 ExQ1.15.1.1 Schedule of CA and TP Objections ([REP4-171](#)) and Table 1 of Deadline 5 submission 9.77 ExQ1.15.1.1 Schedule of CA and TP Objections – LTC (Tracked changes version) ([REP5-072](#)) and the applicant states, in relation to the Council that:

'The Applicant understands the landowner objects to the CA of their interests.

Thurrock Council are querying the compelling case for Compulsory acquisition and that greater interests in land are being taken than is required in certain circumstances.

The Applicant is prepared to engage further and would welcome further discussions on land take'.

9.3.3 The Council confirms that it understands why there is a need for CA in order to secure delivery of the project and does not object to the use of CA for this purpose. It should be noted that the Council:

a. Continues to question the extent to which a compelling case is made; and,

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- b. Remains willing to engage further with the applicant and, to this point, met with the applicant on 5 October 2023.

9.3.4 The Council is minded to enter into options to sell plots of land and is currently considering which plots to transact and on what terms. The applicant has, rather late in the day (23 October 2023) provided a schedule of plots in which the Council has an interest together with an explanation to make understanding it easier. Regrettably, the spreadsheet provides an incomplete picture of the current use of land and therefore the Council needs to update the spreadsheet to reflect current use. Once this has been undertaken the Council needs to determine which plots it is minded to sell and put in place the administrative procedures to allow the grant of an option to take place.

9.4 The Case for Acquisition and Statement of Reasons (SoR v6)

Introduction

9.4.1 This section looks at issues arising from recently submitted documentation and issues raised previously, summarised as

- a. Statement of Reasons,
- b. Ron Evans Memorial Field – replacement of Public Open Space,
- c. Temporary land take (both within the Ron Evans Memorial field and more widely),
- d. Land to be acquired permanently and returned,
- e. Land to be acquired and dedicated, and
- f. Non-Statutory Relief schemes.

Statement of Reasons (SoR v6) (REP5-029)

9.4.2 The Statement of Reasons (SoR) is the document by which the applicant sets out the its reasons for seeking to acquire the identified land interests. The document has been revised five times subsequent to original submission. In this section the Council raises questions arising from earlier versions of the SoR and the latest revision (v6 ([REP5-029](#))).

9.4.3 None of the changes identified in the Statement of Reasons v6 ([REP5-029](#)) are material to the Council.

9.4.4 It is noted that Statement of Reasons Annex B - Schedule of Negotiations (v6 ([REP5-029](#))) that:

- a. There is no reference to any activity subsequent to 7 August 2023.
- b. In Section 9.2 *et seq* of the Council's Deadline 3 Submission - Comments on Applicant's submissions at D1 and D2 ([REP3-211](#)) and Section 5.2 of the Council's Deadline 4 Submission - Comments on Applicant's submissions at D3 ([REP4-354](#)) the Council outlined shortcomings of the Statement of Reasons, Annex B, 'Schedule of Negotiations to Statement of Reasons' (Version 3) ([REP1-048](#)). These shortcomings have yet to be addressed.

Ron Evans Memorial Field

9.4.5 In paragraph D.7.30 of 7.2 Planning Statement - Appendix D - Open Space ([APP-499](#)) the Applicant notes 'The loss of the existing Ron Evans Memorial Field would be replaced by

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equivalent or better provision in terms of quantity and quality in a suitable location. Within paragraph D.7.31 of 7.2 Planning Statement - Appendix D - Open Space ([APP-499](#)) the Applicant notes that the land is *'anticipated to become available for public use five years after the existing Ron Evans Memorial Field is impacted by the Project...'*. The applicant has, in discussions, been invited to produce evidence to support its contention that the benefits of improved quantity and quality outweigh the disbenefits of a 5-year delay but has failed to do so. The request remains extant. Insofar as the assessment of the benefits outweighing the disbenefits relies on professional judgement, then the Council wishes to know whose professional judgement is relied on and the extent to which they are suitably qualified to make that assessment, as well as the methodology used in the exercise of this professional judgment and analysis/evidence to support the professional judgement reached.

- 9.4.6 Notwithstanding this, the Council is advised that, as a matter of law, each of the criteria applied in assessing replacement Public Open Space (POS) is to be assessed in its own right.
- 9.4.7 Whilst the Council agrees in principle that contemporaneous acquisition of Special Category Land and vesting of replacement land is not required for replacement to be *'no less advantageous'* or to meet NPSNN policy test, as set out in paragraph 5.166. However, to be *'no less advantageous'*, the replacement land must be provided in a reasonable period of time.
- 9.4.8 The applicant has previously accepted at Compulsory Acquisition Hearings that for replacement land to be *'no less advantageous ... to the public'* involves consideration not only of quantitative and qualitative, but also temporal/delivery considerations. The current offer by the applicant is not *'no less advantageous'*, given the 'temporal' delay to reprovision of many years.
- 9.4.9 The Council understands that the reference in S131-132 PA 2008 to replacement land that *'is or will be vested in the seller'* is really intended to reflect forward delivery of the replacement land, i.e. before acquisition of the existing Special Category Land. It is the Council's clear view that the statutory language does not support or excuse the extended delayed delivery to the extent that the applicant is seeking.
- 9.4.10 The more southerly block of POS cannot be provided sooner than 5 years because prior to this period the land is to be used as a site compound. When looking for replacement POS the availability of suitably located land is often the most significant factor to be overcome. The Council notes that there is land which is located between the existing Ron Evans Memorial Field and the higher density residential units to the west, and which could have fulfilled the function. The applicant has failed to clarify why this land was not identified for replacement POS. This is because the rationale for not including it could be on the grounds that to acquire this land for replacement open space had adverse cost implications. Should that be the case then the Council does not consider that this is a valid reason for not securing this land.
- 9.4.11 Of the two parcels identified as replacement POS it is noted that whilst the more southerly parcel is to fulfil a dual role (first, as a site compound known as the Long Lane Compound then, second, as replacement POS (once laid out)), the very significant majority of more northerly plot is not required for a secondary purpose. Insofar as this could be provided contemporaneous with or before the acquisition of those elements of the POS being subject to CA then, subject to suitable access being provided, the Council would take this space. This would partially mitigate the loss of POS.
- 9.4.12 The applicant has subsequently offered to provide the more northerly land, with a single point of access from Long Lane, the commitment being secured under Article 61 dDCO. The Council notes that a commitment under Article 61 is not absolutely secure, this is because the Article requires the undertaker to take *'..all reasonable steps to deliver the measures contained in the stakeholder actions and commitments register..'*. In respect of this and other SAC-R commitments, the Council requires a 'carve out', such that Article 61 is disapplied.

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9.4.13 The Council notes that whilst the applicant had previously suggested two access points to the northern replacement land, it is now proposing a single access, because the land required to create the access from Blackshots Lane is outside Order Limits. It is the Council's view that the timely delivery of replacement POS is a requirement of the project and that the applicant should make all reasonable endeavours to secure this more northerly access or fund the Council to do the same.

Temporary Land Take

- 9.4.14 The Council is identified as having land, including highway land and POS, which is to be subject to temporary possession (TP).
- 9.4.15 The loss of the POS is one of a number of impacts that residents of the Borough, who are not otherwise directly impacted by the project will suffer. The Council has a duty to keep its residents informed of these impacts and needs as much information as soon as possible to do this.
- 9.4.16 The Council is, therefore, keen to understand when land required will be taken temporarily, what for, when it will be returned, etc in order that it can best manage both its assets and the situation with the local residents.
- 9.4.17 Contrary to assertions by the applicant in discussions, the Council does not seek a binding commitment of this schedule, recognising that the applicant would not wish to be bound at this stage.
- 9.4.18 It is considered that the best method for ensuring the Council has up to date information and the applicant retains the flexibility it requires would be for:
- a. The applicant to provide an indication as to when each plot is required, why, for how long; and,
 - b. The applicant giving a binding commitment to:
 - Review and refine this no less frequently than every 3 months, sharing it with the Council; and,
 - Have demonstrable regard to the Council's comments.
- 9.4.19 The Council seeks the applicant's agreement to this approach.
- 9.4.20 At CAH2 (see [EV-049d](#)) the applicant explained to the ExA that the Ron Evans Memorial Field is 198,000 square metres and criticised the Council for not confirming or clarifying that only 6,870sqm would be subject to temporary possession.
- 9.4.21 This statement is not strictly correct, because whilst there is an area of 6,870sqm that is subject to TP **only**, the areas identified in D.7.24 *et seq* 7.2 Planning Statement - Appendix D - Open Space [\[APP-499\]](#) as Areas B and C and which extend to 7,517sqm and 69,5113sqm are identified for temporary possession of land **and** permanent acquisition of rights for diversion and modification of utility works.
- 9.4.22 This means that up to 83,900sqm of land at Ron Evans Memorial Field might be subject to TP at the same time.

Land to be Acquired Permanently and Returned (REP5-092)

9.4.23 As has been referenced in the following documents:

- a. Paragraph 14.2 *et seq* of the Council's Deadline 1 Submission - Local Impact Report (LIR) ([REP1-281](#)).
- b. Paragraph 80 of the Council's Comments on Applicant's Submissions at Deadline 1 and 2 (D1 and D2) ([REP3-211](#)) and was raised at CAH2 (see ([EV-049d](#)), there are a number of parcels of land which the Council has been advised are to be taken permanently and then returned.

9.4.24 It has been explained to the Council that this approach has to be adopted (over TP) because the land is to be permanently altered. This point is accepted. The Council requests that the applicant:

- a. Responds to Section 14.2.4 of the Council's Deadline 1 Submission - Local Impact Report (LIP) ([REP1-281](#)) and confirming which plots are to be taken, committing to return the land, confirming when it will be returned and clarifying the condition at return.
- b. set out the process for return of land, the Council noting that the return of land cannot be forced upon it. A Method Statement for this has been requested from the applicant and is awaited.

9.4.25 The applicant advises that there has been discussion on the methodology for return of land with the Council's highways department but provided no detail. The Council's highway department recalls the return of land being raised at a meeting but has no detail as to methodology. The Council requests that the applicant provides a method statement for the return of land.

Land to be Acquired and Dedicated

9.4.26 The Council understands that the applicant wishes to acquire the freehold of plot 29-02 to dedicate it for a Public Right of Way (PROW) through the POS. The Council wishes to retain the freehold of this plot and is willing to undertake to dedicate this land as a PROW. There is, therefore, no requirement to compulsorily acquire this plot and the applicant's objective can be met by other means.

Joint Statement – CAH1 Action Point 1

9.4.27 Following CAH1 Hearing on 15 September 2023, the Council has been working with the applicant to respond to the ExA Action Point. This Joint Statement is within **Appendix L** of the Council's D6 submission and will also be submitted by the applicant.

Non-Statutory Relief Schemes

9.4.28 The Council noted in Section 14.4.6 of the Council's Deadline 1 Submission - Local Impact Report (LIP) ([REP1-281](#)) and continues to note the absence of any non-statutory relief schemes, either to assist:

- a. Those not directly impacted (no land interest acquired), but who are affected (either permanently or temporarily) and need to sell, etc.; and,
- b. Those who will suffer construction related issues (noise, dust, etc.).

9.4.29 Examples of schemes which the applicant should adopt to mitigate the impacts on residents of the Borough include the following:

HS2

- 9.4.30 **Rural Support Zone (Appendix F)** – subject to criteria including that the applicant has a qualifying interest. Those living with 120m of scheme an ability to accept either:
- a. Cash Offer – to claim a payment at 10% of the unblighted value of the property (subject to a minimum payment of £30,000 and maximum payment of £100,000); or,
 - b. Voluntary purchase with a payment at 100% of the unblighted value of the scheme.
- 9.4.31 **Homeowner Payment Scheme (Appendix G)** – subject to criteria including that the applicant has a qualifying interest. Those that live between 120m and 300m of the scheme and there is an ability to take payments of £8,000, £16,000 or £24,000, depending on distance from the scheme.
- 9.4.32 **Need to Sell Scheme (Appendix H)** – subject to criteria including that the applicant has a qualifying interest. This scheme applied to those who have an evidenced compelling reason to sell their property. Successful applicants received 100% of the unblighted value of their property.

Heathrow Third Runway (HAL)

- 9.4.33 **Interim Property Hardship Scheme (Appendix I)** – this enables those with a qualifying interest and a demonstrable pressing need to sell to apply to have their property acquired ahead of the making of the DCO. Successful applicants received 125% of the unblighted value of their property, together with disturbance compensation (the quantum of which is assessed in accordance with the so-called compensation code).

Thames Tideway (TT)

- 9.4.34 **Exceptional Hardship Procedure (Appendix J)** – subject to criteria including that the applicant has a qualifying interest. This has enabled those who had a demonstrable, pressing need to sell to dispose of their property interest to sell at 100% of the unblighted value of their property.
- 9.4.35 **Non-Statutory Off-Site Mitigation and Compensation Policy (Appendix K)** – a policy which recognised that those who live or work close to the project construction sites could be affected by the construction works. Whilst, in the first instance, the then applicant intended to minimise the significant and adverse impacts from construction at source (as required by the project's Code of Construction Practice), this policy sought to address instances where the mitigation did not achieve all its objectives.
- 9.4.36 Under the policy, the project set out Trigger Action Plans (TAPs) – these are plans which are actioned when the defined noise limits (particularly around noise and vibration) were exceeded. Once triggered affected parties were entitled to compensation, including grants for noise insulation, temporary housing (effectively respite – and which included security for buildings vacated as a result of the use of temporary housing) and compensation for costs and losses arising.
- 9.4.37 Each of the schemes identified above where non statutory relief has been offered the projects are, like LTC, very significant in size and subject to an extended period of construction activity. Each recognised the shortcomings of the statutory blight scheme and sought to ameliorate the impact. The Thames Tideway Non-statutory off-site mitigation and compensation policy is notable in seeking to address the adverse impact of construction related activity on residents and businesses sitting outside the works but clearly significantly adversely impacted.

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9.4.38 The Council considers that the applicant should be compelled to introduce:

- a. A Need to Sell scheme; and,
- b. A Non-statutory off-site mitigation and compensation policy similar to the precedent set on 'THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) ORDER (SI 2014/2384) as amended by THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) (CORRECTION) ORDER (SI 2015/723), THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) (AMENDMENT) ORDER (SI 2017/659), THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) (AMENDMENT) ORDER (SI 2018/1262), THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) (AMENDMENT) ORDER (SI 2020/268), THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) (AMENDMENT) ORDER 2020 (SI 2020/862), and THE NOTICE OF VARIATION No. 1 (17 MARCH 2015) AND NOTICE OF VARIATION No. 2 (17 AUGUST 2017) TO THE DEEMED MARINE LICENCE'.

9.5 Whitecroft Care Home Cross Sections

- 9.5.1 The Council has expressed significant concerns about the impact of the scheme on the operation at and residents of Whitecroft Care Home.
- 9.5.2 The Council notes in Annex B to its Deadline 5 Submission – 4.1 Statement of Reasons v6.0 (tracked) ([REP5-029](#)) that the applicant continues to failed to address any of the points raised in Sections 80 and 18.9.15 of the Council's submission at D3 – 'Thurrock Council Comments on applicant's Submissions at Deadline 1 and 2 (D1 and D2)' ([REP3-211](#)).
- 9.5.3 In Sections 80 and 18.9.15 of the Council's Comments on applicant's Submissions at Deadline 1 and 2 (D1 & D2) ([REP3-211](#)) the Council noted '*The applicant agrees that specific mitigation measures are required for Whitecroft Care Home. The applicant goes on to state that these measures are outlined in Table 12.33 of the ES Chapter 12. However, these measures are very general, such as stating that screening provides up to 10 dB noise reduction. The extent to which the mitigation is likely to be achievable in practice needs to be considered now, with full and detailed justification provided including the façade/floor level that has been assessed. The applicant does not intend to change the assessment criteria for a receptor that is considered more vulnerable.*'
- 9.5.4 Although further information regarding the mitigation at Whitecroft Care Home is welcome, notwithstanding the issues outlined in Section 9.5.5, the Deadline 5 Submission - 9.123 Whitecroft Care Home Cross-sections ([REP5-092](#)) does not address the ongoing concerns from the Council regarding health and equalities, which have been previously raised in Sections 46 and 81 of the Executive Summary and in Sections 10 and 15 of Deadline 1 Submission - Local Impact Report (LIR) ([REP1-281](#)) and in Section 2.1.231 of 5.4.4.12 Statement of Common Ground between (1) National Highways and (2) Thurrock Council ([APP-130](#)) and [REP3-093](#). The additional submission does not clearly demonstrate how the sensitive population at the Care Home have been considered within these designs and if these will address the additional needs of this population. As these conversations are ongoing with the Whitecroft Care Home this additional submission is not considered adequate.
- 9.5.5 The Council notes that the full extent of the response is contained within the contents of Deadline 5 Submission - 9.123 Whitecroft Care Home Cross-sections ([REP5-092](#)). The Council notes, in paragraph 1.1.9, that the drawings are designed to be shown on a screen. In order for the Council to properly consider what is proposed, a scalable version of the cross sections is required. The Council requests that further information is provided as to:
 - a. The detailed assessment of impacts that it is proposed will be ameliorated by the bunding and planting; and,

- b. The extent of the reduction of those impacts identified at Section 10.5.5 a. (above), due to the bunding and planting.

9.5.6 More comprehensive plans and empirical evidence are required to provide the Council and others with an interest in Whitecroft Care Home the comfort they seek.

9.6 Summary

- 9.6.1 **The Council considers that none of the changes shown in the Land Plans (v5 ([REP4-015](#)) and v6 ([REP5-009](#))), Crown Land Plans (v5 ([REP4-021](#)) and v6 ([REP5-015](#))) and Special Category Land Plans (v5 ([REP4-026](#))) has a material impact on its interests.**
- 9.6.2 **The Council understands why there is a need for CA in order to secure delivery of the project and does not object to the use of CA for this purpose but continues to question the extent to which a compelling case is made. It remains willing to engage further with the applicant and, to this point, met with the applicant on 5 October 2023.**
- 9.6.3 **The Council is minded to transact with National Highways and is considering the form of contract and the extent of plots to transact in respect of.**
- 9.6.4 **The applicant has failed to produce evidence to support its contention that the benefits of improved quantity and quality of the POS replacement outweigh(s) the disbenefits of a 5-year delay in re-provision.**
- 9.6.5 **Insofar as professional judgement has been relied on in making the assessments in respect of POS then the identity and qualifications of the person(s) who exercised professional judgement is requested, as well as the analysis/evidence to support any such professional judgement.**
- 9.6.6 **The Council is advised that each of the criteria applied in assessing replacement Public Open Space (POS) is to be assessed in its own right, not collectively or in-combination.**
- 9.6.7 **The Council notes that there is land which is located between the existing Ron Evans Memorial Field ('REMF') and the higher density residential units to the west, and which could have fulfilled the function of replacement POS, contemporaneous with the CA of part of REMF. The current offer by the applicant is not 'no less advantageous', given the 'temporal' delay to re-provision of many years.**
- 9.6.8 **The Council notes that the majority of the more northerly plot identified as replacement POS is not required for a secondary purpose and considers that this could be provided contemporaneous with or before the acquisition of those elements of the POS being subject to CA. If this commitment is secured under the SAC-R, then Article 61 of the dDCO needs to be disapplied and both access points should be provided or secured.**
- 9.6.9 **The Council wishes to understand when land identified as being required for TP will be taken temporarily, what for, when it will be returned, etc., in order that it can best manage both its assets and the situation with the local residents. The Council does not seek a binding commitment of this schedule and has requested this information be provided as 'best estimate' and for there to be regular liaison (no less frequently than 3 monthly) between it and the applicant, as the programme is refined with the applicant confirming that demonstrable regard will be had to the Council's comments.**
- 9.6.10 **The Council wishes to understand how parcels of land which the Council has been advised are to be taken permanently and then returned. A method statement for this has been requested and is awaited.**

- 9.6.11 **At CAH2 the applicant criticised the Council for not confirming or clarifying that only 6,870 sqm would be subject to temporary possession. This statement is not correct, as there is an area of 6,870sqm that is subject to TP only, further land (identified as Areas B and C) identified for temporary possession of land and permanent acquisition of rights for diversion and modification of utility works. This means that up to 83,900m² of land at Ron Evans Memorial Field might be subject to TP at the same time.**
- 9.6.12 **The Council notes the absence of any non-statutory relief schemes, either to assist those not directly impacted but who are affected and those who will suffer construction related issues. The Council considers that the ExA should require the applicant to adopt the Council's recommended non-statutory relief schemes.**
- 9.6.13 **The applicant wishes to acquire the freehold of plot 29-02 to dedicate it for a Public Right of Way. The Council is willing to undertake to dedicate this land as a PROW. There is no requirement to compulsorily acquire this plot.**
- 9.6.14 **The Council wishes to be provided with such further information as is required to understand the proposed further mitigation works that are proposed to benefit the residents of Whitecroft Care Home.**

10 Council Comments on NH Post Event Submissions

10.1 Introduction

10.1.1 The section below sets out the Council's comments on each of the Post Event Submission responses received at D4 and D5 from the applicant in turn.

10.2 Issue Specific Hearing 3 (ISH3) (REP4-179) and Council Responses to Applicant's Comments on IP Post Event Submissions (REP5-086 (Section 2))

ExA Questions on: A13/A1089/LTC Intersections

Item 4(a)(i): The ExA will ask the Applicant to explain the function of the proposed junction and the route paths through it that can be taken by traffic

10.2.1 In paragraph 4.1.3 the applicant responds to a query from the ExA on why it was necessary to keep the direct connection northbound, but the southbound was designed as an indirect connection using Orsett Cock.

10.2.2 The Council notes that the response provided by the applicant does not answer the ExA's question as no details are provided of the actual function of the junction in terms of how it might be used by different road users (including pedestrians and cyclists). No reasons are provided why the southbound connection has been designed as an indirect connection using Orsett Cock.

10.2.3 In practice, the Council notes that the design of the junction was fixed as part of the late-2018 Statutory Consultation and no testing of different options has been provided to support the proposed option. The Council has submitted analysis in Appendix B of its Local Impact Report ([REP1-281](#)) to show how including the Tilbury Link Road would enable different junction options to be provided, which would provide a range of benefits including greatly reduced land take.

