

# Meeting note

<b>Project name</b>	Lower Thames Crossing
<b>File reference</b>	TR010032
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	22 September 2022 – Part One
<b>Meeting with</b>	Essex County Council (ECC), Gravesham Borough Council (GBC), London Borough of Havering (LBH), Kent County Council (KCC), Medway Council (MC) and Thurrock Council (TC)
<b>Venue</b>	Stantec offices, Farringdon
<b>Meeting objectives</b>	To provide a clear understanding of the current positions of local authorities in relation to the adequacy of consultation and to scope out and understand the primary areas of disagreement between the local authorities and the Applicant. To explore opportunities for joint working ahead of the re-submission of the LTC Application.
<b>Circulation</b>	All attendees

## Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The Inspectorate outlined that they had attended a pre-application site visit of the proposed route the previous day with the Applicant and two representatives from local authorities (GBC and TC) organised by the Applicant. The Inspectorate suggested there was value in the Applicant undertaking a fact-based site visit with the Local Authorities (LAs), if they had not already done so.

### ***Objectives of the Meeting***

The meeting objectives are set out above.

The LAs had been asked to provide written documents in advance of the meeting, these are attached in Annexes A – F of this note.

Written submissions were drafted by LA officers to aid discussion and not necessarily signed off or agreed at a higher level and therefore should not always be taken as the LA's formal position, which will be represented in the Adequacy of Consultation Responses following submission.

### ***Exploration of Issues Arising in relation to Adequacy of Consultation***

Each of the LAs was provided with the opportunity to present their views of the Adequacy of Consultation (AoC):

ECC explained that it had not raised any specific issues with the AoC last time and were unlikely to this time.

GBC confirmed that they deemed the engagement from the Applicant to have improved since 2020. However, they expressed concerns over the limited communications with the Applicant which have at times made it difficult to understand the project holistically. The public have complained about the lack of specific feedback to consultation responses. They concluded that whilst they considered the consultation to be adequate as per the AoC tests set out by the Planning Act 2008, they were not completely satisfied with the Applicant's consultation.

LBH confirmed that the AoC was adequate. However, they stated that in their view, there hasn't been consultation on the entire project since 2018 despite the various design iterations that have occurred since then. They considered that some issues could have been resolved if certain documents had been shared. At the last round of consultation LBH raised concern over the relocation of a compound located on Church Lane. They believed this to be a large concern to the borough even though the change was not included in consultations. The Applicant consulted with the affected residents in response to LBH formally raising the issue.

KCC confirmed that, overall, they were satisfied with the consultation. However, they expressed concern that sometimes the engagement was not as meaningful as it could be. They expressed concern that not enough time was given to comment on documents.

MC consider that the Applicant had met all of its relevant duties in regard to consultation. Similarly to GBC, however, MC considered that the adequacy tests were narrow. They raised an issue relating to the Applicant's use of non-disclosure agreements (NDAs) on sharing traffic modelling. They explained that the use of an NDA hindered the ability to meaningfully engage.

TC expressed major concerns over the AoC and confirmed that, overall, they do not believe the consultation to be adequate, particularly raising a number of significant concerns regarding the approach taken by the Applicant to both technical and community consultation. Regarding s47 and s49 of the Planning Act 2008, TC considered that the Applicant has not fulfilled its duty to consult the community adequately and meaningfully. They considered that consultation periods were not always long enough or held at times where it was the most accessible to the community. Accessibility for vulnerable and hard to reach groups to consultation activities was also a concern for TC. In addition, TC raised issues regarding its view on the need for the Applicant to carry out a new Statutory Consultation given the 81 changes to the scheme in the five formal consultations to give the public an opportunity to understand the whole current scheme; their view that any re-submission now would be premature and that NH should only submit a scheme that actually works in Thurrock; the limited time to develop any reasonable SoCG; the lack of sharing of updated technical documentation in over a year; and the resistance to demonstrating why key technical issues could not be resolved.

## ***Exploration of Primary Areas of Disagreement***

Each of the LAs was provided with the opportunity to set out its primary areas of disagreement with the scheme. Overarching themes arising included: the lack of

consideration for adverse impacts of the proposed application on the local road network, lack of information on mitigation strategies, lack of consideration of non-motorised road users and public transport linkages across the Thames and lack of consideration of regional growth plans.

ECC are opposed to the removal of the connection to the Port of Tilbury and hope that the Applicant would revisit this matter. ECC also raised issues relating to sustainability, such as public transport, traffic data and modelling. ECC believes that a greater consideration of the construction traffic plan is necessary as they deem some of the proposed routes to be unsuitable. They expressed concern that, whilst it was easy to get in contact with LTC staff, many issues raised were still outstanding.

GBC believes that the borough does not receive benefits from the proposal and is therefore opposed to it in principle. They expressed concern over the environmental impacts the scheme would have on the area of outstanding natural beauty (AONB). They believe that the transport modelling fails to take sufficient account of new development and is inadequate, the lack of data related to noise and air quality they believe to reinforce the lack of robustness identified in the transport modelling.

LBH has recently changed from being a Conservative-led to a resident-led council. Its current position is that it objects. LBH believes that its residents should benefit from the Local Residents discount in the same way that is being applied for residents of both Gravesham and Thurrock. They expressed concern over the schemes compliance with the National Policy Statement (NPS), particularly regarding sustainability and active travel. LBH consider that the development of appropriate mitigation measures has not been fully disclosed by the Applicant and there is a lack of data on traffic modelling, air and noise. There was also concern regarding the impact on Upminster Cemetery and on the wider road network.

KCC support the scheme in principle. However, they expressed concern about the lack of mitigation for the impact of the proposed scheme on the local road network. KCC stated that they have no funding available to deliver any needed alleviation of effects of the scheme on the local road network and NH have confirmed that they will not be doing anything outside of the Order Limits. KCC raised concern over the impact of LTC construction workforce in the area and the demand that LTC will have on an area where there is lots of development and a growing skills and housing shortage, concluding that they do not believe the supply to be adequate to meet the demand. KCC were unclear as to whether it would be their duty to fund sustainable transport and active travel associated with the scheme and questioned whether National Highways should be using their designated funds to accommodate for that.

MC expressed its position of supporting the scheme in principle, but they believe it would be beneficial if the Applicant took a greater consideration of local plans and made the proposed mitigation measures of the scheme clearer. Their areas of disagreement included the Applicant's core traffic modelling, mitigation for nitrogen, air quality and the charging regime.

