

# **Lower Thames Crossing**

**The Examining Authority's Written Questions and Requests for Information (ExQ3) –**

**Thurrock Council Responses**

**5 December 2023**

**Thurrock Council**

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**Application by National Highways for the Lower Thames Crossing**  
**The Examining Authority's third written questions and requests for information (ExQ3)**  
**Issued on 14 November 2023**

The following table sets out the Examining Authority's (ExA's) third written questions and requests for information - ExQ3. The examination timetable enables the ExA to issue further requests for information in due course. If this is done, these requests will proceed under Rule 17 of the Examination Procedure Rules 2010 (EPR).

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 25 April 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a reference number. When you are answering a question, please start your answer by referring to ExQ3 and then quoting the question reference number.

If you are responding to a small number of questions, answers in an email will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [lowerthamescrossing@planninginspectorate.gov.uk](mailto:lowerthamescrossing@planninginspectorate.gov.uk) and include 'LTC Request for ExQ3 in Word' in the subject line of your email.

**Responses are due by Deadline 8: Tuesday 5 December 2023.**



## Abbreviations used:

<b>PA2008</b>	The Planning Act 2008	<b>LIR</b>	Local Impact Report
<b>Art</b>	Article	<b>LPA</b>	Local planning authority
<b>ALA 1981</b>	Acquisition of Land Act 1981	<b>MP</b>	Model Provision (in the MP Order)
<b>BoR</b>	Book of Reference	<b>MP Order</b>	The Infrastructure Planning (Model Provisions) Order 2009
<b>CA</b>	Compulsory Acquisition	<b>NPS</b>	National Policy Statement
<b>CPO</b>	Compulsory purchase order	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>dDCO</b>	Draft DCO	<b>R</b>	Requirement
<b>EM</b>	Explanatory Memorandum	<b>SI</b>	Statutory Instrument
<b>ES</b>	Environmental Statement	<b>SoS</b>	Secretary of State
<b>ExA</b>	Examining authority	<b>TP</b>	Temporary Possession

## The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[Lower Thames Crossing | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk)

It will be updated as the examination progresses.

## Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ3 1.1.1 – refers to question 1 in this table.



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ExQ3	Question to:	Question:
<b>1.</b>	<b>Project definition</b>	
There are no questions relating to this issue at this time.		
<b>2.</b>	<b>Climate change and carbon emissions</b>	
<b>3.</b>	<b>Consideration of alternatives</b>	
<b>4.</b>	<b>Traffic and transportation</b>	
<b>4.1</b>	<b>Local network effects and modelling</b>	
<b>4.2</b>	<b>Construction access and traffic</b>	
<b>5.</b>	<b>Air quality</b>	
<b>5.1</b>	<b>Effects on Human Receptors</b>	
Q5.1.1	IPs interested in air quality (human receptor effects)	<p><b>Delay to proposed ban on the sale of new petrol and diesel cars</b></p> <p>Within the Applicant’s responses to ExQ2 [REP6-106 – 117] can be found responses to ExQ2 5.1.1 on the delay to the proposed ban on the sale of new petrol and diesel cars [<a href="#">REP6-109</a>]. In summary terms the Applicant concludes that the delay:</p> <ul style="list-style-type: none"> <li>• <i>has no significant implications for the air quality modelling and assessment</i></li> <li>• <i>does not give rise to a significant increase in the duration and/or extent of adverse air quality effects</i></li> <li>• <i>does not require any additional air quality monitoring</i></li> <li>• <i>does not require any changes to the design, extent and/or duration of mitigation or compensation that would be required.</i></li> </ul> <p>Observations (if any) on those conclusions and the reasoning underlying them are sought.</p>
<p><b>ExQ3 Q5.1.1 Thurrock Council Response</b></p> <p>The Applicants response is acceptable that there will be no significant impacts on the air quality assessment. It is considered that the fleet mix assumptions used in the assessment do not take account of stopping of petrol and diesel cars by 2030 and therefore there is no impact on the assessment following the delay to the ban of the sale of new petrol and diesel cars. Thurrock Council have reviewed the degree of electrification of the fleet assumed within the Emission Factor Toolkit (EFT) and it is relatively modest. Further to this the approach adopted in DMRB LA105 applies a ‘GAP</p>		