10.2.4 The Council considers that the applicant should be asked again to explain the function of the junction and why the southbound connection has been designed an indirect connection using Orsett Cock. The Council requests that information for the following route paths through the junction should be requested from the applicant:

- a. Cyclists travelling from Stanford to Horndon (and vice versa);
- b. Vehicles making a U-turn because the inadvertently travelled across LTC following taking the incorrect route at the A2 junction south of the River Thames; and,
- c. DP World to M1 (and vice versa).

Item 4(a)(ii): The ExA will ask the Applicant to explain the function and design of the intersection in relation to the local road network

10.2.5 The Council notes that the applicant's response in paragraph 4.1.7 does not cover the requirements for pedestrians and cyclists.

10.2.6 The Council considers the needs of pedestrian and cyclists have not been considered in sufficient detail as part of the evolution of the design for the junction.

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10.2.7 The ExA should request further information from the applicant to explain how the requirements for pedestrians and cyclists have been incorporated into the design of the intersection.

Item 4(a)(iii): The ExA will ask the Applicant and the Ports for observations on the function and design of the intersection in terms of providing access to the Port of Tilbury, Tilbury 2 and London Gateway Port

10.2.8 In paragraphs 4.1.12 and 4.1.13, the applicant explains that the main route for traffic travelling to and from the Port of Tilbury will not use LTC. However, journey time analysis undertaken by the Council concludes that LTC will provide the quicker route for Port of Tilbury traffic, which includes a U-turn at Orsett Cock ([REP4-352](#)). This means that LTC does not provide significant benefits in terms of access for the Port of Tilbury. Access to the Port of Tilbury will be affected by the 6.5 years of construction activity and the additional traffic on the local road network following the opening of LTC, particularly the increased congestion at the A13/A1089/Orsett Cock junction as shown by the applicant's VISSIM model.

10.2.9 With regards to the operations and emergency access, the Council repeated the request at ISH3 for the applicant to provide evidence to demonstrate the future proofing of the operations and emergency access and how it could be used to facilitate access for the future growth of Thurrock, including Freeport proposals and 'avoid disruptive re-work at a later date', as set out by the applicant in the Local Refinement Consultation in May 2022. This has yet to be provided by the applicant.

Item 4(b)(i): The Applicant is asked to explain the rationale for the siting and land take for this intersection

10.2.10 The Council notes that the applicant's response (particularly in paragraph 4.2.5) makes no mention of the Tilbury Link Road and the benefits that providing the TLR and its associated connection to LTC would have on the 112 hectare land take required at the LTC/A13/A1089 junction.

10.2.11 The Council continues to consider that there was a lack of options testing prior to the finalisation of the design for the Statutory Consultation in late-2018. Work completed after 2018 has focused on justifying the chosen design, rather than providing a robust and rigorous assessment of alternative options.

10.2.12 Appendix B Transport Alternatives of the Council's Local Impact Report ([REP1-283](#)) provides a detailed analysis of different layout options for the LTC/A13/A1089/Orsett Cock junction and shows how the inclusion of Tilbury Link Road would enable a much smaller junction to be provided, reducing the need for land take.

Item 4(c)(i): Have sufficient measures been taken to "meet the principal objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operation conditions and simultaneously minimising adverse impacts" in this location? (NNNPS paragraph 4.31)

10.2.13 The Council notes that the applicant's response in paragraphs 4.3.9 and 4.3.10 concerning the consideration of active travel and public transport does not provide a design methodology nor provide a narrative for the development of the design.

10.2.14 The Council considers that a summary document should be provided by the applicant to explain how the design caters for the needs of all users.

10.2.15 This is particularly important given that in many meetings the applicant has said that existing low numbers of cyclists means that there is no need to provide cycling infrastructure. The Council considers that the design of LTC should consider the potential ways it can support measures to increase the number of people walking and cycling in Thurrock. The Council is

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providing a suggestion in **Appendix C** for an additional SAC-R commitment to assist with this endeavour.

10.2.16 In paragraph 4.3.13 the applicant states that '*Thurrock will accrue significant economic benefits through the development of the Project*' and that the benefits would be accrued due to there being '*more free flowing routes*'.

10.2.17 This statement is misleading and is considered to be factually incorrect. The Council has set out their concerns with regards to the significant disconnect between LTAM and VISSIM modelling as well as the assessment of uncertainty and as a result LTAM is underestimating the impacts of the project ([REP4-352](#)). Page 90 of the applicant's response to the Council's LIR states that Thurrock obtains 5.7% of the wider economic benefits generated by LTC. This equates to £77m over the 60 years of the appraisal period and is less than 1% of Thurrock's economy.

10.2.18 It is not appropriate to call these wider benefits 'significant' and as described in our evidence at ISH4, the Council considers that the economic appraisal provided by the applicant has not included a wide range of economic costs, which will reduce the benefits stated by the applicant, possibly to a level where benefits are less than costs. This is very important given that Thurrock contains several deprived areas and the net economic impact of LTC is unclear.

10.2.19 Paragraph 4.3.15 provides details of the Stage One safety audit completed for the junction. The Council has requested the applicant provides the audit brief, which is required to include departures from standard. This has not yet been provided.

Item 5(a)(i): The ExA will ask the Applicant to explain the function of the proposed junction and the route paths through it that can be taken by traffic

10.2.20 The Council requested the applicant provide the Stage 1 Safety Audit brief and safety audit with designer's response for M25/LTC junction as well as the safety audit brief for LTC/A13/A1089 junction alongside the departures of standards for both junctions that were provided to the safety auditors, so that the Council can understand the difference in approach to design that was apparent at ISH3. This has yet to be provided by the applicant.

Annex B Post-hearing submission on Agenda Item 4: A13/A1089/LTC Intersection

10.2.21 In paragraph B.3.3 the applicant states that the design allows for buses to use the network. However, this does not address the concerns raised by the Council at ISH3 ([REP4-352](#)). The applicant should be required to set out how public transport would be impacted by LTC both in terms of journey time reliability for public transport users as well as commercial viability for public transport given the queuing and delay that is shown within the localised modelling of the LTC/A13/A1089 junction. This has not been provided.

10.2.22 In paragraph B.3.5 the applicant states that they consider that the Limits of Deviation in the dDCO ([REP3-077](#)) and Works Plans ([REP3-039](#)) are sufficient to allow a change to the weaving length (LTC merge with A13 eastbound off-slip) to be incorporated into the design, but they have not provided any evidence to demonstrate that this is possible.

10.2.23 The VISSIM model of the junction shows that the weaving length coded into the model is 200m, whereas the weaving length in the design is only 90m. Even with 200m, the modelling shows significant queues, which should be addressed as part of the design.

10.2.24 Given there is an identified need for the weaving length to be **at least 200m**, the Council considers that this requirement should be incorporated into the scheme design.

10.2.25 The extracts below are from the Works Plans of the A13/A1089/LTC junction ([REP3-039](#)). The horizontal limits of deviation are shown in green. The Council is concerned that it is not

which is similar in size and with a similar radius, has a 30mph advisory speed limit and a warning sign for lorries about the risk of toppling over due to the tight radius of the loop. No evidence has been provided by the applicant to the Examination to demonstrate how the proposed design differs from the bad design in place with the existing very similar tight radius loop at the junction. This was requested by the Council at ISH3 and has not been provided in the response from the applicant.

10.2.28 As stated in Annex D.4, the Council has always sought for Tilbury Viaduct to be an 'Project Enhanced Structure' and as was raised at ISH6 that there were opportunities to further enhance the landscape provision within the existing Order Limits in this area, which would further mitigate the appearance of the structure.

10.2.29 In section D.4 the applicant summarises how they are arrived at the current proposals. The Council has not raised concerns about these issues except that the Council has always sought for the Tilbury Viaduct to be a Project Enhanced Structure. This would further enhance the landscape provision within the existing Order Limits in this area and this would further mitigate the appearance of the structure, which is substantial.

Applicant's Responses to IP's post-event submissions at Deadline 4

10.2.30 The applicant's responses to IP's post-event submissions at Deadline 4 ([REP5-086](#)) provides a response to the Council's Post Event Submissions for Issue Specific Hearings (ISH3 - ISH7) and Compulsory Acquisition Hearings (CAH1 and CAH2) ([REP4-352](#)).

10.2.31 With regards to ISH3, the only aspect of the Council's submission that the applicant has responded to is the journey time analysis to the Port of Tilbury. The applicant has restricted access to LTAM to a Thurrock cordon model and therefore the journey time analysis prepared by the Council was based on the cordon model. The applicant has not provided any counter evidence based on the full LTAM and therefore the only evidence before the Examination is that provided by the Council. This shows that journeys to/from the Port of Tilbury within the Thurrock cordon model boundary would be quicker via LTC and Orsett Cock than the M25.

10.2.32 With regards to ISH4, the Council has set out its position on model iteration and alignment between model packages ([REP4-352](#)) and does not agree with the applicant's response for the reasons already provided in ([REP4-352](#)).

Summary

10.2.33 **In summary, the Council notes that the applicant has not directly responded to the ExA's query concerning the route paths through the Orsett Cock junction, no details are provided for pedestrians and cyclists and hence further information is requested. In terms of access to the two national ports, the Council is concerned of the effects of 6.5 years of construction activity and the additional congestion at the Orsett Cock junction and further information has been requested concerning operations and emergency access. The Council continues to consider that insufficient assessment has been made of different options for Orsett Cock, including the potential inclusion of Tilbury Link Road, which would enable a much smaller junction to be provided. For the Orsett Cock junction and M25/LTC design, the Council has requested the audit brief of the Stage One safety audits, but these have not been provided. The Council considers that the approach for the inclusion of public transport services is insufficient and as described in more detail in Section 11.3 below, there are ongoing issues with the modelling assessment of the Orsett Cock junction.**

10.3 Issue Specific Hearing 4 (ISH4) (REP4-180) and Council Responses to Applicant's Comments on IP Post Event Submissions (REP5-086 (Section 3))

Introduction

- 10.3.1 This section summarises the Council's response to the Applicant's Post-event submissions, including written submission of oral comments, for ISH4 ([REP4-180](#)).

ExA Questions on: Traffic Modelling

Item 3(a)(i) Explanation and discussion of the Applicant's and DP World London Gateway's (DPWLG's) transport work submitted at Deadline 1 ([REP1-187](#) and [REP1-333](#)) followed by a discussion about the potential impacts on Orsett Cock and Manorway junctions in light of the traffic reports and the Applicant's Response (see – Annex A Comments on WRs Appendix E – Ports [[REP2-050](#)]):

- 10.3.2 This section provides the Council's response to the applicant's post-hearing submission for agenda item 3 Traffic Modelling from Issue Specific Hearing 4 (ISH4) held on 6 September 2023 ([REP4-180](#)).
- 10.3.3 Paragraph 3.1.8 incorrectly states that VISSIM does not deal with driver response and cannot handle route choice. This is not correct as VISSIM does model driver behaviour, including route choice, but the VISSIM models prepared by the applicant are of single junctions or small areas of the network and therefore do not include route choice.
- 10.3.4 Paragraph 3.1.10 states that an iterative approach to modelling between LTAM and VISSIM would be a 'disproportionate process.' The Council set out in Post Event Submissions for ISH3-ISH7 an CAH1-2 ([REP4-352](#)) that model iteration is a standard approach and provided examples of this approach. The applicant states in paragraph 3.1.11 that model iteration has been followed before by the applicant. It is considered that it should have been undertaken for LTC prior to the Examination and that this standard modelling practice is not disproportionate for the largest road scheme within the country.
- 10.3.5 Paragraph 3.1.20 sets out the applicant's proposed pathways to a resolution on the traffic modelling. The applicant states it will continue to discuss LTAM and VISSIM modelling, but their position is unchanged that the application is contingent on LTAM. It is clear from these statements that the applicant is not willing to meaningfully engage with stakeholders and address their valid and detailed concerns with the assessment.
- 10.3.6 There continues to be two models with significantly different outcomes forecast: VISSIM with high levels of delay forecast; and, LTAM with significantly lower levels. Both cannot be true. Therefore, if the applicant only considers the effects of LTC forecast by LTAM to be true, Orsett Cock will need to perform with the low level of delays forecast by LTAM. The Orsett Cock design will need to be updated to reflect the lower levels of delay forecast by LTAM.

Item 3(b)(ii) Applicant to explain its approach to modelling uncertainties and whether any additional work is necessary in light of the recent publication of the 'TAG Unit M4 – Forecasting and Uncertainty':

- 10.3.7 The Council provides further comments on forecasting and uncertainty in its response to Section A.6 below.

Section A.2 Orsett Cock LTC peak hour traffic flows

- 10.3.8 At paragraph A.2.3 the applicant states that the Orsett Cock flows show that with LTC there is a reduction in traffic entering Orsett Cock from A128 Brentwood Road (north) and that this is

as a result of traffic re-routing via A127 to Junction 29. No select link analysis has been provided to demonstrate that 100% of this traffic is re-routing via A127. This evidence should be provided to the Examination. The Council has consistently raised concerns that traffic will re-route via Orsett village as a result of LTC.

10.3.9 Notwithstanding this, the Council continues to be concerned that the traffic flows demonstrate that LTC will displace a significant level of traffic as set out in ISH4 Appendix B of Post Event Submissions for ISH3-ISH7 an CAH1-2 ([REP4-352](#)). The Council has recently implemented substantial upgrades to the junction to cater for Thurrock's growth. This growth-related traffic is forecast to be displaced by LTC, with traffic needing to re-route elsewhere.

Section A.3 Precedents on VISSIM not being re-used in SATURN

10.3.10 The applicant has explained that the standard industry practice is to take traffic flows from a strategic model, such as LTAM and pass these to a microsimulation model, such as a VISSIM model to test the design of a junction or small group of junctions. If a consideration of the VISSIM model outputs results in a change to the design of the junction, then the changed network is coded into the SATURN model. The SATURN model produces a new set of traffic flows which are then passed back into the VISSIM model. The applicant claims that this is how it has used the SATURN and VISSIM modelling during the design development.

10.3.11 The Council would like to point out that the applicant has not adhered to this best practice approach. For instance, the weaving section for traffic coming off LTC and weaving with the A13 eastbound off slip at Orsett Cock is not represented in LTAM (strategic model) in the same way as it is in the VISSIM Orsett Cock model or the Orsett Cock design drawing, neither in terms of travel behaviour nor weaving distance. The LTAM network coding inadequately represents the weaving travel behaviour (essentially making no allowance for the inconvenience of this manoeuvre and traffic slowing down) and overestimates the weaving distance (334m against 200m in VISSIM and 90m in the design drawing), which results in a significant underestimation of delays in LTAM.

10.3.12 The applicant has coded over aggressive driver behaviour within the junction to reduce delays when changing lanes and entering the junction. This results in reduced queuing within the opening and forecast Do-Something models.

10.3.13 Furthermore, the applicant has used coding within the localised models for the Pegasus crossing on A1013, which over-estimates the effect that that crossing would have on the operation of the wider junction, i.e. in favour of reducing congestion. This is an issue noted within the software, that can be adjusted manually, but has not been done so by the applicant.

10.3.14 Where the applicant has added traffic signals to the Orsett Cock circulation within the localised modelling, it has not allowed for facilities for active travel or public transport. Those facilities should be provided within an inclusive junction and would affect the operation and delays within the junction. The strategic model does not include the additional traffic signals or the effects of the Pegasus crossing, but forecast a lesser level of impact at the junction

10.3.15 It is standard industry practice to ensure that there is a reasonable level of consistency between different types of models. In other words, there should not be significantly different versions of the future being presented with different models. This leads to substantially different judgements being made. This is the issue with LTAM and VISSIM highlighted by the Council and other stakeholders.

10.3.16 The Council set out its detailed response on model iteration within their Post Event Submissions for ISH3-ISH7 an CAH1-2 ([REP4-352](#)) (Appendix A of ISH4 written submission). This summarised the industry best practice for model iteration including examples to ensure a reasonable level of consistency across different modelling software platforms. The industry best practice for achieving a reasonable level of consistency between models set out by the

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Council is a matter that specialist transport consultants representing the Council, Essex County Council and the two national ports (PoTLL and DPWLG) are all in agreement on.

10.3.17 At present, the applicant has developed two models, with significantly different outcomes being forecast. The applicant wants the ExA only to view LTC solely through the lens of LTAM, which presents a case of relatively free flowing traffic, benefits outweighing disbenefits and no mitigation. However, the VISSIM modelling shows a different outcome, with traffic not free flowing through the junction, with significant congestion on LTC and delays on the approaches to the junction. Through the lens of VISSIM, the benefits would be less, the disbenefits greater, construction costs would be greater as a result of upgrades to the junction design to reduce delays, both of which would reduce the BCR. The applicant has not articulated any convincing justification (and for the avoidance of doubt, there is no such justification), for assessing the scheme solely on the basis of the SATURN model, while ignoring the VISSIM. The VISSIM microsimulation, where it has been carried out, is clearly an important and relevant consideration, as is the lack of it in cases where it should have been carried out.

10.3.18 The lack of alignment of the models should have been resolved by the applicant well before the Examination. It is extremely frustrating that at this late stage in the Examination there are such differing outcomes being reported by the models. The level of alignment of the models that the Council and other stakeholders are seeking would not take years to achieve as claimed by the applicant (whereas the Council estimates this would take 4 – 7 months for the main junctions at issue), but given it is now Deadline 6, it would take longer than the available time left in the Examination. Given this, if the applicant is seeking for the outcomes presented in LTAM to be the basis of judgement of the scheme impacts, then the design of the junction modelled in detail by VISSIM needs to operate with the same very low levels of delay forecast by LTAM. Currently the design of the junction does not deliver the outcomes forecast by LTAM. The ongoing challenges with the approach to modelling are further discussed in Section 11.3 below.

Section A.4 Responding to Thurrock Council comments on the length of time to undertake VISSIM-SATURN Modelling to achieve convergence

10.3.19 As set out above, the level of alignment of the models that the Council and other stakeholders are seeking would not take years to achieve as claimed by the applicant. The Council has identified a number of junctions within Thurrock where LTAM is forecasting an impact and should be further analysed using localised modelling. It is modelling of these junctions in LTAM and VISSIM that should be broadly aligned, not every junction in the entire network.

10.3.20 The Council is in a position that at Deadline 6 there is still not a complete set of agreed forecast VISSIM models for the identified local junctions. The position with the localised modelling at Deadline 6 is set out in **Appendix A**. Therefore, a reasonable level of alignment of the models is not possible within the remaining time in the Examination.

10.3.21 As such, if the applicant is seeking for the outcomes presented in LTAM to be the basis of judgement of the scheme impacts, then the design of the junctions modelled in detail by VISSIM (for Orsett and the other identified local junctions) need to operate with the same levels of delay forecast by LTAM.

Section A.5 Differences between VISSIM and SATURN and their outputs

10.3.22 At paragraph A.5.1 the applicant seeks to demonstrate that VISSIM and LTAM have different inputs and therefore different outputs. They state that *'the combination of different input numbers and a different modelling methodology results in a difference in the forecast delays and queue lengths between LTAM and the Orsett Cock VISSIM model.'* This is in stark contrast to the argument put forward by the applicant at Deadline 1. At that time, the applicant submitted the Localised Traffic Modelling report ([REP1-187](#)) and sought in Section 4 of that report to show how aligned LTAM and VISSIM inputs and outputs were.

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10.3.23 At paragraph A.5.2 the applicant states that only a strategic model can meet the NPSNN requirements for modelling set out in paragraph 4.6 of the policy and VISSIM does not have the capability of meeting the requirements. This is not true for the reasons set out below.

10.3.24 Paragraph 4.6 of NPSNN sets out the requirements for modelling and states that '*Applications for road and rail projects should usually be supported by a local transport model to provide sufficiently accurate detail of the impacts of a project. The modelling will usually include national level factors around the key drivers of transport demand such as economic growth, demographic change, travel costs and labour market participation, as well as local factors.*' The 'national level factors', i.e. forecast traffic growth assumptions, in LTAM have been applied to VISSIM. Therefore, both types of models meet the criteria of the NPSNN.

10.3.25 In paragraph A.5.4 the applicant asserts that the divergence of the models is within the '*expected range of divergence between these types of models*'. This is misleading as there is an expectation that models enable similar judgements to be formed either at a strategic or more detailed level. However, for LTC, similar judgements cannot be made based on the results of LTAM and VISSIM. Yes, the models have different roles, but they should complement each other as a package of models and align to a reasonable level.

Section A.6 Response to comments made by Professor Phil Goodwin

10.3.26 In Section A.6 the applicant has provided further comments on the submission made by Professor Phil Goodwin. The Council has reviewed these comments and provides the further commentary below.

Uncertainty and Forecasting

10.3.27 The applicant has argued that their analysis shows that all the various modifications, sensitivity tests and reconsiderations show that:

- a. No significant or material difference is made to the estimates of the amount traffic crossing the River Thames in future years;
- b. Traffic conditions at Dartford with LTC remain better than traffic conditions without; and therefore; and,
- c. The case for LTC remains strong.

10.3.28 Based on this, the applicant therefore does not intend to do any further modelling.

10.3.29 The Council does not agree with this conclusion, this is because the applicant has not appropriately applied TAG and has not incorporated other elements of DfT guidance. The Council has therefore made its own revised estimate of economic impacts based on information provided to the Examination. Full details of the derivation of this analysis is provided in **Appendix L: 'Further Commentary on Uncertainty and Forecasting'**.

10.3.30 The Council has recalculated the effects of LTC by taking fuller account of uncertainty on:

- a. Value for money under different conditions of traffic growth (with added calculations on the value of carbon emissions); and,
- b. On the applicant's forecasts of traffic growth at Dartford.

10.3.31 Taken together, these show a *materially greater* vulnerability of value for money for the network as a whole, and a less lasting relief of congestion. The overall effect is that, however, confident the applicant may have been to assert the original (rather low) value for money and relief, both must now be reduced.

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10.3.32 This is shown by the revised BCR calculations shows in **Table 10.1**.

Table 10.1: Results of Sensitivity Tests on the Estimated Value for Money of LTC

	Low Growth	Core Growth	High Growth
2016 NH Favoured scheme adjusted BCR		3.4 High VFM	
2020 NH estimate (withdrawn)		1.44 Low VFM	
2022 DCO with p=2.5 (as reported in the Application)	1.09 Low VFM within sight of zero NPV	1.22 Low VFM	1.36 Low VFM
2023 with p=4 as recommended by DfT and standard value of carbon	1.01 Borderline zero net present value	1.22 Low VFM	1.43 Low but within sight of VFM
2022 p=2.5 and high value of carbon	0.99 Borderline zero net present value	1.12 Lower VFM within sight of zero net	1.25 Low VFM
2023 p=4 and high value of carbon	0.90 Negative net present value, poor VFM	1.12 Lower VFM within sight of zero NPV	1.15 Low VFM
Prospective DfT VAT adjustment carbon	Approximate average -0.5 adjustment on BCR figures above		
Note: these calculations do not take account of an apparent anomaly with the assumed traffic growth between 2016 to 2023, with DfT analysis showing zero growth based on observed values and LTAM indicating an increase in traffic flows over the same period. This discrepancy may affect the calculation of traffic levels, therefore benefits, cost and value for money, for the period after 2023.			

