

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## General Services Committee

The meeting will be held at **6.00 pm** on **3 August 2020**

Due to current government guidance on social-distancing and the COVID-19 virus, this meeting will not be open for members of the public to attend. Arrangements have been made for the press and public to watch the meeting live via the Council's online webcast channel: [www.youtube.com/user/thurrockcouncil](http://www.youtube.com/user/thurrockcouncil)

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL**

### Membership:

Councillors Rob Gledhill (Chair), John Kent (Vice Chair), Mark Coxshall, Shane Hebb, Fraser Massey, Bukky Okunade and Gary Byrne

### Substitutes:

Councillors Jack Duffin, Tony Fish, Oliver Gerrish, James Halden, Andrew Jefferies and Barry Johnson

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### Agenda

Open to Public and Press

	Page
<b>1. Apologies for Absence</b>	
<b>2. Minutes</b>	<b>5 - 8</b>
To approve as a correct record the minutes of the General Services Committee meeting held on 16 March 2020.	
<b>3. Items of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be	

considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.

**4. Declarations of Interests**

**5. Lower Thames Crossing Supplementary Consultation Response 9 - 22**

**6. Lower Thames Crossing Task Force 23 - 30**

**Queries regarding this Agenda or notification of apologies:**

Please contact Matthew Boulter, Democratic & Governance Services Manager and Deputy Monitoring Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **24 July 2020**

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



**Does the business to be transacted at the meeting**

- relate to; or
- likely to affect

**any of your registered interests and in particular any of your Disclosable Pecuniary Interests?**

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

## **Pecuniary**

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

**Unless you have received dispensation upon previous application from the Monitoring Officer, you must:**

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

**If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps**

## **Non- pecuniary**

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



**You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.**

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

## Minutes of the Meeting of the General Services Committee held on 16 March 2020 at 6.00 pm

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**Present:** Councillors Robert Gledhill (Chair), Mark Coxshall, Shane Hebb, Fraser Massey, Bukky Okunade and Tony Fish (Substitute) (substitute for Jane Potheary)

**Apologies:** Councillors Luke Spillman

**In attendance:**  
Lyn Carpenter, Chief Executive  
Jackie Hinchliffe, Director of HR, OD & Transformation  
Anna Eastgate, Assistant Director of Lower Thames Crossing and Transport Infrastructure Projects  
Andrew Millard, Director of Place  
Mykela Pratt, Strategic Lead HR, Resourcing and Improvement  
Sheila Murphy, Corporate Director of Children's Services

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **35. Minutes**

The minutes of the General Services Committee held on 3 February, 10 February and 24 February 2020 were approved as a correct record.

### **36. Items of Urgent Business**

There were no items of urgent business.

### **37. Declarations of Interests**

There were no declarations of interest.

### **38. Interviews for Interim Assistant Director of Children's Services**

*The committee agreed to exclude the press and public in order to undertake interviews for the Assistant Director of Children's Services.*

The Committee undertook the required interviews.

**RESOLVED That Mr Joseph Tynan be appointed to the post of Assistant Director Childrens Social Care and Early Help**

### **39. Lower Thames Crossing (LTC) - Supplementary Consultation Response**

*The Committee reconvened in public session at 6.50pm.*

The Chair outlined the changes to the current Lower Thames Crossing (LTC) proposals. Officers had reviewed these changes and had advised that the Council's objection to the proposal should be maintained. Progress on the environmental and health impacts of the proposal had been slow. However, it was believed full mitigation of the scheme was still possible.

The Assistant Director of LTC outlined the potential lack of benefit for residents still and the lack of future proofing. Challenges with where the construction work force would live and commute within the borough, the lack of skills and training and uncertain health impacts were all still relevant. The ability of the LTC to relieve congestion and add further capacity was also uncertain.

Councillor Coxshall highlighted the importance of ensuring the Tilbury Relief Road was completed by the Council in tandem with any ongoing works by Highways England as the two projects would run concurrently in future years and this should not inconvenience the local community.

Councillor Okunade raised the environment and health impact assessments and officers stated both were behind where they needed to be. It was also confirmed that Recommendation 1.4, regarding compulsory purchase of land, did not refer to private individuals but Council land. Officers stated that before compulsory purchase occurred the Council would want to undertake a plot by plot review. It was added that there was some funding to pay for officer time spent on some work but the cost of creating the consultation response was not recoverable under the planning performance agreement.

The Chair informed the committee that he had highlighted the issues with SELEP who, although seeing the necessity of the LTC, were focussing on its negatives and he would be feeding back discussions tonight to their meeting on Friday.