ExQ3	Question to:	Question:
<p>Factor' to NOx emissions, which means that the NOx concentrations are uplifted to negate a proportion of the anticipated decrease in NOx emissions from traffic contained within the EFT.</p>		
<p><b>5.2 Effects on Ecological Receptors and Designated Habitats</b></p>		
<p>Q5.2.1</p>	<p>IPs interested in air quality (biodiversity effects) Natural England</p>	<p><b>Delay to proposed ban on the sale of new petrol and diesel cars</b> To the extent possible and appropriate, please provide observations (if any) on the biodiversity implications (if any) of the position set out by the Applicant in its response to ExQ 2 on this matter <a href="#">[REP6-109]</a> (see also ExQ3 5.1.2). Does this have any implications for the air quality assessment which has been used to inform impacts on protected sites. Respondents are requested to set out views in relation to the ES and HRA.</p>
<p><b>ExQ3 5.2.1 Thurrock Council Response</b> The Applicants response is acceptable that there will be no significant impacts on the air quality assessment. It is considered that the fleet mix assumptions used in the assessment do not take account of stopping of petrol and diesel cars by 2030 and therefore there is no impact on the assessment following the delay to the ban of the sale of new petrol and diesel cars. Thurrock Council have reviewed the degree of electrification of the fleet assumed within the Emission Factor Toolkit (EFT) and it is relatively modest. Further to this the approach adopted in DMRB LA105 applies a 'GAP Factor' to NOx emissions, which means that the NOx concentrations are uplifted to negate a proportion of the anticipated decrease in NOx emissions from traffic contained within the EFT.</p>		
<p><b>6. Geology and soils</b></p>		
<p>Q6.1.1</p>	<p>Applicant Bodies expected to accept future maintenance responsibilities</p>	<p><b>Health and safety file</b> In the REAC, referenced above GS017 suggests contamination locations are available for '<i>... inclusion within the operations Health and Safety file or equivalent ...</i>'. However, in GS018, confined spaces are not afforded the same method of information transmittal.</p> <ul style="list-style-type: none"> <li>• Why not?</li> <li>• Are there other matters that should be considered as being placed within an Operations Health and Safety File that are not specifically noted in the REAC?</li> </ul>

ExQ3	Question to:	Question:
<p><b>ExQ3 6.1.1 Thurrock Council Response</b></p>		
<p><b>Introduction</b></p>		
<p>In response to the question ‘why not’ as GS018 relates to confined spaces during construction phase work and the council assumes there are no confined spaces within the scheme at operational phase. If this is not the case, then we would request the opportunity to review the locations and nature of the facility.</p>		
<p>Currently GS017 is limited to provision of verification reports in the H&amp;S file or equivalent. Verification reports are only being prepared if remediation is undertaken.</p>		
<p><b>Summary</b></p>		
<p>To ensure that future maintenance responsibilities can be discharged in terms of defining Health and Safety requirements for future work, all information relating to ground conditions should be provided including areas where remediation was not undertaken. This should include the criteria for re-use of materials placed within the top 1m of the ground surface.</p>		
<p><b>7. Tunnelling considerations</b></p>		
<p>There are no questions relating to this issue at this time.</p>		
<p><b>8. Waste and materials</b></p>		
<p>There are no questions relating to this issue at this time.</p>		
<p><b>9. Noise and vibration</b></p>		
<p>There are no questions relating to this issue at this time.</p>		
<p><b>10. Road drainage, water environment and flooding</b></p>		
<p>Q10.1.1</p>	<p>Applicant EA LLFAs IDB</p>	<p><b>Flood Risk Assessment: locationally specific provisions</b></p> <p>In general terms, standard guidance has been followed in the current Flood Risk Assessment [<a href="#">APP-460</a> to 477 and <a href="#">REP1-171</a>] that has been submitted for the project as a whole.</p> <p>The following additional assessments have been provided:</p> <ul style="list-style-type: none"> <li>• [<a href="#">REP6-102</a>] Deadline 6 Submission - 9.147 Coalhouse Point Flood Risk Assessment</li> <li>• [<a href="#">REP4-225</a>] Deadline 4 Submission - 9.103 Hole Farm Appx F.3 Flood Risk Assessment</li> </ul>



ExQ3	Question to:	Question:
		<p>Are there any other particular locations where non-standard considerations should be included and if so why?</p> <p>If there are such locations, can the Applicant provide copies of such assessments or the indication of when/if they will be undertaken alongside the reasons why they have not been undertaken thus far?</p>

**ExQ3 10.1.1 Thurrock Council Response**

**Introduction**

**Coalhouse Point FRA**

The Coalhouse Point FRA [\[REP6-102\]](#) Deadline 6 Submission – 9.147 Coalhouse Point Flood Risk Assessment has been reviewed by Thurrock Council with comments in [\[REP7-228\]](#) Thurrock Council Deadline 7 Submission – Comments on Applicant’s Submission at Deadline 6.

The report describes the hydraulic modelling undertaken to assess the flood risk impacts of the proposed Coalhouse Point wetland area. The Council raised concerns about the ownership and maintenance responsibilities of Flood Defences and also about the potential impact of the proposed wetland on existing watercourses, both within and outside of the order limits.

Some issues were confirmed during Issue Specific Hearing ISH11 on the 22<sup>nd</sup> November 2023. However, some residual issues remain for which Thurrock Council await further response and information from the applicant:

- Updated Flood Risk Assessment to clarify that Star Dam will continue to be maintained by the Environment Agency.
- Updated Flood Risk Assessment to show existing watercourses and ditches within and outside of the order limits and an assessment on potential impact of the proposals on water levels in watercourses. In particular, detail of the proposed water levels that will be maintained in the water course within the wetland area, and how this may or may not impact the ability of the lower moat to be discharged normally.
- Updated Order limits if required, to show adequate access to operate and maintain the proposed Coalhouse Point Wetland.