10.3.33 In summary, this revised analysis shows that consideration of high and low growth cases clearly shows that under low growth the scheme does not deliver sufficient benefits to outweigh the costs. Under high growth, it delivers economic benefits as conventionally calculated, but it does not reduce congestion except for an initial period, and on key parts of the network not even then. There does not seem to be a 'sweet spot' assumption of traffic growth that delivers both acceptable benefit cost ratios and acceptable sustained reductions in congestion.

Further Commentary on Induced Traffic of HGVs and LGVs

10.3.34 In paragraphs A.6.14 to A.6.17 the applicant has given ground in a low-key way to the issue of the principle of induced traffic for LGVs and HGVs, but proposes to make no changes to practice, calculations or conclusions.

10.3.35 The argument so far may be summarised, as follows:

- a. The applicant wrote that induced traffic does not exist for LGVs and HGVs, because they are constrained by the economy and attributed this to DfT advice.
- b. The Council responded that DfT never gave such advice: the advice was the rather more cautious statement that such an assumption was 'often made'. The Council cited specific research findings on theory, business practice, econometric analysis and the interaction of

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travel time and money costs and the usage patterns of many LGVs (vans). **All this evidence was published by DfT.** The Council also cited evidence which the applicant itself had used, demonstrating business support for LTC specifically by business leaders that LTC would enable them to expand. This evidence all supported the proposition, that induced traffic could and must exist for HGVs and even more so for LGVs whose use includes many purposes other than freight.

- c. The applicant accepted our restatement of the wording of DfT modelling advice, citing the same more cautious formulation that the Council had suggested, interpreting it as still supporting their view that induced traffic did not exist for freight vehicles. The applicant made no comment at all on any of the evidence we had cited published by DfT and in a low key way accepted that their own evidence might allow for the possibility of some induced traffic, but then stated (in paragraph A.6.17):

'If the reactions of local businesses were to result in additional goods vehicles wishing to cross the river, then the Applicant considers this only reinforces the need for the provision of additional highway capacity over the river as provided by the Lower Thames Crossing'.

10.3.36 The Council's further response is, as follows.

- a. If the applicant now accepts that local business can generate more traffic, there is no possible reason why more distant business should not also result in additional goods traffic. Taken together, it is not the case that this 'only' increases the case for extra capacity. It is well-established practice in transport modelling that induced traffic increases the congestion costs to all other traffic and receives benefits which are, on average, equivalent to half the value of the time savings to non-induced traffic. (This is called the 'Rule of a Half' and dates back to the formulation of DfT economic analysis in 1969, and implicitly earlier). It is inconceivable that the applicant is unaware of this. TAG Unit 2.1 points out that it is less significant when using models which explicitly model the land use changes, which would be a direct consequence of the transport improvements, but this has not been applied for LTC.
- b. In practical application, if there is additional traffic which has not been allowed for in the modelling, all the issues of traffic capacity at Orsett Cock and similar intersections become more serious, and the period of congestion relief must be shorter. It may be that there would be arguments that the extra capacity provided by LTC is not sufficient, and the project as a whole should be redesigned to provide more capacity, but as far as we know this is not under any serious consideration and is not in front of the Examination.
- c. So, acceptance of induced traffic must affect both the capacity issues, especially with high growth, and the value for money calculations.
- d. The worst case in terms of the justification of LTC is if there is more induced traffic than has been allowed for, and that this arises from overestimating the baseline traffic growth. This has been a frequent feature of past project appraisals.

10.3.37 The applicant persists in refusing to make any changes to the forecasts and appraisal to incorporate induced traffic by LGVs and HGVs and is dismissive of the evidence that it exists and its practical significance.

10.3.38 The Council's conclusion is that the effect of induced traffic by LGVs and HGVs means there is a further downward pressure on the appraisal results the Council has reported in the previous section. This will result in even lower BCRs and shorter relief from congestion, or both.

Assessment of Wider Impacts

- 10.3.39 In paragraphs A.6.23 and A.6.24 the applicant provides further comments on the WITA software. As highlighted by this response the input and output files have not been provided by applicant as '*National Highways has a policy of not releasing the whole of a scheme specific transport model while the scheme is progressing through the consenting process*'.
- 10.3.40 This continues to mean that the Council cannot interrogate the assessment of wider impacts, which form a crucial part of the economic case for the scheme given they comprise 46% of net scheme benefits and without these benefits the BCR is only 0.48:1 (see paragraph 7.7.11 of the Council's LIR ([REP1-281](#))).

Section A.7 Response to comments made by Thurrock Council

Age of the base year model

- 10.3.41 The LTAM is based on 2016 data, i.e. data that is seven years old and the LTC assessment takes no account of current travel patterns. The LTAM is therefore in the Council's view, not a suitable basis for the assessment of a scheme of this scale, cost and national significance.
- 10.3.42 According to the applicant, the 2016 LTAM base model is a robust representation of current travel patterns. This statement is based on analysis of TomTom data for trips using Dartford Crossing in 2019 and 2023 and comparing them to the 2016 LTAM base model. This evidence has not been submitted to the Examination and therefore the Council is not in a position to agree the analysis and findings. The Council requests again that the evidence is submitted by the applicant – noting that the Council has made c. 25 requests for evidence from the applicant that are currently outstanding.
- 10.3.43 At the start of paragraph A.7.2 the applicant states that '*In LTAM the number of trips in 2016 are factored up to 2032 [typo should be 2030] using TEMPro 7.2 traffic growth forecasts.*' Notwithstanding that TEMPro v7.2 is now superseded, applying traffic growth factors from 2016 to 2030 will result in year-on-year traffic growth over a 14-year period.
- 10.3.44 At the end of paragraph A.7.2 the applicant goes on to state that '*traffic levels have returned after COVID, and the pattern of travel on the highway network in the area remains similar to that observed in 2016.*' This is comparing 2023 data to 2016. Therefore, if the applicant is stating that there has been no change in traffic patterns and traffic levels between 2016 and 2023, (i.e. if they were to create a base model for LTAM for 2023 it would be the same as the 2016 model), then this would mean that 7 of the 14 years (i.e. 50%) of traffic growth that they have forecast using TEMPro 7.2 have not materialised. The applicant has applied 16.7% growth in pcu/km between the 2016 base LTAM model and 2030 future year model and 8% of this growth has not materialised (taken from Tables 7.25 and 7.30 of ComMA ([APP-518](#))). This would impact on the need for the project, impact assessment and BCR.

Thurrock approval of models

- 10.3.45 At paragraph A.7.4 the applicant states that it does not require the approval from the Council on the traffic modelling. The Council has engaged proactively with the applicant on the traffic modelling. Indeed, the Council has even provided updated VISSIM models for Orsett Cock to seek to resolve issues, as well as providing a base VISSIM model of The Manorway junction in the absence of the applicant preparing one.
- 10.3.46 The Council is the local highway authority for the junctions that are being assessed and whilst it is not required to get the Council's agreement of the models, as the Council is not the decision maker, it is in the applicant's best interests to reduce the areas of disagreement between parties. It is very unusual at this late stage in a DCO Examination to have so many areas of technical disagreement in traffic modelling. The Council would have expected that

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the technical basis of the models could have been agreed ahead of the Examination and it was just the judgements based on the agreed models that were subject to discussion at the Examination.

Five Bells – ARCADY v VISSIM

10.3.47 The Council's response to the applicant's modelling of Five Bells submitted at D3 is covered in the Council's D4 submission ([REP4-354](#)).

10.3.48 The Council does not dispute the suitability of the software package used for the detailed assessment of the performance of the Five Bells and Pitsea Hall junctions.

10.3.49 The Council is concerned about the extent of the model. The Arcady model developed by the applicant does not include the A13 westbound merge at Five Bells junction, which according to LTAM forecasts, will result in significant congestion and traffic re-routing through communities of Corringham and Stanford-le-Hope. This concern has been shared in depth with the applicant through the Council's LIR ([REP1-281](#)) and within matters under discussion that would be contained within the SoCG submitted at Deadline 3.

10.3.50 Despite repeated requests, the Council has not received operational period localised modelling for this location that covers forecast impacts at the westbound merge from A176 onto A13.

Section A.9 Response to comments made by the Port of Tilbury London Limited

10.3.51 Section A.9 provides a response to Port of Tilbury London Limited (PoTLL) on Tilbury Link Road and the operations and emergency access. No response has been provided by the applicant to the detailed assessment of the operations and emergency access included in Appendix C, Annex 2.3 of the LIR ([REP1-284](#)), which was raised again at ISH3 and summarised in the Council's Post Event Submissions for ISH3-ISH7 an CAH1-2 ([REP4-352](#)).

10.3.52 The applicant states at paragraph A.9.4 that the operational access has been designed in accordance with DMRB and that the junction could be used to provide access to the SRN from the Port.

10.3.53 The applicant stated in the Local Refinement Consultation in May 2022 (extract included in LIR ([REP1-284](#)), that the operations and emergency junction has been designed to cater for 'possible future development' and 'avoid disruptive re-work at a later date'.

10.3.54 To date no evidence has been provided by the applicant to demonstrate this assertion. The Council submitted a capacity assessment of the junction, which is included in Appendix C, Annex 2.3 of the LIR ([REP1-284](#)), which demonstrates that it has not been designed to cater for possible future development. Based on the only evidence before the examination on the capacity and design of the junction, the Council's view is that LTC precludes future growth of the Port being catered for via the operations and emergency access.

ExA Questions on: Wider Network Impacts Management and Monitoring (REP4-180)

10.3.55 The Council and IPs are of a very different opinion to the applicant on the need for the applicant to mitigate the impacts of LTC. Contrary the applicant, the Council interprets the policies within NPSNN to require the applicant to mitigate assessed impacts. The Council understands the need for a judgement of proportionality and reasonableness in mitigation, but that does not obviate the applicant from its responsibilities.

10.3.56 The applicant argues that under its 'licence' it must only implement the immediate infrastructure of LTC and that the Governmental preliminary view when defining the scheme

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effectively mandated the applicant to ignore wider effects of the scheme. This is a poorly constructed argument. Its view that a wider strategic benefit should counterbalance local harm shows a disregard for the local communities affected, not least as the wider strategic benefit has been shown to be at best marginal, whilst the local impacts are considerable. Furthermore, the Council has consistently rebutted the claim that on balance the scheme actually brings benefit to Thurrock in its current form. The strategic modelling used by the applicant has been questioned at a number of points within the Examination and whilst it illustrates a reduction in traffic at some points to the west of LTC (e.g. around Grays), the magnitude of effects to the east are such that the harm cannot be ignored by the applicant.

- 10.3.57 The applicant reports that it has provided sufficient evidence to demonstrate that it has complied with the three tests within the NPSNN regarding severance and accessibility; environmental impacts; and, safety. These tests are being judged more broadly within the Examination, however, when focusing on the harm and impacts on local communities and movement corridors it is clear on the basis of the applicant's modelled effects that there are points of significant impact through the induction and reassignment of traffic movements. These are as a consequence of the scheme and include locations, such as Orsett Cock, Chadwell-St-Mary, Five Bells, Stanford-le-Hope/Corringham and other locations.
- 10.3.58 In its Post Hearing Written Statement, the applicant repeats that it must be proportionate and reasonable in respect of mitigation but does not set out what it considers that to be. If that assessment is one of cost, then it is not proportionate and reasonable to expect local communities to suffer harm from the effects of the £8-9bn strategic scheme, for which those communities have limited benefit when that resolution of the harm might cost a small fraction of the total cost.
- 10.3.59 Whilst the applicant concludes that it is not required to mitigate congestion impacts it therefore dismisses that induced congestion creates severance, amenity and safety effects elsewhere in the network. By example, the operation of LTC induces traffic to travel through the Five Bells interchange at the east of Thurrock. That traffic is forecast to exceed the capacity of the single lane entry to A13 and consequentially displaces traffic to the residential Southend Road corridor through Corringham and Stanford-le-Hope. The applicant does not recognise this impact and resolutely refuses to mitigate the effects. Its stance is that it will provide data to the Council for it to then bid to fund a resolution scheme. This approach should not be construed as reasonable and is not proportionate to the scale of LTC.
- 10.3.60 A number of references are made by the applicant to future Road Investment Strategy (RIS) funds to resolve residual impacts. Those funds are not suited to resolve impacts in the local communities and so are not relevant to the consideration of the wider network impacts.

ExA Questions on: Construction Traffic Management (REP4-180)

- 10.3.61 The applicant refers to the previous application of its traffic management approaches during construction. The Council does not dispute that a collaborative approach should be adopted and that the define Traffic Management Forum (TMF) could be the platform for that cooperative approach. But the Council notes the scale and complexity of the LTC project and the added governance and rigour that is needed to deliver successfully. That is not reflected in the current construction Control documents or the control mechanism framework and must be provided to guide and lead the contractors when they develop the detailed proposals. This has been expressed many times by the Council as the primary host authority and many other IPs. The applicant is gradually enhancing that framework but has not yet reached a satisfactory position.
- 10.3.62 The applicant appears to believe there is greater rigour in its Control Documents than other IPs understand. Frequently, the applicant states that initiatives and commitments are already covered in its documents, such as definition of data collection using automated techniques and targets for compliance. These and other aspects are not currently captured in the documents.

10.3.63 By the continual resistance to introduce reasonable robustness to its control documentation, the Council is not given reassurance that the applicant is committed to collaborating, cooperating or resolving the impacts of its construction period.

10.4 Issue Specific Hearing 5 (ISH5) (REP4-181)

10.4.1 The applicant has responded to Agenda Item 7 'Construction Compound Matters' ([REP4-181](#)) and the comments made by the Council and the Port of London Authority (PLA) on River Use. The applicant believes the commitment to utilise the port facilities for 80% of bulk aggregate materials to be significant and does not consider there is a need to widen the commitment to include other materials. The applicant does not consider any further commitment to use the river to be sensible or deliverable. The Council and the PLA do not support that opinion.

10.4.2 A comprehensive response to the Post Event Hearing Statement made by the applicant in response to Item 7 of ISH5 and its Section E.2 is captured within the Council's response to the ExQ2 (in particular Q7.1.5), which focuses on the aspects of material's handling and controls on tunnelling activities.

10.4.3 The Council remains of the opinion that more could be done by the applicant to specify materials, plant and equipment that should be moved by marine and/or rail transportation to minimise in an appropriate manner the effects on the road network and local communities of those items otherwise being moved by road. The Council has provided in its LIR ([REP1-281](#)) Appendix C Annex 2 an indication of the items that should be considered by the applicant. By improving its commitments within the oMHP the applicant will incentivise the contractors to maximise the use of marine and rail transportation.

10.4.4 The applicant must consider more accurately whether the use of marine and rail facilities could reduce road mileage and risks and not simply focused on the use of the Port of Tilbury. Other facilities are available that could help to reduce road mileage for materials plant and equipment and would not per se require double handling or introduce additional HGV movements, such as cement importation by river or movement of steel or piles by rail; and, the containerisation of items, such as pipes and rails for shorter last mile deliveries. Increased movement within the trace using the established Tilbury Viaduct should also not be dismissed without evidence.

10.4.5 Direct comparison to the Silvertown Tunnel operation should include other similar projects where a more proactive approach to the use of marine and rail transportation was taken such as Crossrail and Thames Tideway Tunnel. Those schemes are each unique but developed greater use of non-road transportation.

10.4.6 The applicant has updated the workforce commuting figures in response to Agenda Item 4 ([REP4-181](#)) and the event that the construction of the Project is undertaken with a single tunnel boring machine instead of two. Construction traffic modelling phase 2 would see an increase in the workforce. The applicant has undertaken an amended run of LTAM for phase 2 to reflect increase in staff trips. LTAM shows increase in flows at ASDA roundabout at AM peak (35 PCUs) and inter peak (22 PCUs).

10.4.7 The applicant must reflect on this change in forecasts for the construction periods and determine whether an alternative approach to mitigation is required where the impacts are noted to increase on the Asda roundabout. This topic is further covered by the wider discussion on construction and operations impacts at the Asda Roundabout. In the absence of progress being made by the applicant, the Port of Tilbury London Limited and the Council have jointly taken forward analysis of the impacts at that junction.

10.5 Issue Specific Hearing 6 (ISH6) (REP4-182)

- 10.5.1 This summarises post-hearing actions picked up elsewhere or in ISH9, which is covered in the Council's Post Event Written Submission for ISH9.

10.6 Issue Specific Hearing 7 (ISH7) (REP4-183)

- 10.6.1 The Council has primarily set out its position in relation to ISH7 in [REP4-352](#) and in its D5 Submission ([REP5-112](#)).
- 10.6.2 The Council wishes to restate its concerns regarding the use of phrases, such as 'substantially in accordance with', 'reflecting', 'specific outline documents' and 'based on' specific documents. These words and phrases do not provide sufficient certainty. The documents referred to are statements of broad principles and not being required to act in accordance with them provides an unacceptable amount of flexibility to the applicant. The Council requests that these references are replaced with 'in accordance with'.
- 10.6.3 The applicant states that the removal of the phrases would fetter the discretion of the Secretary of State. It is correct that these would place limits on what can be approved, but this is the purpose of referring to the specific outline documents. It is accepted that the applicant does not have to fully design the authorised development before bringing it for Examination. However, there does need to be a degree of certainty in order for the Examination to be effective. That certainty is reduced by using the words and phrases advocated for by the applicant. It should also be noted that the applicant is prepared to use the phrase 'in accordance with' in a number of places within the draft DCO and therefore it is not accepted that the use of 'in accordance with' is unlawful.
- 10.6.4 The Council has primarily set out its position in relation to ISH7 in [REP4-352](#) and in its D5 Submission ([REP5-112](#)). Clearly, use of 'in accordance with' is not in itself unlawful.

10.7 Compulsory Acquisition Hearing 1 and 2 (CAH1 and CAH2) (REP4-178)

Pre-Scheme Acquisitions

- 10.7.1 In Paragraph 3.1.16 of Deadline 4 Submission - 9.81 Post-event submissions, including written submission of oral comments, for CAH1 ([REP4-177](#)) the applicant notes that 'there is no reason in principle why the Applicant could not acquire land in advance from TC'. This differs from what was stated at CAH1 when Mr. Tait said '.... there's no reason in principle why the applicant could not acquire land in advance from Thurrock Council. They have not, and we understand Thurrock have not asked us to acquire there (sic)' see page 23 Compulsory Acquisition Hearing 1 (CAH1) – Transcript – 15 September 2023 ([EV-047d](#))
- 10.7.2 In Paragraph 3.1.17 of Deadline 4 Submission – 9.81 Post-event submissions, including written submission of oral comments, for CAH1 ([REP4-177](#)) the applicant notes '*TC had been requesting a binding legal agreement in relation to land use. In effect, TC seeks to bind the Applicant into the indicative and illustrative information shown in Appendix H of Thurrock's Local Impact Report (LIR) [REP1-289] (and, for the avoidance of doubt, that document speaks to the extensive engagement on TC's land interests and, in the Applicant's view, has been the vehicle by which the discussions have been protracted).*' This statement is incorrect – the Council recognises that the applicant cannot be bound at this stage to '*indicative and illustrative information*'. That the Council does require is a binding commitment to seek to adhere the information provided from time to time and for any comments it has on that information to have demonstrable regard to it. The applicant has been aware of this approach for some time.
- 10.7.3 At Paragraph 3.1.19 of Deadline 4 Submission - 9.81 Post-event submissions, including written submission of oral comments, for CAH1 ([REP4-177](#)) the applicant notes '*the Applicant*

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has sought to proactively acquire land by agreement, not only to respond to requests to do so. In relation to TC, AT explained that TC has not been willing to engage on the sale of its land interests until it has further details on timescales, which the Applicant is unable to definitively provide at this preliminary design stage.' This statement is incorrect – as was advised in Section 14 Deadline 1 Submission - Local Impact Report (LIR) ([REP1-281](#)) the Council has been seeking to enter into an agreement for many months. Whilst a draft was promised for over a year this never materialised and eventually a draft Memorandum of Understanding was issued. This is not binding and does not offer the Council the comfort it requires.

- 10.7.4 In paragraph 3.1.1 of Deadline 4 Submission - 9.82 Post-event submissions, including written submission of oral comments, for CAH2 ([REP4-178](#)) it is recorded that *'It noted the concern raised by Thurrock Council (TC) in relation to various parcels which are subject to permanent acquisition, and which are to be returned to TC. TC queried the need for permanent acquisition in these circumstances, and in particular identify particular plots that are of concern in TC's Local Impact Report [REP1-281]. It clarified that the Applicant does not believe that all of the plots TC identified are subject to permanent acquisition, with subsequent return to the Council. One of the plots, for example, is identified as subject to temporary possession.'* The applicant advises that there has been discussion on the methodology for return of land with the Council's highways department but provided no detail. The Council's highway department recalls the return of land being raised at a meeting but has no detail as to methodology. The Council requests that the applicant provides a Method Statement for the return of land.
- 10.7.5 In paragraph 3.1.8 of Deadline 4 Submission - 9.82 Post-event submissions, including written submission of oral comments, for CAH2 ([REP4-178](#)) it is recorded that *'In relation to the condition of the land, IT noted that article 35(5) provides that before giving up possession, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the landowner. Further, the Applicant is required to pay compensation for any loss or damage that is suffered as a result of temporary possession, pursuant to article 35(6).'* The point made by the Council was that compensation is for a demonstrable loss, which does not arise in respect of the loss of POS (refer to page 11 and 12 of Compulsory Acquisition Hearing (CAH2) – Transcript – 15 September 2023 ([EV-049a](#))). The Council said *'The other point under this heading. There was a query, sir, about the implications of compensation, expressed as the question is the Examining Authority need to understand the basis for the objections. They are partially expressed as objections to compensation, which you correctly note, in principle, are not within scope of examination. I think I just wanted to raise two points on that, sir. Firstly, that compensation is a measure of an effect arising from the dispossession. So the lesser the effect, generally, the more likely it is that compensation will be reduced, which of course is broadly in everybody's best interests, and uncertainty is likely to cause additional losses in the broad scheme of things. The second point is, and this is material to this public open space point, is that compensation deals with a financial loss. You've lost something that is worth money or you've incurred costs; that has cost you money, you are compensated for it. The loss of public open space, either permanently or temporarily, simply cannot be monetised. There is no solution. So whilst we perhaps take the view that whilst there may be no legal obligation to re-provide public open space that is subject to temporary possession, given what you've seen is a very significant area of land to be impacted, both in gross terms, number of acres, and as a percentage of the overall public open space, it is considered by us that there is at least a moral obligation for some form of re-provision for the better health of the residents of the Borough.'*
- 10.7.6 The Council is very concerned about the impacts of the scheme on both its operations and assets and the residents of the borough and noted that the applicant is not offering any non-statutory relief schemes for those who suffer significant adverse implications from implementation of the scheme preferring to rely on statutory provisions. As the Council has noted these provisions are limited in their scope and other very significant projects with significant timelines for implementation have put in place non-statutory relief schemes, the applicant seeks to avoid this because, as it notes at paragraph 3.1.15 of Deadline 4 Submission - 9.82 Post-event submissions, including written submission of oral comments, for CAH2 ([REP4-178](#)), it requires *'a full business case and justifications as to why it is in the*

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taxpayer's interest to go beyond provisions already in place.' There is no explanation as to why the applicant could not recognise the shortcomings of the statutory provisions and commit to a full business case and justification for greater provisions than at present.