#### **RESOLVED: That:**

- 1. The Committee maintains its objection in principle to the Lower Thames Crossing in Thurrock.**
- 2. The Committee agrees the consultation response set out in Appendix A (Local Authority Response) for submission to Highways England by 25 March 2020.**
- 3. The Committee agrees to delegate authority to the Chief Executive and Director of Place, in consultation with Group Leaders, portfolio Holder for Regeneration and Chair of the LTC Task Force to make any final, minor changes to the consultation response in appendix A which may arise during the consideration of the**



**consultation response by General Services Committee and the LTC Task Force on the night.**

- 4. The Committee agrees to delegate authority to the Chief Executive and Director of Finance, Governance and Property, in consultation with the Portfolio Holder for Regeneration to finalise the consultation response in relation to the Council's land holdings as they are affected by the LTC scheme.**

**The meeting finished at 7.13 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

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<b>3 August 2020</b>	<b>ITEM: 5</b>
<b>General Services Committee</b>	
<b>Lower Thames Crossing (LTC) – Supplementary Consultation Response</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Councillor Rob Gledhill, Leader of the Council	
<b>Accountable Assistant Director:</b> Anna Eastgate, Assistant Director Lower Thames Crossing & Major Transport Projects	
<b>Accountable Director:</b> Andrew Millard, Director of Place	
<b>This report is</b> Public	

## Executive Summary

This report sets out the draft response of the Council to the Design Refinements Consultation by Highways England on the proposals for the Lower Thames Crossing (LTC) which commenced on 14 July and closes on 12 August 2020. The current consultation follows consideration by Highways England of the feedback received in response to the Statutory Consultation, which closed in December 2018 and Supplementary Consultation, which closed in March 2020. The Council submitted full and detailed consultation responses at that time. It is anticipated that this will be the final public consultation prior to the Development Consent Order (DCO) application being made later this year.

Members will recall that in April 2017, the preferred route for the proposed LTC was announced. Since then, the Council has been clear in its unanimous objection to the LTC, setting up the cross-party LTC Taskforce, including resident and business representation, and has continued to raise objections to the proposals.

The Council has been actively working with stakeholders in sharing its concerns about the proposal including no discernible benefits for Thurrock or the surrounding South Essex areas.

The summary of the detail of the consultation response is set out in section 4 below.

This report comprises two parts as follows:-

- (1) The consultation response from the Council in its capacity as a statutory consultee, pursuant to Section 42(1)(b) of the Planning Act 2008, that is a

local authority for the purposes of the area in which a Development Consent Order (DCO) application is to be made (**Appendix A**); and

- (2) The consultation response from the Council in its capacity as a landowner, pursuant to Section 42(1)(d) of the Planning Act 2008, that is being an owner, lessee, tenant or occupier of land.

**1. Recommendation(s)**

**1.1 That the Committee maintains its objection in principle to the Lower Thames Crossing in Thurrock;**

**1.2 That the Committee agrees the consultation response set out in Appendix A (Local Authority response) for submission to Highways England by 12 August 2020;**

**1.3 That the Committee agrees to delegate authority to the Chief Executive and Director of Place, in consultation with Group Leaders, Portfolio Holder for Regeneration and Chair of the LTC Task Force to make any final, minor changes to the consultation response in Appendix A which may arise during the consideration of the consultation response by General Service Committee and the LTC Task Force;**

**1.4 That the Committee agrees to delegate authority to the Chief Executive and Director of Finance, Governance and Property, in consultation with the Portfolio Holder for Regeneration to finalise the consultation response in relation to the Council's land holdings affected by the LTC scheme.**

**2. Introduction and Background**

**Supplementary Consultation January 2020 to March 2020**

- 2.1 Highways England ran a supplementary consultation beginning at the end of January 2020 until March 2020. The Council provided a full and detailed response to that consultation which was considered by General Service Committee on 16 March 2020. Part of the response included an Economic Impact Report which was undertaken by the Council and culminated in the publication of the non-technical summary document titled 'Lower Thames Crossing a lost opportunity for Thurrock'. This consultation was preceded by the milestones set out below.

**Statutory Consultation October 2018 to December 2018**

- 2.2 Highways England concluded a statutory consultation on the LTC scheme in December 2018 and the Council provided a full and detailed response to that consultation which was considered by Council on 10 December 2018.

**Preferred Route Announcement (April 2017) to July 2018**

- 2.3 The Secretary of State for Transport announced the preferred route for the Lower Thames Crossing in April 2017. In November 2017, Highways England made a further announcement in relation to changes to the proposed scheme announced seven months earlier. Those changes included a link road at Tilbury to facilitate access to the area south of Tilbury and the removal of the link road from the LTC to the Orsett Cock roundabout. It is understood that these changes were made in response to feedback received to the preferred route announcement earlier that year.
- 2.4 Between November 2017 and the statutory consultation in 2018, there was little further information released or shared either with Thurrock Council or its residents and businesses. During this period however, Thurrock Council prepared for the statutory consultation phase of the project. This was the point at which Highways England consulted on its proposed application for development consent and represented a significant milestone in the project development.
- 2.5 Thurrock Council established a Task Force specifically for the LTC in September 2017, which is representative of the Council and its affected residents and businesses. Councillors across all three groups are involved and are working alongside representatives from the Thurrock Business Board, Port of Tilbury, residents and the Thames Crossing Action Group. This has provided a platform to challenge and review the development of the scheme, through the various consultation changes.
- 2.6 One of the key points that the Task Force focussed on was the need to include a Health Impact Assessment (HIA) as part of the development consent order application. Officers worked collaboratively with other neighbouring authorities to bring significant pressure to bear on Highways England to obtain agreement to produce an HIA. This was a significant step forward and would enable collaboration to continue between the affected authorities to get a positive outcome for the health and wellbeing of residents. However the HIA has not yet been completed and therefore the Council is currently unable to comment fully on the health impacts of the LTC and any mitigation arising from it. This will form a significant part of the Council's ongoing work regarding the LTC post submission of the supplementary consultation response.
- 2.7 In July 2018 Highways England released an enlarged red line boundary for the proposed scheme, increasing the land take from approximately 12 square km to over 21 square km. This change constituted approximately a 68% increase in the land required for the scheme and has had a significant impact upon the Borough and its Green Belt. It is highly likely that further changes to the red line boundary will continue to be made up to the point of DCO submission

