

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

Cabinet

The meeting will be held at **7.00 pm** on **13 March 2024**

Council Chamber, CO3, Civic Offices, New Road, Grays, Essex RM17 6SL

Membership:

Councillors Andrew Jefferies (Chair), Deborah Arnold (Deputy Chair), Adam Carter, George Coxshall, Barry Johnson, Ben Maney and Graham Snell

Agenda

Open to Public and Press

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To approve as a correct record the minutes of Cabinet held on 21 February 2024.	
3 Items of Urgent Business	
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 Declaration of Interests	
5 Statements by the Leader	
6 Briefings on Policy, Budget and Other Issues	
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10 Delegated Decisions taken since the last meeting

ED2 Title	Date
Freeport – Memorandum of Understanding (exempt)	12.02.2024

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Exclusion of the Public and Press

Members are asked to consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

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Queries regarding this Agenda or notification of apologies:

Please contact Rhiannon Whiteley, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **5 March 2024**

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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 Cabinet held on 21 February 2024 at 7.00 pm

The deadline for call-ins is Monday 4 March 2024 at 5.00pm

Present: Councillors Andrew Jefferies (Leader), Deborah Arnold (Deputy Leader), George Coxshall, Barry Johnson, Ben Maney and Graham Snell

Apologies: Councillor Adam Carter

In attendance: Claire Demmel, Interim Executive Director of Place
Michael Jones, Assistant Director – Strategic and Corporate Finance
Alix Macfarlane, Communications Adviser – Intervention
Steven Mair, Interim Chief Financial Officer
Jayne Middleton-Albooye, Assistant Director of Legal and Governance
Patrick McDermott, Chief of Staff to the Thurrock Commissioners
Sheila Murphy, Corporate Director Children’s Services
Ewelina Sorbjan, Assistant Director Housing and Development
Dave Smith, Chief Executive and Managing Director
Commissioner
Stephen Taylor, Head of Freeport
Ian Wake, Corporate Director Adults, Housing and Health
Lucy Tricker, Overview and Scrutiny Officer

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

242. Minutes

The minutes of the Cabinet meeting held on 7 February 2024 were approved as a correct record.

243. Items of Urgent Business

There were no items of urgent business.

244. Declaration of Interests

No interests were declared.

245. Statements by the Leader

The Leader stated that the budget was being presented at Cabinet before going on for agreement at Full Council in late February. The budget had been thoroughly scrutinised by overview and scrutiny Members at their all-Committee meeting on 14 February. He thanked Members for their attendance and rigorous questioning at that meeting.

The Leader explained that the sale has been completed and a total of £510m has been received, which will be used to pay down debt.

246. Briefings on Policy, Budget and Other Issues

There were no briefings on policy, budget or other issues.

247. Petitions submitted by Members of the Public

There were no petitions submitted by members of the public.

248. Questions from Non-Executive Members

There were no questions from Non-Executive Members.

249. Matters Referred to the Cabinet for Consideration by an Overview and Scrutiny Committee

There were no matters referred to Cabinet for consideration by an Overview and Scrutiny Committee.

250. Thames Freeport Accountable Body Decisions (Decision: 110695)

Councillor Arnold introduced the report and stated that the Council is the Accountable Body for Thames Freeport and had responsibilities around the management of public money and good governance. She explained that £25m government funding had been allocated to support capital projects identified through the Freeport Full Business Case (FBC), which had been agreed by DLUHC. The projects could only be amended by the Thames Freeport Governing Board and DLUHC. The project promoters were now working to develop Outline Business Cases (OBCs) for the projects and the Accountable Body had been conducting due diligence checks. The report asked for approval for the projects that have passed the checks to be submitted to DLUHC. The funding allocated for these projects was time limited and had to be spent by March 2026, and to ensure there were no delays delegated authority to the S151 officer in consultation with the Leader, Portfolio Holder for Governance, Portfolio Holder for Finance, Chief Executive and Monitoring Officer was being sought to approve the remaining OBCs, to approve the FBCs and to enter into agreements to release funding. Councillor Arnold added that the report was also seeking delegated authority to approve the Freeport Finance and Business plan for 2024/25, subject to it passing all the necessary checks and there being legal agreements in place.

The Leader explained that the Council were ensuring it met its responsibilities as Accountable Body and were working closely with the Freeport to ensure the necessary legal agreements were in place. He thanked officers for their hard work on this report.

RESOLVED: that Cabinet:

1.1 Approved the Outline Business Case for Seed Capital Funding which have been completed and passed due diligence checks set out in exempt Appendices 1 and 2 for their submission to DLUHC.

1.2 Agreed that authority is delegated to the Section 151 Officer in consultation with the Leader, Portfolio Holder for Governance, Portfolio Holder for Finance, Chief Executive and Monitoring Officer to approve:

a. the remaining Outline Business Cases for Seed Capital Funding set out in exempt Appendix 3 once due diligence checks are complete and it has been confirmed by Officers projects align with the Thames Freeport Full Business Case or have otherwise been agreed by DLUHC through formal change control processes.

b. the release of initial Seed Capital Funding to project promoters to develop Business Cases if funding is requested, approved then released by DLUHC to the Council as Accountable Body subject to approval of the Thames Freeport Memorandum of Understanding and once relevant funding agreements are in place.

c. the Full Business Cases (FBCs) for Seed Capital Projects and to enter into funding agreements and release the funding as set out in the FBCs for the delivery of the projects subject to approval of the Thames Freeport Memorandum of Understanding, satisfactory completion of procurement processes, completion of checks and determination of the subsidy control position of the Accountable Body.

d. the Thames Freeport Operating Company Business and Finance Plan for 2024-5 and enter into a legally binding funding agreement subject to approval of the Business Plan by the General Purposes and Resources Committee of the Thames Freeport Governing Board, satisfactory completion of due diligence checks, establishment of the subsidy control position, approving the Thames Freeport Memorandum of Understanding and signing the appropriate legal agreements and to confirmation of the funding available through retained business rates section 31 grant.

*Reason for the decision: as outlined in the report
This decision is subject to call-in*

251. Section 25 Report (Decision: 110696) - Report to Follow

Councillor Snell introduced the report and stated that it was a legal duty for the S151 Officer to provide a Section 25 report, which outlined whether the Council could balance its budget, any risks or challenges to the organisation, and external issues which may affect the Council's finances. He explained that the officers had undertaken considerable mitigation work such as divestment of assets and implementing new ways of working to ensure a balanced budget. He summarised and stated that the budget met statutory requirements.

RESOLVED: that Cabinet:

1.1 Regarded this report when making decisions about the calculation of the council tax requirement.

*Reason for the decision: as outlined in the report
This decision is subject to call-in*

252. Medium Term Financial Strategy 2024-25 (Decision: 110697) - Report to Follow

Councillor Snell introduced the report and stated that the Council's financial position remained challenging, but savings were being implemented to stabilise the Council's finances. He highlighted table 1 within the report which explained that Thurrock was moving in the right direction, but needed to meet key deliverables, as outlined in 1.4 of the report. If the Council did not meet these key deliverables, then alternative savings would need to be found elsewhere in the budget. The Leader stated that the report had been presented to overview and scrutiny, who had commented and questioned the report in detail.

RESOLVED: that Cabinet:

2.1 Recommended the Medium-Term Financial Strategy (MTFS) to Council and in doing so agree:

- a. The financial targets summarised in paragraph 1.3;**
- b. The financial assumptions/deliverables as summarised at paragraph 1.4 to 1.7;**
- c. That if any of the above targets or assumptions adversely vary, alternatives to the same timescale and value will need to be identified and implemented;**
- d. The treatment of the MRP calculations is based on recent KC guidance and is subject to approval from the Council's auditors; there is an inherent risk that these numbers could change.**

*Reason for decision: as outlined the report.
This decision is subject to call-in.*

253. Treasury Management Strategy 2024-25 (Decision: 110698) - Report to Follow

Councillor Snell introduced the report and stated that the Treasury Management Strategy set out planned activity in 2024/25. The strategy reflected the Council's proposed capital programme from 2024/25 until 2028/29. He explained that the paper was in-depth and technical but had been through the overview and scrutiny process. Councillor Snell highlighted sections 9 and 7 which related to the MRP policy and borrowing strategy. The MRP policy had been reviewed following government intervention to ensure prudent financial provision was made in accordance with statutory requirements to implement a debt reduction policy. Councillor Snell outlined the MRP process and its implications for the Council, as well as the borrowing strategy which had been updated in line with the 2021 Prudential Code.

RESOLVED: that Cabinet recommended to Full Council:

1.1 The proposed Treasury Management Strategy for 2024/25.

1.2 The proposed MRP policy for 2024/25 as set out in Section 9.

1.3 The proposed Borrowing Strategy as set out in Section 7.

1.4 The requirement within the Prudential Code 2021 for quarterly reporting on the Council's Treasury Management activities. These reports will be presented quarterly during the year.

Reason for decision: as outlined in the report.

This decision is subject to call-in.

254. Capital Strategy Programme (Decision: 110699) - Report to Follow

Councillor Snell introduced the report and explained that it outlined the capital programme from 2024/25 until 2028/29. He stated that the programme had been reviewed in line with government directions, so no longer included some projects, and had been extended from three to five years. In 2023 the capital programme had capital spending at £202m over three years, but this had expanded to £275m in quarter one of 2023/24, of which £155m was to be funded through borrowing and £121m from external funding. Before March 2023 previously approved bids totalling £119m had been put on hold and were not included in the £202m of capital spending. Councillor Snell explained that following the review of the capital programme, £101m had been removed from budgets to reduce capital expenditure and to comply with the Section 114 notice. Councillor Snell summarised and stated that the report had been through the scrutiny process.

RESOLVED: that Cabinet:

1.1 Recommended to Full Council to:

a. Approve the revised capital programme and 5 year capital programme for 2024/25 to 2028/29 as set out in the report.

b. Approve that the capital projects:

(i) currently 'on hold' totalling £119.0m (see Appendix 2) are not included in the Capital Programme and the associated borrowing of £62.9m is not required;

(ii) the capital schemes that have not started totalling £3.3m (see Appendix 4) are also formally confirmed as removed from the capital programme and the associated borrowing of £3.3m is not required;

(iii) those schemes assessed and considered no longer necessary totalling £60.1m (see Appendix 5) are confirmed as removed from the capital programme and the associated borrowing of £56.5m is not required.

c. Approve the proposed financing of the capital programme as set out in Appendix 3.

d. Delegate to the Interim Director of Finance s151 all decisions surrounding the financing of individual items of expenditure within the revised capital programme, in line with the overall capital programme as set out in Appendix 3, in a manner which achieves the most effective use of Council's resources.

e. Approve that any future changes to the capital programme should be approved by Full Council, whilst ensuring that external funding is able to be used in a timely manner, with any new borrowing requirements subject to Commissioner approval.

f. Approve that the Capital Programme Board review and receive updates on the action plans put in place to address the further improvements identified in Appendix 7 and to note progress on continued delivery of these improvements.

Reason for decision: as outlined in the report.

This decision is subject to call in.

255. Council Tax base for 2024-25 and determination of collection fund (Decision: 110700) - Report to Follow

Councillor Snell introduced the report and stated that it outlined the number of council tax paying properties in Thurrock, and their banding, which required Cabinet approval each year. He highlighted that 70.3% of homes in Thurrock were bands A-C, so paid less than Band D properties. Officers were estimating that approximately 1.2% of council would not be collected, but had determined that the Council Tax Collection Fund would be in a surplus of £326,924 at 31 March 2024, which would be released to the 2024/25 accounts.

RESOLVED: that Cabinet:

1.1 Agreed that under existing delegated authority the Council Tax base for 2024/25, which has been calculated in accordance with legislation, has been set by the Interim Chief Financial Officer at 53,322.

1.2 Approved the proposal that in future years Cabinet will be required to approve the Council Tax Base.

1.3 Recommended that Council:

a. Determines the estimated 31 March 2024 balance of the Council Tax Collection Fund to be a surplus of £326,924 (before distribution to major precepting authorities).

b. Allocates the surplus to the three main precepting bodies in proportion to their precepts for 2023/24 as follows:

Thurrock Council £272,910;

***Essex Police £40,193;**

***Essex County Fire £13,821.**

***Police, Fire and Crime Commissioner, but each has an individual precept balance.**

1.4 Recommended that Council:

a. Determines the estimated 31 March 2024 balance of the Business Rate Collection Fund to be a surplus of £7,272,612 (before distribution to Central Government and Essex County Fire).

b. Allocates the surplus to the three main precepting bodies in the proportion set out in legislation:

(i) Thurrock Council £3,563,580;

(ii) Central Government £3,636,306; and

(iii) Essex County Fire £72,726.

Reason for decision: as outlined in the report.

This decision is subject to call-in.

256. Council Tax Premium 2024-25 (Decision: 110701) - Report to Follow

Councillor Snell introduced the report and stated that it proposed a charge in addition to council tax on properties in Thurrock that were empty, as outlined in the recommendations. It also proposed a charge, starting in 2025, for those properties classed as second homes. Officers were expecting an additional £447k in council tax revenue and the proposal could help bring buildings back

into use. The Leader felt it was important that houses in Thurrock did not stay empty and were brought back into use.

RESOLVED: that Cabinet:

1.1 Recommended to Council, that from the 1st April 2024 a council tax premium is charged (in addition to normal council tax) on long term empty and substantially unfurnished properties as follows:

- a. Properties empty after 12 months and up to 5 years = 100% premium;**
- b. Properties empty between 5 and up to 10 years = 200% premium;**
- c. Properties empty over 10 years = 300% premium.**

1.2 Recommended to Council, that from 1st April 2025 a 100% council tax premium is charged (in addition to normal council tax) on properties classed as second homes.

1.3 From 2024/25, in the quarterly reports to Cabinet on the outturn, there will be a clear and transparent report on the council tax performance, including additional income secured through the proposed changes to the premium.

*Reason for decision: as outlined in the report.
This decision is subject to call-in.*

257. Local Council Tax Scheme 2024-25 (Decision: 110702) - Report to Follow

Councillor Snell introduced the report and stated that the Local Council Tax Scheme 2024/25 remained the same as when it had been introduced in 2017/18, and no changes had been made. He stated that the report had been through the overview and scrutiny process. Councillor Snell explained that funds remained available for residents who were struggling to pay their council tax.

RESOLVED: that Cabinet:

1.1 Noted the analysis of the current scheme.

1.2 Recommended to Council to approve the current Local Council Tax support scheme for 2024/25 which has been in place since 2017/18 with no changes:

- a. To ensure work pays, the first £25 per week of earned income is disregarded when calculating levels of council tax support;**
- b. The maximum capital limit is to be set at £6,000. This means that anyone who has savings over £6,000 may not receive support with their council tax.**
- c. For working age claimants, the maximum support allowed is set at 75% of their full council tax bill.**
- d. To assist those with families, the Child Benefit and Child Maintenance**

received is not included as income in the calculation of council tax support.

e. The maximum period a claim can be backdated under the scheme is one calendar month. To qualify for this, the claimant will need to provide good reason for not claiming earlier.

f. There is full disregard of military compensation payments, including War Disablement Pensions, War Widow's Pension and Armed Forces Compensation Scheme payments.

g. Disability Living Allowance and Personal Independence Payments are fully disregarded.

h. The number of dependents assessed in the calculation of claimants' needed is a maximum of two.

i. The maximum period of an award when temporarily absent outside the United Kingdom is four weeks.

1.3 Recommended to Council, that in light of the Council's financial situation a full review of the scheme will again be carried out in 2024/25 and completed by autumn to enable inclusion within the budget setting process.

Reason for decision: as outlined in the report.

This decision is subject to call-in.

258. HRA Business Plan (Decision: 110703) - Report to Follow

Councillor Johnson introduced the report and explained that it was based on best assumptions, including that the Secretary of State will give permission for Thurrock to borrow to fund HRA development schemes, and that the current rules regarding right to buy section 11, paragraph 6 retention agreements will apply to the Blackshots and Teviot schemes. Councillor Johnson explained that if both assumptions did not apply then both schemes would not be able to proceed, and this would be reported back to Cabinet and Council. The Commissioners supported the HRA business plan report. The Leader clarified that the Council had written to the Secretary of State regarding the use of right to buy receipts and borrowing, and Thurrock Council were currently waiting for a response.

RESOLVED: that Cabinet:

1.1 Approved the HRA revenue budget for 2024/25 (Table 1 and Appendix A).

1.2 Noted the HRA 5-year revenue budgets for 2024-25 to 2028-29 (Table 1 and Appendix A).

1.3 Noted the HRA 30-year revenue budget for 2024-25 to 2053-54 (Appendix B).

1.4 Approved the HRA 5-year capital programme for a total of £175.069m

(Table 3 and Appendix C).

1.5 Noted the 30-year capital programme for 2024-25 to 2053-54 (Appendix D).

1.6 Noted the draft HRA reserves and balances for the 5-year business plan (Appendix E).

1.7 Noted the submission of the two requests to the Secretary of State. The outcome of it will be reported to Cabinet/Council.

Reason for decision: as outlined in the report.

This decision is subject to call-in.

259. HRA Rent Setting (Decision: 110704) - Report to Follow

Councillor Johnson introduced the report and stated that the report had been thoroughly scrutinised at overview and scrutiny, before being presented to Cabinet for approval. He explained that Council's were able to increase rents and charges in line with the inflation formula, which meant that rents could be increased by 7.7% in 2024/25, based on inflation in September 2023. This increase would be used to continue to fund the Transforming Homes project, ensure compliance with carbon legislation, and ensure that residents lived in good, safe, and sustainable housing. Councillor Johnson highlighted that questions and comments raised at overview and scrutiny had been emailed to Cabinet Members before the meeting, as some Members had felt that rent increases were unfair. Councillor Johnson, in response to overview and scrutiny comments, explained that monies brought into the Council through rent and charges were used to fund 26,000 housing repairs (92% of which had been on-time and to a 91% resident satisfaction rate); major capital investment in 460 homes; 87 external improvements; 277 heat pumps in homes; 344 new boilers; 2546 safety tests in homes and upgraded fire systems; new entry doors and communal areas in communal blocks; and many other projects.

RESOLVED: that Cabinet:

1.1 Agreed the proposed changes in the base budget for 2024/25 (as set out in Table 1).

1.2 Agreed the proposed increase in domestic rent charges of 7.7% in line with the 30-year HRA business plan, to be implemented from 1 April 2024.

1.3 Agreed the proposed increase in service charges to reflect the cost of running each service in line with the budget estimate from 1 April 2024.

1.4 Agreed the proposed charges for garage rents (para 3.12) to be

implemented from 1 April 2024.

1.5 Agreed the proposed increase in Travellers sites rent (para 3.13) to be implemented from 1 April 2024.

Reason for decision: as outlined in the report.

This decision is subject to call-in.

260. Treasury Management Half Year Report 23/24 (Decision: 110705) - Report to Follow

Councillor Snell introduced the report and stated that it provided an update on the Council's treasury management position for the first half of 2023/24 based on the strategy that was approved in 2023. He explained that the Council is currently working under a high level of debt, but were pursuing measures to reduce this level, including disposing of capital investments, reducing capital investments financed by borrowing and use of capital receipts to reduce outstanding debt. Appendix 1 of the report set out the performance of the treasury management strategy for the first half of the 2023 financial year. Councillor Snell outlined the proposed changes to the counterparty limits from £5m to unlimited, which would mean that investments placed with the Debt Management Office would not be in breach. In 2023/24 the Council had breached the DMO limit 52 times, and the removal of the £5m limit would bring Thurrock in line with other Councils and ensure no breaches. He explained that any cash received from divestments would be kept securely until ready to pay off debts. The Leader highlighted that it was unusual for Council's to have limits with the DMO, so this proposal would bring Thurrock in line with others.

RESOLVED: that Cabinet recommended to Full Council to agree the following amendments to the 2023/24 Treasury Management Strategy:

1. That there is a revision to the Counterparty Limits in that investments placed with the Debt Management Office (DMO) are changed from £5m to unlimited.

2. Amend the Minimum Revenue Position policy to revert back to Option 1 in respect of supported capital expenditure in line with the Statutory MRP Guidance.

261. Revenue Budget Savings 2024-25 (Decision: 110708) - Report to Follow

Councillor Snell introduced the report and stated that it outlined the second tranche of savings proposals, which had been rigorously questioned through the scrutiny process in November 2023 and January 2024. He explained that the report excludes those savings which had previously been scrutinised and approved by Cabinet, but these were included for reference in Appendix 4. He stated that £1.7m of savings needed to be found, but £869k had already been

proposed by Members, such as the removal of the council tax hardship fund. Councillor Snell stated that the removal of this fund had been questioned in detail by overview and scrutiny, and options for the fund would be revisited at a later date.

RESOLVED: that Cabinet:

1.1 Approved all savings proposals totalling £6.9m as listed in Appendix 1.

1.2 Approved the remainder of the Fees and Charges proposals, as recommended at the Cabinet meeting of 10th January 2024 and detailed at paragraph 3.14.1.

1.3 Noted the Community and Equality Impact assessments and summaries of the public engagement activities.

1.4 Noted the requirement to identify a further £831k recurrent savings by the 22nd March 2024, to be agreed by the Leader and CEO/Commissioner, in consultation with the s151 and Finance Commissioner. To be reported to Scrutiny and Cabinet.

*Reason for decision: as outlined in the report.
This decision is subject to call-in.*

262. Revenue Budget 2024-25 (Decision: 110707) - Report to Follow

Councillor Snell introduced the report and stated that it recommended to Full Council to agree the general fund revenue budget, which equated to £410m including the government capitalisation directive of £69m. He stated that the Council assumed an increase in council tax of 5.99% as well as a 2% adult social care precept increase; service growth; savings; and the local government pay award. The budget also included a Dedicated Schools Grant fund of £230m, of which Thurrock Council would receive £53m. Councillor Snell summarised and stated that the report had been through overview and scrutiny, where Members had asked numerous questions and made good comments.

RESOLVED: that Cabinet:

1. Recommended to take account of the statutory S25 report of the S151 Officer (shown earlier on this agenda) when considering the report and in determining:

- a. The proposed budget for 2024/25;**
- b. the level of reserve.**

Cabinet recommended to Council to:

1.2 Agree the second tranche of savings as set out in the Budget Savings Report, elsewhere on this agenda.

1.3 Approve the 2024/25 Budget to enable the Council Tax requirement for 2024/25 to be set at £91.266m (as per section 5), a 7.99% increase on 2023/24.

1.4 Approve the Council Tax Resolution 2024/25 as set out in Appendix 2 which shows that the Police, Fire and Crime Commissioner has increased Council Tax for Band properties to:

- a. £246.42 per annum (a 6% increase on 2023/24) for the Essex Police precept;**
- b. £82.62 per annum (a 3% increase on 2023/24) for the Essex County Fire precept.**

1.5 Agree for Members to work with officers to identify the full £1.7m in additional savings by 22nd March 2024, potential actions are presented in Table 18.

1.6 Approve the 2024/25 Budget based on the estimated financial deficit to be funded by a capitalisation direction of £68.6m.

1.7 Approve the submissions of business cases by services to secure approval to utilise budgets earmarked for contract inflation, use of contingencies and budgets earmarked for pressures (Section 10, Table 21) for approval by the Chief Finance Officer and the Finance Commissioner in conjunction with the Portfolio Holder for Finance, Human Resources and Payroll to allow in-year budget adjustments.

1.8 Approve the submission of a spending plan by services before the newly announced additional grant funding for Social Care can be utilised (£1.4m). This will require approval by the Chief Finance Officer and the Finance Commissioner in conjunction with the Portfolio Holder for Children and Housing to allow in-year budget adjustments.

1.9 Note the Council's estimated position on Reserves as set out in Section 13.

1.10 Note the Dedicated Schools Grant (DSG) settlement for 2024/25 and the Thurrock allocation of £53.3m as set out in Section 11.

1.11 Note the continued use of measures to control expenditure as set out in section 14.

*Reason for decision: as outlined in the report.
This decision is subject to call-in.*

The meeting finished at 8.00 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**

13 March 2024	ITEM: 11
Cabinet	
Update on Procurement of Strategic Delivery Partner for Housing Works	
Wards and communities affected: All	Key Decision: Non-key
Report of: Mohammed Saheed Ullah – Housing Repairs and Planned Maintenance Manager, Assets Repairs & Compliance	
Accountable Assistant Director: Ewelina Sorbjan, Assistant Director of Housing and Development	
Accountable Director: Ian Wake, Executive Director of Adults, Housing and Health	
This report is Public	
Version: Cabinet / Final	

Executive Summary

On 8th November 2023 Cabinet approved the procurement of a single Delivery Partner to consolidate all housing works contracts through a Partnership Delivery Model. This in turn enabled the publication of the formal Contract Notice on the Government Tenders portal on Friday 15th December.

An update report to Housing Overview and Scrutiny Cttee and Cabinet was provided in January 2024 addressing details of the Contract Notice, the term and potential monetary value of the contract. A further update report was provided to Cabinet on 15th February 2024 which provided details of the feedback from the market engagement exercise and the subsequent evolution of the Partnering Model.

Following the issuing of the corrigendum and the Tender Briefing detailed in the February update report to Cabinet the timeline for the submission of the selection questionnaire was restarted with the new deadline for submission being Fri 23rd February.

Cabinet is requested to note that the Council received five submissions for the Selection Questionnaire from the market. The evaluation of the submissions will conclude on 7th March. The bidders shortlisted to proceed to the next stage of the process will be Invited to Submit Outline Solutions (ISOS) on 20th March. The deadline for these submissions is 24th April.

Monthly updates to Cabinet on this procurement exercise will continue. Other than the update provided in the Executive Summary the contents of this report remain the same as the February update report to Cabinet.

Commissioner Comment:

None

1. Recommendation(s)

1.1 Members are requested to note on the contents of this report.

2. Introduction and Background

2.1 On Friday 12th January 2024 a briefing session was held with interested bidders on the tender documents released with the Selection Questionnaire issued on 12th December 2023. The briefing session was in keeping with the procurement protocols for this type of competitive dialogue process. At the briefing session a number of issues were raised by the prospective bidders.

2.2 The issuing of the Selection Questionnaire on 15th December generated significant interest from the market with over 30 expressions of interest. This in turn stimulated several issues and clarification queries from prospective bidders.

2.3. Section 3 provides further detail as to the issues raised from this briefing session with the prospective bidders and the response from Thurrock.

3. Issues, Options and Analysis of Options

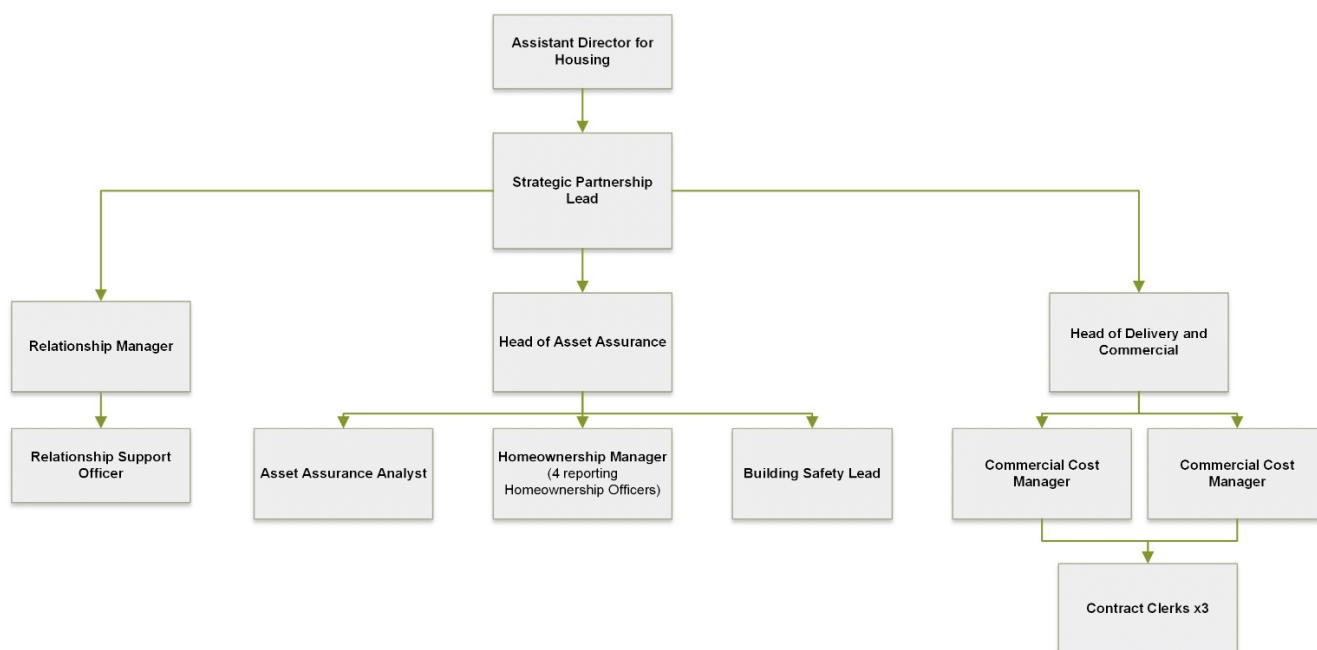
3.1 Following the issuing of the Selection Questionnaire on 15th December 2023 prospective bidders were afforded the opportunity to highlight and discuss any issues directly with Thurrock at a briefing session on 12th January 2024. Six prospective bidders accepted this opportunity to attend the briefing session. This briefing session was an opportunity for open and transparent engagement with the market early in the procurement process to address any issues in a timely and constructive manner.