TC does not support the scheme. Primary areas of disagreement were: local road impacts and junction modelling, the lack of support for sustainable integrated growth and development, construction impacts on residents and businesses, the local environmental health impacts and the limited legacy provision.

The Inspectorate rounded up the session by advising the LAs to focus on their Local Impact Reports as, should the application be accepted for examination, the ExA has to take these into account as set out in s104 of the Planning Act 2008 and that the examination timeline is statutory. The Inspectorate also advised that it is important for the LAs to raise matters with the ExA which can usefully be done in SoCG or other representations.

## **Annexes**

A - Essex CC - summary of position

B - Gravesham BC - summary of position

C - LB Havering – summary of position

D - Kent CC – summary of position

E – Medway C – summary of position

F - Thurrock C – summary of position

**From:** [Lower Thames Crossing](#)  
**To:** [Lower Thames Crossing](#)  
**Subject:** FW: A - Essex CC - Summary of position  
**Date:** 17 January 2023 18:06:42

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**From:** Mark Woodger - Principal Planning Officer National Infrastructure <  
**Sent:** 05 September 2022 17:33  
**To:** Lower Thames Crossing <LowerThamesCrossing@planninginspectorate.gov.uk>  
**Cc:** Gary Macdonnell - Network Coordinator < >  
**Subject:** A - Essex CC - Summary of position

Hi Eleanor

I will attend the tripartite meeting with my colleague Gary Macdonnell who I have taken the liberty of forwarding the meeting invite to.

You have asked for our comments, without prejudice, on any AoCC submission. When LTC was originally submitted in Q3 2020 we raised no specific issues as to its adequacy and given 2 more years have passed and additional consultation taken place I see no reason, again without prejudice, why we would raise issues again.

You have also asked if we could give our “primary areas of disagreement” prior to the meeting, these are set out below.

In a briefing given to our Political Leadership Team in November, the issues below were noted:

- M25 Junction 29: The proposed east to south slip lane, i.e. A127 westbound to M25 southbound, raises issues for both ECC and Brentwood. The original proposal severed access to the proposed Brentwood Enterprise Park, a main employment site for Brentwood. Progress has been made in resolving this issue. We await a formal plan but understand that access arrangements will be completed to all parties’ satisfaction. The position will be confirmed once plans have been made available.
- Reduction of lanes southbound: ECC does not support the change whereby the southbound section from J29 has been reduced. LTC have rejected any discussion on this matter.
- Sustainability & role of public transport: The project needs to engage with bus operators and larger businesses about ensuring that the many newly generated trips between north Kent and South Essex can be managed by bus services. Cycling: Thought should be given to how cyclists can get through the tunnel and all cycling infrastructure must be designed to LTN 1/20 standards. There has been an improvement in the limited cycle facilities that the project is implementing with LTC accepting the need to try and meet LTN 1/20 standards but no noticeable change in the position for public transport.
- Construction traffic plans: There are concerns over the suitability of some routes shown – Beredens Lane as one specific example. We await updated construction management plans.
- Link to the Port of Tilbury: ECC are opposed to the removal of the connection to the Port. ECC request some form of assurance that this will be revisited in a future round of the Roads Investment Strategy. We understand that the revised plans released as part of the next consultation exercise will show a change in this area.
- ECC network: ECC has commissioned an external review of the traffic data and models. This has shown some areas of concern with increased traffic levels impacting on the ECC network and some areas and junctions that will start to operate over capacity. LTC have been asked to look at appropriate forms of mitigation. Further information has been released and this is currently being reviewed. The ECC project team emphasise the need to look at impacts on the local road network and provide mitigation.

I hope the above is of value to you.

Kind regards

**Mark Woodger** BSc (Hons), Cert M, MRTPI  
Principal Planning Officer (National Strategic Infrastructure Projects)  
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**In line with government advice relating to the COVID-19 pandemic, from 20 March the ECC Planning Service is working remotely, away from the office for the foreseeable future. This is a challenging time, and as a service we are adapting where possible. This means staff are working flexibly throughout the day around caring responsibilities and/or have been redeployed to support critical council services.**

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## **PINS Issues**

### **Operational**

- Timetable – aim to complete Examination by Christmas 2023 (assuming Oct/Nov submission)?
- 14 days for AoC response?
- Will PINS be requesting NH to make application available at submission (as per A66)?
- District Elections in May 2023 poses governance challenge in run up and after if change in senior Members/political control
- Online or in person Examination? (if in person, venues needed to cover both north and south of the river)
- August holiday period

### **Adequacy of Consultation**

- Number of issues addressed from 2019 AoC response – e.g. more information on construction
- Consultation spread over a long period involving multiple consultations on a range of issues but nothing comprehensive – so confusing
- Whereas LTC has supplied more feedback not of all of this has been in the public domain
- PEIR not revised despite evolution of the scheme
- Only recently got draft of SoCG, which is confusing because of the multiple consultations and need to distil the same points made over time into the current position, and receive response from LTC
- Lack of a clear 3D model (actual or virtual) so consultees can understand the proposal in the round and understand what is being proposed

### **LTC Issues from GBC**

- Major environmental impact on Kent Downs AoNB and its setting (includes nature conservation, ancient woodland and historic environment issues)
- Concern over possible implications for the North Kent Marshes (ground water)
- Transport modelling does not take sufficient account of new development (scale and location) and base date now very old
- Impact on local roads from construction and operation
- Impact on wider highway network – Blue Bell Hill should be associated development
- Over reliance on DMRB when key point is an EIA process
- Construction is over 5+ years so impacts not transient and potentially cause major disruption (actual or perceived)
- Failure to address some small scale issues – e.g. caravans at Viewpoint (A226) to be adjacent to construction, service areas
- Concern over cumulative effect of a number of small scale negative impacts

- No up to date air quality and noise data (also related to transport modelling)
- NH have said that they will not look at carbon balance at Borough scale – massive amount of new construction
- Impact on local walking and cycling routes short and long term and lack of positive sustainable transport measures
- Need to revisit route selection process fundamentally as now way out of date
- Little local economic benefit – pain not gain for Gravesham
- Crossing charge discount should apply to both crossings for Gravesham residents
- Need clear monitoring strategy with agreed set of actions to be adapted to the scale of any problems that emerge
- Relying on construction contractor(s) to sort out issues down the line which need to be addressed now
- No up to date Business Case
- No sight of current draft DCO, CoCP or other control documents to understand what is actually being proposed
- Agreement on paying current costs but concern over resources during Examination and construction (Council's role in monitoring/handling requirements)

13/09/2022





**Havering**  
LONDON BOROUGH

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Dear Eleanor,

Thank you for your email dated 31<sup>st</sup> August requesting a document summarising the LB Havering position with regards to *Adequacy of Consultation* and *Primary Areas of Disagreement*. Responses to each of these matters are set out below.