### 3. **Design Refinements Consultation Scheme**

- 3.1 On Tuesday 14 July 2020, Highways England announced the commencement of its Design Refinements Consultation which will run for 30 days until 23.59 on 12 August 2020. Further changes have been made to the proposed scheme which is subject to a public consultation. There has been further changes to the red line boundary for the scheme. The main elements of the changes are set out in the consultation booklet at pages 14 and 15:

**South of the River Thames:**

- Thong Lane green bridge over the A2 moves approximately 5m west and 20m north;
- A new electricity switching station at Thong Lane;
- Further detail on landscaping and mitigation in the vicinity of the road and also the southern tunnel entrance
- Changes to utilities diversions in the vicinity of the A2.

**North of the River Thames:**

**Tunnel Area**

- Works to install utilities needed to operate the tunnel boring machines and also the construction area;
- A new landform proposal to provide views overlooking the Thames Estuary.

**Near Tilbury**

- realignment of two footpaths and an option for a shared path on Muckingford Road providing improved connectivity between Chadwell St Mary and East Tilbury;

**A13/A1089 Junction**

- Relocation of the Gammonfields traveller site;
- Permanent compound at Stanford Road for community gas supply;
- Two woodland areas near Baker Street as accessible areas for the public;
- A noise barrier with of 6m in height and 150m in length approximately to be installed along the east of Brentwood Road to help to reduce road noise.

**Mardyke Area**

- Utility works to create an access off Green Lane for National Grid maintenance purposes.

**LTC/M25 Junction**

- Utility diversion works between Ockendon Road and St Mary's Lane via the B186 and other works around the B186 North Road;
- New maintenance access track north of the Thames Chase Forest Centre;

**M25 Junction 29**

- a new footbridge over the A127;
  - utility diversion works near Folkes Lane and B186 Warley Street.
- 3.2 This report and the response focusses on the changes and impacts as they relate to the Thurrock administrative area.

### **Ongoing Work**

- 3.3 The services of experienced consultants have been retained to provide support and advice to the Council in order to continue to challenge and review the Highways England proposals and to support the Council in producing a robust Design Refinements Consultation response.
- 3.4 Current guidance relating to consultation is set out in DCLG Planning Act 2008: Guidance on the pre-application process March 2015. In that guidance, reference is made to the communities and environment in which infrastructure projects are located and therefore a 'one size fits all' approach is not appropriate. The guidance goes on to reference that consultation should be thorough, effective and proportionate with sufficient time for consultees to understand proposals and formulate a response. Paragraph 30 specifically states that 'The Planning Act recognises the role that local authorities play as bodies with expert knowledge of the local community, business and other interests as well as responsibility for development of the local area'.
- 3.5 Part of the role of the Council in the DCO process is to provide an 'Adequacy of Consultation' representation at the point at which any DCO application is made (currently anticipated to be September 2020). The Secretary of State, in determining whether to accept the DCO application, must have regard to this representation made by the Council, although this will not be the only determining factor in deciding to accept the application or not, as the case may be. As part of the representation, it is important to note that the Council can reference and evidence issues and concerns from the local community that have been raised about the consultation.

## **4. Issues, Options and Analysis of Options**

- 4.1 The Council continues to make clear its objection in principle to the LTC scheme. This position will not change as a result of the current proposal which delivers very little benefit for local people or indeed does not deliver on Highways England's own scheme objectives 'to support sustainable local development and regional economic growth in the medium to long term' or to 'minimise adverse impacts on health and the environment'.
- 4.2 With regard to the strategic planning of the future of the Borough, it remains the position that there is an imperative to progress the Local Plan in order to support the Council's position in relation to the LTC. This is consistent advice which has been received from the Council's legal representatives as well as from discussions which have taken place with MHCLG and the Planning Inspectorate. In its response to Highways England's Statutory Consultation

and Supplementary Consultation, the Council highlighted the challenges presented by the proposed LTC in relation to the development of the new Local Plan and the impacts and uncertainty created by the LTC and the DCO process. Members will be aware that the Local Plan work is underway to make progress on the local plan and a task force has been set up to support the delivery of that key corporate document.