Discussions between applicant and statutory undertakers

10.7.7 At Section 7.6 of the Council's Comments on Applicant's Submissions at Deadline 3 (D3) ([REP3-211](#)) the Council noted that *'the applicant has failed to address any of the points raised by the Council at D3 on Works Plans and Temporary Works Plans and Works Plans Utilities. Further information is provided on the Drainage Plans, but the Council still requires further information provided to enable the Council to understand the impacts of the scheme. An update on discussions between the applicant and Statutory Undertakers is requested at D5 or D6'*. The Council has yet to receive an update.

10.8 Council Responses to Applicant's Comments on IP Post Event Submissions (REP5-086)

10.8.1 The Council has provided comments on this document as part of Sections 10.2.30 to 10.2.32 above.

11 ExQ1 Responses – Traffic and Transportation (REP4-189 and REP5-077 (Topic 4))

11.1 Introduction

11.1.1 This Section provides the Council's comments on the responses made by the applicant to the ExA's first section of written questions relating to 'Traffic and Transportation' ([REP4-189](#) and [REP5-077](#) (Topic 4)).

11.2 PART 1 – ExQ1 4.1.1 to Q4.2.5

ExQ1 Q4.1.1 Modelled Traffic Effects: Dartford Crossing

11.2.1 The Council's comments on this question were provided at D5 ([REP5-112](#)). The summary is repeated below.

11.2.2 The applicant's response to ExQ1 Q4.1.1 on Modelled Traffic: Dartford Crossing is of fundamental importance to the Council. The applicant's response confirms that they do not expect LTC to provide north-south free-flowing capacity at Dartford Crossing from 2037 in most modelled periods. This means that the key benefits of LTC in delivering congestion improvements at Dartford Crossing as articulated by the applicant in the 'Need for the Project' ([APP-494](#)) and key conclusions in 'Traffic Forecasts Non-Technical Summary' ([APP-528](#)) are not achieved.

11.2.3 In practice, the lack of benefit for the Dartford Crossing should have been expected given the applicant's own analysis of the previous impact of providing additional traffic capacity at Dartford Crossing, i.e. additional traffic capacity has led to additional demand. The applicant's traffic models show that for residents of Thurrock, as for residents elsewhere, LTC would not reduce traffic flows or journey times across Dartford Crossing. LTC is also not an alternative to Dartford Crossing for many Thurrock residents, because of the limited access to LTC (only possible via the congested A13/A1089/Orsett Cock junction). Several other alternative options exist to improve cross-river travel at a fraction of the cost of LTC.

11.2.4 The LTC scheme is forecast to cost £8 - £9bn, possibly more, and is predicated on providing congestion relief at Dartford Crossing. The applicant's analysis shows that despite this huge investment and the significant impacts on the residents of Thurrock (from six years of construction, removal of 10% of land, 11% of Green Belt and many other negative impacts), LTC does not provide the key benefits stated by the applicant, which underpin the rationale for the scheme.

ExQ1 Q4.1.2 Modelled Traffic Effects: Covid

11.2.5 According to the applicant, LTAM is a robust representation of travel patterns in the area, which the Council does not agree with. The applicant has checked that the pattern of trips using the area around Dartford Crossing is similar to the pattern shown in 2016 baseline data used in the development of the LTAM. The applicant is satisfied that their analysis shows that traffic patterns were the same in 2023 as in 2019, and in 2019 they were the same as in the applicant's 2016 base model. The Council is not satisfied with this conclusion as explained below.

11.2.6 In its response the applicant states that their Tom-Tom data show that '*traffic patterns were the same in 2023 as in 2019, and in 2019 they were the same as in the Applicant's 2016 base model*'. This information has not been provided to the Council and we request that the data is submitted to the Examination, so the data can be reviewed.

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- 11.2.7 If the applicant is stating that there has been no change in traffic patterns and traffic levels between 2016 and 2023, i.e. if they were to create a base model for LTAM for 2023 it would be the same as the 2016 model), this would mean that 7 of the 14 years (i.e. 50%) of traffic growth that they have forecast between 2016 and 2030 using TEMPro 7.2 have not materialised. The applicant has applied 16.7% growth in pcu/km between the 2016 base LTAM model and 2030 future year model and 8% of this growth has not materialised (taken from Tables 7.25 and 7.30 of ComMA ([APP-518](#))). This would impact on the need for the project, impact assessment and BCR. The Council requires the appraisal to be updated to reflect the significant reduction in traffic growth.
- 11.2.8 The Council's position stated in the LIR ([REP1-281](#)) remains that the traffic modelling supporting LTC does not represent an up-to-date or representative view of the current conditions and leads to the benefits of the scheme being overestimated, because the assessment has not considered the reduction in demand as a result of the pandemic and other major events.
- 11.2.9 The applicant's findings that there has been no change in traffic patterns does not reflect the DfT's observations published in May 2023 that show that *'The COVID-19 pandemic has had a significant impact on the pattern and volume of travel, with overall volumes for most modes still below pre-pandemic levels, as can be seen in [DfT official statistics](#), and importantly below pre pandemic projected demand levels'* (DfT's Guidance, TAG Unit M4 'Forecasting and Uncertainty', Appendix B).
- 11.2.10 Furthermore, DfT reports in its '2022 Road Traffic Projections', that as a result of CoVID-19 people have formed new habits and expectations particularly around working from home and online shopping, which reduces trip generation:
- '3.7 To develop an informed assumption on the long run impacts of COVID-19, we have undertaken a thorough review of the evidence (described in more detail in Annex C) available in March 2022 when our assumptions were finalised. This suggests that people have formed new habits and expectations over the past two and a half years, particularly around working from home and online shopping. Using this evidence alongside the upper and lower bound estimates detailed in Annex C, the Department has applied a net reduction of 5% in car vehicle miles compared to a projection without COVID-19. This reflects evidence around journey purpose especially for people who are able to work from home. The applied split by journey purpose for car traffic is a 6% reduction in commuting trips, a 9% reduction for business trips and 4% reduction for all other trip purposes.*
- 3.8 No such adjustment has been made to LGV or HGV traffic. LGV traffic projections in the NRTP take the March 2022 LGV levels and then extrapolate forward using GDP. The long run HGV projections are driven by GDP and population as detailed in the GBFM report. Annex C: explains in more detail how the NRTP 22 has taken account of the potential long run impacts of COVID-19'*
- 11.2.11 The Council notes that as part of the recent cancellation of High Speed 2 north of Birmingham the Prime Minister stated in his speech to the Conservative Party Conference:
- 'HS2 is the ultimate example of the old consensus. The result is a project whose costs have more than doubled, which has been repeatedly delayed... and for which the economic case has massively weakened with the changes to business travel post Covid.'*
- 11.2.12 LTC has many similarities with HS2, as both are large projects which have been in development since the late 2000s. As part of the cancellation of HS2 the government produced a 'Network North' report, which presented a diagram which showed how the BCR for HS2 has reduced over the past 15 years. The Council has taken this diagram and added similar information for LTC based on the BCRs provided by the applicant and summarised in Table 7.2 of the Council's Local Impact Report ([REP1-281](#)). In the diagram 'Initial' refers to the BCR for well-established Level 1 benefits and 'Adjusted' refers to the BCR, when less well-

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established Level 2 benefits (such as agglomeration benefits) are included. These are the same definitions as used by the applicant.

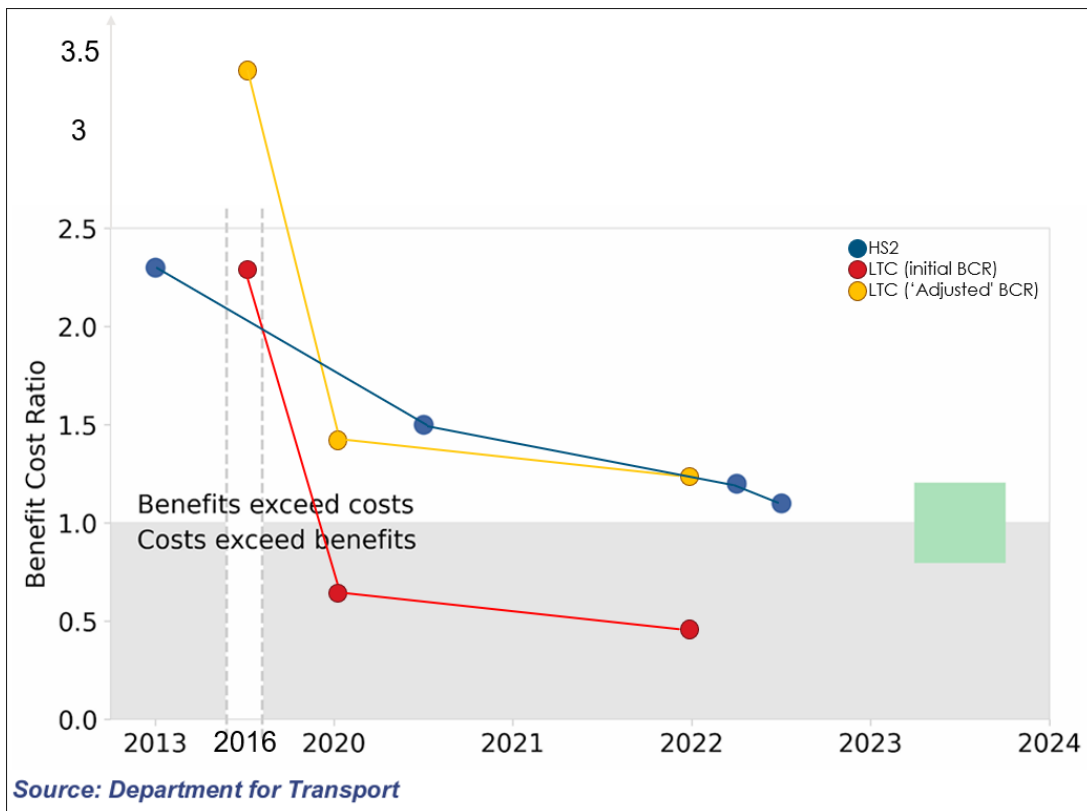


Figure 11.1: Comparison of Benefit Cost Ratios (BCR) for HS2 and LTC

11.2.13 This analysis shows that, like HS2, the case for LTC has massively weakened. The BCR has fallen consistently as the scheme has developed with the BCR for well-established Level 1 benefits is only 0.48:1 and with all benefits is only 1.22:1. This is much lower than the BCR of 3.44:1 identified in the initial assessments of the LTC. As described by the further analysis by Professor Phil Goodwin presented in Sections 10.3.23 – 10.3.37 above, in fact the estimate of the BCR for LTC needs to be reduced further to c1.0:1 to reflect changes in recent DfT guidance on modelling.

11.2.14 The Council would also like to highlight two common points for all these questions relating to traffic flows and traffic modelling:

- a. The applicant only talks about traffic effects for the river crossings and provides no information about the modelled changes/stability of traffic patterns in the modelled area as a whole. This is important as the appraisal (e.g. carbon, safety, traffic speeds, agglomeration, BCR, etc.) depends on the overall traffic impacts, not only those across the River Thames. This would always be true, but is especially in a 'transformational' project, such as LTC.
- b. All the answers given by the applicant are essentially the same, whatever the applicant looks at, they report no 'significant' or 'material' differences as a result of their tests. But (as far as the Council can tell from its review of the Examination documents) there is never an explicit statement of how big a change needs to be, before it is considered material.

11.2.15 To help the ExA determine whether a change is material to the overall benefit – cost appraisal, the Council propose the following definition to help determine the impact of any model test or

change – this also links with the request from the ExA to define 'unacceptable impacts' in Action Point 6 from ISH10 ([EV-082](#)):

'A difference should be considered material if it – on its own or in combination with other related tests – would make a difference to the overall benefit-cost assessment [economic appraisal] of the project, or to the delays experienced overall or on important parts of the network, or to any one specific element of the appraisal namely travel time losses or savings, reliability losses or savings, the value of carbon emissions, the suggested value and sign of wider economic benefits or savings, the number and severity of accidents...

Where the overall benefit cost calculation is close to a 'value for money threshold' such that a change would result in a change in the classification (e.g. between 'low' and 'poor' value for money, or a BCR of 1 (or a zero or lower net present value) then a smaller change would be considered significant.

Similarly, when traffic flows approach the capacity of the network or important parts of it, a smaller change will be significant than if there is plenty of spare capacity. Therefore no assertion that 'there is no material effect' must be justified by calculations without showing its impact on the appraisal.'

ExQ1 Q4.1.3 Modelled Traffic Effects: Transport Analysis Guidance Unit M4 and ExQ1 Q4.1.4 Modelled Traffic Effects: TAG Unit M4 Scenario-based Assessments

11.2.16 The answers provided by the applicant to these questions are brief summaries of the applicant's analyses asserting that:

'The comparisons of the CAS presented show that the variation from the core scenario presented within the Development Consent Order (DCO) application would be small.

For both the opening and design years, in each modelled time period and for each CAS, the Project would provide relief to the Dartford Crossing.

Therefore, overall, it is considered that the need for the Project (as set out in Need for the Project [APP-494]) remains valid as the Project would provide relief to the Dartford Crossing in every scenario.

The Applicant does not consider that further modelling work is required as a result of the update to TAG Unit M4, given the analysis presented in NTEM 8 and Common Analytical Scenarios ([REP3-145](#)).

11.2.17 Similarly, that comparisons, whether using the summary method of high and low traffic growth using a factor p for high and low growth variation, or using the DfT's Common Analytical Scenarios, revised NTEM 8 core traffic forecasts, and updated DfT advice on uncertainty generally, all show that:

'The comparisons of the CAS presented show that the variation from the core scenario presented within the DCO application would be small.

For both the opening and design years, in each modelled time period, and for each CAS, the Project would provide relief to the Dartford Crossing.

Overall therefore, it is considered that the need for the Project (as set out in Need for the Project [APP-494]) is unaffected as the Project would provide relief to the Dartford Crossing in every scenario.

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The Applicant considers that the additional modelling reported within NTEM 8 and Common Analytical Scenarios [REP3-145] takes sufficient account of the latest guidance and is not proposing to undertake further modelling within the Project's transport model.'

11.2.18 The Council considers these answers are deeply unsatisfactory for four main reasons:

- a. Information is only given on what the model says about traffic volumes and conditions on the river crossings and nothing about their impacts on the rest of the modelled network;
- b. The proposition that all variants of the assumptions show that such traffic impacts are 'small' fails to acknowledge that when considering traffic congestion in a network operating often close to capacity, 'small' variations in flows can have a disproportionately larger effect on congestion, travel costs and therefore the balance of costs and benefits. Viewed in this way, the 'small' differences could be seen as significantly large;
- c. The proposition that all variants show 'relief to the Dartford Crossing' is not strictly true, as such relief is forecast to be temporary and shifts in its description between 'traffic conditions would be better' and 'traffic conditions would get worse, but not as much as on other assumptions. The Council's analysis of the impact of LTC on the operation of Dartford Crossing and the lack of significant congestion relief from 2037 (and possible earlier) has been presented in the response to ExQ1 Q4.1.1;
- d. The summary omits any recognition that on some key intersections, notable A13/A1089/Orsett Cock, the modelling has still not demonstrated that the intersection designs can accommodate the expected traffic flows; and,

11.2.19 In addition, the Council has already raised within Section 7.8 of its LIR ([REP1-281](#)) the inadequate levels of sensitivity testing undertaken by the applicant and presented in the DCO submission.

11.2.20 At D3 the applicant provided updated modelling information to reflect the release of NTEM 8 and Common Analytical Scenarios ([REP3-145](#)) and stated that further modelling using the LTAM was not required. The Council provided a comprehensive response to this matter in its D4 submission, Section 11 ([REP4-354](#)).

11.2.21 The Council continues to have serious concerns about the lack of appraisal evidence provided by the applicant as part of its new analysis, despite the additional modelling. No evidence is provided by the applicant within its published evidence to support claims that the impact of using up to date DfT's guidance is negligible on the economic case for the scheme.

11.2.22 The evidence presented by the applicant, which is limited to changes in traffic flows on Dartford River Crossing and the LTC, cannot serve as a proxy for the conclusion about the wider scheme impacts.

11.2.23 The Council disagrees with the applicant's conclusion that the variation from the core scenario presented within the DCO application would be small and that the need for the project is unaffected based only on the evidence provided.

11.2.24 Therefore, the Council requests that a complete scheme appraisal is published for all the additional modelling completed.

ExQ1 Q4.1.5 Modelled Traffic Effects: Large and Heavy Goods Vehicles

11.2.25 The Council notes that for this question 'LGV' is translated as 'Large'. One does occasionally see this abbreviation being used in this way, but by far the most common use is 'Light', which means almost exactly the opposite. The Glossary of the DfT's NRTP 2022 gives 'light' as the definition for LGVs.

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11.2.26 As far as we know, all the applicant's traffic forecasts also use this, except that in the discussion about induced traffic (see separate discussion) the applicant does not recognise that Light Goods Vehicles include Vans, many of which are not used primarily for freight purposes but are used for a multitude of purposes many of which are more similar to cars.

11.2.27 In fact, the applicant's response says almost nothing about the revised forecasts for light and heavy goods vehicles, but simply says that (as above) taking all the DfT revisions together:

'On the basis of the assessment undertaken in NTEM 8 and Common Analytical Scenarios [REP3-145] the Applicant's consideration is that the update to the National Road Traffic Projections as contained in NRTP22 do not have a material effect on the traffic assessments as presented in the DCO application'.

11.2.28 This cannot be concluded from the limited evidence provided by the applicant. Therefore, similarly to the Council's response to the items above, the Council requests that a complete scheme appraisal is published for all the additional modelling completed.

11.2.29 The key feature of the combined effects of NTEM8 and NRTP22 taken together is a reduction in the forecasts of growth in car traffic and an increase in the growth of forecasts of freight traffic. Even if these trends tend to partly offset each other at the level of total pcu flows, this will not be true of the peak-off-peak split or of the effects on the rest of the network. This is because the timing and average journey length of car and freight traffic are different, and because the applicant has assumed in the modelling that there is some allowance for induced car traffic, but no induced traffic for either LGVs or HGVs.

11.2.30 The Council has previously challenged the assertion that there would be no induced traffic for LGVs and HGVs ([REP3-209](#)). The applicant seems to have accepted the challenge in principle, although has not done any calculations to test the size of its impact in practice.

11.2.31 In any case, the following assertion has not been supported by evidence:

'The Applicant's consideration is that the update to the National Road Traffic Projections as contained in NRTP22 do not have a material effect on the traffic assessments as presented in the DCO application'.

11.2.32 The Council requests that further LTAM runs are undertaken, which include the induced traffic projections for LGVs and HGVs.

ExQ1 Q4.1.6 Modelled Traffic Effects: Accuracy of the Lower Thames Area Model

11.2.33 According to DfT's TAG Unit M3.1 (May 2020) *'The validation of a highway assignment model should include comparisons of <...> assigned flows and counts on individual links and turning movements at junctions as a check on the quality of the assignment'*. The applicant seems to agree with this requirement and presents high-level summary statistics from the Base Year Model (N108R1) in their response. However, apart from a summary table no further information has been provided by the applicant for the Council to understand the locations at which the validation checks have been completed or to interrogate the level of validation achieved on individual junctions and turns. Therefore, the Council requests that additional information is provided, particularly considering that the model falls short of the DfT's TAG validation criteria and guidelines.

ExQ1 Q4.1.7 Modelled Traffic Effects: Lower Thames Area Model and the Local Road Network

11.2.34 The LTAM (Lower Thames Area Model) uses an AM peak of 0700-0800, whereas the AM peak on the local road network (LRN) is 0800-0900. This difference in peak hours could have

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implications for traffic forecasts, particularly at locations where the LTC interfaces with the LRN. The implications of this on forecasts could be significant, particularly if there are bottlenecks or other congestion points in the network during 0800-0900.

11.2.35 To address this limitation of the LTAM the Council agreed with the applicant, as stated in the applicant's response to complete the localised traffic modelling relating to local junctions within Thurrock. The localised traffic modelling would then be used to assess the impact of LTC on the LRN at key locations and serve as the basis for mitigation requirements.

11.2.36 The localised microsimulation modelling is required at seven locations as described within the Council's LIR ([REP1-281](#)):

- a. The A13/A1089/Orsett Cock junction;
- b. The Manorway roundabout;
- c. Daneholes roundabout;
- d. ASDA Roundabout;
- e. A126 Marshfoot Road Junction;
- f. A13 westbound merge at Five Bells junction; and,
- g. A1012 / Devonshire Road junction.

11.2.37 The availability of localised modelling at the key locations within Thurrock along with the status of these microsimulation models is summarised in **Table 11.1** below and further detailed in Appendix A 'D6 Modelling Status Flowchart' of this submission. This illustrates the absence of progress to provide acceptable analysis of the forecast impacts on LRN as a result of LTC.