### **Adequacy of Consultation**

London Borough of Havering (LBH) considers that, on the whole, the consultation process that National Highways (NH) has undertaken following its withdrawal of its application in October 2020, has met with the requirements of the Planning Act 2008.

However, there are a number of issues related to the adequacy of consultation that LBH would like to draw to the attention of the Planning Inspectorate. These are set out below:

#### **Lack of entire scheme consultation since 2018**

It should be noted that since the Statutory Consultation (Section 42) for the scheme closed in December 2018, the entirety of the scheme has never been consulted upon.

Subsequent proposed amendments to the proposed scheme have been consulted upon in isolation, leaving the cumulative impacts of the proposed amendments unable to be scrutinised by stakeholders. NH has not revisited the optioneering for the scheme post its withdrawal of its application in 2020.

#### **Lack of Exposure of sufficient evidence**

One of the tests of Adequacy of Consultation is considered to be whether sufficient evidence has been exposed to consultees in order for informed decisions to be made. LBH believe that this test has not been passed by NH. LBH is still awaiting traffic appraisal, economic assessment, air quality, noise impacts information that it requested in 2021. Other key documents – management control plans, including the entire DCO document have not been provided to stakeholders.

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NH has confirmed that these documents will only be available post submission. This approach taken by NH calls into question whether the Aarhus Convention requirements has been met.

### Oversight of potential impacts to residents in the Church Lane area – Local Refinement Consultation 2022.

During the last Local Refinement Consultation exercise NH omitted to include explicitly in the consultation material their proposed changes to the siting of the local works compound in Church Lane. This change on location moved the compound closer to the residential area. Residents complained to LBH and their local MP regarding this omission. LBH formally requested that NH consult on these changes to the local residents directly. NH has since granted this request, however, it remains to be seen whether the residents' comments are taken into account given the expected timescales of the submission of the revised Application in October/November 2022.

It is noted that during this consultation, National Highways published other documents on their Lower Thames Crossing website, in particular, response to the community impacts consultation and landowner engagement and minor refinements, but that these were not part of the consultation material.

It would have made more sense to include all these documents as part of the Local Refinement Consultation to give stakeholders an opportunity to provide formal comments on these documents. Whilst it is acknowledged that the consultation was focussed on specific changes that have been made since the Community Impact Consultation that took place during Summer 2021, as a result this meant that a number of other concerns Havering raised during the last round of consultation have yet to be addressed.

### **Key issues of concern**

LBH has repeatedly raised a number of key concerns to NH over the series of the latest consultations on the following matters:

- Local Residents Discount

LB Havering continues to remain of the view that its residents should enjoy a Local Resident Discount, as will be the case for people residing in Thurrock and Gravesham. Havering's position will not change on this matter and will require further discussion with the Examining Authority (ExA) during examination. Havering welcomes that National Highways has previously acknowledged that this matter should be discussed at the Examination.

- Compliance with NN NPS

LB Havering continues to have serious concerns that the proposed scheme does not comply with a number of aspects of the National Network National Policy Statement.

- Provision of robust traffic assessment and traffic modelling

It is noted that post-Local Refinement Consultation, NH has issued revised traffic modelling that has sought to address a number of concerns raised by Havering in previous consultations, including local growth being fully considered, and revisions to the construction traffic modelling that will more accurately reflect the restrictions and closures on Havering roads.

Due to the timing of the Local Refinement Consultation, the new revised traffic modelling which reflects the now proposed opening year of 2030 was not included in the consultation documentation. This failed to provide a true reflection of traffic impacts for Havering residents. This is seen by LB Havering as very unfortunate and does not support the provision of fully informed responses. This leaves LB Havering in a position of not being able to make full consultation responses on a number of associated issues that require input of the latest traffic impact information. These areas include noise and air quality analysis together with consideration of impacts seen during the construction phase of the scheme.

Officers continue to be concerned that the traffic modelling provided does not fully take into account sub regional growth. Whilst it is welcomed that National Highways has committed to carrying out a model run for the growth set out in Havering's Adopted Local Plan, this is still outstanding.

In the construction phase the Council repeats its ongoing concerns in relation to the extended closure of Ockendon Road (phases 3-8 of the currently proposed construction programme) and the effect this will have on local residents and businesses.

- Provision of up to date air quality and noise assessments

This matter remains outstanding. Havering is still waiting to receive up to date data on air quality and noise that has been promised by National Highways back in September 2021 and makes assessing the potential impacts caused by traffic reassignment and any associated potential air quality and noise impacts very challenging. Havering also has concerns with the impact of lighting the scheme (both during construction and operation) will have for our residents, especially those that are located close to construction compounds. Without having sight of the updated versions of the REAC and other associated management plans, Havering is unable to understand the impacts or mitigation proposed.

- Amendments to the draft DCO

This matter remains outstanding. It is disappointing that National Highways is currently unwilling to share **fully** the updated draft DCO and supporting documents, including the draft management plans, with stakeholders. This makes progressing a Statement of Common Ground with the Applicant extremely difficult.

- Development of appropriate mitigation and Section 106

Havering is concerned that mitigation for the proposed scheme which would be included in the Environmental Statement has not been fully disclosed by the applicant. Some discussions have taken place regarding the provision for pedestrians, cyclist and horse riders but potential mitigation measures have not been finalised. Havering has been informed by NH that there will be no wider network mitigation for traffic displacement.

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Havering **cannot agree** with this position. This matter is compounded by the lack of a robust monitoring and mitigation plan for the scheme.

- Compensation for the Business Impacts on Upminster Cemetery

Concerns have been raised with NH regarding the impact construction works will have on the Ockendon Road area and Upminster Cemetery and South Essex Crematorium. The Outline Traffic Management Plan for construction suggests that the section of Ockendon Road that goes over the railway would be closed for up to 19 months. The diversions proposed will impact negatively on the operations of the cemetery and its staff with an anticipated shortfall in income in excess of £700,000 per annum. Given that Ockendon Road alone will be closed for the best part of two years this could lead to a potential loss of up to £1.4 million. This of course does not take into account the wider traffic management measures that will be in place within the Upminster area during other parts of the 7 year construction period (such as along St Mary's Lane) so the potential loss is clearly much greater than that. Havering wrote to the Executive Director for the project setting out these concerns but as yet no formal response has been received.