In addition to the additional assessments mentioned above, Thurrock Council request the applicant to consider submission of reports to address residual risks at two specific locations and any other areas the applicant may identify with residual risks that are not sufficiently addressed in the Project Flood Risk Assessment:

**North Portal Ramp Contingency and Emergency Plans**

With reference to ExQ2 Q16.1.4 Thurrock Council have requested the applicant to add to a REAC commitment (RDWE029) to include commitment to contingency plans and emergency plans, including safe escape routes and operational closures in the event of flooding of the tunnel. The Council understand that the detail of contingency and emergency plans are necessarily developed at a later stage in collaboration with local authorities and emergency services. However, the residual risk of flooding in the north portal tunnel entrance should be quantified and proposed design and mitigation measures to address residual risk should be described in principle at this stage: this includes proposed pumping and power provision and proposed

ExQ3	Question to:	Question:
<p>sump / surface water storage volume provision at the tunnel entrance. The Council also request the applicant highlight specific agreements with the Emergency Services to date that relate to Flood Risk and emergency measures at the Tunnel entrance.</p> <p><b>Infiltration Basin Areas: within Junction North of Orsett Heath between A13 and A1013</b></p> <p>The residual risks relating to the Infiltration Basin areas north of Orsett Heath are described in ExQ2 Q16.1.4 and ExQ2 Q10.1.2. The Council raised the concern that exceedance routing is not defined, and it is likely that the exceedance route would be confined by the roads, resulting in flooding of the roads. The Council request a design statement from the applicant detailing the residual risk of exceedance for the infiltration basins (if long term factors such as infiltration rates deteriorate over time, or high groundwater prevents infiltration). Where residual risks are identified, the report should also detail proposed finished levels and exceedance routes to prevent flooding of the roads.</p> <p><b>Summary: The Coalhouse Point FRA has been reviewed by the Council; however some residual issues remain. Thurrock Council request an Addendum to the FRA to address the concerns related to maintenance responsibility of Star Dam, impact of proposals on watercourses, and any updates that may be required to the Order limits to ensure access for operation and maintenance of the Wetland.</b></p> <p><b>In addition to the additional assessments mentioned above, Thurrock Council request the applicant to submit reports to address residual risks at two specific locations and any other areas the applicant may identify with residual risks. A report should be provided that quantifies the residual risk of flooding at the North Portal Tunnel entrance as well as the residual risk of flooding associated with the infiltration basins in the junction north of Orsett Heath (A13 and A1013 Junction).</b></p>		
Q10.1.2	Applicant Environment Agency LLFAs IDBs	<p><b>Culvert design</b></p> <p>In RDWE013 of the REAC document <a href="#">[REP6-038]</a>, and similar clauses, it is suggested that the SoS approves designs in consultation with the Environment Agency. Are there conditions, such as on non-Main River watercourses, where it would be more appropriate for the Drainage Authority or LLFA to be the consultation body?</p>
<p><b>ExQ3 10.1.2 Thurrock Council Response</b></p> <p><b>Introduction</b></p> <p>The RDWE013 REAC commitment relates to approvals of new culverts. The current achievement criteria states that the proposed flood alleviation measure (culvert) must be approved by the secretary of state and the Environment Agency.</p> <p>Thurrock Council suggest a change in the wording to include other authorities with ownership or maintenance responsibility of the watercourse or ditch where culverting is proposed: This would be in line with the proposed approach set out in paragraph 5.13 of 9.147 Coalhouse Fort Flood Risk Assessment where under Protective Provisions (draft DCO <a href="#">REP5-024</a>) prior to commencement of certain works, the undertaker should consult with Thurrock Council as a drainage authority (Schedule 14, Part 3, paragraph 20 &amp; 21 . Thurrock Council would expect a 2 month consultation period for consents related to new culverts and modifications to watercourses.</p>		

ExQ3	Question to:	Question:
<p><b>Current Achievement Criteria:</b></p> <p>Approval of the flood risk alleviation measures by the Secretary of State in consultation by the Environment Agency.</p> <p><b>Suggested Addition:</b></p> <p>Where the Culvert is proposed in a non-Main River Watercourse or Ditch, the Lead Local Flood Authority shall also be consulted. Where the watercourse or ditch is maintained by the Internal Drainage Board (IDB), the IDB shall also be consulted.</p> <p><b>Additional Note on Adoption and Maintenance</b></p> <p>The Council note that RDWE014 REAC commitment describes the standards applicable for inspection and maintenance of Culverts. The Council would like clarification from the applicant whether all proposed culverts will be adopted and maintained by National Highways, or if the responsibility for maintenance will only apply to the culverts directly serving the Project proposed surface water system.</p> <p><b>Summary</b></p> <p><b>Thurrock Council suggest a change in the wording to include other authorities with ownership or maintenance responsibility of the watercourse or ditch where culverting is proposed.</b></p>		
<p>Q10.1.3</p>	<p>Applicant LLFAs IDB</p>	<p><b>Water Framework Directive: culverting</b></p> <p>Paragraph 8.1.3 of Post-event submissions for ISH9 <a href="#">[REP6-090]</a> states that ‘... <i>the Applicant’s preference is for a culvert that is as short as it practically can be ...</i>’.</p> <p>Compared with an open channel it is suggested that there is an increased risk of blockage once a culvert is installed, it will create less permeable bed to a watercourse can increase the speed of water flow, possibly:</p> <ul style="list-style-type: none"> <li>• increasing flood risk downstream,</li> <li>• preventing local recharge of groundwater,</li> <li>• creating or exacerbating downstream or upstream bank and bed erosion,</li> <li>• promoting sediment deposition, and/ or</li> <li>• disrupting the natural transport of sediment.</li> </ul> <p>Culverting can have a detrimental impact on the environment, resulting in a complete loss of features within a watercourse, thereby it can break the continuity of the watercourse corridor, adversely affecting the ecological value of the watercourse for migrating species.</p> <ul style="list-style-type: none"> <li>• The Applicant should provide an example of the methodology that has been gone through to come to the conclusion that the shortest length of culvert possible at the</li> </ul>