3.2 The key issues raised by the prospective bidders on the Partnership Model were in the main on the risk profile and apportionment, Thurrock's clienting capacity; contract governance structures to support the partnership model particularly around the parameters of the allocated revenue and capital budgets; Pensions and TUPE implications. The full list of queries is below:

- Some of the bidders raised questions on the financial model and the revenue and capital expenditure splits and how this would meet current and future service demands.
- There were queries on the capital budget and the level of capital investment required on Thurrock's stock over the contract term given Thurrock's restricted borrowing capacity and whether the capital budget would be sufficient to meet the investment requirements.
- There was a query whether the level of capital budget was sufficient to meet compliance requirements and the increasing regulation of social housing.
- There were queries over the risk profile and if the current risk apportionment was proportionate and reflected current and future market conditions.
- There were queries on the financial model and how profit calculations were directly linked to KPI and delivery performance.

- The risk profile and projected profit calculations was something that would have to be approved at the relevant governance boards by shareholders of the bidders and who may adopt a more cautious assessment of this bidding opportunity.
 - There was some discussion on the anticipated efficiencies to be generated through the model.
 - There were queries on the pensions and TUPE implications for the eventual Delivery Partner.
 - There were queries regarding the level of support from the Thurrock housing team post contract award particularly with regards to asset management and investment planning.
 - Timescales for bidding was an issue for the bidders.
- 3.3 The Assistant Director and the Thurrock housing team agreed to address the issues raised in these discussions in a Tender Briefing note in order to facilitate and preserve the level of interest from prospective bidders to the next stage of the procurement process.
- 3.4 Thurrock formally issued the Tender Briefing note on the Find a Tender portal on Friday 19th January with a corrigendum stating the following:
- Following the briefing on Friday 12th January Thurrock are issuing a Tender Briefing Note to further clarify their intention and ambition with this Tender. This has included some changes to the information previously published. Therefore, Thurrock are also restarting the Tender Period for the Selection Questionnaire stage from today, the new deadline will be 23rd February 2024.*
- 3.5 As a follow up to this tender briefing note an invitation to a second briefing session has been issued on the Find a Tender portal which will take place on Wednesday 31st January. This invitation will be open to not only those prospective bidders who attended the first briefing session but also open to any new prospective bidders. The restarting of the Selection Questionnaire period is in line the Public Contracts Regulations procurement process and has been endorsed by Thurrock’s legal advisors.
- 3.6 At the briefing session on 31st January Thurrock will present comprehensive data in relation to existing compliance performance of the HRA estate. This performance data will be shared on the Find a Tender portal and is intended to allow prospective bidders to have greater comfort and understanding of performance levels of the HRA estate in relation to:
- a) Repairs
 - b) Voids
 - c) Regulatory Compliance
 - d) Damp and mould
 - e) Disrepair.
- 3.7 Prospective bidders at the briefing session of 12th January raised a query as to Thurrock’s capacity to support the new partnership and contractual arrangements. The Tender Briefing note sets out Thurrock’s intention to resource a sufficiently sized client team with the relevant experience and expertise to support the partnership in delivering successful outcomes and Thurrock’s ongoing landlord responsibilities.
- 3.8 Included below is a structure chart which sets out Thurrock’s anticipated structure, for the management of the Contract, engagement with the Provider and the delivery of responsibilities to be undertaken by Thurrock. High-level role descriptions have been included in the tender briefing note to give further clarity to the prospective bidders.

3.8 This proposed client team structure builds upon the staffing structure presented to Cabinet in the report on 8th November 2023 by adding two new positions (Building Safety Lead and an additional Commercial Cost manager) to boost the capacity of the Thurrock team in meeting its responsibilities.



3.8 With the new deadline for the submission of the Selection Questionnaires from prospective bidders moving from 25th January to 23rd February, all other procurement gateways and timeframes have been amended accordingly **except** the selection of a preferred bidder, notification letter, Standstill Period, Mobilisation Period and Go Live date. These dates remain as per the original procurement timetable.

Table: Indicative Procurement Timetable	
Activity	Indicative date or period
FTS Contract Notice sent for publication	14/12/2023

SQ deadline for Applicant clarification questions	17:00 16/02/2024
SQ submission deadline	12:00 23/02/2024
SQ Evaluation Period	26/02/2024 – 07/03/2024
SQ Notification letters issued	19/03/2024
Invitation to Submit Outline Solutions Issued	20/03/2024
ISOS Bidders Briefing	Indicative 02/04/2024
Deadline for Bidder ISOS clarification questions	17:00 17/04/2024
ISOS submission deadline	12:00 24/04/2024
ISOS Evaluation Period	25/04/2024 – 03/05/2024
ISOS Notification letters issued	17/05/2024
Competitive Dialogue Period	27/05/2024 – 14/06/2024
Invitation to Submit Detailed Solutions	01/07/2024
Deadline for Bidder ISDS clarification questions	17:00 26/07/2024
ISDS Submission Date	12:00 06/08/2024
ISDS Notification letters issued	13/09/2024
Standstill Period	16/09/2024 – 26/09/2024
Mobilisation Period	30/09/2024 – 28/02/2025
Contract Go Live	28/02/2025

4. Reasons for Recommendation

- 4.1 This report is an update to Cabinet and there are no fundamental changes to the initial Cabinet decision from 8th November 2023.

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

- 5.1 The Lead Portfolio Holder for Housing, Housing Overview & Scrutiny Committee and the Working Group made up of members from Housing O&S have been kept abreast of developments from the outset of this procurement and continue to be engaged with regular meetings and briefings. Working Group meetings have been aligned to coincide with key gateways of the procurement process. The next session of the Working Group is on 15th February.
- 5.2 A resident engagement strategy and stakeholder matrix is being developed for this procurement. Residents will be integrated into the process of engagement and evaluation post competitive dialogue. The development of communications that will give residents information about this opportunity has begun.

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

- 6.1 The recommendations within this report align with the strategic theme of the Improvement and Recovery Plan to be a focussed, cost-effective, sustainable organisation, with a co-designed

approach to service provision which is delivered in partnership with residents and other key partners, with collaboration across multi-disciplinary teams

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Assistant Director - Strategic and Corporate Finance

The reports provides an update on the Procurement process for a Strategic Delivery Partner for Housing Works.

There are no changes to the financial implications provided for the Cabinet report of 8 November 2023, which detailed the proposal.

As the procurement exercise develops, the financial implications pertaining to future reports will be updated accordingly.

7.2 Legal

Implications verified by: **Kevin Molloy**
Principal Solicitor

As this is an update report the legal implications remain as reported to Cabinet for this procurement in November 2023.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Community Development Team

As this is an update report the legal implications remain as reported to Cabinet for this procurement in November 2023.

All information regarding Community Equality Impact Assessments can be found here: <https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 Risks

A risk register for this procurement exercise has been compiled and been regularly reviewed and updated. Officers from Corporate Risk and Insurance Team are sighted on this.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

Version Cabinet – Final version ready for Cabinet/Executive decision

NA

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):
9. **Appendices to the report – N/A**

Report Author:

Ewelina Sorbjan - Assistant Director of Housing and Development, Adults, Housing & Health.

Mohammed Saheed Ullah – Housing Repairs and Planned Maintenance Manager, Assets Repairs & Compliance.

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13 March 2024		ITEM: 12
Cabinet		
Quarter 3 (April to December 2023) Interim Corporate Performance Report		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Sarah Welton, Strategy Manager		
Accountable Assistant Director: n/a		
Accountable Director: Alex Powell, Assistant Chief Executive		
This report is Public		
Version: Cabinet / Final		

Executive Summary

This report provides an in-year Quarter 3 position (as at the end of December 2023) in relation to the performance of a suite of service delivery, demand management and organisational health indicators.

The report shows that

- 58% of indicators (with targets) are currently achieving target
- 83% are better than or the same as the previous quarter
- 65% are better than or the same as the previous year

This approach to corporate performance reporting is the first phase deliverable of the wider Performance Management and Assurance Framework (PMAF) project which was agreed at Improvement and Recovery Board in November 2023 and is designed as an interim framework for the remainder of 2023/24.

From 2024/25, later phases of the PMAF project will provide a robust, aligned and cohesive framework which will incorporate other disciplines of good governance and monitoring such as risk, project delivery, budget monitoring, service planning, contract management, procurement, business intelligence and data analytics. This will be developed in parallel with the Corporate Plan and will be used as the primary monitoring and reporting mechanism to show progress against the corporate priorities, objectives and intended outcomes of the council.

The report also includes drilled down analysis and lessons learned for corporate complaints and enquiries at Appendix 1.

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

1. Recommendation(s)

1.1 To note and comment upon the performance of the key corporate performance indicators

1.2 To identify any areas for additional consideration in future corporate performance reports for 2023/24

2. Introduction and Background

2.1 Corporate performance reporting to directors and members paused in September 2022 following the intervention announcement. Since then, service level performance reporting has continued within directorates and to member committees and is well-established and strong in places (eg adult social care, health, housing, children's services), albeit fragmented and in silos. Therefore, there has not been an overarching, comprehensive, consistently adopted performance framework.

2.2 In June 2023, the Improvement and Recovery Board (IRB) agreed the principles, objectives, scope and deliverables associated with a project to develop a Performance Management and Assurance Framework (PMAF).

2.3 The challenge of developing a comprehensive corporate framework and leap from the council's current position and practice is not being underestimated. A project plan has been developed, broken down into phases to reflect the scale of the change required, the variety and number of interdependencies which need to be aligned and the associated capacity and capability.

2.4 In November 2023, IRB agreed the approach being taken to develop the PMAF. The first two phases - which will take place over the rest of this municipal year - will address the immediate gap in corporate level oversight of key performance information and intelligence by establishing an interim approach and secondly, the development of a new framework ready to go live in stages from 2024/25.

2.5 The PMAF Steering Group is undertaking a maturity assessment exercise focussed on performance data monitoring and reporting, business intelligence and data analytics practices within the organisation. The outcomes of this assessment will support the development and delivery of the framework and help structure and design the training and development requirements required to ensure the framework can be embedded.

2.6 This interim Corporate Scorecard and the list of indicators it contains is the first phase and is designed to ensure Senior Leadership Team (SLT), Members and Commissioners have corporate oversight of and assurance that business critical service delivery, demand and general organisational health issues are identified and resolved/mitigated at the earliest opportunity.

3. Issues, Options and Analysis of Options

3.1 This report is a monitoring and update report.

3.2 Summary of Corporate KPI Performance

There is a smaller percentage of indicators in this interim scorecard which have targets set compared to previous corporate scorecards. This is because this has a much broader range of demand management indicators.

As not all of the indicators have targets set some cannot be shown as MET (GREEN) or NOT MET (RED), therefore, the Direction of Travel is shown as an alternative indication of performance/progress.

Of the indicators with data and targets available this quarter:

Performance against target		Direction of Travel (DOT)			DOT compared to:		
		..of which	Previous quarter	Previous year		Previous quarter	Previous year
MET	14 (58%)	↑ BETTER	12	11	↑ BETTER	18 (75%)	15 (65%)
		→ SAME	2	0			
		↓ WORSE	0	2	→ SAME	2 (8%)	0 (0%)
NOT MET	10 (42%)	↑ BETTER	6	4			
		→ SAME	0	0			
		↓ WORSE	4	6	↓ WORSE	4 (17%)	8 (35%)

3.3 On target performance for indicators with targets set

As at the end of Quarter 3 (Q3) of the 24 KPIs within this basket which have targets, 14 (58%) have met their targets.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	In Month Oct	In month Nov	In month Dec	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
Percentage of Thurrock residential & nursing care homes rated as Good or Excellent via Local Authority contract compliance visits (as at quarter end)	Adult Social Care	92%	92%	96%				96%	MET	Same	Better	75%
% of residents offered an NHS Health Check who have one completed (YTD)	Public Health	49%	56%	50%				51%	MET	Better	Better	50%
% patients who are at a higher risk of a cardiovascular disease event who received an additional holistic health check (YTD)	Public Health	N/A	N/A	33%				46%	MET	Better	n/a	37.5%
% tenant satisfaction with the overall service provided by Housing	Housing	71.5%	68.9%	69.8%	78.7%	72.0%	72.4%	71.3%	MET	Better	Worse	70%
% of responsive housing repairs completed within target	Housing	94.3%	94.3%	95.8%	97.7%	97.4%	96.9%	95.9%	MET	Better	Better	95%
% Rent collected	Housing	97.0%	85.78%	92.19%	93.93%	94.38%	95.49%	95.49%	MET	Better	Better	95%
% timeliness of response to all complaints	Complaints / Enquiries	83%	88%	85% (YTD)				86% (YTD)	MET	Better	Better	83%
% of all complaints upheld (based on closed complaints)	Complaints / Enquiries	47%	56%	49% (YTD)				46% (YTD)	MET	Better	Better	47%
% MPs responded to within timeframe	Complaints / Enquiries	86%	90%	86% (YTD)				88% (YTD)	MET	Better	Better	86%
% Freedom of Information (FOI) responded to within timeframe (20 working days)	Complaints / Enquiries	96%	98%	98% (YTD)				98% (YTD)	MET	Same	Better	96%
% staff turnover (number of employees who leave the council voluntarily as a % of total workforce) - rolling year average	Staffing	14.29%	12.79% (end of June)	11.33% (end of Sept)	11.05%	10.17%	10.10%	10.44%	MET	Better	Better	12%

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	In Month Oct	In month Nov	In month Dec	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
% of Major planning applications processed within agreed deadline	Planning	96.8%	100%	50% (88% YTD)	100%	100%	100%	100% (90% YTD)	MET	Better	Worse	90%
% of Minor planning applications processed within agreed deadline	Planning	98.8%	100%	98.2% (99% YTD)	100%	100%	100%	100% (99.3% YTD)	MET	Better	Better	90%
% of potholes repaired within policy and agreed timeframe	Highways	98.40%	98.48%	97.79%	100%	98.75%	100%	99.58	MET	Better	Better	98

3.4 Off target indicators for those indicators with targets set

At the end of Quarter 3 (Q3), 10 (42%) of the available indicators did not meet their target.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
Proportion of people using social care who receive direct payments (as at quarter end)	Adult Social Care	33.1%	30.9%	30.4%	30.1%	NOT MET	Worse	Worse	32%

Although under target, Thurrock is still performing 3.9% above the latest national average (26.2% 2022/23) and 5.8% above the latest regional average (24.3% 2022/23). Out of 1,497 long term community services in place at month end, 451 were direct payments. The take-up of direct payments is largely based on the personal choice of the individual and for some individuals requiring support, this is not always a suitable option due to the need for the individual or their family to manage the direct payment and source their own care.

ROUTE TO GREEN IN 2023/24

Direct payments are always explored as an option by social workers during the assessment and support planning process. Manager's authorising the commissioning of new services also ensure that the option of direct payments has been explored with individuals before a commissioned service is authorised. There is a contract in place with an external provider to provide support to individuals to manage their direct payments. This includes supporting with the physical management of the money, and the sourcing of care. There is also in operation a Direct Payment Engagement Group (DPEG), which promotes the take-up of direct payments and is a forum where any concerns or issues regarding direct payments can be resolved. Work continues to increase the diversity of the market and the range of services available, for example micro-enterprises, which can be utilised using direct payments.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	In Month Oct	In month Nov	In month Dec	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
% tenant satisfaction with the landlord's approach to the complaints handling process	Housing	27.5%	22.2%	25.3%	24.0%	40.0%	20.8%	26.2%	NOT MET	Better	Worse	31%

Targets have been set in line with the median satisfaction score for Thurrock's comparable, geographical peer group as defined by Housemark. The latest benchmarking statistics show, across the social housing sector, perception with complaints handling is low, which suggests that generally across the sector, tenants are not satisfied with the way their complaints are handled. This measure includes a control question which is intended to ensure that only tenants who said they have made a complaint in the last 12 months provide their feedback. However, analysis by the service suggests of the tenants who have provided feedback relating to this measure, less than 20% have made a complaint in the last 12 month period. This suggests this question is slightly ambiguous due to differing interpretations of the word "complaint" and feedback is likely to relate to occasions where tenants have expressed a level of dissatisfaction during an interaction with a member of staff instead of a formal complaint.

ROUTE TO GREEN IN 2023/24

In order to improve tenants' perceptions and customer experience with the complaints handling process, the housing service has enacted a new process for the handling of stage 1 complaints. The new process involves a number of mandatory touch points with tenants during the complaints handling process in order to keep them updated on the progress of their complaint as well as telephone contact when the complaint is concluded to discuss the outcome. The outcomes from the new process are being recorded in a new data repository which will provide insight from the process. Due to the nature of this survey (perception), any interventions taken to improve performance will take time to improve tenants' perception of complaints handling.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	In Month Oct	In month Nov	In month Dec	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
Average time to turnaround/re-let voids (in days)	Housing	30.8 days	33.5 days	30.7 days	29.3 days	31.7 days	21 days	30.3 days	NOT MET	Better	Better	28 days

There is a clear difference in re-let times between general needs and sheltered voids. At the end of Q3 in 2023/24, sheltered voids (22% of voids let) have been let in an average of 24.3 days and general needs voids (78% of voids let) have been let in an average of 32.5 days. The number of days taken to complete void works is significantly longer for general needs voids than it is for sheltered voids due to the higher level of works generally required at void stage to bring a general needs property up to a lettable standard. Another reason this KPI did not hit the target is due to the length of time being taken to complete a tenancy sign up which has taken an average of 4.2 days during the year to date. This metric is targeted at 3 days for both general needs and sheltered voids.

ROUTE TO GREEN IN 2023/24

Performance is improving. Since 2020/21, when the average re-let time was 47.5 days, performance has improved year-on-year. As a result of improving performance, the target was enhanced from 30 days in 2022/23 to 28 days for 2023/24. Performance in key parts of the void process is monitored and reported using the Housing performance scorecard and Power BI dashboards have been developed in order to monitor performance and is available to all relevant staff. The cumulative average latest performance has improved by 0.4 days in comparison the previous quarter. This performance improvement is a result of reductions in re-let time for both general needs and sheltered voids of 1.8 days and 0.3 days respectively. In addition, the length of time to complete a tenancy sign up has also improved to 4.2 days during quarter 3, improving the latest cumulative average year to date time to complete a tenancy sign up by 0.3 days in comparison to last quarter. Tenancy sign ups took 3.4 days on average during quarter three.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	In Month Oct	In month Nov	In month Dec	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
% tenant satisfaction that the home is safe	Housing	74.2%	73.1%	74.4%	74.5%	70.8%	79.2%	74.5%	NOT MET	Better	Better	77.4%

Targets have been set in line with the median satisfaction score for Thurrock's comparable, geographical peer group, as defined by Housemark. No qualitative feedback is collected to accompany dissatisfied ratings for this particular measure and this makes it difficult to determine the primary reasons for dissatisfaction. However, qualitative feedback has been collected against a very similar satisfaction metric previously and the analysis of this feedback suggests that this measure may be slightly ambiguous and may result in dissatisfied ratings based on a multitude of reasons which span different service areas and business activities, eg anti-social behaviour, security of a building or block of flats, the neighbourhood, damp and mould and repairs to windows and doors.

ROUTE TO GREEN IN 2023/24

Analysis suggests this satisfaction measure, and all of the other "home" measures, are closely correlated with the presence of damp and mould (D&M) in the home. As part of the satisfaction survey, tenants are asked whether D&M is present in their home. The tenants who said they had D&M in their home during 2023/24 so far have a combined satisfaction rate of 53.8% whereas the tenants who said they did not have D&M in their home have a combined satisfaction rate of 83.5%. Of the tenants who said they had D&M in their home, 84.5% said they hadn't reported it. If tenants indicate they have D&M in their home, haven't reported the repair or have issues with an ongoing repair and would like contact to be arranged to fix the problem – an immediate, automatic alert is issued to our responsive repairs contractor by e-mail for a repair to be raised. So far in 2023/24, 304 D&M repairs have been issued as a result of this process accounting for 23.4% of all D&M repair demand during the period. It is anticipated that over time, this proactive approach to detecting and resolving unreported D&M occurrences will improve satisfaction with all "home" measures, including home safety.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
% Member Enquiries responded to within timeframe	Complaints/Enquiries	94%	93%	92% (YTD)	93% (YTD)	NOT MET	Better	Worse	94%
% Subject Access Requests responded to within timeframe	Complaints/Enquiries	91%	84%	87% (YTD)	90% (YTD)	NOT MET	Better	Worse	91%

2846 member enquiries from 3054 were responded to within timeframe. As at Q3, the Council received 100 Subject Access Requests and 90 were processed within the legal timeframe. Of the 10 missed deadlines, 8 phased disclosures were provided due to large volumes of data in scope of the request and 2 were missed due to late return of information from the service area. See Appendix 1 for further breakdown of all information management related enquiries.

ROUTE TO GREEN IN 2023/24

The Complaints Team are responsible for tracking the learning from complaints. Service areas are individually responsible for ensuring measures are put in place to learn from complaints and to ensure responses to complaints and enquiries are responded to within timeframes. For Subject Access Requests, the route to green will always be subject to the type of request received. Some requests are very complex and as such require significant resource to complete and are subsequently more likely to result in deadlines not being met. However, the council will ensure that staged disclosures are provided to requestors at all times. The high-level learning and/or outcomes from individual upheld complaints is included in Appendix 1.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
% of exit interviews completed (and registered on Oracle)	Staffing	13.23%	12.30%	13.40%	7.79%	NOT MET	Worse	Worse	60%
The completion of exit questionnaires being registered continues to be extremely low. It is unclear currently to what extent this is because not all managers/leavers are correctly updating the Oracle system as opposed to exit interviews just not being done. Anecdotally, both scenarios have a part to play in the low outturn.									
ROUTE TO GREEN IN 2023/24									
HR Business Partners regularly remind directorate management teams of the need to complete exit interviews. This has also been flagged at SLT. The team are looking to make the process slicker and integrated with the wider exit process. Currently it relies on the staff member remembering to go into their Oracle record on their last day to complete.									

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
No of active agency placements - whole council	Staffing	243	151	208	197	NOT MET	Better	Better	160
£ Spend on agency staff	Staffing	£12,641k	£2,976k	£3,758k	£3,800k	NOT MET	Worse	Worse	£2,500K
The number of and therefore spend on agency workers currently is largely cover for front line services ie - social workers and waste services. It also currently includes temporary staff who have been hired as part of the improvement and recovery plan delivery.									
ROUTE TO GREEN IN 2023/24									
This is monitored closely by each DMT and each directorate is continuing to look at ways for minimising the need for agency recruitment and spend. This has been identified as an area to be focussed on as part of the savings proposals, which will reduce the spend in 2023/24.									

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	Q3 Year to Date	Target Status	Direction of Travel since last quarter	Direction of Travel since last year	Qr3 Target
Sickness (average days lost per Full Time Equivalent (FTE) (Forecast year end outturn)	Staffing	10.93 days	8.96 days	9.7 days	10.83 days	NOT MET	Worse	Better	9 days
Long-term absence (periods of 28 days or more) has reduced in the last two quarters but remains above the level recorded in 2022/23. Mental Health, which accounted for 25% of sickness during 2022/23, has increased to 28.6% at the end of Q3. Work related stress has also increased from 5.8% to 10.2% of all absence over the same period.									
ROUTE TO GREEN IN 2023/24									
HR have taken action on the recording of absence, reviewing cases and Occupational Health (OH) provision. Reviews with managers identified 35 sickness cases that had not been recorded. The updated list of cases has been reviewed with managers with advice given on next steps. Increased capacity is being made available in OH to progress cases. Further actions are planned to make some policy amendments, guidance on phased returns and reduce the number of missed OH appointments.									

3.5 Indicators for monitoring trends and direction of travel only

There are some indicators which do not have any set targets, but where the trend and direction of the data is carefully monitored to spot any early warning of risks.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	In Month Oct	In month Nov	In month Dec	Q3 Year to Date	Direction of Travel since last quarter	Direction of Travel since last year
No of Unaccompanied Asylum Seeking Children (UASC) (on last day of month)	Children Social Care	45	47	40	45	49	43	43	Higher	Lower
No of new start apprentices in Council	Staffing	28	7	2				7	Higher	Lower
% of Council-owned Housing stock reporting damp and mould repairs	Housing	17.57%	3.02%	5.81%	1.50%	2.10%	1.70%	10.20%	Higher	Lower
Number of open disrepair cases at month-end	Housing	n/a	n/a	117	n/a	n/a	118	118	Higher	n/a
Number of households at risk of homelessness approaching the council for assistance	Housing	2,188	576	649 (1225)	225	211	144	580 (1808)	Lower	Higher
Number of households in temporary accommodation at month-end	Housing	320	327	370	388	406	426	426	Higher	Higher
No of children subject to a Child Protection Plans (on last day of month)	Children Social Care	107	108	126	123	131	135	135	Higher	Higher
Rate of children subject to a Child Protection Plan (on last day of month)	Children Social Care	24.2	24.5	28.5	27.4	29.2	30.1	30.1	Higher	Higher
No of Children Looked After (on last day of month)	Children Social Care	292	308	288	297	295	292	292	Higher	Same
Rate of Children Looked After (on last day of month)	Children Social Care	66	70	65	66	66	65	65	Same	Lower
% of Children Looked After (on last day of month), placed more than 20 miles from their homes	Children Social Care	19%	27.3%	26.3%				25.7%	Lower	Higher
Average cost of placement (Children's Social Care)	Children Social Care	£1,903	£2,066	£2,122	£2,298	£2,264	£2,156	£2,239	Higher	Higher
No of FTE (full time equivalent staff)	Staffing	2073	2078	2064				2069	Higher	Lower
No of staff (headcount)	Staffing	2503	2489	2473				2492	Higher	Lower
% attrition rate (similar to staff turnover but includes voluntary and compulsory leavers - rolling year average)	Staffing	15.26%	15.34%	11.56%	12.14%	11.74%	12.07%	11.98%	Higher	Lower

3.6 Indicators with outstanding information

The services for the following indicators are currently reviewing the targets, however, the outturn data and direction of travel is shown.

Indicator Definition	Service Area	2022/23 Outturn	Q1 Year to Date	Q2 Year to Date	In Month Oct	In month Nov	In month Dec	Q3 Year to Date	Direction of Travel since last quarter	Direction of Travel since last year
Payment rate of Fixed Penalty Notices (FPNs)	Enforcement	58.27%	59.63%	56.90%	66.75%	53.07%	82.52%	67.45%	Better	Better
% of refuse bins emptied on correct day*	Waste	99.99%	99.98%	99.99%	99.99%	99.99%	99.99%	99.99%	Same	Same
Proportion of household waste sent for recycling	Waste	28.87%	29.71%	29.10%	28.44%	26.16%	25.28%	26.61%	Lower	Lower
Residual (i.e., non-recycled) waste per household (tonnes)	Waste	664.83	299.62	276.63	84.05	84.85	86.55	255.46	Lower	Higher

* Whilst the data for this “missed bins” indicator has been correctly reported based on the current process for data collation, it is recognised that it may not reflect feedback given by residents and as such the service is reviewing the method for collection of the data to ensure it provides an accurate representation of performance.

The below indicators have either new or changed definitions for which the data is currently being quality assured by the service and will be included in the next quarterly report.

