

Lower Thames Crossing

Thurrock Council Comments on Applicant's Submissions at Deadline 6 (D6)

17 November 2023

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Executive Summary

Section 1 - Introduction

1. This D7 submission seeks to respond to all of the applicant's Deadline 6 (D6) submission documents that were uploaded to the PINS website on 3 November 2023, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission. Further details of the relevant sections are set out below.
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. 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.
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.
4. It is notably that whilst many SoCG items have been updated in descriptions and status, there still remains (at D6) 242 issues that are either a 'Matter Not Agreed' or a 'Matter Under Discussion' (but with little prospect of progression). Clearly, to have so many issues for one local authority as 'Matter Not Agreed', at this late stage in the Examination, in very unusual and in the Council's view places an unnecessary burden on the ExA to resolve these issues, instead of the applicant.
5. The Council notes, in Paragraph 2.1.4 of the SoCG, submitted to ExA by the applicant at D6, provides out-of-date information. The SoCG, submitted at D6, has been agreed by the Council and the applicant. Nevertheless, very little substantive progress has been made, except but minor changes to wording in control documents and a few Matters Agreed. The applicant has declined to change its approach preferring instead for these many SoCG issues to be resolved by the ExA through the Examination process – clearly in contravention of the basic purpose of the Examination process.
6. Within the applicant's response to the Council's D4 ([REP4-354](#)) and D5 comments ([REP6-096](#)) in Section 1 there are a number of comments relating to the above Council criticism of the applicant's approach to engagement from Sections 1.4.1 and 11.4.2 of the Council's D4 submission ([REP4-354](#)). Notwithstanding this, clearly the applicant believes it has engaged constructively, however, the mere fact that there remain 300 pages of SoCG matters outstanding or not agreed suggest there is a major issue, as the Pre Application process should reduce such issues significantly. Furthermore, the Council does NOT have an in-principle objection to the scheme only to key elements of the scheme, the lack of benefits of Thurrock residents and the significant impacts on the Borough that are not adequately mitigated by the applicant – this has been stated in many submissions and the applicant has distorted this position inaccurately.

Section 2 – Summary of the Council's Major Concerns (D2 – D6A)

7. Given the five extensive submissions by the Council from D2 to D6A, the Council considers it would greatly assist the ExA to summarise the top 20 major concerns that the Council has expressed in detail in those submissions. These concerns are (and they are not in any particular order of priority):
 - a. Draft DCO issues;
 - b. Land, CA and Statement of Reasons (SoR) issues;
 - c. Need for LTC and so-called 'relief' to Dartford Crossing;

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- d. Serious issues with almost all localised traffic models (ongoing) and timetable for resolution, resulting in significant local road network impacts;
 - e. Wider Network Impacts;
 - f. Disbenefits of the scheme and low BCR and not meeting seven Scheme Objectives;
 - g. New Requirements and collective Protective Provisions;
 - h. Inadequate Control documents, despite many welcomed changes;
 - i. Environmental issues relating to detailed matters with road drainage and water environment, geology and soils and waste, landscape and climate impacts and compliance with policy;
 - j. Significant issues with air quality and noise impacts, especially on vulnerable users;
 - k. HEqIA and specific health issues, including high sensitivity wards and vulnerable populations;
 - l. SEE Strategy inadequacy relating to unambitious targets;
 - m. WCH provision – lack of clarity on closures/diversion in an overall sense and inadequacy of mitigations;
 - n. Utility plans and impacts – lack of clarity and inadequate assessment;
 - o. Emerging Local Plan impacts, especially impacts on potential growth areas and serious impacts on viability;
 - p. SoCG issues, largely the scale of matter not agreed or under discussion;
 - q. Inadequate legacy provision, despite several years of discussion;
 - r. Lack of Alternatives consideration for key design elements and future proofing'
 - s. Inadequate provision and involvement of Emergency Services; and,
 - t. Section 106 Agreement content and adequacy.
8. The large number of these concerns after many years of discussions and technical engagement (many of which are shared by other IPs), highlights the Council's view that the ExA has insufficient robust and accurate information on which to examine the scheme. Rather than repeat or summarise previous submissions, the Council has just signposted where in each previous submission each of these above matters are set out in detail. In this way it is hoped to assist the ExA in navigating through the many pages of submissions during their deliberations.

Section 3 - Control Document Changes at D6

9. **CoCP and oTMPfC** – through its response to the ExQ2 Q4.6.4 ([REP4-353](#)), the Council has provided a detailed schedule of the concerns that it has with the weaknesses and absence of co-ordination across the Control Documents associated with traffic and transport for the construction stage, i.e. the CoCP, oTMPfC, FCTP, oMHP and the oSWMP. Through document [REP6-103](#) (applicant's Response to Comments Made on Outline Traffic Management Plan For Construction) it has provided a schedule of responses to the Council's points on the oTMPfC, but has not directly responded to the points raised by the Council on the CoCP, FCTP, oMHP or oSWMP.
10. The Council does not consider the process to have been the collaborative approach that the applicant maintains it would follow as referenced in CoCP, Section 4.4.3 ([REP6-039](#)) and that there continues to be too much flexibility remaining within the suite of Control Documents, which will lead to challenges over management and compliance during the construction stage. The applicant is keen to leave significant autonomy to the contractors and wishes to manage and govern the construction based on loosely defined analysis provided as evidence to the Examination.

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11. The Traffic Management Fora have no powers and will have limited effect on concerns and problems raised during construction. Whilst the newly introduced Terms of Reference indicate the process for escalation of unresolved matters to the unilaterally governed Joint Operating Forum, the Local Authorities are not part of the JOF unless specifically invited to discuss a specific issue due to an escalation process. The role of the JOF is to oversee and co-ordinate a number of workstreams across the control environment including the construction logistics processes; workforce travel planning; materials management and traffic management. Each strand is to feed into the JOF separately and the Local Authorities have no influence, unless an item is escalated from the TMF.
12. The approach adopted by the applicant leaves far too much to be developed should there be a DCO grant, at which time the Council's ability to influence its protections of its network is greatly diminished and that the applicant would not commit to a strong governance procedure.
13. There are several REAC commitments that are considered insufficient, namely MW007, NV015, PH002.
14. The table contained within the applicant's response to the Council's comments on the CoCP and oTMPfC through its response on ExQ1 Q4.6.4 contained in [REP6-103](#) within Section 2. Items 12 – 43 sets out the applicant's responses to the many (31) Council comments. This table is included below at **Appendix A**.
15. **Preliminary Works Management Plan (PWMP)** – the applicant has provided an update to Annex C of the CoCP, which covers the Traffic Management processes for Preliminary Works ([REP6-043](#)). Within paragraphs 1.6.2, 1.6.3, and 1.6.5 to 1.6.8 text adjustments are included to define the management roles of the working groups and fora. Those groups, however, would not exist until after the completion of the Preliminary Works, as defined by Section 3.1 of the CoCP ([REP6-039](#)). The main works contractor's workforce would not be established, and compounds would not be created or active. The changes incorporated into that document should be reviewed to ensure they are relevant to the Preliminary Works period and moved to the CoCP/EMP1, where they are applicable to the main works period.
16. **AMI-OWSI** – a number of changes have been made to the AMI-Outline Written Scheme of Investigation and these changes provide a much improved document.
17. **oSWMP** – whilst we appreciate the intent behind the revised drafting within MW007 (as mentioned above), the Council do not believe that the drafting resolves the issues identified by the Council.
18. **Design Principles** – the Council supports the inclusion of the principle relating to The Wilderness; however, it still maintains its position that the route alignment should have avoided the southern part of the now designated ancient woodland, by passing through the adjacent landfill site
19. **SAC-R** – this latest version has made a number of minor text changes, but has added four new commitments (SAC-R-014 – SAC-R-017) and only two are relevant to the Council – SAC-R-014 and SAC-R-017. The Council's strong opinion is that if the SAC-R is intended as a Control Document then any commitments contained within it must be absolute and not *'take reasonable steps to deliver'* or *'best endeavours'*. The Council therefore requires Article 61 in the dDCO to be amended to account for such absolute commitment on all measures contained within the SAC-R.
20. SAC-R-017 has been discussed in principle with the Emergency Services and Safety Partners Steering Group (ESSPSG) of which the Council is part and is welcomed. However, the Terms of Reference (ToR) for the TDSCG are still under discussion and it is a 'Matter Under Discussion' within the ESSPSG SoCG, within which the Council concur. The statement that the ToR are agreed is currently incorrect.

21. **Statement of Commonality** – the Council's views on this document remain the same as set out in its D6 submission ([REP6-164](#)) within Section 2.10 (and, indeed, in previous submissions too) and the applicant has made no attempt to discuss the Council's comments with the Council or to amend its document to accommodate those comments.
22. **Consents and Agreements Position Statement** – the Council cannot determine any changes made to this v6 of the document, except to add, amend or remove references, and so is puzzled as to why it has been submitted. 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](#)).

Section 4 – Draft Development Consent Order Matters

23. The Council is still concerned at the number of outstanding significant issues in relation to the dDCO (in relation to the Council's Deadline 5 submissions ([REP5-112](#)) in Section 2 and its D6 submission ([REP6-169](#)) in Section 3). Overall, the Council considers that there are amendments which could be made to the dDCO, which would better satisfy the public interest, without negatively impacting the delivery of Lower Thames Crossing. The Council is also concerned that the applicant has adopted its final position some six weeks before the close of the Examination period and instead is content not to engage further on specific concerns raised by the Council.
24. In particular and in relation to Article 66 and Schedule 16 (control documents and certified documents), the Council's signpost to their comments at Deadline 3 is inadequate. The Council has raised very specific questions about the securing of particular documents and the applicant is requested to respond to these concerns (within Section 3.6 of its D6 submission in [REP6-164](#)).
25. **New Draft Requirements relating to Highways:** the Council has been working with the Port of Tilbury, DP World London Gateway and TEP and it has reached consensus on the wording for three of the five new highways Requirements. These are designed to provide that mitigation is put in place for three key junctions if the modelling submitted by the applicant is materially inaccurate. These requirements are needed due the concerns of the experts at the Port of Tilbury, DP World London Gateway and TEP being concerned at the accuracy of the modelling submitted by the applicant. They are designed to be proportionate.
26. **New Draft Requirement on Housing Impact:** the Council supports the inclusion of a new Requirement in relation to housing and worker accommodation. It agrees with the wording suggested by Gravesham Borough Council and has prepared a version of the requirement that refers to the Council.

Section 5 – Land and Compulsory Acquisition Matters

27. **Applicant's Response to ExQ1 Q15.1.1 and Q15.1.2 on CAT/TP Objections and Crown Land Consent (v3):** the applicant has not received an agreement as suggested by the applicant and the applicant incorrectly asserts that the Council objects to the CA of their interests.
28. **Update on Land Negotiations:** the applicant has provided the Council with an updated spreadsheet, which references 2,379 plots compared to the previous 147 land parcels, which impacts large areas of the Borough. The information in the spreadsheet was incomplete and the Council's advisors cannot advise until there is absolute clarity on the extent and nature of the applicant's interests in plots. However, after a considerable delay and further amendments by the applicant, a position of agreement on the spreadsheet information has been agreed. Finally, the Council has provided further comments on the draft Memorandum of Understanding between the applicant and the Council and remains in discussion with the applicant.

29. **Applicant's Response to Comments Made by Thurrock Council at D4 and D5:** this relates to the limited attempt by the applicant to respond to Council comments in its D3, D4 and D6 submissions. Furthermore, its response to SAC-R-014 is set out in this D7 submission, having had no prior sight of that so-called commitment.
30. **Land Acquisition and Temporary Possession:** although the Council continues to have serious concerns with the approach taken by the applicant to the assessment and re-provision of Public Open Space, especially delaying such provision for five years without any justification or evidence. The Council has raised a number of policy/legal issues with that approach, but the applicant maintains its position. However, the applicant has suggested a way forward with SAC-R-014, which the Council has raised further questions on in Section 5.5.8 of its D7 submission.
31. **Applicant's Response to Kathryn Homes Limited et al:** the applicant continues in its failure to acknowledge and mitigate the particular vulnerability of the residents of the White Croft Care Home as highlighted by Counsel for Kathryn Homes Limited, Runwood Homes Limited and Runwood Properties Limited at CAH2. The Council remains very concerned at the potentially significant adverse impact to residents of the Care Home.

Section 6 – Response to Applicant's D6 Submissions

32. **ES Addendum (v6):** the Council notes that two recreational viewpoints now have Significant visual effects, which are not mitigated, as has been the Council's contention for some months. An update to ES Chapter 13 – Population and Human Health is not agreed as sufficient to guarantee the necessary mitigation for the provision of healthcare facilities, in relation to the construction workforce and proposed wording has been provided by the Council.
33. **Drainage Plans (v3):** the Council can confirm that the applicant has addressed the apparent discrepancy regarding the North Portal Ramp drainage destination. However, there is a concern that the treatment for the tunnel discharge is not evidenced. The Council would like the applicant to signpost to additional information for the proposed Tunnel drainage treatment provision. The Council request that all known watercourses are shown in updated Drainage Plans within the Order Limits. This is particularly relevant at Coalhouse Point, where there is a proposed wetland development.
34. **Joint Statement on Policy Compliance with Ports Policy at D3:** the Council continues to consider that there is a need to consider the policy requirements of NPSNN and the NPS for Ports, when assessing the impact of LTC on the access to and from the two national ports, which the applicant refuses to consider.
35. **Applicant's Response to Comments made by the Climate Emergency Policy and Planning at D3:** the Council continues to dispute the applicant's approach to assessing the significance of emissions in comparison with national budgets and 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.
36. **Applicant's Response to Council's Comments at D4 and D5:** the applicant continues to misrepresent the process undertake to assess Orsett Cock Junction. Serious issues have been identified by the Council for the assessment of the Orsett Cock Junction, which is indicative of the failure of the applicant to have carried out sufficient model iterations or provide the 2017 VISSIM model work. The applicant also misrepresents the observations made by TfL on this issue. None of the key junctions, critical to the future growth of the Borough are predicted to reduce in traffic as a result of the Project.

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37. The applicant has stated that it now intends on amending the dDCO to include a "*a new requirement for Orsett Cock to secure a scheme to be developed prior to the start of construction to optimise operation*". This is a clear admission that the applicant accepts that the LTAM modelling does not at present appropriately determine the impacts of the Project to inform the planning decision. At the same time the applicant claims, without analysis, that the forecast traffic congestion '*would make no material difference to the benefit cost ratio of the Project*'. The Council's analysis identifies the potential for material differences to the BCR of the Project related to Orsett Cock Junction and other issues associated with deficiencies in the transport modelling of the scheme. There is a serious issue of model divergence at Orsett Cock Junction, which clearly demonstrates the misrepresentation of LTAM as a basis for the impact of the scheme on the local highway network. This issue has now been recognised to be so important, that the applicant has committed to amend its dDCO to address this issue in the final few weeks of the Examination.
38. The Joint Position Statement on Orsett Cock Junction ([REP5-084](#)) clearly demonstrated substantial agreement between the Council and Interested Parties and the fact that together they did not agree that the VISSIM v2 was a reasonable representation of the forecast performance of the junction. Subsequent VISSIM modelling work has been undertaken and version 3.6 is the most current. Before the Council was allowed to review a cordon model of the local authority area, the applicant required the Council to sign a legal 'Data Sharing Agreement' preventing it from sharing cordon data with neighbouring highway authorities. This severely limited the ability of the local highway authorities to collaborate around areas of key concern in a transparent manner. The rationale for preventing stakeholder collaboration was, and remains, unclear.
39. The Council requires assurance that the applicant will commit at a minimum to modifications of Orsett Cock Junction sufficient to ensure that junction is able to perform in alignment with LTAM levels of traffic volume and delay. To do this a new Orsett Cock Junction design will need to be tested in VISSIM and demonstrate convergence between the traffic models. This new junction configuration will need to be approved by the local highway authority and designed to accommodate local plan growth, efficient bus service operation and safe and convenient access for pedestrians and cyclists. It remains to be established that this could be achieved with the Order Limits and Rochdale envelope.
40. **Asda Roundabout:** the Council notes that crucial modelling work on Asda Roundabout remains uncompleted at a very late stage in the Examination process. Concerns have been raised by the Council and Port of Tilbury for years prior to the submission of the scheme and should have been resolved before the LTC scheme design was fixed. Assurances made by the applicant concerning routes for the construction workforce have not been included in the DCO documents or considered in the modelling. Travel plans are commonly used to influence the method of travel of workers, and they should form part of the applicant's commitments in accordance with good practice. The Council is concerned that the applicant has deliberately misled the Council of its intentions with regards to the construction workforce, because of concerns that re-routing the traffic shown to be using the LRN would create significant issues for the SRN. Appropriate routing of the construction workforce using the SRN to access the main construction compound at Tilbury would create significant additional traffic impact at Asda Roundabout compounding the need for mitigation prior to construction.
41. The Council maintains that the Asda Roundabout must be amended prior to construction to accommodate all LTC-related construction traffic; and, that the applicant must propose more robust traffic management measures in collaboration with the Council to prevent substantial levels of construction worker traffic from blighting local communities for the seven-year LTC construction period.

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42. **Manorway Roundabout:** the Council does not agree with the applicant's view that further development of the Manorway VISSIM model is unnecessary. This is because both Orsett Cock Junction and Five Bells junction will impact on Manorway and until work is completed on these two junctions' conclusions about Manorway cannot be made. In addition, the applicant insists on providing a significantly higher level of scrutiny and amendment for the Council-led modelling at Manorway, than the scrutiny and amendment the applicant considers necessary for the Orsett Cock Junction.
43. **Dartford Crossing:** the Council notes that access to and from LTC for residents in Thurrock is via the single 'super-intersection' at Orsett Cock Junction located at a single point towards the centre of the Borough. The Council reiterates its point that the applicant's analysis shows that LTC does not provide free-flowing capacity on the Dartford Crossing in the majority of time periods from 2037 onwards (possibly earlier). The Council considers it a fundamental point that traffic flows at Dartford Crossing are forecast to increase following the construction of LTC. The Council's analysis shows that journey time savings (if they occur) are likely to be of the order of approximately one minute per vehicle. The Council considers this potential journey time benefit does not justify the scheme cost of £8-9bn.
44. In its analysis the Council has compared forecast traffic flows to 2016, because this reflects how local residents are likely to consider the impact of the LTC scheme. The applicant has confirmed that the introduction of LTC will not reduce traffic flows on Dartford Crossing. This is an important conclusion of significance to residents of Thurrock, who will experience the disbenefits of the six-year construction programme and the loss of 10% of their land area to highway use.
45. The Council has made further comments on the responses to ExQ1 questions, as follows:
46. **ExQ1 2.2.1 Localised Climate and Carbon Assessments:** the Council continues to have serious concerns with the scope of the review of the carbon assessment undertaken by UKCRIC Ltd, who were not asked to provide an independent view on the serious matters raised by the Council. The applicant recognises that local authorities have responsibility and influence for UK emissions, but they have not assessed the impact of LTC on the Council's responsibility and ability to influence carbon emission reductions, as part of the secondary impact assessment requirements of the EIA regulations. The Council considers it bizarre that the applicant would attempt to construct an argument that local government has no responsibility or obligation to deliver national policy on net zero. It is crucial that this position is carefully scrutinised and clarified in detail at Examination to ensure that this is not referred to by National Highways as future case law, as otherwise this stance would set a very concerning precedent with regards to responsibilities for net zero and carbon assessment.
47. If National Government do place responsibility and obligations on Local Government, then the applicant has not assessed the impact of LTC on the Council's ability to deliver those obligations. The applicant is not compliant with Schedule 4 Regulation 14 (2) of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017 in assessing such secondary impacts. The applicant has critiqued the seven DCOs identified by the Council that provided examples of how GHG emissions can be contextualised locally, regional and/or sector basis. The Council maintains that these are valid examples and that clearly many other DCOs also show that setting this context is important as part of the decision-making process and that it is scientifically possible to do so.
48. **ExQ1 Q8.1.2 – Q8.1.9 Waste and Materials:** the Council's view is that a tonnage-based cap for excavated waste is required, as it would allow the applicant to vary their design whilst providing the Council with comfort that the impact from the management of the excavated wastes will be no worse than the assessed level.

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49. The Council considers that MW007 should be updated to reduce the scope for misinterpretation and that material specific targets are required. There is a risk that due to the large quantities of specific materials, a single overarching target could be achieved by managing a limited number of high weight streams at the expense of other (potentially more environmentally beneficial) materials. Setting individual material targets avoids this and allows more intelligent levels to be applied based on market certainty. This approach is standard practice in the development of Site Waste Management Plans and Circular Economy Statements, so the Council do not believe it should be considered controversial. There continues to be a fundamental disagreement between the applicant and the Council on the appropriate level of detail that should be provided in DCO documentation, and the Council requires more detail to be provided.
50. **Coalhouse Point Flood Risk Assessment:** the plan shown in this assessment, along with the description, leave room for misinterpretation and confusion over future ownership and maintenance responsibilities. The Council requests the applicant to update the assessment to include two plans: both a clear representation of existing flood defences and ownership; and, a plan showing proposed flood defences with a clear representation of ownership and maintenance responsibility extents. The Council would like to understand the impact of the proposed wetland development on the watercourses within and outside of the Order Limits. This may be through an update to the assessment, showing existing watercourses and ditches and an assessment of potential impacts of the proposed development.
51. **Statutory Undertakers/Utilities Submissions:** the Council notes that comments made in previous response submissions to Deadlines have not been addressed by the applicant and the Council expects the applicant to respond with amended or further documentation.
52. **Status of Negotiations with Statutory Undertakers v4.0:** the Council notes that the agreements between the applicant and 14 Statutory Undertakers are yet to be achieved and a further updated is requested before the end of the Examination.
53. **ExQ1 Q15.1.3 Statutory Undertakers' Land Rights LTC v3.0:** the Council notes that their comments have not been addressed and that 12 Statutory Undertakers still have objections to the Order.
54. **ExQ1 Q15.1.4 Statutory Undertakers' Rights and Apparatus:** the Council notes that their comments have not been addressed and that 13 Statutory Undertakers still have objections to the Order.
55. **Draft Section 106 Agreement Comments and Progress Update:** the applicant's proposed programme for achieving an agreed S106 Agreement has already been delayed by the applicant and it remains questionable as to whether it will 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. This is of particular concern in view of PINS guidance in Advice Note Two (published February 2015) in Section 24.
56. There are also several detailed comments on the draft S106 Agreement that remain a concern to the Council. However, the applicant intends to make a draft submission at D7, where the wording setting out a summary of the position has not been agreed by the Council. Consequently, the Council remains concerned that agreement by D9 may not be achieved, largely because the applicant has only recently fully engaged and improved its position after over 18 months of discussions.
57. Further to the Council's previous comments sent to the applicant on 20 October 2023, the Council has received a subsequent amended version of the draft S106 Agreement from the applicant on 3 November 2023. The Council has responded with detailed comments on 8 November 2023, which are under consideration by the applicant and have now been discussed further at a meeting on 15 November 2023. In summary, following that meeting, there are several significant issues still outstanding and on which the applicant agreed to reconsider its position.

58. Despite the fact that there has been further engagement between the Council and the applicant, the Council still maintains its specific objections to detailed matters within Schedules 2 and 3 (although the applicant proposes to relocate these to the SAC-R). In addition, the Council remains concerned about the applicant's refusal to consider a S106 contribution to Orsett Village mitigation as the applicant had previously offered funding and mitigation, however, this has been withdrawn.
59. However, the Council has stated that it *'needs to see the amended SAC-R with Schedules 2 and 3 included and we need to review the proposed wording for Article 61 of the dDCO to ensure it provides for an absolute commitment to these two schedules. When will the Article amendments be available for review and when are you proposing to submit the amended SAC-R to the ExA'*.

Section 7 – Response to Applicant's D6 Traffic and Transport Submissions

60. **Wider Network Impacts Position Paper:** the Council strongly contests the applicant's assertions that the Council nor any other party has engaged with the analysis of impacts presented by the applicant. The applicant cannot substantiate this point after the Council has engaged for years with the applicant on the impact assessment of LTC. The Council does not agree with the applicant's interpretation of the NPSNN and set out the reasons for this at ISH4. The Council agrees on the approach not to predict and provide and has consistently questioned the underlying justification for LTC, when reflecting the 'vision and validate' approach that could see the justification for LTC entirely undermined.
61. The Council has examined the assessment put forward by the applicant, and whilst the assessment is not agreed, the Council has used it to identify seven junctions within Thurrock that would be significantly adversely impacted by the Project and should be mitigated. The Council has raised a number of concerns with regards to the consequences of congestion, including but not limited to, unacceptable impact on the delivery of growth within Thurrock as a result of the queuing and delay caused by LTC as highlighted in VISSIM modelling; reduced ability for pedestrians/cyclists to safely cross roads as a result of increased traffic on the network; impact on bus journey times and bus service viability; and, inappropriate re-routing of traffic through local communities as a result of queuing and delay on the highway network. The applicant now accepts that there is an unacceptable adverse impact on congestion at Orsett Cock Junction and has inserted a new Requirement in the dDCO to mitigate the impacts. The Council continues to contest the applicant's approach to uncertainty, the interpretation of the NPSNN in relation to tests for safety, environment, severance and accessibility.
62. As far as the Council is aware, this is the only scheme to rely on an accident rate to justify its success against its safety objective and the only National Highways scheme with an increase in all casualty types with the scheme in place. The Project is forecast to increase the number of casualties (26 fatalities, 182 serious and 2,464 slight casualties).
63. The Council asserts that LTAM significantly underestimates the impacts of LTC (comparison of LTAM and VISSIM delays in the Council's D6A submission 'Thurrock Council Comments on Traffic Modelling') ([REP6A-013](#)). No mitigation is proposed to mitigate the moderate to major impacts identified at the junctions. Instead, the applicant refers to potential interventions coming forward as part of the Road Investment Strategy (RIS) and 'Shaping the future of England's strategic roads' (DfT, 2023). There is no certainty of any improvements to the impacted junctions coming forward as part of future RIS. Indeed, the RIS would not mitigate impacts of LTC on the local highway network and would only focus on the Strategic Road Network (SRN).

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64. The applicant considers that the Wider Network Impacts Management and Monitoring Plan (WNIMMP) ([APP-545](#)) is sufficient and already meets the same requirements as the Silvertown Tunnel approach. This is not true. The applicant's approach omits the 'management' aspect of the WNIMMP and resolves to do nothing to mitigate the impacts and harm of LTC arising from the monitoring. The Council has reviewed the draft 'Network Management Group' Requirement provided by the applicant and the Council considers it is not adequate and sets out in a table its shortcomings.
65. The Council, PoTLL and DPWLG have jointly drafted and agreed the 'Wider highway network monitoring and mitigation' Requirement to provide transparency and certainty for the monitoring of impacts and funding and implementation of mitigation measures for the wider network impacts.
66. **Applicant's Response on Council's Comments on oTMPfC:** the applicant has largely rebutted the Council's collaborative approach provided through its submission in [REP4-353](#) relating to EXQ1 Q4.6.4 (pages 57-71), which seeks to increase the robustness of this and other Control Documents. Instead, the applicant proposes to leave significant flexibility and limited control within the framework Control Documents, providing autonomy to the contractors.
67. **Applicant's Traffic Modelling Submissions:** the contents of these documents have been considered by the Council and comments have been provided as part of the Council's D6A submission 'Thurrock Council Comments on Traffic Modelling'. However, to demonstrate the potential for changes in the design of the Orsett Cock Junction to reduce traffic impacts the Council has prepared a high-level design for modified arrangements at the junction and then modelling the operation of the junction using VISSIM. This analysis shows a reduced level of queuing in the PM peak period with limited change in the AM peak. This process shows the potential an iterative process to improve the operation of the junction and highlights that the current design is sub-optimal. Further details are provided in **Appendix D**.
68. **Applicant's Submissions on Construction Impacts and Management at Asda Roundabout:** the applicant maintains that there is no evidence to require construction period mitigation at the Asda Roundabout. However, the Council concurs with the Port of Tilbury London Limited (PoTLL) in its assessment that construction period effects would cause unacceptable network operational effects at that junction, including unacceptable delays and congestion on Old Dock Road and cause unacceptable impacts on the operation of the Port.
69. The applicant considers that shift patterns and travel planning will reduce the effects on this junction. However, either the applicant expects workers to travel through the A1089 corridor and require mitigation or it acknowledges that its workers are using inappropriate local roads. Both cannot be correct. Irrespective, the Council does not agree to worker traffic using inappropriate local roads but does not concur that the travel planning proposed by the applicant is sufficiently robust to derive a high proportion of non-car travel to the compounds. The Council has modelled the effects and construction worker traffic was demonstrated to be routing on inappropriate routes and not routing via the A1089 and Asda Roundabout (i.e. the primary and secondary access roads stated in the oTMPfC Plate 4.3 ([REP6-048](#))).
70. Given that the applicant continues to provide updated modelling this late in the Examination; and, there are a number of key concerns with the assessment and impacts are unresolved at this late stage, the Council has worked closely with the PoTLL to agree a draft Requirement for Asda Roundabout, which was submitted by PoTLL at D6 ([REP6-163](#), Appendices 2 – 6, but particularly Appendix 3) and a Joint Position Statement has been submitted by PoTLL at D6A ([REP6A-017](#)). This would require an updated assessment and accompanying mitigation to be submitted and approved by the Secretary of State.

Section 8 – Council Comments on Applicant's Post Event Submissions

71. **Issue Specific Hearing 8:** there remain a number of issues outstanding and unresolved following the conclusion of ISH8 and its subsequent written submissions. These include: non-road transportation for plant, equipment and materials; on-site accommodation requirements is not considered an adequate response; the applicant's response is not considered adequate in relation to demonstrated securing sufficient consideration and mitigation regarding impact on healthcare provision; concerns that noise insulation and temporary rehousing do not currently form part of the REAC measures; further mitigation measures are considered to reduce the resulting external and internal noise levels at the relocated travellers site; and, concerns that noise barrier options 4, 6 and 8 were not being implemented despite providing reductions in noise levels to dwellings (reducing impacts from moderate/major to minor and below).
72. **Issue Specific Hearing 9: Overhead Power Line – Chadwell St Mary:** on balance the Council accepts that if LTC were to proceed the level of disruption and additional cost required to realignment the pylons could not be justified.
73. **The Wilderness (Status):** the Council maintains that there is an option to avoid the loss of this ancient woodland and that the applicant has not justified why this has been ruled out. On 14 November 2023, Dr Marion Bryant, Natural England's Woodland and Trees Specialist, issued an Evidence Review (9 of 12pp), in which she concluded that the southern section of the wood is '**ancient semi-natural woodland**' and that it would be added to the pending Ancient Woodland Update layer. The Natural England LTC representatives have been informed of this change in status and it is therefore assumed that the Evidence Review will be placed before the ExA by Natural England at D7.
74. The Council has raised previously that there is an alternative to impacting the woodland, be it ancient or long established, by realigning LTC through the northern end of the former landfill site. To achieve sustainable development, good practice recommends following the Mitigation Hierarchy. Adopting this sequential approach, then the first aim should be to avoid harm where this is possible. If this cannot be achieved only then should mitigation or compensation be considered. The Council maintains that there is an option to avoid the loss of this ancient woodland and that the applicant has not justified why this has been ruled out.
75. **The Wilderness (Retaining Wall):** the measures to reduce the area of affected woodland is reduced but the Council maintains its position that the better option would be to avoid the wood and align the road through the adjacent landfill site. The Council requires a timescale on when updated Works Plans will be provided to reflect realigned routes.
76. **Issue Specific Hearing 10:** the Council has ongoing concerns about the applicant's approach to Wider Network Impacts and considers that the applicant has made several statements which misrepresent recent discussions. The Council notes an important change in the position of the applicant as the applicant is now saying that further design and modelling work at Orsett Cock Junction is required to be secured by a new Requirement, because of ongoing issues raised by the Council and other IPs with the modelling provided to the ExA.
77. The Council awaits further details at D7 of detailed plans for the temporary closure and diversion of PRoWs across the project. The Council believes that it is possible to provide 'snapshots' that indicate the way alternatives have been or are likely to be secured, and where there would be prolonged closures affecting significant parts of the network. Until this mapping is provided the Council believes that the ExA cannot be confident of the likely effects on PRoW users.
78. **CAH1:** the Council has been working with the applicant to respond to Action Point 1 concerning the compulsory acquisition of land, which are included in Section 5.

Section 9 – Council Comments on Applicant's Responses to ExQ2

79. **Climate change:** ExQ2 Q2.1.1 is concerned with the basis of the calculation of emissions from infrastructure and this is not addressed by the applicant. It does not affect the Council's previously submitted position on the overall scope of LTC's GHG emissions, as set out in Local Impact Report ([REP1-281](#)), which disputes the overall scope of the GHG calculations, 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.
80. ExQ2 Q2.1.2 relates to the delay on the ban on the sale of new petrol and diesel cars from 2030 to 2035 and the applicant concludes no change is required to their assessment. The Council highlights that in fact the applicant has referred to the original 2030 ban in its Compliance Statement to the draft NPSNN ([REP4-209](#)) and so assumptions made about LTC emissions on this basis will need to be reviewed.
81. **Traffic and Transportation:** at this stage no comment is required from the Council on ExQ2 Q4.1.1 on A128 future development. For ExQ2 Q4.1.2 NTEM Sensitivity Test the applicant has provided an incomplete set of traffic data as part of their analysis of the effect of using NTEM 8 and the Common Analytical Scenarios. Because of these omissions, the analysis is in breach of DfT advice on sensitivity tests in the presence of uncertainty and incompatible with the approach to sensitivity testing reported by the applicant in the original DCO submission. The relevant DfT advice is strongly and clearly worded and is contained in TAG Unit M4 on forecasting and uncertainty.
82. For ExQ2 Q4.1.3 HGV Bans, the applicant has not provided data to enable the effect of HGV bans to be directly determined. The Council considers that further modelling analysis is required to incorporate the effect of these HGV bans as well as other changes requested by the Council associated with DfT's Common Analytical Scenarios, NTEM and other issues. For ExQ2 Q4.1.6 Engagement Update the Council continues to consider that the transport modelling submissions provided by the applicant are inadequate.
83. **Air Quality:** the Council considers that the responses to ExQ2 Q5.1.1 to Q5.1.4, Q5.2.1 and Q5.2.2 are acceptable. For ExQ2 Q5.1.5, the Draft NPSNN, the Council considers that the response does not fully acknowledge the requirements of paragraph 5.18 of the dNPSNN to give substantial weight to significant air quality impacts in relation to EIA. It should be noted that the results used in the AQQHIA are taken from the air quality assessment submitted with the DCO submission on which the Council still has outstanding queries, such as the approach to model verification. Given the substantial 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, rather than reliance on the DMRB LA105 framework.
84. **Geology and Soils and Waste:** for ExQ2 Q6.1.2 the Council considers that there is a need to secure the investigation of low-risk contamination sources, neighbouring receptors (human health) could be exposed to contamination (asbestos fibres, toxic gases and contaminated dusts, including those from landfill waste that could contain persistent organic pollutants such as PFAS), via airborne exposure pathways; and so there is a need for reassurance monitoring to be secured via a new REAC. Detailed responses to ExQ2 Q8.1.4 and Q8.1.5 are covered in Section 5 of this submission.
85. **Noise and Vibration:** for ExQ2 Q9.1.6 relating to heritage sites, the Council considers that a baseline vibration survey needs to be established prior to the commencement of works to allow any changes to be identified together with a condition survey of relevant structures. This is particularly relevant for assessment adjacent to any area of works. This may be an appropriate option for all of the assets identified in the response but would be particularly relevant for assets that have been identified as being immediately adjacent to any areas of works, including the gate arch structure at Grove Barn House.

86. **Road Drainage, Water Environment and Flooding:** for ExQ2 Q10.1.2 Infiltration Basins and Exceedance Routing, the likely exceedance route is not clear from the drainage plans provided. However, it is possible that exceedance flow would be confined to within the junction or forced onto the roads. The proposed discharge mechanism is reliant on infiltration with inherent uncertainties around ground conditions and long-term performance. The applicant should assess the additional risks of overtopping with Infiltration Basins and also confirm exceedance routing, flow path and extents for this location. This should be evidenced in suitable documents, including Drainage Plans Volume C ([REP4-081](#)) and the Flood Risk Assessment Part 7 ([APP-466](#)).
87. For ExQ2 10.4.1 Operational surface water drainage pollution risk assessment, the Council request that the applicant highlight known constraints for catchments and associated outfalls that may lead to variations to number and location of proposed outfalls. The evidence should be supported with an update to the Residual Risks identified in Flood Risk Assessment - Part 6 ([APP-465](#)).
88. **Social, Economic and Land Use Considerations:** for ExQ2 Q13.1.1 Benefits and Outcomes, the Council disagrees with the applicant that it is sufficiently clear that any benefits from the Designated Funds should be considered as not related to the project. In regard to the SAC-R and its language to deliver either *'take reasonable steps'* or use *'best endeavours'*, the Council is in overall agreement with the ExA that this language needs to be strengthened and made 'absolute' and disagrees with the applicant that this is sufficient within the application.
89. For ExQ2 Q13.1.2 Green Belt, the Council accepts that no part of the scheme can be considered 'local transport infrastructure', being an NSIP in its entirety. The applicant does provide a list of minor LTC elements that could fall under the exemptions of Paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) in ([REP6-116](#)), i.e. are 'local transport infrastructure', with which the Council disagrees. Then the applicant has assessed the LTC elements against the 'Test' of Openness to conclude whether each type of LTC element is either inappropriate or appropriate development in the Green Belt. The assessment is not undertaken against the Purposes of the Green Belt, as set out in NPSNN and repeated in the NPPF. The Council strongly disagrees with this 'salami-slicing' akin approach to a project that is, in its entirety, a Nationally Significant Infrastructure Project (NSIP) and the largest road proposal in the UK, all of which is within the Green Belt, taking up 10% of the Borough's overall land area. The significant Green Belt impact of LTC should be assessed for the whole project as a DCO submission.
90. For ExQ2 Q13.1.3 Green Belt 'inappropriate development' and harm, the Council agrees with the ExA that the applicant's Green Belt Assessment is 'inadequate' and reiterates the Council's concerns with the Green Belt Assessment as set out in the Council's LIR Appendix L Annex 1 ([REP1-293](#)) and response to ExQ1 Q13.1.20 ([REP4-353](#)) at D4 on 19 September 2023 and in the Council's response to ExQ2 Q13.1.2 ([REP6-167](#)) at D6 on 31 October 2023. The Council has three major concerns with the applicant's Green Belt Assessment.