- Changes to the red line boundary

LBH considers that the red line boundary needs to be amended in two locations. Firstly, further west along the A127 in order to accommodate a "stopping up" of the uncontrolled crossing point at the junction of the A127 and Front Lane. Havering considers that the red line boundary should be extended further north at the junction of Folkes Lane/A127 to accommodate a section of Folkes Lane where improvements need to be made to support pedestrians, cyclists and horse riders. Secondly, the red line boundary should be extended further south at the junction of A127/Moor Lane so that similar improvements can be made to this path for pedestrians and cyclists.

- Havering's Net Zero Ambition

LB Havering adopted a Climate Change Action Plan in 2021, setting out how the Council will become a carbon neutral borough by 2040 or sooner. A significant proportion of carbon emissions in Havering are as a result of traffic driving through a short section of the M25 in the borough. The Lower Thames Crossing project will exacerbate the situation as traffic reassigns onto Havering's roads to use the new crossing facilities. No evidence has been found in the Local Refinement Consultation material that would alleviate our concerns on this matter.

Myself and my colleague Lynn Basford look forward to discussing these matters further with PINS and the Applicant on 22<sup>nd</sup> September.

Yours Sincerely,



Daniel Douglas  
**Team Leader Transport Planning**



## **Kent County Council (KCC) Lower Thames Crossing Position Statement**

PINS Tripartite Meeting – Thursday 22<sup>nd</sup> September 2022

### Adequacy of Consultation

#### **Duty to consult – Planning Act 2008 (as amended) – Section 42**

National Highways undertook a statutory consultation under Section 42 of the Planning Act 2008. As part of the Statutory Consultation, a Preliminary Environmental Impact Report (PEIR) was submitted to help consultees understand the likely significant effects of the proposed development on the environment. KCC was invited to respond to the Statutory Consultation, which was held from 10<sup>th</sup> October 2018 to 20<sup>th</sup> December 2018 and the County Council subsequently provided a response on 19<sup>th</sup> December 2018.

Since the statutory consultation in 2018, the applicant has then held the following further consultations:

- **Supplementary Consultation** between 29<sup>th</sup> January 2020 and 2<sup>nd</sup> April 2020, and the County Council responded on 2<sup>nd</sup> April 2020.
- **Design Refinement Consultation** between 14<sup>th</sup> July 2020 and 12<sup>th</sup> August 2020, and the County Council provided a response on 12<sup>th</sup> August 2020.
- **Community Impacts Consultation** between 14<sup>th</sup> July 2021 and 8<sup>th</sup> September 2021, and the County Council responded on 6<sup>th</sup> October 2021
- **Local Refinement Consultation** between 12<sup>th</sup> May 2022 and 20<sup>th</sup> June 2022, and the County Council responded on 27<sup>th</sup> June 2022.

The County Council previously raised concerns regarding the timescales of the initial ten-week statutory consultation, eight-week supplementary consultation and 28-day design refinement consultation. These timescales often proved difficult for KCC to formulate a meaningful response, consult local Members and meet internal governance procedures. However, the Applicant acted on this feedback in regards to the subsequent community impacts consultation and local refinement consultation, resulting in the consultation dates being revised to avoid pre-election periods and public holidays, and local authorities being offered an additional one week extension to provide a fully governed response.

Whilst the County Council has been relatively satisfied with the Applicants previous consultations, KCC remains concerned that in some areas there has been a lack of information and detail which has prevented respondents being able to make meaningful comments, particularly with regard to the anticipated environmental impacts. KCC has raised this concern throughout responses to both the community impacts consultation in 2021 and the local refinement consultation in 2022. This is a significant concern for the County Council as without sight of any technical information, including information regarding the nitrogen deposition methodology, we are unable to fully understand the environmental impacts and provide meaningful feedback on proposed mitigation.

Nevertheless, KCC has welcomed National Highway's willingness to undertake further presentations to Members and other formal forums throughout all five consultations. This included briefings to KCC Members on 21<sup>st</sup> November 2018, 3<sup>rd</sup> February 2020, 21<sup>st</sup> July 2020, 29<sup>th</sup> July 2021 and 31<sup>st</sup> May 2022.



Overall KCC is satisfied that it was given the opportunity to comment during the various consultation processes, and the applicant has generally engaged with the County Council.

### **Duty to consult the local community – Planning Act 2008 (as amended) – Section 47**

In preparation for all five of the Applicant's consultations, National Highways consulted with the County Council on the Statement of Community Consultation and subsequent 'Approach to Consultation' documents. The County Council welcomed the opportunity to provide feedback on the proposed approach to each consultation, however, it was not clear within the documents how the approach built on lessons learnt from previous consultations.

In response to the draft SoCC, the County Council raised concerns regarding the absence of any reference to an Equality Impact Assessment (EqIA), and asked for it to be made clear how the EqIA had been used to inform the format of the consultation process, in particular to ensure the consultation was accessible to all. It was disappointing that these comments did not seem to have been considered and little information was provided upfront as to how the applicant would endeavour to engage with more marginalised groups.

During the Supplementary Consultation period, the UK government enforced a nationwide lockdown in response to the COVID-19 pandemic. This resulted in a number of planned exhibition events, including one mobile information event in Kent, having to be cancelled. In addition, the deposit locations displaying hard copies of the consultation materials also had to be closed. In response to this, the applicant extended the consultation period by one week, and telephone consultation events were held on Monday 23rd March 2020 and Wednesday 25th March 2020 from 2pm to 8pm for those members of the public who had planned to go to a cancelled exhibition event. The County Council was satisfied with the approach taken given that lockdown was instigated two days before the original closing date for consultation responses, 25th March 2020.

Since the COVID-19 pandemic, the Applicant continued to adopt a 'digital-first' approach to subsequent consultations. This ensured local communities could still engage in the consultation despite the frequently changing nationwide restrictions. Virtual exhibition events were held on a dedicated website which allowed members of the public to access the consultation material online, along with explanatory videos and public webinars, at a time convenient for them. Members of the public could also request hard copies of the consultation materials to be sent via post if they were unable to access them online. A telephone surgery was also introduced which allowed members of the public to request a call back from a member of the project team to discuss the revised proposals in further detail and ask any questions about the latest design refinements.

Once national restrictions were lifted, National Highways started to incorporate in person events back into their consultation approach and the local refinements consultation in 2022 included a total of four public information events, four deposit locations and eight information points across Kent.