- Overall spend to budget on General Fund (% variance against forecast)
- Divestment from previous investments
- Receipts from capital assets sales
- Level of GF borrowing in the capital programme
- Identification and delivery of annual revenue savings
- Amount of debt
- Proportion of budget spent on financing debt
- Forecast annual financial deficit – 2028/29
- % of children in care that had an Initial Health Assessment (IHA) within 20 working days

4. Reasons for Recommendation

- 4.1 This interim Corporate Scorecard is required to ensure SLT, Members and Commissioners have corporate oversight of and assurance that service delivery, demand and general organisational health issues are identified and resolved/mitigated at the earliest opportunity.

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

- 5.1 Service leads via the cross-council Performance Board have been engaged in supporting the development of the interim scorecard.
- 5.2 The list of indicators was presented to SLT and IRB in November 2023 where they were approved for use for the remainder of 2023/24.

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

- 6.1 This is an integral part of monitoring corporate policies and priorities and will be the primary tool for reporting corporate performance for the remainder of 2023/24.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Finance Manager
6 February 2024

There are financial KPIs within the interim corporate scorecard, the performance of which is included in the report. Where there are issues of underperformance, any recovery planning commissioned by the council may entail future financial implications and will need to be considered as appropriate by the service at that time.

7.2 Legal

Implications verified by: **Gina Clarke**
Corporate Lawyer & Deputy Monitoring Officer
12 February 2024

There are no direct legal implications arising from the recommendation of this report. However, under s3(1) of the Local Government Act 1999, local authorities have a general duty to obtain Best Value by making arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The duty of best value covers a broad range of issues. In the context of the subject matter of this report, the Council needs to have effective arrangements in place to secure improvement in the way all the Council's functions are exercised on an on-going basis and at pace and also to tackle any weaknesses.

Effective KPIs with frequent monitoring, performance reporting and the updating of the corporate plan are useful measures in supporting improvement in the level of service delivery of the Council's services and activities.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager, Community Development and Equalities
7 February 2024

The report contains some measures that help determine the level of progress with meeting wider diversity and equality ambitions, including independent living, sickness absence, homelessness and looked after children etc. Phase 2 of the PMAF will incorporate more focus on these areas.

7.4 Risks

The RED and GREEN ratings, alongside the Direction of Travel (DOT) of each of the measures is an indicator of the risk to individual areas of service. Services review this information closely to monitor any changes in trends to ensure the appropriate mitigating action is taken at the earliest opportunity.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

The scorecard incorporates areas which affect a wide variety of issues, including those noted above in the body of the report. Where applicable these are covered within the 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):

- n/a

9. Appendices to the report

- Q3 Corporate Complaints and Enquiries report

Report Author:

Sarah Welton
Strategy Manager
Chief Executive's Office

Appendix 1: Quarter 3 April – December 2023 Corporate Complaints and Enquiries report
Produced by the Information Management Team

1. Complaints/enquiries activity and performance (based on top 10 complaint areas) as at end of Quarter 3:
 Note – Timeframes are as follows: MP and Cllr enquiry - 10 working days; Complaint – 10 working days (stage 1)

Area	No of complaints received	No of closed complaints	% of closed complaints responded to within timeframe	No of Cllr enquiries responded to	% of Cllr enquiries responded to within timeframe	No of MP enquiries responded to	% of MP enquiries responded to within timeframe	Breakdown of overdue/ late cases by issue nature
Waste Management	421	407	84% (343)	270	95% (257)	7	71% (5)	79 Missed deadlines: <ul style="list-style-type: none"> • 64 Complaints • 13 Cllrs • 2 MP
Repairs	230	218	99% (215)	173	98% (170)	5	100% (5)	6 Missed deadlines: <ul style="list-style-type: none"> • 3 Complaints • 3 Cllrs
Clean & Green	97	88	81% (71)	507	94% (478)	7	100% (7)	46 Missed deadlines: <ul style="list-style-type: none"> • 17 Complaints • 29 Cllrs
Estates Management	85	86	87% (75)	220	88% (193)	16	94% (15)	39 Missed deadlines: <ul style="list-style-type: none"> • 11 Complaints • 27 Cllrs • 1 MP
Housing Solutions	79	75	80% (60)	130	92% (119)	55	95% (52)	29 Missed deadlines: <ul style="list-style-type: none"> • 15 Complaints • 11 Cllrs • 3 MP
Development Control	34	37	84% (31)	224	92% (205)	13	85% (11)	27 Missed deadlines: <ul style="list-style-type: none"> • 6 Complaints • 19 Cllrs • 2 MP
Parking Enforcement	40	37	95% (35)	117	98% (115)	6	83% (5)	5 Missed deadlines: <ul style="list-style-type: none"> • 2 Complaints • 2 Cllrs • 1 MP
Transforming Homes	33	32	100% (32)	26	100% (26)	6	83% (5)	1 Missed deadline: <ul style="list-style-type: none"> • 1 MP
Voids	29	28	93% (26)	12	75% (9)	1	100% (1)	5 Missed deadlines: <ul style="list-style-type: none"> • 2 Complaints

								<ul style="list-style-type: none"> • 3 Cllrs
Highways Maintenance	27	23	100% (23)	313	98% (306)	12	100% (12)	7 Missed deadlines: <ul style="list-style-type: none"> • 7 Cllrs
*Totals	1386	1352	86% (1164)	3054	93% (2846)	226	88% (198)	

*Totals shown are based on all activity therefore over and above the top 10 areas

2. Upheld complaints and learning/outcomes based on top 10 areas as at end of Quarter 3:

Area	Closed Complaint Volumes	% Complaints Upheld	High level Learning and/or outcomes from upheld complaints
Waste Management	407	78% (318)	<ul style="list-style-type: none"> • Regular toolbox talks held to inform crews of the importance of keeping pathways and driveways clear of bins • Written instructions have been issued to crews due to failures on waste collections, including bins not being collected, failures with assisted collections and/or bins not being returned to the point they were collected from • Crews instructed to ensure any waste that falls from bins is collected using tools provided
Page 40 Repairs	218	43% (94)	<ul style="list-style-type: none"> • Contractor informed of the service standards, with regards to ensuring appointments are managed correctly and in a timely manner, to prevent resident dissatisfaction as a result of delays • A boundary check spreadsheet has been implemented, to streamline the process for repairs in relation to progressing fencing works • Contractor supervisors have been informed that emails received are to be reviewed and responded to in a timely manner and that residents are kept updated in relation to any works • Contractor staff have been informed that where works are required following attendance, these are raised and progressed in a timelier manner ensuring that residents are also kept updated where required. • Contractor engineers have been informed of the correct process for reporting follow on works. This was also discussed in a toolbox talk • Contractor staff informed of the importance of ensuring that their ID badge is worn and visible at all times.
Clean and Green	88	45% (40)	<ul style="list-style-type: none"> • It has been made clear to the team responsible for grass cutting, that they must collect and clear cuttings after an attendance • Schedules for clearing litter bins to be reviewed, in order to minimise the occurrence of overflowing bins • Grass cutting team spoken to regarding the importance of remaining on schedule with works • Tree team informed of the importance of ensuring queries are responded to in a timely manner
Estates Management	86	16% (14)	<ul style="list-style-type: none"> • Staff informed of the need to keep residents updated, with regard to handing over keys for a property move and ensuring that contact from residents is acknowledged, even if no updates are available at the time • Caretaking staff spoken to ensure they understand the importance of acting in a respectful manner when dealing with individuals • Extra checks have been put in place in relation to decant payments, to ensure that forms are processed promptly and payments approved within expected timeframes.

Housing Solutions	75	21% (16)	<ul style="list-style-type: none"> • Staff informed of the importance of ensuring they remain in contact with residents regarding their cases, to ensure residents have clear lines of contact and are kept updated • All staff have been informed of the process for referring residents to safeguarding if necessary • Senior staff informed that in the event of an officer leaving and a case of theirs remains open, senior staff must seek to transfer the case as soon as possible and to communicate this change of caseworker to the applicant
Development Control	37	14% (5)	<ul style="list-style-type: none"> • Support services staff in the team have been provided with additional training, to ensure that any emails relating to website access or decision making on applications are responded to in a timely manner • Officers informed of the importance of keeping residents updated in relation to enforcement matters
Parking Enforcement	37	22% (8)	<ul style="list-style-type: none"> • Technical issues with the process for renewal of parking permits have been addressed with the provider (being unable to renew permit ahead of renewal date and the system not notifying residents if a vehicle swap submission is rejected) • Technical issues in relation to appealing a PCN will be addressed with the third party provider. These issues were in relation to addresses not appearing upon entering a post code and being unable to upload a photo.
Transforming Homes	32	31% (10)	<ul style="list-style-type: none"> • A quality check process has been implemented, to ensure that letters sent to residents are accurate • To review communications sent to residents in relation to works being carried out on their property, to ensure they are provided with timely updates • To ensure that when carrying out Transforming Homes works, any neighbouring properties are consulted before works commence.
Private Roads	28	61% (17)	<ul style="list-style-type: none"> • Contractor spoken to and informed of the importance of ensuring required materials have been received prior to scheduling further appointments. • Contractor spoken to and informed of the importance of progressing reports as soon as they are received to avoid any delays in works
Highways Maintenance	23	43% (10)	<ul style="list-style-type: none"> • Officers reminded that in the event of a vehicle crossing application potentially exceeding the 12-week target period, then this must be escalated with managers in advance • The team to review the use of generic email accounts to ensure communications are acted upon in a timely manner • Officers informed to ensure that all contact is responded to promptly
*Totals	1352	46% (626)	

*Totals shown are based on all upheld complaints therefore over and above the top 10 areas

3. Freedom of Information (FOI) requests as at end of Quarter 3 (April – December) – Based on top 10 areas

Note – Timeframes to respond to FOIs is 20 working days

Area	FOIs received	% FOI responded within timeframe	Reasons for missed deadlines
Childrens Services	79	100% (79)	Not applicable
Housing	78	99% (77)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area
Education	67	99% (66)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area
Finance	53	89% (47)	6 x FOI deadlines missed: <ul style="list-style-type: none"> 2 x late approvals by the service area 4 x late return of information by the service area
Highways Maintenance	47	96% (45)	2 x FOI deadlines missed: <ul style="list-style-type: none"> 1 x late return of information by the service area 1 x missed as it was logged late by the Information Management Team
Human Resources	47	98% (46)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area resulted in late approval
Adult Social Care	40	100% (40)	Not applicable
Planning	39	97% (38)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area resulted in late approval
IT	33	97% (32)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late approval of information by the service area
Waste & Recycling	29	100% (29)	Not applicable
*Totals	756	98% (738)	

* Totals shown are based on all FOI requests therefore over and above the top 10 areas

13 March 2024 (Deferred from 21 February 2024)		ITEM: 13
		Decision: 110694
Cabinet		
Annual fee consultation outcome and uplift recommendations – Adult Social Care		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor George Coxshall, Portfolio Holder for Heath, Adults Heath and Community		
Accountable Assistant Director: Les Billingham – Assistant Director, Adult Social Care and Community Development		
Accountable Director: Ian Wake – Director for Adults, Health and Housing		
This report is Public		
Version: Cabinet		

Executive Summary

The report sets out the proposed uplifts for adult social care service for 2024/25, the financial impact of which has been reflected in the Medium Term Financial Strategy

In recent years there have been a number of legal challenges from care providers against local authorities for the process used to set care provider fees. Councils cannot be challenged legally on the level and fairness of the fee itself, but on whether the process behind it has complied with specific legal duties. Providers have claimed that many councils have failed to have due regard to the cost of care in their decision-making process. These cases have made it clear that there must be transparent and real consultation before fees are agreed - whatever the contractual arrangements are.

Government Intervention & Section 114

On 2 September 2022, the then Secretary of State for Levelling-up, Housing and Communities made directions under section 15(5) and (6) of the Local Government Act 1999 to implement an intervention package for Thurrock Council.

On 16 March 2023 the Secretary of State confirmed the expanded recommendations and the appointment of Managing Director Commissioner replacing the original directions from 2 September 2022.

The updated directions set out the actions to be taken by the Council. The actions relating to the Improvement and Recovery Plan are:

- an action plan to achieve financial sustainability and to close any short and long-term budget gaps identified by the Authority across the period of its Medium-Term Financial Plan (MTFP), including a robust multi-year savings plan.
- an action plan to ensure the Authority’s capital, investment and treasury management strategies are sustainable and affordable.
- a strict debt reduction plan, and an updated Minimum Revenue Provision (MRP) policy in line with all relevant rules and guidelines.
- an action plan to ensure the Authority is complying with all relevant rules and guidelines relating to the financial management of the Authority.
- a suitable scheme of delegations for financial decision-making.
- an action plan to reconfigure the Authority’s services commensurate with the Authority’s available financial resources.
- a plan to ensure that the Authority has personnel with sufficient skills, capabilities, and capacity to deliver the Improvement and Recovery Plan, within a robust officer structure.
- an action plan to strengthen the Authority’s governance function, to secure improvements in transparency and formal decision making. This should include measures to improve the Authority’s scrutiny function, including the taking and recording of formal decisions.
- arrangements to secure the proper resourcing and functioning of the system of internal controls, including risk management and internal audit.

The 2024/25 budget has been set in the context of the above directions with the key priorities and objectives shown below:

Table 1:

Priorities	Workstreams	Objectives
Improving Leadership to Accelerate Change	Leading with purpose and direction	A long-term purpose and direction for the Council
		Develop a medium-term Corporate Plan that continues the change and improvement programme of the Council.
		Strategy-led business planning
	Building our corporate capability	Develop, consult, and approve a new operating model for the Council
		Redesign and restructure the Council
		Stand-up a Programme and Project Management Office
Improving Governance and Controls	Establishing the foundations for governance excellence	Review and refresh all of our governing policies
		Build a capable and effective scrutiny function
		Undertake a governance review for all external companies or partnership bodies that the Council has an interest in

Priorities	Workstreams	Objectives
	Creating an exemplary control environment	Create a Council-wide strong risk managed operating environment
		The Council's assurance and audit functions are re-set
		Proportionate processes that maximise transparency and accountability are developed
Improving Financial Sustainability	Divestment of the Council's investments	Dispose of investments
	Improving our stability through budgetary savings and maximisation of income	Through implementing a savings programme, alongside a programme to maximise income over each of the next five years and beyond, the Council's budget moves towards achieving a balanced position.
		Detailed plan to generate capital receipts
		Develop a Capital Programme which leads to General Fund borrowing which is significantly smaller and aligned to the Corporate Plan.
	Improving our financial management capability and practice	We will demonstrate exemplary corporate financial leadership
		We will redesign and restructure the Council's financial service
		Corporate Financial Capability

These Directions shall remain in force until 1 September 2025 unless the Secretary of State considers it appropriate to amend or revoke them earlier.

Commissioner Comment:

None.

1. Recommendation(s)

- 1.1 That the Committee comment on the proposed 8.87% increase on the weekly rates paid to Thurrock care home providers for older people**
- 1.2 That the Committee comment on the proposed 8.87% increase on the rates paid to CQC regulated domiciliary home care providers.**
- 1.3 That the Committee comment on the proposed 8.87% increase on the core fee rates paid to Thurrock care home providers for adults of a working age.**
- 1.4 That the Committee comment on the proposed 8.87% increase on the core fee rates paid to Thurrock supported living providers.**
- 1.5 That the Committee comment on the proposal to negotiate with out of Borough providers for adults of a working age and supported accommodation providers on a case-by-case basis, and to award up to an 8.87% increase to the core fee rates.**

1.6 That the Committee comment on the proposed 8.87% increase in the Direct Payments rates

1.7 That the Committee comment on the proposal to delegate the decision making for agreeing care provider fee uplifts to the Executive Director of Adults Housing and Health, in consultation with the PFH for Health, Adults Health and Community

2. Introduction and Background

2.1 The 2024/25 fee consultation ran from the 9th November until 15th December 2023. The Council held consultation meetings with care providers to detail the 2024/25 fee setting process and gave the opportunity to raise pertinent issues. Providers were asked to submit supporting documentation to evidence the financial challenges they are currently experiencing in the delivery of care services for Thurrock Council clients. This was done by either submitting their own documentation in a format of their choice, or alternatively they could complete and return the Council's pro-forma template, detailing their business and finances.

2.2 Providers were asked to consider, and brought forward a number of relevant factors, including, but not limited to the following:

- Work based pension schemes
- Voids rates
- Increased cost of utilities
- Local competition for staff recruitment such as The Port of Tilbury, Amazon warehouse and Lakeside shopping Centre
- Economies of scale for larger providers
- Challenges facing smaller providers
- Increased National Living Wage (NLW) rates
- Increased cost of insurance
- Increased mortgage/rental costs as a result of changes in interest rates
- Increased cost of fuel

3. Issues, Options and Analysis of Options

3.1 The result of the consultation concluded that the Council needs to offer providers the recommended uplifts in order to support the local care sector. Failure to do so could result a judicial review of the Council's process, and in light of continuing increases in cost of living, it would be difficult to justify offering any lower than the recommended 8.87%

3.2 The proposed uplift of 8.87% was formulated through a combination of the consultation with care providers, as well as consideration of external inflationary factors and key indicators

3.3 The summary of the basis of the formula is detailed as follows:

- National living wage increase from £10.42 to £11.44, equal to a 9.8% increase, as announced in the government Autumn Statement.
- CPI (as per September 2023 detailed in the Government Autumn Statement) of 6.7%

- The methodology is to apply the NLW increase to 70% of the contract value for direct staffing costs, and 6.7% to the remaining 30% of the contract value.

This results in the recommendation blended increase of 8.87%

4. Reasons for Recommendation

- 4.1 It has been recognised nationally that life expectancy has increased, and as a result, people are living for longer, and therefore a likely to develop far more complex care and support needs. Local authorities try to support people to remain living in their own homes for as long as possible, which consequently means that when people need to be admitted into residential and nursing care, they have far more complex care and support requirements. This has been further exacerbated as a result of the COVID 19 pandemic, where people have been more reluctant to be placed in a residential care setting, or to permit a relative to be admitted. This is mainly due to concerns regarding contracting the virus or visiting restrictions that could prohibit relatives and friends from being able to visit.

In addition, there has been a change in the hospital discharge criteria from medically fit, to medically optimised, which remains in place. This means that care homes for older adults are now supporting people with far more complex needs.

Home Care Providers

- 4.2 Staffing ratios and training requirements have also increased at a time when recruitment and retention has become much more challenging. The issue is further compounded through the increase in agencies rates charged for the provision of temporary staff, which is often essential to be able to provide adequate staffing levels to ensure people are cared for safely, whilst also respecting the cared for person's dignity.
- 4.3 Insurance premiums increased exponentially during since the pandemic, which has resulted in many insurers exiting the market, or no longer indemnifying care providers. Furthermore, there continues to be significant inflationary increases in the cost of utilities, food, fuel, and interest rates, which have a direct impact on the financial viability of care providers. This is most prevalent for residential care homes for older adults in particular, as they tend to be larger establishments offering greater levels of provision.
- 4.4 Providers continue to subsidise local authority rates though the higher rates charged to private clients (those who are not placed through the Local Authority). They are able to continue to do so as the implementation of S18 (3) of The Care Act has been postponed. In short, the change will mean that privately paying care home residents will be able to ask their upper-tier council to arrange care for them, at the usual council rate

However, the Council has a lower-than-average number of self-funders (e.g., those that both fund and arrange their own care directly with the provider), and a higher-than-average number of people who pay full cost contributions for placements commissioned by the local authority. This limits the opportunity for local providers to subsidise their businesses through self-funder revenue.

- 4.5 The ability to be able to recruit and retain care staff has and continues to be increasingly problematic within the sector. This is a nationally recognised issue but is more prevalent in

Thurrock though local competition for staff recruitment, namely in the retail sector which offer a similar rate of pay.

Working Age Adults Providers

- 4.6 Over the last four years, the Council has seen more than a 20% increase in demand for domiciliary home care services. The demand is currently being managed well, and there is not currently an operating waiting lists for home care. As a result of initiatives to support people to remain living safely in their own homes, the care needs of the clients are being increasingly complex.
- 4.7 The ability to be able to recruit and retain staff is difficult for the home care provider group and has led to the need to employ staff at increased agency rate. This in turn has a significant impact on home care providers operating costs, where they are often having to pay hourly staff rates which are in excess of the hourly rates, they receive from the Council to deliver support services, leading to a financial deficit. This is coupled with an increased cost of fuel and has been cited as a reason for people leaving the sector.
- 4.8 Since the introduction of the requirement to undertake annual fee setting consultations in 2011, the Council has only ever awarded two blanket uplifts to in borough providers that operate care homes for adults of a working age, one increase of 3% and one increase of 8.74% to core services only.

The Council has maintained the stance that fees for working age adults are negotiated individually, so a blanket uplift was not applied. However, some of these fees had remained stagnant for over 10 years prior to the award of the 3% uplift.

With the current economic factors within the sector, this is no longer a realistic approach. As with the other provider groups, working age care providers, are faced with the same inflationary costs pressure, and are not exempt to these drivers. Recruitment and retention difficulties is also prevalent for these providers, as are the significant increase in the rates that agencies are charging for staff. The sector faces local competition for recruitment from companies such as Lakeside, Amazon, and Uber and Deliveroo drivers.

Supporting Accommodation Providers

- 4.9 Supported living accommodation offers independent living, with care and support.
- As with working age adults, Supported Accommodation providers have also only ever received two blanket uplifts, also of 3% and 8.74% since the introduction of the requirement to conduct annual fee setting consultations.
- 4.10 Many out of borough placement fees will only have been negotiated within the last year so any increase requests can be negotiated on a case-by-case basis.

Direct Payments

- 4.11 Direct payments allow people to receive a Personal Budget to allow them to arrange and fund their own care needs. This can be through employing a personal assistant or purchasing their own care directly from a registered care provider.

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

5.1 This year's consultation ran from the 9th November until 15th December 2023. As part of this process the Council held a consultation meeting with providers to discuss the 2024/25 fee setting consultation process and to raise any pertinent issues. Providers were also asked to submit documentation to evidence what financial challenges they are currently experiencing as a provider of care services for Thurrock Council. They could do this by either submitting their own documentation in a format of their choice, or alternatively they could complete and return the Council's template documentation concerning their business and finances.

5.2 Providers were asked to consider a number of relevant factors including, but not limited to the following:

- the work based pension scheme.
- any voids
- increased cost of utilities
- local competition for staff recruitment such as The Port of Tilbury, Amazon warehouse and Lakeside shopping Centre
- economies of scale for larger providers
- challenges facing smaller providers.
- increased NLW/NMW rates
- increased cost of insurance
- increased mortgage/rental costs due to increased interest rates
- increased cost of fuel

5.3 Consultation meetings were arranged on the 11th December with the invitation extended to all provider groups. This gave providers an opportunity to discuss the current fees paid and the main financial challenges they were currently facing.

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

6.1 The Community Strategy, the Corporate Plan and the Medium Term Financial Strategy (MTFS) require the Council to commission services at the highest possible standard whilst delivering value for money for the Council.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Interim Assistant Director for Strategic and Corporate Finance

The financial implications are detailed below.

The proposed fees in increase have a direct financial implication of £4.671m. This is detailed as follows across the care provision and client groups:

£'000s

Residential Homes		
Older People	983	
Learning Disabilities	742	
Mental Health	105	
Physical Disabilities	172	
Respite	46	
		2,048
Nursing Homes		
Older People	183	
Physical Disabilities	6	
		189
Homecare		
Older People	731	
Learning Disabilities	12	
Mental Health	9	
Physical Disabilities	102	
		854
Supported Living		
Older People	34	
Learning Disabilities	449	
Mental Health	231	
Physical Disabilities	113	
		826
Direct Payments		
Older People	210	
Learning Disabilities	294	
Mental Health	19	
Physical Disabilities	232	
		754
Total		4,671

The increase will be funded through the following sources:

Growth Requirements - Adult Social Care Provider Uplifts		
	£000's	£000's
National Living Wage @ 9.8%	3,613	
Inflation @ 6.7%	1,059	
		4,671
<i>Financed by:</i>		
ASC Precept	(1,679)	
Social Care Grant	(1,838)	
MTFS Corporate Growth	(281)	
Market Sustainability Grant	(872)	
		(4,671)

Providers that operate outside of the Borough are able to make representation to apply for the fee uplift. This is due to the different contracting arrangement which are in place, and in many instances, care packages for working ages clients are negotiated on an individual basis and have varying fees.

An estimate for the cost of this have been made in the financial projects and will awarded as agreements are reached.

The table below details the current and proposed rates of care upon application of the uplifts:

Thurrock	2023/24 Rate	2024/25 rate after uplift
Nursing (weekly)	£ 688.32	£748.20
Residential (weekly)	£ 621.99	£676.10
Home Care (hourly)	£ 20.58	£ 22.37

7.2 Legal

Implications verified by: **Kevin Molloy**
Principal Solicitor, Contracts Team

The Council is obliged to follow the Care Act 2014 in the setting of the fees above referred to. Section 5 of the Care Act 2014 is titled “Promoting diversity and quality in the provision of services” and is part of the section titled “general responsibilities of local authorities”. The duty is mandatory in nature, but it is to “promote the efficient and effective operation of the market in services” to enable a variety of provision, that are high quality (s5(1)). Various matters are required under s5(2), which include the need to ensure the sustainability of the market (under s5(2)(d)) and fostering continuous improvement, and fostering a workforce that can deliver high quality services.

Section 5(3) provides that the Council must also have regard to the need to ensure that sufficient services are available for meeting the needs for care and support of all adults in its area, and that services must promote wellbeing. It is for the Council to determine how these duties are discharged, and a degree of latitude is allowed in this regard including being able to take account of the budgetary and resources considerations outlined above. What the Council must do, however, is to ensure that it does comply with the obligations set out in any guidance issued by central government as to fee setting and market review in order to have the evidence to be able to rebut any potential challenges relating to fee setting.

The requested price reviews were made pursuant to the terms of the contracts the Council has with its providers. When considering such a review the Council will need to have regard to the general level of competitiveness of the market and the claims made by any provider in any specific request’.

There have been a number of legal challenges against several local authorities by care providers about the process setting for care fees. Case law highlights the tension between the Council’s obligation to provide statutory care services that it is required to do and its fiduciary duty towards those who provide public funds.

As a result of this there are certain requirements that Directors Board must be satisfied have been met before a final decision is made in relation to setting fees, to minimise the risk of a potential successful legal challenge by providers.

These are:

- whether the Council's process for setting fees has been consulted on properly and adequate time has been given to providers to respond, taking into account the consultation period was 4 weeks.
- whether the Council has a robust methodology in place to calculate the fees to be paid to care providers setting care
- Whether due regard has been given to the relevant government care and support and market sustainability guidance.
- Whether there is sufficient and relevant information available in the report setting out the relevant considerations to be taken into account before a decision is reached

Relevant considerations arising from case law include but are not exhaustive.

- The consultation responses received.
- the Council's budget.
- the factors it has to consider in care and support and market sustainability government guidance.
- The actual cost of providing care.
- use appropriate local data.
- the residents who require nursing care, who require more non-nursing care.
- all care homes in the area, having based its calculations on data homes in the area.
- The legitimate current and future costs faced by providers, as well as the factors affecting those costs.
- inflation. cost of living costs
- the impact that decision would have on the quality of care provided to residents and the effect of rising costs on the care providers.

The Council is entitled to take into account its own financial position when determining the level fees However in doing so it must properly take into account all other relevant considerations, including the potential adverse consequences of the decision for providers and residents, which the Council required to balance against the constraints on its own resources. Compelling reasons for the decision taken would be required.

To comply with the Council's equalities duties an equalities analysis will need to be completed as the outcome of the analysis is a matter which the is required to have due regard to as part of the decision-making process.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**
**Team Manager – Community Development and Equalities,
Adults, Housing & Health**

Services to vulnerable adults are likely to be at risk if providers are not in a position to meet inflationary cost pressures.

All information regarding Community Equality Impact Assessments can be found here:
<https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 **Risks**

The risk associated with not increasing provider fees are centred around failures in the provider market, and in inability to provide essential services to vulnerable people. This also presents a significant financial risk of bring service back in-house as the Council has a statutory duty to provide care

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

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):

- Data submitted by providers as part of the annual fee consultation (commercially sensitive so individual submissions cannot be included)
- Benchmarking data of current fees and uplift proposal across the Eastern region (included in the financial implications in the report)

9. **Appendices to the report**

- Community & Equality Impact Assessment

Report Author:

Louise Brosnan
Service Manager – Contracts & Brokerage
Adults, Housing and Health

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Thurrock Council

Community Equality Impact Assessment

Service area and lead officer

Name of service	Adults Housing and Health
CEIA Lead Officer	Louise Brosnan
CEIA Lead Officer job title	Service Manager
CEIA Lead Officer email address	lbrosnan@thurrock.gov.uk

Subject of this assessment

What specific policy, strategy, function or service is the subject of this assessment?
Annual fee uplifts
Borough-wide or location-specific?
<input checked="" type="checkbox"/> Borough-wide <input type="checkbox"/> Location-specific – please state locations below.
Click or tap here to enter text.
Why is this policy, strategy, function or service development or review needed?