Table 11.1: Status of Localised Modelling in Thurrock

Location	Localised Model	Provided by the applicant to the Council?	Base year model agreed between the Council and the Applicant?	Forecast Model agreed between the Council and the Applicant?
a. The Orsett Cock junction	Orsett Cock Vissim model	✓	✓	✗
b. The Manorway roundabout	The Manorway Vissim model	✓ (base year model has been developed by the Council and provided to the applicant)	✗	✗
c. Daneholes roundabout	East-west Vissim model	✓	✗	✗
d. ASDA Roundabout	ASDA Vissim Model	✓	✗	✗
e. A126 Marshfoot Road Junction	East-west Vissim model	✓	✗	✗
f. A13 westbound merge at Five	<i>Requested but not provided</i>	✗	✗	✗

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Location	Localised Model	Provided by the applicant to the Council?	Base year model agreed between the Council and the Applicant?	Forecast Model agreed between the Council and the Applicant?
Bells junction; and g. A1012 / Devonshire Road junction	<i>Requested but not provided</i>	✘	✘	✘

11.2.38 An assessment of Tilbury Road junction, which would improve connectivity to the Port of Tilbury, future growth sites in Thurrock and provide access for public transport across the River Thames is also required, but has not been provided by the applicant.

11.2.39 The Council therefore contends that despite the agreement between the applicant and the Council to complete the localised traffic modelling, this is not complete and further microsimulation modelling needs to be undertaken and agreed as summarised in the table above.

ExQ1 Q4.1.8 Modelled Traffic Effects: Thames Freeport

11.2.40 In November 2021, the Port of Tilbury, DP World/London Gateway, Ford Motor Co. Ltd and Thurrock Council became a designated Thames Freeport, along with the eastern part of the former Tilbury Power Station. As the 'Thames Freeport', all national ports within it can work outside of outside normal customs rules, although confirmation of its planning status has not yet taken place. The Freeport could generate up to 25,000 new jobs and therefore may require to upgrade a range of local junctions, including the Manorway roundabout, which themselves are impacted by LTC.

11.2.41 According to the applicant's response, they conducted a test model run using information provided by PoTLL on proposed developments in the Tilbury Tax Site and shared model outputs with PoTLL for the test described above. Although the applicant found that the outputs did not accurately represent traffic flows due to constraints on the capacity of the road network connecting to the sites, the Council requests that these test results be shared with us.

ExQ1 Q4.1.9 Modelled Traffic Effects: Traffic Flow Simulation: Orsett Cock

ExQ1 Q4.1.10 Modelled Traffic Effects: Traffic Flow Simulation: Orsett Cock

11.2.42 The applicant has provided a detailed response in relation to the Orsett Cock at D4 submission, Section 3.1 'Orsett Cock Roundabout: Council Introduction, Context and Programme' ([REP5-112](#)). The applicant continues to provide updated modelling for Orsett Cock to respond to the Council's and other stakeholders concerns, with the latest modelling received just before Deadline 6. The Council is in the process of reviewing the updated modelling and will provide a detailed response at either D6A or D7.

ExQ1 Q4.1.11 Modelled Traffic Effects: Lower Thames Area Model and Development Plan Proposals

11.2.43 The applicant's ComMA document, Table 4.2 ([APP-522](#)) states that near certain and more than likely development and network schemes have been accounted for in the Core Scenario assessment, which is in line with TAG requirements.

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11.2.44 A check completed by the Council of NTEM v7.2, which is used to generate forecast demand for travel, shows that the overall quantum of growth assumed in the LTAM model across South Essex (region level) and within Thurrock specifically, generally aligns with growth targets.

11.2.45 However, the emerging Local Plan growth locations in Thurrock (once confirmed next year) have not been included in any tests so far presented by the applicant and LTC is likely to reduce the available capacity of the local road network to accommodate the emerging Local Plan. The Council therefore considers that the modelling is inconsistent with guidance associated with assessing uncertainty.

ExQ1 Q4.2.1 Draft NPSNN: Policy Approach to Mitigation

11.2.46 The applicant considers there to be little difference in policies on transport impacts in the draft NPSNN to those set out in NPSNN and that the applicant's approach to mitigation of impacts on the transport network would not change if the draft NPSNN is adopted in its current form. The applicant only quotes paragraphs 5.272, 5.273 and 5.280 of the draft NPSNN to make this case.

11.2.47 The Council made oral submissions on the NPSNN in Post Event Submissions for Issue Specific Hearings (ISH3 - ISH7) and CAH1 and CAH2 ([REP4-352](#)) and supported Kent County Council's oral submissions on the Draft NPSNN at ISH4. The Council then made further oral submissions at ISH10 (see page 51 to 55 of Transcript of Issues Specific Hearing 10 – 24 October 2023 [EV-081](#)). The Council's position is that both NPSNN and the draft NPSNN are clear that that adverse transport effects must be mitigated.

11.2.48 Section 5 of the draft NPSNN includes a section on the 'Impacts on Transport Networks.'

11.2.49 Under the mitigation of impacts on transport networks section, in addition to paragraphs 5.272 and 5.273 quoted by the applicant, it states at paragraph 5.274 that the applicant should *'provide evidence that the development improves the operation of the network and assists with capacity issues.'*

11.2.50 Under the decision making section, it states at paragraph 5.277 that *'The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in existing and emerging local plans and Local Transport Plans, during both construction and operation.'* The applicant is currently demonstrating the converse both through its localised modelling and its strategic LTAM modelling, without any commitment to mitigate those impacts on key locations and communities across Thurrock.

11.2.51 It is clear in paragraph 5.280 that there is a requirement of the applicant to take *'reasonable'* steps to mitigate *'negative impacts on surrounding transport infrastructure including connective transport networks.'* It suggests that this could be achieved by the applicant *'increasing the project's scope to avoid impacts on surrounding transport infrastructure.'* It goes on to state that *'where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations to fund infrastructure or mitigate adverse impacts on transport networks.'*

11.2.52 The Council considers that the approach proposed by the applicant is not 'reasonable' given that no mitigation for network congestion and delay impacts on the Local Road Network is proposed.

11.2.53 For this project, the applicant appears to be adopting the approach that a 'monitor and manage' strategy removes the need to mitigate forecast impacts. A monitor and manage (or vision and validate) approach should provide a robust basis from which to assess the success of a project and adapt to emerging trends, including unforeseen effects.

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- 11.2.54 The approach should not allow forecast impacts to be ignored and for funding not to be provided to resolve identified issues. The applicant seems to be adopting the approach that it has no confidence in its forecasts and therefore wishes to observe what the effects are to allow others to step in and ameliorate the problems.
- 11.2.55 Furthermore, the Council and other Interested Parties continue to express their views that the modelling approach adopted by the applicant to assess network impacts is not accurate nor adequate.
- 11.2.56 The applicant has recently commenced discussions with the Council for a Requirements-based approach to mitigating impacts. The initial draft of the relevant Requirement provided to the Council does not encapsulate an appropriate or acceptable proposal and provides no surety that impacts would be resolved.
- 11.2.57 The applicant states 'that 'proportionate' and 'reasonable' steps have been taken to mitigate impacts in the connecting road network, as set out in the Planning Statement ([APP-495](#)) paragraphs 6.5.331 ad 6.5.332.' Those paragraphs signpost where mitigation might be described, but instead show that the applicant has taken no action to mitigate the impacts of LTC on the local road network or in local communities.
- 11.2.58 The Council considers it would be helpful if the applicant could set out the measures it proposes to mitigate the impacts on the LRN and in local communities aside from reconnecting severed corridors.
- 11.2.59 The Council maintains its view that whether the currently adopted NPSNN or the draft NPSNN are individually or jointly of weight to the consideration of LTC, the applicant's lack of mitigation of the transport network impacts is contrary to either National Policy Statement and unacceptable.

ExQ1 Q4.2.2 – Monitoring Timing, Period and Frequency

- 11.2.60 The Council has consistently expressed its concern over the weakness and flaws within the Wider Network Impacts Monitoring and Management Plan (WNIMMP) ([APP-545](#)), which are set out extensively in Section 15 of the Council's LIR ([REP1-281](#)).
- 11.2.61 The applicant's proposal to adopt the monitoring regime as set out in the Post-Opening Project Evaluation (POPE) gives no comfort to the Council that the post-opening effects will be adequately observed and then that appropriate mitigation measures will be put in place.
- 11.2.62 The POPE process has been established to observe the effects of the applicant's schemes and evaluate the outcome of the scheme. It provides no mechanism for reacting to observations of effects. It is not a process to 'manage' the effects.
- 11.2.63 The window for taking pre-scheme-opening observations must be agreed by the applicant with the LHA (i.e. Thurrock Council), who will be able advise whether the network is being affected by other works and to ensure that a suitably neutral period is selected.
- 11.2.64 The applicant's proposal to undertake only two measurements post-opening is insufficient to establish the trends that could be emerging and does not allow the applicant to reflect and react to the observations.
- 11.2.65 Annual monitoring must be carried out and that data must form the basis of planned activity to resolve foreseen and unforeseen impacts.
- 11.2.66 Whilst the applicant states in its response to the ExA question that '*undertaking monitoring prior to construction would not provide a suitable baseline*', through its oTMPfC, the applicant has committed to collecting pre-construction traffic flows, albeit for the measurement of effects

during the construction period. Further clarity is required from the applicant on their proposed for monitoring prior to construction and opening of the scheme.

ExQ1 Q4.2.3 – Monitoring and Mitigation: Effects on Public Transport Services

- 11.2.67 The applicant sets out at Plate 2.3 of its oTMPfC the broad parameters to be observed by its contractors during the construction period in relation to affected bus services. The applicant does not set out 'appropriate mitigation' or 'specific measures' to be adopted. These proposed broad parameters would not remove bus service delays or protect accessibility to the bus services and the facilities accessed by those services.
- 11.2.68 Supported bus services are contracted by the Council (until recently) to a level of service and those operators could be unable to meet their service reliability, frequency and headway requirements due to delays caused by the LTC.
- 11.2.69 Commercial bus services could also be affected and bus services could be withdrawn if they become financially untenable because of the increased journey times associated with LTC.
- 11.2.70 The applicant does not propose to mitigate those negative impacts identified with the Transport Assessment ([APP-529](#) and its Appendices) and does not commit to helping bus operators resolve the negative traffic effects expected during the construction period. Furthermore, the applicant's reference to discussion and consideration at the Traffic Management Forum (TMF) gives no confidence that problems would be resolved or that proactive approaches would be adopted.
- 11.2.71 In the absence of predetermined mitigation of the forecast impacts, the applicant and its contractors should engage more fully with affected bus operators and the Council prior to preparing the Traffic Management Plans. This will help secure mitigation to maintain bus service quality, frequency and coverage and protect the communities served by those bus routes.
- 11.2.72 These concerns are expressed by the Council through unresolved issues raised within the SoCG workstream and are part of the jointly agreed and updated SoCG to be submitted at D6 and largely remain unresolved after several years of discussions.

ExQ1 Q4.2.4 – Monitoring and Mitigation: Effects on Travel to School Trips

- 11.2.73 In line with the Council's response to the applicant's answer to ExQ1 Q4.2.2, the Council is equally concerned that the applicant is not committed to proactively resolving problems associated with safe and efficient access to school during the construction period.
- 11.2.74 The oTMPfC provides broad parameters for the contractors to observe traffic conditions but, beyond stating that no HGVs will pass schools during undefined drop-off and pick-up times, the applicant does not set specific measures that must be introduced during the construction period at defined schools and education facilities to protect pupils, staff and guardians and to allow appropriate walking, wheeling and cycling travel to and from schools during defined construction periods.
- 11.2.75 This level of detail is proposed to be delivered as part of the development of the Traffic Management Plans and as part of the yet to be defined community engagement outlined in the Code of Construction Practice. However, the applicant has recently (12 October 2023) proposed an 'A13 Schools Working Group' and the Council has responded positively to this initiative. However, it has raised a number of issues and suggestions to which the applicant has responded on 16 October 2023. The Council is considering this response.

11.2.76 The Council continues to consider that the applicant should be taking the lead in the resolution of these issues through the suite of Control Documents.

ExQ1 Q4.2.5 Mitigation Security: Orsett Cock

11.2.77 Over a number of years, the Council has raised the need for mitigation of the effects of LTC on several areas of the Local Road Network, including but not limited to the Orsett Cock junction.

11.2.78 The Council continues to be of the opinion that mitigation at Orsett Cock must be included as part of the design proposals before the Examination, based on an analysis of robust traffic modelling of the future operation of the junction. The applicant has refused to engage on these issues until late into the Examination, following the actions set out by the ExA for the applicant to further develop modelling in Action Points from Issue Specific Hearing 7 ([EV-046e](#)).

11.2.79 This modelling is yet to be reviewed in detail, but the initial analysis shows that the models are forecasting impacts that the Council has long since required to have resolved.

11.2.80 At Orsett Cock, changes to the junction design are expected to require much greater intervention than retiming of traffic signals. This has been demonstrated by the minor iteration modelling that the applicant is understood to have undertaken and that the Council is observing as outputs from the emerging models.

11.2.81 At Deadline 5, the applicant presented its proposal for a Requirement associated with the situation at the Orsett Cock junction. The Council does not concur that that draft Requirement is adequate, and the Council continues to assert that a scheme design to resolve the forecast traffic impacts at Orsett Cock and other affected local junctions, corridors and communities must be developed and secured prior to any DCO grant.

11.2.82 The applicant's proposed Requirements align the design resolution to Work No. 7F of the Authorised Works. The Council is concerned that this could result in a situation where the Orsett Cock design is not agreed, but the wider LTC scheme has already progressed. As agreed by the applicant, Orsett Cock is not a wider network impact and is an integral part of the LTC scheme. Therefore, the detailed design of the LTC scheme, needs to include and integrate design upgrades to Orsett Cock, rather than as part of a separate design process. The Orsett Cock improvements should come forward at the same time as the wider LTC scheme and the LTC scheme not be open until the Orsett Cock improvements are operational. This is therefore an unsound Grampian condition at present.

11.2.83 Aside from the need for agreement of a scheme to resolve the impacts at the Orsett Cock junction, it is a legal requirement that the LHA, i.e. the Council, is content with the Road Safety Audits that would be required for the scheme to be installed on its roads. It is therefore not appropriate for the applicant to believe that it will only 'discuss' works affecting its network. Those works must be agreed with the local highway authority, which will need to manage and maintain the local highway network.

11.2.84 The reference in the applicant's response to the question of monitoring the impacts as part of the WNIMMP is misleading. As has been expressed by the Council on many occasions this monitoring is in effect pointless, when there is no undertaking by the applicant to provide resolution to observed problems.

11.3 PART 2 – ExQ1 Q4.3.1 Onwards

ExQ1 Q4.3.1 Missing Journey Times

11.3.1 This relates to journey times to Tilbury Port. the Council has no comments to make on the response provided.

ExQ1 Q4.3.2 Orsett Cock – DTA Analysis

11.3.2 DTA on behalf of LGDPW set out concerns with the significant difference between LTAM and VISSIM modelling of Orsett Cock and that LTAM is underestimating impacts of LTC ([REP1-333](#)). The Council shares these concerns.

11.3.3 DTA prepared LinSig modelling of Orsett Cock as part of those submissions. The Council has not reviewed the LinSig modelling, as it is focussed on reviewing LTAM and VISSIM models prepared by the applicant. The Council sets out their initial findings of the latest VISSIM modelling in Section 11.3 below.

ExQ1 Q4.3.3 U-turning Vehicles at Orsett Cock

11.3.4 The Council provided detailed submissions on the Orsett Cock turning count data provided by the applicant within Appendix B of Post Event Submissions for Issue Specific Hearings (ISH3 - ISH7) and CAH1 and CAH2 ([REP4-352](#)). The Council continues to be concerned that the analysis shows that there is a significant level of future baseline traffic that would be displaced by LTC traffic. That is, the level of traffic that would have routed through Orsett Cock in 2045 Do Minimum (without LTC), which is no longer able to route through Orsett Cock in 2045 Do Something (with LTC), as a result of the traffic originating from LTC routing through Orsett Cock.

11.3.5 The displaced traffic is equivalent to 742 PCUs in the AM (0700-0800) and 1,065 PCUs in the PM (1700-1800) in 2045. The Council has recently implemented substantial upgrades to Orsett Cock to cater for Thurrock's growth. It is not acceptable for LTC to displace such a significant level of future baseline traffic from Orsett Cock.

ExQ1 Q4.3.4 Variation in the number of A13/A1089 Turning Movements – response required?

11.3.6 This is dealt with in the Council's response to Q4.3.2 above.

ExQ1 Q4.3.5 Diversion Routes

11.3.7 The applicant responds to this question by indicating that it does not intend to use diversion routes and it certainly has not agreed any routeing with local authorities. A stated objective of LTC is to provide resilience in the network, yet the applicant has put very little emphasis in its response on the availability of LTC to act as resilience during incidents.

11.3.8 It states that it will follow the guidance and procedures set out within GM 703 - 'England National Application Annex to GM 703 Operational requirements for incident management.' Throughout that document there are references to collaboration, co-ordinated, planned, controlled, systematic, managed, etc., and yet the applicant has so far declined to engage with the Council to establish such a system for incident management or management of closures of the crossings.

11.3.9 The following excerpt is from the introduction to GM 703, with emphasis made by the Council:

'The collaborative implementation of Highways England's policies and operational documentation, seeks to facilitate a coordinated multi-agency approach to incident

management that is consistent across all incident response stakeholders. Incident management is defined as a plan that allows all incident responders to work in a structured, disciplined, coordinated and controlled manner for an effective and timely resolution to incidents. It is a systematic and coordinated use of human, institutional, mechanical and technical resources to safely manage and resolve incidents in an effective, efficient and expeditious way. Effective incident management requires a clear understanding of each incident responder's roles and responsibilities, maintaining clear lines of communication at all times and transferring or escalating responsibility for command and control of an incident when appropriate to do so.'

- 11.3.10 The applicant fails to recognise the effects that incidents and closures of the Dartford Crossing have on the LRN and MRN and that the creation of LTC will add to the complexity of those effects and will have its own incidents and closures. The Council has a Memorandum of Understanding with the applicant over the protective operation of M25 junction 31 but does not have a planned and coordinated incident management approach set up with the applicant for the LTC and its effects. The Council has experienced many examples of incidents involving the closure of the Dartford Crossing recently during 2022 and 2023 for a variety of reasons that causes considerable delay and very significant local network impacts throughout the local road system on both sides of the River Thames.
- 11.3.11 The creation of LTC will have an effect on the operation of the LRN and MRN during incidents and those effects should be planned for and analysed for their effects on the network operated by the Council as Local Highway Authority. GM 703 is focused on the processes for responding to incidents, but not for proactive planning. The Council has requested that the applicant plans for likely scenarios and put into place mechanisms to enact should those scenarios arise.
- 11.3.12 By way of example, a scenario such as the southbound closure of LTC cannot be ignored by the applicant. Traffic already committed to LTC but still north of A13 would have only one option and that is to leave LTC at the A13 interchange, which is already forecast to be congested. Traffic would then seek to turn west towards M25/A282 and must travel through Orsett Cock or join A13 and continue to The Manorway. The impacts on those junctions and the wider LRN has not been assessed or planned for. There is no plan in place for those vehicles trapped south of A13 during such an incident.
- 11.3.13 The Council has frequently observed the effects of incidents and closures on the LRN and MRN under the current crossing configuration. The applicant seeks to down-play the effects of incidents but has not provided evidence as to the current or forecast effects and frequency of incidents.
- 11.3.14 The applicant has refused to engage with the Council on the testing of incident scenarios and the derivation of a suitable incident mitigation plan and as such a Requirement should be included within the DCO that a collaborative 'Incident Management Plan' must be developed in partnership with and agreed with the Council prior to opening of LTC.
- 11.3.15 That 'Incident Management Plan' will indicate the routes expected to be affected by traffic during incidents. To inform the development of the management plan the forecast effects will be modelled as scenarios of the LTAM. Measures would then be identified to mitigate the impacts on the LRN and MRN.

ExQ1 Q4.3.6 Dangerous Goods at Dartford

- 11.3.16 The Council notes the applicant's response that introducing restrictions on dangerous vehicles at Dartford Crossing would lead to significant diversions for vehicles already on the M25 or from London then having to use LTC. This suggests that the distance between the two crossings would be a barrier to route choice, which backs up the Council's argument that LTC would not provide an attractive alternative to reroute these vehicles away from Dartford Crossing.

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11.3.17 The Council disagrees with the applicant's assertion that LTC allows the retention of route choice because of this, as the distance between the two crossings is too great to mean this choice is attractive.

ExQ1 Q4.4.2 Separate A13 Interchanges

11.3.18 The question posed by the ExA states that the Council has suggested separate interchanges north and south of the A13. This seems to be based on Section 9.6.10 of the Council's Local Impact Report ([REP1-281](#)). In reviewing this section, the Council would like to clarify that it was suggesting a single potential new access near North and South Ockenden, not two accesses.

11.3.19 As highlighted by the applicant's answer to this question, there is a potential need for a further access in this location, i.e. near North and South Ockendon, to support new development and growth associated with the Council's emerging Local Plan.

11.3.20 A lack of funding has meant that the Council has not been able to coordinate potential developers with the aspirations for the Local Plan to provide a consolidated approach to the potential need for a new junction with LTC in this location. Consequently, the Council seeks to work with the applicant to continue to progress a potential junction in this location, as part of its emerging Local Plan development and it notes the requirement for the applicant to support sustainable development in the LTC Scheme Objective 5: *'To support sustainable local development and regional economic growth in the medium to long term.'* The Council's position on the achievement of this objective by the applicant is set out in the Council's LIR ([REP1-281](#)) in Section 7.3.

ExQ1 Q4.4.3 Segregated Public Transport

11.3.21 The applicant states that it does not propose segregated public transport access at locations proximate to the tunnel portals. The Council continues to consider that not providing this type of segregated access is a wasted opportunity to improve cross-river public transport services.

11.3.22 As described in Appendix C of the Council's Local Impact Report ([REP1-281](#)), there is the potential for LTC, if constructed, to form part of a comprehensive public transport network. It could provide easy, segregated access to LTC that would help ensure reliable journey times and avoid the circuitous routes, which are required between LTC and the local road network.

11.3.23 This is particularly the case on the northern side (in Thurrock) where the only access to / from LTC is at the complex LTC/A13/A1089/Orsett Cock interchange. This means, for example, that public transport services from Tilbury would need to travel approximately north 5km to access LTC and then travel 7km south to cross the river. This leads to a very poor passenger experience in terms of journey time and convenience and would not be an acceptable prospect for commercial or supported bus services.