- 4.3 The Council continues to engage with Highways England in order to fulfil its statutory obligations and to protect the interests of the borough. This is important in order to comply with the Planning Inspectorate Advice Note two: The role of local authorities in the development consent order process, which states at paragraph 6.2 'Local authorities should engage proactively with a developer even if they disagree with the proposal in principle... Local authorities are not undermining an 'in principle' objection to a scheme by engaging with a developer at the pre-application stage'.
- 4.4 With this in mind, the Council has a Planning Performance Agreement (PPA) in place with Highways England which will provide some financial support for resources needed to respond and engage with Highways England on technical matters. This aligns with the Council's usual practice for major development applications within the borough.
- 4.5 This consultation is entirely virtual as a result of the unprecedented situation with Covid 19. Highways England is therefore not holding any face to face events and copies of consultation materials are being held in limited public locations which are open currently. In an attempt to engage with the community, Highways England is:
- Hosting a telephone surgery where residents can call and book an appointment for a discussion about any concerns that they have. The call backs will be between 12pm and 7pm Monday to Friday until the close of consultation
  - Hosted two webinars north of the river on 21 and 29 July at 7pm.
  - Providing a phone number and email address to register to receive hard copies of consultation materials if there are problems accessing virtually
- 4.6 Hosting a 'virtual only' consultation is concerning for a number of reasons not least the lack of effective internet capability and infrastructure across the borough as well as long held concerns about:
- the scale of the map books versus the scale of the scheme;
  - the feedback received from professionals as well as the resident community of the need to see hard copies of the plans in large scale to truly understand the impacts;
  - the format with changing north points on the plans on each sheet which makes it incredibly confusing and difficult to understand the context.

All of this has been well documented with Highways England at every stage of every consultation and in advance of them as well in attempt to implore Highways England to improve matters, unfortunately to little avail.



- 4.7 Thurrock residents should continue to be encouraged as much as possible to make calls, register for the webinars and engage in the consultation process in order to submit their responses by the relevant date. It is an important part of the DCO process to provide feedback on the proposals. Highways England has a statutory obligation under Section 49 of the Planning Act 2008 to have due regard to the responses received by the deadline. Residents should also be encouraged to report any concerns they have about the consultation to the Council at the earliest opportunity to ensure that officers can provide the necessary support in an attempt to resolve concerns, albeit this consultation is a Highways England initiative.
- 4.8 The Council's consultation response as a statutory consultee is set out in full at Appendix A. The response is detailed and includes a technical assessment of the consultation scheme. The Council's position in relation to the consultation scheme has three strands as follows: -
- 4.8.1 the Council has an in-principle objection to the proposal as it gives rise to substantial harm to the Borough;
  - 4.8.2 the approach and timing of the Design Refinement Consultation, which is largely online, during the time of the Covid-19 global pandemic raises significant issues and challenges. The Council is concerned about the time available (four weeks) to enable an adequate level of meaningful review and response and the fact that Highways England is providing a further round of consultation so soon after the Supplementary Consultation (March 2020) which is likely to give rise to 'consultation fatigue' amongst those residents who are affected by the proposals; and
  - 4.8.3 the Design Refinement Consultation material focuses on detailed design changes and does not address the wider issues, relating to strategic policy and encouraging sustainable growth in the Borough, raised by the Council at the Statutory Consultation stage (December 2018) and the Supplementary Consultation Stage (March 2020).
- 4.9 The consultation response sets out the Council's current position with respect to the proposed LTC as well as a detailed response to Highways England's proposed design changes as presented in the Design Refinement Consultation materials. A summary of the consultation response is set out below.

#### **Approach and timing of Highways England's Design Refinement Consultation Scheme**

- 4.10 The Council considers there to be significant issues and challenges associated with undertaking another consultation exercise so soon after the Supplementary Consultation which finished in March 2020 and is being held during the time of the Covid-19 global pandemic. The Council is concerned that not only will directly affected residents and the wider community be at a

disadvantage in meaningfully engaging with the 'virtual' Design Refinement Consultation, for example, due to lack of ability to hold 'in person' exhibitions, view notices in public locations, inspect hard copies of vital, complex documents and plans, but also that this consultation is being unnecessarily rushed by Highways England and there is significant risk of consultation fatigue. The public will once again need to gain a rapid understanding of what is a highly complex scheme but on this occasion, it is during a period when there are higher priority matters and concerns affecting people's health, wellbeing and in many cases, their ability to work resulting in significant personal and financial challenges.

- 4.11 Whilst Highways England has acknowledged stakeholder concerns regarding the length and timing of the consultation, the programme has not been amended. Furthermore, it is generally good practice, if providing a consultation during an extended holiday period (Christmas, Easter or summer school holidays (mid-July to end August)), that the consultation period be extended to accommodate annual leave arrangements so as to seek to maximise stakeholder engagement.