Despite KCC's original concerns, the County Council is content that the overall approach to each of the five consultations has been proportionate.



### **Duty to publicise – Planning Act 2008 (as amended) – Section 48**

KCC has no comments to make in relation to the applicant's compliance with Section 48 of the Planning Act 2008. The County Council is satisfied that the applicant sufficiently publicised all five consultations to both stakeholders and the public.

### **Duty to take account of responses to consultation and publicity – Section 49**

Although not required by the Planning Act, it would have been helpful if the applicant had provided a summary of the consultation findings to stakeholders and the public following each round of consultation. A 'Project Update' document was published in July 2019, following the Statutory Consultation, but this provided no indication of how the design had been influenced. This made it difficult for respondents to see that their feedback had been listened to and, where appropriate, changes had been made to the scheme proposals as a result of the consultation.

Following feedback from local authorities, it was positive that the Applicant published a 'You Said, We Did' document as part of the community impacts consultation. National Highways then published a 'You Said, We Did' update as part of their local refinements consultation in 2022. These documents focused on the main feedback themes received and how responses had or had not influenced the latest proposals.

### Primary Areas of Disagreement

#### **1. The impact of the scheme on the local and strategic highway network**

KCC has long made the case for appropriate mitigation and the County Council welcomes the opportunity to work with National Highways through a variation to the Planning Performance Agreement (PPA) to fully identify the direct impacts of the LTC on the local highway network. However, there is no mechanism to fund any of these wider network mitigation schemes should the study work demonstrate a needs case and KCC is strongly opposed to National Highways' position on this issue.

Furthermore, KCC is concerned about the lack of mitigation for the wider strategic road network (SRN). The traffic modelling identifies increased traffic flows on the SRN, including M2 Junctions 1, 2 and 3, the A2 Junction with the A227, and M25 Junctions 2 and 3. Whilst the County Council welcomes the inclusion of A2 Brenley Corner and A2 Dover Access as pipeline schemes for Road Investment Strategy 3 (RIS3), KCC is concerned that there is currently no commitment from National Highways to improve the junctions identified above which will be adversely impacted as a result of the LTC.

#### **2. The impact on existing road assets**

The impact on KCC's existing road assets continues to be an area of concern for the County Council. Measures to address the deterioration of KCC's local road network as a result of the LTC construction have been discussed with National Highways and an agreement in



principle on a monitoring strategy has been made. However, we still await a formal commitment from National Highways to carry out a proactive approach to essential strengthening works. If local roads deteriorate during the construction phase, rather than being made more resilient beforehand, the remedial response is likely to only be a reactive and localised one. This approach is likely to lead to considerable local angst and will not aid National Highways in the delivery of the scheme.

### **3. The impact on Shorne Woods Country Park**

In response to the community impacts consultation, KCC welcomed the reduction in the utility corridors and the work that has been undertaken with statutory undertakers to reduce the impact of the necessary diversions. However, no update has been provided since and the County Council continues to await confirmation as to whether the 60 metre high pressure gas pipeline easement through Shorne Woods Country Park has been reduced, and to what size.

### **4. The impact on construction workforce**

We previously welcomed the work that has been undertaken so far around skills and employability, including the production of a Skills and Employability Strategy. However, there is no update on the work National Highways is doing to identify specific skills gaps and invest in training, including delivering a construction skills centre, to ensure local workers have the skills required to deliver the project and leave a lasting legacy to the area.

The skills shortage not only applies to construction but also in terms of the environmental assessment of the scheme e.g. ecologists, archaeologists. It is imperative National Highways works closely with the County Council and other educational institutions to ensure appropriate courses are made available and all attempts are made to ensure a skilled workforce is available.



# Preparation in advance of Lower Thames Crossing Tripartite meeting (22 September 2022) Medway Council

## Adequacy of Consultation

Following a review of the Consultation Report for DCO 1, Medway Council's Adequacy of Consultation Representation, dated 5 November 2020, considered that the applicant complied with the relevant duties, while the delivery of the pre-application consultation appeared to have been carried out in accordance with the Statement of Community Consultation.

However, the terms of a Non-Disclosure Agreement (NDA) presented challenges, specifically in communicating impacts derived from the Lower Thames Area Model with Members. The project team considered that this would have put confidential information in the public domain. The project team subsequently disappplied the NDA.

In addition, as part of the 2021 'Community Impacts Consultation', local information was published on the potential adverse impacts for wards within the Order Limits and for other wards immediately north and south of the Dartford Crossing. This information was not provided for Medway, despite potential adverse impacts shown in the wider consultation documents, and this limited our ability to respond to the consultation.

## Primary Areas of Disagreement

### Consideration of Medway's emerging Local Plan

The Planning Inspectorate's Scoping Opinion, dated December 2017, required the Environmental Statement to consider Medway Council's emerging Local Plan. Medway Council has raised concerns about the assumptions for future development in traffic modelling since the 2018 Statutory Consultation.

The 'Traffic Modelling Update' as part of the 2020 'Supplementary Consultation' noted that "growth associated with government housing targets which have not yet fully progressed through the planning system is not included." Medway Council intends to meet its development needs, including the government's assessment of Local Housing Need according to the Standard Method, through an emerging Local Plan.

It is understood that the project team's transport model was built following the principles and processes set out in the Department for Transport's (DfT) Transport Analysis Guidance (TAG).

Growth within the transport model is capped in line with DfT traffic forecasts (TEMPro 7.2) and adjusted locally to account for developments close to the project that are under construction, have a planning application and planning permission (as of 30 September 2021). This comprises the Core Scenario.

Medway Council officers understand that DfT traffic forecasts do not reflect the full scale of Medway's development needs and this presents challenges for local plan-making. A contractor has been appointed to consider this issue in preparing a Local Impact Report.

Despite the early stage of Medway's emerging Local Plan, following the government's announcement in November 2019 of upfront infrastructure funding under the Housing Infrastructure Fund, there is more certainty for growth on the Hoo Peninsula, including 10,600 new homes. However, it is understood that these homes would have been excluded from the Core Scenario, given their planning stage.

## Wider network impacts

National Highways is not committing to any direct additional funding for mitigation of effects on the wider network through the DCO, on the basis that it does not consider there are any unacceptable impacts. Instead, National Highways refer to existing investment processes and collaborative work with local authorities.

However, Medway Council has appointed a contractor to use the Medway Aimsun Model to assess associated impacts in preparing a Local Impact Report. It is understood that the Medway Aimsun Model is a more appropriate tool to assess local impacts in Medway, rather than the Lower Thames Area Model.