Section 10 – Council's Emerging Local Plan Update and Major Concerns

91. Now that the Council has a confirmed Local Plan programme as set out in its LDS dated September 2023 and that many future development sites (that are not distinct new settlements) may be considered borderline viable, there is a significant issue of the Council bringing forward development sites within its emerging Local Plan in a period of uncertainty coupled with serious traffic and environmental impacts. This significant issue is a direct result of LTC and the insufficient mitigation of the impacts of LTC or the uncertainty of identified LTC impacts and their timing.
92. In summary, the Regulation 18 submission will be publicly available in December 2023, with consultation up to mid-February 2024 and Regulation 19 is expected at the end of 2024.

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93. Clearly, the developing Infrastructure Development Plan will be able to define this issue with more certainty during 2024, but it presents the Council with a serious issue of potentially having development sites that developers may well consider are unviable and therefore remain undelivered.
94. As an example, this is especially acute in respect of the Orsett Cock Junction, because as National Highways is refusing to provide mitigation and/or funding for identified impacts, any mitigation may need to be funded by development sites within the emerging Local Plan and this would directly impact their viability or stop sites from coming forward.

1 Introduction

- 1.1.1 This D7 submission seeks to respond to all of the applicant's Deadline 6 (D6) submission documents that were uploaded to the PINS website on 3 November 2023, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission. Further details of the relevant sections are set out below.
- 1.1.2 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 208 submissions at D6 and of those totals the applicant made 123 submissions of which 41 were in track changes (and hence 41 clean versions that were not reviewed) and the remainder were new documents or documents that did not require Council review. It is these track changed and relevant new documents that 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. Summary of Council's Major Concerns (D2 0 - D6)
 - b. Control Document Changes at D6
 - c. Draft Development Consent Order Matters
 - d. Land and Compulsory Acquisition Matters
 - e. Responses to the applicant's D6 Submissions
 - f. Responses to the applicant's D6 Traffic and Transport Submissions
 - g. Council Comments on NH Post Event Submissions
 - h. Council Comments on applicant's Responses to ExQ2
 - i. Council's Emerging Local Plan Update and Major Concerns

1.4 SoCG Update Progress

- 1.4.1 Since the submission of the joint SoCG with the applicant at D3 the Council has been working with the applicant to update the SoCG, which was submitted by the applicant at D6. It is

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notably that whilst many SoCG items have been updated in descriptions and status, there still remains (at D6) 242 issues that are either a 'Matter Not Agreed' or a 'Matter Under Discussion' (but with little prospect of progression). In fact, there remain a total of 314 issues, with 72 issues are 'Matter Agreed', 193 issues are 'Matters Under Discussion' and 49 issues are 'Matters Not Agreed'. The Council have continued working with the applicant and since D6 there have been agreement on just a few Matters, but the vast majority of Matters remain unresolved. 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.

- 1.4.2 The Council notes, in Paragraph 2.1.4 of the SoCG, submitted to ExA by the applicant at D6, provides out-of-date information. The SoCG, submitted at D6, has been agreed by the Council and the applicant. The Council met with the applicant during September to November 2023 through a series of seven SoCG workshops, bringing together a wide range of different technical experts to discuss outstanding matters. Nevertheless, very little substantive progress has been made, except but minor changes to wording in control documents and a few Matters Agreed. 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.

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, its D5 Submission ([REP5-112](#)) and its Appendices and its D6 submission ([REP6-164](#), [REP6-166](#) and [REP6-167](#)) and its Appendices ([REP6-168](#)).
- 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.
- 1.5.4 Within the applicant's response to the Council's D4 ([REP4-354](#)) and D5 comments ([REP6-096](#)) in Section 1 there are a number of comments relating to the above Council criticism of the applicant's approach to engagement from Sections 1.4.1 and 11.4.2 of the Council's D4 submission ([REP4-354](#)), although these sections numbers are unclear. Notwithstanding this, clearly the applicant believes it has engaged constructively, however, the mere fact that there remain 300 pages of SoCG matters outstanding or not agreed suggest there is a major issue, as the Pre Application process should reduce such issues significantly. Furthermore, the Council does NOT have an in-principle objection to the scheme only to key elements of the scheme, the lack of benefits of Thurrock residents and the significant impacts o the Borough that are not adequately mitigated by the applicant – this has been stated in many submissions and the applicant has distorted this position inaccurately.
- 1.5.5 Clearly, the applicant has forgotten the history of its engagement and the need to withdraw its first DCO due to issues with engagement and many technical flaws in the submission. It has continued to maintain its position over the past two years as 'reasonable and proportionate', but has repeatedly had to adopted Council recommendations/suggestions of a minor and occasionally significant nature. Its 'final' position on technical matters is therefore changeable, unreliable and often flawed. The fact that this current DCO is its most detailed in no way indicates it is satisfactory.

2 Summary of the Council's Major Concerns (D2 – D6A)

2.1 Introduction

- 2.1.1 Given the five extensive submissions by the Council from D2 to D6A, the Council consider it would greatly assist the ExA to summarise the top 20 major concerns that the Council have expressed in detail in those submissions. In addition, there have been other submissions by the Council and other IPs on responses to ExQ1 and ExQ2 and various Post Event Written Submissions for ISH1 – ISH10 and CAH1 – CAH4 and these will also contain detailed comments on some of the major areas of concern below but have not been included for simplicity.
- 2.1.2 The Council's D2 submission on 3 August 2023 was an interim submission that merely highly a number of key issues for dealing with in its D3 submission more fully. Given the brevity of the D2 submission it has not been included within the summary below, except to stress the key issues set out within it, as follows:
- a. Localised Traffic Modelling report shortcomings and missing modelling;
 - b. Outstanding issues unresolved in the dDCO and other Control Documents;
 - c. Updated ES documents and figures and updated plans needing checking; and,
 - d. Other updated documents requiring checking.
- 2.1.3 The Council, in reviewing D3 – D6A submissions, is summarising its key issues below, many of which occurred in both its Relevant Representation ([PDA-009](#)) submitted on 4 May 2023 and within its LIR ([REP1-281](#)) on 18 July 2023. There are 20 significant issues/areas of major concern summarised below and these are, as follows:
- a. **Draft DCO** issues
 - b. **Land, CA and Statement of Reasons (SoR)** issues
 - c. Need for LTC and **so-called 'relief' to Dartford Crossing**
 - d. Serious issues with almost **all localised traffic models (ongoing) and timetable for resolution**, resulting in significant local road network impacts
 - e. **Wider Network Impacts**
 - f. **Disbenefits of the scheme and low BCR and not meeting 7 Scheme Objectives**
 - g. **New Requirements** and collective **Protective Provisions**
 - h. **Inadequate Control documents**, despite many welcomed changes
 - i. **Environmental issues relating to detailed matters** with road drainage and water environment, geology and soils and waste, landscape and climate impacts and compliance with policy
 - j. **Significant issues with air quality and noise impacts**, especially on vulnerable users

- k. **HEqIA and specific health issues**, including high sensitivity wards and vulnerable populations
- l. **SEE Strategy inadequacy** relating to unambitious targets
- m. **WCH provision** – lack of clarity on closures/diversion in an overall sense and inadequacy of mitigations
- n. **Utility plans and impacts** – lack of clarity and inadequate assessment
- o. **Emerging Local Plan impacts**, especially impacts on potential growth areas and serious impacts on viability
- p. **SoCG issues**, largely the scale of matter not agreed or under discussion
- q. **Inadequate legacy provision**, despite several years of discussions
- r. **Lack of Alternatives consideration** for key design elements and future proofing
- s. **Inadequate provision and involvement of Emergency Services**
- t. **Section 106 Agreement content and adequacy**

2.1.4 Rather than repeat or summarise previous submissions, it is proposed to signpost where in each previous submission each of these above matters are set out in detail. In this way it is hoped to assist the ExA in navigating through the many pages of submissions during their deliberations. The 20 headings below are not in any order of priority and are set out in the most appropriate sequence to assist the ExA.

2.2 Draft DCO (dDCO)

- 2.2.1 D3 submission ([REP3-211](#)) – Sections 8, 17 and Appendix D.
- 2.2.2 D4 submission ([REP4-354](#)) – Section 4.
- 2.2.3 D5 submission ([REP5-112](#)) – Section 2.2.
- 2.2.4 D6 submission ([REP6-164](#)) – Sections 3, 10.6 and Appendices N and O.

2.3 Land, CA and Statement of Reasons

- 2.3.1 D3 submission ([REP3-211](#)) – Sections 9 and 18.13.
- 2.3.2 D4 submission ([REP4-354](#)) – Section 5.
- 2.3.3 D5 submission ([REP5-112](#)) – Section 2.3.
- 2.3.4 D6 submission ([REP6-164](#)) – Sections 9 and 10.7 and Appendices F – L.

2.4 Dartford Crossing

- 2.4.1 D3 submission ([REP3-211](#)) – Sections 2 and 18.8.
- 2.4.2 D4 submission ([REP4-354](#)) – Section 10.6.
- 2.4.3 D5 submission ([REP5-112](#)) – Section 4

2.4.4 D6 submission ([REP6-164](#)) – Sections 4.3, 10.2 – 10.4, 11, 12.3 and 12.19.

2.5 Localised traffic Models (ongoing) and Timetable for Resolution

2.5.1 D3 submission ([REP3-211](#)) – Sections 2, 14, 18.8, 22 and Appendices B, and E.

2.5.2 D4 submission ([REP4-354](#)) – Sections 10, 11 and Appendices A and B.

2.5.3 D5 submission ([REP5-112](#)) – Section 3 and Appendices A, B and C.

2.5.4 D6 submission ([REP6-164](#)) – Sections 10.3 and 11 and Appendices A and M.

2.5.5 D6A submission – entire submission and Appendices A – G.

2.6 Wider Network Impacts

2.6.1 D3 submission ([REP3-211](#)) – Sections 14, 18.8 and 22 and Appendix E.

2.6.2 D4 submission ([REP4-354](#)) – Sections 10 and 11 and Appendices A and B.

2.6.3 D5 submission ([REP5-112](#)) – Sections 3 and 4 and Appendices A – C. .

2.6.4 D6 submission ([REP6-164](#)) – Sections 4.3, 11, 12.3, 12.19 and Appendices A and B.

2.6.5 D6A submission – Section 6 and Appendices A – G.

2.7 Disbenefits of the Scheme and Low BCR and not meeting 7 Scheme Objectives

2.7.1 D3 submission ([REP3-211](#)) – Sections 18.6 and Appendix C.

2.7.2 D4 submission ([REP4-354](#)) – Section 11.

2.7.3 D5 submission ([REP5-112](#)) – Sections 4.3 and 4.4.

2.7.4 D6 submission ([REP6-164](#)) – Section 10.3 and 10.6.

2.8 New Requirements and Collective Protective Provisions

2.8.1 D3 submission ([REP3-211](#)) – none.

2.8.2 D4 submission ([REP4-354](#)) – none.

2.8.3 D5 submission ([REP5-112](#)) – none.

2.8.4 D6 submission ([REP6-164](#)) – Sections 3.2 and 3.4 and Appendices N and O.

2.8.5 D6A submission – Section 8.

2.9 Inadequate Control Documents

2.9.1 D3 submission ([REP3-211](#)) – Sections 5, 6, 18.14 and 19.

2.9.2 D4 submission ([REP4-354](#)) – Section 2.

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2.9.3 D5 submission ([REP5-112](#)) – none.

2.9.4 D6 submission ([REP6-164](#)) – Sections 2 and 14 and Appendix C and D.

2.10 Environmental Issues

2.10.1 D3 submission ([REP3-211](#)) – Sections 5.3, 7, 11, 18.9 and 20 and Appendix F.

2.10.2 D4 submission ([REP4-354](#)) – Section 3.

2.10.3 D5 submission ([REP5-112](#)) – none.

2.10.4 D6 submission ([REP6-164](#)) – Sections 5, 8.6, 10.5, 12, 13.4 and 14 and Appendix B.

2.11 Significant Issues with Air Quality and Noise Impacts

2.11.1 D3 submission ([REP3-211](#)) – Section 11.1, 11.4, 18.9 and 20.4.

2.11.2 D4 submission ([REP4-354](#)) – Section 3.7.

2.11.3 D5 submission ([REP5-112](#)) – none.

2.11.4 D6 submission ([REP6-164](#)) – Sections 5.3, 5.5, 5.16, 5.17, 12.8, 12.16, 13.3, 14.2 and 14.9 and Appendix B

2.12 HEQA and Specific Health Issues

2.12.1 D3 submission ([REP3-211](#)) – Sections 7.4 and 18.9

2.12.2 D4 submission ([REP4-354](#)) – Section 3.6.

2.12.3 D5 submission ([REP5-112](#)) – none.

2.12.4 D6 submission ([REP6-164](#)) – Sections 5.19, 9.5, 12.7, 12.17 and 14.10 and Appendix E.

2.13 SEE Strategy Inadequacy

2.13.1 D3 submission ([REP3-211](#)) – Section 18.12.

2.13.2 D4 submission ([REP4-354](#)) – Section 12.3.

2.13.3 D5 submission ([REP5-112](#)) – Section 12.

2.13.4 D6 submission ([REP6-164](#)) – Section 4.6.

2.14 WCH Provision

2.14.1 D3 submission ([REP3-211](#)) – Section 20.3.

2.14.2 D4 submission ([REP4-354](#)) – none.

2.14.3 D5 submission ([REP5-112](#)) – none.

2.14.4 D6 submission ([REP6-164](#)) – Sections 2.2 – 2.4, 2.6, 5.11, 11 and 12.7.

2.15 Utility Plans and Impacts

- 2.15.1 D3 submission ([REP3-211](#)) – Sections 2 and 18.11.
- 2.15.2 D4 submission ([REP4-354](#)) – Sections 7.4 – 7.6.
- 2.15.3 D5 submission ([REP5-112](#)) – none.
- 2.15.4 D6 submission ([REP6-164](#)) – Sections 8 and 14.13.

2.16 Emerging Local Plan Impacts

- 2.16.1 D3 submission ([REP3-211](#)) – Section 18.3.
- 2.16.2 D4 submission ([REP4-354](#)) – none.
- 2.16.3 D5 submission ([REP5-112](#)) – none.
- 2.16.4 D6 submission ([REP6-164](#)) – none.

2.17 SoCG Issues

- 2.17.1 D3 submission ([REP3-211](#)) – Section 18.4.
- 2.17.2 D4 submission ([REP4-354](#)) – none.
- 2.17.3 D5 submission ([REP5-112](#)) – none.
- 2.17.4 D6 submission ([REP6-164](#)) – Section 1.4.

2.18 Inadequate Legacy Provision

- 2.18.1 D3 submission ([REP3-211](#)) – Section 18.12.
- 2.18.2 D4 submission ([REP4-354](#)) – none.
- 2.18.3 D5 submission ([REP5-112](#)) – Section 2.5.
- 2.18.4 D6 submission ([REP6-164](#)) – none.

2.19 Lack of Alternatives Consideration

- 2.19.1 D3 submission ([REP3-211](#)) – Section 18.7
- 2.19.2 D4 submission ([REP4-354](#)) – none.
- 2.19.3 D5 submission ([REP5-112](#)) – none.
- 2.19.4 D6 submission ([REP6-164](#)) – none.

2.20 Inadequate Provision and Involvement of Emergency Services

- 2.20.1 D3 submission ([REP3-211](#)) – Sections 11.10 and 21.
- 2.20.2 D4 submission ([REP4-354](#)) – none.

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2.20.3 D5 submission ([REP5-112](#)) – none.

2.20.4 D6 submission ([REP6-164](#)) – none.

2.21 Section 106 Agreement Content and Adequacy

2.21.1 D3 submission ([REP3-211](#)) – Section 18.14.

2.21.2 D4 submission ([REP4-354](#)) – Section 12.

2.21.3 D5 submission ([REP5-112](#)) – Section 2.5.

2.21.4 D6 submission ([REP6-164](#)) – Section 4.6.

3 Control Document Changes at D6

3.1 Introduction

3.1.1 This section covers the Council's comments made to the applicant's nine updated Control documents for the scheme (within its D6 submission), as set out below. The relevant applicant submission documents are annotated in each sub heading title for ease of reference.

3.2 Code of Construction Practice, First Iteration of Environmental Management Plan (CoCP) (v6) (REP6-039); and Outline Traffic Management Plan for Construction (oTMPfC) (v6) (REP6-049)

3.2.1 Through its response to the ExQ2 Q4.6.4 ([REP4-353](#)), the Council has provided a detailed schedule of the concerns that it has with the weaknesses and absence of co-ordination across the Control Documents associated with traffic and transport for the construction stage, i.e. the CoCP, oTMPfC, FCTP, oMHP and the oSWMP. The applicant has been notified of that commentary and the significance to the Council of the points raised within the response. In its submissions at D6 the applicant has included some minor modification within the latest updates to the CoCP ([REP6-039](#)) and the oTMPfC ([REP6-049](#)), but continues to resist adopting the robustness or commitments put to it by the Council and other parties.

3.2.2 Through document [REP6-103](#) (applicant's Response to Comments Made on Outline Traffic Management Plan For Construction) it has provided a schedule of responses to the Council's points on the oTMPfC, but has not directly responded to the points raised by the Council on the CoCP, FCTP, oMHP or oSWMP.

3.2.3 During the pre-submission engagement process and through evidence submitted to the Examination, the Council has expressed its concern that the control and governance processes proposed by the applicant are not sufficiently robust to assure the Council that construction effects would be effectively managed or that impacts should be mitigated. Whilst some progress has been made, many of the Council's productive and reasonable requests have not been adopted into the Control Documents. The Council does not consider the process to have been the collaborative approach that the applicant maintains it would follow as referenced in CoCP, Section 4.4.3 ([REP6-039](#)) and that there continues to be too much flexibility remaining within the suite of Control Documents, which will lead to challenges over management and compliance during the construction stage. The applicant is keen to leave significant autonomy to the contractors and wishes to manage and govern the construction based on loosely defined analysis provided as evidence to the Examination.

3.2.4 For example, the applicant is stepping back from what were previously understood to be commitment on routeing agreements to compounds for construction traffic using the access corridors as defined within Section 4.1 of the oTMPfC and shown in other diagrams. The applicant is stating now at points 32 to 34 of [REP6-103](#) that the control on access routes are to be defined post consent and that any controls on access should be through unenforceable HGV 'bans' and that there are no controls on worker travel to the compounds.

3.2.5 The proposal by the Council to allocate parameters relating to use and movement associated with each compound and working area have been rejected by the applicant, but do not give a basis on which monitoring, and appraisal can be judged.

3.2.6 Opportunities for the Local Highway Authority to inform governance of impacts on its network during construction would be through complex cross-reference to the strategic modelling provided to inform the Transport Assessment, which are based on 11 indicative construction phases. It is highly improbable that the scheme would be delivered in accordance with those phases, especially reflecting the autonomy that the applicant proposes for its contractors. The

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- Council is then in an unreasonable position when it is required to respond to network management challenges and to engagement with its communities relating to concerns raised during construction without being able to refer to an agreed process of governance. It is clear from the responses provided by other Local Authorities that similar concerns are held.
- 3.2.7 The Traffic Management Fora have no powers and will have limited effect on concerns and problems raised during construction. Whilst the newly introduced Terms of Reference indicate the process for escalation of unresolved matters to the unilaterally governed Joint Operating Forum, the Local Authorities are not part of the JOF unless specifically invited to discuss a specific issue due to an escalation process.
- 3.2.8 The role of the JOF is to oversee and co-ordinate a number of workstreams across the control environment including the construction logistics processes; workforce travel planning; materials management and traffic management. Each strand is to feed into the JOF separately and the Local Authorities have no influence, unless an item is escalated from the TMF.
- 3.2.9 The Council is very concerned that the approach adopted by the applicant leaves far too much to be developed should there be a DCO grant, at which time the Council's ability to influence its protections of its network is greatly diminished and that the applicant would not commit to a strong governance procedure.
- 3.2.10 As an example, the Council has proposed that 'gate line' staff are correctly accredited to the role that those people are assigned, such as traffic management gang leader; but the applicant proposes not to commit to those parameters on the basis that it will use competent contractors. If the applicant's contractors are competent then it is simple to agree to the correct level of certification and qualification for 'gate line' and traffic management staff, including the qualification of the Undertaker's and Contractors' Traffic Managers. Not agreeing to this commitment suggests that the applicant is neither confident that the appropriate staff will be provided, nor that it has any commitment to the safe and efficient operation of its compounds.
- 3.2.11 The applicant has not updated REAC item MW007, where the Council has proposed that the contractors should be given clear parameters on the prioritisation of the waste hierarchy.
- 3.2.12 Based on the Council's comments changes have been made to NV017 and this REAC is now agreed. Whilst changes have been made to NV015, the Council would request that additional mitigation measures relating to noise insulation and temporary rehousing are included.
- 3.2.13 The applicant has supplied updated wording for PH002 that is considered not agreed with the Council. This update is not sufficient to guarantee the necessary mitigation for the provision of healthcare facilities in relation to the construction workforce, including outlining a consultative and approve role of the Integrated Care Partnership. The wording proposed by the Council is outlined within the Council's Deadline 6 Submission - Post Event Submissions for Issue Specific Hearings (ISH8-10) ([REP6-166](#)).
- 3.2.14 The table contained within the applicant's response to the Council's comments on the CoCP and oTMPfC through its response on ExQ1 Q4.6.4 contained in [REP6-103](#) within Section 2. Items 12 – 43 sets out the applicant's responses to the many (31) Council comments. This table is included below at **Appendix A**.
- 3.2.15 None of the comments made by the Council at ExQ1 Q4.6.4 ([REP4-353](#)) on the FCTP ([REP5-055](#)), oSWMP ([REP6-41](#)) and oMHP ([REP5-051](#)) have been adopted into revised documents. As such those Control Documents continue to leave significant detail to be developed by the contractors following any DCO grant, thereby limiting the Council's ability to influence the derivation of suitable mitigation initiatives and allowing substantive flexibility for the contractors.

3.3 Preliminary Works Management Plan (v3) (REP6-043)

- 3.3.1 The applicant has provided an update to Annex C of the CoCP, which covers the Traffic Management processes for Preliminary Works ([REP6-043](#)). Within paragraphs 1.6.2, 1.6.3, and 1.6.5 to 1.6.8 text adjustments are included to define the management roles of the working groups and fora. Those groups, however, would not exist until after the completion of the Preliminary Works, as defined by Section 3.1 of the CoCP ([REP6-039](#)). The main works contractors workforce would not be established and compounds would not be created or active. The changes incorporated into that document should be reviewed to ensure they are relevant to the Preliminary Works period and moved to the CoCP/EMP1, where they are applicable to the main works period.

3.4 Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (v3) (AMI-OWSI) (REP6-045)

- 3.4.1 A number of changes have been made to the AMI-Outline Written Scheme of Investigation.
- 3.4.2 Paragraph 2.5.7 page 6 clarifies the position on how archaeological work would be managed in the non terrestrial areas. This would include within the Thames and its intertidal zone with the Port of London consulted on any Site Specific Written Scheme of Investigation.
- 3.4.3 Paragraph 7.1.14, page 98 and paragraph 7.1.27, page 124 relates to unexpected finds. Additional information has been included regarding site consultation meeting on unexpected remains, which would determine the level of stand-off of construction beyond the present agreed 10m.
- 3.4.4 Paragraph 7.2, page 101 **Communication, monitoring and sign off** has been extensively reworked. This includes paragraphs 7.2.1 to 7.2.20 and now provides a clearly defined procedure for the monitoring and sign off of the archaeological mitigation from the Local Authority Archaeological Advisors. This now shows the appropriate role of the Local Authority Archaeological Advisors to ensure that the archaeological mitigation is undertaken to agreed standards and that any amendments are agreed prior to them being implemented.
- 3.4.5 These additions have significantly improved this section of the AMI-OWSI.

3.5 Outline Site Waste Management Plan (v2) (REP6-041)

- 3.5.1 Table 4.3 has been updated to incorporate the revised REAC drafting for MW007 and MW012. The revised drafting to MW012 has been accepted by the Council.
- 3.5.2 Whilst we appreciate the intent behind the revised drafting within MW007, the Council do not believe that the drafting resolves the issues identified by the Council.

3.6 Design Principles (DP) (v4) (REP6-047)

- 3.6.1 A latest Design Principles document has been added to, relating to The Wilderness (S14-19). This states that the earthworks, retaining walls and watercourse diversion in the vicinity of The Wilderness should be coordinated and designed to minimise the loss of trees and other vegetation as far as reasonably practical. The Council supports the inclusion of this principle; however, it still maintains its position that the route alignment should have avoided the now designated 'ancient woodland', by passing through the adjacent landfill site.
- 3.6.2 The other changes north of the Thames relate to the Brentwood Enterprise Park (S14.19 and S14.22), as further details about the proposal are developed. These do not directly affect the Council and so it has no comment to make on these changes.

3.7 Stakeholder Actions and Commitments Register (SAC-R) (v4) (REP6-051)

- 3.7.1 This latest version has made a number of minor text changes, but has added four new commitments (SAC-R-014 – SAC-R-017) and only two are relevant to the Council – SAC-R-014 and SAC-R-017, which will be commented on in turn below. However, as the SAC-R is secured through Article 61 of the dDCO ([REP6-011](#)), the wording of that article is (emphasis added in bold underlined text), as follows:

61.—(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

(a) otherwise agreed in writing with the person(s) with the benefit of the measure; or (b) an application submitted by the undertaker for revocation, suspension or variation of the measure has been approved in writing by the Secretary of State, following consultation by the undertaker with the person(s) with the benefit of the measure and any other persons considered appropriate.

(2) The Secretary of State must when determining whether to approve a revocation, suspension or variation of a measure under paragraph (1)(b) consider the safe and expeditious delivery of the authorised development and whether

(a) the measure is capable of implementation; (b) the measure no longer serves a useful purpose; and (c) the purpose of the measure could be served equally well with any proposed revocation, suspension or variation.

(3) In relation to an application under paragraph (1)(b)

(a) the stakeholder actions and commitments register is deemed to be modified so as to give effect to any revocation, suspension or variation approved by the Secretary of State; and (b) the undertaker must, as soon as reasonably practicable after the Secretary of State determines an application for the revocation, suspension or variation of a measure, notify the person(s) with the benefit of the measure of that determination.

(4) Paragraph 22 of Schedule 2 (requirements) applies to an application to the Secretary of State for revocation, suspension or variation under paragraph (1)(b) as though it were an consultation required under that Schedule.

(5) The undertaker must, as soon as practicable following the exercise of any power under this Order, establish and maintain for a period of 3 years following the completion of the authorised development an electronic form suitable for inspection by members of the public a register which sets out in relation to each measure secured under paragraph (1)

(a) the status of the measure; and (b) whether any approval has been given under paragraph (1)(a) or (b).

- 3.7.2 The Council's strong opinion is that if the SAC-R is intended as a Control Document then any commitments contained within it must be absolute and not *'take reasonable steps to deliver'* or *'best endeavours'*. The Council therefore requires the dDCO to be amended to account for such absolute commitments on all measures contained within the SAC-R.
- 3.7.3 SAC-R-014 has been discussed in principle with the Council, but the wording not shared until the applicant's D6 submission. The Council accepts this new SAC-R commitment in principle, subject to the above comments and further comments made in Sections 7.5 and 7.7 below.
- 3.7.4 SAC-R-017 has been discussed in principle with the Emergency Services and Safety Partners Steering Group (ESSPSG) of which the Council is part and is welcomed. However, the Terms

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of Reference (ToR) for the TDSCG are still under discussion and it is a 'Matter Under Discussion' within the ESSPSG SoCG, within which the Council concur. The statement that the ToR are agreed is currently incorrect.

3.8 Statement of Commonality (v7) (REP6-017)

3.8.1 The Council's views on this document remain the same as set out in its D6 submission ([REP6-164](#)) within Section 2.10 (and, indeed, in previous submissions too) and the applicant has made no attempt to discuss the Council's comments with the Council or to amend its document to accommodate those comments.

3.8.2 It is clear from Table 4.2 within [REP6-017](#) that many of the topics for the Council remain red, i.e. Matter Not Agreed.

3.9 Consents and Agreements Position Statement (v6) (REP6-015)

3.9.1 The Council cannot determine any changes made to this v6 of the document, except to add, amend or remove references, and so is puzzled as to why it has been submitted. 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](#)).

4 Draft Development Consent Order Matters

4.1 Introduction

- 4.1.1 The Council is still concerned at the number of outstanding significant issues in relation to the DCO. The Council is also concerned that the applicant has adopted its final position some six weeks before the close of the Examination period and instead is content not to engage further on specific concerns raised by the Council. The Council hopes that a number these issues can be discussed at the forthcoming Issue Specific Hearings, especially ISH14.
- 4.1.2 The Council is pleased to report that there is broad agreement with a number of the other Interested Parties, including the local highway authorities, on the need for new Requirements for key junctions and highways. These can be found for three Requirements within the PoTL D6 and D6A submissions ([REP6-163](#) (Appendices 2 – 6 and [REP6A-017](#)) and for the remaining three Requirements within the Council's D7 submission in Appendix B.
- 4.1.3 Overall, the Council considers that there are amendments which could be made to the dDCO, which would better satisfy the public interest, without negatively impacting the delivery of Lower Thames Crossing.

4.2 Draft Development Consent Order Changes (v8), Schedule of Changes (v6) and Explanatory Memorandum (v4) (REP6-011, REP6-074 and REP6-013)

- 4.2.1 The Council has reviewed v8 of the dDCO, the changes to the Explanatory Memorandum and the Schedule of Changes. The Council welcomes the additions to Article 10, as suggested in our D5 submission.
- 4.2.2 The Council also welcomes the addition of Requirement 18 (operation of the Orsett Cock roundabout), which, as the Explanatory Memorandum recognises, is in required:
- 'In light of the potential for traffic impacts at the Orsett Cock roundabout'*
- 4.2.3 However, the Council, in common with PoTLL, DPWLG and the Thames Enterprise Park (TEP) this Requirement does not go far enough and is completely insufficient, as set out in the Council's D6A submission in Section 8. Please see comments below in relation to new Requirements in Section 4.4.
- 4.2.4 The Council does not have any other comments on the additions to the dDCO or the Explanatory Memorandum.

4.3 Council Comments on Applicant's Responses to IP Comments on dDCO at Deadline 5 (REP6-085)

- 4.3.1 The Council has reviewed the applicant's response to its Deadline 5 submissions [[REP5-112](#)]. There remains a number of key areas of disagreement between the Council and the applicant. The applicant has chosen to signpost to our previous responses and accordingly the Council signposts the ExA back to our D5 submissions([REP5-112](#)), as well as earlier comments raised in relation to ISH 2 ([REP1-295](#)), ISH 7 ([REP4-352](#)) and the Local Impact Report ([REP1-281](#)). The ExA is also invited to consider the Statement of Common Ground (SoCG) submitted jointly at D6 and the significant number of issues that still remain outstanding in relation to the dDCO ([REP6-031](#)), namely the 71 items in the first main part of the SoCG, of which only 24 items are 'Matters Agreed'..

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- 4.3.2 The Council wishes to highlight that the purpose of the table headed 'Key Concerns' in its Deadline 5 submissions was to demonstrate that there were a number of key areas which it was and still is concerns that have not been addressed. The Council is keen to resolve as many issues as possible, however, the applicant's response on many of our key concerns has been uncompromising. The applicant has referred back to its previous submissions, however, these do not, in the Council's opinion, adequately address its concerns (which is why the concerns were raised again). The Council does not consider that the ExA would be assisted by the repeating of all of its concerns at this stage. However, if the ExA has any questions, then the Council would be very happy to assist.
- 4.3.3 In relation to the key comments in our Deadline 5 submissions ([REP5-112](#)), the applicant has failed to engage with a number of our suggestions. For example:
- a. In relation to Article 6 (Limits of Deviation) the applicant has not provided comments on our request for clarity as to what is included within environmental effects (this is also a concern in relation to Requirement 3 – detailed design); or, our suggestion that Article 6(3) is amended, so that the flexibility is limited to within the Order Limits.
 - b. In relation to Article 9 (application of NRSWA) the applicant has not adequately addressed our comments in relation to conflict between what has already been authorised by the Council in terms of works to the local road network and the desired works by the applicant (Article 9). The applicant has pointed us towards the updated outline Traffic Management Plan for Construction ([REP5-056](#)), which includes on page 136 a dispute resolution procedure in relation to the TMF. Primarily it is an escalation procedure with the final decision being made by the Joint Operations Forum. However, the applicant has not addressed the Council's concerns set out in its D6 submissions (page 29 of [REP6 -164](#)).
 - c. In relation to Article 27 (time limit for exercise of authority to acquire land compulsory), the applicant has failed to engage with our concerns regarding the extended period (including the combined effect of the 8 years, plus the legal commencement date), instead relying on the fact that this is a complex project and there is precedent for their approach. The applicant's rejection of the Council's suggested extension of time on plot by plot basis has largely been dismissed as it is unprecedented. In the Council's opinion, it is not sufficient to simply state that it is unworkable. More explanation is required considering the wider public benefit of such an approach.
 - d. The applicant has also failed to fully engage in our comments on Article 35 and has not provided examples of what the safety concerns might be (in order to avoid the definition being too broadly interpreted).
 - e. In relation to Requirement 3 (detailed design) the applicant directs us to its comments at D4, which fail to explain why such a tailpiece is appropriate, considering the procedure in the Planning Act, 2008.
 - f. In relation to Requirement 6 (contaminated land) the applicant has not engaged with our suggestion for a new Requirement and has instead relied on its assertion that the current wording is appropriate. The Council's contaminated land expert has identified significant concerns regarding the current wording and has explained why. The Council has proposed proportionate additional wording, which would not negatively impact the delivery of LTC and request that the applicant engages with this suggestion.
 - g. In relation to Article 66 and Schedule 16 (control documents and certified documents), the Council's signpost to their comments at Deadline 3 is inadequate. The Council has raised very specific questions about the securing of particular documents and the applicant is requested to respond to these concerns (within Section 3.6 of its D6 submission in [REP6 -164](#)).

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4.3.4 The Council would like to raise the issue of the use of precedent. It is the Council's position that the applicant's reliance on precedent is unhelpful when trying to work with all parties to achieve the best DCO possible (without prejudice to the Council's position that key elements of the scheme, as currently proposed, is flawed). For example, in response to the Council's comments on time periods in Article 35 and deemed consent in a number of articles, the applicant relies heavily on their being precedent. Whilst it is accepted that considering what has been agreed before is useful, it is not determinative. The applicant needs to keep an open mind to departing from precedent, even when it would prefer not to, if to do so would be in the wider public interest. The applicant is keen to highlight what it considers the Secretary of State's preferred position is, without justification. However, this is subject to change, and many vary in relation to different projects. The applicant, as a public body, has a responsibility to act in the public interest and should not close down discussion of proposals simply because it has been agreed previously.

4.3.5 **In conclusion, it is the Council's position that the applicant has not adequately responded to the Council's detailed concerns. The applicant is requested to do so.**

4.4 New Draft Requirements relating to Highways (REP6-085)

4.4.1 A key area of dispute is the operation of key junctions, both during construction and during operation. Whilst concerns regarding modelling are dealt with elsewhere in this submission, the Council has been working with the Port of Tilbury, DP World London Gateway and TEP to develop jointly acceptable wording for new Requirements that would provide comfort to all parties that the impacts of LTC can be mitigated.

4.4.2 The Port of Tilbury (PoTLL) submitted four new drafts Requirements at D6 ([REP6-162](#)). These covered Orsett Cock Junction, Asda Roundabout, Tilbury Link Road and an overall Monitoring and Mitigation Strategy. For Orsett Cock Junction and Tilbury Link Road, the applicant has already accepted the need for (although the Council disagrees with the adequacy of what has been proposed). The other two are equally as important and are needed to ensure that LTC operates as the applicant states that it will.

4.4.3 The Council accepts the wording suggested the Port of Tilbury at D6 ([REP6-162](#)) for all of the four new requirements, except Tilbury Link Road. This because of the difference in roles between the Port of Tilbury and the Council. The Council is, like the Port of Tilbury, concerned about access to the port in the future growth opportunities presented. However, the Council is also cognisant of wider growth opportunities within the area and accordingly passive provision needs to be made to accommodate a suitable public road.

4.4.4 In addition to the four requirements originally submitted by the Port of Tilbury at D6, the Council is concerned about air quality and has submitted a new Requirement (refer to **Appendix B**), which means that the air quality monitoring stations will remain in place. This will then allow for action to be taken if air quality is materially worse than that reported in the ES. This is to provide comfort to those living in the vicinity of LTC that the modelling by the applicant is materially accurate and that they will not be adversely impacted by poor air quality as a result of LTC.

4.4.5 Consequently, those directly affected by the need for new Requirements, namely the Council, PoTLL, DPWLG and TEP have now agreed the three Requirements relating to Orsett Cock Junction, Asda Roundabout and an overall Monitoring and Mitigation Strategy and these have been submitted in a 'Joint Position Statement' by PoTLL at D6A ([REP6A-017](#)) and within their D6 submission ([REP6-163](#), Appendices 2 – 6) and so this Joint Statement or the three Requirements are not included here to avoid repetition.

4.4.6 The remaining two new highways requirements for Tilbury Link Road (an alternative to that Proposed by PoTLL in its D6 submission) and Air Quality are therefore set out in **Appendix B**.

4.4.7 **The Council has been working with the Port of Tilbury, DP World London Gateway and TEP and it has reached consensus on the wording for three of the five additional highways Requirements. These are designed to provide that mitigation is put in place for three key junctions if the modelling submitted by the applicant is materially inaccurate. These requirements are needed due the concerns of the experts at the Port of Tilbury, DP World London Gateway and TEP being concerned at the accuracy of the modelling submitted by the applicant. They are designed to be proportionate.**

4.5 New Draft Requirement on Housing Impact

4.5.1 In their D6 submission ([REP6-132](#)) Gravesham Borough Council have suggested a new Requirement relating to housing impact.

4.5.2 As has been previously raised with the applicant, the Council's main concern is that it is experiencing an increase in demand for accommodation (particularly emergency sector/temporary accommodation sector). This issue is being made worse by a number of private rental landlords and leading the market as high interest rates have increased costs and those at the lower end are finding it increasingly difficult to let their properties. The concern of the Council is that this, in addition to pressure on the higher end of the market by incoming workers, would work to further increase rents beyond the affordability of local residents and in particular those that the Council has duties towards.

4.5.3 Accordingly, the new Requirement recommended by Gravesham Borough Council would also provide additional certainty to the Council. The Council attach also in **Appendix B** the same wording as submitted by Gravesham Borough Council, except with all references to Gravesham replaced with Thurrock Council. The Council request that this is included as an additional requirement in the dDCO.

4.5.4 **The Council supports the inclusion of a new Requirement in relation to housing and worker accommodation. It agrees with the wording suggested by Gravesham Borough Council and submits a version of the requirement that refers to Thurrock Council in Appendix B.**

5 Land and Compulsory Acquisition Matters

5.1 Introduction

5.1.1 This section covers all the matters relating to land, compensation and compulsory purchase that arise from the applicant's D6 submission and recent discussions with the applicant.