11.3.24 Local bus connectivity must be provided at locations other than at the LTC/A13/A1089/Orsett Cock interchange.

ExQ1 Q4.4.4 Emergency Access Modification

11.3.25 The Council notes that in providing a response for the emergency access points south of the River Thames the applicant does not answer the question about whether the emergency access points could be modified to create such public transport provision either now or in the future. The Council consider that further information should be requested from the applicant concerning the steps that would be needed to convert these emergency access points so they are suitable for use by public transport services.

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- 11.3.26 For the emergency access points north of the River Thames (and in Thurrock) the applicant states they have designed for operational and emergency purposes.
- 11.3.27 It is therefore not clear why the access points in Thurrock cannot be used by public transport services from the opening of LTC. As described in Appendix C of the Council's Local Impact Report ([REP1-281](#)) enabling the use of these access points would provide significant benefits for the operation of public transport services, as less circuitous routes would be possible saving time and money.
- 11.3.28 If the access points are not going to be used for operational traffic then the applicant should be asked how much additional cost has been included to construct the access points to a standard, which can then be used for operational purposes.
- 11.3.29 The Council considers that there is potential cost saving if the access points are designed for their intended purpose, i.e. use by emergency services, and the additional cost would be better spent elsewhere, e.g. as part of mitigation arrangements at A13/A1089/Orsett Cock.
- 11.3.30 The applicant does not answer the question posed by the ExA. The question was '**Could the emergency accesses be modified' to create suitable public transport access**'. The applicant has responded as to why it has adopted the current configuration but does not consider how an alternative configuration would allow for local bus service access, especially reflecting that the wider LTC configuration does not facilitate viable access for cross river bus connectivity. That absence of cross river connectivity is a failing in the sustainability principles of the scheme.
- 11.3.31 Put simply, the emergency accesses could be reconfigured now if the applicant so desired and suitable protections could be put in place to allow for secure access by the emergency services.
- 11.3.32 The applicant has not substantiated or provided any evidenced as to why it concludes that combined use by buses and the emergency services would 'adversely impact operations and safety'. The Council is a partner in the Emergency Services and Safety Partners Steering Group (ESSPSG) and this topic has not been discussed with the emergency services for them to feedback on options. The assertion by the applicant that buses might block emergency access is at best tenuous, particularly when the entire LTC relies on the use of all-lane running through which emergency services would need to 'battle' during incidents.
- 11.3.33 The Council has been rebuffed in its approaches to the applicant to provide viable access to LTC for local buses. The applicant has no aspiration to facilitate cross river bus services. It has not taken the suggestions provided by the Council and has not co-operated in designing a suitable interchange for bus connectivity between the LRN and LTC.

ExQ1 Q4.5.1 WCH Routes

- 11.3.34 The Council has requested from the applicant through its SoCG, several times over the past few months, that a coordinated plan showing the WCH interventions and proposals is provided to the Examination to allow a more strategic appraisal of the impacts and proposals. Recently, the Council emailed the applicant again explaining its request and purpose and await a response. The applicant has currently adopted a mechanism that is challenging to view how the WCH proposal assimilate to a coherent and progressive strategy.
- 11.3.35 This has subsequently been discussed at ISH10 and besides the Council providing furthermore detailed requirements in its Post Event Submission for ISH10, the applicant is required by ISH10 Action Point 12 to provide such a plan at D6. The Council will review this and provide further comments at D7.

ExQ1 Q4.6.1 Excavated Materials Assumptions

11.3.36 The Council acknowledges the data that the applicant has provided on the basis for its assessment of quanta, however, the Council continues to seek that the applicant takes a much more progressive approach to minimising its effects on the local roads and communities. This could be achieved through the handling of that material and looks to move that material by non-road transportation, where practicable and where it offers a better environmental solution. This should be captured in an updated outline Materials Handling Plan.

ExQ1 Q4.6.2 Scope of Outline Traffic Management Plan for Construction (oTMPfC)

11.3.37 The Council continues to seek further clarification from the applicant on how it will manage and co-ordination the interactions between the various contractors and contracts. The oTMPfC is weak on this aspect and is not even clear as to whether there is to be a single or multiple TMPs and how those documents might be phased and co-ordinated and reviewed.

11.3.38 The applicant has stated during engagement that Utilities' contractors will sit within the respective overarching main works contract, e.g. Roads North main works contract. The applicant therefore asserts that the Utilities companies would be governed by the TMP appropriate for that work. It is not known whether the Utilities companies would contribute to the derivation of the TMP, which governs its works. The Council assumes it will be the Main Works Contractor's role to co-ordinate input to the TMP/TMPs and compliance with that governance strategy.

11.3.39 The applicant places far too much reliance on the TMF to resolve problems and also relies on the prospect that the TMPs will clarify measures and mechanisms instead of the applicant providing much stronger leadership, controls and guidance within the oTMPfC which will act as the framework to be adopted for the detailed TMP/TMPs.

11.3.40 Amongst other things, the oTMPfC should set out much more clearly the actual measures and commitments that the contractors are to adopt and a process for measurement and compliance controls. A system of movement monitoring has been encapsulated in the current version of the oTMPfC, but that allows the collection of data, but not the process and mechanism for enforcing compliance to the DCO and its associated controls and legal commitments. This position has been raised with the applicant across a number of years and still remains doggedly unresolved.

ExQ1 Q4.6.3 Provision for mitigation Outline Traffic Management Plan for Construction

11.3.41 The oTMPfC includes very few actual commitments to resolve effects during the construction period. It sets out the traffic management measures to be adopted around the on-road works and it indicates the routes to be used to access the works compounds. Considerations for the contractor to reflect in their TMP are indicated, but there are no direct proposals to address impacts on communities during the construction period, e.g. how to ensure bus services continue to serve the communities or what measures would be put in place to ensure that traffic does not reassign to inappropriate roads during construction.

11.3.42 The applicant refers to a number of HGV bans but does not set out how those bans could be enforced and what the consequences of non-compliance are. HGV bans must be accompanied by an appropriate Traffic Regulation Order that is acceptable to the Essex Police to enforce. The term HGV ban in the oTMPfC is therefore at best a signing approach requesting that HGVs do not use certain routes. The mechanisms for compliance and enforcement are therefore not set out by the applicant. Options for monitoring are available,

such as GPS based data collection and analysis, but the applicant has not specified this and leaves the proposals to the contractors post any DCO grant.

11.3.43 The cross-linking to the construction logistics planning required through the CoCP should be clearly set to ensure co-ordination and control such that the construction traffic management and logistics management can be effectively controlled and enforced. Currently NH deals quite separately with these two related aspects.

11.3.44 Great play is made of the role of the Traffic Management Forum (TMF) in enforcing the construction process, however, the TMF has no real power and has only the threat of escalation of unresolved matters to the applicant's own Joint Operating Forum (JOF) with no real likelihood of any further escalation to the Secretary of State from the JOF and no membership by any LHAs. The Council has very little belief that the TMF will be much more than a 'talking shop' to discuss observed concerns and that 'enforcement' will be little more than a term used.

11.3.45 The Council has expressed its concerns with the oTMPfC through issues raised in working towards an SoCG and through its LIR ([REP1-281](#)) in Section 15. The matters remain unresolved or 'Matters Not Agreed'.

ExQ1 Q4.6.6 Sourcing of Aggregates

11.3.46 The Council continues to question the commitment of the applicant to optimising the use of non-road transportation, minimising the vehicle miles and climate impacts from the movement of plant, equipment and materials and minimising safety risks.

11.3.47 The language used in the oMHP is too vague and does not require the applicant's main contractors to collaborate or improve on the base commitment. As the applicant notes in its response the oMHP in paragraph 8.3.3, the tunnelling contractor only needs to 'consider' options to extend the low level 'baseline commitment' relating to bulk aggregates. There is no necessity to improve on that commitment and exceptions set out within the oMHP makes it very straightforward for the contractor not to adhere to the commitment without any challenge from the applicant, the Council or any other Interested Parties or stakeholders. Contractors working on other parts of the project have no requirement at all to employ non-road transport for materials, plant and equipment. In spite of the applicant's statements there is no pressure or incentive on its contractors to move even the stated commitment of 35% of the project's bulk aggregates by river.

11.3.48 The applicant does not go far enough in robust sustainability principles and should thoroughly explore opportunities to source all large quantity materials, appropriate plant and equipment via non-road modes to minimise the impacts on local roads and communities and to reduce risks and environmental impacts. The proximity principle and the movement of aggregate should not be the only determining criterion when deciding whether to move by river, rail or road. Many other major infrastructure projects have developed much more sustainable solutions than that proposed by the applicant.

11.3.49 In defending its position with regards to the movement of materials to compounds and works north of the Port of Tilbury, the applicant neglects that beyond the tunnel works compounds, other contractors are able to access port facilities at the Port of Tilbury using the trace once a crossing of the Tilbury Loop line is established, including the Tilbury Viaduct, which is to be established before the earthworks movements and other bulk materials movements are completed to the north of the railway. The strategy is feasible but has not been explored fully by the applicant or incorporated as a commitment within the oMHP. The applicant also neglects to consider the use of other riparian or rail facilities that could still reduce the overall road mileage of materials, plant and equipment. The applicant does not provide evidence or substantiate its position, but simply states that river and rail are not appropriate and could increase road movements.

ExQ1 Q4.7.1 Construction Phase Accident Analysis

11.3.50 The Council has no comment to make on this response.

ExQ1 Q4.7.2 Combined Modelling and Appraisal Report

11.3.51 The Council notes that the applicant agrees that LTC enables longer (cross-river) journeys.

11.3.52 The Council continues to consider that the 26 additional fatalities (including six in Thurrock) (Table 8.10 Combined Modelling and Appraisal Report Appendix D [APP-526](#)) means that LTC does not meet its Scheme Objective 3 of: 'To Improve safety'. The Council's position on the achievement of this objective by the applicant is set out in the Council's LIR ([REP1-281](#)) in Section 7.3.

ExQ1 Q4.7.3 Casualty Rates

11.3.53 The Council considers that the applicant has not fully answered the ExA's question. The applicant states that casualty rates have been presented in other DCOs and provides a list of examples. The Council notes that the DCOs presented as examples by the applicant are from 2021 or older. The Council has summarised more recent examples of the approaches taken in DCOs below:

Table 11.2 Approaches to Casualty rate reporting used in other DCOs

Scheme	DCO Year	Are Changes in Casualties presented?	Are Changes in Rates presented?
A12 Chelmsford to A120 (Tier 1 scheme)	2023	YES	No – Only reference to the scheme applying a change of casualty rate methodology
M3 Junction 9	2023	YES	No
A19 Downhill Lane	2020	YES	No – Only statement of reduction in accident rate
A417 Missing Link (Tier 1 scheme)	2022	YES	No

11.3.54 The table shows that the presentation of changes in casualty rates in DCOs is rare for recent schemes. All of the examples in the table, including two large Tier 1 schemes, presented and relied upon their absolute casualty savings rather than changes to the rate.

11.3.55 The Council considers this is an important as LTC appears to the only recent scheme to rely on the method of presenting casualty rates.

11.3.56 The Council continues to consider that the 26 additional fatalities (including six in Thurrock) (Table 8.10 Combined Modelling and Appraisal Report Appendix D [APP-526](#)) means that LTC does not meet its Scheme Objective 3 of: 'To Improve safety'. The Council's position on the achievement of this objective by the applicant is set out in the Council's LIR ([REP1-281](#)) in Section 7.3.

ExQ1 Q4.7.4 Accident Analysis

- 11.3.57 The response from the applicant states *'the Applicant has taken a proportionate approach to the economic appraisal of the Project'* and therefore accidents were not assessed for the low and high growth scenarios because accidents only represent 2% of total economic impacts.
- 11.3.58 Given the low BCR for the scheme, particularly in the low growth scenario, where the current accident disbenefits will be greater than 2% of the overall impacts and the overall increase in casualties caused by the scheme, the Council suggests that it would be proportionate to assess the accident impacts for all growth scenarios.
- 11.3.59 The Council considers it is important to understand how the accident impacts could vary with different growth scenarios, especially within Thurrock itself, as NTEMv8 suggests lower overall traffic growth.

ExQ1 Q4.7.5 Queuing onto Orsett Cock

- 11.3.60 The applicant states that under normal circumstances the modelling shows that vehicles would not queue back along the Orsett Cock slip roads onto the A13/A122 Lower Thames Crossing mainline carriageways (as shown in [\(REP1-189\)](#)) and therefore does not present an unacceptable safety risk. The VISSIM modelling is yet to be agreed by the Council and therefore is not yet in a position to agree this statement.
- 11.3.61 The Council continues to raise concerns with the level of queuing and delay forecast in the PM peak period at the LTC off-slip where it is required to weave over only 90m with traffic exiting the A13 on the A13 eastbound off-slip. This is shown in **Figure 11.2** below, which is an extract of Plate 4.13 of [\(REP1-189\)](#) for the 2045 Do Something PM peak hour. The VISSIM modelling currently shows that the mean maximum queue on the A13 eastbound off-slip is over 2.2km in 2045 Do Something PM peak hour. The applicant forecasts this level of queuing on a 'typical day' and therefore queuing could be worse than this on some days.
- 11.3.62 The weave length is currently designed to be 90m but modelled as 200m in VISSIM. Even with a weave length of 200m, it is not sufficient to accommodate the queuing traffic. The Council raises safety concerns with traffic weaving over such a short distance. The short weave length would increase the risk of collisions, which would result in queuing back onto the mainline.
- 11.3.63 The Council has also raised a number of other safety concerns with the design of the junction in the LIR ([\(REP1-281\)](#)), which have not been addressed.

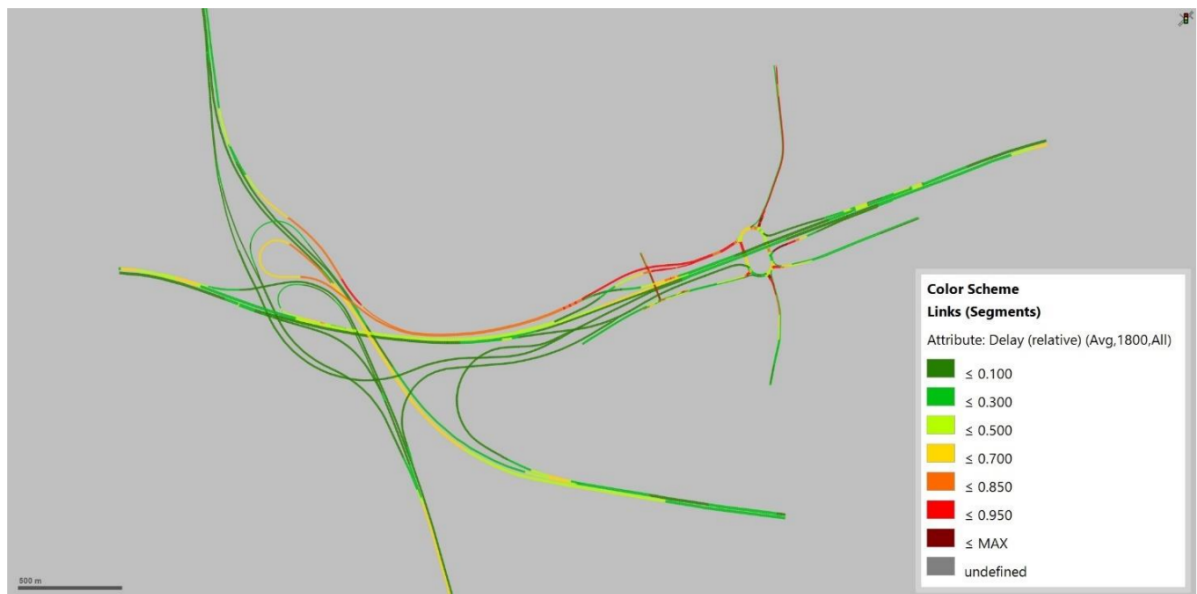


Figure 11.2: Plate 4.13 Relative Delay Plot (2045 DS 17:00-18:00) – extract from (REP1-189)

11.3.64 The applicant has recently updated the VISSIM modelling (V3.6) for Orsett Cock, which was issued on 20 October 2023. The Council is in the process of reviewing the updated modelling and will provide a detailed review at Deadline 6A or 7, which will also consider the safety implications of queueing and delay forecast at the junction.

11.4 Joint Position Paper – Orsett Cock Junction (REP5-084)

11.4.1 The Joint Position Paper for Orsett Cock junction was submitted at D5 (REP5-112). Since then, the following actions have been undertaken:

- a. The applicant issued Version 3 (v3) of their VISSIM forecast model for the junction on 6 October 2023. This model is currently being reviewed by the Council.
- b. The applicant issued Version 3.6 (v3.6) of their VISSIM forecast model for the junction on 20 October 2023. This model is currently being reviewed by the Council
- c. The applicant issued their analysis of the effect of using VISSIM parameters in the LTAM model on 23 October 2023 with a further revision to their analysis provided on October 25 2023. This analysis is currently being reviewed by the Council.

Summary of Current Position

11.4.2 The Council is currently reviewing the additional modelling information provided by the applicant and a high-level initial view of the analysis is provided in following sections.

11.4.3 Versions 3 and 3.6 of the VISSIM model provided by the applicant provides several changes to the approach to modelling for both Do Minimum and Do Something scenarios. These are relatively minor changes which tend to deliver more traffic capacity, e.g. the level of 'assertiveness' of drivers has been increased and these leads to greater traffic throughput.

11.4.4 The results of the revised VISSIM models show that in 2030 and 2045, with the changes applied the 'with LTC' scenario has generally lower levels of queue and delays compared to the 'without LTC' scenario.

Conflicting Model Results

- 11.4.5 This is a very surprising results because the previous analysis based on both VISSIM and LTAM showed that the 'with LTC' scenario performed worse than the 'without LTC' scenario.
- 11.4.6 The ExA now has two models, which again provide different results: one showing that LTC improves the operation of Orsett Cock and one showing that LTC worsens the operation of Orsett Cock.

Changes are Unrealistic

- 11.4.7 An initial inspection of the changes made by the applicant to the VISSIM model shows that the assumed operation of the junction 'without LTC' is unrealistic.
- 11.4.8 In the 'without LTC' scenario the VISSIM model shows average delays of c1,000 seconds (15-20 minutes) on several junction approaches. These delays are assumed to occur every day of the year. In practice, these delays would not occur because either the local highway authority would make changes to the network (which would be minor changes, which could be straightforwardly introduced) or people would use other routes, other modes of travel or not travel at all.

Need for a more realistic approach

- 11.4.9 The Council has examined the operation of the 'without LTC' and 'with LTC' VISSIM models (Versions 3 and 3.6). The analysis has shown that the benefits associated with the 'with LTC' scenario are associated with the introduction of revised lane markings on the southbound circulatory carriageway of the roundabout, which enables modelled traffic to use more lanes than at present, i.e. the change provides more traffic capacity. A further change is the introduction of the Pegasus crossing near Rectory Road, which provides a break in the traffic flow which enables traffic to exit from Rectory Road.
- 11.4.10 The Council considers that both these changes are not dependent on LTC and potentially could be implemented by the Council as a response to increased traffic flows in the 'without LTC' scenario.
- 11.4.11 The Council is undertaking further work to develop a more realistic version of the Do Minimum, including a consideration of the potential funding of the changes in advance of LTC, which could reasonably be expected to be delivered by the Council in response to changes in traffic flows through the Orsett Cock junction.

Do the Models align?

- 11.4.12 As described previously, a key challenge in considering the impact of LTC on the operation of Orsett Cock is the lack of alignment of the LTAM and VISSIM models.
- 11.4.13 The Council has compared the outputs of the VISSIM models (versions 1 to 3.6) with the LTAM results and this analysis is presented in **Table 11.3** below. It should be noted that an updated model was provided by the applicant on 20 October 2023 and will be reviewed as part of the fuller commentary on modelling expected to be provided by the Council at Deadline 6A.

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Table 11.3 Comparison of LTAM and VISSIM: Orsett Cock Junction - 2045 AM Peak (0800-0900) – Delay per vehicle (Seconds)

Approach	LTAM	VISSIM			
		V1	V2	V3	V3.6
A128 Brentwood Road (North)	28	279	388	638	417
A13 (East)	28	36	55	52	55
A1013 Stanford Rd (East)	73	75	104	138	357
Brentwood Road South	33	202	244	574	445
A1013 Stanford Rd (West)	77	175	172	272	298
A13 (West)	18	10	38	37	38
Rectory Road	43	270	273	333	386

11.4.14 This analysis shows very significant differences, including order of magnitude differences, between the delays forecast by LTAM and VISSIM. As an example, Brentwood Road (South) has a delay of 33 seconds per vehicle using LTAM, but 445 seconds (nearly eight minutes) per vehicle using VISSIM.

11.4.15 **The recent VISSIM models (v3 and v3.6) in fact show less 'alignment' or 'convergence' with the LTAM model.**

11.4.16 This analysis continues to show that the two models show significantly different results and it is this difference which continues to provide the Council with significant concerns about the impact of LTC on its road network.

11.4.17 This lack of alignment between the two models continues to provide the ExA with a problem as the LTAM model suggests no mitigation is required and the VISSIM model shows significant queuing and congestion problems, which requires mitigation.

11.4.18 One solution would be for the LTAM model to be updated with the results of the VISSIM models for Orsett Cock (and other junctions). This additional delay would likely increase the economic disbenefits of the scheme and further reduce the Benefit Cost Ratio of the scheme which is already 'poor' and only 0.48:1 for well-established Level 1 benefits.

11.4.19 Alternatively, a scheme could be developed which provides the level of delay forecast by LTAM. The Council is continuing to assess the recently received models and potential ways forward. Further information will be provided at Deadline 6A or 7, as required by the ExA.

11.5 Response to SoCG between NH and TfL (v3) (REP4-111)

11.5.1 The Council strongly supports any aspirations to improve road safety and reducing accidents involving HGVs. The Council therefore supports TfL's proposal to include Direct Vision Standard 3 Star rating for all HGVs operating on the LTC project irrespective of whether that vehicle has to enter Greater London or not. The Council has pressed for FORS and CLOCS compliance and would hope that that compliance would align with Direct Vision Standard 3 Star rating.