We have a legal obligation to undertake an annual fee consultation

1. Engagement, consultation and supporting information

- 1.1. What steps you have taken, or do you plan to take, to engage or consult (where applicable) the whole community or specific groups affected by this development or review? **This is a vital step.**

Steps you have taken, or plan to take, to engage or consult

This 2024/25 fee consultation ran from the 9th November until 15th December 2023. As part of the process, the Council held consultation meetings with care providers to detail the 2024/25 fee setting process and gave the opportunity to raise pertinent issues. Providers were asked to submit supporting documentation to evidence the financial challenges they are currently experiencing in the delivery of care services for Thurrock Council clients. This was done by submitting their own documentation in a format of their choice, or alternatively they could complete and return the Council's pro-forma template, detailing their business and finances.

2.2 Providers were asked to consider a number of relevant factors including, but not limited to the following:

- work based pension schemes
- voids rates
- increased cost of utilities
- local competition for staff recruitment such as The Port of Tilbury, Amazon warehouse and Lakeside shopping Centre
- economies of scale for larger providers
- challenges facing smaller providers
- increased Nation Living Wage (NLW) rates
- increased cost of insurance
- increased mortgage/rental costs as a result of changes in interest rates
- increased cost of fuel

1.2. What data or intelligence sources have you used to inform your assessment of the impact? How have these helped you understand who will be affected by the development or review?

Sources of data or intelligence, and how they have been used

The summary of the basis of the formula is detailed as follows:

National living wage increase from £10.42 to £11.44, equal to a 9.8% increase

CPI (as per September 2023 detailed in the Government Autumn Statement) of 6.7%

The methodology is to apply the NLW increase to 70% of the contract value for direct staffing costs, and 6.7% to the remaining 30% of the contract value.

2. Community and workforce impact

2.1. What impacts will this development or review have on communities, workforce and the health and wellbeing of local residents?

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
Local communities in general	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Local people will be in receipt of an acceptable standard of care	By robust contract management and having a continuous improvement approach to service delivery
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Many of the services are in place to support this age group	By robust contract management and having a continuous improvement approach to service delivery
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Many of the services are in place to support people with a disability	By robust contract management and having a continuous improvement approach to service delivery
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.
Marriage and civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
Location-specific impact, if any	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.
Workforce	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	increasing what we pay providers allows providers to increase rates of pay for care staff	This will ensure staffing levels are safe and will also improve outcomes for people receiving a service as consistency of staff is an important factor to consider when dealing with care services
Health and wellbeing of residents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Local people will be in receipt of care which is delivered to a good standard	By robust contract management and having a continuous improvement approach to service delivery
Socio-economic outcomes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Most care workers are local residents and paying them a decent rate of pay will improve their socio economic outcomes	Click or tap here to enter text.
Veterans and serving members of the armed forces	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no specific disproportionate impacts.	There are no specific disproportionate impacts.
Unpaid carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Having good care provision locally reduces the burden on unpaid carers, which reduces likelihood of unpaid carers no longer being able to fulfil their role as unpaid carers	There are no specific actions required.

3. Monitoring and review

- 3.1. How will you review community and equality impact once the policy, strategy, function or service has been implemented? These actions should be developed using the information gathered in sections 1 and 2 and included in your service area's business plans.

Action	By when	By who
--------	---------	--------

By PAMMS quality monitoring/contract compliance visits	A minimum of an annual visit will be undertaken	The contract compliance team
By monitoring of quarterly information returns	Quarterly	By PQBI and the contract compliance team
Monitoring of complaints/compliments	Ongoing	Complaints team and contract compliance
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Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

4. Next steps

- 4.1. The information gathered must be used to inform reports presented to Cabinet or overview and scrutiny committees. This will give members a necessary understanding of the impact their decisions will have on different groups and the whole community.

Summarise the implications and customer impact below. This summary should be added to the committee reports template in the Diversity and Equality Implications section for review and sign-off at the consultation stage of the report preparation cycle.

Summary of implications and customer impact
--

For a number of years now it has been recognised that life expectancy has increased, and as a result, people are living for longer, and therefore have far more complex care and support needs. Local authorities try to support people to remain living in their own homes for as long as possible, which consequently means that when people need to be admitted into residential and nursing care, they have far more complex care and support requirements. This was further exacerbated during the COVID 19 pandemic where people were more reluctant to be placed in a care home, or to permit a relative to be admitted. This was mainly due to concerns regarding contracting the virus or visiting restrictions that could prohibit relatives and friends from being able to visit.

In addition, there was a change in hospital discharge criteria from medically fit, to medically optimised, which remains in place. This means that our care homes for older adults are now supporting people with far more complex needs.

Staffing ratios and training requirements have also increased at a time when recruitment and retention has become much more challenging. The issue has been further compounded through the increase in agencies rates charged for the provision of temporary staff, which is often essential to be able to provide adequate staffing levels to ensure people are cared for safely, whilst also respecting the cared for person's dignity.

Insurance premiums increased exponentially during the pandemic, which resulted in many insurers existing the market, or no longer indemnifying care providers. Furthermore, there continues to be significant inflationary increases in the cost of utilities, food, fuel and borrowing rates, which has a direct impact on the financial viability of care providers. This is more prevalent for residential care homes for older adults in particular, as they tend to be larger establishments offering greater levels of provision.

Providers continue to subsidise local authority rates though the higher rates charged to private clients (those who are not placed through the Local Authority). They are able to continue to do so as the implementation of S18 (3) of The Care Act has been postponed. However, the Council has a lower-than-average number of self-funders (e.g. those that both fund and arrange their own care directly with the provider), and a higher than average number of people who pay full cost contributions for placements commissioned by the local authority. This limits the opportunity for local providers to subsidise their businesses through self-funder revenue.

The ability to be able to recruit and retain care staff has, and continues to be increasingly problematic within the care sector. This is a nationally recognised issue but is more prevalent in Thurrock though local competition for staff recruitment, namely in the retail sector which offer a similar rate of pay.

Over the last 4 years, the Council has seen more than a 20% increase in demand for domiciliary home care services, we are currently managing this increase in demand well and are not currently operating waiting lists for home care. These providers are also supporting people with far more complex requirements, this is also largely due to our initiatives to support people to remain living in their own homes for as long as they can safely, and the change to hospital discharge criteria.

The ability to be able to recruit and retain staff is also difficult for this provider group. The need to employ staff at increased rates from an agency has a significant impact on home care providers operating costs, where they are often having to pay hourly rates which are in excess of the hourly rates they receive to deliver support services, leading to financial deficit. The increased cost of fuel has also had an impact on recruitment as many care workers have cited this as their reason for leaving the sector.

Since the introduction of the requirement to undertake annual fee setting consultations the Council has only ever awarded two blanket uplifts to in borough providers that operate care homes for adults of a working age, one increase of 3% and one increase of 8.74% to core services only.

The Council has maintained the stance that fees are negotiated individually, so a blanket uplift was not necessary. However, some of these fees had remained stagnant for over 10 years prior to the award of the 3% uplift. With current cost of living increases, this is no longer a realistic response. As with the other provider groups this group are also facing the same inflationary costs pressure and are not immune to these drivers. Recruitment and retention difficulties is also prevalent for these providers, as is the significant increase in the rates that agencies are charging for staff. The sector faces local competition for recruitment from companies such as Lakeside, Amazon and Uber and Deliveroo drivers.

Insurance premium increases are also an issue for these care homes, as are inflationary increases in the cost of utilities, food, fuel and borrowing rates.

Supported Accommodation providers have also only ever received two blanket uplifts, also of 3% and 8.74% since the introduction of the requirement to conduct annual fee setting consultations. The Council has always maintained the same stance as it has for care homes for adults of a working age - that these fees are negotiated individually so a blanket uplift was not necessary. However, some of these fees have also remained the same for a number of years and therefore maintaining this stance is becoming increasingly unfeasible.

Many out of borough placement fees will only have been negotiated within the last year so any increase requests can be negotiated on a case by case basis.

5. Sign off

5.1. This Community Equality Impact Assessment must be authorised by the relevant project sponsor, strategic lead, or assistant director. This should not be the CEIA Lead Officer. Officers authorising this assessment are responsible for:

- the accuracy of the information
- making sure actions are undertaken

Name	Role	Date
Les Billingham	Assistant Director	08/01/24

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13 March 2024	ITEM: 14 Decision: 110709
Cabinet	
Financial penalties for the enforcement of consumer protection legislation relevant to Letting Agents and Landlords	
Wards and communities affected: All	Key Decision: Non-Key
Report of: Cllr Jefferies – Portfolio Holder	
Accountable Assistant Director: Mike Dineen – Assistant Director	
Accountable Director: Claire Demmel – Director of Public Realm	
This report is Public	
Version: Cabinet / Final	

Executive Summary

This report has been prepared to inform Cabinet about a new policy imposing financial penalties for breaches of legislation relating to Letting Agents and Landlords. These include.

- Tenant Fees Act 2019
- Chapter 3, Part 3 of the Consumer Rights Act 2015
- The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014
- The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019

These penalties are new sanctions made available to local authorities by the above legislation and the Council is required to have a policy in place to ensure consistency in approach.

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

1. Recommendation(s)

1.1 Cabinet notes the contents of this report.

1.2 Cabinet approves the financial penalties policy for the enforcement of consumer protection legislation relevant to Letting Agents and Landlords, so it can be implemented within our Enforcement Policy.

Version Control

Version Cabinet – Final version ready for Cabinet/Executive decision

2. Introduction and Background

- 2.1 The private rented sector in the housing market is second only to owner occupation in England. The rapid growth of the sector has prompted a need for property management standards. There is currently no overarching statutory regulation of the private rented sector, although letting agents and landlords are subject to consumer protection laws. There are also specific provisions for letting agents and landlords in relation to the charging of fees and membership of redress schemes.
- 2.2 The consumer protection legislation that applies to this sector is as follows;
- The Tenant Fees Act 2019 prohibits landlords and agents from charging any fees to tenants other than those permitted in the Act.
 - The Consumer Rights Act 2015 (Chapter 3 of Part 3) requires agents to display a list of relevant fees that tenants and landlords are required to pay. They must also display details of their client money protection scheme and redress membership.
 - The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019. A “property agent” who holds client money must be a member of an approved or designated client money protection scheme.
 - The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 requires a person who engages in lettings agency or property management work is required to be a member of a redress scheme.
- 2.3 Trading Standards have a statutory duty to enforce the legislation as the “Weights and Measures Authority” and must determine the appropriate enforcement action where breaches are identified. A breach of the legislation will usually be civil in the first instance and may result in a financial penalty. However, if a further breach is committed within five years, this will be a criminal offence.
- 2.4 Enforcement authorities are expected to develop and document their own policy on when to prosecute and when to issue a financial penalty. Decisions must be made in line with that policy.
- 2.5 This policy is therefore essential in allowing us to take effective enforcement action under the legislation. It is a significant addition to the range of tools in the Council’s existing Enforcement Policy as a means of achieving business compliance.

3. Issues, Options and Analysis of Options

- 3.1 The policy proposed reflects the approach recommended by the National Trading Standards Estate and Letting Agents Team and has been successfully implemented across England by other Local Authorities.
- 3.2 Traditional enforcement outcomes for consumer protection offences often result in prosecution however these legislations implement a new approach to this business sector in terms of

creating civil sanctions. These newly created penalties mean that rogue agents can be effectively tackled, and vulnerable consumers protected.

4. Reasons for Recommendation

- 4.1 If this policy is not agreed by the Committee, then Trading Standards will not be able to impose financial penalties on unscrupulous landlords and letting agents. This will be to the detriment of Thurrock Residents who very often are vulnerable due to the nature of their short lease rental agreements.

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

- 5.1 None

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

- 6.1 The work on Tenant Fees contributes to all three of Thurrock's priorities in terms of;
- People - protecting vulnerable residents from being exploited by rogue landlords and letting agents.
 - Place – safeguarding communities from illegal activity
 - Prosperity – ensuring Thurrock has a thriving rental sector with a level playing field.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

This statutory work is funded by the Trading Standards budget. There are no additional financial implications arising from this report. There will be a small element of income generation from this work which should be invested back into the service. This will be reliant on identifying offenders and bringing them to task. This will not be a consistent income stream however as the intention of the policy is to bring about compliance.

7.2 Legal

Implications verified by: **Godwin Mangse**
Interim Manager Housing & Litigation, Legal Services

The current work of the Public Protection Service of the Council is governed by the legislation detailed in the body of this report and Legal Service will advise appropriately on any identified legal implications arising thereof from this report and as when required.

Furthermore, internal policies and working instruction should be formulated to guide officers on the issuing of financial penalties, in relation to breaches of relevant housing legislation. These

documents will deal with the process by which notices are issued, appeals handled and penalties collected and enforced if unpaid.

In accordance with the remit of the CGS Overview and Scrutiny Committee, Members are asked to review and scrutinise the outline in this report.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**

Team Manager – Community Development and Equalities

The work outlined in this report helps protect vulnerable members of the community by ensuring rogue traders are brought to task. A CEIA has been completed.

7.4 **Risks**

None

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

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):

Tenant Fees Act 2019 – Statutory Guidance for Enforcement Authorities

9. **Appendices to the report**

- Appendix 1: The Tenant Fees Act Policy

Report Author:

Charlotte Edwards - Trading Standards Manager

Public Protection

Thurrock Council Policy on Financial Penalties for the enforcement of consumer protection legislation relevant to Letting Agents and Landlords

Version Control

Version Control	
Author:	Rachel Tones
Owner:	Charlotte Edwards
Date Drafted:	19/7/23
Approved By:	
Date Approved:	
Version:	1.0
Last Review Date:	

Amendment Record

Version No.	Date	Summary
1.0	February 2023	Initial draft
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1 Introduction

1.1 On 1 June 2019, the Tenant Fees Act 2019 (TFA 2019), came into force, prohibiting landlords and agents from charging any fees to tenants, other than those 'permitted' by the Act. Any tenancy that was signed on or after 1 June must adhere to the new regulations.

1.2 The TFA 2019 applies to assured short-hold tenancies, student accommodation tenancies and licences to occupy housing in the private rented sector. The act only applies to landlords, agents and tenants in England.

1.3 Thurrock Council (the Council) Trading Standards has a duty to enforce the TFA 2019, and where there has been a breach of the Act and/or associated legislation, to determine the appropriate enforcement action. The following policy guidance has been issued by the Council pursuant to this duty and should be read in conjunction with our published Enforcement Policy.

1.4 In creating this policy guidance, the Council has had regard to the Tenant Fees Act 2019 Statutory Guidance for Enforcement Authorities and the National Trading Standards Guidance for Enforcement of Sales and Letting Businesses.

1.5 Guidance for tenants, landlords and letting agents explaining how the Act affects them is available here: <https://www.gov.uk/government/publications/tenant-fees-act-2019-guidance>.

2 Legal References

2.1 The TFA 2019 prohibits the charging of fees in respect of a tenancy other than those which are specifically permitted and amends other legislation applicable to Thurrock Council as follows:

- a. In respect of the duty of letting agents to publicise fees and memberships of Client Money Protection and Redress Schemes under Section 87 of the Consumer Rights Act 2015
- b. In relation to the duty placed on enforcement authorities to have regard to any guidance issued by the Secretary of State ("the SoS") relating to the enforcement of an order under S83(1) or 84(1) as per Section 85 of the Enterprise & Regulatory Reform Act 2013
- c. In relation to the meaning of 'Lead Enforcement Authority'; under Section 135 of the Housing and Planning Act 2019 (enforcement of client money protection scheme regulations).

3 Sanctions

3.1 The TFA 2019 provides that enforcement authorities may impose financial penalties of up to £30,000 depending on the breach as follows:

- a. In respect of Prohibited Payments under S1 & 2 of the TFA 2019 a financial penalty not exceeding £5,000 for a first breach.
- b. Under S12 of the TFA 2019 a second or subsequent breach within 5 years of the previous breach provides for a financial penalty not exceeding £30,000. There is also a power to prosecute in the Magistrates Court, where an unlimited fine may be imposed.

3.2 The Council will determine whether it is appropriate to impose a financial penalty or prosecute in any relevant case having due regard to our Enforcement Policy, the Tenant Fees Act 2019 Statutory Guidance for Enforcement Authorities and the National Trading Standards Guidance for Enforcement of Sales and Letting Businesses. In appropriate circumstances consideration will be given to informal action such as warning letters or advice, in an effort to secure compliance, in accordance with our Enforcement Policy.

4 Consequential Amendments brought about by the TFA 2019

4.1 Additionally, the TFA 2019 amends the legislation referred to in paragraph 1 above and which separately provides that penalties may be imposed as follows:

- a. In respect of a failure of Letting Agents to publicise their fees and alongside those fees, details of Client Money Protection and Redress Scheme membership as required by S83(3), (6) and (7) of the CRA 2015 a financial penalty not exceeding £5,000.
- b. In respect of a failure by a property agent who holds client money to belong to an approved or designated Client Money Protection (“CMP”) Scheme as required by Regulation 3 of the Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019, a financial penalty not exceeding £30,000.
- c. In respect of a failure to obtain a certificate confirming membership or display that certificate as required or publish a copy of that certificate on the relevant website (where one exists) or produce a copy of the certificate free of charge to any person reasonably requiring it as required by Regulation 4(1) of the Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 a financial penalty not exceeding £5,000.
- d. In respect of a failure by a property agent to notify any client within 14 days of a change in the details of an underwriter to the CMP scheme or that the membership of the CMP scheme has been revoked as required by Regulation 4(2) of the Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 a financial penalty not exceeding £5,000.

5 Determining the level of the financial penalty

5.1 In accordance with the provisions of the TFA 2019 the level of financial penalties is to be determined by the Council. Although the statutory guidance recommends factors which may be taken into account it does not go into any significant level of detail in this regard. Each of those factors will be considered as a part of the Council's decision-making process and they are:

- a. The history of compliance/non-compliance
- b. The severity of the breach
- c. Deliberate concealment of the activity and/or evidence
- d. Knowingly or recklessly supplying false or misleading evidence
- e. The intent of the landlord/agent, individual and/or corporate body
- f. The attitude of the landlord/agent
- g. The deterrent effect of a prosecution on the landlord/agent and others
- h. The extent of financial gain as a result of the breach

5.2 Although the Council has therefore a wide discretion in determining the appropriate level of financial penalty in any particular case, regard has been given to the statutory guidance when making this policy.

5.3 Appendix 1 of this policy contains the processes that the Council will use in order to determine the level of financial penalty under the TFA 2019. All stages subsequent to the issue of a Notice of Intent are subject to statutory time limits and the impact of the exercise by the Landlord or Agent of the Appeal process.

Appendix 1 – The Council’s process for determining the level of penalty to set

STEP ONE – Determining the offence category

The council will determine the breach category using only the culpability and category of harm factors below. Where an offence does not fall squarely into a category, individual factors may require a degree of weighting to make an overall assessment. The Council may also apply a discretionary factor in order to reflect consistency across England and may consider decisions in other UK jurisdictions where they contain some relevant and persuasive content.

Culpability

Very high: Where the Landlord or Agent intentionally breached, or flagrantly disregarded, the law or has/had a high public profile¹ and knew their actions were unlawful

High: Actual foresight of, or wilful blindness to, risk of a breach but risk nevertheless taken

Medium: Breach committed through act or omission which a person exercising reasonable care would not commit

Low: Breach committed with little fault, for example, because:

- significant efforts were made to address the risk although they were inadequate on the relevant occasion
- there was not warning/circumstance indicating a risk
- failings were minor and occurred as an isolated incident

Harm

The following factors relate to both actual harm and risk of harm. Dealing with a risk of harm involves consideration of both the likelihood of harm occurring and the extent of it if it does.

Category 1 – High Likelihood of Harm

- Serious adverse effect(s) in individual(s) and/or having a widespread impact due to the nature and/or scale of the Landlord’s or Agent’s business
- High risk of an adverse effect on individual(s) – including where persons are vulnerable²

Category 2 – Medium Likelihood of Harm

- Adverse effect on individual(s) (not amounting to Category 1)
- Medium risk of an adverse effect on individual(s) or low risk of serious adverse effect.

¹ Which may include any significant role in a trade or business representative organisation

² A wide definition of vulnerability will be used. See Appendix 2 for a non-exhausted list

- Tenants and/or legitimate landlords or agents substantially undermined by the conduct.
- The Council's work as a regulator is inhibited
- Tenant or prospective tenant misled

Category 3 – Low Likelihood of Harm

- Low risk of an adverse effect on actual or prospective tenants.
- Public misled but little or no risk of actual adverse effect on individual(s)

We will define harm widely and victims may suffer financial loss, damage to health or psychological distress (especially vulnerable cases). There are gradations of harm within all of these categories.

The nature of harm will depend on personal characteristics and circumstances of the victim and the assessment of harm will be an effective and important way of taking into consideration the impact of a particular crime of the victim.

In some cases, no actual harm may have resulted and the enforcement authority will be concerned with assessing the relative dangerousness of the offender's conduct; it will consider the likelihood of harm occurring and the gravity of the harm that could have resulted.

To the community

Some offences cause harm to the community at large (instead of or as well as to an individual victim) and may include economic loss, harm to public health, or interference with the administration of justice.

STEP TWO – Starting point and category range

Having determined the category that the breach falls into, the Council will refer to the following starting points to reach an appropriate level of civil penalty within the category range. The Council will then consider further adjustment within the category range for aggravating and mitigating features.

Obtaining financial information

The statutory guidance advises that local authorities should use their powers under Schedule 5 to the CRA 2015 to, as far as possible, assess a Landlord's or Agent's assets and any income (not just rental or fee income) they receive when determining an appropriate penalty. The Council will use such lawful means as are at its disposal to identify where assets might be found.

In setting a financial penalty, the Council may conclude that the Landlord or Agent is able to pay any financial penalty imposed unless the Council has obtained, or the Landlord or Agent has supplied, any financial information to the contrary. The subject of a Final Notice, or a Notice of Intent where the subject does not challenge it, will be expected to disclose to the Council such data relevant to his/her financial

position to facilitate an assessment of what that person can reasonably afford to pay. Where the Council is not satisfied that it has been given sufficient reliable information, the Council will be entitled to draw reasonable inferences as to the person's means from evidence it has received, or obtained through its own enquiries, and from all the circumstances of the case which may include the inference that the person can pay any financial penalty.

Starting points and ranges

The tables in Appendices 4-10 below give the starting points, minimum and maximum financial penalties of each harm category and level of culpability for each type of breach.

- Appendix 4 First breach in respect of a Prohibited Payment
- Appendix 5 Second & subsequent breach in respect or a Prohibited Payment
- Appendix 6 Breach of requirements to publish Fees and details of Client Money Protections and Redress Scheme memberships
- Appendix 7 Breach in respect of membership of a Client Money Protection Scheme
- Appendix 8 Brach in respect of certificates in respect of a Client Money Protection Scheme
- Appendix 9 Breach of transparency requirements in respect of a Client Money Protection Scheme

Context

Below is a list of some, but not all factual elements that provide the context of the breach and factors relating to the Landlord or Agent. The Council will identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point. In particular, relevant recent convictions³ are likely to result in a substantial upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range which will not exceed the statutory maximum permitted in any case.

Factors increasing seriousness

Aggravating factors:

- Previous breaches of the TFA 2019
- Previous convictions, having regard to:
 - the nature of the offence to which the conviction relates and its relevance to the current breach; and,
 - the time that has elapsed since the conviction:

³ See Appendix 3 for a list of relevant convictions

Other aggravating factors may include:

- Motivated by financial gain
- Deliberate concealment of illegal nature of activity
- Established evidence of wider/community impact
- Obstruction of the investigation
- Record of poor compliance
- Refusal of advice or training or to become a member of an Accreditation scheme

Factors reducing seriousness or reflecting personal mitigation

- No previous or no relevant/recent breaches
- No previous convictions or no relevant/recent convictions
- Steps voluntarily taken to remedy problem
- High level of co-operation with the investigation, beyond that which will always be expected
- Good record of relationship with tenants
- Self-reporting, co-operation and acceptance of responsibility
- Good character and/or exemplary conduct
- Mental disorder or learning disability, where linked to the commission of the breach
- Serious medical conditions requiring urgent, intensive or long-term treatment and supported by medical evidence

STEP THREE – General principles to consider in setting a penalty

The Council will finalise the appropriate level of penalty so that it reflects the seriousness of the offence and the Council must take into account the financial circumstances of the Landlord or Agent if representations are made by the Landlord or Agent following the issue of a Notice of Intent.

The level of financial penalty should reflect the extent to which the conduct fell below the required standard. The financial penalty should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the breach; it should not be cheaper to breach than to take the appropriate precautions and a fundamental principle involved is that there should be no financial gain to the perpetrator from the commission of the breaches.

If issuing a financial penalty for more than one breach, or where the offender has already been issued with a financial penalty, the Council will consider whether the total penalties are just and proportionate to the offending behaviour and will have regard to the factors in STEP EIGHT below.

STEP FOUR – Issue Notice of Intent

The Council will issue a Notice of Intent within 6 months of the enforcement authority for having sufficient evidence that the Landlord or Agent has breached the TFA 2019. If the breach is ongoing the 6-month deadline continues until the breach ceases. A Notice of Intent can be served spontaneously.

While there are slight variations in the Statutory Requirements according to which breach is being addressed a Notice of Intent will typically contain the date of the Notice, the amount of the proposed penalty, the reason for imposing the penalty and how the recipient can make representations concerning the penalty.

Examples of Notices of Intent may be found in the National Trading Standards Guidance.

STEP FIVE – Consideration of representations and review of financial penalty where appropriate

On consideration of representations, the Council should review the penalty and, if necessary adjust the initial amount reached at STEP FOUR, and represented in the Notice of Intent, to ensure that it fulfils the general principles set out below.

Any quantifiable economic benefit(s) derived from the breach, including through avoided costs or operating savings, should normally be added to the total financial penalty arrived at in step two. Where this is not readily available, the Council may draw on information available from enforcing authorities and others about the general costs of operating within the law. Whether the penalty will have the effect of putting the offender out of business will be relevant but in some serious cases this might be an acceptable outcome.

STEP SIX – Reductions

The Council will consider any factors which indicate that a reduction in the penalty is appropriate and in so doing will have regard to the following factors relating to the wider impacts of the financial penalty on innocent third parties; such as (but not limited to):

- The impact of the financial penalty on the Landlord or Agent's ability to comply with the law or make restitution where appropriate
- The impact of the financial penalty on employment of staff, service users, customers and the local economy.

The following factors will be considered in setting the level of reduction. When deciding on any reduction in a financial penalty, consideration will be given to:

- The stage in the investigation of thereafter when the offender accepted liability
- The circumstances in which they admitted liability
- The degree of co-operation with the investigation

The maximum level of reduction in a penalty for an admission of liability will be one-third. In some circumstances there will be a reduced or no level of discount. This may occur for example where the evidence of the breach is overwhelming or there is a pattern or breaching conduct.

Any reduction should not result in a penalty which is less than the amount of gain from the commission of the breach itself.

STEP SEVEN – Additional actions

In all cases the Council must consider whether to take additional action. This may include further enforcement action itself or reference to other organisations where appropriate.

STEP EIGHT – Totality of breaching conduct

Where the offender is issued with more than one financial penalty, the Council should consider the following guidance from the definitive guideline on Offences Taken into Consideration and Totality which appears to the Council to be an appropriate reference and guide.

As the total financial penalty is inevitably cumulative the Council should determine the financial penalty for each individual breach based on the seriousness of the breach and taking into account the circumstances of the case including the financial circumstances of the Landlord or Agent so far as they are known, or appear, to the Council.

The Council should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate total is not just and proportionate the Council should consider how to reach a just and proportionate total financial penalty. There are a number of ways in which this can be achieved.