5.2 Applicant's Response to ExQ1 Q15.1.1 and Q15.1.2 on CA/TP Objections and Crown Land and Consent (v3) (REP6-078 and REP6-080)

5.2.1 On page 278 of the document Deadline 6 Submission - 9.77 ExQ1 Q15.1.1 Schedule of CA and TP Objections v3.0 (Tracked changes) ([REP6-078](#)), the applicant notes '*An agreement would also require Thurrock Council, as owner of some of the rights*'. The Council is not aware that any proposal in this respect has been put to it.

5.2.2 Within page 324 of the document Deadline 6 Submission - 9.77 ExQ1 Q15.1.1 Schedule of CA and TP Objections v3.0 (Tracked changes) ([REP6-078](#)), the applicant continues to assert that the Council objects to the CA of their interests. This remains incorrect and was addressed at paragraph 9.3.2 of Thurrock Council's Comments on applicant's Submissions at Deadline 4 (D4) and Deadline 5 (D5) ([REP6-164](#)).

5.3 Update on Land Negotiations

5.3.1 At page 324 of the document Deadline 6 Submission - 9.77 ExQ1 Q15.1.1 Schedule of CA and TP Objections v3.0 (Tracked changes) ([REP6-078](#)) the applicant states that 'Discussions are ongoing' and '*The applicant is prepared to engage further and would welcome further discussions on land take*'. It is assumed that this comment relates not only to the points raised above, but also in relation negotiations.

5.3.2 On page 18 of the Compulsory Acquisition Hearing 1 (CAH1) - Transcript – 15 September 2023 ([EV-047d](#)) reference was made to a spreadsheet that was being used to identify land parcels which the applicant is seeking to acquire interests in or take TP of. Following a meeting on 5 October the applicant produced a revised spreadsheet which, the Council was advised, set out all plots that the applicant had an interest in. Several issues arose:

- a. The previous spreadsheet had referenced 147 land parcels whereas the new spreadsheet broke these parcels down into 2,379 plots, which the Council had an interest in. For clarity and to quantify the extent of the issue, the applicant seeks to:
 - i. Permanently acquire 75.27 hectares permanently (of which 10.12 hectares is Public Open Space);
 - ii. Take temporary possession of 39.46 hectares (of which 8.56 hectares is Public Open Space); and,
 - iii. Impact 7 bridleways and 33 footpaths.

5.3.3 Each requires time to examine in order that the Council can be advised on the implications of the interest being sought might have on it. The following conclusions emerge:

- a. The spreadsheet was incomplete with some plots:
 - i. referred to in the schedule not appearing on plot plans; and,

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- ii. plots appearing on the plan but not the schedule.
 - b. The Council's advisers cannot advise until there is absolute clarity on the extent and nature of the applicant's interests in plots;
 - c. The plot descriptions are unhelpful in that they do not allow ready identification of the user. There are, for example, two plots within the Ron Evans Memorial field – Plot 29-09 is described as '*All interests and rights in approximately 68,730 square metres of public footpath (FP97), footway, overhead electricity powerlines, shrubland and woodland (Ron Evans Memorial Field)*', whilst Plot 29-22 is described as '*All interests and rights in approximately 26,157 square metres of shrubland (west of Dock Approach Road, A1089)*'. Whilst it is not suggested that the descriptions are designed to confuse, the lack of consistency in description makes the task of advising the Council much harder.
- 5.3.4 It is only once the Council has a complete picture of the impact of the scheme on its interests that it can meaningfully consider the disposal of interests and it is unclear why the applicant has been unable to provide this information accurately and in a timely fashion. The delay in the Council's understanding of the interests to be acquired means that progress on option agreements is delayed.
- 5.3.5 The applicant will be aware that the Council has governance procedures to go through prior to agreeing disposal of land interests which, necessarily, take time to complete. This means that there is likely insufficient time to complete these processes before the close of the Examination. The Council anticipates that the applicant will wish to continue discussions beyond the closure of the Examination and looks forward to their confirmation on this point.
- 5.3.6 The Council is identified as having an interest in 190 plots with public right of way relating to approximately 7 bridleways and 33 footpaths. It is unclear as to the impact, that is whether they are to be closed or diverted and in either instance when, and for how long.
- 5.3.7 There are 31.77 hectares of land shown as having permanent acquisition of rights, some of which will relate to utilities. The Council is unclear what rights are being sought and is not aware that any proposals have been put to it in respect of the rights being sought.
- 5.3.8 The Council considers that the information it seeks should have been provided by the applicant at a much earlier stage and had it done so, then there is little doubt that greater progress would have been made.
- 5.3.9 Finally, it is acknowledged that paragraph 1.7 of the Joint Statement between the Council and the applicant requires a response (as set out in Appendix L of [REP6-168](#)). This response to the draft Memorandum of Understanding (MoU) wording is set out below and the draft MoU is set out in **Appendix C**.

Council Comments on MoU Wording (as per Section 1.7 of Joint Statement)

- 5.3.10 The Council sets out its comments on this draft proposed wording from the applicant through the document systematically. It should be noted that the MoU is only 3.5 pages of text and it represents a significantly lesser document in form and content that was expected.
- a. **Section 2 'Background'** – if paragraph 2.3 (which sets out that the applicant would be responsible for constructing, operating, maintaining and improving the new route of the A122 Lower Thames Crossing); then the Council requires there to be reference to the implications on the Council, including additional road network to maintain, the impact on housing supply, POS impacts, etc.;

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- b. **Paragraph 3.1** – the document sets out the applicant's intentions for the Council, however, in the Council's view there is no framework for '*collaborative working*'. Also, in no way is it currently '*designed to optimise the skills and experience of each Party and ensure that the public receives the benefits of the delivery of the Project*'. The Council therefore requires further details of the arrangement for collaborative working and optimisation of the balance of the public benefit;
 - c. **Paragraph 3.2** – this wording appears not to supersede the provisions of the DCO, which seems to maintain primacy over this MoU and therefore its status is weak;
 - d. **Paragraph 4.1** – the applicant needs to provide this advance programme sooner and commit to review and update it no less regularly than every 3 months, both before and during the construction programme;
 - e. **Paragraph 4.2** – this clause requires the Council to review the programme to determine its contents are adequate and it needs to acknowledge flexibility for both parties. The phrase '*without prejudice to the powers under the DCO*' renders this paragraph virtually meaningless;
 - f. **Paragraph 4.4** – in addition, the Council would want to review more information than just photographic schedules, such as contamination reports and a history of usage during construction, to assess a base condition level that can be referenced;
 - g. **Paragraph 4.5** – it is not clear what is meant by '*and updated at regular intervals during the temporary possession and reviewed on completion of the period of temporary possession*', as the prior condition of the land is crucial rather than understanding its changes during temporary possession. The Council contends that the reinstatement provision is superficial and there are no commitments about timing or needing the Council's approval and at least a Schedule of Works should be agreed in advance;
 - h. **Paragraph 5.1** – this merely restates the law. The term 'displacement' requires definition. Finally, the compensation code does not recompense those who do not have access to POS for months or years;
 - i. **Paragraph 7.1** – this is currently unacceptable to the Council as it is vague and does not specify an independent arbitrator;
 - j. **Paragraph 8.1** – unnecessary, as it would always be true;
 - k. **Paragraph 8.2** – this is currently unacceptable to the Council and is too long and the Council requires the review of the MoU to be every 3 months;
 - l. **Paragraph 9.1** – this is unacceptable to the Council as the MoU is then meaningless;
 - m. **Paragraph 9.2** – again the Council considers this unnecessary; and,
 - n. **Paragraph 9.3** – this is a repeat of paragraph 3.2 above and further renders this MoU even weaker.
- 5.3.11 The Council has written to the applicant advising them of these detailed comments on the draft MoU and awaits their response. The Council hopes to receive amended wording that more aligns with the Council's comments, so that the MoU can be amended appropriately and can become an actual commitment, as referred to within Section 1.7 of the Joint Statement.
- 5.3.12 The applicant has responded with comments on these detailed points, by indicating its confusion as to the purpose of these Council comments. The Council responded with the following clarifications:
- a. The Council has been consistent in its view that a legal agreement is required, not an MoU. The Council were tasked with responding to the draft MoU by CAH1 Action Point 1 ([REP6-086](#)) and that is what the response dated 13 November 2023 contained.

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- b. The Council is open to entering into an option agreement in respect of land parcels. However, several issues arise, which are set out below:
- i Prior to progressing the option agreement the Council needs to understand what land interests are being affected. Consequently, the spreadsheet which was provided by the applicant was incomplete and the Council has identified the errors/shortcomings/omissions and the Council is now in receipt of a complete schedule;
 - ii The spreadsheet did not identify land use, but this has been undertaken by the Council;
 - iii The Council is now working on a valuation assessment for parcels in order that it can provide the applicant with an initial response; and,
 - iv The Council has governance procedures to go through prior to agreeing any disposal of land interests which, necessarily, take time to complete. This means that there is likely insufficient time to complete these processes before the closure of the Examination. The Council anticipates that the applicant will wish to continue discussions beyond the closure of the Examination and looks forward to confirmation on this point.
- c. SACR-014 addresses partial, timely re-provision of POS at the Ron Evans Memorial Field, but there is no commitment, legally binding or otherwise, around liaison, programme, etc.

5.4 Applicant's Response to Comments Made by the Council at D4 and D5 (REP6-096)

- 5.4.1 At paragraph 5.2 of Deadline 4 Submission - Comments on applicant's submissions at D3 ([REP4-354](#)) the Council noted that *'The applicant has failed to address any of the points raised in Section 18.13 of the Council's submission at D3 – 'Thurrock Council Comments on Applicant's Submissions at Deadline 1 and 2 (D1 and D2)' (REF3-211).'*
- 5.4.2 In its response to this point at paragraph 2.4.3 of Deadline 6 Submission - 9.138 applicant's Response to Comments Made by Thurrock Council at D4 and D5 ([REP6-096](#)) the applicant says *'As the Council will be aware, this is a matter which is the subject of ongoing engagement. Following CAH2 the applicant has held a further meeting to discuss the Compulsory Acquisition of land and potential for a SAC-R commitment to working together with regard to Temporary use of land. The applicant is awaiting a response from the Council but remains prepared to work with them to close out matters as far as possible before the end of Examination.'*
- 5.4.3 The Council is absolutely aware of the ongoing engagement but is unable to respond to a proposed SAC-R commitment until it has seen it. This was included at SACR-14 in Deadline 6 Submission - 7.21 Stakeholder Actions and Commitments Register v4.0 (Tracked changes) ([REP6-051](#)). For clarity, this is a Deadline 6 submission, and it is only now, having seen it that the Council can consider this and respond, which it does at 5.5.8 below.
- 5.4.4 Notwithstanding the point immediately above, the applicant has failed to address the points raised in Section 18.13 of the Council's submission at D3 – 'Thurrock Council Comments on Applicant's Submissions at Deadline 1 and 2 (D1 and D2)' ([REP3-211](#)).' It remains the case that the Statement of Reasons, Annex B, 'Schedule of Negotiations to Statement of Reasons' (Version 3) ([REP1-048](#)) refers to the following:
- a. It refers to the meeting on 16 August 2022, but makes no reference to the subsequent emails;

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

5.5 Land Acquisition and Temporary Possession (REP6-097, REP6-098 and REP6-117)

Deadline 6 Submission - 9.140 Planning Statement - Appendix D - Open Space Addendum (REP6-097)

- 5.5.1 In the Deadline 6 Submission - 9.140 Planning Statement - Appendix D - Open Space Addendum ([REP6-097](#)), which it is noted is not a Control Document, the applicant continues to maintain its approach to the provision of replacement public open space (POS). That is to say that it continues to consider that the re-provision of POS not less than five years after the acquisition of POS is acceptable.
- 5.5.2 The applicant has, both in discussions prior to D6 and in the Council's Deadline 6 Submission - Comments on Applicant's Submissions at Deadline 4 (D4) and Deadline 5 (D5) ([REP-164](#)), been invited to produce evidence to support its contention that the benefits of improved quantity and quality outweigh the disbenefits of a five-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.
- 5.5.3 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. 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.
- 5.5.4 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 re-provision of many years.
- 5.5.5 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.
- 5.5.6 Within paragraph 1.2.3 of Deadline 6 Submission - 9.140 Planning Statement - Appendix D - Open Space Addendum ([REP6-097](#)) the applicant states

'The proposal to lay out and make some replacement land for Ron Evans Memorial Field publicly accessible earlier than anticipated in Appendix D, set out herein, has been shared with Thurrock Council ahead of Deadline 6. The applicant understands that the Council support the new measures.'

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- 5.5.7 The applicant and the Council held a 'without prejudice' meeting on 5 October 2023 at which the suggestion about the potential to lay out and make available some of the replacement land for Ron Evans Memorial Field was made. The Council acknowledges the verbal proposal was made at that time but notes no written proposal until that referenced in
- a. Paragraphs 1.2.3 and 4.2 *et seq* of Deadline 6 Submission - 9.140 Planning Statement - Appendix D - Open Space Addendum ([REP6-097](#)); and,
 - b. SACR-14 in Deadline 6 Submission - 7.21 Stakeholder Actions and Commitments Register v4.0 (Tracked changes) ([REP6-051](#))
- 5.5.8 Notwithstanding the Council's overall position in respect of the failure to properly and lawfully re-provide Public Open Space in accordance with S131 and 132 of the Planning Act 2008, this will, in principle, be acceptable to the Council provided:
- a. It receives confirmation as to when the POS will be provided and that the timing is satisfactory;
 - b. Confirmation that access will be provided at all material times; and,
 - c. Article 61 of the dDCO needs to be amended to make the commitment on these matters (and others) to be absolute and not '*to take reasonable steps*' to commit.

Deadline 6 Submission - 9.143 applicant's Response to Comments Made by Kathryn Homes Limited, Runwood Homes Limited and Runwood Properties Limited at D5 (REP6-098)

- 5.5.9 In its response to Deadline 6 Submission - 9.143 applicant's Response to Comments Made by Kathryn Homes Limited, Runwood Homes Limited and Runwood Properties Limited at D5 ([REP6-098](#)), the applicant continues in its failure to acknowledge the particular vulnerability of the residents of the White Croft Care Home as highlighted by Counsel for Kathryn Homes Limited, Runwood Homes Limited and Runwood Properties Limited at CAH2 (see page 22 *et seq* of Compulsory Acquisition Hearing 2 (CAH2) - Transcript - 15 September 2023 ([EV-049d](#))). The Council remains very concerned at the potentially significant adverse impact to residents of the Care Home.
- 5.5.10 Furthermore, in regard to ([REP6-098](#)) in relation to Health and Equalities, the Council is in agreement with the written submission made by Kathryn Homes Limited that the HEqIA ([REP3-118](#)) does not demonstrate meaningful due regard to the protected characteristics under The Equalities Act 2010 of the residents and visitors to Whitecroft Care Home and that the HEqIA does not adequately identify mitigation measures that will mitigate for this sensitive population. As these discussions with Whitecroft Care Home are ongoing, the Council disagrees with the applicant's position that a range of mitigation measures have been set out as these have not been fully agreed. The Council is supportive of the points made regarding air quality, dust and noise impacts and mitigation made in the remainder of the document

Deadline 6 Submission - 9.152 Responses to the Examining Authority's ExQ2 Appendix J – 14, 15, 16 (REP6-117)

- 5.5.11 Nothing of relevance to the Council's position on the acquisition and temporary possession of land and rights is addressed in Deadline 6 Submission - 9.152 Responses to the Examining Authority's ExQ2 Appendix J – 14, 15, 16 ([REP6-117](#)).

6 Response to Applicant's D6 Submissions

6.1 Introduction

6.1.1 This Section only covers the updated ES Addendum (v6), Drainage Plans (v3), Joint Statement on Policy Compliance with Ports Policy at D3, applicant's Response to Comments made by Climate Emergency Policy and Planning at D3, Applicant's Response to Council's Comments at D4 and D5, Coalhouse Point Flood Risk Assessment, Statutory Undertakers/Utilities submissions and the Draft S106 Agreement Progress Update, as set out below.

6.2 ES Addendum (v6) (REP6-055)

6.2.1 Table 2.7 within the ES Addendum ([REP6-055](#)) includes a minor update to ES Chapter 7 – Landscape and Visual ([APP-145](#)). There has been an amendment to the visual sensitivity of visitors to Tilbury Fort at Representative Viewpoint N-01 and Coalhouse Fort at Representative Viewpoint N-05 from High to Very High. This results in the significance of the effect for Coalhouse Fort rising from Moderate to Large Adverse (Significant). This means that the ES has been updated to show that two recreational viewpoints now have Significant visual effects. This is a point that the Council has contended throughout the process.

6.2.2 Table 2.7 within the ES Addendum [[REP6-055](#)] outlines a minor update to ES Chapter 13 – Population and Human Health [[APP-151](#)] (although it is noted that this document has not been reissued and is only included within the [REP6-055](#)) regarding PH002 to maintain consistency with the CoCP ([REP6-039](#)). This update has been discussed with the applicant and is not agreed as sufficient to guarantee the necessary mitigation for the provision of healthcare facilities in relation to the construction workforce, including outlining a consultative and approve role of the Integrated Care Partnership. The wording proposed is outlined within the Council's Deadline 6 Submission - Post Event Submissions for Issue Specific Hearings (ISH8-10) ([REP6-166](#)).

6.2.3 Table 1.6 in Annex Q of ES Appendix 14.5 – Hydrogeological Risk Assessment (Part 2 of 2) ([APP-459](#)), relates to trenchless sections of utilities and has been amended to reference REAC commitment: RDWE 056, which secures the reduction of temporary groundwater level lowering outside of the Order Limits by total or partial temporary exclusion of water flow into the shafts]. This is in connection with Work number MU72 under the railway.

6.3 Drainage Plans (v3) (REP6-009)

6.3.1 The Drainage Plans Volume B have been updated ([REP6-009](#)) Deadline 6 Submission - 2.16 Drainage Plans Volume B (sheets 1 to 20) v3.0 (Tracked changes). Notably the changes are related to the North Portal Ramp and Tunnel catchments. There are no updates to other areas observed within the Thurrock area, including the Coalhouse Point and Coalhouse Fort areas.

Sheets 16 and 20: North Portal Junction and Ramp

6.3.2 The Council has reviewed the Drainage Plans Volume B. The Council notes that it includes an addition to reflect the intended discharge of the surface water from the North Portal Ramp catchment into the Basins within the North Portal ramp. The North Portal ramp catchment appears to be divided into two; one drains by gravity (eastern) side of the project alignment, and the other catchment includes the ramp area and is pumped.

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- 6.3.3 The Council also note the pump and containment feature is retained, which clarifies that this is intended for the tunnel drainage, including washdown flows.
- 6.3.4 Some residual questions remain relating to the gravity drain as well as the proposed treatment provision for the Tunnel catchment:
- 6.3.5 The North Portal ramp catchment on the eastern side is a gravity drain. It is not clear if this is a pipe or a ditch and there potentially could be a clash with the proposed culvert and water course.
- 6.3.6 As well as washdown flows, there is presumed to be wind driven rain and water influx via cars entering the tunnel. It is not clear how the flow and volumes have been calculated to size the pumps and containment feature. It is presumed the containment feature is a form of petrol interceptor. The discharged is planned to be discharged to the Thames and the Environment Agency will need to approve the treatment proposals. The applicant has stated during an SOCG meeting (9 November 2023) that they will need to check and confirm the specification of the proposed containment feature. However, they also commented that it is for emergency use, but will not necessarily be designed to store and treat all flows arising from the Tunnel.
- 6.3.7 The Council can confirm that with the Drawings update the applicant has addressed the apparent discrepancy regarding the North Portal Ramp drainage destination. However, there is a concern that the treatment for the tunnel discharge is not evidenced. Ultimately the treatment requirements would need to be agreed with the Environment Agency. The Council would like the applicant to signpost to additional information for the proposed Tunnel drainage treatment provision.**

Sheet 19 Coalhouse Point

- 6.3.8 There are no observed updates to Sheet 19, which shows no proposed drainage features in the area of Coalhouse Point and Coalhouse Fort. It is understood that the proposed wetland development at Coalhouse Point falls outside of the scope of these drainage plans, as they are intended to show the drainage works associated with the project alignment.
- 6.3.9 Only one existing watercourse is shown on Sheet 19. However, there are known to be a number of watercourses in and around the Coalhouse Point area. This issue is discussed further in Section 6.8 below in the review of the Coalhouse Point Flood Risk Assessment.
- 6.3.10 The Council request that all known watercourses are shown in updated Drainage Plans within the Order Limits. This is particularly relevant at Coalhouse Point, where there is a proposed wetland development.**

6.4 Joint Statement on Policy Compliance with Ports Policy at D3 (REP6-093)

- 6.4.1 The Council continues to consider that there is a need to consider the policy requirements of NPSNN and the NPS for Ports, when assessing the impact of LTC on the access to and from the two national ports. In particular, it is important to consider the mutuality of the objectives of both policy documents and seek to achieve the objectives of both without compromising the other. This position was stated by the Council at Issue Specific Hearing 10 and details are provided on page 60 of the Council's 'Post Event Submissions for Issue Specific Hearings (ISH8 – ISH10)' ([REP6-166](#)).

6.5 Applicant's Response to Comments made by Climate Emergency Policy and Planning at D3 (REP6-094)

- 6.5.1 This document provides the applicant's response to matters raised by Climate Emergency Policy and Planning (CEPP) in CEPP's Deadline 4 submission. Much of the response concerns matters, including a wider discussion about transport policy, that are not part of the Council's objections to elements of LTC, so the Council has only commented here on points that have a bearing on its previous submissions.
- 6.5.2 Paragraphs 2.1.11 to 2.1.14, and 2.1.55 to 2.1.58 of the applicant's response concern 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 comments in [REP6-094](#) do not affect the Council's own response to ExQ1 (Q2.2.1 and Q2.3.1), as submitted previously, 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 and so the judgement does not have implications for LTC.
- 6.5.3 Paragraphs 2.1.43 to 2.1.45 discuss how the applicant has considered the significance of the GHG emissions from LTC against national carbon budgets. This essentially re-states the applicant's position, which the Council has previously disputed, for the reasons set out in Local Impact Report ([REP1-281](#)); in particular, on the grounds of the rationale for assessing the significance of emissions in comparison with national budgets and 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.

6.6 Applicant's Response to Council's Comments at D4 and D5 (REP6-096)

Responses to Applicant's Responses in Section 3, Tables 3.1 – 3.3

Table 2.1, Section 3.1 – Orsett Cock Roundabout

- 6.6.1 The Council provides the following comments on each paragraph provided by the applicant.
- 6.6.2 **Paragraph 3.14:** the applicant states it undertook an iterative 'modelling practice to take the traffic flows from LTAM into VISSIM, and then if the design of the junction is changed, to reflect these changes back into the LTAM. This approach was undertaken during the development of the Project'.
- 6.6.3 As the Council has repeatedly highlighted, this is misrepresentative of the actual process that the applicant adopted, which the Council understands was to undertake some limited VISSIM work to inform the LTC junction layout in 2017, prior to statutory consultation.
- 6.6.4 The Council has requested, but has never been provided with, the 2017 VISSIM work that informed the design, but the applicant has ignored this request.
- 6.6.5 The 2017 VISSIM model that may have informed the LTC design was not developed with the Local Highways Authority as is normal practice, and indeed the Council had not been made aware of its existence until halfway through the Examination. In this context the following missive expressed by the ExA in the A428 Black Cat report is apposite:

'6.4.23 The ExA considers it would have been reasonably expected for the applicant to have undertaken collaborative working with the LHAs and sensitivity testing far earlier in the

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application process, particularly as it would appear that concerns were raised previously by CCC at the pre-application stage. The ExA considers that the applicant should have involved LHAs earlier in the sharing and validation of the traffic modelling, as significant time would have been saved during the Examination.'

- 6.6.6 The reticence of the applicant to engage in a transparent and collaborative manner with regards to this matter leads the Council to conclude that it is unlikely that this 2017 VISSIM work included the Orsett Cock junction and surrounding local road network.
- 6.6.7 The fact that this 2017 modelling work presumably identified no issues at Orsett Cock Junction or the surrounding road network that required any design modifications to the local road network whatsoever is remarkable, especially when contrasted to the stark reality presented by the latest VISSIM modelling as described in the Council's D6A submission 'Thurrock Council Comments on Transport Modelling'.
- 6.6.8 The applicant engaged in work to build a new VISSIM model in 2021. This model has taken the traffic flows from LTAM into VISSIM, and serious issues have been identified by the Council; this too is indicative of the failure of the applicant to have carried out sufficient model iteration up until that point. However, the physical/engineering design of the Orsett Cock Junction has not been changed and therefore the identified issues have not been reflected back in the LTAM model. It is noted that the model was changed to accommodate a 200m weaving length but this has not been reflected in the physical design and has been delayed until detailed design.
- 6.6.9 It is of serious concern for the Examination that the applicant repeatedly and consistently attempts to obfuscate the facts to suit its own narrative on this matter.
- 6.6.10 It is normal practice for the VISSIM traffic outputs to be used to inform changes to the design and to validate the outputs of a SATURN model. It is highly unusual that any application would come forward with such a dramatic level of model divergence remaining unresolved, and the applicant has been unable to cite any similar case for which this is considered acceptable.
- 6.6.11 Experience of the Council in its interactions with the National Highways Spatial Planning team suggests that if it were the applicant reviewing the modelling for this LTC application they too would be highlighting the very same serious concerns as the Council.
- 6.6.12 The applicant misrepresents the observations made by Transport for London on this matter in [REP5-114](#). The second part of the paragraph 4.4 quoted by the applicant helpfully states: '*TfL would **expect some updates to the strategic model to be made if significant performance issues at specific junctions emerged from the microsimulation modelling.***' TfL is in fact emphasising that the strategic model should be updated, substantiating the Council's explanation that this is standard modelling practice.
- 6.6.13 TfL provides a more detailed explanation of its position at paragraph 4.3 which states: '*TfL wishes to clarify that the approach it takes in practice is that, if a performance issue with the microsimulation model is identified, for example excessive delay experienced along a corridor, TfL may make adjustments to the traffic signal strategy or layout design to address this at the microsimulation model level. **This would then be reflected in the strategic model, which would be adjusted accordingly, then be run again.** The new flows and routings would then be extracted from the strategic model and input into the microsimulation model for a further confirmative iteration to be run.'*
- 6.6.14 The fact that the current version of LTAM is underestimating impacts at Orsett Cock is indisputable. This means that the benefit-cost ratio of LTC is being over-estimated. This too is indisputable.

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- 6.6.15 The Council has highlighted a number of other critical junctions across the Borough for which similar concerns have been highlighted about the inadequacy of LTAM modelling and the concern for the Council that this presents an overly optimistic and positive picture of traffic, not substantiated by subsequent microsimulation or junction modelling.
- 6.6.16 The Council is mindful that should additional modelling undertaken by the applicant on other junctions help substantiate its case that LTAM does reasonably represent the performance of these junctions, then it would have heeded to the Council requests early in the Examination to release this modelling for transparent scrutiny. As set out above, it is therefore appropriate to draw adverse inferences from the applicant's failure to share the additional modelling with stakeholders.
- 6.6.17 None of the key junctions, critical to the future growth of the Borough are predicted to reduce in traffic as a result of the Project.
- 6.6.18 **Paragraph 3.1.7:** the Council refutes the serious and misleading misrepresentation of the narrative created by the applicant: it is fundamentally disconnected from objective reality. The divergence between the Orsett Cock VISSIM and LTAM modelling remains a serious concern.
- 6.6.19 It took the applicant significant time to recognise the Council's concerns with regard to the Orsett Cock Junction and the modelling has been carried out far too late in the Examination. The divergence was a known issue that the Council has repeatedly emphasised and raised in its Adequacy of Consultation submission. The Local Model Validation report makes no reference to the serious issue of model divergence at Orsett Cock Junction and how this is considered in the validation. The Council considers the applicant's response to be entirely inadequate in this regard.
- 6.6.20 **Paragraph 3.1.11:** the Council has repeatedly and consistently raised concerns about the applicant's lack of engagement on modelling matters. The fact is that the LTC design was fixed back in April 2017 prior to the 2018 Statutory Consultation. In the intervening period, the applicant has been extremely nervous that any subsequent modelling could question the integrity of the design and would therefore have the potential to require substantial re-working of the scheme and its documentation.
- 6.6.21 The Council worked very hard to engage with the applicant and resolve Orsett Cock modelling issues in 2021. The applicant chose not to expedite this work in a timely manner to resolve known issues of model divergence prior to submission. Frequent meetings were held, but the applicant did not make any commitment to resolve the issues prior to submission.
- 6.6.22 The Council undertook preliminary analysis of the Orsett Cock forecast model in October 2021. By this time, it was very clear that the applicant had no intent to engage effectively with the Council to resolve these issues prior to its submission in October 2022. The Council again raised its concerns about the modelling in its Adequacy of Consultation submission. Following the decision to accept the application, the Council provided its comments in line with the requirements of the Examination process.
- 6.6.23 **Paragraph 3.1.12:** the applicant has repeatedly failed to explain how any previous VISSIM modelling undertaken in 2017 was used to validate the LTAM traffic outputs or to establish that the Orsett Cock junction design would perform adequately. It simply refers to a table that says VISSIM modelling was 'also used'.
- 6.6.24 The Council has requested this 2017 VISSIM modelling, but the applicant has failed to respond. The applicant has remained vague about how the 2017 VISSIM model was used.
- 6.6.25 The maps of modelling coverage provided by the applicant show that its 2017 VISSIM model does not include the Orsett Cock Junction and surrounding local roads. Given the unwillingness of the applicant to provide clarity on this matter, it is likely that only ARCADY

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- and spreadsheet assessments were used to provide a rather rudimentary assessment of Orsett Cock Junction, prior to the LTC design being fixed.
- 6.6.26 This approach has subsequently limited the ability of the applicant to consider fully the merits of potentially beneficial design modifications, such as the inclusion of Tilbury Link Road or improvements to other local junctions.
- 6.6.27 **Paragraph 3.1.13:** the applicant has not proposed any changes to Orsett Cock Junction. No modifications were proposed as part of the LTC scheme that went to Statutory Consultation in late-2018.
- 6.6.28 A minor modification has been included to a slip road off the A13, but no changes to the roundabout. The applicant prematurely ruled out the benefits of including a Tilbury Link Road (TLR) based on inadequate modelling of Orsett Cock junction prior to 2018. The applicant has subsequently included a junction on LTC at Tilbury to help connect in with the TLR, but the 'lock in' to the LTC scheme design in 2018 has prevented the applicant in engaging effectively to include the TLR.
- 6.6.29 Inclusion of the TLR would allow significant reworking of the substantial LTC/A13/A1089 junction and alleviate untenable traffic pressure on Orsett Cock. The Council has committed to provide the finalised drawings, when they have been issued by its design consultant. The Council provided all information it has on Orsett Cock Junction in a timely manner.
- 6.6.30 **Paragraph 3.1.17:** the degree of divergence between the VISSIM and LTAM models at Orsett Cock Junction is not normal as the applicant maintains. It is in fact highly irregular and unprecedented for a scheme of such significance. A planning decision to approve the scheme made on the basis that such modelling divergence is appropriate would be challenged.
- 6.6.31 The applicant does not want to accept that there is a need to reconcile identified differences between the LTAM and VISSIM modelling because this is too inconvenient for the applicant to accept. The ramifications for the applicant of accepting this as necessary are substantive.
- 6.6.32 It appears that subsequently, the applicant has now recognised the inadequacies of its LTAM modelling at Orsett Cock. The applicant has stated in paragraph 3.1.5 of [REP6-091](#) that it now intends on amending the DCO to include '*a new requirement for Orsett Cock to secure a scheme to be developed prior to the start of construction to optimise operation*', noting that this is not being withheld on a without prejudice basis.
- 6.6.33 This is a clear admission that the applicant accepts that the LTAM modelling does not at present appropriately determine the impacts of the Project to inform the planning decision. The VISSIM modelling has demonstrated traffic issues of serious concern that necessitate an amendment to the DCO. LTAM does not provide appropriate assessment of the local transport impacts sufficient upon which to base the planning decision.
- 6.6.34 **Paragraph 3.1.23:** the applicant is again misleading and inaccurate in asserting that the VISSIM modelling demonstrates that the Orsett Cock junction performs acceptably in 2030. The Council as the Local Highway Authority with responsibility for this junction strongly refutes this assertion.
- 6.6.35 The applicant has proposed a new Requirement in the DCO for a scheme for Orsett Cock Junction to be developed prior to construction. This is in clear contradiction to its previous doggedly held assertion that '*the Orsett Cock junction performs acceptably in 2030*'.
- 6.6.36 The Joint Position Statement on Orsett Cock Junction ([REP5-084](#)) clearly demonstrated substantial agreement between the Council and Interested Parties and the fact that together they did not agree that the VISSIM v2 was a reasonable representation of the forecast

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performance of the junction. Subsequent VISSIM modelling work has been undertaken and version 3.6 is the most current.

- 6.6.37 **Paragraph 3.1.27:** there is no stated National Highways policy not to release a full model developed to support an individual scheme while the scheme is in development. This is misleading and inaccurate. A bespoke approach has been adopted for this scheme, intended to limit the ability for scrutiny.
- 6.6.38 Before the Council was allowed to review a cordon model of the local authority area, the applicant required the Council to sign a legal 'Data Sharing Agreement' preventing it from sharing cordon data with neighbouring highway authorities. This severely limited the ability of the local highway authorities to collaborate around areas of key concern in a transparent manner. The rationale for preventing stakeholder collaboration was, and remains, unclear.
- 6.6.39 The Council invested considerable time and effort convincing the applicant of the need to undertake additional model runs. These model runs then required the Council to request significant additional information to understand and analyse the data. The applicant did not agree to undertake all model runs requested by the Council and it took considerable time for the applicant to provide the data, as it has been constantly concerned about the extent to which the data might question the integrity of the LTC design fixed in late-2018.
- 6.6.40 **Paragraph 3.1.28:** the applicant has not provided any analysis to substantiate its claim that traffic congestion at Orsett Cock 'would make no material difference to the benefit cost ratio of the Project'. The Council has, however, undertaken analysis as shown in Table 10.1 of the Council's D6 submission 'Thurrock Council's Comments on applicant's submissions at Deadline 4 and Deadline 5' ([REP6-164](#)) and in Section 5 of the Council's Deadline 6A submission 'Thurrock Council Comments on Traffic Modelling', which identify the potential for material differences to the BCR of the Project and identifies the potential for material difference to the BCR of the Project.
- 6.6.41 The Council remains seriously concerned about the absence of responses to the issues it has raised with regards to the economic assessment undertaken by the applicant, particularly with regards to an over-estimate of benefits (e.g. agglomeration benefits) and underestimation of disbenefits (e.g. disbenefits associated with traffic delays, such as at Orsett Cock Junction). The Council notes that value for money calculations have not been scrutinised to date at Hearings during the Examination.
- 6.6.42 Department for Transport, Transport Analysis Guidance, [Unit E1: Evaluation](#), November 2022, states at Para 6.1.1: '*For an evaluation to be credible, it needs to be **transparent**, fair and objective. This relies on the project team making a deliberate effort to identify biases, assumptions and unrealistic expectations of what the project and the evaluation can achieve. **Wherever possible and proportionate, the evaluation should be conducted by independent evaluators. If independent evaluators are not used, independent evaluation experts should at least guide and peer review the evaluation design and outputs.***'
- 6.6.43 The Council is concerned that the applicant has not deployed independent evaluators to review its transport appraisal and strategic modelling and that it has instead relied on its project team, which is highly subject to biases and unrealistic expectations. The Council maintains its position that the applicant must provide details of its appraisal approach in a transparent manner to allow scrutiny by the ExA and affected local authorities.
- 6.6.44 **Paragraph 3.1.29:** the Council has consistently been very clear to the applicant what it is seeking in practice with regards to Orsett Cock Junction. For the applicant to suggest this remains unclear is surprising and unnecessarily time-consuming.
- 6.6.45 The Council requires assurance that the applicant will commit at a minimum to modifications of Orsett Cock Junction sufficient to ensure that junction is able to perform in alignment with

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LTAM levels of traffic volume and delay. To do this a new Orsett Cock Junction design will need to be tested in VISSIM and demonstrate convergence between the traffic models. This new junction configuration will need to be approved by the local highway authority and designed to accommodate local plan growth, efficient bus service operation and safe and convenient access for pedestrians and cyclists. It remains to be established that this could be achieved with the Order Limits and Rochdale envelope.

- 6.6.46 **Paragraph 3.1.30:** the Council is concerned that the applicant insists on maintaining an untenable position, where it claims that it both does not agree that it has been demonstrated that mitigation is required at Orsett Cock Junction and accepts the need to offer to amend the DCO to provide a new requirement for Orsett Cock Junction to secure a scheme to be developed prior to the start of construction to optimise operation. The applicant is agreeing to mitigate an issue that it disagrees it needs to mitigate.
- 6.6.47 There is a serious issue of model divergence at Orsett Cock Junction, which clearly demonstrates the misrepresentation of LTAM as a basis for the impact of the scheme on the local highway network. This issue has now been recognised to be so important, that the applicant has committed to amend its DCO to address this issue in the final few weeks of the Examination.
- 6.6.48 The draft new Requirement relating to the operation of Orsett Cock Junction proposed at Deadline 5 is currently inadequate. The Council has drafted alternative wording for the requirements in agreement with Interested Parties that will be submitted at D6A as an agreed position between all affected IPs.

Section 3.2 – Asda Roundabout

- 6.6.49 **Paragraph 3.2.2:** the Council notes that crucial modelling work on Asda Roundabout remains uncompleted at a very late state in the Examination process. Concerns have been raised by the Council and Port of Tilbury for years prior to the submission of the scheme and should have been resolved before the LTC scheme design was fixed. Further details have been provided in Section 6.4 of the Council's D6A submission 'Thurrock Council comments on Traffic Modelling'.
- 6.6.50 **Paragraph 3.2.4:** the applicant has previously provided assurances that the construction workforce would need to adhere to agreed routes during an extensive series of meetings with the Council. The fact that these assurances and promises made by the applicant have not been included in any of the DCO documents or considered in the modelling is alarming and raises concerns about the integrity with which the applicant conducted its engagement.
- 6.6.51 Travel Plans are commonly used to commit employers to influence the method of travel used or the route they use. For example, access to on-site parking could be conditioned on the agreement that certain routes would not be used and this could be enforced by ANPR. This is a reasonable, proportionate and practicable approach that the applicant could commit to via its Travel Plan requirements to reduce unreasonable impact on local roads, i.e. within its FCTP. There are other opportunities for the applicant to influence travel behaviour it was committed to doing so, and the 'can't do' stance adopted by the applicant runs contrary to Travel Planning good practice.
- 6.6.52 The Council is concerned that the applicant has deliberately misled the Council of its intentions with regards to the construction workforce, because of concerns that re-routing the traffic shown to be using the LRN would create significant issues for the SRN. Appropriate routing of the construction workforce using the SRN to access the main construction compound at Tilbury would create significant additional traffic impact at Asda Roundabout compounding the need for mitigation prior to construction.