11.5.2 In line with the Council's pressure on the applicant to develop robust modelling of the forecast impacts using localised modelling, the Council supports TfL's conclusion to move its SoCG

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Item 2.1.27 to a Matter Not Agreed. This position aligns with the Council's insistence and extensively rehearsed view that the strategic modelling is insufficient to accurately define the need for mitigation at the local level. This concern is further reflected in the Matter Under Discussion between TfL and the applicant relating to the sizing of zones within the LTAM (TfL SoCG item 2.1.14), which further reduce the granular accuracy of the LTAM giving greater emphasis on the need for localised modelling.

11.5.3 The Council is pleased to note that in SoCG item 2.1.22, TfL has equally raised concerns with the applicant that public transport would not be facilitated by the creation of LTC. The Council is equally disappointed to note that the applicant has no plans to rectify that position, even when simple options have been provided to the applicant to create connections to LTC for local buses.

11.5.4 The Council concurs that TfL has determined that SoCG item 2.1.28 should be a Matter not Agreed. The absence of a strategy from the applicant to mitigate forecast impacts on the networks affected by LTC is unacceptable and not in accordance with the adopted or draft NPSNN. This topic has been considered at length by the ExA and continues to be a point of disagreement between the applicant and the Council. The Council's viewpoint is supported by many IPs.

12 Policy Assessment Against Draft NPS (REP4-209)

12.1 Introduction

- 12.1.1 The Council has provided comments on the applicant's assessment of the Project against the draft policies in the emerging Draft National Policy Statement for National Networks (draft NPSNN) published for consultation in March 2023 ([REP4-209](#)). The Council's response is set out in full in Appendix B, although the Council has not sought to review non-road national networks or the more general policies outlined in the draft NPSNN and has also not included areas of policy not applicable to this DCO application, such as coastal change, civil aviation, etc.
- 12.1.2 The Council does have a general point on the presentation of the document. There are a number of occasions within the document where the applicant has cut and pasted from another applicant's evidence base document, rather than providing new justification or evidence. This has resulted in a lengthy document, which requires considerable cross referencing. In summary though, the Council consider that on balance there are a considerable number of topics where the applicant is not in accordance with the draft National Policy Statement for National Networks (draft NPSNN). A short summary of the key issues and conclusions of Appendix B have been set out in turn below.

12.2 National Networks in a Greener World, Climate Change Adaptation and Greenhouse Gas Emissions

- 12.2.1 Regarding National Networks in a Greener World, it is considered that the applicant has not given any consideration to using design to provide mitigation or nature-based solutions to allay identified adverse social and environmental effects, as set out in the Council's overall response to Deadline 4 and 5 ([REP4-354](#) and [REP5-112](#)). This does not accord with paragraph 2.16 of the draft NPSNN.
- 12.2.2 In respect of paragraph 2.17, the Council has identified concerns with the proposals and the need for the applicant to resolve the negative environmental effects of the proposal and to leave a sustainable legacy across Thurrock, particularly the Council consider that is not correct as the applicant has stated that existing low numbers of cyclists means that there is no need to provide cycling infrastructure.
- 12.2.3 In respect of paragraph 2.19, it is important to note that since the draft NPSNN was issued the Government has recently put back its target for new petrol and diesel vehicles from 2030 to 2035, which many argue will delay the transition to a zero-emission vehicle fleet. The applicant has not assessed the impact of this change on the assumptions underlying the calculated carbon impacts of LTC. Furthermore, for the use of zero emission vehicles by contractors and increased provision of electric vehicle charging infrastructure, it is notable that plans and designs for delivering them have not been presented within the DCO or tested within the Environmental Impact Assessment.
- 12.2.4 In respect of Paragraph 2.20, the assessment does not take into account adverse impacts of LTC on the ability of local authorities such as Thurrock Council to meet their own reduction commitments.
- 12.2.5 The applicant's response to new paragraph 2.24 notes again that the projected emissions from LTC do not take account of the TDP, implying that projected GHG emissions will be better than forecast; however, this statement does not reflect the potential reduced impact of TDP, as a result of the delay to the ending of petrol and diesel vehicle sales.

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- 12.2.6 Regarding Climate Change Adaptation, the Council has not raised any objections concerning adaptation, so it has no further comments to make on these sections.
- 12.2.7 Regarding Greenhouse Gas Emissions, the applicant's response reiterates the conclusion of the ES that the GHG impacts of the project do not have a material impact on the ability of the government to meet its carbon reduction targets. The Council contends that that the ES does not assess the secondary impacts of LTC impeding the ability of the Council meet their obligations to national decarbonisation plans and therefore Government's ability to reach net zero. Furthermore, in response to paragraph 3.40, the Council do not consider that the scheme will deliver significant benefits and improvements in terms of alleviating congestion and emissions at the Dartford Crossing.
- 12.2.8 In respect of paragraphs 5.29 and 5.30, the applicant does not take into account the whole life assessment boundaries of the National budget, which the applicant's test the significance of emissions to. There is a significant inconsistency between how whole life is considered within the emission calculations of the project as defined through PAS 2080 and the whole life system on the national budget.
- 12.2.9 In respect of paragraph 5.31, it should be noted that this approach does not follow OFGEM's guidance on applying emission reduction benefits of 'green tariffs' and does not align to industry standards, such as the GHG Protocol for accounting local emissions for electricity use. The applicant has not addressed the decarbonisation of electricity through the project design.
- 12.2.10 New paragraphs 5.32 and 5.33 of the draft NPSNN describe approaches to be taken in design and construction to minimise carbon impacts. The applicant's response summarises measures taken in construction and design to minimise emissions, but these have not been designed into the application or tested within the ES.
- 12.2.11 In respect of paragraphs 5.34 – 5.36, without assessing the whole impact of LTC on the whole national budget, alongside any form of actual design interventions that have been tested within the ES it is not possible for the applicant to make the following statement in page 181, paragraph 5.35 of the compliance with the draft National Policy Statement ([REP4-209](#)) document.

12.3 National Networks (Statement of Need)

- 12.3.1 The draft NPSNN recognises within Sections 3.1 to 3.47 a need to increase capacity within the national strategic network, but the policy basis has long moved away from a predicting for roads for car travel basis to one of a much greater visioning balance across modes with a strong emphasis on facilitating movements by active travel and public transport to assist with a net carbon positive environment and to facilitate local and regional growth. This change in balance is most strongly represented at paragraphs 3.31 and 3.42 of the draft NPSNN.
- 12.3.2 The applicant makes many unsubstantiated promises about the benefits of its project, which are not evidenced through the designs or the appraisals. It delays many commitments until the development of the project detailed design and does not provide assurance to the Council and other stakeholders that the scheme is a visionary strategic project that will deliver on its stated objectives or provide modern environmentally sound connectivity to Thurrock or the surrounding sub-region. It does not comply with the draft NPSNN policy framework for the 'Need for the Development of National Networks'.

12.4 Alternatives

- 12.4.1 The Council continues to consider that the applicant has not met the requirements of either the extant NPSNN or the draft NPSNN in terms of considering alternative scheme options. This is because the applicant has not completed a robust and rigorous assessment of

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alternatives to the LTC scheme, especially key main elements, as required by paragraph 4.17 of the draft NPSNN.

- 12.4.2 In addition, the Council has responded to a number of ExQ1 questions, notably Q3.1.1, Q3.2.1 and Q3.2.2, that set out its concerns on alternatives in more detail.

12.5 Biodiversity Net Gain

- 12.5.1 The draft NPSNN has been updated to include a Biodiversity Net Gain (BNG) section, which reflects the requirements of the Environment Act, 2021. The new section is clear that proposals should use the most appropriate version of the Department of Environment, Food and Rural Affairs (Defra) biodiversity metric. LTC is using the Defra Metric 3.1 BNG calculation. It is noted that Document 9.86 Post-event submissions including written submission of oral comments for ISH6 ([REP4-182](#)) confirms that the applicant will be liaising with Natural England to consider how this can be achieved, as it will not require additional site surveys. However, it was agreed that the applicant would consider whether it would be appropriate to rerun the BNG calculation using Version 4.0. Currently though, it is accepted that any developer would continue to use the Defra metric current at the time of their original BNG calculations due to the frequency of changes.

12.6 Criteria for Good Design for National Network Infrastructure and Safety

- 12.6.1 The Council does not consider that the applicant has demonstrated that design has been an integral consideration from the start and LTC does not meet the requirements of draft NPSNN paragraph 4.24. It is considered that LTC will result in a severance of Thurrock's communities, as the route would split the Borough into two separate areas. This is clearly not in accordance with the policy within the draft NPSNN.
- 12.6.2 Draft NPSNN paragraph 4.28 requires applicants to demonstrate how the design process was conducted with effective engagement with communities and stakeholders and how the proposed design evolved to maximise design outcomes. The Council do not agree with the applicant that there has been effective engagement with communities and stakeholders or clear articulation of how the scheme has evolved following consultation. It is considered that the evidence provided by the applicant does not give reassurance that the appropriate levels of consultation have been undertaken.
- 12.6.3 The draft NPSNN text in paragraph 4.55 is clear that highways developments should provide an opportunity to make significant safety improvements and significant incident reduction benefits when they are well designed. However, the Council considers that the design of LTC will impact on both capacity and safety of the local road network in Thurrock. The Council is particularly concerned by the forecast increase in eight fatalities and 35 seriously injured casualties in Thurrock due to increases in traffic flows following the opening of LTC (taken from Table 4 [REP2-062](#)). LTC will result in significant increases of traffic on local roads, which will impact communities, businesses and sensitive receptors particularly educational and care facilities. Accordingly, LTC is not in accordance with draft NPSNN paragraph 4.55.

12.7 Health and Accessibility

- 12.7.1 Paragraph 4.70 of the draft NPSNN has been updated to include the potential effects on opportunities for wheeling, i.e. those who use mobility scooters and wheelchairs, of the national road and rail networks and strategic rail freight interchanges is identified as part of the consideration of good design.
- 12.7.2 There remain outstanding issues with the assessment of human health and impacts on vulnerable populations. This is related to the application of significance requirements within the HEqIA ([REP3-118](#)) based on industry guidance, however, there is no transparency on how criteria to reach difference significance levels have been applied or thresholds or rationale for

considering an equalities effect to be differential or disproportionate. These have been raised consistently in the Council's LIR ([REP1-281](#)) in Section 10.13 and in its latest SoCG that will be submitted at D6. Therefore, it is unclear if health has been adequately considered and mitigated against within the scheme.

- 12.7.3 It is also disputed by the Council, that the adverse impacts that would occur that have been identified during construction within the ES Chapter regarding noise and severance, including impacts on open space should be considered as 'temporary' (and therefore less significant) and therefore can be compensated through operational enhancements only. This is because when considering health impacts changes to access to environmental impacts on health (such as noise) and access to wider determinants of health (such as physical activity) over the length of construction period that the LTC is proposing can have significant long-term health impacts on more vulnerable groups (such as children).

12.8 Air Quality and Emissions (including Dust, Smoke and Steam)

- 12.8.1 Paragraph 5.14 expands on paragraph 5.15 of the draft NPSNN and details mitigation measures that could be included in the design of the scheme. Paragraph 5.15 of the draft NPSNN also highlights that there is a need to consider whether air quality mitigation measures are needed. No evidence has been presented within the ES Chapter 5: Air Quality ([APP-143](#)) to demonstrate that the efficacy and practicability of options to mitigate the air quality impacts of operational traffic have been considered through the design process of the Scheme and the Council consider that such mitigation, such as speed limits or additional physical barriers to protect the most impacted and vulnerable receptors, need to be secured through the DCO.
- 12.8.2 The applicant's response to paragraph 5.19 of the draft NPSNN relies on the framework set by the DMRB and only focusses on exceedances of the NAQOs to determine whether mitigation measures are appropriate. Given the impacts and deterioration in air quality predicted for numerous residential properties in Thurrock, the Council consider that appropriate mitigation measures should be investigated by the applicant through the design process of the scheme.
- 12.8.3 As stated for paragraph 5.14 of the draft NPSNN, no evidence has been presented to demonstrate that the efficacy and practicability of options to mitigate the air quality impacts of operational traffic have been considered through the design process of the Scheme and the Council consider that such mitigation (such as speed limits or additional physical barriers to protect the most impacted and vulnerable receptors) need to be secured through the DCO.

12.9 Biodiversity and Nature Conservation

- 12.9.1 The changes in wording and addition of new paragraphs, such as paragraphs 5.38 – 5.64, relate to changing legislation and government policy. These include policies irreplaceable habitats, particularly ancient woodland, Local Nature Recovery Strategies and working to ensure habitat connectivity and enhancement. It is considered that LTC has been working in accordance with these policies, although there are instances where the applicant has sought to removal of ancient woodland (at Rainbow Shaw) in preference to moving overhead pylons; or removing 'Long Established Woodland' rather than moving the LTC alignment slight to affect contaminated land.
- 12.9.2 Geological Conservation is addressed in draft NPSNN paragraph numbers 5.38 to 5.64 within Biodiversity and nature conservation. Much of the additional wording relates to biodiversity. The response to paragraph 5.38 is that this is a general introductory paragraph, however, it is worth noting that it directs the applicant to recognise the need to protect and enhance biodiversity and geological conservation interests. ES Chapter 10: Geology and Soils ([APP-148](#)) paragraph 10.5.14 states that there are no specific enhancement measures included in the Project for Geology and Soils. There is no discussion as to whether there are opportunities for enhancement.

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12.9.3 Draft NPSNN paragraph 5.43 requires proposals to demonstrate how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests and to avoid harm or disturbance in line with the mitigation hierarchy. The applicant has stated that there would be no significant harm to geological conservation interests. However, the Council disagrees with this assessment. It should be noted that ES Chapter 10: Geology and Soils ([APP-148](#)) identifies that a Minor Adverse effect has been assigned to the partial loss of geological feature at the Low Street Pit (potential Local Geological Site) during the construction of the Tilbury Viaduct. Paragraph 10.6.5 states that '*This geological site is partially (approximately 65%) within the footprint of the Project and a portion is located under a proposed embankment and viaduct structure*'. The mitigation is to restrict construction activities within the eastern area of Low Street Pit. The response should therefore be expanded to provide the required demonstration that the mitigation hierarchy has been applied. It is noted that the applicant states that there will be a minor loss, but does not identify how 'minor' has been determined or how much of the Geological Site will be lost.

12.10 Resource and Waste Management

12.10.1 This is considered in draft NPSNN paragraphs 5.66 to 5.74. The updated drafting changes the focus of the requirements from ensuring waste is managed safely to bring a greater consideration on the circular economy principles of sustainable resource management and consumption. This requires a greater level of consideration of the sources of materials, their environmental impacts and the mitigation of these. Complying with the requirements as set out would appear to require a document of greater detail and depth than the current oSWMP and oMHP, more closely aligning to a Circular Economy Statement as required by the GLA for notifiable developments.

12.10.2 The requirements of paragraph 5.67 would entail a greater level of commitment to reduction, reuse and recycling targets and sustainable consumption, which the Council has been suggesting could be addressed through amendments to REAC commitments MW007 and MW013, as set out in the Council's responses to ExQ2.

12.11 Flood Risk

12.11.1 Paragraph 5.124 states that the vulnerability of those using the infrastructure including arrangements for safe access and escape should be considered, an assessment should be undertaken of residual risk after risk reduction measures have been taken into account and consideration should be given if there is a need to remain operational during a worst case flood event over the development's lifetime. There is no evidence that emergency and contingency measures have been considered to deal with residual flood risk at the tunnel and north portal ramp, which is in conflict with the draft NPSNN in paragraph 5.124.

12.12 Land Contamination and Instability

12.12.1 Paragraph 5.147 in the introduction adds text regarding consideration of contamination from previous land uses. In the section 'Applicant's Assessment', the draft NPSNN directs that the applicant should ensure and demonstrate that they have considered the risk posed by land contamination and stability, through engagement in pre-application discussions (including the Local Authority) and how it is proposed to address these (risks). The draft NPSNN does not have additional text under mitigation relating to contamination, but it does cover land instability. It is considered that LTC has been working broadly in accordance with these changes, except that the Council's concerns about instability along the coastal area west of Coalhouse Fort have not been addressed adequately.

12.13 Landscape and Visual Impacts

12.13.1 Paragraphs 5.152 – 5.170 of the draft NPSNN relate to Landscape and Visual Impacts. The changes to the Landscape and Visual Impacts paragraphs have made more explicit elements

that normally form part of an LVIA, such as minimising the scale of a development, impacts during construction and operation and wider effects such as from light pollution. The changes to paragraphs relating to designated landscapes are not relevant to Thurrock.

12.14 Land Use including Open Space, Green Infrastructure and Green Belt

12.14.1 The Council consider that LTC is not in accordance with the extant or the draft NPSNN. As stated previously throughout the Examination, the applicant has not submitted a standalone Green Belt Assessment Study for LTC that sets out a clear, comprehensive and robust methodology and assessment of the Green Belt, against the fundamental aim and the purposes of the Green Belt. On balance, the Council consider that the applicant has not undertaken a robust Green Belt assessment to evidence the level of harm to the Green Belt and therefore do not have the information available to demonstrate 'very special circumstances' and in turn meet the draft policy requirements.

12.15 Historic Environment

12.15.1 Within paragraph 5.203 an additional sentence has been added which states '*The applicant should undertake an assessment of any significant heritage impact of the proposed project.*' This would have been useful at the start of the project, when the Council were attempting to get all aspects of the historic environment appropriately assessed. This has now largely been achieved.

12.15.2 Within paragraph 5.204 an additional paragraph has been added with emphasises that the discovery of heritage assets has the potential to have a significant delay on scheme development and applicants should ensure that protection of the historic environment is considered early in the development process. In areas, such as trial trenching, LTC have achieved this, although in other areas, such as assessment of the geo archaeological deposits they have been less successful.

12.16 Noise and Vibration

12.16.1 Paragraph 5.222 also requests '*an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas, including identifying whether any particular groups are more likely to be affected.*' The changes within the draft NPSNN include identifying any particular groups that are more likely to be affected. The response to this paragraph by the applicant has not acknowledged how the assessment has considered particular groups and if the assessment criteria have acknowledged groups more likely to be affected.

12.17 Social Economic Impacts

12.17.1 The draft NPSNN in paragraph 5.234 sets out that the construction and operation of nationally significant infrastructure projects may have short or longer term economic and social impacts on local communities, businesses or services. Applicants should look to maximise local employment opportunities during construction and operational phases.

12.17.2 The Council consider that the applicant has not adequately demonstrated the benefits of the scheme. The Council area contains several deprived areas and the net economic impact of LTC is unclear, as was set out in the Council's evidence at ISH4.

12.18 Water Quality and Resources

12.18.1 Paragraph 2.248 is a new paragraph and states that consideration should be given to protective measures to control the risk of pollution to groundwater beyond those outlined in Environmental Management Plans. It is considered that the applicant should provide specific

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measures that will control the risk of pollution to groundwater during both construction and operational phases. Currently, too much reliance is diverted to the contractor responsibilities.

- 12.18.2 The water management and pollution containment features required during construction will need significant land take, including management of surface water, waste storage areas, dewatering water and associated treatment facilities. The response does not provide evidence that these requirements may be reasonably be accommodated within the construction works compound or wider Order Limits. Furthermore, evidence should point to any specific requirements for impermeable barriers or containment measures for un-treated water, to prevent seepage to ground during construction.
- 12.18.3 In respect of paragraph 2.254 (which requires that the project should identify opportunities to help to achieve 25 Year Environment Plan objectives; to protect and improve water quality and resources through green and blue infrastructure, sustainable drainage and environmental and biodiversity net gain), the Council have requested more clarity on the design of the culverts and provision of mammal passages.
- 12.18.4 Paragraph 2.255 requires consideration of impacts on the water environment that can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be marked clearly. The Council consider that more evidence is required on specific measures proposed to contain pollution during construction. In particular, to manage un-treated water (site surface water and dewatering water).
- 12.18.5 In respect of paragraph 2.259, the Council have identified that the water features survey report does not contain detailed survey or water quality monitoring of the Water courses within the West and East Tilbury Marshes or the Coalhouse Point.

12.19 Impacts on Transport Networks

- 12.19.1 The Council continues to consider that the applicant has not met the requirements of the extant NPSNN or draft NPSNN in terms of providing proportionate and reasonable mitigation measures for LTC. The Council continues to have significant concerns about the impact of LTC at the Orsett Cock junction and considers that additional design changes are likely to be required to mitigate the queues and delays predicted by the VISSIM model of the scheme. This together with the lack of congestion relief at Dartford Crossing means that the requirements of paragraphs 5.272 – 5.274 have not been met. Also, the applicant has not provided adequate facilities for active travel being limited and the design of LTC provides poor facilities for public transport and the use of cleaner fuels, e.g. electric vehicles.

13 Council Responses to Applicant's Comments on IP Submissions at Deadline 3 (REP5-088 Section 2.4, Council LIR Appendices C, E and H and Section 3.1 (Council D3 Submission))

13.1 Introduction

13.1.1 This is submission of 111pp covering D1 – D3 submissions. These cover the following Thurrock submissions: Section 2.4 and Table 2.1, Council LIR Appendix C relating to Transport & Modelling and Section 3.1 and Table 3.1 (Council D1 and D2 submissions).

13.2 Applicant's Comments on LIR Appendix C (REP5-088 Section 2.4)

Local Impacts

13.2.1 The applicant's response to C.1.2.17 is with regards to the comparison of LTAM and VISSIM delays at Orsett Cock. The Council is currently reviewing the VISSIM model and LTAM information recently provided by the applicant. Initial comments are provided in Section 11.3 and a more detailed analysis will be provided at Deadline 7.

Impact of Traffic on Local Communities

13.2.2 The Council confirms that the changes in vehicle trips, as mentioned in Section C1.3.1 and C1.3.2 of the Council's LIR ([REP1-281](#)), have been extracted from the LTAM cordoned models provided by the applicant to the Council. The cordon models include traffic flows that stay entirely on LTC and pass through Thurrock. These flows affect local communities in Thurrock and therefore should be considered in the analysis.

13.2.3 In response to Section C1.3.3 of the Council's LIR ([REP1-281](#)), the applicant has acknowledged that the A1089 is forecast to see 40% - 50% increases in northbound traffic in the morning and evening peak hours by 2045 as a result of LTC. The Council would like to re-iterate that the applicant's strategic transport model forecasts that LTC will substantially increase traffic on some of the most important and busiest roads in Thurrock and on some unsuitable local roads and through local communities in Thurrock. The applicant is not proposing any mitigation to local road congestion caused by LTC and for traffic impacts through communities within Thurrock. The Council considers that these local impacts need to be mitigated and for mitigation to be secured.