ExQ3	Question to:	Question:
		<p>crossing X-EFR-2-04 (as shown in ES - Appendix 14.6 - Flood Risk Assessment - Part 10 <a href="#">[APP-477]</a>) is the preferred option?</p> <ul style="list-style-type: none"> <li>• Who was consulted during the process?</li> <li>• What other options were considered and why were they discarded?</li> <li>• The shortest culvert length would be one that perpendicularly crosses the highway. Why has this not been chosen as a design option at the various locations?</li> </ul>
<p><b>ExQ3 10.1.3 Thurrock Council Response</b></p> <p><b>Introduction</b></p> <p>The Council understands that efforts have been made to reduce the length of culvert at Tilbury Main from 83m to 46m and where possible to de-culvert existing culverts to open up some watercourses.</p> <p>In the Drainage Plans (<a href="#">REP7-076</a>) Deadline 7 Submission – 2.16 Drainage Plans Volume C, Sheet 24 shows the culvert (Work No. 6F) is not perpendicular to the highway. The Culvert is specified as 178m long, 1.7m height, 1.55m width and is the longest proposed culvert described in the Table 4.10 of the 6.3 Environmental Statement Appendix 14.6 Flood Risk Assessment Part 10 (<a href="#">REP7-130</a>). The Council would like to understand if the applicant has considered shortening the length of culvert at this location by adjusting the orientation to be closer to perpendicular to the Project alignment.</p> <p>The Council would also like to understand any additional measures considered by the applicant for access and maintenance: including specification of the proposed grille to prevent debris and person entry to the culvert. If person entry is proposed for maintenance, what additional provisions are considered to provide safe access?</p> <p><b>Summary</b></p> <p><b>The Council have identified that the longest proposed Culvert is 178m long and potentially could be reduced in length. The Council request the applicant to consider this as well as provide information on additional measures that will be required for safe access and maintenance.</b></p>		
Q10.1.4	LLFA IDB	<p><b>Water Framework Directive: culverting policy</b></p> <p>Proposed culverting of non 'Main Rivers' is regulated by the Lead Local Flood Authorities (LLFAs) and Internal Drainage Boards (IDBs). Under the Environment Act 2021, when exercising functions (including consenting), LLFAs and IDBs are required to have regard to conserving and enhancing biodiversity.</p> <ul style="list-style-type: none"> <li>• Can the LLFAs and IDBs provide copies of the guidance to applicants who intend to culvert watercourses under their control, and how the duty under the Environment Act is met?</li> </ul>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> <li>• What other guidance is offered when the LLFA and IDB are approached to consent a culverting proposal?</li> <li>• From the information currently available, is it likely that the culverting proposals could meet the consenting policy of the organisation?</li> </ul>
<p><b>ExQ3 10.1.4 Thurrock Council Response</b></p> <p><b>Introduction</b></p> <p>The Council support compliance with the Water Framework Directive and Thames River Basin Management Plan. Furthermore, the design should follow guidance set out in ‘CIRIA Design Guidance: Culvert, Screen and Outfall Manual C786’.</p> <p>The Council have set out concerns about culverts in ExQ2 11.2.1 in relation to culvert lengths and ExQ2 11.2.2 in relation to mammal passage provision. The Council recognises the applicant's commitment to follow the principles of the Water Framework Directive and Thames River Basin Management Plan; notably the applicant has committed to minimise the use of culverts and provide open SuDS where possible. Where culverting is necessary, compensation is provided in the form of deculverting of existing culverted watercourses, wetland and watercourse creation.</p> <p>Thurrock Council will be publishing guidance for Culverts, this will provide greater clarity for applications and what information would need to be provided to achieve consent from the LLFA. This guidance will also be consistent with CIRIA guidance.</p> <p>Based on the information available, the Council do not foresee any non-compliance with consenting policy. However the Council would like to review detailed design for culverts proposed on non-Main River watercourses and ditches, prior to consent.</p> <p><b>Summary</b></p> <p><b>The Council support compliance with the principles of the Water Framework Directive and the Thames River Basin Management Plan, and design should follow CIRIA Design Guidance: Culvert, Screen and Outfall Manual C786.</b></p> <p><b>The Council do not foresee any non-compliance with consenting policy. However, the Council would like to review detailed design for culverts proposed on non-Main River watercourses and ditches, prior to consent.</b></p>		
Q10.15	<p>Applicant</p> <p>All IPs who are expected to adopt or otherwise be responsible for the future maintenance of ditches etc.</p>	<p><b>Definition of ditches and other watercourses etc</b></p> <p>The Applicant’s response to ExQ2 10.1.3 <a href="#">[REP6-112]</a> is noted, however, although the response notes that the assets under consideration are ‘swales’, the sections presented in the Document Deadline 5 Submission - 9.123 Whitecroft Care Home Cross-sections <a href="#">[REP5-092]</a> show those assets as ‘proposed drainage ditches’ which would normally be classed as watercourses. The response also suggests that the Whitecroft Care Home Cross-sections’ defined ‘proposed drainage ditches’ are / or could be linear storage ponds.</p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> <li>• The Applicant is requested to provide clarity for all locations on the 'proposed ditch' network and indicate which are:                             <ul style="list-style-type: none"> <li>• Watercourses (ie ditches that convey water)</li> <li>• Swale (ie shallow artificial body)</li> <li>• Linear Storage ponds/basins</li> <li>• Filter drains and formed regular drainage channels.</li> </ul> </li> <li>• By defining the assets as 'proposed ditches', the ExA considers that all may be considered as 'watercourses' in the dDCO and dealt with accordingly, albeit there does not appear to be a definition of a 'pond' and be subject to the monitoring etc as suggested by the Flood and Water Management Act 2010?</li> <li>• Are the bodies who are likely to become responsible for the future maintenance of these 'proposed ditches' content that they are aware of the function in each case?</li> </ul>