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- 6.6.53 The Council is concerned that to avoid additional costs the applicant appears to have adopted misleading behaviours. The Council maintains that the Asda Roundabout must be amended prior to construction to accommodate all LTC-related construction traffic; and, that the applicant must propose more robust traffic management measures in collaboration with the Council to prevent substantial levels of construction worker traffic from blighting local communities for the seven-year LTC construction period.

Section 3.3 – Manorway Roundabout Model

- 6.6.54 Paragraph 3.3.2: the applicant prematurely states that it 'does not consider that there is merit in further development of the Manorway VISSIM model'. The operation of both Orsett Cock Junction and Five Bells junction will impact on Manorway. Until this work has been adequately completed this conclusion is untenable.
- 6.6.55 The Council is concerned that its attempts to work at pace to undertake essential to develop the Manorway VISSIM model during the Examination is being slowed by the applicant. The applicant insists on providing a significantly higher level of scrutiny and amendment for the Council-led modelling at Manorway, than the scrutiny and amendment the applicant considers necessary for the Orsett Cock junction.
- 6.6.56 Further discussions of this issue are provided in the Council's D6A submission 'Thurrock Council Comments on Traffic Modelling'.

Section 4.1 – Dartford Crossing

- 6.6.57 **Paragraph 4.3.7:** the Council notes that access to and from LTC for residents in Thurrock is via the 'super-intersection' provided in and around the Orsett Cock Junction, i.e. access to LTC for Thurrock residents only occurs in a single part of the Borough.
- 6.6.58 **Paragraph 4.4.2:** the Council reiterates its point that as shown by the applicant's response to ExQ1 Q4.1.1 that LTC does not provide free-flowing capacity on the Dartford Crossing in the majority of time periods from 2037 onwards (and possibly earlier). The Council considers this means that LTC does not meet its objective '*to relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north south capacity*'.
- 6.6.59 **Paragraph: 4.5.4:** the Council considers it a fundamental point that traffic flows at Dartford Crossing are forecast to increase following the construction of LTC. The Council's analysis shows that journey time savings (if they occur) are likely to be of the order of approximately one minute per vehicle as described in Sections 2.1.5 to 2.1.8 of the Council's submission 'Thurrock Council's Comments on applicant's Submissions at Deadline 1 and Deadline 2' ([REP3-211](#)). The Council considers this potential journey time benefit does not justify the scheme cost of £8-9bn.
- 6.6.60 **Paragraph 4.6.2:** the Council has compared forecast traffic flows to 2016, because this reflects how local residents are likely to consider the impact of the LTC scheme. The applicant has confirmed that the introduction of LTC will not reduce traffic flows on Dartford Crossing. This is an important conclusion of significance to residents of Thurrock, who will experience the disbenefits of the six-year construction programme and the loss of 10% of their land area to highway use.

Appendix B Joint Position Statement – Asda Roundabout

- 6.6.61 Further discussions of this issue are provided in the Council's D6A submission 'Thurrock Council Comments on Traffic Modelling'.

Appendix C – Transcript of Workshop

- 6.6.62 The Council would like to confirm that the second offer by the applicant to discuss monitoring and mitigation was declined by all the IPs at the meeting, not just the Council as implied by the applicant's comments. The Council also confirms that the transcript finished at the formal end of the meeting.

ExQ1 2.2.1 Localised Climate and Carbon Assessments

Table 3.1 first response on Page 19 to Page 7 of the Council's response to ExQ1 2.2.1

- 6.6.63 The applicant continues to refuse to provide the model for the Council's review. The applicant commissioned consultants UKCRIC Ltd to undertake a review. The press release ([Lower Thames Crossing asks leading UK universities to 'kick the tyres' of carbon forecasts | UKCRIC](#)) states that this review was to 'kick the tyres of carbon forecasts'. This review was very limited in its scope. None of the affected parties were consulted on the scope of the review. The review was limited in scope to the calculations of the physical infrastructure only. While the UKCRIC Ltd review endorses the applicant's carbon calculator, this is therefore only in relation to the limited scope of emissions that it was asked to consider. UKCRIC Ltd was not asked to provide an independent view on the serious matters raised by the Council.
- 6.6.64 The applicant asked UKCRIC's Ltd to undertake an audit, which was in fact very limited in its scope and none of the affected parties were consulted on the scope of the audit. UKCRIC were not asked to provide an independent view on the serious matters raised by the Council. It is clear that UKCRIC's scope did not include an independent audit of whether the calculation methodology, inputs and outputs are consistent with the methodology that derives the national budgets, and whether such a methodology would allow the applicant to draw their conclusions of a scientific basis for significance, when compared from the entirely different calculation methods and boundaries that derives the national budget.

Table 3.1 third response on Pages 20-21 to Page 11 of the Council's response to ExQ1 2.2.1

- 6.6.65 The applicant has not assessed the broad implications of climate change policy outside of the planning regime in determining accountability, responsibilities and obligations from local authorities. The applicant continues to ignore the impact of LTC on the whole system of delivery of net zero within the ES.
- 6.6.66 This includes the impact of LTC on the responsibility of local authorities to plan for decarbonisation infrastructure in Local Plans (electrification of heating/transport, electrification in local transport plans, etc.). This is in addition to their responsibilities laid out in the Government's Decarbonising Transport, A Better Green Britain, DfT 2021, which sets out their requirement for delivering decarbonisation through places (page 12).
- 6.6.67 In the applicant's response they recognised that local authorities have responsibility and influence for UK emissions, but they have not assessed the impact of LTC on the Council's responsibility and ability to influence carbon emission reductions, as part of the secondary impact assessment requirements of the EIA regulations.
- 6.6.68 The Infrastructure Planning (EIA) Regulations, 2017, Schedule 4, paragraph 6 states what should be included in an ES: '*A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.*' The applicant has not demonstrated that it has complied with this requirement and simply states that they have supplied adequate

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'forecasting methods', i.e. traffic modelling data on the significant effects of carbon for the assessment. This is an issue that must be resolved.

Table 3.1 fifth response on Pages 21-22 to Pages 11 and 12 of the Council's response to ExQ1 2.2.1

- 6.6.69 Following the 2023 Carbon Budget Delivery Plan (CBDP) and the 2023 Climate Change Committee (CCC) Progress Report to Parliament, it is clear that the delivery of the carbon budgets and NDC are not secured. It is therefore not possible for the Secretary of State (SoS) to simply assume that the carbon budgets will be delivered. This may have been the context for previous highway DCOs, but it is certainly no longer a valid position. The context has now clearly changed and the SoS must now consider the risk assessment info on the Net Zero Strategy/CBDP delivery and reach a reasoned conclusion on whether the very substantial additional emissions created by LTC can be accommodated.
- 6.6.70 The applicant continues not to address the secondary impacts of LTC on the broad range of priorities that National Government have set for Local Government to deliver the decarbonisation pathways within National Policy, including the Carbon Budget Order 2021 and the Government's Carbon Budget Delivery Plan March 2023 (HC 1269).
- 6.6.71 The applicant states: *'Thurrock Council does not have the policy responsibility for the GHG emissions within their geographical area [sic]'*
- 6.6.72 The applicant's view that Local Government, i.e. Councils, have no responsibilities in delivering National Government's policy appears to be the basis of not undertaking secondary impact assessment (i.e. the impact of LTC on Thurrock Council's ability to deliver wider national net zero policy) as defined within the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017, Schedule 4, Regulation 14 (2).
- 6.6.73 This strikes to the heart of consideration for the Planning Inspectorate and Government. Does Local Government have responsibility and obligations to deliver National Government's policy? In the Council's view, it is bizarre that the applicant would attempt to construct an argument that local government has no responsibility or obligation to deliver national policy on net zero.
- 6.6.74 The applicant claims that it is solely the responsibility of the Secretary of State, and that therefore the Council need not concern itself with matters of carbon assessment or obligations to deliver net zero. It is crucial that this position is carefully scrutinised and clarified in detail at Examination to ensure that this is not referred to by National Highways as future case law, as otherwise this stance would set a very concerning precedent with regards to responsibilities for net zero and carbon assessment.
- 6.6.75 If this statement (i.e. Thurrock Council does not have policy responsibility for net zero in their geography) is correct the Council have no grounds to objecting to the impact of LTC on their ability to deliver Government's net zero policy, as Local Government would appear to have no responsibilities for delivering national policy.
- 6.6.76 If National Government do place responsibility and obligations on Local Government, then the applicant has not assessed the impact of LTC on the Council's ability to deliver those obligations. The applicant is not compliant with Schedule 4 Regulation 14 (2) of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017 in assessing such secondary impacts.

Table 3.1 seventh response on Page 24 to Page 14 of the Council's response to ExQ1 2.2.1

- 6.6.77 The application continues to avoid addressing the scientific basis of failing to contextualise the project emissions against 'like for like' emission boundaries, either or both on a sectoral or geographic basis in order to provide the Planning Inspectorate with a balanced view of the significance of the emissions calculated.

Table 3.1 eighth to 16th responses on Page 25-31 to Pages 11 – 21 of the Council's response to ExQ1 2.2.1

- 6.6.78 The applicant has critiqued the seven DCOs identified by the Council that provided examples of how GHG emissions can be contextualised locally, regional and/or sector basis. The Council maintains that these are valid examples and that clearly many other DCOs also show that setting this context is important as part of the decision making process and that it is scientifically possible to do so.

ExQ1 Q8.1.2 – Q8.1.9 Waste and Materials

The applicant's position on Page 72 intrusive surveys comment

- 6.6.79 The applicant's position on the Page 73 proposal to set an upper limit for excavated material through REAC MW011 is based upon this being purely related to transport. During discussions the Council made clear that this impacted on transport, which has the potential to be a significant local impact, but also has impacts on compliance with the waste hierarchy, circular economy principles, carbon emissions and local waste management market impacts. If a percentage based cap is retained and a design change results in an overall increase in excavated waste arisings then the basis for the assessment of the schemes impact would be rendered inaccurate. Setting a tonnage based cap would allow the applicant to vary their design whilst providing the Council with comfort that the impact from the management of the excavated wastes will be no worse than the assessed level.

ExQ1 8.1.4 Waste and Materials

- 6.6.80 The Council disagrees with the applicant's assessment of the need to update MW007, the wording is open to imprecise and leads for the potential for misinterpretation in future. Whilst the Council appreciates the amendment made, which requires evidence to be provided for the need to dispose of materials, the Council still do not believe that this provides sufficient clarity in the prioritisation of the waste hierarchy. The Council contends that its recommendation to use legally precedented descriptions for the level of responsibility to comply with the hierarchy in priority does not diverge from the applicant's stated aims and intent with this commitment, but provides a more legally robust basis for the statement and is therefore less open to interpretation in future.
- 6.6.81 The Council disagrees with the applicant that setting material specific targets would be unnecessarily constraining. There is a risk that due to the large quantities of specific materials, a single overarching target could be achieved by managing a limited number of high weight streams at the expense of other (potentially more environmentally beneficial) materials. Setting individual material targets avoids this and allows more intelligent levels to be applied based on market certainty. This approach is standard practice in the development of Site Waste Management Plans and Circular Economy Statements, so the Council do not believe it should be considered controversial.

ExQ1 8.1.6 Waste and Materials

- 6.6.82 All of the responses from the applicant are based in a fundamental disagreement between it and the Council regarding the appropriate level of detail that should be provided within the

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DCO documentation. The Council remains of the opinion that in their current level of development the documentation is insufficiently developed and detailed to provide appropriate levels of control over Contractors solutions to ensure that they deliver the envisaged environmental outcomes.

ExQ1 8.1.9 Waste and Materials

- 6.6.83 The applicant's response does not address the point raised by the Council. The Council does not dispute that the high level specification of what information should be recorded. The issue remains of how that should be delivered and evidenced is not set out within the documentation.

6.7 Coalhouse Point Flood Risk Assessment (REP6-102)

- 6.7.1 The Flood Risk Assessment for Coalhouse Point was submitted in October 2023: ([REP6-102](#)) Deadline 6 Submission - 9.147 Coalhouse Point Flood Risk Assessment. The report describes the hydraulic modelling undertaken to assess the flood risk impacts of the proposed Coalhouse Point wetland area. The applicant has also sought to describe the current and future ownership and maintenance responsibilities of the flood defences in the area.
- 6.7.2 The applicant has stated that the existing flood bund adjacent to the proposed wetland has been incorporated into the Order Limits and would be subject to compulsory acquisition. The applicant confirms that it would take permanent ownership of the extent of the feature that falls within the Order Limits.
- 6.7.3 Inspection of Plate 1.1 on page 2 of the report shows that the flood defence that falls within the Order Limits is restricted to the short stretch of coastline adjacent to the proposed wetland development, where the structure is defined as 'low level flood defence embankment'. However, the Flood Defences on both the western and eastern side of the proposed development do not fall within the Order Limits and therefore would not be the responsibility of the applicant according to the plans and description shown. There is, however, a short stretch of flood defence on the western side as well as the flood defence along the northern side of Coalhouse Point, which do fall within the Order Limits; these sections would be the responsibility of the applicant according to the plans and description.
- 6.7.4 The Star Dam on the north west corner of the proposed development, falls partly within the Order Limits and partly outside. It is not clear, therefore, where the ownership and maintenance responsibilities will fall for this asset according to the plans and description.
- 6.7.5 The applicant has described Riparian Landowner's responsibilities, which would apply to both the Council as well as the applicant for the flood defences within their respective land ownership. The measured duty of care principle is highlighted to show that landowners are legally responsible to maintain flood defences on their land to prevent harm to their neighbours by flooding and coastal erosion.
- 6.7.6 The report identifies flood defence features that would remain under the Council's responsibility as a Riparian landowner, including the remaining part of the low lying flood bund, east of the Order Limits. The Council would continue to share responsibility with Historic England for Coalhouse Fort, including the Fort car park and also the flood defences around the coastal frontage of Coalhouse Fort.
- 6.7.7 The applicant has shown the proposed Flood defences conceptually; however, the plans do not clearly define the proposed ownership extents, with some assets falling outside of the Order Limits. The plan shown along with the description leave room for misinterpretation and confusion over future ownership and maintenance responsibilities.

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- 6.7.8 Existing watercourses (both external and within the proposed development area at Coalhouse Point) are not shown on in the report, except for a central ditch that will be modified. It is not clear that the Flood Risk Assessment would like to understand the impact of proposals on these watercourses.
- 6.7.9 The applicant states that the hydraulic modelling demonstrates that the proposed wetland area will not have an adverse impact on flood risk elsewhere. The modelling results show no significant changes to the Coalhouse Fort car park food risk levels. However, in the absence of any plan showing existing watercourses within and outside of the proposed development: it is not clear if the proposed development will have an impact on the boundary conditions of these watercourses.
- 6.7.10 **Summary: the plan shown along with the description leave room for misinterpretation and confusion over future ownership and maintenance responsibilities. The Council requests the applicant to update the report ([REP6-102](#)) Deadline 6 Submission - 9.147 Coalhouse Point Flood Risk Assessment; to include two plans: both a clear representation of existing flood defences and ownership, as well as a plan showing proposed flood defences with a clear representation of ownership and maintenance responsibility extents.**
- 6.7.11 **The Council would like to understand the impact of the proposed wetland development on the watercourses within and outside of the Order Limits. This may be through an update to the report ([REP6-102](#)) Deadline 6 Submission - 9.147 Coalhouse Point Flood Risk Assessment, showing existing watercourses and ditches and an assessment of potential impacts of the proposed development.**

6.8 Statutory Undertakers/Utilities Submissions (REP6-053 v4, REP6-082 v3 and REP6-084 v2)

Introduction

- 6.8.1 The Council would like to note that comments made in previous response submissions to deadlines, have not been addressed by the applicant. Where comments have been addressed by the applicant, reference has been made to previous documentation or reiterated their previous position. The Council expects the applicant to respond with amended or further documentation that addresses the comments made in this and for previous submissions.

Status of Negotiations with Statutory Undertakers v4.0 (REP6-053)

- 6.8.2 The Status of Negotiations with Statutory Undertakers v4.0 ([REP6-053](#)) has been amended, with all key amendments in the 'Negotiations summary' column of Table 2.1.
- 6.8.3 The amendments within item number 10 within Table 2.1 of the Status of Negotiations with Statutory Undertakers v4.0 ([REP6-053](#)), in relation to Lumen Technologies UK Ltd., concern the recent correspondence between the applicant's solicitors and Lumen Technologies UK Ltd. regarding cost sharing and deferment of renewal. The Council notes that the applicant has requested feedback and that the 'Status of Negotiations' remains the same: *'It is anticipated that agreement will be reached with Lumen on all other matters during the Examination period to ensure Lumen receives the protective measures it requires for its apparatus'*.
- 6.8.4 The amendments within item number 14 within Table 2.1 of the Status of Negotiations with Statutory Undertakers v4.0 ([REP6-053](#)), in relation to Northumbrian Water Ltd. – trading as Essex and Suffolk Water, provide confirmation that the next progress meeting to discuss matters is scheduled end of October / early November 2023, the agenda of which will include water quality and Linford Well compulsory acquisition. The Council notes that this has not

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affected the 'Status of Negotiations' and it therefore remains the same: *'The applicant is confident that agreement will be reached during the Examination Period.'*

- 6.8.5 The amendments within item number 21 within Table 2.1 of the Status of Negotiations with Statutory Undertakers v4.0 ([REP6-053](#)), in relation to Thurrock Flexible Generation Ltd. (formerly known as Thurrock Power Ltd) (part of Statera Energy), include an update on negotiations confirming that *'an interface agreement is being developed to facilitate onward relationship (issued to the interested party for comment on 21 September 2023)'*. The Council notes that this has not affected the 'Status of Negotiations' and it therefore remains the same: *'The applicant is confident that agreement will be reached during the Examination Period.'*
- 6.8.6 The amendments within item number 26 within Table 2.1 of the Status of Negotiations with Statutory Undertakers v4.0 ([REP6-053](#)), in relation to Zayo Group UK Ltd. concern a change to Zayo Group UK Ltd.'s stance, where previously Protective Provisions for the Protection of Operators of Electronic Communications Code Networks had been agreed, Zayo Group UK Ltd. *'no longer recognise the necessity for the Protective Provisions, stating that they are protected under NRSWA 1991 and the Communications Act 2003'*. The applicant has stated that Zayo Group UK Ltd. has not responded to correspondence from the applicant regarding this change in position, but that they will continue to in their attempts to receive feedback. The Council notes that this has not affected the 'Status of Negotiations' and it therefore remains the same: *'The applicant is confident that agreement will be reached during the Examination Period.'*
- 6.8.7 No further amendments have been made and as such the 'Status of Negotiations' with each Statutory Undertaker remains the same as per the previous version. The Council's comments therefore remain the same as per previous deadline submission responses where the Council wishes to see an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers.
- 6.8.8 The Council notes that within Table 2.1 of the Status of Negotiations with Statutory Undertakers v4.0 ([REP6-053](#)) agreements between the applicant and the following Statutory Undertakers are yet to be reached:
- a. High Speed One Ltd.
 - b. Lumen Technologies UK Ltd.
 - c. National Gas Transmission PLC
 - d. National Grid Electricity Transmission PLC
 - e. Network Rail Infrastructure Ltd.
 - f. Northumbrian Water Ltd. – Trading as Essex and Suffolk Water
 - g. Port of London Authority Ltd.
 - h. Port of Tilbury London Ltd.
 - i. Southern Water Services Ltd.
 - j. Thurrock Flexible Generation Ltd. (formerly known as Thurrock Power Ltd.) (part of Statera Energy)
 - k. Zayo Group UK Ltd.
 - l. Essex County Council (Internal Drainage Board)

- m. Kent County Council (Internal Drainage Board)
- n. North Kent Marshes Internal Drainage Board

6.8.9 It is noted that item number 31 within Table 2.1 of the Status of Negotiations with Statutory Undertakers v4.0 ([REP6-053](#)), in relation to Thurrock Council (Internal Drainage Board), negotiations remain as per the Status of Negotiations with Statutory Undertakers v3.0 ([REP4-163](#)) and an *'Agreement relative to Drainage Protective Provisions has not reached'*. As commented in the response to the applicant's submission at Deadline 6, the Council remains unaware of such discussions or their status regarding the drainage Protective Provisions. As previously requested, the Council would appreciate further detail on this matter, such as previous and planned discussion dates and any minutes taken during these discussions.

ExQ1 Q15.1.3 PA2008 s127 Statutory Undertakers' Land-Rights – LTC v3.0 (REP6-082)

- 6.8.10 The Council wishes to note that their comments regarding the applicant's submission of ExQ1 Q15.1.3 PA2008 s127 Statutory Undertakers' Land-Rights – LTC v2.0 ([REP5-076](#)) have not been addressed and still require a response.
- 6.8.11 The amendments to Table 1.1 of the ExQ1 Q15.1.3 PA2008 s127 Statutory Undertakers' Land-Rights – LTC v3.0 ([REP6-082](#)) are predominantly the references to the updated Draft Development Consent Order v7.0 ([REP5-025](#)). The Council assumes that those Statutory Undertakers who have withdrawn or have no objection have been given the opportunity to review the amended Draft Development Consent Order and make any comments. The Council, therefore, require further detail with a list of relevant Statutory Undertakers and their position on the dDCO.
- 6.8.12 For the amendment to item number 3 in Table 1.1 of the ExQ1.15.1.3 PA2008 s127 Statutory Undertakers' Land-Rights – LTC v3.0 ([REP6-082](#)) in relation to the Environment Agency, the Council notes that whilst the existing objection to the Order is still relevant, the applicant now believes that all matters pursuant to s127 are agreed. Clarification is therefore required to determine whether the applicant is now only waiting on formal withdrawal of the object from the Environment Agency, or whether further matters still require an agreement to be reached.
- 6.8.13 For the amendment to item number 5 in Table 1.1 of the ExQ1.15.1.3 PA2008 s127 Statutory Undertakers' Land-Rights – LTC v3.0 ([REP6-082](#)) in relation to HS1 Limited, the Council notes that the applicant has removed the statement that they are confident that an agreement on all matters will be reached and included confirmation that *'ongoing negotiations regarding the Protective Provisions are expected to take place during the Examination period'*.
- 6.8.14 The 'Status of Objection' for each Statutory Undertaker included within Table 1.1 of the ExQ1.15.1.3 PA2008 s127 Statutory Undertakers' Land-Rights – LTC v3.0 ([REP6-082](#)) has remained the same as per the previous version. The Council's comments therefore remain the same as per previous deadline submission responses, where the Council wishes to see an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers.
- 6.8.15 The Council notes that within Table 1.1 of the ExQ1.15.1.3 PA2008 s127 Statutory Undertakers' Land-Rights – LTC v3.0 ([REP6-082](#)) the following Statutory Undertakers still have objections to the Order:
- a. Environment Agency
 - b. Essex and Suffolk Water Limited

- c. HS1 Limited
- d. National Gas Transmission PLC
- e. National Grid Electricity Transmission PLC
- f. National Grid PLC
- g. Network Rail Limited
- h. Northumbrian Water Limited
- i. Port of London Authority Limited
- j. Port of Tilbury London Limited
- k. Southern Water Services Limited
- l. Thurrock Flexible Generation Limited

ExQ1 Q15.1.4 PA2008 s138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 (REP6-084)

- 6.8.16 The ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) 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.
- 6.8.17 The amendments within Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) predominantly consist of the references to updated documents including the Draft Development Consent Order v7.0 ([REP5-025](#)) and the Book of Reference v6.0 ([REP5-031](#)).
- 6.8.18 For the amendment to item number 3 in Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) in relation to the Environment Agency, the Council notes that whilst the existing objection to the Order is still relevant, the applicant now believes that *'all matters pursuant to s138 are agreed'*. Clarification is therefore required to determine whether the applicant is now only waiting on formal withdrawal of the object from the Environment Agency or whether further matters still require an agreement to be reached.
- 6.8.19 For the amendment to item number 5 in Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) in relation to HS1 Limited, the Council notes that the applicant has removed the statement that they are confident that an agreement on all matters will be reached and included confirmation that *'ongoing negotiations regarding the Protective Provisions are expected to take place during the Examination period'*.
- 6.8.20 For the amendment to item number 7 in Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) in relation to Lumen Technologies UK Limited, the Council notes that the applicant has removed the word *'confident'* and replaced it with *'anticipated'*, such that the statement now reads *'it is anticipated that agreement will be reached with Lumen on all other matters during the Examination Period to ensure Lumen receives the Protective Measures it requires for its apparatus'*.

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- 6.8.21 The amendment to item number 13 in Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) is in relation to Port of London Authority Limited concerns the 'Right(s) to be extinguished and/or apparatus removed', where the natures of rights to be extinguished is in respect of the Thames River and bed under the ownership of the Port of London Authority Limited. The Council notes that the Port of London Authority Limited has an existing objection to the Order and that this status has not changed.
- 6.8.22 The 'Status of Objection' for each Statutory Undertaker included within Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) has remained the same as per the previous version. The Council's comments therefore remain the same as per previous deadline submission responses where the Council wishes to see an update during the Examination regarding all agreements that are yet to be reached with Statutory Undertakers.
- 6.8.23 The Council notes that within Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) the following Statutory Undertakers still have objections to the Order:
- a. Environment Agency
 - b. Essex and Suffolk Water Limited
 - c. HS1 Limited
 - d. Lumen Technologies UK Limited
 - e. National Gas Transmission PLC
 - f. National Grid Electricity Transmission PLC
 - g. National Grid PLC
 - h. Network Rail Limited
 - i. Northumbrian Water Limited
 - j. Port of London Authority Limited
 - k. Port of Tilbury London Limited
 - l. Southern Water Services Limited
 - m. Thurrock Flexible Generation Limited

6.9 Draft Section 106 Agreement Comments and Progress Update

Introduction

- 6.9.1 Although the applicant has made no submission on the S106 Agreement with the Council at D6, it is considered by the Council to be helpful to the ExA to set out the position since the Council's D6 submission comments in Section 4.6 ([REP6-164](#)).
- 6.9.2 Within the applicant's response to our D5 submission ([REP5-112](#) in Section 2.5) relating to the draft S106 Agreement, there are comments relating to the SEE Strategy and Community Fund that are now largely out-of-date in view of Sections 5.9.4 and 5.9.5 below, although the disagreements between the parties on key elements remain not agreed.

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- 6.9.3 Importantly, the broad responses of the applicant on Section 2.5.6 are not correct – the Heads of Terms were dramatically reduced unilaterally by the applicant and the finalisation of the draft S106 Agreement is still in question.

Draft S106 Agreement

- 6.9.4 Further to the Council's previous comments sent to the applicant on 20 October 2023, the Council has received a subsequent amended version of the draft S106 Agreement from the applicant on 3 November 2023. The Council has responded with detailed comments on 8 November 2023, which are under consideration by the applicant and have now been discussed further at a meeting on 15 November 2023. In summary, following that meeting, there are several significant issues still outstanding and on which the applicant agreed to reconsider its position:
- a. The new offer on **Officer Support Contributions** from the applicant, whilst improved, is significantly below that required by the Council and the applicant agreed to consider providing justifications and calculations to support its position. The Council provided that detailed information in its submission to the applicant and therefore awaits that required information in return;
 - b. The improved offer on **Severance related to Brennan Road** is as required by the Council and will be considered formally by the Council once a plan is added to the Agreement schedule;
 - c. The issue of '**Commencement**' not including **Preliminary Works** remains, although the applicant stated a new offer would be forthcoming;
 - d. It was agreed to **remove Schedule 1** and incorporate its content into the body of the Agreement, although the Council remains concerned that the small land parcel may not adequately secure the content of the S106 Agreement. If the applicant were to dispose of such land any purchaser may not be bound by the provisions of the S106 Agreement and consequently there may be no security for the payment of Officer Support Contributions, therefore amendments would be needed to bind the applicant and any subsequent undertaker (under S111 of the Local Government Act, 1972), who may have the benefit of the Order at a later date;
 - e. Clause 5.3 of the draft S106 Agreement prevents the applicant from transferring the benefit of the Order, without the transferee entering into a deed of covenant with the Council on terms equivalent to the S106 Agreement. The Council note that the LB Havering has requested that this go into the Order itself. The Council does not object to this recommendation;
 - f. Regarding the **removal of Schedules 2 and 3 (SEE Strategy and Targets and Community Fund)** and their incorporation into the SAC-R, the applicant will provide a new version of the SAC-R at D7 and share those new parts with the Council just in advance. The Council is particularly concerned that the securing mechanism for the SAC-R is S61 of the dDCO and it does not yet provide any absolute commitment to any of the measures set out within it; and, it is only contractual and does not bind successors in title, as would a S106. However, many of the Council's comments on these two key matters remain refused by the applicant.
- 6.9.5 The Council's comments on the main Agreement and retained Schedules relate to the commencement definition and comments on various Schedules, which it is hoped can be resolved. The Council has accepted that the two Schedules relating to the SEE Strategy and Targets and the Community Fund will now be removed and placed within the SAC-R. However, the Council has stated that it *'needs to see the amended SAC-R with Schedules 2 and 3 included and we need to review the proposed wording for Article 61 of the dDCO*

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to ensure it provides for an absolute commitment to these two schedules. When will the Article amendments be available for review and when are you proposing to submit the amended SAC-R to the ExA.'

- 6.9.6 The Council still maintains its objections to detailed matters within both Schedules, which have been reiterated to the applicant and the Council awaits the applicant's response. In addition, the Council still awaits the applicant's response to its requested proposals for Council Officer Support contributions, although it has received the applicant's positive response to its proposals for Severance at Brennan Road.
- 6.9.7 The Council remains concerned about the applicant's refusal to consider a S106 contribution to Orsett Village mitigation. The applicant had previously offered funding and mitigation, however, this has been withdrawn. 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. The Council has made further comments on this matter in its D6A submission. It should be noted that the applicant maintains in Section 2.5.3 of its responses within [REP6-096](#) that the oTMPfC provides adequate measures to manage traffic impacts on Orsett Village – the Council strongly disagrees. Issues with Orsett Village have been dealt with in more detail in the Council's D6A submission.

Draft S106 Programme

- 6.9.8 **The applicant's proposed programme for achieving an agreed S106 Agreement has already been delayed by the applicant and it remains questionable as to whether it will 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.**

- 6.9.9 **This is of particular concern in view of PINS guidance in Advice Note Two (published February 2015) in Section 24, which is set out below:**

'24.1 A deadline for receipt of a signed Planning Obligation is likely to be set in the examination timetable. The ExA can only take into account submissions and documents that have been submitted by the close of the examination period. For s106 agreements, this means a fully signed copy must be submitted to the Planning Inspectorate before the deadline for the close of examination.'

24.2 Brinkmanship by any party is inappropriate and may backfire within the context of a timetabled examination. It is perfectly legitimate for applicant's to submit a Unilateral Undertaking to the ExA if they cannot agree a s106 agreement with another party.'

- 6.9.10 Accordingly, the ExA will only give weight to Section 106 agreements or Unilateral Undertakings (UUs) agreed before the end of the Examination.
- 6.9.11 **There are also several detailed comments on the draft S106 Agreement that remain a concern to the Council. However, the applicant intends to make a draft submission at D7, where the wording setting out a summary of the position has not been agreed by the Council. Consequently, the Council remains concerned that agreement by D9 may not be achieved, largely because the applicant has only recently fully engaged and improved its position after over 18 months of discussions.**

7 Response to Applicant's D6 Traffic and Transport Submissions

7.1 Introduction

7.1.1 This section focuses on three submissions by the applicant – the Wider Network Impacts Position Paper, the applicant's Updated oTMPfC, a summary of the applicant's modelling submissions (that are covered in more detail in the Council's D6A submission) and the applicant's Submissions on Construction Impacts and Management at Asda Roundabout.

7.2 Wider Network Impacts Position Paper (REP6-092)

7.2.1 The Council strongly contests the applicant's assertions at paragraph 2.1.4 that the Council nor any other party has engaged with the analysis of impacts presented by the applicant. The applicant cannot substantiate this point after the Council has engaged for years with the applicant on the impact assessment of LTC. The applicant, by contrast, has resisted providing adequate detailed analysis of the impacts and has not responded to the concerns raised and the evidence and expert assessment of the Council.

7.2.2 The Council continues to be frustrated by the very obvious lack of a proactive and collaborative approach being adopted by the applicant on traffic impacts and a lack of respect to local communities it displays through disregard to the concern about traffic impacts the scheme will have during a lengthy construction period and once the scheme is operational. Throughout the Examination the applicant has displayed a ongoing disregard for local authority efforts to collaborate with it to develop practicable solutions, and instead constantly tries to substantiate its position with regard to convoluted and often contradictory policy and legal interpretation. The applicant has chosen to ignore clear opportunities to engage to resolve issues through common sense. It is this behaviour displayed by the applicant during and prior to the Examination, that emphasises to the Council and other interested parties how important it is to ensure every opportunity to clarify commitments are secured through the DCO process; and, that no crucial matters regarding the impact on the wider network are left unresolved.

7.2.3 In paragraph 2.1.5 the applicant signposts where they have set out policy compliance of the scheme, the transport impacts of LTC and the transport benefits and disbenefits. The Council has engaged fully with every aspect of the DCO submission and throughout the Examination process and has provided very detailed responses to all documents submitted by the applicant.

7.2.4 Sections 2.2 – 2.4 set out the applicant's position on policy, which effectively summarises Mr Rhodes oral submissions on policy at ISH10. The Council does not agree with the applicant's interpretation of the NPSNN and set out the reasons for this at ISH4 as summarised in the Council's Post Event Submissions for ISH3 – ISH7 and CAH1 and 2 ([REP4-352](#)).

7.2.5 In paragraph 2.2.6 the applicant misrepresents the statement in paragraph 2.24 of the NPSNN on predict and provide. The Council agrees that predict and provide is not an appropriate approach. It has consistently questioned the clear contradiction between the applicant's recognition of the need not to adopt an predict and provide approach, whilst simultaneously very obviously adopting predict and provide as the primary design principle underpinning the scheme submitted. If the underlying justification for LTC was not predict and provide, then a very different LTC scheme would be required to reflect the 'vision and validate' approach. The adoption of a vision and validate approach would entirely undermine the justification for LTC, as it would be less highways focussed and include many more features to integrate the scheme within the local transport network, providing for public transport, promoting cycling

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and actively managing traffic demand. These are the key aspects of a vision and validate approach that the Council has been trying to engage the applicant to make effective amendments to the scheme for many years; and the applicant has stubbornly resisted attempts to encourage it to adopt a vision and validate approach. Despite the applicant's best attempts at predict and provide, the project is still forecast to create unacceptable impacts within Thurrock as both a direct consequence of the project (i.e. at the Orsett Cock junction) or indirectly through the reassignment and induction of traffic to sensitive locations within the Council's Local Road Network. The applicant's statement on predict and provide does not absolve it of mitigating scheme effects.

- 7.2.6 In paragraph 2.4.10 the applicant states that *'there is no obligation or expectation in the NPSNN or elsewhere that all congestion effects must be mitigated or that free-flowing traffic conditions are an objective.'* This is misleading, as the Council is not seeking for all congestion effects to be mitigated. The Council has examined the assessment put forward by the applicant, and whilst the assessment is not agreed, the Council has used it to identify seven junctions within Thurrock that would be significantly adversely impacted by the Project and should be mitigated. The LTAM model shows significantly lower levels of delay than the localised junction models. The LTAM model forms the basis of scheme appraisal and therefore the junctions identified with an adverse impact should operate as they are forecast in LTAM, rather than the high levels of delay forecast in VISSIM. The applicant's statement is also at odds with one of the project's objectives, which is to provide free flowing conditions (Scheme Objective 1, as referred to in the Council's LIR ([REP1-281](#)) in Section 7.3). The promise of realising the objective of free flowing traffic was a key part of all rounds of consultation it has in the last 5 years since its statutory consultation in LATE-2018. It is a serious concern that this promise of free flow traffic has been blatantly misrepresented in its communication with the public.
- 7.2.7 The applicant contends that the NPPF (which is not an NPS and therefore far less relevant) demonstrates that *'congestion is not an impact which must be mitigated in all circumstances'*. The applicant quotes Appeal decision 3185493 (Planning Inspectorate, 2018), which confirmed that *'That approach was that the term 'severe' sets a high bar for intervention via the planning system in traffic effects arising from development; mere congestion and inconvenience are insufficient in themselves but rather it is a question of the consequence of such congestion.'* The Council has raised a number of concerns with regards to the consequences of congestion, including but not limited to, unacceptable impact on the delivery of growth within Thurrock as a result of the queuing and delay caused by LTC as highlighted in VISSIM modelling; reduced ability for pedestrians/cyclists to safely cross roads as a result of increased traffic on the network; impact on bus journey times and bus service viability; and, inappropriate re-routing of traffic through local communities as a result of queuing and delay on the highway network. It is the Council's view that the consequences of congestion forecast by LTC on parts of Thurrock's highway network would be severe.
- 7.2.8 The applicant now accepts that there is an unacceptable adverse impact on congestion at Orsett Cock Junction and has inserted a new Requirement in the dDCO to mitigate the impacts. Whilst the Council does not consider the new Requirement is adequate, it does demonstrate that the applicant has contradicted its interpretation of the NPSNN that congestion impacts do not need to be mitigated ([REP6-092](#)). The applicant has continuously revised its narrative prior to and during the Examination, in an obvious attempt to obviate the need to address a very serious issue of known, serious and unacceptable traffic impacts.
- 7.2.9 Section 3.1 sets out the applicant's approach to uncertainty. The Council has raised fundamental issues with the applicant's approach to uncertainty, which is summarised in Section 10.3.33 of 'Thurrock Council's Comments on the applicant's Submissions at Deadline 4 and Deadline 5' ([REP6-164](#)).
- 7.2.10 Section 3.2 summarises the applicant's interpretation of the NPSNN with regards to the tests for safety, environment, severance and accessibility.