#### **Review of Highways England's Design Refinement Consultation:**

- 4.12 The consultation material has been reviewed and analysed and the concerns are as follows:
- **Noise Barriers:** the location and extent of proposed noise barriers along the LTC route are presented in the consultation material plans. Around the A13 junction the false cutting is proposed to be removed resulting in the road at grade with noise barriers. Given the scale and extent of these barriers here and at various locations along the route, there is potential for the barriers themselves to give rise to significant impacts for residents living in close proximity, the Council would wish to see further information in order to determine these potential impacts. For example, cross-sections and associated landscaping proposals at key locations close to housing, as well as supporting traffic data.
  - **Landscape and ecology mitigation proposals:** at the northern tunnel entrance, a new landform has been created with footpaths leading up to an elevated viewpoint. Further work needed on reaching an optimum solution.
  - Two separate woodland areas off Baker Street are proposed to be made accessible to the public. However, as a result of a proposed new maintenance access track and a multi-utility diversion north of the Thames Chase Forest Centre there is likely to be an overall reduction in woodland compensation.
  - **Non-Motorised Users:** the refinements to paths and footways which are presented in the Design Refinement Consultation do not form part of a comprehensive strategy to deliver a step change in the use of active travel along the corridor of the LTC. Parts of the network are

modified but a more strategic approach is required from Highways England. In places, journey times have been reduced by re-aligning footpaths closer to the LTC scheme, which is likely to adversely affect the enjoyment of these routes by non-motorised users.

- **Utility Diversions:** further utility diversion and new utility alignments are proposed. It is understood that the design of utility diversions has been refined to reduce the land required as part of these works however, new land has been identified to accommodate additional large working areas.

### The Council's Principal Area of Concerns

4.13 The Council has raised a number of concerns, at each of the rounds of consultation, relating to wider issues surrounding the scheme, as follows:

- **Adequacy of consultation:** the Council has raised concerns with Highways England and the Planning Inspectorate in the past in relation to the adequacy of consultation, for example, as described earlier for this round of consultation.
- **Highway configuration and design quality:** elements of the highway configuration and design, notably at the A13 connections and the treatment of the crossing through the Mardyke Valley require detailed discussion with Highways England in order to minimise potential adverse effects and optimise the potential benefits for the Borough. Comments provided at Supplementary Consultation (March 2020) do not appear to have been addressed to date.
- **Emerging Local Plan:** the Design Refinement Consultation scheme does not address the Council's continued concerns relating to provision for housing and development potential for the Borough and aspirations for the wider South Essex area as set out in the emerging Local Plan and South Essex Joint Strategic Plan. Specifically, there are design elements which require modification and/or further consideration by Highways England in order to contribute to meeting the Government's and LTC's policy and scheme objectives.
- **Effects on people and communities – health impacts:** Highways England has presented a reduction in the application boundary from that presented at Supplementary Consultation, however, the application area is still larger than during the EIA scoping stage and at Statutory Consultation. The LTC scheme continues to give rise to potential adverse effects arising from its construction and operation, in particular in relation to air quality, noise and health impacts.
- **Environmental impacts:** the Design Refinement Consultation materials rely on the Preliminary Environmental Information Report (PEIR) in which there are significant information gaps and the potential for under reporting potential impacts, such that the effects of the scheme, during both the construction and operational phases, have not been and cannot be properly considered. Furthermore, the design refinements do not attempt

to address previously identified likely significant adverse impacts or the comments raised by Council in the last round of consultation.

- **Code of Construction Practice (CoCP/Construction Environmental Management Plan (CEMP)):** the Design Refinement Consultation material relies on developing a CoCP and CEMP in order to control potential environmental impacts during construction. The Council has yet to receive the Register of Environmental Actions and Commitments (REAC) which forms a critical part of the CoCP and in understanding the proposed mitigation. Concern has been raised regarding the discharge of DCO Requirements, the approval of which is likely to be by the Secretary of State rather than the Council.
- **Traffic modelling:** Work has progressed, but it is slow moving, further iteration of the model are required.
- **Programme and technical engagement:** the Council remains concerned about the adequacy of technical engagement to date and the time available to enable a period of meaningful technical review and engagement to be undertaken prior to the submission of the DCO application, currently programmed for September 2020. These concerns have been exacerbated by the challenges experienced by the Council in relation to the Covid-19 pandemic. The Council's endeavors to work collaboratively with Highways England continue to be at the mercy of the rolling project programme in which, for example, agreed fixed points are moved and new consultation introduced at relatively short notice. These concerns have been raised regularly with Highways England and the Planning Inspectorate.

4.14 Highways England has changed the red line boundary and therefore a review is needed to understand the true impacts that the current scheme may have on Council land holdings. This is still a work in progress.

4.15 Further detailed consideration of the land plans is required in consultation with Highways England to enable officers to understand the impacts of the scheme not only as a landowner but also in relation to any obligations that exist under landlord and tenant legislation.

4.16 The Council's position in relation to the Design Refinements Consultation at this stage is to object to the compulsory acquisition of its land.

4.17 In this regard, Officers are seeking delegated authority to agree the land owner response to ensure that the appropriate level of challenge and review is undertaken within the remaining consultation period.