**ExQ3 10.1.5 Thurrock Council Response**

**Introduction**

The Council have some recommendations relating to Whitecroft Care Home and the associated cross-sections ([REP5-092](#)). The proposed Infiltration Swale shown on Section B-B is confined within the A1013, the Project Alignment and the A13 earth mound. On the cross-section the Swale is described as a drainage ditch: however on Sheet 29 of the Drainage Plans Volume C ([REP7-076](#)) correctly describe the feature as a Swale. The Drainage Plans also show an Infiltration Basin, but this is not indicated on the cross-sections.

The Council request additional cross-sections to be produced to show the Infiltration Basin. Furthermore, the Cross-Sections need to be updated to use the same terminology as the Drainage Plans. Cross referencing to Work No. Will also be needed. This will also help in the response to ExQ3 Q10.1.1 regarding the question about Residual Risks and Exceedance routing for the Infiltration features.

In general (not just regarding the Whitecroft Care Home area) the Council consider that the future adoption and maintenance responsibilities for proposed surface water management features are not presently clearly defined.

**Summary**

**The Council would like clarification on what watercourses, control structures and SuDS associated assets will be adopted by the Highways Authority, and what specific assets are proposed for adoption by others. This can be evidenced through an update of the Drainage Plans ([REP7-072](#), [REP7-074](#) and [REP7-076](#)).**

**The Council request an update to the Cross-Sections ([REP5-092](#)), to show a section through the proposed Infiltration Basin and also to show consistent terminology with the Drainage Plans ([REP7-076](#)), and referencing of Work No. for each drainage feature.**