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- 7.2.11 With regards to safety, paragraph 3.2.2 states that the Project would result in a net reduction in the accident cost per km driven over the 60 year appraisal period. The Council strongly disagrees with the applicant's safety analysis as set out in the LIR ([REP1-281](#)) in Sections 7.3.6 to 7.3.11. As far as the Council is aware, this is the only scheme to rely on an accident rate to justify its success against its safety objective and the only National Highways scheme with an increase in all casualty types with the scheme in place. The Project is forecast to increase the number of casualties (26 fatalities, 182 serious and 2,464 slight casualties). The Council is also reminded that the applicant has repeatedly refused to release details of the scope for the independent safety audit undertaken by Jacobs, so it is not possible to determine whether the scope has had a bearing on the safety reporting. The Council has also not been furnished with the details of deviations from design standards that are required to make the design function, despite repeated requests.
- 7.2.12 Paragraph 3.2.3 states that the ES considers the effects of changing traffic flow on the environment. The applicant considers that impact on congestion does not form part of the policy tests in the NPSNN ([REP6-092](#)). However, in Appendix 4.4 of the ES ([APP-343](#)) the applicant refers to the Institute of Environmental Management and Assessment (IEMA) 'Guidelines for the Environmental Assessment of Road Traffic' (1993) and seeks to demonstrate compliance with it. As set out by the applicant, IEMA Guidelines DO require the assessment of a number of transport environmental topics, including driver delay. Appendix 4.4 of the ES goes on to set out the definition of driver delay and states that '*In Chapter 13 (Application Document 6.1 ([APP-151](#))), delay is discussed as a component of driver stress in relation to congestion.*' Therefore, the environmental aspects that require mitigating (NPSNN paragraph 5.206) include driver delay and congestion.
- 7.2.13 Paragraph 3.2.5 summarises the applicant's approach to assessing the impact on severance and accessibility. The Council has raised concerns with the assessment of severance and accessibility in its LIR ([REP1-281](#)) with issues summarised in Section 9.6.11. It is a particular concern that the Zone of Influence is only 500m from the Order Limits (Table 16.3 of [APP-154](#)), which would exclude roads and communities that are likely to be adversely impacted by LTC, as a result of the increase in traffic forecast.
- 7.2.14 Table 3.1 sets out the applicant's position on unacceptable adverse impacts identified by Interested Parties, how they have been assessed and where works are in place to examine these impacts through the RIS or other mechanisms. Included in Table 3.1 are Orsett Cock, The Manorway, Five Bells and Asda roundabout. The impacts summarised in Table 3.1 are only based on LTAM. The Council asserts that LTAM significantly underestimates the impacts of LTC (comparison of LTAM and VISSIM delays in the Council's D6A submission 'Thurrock Council Comments on Traffic Modelling') ([REP6A-013](#)). No mitigation is proposed to mitigate the moderate to major impacts identified at the junctions. Instead, the applicant refers to potential interventions coming forward as part of the Road Investment Strategy (RIS) and 'Shaping the future of England's strategic roads' (DfT, 2023). There is no certainty of any improvements to the impacted junctions coming forward as part of future RIS. Indeed, the RIS would not mitigate impacts of LTC on the local highway network and would only focus on the Strategic Road Network (SRN). As identified by the applicant in Table 3.1, the A13 would need to be changed to form part of the SRN for improvements to the A13 corridor and junctions between Orsett Cock and Five Bells to be made as part of a RIS. There is no guarantee that any mitigation would come forward through a RIS to mitigate the significant impacts of LTC. This is wholly unacceptable to the Council.
- 7.2.15 Section 4 of Wider Network Impacts Position Paper ([REP6-092](#)) sets out the benefits or otherwise of the 'Silvertown Tunnel approach'. The applicant considers that the 'Silvertown Tunnel approach' is not what parties appear to believe it is. This is not true. The Council and other stakeholders understand what the Silvertown Tunnel approach is. Indeed, some of the witnesses and Counsel were involved in the drafting of the Silvertown Tunnel Requirement.

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7.2.16 The applicant considers that the Wider Network Impacts Management and Monitoring Plan (WNIMMP) ([APP-545](#)) is sufficient and already meets the same requirements as the Silvertown Tunnel approach. Again, this is not true. The applicant's approach omits the 'management' aspect of the WNIMMP and resolves to do nothing to mitigate the impacts and harm of LTC arising from the monitoring. Instead, it is left to the local highway authorities to seek funding to develop and bring forward mitigation measures for LTC from existing Local Road Network funding streams.

7.2.17 At Section 4.2, the applicant has put forward a draft Requirement 'Network Management Group' on a without prejudice basis. The Council has reviewed the draft Requirement and raises the following concerns summarised in **Table 7.1** below.

Table 7.1: Review of Draft Requirement 'Network Management Group' (NMG)

Draft Network Management Group Requirement		Thurrock Council's comments
17-(1)	The undertaker must establish and fund the reasonable secretarial and administrative costs of a consultative body to be known as the Lower Thames Network Management Group (in this Order referred to as "NMG") and the first meeting of the NMG must be held not less than one year prior to the opening of the tunnel area, and thereafter at least once each calendar year on a date to be determined by the undertaker (who must undertake reasonable endeavours to identify a date which ensures attendance of the authorities and bodies under subparagraph (2)).	<p>The Council considers that the NMG should be established at least 3 years from opening and consulted on monitoring of baseline traffic conditions prior to opening, an updated assessment of highway impacts and mitigation design and implementation programme. One year is not sufficient for the required level of work.</p> <p>The DCO impact assessment of the local highway network is incomplete and inadequate and an updated assessment, based on updated baseline data, is required to be undertaken, consulted with the local highway authorities and relevant stakeholders and submitted to the Secretary of State for approval. This is the same approach required by the Silvertown Tunnel requirement.</p>
17 (2)	The NMG will comprise the authorities and bodies identified in Table 2.1 of the wider network impacts management and monitoring plan.	The Council welcomes that it would be part of the NMG. However, given the strategic importance of the Ports and the requirement for the applicant to comply with NPS for Ports, the Council considers that PoTLL and DPWLG should be part of the NMG. It should be noted that the Ports are included as consultees in the Outline Traffic Management Plan for Construction (REP6-048).
17 (3)	<p>The undertaker will, at each meeting held in a year in which monitoring under paragraph 14 is produced, consult the NMG on a proposed network management plan which must provide—</p> <ul style="list-style-type: none"> a) the undertaker's commentary on the outputs of the monitoring produced pursuant to paragraph 14; b) a description of the traffic conditions on the road network arising directly as a result of the operation of the authorised development which would require intervention; c) interventions or measures which the undertaker proposes to address any 	<p>The low frequency of meetings and provision of monitoring data (i.e. annual basis) means that a considerable amount of time will pass before issues are identified and reported to the NMG.</p> <p>No measurable thresholds are proposed by the applicant to assist in the identification of impacts of LTC. Instead the applicant proposes to provide a description of the traffic conditions arising as a result of LTC which would require intervention. This is considered to be too vague.</p> <p>The applicant does not provide any commitment to fund mitigation measures on</p>

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	Draft Network Management Group Requirement	Thurrock Council's comments
	<p>traffic conditions identified in accordance with subparagraph (b);</p> <p>d) steps which the undertaker is proposing to take in connection with—</p> <p>i) implementing the interventions identified under sub-paragraph (c) where such measures can be implemented using the permitted development rights vested in the undertaker;</p> <p>ii) where sub-paragraph (i) does not apply, incorporating any of the interventions identified under sub-paragraph (c) in the initial report or route strategies; and</p> <p>iii) cooperating with the relevant highway authority with introducing the measure or seeking funding for that intervention or measure; and</p> <p>e) a written account of how any representations made in relation to a meeting held under paragraph (6) has been considered by the undertaker.</p>	<p>the local highway network. There is no certainty in funding coming forward for any interventions identified on the local highway authority through the mechanisms put forward by the applicant in 17(3) d).</p> <p>No timescales are set out for the identification of impacts, preparation, approval and implementation of mitigation measures. Based on the monitoring data and meetings only being on an annual basis, it would be 1 year post opening before any monitoring data is received and then there are no timescales beyond this when mitigation would be put forward. The applicant is not proposing to fund any mitigation measures on the local highway network and therefore there would be no certainty for mitigation measures coming forward through the RIS or the local highway authority applying for funding. This Requirement does not set out anything over and above what is already in the WINMMP and is considered to be unacceptable to the Council.</p>
17 (4)	<p>Following consultation with the NMG under paragraph (3) on the proposed network management plan, the undertaker must submit the network management plan to the Secretary of State for approval who may make amendments to the network management plan, following consultation with the undertaker, where it considers further interventions or measures are required.</p>	<p>Any interventions submitted by the applicant to the Secretary of State are inconsequential, as they lack any certainty of coming forward due to lack of funding commitment.</p>
17 (5)	<p>The undertaker must implement the network management plan approved under paragraph (4).</p>	<p>There are no timescales or funding certainty for the network management plan coming forward.</p>
17 (6)	<p>The undertaker will, at each meeting held under paragraph (1), consult the NMG on the operational traffic impacts directly arising from the operation of the authorised development, and where available, on the implementation of the network management plan approved under paragraph (5).</p>	<p>No measurable thresholds are proposed by the applicant to assist in the identification of LTC impacts during the monitoring period.</p>

7.2.18 The draft 'Network Management Group' Requirement is not considered to be adequate by the Council for the reasons set out in **Table 7.1** above.

7.2.19 The Council, PoTLL and DPWLG have jointly drafted and agreed the 'Wider highway network monitoring and mitigation' Requirement, which would require the applicant to:

- a. Undertake an assessment of impacts prior to opening (the current impact assessment of the local highway network is incomplete and inadequate, as summarised in the Council's D6A submission 'Thurrock Council Comments on Traffic Modelling');
- b. Identify 'measurable thresholds' in consultation with the local highway authorities and stakeholders. This is defined as the objective standards which, if exceeded, demonstrate that there has been a material worsening of traffic conditions on the highway network as a result of implementation of LTC;

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- c. Consult on its proposals to mitigate the material worsening of impacts, and the programme for implementation, which is to be submitted to the Secretary of State for approval prior to opening;
- d. Implement the mitigation in accordance with the approved design and programme; and,
- e. Monitor traffic conditions for at least three years prior to opening and five years post opening and implement any further mitigation measures, if the ongoing monitoring identifies material worsening of traffic conditions on the highway network, which are attributable to the operation of LTC.

7.2.20 The draft Requirement prepared by the Council, the two national Ports and the Thames Enterprise Park (TEP), provides transparency and certainty for the monitoring of impacts and funding and implementation of mitigation measures for the wider network impacts.

7.3 Applicant's Response on Council's Comments on oTMPfC (REP6-103)

7.3.1 The Council's view on this document is covered in Section 3.3 above as part of the review of the CoCP v6 ([REP6-039](#)) and the updated oTMPfC ([REP6-049](#)).

7.3.2 The applicant has largely rebutted the Council's collaborative approach provided through its submission in [REP4-353](#), relating to EXQ1 Q4.6.4 (pages 57-71), which seeks to increase the robustness of this and other Control Documents. Instead, the applicant proposes to leave significant flexibility and limited control within the framework Control Documents, providing autonomy to the contractors.

7.4 Applicant's Traffic Modelling Submissions (REP6-057 and REP6-059)

7.4.1 The contents of these documents have been considered by the Council and comments have been provided as part of the Council's D6A submission 'Thurrock Council Comments on Traffic Modelling'.

7.4.2 In The Council's D6A submission ([REP6A-013](#)) in Sections 2.2.39 and 2.2.40, it was stated that:

'In order to provide comfort to the ExA that a mitigation scheme could be implemented within the Order Limits, including other highway land (whether strategic road network or owned/operated by the local highway authority), the Council has tested some initial, potential mitigation measures within VISSIM using V3.6T. The mitigation options tested, and modelling results will be submitted at D7. These initial, potential measures are not proposed as the definite mitigation scheme but is purely to demonstrate that a mitigation is achievable without third party land being required.' Consequently, this is outlined below and in more detail in **Appendix D**.

7.4.3 So, in order to demonstrate the potential for changes in the design of the Orsett Cock Junction to reduce traffic impacts, the Council has prepared a high-level design for modified arrangements at the junction and then has modelled the operation of the junction using VISSIM. This analysis shows a reduced level of queuing in the PM peak period with limited change in the AM peak. This process shows the potential that an iterative process to improve the operation of the junction could achieve and highlights that the current design is sub-optimal. Further details are provided in **Appendix D**.

7.5 Applicant's Submissions on Construction Impacts and Management at Asda Roundabout (REP6-123)

- 7.5.1 The applicant maintains that there is no evidence to require construction period mitigation at the Asda Roundabout. However, the Council concurs with the Port of Tilbury London Limited (PoTLL) in its assessment that construction period effects would cause unacceptable network operational effects at that junction, including unacceptable delays and congestion on Old Dock Road and cause unacceptable impacts on the operation of the Port.
- 7.5.2 The applicant raises concerns in paragraph 2.1.2 that the localised modelling process for Asda Roundabout put forward by the Council and PoTLL in a joint position statement at Deadline 5 (Comments on applicant's submissions at Deadline 4 ([REP5-112](#)) is complex and time-consuming. The applicant neglects to note that concerns regarding Asda Roundabout were raised with the applicant some years before the DCO submission but were dismissed by the applicant. It is a position that the applicant itself has created.
- 7.5.3 The applicant intends to submit more modelling of the Asda Roundabout at Deadline 6A, which will demonstrate the cause of impacts in each construction phase. The applicant states at paragraph 2.1.3 that it considers that the impacts can be managed through controls provided by the Control Plan documents.
- 7.5.4 The applicant considers in paragraph 3.1.3 that shift patterns and travel planning initiatives will reduce the effects of worker travel on the Asda Roundabout. These are confusing statements since the applicant has also shown through its strategic modelling that its workforce opts to use unacceptable local roads to access the North Portal welfare and compounds. Either the applicant expects workers to travel through the A1089 corridor and require mitigation or it acknowledges that its workers are using inappropriate local roads. Both cannot be correct. Irrespective, the Council does not agree to worker traffic using inappropriate local roads but does not concur that the travel planning proposed by the applicant is sufficiently robust to derive a high proportion of non-car travel to the compounds.
- 7.5.5 Section 4 sets out sensitivity tests undertaken by the applicant to better understand the source of the construction impacts; and concludes that the proposed temporary traffic management arrangements were the cause and alternative traffic management measures would be utilised instead as part of the detail design of the Project. The proposed approach to managing the construction phase problems is not secured within the Control Documents and has no certainty of resolving the forecast impacts.
- 7.5.6 The Council continues to have concerns that the Asda Roundabout will not operate acceptably during the most intense construction periods. The Council set out detailed concerns with the LTAM construction modelling of the Asda Roundabout in the Council's Response to the applicant's Submissions at D3 ([REP4-354](#)), which the applicant has not responded to as part of the latest LTAM modelling for Asda Roundabout. In particular, construction worker traffic was demonstrated to be routing on inappropriate routes and not routing via the A1089 and Asda Roundabout (i.e. the primary and secondary access roads stated in the oTMPfC Plate 4.3 ([REP6-048](#))).
- 7.5.7 Section 5 sets out the further modelling that is proposed to be submitted at D6A. The Council will review the additional modelling, but notes that the modelling is proposed to be undertaken not with the LTAM and VISSIM model submitted to the Examination and already reviewed by the Council, but using a new model (ARCADY), which has not been provided to the Council or other stakeholders to date.
- 7.5.8 Section 6 sets out the applicant's response to the PoTLL mitigation scheme and associated modelling. The applicant considers that the proposed mitigation scheme is not proportionate. The Council's understanding of the PoTLL mitigation scheme was to demonstrate to the ExA the level of mitigation that could be achieved within the highway boundary (i.e. without any

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third party land). The actual mitigation would be secured through the draft Requirement put forward by the PoTLL and the Council and supported by DPWLL and TEP.

- 7.5.9 Given that the applicant continues to provide updated modelling this late in the Examination, and a number of key concerns with the assessment and impacts are unresolved at this late stage, the Council has worked closely with the PoTLL to agree a draft Requirement for Asda Roundabout. This would require an updated assessment and accompanying mitigation to be submitted and approved by the Secretary of State.

8 Council Comments on Applicant's Post Event Submissions (REP6-089, REP6-090, REP6-091 and REP6-104)

8.1 Introduction

8.1.1 This section solely reviews the applicant's comments on the Council's Post Event Submissions for ISH8, ISH9 and ISH10.

8.2 Issue Specific Hearing 8 (ISH8) (REP6-089)

8.2.1 The Council has made its position clear throughout the Examination that it does not concur with the applicant on the rigour or commitments that have been applied to the application of non-road transportation for plant, equipment and materials where those items have to be imported to or exported from the works. The Council does not therefore concur with the submission reported by the applicant in its Post Event Written Statement on Item 3(a)(i). The Council does support the maximisation based on the waste hierarchy and in optimising reuse of materials within the works area where material is deemed necessary to be generated.

8.2.2 The explanation provided by the applicant under ISH8 Hearing Action Point 6 regarding further explanation of the rationale behind the determination of on-site accommodation requirements is not considered an adequate response by the Council. The applicant states that the figure has been arrived at based on 'professional judgement, and knowledge of other major projects both NSIP and highways projects'. This does not provide adequate further detail, for example, specific project benchmarks and therefore is not considered a robust response.

8.2.3 In regard to Item 3(a)(iv), which interrogates the effect of the proposed on-site accommodation and related management of potential socio-economic impacts the applicant's response is not considered adequate in relation to demonstrated securing sufficient consideration and mitigation regarding impact on healthcare provision. The majority of the applicant response is regarding management of accommodation impacts in the local area, with only paragraph 3.1.70 responding to this concern, outlining that REAC Item PH002 is considered sufficient to manage this impact. As discussed within this submission (under the Sections 5.6 and within this Section on the ISH8 Hearing), this is not considered adequate.

8.2.4 The Council raised concerns that noise insulation and temporary rehousing do not currently form part of the REAC measures. The applicant has responded stating that it has a noise insulation and temporary rehousing policy, which enables assessment to be carried out prior to construction activity for qualifying properties. In the event that the applicant's policy changes the Council would request that this is requirement is included in the REAC measures.

8.2.5 The Council raised concerns that construction and operational noise assessments have not been undertaken for the Gammonfields travellers sites in its new location. Assessments have now been provided within [REP6-089](#). This is welcomed. The assessment of construction noise is agreed, and impacts are not likely to be significant. For operational noise, it is noted that internal noise levels are likely to exceed BS 8233 Guidance. The Council would require that further mitigation measures are considered to reduce the resulting external and internal noise levels at the relocated travellers site.

8.2.6 The Council raised concerns that noise barrier options 4, 6 and 8 were not being implemented despite providing reductions in noise levels to dwellings (reducing impacts from moderate/major to minor and below). The applicant has responded that these barriers were considered but given the low cost-benefit these options were withdrawn. Cultural heritage and landscape reasoning was also cited by the applicant as reasons not to pursue these barriers.

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The applicant has concluded that they welcome further engagement on the matter but consider it necessary to discuss the impacts in the round rather than specifically on noise impacts.

8.2.7 The Council has reviewed the barrier options and makes the following comments for each barrier with regards to cultural heritage and landscape:

- a. **Barrier Option 4:** the landscape viewed from East Tilbury is currently open with long views towards West Tilbury. The proposed LTC with its false cuttings would have some impact on these views. The false cuttings would screen cars and vans but not HGVs, therefore taller vehicles would be visible. The acoustic fence in this location would reduce these visual effects. On balance the visual effects of the introduction of an additional linear feature would be outweighed by the greater screening as well as the reduction of noise levels.

Regarding cultural heritage, views are afforded from the East Tilbury Conservation Area over the landscape to the west, particularly from the western end of Bata Avenue. The landscape setting of the Conservation Area contributes to an appreciation of its significance due to the historic and functional links between the Bata settlement within the Conservation Area and the surrounding landscape; the land up to the railway line was purchased by Bata and part of it put into agricultural use to supply the settlement. However, the open vistas over the landscape to the west of the Conservation Area will be impacted by the already proposed scheme. In this area, there is proposed to be a new bridge to carry Muckingford Road over the new road with the land banked on each side, false cuttings either side of the new road with some new tree/woodland planting and a viaduct to carry the new road over the existing railway line. The addition of noise barriers (subject to their placement and design, and consideration of additional tree planting) is not considered to necessarily have a greater impact than the current proposed scheme. Any potentially harmful impact arising from the addition of noise barriers (dependant on their design) should be considered against the potential public benefits of providing additional noise reduction.

- b. **Barrier Option 6:** Landscape views towards this section of the route are generally limited to Muckingford Road. The EMP shows some scrub planting associated with the false cutting and landscape mitigation in this area. There are tree belts to the north. It is considered that an acoustic fence in this location would help screen larger vehicles. There could be potential at detailed design to increase the tree and scrub planting on the false cutting, so that it relates better with the existing tree belt to the north.
- c. **Barrier Option 8:** views towards this section of the route are limited by existing trees on Brentwood Road and the houses on the northern boundary of Chadwell St Mary. The existing pylons in this location are a significant detractor and longer views are curtailed by trees on Orsett Golf Club. It is considered that the benefits of the additional screening of taller vehicles and more effective noise mitigation would outweigh any loss of longer views.

8.2.8 **There remain a number of issues outstanding and unresolved following the conclusion of ISH8 and its subsequent written submissions. These include: non-road transportation for plant, equipment and materials; on-site accommodation requirements is not considered an adequate response; the applicant's response is not considered adequate in relation to demonstrated securing sufficient consideration and mitigation regarding impact on healthcare provision; concerns that noise insulation and temporary rehousing do not currently form part of the REAC measures; further mitigation measures are considered to reduce the resulting external and internal noise levels at the relocated travellers site; and, concerns that noise barrier options 4, 6 and 8 were not being implemented despite providing reductions in noise levels to dwellings (reducing impacts from moderate/major to minor and below).**

8.3 Issue Specific Hearing 9 (ISH9) (REP6-090 and REP6-104)

- 8.3.1 Most of the additional responses have either been addressed in the Council's D6 written response or do not relate to Thurrock. However, some matters remain outstanding as set out below.

Removal of Ancient Woodland and Veteran trees and Annex A9 – Overhead Power Line – Chadwell St Mary

- 8.3.2 The applicant has set out that the realignment of LTC to avoid the overhead power lines results in an additional 0.6ha of ancient wood being lost (a total now of 1.2ha). A total of 9 new pylons would be required and the existing pylons removed. It is noted that the applicant has estimated that the cost of this pylon relocated would be £15 – 20m ([REP6-090](#), Section A.9.14, page 43). Furthermore, in Section A.9.15, page 44 it states *'In summary, the applicant's position is that the impacts to Rainbow Shaw Local Wildlife Site contained within the application (an additional 0.6 hectares of ancient woodland loss compared to the statutory consultation design) when balanced against the perceived additional impacts to landowners and residents, the prolonged construction programme, additional costs and proposals that were resisted by both the network owner NGET and the local authority Thurrock Council, are justified, necessary and proportionate.'*
- 8.3.3 On balance the Council accepts that if LTC were to proceed the level of disruption and additional cost required to realignment the pylons could not be justified.

The Wilderness

- 8.3.4 The Council has provided its written submission regarding the status of The Wilderness at D6; however, it provides a response to the detailed hearing action points addressed in Annex B.

Annex B2: Hearing Action Point 12: The Wilderness – Status

- 8.3.5 On 14 November 2023, Dr Marion Bryant, Natural England's Woodland and Trees Specialist, issued an Evidence Review (9 of 12pp), in which she concluded that the southern section of the wood is **'ancient semi-natural woodland'** and that it would be added to the pending Ancient Woodland Update layer. The Natural England LTC representatives have been informed of this change in status and it is therefore assumed that the Evidence Review will be placed before the ExA by Natural England at D7.
- 8.3.6 Within the written submission of oral comments for ISH9 ([REP6-090](#)), Annex B2 Hearing Action Point 12: The Wilderness – Status (Ancient Woodland) the ExA asked the applicant, Natural England and other interested parties to *'Provide a 'without prejudice' case setting out the applicant's position in the event that 'The Wilderness' is designated as ancient woodland.'* The Council has reviewed that assessment in the light of this recent change in status of the southern part of The Wilderness.
- 8.3.7 In its response the applicant has set out how it would amend ES Chapter 8: Terrestrial Biodiversity ([APP-146](#)) to take account of this change of status. It states in B2.5 that it would offset the impacts to ancient woodland by providing ancient woodland compensation. The approach throughout the remainder of the response is to consider how the effects would be compensated. The Council acknowledges that the northern part of the woodland is not ancient.
- 8.3.8 The Council has raised previously that there is an alternative to impacting the woodland, be it ancient or long established, by realigning LTC through the northern end of the former landfill site. To achieve sustainable development, good practice recommends following the Mitigation Hierarchy. Adopting this sequential approach, then the first aim should be to avoid harm where this is possible. If this cannot be achieved only then should mitigation or compensation

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be considered. The Council maintains that there is an option to avoid the loss of this ancient woodland and that the applicant has not justified why this has been ruled out.

Annex B3: Hearing Action Point 15: The Wilderness – Retaining Wall

- 8.3.9 The Council has noted that the new Design Principle and REAC commitment aimed at reducing the construction effects on the woodland have been provided. In addition, it acknowledges that the area of woodland affected by the proposal has been reduced by 4000m². These measures are welcomed; however, the Council maintains its position that the better option would be to avoid the wood and align the road through the adjacent landfill site.

Annex B4: Hearing Action Point 17: The Wilderness – Watercourses

- 8.3.10 Having reviewed the additional information the Council is satisfied that this addresses the concerns that it raised in ISH 9.

Annex F: Water Framework Directive

- 8.3.11 Hearing Action Point 25 requested that the applicant respond to questions raised by the Council relating to mammal ledges in culverts. The Council is satisfied that the additional information addresses the questions it raised.
- 8.3.12 Response to Action Point 10 within Section A.9, Annex A of the Post-event submissions, including written submission of oral comments, for ISH9 ([REP6-090](#)) provides further information on the National Grid Electrical Transmission alignments, which cross the ancient woodland at Rainbow Shaw.
- 8.3.13 The Council notes the temporary alignment for the existing ZB route but is aware that the temporary alignment for the YYJ route connects to the new alignment rather than the existing alignment. Clarification is needed as to whether this is an error and should actually be connected to pylon YYJ124.
- 8.3.14 It is also noted that Works Plans Volume C Utilities (Sheets 21 to 49) v5.0 ([REP5-019](#)) and Temporary Works Plans Volume C (Sheets 21 to 49) v5.0 ([REP5-023](#)) have not yet been updated to include the changes to the realignment routes and temporary alignment routes. The Council would require the applicant to provide a timescale on when updated plans will be available.

8.4 Issue Specific Hearing 10 (ISH10) (REP6-091)

Item 3(a) Wider Network Impacts Update

- 8.4.1 The Council has already provided comments on the applicant's proposed approach to mitigation in the oral comments of Douglas Edwards KC at ISH10 and in the associated document 'Post Event Submissions for Issue Specific Hearings (ISH8 – ISH10)' ([REP6-166](#) and page 18 of the ISH 10 transcript [EV-081](#)).
- 8.4.2 The Council would like to reiterate its concerns about the applicant's approach to Wider Network Impacts and these are discussed in detail in Section 6.2 of this documents with items of particular concern highlighted below:
- a. Paragraph 3.1.1 is misleading as it states there are two elements of modelling at Orsett Cock, which were not agreed. In fact, there are many issues not agreed as described in the Council's submission at Deadline 6A ('Thurrock Council Comments on Modelling').
 - b. Paragraph 3.1.2 highlights the error made in the VISSIM model submitted by the applicant and that further information was provided on 23 October 2023, one day before ISH10.

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This highlights that the applicant is rushing to provide material which the Council has been requesting over many months and the need for this information was highlighted in Section 3 and Appendix D of the Council's 'Adequacy of Consultation Representation ([AoC-018](#))'. This also leads to extremely short timescales for the ExA and IPs to consider information submitted by the applicant.

- c. In response to paragraph 3.1.4 the Council would like to make it clear that the offer to have a discussion concerning modelling was declined by all IPs attending the meeting. All IPs agreed that the modelling work would need to be completed before mitigation could be considered.
- d. Paragraph 3.1.5 includes an important statement from the applicant as it states that a new requirement for Orsett Cock is required to *secure 'a scheme to be developed prior to the start of construction to optimise operation, and such a scheme would be informed at that point by updated traffic monitoring and modelling'*. **This is a crucial change in the applicant's position. The applicant is stating that the current scheme and associated modelling of Orsett Cock is not sufficient and further work is required.**
- e. In paragraphs 3.1.26 the applicant states '*it is not government policy to plan or expect free flow conditions*' and this is the rationale for not providing mitigation at the Orsett Cock roundabout (and elsewhere e.g. Bluebell Hill). This is a surprising statement given that the objective for LTC is '*To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity*'. The applicant is implementing LTC to provide free-flowing traffic in one location but is unconcerned about the additional delays the scheme will cause elsewhere. The Council considers this highlights the applicant's inconsistency in its approach to mitigating the effects of LTC.
- f. In paragraph 3.1.32 the applicant states '*London does not have a comparable road investment strategy*' comparable to the Road Investment Strategy. This statement is misleading because London has the London Plan, which includes the Mayor's Transport Strategy. This strategy can identify areas for investment in transport infrastructure and covers all modes.

Item 4(a) Legal Status of proposed NMU routes and PRoWs

- 8.4.3 The Council agrees with paragraph 4.1.2 that the scheme does not result in any over-provision of public rights of way and that the Council does not wish to see any of the proposed bridleways downgraded to footpaths.
- 8.4.4 Paragraph 4.1.3 explains how permissive routes are secured and maintained in the future. It justified the use of non-definitive route. The Council is satisfied that this provides certainty over responsibility for future management of the routes.
- 8.4.5 Paragraph 4.1.5 justifies the use of permissive rather than definitive routes through Tilbury Fields for reasons of environmental mitigation. This is an established principle as it enables the landowner to realign routes if there is likely to be environmental damage either seasonally or on a long-term basis. The Council accepts this justification.
- 8.4.6 The Council has always supported the principle of upgrading affected public footpaths to bridleway as discussed in paragraphs 4.1.9-4.1.11. There is a very limited number of bridleways within the Borough despite high levels of horse riding. The proposed upgrades would help provide additional safe routes of a suitable length for horse riding.
- 8.4.7 Regarding paragraph 4.1.19, the Council understands that providing detailed plans of the temporary closures and diversions is not an easy process given the different periods of closure throughout the construction period. However, the Council believes that it is possible to

provide 'snapshots' that indicate the way alternatives have been or are likely to be secured, and where there would be prolonged closures affecting significant parts of the network. Until this mapping is provided the Council believes that the ExA cannot be confident of the likely effects on PRow users. The Council awaits the plans that are to be submitted at D7.

8.4.8 Summary: the Council has ongoing concerns about the applicant's approach to Wider Network Impacts and considers that the applicant has made several statements which misrepresent recent discussions. The Council notes an important changes in the position of the applicant as the applicant is now saying that further design and modelling work at Orsett Cock is required to be secured by a requirement because of ongoing issues raised by the Council and other IPs with the modelling provided to the ExA. The Council awaits further details at D7 of detailed plans for the temporary closure and diversion of PRowS.

8.5 CAH1 – Action Point 1 (REP6-086)

8.5.1 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 ([REP6-168](#)) and was also submitted by the applicant at D6. There has been no further development since then, except the comments set out below in Sections 8.9 – 8.11 below.

9 Council Comments on Applicant's Responses to ExQ2

9.1 Introduction

9.1.1 This section deals with the applicant's responses to the ExQ2 responses under the various topic headings set out below.

9.2 Climate (REP6-107)

9.2.1 ExQ2 Q2.1.1 asks whether recent changes to PAS 2080: 2016: Carbon Management in Infrastructure would affect the assessment methodology or have consequent climate impacts. Amongst other things, one change would be that sequestration impacts of land use change would be allocated to the operational phase rather than construction but would not alter the total. The applicant concludes that *'changes to the specification do not affect the assessment methodology, make no difference to the overall outcome of the assessment of the significance of the effects of the Project's GHG emissions on climate, and do not affect the commitments made in the Carbon and Energy Management Plan.'* ExQ2 Q2.1.1 is concerned with the basis of calculation of emissions from the infrastructure and does not therefore affect the Council's previously submitted position on LTC's GHG emissions, as set out in Local Impact Report ([REP1-281](#)), which disputes the overall scope of the GHG calculations, 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,

9.2.2 ExQ2 Q2.1.2 asks whether the UK Government's recent announcement of a delay to the ban on the sale of new petrol and diesel cars from 2030 to 2035 will affect the carbon and climate assessments. The applicant's response summarises the scenarios that are considered in the modelling: the core scenario being based on the future vehicle fleet mix in the Emissions Factors Toolkit Version 11 (EFTv11), which is not based on any assumed phase out date, so not affected by the change in policy. Upper and lower Transport Decarbonisation Plan scenarios were also used as a sensitivity test. They are not derived directly from any specific fleet mix assumptions. The change in policy would not therefore require any change in methodology.

9.2.3 The applicant also quotes the Climate Change Commission's (CCC) recent assessment of the policy change, which concluded that it is very unlikely that this will fall outside the range presented in Table 15.16 of the ES Chapter 15 ([APP-153](#)). It is, however, noteworthy that the quote attributed to the CCC includes the statement that there is a risk that *'that the public and automotive companies perceive a weakening of government commitment to the electric vehicle transition, which could undermine consumer confidence and/or jeopardise some inward investment relating to EV manufacturing'*.

9.2.4 It is also noteworthy that the applicant has previously referred to the original 2030 ban on new petrol and diesel cars in its applicant's Compliance Statement to draft NPS ([REP4-209](#)). In particular, new paragraph 2.22 explicitly refers to the *'2030 commitment to end the sale of new petrol and diesel cars'*, so is already out of date and any assumptions made about LTC emissions on this basis will need to be reviewed.

9.3 Traffic and Transportation (REP6-108)

ExQ2 Q4.1.1 – A128 future development

9.3.1 The applicant is to provide comments at D7 and hence there is no comment from the Council at this stage.

ExQ2 Q4.1.2 – NTEM Sensitivity Test

- 9.3.2 The Council considers that the response provided by the applicant is incomplete because the analyses only include traffic flows at Dartford Crossing and LTC and not the associated changes in traffic flows and consequent impacts on the rest of the modelled network.
- 9.3.3 The constrained traffic flows at Dartford Crossing mean that an analysis of traffic flows at the river crossings is not representative of the rest of the network. Also, no information is provided on changes in the lost time due to congestion for river crossing and other traffic, on affected other parts of the modelled network; and no information is included on the effects on other components of the costs and benefits of LTC.
- 9.3.4 Any such effects are dismissed by the general proposition that the modelled changes in the number of river crossings are not 'material', but no definition is offered for what constitutes a 'material' change.
- 9.3.5 The Council notes that such calculations must have been done in the modelling carried out already, since it would be impossible to produce credible figures for cross-river traffic without also calculating the effects on travel demand elsewhere on the network.
- 9.3.6 These changes could be substantial, but no analysis is provided, and the Council considers that this information should be provided to the Examination.
- 9.3.7 Because of these omissions, the analysis is in breach of DfT advice on sensitivity tests in the presence of uncertainty and incompatible with the approach to sensitivity testing reported by the applicant in the original DCO submission. The relevant DfT advice is strongly and clearly worded and is contained in TAG Unit M4 on forecasting and uncertainty. The crucial paragraph explains what the 'key questions' are and which analysis it should be directed towards. These state, in paragraph 4.1.1:
- 'Key questions include:*
- *Under high demand assumptions, is the intervention still effective in reducing congestion or crowding, or are there any adverse effects, e.g. on safety or the environment?*
 - *Under low demand assumptions, is the intervention still economically viable?*
 - *Under a wide range of possible futures, does the intervention still provide value for money?'*
- 9.3.8 Asking these questions makes it clear that the point of sensitivity testing and therefore the definition of what is 'material', must include reports not only of traffic counts at a point, but the effects on congestion and adverse effects, economic viability and value for money.
- 9.3.9 The approach taken by the applicant in its DCO submission, Lower Thames Crossing – 7.7 Combined Modelling and Appraisal Report – Appendix D – Economic Appraisal Package: Economic Appraisal Report ([APP-526](#)) did indeed report the effects of changes in assumptions on the costs and benefits of the scheme, in detail for a particular test (Table 11.2) and in summary form for alternative tests (Table 11.4 (for high and low traffic growth assumptions)), Table 11.5 (on variation in costs) and Table 11.7 for changes in TAG data book values) and so on.
- 9.3.10 The DfT advice and the DCO submission together show an acceptable practice for telling whether changes in model assumptions or data are 'material' or not.
- 9.3.11 It was desirable and possible to prepare this analysis for the DCO submission and the Council sees no good reason why the same approach has not been carried out for the changes in assumptions and conditions which have been accepted since.

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- 9.3.12 What the tests provided in the DCO submission showed very clearly is that the wider effects cannot be inferred solely from the variation in forecast river crossings.
- 9.3.13 The same practice should be adopted in this case.
- 9.3.14 This point is especially salient for LTC where the relief to congestion on river crossings provides such a small proportion of the total calculated benefits of the Crossing.
- 9.3.15 Most of the costs and benefits in the appraisal are found on other traffic more distant from the river crossings, or in other forms than vehicle counts, and this means that reporting only the cross-river counts cannot be an adequate measure of whether changes are material or not.
- 9.3.16 For each of the test results, the associated additional modelling output information should be provided: the total pcu miles in the network as a whole, for opening year and design year. This had been omitted in most of the post-submission tests reported by the applicant and is very easy to provide. Furthermore, this information an essential check on the accurate implementation of the different traffic growth assumptions.

ExQ2 Q4.1.3 – HGV Bans

- 9.3.17 The Council notes the applicant's comments that it would not be 'proportionate' to update the model runs for Scenarios 2 and 3 and the implication that a direct comparison of the data is not possible as requested by the Council.
- 9.3.18 The Council considers that proportionality is important and notes that LTC is the largest road scheme in the country with a cost of c.£8 – 9bn (as broadly set out in the Council's LIR ([REP1-281](#)) in Sections 7.3.19 – 7.3.22). In addition, it is clear that the estimated economic and traffic viability of the scheme, is close to the margin of success and failure. If the work is not 'proportionate' in this case, then it is difficult to think where it could be.
- 9.3.19 The Council has raised a large number of issues with the LTAM model and considers that additional information is necessary to provide a robust representation of future traffic conditions and consistent assessment of their effects on DfT's three 'key questions' about the effects of sensitivity tests on alternative assumptions, conditions or information. These changes should be consolidated into a revised set of forecasts based on changes to reflect not only the HGV bans, but also the other tests carried out, but not fully reported, by the applicant.
- 9.3.20 These should include all those tests which the applicant has carried out, but only reported river crossing traffic flows, namely
- a. Tests on the DfT Common Analytical Scenarios;
 - b. Tests on 'high' and 'low' traffic flows using a p value of 4 to replace the former value of 2.5;
 - c. The tests on changes to NTEM values; and,
 - d. Effects of bans on some categories of HGVs.
- 9.3.21 In each case, the format of information to be reported should broadly follow the style of Tables 11.2 and 11.4 of the applicant's DCO submission as referred to above, together with the degree of 'headroom' for further increase in costs, which is now significantly narrower than when first calculated in 2022, when it was already vulnerable.
- 9.3.22 None of these should require new modelling, since the main detailed modelling effort has already been done in calculating the traffic effects over the network, of which only the river

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crossing traffic has been reported to the Examination. Rather, it is a question of reporting more fully the important results of the modelling which has been done.