For example:

Where a Landlord or Agent is to be penalised for two or more breaches of where there are multiple breaches of a repetitive kind, especially when committed against the same person, it will often be appropriate to impose for the most serious breach a financial penalty which reflects the totality of the conduct where this can be achieved within the maximum penalty for that breach. No separate penalty should be imposed for the other breaches. Where a Landlord or Agent is to be penalised for two or more breaches that arose out of different incidents, it will often be appropriate to impose separate financial penalties for each breach. The Council should add up the financial penalties for each breach and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the Council should consider whether all of the financial penalties can be proportionately reduced. Separate financial penalties should then be imposed. Where separate financial penalties are passed, the Council must take care to ensure that there is no double-counting.

STEP NINE – Recording the decision

The officer making a decision about a financial penalty will record their decision giving reasons for coming to the amount of financial penalty that will be imposed.

Appendix 2 – Non-exhaustive list of vulnerable people

Young adults and children

Persons vulnerable by virtue of age

Persons vulnerable by virtue of disability or sensory impairment

People on a low income

Persons with a drug or alcohol addiction

Victims of domestic abuse

Children in care or otherwise vulnerable by virtue of age

People with complex health conditions

People exploited where English is not their first language

Victims of trafficking of sexual exploitation

Refugees of Asylum seekers

People at risk of harassment or eviction

People at risk of homelessness.

Appendix 3 – Non-exhaustive list of relevant offences/breaches

Housing law or landlord and tenant related offences under:

- The Public Health Acts of 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Acts of 1982 and 1976
- The Housing Grants, Construction and Regeneration Act 1996
- The Local Government and Housing Act 1989
- The Housing Act 2004

Offences involving fraud

Offences in which the victim has been deprived of money, property or other benefit by misrepresentation/deception on the part of the offender including:

- Theft
- Burglary
- Fraud
- Benefit fraud (particularly where tenants are in receipt of Housing Benefit)
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking
- Being struck off as a company director

Offences involving violence

A conviction for the offence of:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm
- Grievous bodily harm with intent
- Actual bodily harm
- Robbery
- Criminal damage where the intent was to intimidate or was racially aggravated
- Common assault
- Common assault which is racially aggravated
- Assault occasioning actual bodily harm
- Possession of an offensive weapon
- Possession of a firearm

Offences involving drugs

- Consideration should be given to the nature of the offence and what bearing it could have on the Landlord or Agent's business activities. The nature, quantity, purity and class of drugs should be taken into account. In addition, where an offence of possession with intent to supply is involved regard should be had to the role and importance of the subject in the supply chain.

Offences involving sexual offences

- An offence contained in Schedule 3 of the Sexual Offences Act 2003.

Unlawful discrimination

- Unlawful discrimination can include findings of an Industrial Tribunal on unlawful employment practice such as discrimination under the Disability Discrimination Act. Consideration should be given to the nature of the unlawful discrimination and what bearing it could have on the management of a licensable property.

Other offences

- Modern Slavery/Human Trafficking
- Offences by persons for the purpose of exploitation but not considered to be the primary offender (for example involvement in the recruitment, transportation, transfer, harbouring or receipt of persons) are likely to attach a lower level of culpability.

Appendix 4 – Financial Penalty in the case of a first breach in respect of Prohibited Payments

The table below gives the starting points, minimum and maximum financial penalties for each harm category and level of culpability. Where exceptional circumstances apply the Council may reduce the minimum penalties further but may not increase them above the maximum permitted of £5,000

	Starting Point (£)	Min (£)	Range Max (£)
Low culpability			
Harm category 3	1250	250	2250
Harm category 2	1500	500	2500
Harm category 1	1750	750	2720
Medium culpability			
Harm category 3	2000	1000	3000
Harm category 2	2250	1250	3250
Harm category 1	2500	1500	3500
High culpability			
Harm category 3	2750	1750	3750
Harm category 2	3000	2000	4000
Harm category 1	3250	2250	4250
Very high culpability			
Harm category 3	3500	2500	4500
Harm category 2	3750	2750	4750
Harm category 1	4000	3000	5000

Appendix 5 – Financial Penalty in the case of a second or subsequent breach in respect of Prohibited Payments within 5 years of a previous breach

The table below gives the starting points, minimum and maximum financial penalties for each harm category and the level of culpability. Where exceptional circumstances apply the Council may reduce the minimum penalties further but may not increase them above the maximum permitted of £30,000

	Starting point (£)	Min (£)	Range Max (£)
Low culpability			
Harm category 3	3500	2000	8000
Harm category 2	6500	4000	10000
Harm category 1	8500	4500	15000
Medium culpability			
Harm category 3	6500	4750	17000
Harm category 2	10500	5000	20000
Harm category 1	12500	5500	22000
High culpability			
Harm category 3	10500	5500	20000
Harm category 2	15000	6250	24000
Harm category 1	18000	7000	26000
Very high culpability			
Harm category 3	15000	7000	24000
Harm category 2	17500	7250	28000
Harm category 1	20000	7500	30000

Appendix 6 – Financial Penalty in the case of a breach in respect of the publication of Fees or details of Client Money Protection and Redress Scheme memberships (Consumer Rights Act 2015 S.83)

The table below gives the starting points, minimum and maximum financial penalties for each harm category and level of culpability. Where exceptional circumstances apply the Council may reduce the minimum penalties further but may not increase them above the maximum permitted of £5,000.

	Starting point (£)	Min (£)	Range Max (£)
Low culpability			
Harm category 3	1250	250	2250
Harm category 2	1500	500	2500
Harm category 1	1750	750	2750
Medium culpability			
Harm category 3	2000	1000	3000
Harm category 2	2250	1250	3250
Harm category 1	2500	1500	3500
High culpability			
Harm category 3	2750	1750	3750
Harm category 2	3000	2000	4000
Harm category 1	3250	2250	4250
Very high culpability			
Harm category 3	3500	2500	4500
Harm category 2	3750	2750	4750
Harm category 1	4000	3000	5000

Appendix 7 – Financial Penalty in the case of a breach in respect of a failure to obtain membership of a Client Money Protection Scheme

The table below gives the starting points, minimum and maximum financial penalties for each harm category and level of culpability. Where exceptional circumstances apply the Council may reduce the minimum penalties further but may not increase them above the maximum permitted of £30,000.

	Starting point (£)	Min (£)	Range Max (£)
Low culpability			
Harm category 3	3500	2000	8000
Harm category 2	6500	4000	10000
Harm category 1	8500	4500	15000
Medium culpability			
Harm category 3	6500	4750	17000
Harm category 2	10500	5000	20000
Harm category 1	12500	5500	22000
High culpability			
Harm category 3	10500	5500	20000
Harm category 2	15000	6250	24000
Harm category 1	18000	7000	26000
Very high culpability			
Harm category 3	15000	7000	24000
Harm category 2	17500	7250	28000
Harm category 1	20000	7500	30000

Appendix 8 – Financial Penalty in the case of a breach in respect of issues relating to certificates of evidence of Membership of a Client Money Protection Scheme

The table below gives the starting points, minimum and maximum financial penalties for each harm category and level of culpability. Where exceptional circumstances apply the Council may reduce the minimum penalties further but may not increase them above the maximum permitted level of £5,000.

	Starting point (£)	Min (£)	Range Max (£)
Low culpability			
Harm category 3	1250	250	2250
Harm category 2	1500	500	2500
Harm category 1	1750	750	2750
Medium culpability			
Harm category 3	2000	1000	3000
Harm category 2	2250	1250	3250
Harm category 1	2500	1500	3500
High culpability			
Harm category 3	2750	1750	3750
Harm category 2	3000	2000	4000
Harm category 1	3250	2250	4250
Very high culpability			
Harm category 3	3500	2500	4500
Harm category 2	3750	2750	4750
Harm category 1	4000	3000	5000

Appendix 9 – Financial Penalty in the case of a breach in respect of transparency issues relating to Membership of a Client Money Protection Scheme

The table below gives the starting points, minimum and maximum financial penalties for each harm category and level of culpability. Where exceptional circumstances apply the Council may reduce the minimum penalties further but may not increase them above the maximum permitted of £5,000.

	Starting point (£)	Min (£)	Range Max (£)
Low culpability			
Harm category 3	1250	250	2250
Harm category 2	1500	500	2500
Harm category 1	1750	750	2750
Medium culpability			
Harm category 3	2000	1000	3000
Harm category 2	2250	1250	3250
Harm category 1	2500	1500	3500
High culpability			
Harm category 3	2750	1750	3750
Harm category 2	3000	2000	4000
Harm category 1	3250	2250	4250
Very high culpability			
Harm category 3	3500	2500	4500
Harm category 2	3750	2750	4750
Harm category 1	4000	3000	5000

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13 March 2024	ITEM: 15 Decision: 110710
Cabinet	
South East Local Enterprise Partnership Integration	
Wards and communities affected: All	Key Decision: Key
Report of: Cllr Jefferies, Leader and Cabinet Member for Environment, Economic Development and Directional Leadership	
Accountable Assistant Director: Michele Lucas - Assistant Director - Education and Skills	
Accountable Director: Mark Bradbury – Director of Place	
This report is Public	
Version: Cabinet / Final	

Executive Summary

Local Enterprise Partnerships (LEPs) were set up by Government in 2011 as business-led partnerships bringing together the public, private and education sectors to have a central role in determining local economic priorities and undertaking activities to drive growth and job creation.

The South-East LEP (SELEP) is the largest of the 38 English LEPs and has brought together three counties (Kent, Essex & East Sussex) and three Unitary Authority areas (Southend, Thurrock & Medway).

On 4 August 2023, Government confirmed that it will withdraw support for Local Enterprise Partnership (LEPs) from April 2024 and transfer responsibilities for functions delivered by the LEPs to upper tier and combined local authorities.

Following a recent SELEP Strategic Board Decision, SELEP is now working towards its closure in March 2024 with the responsibility for its core functions being transferred to upper tier local authorities.

SELEP has been working closely with the 6 UTLAs in the area to draft a transition plan. In addition, Government have issued guidance that integration plans should be submitted with all current and developing devolution geographies in mind. To that end a joint Integration template was prepared by Essex County Council (ECC), Southend City Council (SCC) and Thurrock Council (TC).

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

Version Cabinet – Final version ready for Cabinet/Executive decision

1. Recommendation(s)

1.1 Note and agree the South East Local Enterprise Partnership (SELEP) proposed integration plan

2. Introduction and Background

2.1 The South East Local Enterprise Partnership (SELEP) is the largest LEP outside of London. It covers three counties (Essex County Council, East Sussex County Council and Kent County Council) and 3 unitary upper tier local authorities (Medway Council, Southend Council and Thurrock Council) and 32 cities, borough and districts.

2.2 On 4 August 2023, Government confirmed that it will withdraw support for Local Enterprise Partnership (LEPs) from April 2024 and transfer responsibilities for functions delivered by the LEPs to upper tier local authorities (UTLAs) and combined local authorities.

2.3 Essex County Council is the Accountable Body of SELEP, and currently administers the capital funding from central government. From 1 April 2024 all SELEP activities will cease with its remaining functions being transferred to its 6 UTLAs including Thurrock.

2.3 Central government have issued guidance that integration plans should be submitted with all current and developing devolution geographies in mind. To that end a joint Integration template was prepared by Essex County Council (ECC), Southend City Council (SCC) and Thurrock Council (TC) and returned to central government on 30th November 2023. **(Appendix A)**

2.4 In addition to the joint return each UTLA will review its own migration arrangements and governance considerations. Over the summer, SELEP has been working closely with the 6 UTLAs in the area to draft a transition plan. This integration plan sets out an approach through the transition process and puts in place new arrangements from 1 April 2024. SELEP has divided the transition work into the following five workstreams which are also reflected in the transition plan itself.

- Governance & Capital Programmes
- Partnerships & Networks
- Data & Intelligence
- Growth Hub & Business Support
- Resourcing

The latest version of the transition plan can be found in **Appendix B**

3. Issues, Options and Analysis of Options

3.1 From 1 April 2024 ECC will be released from its role as Accountable Body for SELEP. At that point Accountable Body responsibilities will be transferred to the 6 UTLAs including Thurrock. Accountable Body functions include:

- Administration of grant income, payments, and repayments.
- Publish annual accounts including funding received from government.
- Treasury Management in relation to any cash balances transferred from SELEP.

- Accounting for all spend and income made or received by SELEP.
- Oversight and audit functions.
 - ensuring all decisions are made and funds used in accordance with the conditions placed on each grant by the respective awarding body;
 - all decisions and activities conform with all relevant law and ensuring that records are maintained so that this can be evidenced.

3.2 The Governance & Capital Programmes workstream is the area of integration with the greatest complexity and largest financial implications. There are 3 main funds for consideration. Local Growth Fund (LGF), Getting Building Fund (GBP), and the Growing Places Fund (GPF).

3.3 The LGF and GBF arrangements were finalised several months ago and are subject to inter-authority agreements where required. Accountable Body responsibilities for these funds relate to the administration of existing fund allocations with particular reference to Stanford-le-Hope station (£7.5m) and Grays South (£10.84m).

3.4 The GPF arrangements are now being finalised and will form part of the broader SELEP integration programme. On 13 October 2023 SELEP Strategic Board agreed the following arrangement for the GPF; Option 2(a).

Option 2: *Disaggregate the funding on the basis of one of the following proposed localised approaches.*

a. *Disaggregate the fund to each Upper Tier Local Authority as a total of their existing GPF loan allocations and their proportion of the funding currently held by the Accountable Body (as exemplified in Tables 3 and 4) and accept that total parity has not been achieved.*

Table 3

Local Authority	Population (as per 2021 census)	Per capita share of total GPF pot £m	Remaining balance owed on existing GPF loans at 31.03.2024 £m	Difference between per capita share and remaining balance owed £m	Funding to be transferred at 1 April 2024 (indicative figure)* £m
East Sussex	545,847	5.002	5.982	-0.979	0.000
Essex	1,503,521	13.779	2.000	11.779	10.840
Kent	1,576,069	14.444	14.802	-0.358	0.000
Medway	279,773	2.564	0.350	2.214	2.039
Southend	180,686	1.656	1.000	0.656	0.543
Thurrock	176,000	1.613	0.000	1.613	1.503
Total	4,261,896	39.058	24.133	14.925	14.925

3.5 Thurrock has no outstanding GPF loan balance and a remaining balance owed of £1.613m.

3.6 As highlighted in the joint templated return to Government, any GPF funding available is likely to be held until the formation of the new Combined County Authority (CCA) as amounts of funding and timescales available are not conducive to a quick reallocation. If there is no new CCA then the UTLAs working with the Greater Essex Business Board will design and publish a call for project proposals.

4. Reasons for Recommendation

4.1 The SELEP integration plan is comprehensive in nature and has employed a methodical approach to cover all areas of its varied operation. All 6 UTLAs including Thurrock have played an integral role in its development, working across all 5 migration workstreams. On receipt of key confirmations from Government the plan will be finalised providing a solid basis for the migration of SELEP functions to the UTLAs.

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

5.1 Senior Leadership Team review took place on 10/01/24

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

6.1 It is envisaged that the majority of Thurrock's new Accountable Body responsibilities will be conducted within the existing governance and decision-making structures. However, these will need to be supported to help proactively manage new requirements and to carry out any associated administrative and reporting tasks.

6.2 Careful consideration should be given to SELEP functions not being carried forward and an assessment made on their impact corporate priorities.

7. Implications

7.1 Financial

Implications verified by: **Mark Terry**
Senior Financial Accountant

Initial guidance from Government on the migration of the capital programmes has a broad scope and suggests an approach should be agreed locally. Clarification of this guidance has been sought. However, there is likely to be a range of options available on how to manage the delivery or closure of programmes such as the GPF. Careful consideration will need to be taken to weigh the options available against preferences of Essex based UTLAs and the priorities for Thurrock.

Delivering the additional responsibilities of an Accountable Body is likely to have impact on existing structures and in some scenarios may require additional resource. The Government has confirmed that it will provide some revenue funding to local authorities in 2024-25 to support them in delivering the functions currently delivered by LEPs (amounts are yet to be announced). Funding beyond 2024/25 is subject to future Spending Review decisions.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer & Deputy Monitoring Officer

Government Guidance on integrating Local Enterprise Partnerships into local democratic institutions supports the integration of LEP functions and roles into a county devolution deal

where they exist. Where a devolution deal does not yet exist LEPs are to be maintained until a devolution deal is agreed, subject to future funding decisions.

If the Council and other upper tier local authorities wish to continue using the LEP as a vehicle to continue delivery of LEP functions without core funding, either until a devolution is agreed for their area or in perpetuity, they are free to do so. The nature and status of such arrangements would be a decision for the Council and other upper tier local authorities to make.

It is proposed that the LEP functions are delivered over the potential devolved geography of Greater Essex – Essex County Council, Southend on Sea City Council and Thurrock Council (Appendix B). The proposed UTLAs are not coterminous with the current geography of SELEP, which also includes Kent (including Medway) and East Sussex.

To ensure that LEP functions are delivered effectively over the potential devolved geography of Greater Essex, prior to a Combined Authority being in place, an appropriate legal agreement(s) will need to be established to clarify how the UTLAs will work together to:

- Embed a strong independent and diverse business voice into local democratic institutions,
- Carry out strategic economic planning for Greater Essex
- Continue delivery of existing Government Programmes, including the Growth Hub.
- Take responsibility for and deliver new Government programmes (as directed)

Other appropriate legal agreements relating to different elements of the transition process may be required to ensure that the Council's interests are protected.

Management and transfer of any LEP assets should be agreed locally between the LEP and its Accountable Body, in line with any pre-existing arrangements and in accordance with any legal requirements.

Government Guidance (published 4 August 2023) states that the LEP, the Council and ULTAs must pay due regard to the Public Sector when developing their plans, compliance can be evidenced by completing the Council's Corporate CEIA form.

7.3 Diversity and Equality

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

All information regarding Community Equality Impact Assessments can be found here:
<https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

There are no diversity implications arising from this report.

7.4 Risks

There are no specific risks arising from this report that relate to the corporate or departmental risk registers, however this area should be monitored until the integration process is complete.

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

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):

- [Government LEP Integration Guidance](#)

9. **Appendices to the report**

- LEP Function Integration Plan Template (Appendix A)
- SELEP Draft Integration Plan (Appendix B)

Report Author:

Gary Crooks

Economic Development Manager – Sustainability

Economic Development

LA / LEP INTEGRATION PLAN TEMPLATE

INTRODUCTION AND GUIDANCE

Government has [confirmed](#) that Local Enterprise Partnership (LEP) core functions – namely, business representation, local economic planning, and the delivery of Government programmes where directed – from April 2024 should be delivered by local authorities.

This template is intended to aid the process of integration and inform the direction of any future government funding. This document should be read in parallel with the [guidance](#) published on the integration of LEP functions into local and combined authorities on 4 August 2023. Government expects decisions on the transfer and delivery of current LEP functions to be made locally.

Government expects functions to be delivered over current or potential devolution deal geographies so far as possible. Outside of areas with an agreed devolution deal, it is expected that functions will be exercised by the upper tier local authority, working with other upper tier local authorities as appropriate. Where multiple upper tier local authorities operate within an area, only one return is necessary. The authority which submits the return on behalf of the whole area should ensure all upper tier local authorities have agreed to the return and copy it to the LEP Chair.

It is recognised that the formal process of transferring any assets, loans, investments, or liabilities between existing LEP(s) and local democratic institutions will require agreement between both parties. All parties must follow the relevant laws and regulations that apply, including having due regard for the Public Sector Equality Duty.

Any commercially sensitive information may be submitted in parallel to the main integration plan. The use of annexes is also recommended for non-sensitive issues where more detail is required.

Completed plans should be sent to the central LEP Integration inbox (LEP.Integration@levellingup.gov.uk), copying all relevant parties (all upper tier local authorities and LEP Chair) and the relevant Area Lead in the Cities and Local Growth Unit.

The deadline for submission of this plan to Government is **23:59hrs on Thursday 30 November 2023** or earlier if possible, to help inform future funding decisions.

SECTION 1: CORE INFORMATION

Core details and current arrangements	
1.1 Name of LEP which is to be integrated.	South East LEP (SELEP)
1.2 Name(s) of upper tier authority or authorities into which LEP functions are being integrated.	Essex County Council, Southend-on-Sea City Council, Thurrock Council,
1.3 Current relationship with the LEP	<p>SELEP is registered as SELEP Ltd, a company limited by guarantee. The SELEP Ltd is nil return and acts through Essex County Council as Accountable Body.</p> <ul style="list-style-type: none"> • ECC Leader is a board director for SELEP and also sits on the SELEP Accountability Board • ECC manages the contract for the Business Essex, Southend and Thurrock (BEST) Growth Hub on behalf of SELEP. • ECC collates monitoring information for Essex County Council based LGF, GBF and GPF projects on behalf of SELEP. • ECC is a Board Member of both Opportunity South Essex (OSE) and Success Essex Board (SEB) <p>Southend on Sea City Council is directly delivering a number of projects within the SELEP capital programme and collates LGF, GBF and GPF monitoring information on their behalf.</p> <ul style="list-style-type: none"> • The Leader of Southend on Sea City Council is a Board Director for SELEP and also sits on the SELEP Accountability Board. • The Council is also represented on Opportunity South Essex (OSE), one of the four federated boards which sit under the Strategic Board. <p>Thurrock Council is delivering a number of projects within LGF and GBF and collates monitoring information on their behalf. Thurrock currently has no active projects associated with GPF.</p> <ul style="list-style-type: none"> • The Leader of Thurrock Council is a SELEP Strategic Board Director and sits on the SELEP Accountability Board. • Thurrock Council is also represented on Opportunity South Essex (OSE), one of the four federated boards which sit under the Strategic Board.
Integration leads	
1.4 Contact details for integration leads	<i>[Please provide contact details for senior working-level contacts within local authority/authorities and the existing LEP(s)]</i>

	<p>ECC Tristan Smith – Tristan.smith@essex.gov.uk Lorna Norris - Lorna.Norris@essex.gov.uk S151 - Stephanie Mitchener Stephanie.Mitchener@essex.gov.uk Essex Legal - Susan Moussa Susan.Moussa@essex.gov.uk</p> <p>Southend on Sea City Council Tim Rignall, Capital Programme Manager – timrignall@southend.gov.uk Pete Bates, Deputy Director of Finance and S151 – petebates@southend.gov.uk Kim Sawyer, Director of Legal Services – kimsawyer@southend.gov.uk</p> <p>Thurrock Kate Kozvola-Boran, Head of Employability & Skills - KKBoran@thurrock.gov.uk S151 – Steven Mair, Interim Director of Finance - Steven.Mair@thurrock.gov.uk Kevin Molloy, Legal Services- KMolloy@thurrock.gov.uk</p> <p>SELEP Helen Russell – helen.russell@southeastlep.com</p>
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SECTION 2: GEOGRAPHY

Geography
<p>2. Please set out the proposed geography for the delivery of LEP functions from April 2024. Answers should confirm whether the proposed geography is coterminous with the current LEP geography. If not, answers should confirm that the proposed geography constitutes a functional economic area (FEA), with reference to the size of population, local Travel To Work Areas (TTWAs) and any other relevant drivers of the local economy.</p> <p>Where multiple upper tier local authorities operate across the proposed geography, you should confirm the governance arrangements and that service provision will be ensured across the whole geography – no authority should be left out and all parties should agree the arrangements.</p> <p>The geography of Greater Essex as a UTLA lead is not coterminous with the current geography of SELEP, which also includes Kent (including Medway) and East Sussex. Greater Essex includes three UTLAs – Essex County Council, Southend on Sea City Council and Thurrock Council.</p> <p>The proposed geography to integrate LEP Functions is across Greater Essex which has a combined population of 1,862,848 (2021 census) and a business base of 80,440 (UK Business Counts 2023). This geography covers: Essex County Council - with a population of 1,506,345 and a business base of 66,520</p>

Southend City Council - with a population of 180,601 and a business base of 7,025
Thurrock Council - with a population of 175,902 and a business base of 6,895

Greater Essex, as a Functional Economic Area, is currently working towards a Level 2 Devolution Deal. If a Devolution Deal is agreed with Government, it will be necessary for Greater Essex UTLA's to deliver interim arrangement across Greater Essex before LEP Functions move across to the proposed Combined County Authority (CCA). Should a devolution deal not be agreed with Government, the interim arrangements agreed will continue.

To ensure that LEP functions are delivered effectively over the potential devolved geography of Greater Essex prior to a Combined Authority being in place, Essex County Council, Southend on Sea City Council and Thurrock Council will establish a Partnership Agreement. This agreement will clarify how the UTLA's will work together to:

- Embed a strong independent and diverse business voice into local democratic institutions,
- Carry out strategic economic planning for Greater Essex
- Continue delivery of existing Government Programmes, including the Growth Hub.
- Take responsibility for and deliver new Government programmes (as directed)

As part of the Partnership Agreement UTLAs will set out arrangements for working closely with District Council partners across Greater Essex.

Approach to legacy Capital Programmes

It has been agreed that each of the UTLAs within the SELEP area will become the Accountable Body for legacy Capital projects (those awarded funding before 31st March 2024) within their geographical boundary from 1st April 2024. The three Greater Essex UTLAs agree that they will be responsible for the delivery and monitoring of the legacy Capital programmes within their areas and will undertake the functions that are currently undertaken by Essex County Council as the Accountable Body for SELEP.

Each upper tier authority will be accountable for providing the assurances and reporting to Central Government directly and will be responsible for any monitoring and reporting that relates to legacy Capital projects within their geographical areas. These arrangements include the ongoing management via a new Assurance Framework related to existing LGF, GPF and GBF funding programmes.

SECTION 3: BUSINESS VOICE

Current and future activity

3. Please set out how you intend to embed a strong, independent, and diverse local business voice into local decision-making across the area. Answers should cover the following points:

- (a) Proposed model & governance structure** (e.g., a stand-alone business board, sub-board, or other structure)
- (b) Membership** (including the mix, balance and diversity of independent business members and any other partners drawn from outside of the business community)

Proposed Model

Given the proposed Devolution Deal, Greater Essex UTLA's are already establishing new strategic relationships with businesses and will continue to work closely with these businesses to shape future arrangements. UTLA's will collaborate closely with business representative organisations, District Councils and other relevant partners to establish a new Business Board arrangement as part of the integration of LEP functions and to support future devolution arrangements. If there is no Devolution Deal, then arrangements will be developed with Greater Essex Leaders and Chief Executives alongside a new Business Board/Greater Essex Economic Partnership and shared economic ambitions. The outcome of Devolution discussions is still outstanding at the time of submitting this template.

New Business Board arrangements will replace the existing LEP arrangements, delivered through the federated boards of Success Essex and Opportunity South Essex. These arrangements will take into account further guidance expected from Government in January 2024.

A full open and transparent recruitment process will take place to create the new board. The Greater Essex UTLA's (and then the proposed CCA) providing management and secretariat functions for these arrangements.

Membership

While the structure and make up of the new Board, which will work closely with current Leader and Chief Executives and the future CCA when established and the associated policies (including Terms of Reference and Conflict of Interest) are still to be agreed the Board is likely to include:

- The Board will be representative of the economic regions of Greater Essex
- Mix of North/South Greater Essex businesses – to ensure that the geographical diversity of the County is fully represented providing a voice to urban, rural and coastal business as well as those linked to the economies of London and the Cambridge Corridor.
- Business intermediary organisations such as Chamber of Commerce and Federation of Small Businesses
- LSIP Board Representation
- Sector representation with a focus on our strategic economic priorities
- Diversity in terms of business size
- EDI considerations


SECTION 4: PROJECTS, PROGRAMMES AND SERVICES

Current and future activity

4.1 Please list the projects, programmes and services currently delivered by the local LEP. *In each case you should indicate whether, subject to receiving equivalent funding, the upper tier local authority/authorities would continue to undertake each activity. Where a different set of functions/services is being delivered for a neighbouring area, you should repeat the exercise for that area. You do not need to include LEP activity delivered in a private capacity.*

Title	Short Description (1-2 sentences)	Will the activity continue once the LEP is integrated? (subject to future funding)	
		Yes	No
Growth Hub	It is envisaged that the BEST (Business Essex, Southend and Thurrock) Growth Hub, which is currently managed by ECC	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<p>on behalf of Greater Essex, will continue to be managed by ECC on behalf of Greater Essex via a direct contract with Government for 2024-25. This proposal is dependent on a timely announcement from the Govt for Growth Hub funding for 2024-25.</p> <p>Any arrangements beyond this date will depend both on an announcement of further funding and the position of the proposed CCA.</p>		
Economic Strategy	The three UTLA's will work together in line with Devolution objectives to develop an Economic Strategy for the proposed CCA.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring/Reporting on Legacy Capital Programmes	<p>Proposed to be managed by the three UTLAs with current responsibility for overseeing specific ongoing GPF, LGF and GBF projects.</p> <p>Any GPF funding available is likely to be held until the formation of the new CCA as amounts of funding and timescales available are not conducive to a quick reallocation. If there is no new CCA then the UTLAs working with the Greater Essex Business Board will design and publish a call for project proposals.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Partnerships and Networks	<p>There are three groups which will continue to be resourced for an initial period of 12 months.</p> <p>Housing and Development Group (joint working link between business, public sector, DLUHC, Homes England and LGA)</p> <p>South East Creative Economy Network) (works to accelerate growth in the digital, creative and cultural sector</p> <p>Major Projects Group (Major projects across the SELEP Area)</p> <p>A further review of the arrangements for these three groups will be completed after 12 months.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clean Growth Group	This will be picked up through membership of the Greater South East Net Zero Hub. Greater Essex representation will be clarified in the Partnership Agreement. At time of submission there is only 1 seat for the SELEP area, it is therefore hoped that	<input checked="" type="checkbox"/>	

	3 seats will be created to account for integrated LEP arrangements across the SELEP geography.		
Data and Intelligence	ECC, Southend and Thurrock will continue to produce relevant economic data and intelligence to support strategic planning.		