ExQ3	Question to:	Question:
<b>11.</b>	<b>Biodiversity</b>	
Q11.1.1	Applicant Local Authorities Environmental Authorities / Agencies	<p><b>Compensatory Planting</b></p> <p>Where it is proposed to affect areas that constitute compensatory habitat for previous projects, should such areas be provided with any special provision in relation to consideration of the earlier project requirements?</p>
<p><b>ExQ3 11.1.1 Thurrock Council Response</b></p> <p>There are no locations within Thurrock where compensatory habitat for previous projects would be directly affected by LTC.</p>		
Q11.1.2	Applicant Other IPs	<p><b>Wildlife pond provision</b></p> <p>Document 7.5 Design Principles Volume 7 <a href="#">[REP6-046]</a>, LSP.31 states that “ ... <i>The design of all ponds shall follow the guidance given in the Great Crested Newt Conservation Handbook ...</i>”.</p> <p>Why are other species not considered as being the species on which ponds are designed?</p> <p>Are there other species that should be considered in the design of the proposed Wildlife Ponds?</p>
<p><b>ExQ3 11.1.2 Thurrock Council Response</b></p> <p><b>Introduction</b></p> <p>The Great Crested Newt Conservation Handbook which was first published in 2001 provides guidance on pond creation. While the primary focus of the Handbook is on Great Crested Newts the Council believes that the principles are applicable to creating good quality wildlife ponds. As well as giving detail on pond design it also addresses the important requirement for terrestrial habitat links that would benefit other species.</p> <p>Within Thurrock there are not over specialist aquatic species other than those associated with saline and brackish water. The proposals for Coalhouse Point would create additional habitat for these specialist species requirements.</p>		
Q11.1.3	Applicant Environmental Ips	<p><b>Green Bridges and habitat connectivity</b></p> <p>It is acknowledged that, in its Responses to the Examining Authority's ExQ2 Appendix G – 11 Biodiversity (Part 1 of 2) <a href="#">[REP6-114]</a>, the Applicant is considering the introduction of mammal culverts at Brewers Road Green Bridge and Thong Lane Green Bridge south.</p> <ul style="list-style-type: none"> <li>• Can preliminary details be provided to indicate how these are intended to operate and how these are to be secured?</li> </ul>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> <li>Are there other locations where site-specific habitat connectivity is proposed for mammals and other animals, etc in addition to 'Green Bridges' and 'mammal ledges' in culverts? If so, how these are intended to operate and how these are to be secured?</li> </ul>
<p><b>ExQ3 11.1.3 Thurrock Council Response</b></p> <p>The first part of this question relates to the green bridges in Kent.</p> <p>There is no site-specific habitat for mammals or other animals in Thurrock other than the green bridges and culvert ledges.</p>		
Q11.14	Applicant Environmental Ips	<p><b>Green Bridges and habitat connectivity</b></p> <p>With reference to the Design Principles [REP6-046], where STR.08 suggests that the principle is to "... [p]rovide an enhanced user experience for those using the crossing and living in the immediate area ..." and also to the Applicant's response to ExQ2 11.2.5 [REP6-114] where the comment "... no data is available yet on the success or otherwise of the green bridges..." is made, it is suggested that the provision is of a similar nature to that made for other projects:</p> <ul style="list-style-type: none"> <li>What data is to be collected on the success or otherwise of the Green Bridges in this project, and those Bridges listed in the response to ExQ2 11.2.5 across all types of users, including 'non-human' users/ mobile species?</li> <li>What are the indicators for success that will used in monitoring the success of the 'green bridges' and where are these secured in the Design Principles and OLEMP documents?</li> <li>What process is proposed to be utilised to determine best practice and how are the lessons that may be being learnt at the other sites being made available to the LTC Design Team?</li> <li>Referencing S11.03 in the Design Principles [REP6-046], is there lighting proposed for the Green Bridges and if so, to what extent might it act as a barrier for use by mobile species that the bridges seek to encourage?</li> <li>Similarly, are the surrounding and connecting highways and junctions intended to be lit, and if so to what extend will lighting act as a barrier for the species that the bridges are looking to encourage?</li> </ul>



ExQ3	Question to:	Question:
<p><b>ExQ3 11.1.4 Thurrock Council Response</b></p> <p>The green bridges in Thurrock have always been intended to be multi-functional as suggested in Q16.1.1 rather than specifically for biodiversity connectivity. In terms of biodiversity function the primary aim is to maintain/enhance connectivity for bats and badgers. It would be appropriate therefore for the use of bridges by these species to be monitored to inform design of new green bridges in the future.</p> <p>Of the four routes, only North Road currently has street lighting. Additional lighting will not be provided as part of LTC on the other routes. It is not considered that the lighting levels will be significantly different to existing therefore.</p>		
<p>Q11.1.5</p>	<p>Applicant Natural England Environmental Ips</p>	<p><b>Green Bridges</b></p> <p>Why should the ExA consider that Thong Lane and Brewers Road bridges are effective 'green bridges' in biodiversity terms, having regard to concerns about the potential lack of effective connectivity for those species that these are intended to deliver?</p> <p>In a similar manner, the ExA would like to receive evidenced representations on each of the bridges identified in the Proposed Development as 'green bridges' on the question of whether they should be considered as such in biodiversity terms?</p> <p>Respondents with broader interests in 'green bridge' design than biodiversity are referred to ExQ3 16.1.4 which seeks a balance of views on 'green bridges' performance against a range of objectives and outcomes.</p>
<p><b>ExQ3 11.1.5 Thurrock Council Response</b></p> <p>Thong Lane and Brewers Road green bridges are in Kent and so no detailed comments will be made on these. It is important to note that they are located in ecological sensitive areas whereas the Thurrock green bridges have always been envisaged as more multi-functional as suggested by EXQ3 15.1.4.</p> <p>Muckingford Road, Hoford Road, Green Lane and North Road green bridges have been identified as important for landscape and WCH functions as well as biodiversity. Their primary biodiversity function will be to reduce the loss of habitat connectivity principally for bats and badgers. None are in locations where there are known populations of other protected species; however, they will provide opportunities for nesting birds as trees and scrub establish.</p>		
<p><b>12. Physical effects of development and operation</b></p>		
<p><b>12.1 Historic Environment &amp; Archaeology</b></p>		
<p>Q12.1.1</p>	<p>Applicant Historic England</p>	<p><b>Thatched Cottage, Baker Street – Update Required post EXQ1 Response</b></p> <p>At ExQ1 12.1.15 the Applicant was asked to advise whether it had considered relocation, rather than demolition of the heritage asset. The ExA notes the Applicant's</p>