- 9.3.23 The additional work in calculating the appraisal tables, once the traffic modelling has been done, is largely a matter of spreadsheet manipulation (and we assume that in some cases this would already have been done by the applicant, as a matter of normal professional curiosity, but decided not to release).
- 9.3.24 Some additional information that we have requested also does require additional modelling work, notably:
- a. the interaction of strategic and local traffic models in conditions of high congestion. The Council accept that this does require more work, but we have been pressing for this since the beginning and continue to assert that for key congested intersections, such as Orsett Cock Junction, confidence cannot be provided without it;
 - b. Consideration of the effects on the overall traffic levels, congestion and economic value of additional induced traffic by heavy and light goods vehicles (including vans used for other work purposes); and,
 - c. The contribution that could be made by the alternative policies and modes, especially in conditions of high or low traffic growth, which have not been studied at all.

ExQ2 Q4.1.6 – Engagement Update

- 9.3.25 The Council notes that Table 8 provides a list of 32 meetings going back over two years and yet the Council and other stakeholders still have significant ongoing issues with the transport modelling work, as described in the Council's submission at Deadline 6A 'Thurrock Council Comments on Traffic Modelling'.
- 9.3.26 **Overall Summary: the applicant has provided an incomplete set of traffic data as part of their analysis of the effect of using NTEM 8 and the Common Analytical Scenarios. The applicant has not provided data to enable the effect of HGV bans to be directly determined and the Council considers that further modelling analysis is required to incorporate the effect of these HGV bans as well as other changes requested by the Council associated with DfT's Common Analytical Scenarios, NTEM and other issues. The Council continues to consider that the transport modelling submissions provided by the applicant are inadequate.**

9.4 Air Quality (REP6-109)

- 9.4.1 **ExQ2 Q5.1.1 Delay to proposed ban on the sale of new petrol and diesel cars** – the applicant's response is considered acceptable.
- 9.4.2 **ExQ2 Q5.1.2. Methodology: air quality and junctions** – the applicant's response is considered acceptable and provides the information requested by the ExA.
- 9.4.3 **ExQ2 Q5.1.3. Clarity on PM_{2.5} monitoring stations** – no comment required. It is considered that the applicant's response addresses the question raised by the ExA.
- 9.4.4 **ExQ2 Q5.1.4. Air Quality Strategy 2007** – no comment required. It is considered that the applicant's response addresses the question raised by the ExA.
- 9.4.5 **ExQ2 Q5.1.5. Draft National Policy Statement for National Networks (dNPSNN): Paragraph 5.18: Air Quality** – the response does not fully acknowledge the requirements of the paragraph to give substantial weight to significant air quality impacts in relation to EIA, the

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applicant still relies on the framework set by the DMRB LA 105 guidance, which focusses on exceedances of the NAQOs and seeks to rely on the draft nature of the dNPSNN to limit the weight this requirement should be given.

- 9.4.6 It is considered telling that the applicant seemingly acknowledges that the DMRB LA105 approach applied does reflect the dNPSNN requirements and would need to be amended:

'Once the draft NPSNN has been finalised, DMRB LA 105 would need to be updated to ensure that the air quality assessment approach for road projects reflects the revised NPSNN. (applicant's response to EXQ2 Q5.1.5).'

- 9.4.7 Whilst the applicant highlights that an AQQHIA has been undertaken, it should be noted that the result used in the AQQHIA are taken from the air quality assessment submitted with the DCO submission on which the Council still have outstanding queries, such as the approach to model verification (as well as the underlying traffic model reliability). Results of the AQQHIA within Thurrock have been aggregated across the local authority and it is considered that if the results were presented at a greater resolution, then those receptors in the east of Thurrock would experience a greater change in mortality because of the scheme.

- 9.4.8 Furthermore, the predictions made by the applicant in the AQQHIA are based on 'opening year' traffic flows and it should be recognised that traffic is predicted by the applicant to increase significantly within the first 15 years of operation.

- 9.4.9 Whilst the rate of renewal of vehicles and uptake of Electric Vehicles (EV) will contribute to anticipated reductions in NO_x emissions from road transport, 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.

- 9.4.10 Therefore, the magnitude 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.

- 9.4.11 Given the substantial 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, rather than reliance on the DMRB LA105 framework, which the applicant seemingly acknowledges does not reflect the dNPSNN requirements, where substantial changes in air quality are expected.

- 9.4.12 **ExQ2 Q5.2.1. Delay to proposed ban on the sale of new petrol and diesel cars** - the applicant's response is considered acceptable.

- 9.4.13 **ExQ2 Q5.2.2. Reduction in the extent of nitrogen deposition sites: Kent Downs AONB** - no comment required. It is considered that the applicant's response addresses the question raised by the ExA.

9.5 Geology and Soils and Waste (REP6-110)

- 9.5.1 **ExQ2 Q6.1.2** – the response from the applicant identifies that only Medium and High risk contamination sources require supplementary investigation and that an additional REAC for monitoring is not required.

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- 9.5.2 The Council is particularly concerned that without securing investigation of the low risk contamination sources, neighbouring receptors (human health) could be exposed to contamination (asbestos fibres, toxic gases and contaminated dusts, including those from landfill waste that could contain persistent organic pollutants such as PFAS), via airborne exposure pathways.
- 9.5.3 The presence /absence of potential human health hazards, including asbestos, should be confirmed through investigation in advance of ground disturbance to ensure that appropriate measures of control are implemented.
- 9.5.4 The Council also advocated demonstrating the adequacy of the measures to protect adjacent receptors be evidenced by reassurance monitoring secured via a new REAC.
- 9.5.5 **ExQ2 Q8.1.4** covers the same issues as the Councils proposed cap on arisings through a revision to MW011 and is covered within our response in Sections 5.6.16 – 5.6.20 above.
- 9.5.6 **ExQ2 Q8.1.5** is the same issue regarding the drafting of MW007 and is addressed in Section 5.6.16 – 5.6.20 above.

9.6 Noise and Vibration (REP6-111)

- 9.6.1 **ExQ2 Q9.1.6** – a list of heritage assets (designated and non-designated) within 35m or less of any areas of work (Mains Work Area, utilities access routes, utility diversion works, Main Construction Access Routes, etc.) has been provided in the response. There is no particular monitoring proposed in regards to potential vibration impacts, other than the general commitments within the REAC as referenced in the response. It is suggested that, in order to accurately measure any impacts caused by vibration, a baseline needs to be established prior to the commencement of works to allow any changes to be identified. A condition survey of relevant structures would provide a baseline record of each asset prior to works commencing. This may be an appropriate option for all of the assets identified in the response but would be particularly relevant for assets that have been identified as being immediately adjacent to any areas of works, including the gate arch structure at Grove Barn House.

9.7 Road Drainage, Water Environment and Flooding (REP6-112)

- 9.7.1 The applicant has responded to the Examining Authority's ExQ2 in relation to Road Drainage, Water Environment and Flooding in the report: ([REP6-112](#)) Deadline 6 Submission - 9.152 Responses to the Examining Authority's ExQ2 Appendix F – 10 Road Drainage, Water Environment and Flooding.
- 9.7.2 The applicant addresses, in part, issues raised by the Council in response to the Examining Authority's ExQ2 questions: Q10.1.2 and Q10.4.1. However, there are still some issues specific to the Council's concerns that have not yet been addressed.

ExQ2 Q10.1.2 Infiltration Basins and Exceedance Routing

- 9.7.3 The Council acknowledges the applicant's position that the generation of exceedance flows from the Project's infiltration ponds is a low residual risk, the applicant also states that during extreme events the geology would become saturated and the capacity for the land to store and attenuate rainfall would be significantly reduced. The Council have a specific concerns about the residual risk for the proposed Infiltration Basin north of Orsett Heath, due to the confined nature of the proposed infiltration basin:

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- 9.7.4 Located north of Orsett Heath, the Basin and three Swales are confined within the within the Project junction with A13 and A1013. The Drainage Plans do not make clear where the exceedance route would flow. Assuming the Basins will overflow before upstream contributing ditches, the exceedance route would be confined by the roads and the only apparent option would be for the exceedance route to run along the road.
- 9.7.5 The Council acknowledge the applicant's position, stating the residual risk of overtopping is low and the freeboard provides additional volume to manage some uncertainty in the modelling assumptions. However, as the discharge mechanism is reliant on infiltration, the uncertainty with the ground conditions requires greater consideration of overtopping risk than would be the case for a retention basin. The Council requests that the applicant confirms assumptions about the infiltration rates and whether long term risk factors have been considered, such as deterioration of infiltration rates over time due to compaction or voids within soil becoming blocked by fines and sediment. The applicant should also confirm assumptions about groundwater levels and whether adequate data has been obtained to determine if high groundwater could be a risk and reduce infiltration potential. The Council recommend updating the Drainage Plans Volume C ([REP4-081](#)) and the Flood Risk Assessment Part 7 ([APP-466](#)) to address these risks and evidence suitable mitigation measures and exceedance routing; flow path and extents for the infiltration basins and swales.
- 9.7.6 **Summary: the likely exceedance route is not clear from the drainage plans provided. However, it is possible that exceedance flow would be confined to within the junction or forced onto the roads. The proposed discharge mechanism is reliant on infiltration with inherent uncertainties around ground conditions and long term performance. The applicant should assess the additional risks of overtopping with Infiltration Basins and also confirm exceedance routing, flow path and extents for this location. This should be evidenced in suitable documents, including Drainage Plans Volume C ([REP4-081](#)) and the Flood Risk Assessment Part 7 ([APP-466](#)).**

ExQ2 10.4.1 Operational surface water drainage pollution risk assessment

- 9.7.7 The applicant has stated that there is a high confidence that no additional outfalls are expected to be required for the Project, however, this is subject to confirmation during the detailed design of operational drainage networks. But, the applicant has not identified specific areas or catchments where the proposed outfall provision is less certain. Challenges could include catchments with flat topography or possible surcharged outfall conditions.
- 9.7.8 These challenges, when identified at detailed design stage could lead to significant variation from the current drainage strategy. The Council request that these risks are identified along with other Residual Risks in 6.3 Environmental Statement Appendices Appendix 14.6 - Flood Risk Assessment - Part 6, ([APP-465](#)).
- 9.7.9 The Council acknowledges the applicant's stated position and understands the limitations of design at Outline stage. However, if there are catchments and associated outfalls known by the applicant to have challenging constraints, these should be highlighted with a description of potential alternative measures that would need to be specified at the detailed design stage.
- 9.7.10 **Summary: the Council request that the applicant highlight known constraints for catchments and associated outfalls that may lead to variations to number and location of proposed outfalls. The evidence should be supported with an update to the Residual Risks identified in Flood Risk Assessment - Part 6, ([APP-465](#)).**

9.8 Social, Economic and Land Use Considerations (REP6-116)

Introduction

- 9.8.1 This section provides the Council's response to the applicant's response ([REP6-116](#)) to three Examining Authority's questions (ExQ2) Q13.1.1, Q13.1.2 and Q13.1.3, which relate to Designated Funds and Green Belt.

ExQ2 – Q13.1.1 – Benefits and Outcomes

- 9.8.2 **ExQ2 Q13.1.1** – this in relation to updating the ES to clearly reflect that the Designated Funds should not be considered as a benefit to the project. The Council is in agreement with the ExA regarding this issue and disagrees with the applicant that it is currently sufficiently clear that any benefits from the Designated Funds should be considered as not related to the project.
- 9.8.3 There is also a secondary question regarding securing the SEE within the application and the use of the term 'make best endeavours'. In response to the ExA question regarding securing the SEE within the SAC-R, as a control document, which it is acknowledges that Local Authorities including the Council have requested, the applicant has noted that discussions are underway regarding securing the SEE within the Stakeholder Actions and Commitments Register (SAC-R) and information on this will be published at D7. The Council is in ongoing discussions with the applicant regarding how this is achieved and will look to respond after publication at D7. In regard to the language within the SAC-R and its securing mechanism in Article 61 of the dDCO, to '*take reasonable steps*' or use '*best endeavours*', the Council is in overall agreement with the ExA that this language needs to be strengthened and made 'absolute' and disagrees with the applicant that this is sufficient within the application.

ExQ2 – Q13.1.2 – Green Belt: applicability of 'inappropriate development'

- 9.8.4 ExQ2 Q13.1.2 asks the applicant if the proposed development (or any elements of it) is 'local transport infrastructure', which can demonstrate a requirement for a Green Belt location and asks what elements of the project fall within that definition and what are the policy consequences of that question.
- 9.8.5 The applicant's response to ExQ2 Q13.1.2 that the scheme is primarily not a local transport infrastructure and LTC is a proposed 23 km road and 4.25km twin-bore tunnel, where the spoil comes out into Thurrock is accepted. The applicant also states in its response, '*it would represent a substantial and significant new addition to the strategic road network (SRN). It would include major new and modified junctions with the existing strategic (and local) road network and would involve the creation of substantial new embankments, earthworks and structures. It would comprise 50 new highway crossings in the form of road bridges, underpasses, green bridges and footbridges. It would include a number of ancillary utility infrastructure diversions which are of such a magnitude that they comprise Nationally Significant Infrastructure Projects in their own right.*'
- 9.8.6 However, the applicant does provide a list of minor LTC elements that could fall under the exemptions of Paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) in ([REP6-116](#)), i.e. are 'local transport infrastructure'. The applicant then assesses the LTC elements against the 'Test' of Openness to conclude whether each type of LTC element is either inappropriate or appropriate development in the Green Belt. The assessment is not undertaken against the Purposes of the Green Belt, as set out in NPPF.
- 9.8.7 The Council strongly disagrees with this 'salami-slicing' akin approach to a project that is, in its entirety, a Nationally Significant Infrastructure Project (NSIP) and the largest road proposal in the UK, all of which is within the Green Belt, taking up 10% of the Borough's overall land area.

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The significant Green Belt impact of LTC should be assessed for the whole project as a DCO submission. The Council provided a full responses to ExQ2 Q13.1.2 at D6 ([REP6-167](#)), which was submitted to ExA on 31 October 2023.

ExQ2 – Q13.1.3 – Green Belt – ‘inappropriate development’ and harm

9.8.8 The applicant has confirmed that it will respond to Q13.1.3 at D7.

9.8.9 In ExQ2 Q13.1.3, the ExA is very clear that the applicant's Green Belt Assessment is:

‘inadequate because the assessment of the Project against the purposes for including land in the Green Belt and on the impact on the openness of the Green Belt is too simplistic and abbreviated to enable the ExA to establish the extent of harm.

Because this is a large-scale linear project, if it (or elements of it) is/are deemed to be inappropriate development, then it is necessary to understand the actual level of harm that may occur across the extent of the project, which may vary between locations and over time.

There is no standard methodology for undertaking such an exercise, but a more detailed assessment of the impact of the project on the purposes and openness of the Green Belt using the relevant local authority Strategic Green Belt Assessments as the basis for the categorisation of settlements and identification of parcels to inform the assessment should be used. Thurrock, Gravesham and Havering Councils have provided useful pointers to those assessments and their ‘parcel method’ in their responses to ExQ1. The applicant’s submission on this point should be provided no later than D7.’

9.8.10 The Council agree with the ExA's statement and question to the applicant in ExQ2 Q13.1.3. The Council identified the Green Belt Assessment for LTC was inadequate and raised concerns in October 2021, in the Council's comments (LIR Appendix L Annex 6 ([REP1-293](#))) on the LTC Planning Statement DCOv1 (LIR Appendix L Annex 7 ([REP1-293](#))), which was submitted to PINS and then withdrawn. Further concerns relating to the Green Belt assessment and the applicant's justification for 'very special circumstances' were also raised by the Council in the Council's LIR Appendix L Annex 1 ([REP1-293](#)) on 18 July 2023, in the Council's response to ExQ1 Q13.1.20 ([REP4-353](#)) at D4 on 19 September 2023 and in the Council's response to ExQ2 Q13.1.2 ([REP6-167](#)) at D6 on 31 October 2023.

9.8.11 The Council welcome the ExA's requirement that a more detailed assessment of the Green Belt impact of the project on the both the NPPF Green Belt purposes and openness of the Green Belt should be completed, using the Council's Strategic Green Belt Assessment, which was included in the Council's LIR Appendix L Annexes 2 and 3 ([REP1-293](#)), as the basis for the categorisation of settlements and identification of parcels. Any Green Belt assessment of LTC within Thurrock should also use the Council's Strategic Green Belt Assessment of the quality of each Green Belt parcel, as the baseline for any assessment of LTC against the Green Belt.

9.8.12 The Council have the following major concerns with the applicant's LTC Green Belt assessment:

- a. The applicant has not undertaken an adequate Green Belt assessment for LTC during the selection of the route or to inform the detailed alignment and design of the preferred route. A Green Belt assessment should be undertaken during pre application, before the selection of preferred route in the alternative selection and then a more detailed Green Belt assessment of the preferred route to inform the alignment/route and detailed design. Each Green Belt assessment should inform changes in the alignment and design and appropriate mitigation measures to minimise the impacts of the Green Belt.

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- b. The Council have not been provided with a timely opportunity to review and comment on a Green Belt Assessment, to fully inform the selection of the route and the design of LTC. This should then be shared with general public, key stakeholders and Councils at the right time through the DCO process and provided in consultation to discuss and amend, to inform the alternatives and design stages. If the applicant is to submit a Green Belt Assessment for LTC at D7 (in the last 2 months of the Examination), this is simply too late in the DCO process.
 - c. Without an adequate assessment of the Green Belt, it then raises questions to whether the right alternative option was selected in Green Belt terms; whether the best preferred route and design was selected in Green Belt terms; and, whether the right mitigation has been selected to minimise the impact on the Green Belt.
- 9.8.13 The Council's full response to the applicant's LTC Green Belt assessment and justification of 'very special circumstances' is set out in the Council's LIR Appendix L Annex 1 ([REP1-293](#)) at D1, the Council's response to ExQ1 Q13.1.20 ([REP4-353](#)) and the Council's response to ExQ2 Q13.1.2 ([REP6-167](#)).

10 Council's Emerging Local Plan Update and Major Concerns

10.1 Introduction

- 10.1.1 The Council last set out the current status of the emerging Local Plan in its LIR ([REP1-281](#)) in Sections 4.4.6 – 4.4.12 on 18 July 2023. At that time the Local Plan programme was uncertain, and the Council indicated in outline the likely impacts of the LTC on the effectiveness of delivering the Local Plan and these issues are unlikely to change. Nevertheless, the Local Plan programme is now more certain and additional studies have been completed and therefore a further update is both timely for and helpful to the ExA. In addition, over the past few months the Council has published many of its 'evidence-based' documents for the Local Plan that can be found on the Council's website: [Evidence to support the Local Plan | New Local Plan for Thurrock | Thurrock Council](#).
- 10.1.2 During 2023, the Council has been working closely with developers and landowners on potential development sites across Thurrock to deliver strategic borough-wide level of employment land and homes. This will set out the future development for major employment sites and 10,000s of homes. The Council recently published its **Local Development Scheme** dated September 2023 and it sets the intended programme for the development of the emerging Local Plan. In summary, the emerging Local Plan current anticipated programme is set out below.
- a. **Regulation 18 (of the Town & Country Planning (Local Planning) (England) Regulations 2012): 28 November 2023** – Papers will be available on the Council's website;
 - b. **Regulation 18: 6 December 2023** – Extraordinary Full Council. Elected members will meet to approve the Initial Proposals document for public consultation;
 - c. **Regulation 18: 12 December 2023 – 16 February 2024**: Planned Dates for Consultation pending approval from Full Council;
 - d. **Regulation 19: End 2024** – currently programmed Publication of the Draft Plan; and,
 - e. **Regulation 22: Spring 2025** – submission to SoS for Examination in Public
 - f. **Inspector's Report Expected: Spring 2026**
 - g. **Regulation 26: Adopted Local Plan by Council: Summer 2026**
- 10.1.3 It is expected that within the Regulation 18 Initial Proposals document, in addition to emerging policy directions, it will set out a range of potential sites that the Council consider, based on existing evidence and discussions with key stakeholders, should be allocated in emerging Local Plan. These sites include new neighbourhoods, new employment areas, designated local green spaces and opportunity areas where there is the potential to intensify existing uses, introduce new ones and/or make improvements to the public realm and the way people move around the area. The document also sets out a series of reasonable alternatives – some of these options are new sites and some are larger/smaller options for sites shown as initial proposals. Reasonable alternatives are defined as different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each, so that meaningful comparisons can be made.

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- 10.1.4 In addition, the **Infrastructure Delivery Plan (IDP)** is being prepared in an iterative way alongside the emerging Local Plan. The initial work covers baseline analysis and early conversations with stakeholders on potential spatial options; and, the next stage is more detailed optioneering and the production of the Draft Infrastructure Delivery Plan. The emerging IDP will be based on conversations with providers and draw on other local technical evidence, i.e. outputs from our strategic transport model, pupil place programming work and the active place strategy. In terms of timings, it is anticipated that the optioneering work will be completed by the Spring 2024 and the detailed IDP will be published alongside the Regulation 19 Publication Draft Plan.
- 10.1.5 Alongside this, the Council has recently published on its website its **Local Plan Viability Update, March 2023**. The headlines are that viability is very poor in the urban area, ultimately for residential developments the Council would only anticipate getting 10% Affordable and a very low value per unit. Viability for Green Belt edge of settlement and new town typologies is better (because the existing and alternative use values are much lower) and here the Council would anticipate being able to achieve net zero, 35% affordable (our actual need is closer to 50%) and a much higher value per unit. In order to place these estimates in perspective a new town development of say 4,500 homes would be expected to deliver a secondary school, 2/3 primary schools, health facilities, community facilities, playing/open spaces/playing pitches, allotments, contributions of leisure facilities and libraries, as well on-site highways, footpaths and cycleways, and off-site improvements to cycleways, footpaths, local road networks and strategic road networks. Therefore, any future S106/CIL contributions to make up for LTC could potentially make future growth locations unviable.
- 10.1.6 In parallel, regarding its traffic modelling for the Local Plan, the Council has completed the base year traffic model (2019) and the Local Model Validation Report (LMVR). Currently, the Council is developing a Do-Nothing scenario, which will show transport situation on future years without any particular Local Plan scenario, but with the natural growth from NTEM instead and committed transport schemes. However, work on future Local Plan scenarios cannot start until there is more certainty receive indication of location, size, type of developments and associated transport infrastructure to include within the traffic model.

10.2 Key Issues for Future Growth and the Emerging Local Plan

- 10.2.1 LTC will be routed through the middle of Thurrock, and it will bisect the Borough into two separate areas, including bisection of the East and West Tilbury Conservation Areas. The scheme will lead to the direct loss of land, disruption to access and movement in the Borough and the creation of blight across the LTC corridor. The configuration of LTC would also impact on the future local sustainable growth required by the Council to meet its housing and employment obligations from the Government.
- 10.2.2 The impacts of LTC on future growth include the following:
- a. The sterilization of development opportunities in sustainable locations around existing settlements due to the LTC Order Limits, particularly near Chadwell St. Mary, Linford, East Tilbury and South Ockendon;
 - b. Delays in delivering infrastructure to enable strategic housing and employment locations to be delivered, largely as a result of construction disruption over six or more years, particularly near Chadwell St. Mary, Linford, East Tilbury and South Ockendon;
 - c. Addressing the issues around poor connectivity as a result of the LTC across the area; and,
 - d. The need to mitigate the impact of noise, air quality, severance and flood risk considerations, which has led to an increase in land take in locations where future development capacity exists.

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- 10.2.3 A primary issue for the Council with the LTC scheme is with Orsett Cock junction and capacity on the A13. The Council spent a significant sum to upgrade the A13 and key junctions, which was completed in 2022. This Council funding was for improvements to the A13 to accommodate future growth. However, the DCO for the LTC scheme could be granted before Thurrock's emerging Local Plan is adopted and future growth can properly commence. In view of the fact that National Highways LTC is not providing the required mitigation or financial contributions required for A13/Orsett Cock junction, this will create a major issue for the Council. In addition, LTC will also have significant impacts on major junctions, such as Manorway and Asda Roundabout, in the Borough, which the applicant is also not mitigating as part of the LTC DCO scheme.
- 10.2.4 Clearly, there will be extensive traffic and environmental problems caused by LTC during construction. Therefore, there will be a cumulative construction impact from LTC and major building sites across the Borough, all of which will need to be phased. Furthermore, the two-year delay to the DCO commencement of construction that was announced by the SoS for Transport and the now current timetable for construction (due to commence in 2026, with completion in 2032) will lead to further uncertainty in terms of delivery of infrastructure, developments and implementation of the emerging Local Plan, if the DCO is consented.
- 10.2.5 To support the delivery of future growth in Thurrock, the Council and developers require certainty that the impacts of LTC will be identified by evidence, mitigation and funding identified and/or provided by National Highways, as well certainty on timing.
- 10.2.6 **Summary Conclusion: now that there is a confirmed Local Plan programme and that many future development sites (that are not distinct new settlements) may be considered borderline viable, there is a significant issue of the Council bringing forward development sites within its emerging Local Plan in a period of uncertainty coupled with serious traffic and environmental impacts, all of which are a direct result of LTC and the insufficient mitigation of those impacts or uncertainty of identified impacts and their timing.**
- 10.2.7 **Clearly, the developing IDP will be able to define this issue with more certainty during 2024, but it presents the Council with a serious issue of potentially having development sites that developers consider are unviable and therefore remain undelivered. As an example, this is especially acute in respect of the Orsett Cock Junction, because as National Highways are refusing to provide mitigation and/or funding for identified impacts, any mitigation may need to be funded by development sites within the emerging Local Plan and this would directly impact their viability or stop sites from coming forward.**

Appendix A Table showing Council Responses to Applicant's Responses on oTMPfC Comments

Lower Thames Crossing

Thurrock Council Submission at Deadline 7 (D7)

**Appendix A: Table of Council Responses to NH Response on
oTMPfC Comments**

17 November 2023

Document Control Sheet

Project Name: Lower Thames Crossing

Report Title: Thurrock Council Submission at Deadline 7 (D7) – Appendix A: Table of Council Responses to NH Response on oTMPfC Comments

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Date: 17 November 2023

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A.1 Table of Council Responses to NH Response on oTMPfC Comments

Table A1.1: Table of Council Responses to NH Response on oTMPfC Comments

ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
1	London Borough of Havering	Q4.6.4 [REP4-314]	<p>The LB Havering position remains The Ockendon Road closure period whilst now capped at 10 months remains a significant concern for LB Havering LB Havering has also raised concerns regarding the suitability of proposed diversion routes Whilst the suggested mitigation set out may appear detailed from the Panel and Applicant's perspectives, it is essential to note that LB Havering is the local highway authority for the proposed diversion routes. During the M25/J28 DCO Examination, Havering raised legitimate concerns about the ability for construction traffic to make certain turning movements on the Transport for London and Havering road network. Following a request from the ExA for the Applicant to undertake Swept Path Analysis, it was subsequently found that such turning movements would not be feasible.</p>	<p>The Applicant has confirmed that the closure of Ockendon Road will be capped at 10 months. This is secured in the oTMPfC, Table 4.2 [REP5-056]. A possible diversion route for the Ockendon Road closure is shown in Plate 4.13 of the oTMPfC [REP5-056]. Table 4.5 of the oTMPfC shows the proposed diversion route information. Diversion routes would be determined through discussions with the local highway authority closer to the time as other factors may need to be taken into account to make the decision. With regard to bus stops, the Applicant has confirmed in its response to paragraphs 7.2.24 to 7.2.26, pages 78 and 79 of the London Borough of Havering Local Impact Report [REP1-249], that Table 2.3 of the oTMPfC sets the minimum requirements the Traffic Management Plan (TMP) will address when managing impacts on public transport, including buses. This includes the provision to arrange temporary bus stops and actively engage with operators during the development of the Traffic Management Plans.</p>	<p>The Applicant should note that the diversion routes will require co-ordination with Thurrock Council where those routes use its LRN.</p>

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
2	Transport for London	Q4.6.4 [REP4-356]	TfL accepts that it would be impossible to prevent or mitigate all adverse effects. TfL is broadly satisfied that the outline Traffic Management Plan for Construction adequately covers the approach to management of traffic during the construction period. However, there are further measures that the Applicant could implement to reduce adverse effects on local communities during construction. In particular, TfL considers that the Applicant should strengthen construction vehicle safety standards across the Project in-line with London standards. TfL maintains that the Direct Vision Standard would be most effective at securing the highest construction vehicle safety standards outside London.	The Applicant has already committed to the Construction Logistics and Community Safety Scheme (CLOCS) and Fleet Operator Recognition Scheme (FORS) which are national standards for managing sites, fleet vehicles and driving training. Refer to the CoCP Section 6 for further details [REP5-048]. Suppliers within London would comply with TfL requirements. Extending this outside of London could have an impact to the supply network. Implementing a TfL requirement nationwide is not proportionate and could severely impact supply network.	The Council supports TfL's aspiration to strengthen the requirements for driver and vehicle safety.
3	Essex County Council	Q4.6.4 [REP4-286]	This is accepted due to the size of the DCO here proposed impact may be required to be monitored as part of the applicants commitment to community liaison and the reporting of unforeseen incidents	No further action - the Council is supportive of the oTMPfC [REP5-056].	No comment
4	Gravesham Borough Council	ISH4 [REP4-295]	Any dispute or difference arising between the TMF or the local highway authorities and National Highways about whether any proposals made under paragraph 3.3.23 are adequate or reasonable or about whether a proposal has been complied with shall be referred to and determined by an independent person acting as an expert who has been professionally qualified for not less than 10 years and who is also a specialist in relation to such subject matter, such independent person to be agreed between the parties hereto or failing such agreement to be nominated by the President or Vice-President or other duly authorised officer of the Chartered Institute of Highways and Transportation or the	The Applicant has added wording to the oTMPfC at DL6 to indicate the Traffic Manager would have relevant experience and be sufficiently qualified for the job role (or similar). Refer to Section E.4 of the oTMPfC	The Council has similarly required a clearer and independent mechanism for resolving disputes and escalation. Reference to the ToR in the oTMPfC by the Applicant provide little assurance. This matter is covered by the Council's SoCG.

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
			Institution of Civil Engineers as appropriate, on the application of any of the parties to the dispute or difference (after having given written notice to the other).		
5	Gravesham Borough Council	ISH4 [REP4-295]	Gravesham Borough Council [REP4-297] Proposed amendments to Outline Traffic Management Plan for Construction in response to Action Point 6 from ExA at ISH4 The extracts below show track changes to the relevant section of the Outline Traffic Management Plan for Construction in response to Action Point from ExA at ISH4 which was as follows:.....	<p>Most of these requests are covered by the structure of the Traffic Management Forum (TMF) and its terms of reference. See oTMPfC Appendix E [REP5-056]. It is further backed up by the escalation process to the Joint Operations Forum (JOF) as covered in the CoCP [REP5-048]. The Applicant does not have any timings in these processes, apart from the commitment for the TMF to meet monthly (or if required by incidents out in the field).</p> <p>To address the point made on Para 3.3.22, the Applicant acknowledges the request and welcomes discussions to develop the wording to be inserted into the oTMPfC.</p> <p>The items directly copied from a document created from the Sizewell C infrastructure project are not directly relevant to the LTC project.</p>	The Council supports the amendments proposed by Gravesham Borough Council. The Council has provided other comments and observations which were contained within its response to ExA Q1 4.6.4 covered within this table.

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
6	Gravesham Borough Council	ISH4 [REP4-295]	<p>Response to ExA Action Point 7 from ISH4 (Traffic and Transportation)</p> <p>The following are extracted from the above document.</p> <p>2.4.5 It is acknowledged that the impacts on communities from measures required to ensure the delivery of the Project, should be kept to a minimum as much as is reasonably practicable.</p> <p>2.4.6 The specific restrictions and general approach required to mitigate or otherwise minimise the impacts would be developed in discussions undertaken with the relevant authorities and would be set out in the TMP and implemented in accordance with requirement 10 (traffic management) of the Development Consent Order. Table 2.3 below has been produced to set out the overarching considerations.</p> <p>Proposed changes to Table 2.3 Stakeholder consideration from oTMPfC [REP5-056]</p> <p>The proposed changes are to add statements to reduce or minimise road closure and durations of diversion routes to the table under requirements and how the TMP would address the impacts of any extent and duration of diversions.</p>	<p>The wording proposed by Gravesham emphasises the commitment the Applicant has already made to reduce / minimise / remove any impacts. However, these can only be worked up as the design progresses. The oTMPfC [REP5-056] sets out the procedures to be followed by the Contractors to create Traffic Management Plans (TMP) for agreements prior to any works being carried out. As the design develops these TMP's will be created, refined and agreed.</p>	<p>The Council supports Gravesham Borough Council's proposed strengthening of the wording with the oTMPfC to provide greater guidance to the development of the detailed TMPs. This aligns with comments made by the Council in its detailed response at ExA Q1 4.6.4.</p>

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
7	Kent County Council	ISH4 [REP4-308]	It would be helpful to be able to monitor the impact of construction on local rat runs to see whether general traffic has increased to avoid the LTC construction works. However, the plan only shows sites in Thurrock, not Kent. It would be helpful if the Applicant could produce a similar map covering monitoring of key routes, junctions and communities in Kent.	<p>What's set out in plate 2.4 of the oTMPfC is a reflection of monitoring locations agreed at this stage for further development during the development of the Traffic Management Plan. Paragraph 2.4.8 of the oTMPfC [REP5-056] states the commitment to monitor traffic: <i>"Actual monitoring to be implemented would be selected as part of the TMP on a case-by-case basis, by type of works (e.g. early utility works), road or section."</i> Paragraph 2.4.9 of the oTMPfC</p> <p>[REP5-056] states the commitment for the Main Works Contractor (MWC) to produce a co-ordinated monitoring proposals as part of their Traffic Management Plans (TMP). Which will be aligned across all contracts for the project. Paragraphs 2.4.15 and 2.4.16 sets out the monitoring regime. The Applicant acknowledges the request and welcomes discussions to develop the wording should to be inserted into the oTMPfC.</p>	The Council supports Kent County Council's proposal to extend the monitoring and management of effects during the construction period and would work with KCC to optimise monitoring and management processes.
8	Kent County Council	ISH4 [REP4-308]	Paragraph 2.4.21 of the oTMPfC [REP3-120] relates to "Key outcomes required from monitoring". In KCC's view these proposals seem adequate; however, paragraph 2.4.24 states "Where requests for traffic measures to be modified arise during feedback from the TMF, National Highways would give due consideration to any such request, and where necessary, obtain appropriate approvals for any modifications". KCC is concerned this arrangement could see requests from Local Highway Authorities get refused by National Highways. Clarity needs to be	<p>The oTMPfC [REP5-056] document sets out the review and escalation process for all elements of the Traffic Management Forum (TMF) engagement and co-ordination processes. Appendix E of the above document sets out the Terms of Reference (ToR) for the TMF</p> <p>The Council, and other local highways authorities would all be active participants of the TMF structure.</p>	The Council has raised similar concerns to those raised by KCC on the management of the TMF, the escalation and resolution of disputes. The Applicant has proposed to review, clarify and strength this process.

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
			provided as to how agreement would be sought on the mitigation measures to be implemented.		
9	Kent County Council	ISH4 [REP4-308]	Table 4.4 of the oTMPfC [REP3-120] sets out route restrictions for HGVs and includes parts of Thong Lane and Brewers Road and all of Castle Lane, The Street and Lower Higham Road (the latter for deliveries and earthworks associated with main works). KCC has previously requested for the proposed ban be extended to include the roads listed below; however, at the very least the below roads should be monitored for inappropriate use by LTC HGVs.....	<p>These roads are not listed as construction access routes. The TMF process of reviewing proposed TM plans would enable discussion and review of any possible impacts on these roads.</p> <p>.....</p> <p>The oTMPfC [REP5-056] process requires the Main Works Contractor (MWC) to set out their proposed Traffic Management Plan (TMP) for discussion and agreement with all parties, prior to implementation. Any impacts can be discussed and agreed as part of the TMF process. This will include monitoring procedures to ensure compliance.</p>	The Council has expressed its concerns over the proposed management of construction traffic through HGV bans. The Applicant has no mechanism to enforce those route bans and as such the proposal has little weight.
10	Kent County Council	ISH4 [REP4-308]	National Highways provided KCC with GIS files to analyse construction related traffic impacts. These show there are a significant number of drivers who re-route along the rural roads during the peak hours, seeking alternatives to avoid the congestion caused by the construction works. A number of the routes are close to capacity. Whilst National Highways are proposing most works will not take place during the peak hours (they have assumed so to see the worst-case scenario), given the congestion, KCC has requested that construction related vehicles (e.g. staff and HGVs, etc) should not be permitted to access / egress from	<p>Paragraph 2.4.8 of the oTMPfC [REP5-056] states that construction HGV movements to compounds would be controlled to avoid peak hours as far as reasonably practicable.</p> <p>There is a requirement for a traffic management plan to be approved by the Secretary of State under Schedule 2, Requirement 10 of the draft DCO, [REP3-077] following consultation with bodies such as Kent County Council. See paragraph 1.1.6 of the oTMPfC [REP5-056]. This ensures there is a process in place to manage impacts on the road network at the relevant time, which the Applicant considers to be more</p>	The Council has raised similar concerns to those raised by KCC over the absence of controls on the use of the LRN to access compounds. Whilst the Council had been led to believe that there would be commitments to use only those routes identified in the oTMPfC section 4.1, the Applicant has now stepped back from this and proposes that the detail of access routes would be left for the contractor to decide. The Council does not support this position.