SECTION 5: DELIVERY AND APPROVALS

Governance of the integration process
<p>5.1 (a) What mechanisms will be in place to manage the integration process at the local level?</p> <p>The Partnership Agreement will formalise mechanisms and arrangements to manage the integration process at a Greater Essex level. The agreement will clearly articulate the functions and responsibilities assigned to each UTLA and those which are to be completed at a Greater Essex level. Greater Essex is currently in discussion with Government around a Level 2 Devolution Deal and the precise nature of arrangements will be determined once those conversations are concluded. If a deal is concluded arrangements at a Greater Essex level will focus on a shadow Combined Authority until the new CCA is formally established from summer 2024 at the earliest. If there is no deal, then arrangements will focus on a Greater Essex Leaders and Chief Executives meeting alongside a new Greater Essex Business Board/Greater Essex Economic Partnership.</p> <p>Essex County Council is currently the Accountable Body for SELEP creating an understanding of the level of agreements, contractual obligations and responsibilities to Government that this entails. It is anticipated that transition and integration will be relatively smooth and timewise dependent on internal governance processes which in turn are reliant on Govt decisions.</p> <p>ECC, Southend on Sea City Council and Thurrock Council are working in conjunction with SELEP, Kent County Council (KCC), Medway Council and East Sussex County Council (ESCC) to develop a comprehensive LEP transition plan. Recognising the differences in approach across each of the UTLA areas KCC, Medway, ESCC and the Greater Essex authorities are developing their own integration plans which detail how LEP functions will be delivered once SELEP ceases to exist on 31 March 2024. This involves supporting each of the five transition workstreams through officer engagement and regular meetings. This is subject to receiving equivalent funding enabling the upper tier local authority/authorities would continue to undertake each activity.</p> <p>Within ECC internal discussions are ongoing between the current delivery teams, Essex Legal Services, Essex Finance and the Accountable Body to ensure that the correct governance is in place with ECC to facilitate the handover of agreements between ECC and SELEP to be replaced by agreements between ECC and DLUHC.</p> <p>Officers from ECC, Southend and Thurrock are holding regular meetings to address the details behind each of the proposals above. These meetings look at an appropriate division of functions and the establishment of clear timelines both of which require regular Director and Member level engagement and agreement across the three partner UTLA’s.</p> <p>Southend on Sea City Council has established an internal working group comprising S151, legal, HR and delivery teams to help ensure that robust arrangements are established in taking on LEP functions. These arrangements will also ensure that appropriate governance is in place and that key decisions are taken as appropriate. The Council has considerable experience in working with external funders to deliver capital projects/programmes and has well established processes and</p>

procedures in place to ensure that accurate and timely reports are prepared and that they have the necessary approvals. The Council has also stepped in to support Opportunity South Essex (as a federated board of SELEP) to 31 March 2024 and will ensure that the board has the opportunity to see and approve transition and integration plans. The next OSE Board meeting on 8 December 2023 will receive the SELEP transition plan, the Greater Essex Integration Plan and a copy of this template for approval.

Thurrock Council has allocated dedicated representatives to each of the 5 SELEP transition workstreams with additional specialist support from colleagues in finance, legal and HR. Decision making and governance are facilitated using Thurrock's existing governance processes and structures engaging senior leadership, S151, and elected Members. A full Cabinet review is scheduled for February 2024.

5.1 (b) If the existing LEP is intending to formally cease operation and dissolve following its integration, who will be responsible for managing the transition and any legacy issues?

ECC, Southend on Sea City Council and Thurrock Council are working in conjunction with SELEP, Kent and Medway and East Sussex to develop a comprehensive transition plan that identifies the functions to be transferred to UTLA's. Each area is working on its own Integration Plan recognising the differences in approach across each of the geographical areas. This involves supporting each of the five workstreams through officer engagement and regular meetings.

Essex County Council has requested to be released from its responsibilities as Accountable Body of the South East Local Enterprise Partnership with effect from 1 April 2024 and that any obligations in respect of monitoring capital projects not in its geographical area will cease on 1 April 2024, including any legacy obligations.

The Greater Essex Integration Plan makes it clear which functions are to be transferred to a 'new' Greater Essex arrangement and those which will be transferred to one of the UTLAs. The detail of future management arrangements depends, to an extent, on ongoing devolution conversations. If a deal is concluded, arrangements at a Greater Essex level will focus on transition arrangements until the new CCA is formally established. If there is no Devolution Deal, then arrangements will be developed with Greater Essex Leaders and Chief Executives alongside a new Business Board/Greater Essex Economic Partnership and shared economic ambitions.

It is proposed that from 1 April 2024, Essex County Council, Southend-on-Sea City Council and Thurrock Council shall each be the Accountable Body for legacy Capital projects within each of their respective geographical areas.

Each ULTA agrees that it shall perform and discharge all the obligations in respect of the capital projects in its geographical area with effect from 1 April 2024 and shall be the Accountable Body and responsible for any monitoring and reporting to Government directly in respect of any period on or before 1 April 2024 and thereafter.

At Southend the LGF, GBF and GPF capital programmes have already been integrated into existing governance processes including Capital Programme Delivery Board, Corporate Leadership Team and Cabinet. These arrangements will be continued and enhanced to ensure that there is appropriate approval and sign off of returns to Government. The internal audit and finance teams will support the S151 Officer in signing off future returns.

At Thurrock the Capital Board oversees all capital programmes, including those funded by LGF, GBF and GPF. The Capital Board will oversee the set up of the Accountable Body function for

these funding streams and will continue to monitor delivery of the capital projects funded from these work streams. As with all returns to government, the s151 Officer will approve these.

Approvals

<p>5.2 Has this integration plan been agreed by the relevant boards/persons in both the local LEP(s) and local authority/authorities?</p> <p>Please copy all relevant parties (including the Chair of the local LEP(s)) when you submit this plan.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
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[Please provide further details, as required, on who is supporting the plan]
 SELEP’s Board agreed the first draft of its Integration Plan at a Strategic Board Meeting on 13 October 2023. Board members from ECC, Southend and Thurrock supported this decision. A final version will be presented to the Board on 8 December.

Work is now ongoing to develop a Greater Essex Integration Plan which provides assurance that appropriate arrangements have been made to take on the SELEP functions from 1April 2024.

The integration plan is being developed by officers from Essex County Council, Southend on Sea City Council and Thurrock Council as the three UTLA’s for Greater Essex. Each of the three authorities has slightly different arrangements for approval of the integration plan:

At ECC, this plan will be formally agreed politically through a Cabinet Member Action by January 2024, which will be approved by s151 as part of the governance process. The submission of this template has been endorsed by the ECC s151.

At Southend this template has been approved by the S151 Officer. This plan will be formally agreed politically through a Cabinet decision in January 2024. The speed of this work alongside the ongoing devolution conversations meant that it was not possible to achieve Cabinet approval prior to submission.

At Thurrock this template has been approved by the Interim Director of Finance s151 Officer and the Leader has been consulted. The template alongside Transition and Integration Plans will be submitted to 27 February 2024 Cabinet meeting for consideration.

The next OSE Board meeting on 12 December 2023 will receive the SELEP transition plan, the Greater Essex Integration Plan and a copy of this template for approval.

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SOUTH EAST
LOCAL ENTERPRISE
PARTNERSHIP

INTEGRATION PLAN

December 2023

SELEP INTEGRATION PLAN

DECEMBER 2023

CONTENTS

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1. INTRODUCTION AND CONTEXT

The South East Local Enterprise Partnership (SELEP) was constituted in 2010 covering the administrative geography of six Upper Tier Local Authorities (UTLA) and twenty-nine District, Borough and City Councils. It has been built on a foundation of strong governance and assurance processes, supported by Essex County Council (ECC) as the Accountable Body. Governance evolved further, as Government required the partnership to formally constitute as a Company Limited by Guarantee. SELEP Ltd was formed in 2020 and our 20 Directors offering political, business and academic representation provide a truly collaborative partnership of the public and private sector, alongside Government, to drive economic growth across the region.

Over more than 10 years, SELEP has successfully overseen the investment of over £650m in capital grants to improve road and housing infrastructure, commercial enterprise, skills and research and innovation and has strengthened the business voice to work strategically on sectoral and thematic opportunities across the region. It has been driven by robust data and intelligence and collaborative strategic planning to ensure focus and effective prioritisation.

In August 2023, Government announced it would not continue to fund LEPs from 2024/25 and that their functions should be integrated into UTLAs. This evolution of policy, as part of the Government's devolution agenda, has led to the SELEP Strategic Board taking the decision, in July 2023, to integrate the LEP functions and resource into the UTLAs by 31st March 2024. This is to provide the greatest clarity and continuity to all partners, and in particular the business community and the SELEP team.

SELEP has therefore embarked on integration planning and to structure the process, the work has been broken down into five workstreams, each led by a member of the SELEP team:

- Governance & Capital Programme
- Data & Intelligence
- Partnerships & Networks
- Growth Hub & Business Support
- Resourcing

Following the draft plan being agreed by Strategic Board in October, we have evolved the final plan to set out the following:

- work completed and decisions already made;
- specific tasks still to undertake and timelines;
- remaining decisions, risks and updated critical path.

Please note that this document is designed to provide an overall LEP wide plan for integration. Local authority areas are developing their own integration plans that will detail the local context, implications, resources and decision making, including future ways of working e.g. Business/Local Economic Growth Boards and partnership arrangements.

OVERALL AIMS AND OUTCOMES

Aim: To fully integrate LEP functions within UTLAs by 31st March 2024.

Outcomes: A successful integration will mean that from 1st April 2024:

- ✓ Current SELEP accountability arrangements are concluded, with ongoing responsibilities transferred to UTLAs under new agreements¹.
- ✓ Future arrangements and processes are agreed for delivering LEP functions, as set out in Governments letter of 4th August and subsequent guidance.
- ✓ New Growth Hub accountable bodies are agreed and fully prepared for taking on functions that will enable delivery of business navigation services across Greater Essex, Kent & Medway, and East Sussex (subject to funding allocations being confirmed by the Department for Business and Trade).
- ✓ SELEP generated reports, data and analysis are shared and an agreed archive is in place, enabling UTLAs to take the lead in data analysis for their areas with ongoing access to sources used by the LEP.
- ✓ All current SELEP partnerships have a clear future direction with new support arrangements in place where required.
- ✓ UTLAs are resourced to undertake LEP functions and successful integration of SELEP resource to the UTLAs has taken place, where agreed.
- ✓ Closure activities in relation to SELEP Ltd are in progress.

¹ Please note this is subject to further clarification and may only be applicable to funding.

2. CURRENT AND PROPOSED POSITION

This section headlines the current and proposed positions for integration of the main areas of LEP functions. Section 4 supports this by outlining the areas of work, tasks and actions to be taken to achieve integration. **Please note** that these are all subject to ongoing local discussions, as well as central and local decision making.

	CURRENT	PROPOSED (2024/25 onward)
Governance and Capital Programme	Management and administration of LGF, GBF and GPF by SELEP, supported by ECC as the Accountable Body for the funding and underpinned by the SELEP Assurance Framework.	Management of LGF, GBF and GPF ² by UTLAs for their own projects. The UTLAs will assume Accountable Body status and report directly to Government, where required, on their projects. Local Governance arrangements in place and will work to a new Assurance Framework, an amendment of the English Devolution Framework, which will be supplied by Government.
Growth Hub	Central strategic co-ordination of Growth Hub operations and administration of funding, supported by ECC as the Accountable Body for the funding.	Three independent Growth Hubs ³ , each having an Accountable Body for administration of funding and reporting directly to Government.
Partnerships	<p>Sectoral/thematic independent working groups convened and supported by the SELEP secretariat⁴, with membership from a wide range of partners, both public and private sector.</p> <p>SELEP is a member of the Greater South East Net Zero Hub (GSENGH) Board of 11 consortia LEPs, responsible for providing strategic steer, maintaining a governance structure and making recommendations for funding allocations.</p>	<p>The following groups will continue to be offered secretariat support by UTLAs: SECEN; Major Projects Group (MPG); and Housing and Development. It is proposed this is initially committed to for a 12 month period to enable the integration and future ways of working to embed. (To note, the Skills sub-group of MPG will also continue; supported by the Construction Industry Training Board (CITB)).</p> <p>Three UTLA representatives to replace SELEP on the GSENGH Board, representing functional economic areas. This change to current arrangements is subject to evolving Hub governance arrangements.</p>
Resources & Information	SELEP resources, including the Secretariat (the team), websites, information, data, data tools held and funded by SELEP, all residing with ECC as Accountable Body.	Members of the SELEP secretariat will transition to UTLAs, where possible, to continue to support integrated functions and potentially wider, in line with the agreed SELEP and local integration plans, as will any other resources that have ongoing application.

² GPF decision taken at Strategic Board, October 2023 but remains subject to a subsequent decision by the SELEP Accountability Board in February 2024 to approve funding allocations.

³ Working proposal is that lead authorities will be East Sussex County Council, Essex County Council and Kent County Council and will be subject to 2024/25 funding allocations being received from DBT.

⁴ Please note the structure and operating models of the working groups differ, and as such the level of support provided by SELEP and the engagement by UTLAs has varied across groups.

3. RISKS, ASSUMPTIONS AND DEPENDENCIES

INTEGRATION RISK REGISTER

KEY RISK	MITIGATIONS	OWNER
Delay of further Government guidance to UTLAs and the quality, coverage and completeness of that guidance (<i>current expectation is that it will be released in January 2024</i>).	Planning will continue to take place, so we are in the strongest place to progress once guidance is received. Development of back up proposal ('Plan B') that could be implemented if guidance and approvals were not received in time to undertake work to meet the 29/03/24 deadline.	SELEP
Lack of formal response from Government regarding future accountable body arrangements and how these will be implemented.	As above. Further clarifications have been received from DLUHC (3/11/23) which indicate Government is comfortable with having more than one AB across the LEP. This presents an indication that a swift formal response would be received with further clarification on how it should be achieved.	AB
Agreement between Government and all partners cannot be reached on future accountable body status.	ECC, as current AB, would remain accountable under current arrangements until March 2025. Funding would need to be agreed to support this work and may include a requirement for continuation of the Accountability Board supported by a revised Assurance Framework and Partnership Agreement. ECC could challenge this directly with Government.	AB
Late confirmation of funding arrangements for the Growth Hub and impact on continuity of service.	Continue with planning and preparation, including progressing market engagement, procurement and/or waivers as far as possible, on the basis that funding is forthcoming. Seek alternative means to temporarily underwrite the cost of the service to enable continuity ⁵ . Prepare holding communications including signposting in the event of a temporary break in service.	UTLAs
Reduction in/insufficient capacity within Secretariat to progress the integration in a timely manner.	Continue to support staff and monitor workload. Undertake staff consultation (informally or formally as required) in a robust and orderly way to provide clarity about future opportunities at the earliest opportunity. Seek secondment or external support should capacity reduce any further.	SELEP
Reduction in/insufficient capacity within UTLAs.	Closely monitor progress across the LEP and UTLAs to flag any capacity issues that may impede our ability to progress.	UTLAs

⁵ such costs can be claimed back on receipt of Growth Hub grant where this is in line with the Grant Agreement with DBT.

Reduction/insufficient capacity within the accountable body to undertake tasks to facilitate integration in a timely manner.	Continue to identify additional activities that the AB will need to undertake aligned to integration. Continue to monitor workload. Seek additional internal support if required.	AB
Speed and timings of formal decision-making processes within individual UTLAs impedes ability to meet March deadline.	Governance timeline continues to be monitored and updated to ensure a collective understanding of when and how decisions are being taken by all partners. If these cannot be met due to external delays, then Plan B may need to be implemented and governance timelines reset.	UTLAs
Misalignment of decision-making processes within all UTLAs to the SELEP timetable and 31st March 2024 deadline.	As above.	SELEP
Uncertainties over future Government support and funding.	Continue to push Government on timely funding decisions for LAs to undertake LEP functions including 2024/25 GH funding allocations.	All
Difficulty accessing information and data relating to SELEP activities following integration.	Future reporting requirements to be kept under review as part of Governance workstream. SELEP website to be retained for an agreed period post March 2024 as a key source of SELEP reports, data and decision-making. AB and UTLAs to retain and archive relevant information as required. Specific data and contacts to be reviewed and shared with UTLAs in line with GDPR guidance.	SELEP
Reputational risk of poor or disjointed communications, both within the partnership (SELEP and UTLAs) and with external stakeholders.	Continued development and monitoring of our communications plan. Facilitation of a virtual comms group between SELEP and UTLAs to ensure timely and consistent communications. Updating and sharing of the key messages paper.	SELEP
Retaining/securing the appropriate capacity and structures to complete residual LEP activity post SELEP Ltd closure.	Ascertain as soon as possible what the residual activities are and who is required to undertake them, noting that this may include additional internal resource to deliver. The costs for delivering this service will need to be funded from the residual SELEP budget, subject to approval by the Accountability Board.	AB

ASSUMPTIONS

To ensure successful integration, the work is progressing based on the following assumptions:

- There is sufficient resource in place within UTLAs, including the Accountable Body, to support the integration process.
- Sufficient Growth Hub funding will be forthcoming for 2024/25 service delivery.
- Government advice and funding commitments will be made in good time to allow preparation, implementation and, where needed, procurement of new delivery arrangements (especially for the Growth Hubs).
- UTLAs, where applicable, will accept and accommodate any delays caused by late receipt of Growth Hub funding confirmation, to administration of that funding, and procurement and/or recruitment for ongoing service delivery.
- That SELEP Boards remain quorate and can take all necessary and timely decisions to complete the integration plan.

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DEPENDENCIES

Successful and timely integration will require:

- Early confirmation of geographical coverage of new Accountable Body arrangements.
- Government advice being received at the right time.
- Government function and funding confirmations for UTLAs received by January 2024.
- All local authority formal decision making concluded by March 2024, ahead of March SELEP Strategic Board.

CROSS-CUTTING THEMES

There are a number of themes that cut across the workstreams:

- **Communications** – SELEP will need to communicate clearly with stakeholders during the integration process and provide links/sign posting to UTLAs that will be taking on LEP functions so that the UTLAs are able to undertake their own communications activity.
- **Resourcing** - An additional workstream convenes around resourcing to understand requirements for the integration phase as well as for each UTLA post integration. This includes confirming the resource and revenue needs and the proposed use of residual LEP funds (this will be subject to a decision by the Accountability Board).
- **Information** –Agreement will need to be reached regarding the information currently held by the LEP, such as that on its website and other documentation, on whether and how to retain, integrate or discard.
- **Governance** – Mapping the timelines for decision making across the LEP and 6 UTLAs is crucial to understanding the overall integration timetable.

CRITICAL PATH

Below is a programme which articulates the critical dependencies and milestones. A delay to these dates could put the Board objective of achieving integration by the 31st March 2024 at risk. The timeline has been developed with the following dependencies and assumptions:

- The completion dates are the dates by which the activity needs to be fully concluded, enabling integration.
- The critical milestones need to be achieved to secure a successful transition of LEP functions to UTLAs by the 31st March. Any delay to these critical milestones will put this date at risk.
- Growth Hub funding allocations and grant offer letters for 2024/25 are required for provision of the Growth Hub service.
- There are statutory timescales that cannot be shortened.
- If it is possible to commence activity prior to the start date shown in the programme then we should do so to help resource management.
- Key meeting dates for UTLAs have been identified by officers. Maintaining these dates for key decisions on LEP integration will be vital to ensure the 31st March 2024 date for integration is achieved.
- That there will be residual activities, such as audits and accounting that will need to take place post transition, regardless of the timeline.

Key:

Activity
Statutory or Contractual Period
Critical Dependency/Milestone

Milestone	Comments	Who	Start Date	Completion Date	18-Sep	25-Sep	02-Oct	09-Oct	16-Oct	23-Oct	30-Oct	06-Nov	13-Nov	20-Nov	27-Nov	04-Dec	11-Dec	18-Dec	25-Dec	01-Jan	08-Jan	15-Jan	22-Jan	29-Jan	05-Feb	12-Feb	19-Feb	26-Feb	04-Mar	11-Mar	18-Mar	25-Mar	01-Apr				
Governance and Capital Programme																																					
Future AB arrangements agreed by all UTLAs		UTLA	18-Sep-23	13-Oct-23	█	█																															
Proposals for new AB arrangements sent to Gov't	Supported by new or updated legal agreements	SS, UTLA	16-Oct-23	20-Oct-23					█																												
Decision from Gov't on AB status		DLUHC	23-Oct-23	01-Dec-23						█	█	█	█	█	█																						
Formal decision making in relation to UTLA and AB function	UTLAs identified meeting dates	UTLA	19-Dec-23	14-Feb-24														█				█	█	█	█	█	█	█	█	█	█	█	█	█	█		
Determine future for GPF	Paper at 13/10 SELEP Board	SS	13-Oct-23	08-Dec-23	█	█	█	█	█	█	█	█	█	█	█	█	█																				
Implement selected option for GPF	Final Decision SELEP Board 8/12/23	SS, UTLA	11-Dec-23	29-Mar-24															█																		
Submission of LEP integration template to DLUHC	Confirming geography, functions, resourcing etc.	UTLA	16-Oct-23	30-Nov-23					█	█	█	█	█	█	█																						
Formal Decision to close Joint Committee		UTLA	19-Dec-23	14-Feb-24														█																			
Receipt of new Assurance Framework for 2024/25	Amended English Devolution Framework.	DLUHC		31-Jan-24																																	
Process for transfer of projects to new AB arrangements		SS, UTLA	08-Jan-24	29-Mar-24																																	
Post Transition requirements	Preparation of accounts and Audit	AB	25-Mar-24																																		
Resourcing																																					
Confirmation of future role profiles	Critical for all resourcing activity	UTLA	18-Sep-23	29-Sep-23	█	█																															
45 Day consultation	Statutory timescale	AB	02-Oct-23	24-Nov-23																																	
Confirm outcomes and moves to new posts		SS, AB, UTLA	27-Nov-23	15-Dec-23																																	
Notice Periods	Contractual timescale	SS, AB	08-Jan-24	31-Mar-24																																	
Growth Hub																																					
Confirm service delivery approach and Accountable Body x3	Determine if in house or procured service	UTLA	18-Sep-23	24-Nov-23	█	█	█	█	█	█	█	█	█	█	█	█	█																				
Confirmation of Government Funding for 2024/25	Autumn Statement confirmed 2024/25 funding	Government		22-Nov-23																																	
Pre-procurement market engagement	Engage market prior to procurement	UTLA	27-Nov-23	12-Jan-24																																	
Procurement	Accelerated by pre-procurement engagement	UTLA	08-Jan-24	19-Feb-24																																	
Confirmation of Government funding	Notional allocations and grant offer letter	DBT		19-Feb-24																																	
Provider Selection and Mobilisation		UTLA	26-Feb-24	25-Mar-24																																	
Post Transition requirements	2023/24 Annual Report and financial Audit	AB	25-Mar-24																																		
Partnerships & Networks																																					
Greater South East Net Zero Hub - develop preferred option	Confirm options with GSENZH	SS, UTLA	23-Oct-23	22-Dec-23																																	
Greater South East Net Zero Hub - implement process																																					
Process to transition selected working groups	Establish new support resource as required	SS, UTLA	05-Feb-24	22-Mar-24																																	
SELEP Board Meetings																																					
SELEP Accountability Board	Budget considerations, High risk reporting	SELEP		22-Sep-23	█																																
SELEP Strategic Board	Draft Transition Plan, GPF options	SELEP		13-Oct-23																																	
SELEP Strategic Board	Final Integration Plan	SELEP		08-Dec-23																																	
SELEP Accountability Board	Transition of agreements. Decision for GBF.	SELEP		12-Jan-24																																	
SELEP Accountability Board	Wrap up Capital Programme (High Risk)	SELEP		16-Feb-24																																	
SELEP Strategic Board	Company closure. Exit of Framework Agreement	SELEP		22-Mar-24																																	
Key External Dates																																					
Autumn Statement 2023				22-Nov-23																																	
Publication of further Government guidance & funding to LAs	No firm date from Government			08-Jan-24																																	

Closure of SELEP

4. WORK PLAN FOR INTEGRATING LEP FUNCTIONS

The SELEP team have worked to fully scope each core functional area of work. Five workstreams were established in August for each function to share information, knowledge and expertise with UTLAs. UTLAs nominated relevant colleagues to join these workstreams and in addition there have been monthly meetings of the LEP Senior Officers Group to monitor overall progress in drafting the plan.

The section below sets out the key milestones, deliverables and decisions needed to fully integrate LEP functions into local authorities by March 2024. This is set out by quarter and by party. Monthly monitoring of this plan takes place to understand progress and to review risks and actions.

Key

Accountable Body (AB); Accountable Body Finance (ABF); Accountable Body Legal (ABL); SELEP Accountability Board (ACB); East Sussex County Council (ESCC); Essex County Council (ECC); Growth Hub (GH); Kent County Council (KCC); Medway Council (MC); SELEP Secretariat (SS); Southend-on-Sea City Council (SCC); SELEP Strategic Board (SB); Thurrock Council (TC); Upper Tier Local Authorities (UTLA); SELEP Based Working Groups (WG).

Workstreams: Governance and Capital Programmes (G&CP); Growth Hub and Business Support (GH&BS); Data and Intelligence (D&I); Partnerships and Networks (P&N); Resourcing (RS).

2023/24 QUARTER 3: OCTOBER – DECEMBER 2023 (CURRENT)

	WORK-STREAM	OUTPUTS/ OUTCOMES	WORK COMPLETED/ DECISIONS TAKEN	WORK TO BE COMPLETED/DECISIONS TAKEN BEFORE 31 ST DECEMBER	
Page 118	Milestones	G&CP	<ul style="list-style-type: none"> Agreement reached between the AB, the UTLAs and with Government as to the AB arrangements for 2024/25 onwards. 	Formal letter submitted to Government from SELEP and the AB to confirm the proposed future AB arrangements. Meeting with all S151 officers held to ensure shared understanding of steps ahead.	Chase for letter response if not received. SELEP (ECC as AB) to schedule a meeting with UTLA Monitoring Officers.
	D&I	<ul style="list-style-type: none"> Identified all data and intelligence resources. 	Summary of all data products and sources shared with UTLAs.	UTLAs to establish local needs for economic data analysis and reporting.	
	P&N	<ul style="list-style-type: none"> Identify all partnerships and networks that SELEP manages and/or provides secretariat and project management support. 	Comprehensive spreadsheet of all existing partnerships and networks that are managed/supported by SELEP was shared with UTLAs.	UTLAs to assess their local partnerships and networks and consider how to utilise existing SELEP contacts moving forward.	
	GH&BS	<ul style="list-style-type: none"> Confirmation of Accountable Bodies informed by 2023/24 grant documentation. 	2023/24 grant documentation shared. ESCC, KCC and ECC in principle agreed as new ABs for 2024/25 GH funding. 2024/25 GH funding confirmed in Autumn Statement. Future usage and access arrangements for three independent CRMs with Alcium confirmed. GH Steering Groups appraised of integration work.	Ongoing engagement with Government by all, requesting notional funding allocations and grant offer letters.	
	RS	<ul style="list-style-type: none"> Commence staff consultation. 	UTLA job profiles received. Mapping exercise near completion.	Staff consultation documents issued/ process through which staff to be redeployed agreed. Staff engagement meetings.	
Deliverables	G&CP	<ul style="list-style-type: none"> Assembly of all project and programme information for novation/handover/archiving. 	SELEP has provided UTLAs with copies of the LGF and GBF SLAs. Costs identified for retaining SELEP website for 12 months.	Completion of the contracts' tracker. Process and timeline set out for novation/termination of grant agreements, incl. governance required to complete. ⁶	

⁶ In preparation of and assuming agreement from Government on new AB arrangements.