ExQ3	Question to:	Question:
		<p>response <a href="#">[REP4-200]</a> and further commentary in the Statement of Common Ground with Historic England <a href="#">[REP5-037]</a> stating the Applicant it is involved in discussions with Essex Place Services and Historic England over the potential for a suitable alternative location. The ExA considers that it is possible that there may be other potential alternative custodian bodies and would also flag the value of discussions with others, with a view to securing agreement as to whether relocation is an achievable outcome in principle. The ExA would like an update at Deadline 9 on this situation.</p>
<p><b>ExQ3 12.1.1 Thurrock Council Response</b></p>		
<p>There has been no further progress with finding a suitable site for the relocation of the building. Initial discussions have taken place with the custodians of a park in Essex (outside of Thurrock) who are enthusiastic about the potential of using the building to further traditional building skills and education around the historic environment in Essex. However, there are real concerns from the custodians regarding the funding for the rebuilding of the cottage and the cost of long-term maintenance and use.</p>		
<p>Q12.1.2</p>	<p>Historic England Local Authorities</p>	<p><b>Construction vibration monitoring: heritage assets</b></p> <p>In response to EXQ2 9.1.5, the London Borough of Havering <a href="#">[REP6-143]</a> has suggested that four listed buildings in North Ockendon, which are adjacent to utility diversions, should have pre-commencement condition surveys carried out to provide a baseline record of the condition of the buildings. The properties are noted as:</p> <ul style="list-style-type: none"> <li>• Kilbro (Project ID. LB5; List Entry No. 1079868)</li> <li>• Russell Cottage (Project ID. LB6; List Entry No. 1079869)</li> <li>• The Forge (Project ID. LB7; List Entry No. 1079870)</li> <li>• Castle Cottages (Project ID. LB8; List Entry No. 1079871)</li> </ul> <p>Can Historic England advise if it supports this request and if so how and where in the control documents they would like to see these measures captured?</p> <p>In addition, can Historic England and relevant Local Authorities advise whether there are any other heritage assets where pre-commencement condition surveys should be carried out for vibration purposes?</p>
<p><b>ExQ3 12.1.2 Thurrock Council Response</b></p>		
<p>Within Thurrock there are seven heritage assets which have been identified within the Applicant's response to ExQ2_Q9.1.6 <a href="#">[REP6-111]</a> which are immediately adjacent to utility diversions, access routes, or the main works area:</p> <ul style="list-style-type: none"> <li>• Whitecrofts Farmhouse (Project ID. LB37, Grade II listed)</li> </ul>		

<b>ExQ3</b>	<b>Question to:</b>	<b>Question:</b>
	<ul style="list-style-type: none"><li>• Heath Cottage (Project ID. LB40, Grade II listed)</li><li>• Slades Hold Cottages (Project ID. LB45, Grade II listed)</li><li>• The Wilderness (Project ID. LB53, Grade II listed)</li><li>• Mill House (Project ID. LB56, Grade II listed)</li><li>• Former Gateway at Groves Barns (Project ID. LB64, Grade II listed)</li><li>• Brook Farm (Project ID. 4163, non-designated heritage asset)</li></ul>	<p>Like the assets noted above within the London Borough of Havering as these are immediately adjacent to routes or works areas, they could be vulnerable to vibration impacts from HGV movements or potential direct collision impacts. It is therefore suggested that condition surveys of these buildings are carried out prior to the commencement of any works to provide a baseline record of their condition. This would allow any potential damage arising from vibration or direct impacts to be identified and rectified as works progress.</p> <p>A list of all heritage assets within 30m of access routes or works areas have been provided within the Applicant's response to ExQ2_Q9.1.6. Collision impacts are not necessarily a concern, but vibration from HGV movements could be. There are a further nine listed buildings:</p> <ul style="list-style-type: none"><li>• Church of St Mary (Project ID. LB205)</li><li>• Chadwell House (Project ID.211)</li><li>• Sleepers Farmhouse (Project ID. LB213)</li><li>• Heath Place (Project ID. LB41)</li><li>• Polwicks (Project ID. LB48)</li><li>• Walnut Tree Cottage (Project ID. LB49)</li><li>• Whitfields (Project ID. LB60)</li><li>• Poplars Farmhouse (Project ID. LB61)</li><li>• Buckland (Project ID. LB66)</li></ul> <p>And one further non-designated heritage assets:</p> <ul style="list-style-type: none"><li>• Hobletts Farm, Green Lane, Orsett, Grays (Project ID. 4164)</li></ul> <p>Should it be considered that these assets could experience impacts from vibration then these too should have pre-commencement condition surveys to establish a baseline from which any resulting impacts can be assessed and rectified, and any damage repaired.</p>