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			<p>the site compounds during the network peak hours.</p>	<p>appropriate than imposing restrictions now. The standard working hours for the Project are listed in Table 6.1 in Environmental Statement Appendices Appendix 2.2 – Code of Construction Practice, First Iteration of Environmental Management Plan [REP5-048] which are 07:00 to 19:00 weekdays and 07:00 to 16:00 Saturday. In addition, up to one hour before and/or after for mobilisation (start-up and close down) procedures. This is clarified further in section 5.4.4 (Workforce shift arrangements) in Framework Construction Travel Plan [REP5-054].which indicates a standard shift of 08:00 to 18:00 with an arrival peak between 07:00 and 08:00 and a departing peak between 18:00 and 19:00, which are therefore outside of the network peak hours referred to by KCC</p> <p>In regard to restrictions on the workforce commuting during peak hours, the Applicant considers the enforcement of restrictions on the use of local road network is not proportionate for this stage of the project. At the current time, the precise origin of workforce commuter trips is unknown. It is likely that some workers will need to use the LRN to travel to and from site. The Applicant's approach to minimising disruption and traffic impacts on local highways caused by worker and visitor travel will be achieved via establishing a framework that promotes reducing single-occupancy vehicle trips and sustainable and active modes of travel. The detail of this framework is set out in the Framework Construction Travel Plan (FCTP) [REP5-</p>	

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
				<p>054].which aims to establish a comprehensive framework for managing personnel travel to and from construction worksites, compounds, and Utility Logistic Hubs (ULHs) during the construction phase of the Project. This includes exploring potential changes in travel behaviours to optimise efficiency and minimise the distance and necessity of travel. Travel plans for each stage of the authorised development will need to be approved by the Secretary of State, following consultation with relevant highway authorities, under Schedule 2 Requirement 11 of the draft DCO [REP5-024]. Those plans must be substantially in accordance with the FCTP. The Applicant has set out the rationale for its approach within the Statement of Common Ground between National Highways and Kent County Council [REP1-103], under Item: 2.1.13, 2.1.98, 2.1.103, 2.1.104 & 2.1.105</p> <p>In regards to restriction of heavy goods vehicles (HGV) the Applicant confirms in the outline Traffic Management Plan for Construction (oTMPfC), [REP5-056] paragraph 2.4.8, that HGV movements to compounds will be controlled to avoid peak hours as far as reasonably practicable.</p>	

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
11	Kent County Council	ISH4 [REP4-308]	KCC welcomes the establishment of a Traffic Management Plan/Forum; however, there does not currently seem to be any allocated funding for this plan/forum. This would make it difficult to implement required mitigation measures quickly. Applicant should be required to allocate a sufficient amount of funding for the implementation of traffic management measures identified through the Traffic Management Plan/Forum.	Detail on funding is provided in the Terms of Reference for the TMF, submitted at Deadline 5 as set out in paragraph E.4.25 of the oTMPfC [REP5-056]. The TMF is a commitment set out in the oTMPfC therefore adequate funding would be available to ensure the TMF runs as intended.	The reference provided by the Applicant is wrong in relation to the point raised by KCC and should refer E10.1. The TMF ToR makes statements on the funding of the preparation of the TMPs and identified initiatives but does not confirm the mechanism for funding any subsequent resolution tasks and activities. Once again the Applicant provides no clarity or commitment.
12	Kent County Council	ISH4 [REP4-308]	KCC's Public Transport team are concerned about the impacts on buses during construction and want to secure funds to counter the negative impacts (£80k for mitigation during construction plus £80k for potential temporary works to be used only if required). The oTMPfC [REP3-120] fails to address the adverse impacts of construction on existing bus services. National Highways need to ensure appropriate mitigation is provided to ensure residents who rely on local bus services are not prohibited from travelling due to the impact of constructing the LTC. Furthermore, KCC would still like to see bus priority measures where possible.	Table 2.3 of the oTMPfC [REP5-056] states the commitment to maintain public transport routes and services. Public transport operators would be a key member of the TMF and therefore part of any proposed solution, if an impact is identified.	The Council has raised similar concerns to those raised by KCC and has sought for much clearer commitments to engage with BOCs and the Council to resolve and maintain public transport service provision during the construction period. The Applicant is proposing to review this position.
13	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The changes made to the oTMPfC [REP3-121] comprise minor editing and formatting updates and therefore there are no substantive comments from the Council regarding the updated NH submission.	The Applicant notes these comments. No action.	N/A

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
14	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The oTMPfC focuses heavily on the management of the temporary traffic control measures and delays the consideration of the construction logistics planning until after any DCO grant (CoCP Section 6). The two topics must be aligned and given clear leadership by the applicant. Those processes then have to co-ordinate with the movement of people and plant, material and equipment, i.e. the FCTP, the oMHP and the oSWMP.	The ToR has been added to the oTMPfC [REP5-056] at Deadline 5 (within Appendix E) which covers the relationship between the other relevant control documents. ToR's have also been developed for the Travel Plan Liaison Group and Workers Accommodation Working Group, which are set out in the Framework Construction Travel Plan [REP5-054] .	The Applicant has provided no commitment to ensure alignment and co-ordination across the Traffic Management workstream and the Construction Logistics planning. This will result in challenges to management and control and with engagement with the Council through the TMF.
15	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The document should set out the full constitution of the TMF and stipulate that the client Traffic Manager (TM) must have a minimum specification of a Chartered Engineer or equivalent to give the gravitas to the role. Similarly, the Contractor's TM must be equally as competent and subcontractor with 25 staff or more must provide a suitably competent TM. The LHA representative on the TMF must be empowered within the constitution to be able to require resolution of issues to be escalated to the JOF and the ability to then represent that issue at the JOF.	The Applicant has added wording to the oTMPfC [REP5-056] to indicate the Traffic Manager would have relevant experience and be sufficiently qualified for the role (or similar). Refer to Appendix E in the oTMPfC.	The alteration made by the Applicant falls short of providing strong specification of the competence and experience of the TM or those representatives of the contractors. This may result in challenges to management and control and with engagement with the Council through the TMF if the personnel in the roles are neither fully competent or empowered.

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
16	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The oTMPfC must specific clearly that access by construction related traffic and workforce traffic will use the routes to the compounds shown within the access plans and that the use of those routes will not exceed the peak period modelling.	The routes set out are illustrative. The Applicant has included restricted routes in the oTMPfC [REP5-056] to prohibit the use of these routes by construction-related HGVs. Restricting staff travel would not be sensible as their route would be dependent on the initial location. The Applicant has designed the access points to the compounds to minimise unsuitable routes.	The Applicant has stepped back from the commitment over the specification of access routes to the compounds. This calls to question the commitments made by the Applicant, reduces the validity of the evidence provided and will make monitoring and management of the construction period more challenging. This position emphasises the Council's absence of trust in the process of engagement with the Applicant to date or moving into the construction period.
17	Thurrock Council	Responses to Submissions at D4 [REP4-352]	Paragraph 1.1.6 needs to be amended to align with the DCO, i.e. 'No part of the authorised development is to commence until a traffic management plan for the construction of that part.' The current wording does not have that specification.	The Applicant has amended wording in the oTMPfC [REP5-056] to this effect.	Applicant has addressed comment.
18	Thurrock Council	Responses to Submissions at D4 [REP4-352]	Paragraph 1.1.7 must set out how the TMPs will be co-ordinated across the project to maximise management and mitigation of the effects. The current document does not describe that.	The Applicant considers that this is covered in the oTMPfC [REP5-056] sufficiently at this stage. A ToR was included in the oTMPfC at Deadline L5. Refer to Appendix E in the oTMPfC.	The ToR do not clearly set out how the TMPs will be co-ordinated across contractors; phases of work, time periods etc. This point has been raised again with the Applicant and that the ToR need to be strengthened and explicit.

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19	Thurrock Council	Responses to Submissions at D4 [REP4-352]	It must be specified within the oTMPfC that road closures and temporary traffic management must substantially accord with the programmed periods set out in the approved TMP for that part of the project which must be broadly in line with the oTMPfC. The oTMPfC must further state that Contractors must justify to the TMF any extensions to programme or coverage no less than two weeks prior to the required extension.	The Applicant has added wording to the oTMPfC] to reflect this suggestion at DL6. Refer to Section 4.4 in the oTMPfC.	Applicant has acknowledged comment
20	Thurrock Council	Responses to Submissions at D4 [REP4-352]	At paragraph 2.1.2 and other points in the document the text should be adjusted to show that there will be a series of TMPs all of which will need to be kept up to date in accordance with the specifications provided within the revised CoCP (i.e. to reflect programme slippage; phase changes, process changes.). The oTMPfC must also state that the TMPs are owned by the Contractors but overseen and coordinated by NH Traffic Manager.	The Applicant considers that this is covered in the oTMPfC [REP5-056] sufficiently at this stage. A ToR was included in the oTMPfC at Deadline L5. Refer to Appendix E in the oTMPfC.	The ToR do not clearly set out how the TMPs will be co-ordinated and updated across contractors; phases of work, time periods etc. This point has been raised again with the Applicant and that the ToR need to be strengthened, clarified and explicit.
21	Thurrock Council	Responses to Submissions at D4 [REP4-352]	Paragraph 2.3.1 must explicitly confirm that the TMPs must include enabling, site establishment and demobilisation and commissioning works for all compounds, working areas and new infrastructure.	This has been inserted into the oTMPfC at DL6.	Applicant acknowledges comment.

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22	Thurrock Council	Responses to Submissions at D4 [REP4-352]	<p>Within Table 2.2:</p> <ol style="list-style-type: none"> 1. Extend the text to state that the NH and its Contractors must appoint and maintain Traffic Managers throughout the mobilisation, construction, demobilisation and commissioning periods. This requirement should also be added to paragraph 3.3.14. 2. State that the TMFs must be established at least three months before construction to allow for the collaborative drafting of the TMPs prior to submission for agreement with the local authorities. 3. The applicant must confirm how construction HGV bans will be introduced and enforced within the Order Limits and on routes outside of its control. <p>In the 'West Tilbury' section replace 'avoid Gunn Hill...' with 'exclude Gunn Hill....'</p>	<p>The proposed text has been inserted into the oTMPfC to address point 1 at DL6.</p> <p>The ToR was included in the oTMPfC at DL5 which addresses point 2.</p> <p>The Applicant believes the monitoring proposals set out in the oTMPfC cover point 3. Refer to Section 2.4 in the oTMPfC [REP5-056], namely paragraphs 2.4.8 – 2.4.10 and E.2.1, d.</p> <p>The text in the oTMPfC has been amended to address point 4 at DL6.</p>	<p>Applicant acknowledges and inserted comment point 1.</p> <p>Point 3 has been covered as stated by Applicant</p> <p>Point 2 has been included 4.4.3 (pg 47)</p> <p>Point 4 has been inserted</p>

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23	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The OTMPfC must stipulate at paragraph 2.4.8 the base line that is to be monitored, measured, managed and mitigated. There is currently no base line other than stated at Paragraph 2.4.22 that monitoring will commence a year before start of construction – that period must be set as the start of first construction within the northern contracts. If the baseline is to be established from observed background flows prior to construction plus an up-lift for construction activities then the contractor must reference that position relative to the Transport Assessment and the construction period modelling. The construction period modelling must be corrected prior to the end of the Examination to reflect the accurate assignment of worker traffic to the agreed routes. That revised modelling will then be updated at the time of preparing the TMPs to reflect the changes in programme, phasing and alignment across the contracts. The mechanism for apportioning ownership of the monitoring and effects across the contract must be set out in the oTMPfC.	<p>The Applicant considers that the monitoring proposals set out in the oTMPfC [REP5-056] are detailed and robust. The Baseline monitoring proposals set out in the oTMPfC, namely para 2.4.22: Baseline monitoring will need to commence at least one year ahead of works commencing and monitoring should cover the full period of construction works including any advanced enabling/utility works, decommissioning of compounds and diversions etc – unless otherwise agreed by the TMF is standard practice and allows for all seasons to be captured within the baseline data.</p> <p>The oTMPfC does not specify routes for worker traffic as this would not be appropriate as the exact start locations are not known (i.e. home location of workforce), except for the specific access point to compounds, which has been modelled correctly, hence the Applicant considers that no change to the modelling is required. The modelling does not prescribe workforce routes and thereby represents a reasonable worst case scenario.</p>	The baseline position for monitoring has not been clarified and is still open to misinterpretation. The consideration of worker travel routeing has been raised elsewhere and is not satisfactorily resolved.
24	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The terms of reference for the TMF / TMFs must stipulate how concerns will be considered and resolved by the responsible contractor/s and how escalated unresolved items will be determined and reported back to the TMF.	The ToR for the TMF has been added within Appendix E of the oTMPfC [REP5-056] at Deadline 5, which the Applicant considers addresses these comments.	The dispute resolution process also covered in Appendix E does not recognise the potential requirement to continue escalation to the SoS.

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25	Thurrock Council	Responses to Submissions at D4 [REP4-352]	<p>It is insufficient to leave the determination of junction modelling to the contractors to decide – as is suggested at paragraph 2.4.20 of the oTMPfC. Rather than leaving the determination of which location could be modelled, as at paragraph 2.4.20, the oTMPfC must stipulate the junctions to be modelled when preparing the TMPs that must include but not necessarily be limited to:</p> <ul style="list-style-type: none"> • A13/Sifford interchange and adjacent North Road / Stifford Clays junction • A126 Marshfoot Road priority junction leading to A1089 link road <p>A13 / Orsett Cock</p> <ul style="list-style-type: none"> • A1089 / Asda Roundabout • A1013 junction with Gammonfields Way • A1013 junction with Baker Street • The Cross Keys junction. <p>The Contractor must then be required to mitigate forecast impacts.</p>	<p>The Applicant considers that it would not be appropriate to specify junctions to be modelled at this stage given that the construction assessment represents a construction scenario. The Applicant considers that the monitoring, as secured in Section 2.4 of the oTMPfC [REP5-056], and the detailed construction planning that would be undertaken by the Contractor would enable the identification of locations that required further investigation.</p> <p>If deemed appropriate, junction modelling could be carried out prior to the works. The TMP would list the junctions to be modelled where require.</p> <p>Junction modelling requirements would be discussed at the TMF.</p>	<p>This comment is not fully addressed by the Applicant's proposed wording and leaves significant interpretation leading to an unsatisfactory assessment of impacts and resolution.</p> <p>This has been raised again with the Applicant.</p>

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26	Thurrock Council	Responses to Submissions at D4 [REP4-352]	Within Table 2.3 'Local business and residents' the applicant must add that Contractors must ensure no workforce parking within communities around the compounds and act to resolve problems that arise through direct and/or indirect engagement with those workers causing the disturbance.	<p>The TMF would be the appropriate place to discuss location-specific matters such as parking on the road network around compounds. A blanket statement may cause inadvertent constraints for all parties involved, therefore the Applicant considers these should be discussed on a case-by-case basis. For example, in some cases workforce would need to access the worksites and park within the worksites/TM areas e.g. utility works which are away from the compound areas.</p> <p>In regards to the comments made on problems of disturbance arising from workforce behaviours, the Applicant has committed to the Considerate Constructors Scheme as stated in the CoCP [REP5-048] Section 2.5. This provides that Constructors must "manage their impact on their neighbours and the public to support a positive experience, by ensuring courteous and respectful language and appropriate behaviour in and around the construction activity; and providing a safer environment, preventing unnecessary disturbance, and reducing nuisance for the community from their activities. Proactively maintaining effective engagement with the community to deliver meaningful positive impacts".</p>	The use of the Considerate Constructors Scheme is noted but the absence of commitment to be proactive regarding inconsiderate parking and to react to problems is unfortunate and may result in significant discussion and challenge at the TMF when better clarity should have been provided in the oTMPfC.
27	Thurrock Council	Responses to Submissions at D4 [REP4-352]	Paragraph 3.1.4 must be adjusted to state that the Council can impose a moratorium in the instance of an emergency	The Detailed local operating agreement/ local operating agreement (DLOA/LOA) would cover responsibilities for the Contractor and the local highway authorities where the Project has an interface with the Local Road Network. See Paragraph 3.2.2 of the oTMPfC [REP5-056] which also	This will be addressed through the Protective Provisions.

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				includes emergency works.	
28	Thurrock Council	Responses to Submissions at D4 [REP4-352]	In paragraph 3.2.1 the text should be adjusted to note that the Council will only be able to manage its network out with the Order Limits during the works. As stipulated within the dDCO the ability to influence the management of its network within the Order Limits will be the duty of the applicant during the life of the DCO construction period.	The DLOA would cover roles and responsibilities for the Contractor and the local highway authority to the A13. LOA's would apply to areas adjacent to site accesses. See Section 3 in the oTMPfC for details. It should be noted, the role of the TM within the TMF would be to ensure the road network and Project works are coordinated.	This will be addressed through the Protective Provisions.
29	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The DLOA (supported by an improved Side Agreement or Protective Provisions) as referenced in Paragraph 3.2.2 must set out which body will manage the applications for permits by third parties for works within the Order Limits and where those works cross the Order Limits.	The DLOA would cover roles and responsibilities for the Contractor and the local highway authority to the A13. LOA's would apply to areas adjacent to site accesses. See Section 3 in the oTMPfC for details. Outside of the 'Works Zone', permitting responsibilities will be as defined in the oTMPfC [REP5-056] . In effect the DLOA will be the same as the oTMPfC [REP5-056] .	This will be addressed through the Protective Provisions.
30	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The role of the Traffic Manager set at 3.3.14 f must also be responsible for the assimilation, co-ordination, analysing, sharing and reporting the data to the TMF members.	Paragraph E.4.21, Appendix E of the oTMPfC [REP5-056] , submitted at DL5. contains the responsibility of the Traffic Manager, while sub- paragraph j requires the Traffic Manager to ' <i>oversee the performance, coordination, planning and delivery of the traffic management on the SRN and LRN.</i> ' The Secretariat of the TMF would be responsible for sharing the data among other responsibilities under paragraph E.4.22.	The responsibility and the role of the Traffic manager continues not to be fully clarified within the ToR or wider oTMPfC.

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31	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The process table at Plate 3.3 must also show that updates to the TMPs can be requested by other members of the TMF, including the Council.	Plate 3.3 secures the TMF which in turn secures ongoing engagement and the ability to vary the TMP or measures secured under it. Additionally paragraph 3.3.23 of the oTMPfC [REP5-056] states that 'Where a measure identified as part of the "delivery stage" in Plate 3.3 does not fall within the scope of a TMP approved by the Secretary of State, National Highways would apply to the Secretary of State for a variation to the Traffic Management Plan, following consultation in accordance with Requirement 10.' The Council, or other members of the TMF, could raise an instance/instances where measures do not fall within the scope of a TMP at the TMF and request an update to the TMP.	The Applicant has not addressed the point. The requirement is for others to bring to the attention of the TM/TMF the need for updates of the TMPs and for that to be discussed by the TMF and potentially actioned by the Contractor.
32	Thurrock Council	Responses to Submissions at D4 [REP4-352]	Paragraph 3.4.2 does not use the formal term of Abnormal Indivisible Load (AIL). There must not be the opportunity to interpret this statement as allowing abnormal traffic movements, i.e. unusual volumes or types, outside of standard hours. The statement should also be corrected to state that it is the duty of the haulier to make the AIL Movement Order submissions.	The Applicant has made the necessary changes and use the formal term AIL in paragraph 3.4.2 of the oTMPfC for DL6.	Applicant has acknowledged comment and made changes.
33	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The agreed Access Routes as set out at Section 4.1 must clearly include the restriction of access for workers and other construction related traffic. It should be noted within the oTMPfC that some routes identified for use to access the compounds lie outside the Order Limits and so would not be controlled by the DCO	The restriction of access for workers and other construction related traffic for agreed access routes is a matter to be developed during the production of the TMP's. The Council's point on access routes outside of the Order Limits is noted, however, no works are proposed outside of the Order Limits, this is only for access and egress. Principles for management of the	The Council's concerns relating to the absence of commitment to adhere to defined access routes is reiterated and should be defined within the oTMPfC and not left to the contractors to decide.

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				movement of workers can be found in the Framework Construction Travel Plan [REP5-054] .	
34	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The modelling of construction traffic included in the DCO evidence has not used the controls on routeing that have been proposed, i.e. construction deliveries and workforce traffic has been allowed to freely assign across the LTAM cordon, which disguises the level of impact on the network. This does not allow for accurate assessment of impacts and does not permit robust monitoring during construction against the evidence.	The Applicant considers that this is only partially correct. Construction-related HGV traffic in the Project's transport model (the Lower Thames Area Model (LTAM)) can be assigned freely but must also adhere to specific construction traffic HGV bans which have been identified through discussion with local authorities. These HGV bans are described in Table 4.4 of the oTMPfC [REP5-056] and have been coded into the LTAM. HGVs in the LTAM also have specific designated access points to the compounds which are consistent with the access points described in the oTMPfC. The imposition of HGV bans and specific access points ensures that, in practice, the routes chosen in the LTAM are in accordance with the oTMPfC and representative of a reasonable worst-case scenario.	The Council's concerns relating to the absence of commitment to adhere to defined access routes is reiterated. The Applicant is not able to enforce HGV bans and so it has always been the position that other measures will be used to enforce construction traffic adherence to defined routeing. The Applicant appears to be renegeing on that commitment.

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35	Thurrock Council	Responses to Submissions at D4 [REP4-352]	<p>The Council has repeatedly questioned the assumptions of access to the compounds and has been assured by the applicant that the use of the LRN would be minimised (as referenced in paragraph 4.1.2d) and that the LTAM strategic modelling has assigned construction traffic to the agreed routeing. Contrary to those assurances, inspection of the construction period models has shown that workforce traffic does not adhere to the agreed routes</p> <p>and, by way of example and in the instance of the North Portal compound, workers vehicles are assigned across a number of routes leading to access to the compound from Station Road having travelled through Linford and Chadwell St Mary. The route via Asda Roundabout and St Andrews Road is not used. The assertion made in the oTMPfC and the modelled effects are not accurate or aligned. This must be rectified and reflected through the evidence and updated oTMPfC and associated control documents.</p>	<p>The oTMPfC [REP5-056] does not specify access routes for workers, only access points.</p> <p>In the specific North Portal example, the route via the A1089 ASDA roundabout is used, but in very small numbers compared to other routes. That is consistent with the oTMPfC which only specifies access routes for HGVs, not workers.</p>	<p>The Council's concerns relating to the absence of commitment to adhere to defined access routes is reiterated.</p>
36	Thurrock Council	Responses to Submissions at D4 [REP4-352]	<p>The oTMPfC should include caps for the vehicle movements to each compound which align with the 11 modelled scenarios. This will allow compliance checking to be carried out and encourage innovation by the contractor. Where a variation from those profiles is required, the contractor will need to set out its justification and report that through the TMF and include that within the TMP. Furthermore, paragraph 4.1.7d does not stipulate a frequency and quantum of use of the 'secondary' routes. A cap on their use must be assigned and agreed with the Council.</p>	<p>The Applicant considers that the movement of construction vehicles along primary and secondary routes accessing compounds and ULHs should not be restricted by a vehicle cap, but rather the impact it has on the road network.</p> <p>The Applicant has committed to implementing a monitoring system that would establish a baseline position a year in advance of works commencing (para 2.4.22 of the oTMPfC [REP5-056]) and would inform the monitoring report shared with stakeholders, detailing the main traffic effects of the Project during its construction</p>	<p>The Council does not agree with the Applicants refusal to provide capped vehicle movement profiles for the compounds.</p> <p>The Council's justification has been given.</p>

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				<p>period, through comparison with the baseline collected prior to commencement (para 2.4.21 of the oTMPfC).</p> <p>The appointed Contractor would also be required to manage deliveries to compounds using vehicle booking systems (paragraph 3.5.11 of the outline Materials handling Plan [REP5-050]). The Contractor would also monitor vehicle movements on the road network to and from compounds to promote improvements in road safety and to minimise Project-related construction traffic and environmental impacts on the road network and local communities. The Applicant believes that imposing a vehicle cap would be ineffective and constrain the ability to adapt to changes that would minimise impacts of construction traffic. For instance, short-term higher impacts could in some cases be preferable to longer-term, lower impacts, e.g. bringing in material in a short preferred window during a period when the road network is shown to be at a reduced capacity, rather than a constrained number of deliveries over several weeks.</p>	
37	Thurrock Council	Responses to Submissions at D4 [REP4-352]	Table 4.1 states that Stifford Clays Road (East and West), Medebridge Road and the Mardyke compounds are to be accessed via the private Medebridge Road. This is contrary to statements made by the applicant and so modelling of the A13/North Stifford/North Road and Stifford Clays Road must be carried out to demonstrate the effects of those movements on that interchange.	<p>To clarify, Medebridge Road (Veolia link) would be used to access some compounds north of the A13 as outlined in the oTMPfC [REP5-056].</p> <p>The Applicant has undertaken assessment to show the forecast impacts on the road network using the Project's transport model. This model includes the A13 Stifford Interchange, so changes as a result of the forecast Project-related construction traffic and temporary traffic management</p>	<p>The Council does not concur with the Applicant's position. The analysis of effects in the High Road/Stifford Clays Road junction and the North Stifford interchange have not been accurately analysed by the strategic modelling.</p> <p>This is demonstrated by the inadequacies of the wider strategic models for the operation period compared to the localised modeling</p>

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				<p>measures are shown. The Council has been provided GIS shapefiles and cordon models of each construction traffic modelling phase which allows them to interrogate the forecast impacts in detail.</p> <p>The Applicant has previously set out that the construction traffic assessment reflects a reasonable worst case and provides a proportionate assessment of the selected construction scenario, and further details are set out in Annex C.2 of Post-event submissions, including written submission of oral comments, for ISH4 [REP4-180].</p> <p>The Applicant considers that it would not be appropriate to specify junctions to be modelled at this stage given that the construction assessment represents a construction scenario. The Applicant considers that the monitoring, as secured in Section 2.4 of the oTMPfC, and the detailed construction planning that would be undertaken by the Contractor would enable the identification of locations that required further investigation.</p> <p>If deemed appropriate, junction modelling could be carried out prior to the works. The TMP would list the junctions to be modelled where required.</p> <p>Junction modelling requirements would be discussed at the TMF.</p>	<p>that is being examined under other topics.</p> <p>The Applicant's proposal for a temporary traffic signal junction at Stifford Clays Road has not been adequately assessed.</p> <p>The contractor must be required to undertake a suitable assessment of effects.</p>

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38	Thurrock Council	Responses to Submissions at D4 [REP4-352]	It must be clarified how access to the Long Lane Compounds is to be achieved and maintained and the effect on the LRN at A1013. HGVs turning at that location will cause significant disruption to the operation and safety of A1013, particularly reflecting the proposals for new traffic signals in the vicinity.	There is currently an existing dedicated right turn lane off the A1013 and onto Gammonfields Way. The Contractor, as with all other access points, would need to assess and manage construction traffic to minimise impacts to the road network as far as reasonably practicable.	This point will need to be addressed through the development of the TMP and could cause significant challenge to that process as it has not been resolved before DCO Grant. Substantive changes to the junction could be required but this has not been analysed by the Applicant and remains unanswered.
39	Thurrock Council	Responses to Submissions at D4 [REP4-352]	In defining the roles to be recruited and maintained as part of the projects traffic management resources, the oTMPfC must specify the accreditation and training requirements for on-site traffic management staff including Traffic Marshals, Banksmen, and gate-line staff. Those roles must be each given clear specification to their duties and lines of reporting. The accreditation of Traffic Management team leaders must be specified to LANTRA or equivalent minima for the duties to be undertaken and accord with the roles and responsibilities set out in Safety at Street Works and Road Works – A Code of Practice (the Red Book). The gate line and traffic management teams must be empowered and, through the Contractors' Traffic Managers, enforce the requirements of the approved TMPs. That function could include over-ruling worksite requests where those requests do not adhere to the TMP – such as rejecting un-booked and non-compliant deliveries. A safe mechanism for rejecting vehicles must be set out within the oTMPfC for each compound	The Project would employ competent Contractors to deliver the works. The Project will not dictate the competencies of the Contractor's employees and where there is a requirement for an employee to hold certain accreditation this will be a matter between the Applicant and the Contractor. The Applicant is well experienced in delivering Nationally Significant Infrastructure Projects, and no further measures are considered appropriate. Paragraph 2.4.13 of the oTMPfC [REP5-056] states how vehicles would be refused entry if they do not comply with standards. Paragraph 2.4.13 of the oTMPfC [REP5-054] states how vehicles would be refused entry if they do not comply with standards. The mechanism and empowerment to implementing this would form part of the TMP to which contractors and any workforce associated with the delivery of the project must adhere to.	The Applicant's response does not address the Council's position.

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40	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The mechanisms for informing the supply chain of the EMP2, TMP and CLP requirements must be set out in the oTMPfC, such that Contractors adopt that into the TMPs and co-ordinate that information across contracts	The management of sub-contractors and the broader supply chain by the relevant Contractor falls within the realm of contractual obligations and is not a matter of the DCO. All contractors, including those in the wider supply chain, must comply with the requirements outlined in the TMP and EMP2. Paragraph 4.2.1 of the CoCP [REP5-048] clarifies that "National Highways is responsible for the delivery of the Project and its implementation. However, National Highways will appoint Contractors to implement the Project, including a Project Manager/Director as well as additional specialist consultants to supervise, monitor or check the Contractors' environmental procedures. These bodies will take on day-to-day responsibility for managing the commitments in this document. "	The Council remains to be concerned that the Applicant is not prepared to be open about how information is shared within its supply chain.

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ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
41	Thurrock Council	Responses to Submissions at D4 [REP4-352]	No localised modelling of the construction period has been provided to the Examination for this location. The oTMPfC identifies a traffic management scheme at that junction, as RNTM13, but does not specify what that might be. The Council has not seen or agreed any works at that point on its road network and has no certainty as to the impacts to expect at that point	<p>The exact requirements for specific temporary traffic management measures have not yet been detailed and would be determined once the Contractor has been appointed and has developed its proposals. This would be appropriately set out and managed in accordance with the TMP, which is consulted upon and then approved by the Secretary of State (and thereafter subject to ongoing monitoring and management, and engagement with the TMF). The traffic management measures have been listed to install traffic measures to manage construction vehicle access at RNTM13. The Applicant considers that it would not be appropriate to specify junctions to be modelled at this stage given that the construction assessment represents a construction scenario. The Applicant considers that the monitoring, as secured in Section 2.4 of the oTMPfC, and the detailed construction planning that would be undertaken by the Contractor would enable the identification of locations that required further investigation.</p> <p>If deemed appropriate, junction modelling could be carried out prior to the works. The TMP would list the junctions to be modelled where required. Junction modelling requirements would be discussed at the TMF..</p>	The Council's position on this point remains unresolved and has been justified.

Thurrock Council Submission at Deadline 7 (D7) – Appendix A: Table of Council Responses to NH Response on oTMPfC Comments
Lower Thames Crossing

ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
42	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The oTMPfC does not stipulate whether a single TMP is to be prepared (e.g. oTMPfC Sections 2.1.4, 2.3.2, 2.4.6) or a coordinated set of TMPs to be developed by each contractor and maintained in line with changes during the construction period (e.g. oTMPfC Sections 2.4.9, 2.4.15).	Paragraph 2.3.1 of the oTMPfC [REP5-056] states that 'A TMP may relate to part of the Project, so for example, there may be separate TMPs for different stages or areas of the Project...'. The Traffic Manager then has the responsibility to plan, deliver and manage the TMPs as described in the ToR in paragraph E.4.21 of the oTMPfC.	The Council reiterates that the oTMPfC does not provide consistency on the scope and scale of the TMP or TMPs.
43	Thurrock Council	Responses to Submissions at D4 [REP4-352]	<p>It is the Council's strong view that the applicant must revise the oTMPfC to strengthen the framework and provide clear leadership on such aspects as:</p> <ul style="list-style-type: none"> • How the contractor's fleet will be monitored and managed with caps on movements to and from compounds; • How non-compliance will be dealt with, when updates of the TMPs will be required; • How the TMF will be constituted and voting managed; • How innovation by the contractors will be actively encouraged where it brings about a reduction in impact and improvements on the environment; and, <p>How mitigation will be introduced during the construction period reflecting the changing nature of the works.</p>	<p>Paragraph 2.4.8 of the oTMPfC [REP5-056] describes the monitoring system the Contractor is required to provide and this would capture real-time data to monitor fleet movements. Vehicle caps have not been introduced; instead it is proposed to manage vehicle movements and restrict them where required based on the impact on the road network.</p> <p>Non-compliance will be dealt with by corrective measures and or changes in the TMPs. This will be a matter for discussion and action in the TMF.</p> <p>The ToR for the TMF, Appendix E of the oTMPfC, clarifies that the Traffic Manager will have decision-making authority, but will have due regard for views and information provided by all parties before making a decision.</p> <p>The Project actively encourages reduction in impacts and improvements to the environment. The Carbon and Energy Management Plan [APP-552] is one such document which contains commitments to manage and minimise carbon emissions.</p> <p>Mitigation to reflect the changing nature of the works will be introduced via</p>	The Council and Applicant retain different opinions on the strength and focus of the Control Documents and the constituent governance and guidance contained therein.

Thurrock Council Submission at Deadline 7 (D7) – Appendix A: Table of Council Responses to NH Response on oTMPfC Comments
Lower Thames Crossing

ID	LA/LPA/LHA	Source	LA/LPA/LHA comment	Applicant's response	Response to Applicant's Response
				changes forecasted, monitored and then reported at the TMF. This forum will then allow the necessary discussions for stakeholders and the Applicant to ensure the Contractor introduces mitigation where it is required.	
44	Thurrock Council	Responses to Submissions at D4 [REP4-352]	The oTMPfC must clearly state how the TMF will be governed and how disagreements will be resolved and how escalation to the Joint Operating Forum will allow acceptable resolution, given that the Council and other stakeholders are not represented on that Forum.	These matters are now covered under Appendix E of the oTMPfC [REP5-056] , Traffic Management Forum Terms of Reference.	The Applicant has now clarified that the Council can be represented at the JOF for escalated matters.


Appendix B New Requirements for Tilbury Link Road, Air Quality and Housing Impact

Lower Thames Crossing

Thurrock Council Submission at Deadline 7 (D7)

**Appendix B: New Requirements for Tilbury Link Road, Air Quality
and Housing Impact**

17 November 2023

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Thurrock Council Submission at Deadline 7 (D7) – Appendix B: New Requirements for Tilbury Link Road, Air Quality and Housing Impact
 Lower Thames Crossing

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Approved by:	Tracey Coleman	Interim Chief Planning Officer, Thurrock Council	TC	17/11/2023

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B.1 Tilbury Link Road

Tilbury link road readiness and compatibility

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:
 - (i) not preclude the design, construction, operation and maintenance of the proposed Tilbury link road, which is to be provided as a public highway.
 - (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.

B.2 Air Quality Monitoring and Mitigation

1. The NO₂ monitors installed as part of the authorised development must remain in place for the monitoring period of 5 years from the date that the authorised development is open for public use.
2. Prior to the authorised development coming into operation, submit for approval to the Secretary of State (after consulting the relevant local highway authorities) a monitoring programme, to include:
 - a. The timing of monitoring
 - b. a determination of what constitutes a material worsening of air quality, including specific quantifiable values
 - c. the preparation of quarterly monitoring reports for a period of one year from the tunnel opening for public use; and
 - d. annual monitoring reports thereafter (for a period of 5 years), derived from that monitoring, and submit them for consideration by the local highway authorities.
3. For the duration of the monitoring period, the undertaker must—
implement the approved monitoring programme described in subparagraph 2 above

4. The monitoring data within each annual monitoring report referred to in the monitoring programme must be reviewed as soon as reasonably practicable by a firm of independent air quality experts appointed by the undertaker in consultation with the local highway authority. The annual review undertaken by the firm of experts must determine whether or not there, in their professional opinion, has been a material worsening of air quality as a result of the authorised development beyond the likely impacts reported within the environmental statement at locations where there are (whether as a result of the authorised development of otherwise) exceedances of national air quality objectives.
5. If the review demonstrates in the opinion of the appointed firm of experts that the authorised development has materially worsened air quality in the manner described in subparagraph (3), the undertaker must—
 - (a) within three months of the conclusion of the expert review consult any relevant air quality authority on a preliminary scheme of mitigation including a programme for its implementation; and
 - (b) following that consultation submit a detailed scheme of mitigation to the Secretary of State for approval.
6. Before considering whether to approve the scheme of mitigation, the Secretary of State must consult any relevant highway authority and take into consideration any responses received.
7. The undertaker must implement or secure the implementation of the scheme of mitigation approved by the Secretary of State in accordance with the programme contained in the approved scheme of mitigation.

B.3 Thurrock Accommodation Resilience Scheme

[XX].—(1) No part of the authorised development must commence until a Thurrock Accommodation Resilience Scheme (“TARS”) has been submitted to and approved in writing by the Secretary of State following consultation by the undertaker with Thurrock Council.

(2) The TARS must make provision for the establishment of a Thurrock Accommodation Working Group which must—

- (a) consist of an equal number of representatives from the undertaker and Thurrock Council and must exist from before the commencement of and throughout the construction period;
- (b) agree on the measures, if any, to be carried out by or on behalf of the undertaker (including the reimbursement of reasonable administration costs incurred by the Council), having regard to—
 - (i) information provided by Thurrock Council that the Accommodation Working Group agrees (acting reasonably) and which shows housing market stress relative to pre-Commencement levels which may reasonably be related to the effects of the workforce for the authorised development, including—
 - (A) an increased level of homeless presentations and applications in Thurrock compared with the national average for the same period;
 - (B) an above average use of emergency and temporary accommodation in Thurrock compared with the national average for the same period;

- (C) an above average use of discretionary housing payments in Thurrock compared with the national average for the same period; and
 - (D) an above average level of licence applications and enforcement action in respect of unlicensed Houses of Multiple Occupancy in Thurrock compared with the national average for the same period; and
 - (ii) other information provided by the undertaker or Thurrock Council under sub-paragraph (6).
- (3) The measures referred to in sub-paragraph (2)(b) may include—
 - (a) increasing the supply of bedspaces in private housing in accordance with the Private Housing Supply Plan; and
 - (b) providing support for Thurrock Council's housing services through the provision of Housing and Homelessness Services Resilience Measures.
- (4) The TARS must make provision for matters which the Accommodation Working Group must take into account when considering what measures should be carried out by or on behalf of the undertaker under sub-paragraph (2)(b), including the extent to which the proposed measures—
 - (a) are an effective means to mitigate the potential effects of the authorised development;
 - (b) give priority to localities where the direct impacts of the authorised development are anticipated to be experienced;
 - (c) provide value for money; and
 - (d) where the measures aim to increase the supply of bedspaces—
 - (i) would deliver bedspaces prior to the date upon which peak workforce numbers are anticipated to be reached by the undertaker (acting reasonably); and
 - (ii) offer the potential for recycling any funds set aside for implementing the measures so that they can be reinvested in other housing initiatives, as far as reasonably practicable.
- (5) The TARS must provide that within 6 months following notification by the undertaker of the commencement of the authorised development, Thurrock Council must prepare a draft Private Housing Supply Plan and submit the draft Private Housing Supply Plan to the Accommodation Working Group for approval.
- (6) The TARS must include provision requiring the undertaker or Thurrock Council to provide to the Accommodation Working Group information necessary or convenient for the Accommodation Working Group to carry out its functions.
- (7) The TARS must include provision about the following in relation to the Accommodation Working Group—
 - (a) its administrative arrangements, including frequency of meetings and quorum;
 - (b) its terms of reference;
 - (c) arrangements for review by the Secretary of State or others in the case where the group are unable to agree matters.