## Proposed mitigation measures

The 2022 'Local Refinement Consultation' material stated that road users are more likely to exceed the speed limit between M2 Junctions 3 and 4 once the Lower Thames Crossing is open. Driving at faster speeds can increase nitrogen emissions, so by enforcing the speed limit on certain sections of road, average vehicle speed can be brought down, reducing nitrogen deposition on nearby designated sites. This could mitigate the impact of nitrogen deposition and potentially reduce the area of compensatory land required. This is set out as justification for the installation of speed cameras between M2 Junctions 3 and 4 once the Lower Thames Crossing is open.

Given that the nitrogen deposition site survey assessments are currently ongoing, and the consultation material presented initial conclusions because traffic and air quality modelling is yet to be finalised, it is unclear whether the implementation of a 60mph speed limit between M2 Junctions 3 and 4 once the Lower Thames Crossing is open can be ruled out at this stage. This is a concern, given the consultation material acknowledges that a 60mph speed limit between M2 Junction 3 and 4 would result in other negative impacts, including increased traffic and emissions on local roads as road users seek alternative routes.

Medway Council are seeking clarification from the project team on this matter.

## Air quality

Medway Council officers have noted concerns about:

- the number of receptors modelled in Medway;
- the absence of any analysis in respect of PM2.5;
- the need for air quality modelling during construction; and
- the indicative predictions that exceedance of air quality objectives are possible at relevant receptor locations adjacent to the M2 and A228 in Medway, and the burden this would be on Medway Council to deal with (developing and implementing air quality action plan(s)).

Medway Council officers are waiting to receive the finalised air quality assessment.

## Charging regime

During a 28 July 2020 briefing from the project team, Members called for a resident and business discount scheme to be extended to Medway. It is understood that this would be a decision for the Secretary of State following any decision to grant a Development Consent Order, and that the Department for Transport may require a consultation.

# PINS Tripartite Meeting – 22 September 2022

## Thurrock Council – Supporting Document (16.09.22)

### Figure 1: Council's View of NH's Approach to Consultation & Engagement

The Council has been informed by NH that is their intention to submit the LTC DCOv2 'not earlier than the last week of October 2022'. NH is clearly not ready. This is due to the wholly inadequate approach to consultation and engagement that NH has embarked upon since they last withdrew their DCOv1 application. It is a grave concern that lessons have not been learnt and the Council finds itself again in a very similar situation to that of two years ago, where it must again stress the inadequacy of the LTC submission as it stands. The issues experienced are clearly due to an embedded but outdated approach to consultation and engagement that NH as an organisation appears to find too difficult to change.

Many of the issues raised about this LTC scheme, both sides of the river, are common and there are obvious concerns that stakeholders rightly could have been assumed to have with this LTC scheme, from the very beginning. Throughout the planning process, NH has adopted a position that presumes the scheme requires no further development or change unless and until such time that a persuasive issue is raised by a stakeholder and furthermore is accepted as such by NH. This approach is in contrast to the open and transparent engagement envisaged in good practice, seeking collaboratively to develop an optimal scheme. This approach has frustrated and delayed engagement creating and exacerbating bureaucracy, which serves only to limit the ability of NH to engage effectively with affected stakeholders.

The starting position for NH on engagement has consistently been that there is a presumption in favour granting consent, that its investment planning processes have confirmed this scheme for delivery and it follows therefore that it is for affected stakeholders to make the case for any counter view. This position appears to have translated into an organisational culture on this project spanning many years that does not recognise the value of evidence-based debate and the need to apply impartiality when investigating and evaluating technical issues.

NH has consistently been overly concerned with limiting the information provided to stakeholders. It is likely that this is intended to protect the NH position by restricting the availability any evidence that could be used to strengthen a counter view. This is often subtle so as to appear defensible and to enable NH to imply conveniently that it is stakeholders that are failing to offer evidence-based counter argument. The examples that have been recorded by stakeholders the Council believes speaks volumes. Often the Council finds itself in the position where it is one of the only local authorities able to spotlight issues, due to the political position adopted by other affected local authorities, which has limited the ability of their officers to publicly raise issues that might delay further DCOv2 application for LTC.

There is a common pattern of behaviours deployed by NH when issues are raised that has prolonged and frustrated genuine engagement efforts from the Council over a long period:

- **Denial** – NH initial response on a very significant proportion of issues that are now accepted started with a robust and challenging refusal from NH to accept that an issue was a matter for the DCO. This behaviour continues with regards to a long list of remaining issues where NH continues to argue that the issue is not a matter for the DCO, regardless of clear case precedent and compelling opportunity to resolve issues in advance of submission.
- **Workshop** – once there is acknowledgement of an issue, it is common that a very large team needs to be assembled by NH to debate and define the issues. There then follows a long period before actions and responsibilities are agreed, if at all.
- **Delay and Rethink** – timescales for responses are rarely set or adhered to when agreed. The intent in the actions is regularly re-interpreted by NH and many follow-up meetings and the need for escalation to a senior level is common to unlock progress, which even then can often falter.
- **Presentations** – when NH is finally ready to share their thoughts, there has been a tendency for NH to arrange a meeting to run through a 'signed-off' deck of slides. Regularly such meetings are undertaken independently with stakeholder groups, limiting the ability to formulate consensus views and the speed at which NH is able to consult. The value of these presentations is limited by the absence of technical documentation and associated explanation of methodologies employed. In a number of important instances NH has refused to provide further explanation of slides shared as requested, with the response rather unhelpfully being that the Council has been provided with the data, so it should run its own analyses. This approach creates further delays in the process, especially when crucial reports and data are found to be missing and need to be requested and chased.
- **Reporting** – when the reports requested are finally provided it can take the Council considerable time to analyse the data and the cross references. Frequently, there is a series of further questions to understand how the analysis was undertaken. Many such issues raised have taken over a year and a half, or more, to get to this stage. NH has been reluctant to set deadlines, essential for the Council to book resources and when they are set the deadlines are frequently missed by a number of months. The Council finds itself only weeks away from the indicated DCOv2 submission date, still awaiting long-overdue reports and data. Such information is crucial for effective engagement necessary to express a position on the Councils' Statement of Common Ground. Unfortunately, with regards to far

too many matters the Council is simply uniformed as it continues to await essential information requested from NH and will now not have sufficient time to review the data prior to the submission window indicated.