## 5. Reasons for Recommendation

5.1 It remains the position that the LTC Design Refinements Consultation scheme in its current form delivers substantial harm but delivers no discernible local benefit for Thurrock.

- 5.2 The Council should, in order to protect the interests of the borough and its resident and business community, submit an agreed consultation response both as a local authority and as a landowner by the deadline.
- 5.3 The consultation response may need to be amended to include any specific issues which arise as part of the debate. As a consequence, a delegation is sought to enable officers to give effect to those changes.
- 5.4 Further consideration of the scheme and its impacts on Council land holdings is required to ensure a full and proper consideration of the issues and implications is required. Consequently a delegation is sought to enable officers to give effect to that process.

## **6. Consultation (including Overview and Scrutiny, if applicable)**

- 6.1 There has been ongoing engagement with the LTC Task Force in the formulation and approach to all of the Council's consultation responses.
- 6.2 At LTC Task Force on 20 July 2020, Highways England representatives presented the Design Refinements Consultation scheme to enable discussion and questions.
- 6.3 Comments and feedback at that meeting have been documented and incorporated as much as possible in the technical response note.

## **7. Impact on corporate policies, priorities, performance and community impact**

- 7.1 Lower Thames Crossing will have a significant impact on the emergent Local Plan as well as associated policies and documents. Progressing the local plan is key to crystallising the Council's position with regard to the LTC scheme.

## **8. Implications**

### **8.1 Financial**

Implications verified by: **Laura Last**  
**Senior Management Accountant Environment,  
Highways & Counter Fraud Directorate and  
Place**

The Planning Performance Agreement (PPA) being negotiated currently caps the financial support being provided to the Council which could add to financial pressures. Further the PPA will not provide financial support for anything which is considered to be a statutory function. This includes the response to consultation.

The Council has currently agreed a recurring annual budget to fund a dedicated Assistant Director post and further lump sums of £380k and £490k were allocated through the 2017/18 and 2018/19 budget surpluses. The remaining balance for 2020/21 is £640k.

As the scheme moves toward submission and examination phase, if the Council is to maintain its current position of objection in principle, it is likely significant officer and financial resources will be required.

## 8.2 Legal

Implications verified by: **Tim Hallam**  
**Deputy Head of Law and Deputy Monitoring Officer, Law and Governance**

Most of the legal implications are considered elsewhere in this report. This report seeks authority to submit responses to the pre-application Design Refinements Consultation being carried out by Highways England as a precursor to its proposed submission of an application for a Development Consent Order ('DCO') in relation to the proposed Lower Thames Crossing project, which is classed as a Nationally Significant Infrastructure Project ('NSIP'). The application is expected to be submitted to the Planning Inspectorate (PINS), acting on behalf of the Secretary of State, later in 2020.

As the Secretary of State rather than the Council will be the decision-maker in respect of the proposed application, the Council is being consulted in its roles as both a local authority and as a landowner with interest in some of the land comprised in the proposed application. This approach reflects the status and roles of the Council as a statutory consultee under the Planning Act 2008 regime.

It should be noted that the Council will also have an opportunity to submit an adequacy of consultation representation and, should an application be accepted, submit a Local Impact Report to PINS and participate in the Examination of the application including in any hearings. The Council would also be consulted by PINS at the pre-application stage if Highways England were to seek a further EIA Scoping Opinion from the Secretary of State.

It should also be noted that the DCO process obviates the need for the applicant to separately seek and secure a range of consents (such as planning permission, approvals for highways works and compulsory acquisition of land) that may be required for a scheme. Accordingly, the Council's response should, as necessary, seek to address the key issues raised through the consultation process, which may include (but not be limited to): requirements on the DCO and/or planning obligations that the Council considers should be provided to mitigate the impact of the development; the potential requirement for the stopping up or diversion of highways (including Public Rights of Way and Bridleways); the potential need for highways works

and /or Traffic Regulation Order type provisions in any DCO ; any objections that the Council may have including with respect to environmental impacts including to air quality and health, proposals for the compulsory acquisition of land (or interests on, under or over land) owned by the Council and any protective provisions the Council may wish to secure in the DCO in its capacity as an affected landowner

### 8.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project  
Monitoring Officer, Community Development  
and Equalities**

All public bodies have a legal obligation to complete an equality impact assessment for new schemes under the Equality Act 2010. An equality impact assessment will be a requirement for the submission of the DCO. As set out at 2.5, Thurrock worked with other neighbouring authorities to obtain agreement from Highways England to also produce a Health Impact Assessment to address our concerns about the effect on local residents. Thurrock has participated in an Advisory Group convened by HE to assess community impacts and public health concerns, including vulnerable groups covered by the Equality Act 2010. The focus of the work in this group has been on the methodology to inform the assessment. To date the results of this work have not be shared with any Local Authority and so we are unable to consider the impacts or mitigation suggested by HE.