	WORK-STREAM	OUTPUTS/ OUTCOMES	WORK COMPLETED/ DECISIONS TAKEN	WORK TO BE COMPLETED/DECISIONS TAKEN BEFORE 31ST DECEMBER
		<ul style="list-style-type: none"> SELEP website retention. 		
	D&I	<ul style="list-style-type: none"> Plan for ongoing access and use of data. 	SELEP website updated with existing data products.	SELEP/AB to develop approach to GDPR and website legacy arrangements.
	P&N	<ul style="list-style-type: none"> Plan for ongoing role and support arrangements (as required). 	Workstream identified three groups to continue to actively support and manage: SECEN, MPG, and HDG.	Agree UTLA hosts for each group that there will be ongoing support for. Begin assessment of what funding and support would be needed.
	GH&BS	<ul style="list-style-type: none"> Plan for ongoing service delivery, including pre-market testing and procurement documents as required. 	ESIF Lessons Learnt and Knowledge Sharing webinar for business support and skills delivered, as part of SELEP's Legacy Programme.	Pre-procurement market testing and development of procurement material where required.
Decisions Page 119	G&CP	<ul style="list-style-type: none"> Geographic coverage of new AB arrangements for the capital programme. Future deployment of Growing Places Fund. 	<p>Agreed that the 6 UTLAs will each have AB status for their capital programme.</p> <p>Strategic Board endorsed the approach to deployment of GPF on 13/10/23 to achieve best parity across UTLAs without ongoing arrangements post April 24 and further decision is sought at December Board.</p>	<p>Geographical coverage confirmed by UTLAs through DLUHC template submission 30/11/23.</p> <p>Further work to develop the GPF deployment will take place ahead of the decision by ACB to allocate the funding.</p> <p>Timeline for new GBF grant agreement amendments to be determined and shared, as well as existing variations needed.</p>
	D&I	<ul style="list-style-type: none"> Agree optimum approach to management of data. Agree approach for ongoing subscriptions. 	<p>SELEP confirmed that existing licenses will cease at the end of 2023/24.</p> <p>SELEP provided UTLAs with costings and demos for future subscriptions as required.</p>	<p>UTLAs to establish local needs for economic data analysis and reporting.</p> <p>UTLAs to consider whether there will be an individual or collective approach to data management and analysis.</p> <p>UTLAs to confirm individual/collective needs for ongoing subscriptions.</p>
	P&N	<ul style="list-style-type: none"> Each Group to confirm ongoing activities and way of working. 	All working group Chairs informed of the workstream decision on the provision of ongoing support.	Plan final meetings for groups that are closing.

	WORK-STREAM	OUTPUTS/ OUTCOMES	WORK COMPLETED/ DECISIONS TAKEN	WORK TO BE COMPLETED/DECISIONS TAKEN BEFORE 31 ST DECEMBER
Page 120			Groups that will not receive ongoing support post-March 2024 but have a continued wish to operate will be supported by SELEP until the end of the financial year.	Continue to engage with groups that will continue without ongoing support and connect these to UTLA contacts. Continue transition work and planning for groups that will be receiving ongoing support from the UTLAs, bringing in the UTLAs where they are not currently present.
	GH&BS	<ul style="list-style-type: none"> Confirm preferred delivery mechanism for Growth Hub functions, and procurement route. 	<p>ESCC to (continue to) deliver service in-house, no procurement or recruitment required. ECC confirmed in principle GH delivery mechanism for Essex, Southend and Thurrock.</p> <p>DBT and CLGU officials notified of proposed changes (new model and Accountable Bodies etc.) to secure support.</p>	<p>KCC to seek agreement from MC and KMPEP for GH delivery model and implementation plan.</p> <p>DBT to confirm that ongoing access to GH CRM by area Hubs complies with Knowledge management in line with Govt guidance.</p>

PROGRESS IMPLICATIONS FOR THE CRITICAL PATH

The table below sets out any milestones on the critical path that were missed, along with the implications and actions.

ITEM	DEADLINE	ACTUAL	IMPLICATIONS
Proposals for new AB arrangements sent to Government.	16/10/23	01/12/23	The letter still requests a response deadline that, if met, would leave the critical path unaffected. The clarifications received in November give some assurance that the proposal will be agreed. The response to the letter will hopefully clarify how we enact this, which we are already working towards.
Confirmation of future resourcing demand in UTLAs and HR process.	29/09/23	31/10/23	Consultation timeline has been delayed as role profiles have taken a little longer and HR discussions are ongoing as to the best route of consultation. It is noted that for any members of staff that do not have secured positions, notice period would now go beyond 31 st March 2024.

2023/24 QUARTER 4: JANUARY – MARCH 2024

	WORKS TREAM	OUTPUTS/ OUTCOMES	SELEP	DATE BY	UTLAS	DATE BY
Milestones	G&CP	<ul style="list-style-type: none"> New accountability arrangements in place with UTLAs. SELEP resource transfers agreed. Receipt of new Assurance Framework from Government. Establish ongoing reporting requirements 	Chase for Government letter response, if not received.	16/01/24		
			Compile and share a draft overarching agreement to novate capital programme agreements to UTLAs ⁷	31/01/24	Consideration and sign off of draft agreement.	29/02/24
			Complete staff consultation, if required.	29/02/24	Confirmation of resource transfer, as required.	29/2/24
			Understand new Assurance Framework arrangements for 2024/25 from Government.	29/02/24	Understand and agree internal requirements to ensure adherence to the new Framework.	29/03/24
		Consideration of 'Plan B' in case March deadline cannot be met.	16/02/24			
	D&I	<ul style="list-style-type: none"> New subscriptions in place for access to datasets, where desired. 	E-introductions and provider contact details to be shared with UTLAs where required.	31/01/24	Individual or collective license agreements in place where required.	29/03/24
	P&N	<ul style="list-style-type: none"> New arrangements in place for each partnership and network. 	Confirm host UTLA and ongoing resource provision – ideally a named individual – for SECEN, HDG and MPG.	17/01/24	UTLAS to confirm host organisation and resource provision for groups in the local integration plans.	31/01/24
Confirm updated ToRs for SECEN, HDG and MPG.			15/03/24	Relevant UTLA officers engaged with SECEN, HDG and MPG in preparation for new arrangements.	15/03/24	
Confirm three seats for our region on the updated GSENZH Board.			31/01/24	UTLAS nominate representatives to the new GSENZH Board.	28/02/24	
	GH&BS	<ul style="list-style-type: none"> Funding allocations confirmed by DBT and 	Retire SEBH website and cease paying for current BEST and BES websites.	29/03/24	ECC and KCC to secure service providers/ staff where required, either	29/03/24

⁷ Exact actions are dependent on agreement from Government on how to enact new AB arrangements.

		<p>Grant Offer Letters received.</p> <ul style="list-style-type: none"> Ongoing service delivery plans concluded. 			at risk or delayed subject to receipt of grant offer letter from DBT. ECC, ESCC and KCC to arrange to keep or replace area GH web sites.	
	RS	<ul style="list-style-type: none"> Complete staff consultation, if required. 	Process concluded in timings set.	29/02/24	UTLAs conclude any actions needed re transition of resources.	29/02/24
Deliverables	G&CP	<ul style="list-style-type: none"> Updated or termination of grant agreements and Framework Agreement. New AB agreements for each UTLA. Preparations to wind up SELEP Ltd. Prepare documents for closure of Joint Committee/ACB. Revised agreements prepared (if required). Agree future of SELEP information (e.g. website content). SELEP investments impact. Capital programme position statement 	Overarching transition agreement issued.	31/01/24	Internal preparation for grant agreement amendments. Review and sign off of grant amendments.	15/01/24
			Identify any residual AB responsibilities needed post April.	31/01/24		15/03/24
			Clear process for wind up activities developed.	31/01/24	Process agreed and factored into decision making, as required. Consideration and sign off of closure documents.	29/02/24
			Core paper for closure of Joint Committee (ACB) presented to SB and ACB.	22/03/24		01/03/24
			Determine what information needs to be retained, how and by who.	29/02/24		
			Complete work to articulate the impact of SELEP investments.	29/02/24	Agree the approach to retention of SELEP information/ website.	
			Prepare and submit a position statement to Government on the status of the capital programme prior to transition.	15/03/24		
				D&I	<ul style="list-style-type: none"> Provision of updated data by SELEP at UTLA level, where required. 	Updated State of the Region report and supporting UTLA level data to be shared.

Page 123		<ul style="list-style-type: none"> Data sharing agreements in place, as required. 			Additional data sharing agreements to be put in place where required to support economic data analysis.	
	P&N	<ul style="list-style-type: none"> Establish updated terms of reference and details of ongoing resource support from UTLAs. Hold Partnerships Best Practice Webinar. Hold a Roundtable event re the future role of businesses in local growth. 	<p>Draft updated Terms of Reference, in partnership with UTLAs, for confirmation by each group of the new operating model.</p> <p>Online webinar to highlight learnings and best practice of successful partnership working.</p> <p>In person event, hosted by SELEP for LAs and businesses.</p>	<p>31/01/24</p> <p>29/02/24</p> <p>22/03/24</p>	<p>Confirm ongoing resource support and engagement for SECEN, HDG and MPG – for inclusion in ToRs.</p> <p>Active engagement in and support for event.</p> <p>Active engagement in and support for event.</p>	31/01/24
	GH&BS	<ul style="list-style-type: none"> UTLA communications strategy. Data sharing agreements (as required). 	<p>Cease SELEP CRM licence and access to SELEP GH CRM. SELEP GH data to be deleted by Alcium in line with GDPR. Download 2023/24 monitoring data (on 28 March 2024) required for GH Annual Report.</p> <p>Stand down SEBH Steering Group.</p> <p>Revoke Data Sharing Protocol.</p> <p>Handover Southeast GH Cluster and GH Network seats to UTLA GH leads.</p> <p>Share national/regional business support contacts with UTLA GH leads as appropriate.</p> <p>Announce GH services/ funding for 2024/25 (as per SELEP comms plan)</p>	29/03/24	<p>Purchase 2024/25 CRM licences.</p> <p>Establish data sharing agreements as required between UTLAs.</p> <p>Review membership and ToRs of current GH Steering Groups and make fit for purpose in line with Government guidance.</p> <p>Launch of ‘new’ GH service and/or websites and contact information as required.</p> <p>Develop local approaches to secure match funding and resources/funding from third parties to enhance/support the GH service.</p>	29/03/24
Decisions	G&CP	<ul style="list-style-type: none"> Formal decision making to support new AB arrangements. 	SB to agree closure process and documentation.	22/03/24	Decision making completed for new AB arrangements.	29/02/24

		<ul style="list-style-type: none"> • Agree retention of SELEP information and data and any future host authority. • Finalise the process for deploying GPF. • Wind up SELEP Ltd. 	<p>Proposal completed for use and host of SELEP information.</p> <p>Decision taken by ACB.</p> <p>Key decisions taken by SB and ACB.</p>	<p>16/02/24</p> <p>16/02/24</p> <p>22/03/24</p>	<p>Agreement of proposal.</p>	<p>29/02/24</p>
	P&N	<ul style="list-style-type: none"> • Confirm way forward for Greater South East Net Zero Hub. • Confirm which UTLA/s will host the ongoing resource support for groups. 	<p>Consult with the GSENGH as they draft their ToR. Noting expectation of three seats on the new Board.</p> <p>Consult with the UTLAs and update ToR to reflect new lead and ongoing resource support for SECEN, HDG and MPG. Transfer existing group resources to new lead LA.</p>	<p>29/03/24</p> <p>31/01/24</p>	<p>Confirm membership of the new GSENGH, including any governance processes that need to take place for formal nominations.</p> <p>Confirm lead organisations and specific resources for groups that will receive ongoing support.</p> <p>Host working group resources on website/database.</p>	<p>29/03/24</p> <p>31/01/24</p>
	GH&BS	<ul style="list-style-type: none"> • Service providers secured. • Business support ecosystem maintenance. 			<p>Maintain the business support ecosystem at the greater Essex, Kent and Medway, and East Sussex level, including cross-county collaboration.</p>	<p>29/03/24</p>

2024/25 QUARTER 1: APRIL 2024+

	WORK STREAM	OUTPUTS/ OUTCOMES	SELEP	DATE BY	UTLAS	DATE BY
Milestones	G&CP	<ul style="list-style-type: none"> • New UTLA arrangements in place, supported by 	<p>All closure tasks completed. AB to ensure all required and relevant information is appropriate archived.</p>	<p>April- June 24</p>	<p>Staff transition, where agreed. UTLAs take over management and monitoring under new AB</p>	<p>April 24</p>

	WORK STREAM	OUTPUTS/ OUTCOMES	SELEP	DATE BY	UTLAS	DATE BY
Page 125		transferred resources, where agreed. <ul style="list-style-type: none"> • ECC cease as SELEP's AB. • Archiving of information. 			arrangements, operating to requirements of new assurance framework.	
	D&I	<ul style="list-style-type: none"> • Legacy arrangements in place for partners to access existing data. 	Agreed archive to be in place with confirmed timescales.	April 2024	UTLAs to access required data/reports and transfer to local systems.	April 2024-
	P&N	<ul style="list-style-type: none"> • Resourced groups continue operating. 			SECEN, HDG and MPG are provided ongoing resource and support from host UTLA.	April 2024-
	GH&BS	<ul style="list-style-type: none"> • New Growth Hub services in delivery. 			Funding and resource in place (or being put in place) for continuation of GH service. Greater Essex, Kent and Medway, and East Sussex GH Steering Groups reviewed and operational. GH CRMs compliant with 2024/25 GH grant funding conditions and Monitoring and Evaluation guidance. Approaches developed to secure match funding and resources/funding from third parties to enhance/support the GH service.	April-June 2024
Deliverables	G&CP	<ul style="list-style-type: none"> • Preparation of Accounts and Audit requirements. • Filing at Companies House with respect to wind-up of the company. 	Completion and submission of accounts and audit for 2023/24 complete by AB. All required paperwork completed and filed with Companies House by AB.	June 2024? June 2024?	Local administration of new GPF funding.	April 2024 onwards

	WORK STREAM	OUTPUTS/ OUTCOMES	SELEP	DATE BY	UTLAS	DATE BY
Page 126		<ul style="list-style-type: none"> Archiving of all SELEP based data and documentation. 				
	D&I	<ul style="list-style-type: none"> Collaborative approaches to data and intelligence to be determined on a case-by-case basis. 			Collaboration and data sharing between UTLAs to enable economic analysis for functional economic areas. Ongoing engagement with wider regional partners and working groups (e.g. U9) to be set out in local integration plans.	
	P&N	<ul style="list-style-type: none"> Ongoing resource support in place to support continued operation of select groups. 			Host UTLAs and partner UTLAs continue to actively engage and support the ongoing work of SECEN, HDG and MPG.	April 2024-
	GH&BS	<ul style="list-style-type: none"> Complete outstanding 2023/24 grant funding obligations. 	Undertake Independent Audit of 2023/24 GH funding. Submit 2023/24 GH Annual Report.	June 2024	Input to 2023/24 GH Annual Report.	June 2024
	Decisions	G&CP	<ul style="list-style-type: none"> Future administration of Growing Places Fund. 	GPF monies transferred to UTLAs.	April 2024	Administration processes in place for receipt and use of GPF monies

5. GOVERNANCE TIMELINE

Below is the Governance timeline which outlines the key points for integration. Included within here are key dates where we have them to indicate the timescales for UTLA decision making. This is based on the information we have at this point in time and may be subject to change.

Meeting	Key Decisions	Who	Date	2023												2024													
				18-Sep	25-Sep	02-Oct	09-Oct	16-Oct	23-Oct	30-Oct	06-Nov	13-Nov	20-Nov	27-Nov	04-Dec	11-Dec	18-Dec	25-Dec	01-Jan	08-Jan	15-Jan	22-Jan	29-Jan	05-Feb	12-Feb	19-Feb	26-Feb	04-Mar	11-Mar
SELEP Accountability Board meeting	Budget considerations, High risk reporting	SELEP	22-Sep-23	█																									
KCC Growth & Economic Development Cabinet Committee	To seek agreement for KCC to adopt LEP functions from April 2024.	KCC	26-Sep-23		█																								
TES Board meeting	To discuss and endorse the draft SELEP Integration Plan, possibly with early sight of the East Sussex Integration Plan headlines	TES/ESCC	09-Oct-23			█																							
Southend Directorate Leadership Team meeting		SCC	12-Oct-23				█																						
SELEP Strategic Board meeting	Draft Transition Plan, GPF Options	SELEP	13-Oct-23			█																							
Southend Corporate Leadership Team meeting		SCC	25-Oct-23					█																					
Thurrock Senior Leadership Team Meeting	To consider the Draft January Cabinet report	TC	08-Nov-23									█																	
Southend Executive Briefing		SCC	13-Nov-23										█																
SELEP Accountability Board meeting	Meeting deferred to January 2024	SELEP	17-Nov-23											█															
ESCC Corporate Management meeting	To approve the draft SELEP Integration Plan, with the draft East Sussex Integration Plan provided as additional information.	ESCC	22-Nov-23												█														
SELEP Investment Panel meeting	Prioritisation of GBF	SELEP	01-Dec-23																										
TES Board meeting	To discuss and endorse the final version SELEP Transition Plan and East Sussex Integration Plan (depending on its progress).	TES/ESCC	04-Dec-23																										
Southend City Council Pre-Cabinet scrutiny		SCC	4-7 Dec 23 TBC																										
Thurrock SLT meeting	To consider the Draft February Cabinet report	TC	06-Dec-23																										
Thurrock Overview and Scrutiny Committee		TC	07-Dec-23																										
SELEP Strategic Board meeting	Final Transition Plan	SELEP	08-Dec-23																										
ECC Cabinet Meeting	CMA approval for Growth Hub new arrangements and additional functions ECC propose to pick up	ECC	19-Dec-23																										
ESCC Cabinet Briefing meeting	To approve the final version SELEP Transition Plan and East Sussex Integration Plan.	ESCC	10-Jan-24																										
Thurrock Council Cabinet meeting		TC	10-Jan-24																										
Southend City Council Cabinet meeting		SCC	11-Jan-24																										
SELEP Accountability Board meeting	Transition of agreements, Funding decision for GBF	SELEP	12-Jan-24																										
ECC Cabinet Meeting	Cabinet Report approval for LEP and Accountable Body Transition arrangements	ECC	16-Jan-24																										
ESCC Cabinet meeting	To approve the final version SELEP Integration Plan and East Sussex Integration Plan	ESCC	23-Jan-24																										
TES Workshop	To endorse the final version SELEP Integration Plan and East Sussex Integration Plan	TES/ESCC	29-Jan-24																										
ESCC Full Council meeting	To approve the final version SELEP Integration Plan and East Sussex Integration Plan	ESCC	06-Feb-24																										
Southend City Council Full Council		SCC	08-Feb-24																										
Thurrock Council Cabinet Meeting		TC	14-Feb-24																										
SELEP Accountability Board meeting	Wrap up Capital Programme (High Risk)	SELEP	16-Feb-24																										
SELEP Strategic Board meeting	Company closure, Exit of Framework Agreement	SELEP	22-Mar-24																										

6. COMMUNICATIONS PLAN

Successful communication around integration looks like:

- Partners and organisations involved in the work of the LEP are aware of what activities are continuing and how these will be undertaken beyond March 2024.
- Levels of engagement with key partners and organisations is retained for those activities which will be continuing beyond March 2024.
- There is clear and consistent messaging across all UTLAs and representatives as to what 'integration' means for the area, focussing on the positive transfer of knowledge, expertise, and networks.

COMMUNICATION PRINCIPLES

Communications around integration need to be focussed on the functions and where there will be continuation of activity rather than the administrative background to the delivery of these. It is important to share messages around timelines and to manage expectation of partners. There is a risk around levels of engagement of existing partners and continuing work if communications are not careful in the terminology used.

Headline messages have been developed and following each Board meeting these will be revisited, tweaked and reshared with Board members and other partners to ensure clear and consistent messaging for all, across the area.

As part of the workstream communications considerations are being discussed, particularly around the channels, such as the website and continuation of our network and database.

General communications and messages do not include sharing of future arrangements and responsibilities with funders and those where SELEP holds contracts. This is more detailed work covered by each workstream.

EXTERNAL VS INTERNAL AUDIENCE

In our approach to communications, we anticipate most of the messages around integration will be aimed at our 'internal' audience. This means all those partners and organisations who are part of the LEP partnership and network.

APPROACH

As a cross cutting area of work, there is not a communications workstream but a more detailed Communications plan is being developed which flows out of the discussions and covers *what we need to say, to who, by when and how* and this will be shared with all workstream leads and a communications task and finish group will be brought together when needed to discuss key issues and agree a way forward.

WHAT DO WE NEED TO SAY - HEADLINE	TO WHO	BY WHEN	HOW	NOTES
Awareness that we are working to integrate LEP functions into UTLAS as required by government and further detail will follow.	Existing SELEP network	Summer 2023	Lines to take have been shared with Board members and included in the SELEP newsletter to the network.	Messaging shared in August 2023.
Further headlines regarding the approach and agreement of plan for integration.	Existing SELEP network	Post each Board meeting until March 2024	<p>Revised lines to take will be shared.</p> <p>Virtual comms group with leads for each UTLA is being established to make sure all areas are aware of the messages and terminology and to build relationships for creation of 'combined' messages which will be needed for March 2024.</p>	<p>Revised messaging shared at end of October following Strategic Board meeting with further detail for stakeholders as to how the future arrangements will look.</p> <p>Lines will be drafted after each key decision point.</p> <p>Ongoing correspondence with the communications group, the group will convene virtually when required</p>
Future arrangements for economic growth strategy, business voice and funding in each area, following further guidance from Government and progression of LA planning.	Existing SELEP network, wider business community, local networks	January/February 2024	Agreed messaging to be developed with the local areas which can be used by SELEP representatives and included on SELEP website and newsletter etc.	UTLAs to share their own messages – developed in collaboration for consistency.

Announcement of Growth Hub services/funding for 2024/25.				LEP supporting comms on ECC devolution plans with businesses.
Clarity of approach and arrangements for future accountability and management of economic growth funding.	Existing SELEP network	February 2024	Agreed messaging to be developed with the local areas which can be used by SELEP representatives and included on SELEP website and newsletter etc.	
Post March 2024 signposting to alternative contact details in each area. Closure of SELEP Ltd and thanks and appreciation to all those involved etc.	Existing SELEP network	Developed by February 2024 for use at end of March 2024	Message to be developed for use on SELEP website.	
Message to go to the existing Network data base to make them aware that another organisation will be looking after the Local Economic Growth agenda and type of work and do they wish to 'opt in'.	Existing SELEP network	To take place in January/February 2024	A message to be drafted and shared through the E-Shot software. Advice on process to be sought from Information Governance Team.	
Plan for activity to demonstrate impact and legacy of the work of SELEP and to ensure that the expertise, knowledge, networks, and partnerships that have been created are not lost.	Existing SELEP network and wider partnership	From November 2023 – March 2024	November 2023 - ESIF Learning Webinar. January 2024 - Capital Programme Impact. February 2024 - Partnerships best practice webinar and video. March 2024 – South East, Future of Local Growth, in person roundtable.	See Legacy Plan for further details. ESIF Webinar delivered 8 th November 2023.

13 March 2024	ITEM: 16 Decision: 110711
Cabinet	
Integrated Transport Block (ITB) Capital Programme 2024/25. Highways Maintenance Allocation and Programme 2024/25.	
Wards and communities affected: All	Key Decision: Non Key
Report of: Cllr Maney, Cabinet Member for Regeneration and Highways	
Accountable Assistant Director: Julie Nelder – Assistant Director for Highways and Transportation	
Accountable Director: Claire Demmel – Interim Executive Director of Place	
This report is Public	
Version: Cabinet/ Final	

Executive Summary

This report sets out how the Transportation Services team will prioritise the annual funding allocation from the Department for Transport (DfT) Integrated Transport Block Capital Programme (ITB). This funding is allocated to enable Thurrock Council to deliver identified policy improvements, infrastructure, and service provision within Thurrock in the 2024/25 financial year.

The report also sets out how the Highways DfT Maintenance Block Allocation and Pothole Fund for 2024/25 for the Highways Maintenance Service will be prioritised in alignment with Thurrock Council's Highways Asset Management Strategy and the DfT's Highways Maintenance Efficiency Programme.

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

1. Recommendation(s)

- 1.1 That Cabinet approve the 2024/25 Integrated Transport Block capital programme allocations and proposed prioritisation for the agreed policy areas of Road Safety Engineering, Safer Routes to Schools, Area Intervention Programme and Electric Vehicle Charging programme (as detailed in Appendix A).

- 1.2 That Cabinet approve the 2024/25 Highways Maintenance Block Allocation and Pothole Fund Programme (as detailed in Appendix B).
- 1.3 That Cabinet approve that delegated authority will be given to the Interim Executive Director of Place, in consultation with the Cabinet Member for Regeneration and Highways, to make any required changes to the ITB programme and the Maintenance programme, for 2024/25, within the overall programme budget, as well as other government funding allocations that may arise within the year to ensure delivery of the programme and to ensure the efficient expenditure of the grant allocations.

2. Introduction and Background

- 2.1 The DfT annual grant funding settlement provides the allocation for ITB schemes for the financial year. Thurrock Council's ITB capital allocation for 2024/25 is £979,000. This funding is allocated to the capital schemes within the programme and staff time required to design, manage, and deliver the programme.
- 2.2 The ITB programme has the ability to deliver an extensive range of transport improvements which reflect the vision and aims set out within the Council's long term Transport Strategy and Vision.
- 2.3 Delivery of the ITB programme ensures focus on the authority's statutory requirement to reduce accidents, tackling congestion, delivering improved accessibility, and improving air quality through transportation measures.
- 2.4 It is important that the ITB programme is aligned with the emerging Local Plan and the Transport Vision and Thurrock Transport Strategy (currently being developed) to ensure the effective use of the funding available to deliver necessary improvements to the transport network.
- 2.5 To achieve this, it is important for the programme to have a clear policy direction. Agreed approaches already exist to inform policy, priority, and budget allocation. The existing agreed policy areas are:
- **TDP1 Road Safety Engineering (RSE)** – Within this policy area, scheme proposals focus on the Council's duty to reduce person injury accidents. Schemes are prioritised as a result of criteria consisting of category of road, vehicle movements and safety issues to reduce Personal Injury Accidents on the road network. A 5-year CRASH data search (identifying reported road collisions, vehicles, and casualties) is also used to determine priority and location of potential schemes. The data-led policy approach is important and valuable as it allows an informed decision to be taken regarding which roads / areas need to be prioritised. Identifying that a certain road has a high number of personal injury accidents (PIAs) helps to determine where RSE funding is allocated.
 - **TDP2 Safer Routes to Schools** – Within this policy area, scheme proposals are prioritised because of set criteria consisting of accident records, site assessment score and school travel plan status. This criteria is to be discussed and adopted by the emerging Overview and Scrutiny Task & Finish Group.
 - **TDP3 Area Intervention Programme (AIP)** - scheme proposals are prioritised because of Police CRASH data to ensure consistency with other policies. The defined areas for

AIP are not similar in geographic size. To eliminate this issue and to ensure that each area has a fair weighting, the accident analysis on PIAs / kilometre. Opportunities to utilise maintenance funding in these areas is also explored when relevant. Additional criteria focusing on requests from members, residents, Essex Police, Waste & recycling team, Parking team and local forums will also be considered to provide a more reactive approach.

- **TDP4 Electric Vehicle Charging** – scheme proposals are identified to align with the OLEV strategy for transition to ultra-low emission motoring. A minimum of 20 charging points will be installed each year within key locations. EV Charging will promote sustainable travel and reduce vehicle emissions in Thurrock. The existing programme ensures the supply and installation of charging points throughout the borough along with ongoing maintenance, back-office services, customer service and interface and payment services.
- **Parking requests** – request driven approach to delivering on-street parking provision to alleviate local issues. Requests will be assessed against an agreed set of criteria including safety, visibility, maintenance liability and access. This will also enable the delivery of verge parking improvements to prevent parking in undesirable locations.