The approach has been particularly evident with regards to how NH has responded to reasonable and obvious concerns stakeholders have expressed with regards to traffic modelling, options testing, pollution, economic disbenefits and health impacts. This resulted in the Council needing to develop its own evidence base, which has created further timescale pressures and added a significant burden on costs and Council resources.

The approach adopted by NH has led to the two-year delay since its last DCOv1 submission. There are countless examples where matters could have been expedited and the scheme could easily have been modified to improve it significantly. For example, there has been ample time to include the widely acknowledged need for, and benefits of, the Tilbury Link Road within this period, to the benefit of the scheme and the local area.

Now, the Council finds itself only weeks away from the indicated DCOv2 submission date, still awaiting long-overdue reports and data, such as late receipt of LTAM updates and other local modelling and receipt was not phased as requested to allow timely analysis, but sent all together during LRC consultation and a lack of updated environmental and health assessment work. Such information is crucial for effective engagement necessary to express a position on the Councils' Statement of Common Ground. Unfortunately, with regards to far too many matters the Council is simply uniformed as it continues to await essential information requested from NH and will now not have sufficient time to review the data prior to the submission window indicated.

Understanding this background to Council concerns regarding the engagement of NH on LTC is important and necessary to frame subsequent planning matters that are set out below. The Council recognises that NH is likely to be under significant political pressure to submit its DCOv2, but regrettably the NH approach to consultation and engagement has constrained its ability to move forward appropriately within the time it has been given, exposing the project again to serious criticism regarding the adequacy of consultation.

The Council sets out below its 5 principal issues arising in relation to 'Adequacy of Consultation (AoC)', followed by the 5 'primary areas of disagreement'. These are not to be considered by any measure comprehensive, but help to guide and focus the discussions productively at the forthcoming tripartite meeting. There maybe some overlap between AoC issues and the Primary Areas of Disagreement, particularly with any given examples.

## **Adequacy of Consultation Issues**

The Council recognises that local authorities have two key roles: representing their community and as technical authority on many matters. These roles are vital in considering adequacy of consultation from both perspectives.

- 1 Need for a new Statutory Consultation and updated SoCC and issues of fairness with Formal Consultations – the last Stat Con was in late-2018 and since then there have been very substantial changes to the scheme. Public feedback and surveys undertaken recently cause the Council to raise concern about the fairness of previous consultations and the lack of understanding by the public of the current full scheme in late-2022. The incremental nature of 5 previous formal consultations (see Figure 2 below) has been piecemeal and this 'drip feed' approach has created confusion in the public/community that needs to be rectified. There have been many design changes over the past 4 years (a total of 81 design changes plus many other changes, as set out below in Figure 2) and therefore the public is unclear of the current proposals. The Stat Con proposals are therefore considered 'stale' in the public mind. As the project has changed substantially since 2018, it is the Council's opinion that to comply with DCLG Guidance (which allows the applicant to undertake revisions to the SoCC and also undertake a further Stat Con) and to fulfil a public duty to consult adequately, it is essential to undertake a fresh Stat Con before submission of DCOv2. The Council consider that not undertaking a further Stat Con may be viewed as failing to consult on the final proposal, in accordance with the SoCC and that the Council has been denied the opportunity to give intelligent consideration to this aspect of the proposal.

The fairness of previous consultations relates to the Council's formal responses to NH relating to the length of certain consultations being insufficient, the timing of certain consultations being inappropriate in holiday periods, concerns about the insufficient locations of venues during some consultations, concerns about accessibility by certain community groups and inclusiveness of the vulnerable (especially during the pandemic), the content (or lack of adequate information) of consultations being both inadequate (Stat Con, Supp Con, D-Con and LRC) and excessive (CIC). Finally the absence of adequate feedback to stakeholders from previous consultation responses.

**Figure 2: All Consultations and their Design/Other Changes since Stat Con 2018**

Statutory Consultation October - December 2018	Supplementary Consultation January - April 2020	Design Refinement Consultation July - August 2020	Community Impacts Consultation July - September 2021	Local Refinement Consultation May - June 2022
<b>Supporting Technical Documents were:</b> <ul style="list-style-type: none"> <li>• PEIR and Summary</li> <li>• Traffic Forecasting Report and NTS</li> <li>• Map Books</li> <li>• Case for the Project</li> <li>• Approach to Design, Construction &amp; Operation</li> </ul>	<b>9 design changes</b> (taken from 'Guide')  Major changes to Order Limits  Limited information on environmental impacts  Some information was provided on construction and utilities works  There were updates to the traffic model	<b>18 design changes</b> (taken from 'Guide')  Some changes to Order Limits  More developed landscaping proposals  There was further information on Utilities proposals  Details of proposed noise barriers  Details of maintenance access tracks	<b>Additional 28 design changes</b> (taken from 'Guide')  <b>Major changes to Order Limits, Utility proposals and Special Category Land</b>  <b>Major Update of Information of 3,500pp covering:</b> Construction Update Operations Update Ward Impact Summaries You Said, We Did document Maps  <b>Technical Documents:</b> DCO Schedule 2 and Explanatory Note OSWMP OTMPC MHP REAC CoCP WNIMMP OLEMP FTPC	<b>26 design changes</b> (taken from the 'Guide')  Major changes to Order Limits  Significant changes to Utility proposals  Further changes to construction proposals  Changes to traffic flows  General information on air quality and noise impacts without assessments  Changes to WCH and PRoW proposals  Major changes to Special Category and Private Recreational Land  Major proposals for Nitrogen Deposition Mitigation

In addition, the Council are concerned that over 100 statements made in NH documents within the CIC consultation concerning impact and mitigation are likely to have misled the public that impacts are minimal and have been mitigated – these issues are recognised within the Issues Logs and will be part of the SoCG, but have not been resolved and to imply otherwise is misleading.

- 2 Prematurity – key technical information has not been shared or shared late in the process, preventing time for stakeholder analysis. This information includes air quality and noise assessments and health impact assessments (HEqIA) and NH has only offered a 3-hour briefing in late September on all these matters; LTAM traffic modelling updates not received or too late; the results of local junction modelling; and, significant updates to all control documents (no updates on control documents have been received since July 2021). If stakeholders had received this material sufficiently in advance of DCOv2 submission, then analysis and further engagement would have been possible that may have led to further design and mitigation changes (especially changes to some junctions and additional construction mitigation), which in turn would have required further consultation. The Council considers that it has been deliberately 'starved' of certain data and information, despite its good track record of providing conscientious responses in a timely way throughout the last 4 years.
- 3 Technical Engagement – has taken place over the past two years in the form of meetings largely and these are still taking place with NH. However, a very significant range of outstanding matters persist that will need resolution at Examination, such as: very limited issues resolution, continued delays and inadequacy of various technical documents and many unresolved transport/traffic issues. In the Council's view this inadequate technical engagement required for issues resolution is contrary to the four Woolf principles, which are required for an effective and lawful consultation process. Such inadequacy strongly suggests the scheme design is unresolved sufficiently for DCOv2 submission. Also, the timing of significant technical engagement often coincided with consultations, stretching the Council's resources and limiting the efficacy of the Council responses.