Given that this consultation will be virtual only, this means that it will not reach everybody. Furthermore, certain vulnerable groups may be underrepresented. The ONS reported that in 2018 an average of 10% of the adult UK population were “internet non-users”, though this number is in decline. Of these non-users adults over the age of 65 years make up the largest proportion of the adult internet non-users, with over half being aged 75+. It is also concerning that across all age groups, disabled adults make up a large proportion of adult internet non-users. ONS reports that 56% of these non-users were disabled, this is much higher than the proportion of disabled adults in the UK population – estimated at 22%. There are also wide disparities in internet usage among different ethnic groups and genders. Taking this into account there is a strong possibility that the online only consultation may exclude certain groups, particularly those considered vulnerable or with a protected characteristic as determined by the Equality Act 2010. There are also concerns that virtual only engagement may exclude the Travellers community within the Gammon Field Site who are adversely affected by this project.

### 8.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The scheme includes the proposal to compulsorily acquire land from the Council to facilitate the delivery of the scheme. Some of the land in question is leased in particular some of the land affected which is agricultural land. The true impacts of this will not be understood until the DCO application is submitted and therefore the red line boundary of the scheme will become fixed. Any acquisition of land will be subject to rigorous scrutiny to ensure it passes the legal, policy and guidance tests. Ultimately any land will not be acquired compulsorily until after the DCO were to be granted which on the current programme is anticipated to be early 2022. The Council would be compensated under the statutory code for compensation for land taken either permanently or temporarily for the scheme.

**9. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- General Services Committee Paper 16 March 2020, Lower Thames Crossing
- Thurrock Council Paper 10 December 2018, Lower Thames Crossing
- Thurrock Council Paper 26 July 2017, Lower Thames Crossing
- DCLG Planning Act 2008: Guidance on the pre-application process March 2015
- Planning Inspectorate Advice Note two: The role of local authorities in the development consent order process
- Lower Thames Crossing Guide to Supplementary Consultation January 2020 [www.lowerthamescrossing.co.uk](http://www.lowerthamescrossing.co.uk)

**10. Appendices to the report**

- Appendix A – Local Authority Response to follow

**Report Author:**

Anna Eastgate

Assistant Director Lower Thames Crossing & Major Transport Projects, Place



<b>3 August 2020</b>	<b>ITEM: 6</b>
<b>General Services Committee</b>	
<b>Lower Thames Crossing Task Force</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Councillor Mark Coxshall, Portfolio Holder for Regeneration	
<b>Accountable Assistant Director:</b> Anna Eastgate, Assistant Director Lower Thames Crossing & Major Transport Projects	
<b>Accountable Director:</b> Andrew Millard, Director of Place	
<b>This report is</b> Public	

## Executive Summary

In July 2017, Council considered a report which provided an update on the LTC scheme. As part of the consideration, a recommendation was made to invite General Services Committee to establish a task force or working group with suggested terms of reference.

The Lower Thames Crossing Task Force was established consisting of 9 elected members (3 conservative, 3 labour and 3 independent) as well as four co-opted members including a resident, business community, Thurrock Business Board and opposition group representation.

The LTC Task Force has provided input into the Statutory Consultation in December 2018, Supplementary Consultation in March 2020 and latterly the Design Refinements Consultation in July 2020. As the DCO application is expected to be submitted in September 2020, the opportunity to influence as the project moves into examination phase is extremely limited and key components of the scheme will be fixed. The Council will continue to play a role in the DCO process as an affected local authority however, it is considered that as the final consultation will be concluded in August 2020, the work of the LTC Task Force is complete. In the unlikely event of further public consultation, this can be addressed by a further report to General Services Committee.

### 1. Recommendation(s)

- 1.1 **That the General Services Committee agrees in accordance with the terms of reference of the LTC Task Force that it be disbanded upon the completion of business as a result of the final consultation on the LTC**

**scheme being complete in August 2020 and feedback having been obtained from the LTC Task Force meeting held on 20 July 2020;**

- 1.2 That the General Services Committee notes and thanks the members of the LTC Task Force past and present for their contribution to shaping the proposals.**

## **2. Introduction and Background**

- 2.1 In July 2017, Council considered a report which provided an update on the LTC scheme. There were a number of recommendations but pertinent to this report, a recommendation was agreed to set up some form of cross party group in order to respond to the LTC proposals as soon as possible.
- 2.2 A report was considered at a General Services Committee on 24<sup>th</sup> August 2017, where options were considered to either set up a task force or to establish an overview and scrutiny committee. It was resolved to establish the Lower Thames Crossing Task Force consisting of 9 elected members (3 conservative, 3 labour and 3 independent) as well as co-opted members including a community representative who may or may not be opposed to the scheme, a business community representative and a representative from the Lower Thames Crossing Action Group but whom also must be a resident. The Committee also approved the terms of reference for the task force, a copy of which are set out at Appendix 1 to this report.
- 2.3 The first meeting of the LTC Task Force took place on 25 September 2017. Since that time, the Task Force has met 23 times where there has been relevant business to discuss. Of particular note was the involvement of the Task Force in providing input into the Council's Statutory Consultation response in December 2018, Supplementary Consultation in March 2020 and latterly, input into the Design Refinements Consultation in July 2020.
- 2.4 The most recent meeting of the LTC Task Force was held on 20 July 2020, where the Design Refinements Consultation was presented and discussed to obtain feedback from the Task Force for input into the formal Council consultation response, a draft of which is also being considered as part of this meeting of the GSC.