(8) The TARS must include provision about the carrying out of workforce surveys by the undertaker, in order to enable the provision of relevant information to the Accommodation Working Group under sub-paragraph (6).

(9) The undertaker must comply with the TARS, and in particular implement or otherwise secure the implementation of measures agreed by the Accommodation Working Group.

(10) In this paragraph—

the “TARS” means the Thurrock Accommodation Resilience Scheme prepared under sub-paragraph (1);

“Housing and Homelessness Services Resilience Measures” means measures to support Thurrock Council’s statutory housing advice and homelessness prevention service where there is evidence of increased housing market stress impacting the level of demand on this service which may reasonably be related to the effects of the construction of the authorised development, including but not limited to (subject to agreement by the Accommodation Working Group that those measures would be effective in responding to effects which may be reasonably attributed to the authorised development) —

- (a) staff resourcing, training and projects including but not limited to floating support, tenancy sustainment, outreach, family liaison and issue-specific projects;
- (b) temporary and emergency accommodation support;
- (c) landlord engagement and support; and
- (d) management of houses in multiple occupation including support for licensing, enforcement and maintenance support;

“Private Housing Supply Plan” means a plan to be prepared by Thurrock Council and approved by the Accommodation Working Group to carry out or otherwise secure any or all of the following initiatives (or any other appropriate initiatives which the Accommodation Working Group considers in its reasonable opinion would supply private housing during the period of the construction of the authorised development, at an equivalent rate and value for money)—

- (a) supporting rent and deposit guarantee schemes, in particular to support people at risk of homelessness;
- (b) providing equity loans to residents in the owner-occupied and private rented sector to enable them to secure suitable accommodation and free up homes or rooms in the private rented sector;
- (c) providing equity loans to residents in the social rented sector to help them access owner-occupied and rented property and rationalise the supply and occupancy of social rented homes as a result;
- (d) supporting empty homes back into use;
- (e) providing loans or grants or guaranteed lets, such as renovation grants or funding for minor improvement works and lodging or rent- a-room schemes;
- (f) tackling under-occupation and maximising efficiency

Appendix C Current Applicant's Memorandum of Understanding (MoU) for Land Matters

Lower Thames Crossing

Thurrock Council Submission at Deadline 7 (D7)

Appendix C: Current NH Memorandum of Understanding (MoU) for Land Matters

17 November 2023

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Thurrock Council Submission at Deadline 7 (D7) – Appendix C: Current NH Memorandum of Understanding (MoU) for Land Matters
Lower Thames Crossing

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	Name	Position	Signature	Date
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Reviewed by:	David Bowers / Chris Stratford	Director / Senior Consultant	DB CS	17/11/2023
Approved by:	Tracey Coleman	Interim Chief Planning Officer, Thurrock Council	TC	17/11/2023

Contents

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C.1 Memorandum of Understanding relating to Lower Thames Crossing

DRAFT DATE	[Draft Date]
DATED	[Date]
(1) NATIONAL HIGHWAYS	
and	
(2) THURROCK COUNTY COUNCIL	
MEMORANDUM OF UNDERSTANDING relating to LOWER THAMES CROSSING	



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Thurrock Council Submission at Deadline 7 (D7) – Appendix C: Current NH Memorandum of Understanding (MoU) for Land Matters
Lower Thames Crossing

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Thurrock Council Submission at Deadline 7 (D7) – Appendix C: Current NH Memorandum of Understanding (MoU) for Land Matters
Lower Thames Crossing

1 The Parties

1.1 The Memorandum of Understanding (“MOU”) is between

(1) NATIONAL HIGHWAYS of Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ (“NH”); and

(2) THURROCK COUNTY COUNCIL of New Road, Grays, Essex England, RM17 6SL (“TC”)

(each a “Party” and, together the “Parties”)

2 Background

2.1 National Highways (“the Applicant”) submitted an application under section 37 of the Planning Act 2008 for an order to grant development consent (“a DCO”) for the A122 Lower Thames Crossing (“the Project”) on 31 October 2022 and examination of the Project began on 20 June 2023.

2.2 The Project would provide a connection between the A2 and M2 in Kent and the M25 south of junction 29, crossing under the River Thames through a tunnel.

2.3 Should consent be granted, NH would be responsible for constructing, operating, maintaining and improving (under its general statutory powers in respect of the latter) the new route of the A122 Lower Thames Crossing.

2.4 The Project runs through the Borough of Thurrock. TC is the local planning and highway authority, with decision-making powers under the Town and Country Planning Act 1990 and functions under the Highways Act 1980, as well as wider local government functions in the administrative area of Thurrock.

3 Purpose

3.1 This MOU describes the respective powers and responsibilities of the Parties proposed under the DCO in connection with NH using, and acquiring, land belonging to TC and sets out a framework for collaborative working. This framework is designed to optimise the skills and experience of each Party and ensure that the public receives the benefits of the delivery of the Project.

3.2 The Parties are committed to co-operating to ensure the efficient and effective delivery of the Project. Acknowledging this, the Parties agree to the following arrangements for collaborative working:

3.2.1 maintaining effective communication and liaison;

3.2.2 sharing relevant information; and

Thurrock Council Submission at Deadline 7 (D7) – Appendix C: Current NH Memorandum of Understanding (MoU) for Land Matters
Lower Thames Crossing

3.2.3 sharing knowledge and experience.

3.3 The Parties agree to discharge their functions under the DCO reasonably and in good faith.

4 Use by NH of land owned by TC

Advanced notice of programme

4.1 In relation to plots of TC land that NH may permanently or temporarily use (“TC Land Plots”), NH agrees to provide TC with an updated programme of the likely phasing of works soon as reasonably practicable prior to the commencement of the works over TC’s land.

4.2 NH will use reasonable endeavours to:

4.2.1 ensure that the draft programme submitted under clause 4.1 is substantially based on the land information appended to this MoU (“the Illustrative Programme”); and

4.2.2 carry out the works in general accordance with the programme provided to TC under clause 4.1,

except that the Parties acknowledge that the Illustrative Programme is, and the programme provided under clause 4.1 will be, indicative, and both are without prejudice to the powers under the DCO.

4.3 In the event that the works cannot be carried out in general accordance with the programme, NH will provide an update to TC on the extent of any variation to the programme as soon as reasonably practicable.

Reinstatement of land following temporary possession

4.4 In relation to TC Land Plots that NH intends to temporarily possess, NH agrees to, at NH’s cost, prior to the commencement of any works, procure that a photographic schedule of condition is prepared in relation to the plots of land that might reasonably be expected to be impacted by NH’s temporary possession and such schedule of condition shall be approved by TC (and NH will make any reasonable and material modifications to that schedule).

4.5 The schedule of condition shall then be held as a record by the Parties and updated at regular intervals during the temporary possession and reviewed on completion of the period of temporary possession. NH will reinstate the land in line with the photographic schedule of works at the end of NH’s period of temporary possession, unless otherwise agreed in writing by the Parties, in accordance with article 35 of the DCO.

5 Compensation Code

5.1 The parties agree that in assessing the amount of any such compensation regard shall be had to the provisions of this Agreement and accordingly compensation will be payable in line with the body of legislation, common law and case law which is applied by the Upper Tribunal (Lands

Thurrock Council Submission at Deadline 7 (D7) – Appendix C: Current NH Memorandum of Understanding (MoU) for Land Matters
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Chamber) in determining compensation for the acquisition of land or the displacement of persons from land by compulsory acquisition (“the Compensation Code”).

6 Notices

6.1 Any notice required under this MOU must be given in writing and shall be duly served if delivered by hand, sent by pre-paid first class post or special delivery to the recipient in each case at an authorised address or emailed to those authorised in this clause.

6.1.1 The authorised address of the NH is Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ and correspondence must be marked for the attention of [insert name].

6.1.2 The authorised address of TC is New Road, Grays, Essex England, RM17 6SL and correspondence must be marked with the reference [insert reference].

6.1.3 Notices from the NH will be validly served if sent by email to all of the following: [insert email addresses]

6.1.4 Notices from the TC will be validly served if sent by email to all of the following: [insert email addresses].

6.2 Any notice so served shall be deemed to have been received as follows:

6.2.1 if delivered by hand - on the day of delivery if delivered at least two hours before the close of business hours on a working day and in any other case on the next working day;

6.2.2 if sent by post or special delivery (otherwise than at a time when the sender is or ought reasonably to be aware of a disruption of the relevant postal service) - two working days after posting exclusive of the day of posting; or

6.2.3 if given by email will be treated as having been received at the time of receipt if received at least two hours before the close of business hours on a working day and in any other case on the next working day.

6.3 For the purpose of providing notices business hours means the hours of 9.30 a.m. to 5.30 p.m. on a working day.

7 Resolving disagreements

7.1 The Parties are committed to working together in an environment of professional respect and promoting a culture of openness. This approach should minimise the risk of disagreements. Any disagreements will normally be resolved at a working level between the individuals involved. If this is not possible, it will be referred upwards through normal management reporting channels until resolution is achieved.

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Lower Thames Crossing

8 Reviewing the MOU

- 8.1 This MOU may be amended at any time by written agreement between the Parties.
- 8.2 Unless otherwise agreed, the Parties will formally review this MOU every two years to ensure the Parties are working within the agreed framework, and consider whether the arrangements needs to be revised to meet changing circumstances.

9 Effect of this MOU

- 9.1 The contents of this MOU are not legally binding on either of the Parties.
- 9.2 Should the DCO not be made, then this MOU ceases to apply.
- 9.3 Where there is any conflict between the DCO, and this MOU, the DCO prevails and to the extent that the DCO does not include the necessary powers to implement this MOU, this MOU takes effect subject to the DCO.

Signed by [insert name] duly authorised for and)
on behalf of National Highways)

Signed by [insert name] duly authorised for and)
on behalf of the Thurrock County Council)

Thurrock Council Submission at Deadline 7 (D7) – Appendix C: Current NH Memorandum of Understanding (MoU) for Land Matters
Lower Thames Crossing

APPENDIX 1
ILLUSTRATIVE PROGRAMME

Appendix D Potential Mitigation at Orsett Cock Junction

Lower Thames Crossing

Thurrock Council Submission at Deadline 7 (D7)

Appendix D: Potential Mitigation at Orsett Cock Junction

17 November 2023

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Thurrock Council Submission at Deadline 7 (D7) – Appendix D: Potential Mitigation at Orsett Cock Junction
 Lower Thames Crossing

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Approved by:	Tracey Coleman	Interim Chief Planning Officer, Thurrock Council	TC	17 November 2023

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D.1 Introduction

- D.1.1 The Council summarised the current position with regards to Orsett Cock impact assessment within the Council's D6A submission 'Thurrock Council Comments on Traffic Modelling' ([REP6A-013](#)).
- D.1.2 The VISSIM modelling presented in the D6A submission ([REP6A-013](#)) shows that there is significant divergence from the LTAM model and unacceptable adverse impacts at Orsett Cock Junction as a result of LTC that need to be mitigated. The applicant has accepted that mitigation is required, but does not intend to submit any mitigation proposals to the Examination. Instead, the applicant proposes to secure mitigation at Orsett Cock Junction through a new Requirement submitted at Deadline 6 ([REP6-011](#)).
- D.1.3 Notwithstanding this, and without prejudice to the Council's objections to the LTC scheme, the PoTLL has submitted three draft Requirements at D6 ([REP6-163](#)) and a Joint Position Statement at D6A ([REP6A-017](#)) confirming those Requirements, which have been jointly agreed between the Council, PoTLL, DPWLG and TEP. One of the draft Requirements is to secure an updated assessment and mitigation of Orsett Cock prior to scheme opening as well as post opening monitoring.
- D.1.4 In order to provide comfort to the ExA that a mitigation scheme could be implemented within the Order Limits and existing highway land (whether strategic road network or owned/operated by the local highway authority), the Council has tested some initial, potential mitigation measures within VISSIM using Version 3.6T of the model (refer to ([REP6A-013](#)) for a summary of this version of the VISSIM model).
- D.1.5 This **Appendix D** summarises the initial mitigation scheme that has been considered and tested for Orsett Cock Junction. It is not proposed to act as the definite mitigation scheme but is purely to examine whether a solution is considered to be possible without third party land being required and that the draft Requirement for Orsett Cock Junction put forward by the Council, PoTLL, DPWLG and TEP would meet the tests for Requirements set out in paragraph 4.9 of the NPSNN.

D.2 Orsett Cock Mitigation Concepts

- D.2.1. The analysis presented by the Council in 'Thurrock Council Comments on Traffic Modelling' submitted at Deadline 6A ([REP6A-013](#)) shows that LTC has a significant adverse impact on the operation of Orsett Cock Junction. The increase in traffic associated with LTC leads to increases in queues and delays at the junction, which in the PM peak period amounts to a substantial increase of 440 total vehicle hours compared to the 'without LTC' scenario.
- D.2.2. The Council has undertaken some initial mitigation testing based on VISSIM v3.6T to test the effect of a number of potential mitigation measures. The following measures, which are all within the current DCO Order Limits, have been tested and schematic drawings showing the concepts that have been modelled are included in Annex A. The updated VISSIM model including this mitigation measures has been designated 'Version 3.6T + Mitigation'.

Mitigation Measure 1 - Swapping LTC off-slip and A13 eastbound off-slip approach arms

- D.2.3. Within the LTC design, traffic on the LTC off-slip is required to weave over a short section of carriageway (shown as approximately 90m on the design drawings and modelled as 200m in the VISSIM model) with traffic on the A13 eastbound off-slip on the approach to the Orsett Cock Junction. Some of this traffic exits the Orsett Cock Junction towards A128 Brentwood Road (North), while the majority of the traffic circumnavigates Orsett Cock Junction, mostly towards A1013 East and Brentwood Road (South). The current modelled weaving length

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(i.e. 200m) is too short to accommodate the required lane changes and results in long delays on the approach to the Orsett Cock Junction.

- D.2.4. For the 2030 PM peak (1700-1800) 'with LTC' scenario, the traffic demand for the A13 EB off-slip approach to the Orsett Cock Junction is as shown in **Table D.2.1** below.

Table D.2.1: 2030 PM peak traffic demand in PCUs (1700-1800)

	To A128 Brentwood Road (North)	To Orsett Cock circulatory
From LTC off-slip	100	1,583
From A13 EB off-slip	612	250

- D.2.5. The current LTC design requires 1,583 passenger car units (PCUs) from the LTC off-slip to weave on a short section of carriageway to turn right and route around the Orsett Cock circulatory carriageway. This traffic is required to weave with 612 PCUs on the A13 eastbound off-slip, which are seeking to turn left onto A128 Brentwood Road (north).
- D.2.6. If the LTC off-slip and A13 eastbound off-slip were swapped over in the LTC scheme design, then the weaving element of traffic would reduce from 2,195 PCU (612 + 1,583) to 350 PCUs. This would lead to a significant reduction in delays on this arm of the junction.

Mitigation Measure 2 - Spiral marking on circulatory

- D.2.7. A further change that has been included in the updated VISSIM model is a series of 'Lane Drops', included to the Orsett Cock circulatory to create a spiral layout.
- D.2.8. These amendments to the lane markings improve the traffic flow on the circulatory carriageway, particularly on the approach to conflict points. The spiral markings prevent traffic lane weaving as traffic seeks to move across lanes to depart from the circulatory. Lane drops have been added after the A128 Brentwood Road (North) approach; after the A13 East approach; and, at the A1013 West approach.
- D.2.9. In addition, the lane allocation on the approaches to the Orsett Cock Junction has been revised to provide a better distribution of traffic flow across the available lanes. **Figure D.2.1** below shows the lane marking changes that have been modelled.

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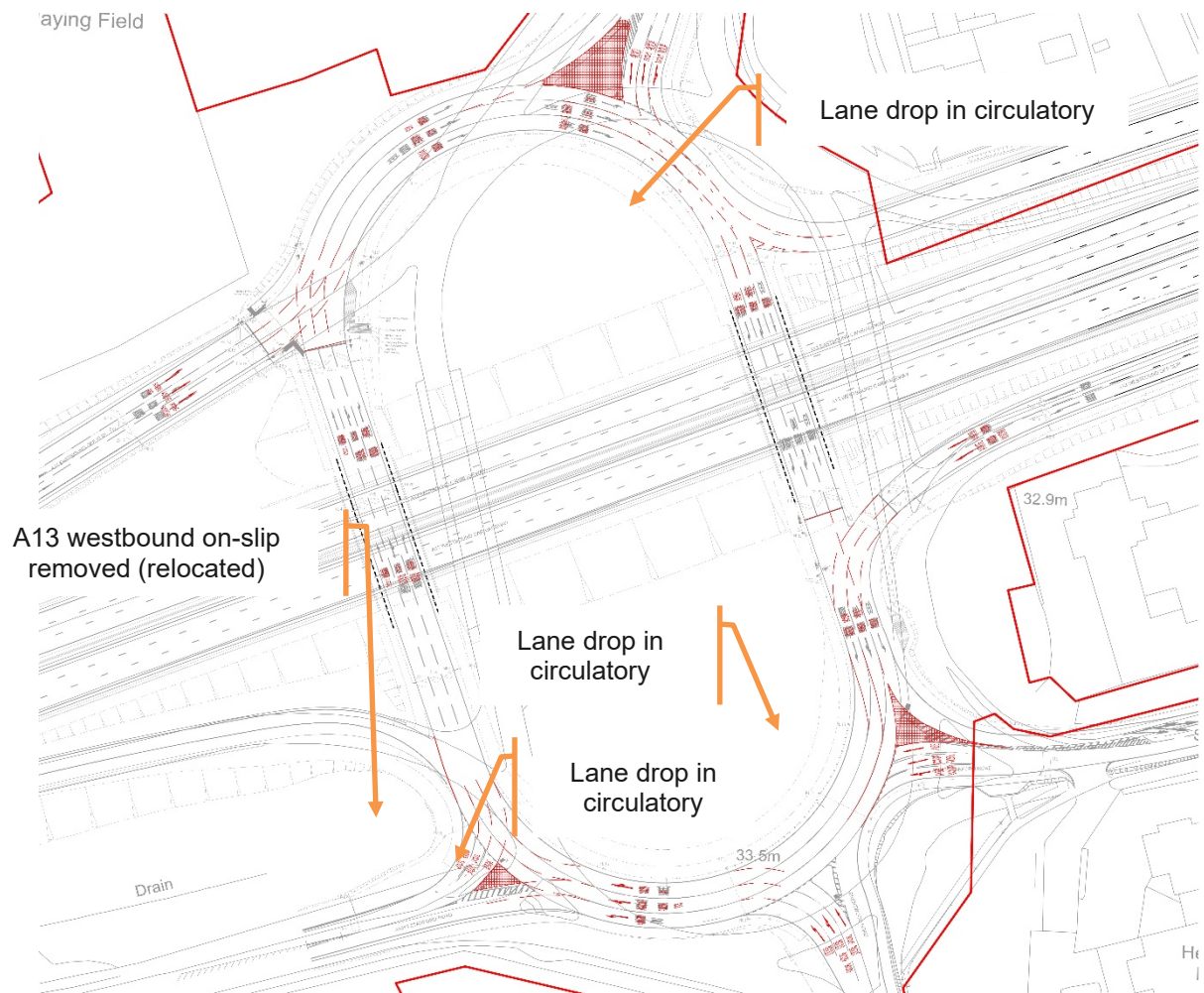


Figure D.2.1: Spiral Marking and Lane Allocation Orsett Cock (also showing Order Limits in red outline)

Mitigation Measure 3 - Relocation of A13 Westbound on-slip onto A1013 Stanford Road (West)

D.2.10. D.2.6. In the DCO LTC scheme design, the A1013 Stanford Road (West) approach is a priority arm and traffic needs to give way to circulating traffic, which includes traffic accessing the A13 WB on-slip immediately to the north of the A1013 Stanford Road (West) arm. The VISSIM modelling shows queuing on the A1013 Stanford Road (West).

D.2.11. To reduce delays on this arm, the A13 WB on-slip has been removed from the Orsett Cock Junction in the VISSIM model and relocated so that the A13 westbound on-slip is provided from the A1013 Stanford Road (West) as shown in Figure D.3 below.

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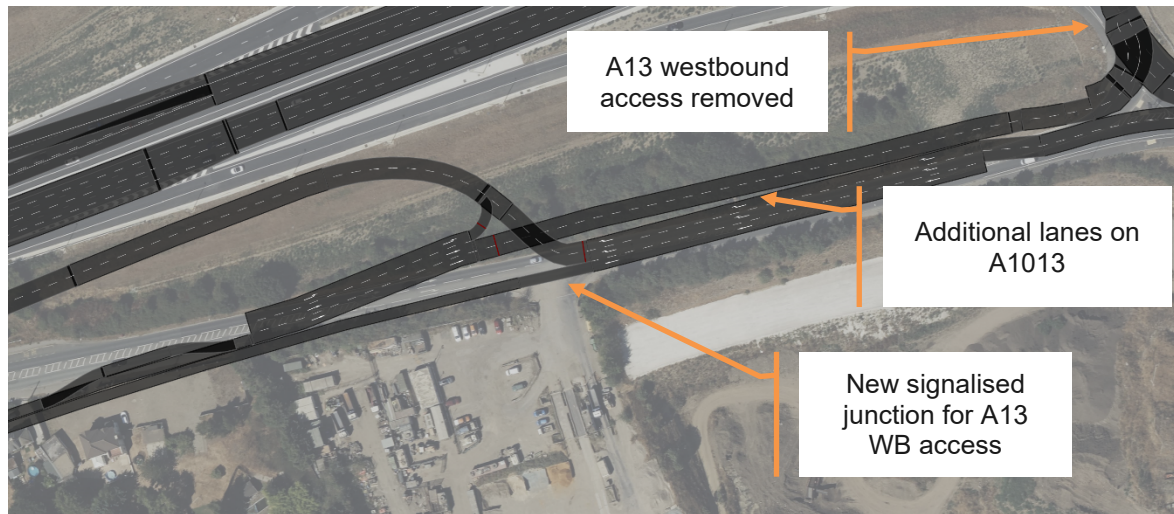


Figure D.2.2: Signalised junction for Stanford Road / A13 westbound on-slip

D.3 Orsett Cock Mitigation Results

- D.3.1 To test the schematic mitigation measures described above, the Council has updated the 2030 Do Something ('with LTC') VISSIM Version 3.6T model to create a new model referred to as 'Version 3.6T + Mitigation'. Given the time constraints, the modelling has focused on the 2030 PM peak (1700-1800), as this is the worst performing time period.
- D.3.2 The results from V3.6T Do Minimum ('without LTC'), V3.6T Do Something ('with LTC') and V3.6T + Mitigation ('with LTC') are provided in **Table D.3.1** for the 2030 PM peak hour (1700-1800).

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Table D.3.1: Orsett Cock VISSIM v3.6T and Results – 2030 PM Peak (1700-1800)

Junction	Approach	2030 Do Minimum PM (1700-1800) VISSIM v3.6T			2030 Do Something PM (1700-1800) VISSIM v3.6T			2030 Do Something PM (1700-1800) VISSIM v3.6T + Mitigation		
		Flow [veh]	Avg. Delay per veh [s]	Mean Max. Queue [m]	Flow [veh]	Avg. Delay per veh [s]	Mean Max. Queue [m]	Flow [veh]	Avg. Delay per veh [s]	Mean Max. Queue [m]
Orsett Cock	Brentwood Road North (In)	1024	57	149	800	163	570	823	63	141
	A13 East Off-Slip	885	65	194	496	552	1,079	591	183	177
	A1013 East (In)	587	61	116	515	141	118	518	84	143
	Brentwood Road South (In)	496	46	116	513	145	116	510	58	123
	A1013 West (In)	1047	39	274	685	326	464	885	29	66
	A13/LTC West Off-Slip	773	37	54	1439	636	636	2232	71	539
A1013 Stanford Road / Rectory Road	Rectory Road	317	231	373	215	474	474	302	366	562
	Stanford Road (East)	945	10	388	798	21	21	911	13	159
	Stanford Road (West)	1035	6	-	754	142	-	896	5	0
TOTAL FLOW		7,109			6,215			7,668		
TOTAL DELAYS (VEH HOURS)			93			532			151	

D.3.3 The results show that the proposed mitigation reduces vehicle delays at the junction and brings them closer to the Do Minimum level, thus accommodating a higher junction throughput.

D.3.4 The Council's Deadline 6A submission 'Thurrock Council Comments on Traffic Modelling' ([REP6A-013](#)) provided a comparison of LTAM and VISSIM V3.6T delays and demonstrated that LTAM significantly underestimates delays when compared to VISSIM. This means that the economic appraisal (and the appraisal of other impacts, such as noise and air quality), are clearly underestimating the traffic disbenefits of LTC.

D.3.5 Given that the DCO appraisal is solely reliant on LTAM, Orsett Cock Junction should perform with LTAM level of delays. A comparison has therefore been provided below in Table D3 of LTAM with VISSIM V3.6T and VISSIM V3.6T + Mitigation. This shows that with the mitigation that has been tested, it has reduced delays at Orsett Cock Junction with them being more aligned with LTAM levels of delays. Further refinement of the mitigation measures within the DCO Order Limits is likely to bring the delays even closer to LTAM levels of delay.

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Table D.3.2: Comparison of LTAM with VISSIM v3.6T and VISSIM v3.6T + Mitigation 2030 PM Peak Hour (1700-1800). Delay per Vehicle (seconds)

DO SOMETHING						
2030, PM (1700-1800)						
Junction	Approach	LTAM	VISSIM V3.6T	VISSIM V3.6T + Mitigation	VISSIM 3.6T as % of LTAM	VISSIM 3.6T + Mitigation as % of LTAM
Orsett Cock	A128 Brentwood Rd (North)	34	163	63	380%	85%
	A13 (East)	37	552	183	1399%	398%
	A1013 Stanford Rd (East)	20	141	84	592%	311%
	Brentwood Rd (South)	25	145	58	470%	128%
	A1013 Stanford Rd (West)	7	326	29	4425%	302%
	A13 (West)	16	636	71	3911%	350%
A1013 Stanford Road / Rectory Road	Rectory Rd	46	474	366	925%	690%
	Stanford Rd (East)	8	21	13	159%	59%
	Stanford Rd (West)	8	142	5	1684%	-41%

D.3.6 **Figure D.3.1** and **Figure D.3.2** below show this data graphically and clearly show the lack of alignment between the delays forecast by LTAM and VISSIM v3.6T, but a significant improvement towards the convergence between the two models with the additional mitigation tested in VISSIM v3.6T + Mitigation.

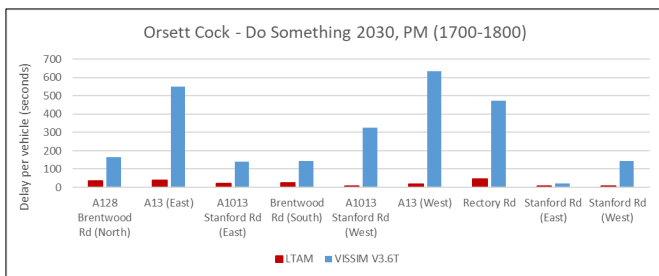


Figure D.3.1: Comparison of LTAM with VISSIM v3.6T. 2030 PM Peak Hour (1700-1800). Delay per Vehicle (seconds)

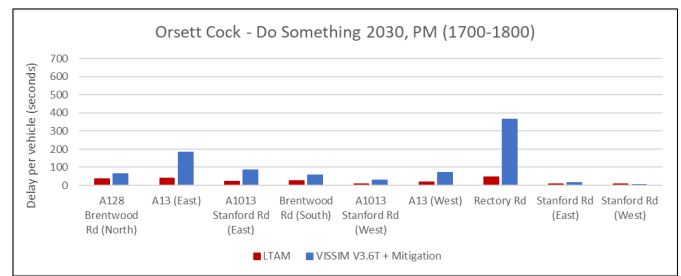


Figure D.3.2: Comparison of LTAM with VISSIM v3.6T + Mitigation. 2030 PM Peak Hour (1700-1800). Delay per Vehicle (seconds)

D.4 Conclusions

Applicant accepts LTC has an unacceptable impact on Orsett Cock

D.4.1. The applicant now accepts that LTC has an unacceptable impact on Orsett Cock Junction and that mitigation is required. However, the applicant has not yet undertaken assessment of mitigation nor associated accompanying design work to demonstrate that there is a viable scheme as part of the DCO submission and has not taken the opportunity to do so during the Examination.

Testing of potential mitigation measures shows some (but not all) impacts can be reduced

D.4.2. The Council has therefore undertaken an initial analysis to assess the effects of a package of potential mitigation measures at Orsett Cock Junction.

D.4.3. The VISSIM results from this analysis show that there are potential mitigation measures that have been tested and appear to significantly reduce the level of delay at the junction in some time periods. This means that the results from VISSIM are now more aligned with the LTAM

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level of delays, on which the DCO appraisal has been based, although there is still not yet an acceptable level of alignment in all time periods, as would normally be achieved.

- D.4.4. The evidence presented in this **Appendix D** is intended to indicate that there is potential for mitigation at Orsett Cock Junction within the Order Limits, which reduces the traffic impacts of LTC.

Potential mitigation measures require substantial design changes

- D.4.5. Whilst the initial mitigation testing set out in this **Appendix D** should provide comfort to the ExA that mitigation within the Order Limits is possible, it also demonstrates that in order to mitigate the impacts, substantial design changes would be required by the applicant.

- D.4.6. The measures that have been tested include significant design changes to the LTC off-slip and how it interfaces with the A13 eastbound off-slip as well as the relocation of the A13 westbound on-slip to A1013 Stanford Road.

Minor changes proposed by applicant are not sufficient

- D.4.7. Other mitigation options are possible, but this initial test demonstrates the likely scale of mitigation that would be required. The minor changes to signal timings and line markings proposed by the applicant will not be sufficient to ensure there is adequate convergence between the LTAM and VISSIM traffic models.

Draft Requirement agreed with other IPs must be secured

- D.4.8. The Council as Local Highway Authority with responsibility for Orsett Cock Junction insists strongly that for the DCO to address the traffic impacts of LTC at Orsett Cock in an acceptable way, the draft Requirement for Orsett Cock Junction jointly put forward by the Council, PoTLL, DPWLG and TEP at D6 ([REP6-163](#)) and a Joint Position Statement at D6A ([REP6A-017](#)) and ([REP6A-013](#)) must be secured within the dDCO.

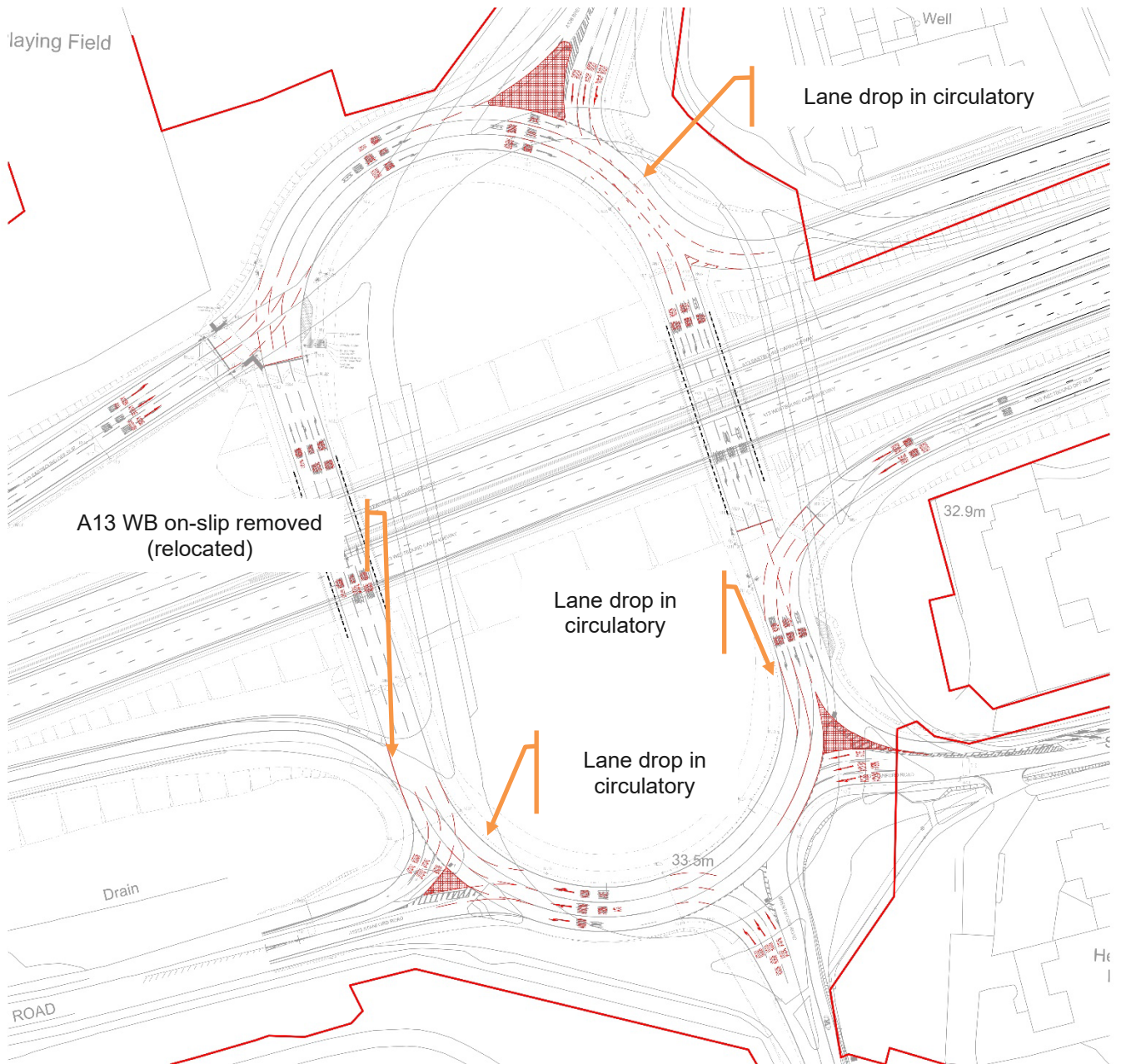
- D.4.9. Without this draft Requirement, the traffic impacts at Orsett Cock are unacceptable to the Council.

The Draft Requirement will mean that more design and analysis work is required with constraints of Order Limits, limits of deviation and Rochdale Envelope

- D.4.10. The draft Requirement put forward by the Council, PoTLL, DPWLG and TEP would require an intense period of further assessment, mitigation testing and design to be undertaken by the applicant. The Council and other stakeholders would need to be consulted throughout the period prior and the scheme agreed, before the submission of the final design and assessment to the SoS for approval.

- D.4.11. In order to be acceptable, the submission to the SoS must demonstrate that there is a design within the Order Limits, Limits of Deviation and Rochdale Envelope that formed the basis of the Environmental Impact Assessment.

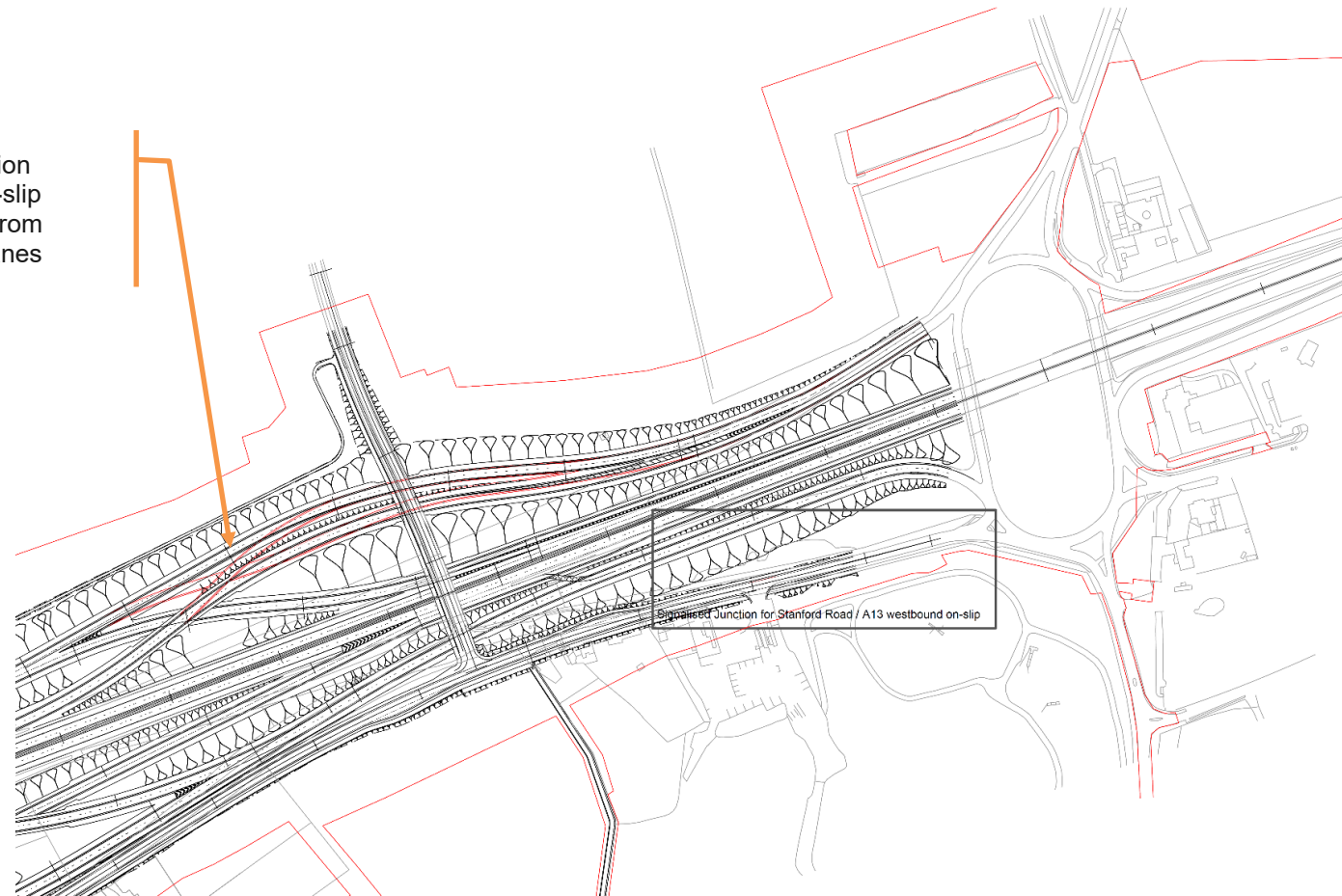
Annex 1 Spiral marking on circulatory



NOTE: The DCO Order Limits are shown in red outline above.

Annex 2 LTC and A13 off-slip approach arms

Change to lane allocation on junction approach – Traffic from A13 EB off-slip arrives to nearside lane and traffic from LTC arrives to middle and offside lanes



NOTE: The DCO Order Limits are shown in red outline above