Technical Concerns not appropriately dealt with by NH – these were listed in the first AoC and need to be reiterated/updated to cover the following: TLR; Scheme Design (especially at Orsett Cock, Manorway and Asda roundabouts); testing of Tilbury Junction (operational access); use of

strategic, scheme design alternatives to support the LTC, including further public transport support; and, lack of adequate or delayed feedback, despite continued use of the Issues Logs.

- 4 Lack of Updates to Vital 'Control' and other critical Technical Documentation prior to DCOv2 Submission – this relates first to the 10+ control documents reviewed in July-September 2021 and since then there have been no further updates. The result is that there are well over 100 issues in the Issues Logs (and hence the SoCG) that cannot be resolved without these updated documents.

Second, local traffic modelling has not been completed and so impacts, mitigation and scheme design cannot be finalised with any certainty. For example, the local modelling of Orsett Cock Roundabout has resulted in a later change of approach by NH that involves signalisation of the junction. This has not yet been discussed with the Council, so no view can yet be taken about the appropriateness of the proposed design at a location, which is critical both to the operation of LTC and the future transport network which underpins local plan and port growth. This creates uncertainty as to what scheme will need to be assessed and be the subject of Examination.

- 5 Statements of Common Ground (SoCG) and Examination Timetable – there are 550-600 outstanding significant issues (Group 3) and despite a simplification/summarising exercise conducted jointly with NH that is still ongoing, there are still likely to be some 300 outstanding issues to be included in a SoCG and the majority are not agreed or even under discussion (with a limited chance of resolution) after over four years of 'front loading'. An SoCG produced at this time will contain a wholly inappropriate and unnecessary wide range of issues unresolved prior to Examination. This lack of main issues resolution is despite a number of changes being proposed at each formal consultation.

Section 98(1) of PA2008 and Rule 17 (Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 - Rules 6, 9 and 17) – there is a need to complete the Examination in 6 months and further information may be required. Should the application be accepted for Examination, the number of outstanding issues and concerns is so significant that it will consume a disproportionate amount of Examination time. The Council consider this is unacceptable.

## **Primary Areas of Disagreement**

Currently, there are some 600 issues unresolved within the Thurrock Issues Log. A simplification and summarising exercise conducted jointly with NH is completed in October, however, there are still likely to be over 300 crucial issues unresolved. Consequently, the following five issues set out below should be considered just the 'tip of the iceberg' for the Council.

- 1 Local Road Impacts and Local Junction Modelling – there is inadequate recognition of the likely impacts on the wider transport network in Thurrock and no additional mitigation at key local junctions. Also, no agreement to establish a monitoring and management system and agree actions if certain thresholds are exceeded. This lack of commitment to monitor and then mitigate effects on the wider network or junctions and local roads within Thurrock is despite many technical comments from the Council and no feedback over 6-9 months on NH's Wider Network Impacts Monitoring and Mitigation Plan.

There has been an inadequate provision of additional local traffic modelling to address potential impacts at key local junctions along the A13; in particular there is a lack of validation of LTAM relating to the local road network and key junctions. Also, there has been an inability to provide a defined and coordinated modelling programme covering all modelling requests/agreements and delays to several such modelling tasks.

- 2 Lack of support for Sustainable Integrated Growth and Development – inadequate recognition of the need for improvement to access to Thames Freeport to support its growth objectives. It is of utmost concern that the current scheme will create poorer access and exacerbate traffic delays and absolutely no detail has been provided to indicate how the scheme will improve network resilience and address known issues, a significant issue given that this is one of the priority objectives for the scheme. There is a serious lack of support for sustainable local development, despite strong indications of growth scenarios and locations through the emerging Local Plan.

Also, a lack of provision to facilitate public transport access from key areas to the LTC and promote cross river public transport connectivity, including allowing for bus priority in key areas, such as the A1013 or to assist/facilitate the creation of an integrated transport network to support local growth. Also, limited provision for increased active travel during construction as there are no targets or secured commitments, despite much recognition of the value and technical engagement.

- 3 Construction Impacts on Residents and Businesses – NH must make meaningful and deliverable provision for construction traffic and materials handling management and mitigation, so as to minimise construction traffic impacts, provide DCO secured commitments increasing marine use with agreed targets, maximise offline haul routes, reduce impacts on PRoW, deliver an effective construction staff travel plan with targets, setting out the Council’s role in monitoring and enforcement.
- 4 Local Environmental Health Impacts and Limited Mitigation – lack of commitment to improve air quality, reduce noise impacts or provide updated assessment results (i.e. the evidence base) during construction, including no agreement to monitor PM 2.5 or NO2, likely impacts or the adequacy of noise barriers. NH must commit to a monitoring and management strategy for noise and air quality during the construction period and when operational to measure changes in pollutants/noise levels and secure mitigation where required.
- 5 Limited Legacy Provision – there has been very little agreement on legacy provision, despite there being 23 legacy measures within the Hatch Report of February 2021, but only 4 measures have been technically agreed with the Council after some 33 meetings. The Council considers that opportunities have not been taken for the Tilbury Link Road (TLR) provision, a bridge over the Tilbury Loop Line, key junction improvements, wider network mitigation and provision, facilitation of improved local distributor roads/connections and passive provision for a junction at South Ockendon, limited improvements to PRoW and environmental degradation areas and adequate active travel provision – despite over a year of discussions.

We now urge NH to pause, reflect and properly consider the benefits of postponing the submission of a premature DCOv2 application. To plough on with the stated planning trajectory is a commitment only to lock local authorities into detailed legal challenges that serve to benefit nobody and delay investment yet further. There is an opportunity here to recognise the inadequacies of the consultation and engagement process hitherto. It is possible to commit to resolve many major issues, on which privately NH and the local authorities may agree. A substantially improved LTC scheme could and must be developed – it is unfairly limited by a constrained, unworkable timetable imposed upon the project.