## **3. Issues, Options and Analysis of Options**

- 3.1 Nationally Significant Infrastructure Projects such as the LTC fall to be determined under the Planning Act 2008 and the relevant National Policy Statement. Scheme development on this scale is an iterative process and can often take time to move through the various stages of early consultation, preferred options and scheme consultation before it moves into the next phase of development consent order application (DCO) and examination in public.

- 3.2 The Task Force has played a valuable role in helping to formulate the Council's input and response to the DCO process and in particular the statutory consultation, supplementary consultation and most recently the Design Refinements Consultation. The views of its members, the business community, residents and the LTC Action Group led to the writing of the mitigation list which was used as a keystone document in the consultation response and in the production of the Economic Impact Report which was published in February 2020.
- 3.3 The Design Refinements Consultation underway is the final round of consultation before Highways England submits its DCO application which is anticipated to be made in September 2020.
- 3.4 Once the DCO application is submitted, the opportunity to influence the scheme is very much limited. This is because the process is designed to ensure detailed and public engagement through the iterative stages of scheme development. Once the application is made, many components of the design and the scheme are fixed including the red line boundary, key design elements, the environmental statement and any necessary mitigation.
- 3.5 The terms of reference of the LTC Task Force provided for it to continue indefinitely or until all business was complete. The decision to disband the LTC Task Force sits with the General Services Committee or with the Chair upon request.
- 3.6 In light of the LTC scheme moving through to the next phase of the DCO process with all consultation now about to be concluded in August and having particular regard to the information set out in this report, it appears appropriate to now consider that the work of the LTC Task Force is complete.

#### **4. Reasons for Recommendation**

- 4.1 The LTC Task Force work is considered to be complete as a consequence of the engagement and involvement in the Statutory Consultation, the Supplementary Consultation and most recently, the Design Refinements Consultation.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 There has been no consultation on this report

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Lower Thames Crossing will have a significant impact on the emergent Local Plan as well as associated policies and documents. The scheme is moving through the statutory application phase of the scheme and the Council has a

role to play in responding to that scheme to secure the most appropriate outcome for the community.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Management Accountant Environment,  
Highways & Counter Fraud Directorate and  
Place**

All costs of the LTC Task Force have been met from existing budgets..

### **7.2 Legal**

Implications verified by: **Tim Hallam**  
**Acting Head of Law, Assistant Director of Law  
and Governance and Monitoring Officer**

There are no legal implications as a consequence of this report.

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Smith**  
**Strategic Lead, Community Development and  
Equalities**

There are no diversity or equality implications as a consequence of this report.

### **7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

There are no other implications as a consequence of this report.

## **8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Thurrock Council Report 26 July 2017, Lower Thames Crossing
- GSC Report 24 August 2017

## **9. Appendices to the report**

- Appendix 1 – LTC Task Force Terms of Reference

**Report Author:**

Anna Eastgate

Assistant Director Lower Thames Crossing & Major Transport Projects, Place

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## LOWER THAMES CROSSING TASK FORCE

### **Aim:**

To create a responsive working group to discuss and make recommendations in relation to environmental, economic and social aspects of the Lower Thames Crossing (LTC).

### **Membership:**

9 elected Members (3 Conservatives, 3 UKIP, 3 Labour)  
2 representatives from the Lower Thames Crossing Action Group

All members of the group have a right to vote if so required during a meeting of the group.

### **Chair:**

The Chair will be elected by the membership of the Task Force on an annual basis to run within each municipal year. The election will take place at the first meeting of the Task Force each municipal year.

### **Duration:**

The Group will be established to continue for an indefinite period until such time as all business of the task force is complete. The ultimate decision to discontinue the group will lie with the General Services Committee but the Chair of the Task Force may make such a request to disband the Force upon completion of business.

### **Meeting Schedule:**

The Task Force will meet each month at a date and time to be scheduled in advance. The schedule will be agreed at the first meeting of the task force.

### **Activities**

The Task Force will undertake all but not exclusively the following activities:

1. To act as a consultee for Planning Committee or any other executive/quasi-judicial committee on LTC matters if that committee so desires.
2. Receive any reports which it is required to make recommendations upon by officers, Cabinet or any other relevant committee of the Council.
3. Receive a monthly update of all Council activity in relation to the LTC (by way of an update report).
4. Invite strategic partners to meet with them to gather evidence to aid the Council's work in relation to the LTC.
5. Commission or undertake research on behalf of the Council in relation to the LTC.
6. The Chair to provide a monthly/bimonthly report to Cabinet on its work.
7. Any other duties within its powers to do so.

### **Decision-Making:**

The Task Force has no executive powers and will refer all recommendations direct to the appropriate executive or quasi-judicial committee via a report for action.

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