ExQ3	Question to:	Question:
<b>13.</b>	<b>Social, economic and land-use considerations</b>	
There are no questions relating to this issue at this time.		
<b>14.</b>	<b>The draft Development Consent Order (dDCO), planning obligations, agreements and the adequacy of security for project delivery and mitigation</b>	
Questions relating the dDCO have been consolidated into the ExA's Commentary on the dDCO, published on 14 November 2023		
<b>15.</b>	<b>The acquisition and temporary possession of land and rights (CA &amp; TP)</b>	
There are no questions relating to this issue at this time.		
<b>16.</b>	<b>General and overarching questions</b>	
Q16.1.1	<p>Applicant Gravesham Borough Council, Thurrock Council, Kent County Council, Essex County Council, Kent Downs AONB Unit, Natural England, Other IPs interested in the design, function and operation of Green Bridges</p>	<p><b>Green Bridges: serving multiple objectives</b> ExQ3 11.1.5 and 11.1.6 refer to the functions of the proposed Green Bridges in relation to biodiversity and habitat connectivity. However, evaluation of the proposed Green Bridges requires consideration of their performance in terms of multiple objectives and outcomes, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Biodiversity</li> <li>• Habitat connectivity</li> <li>• The provision of non-motorised user (NMU) routes for people</li> <li>• Landscape and landscape mitigation, in general terms and (with reference to the Kent Downs) to AONB landscapes.</li> </ul> <p>With reference to these objectives but also to such other functions and outcomes as are considered relevant, please provide your summary assessment of the effectiveness of each Green Bridge proposed within your area of interest. If objectives and outcomes appear to be in competition or to pull in different directions, please indicate the particular objectives considered to be the most important and why.</p>
<b>ExQ3 16.1.1 Thurrock Council Response</b>		
<p>Muckingford Road green bridge is situated close to the settlements of East Tilbury and Linford and provides a direct route to Chadwell St Mary. Currently the hedges on that road are in poor condition; however, as the area is a likely growth area it is likely new development will occur locally providing opportunities to link into the planting on the bridge and to provide new WCH routes beside the road to encourage walking and cycling (currently the use is limited as it is a narrow, fast road with no pavements).</p>		

ExQ3	Question to:	Question:
<p>Hoford Road is accessed via Muckingford Road. Its use is restricted due to poor connectivity. The green bridge would help restore some of the character of the historic green lane which would be severed by LTC. Improvements to Muckingford Road and Buckingham Hill to the north are likely to increase the use of this route over time.</p> <p>Green Lane is an important bridleway link between the north of Grays and Orsett. The green bridge would help restore some of its historic character and encourage use of the bridleway. The route is one of the few significant features for commuting bats in the area.</p> <p>North Road is a busy road linking North and South Ockendon. The green bridge would provide a safe crossing for WCH linking between the upgrade new bridleways to the north of LTC and South Ockendon. The green bridge would also maintain important hedgerow connectivity.</p> <p>It is considered that the functions of the proposed green bridges in Thurrock would not conflict with each other.</p>		
<p><b>17. Habitats Regulation Assessment</b></p>		
<p>Q17.1.1</p>	<p>All IPs</p>	<p><b>Habitats Regulations Assessment and the Report on the Implications for European Sites</b></p> <p>The ExA directs all IPs but specifically NE, MMO, PLA, EA and Local Authorities to the questions posed within the Report on the Implications for European Sites (RIES) as issued by the ExA on 14 November 2023. The questions relate to clarifying matters or seeking information required to inform the Habitats Regulations Assessment (HRA) and the recommendation to the Secretary of State. Comments on the RIES and responses to questions are timetabled for Deadline 8 (5 December 2023).</p> <p>At this time, should disagreements about any aspect of the HRA remain, the Applicant and any relevant IP are requested to submit a statement setting out what is required, in their view, to enable agreement. There will be circumstances where to be of practical use, this will need to be in the form of a 'without prejudice' statement, where one party may acknowledge that they do not agree with an in-principle position taken by another, but they also set out in practical terms the actions that would be necessary to address the issue, without conceding their basic point that such actions are not necessary.</p>
<p><b>ExQ3 17.1.1 Thurrock Council Response</b></p> <p>The Council has not been directly involved in the project HRA and has deferred to Natural England on the detail. Of the European Sites considered in the RIES only part of the Thames Estuary and Marshes SPA/Ramsar and its functionally linked land relates to Thurrock. The questions in the RIES are mainly addressed to the applicant and Natural England. The Council wishes to provide comments on the following</p>		

ExQ3	Question to:	Question:
<b>QR10</b>	To Local Authorities – do your remaining concerns on the wider traffic modelling have a bearing on the Applicant’s position in relation to its HRA conclusions?	
<b>QR15</b>	To Thurrock Council: Please provide an update on your position on the potential for use of the existing moat infrastructure to supply water to the Applicant’s wetland at Coalhouse Point.	It is the council’s understanding that the primary source of water for Coalhouse Point would be from the new inlet; however, there would continue to be a connection between Coalhouse Fort moat, the wetland area to the south and the inflow into Coalhouse Point. It is considered that the proposed inlet is likely to be easier to achieve with fewer direct effects on the SPA/Ramsar compared to the route via the moat. Based on the information provided to date, which is not currently at detailed design, the council is satisfied in principle with what is proposed.
<b>QR19</b>	To all IPs: Are there sufficient management, monitoring and control processes in place to ensure that the proposed wetland will meet its objectives	It is considered that the REAC, Design Principles and oLEMP provide sufficient controls at this stage.

**ExQ3: 14 November 2023**

**Responses due by Deadline 8: Tuesday 5 December 2023**

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