Approach to Construction Modelling

13.2.4 In relation to the applicant's response to Section C3.1.2, it is confirmed that construction HGV traffic is loaded onto the network via specific access points to the model zones containing the construction compounds. These access points, however, are noted to not include capacity constraints and it is clear that worker traffic has not been assigned to the routes identified in the compound access strategies. This means that at these access points within the LTAM, the delays caused by construction traffic at those access points are not represented.

13.2.5 In relation to Section C3.1.3, it is not clear why HGV delivery vehicles were not explicitly assigned to fixed routes as per the applicant's commitments to the Council as assigning them based on generalised cost in LTAM and only constrained by HGV bans, is not equivalent to prescribed routeing. As noted in the applicant's response, sometimes construction traffic will use unsuitable routes, where routeing dictated by HGV bans is much longer. It is for this

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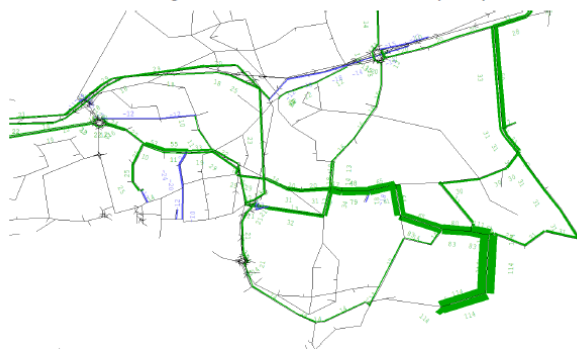
reason that the Council is concerned that HGV delivery vehicles are not effectively assigned to fixed routes and the impacts on the network are diluted.

- 13.2.6 The applicant has never reliably clarified until recent submissions made during Post Hearing statements for ISH4 relating to the single TBM option that it has not assigned worker traffic to the routes set out as access corridors to its compounds for any of its modelled construction scenarios. The free assignment of worker travel within the network results in the use of unsuitable corridors to compounds, such as through Chadwell-St-Mary, East and West Tilbury, Linford and Orsett. In the case of access to the North Tunnel Portal compound this results in significant numbers of workers travelling through the sensitive Cross Keys junction and the hamlet of West Tilbury, without any mitigation of those impacts.
- 13.2.7 Worker traffic should be assigned to the routes proposed by the applicant, which are assumed to be the least-worst option. The construction models currently under-estimate the effects on those proposed corridors, such as the Asda Roundabout and the North Stifford interchange.
- 13.2.8 This does not assign traffic to access the zones in which the compounds are located, via the routeing set out in the oTMPfC, and so does not accurately reflect the effects on the network.
- 13.2.9 This has been clearly illustrated by the construction worker traffic assignments provided by the applicant in its ISH4 Post Hearing Written Statement in Appendix B.2 Plates B.1 and B.2, re-provided below.
- 13.2.10 Due to this lack of clarity, it is not possible to accurately assess the construction period effects.

Plate B.1 Change in flow as a result of 1 TBM, AM peak, phase 2



Plate B.2 Change in flow as a result of 1 TBM, Inter peak, phase 2



- 13.2.11 Furthermore, in response to Section C3.1.6 and Table C4.1, the applicant has pointed out that the FCTP figures in Table 5.3 of the FCTP are two way and this is noted. While it is noted that FCTP Table 5.3 shows two-way movements, these figures are generally and consistently higher than those assumed in the AM construction traffic model (CTM). The figures are, significantly higher still than those assumed in the IP and PM models. The Council does not

understand how the FCTP numbers are representative of other modelled time periods, namely the IP and PM periods.

Local Impacts during Construction Phase

13.2.12 The Council's LIR, Appendix C, Section C3.2.2 ([REP1-281](#)) has identified a list of junctions with significant flow increases and/or exhibiting performance concerns in terms of percentage of volume-to capacity ratio and delays. The applicant is largely in agreement with the list, with the exception of Daneholes roundabout, A13 northbound on-slip at the Five Bells junction and A13/A1012 North Stifford junction. The Council does not agree with the applicant's view as explained below:

- a. **Daneholes Roundabout** – although the junction is predicted to operate within capacity in the Do Minimum scenarios, as well as most phases, the approach from Blackshots Lane is estimated to have an increased Volume of Capacity (V/C) from 85% in Do Minimum to 90% in Phase 1 and Phase 3. This increase is likely to result in worsening queues and delays and may require mitigation.
- b. **A13 northbound on-slip at the Five Bells junction** – in the AM the V/C% is predicted to be significantly overcapacity on both the mainline and the on-slip in Do Minimum scenarios and across all phases as detailed in Section 8.9 of Sub-Annex 3.1. Therefore, the impact of LTC construction on this merge requires further consideration and mitigation.
- c. **Stifford Clays Road/ High Road junction** – this junction and the wider Stifford interchange would be adversely affected by the movement of construction traffic to and from the compounds accessed via both Stifford Clays Road and Medebridge Road. The applicant has not adequately assessed the impacts on the junction of North Road and Stifford Clays Road but has stated that traffic signals are to be introduced at that junction without confirming that proposal with the Council as Local Highway Authority. The junction is both an important access to North Stifford and in close proximity to the Stifford Interchange. A system of temporary mobile traffic signals would not operate acceptably at this location, particularly for the length of time proposed by the applicant. The access route is an important and busy access route for the applicant during construction and is not expected to operate adequately under its current configuration. This has not been assessed and a decision on this matter cannot be delayed into the construction period.

13.3 Air Quality ([REP5-088](#), Table 3.2))

13.3.1 Within Table 3.2 (Pages 27-28) in reference to the Council's comments on Sections 18.9.1 and 18.9.2, the applicant confirms that a figure showing the receptors and the model verification zones has been presented. The Council welcomes the inclusion of this Figure. However, the Figure needs to be revised to be usable as the Key used to identify the various verification zones has used the same colours for two different zones making it unusable. The Council requests that the figure be updated so that each verification zone has its own distinct colour. Whilst a full analysis is not possible due to the mislabelling of the Figures, the Council consider that this demonstrates significant underpredictions of NO₂ concentrations at some locations within Thurrock and further review will be undertaken once the figure has been updated.

13.3.2 Within Table 3.2 (Pages 27-28) in reference to the Council's comments on Sections 18.9.4 and 18.9.5 the applicant states that the assessment has been completed in accordance with the DMRB guidance and that worst case receptors have been included in the air quality assessment to provide stakeholders with the requisite information relating to how the change in traffic flows impact on pollutant concentrations. Using this information the Council has highlighted that there are a greater number of receptors in Thurrock that experience an increase in concentrations compared to those that experience a decrease and that this deterioration in air quality within Thurrock, particularly where there are substantial changes,

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should be considered as part of the EIA process, but is limited by the DMRB LA105 methodology, which fails to consider the effect of substantial increases in pollutant concentrations at levels below the legal thresholds.

- 13.3.3 The applicant states that the overall number of receptors where there are improvements or deteriorations are irrelevant in relation to the determination of whether there is a significant effect and whether mitigation is required. The Council dispute this statement, because as stated previously, this approach fails to consider the effect of substantial increases in pollutant concentrations at levels below the legal thresholds and the overall balance of the scheme to changes in air quality. Therefore, the Council maintains the position that changes at receptors, whilst below the current legal thresholds (such as at Receptor LTC326, where there is a predicted increase in annual average NO₂ concentration of 4.8µg/m³), should be appropriately considered in the EIA process.
- 13.3.4 The applicant states *'It should be noted that the Applicant does not consider the borough-wide air quality modelling undertaken by Thurrock Council to be in accordance with the appropriate guidance, and in addition Thurrock Council has compared modelled concentrations against air pollutant thresholds (such as WHO guidelines) which are not relevant in the context of UK legislation.'* The additional Borough-wide modelling was undertaken to provide the clarity that the applicant's assessment was lacking.
- 13.3.5 The Council has provided comments on the Air Quality Quantitative Health Impact Assessment [[REP3-141](#)]. However, it should be noted that the results used in the AQQHIA are taken from the air quality assessment submitted with the DCO submission ([APP-143](#)). The predictions made by the applicant are based on 'opening year' traffic flows and it should be recognised that traffic is predicted to increase significantly within the first 15 years of operation.
- 13.3.6 The rate of renewal of vehicles and uptake of Electric Vehicles (EV) will contribute to anticipated reductions in NO_x emissions from road transport. However, this is unlikely to result in any noticeable decrease in PM_{2.5} emissions (and heavier weights of EV could result in increased emissions). There is uncertainty as to the rate of this change and whether any decrease in NO_x emissions will outweigh the growth in traffic flows using the LTC.
- 13.3.7 Therefore, the duration of these predicted impacts is uncertain and PM_{2.5} impacts due to LTC are likely to increase further in future years with increased traffic flows using the LTC resulting in residents of Thurrock continuing to experience an elevated fraction of mortality attributable to particulate air pollution.
- 13.3.8 Given the impacts and deterioration in air quality predicted for numerous residential properties within Thurrock, the Council considers that appropriate mitigation measures should have been investigated by the applicant through the design process of the Scheme.

13.4 Geology and Soils (REP5-088, Table 3.2))

- 13.4.1 Within Table 3.2 (Page 29) in reference to the Council's comments on Section 18.9.48, the applicant states that rewording of GS001 is not necessary (note there has been rewording and reviewed at DL5).
- 13.4.2 Within Table 3.2 (Page 30) in reference to the Council's comments on Section 18.9.49, the Applicant states that GS027 will be reworded for DL5.
- 13.4.3 Within Table 3.2 (Page 30) in reference to the Council's comments on Section 18.9.51, the Applicant advises that the river frontage was inspected in 2017. This was five years ago, and the recorded condition may no longer be accurate. During the SoCG workshop on the 27 September, it was suggested that a new REAC requiring a baseline survey and regular

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monitoring of the river frontage was necessary in addition to GS003. The applicant took this away for consideration, but the Council has not seen the outcome of that deliberation.

- 13.4.4 Within Table 3.2 (Pages 30-31) in reference to the Council's comments on Section 18.9.53, the applicant states (again) that the low risk sources of contamination can be managed through 'standard construction processes'. The Council has provided an example where one potential source of contamination potentially containing asbestos has been downgraded from medium (which the remedial strategy would require investigation of) to low (without any intrusive investigation to support this) where risks from low risk sources are to be managed through the EMP. The Council remain concerned that standard practises are typically implemented without the Contractor undertaking reassurance monitoring to evidence adequate control is being achieved.
- 13.4.5 Within Table 3.2 (Page 30) in reference to the Council's comments on Section 18.9.54, the applicant states that the current condition of the river foreshore at Goshems Farm will not worsen as a result of the construction or operation of the Project over and above the naturally occurring erosion processes. Whilst the Council welcomes the applicant's assurances it reiterates the request that this is evidenced through a baseline survey and regular monitoring (see 18.9.51).
- 13.4.6 Within Table 3.2 (Page 32) in reference to the Council's comments on Section 18.9.56, the applicant confirms that all remediation and reuse of materials will be undertaken under a permit and/or licence. No further comment.
- 13.4.7 Within Table 3.2 (Page 32) in reference to the Council's comments on Section 18.9.58, no further comments, but noting responses to Sections 18.9.54 and 18.9.51.
- 13.4.8 Within Table 3.2 (Page 33) in reference to the Council's comments on Section 18.9.61, as the applicant has advised elsewhere that the remediation and reuse will be undertaken under permit or licence there is no further response.
- 13.4.9 Within Table 3.2 (Page 33-34) in reference to the Council's comments on Section 18.9.66, no further comments, but noting responses to Sections 18.9.54 and 18.9.51.

13.5 Applicant's Response to Council D3 Submission ([REP5-088](#) Section 3.1 and Table 3.1)

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

- 13.5.1 The applicant has listed the localised traffic modelling that it has submitted at various deadlines of the Examination. At each deadline the Council has provided comments on the localised modelling, as well as provide the ExA with the current status of the modelling.
- 13.5.2 The current status of the modelling at Deadline 6 is provided within Appendix A of this submission. It can be seen from Appendix A that of the 7 localised models requested by the Council, only the base model for Orsett Cock has been agreed. The Council has provided comments on the other localised models, but updated models have not been provided, except for Orsett Cock. The applicant stated at ISH10 that they would not be providing any further modelling after Deadline 6, which would be limited to Orsett Cock. Therefore, the localised modelling will remain incomplete and not agreed.
- 13.5.3 The applicant states that it does not consider it appropriate for the modelling to be contingent on any form of third party 'approval' of both the models and outputs. The Council's view on the lack of agreement of the modelling is summarised in paragraphs 10.3.42 and 10.3.43 above.

Excavated and Construction Material

- 13.5.4 The Council notes the applicant's response on the projected reduction in material under the single TBM options and adjusting the tunnel alignment and the reduction in Co2e. The Council has no comment on that point but repeats that the applicant cannot rely on those savings in its assessment as the two-TBM remains the worst-case scenario.
- 13.5.5 The Council does continue to express its opinion relating to minimising the amount of material transported by road, which has been rehearsed across a number of items.
- 13.5.6 The applicant's reference to REAC commitment MW009 does not represent a commitment to manufacture tunnel segments or any other tunnel materials within the North Portal. REAC commitment MW009 states that the tunnelling operation will be 'serviced' from the North Portal. The applicant should commit that the segments will be manufactured within the North Portal.
- 13.5.7 The applicant does not commit to the volumes of material that are to be transported to or from the compounds. Committing to the estimated values as provided within the evidence and providing an estimated profile would allow better measurement and monitoring of activities.

Construction Method and Transport

- 13.5.8 The Council and the Port of Tilbury London Limited have strongly rebutted the applicant's localised modelling of the effects of the construction period on the Asda Roundabout. A joint alternative model is being presented by the parties, which can be used to better assess the likely effects on the operation of the Asda Roundabout.

Worker Operation

- 13.5.9 As stated above the Council and Port of Tilbury London Limited have strongly rebutted the applicant's localised modelling of the effects of the construction period on the Asda Roundabout. The applicant has now shown that its strategic modelling does not assign worker traffic through the Asda Roundabout and so has underestimated the effects on that junction of access to the North Tunnel Portal compound. A revised assessment of the worker effects on the junction will be carried out.

DCO Commitment and Control

- 13.5.10 The Council notes the discussion on this topic at ISH5 and makes no further comments.

14 Mitigation Route Map (MRM) ([REP4-203](#))

14.1 Introduction

- 14.1.1 This document submitted at D4 on 19 September 2023 is 64pp and it confirms that the Control documents are secured (within Table 2.1) and presents the commitments set out by environmental topic in the CoCP/REAC in Section 3.2 in a series of tables. Comments are set out below for those tables relevant to the Council only.
- 14.1.2 It is notable that this first draft Mitigation Route Map, despite the Council requesting this document many months ago, only includes a summary of the commitments within the Control documents and the REAC commitments (which form part of the CoCP), any variations are set out below. However, it does not provide a comprehensive audit of all commitments and measures that have been discussed with IPs
- 14.1.3 There are, in the Council's view a number of significant missing elements to the MRM, which can be summarised, as follows:
- a. **The** additional controls and mitigation measures already included in the ES should be part of this MRM, as was the case with the Thames Tideway version, which is considered industry best practice.
 - b. Other legal agreement commitments.
 - c. There are many 'Certified Documents' as listed in Schedule 16, which is welcomed. However, there are a number of these documents and plans that are either not secured or have very loose wording that weakens the commitment, and these are set out in Section 3 above in Table 3.1.
- 14.1.4 In addition, there are certain Control documents where the 'commitment' is only to 'take reasonable steps', such as the SAC-R and its securing Article 61 of the dDCO and in such cases this is not an absolute commitment and should not be relied on as true mitigation. There may be others.
- 14.1.5 Furthermore, the individual commitments within each Control document have not been summarised, merely the document itself.
- 14.1.6 The Council therefore invite the ExA to consider the comments above and below and consider if a more comprehensive document is required by Deadline 7 or 8.

14.2 Air Quality (Table 3.1)

- 14.2.1 This table provides cross reference to the relevant REAC measures relating to Air Quality.

14.3 Climate (Table 3.2)

- 14.3.1 This table provides cross reference to the relevant REAC measures relating to Climate Change.
- 14.3.2 The table refers to commitments set out in the Carbon and Energy Management Plan ([APP-552](#)), including the use of zero emission vehicles by contractors and increased provision of electric vehicle charging infrastructure. The Council have responded within the Local Impact Report Section 10.14 page 177 to 182 ([REP1-281](#)), whether these commitments should be taken into account, as plan and designs for delivering them have not been presented within

the DCO or tested within the Environmental Impact Assessment. In terms of the application these commitments are not planned for.

14.4 Cultural Heritage (Table 3.3)

14.4.1 This table adequately summarises all current proposed mitigation measures regarding built heritage. The Council also recommends that the Level 3 Building Recording of the settings of the Baker Street Windmill (LB57) and Whitcrofts Farmhouse (LB37) are included as a commitment in the REAC.

14.5 Cumulative Effects (Table 3.4)

14.5.1 Table 3.4 relates to Cumulative Effects and confirms that the applicant does not propose any mitigation measures to mitigate cumulative effects. The Zone of Influence (Zoi) for the cumulative effects of LTC is limited to 500m from the Order Limits and the Council considers that there would be cumulative effects beyond this limit that would require mitigation.

14.6 Geology and Soils (Table 3.5)

14.6.1 Table 3.5 relates to Geology and Soils. The purpose of GS001 is identified as to reduce the risk of creating pollutant pathways from contaminant land. In order to address the Council's concerns regarding provision of further investigation and engagement this REAC has been reworded and the purpose is no longer limited to that identified in this table.

14.7 Landscape and Visual (Table 3.7)

14.7.1 This provides a restatement of all the REAC commitments.

14.8 Material Assets and Waste (Table 3.9)

14.8.1 This table provides cross reference to the relevant REAC commitments relating to material assets and waste.

14.9 Noise and Vibration (Table 3.10)

14.9.1 The table cross references relevant REAC commitments. Comments have been provided on the REAC commitments in the Council's response to ExQ2 Q9.1.1 to 9.1.5. These comments should be incorporated into the REAC.

14.10 Population and Human Health (Table 3.11)

14.10.1 Table 3.10 outlines relates to population and human health. There is a remaining issue with commitment reference PH44, which refers to REAC commitment PH002 referring to the provision of healthcare services for the construction workforce. Within this D6 submission (Section 5.19.7) the Council's updated wording is suggested.

14.11 Road Drainage and the Water Environment (Table 3.12)

14.11.1 Table 3.12 relates to Road Drainage and Water Environment, with consideration of Mitigation for Design, Construction and Operation. The Council have identified two issues that require more robust measures and additional clarification.

14.11.2 With reference to RDWE34 a Construction Phase Item: To offset any loss of flood storage Compensatory flood storage areas would be formed (Secured by REAC RDWE037). The Council have identified that Compensatory Flood Storage has been calculated based on operational phase parameters. Therefore, the required volume and land take requirements

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cannot be assumed for the Construction Phase. There is a risk that land take requirements would be not reasonably accommodated within the Order Limits at an appropriate location. This issue is a Matter Under Discussion within the Statement of Common Ground (Item 2.1.261).

14.11.3 With reference to RDWE54 an Operational Phase Item: To protect the tunnel from flooding Flood protection to be provided around the North Portal (secured by REAC commitment RDWE029). The Council have concerns that Contingency Measures to cover the residual risks of flooding within the North Portal have not been fully considered. In particular, the management of flood risk to the north portal is reliant on a pump at the base of the ramp. The Mitigation and Control should include reference to contingency plans to manage the residual risk of pump failure resulting in increased flood risk to the tunnel. Specific emergency planning for the tunnel should be included, including safe escape routes and operational closures in the event of flooding of the tunnel. This issue is discussed in D6 Appendix B - Response to NH Compliance to draft NPS.

14.12 Terrestrial Biodiversity (Table 3.13)

14.12.1 This provides a restatement of all the REAC commitments.

14.13 Utilities

14.13.1 The Council notes that there are elements within the Mitigation Route Map ([REP4-203](#)) that either directly or indirectly refer to the proposed, temporary and diverted utility infrastructure for the project.

14.13.2 Within Table 2.1, the applicant refers to the draft DCO Schedule 1 ([REP3-077](#)), of which the Council's comments have still not been addressed regarding the ambiguity of the description of 'multi-utility' services, with no detail of the type and identification of distribution, voltages, pressures, diameters, etc. The importance of this is further noted within Table 3.12, references RDWE41 and RDWE42, where the applicant refers to utility diversion work number MU26 and works number MUT6, relating to pumped water and the crossing of Gobions Sewer. This is the first time any further information is given on these works numbers other than that they are 'multi-utility' works. The Council requests that within the draft DCO Schedule 1 the information of each multi-utility works are broken down into type and identification. In addition, that the draft DCO Schedule 1 includes a reference to each relevant sheet within the Works Plans Utilities ([REP4-037](#), [REP4-041](#), & [REP5-019](#)) and Temporary Works Plans ([REP4-083](#), [REP4-085](#) and [REP5-023](#)).

14.13.3 In addition to the above, within Table 2.1, the applicant refers to Works Plans ([APP-018](#), [APP-021](#), and [AS-024](#) to [AS-030](#)) only. The Council would have expected to also see reference to the Works Plans Utilities ([REP4-037](#), [REP4-041](#) and [REP5-019](#)).

14.13.4 The Council also notes that the gas and electric infrastructure NSIPs, have not been referred to within the Mitigation Route Map ([REP4-203](#)). There is a question as to whether the applicant intends to submit separate Mitigation Route Maps for each NSIP, or whether these have been missed.

14.13.5 The Council requires the applicant to respond to the above points.

Appendix A Modelling Status Flowchart and Change Log

Appendix B Council Response to NH Compliance Statement to draft NPSNN

Appendix C Stakeholder Actions and Commitments Register (SAC-R) – Proposed Mitigation

Appendix D Community Liaison Groups – Initial Terms of Reference

Appendix E Worker Accommodation Technical Note and Council Comments

Appendix F HS2 Rural Support Zone

Appendix G HS2 Homeowner Payment Scheme

Appendix H HS2 Need to Sell Scheme

Appendix I HAL Third Runway – Interim Property Hardship Scheme

Appendix J TT Exceptional Hardship Scheme

Appendix K TT Non-Statutory Off-Site Mitigation and Compensation Policy

Appendix L CAH1 Hearing Action Point 1 – Joint Statement

Appendix M Further Commentary on Uncertainty and Forecasting

Appendix N New Draft Requirements Relating to Key Junctions

Appendix O Amended Protective Provisions