2.6 This report also sets out the combined 2024/25 DfT Maintenance Block Allocation Programme of £2,803,000, which is prioritised in alignment with Thurrock Council's Highways Asset Management Strategy (covered in more detail in Section 4). This is the key document which ties into the DfT's Highways Maintenance Efficiency Programme.

2.7 The Department for Transport is committed to allocating the above funding to local highway authorities so they can most effectively spend this funding on statutory duties for maintaining and improving their respective road networks, based upon their local knowledge, circumstances and priorities. DfT strongly advocates a risk-based whole lifecycle asset management approach to local authority highways maintenance programmes. This considers all parts of the highway network, such as bridges, cycleways and lighting columns and is not specifically just for the fixing of potholes. Whereas the Pothole fund is specifically aimed at targeting carriageway maintenance to ensure the best treatment method for the asset e.g. resurfacing, jointing, jet patcher etc...

2.8 It is the responsibility of the respective highway authorities to determine how best to spend this funding to fulfil their statutory duty under Section 41 of the Highways Act 1980. With the current funding level, the approach adopted to manage highways asset is one of a steady state of decline, because nationally there is a pressure on the network which does not align with the allocation of funding. For instance, within Thurrock the accumulated depreciation costs of our carriageways is estimated to be £482,024,000 with an annual depreciation of £4,318,000 which outstrips the funding received from DfT.

3. Issues, Options and Analysis of Options

3.1 As agreed previously, by Cabinet members in February 2022, the ITB programme is informed by an adopted policy and data led approach to intervention. The Transport Development Policies allow the data led approach to be consistently applied to the ITB programme, ensuring that priority areas receive funding to enable measures to be implemented.

3.2 In light of the above the funding allocations in the 2024/25 ITB programme have been discussed in detail with the Portfolio Holder and are set out as follows:

2024/25 ITB Capital Funding Allocations	
Road Safety Engineering TDP1	£300,000
Safer Routes to School TDP2	£115,000
Area Intervention Programme TDP3	£194,000
EV Charging Facilities TDP4	£115,000
Parking requests (on street requests & disabled)	£115,000
Emergency Minor Works (under 10k)	£68,000
Passenger Transport	£30,000
Public Rights of Way	£42,000
TOTAL	£979,000

- 3.3 The allocation for each project area is identified in Appendix A and is based on policy criteria (2.5). Following the successful award of the EV Charging contract, £115,000 allocation to EV Charging identifies the Council's commitment to delivering increased on-street charging opportunities across the borough. Office for Zero Emission Vehicles (OZEV) grant funding will also be explored to enhance the EV Charging budget.
- 3.4 The provision of £68,000 within the Emergency Minor Works budget enables the Council to be reactive to requests and priority issues for things such as parking restrictions, bollards, pram ramps and buildouts. The allocation of £30,000 to Passenger Transport is considered necessary to support small-scale network improvements and enhancements at bus stops. It is proposed to allocate £42,000 to the Public Rights of Way section of the capital programme to support delivery of new and additional signage and other supporting infrastructure.
- 3.5 The Transportation Services team will continue to utilise additional funds received by the Council to deliver the A126 Safer Roads Fund programme, A1013 Treetops Capital Bid scheme, EV Charging and the Active Travel Fund programme within the 2024/25 financial year.
- 3.6 The Council is likely to continue to receive ad-hoc requests for maintenance and small scheme improvements to be carried out on the transport network. Whilst there is limited flexibility within the programme once agreed, in some cases, requests will need to be implemented within the current financial year rather than held pending a future programme. This might include works to protect the public from risk of injury or where serious deterioration on the network may have occurred.
- 3.7 The responsibility to authorise variations to the ITB and Maintenance allocations, using new funding or carry forward funds, is delegated to the Interim Director of Transformation (Public Realm) in consultation with the Cabinet Member for Regeneration and Highways.

- 3.8 Similarly, delegated authority can be used for additional Government funding (such as Safer Roads Funds, and Active Travel) and schemes can be subject to cost changes because of increasing scope or unforeseen revisions to schemes.

4. Highways Maintenance Block and Pothole Fund Funding

- 4.1 The DfT annual settlement provides the funding for the Maintenance Block and Pothole fund allocation, which this fiscal year has been combined and increased marginally due to the relocation of HS2 monies. We are therefore expected to receive a combined contribution of £2,803,000, which aligns with the combined settlement from 2023/24.
- 4.2 Historically the DfT has also provided an annual settlement of typically £1,106,000 via the Pothole fund which is specifically set up to help support resurfacing the highway, including the fixing of potholes. Whilst the Pothole fund is ringfenced to carriageway repairs, the Block Funding is required to support all Highway Assets including footways, drainage, Intelligent Traffic Systems, Road markings etc. So therefore, the allocation is split across all the assets groups but with funds targeted at the higher risk issues such as managing the declining carriageway network, which also attracts the highest proportion of Insurance claims, although not in value. Therefore, this fiscal year it is proposed to increase the footway allocation to £350,000 as this attracts the higher value in claim.
- 4.3 The Maintenance Programme is built around the good practice principals set out in the Code of Practice for Well Managed Highway Infrastructure. The Code of Practice was commissioned by the Department of Transport and came into effect in October 2018. It provides guidance for authorities when developing their approach to highway infrastructure in accordance with local needs, priorities, and affordability. The Council's adopted approach to this is via the Highways Maintenance Strategy, which focuses on maintaining and prioritising the asset in the most efficient way. Not just focusing on the financial element, but also the end user. It is therefore generated using a data lead approach.
- 4.4 Members are advised that the allocations are not 'ring fenced' for spend in the specific areas set out within the programmes but it is ringfenced to Highway Maintenance works therefore, Local Authorities have some flexibility to manage these allocations. As a result, the funding allocations may be amended within the total allocation to meet local needs on the network in accordance with the maintenance strategy. Appendix B provides a summary of how the DfT Allocation is allocated across the Council's maintenance programme.

5. Reasons for Recommendation

- 5.1 Endorsing the recommendations set out in this report will enable the ITB Capital Programme and the Maintenance Block Allocation programme to be implemented to ensure ongoing improvements to transport infrastructure, service provision and to ensure ongoing improvements are undertaken to the borough's adopted highway network.
- 5.2 Supporting and endorsing a consistent policy approach for ITB projects provides a level of assurance and consistency for the policy approach that is taken to identify, prioritise and deliver key elements of the ITB programme in relation to Council priorities.

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

- 6.1 The ITB Capital Programme has been developed in line with the priority areas identified and agreed in the Council's Transport Strategy.
- 6.2 Input is received throughout the year through engagement with residents, interest groups and key stakeholders through the enquiry process and submissions to the council. This information is assessed and used to identify whether schemes should be explored for implementation. Input and feedback are also provided by Community Forums, Bus Operators, Cycle Forum, Local Access Forum and Your Place, Your Voice, and Local Plan roadshow events. These engagement opportunities have provided ongoing input and information that has informed the development of the ITB Capital Programme. Feedback from Community Forums, Member Enquiries and Resident Enquiries provide an increased understanding of local issues as the ITB programme is developed and prioritised. Ward Members will be advised in advance of works affecting their respective wards prior to delivery. The ITB programme is to be added to the Council's web page (when completed and approved by Members) to clarify the schemes and measures to be implemented in 2024/25.
- 6.3 The Maintenance Block Allocation and Pothole Fund Programme has been developed in line with the priorities identified and set in the Council's Highway Maintenance Strategy. With the annual programme published on the Council website.
- 6.4 Once approved, the nature and time frames for delivery of the maintenance schemes will be shared with residents and stakeholders accordingly, with further, more detailed communications being carried out in advance of the works starting.
- 6.5 This report was presented at PTR O&S on the 21st February 2024.

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

- 7.1 The ITB Capital Programme and Maintenance Block Allocation Programme will help improve and enhance the transport network across the Borough making it safer, less congested, and more accessible, thereby promoting and supporting People, Place and Prosperity within Thurrock.

8. Implications

8.1 Financial

Implications verified by: **Mark Terry**
Senior Financial Accountant

The Council will be allocated £979,000 ITB capital allocation, £1,106,000 for Pothole maintenance and £1,383,000 Block Allocation for Maintenance for 2024/25.

Additional capital schemes, including A126 Safer Roads Fund scheme, A1013 Treetops capital bid scheme and Active Travel Fund scheme are funded separately from the ITB allocation, but it is worth noting the integration of these capital schemes.

Additional funding may be allocated to the ITB and Maintenance programmes in-year. These allocations can be approved through the delegated authority route.

The cost of implementing the ITB capital and maintenance programmes will be contained within the funding announced by Government.

The s114 announcement has no implications on the ITB and Maintenance grant funding allocations or proposed delivery programmes.

8.2 Legal

Implications verified by: **Caroline Robins**
Locum Principal Solicitor

There are no direct legal implications arising from the recommendations included in the body of the report. A Cabinet decision is required to approve the recommendations and the delegated authority process is set out within the body of the report.

The Council is required to use the allocated funds in accordance with Council approved policies and procedures, and any conditions and requirements set by the relevant government department as to how the funds are to be spent.

8.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager Community Development

The ITB and Maintenance funding is for a series of Highways maintenance and network improvements and EV charging facilities that have been identified with the support of extensive community and stakeholder engagement.

A Community Equality Impact Assessment (CEIA) will be prepared for each proposal to inform delivery. CEIAs will be shared with Cabinet to support the decision-making process where initiatives will be prioritised for funding.

8.4 Risks

Not Applicable.

8.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

Not Applicable

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 Transport Strategy
- Integrated Transport Block (ITB) Capital Programme Policy

9. Appendices to the report

- Appendix A – ITB Capital Programme
- Appendix B –Highways Maintenance Programme

Report Author:

Mat Kiely

Head of Transportation

Place

Capital Programme 2024/25						
Lead	Oracle Status	Project	Project Description	Funding area	ITB Budget allocation	Comments
				TOTAL	979,000.00	
				ITB		
TDP1 - Road Safety Engineering (RSE)						
		RSE - B186 West Thurrock Way (inc Lancaster rbt)	Site works allocation	ITB		160000
		RSE - A13 (Five Bells to Manorway Interchange)	Site works allocation	ITB		140000
TDP2 - Safer Routes to School (SRTS)						
		schemes to be determined following Overview and Scrutiny Task & Finish group input		ITB		15000
				ITB		100000
TD3 - Area Intervention Programme (AIP)						
		Schemes list / location to be determined and agreed with PFI approval following consideration of AIP request criteria.	Investigation & Site works allocation	ITB		
						194000
TD4 - EV charging facilities						
		PRS - EV Charging Upgrade and Expansion		ITB		to be confirmed as EV Charging programme and strategy are developed
				ITB		115000
Parking						
		Review of PPA expansion - Area J Grays	Investigation & Site works allocation	ITB		received requests - 30,000
		Review of PPA expansion - South Ockendon Station	Investigation & Site works allocation	ITB		received requests - 30,000
		Parking review to assist Waste Management team	Investigation & Site works allocation	ITB		20000
		PRS - Borough wide Disabled Bays (E1843-T3429)	Investigation & Site works allocation	ITB		17500
		PRS - Ad-Hoc Parking Requests	Investigation & Site works allocation	ITB		17500
Minor Works budget						
		Ad-Hoc Minor Works		ITB		20000
		Traffic volume and speed surveys		ITB		20000
		Road Safety Audits - Scheme Development		ITB		28000
Passenger Transport Unit						
			Capital Infrastructure investment - Bus Stops	ITB		30000
Public Rights of Way						
			PRoW Infrastructure including signage, posts and styles	ITB		42000
				ITB		

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Highways Maintenance Capital Works Programme 2024-25			
Allocations	DfT Maintenance block & Pothole allocation- combined	DfT	2,803,000
Cost Code	Project	Funding Source	Budget
10022	LTP Maintenance - Bridges		
Sub Total			
10155	LTP Maintenance - Principal Maintenance (Resurfacing / Reconstruction)		
	Jointing Programme		£65,000
	Arterial Road, West Thurrock (MSA - Spiral)		
	Arterial Road, North Stifford (Harvester to Treaclemine)		
	Crown Road, Grays		
	Eastern Way, Grays		
	London Road, South Stifford		
	London Road, West Thurrock (Stoneness RAB to St Clements Way)		
	Stanford Road, SLH		
Sub Total			700,000
10156	LTP Maintenance - Classified (Resurfacing / Reconstruction)		
	Chadwell Hill, CSM		
	Dennis Road, South Ockendon		
	Lodge Lane, Grays		
	Orsett Road, HoTH		
	Station Road, East Tilbury		
	Turnpike Lane, West Tilbury		
	West Thurrock Way, RAB		
Sub Total			650,000
10157	LTP Maintenance - Unclassified (Resurfacing / Reconstruction)		
	Jetpacher Programme		
	Abbots Drive, Corringham		
	Angle Road, West Thurrock		
	Long Lane junction with Fairway RAB		
	Thurrock Park Way, Tilbury		
	Weston Ave, West Thurrock		
	London Road, Tilbury		
	Wharf Road, SLH		
Sub Total			733,000
10051	LTP Maintenance - Footway & Cycleway Maintenance		
	Arthur Street, Grays		
	Princess Margaret Road, East Tilbury		
	Castle Road, Grays		
	Sabina Road, CSM		
	St Cecilia Road, CSM		
	Stifford Road, South Ockendon		
	Claudian Way, CSM		
Sub Total			350,000
10153	LTP Maintenance - Streetlighting		
	Boroughwide - Structural column replacement		
Sub Total			100,000
10097	LTP Maintenance - Other infrastructure (drainage)		
	Boroughwide		
Sub Total			75,000
10180	LTP Maintenance - Traffic Signals		
	2G conversions		
Sub Total			75,000
10192	LTP Maintenance - Other Road Markings		
	Boroughwide		
Sub Total			50,000
10141	LTP Maintenance - Other Safety Barriers		
	Boroughwide		
Sub Total			70,000
	MAINTENANCE TOTAL		2,803,000

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13 March 2024	ITEM: 17 Decision: 110712
Cabinet	
Preferred Software Reseller – New Procurement	
Wards and communities affected: N/A	Key Decision: Non-key decision
Report of: Andy Best – Head of Digital and ICT	
Accountable Assistant Director: N/a	
Accountable Director: Daniel Fenwick – Executive Director Corporate Services	
This report is Public with an exempt appendix. Appendix 1 contains confidential information and is not to be published by virtue of part 1 of Schedule 12A of the Local Government Act 1972 because it contains exempt information as set out in category 3 because the report contains information relating to the financial or business affairs of any particular person	
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>	
Version: Final / Cabinet	

Executive Summary

The Council have a requirement to purchase a number of different software licences across multiple software providers. 21 different licences are perpetually required and need to be renewed on an annual basis.

At present each licence is purchased following a desktop exercise to obtain the most economic pricing in the market. Licences cannot be purchased via the Software companies directly and must be purchased via an authorised reseller. With 21 different licences renewing on varying dates throughout the year, the process of managing software licences has become arduous and inefficient.

The Council would like to appoint a “preferred provider of software licences” where all purchases for such licences can be managed and executed through one contract with a major reseller of software. A further competition procurement exercise is proposed to:

- Identify a preferred provider for the Council to purchase Software licences
- Award services under KCS Procurement Services; Software Products and Associates services Y20011.

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- The tender exercise will determine whether there is value in amalgamating the multiple contracts names in the report into one.
- The overarching strategy is to reduce the number of contracts and the number of suppliers. This will become more apparent as we introduce the CRM and are able to consolidate the number of applications that are in use.

The report sets out the licence requirements, current engagement details, procurement requirements along with Options to proceed.

Commissioner Comment:

Support the recommendations as laid out in the report, with a requirement to report back, through the monthly financial reporting, the financial opportunity identified from consolidation enabling this to be realised.

1. Recommendation(s)

That Cabinet

- 1.1 Agree and support the proposal to conduct a procurement exercise for the commissioning of the contract referred to below**
- 1.2 Approve delegation to the Executive Director of Corporate Services, in consultation with the Portfolio Holder and Section 151 Officer, to award the contract following completion of the procurement process.**

2. Introduction and Background

Software Licences

- 2.1 Key software licences include; Mimecast providing security, continuity and archiving for email, Ivanti an asset management software for desktops, Citrix enabling remote working and Nutanix an enterprise cloud software enabling applications to run at scale.
- 2.2 This software is essential for the Council as they make up the core infrastructure and security services that underpin the Council's digital services.

Current Engagement

- 2.3 The Council has an adhoc arrangement in place with a software reseller currently Bytes Technology Group to purchase licences that cannot be bought directly from the software provider.

Procurement Requirements

- 2.4 The procurement exercise will make our adhoc software licensing spend comply with the Council Constitution and the Public Contracts Regulations 2015.
- 2.5 At present there is limited transparency on cost price from the Software providers and margins applied by the Reseller. A competitive tender exercise will ensure much more clarity and transparency around

the pricing models and enable the Council to get best value that has the potential to reduce overall spend.

- 2.6 A single point of contact for all software renewals will also streamline the process, making it more efficient and ensuring minimum time is spent on desktop exercises, processing renewals and seeking spend approvals on a licence by licence basis.
- 2.7 It is proposed the pricing element of the tender is undertaken on a basket of licences. This will ensure the most economical advantageous reseller is awarded the contract.

Pre-Market Studies

- 2.8 Pre-market studies suggest there is a buoyant and competitive market for software resellers.
- 2.9 A number of providers have expressed an interest to submit a tender for this contract.

3. Issues, Options and Analysis of Options

3.1 Option 1: Continue to purchase licences via Bytes Technology group under Supplier Terms and Conditions – Not recommended

This solution is rejected on the grounds it is inefficient and will put the Council in breach of the Public Contract Regulations 2015 and the Council's Constitution.

Benefits

- None

Disadvantages

- The Council will not comply with PCR 15
- Arduous and inefficient process to manage the fragmented annual renewal process.
- Multiple contracts and suppliers need to be managed

3.2 Option 2: Procure a 3+1 Year contract using an Open Tender procedure – Not Recommended

An Open tender is a compliant route to market, however this is time consuming, and resource intensive. An open tender could take up to 12 months to conclude.

Can be overly complex and may result in limited participation from suppliers.

There is an increased risk of challenge

Poor quality bids may be submitted, limiting the Council's ability to award a contract. Considerable time and effort will be required to ensure Contract terms can be agreed.

Uncertainty of costs.

3.3 Option 3: Procure a 3+1 Year contract using a Further Competition under KCS framework KCS Y20011 – Recommended

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A 4 year competitively procured contract on KCS Software products and associated services framework is expected to cost c£1.2M. Most of this cost is for the licences, a small proportion is attributed to the costs associated with the software reseller. Market studies indicated reseller margins range between 3% & 6%.

The pricing obtained through the pre-market engagements will be used to set Procurement budget for the service ensuring a best value award.

Suppliers awarded to a framework have already been reviewed to ensure they have the relevant qualifications, capacity and capability to deliver the services.

Pre-agreed terms and conditions between the supplier and framework provider; enabling quick and efficient engagement of supplier.

Ceiling prices are already in place, therefore certainty of maximum costs.

Benefits

- Compliance: The Council will remain in compliance with PCR 15
- Best Value: A tender value set in-line with pre-market studies can ensure competitive pricing on licences and provider margins.
- Improved efficiency through centralised license management of a single supplier and a renewal process after 4 years;
- The potential for cost savings

Disadvantages

- There is a minimal risks that the centralised supplier may not be able to provide all the license types required by the Council.

4. Reasons for Recommendation

- 4.1 A competitive exercise will ensure the Council remains in compliance with PCR 1 and will ensure that the Council is getting best value which may deliver savings which can be added to the overall savings target in 2024/25. The reduction in the number of supplier is in line with the Councils ambition to drive process efficiencies.

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

- 5.1 An approval to proceed to tender Stage 1 form was presented to the Strategic Approval Panel on 23 November 2023, the procurement was approved subject to Cabinet approval.
- 5.2 Conversations and meetings were conducted with ICT managers to gather essential and desirable needs and requirements and shortfalls in existing provider Dec 2023.

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

- 6.1 N/a

7. Implications

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7.1 Financial

Implications verified by: **Laura Last**
Finance Manager

The annual costs for this service equate to c.£300k per annum. These costs are covered by the existing revenue budget for ICT.

7.2 Legal

Implications verified by: **Kevin Molloy**
Team Leader Contracts Team

Following issue by the Council of a s114 notice, the Council must ensure that its resources are not used for non-essential spending. The contract at issue here is essential to protect the Council's operations as outlined above. In procuring the services, the Council must observe the obligations upon it in national legislation and in its internal procurement rules. The proposed route would satisfy these requirements. Officers should ensure Legal Services are kept informed as they progress through the procurement.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Community Development Manager

While there are no specific diversity and equality implications, a social value selection criteria will be set as part of the tender with specific community initiatives pledged during the contract term becoming a contractual commitment. The social value criteria will form 5% of the overall weighted scoring during the evaluation process.

7.4 Risks

None

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

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 contracts register: www.thurrock.gov.uk/our-contracts/current-contracts

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9. Appendices to the report

- Appendix 1 - The Procurement Stage 1, Approval to Proceed to Tender Form (**exempt**)

Report Author:

Andy Best

Head of Digital and ICT

Corporate Services

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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13 March 2024	ITEM: 18 Decision: 110713
Cabinet	
Tilbury Youth Zone	
Wards and communities affected: Tilbury Riverside and Thurrock Park, Tilbury and St Chads	Key Decision: Key
Report of: Cllr Ben Maney Portfolio Holder for Regeneration and Highways	
Accountable Assistant Director: N/A	
Accountable Director: Mark Bradbury Interim Director of Place	
This report is Public	
Version: Final / Cabinet	

Executive Summary

This report sets out the business case for the development of Thurrock Youth Zone on Anchor Fields. This is a youth focused initiative that is being promoted by the Tilbury Town Fund Board (TTFB), to be delivered by the national Youth Charity OnSide and funded from a variety of external sources.

The Report sets out the strategic need for the facility and the benefits that will deliver on improving outcomes for young people in Thurrock through a tried and tested approach. The report sets out the unique capital funding structure that will fund the build of the facility and how it will be funded once operational.

The report also sets out the proposed delivery mechanism for the project including details of the proposed Funding Agreement, Agreement for Lease and Lease.

This Cabinet report follows the Cabinet Report on 13 July 2022 (which set out the development of the programme and projects as at this date) and Cabinet reports dated 13 January 2021 and 7 July 2021, which discussed the initial programme.

Planning Committee on 26 October 2023 resolved to grant planning consent for the Youth Zone subject to the completion of a Section 106 agreement.

Commissioner Comment:

Excellent proposal

Comments mainly around need for some strengthening on the financial disclosure around risk (all need clear disclosure in report)

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Commissioner comments and questions are addressed in the body of the report.

1. Recommendation(s)

1.1 Cabinet notes progress on the delivery of the Youth Zone project.

1.2 Cabinet approves the proposed Heads of Terms for the Thurrock Youth Zone Lease set out in paragraph 3.39 and delegates authority to the Chief Finance Officer in Consultation with the Executive Director of Law & Governance to agree the terms of the Development Agreement, Capital Funding Agreement and Lease.

2. Introduction and Background

2.1 Under the Government's Town Fund Scheme, Tilbury has been awarded £22.8 million in funding to support transformational projects put forward in the Tilbury Town Investment Plan. The bid was shaped by residents and local businesses and people work in Tilbury and contains proposals for a new youth facility in the town. The Tilbury Towns Fund and its projects are overseen by the Tilbury Towns Fund Board with the Council acting as Accountable Body.

2.2 The proposed Thurrock Youth Zone facility will be a place that is specifically designed for young people, providing them with somewhere to go, something to do and someone to talk to. The Towns Fund Board recognises the need to invest in Tilbury's future through its young people and occupying them with fun activities, learning new skills and socialising in a safe and positive way. The project aims to provide:

- A place for young people to go
- Engaging activities
- Open in the evenings, weekends and holidays
- Working with local organisations
- To create a sense of pride and aspiration

2.3 OnSide Youth Zones (OnSide) is a national charity that develops Youth Zones, typically in economically disadvantaged areas of the UK. Youth Zones are open 7 days a week and offer a variety of activities. Each Youth Zone is developed by OnSide as its own independent charity, which is run by local, cross-sector representatives that are able to voice the needs of the local community. There are currently 14 Youth Zones operating from Carlisle to Croydon.

2.4 The Youth Zone will offer a wide range of sporting, artistic, cultural, physical and recreational activities for young people aged 8 to 19 years (up to 25 years for those with additional needs). The Youth Zone will be accessible and affordable by all and open long hours (8am to 10pm) every day of the year.

2.5 It is important that the Youth Zone is easily accessible to all children and young people of the area and especially those from disadvantaged families, whose lives may lack discipline and structure. Research has shown that what young people do in their leisure time has a massive impact on their personal health and well-being and on their future prospects. In addition to leisure-time activities, the Youth Zone will also include areas suitable for more targeted work

with young people including training, mentoring, group work and project areas to accommodate information, advice, guidance, and general support services.

- 2.6 Some of these services are delivered by the Youth Zone's own staff team and others by, or with, various project partners. Attractive and generous circulation spaces will link the activity areas with the central open plan spaces at ground floor (particularly the recreation area) and will be able to offer members the opportunity for informal activity or simply the chance to socialise with friends in a bright, airy and attractive environment.
- 2.7 It is expected that between 1,500 and 2,000 children and young people will visit the Youth Zone each week and there could be up to 300 attending at any one time.
- 2.8 The facility is expected to have a full-time workforce of approximately 20 people and approximately 50 part-time positions. This will be supplemented by up to 100 active community volunteers. Staff and volunteers will work varying shift patterns and the vast majority will be involved exclusively in face-to-face work with young people. The Strategic need case and benefits generated by the Thurrock Youth Zone are set in more details in Appendix 1.

3. Issues, Options and Analysis of Options

- 3.1 The development of the Thurrock Youth Zone is being promoted by the Tilbury Towns Fund (TTF) Board and will be delivered by the National OnSide Charity. To assist with the development of Youth Zones, OnSide have typically obtained multiple grants from various sources, including Lottery Funding and local Councils (including both Towns Funds and Levelling-Up Fund grants) and sometimes additional grants from local Councils' own resources.
- 3.2 The build cost for the Thurrock Youth Zone is being funded through a grant as follow:
 - Tilbury Towns Fund - £5.6m
 - Thames Freeport Seed Fund - £2m
 - with the balance of £4m coming from private sector sources.
- 3.3 Typically, the overall value of the Grants received for each Youth Zone represents c.50% of the total project costs. The remainder capital required is then sourced from major trusts, foundations and high net worth individuals.

3.4 Site selection

The location for a successful youth facility of this type is influenced, in part, by various practical issues such as site availability/constraints and economic considerations and there is no single formula for suitability or success. However, based on the successful operation of OnSide's existing Youth Zones (and the unsuccessful operation of badly sited facilities elsewhere), the following three major criteria were applied in terms of location:

- Neutrality;
- Accessibility; and
- Prominence

- 3.5 Tilbury was the preferred location in Thurrock over Grays, and this was further supported by community consultation responses favouring improved youth facilities in this location. Based on the high-level site appraisal carried out by OnSide in the very early stages of discussions with Thurrock Council an initial shortlist of 4 options were identified as potential viable and taken forward for further assessment:
- Former youth centre site on Quebec Road, Tilbury
 - Children’s Centre, London Road, Tilbury
 - Former Police Station Site, Civic Square, Tilbury
 - Corner of Anchor Fields, Tilbury
- 3.6 Site 1 – Former youth centre located on Quebec Road, Tilbury
Before the Towns Fund initiative progressed OnSide looked at former youth centre site located on Quebec Road, but at 1,100sqm this site is far too small to site a new Youth Zone building and the location did not meet the criteria for prominence or neutrality. The site was discounted due to these aspects.
- 3.7 Site 2 - Children’s Centre, London Road, Tilbury
Within the Towns Fund initiative, potential sites were considered just off the Civic Square, with one on the site of a current Children’s Centre (c.2,000m² building footprint). This would require the Children’s Centre to be moved to another site south of the civic square. Whilst a prominent site with good accessibility and prominence, it was decided unfeasible to move the Children’s Centre.
- 3.8 Site 3 - Former Police Station Site, Civic Square, Tilbury
An ex-police station site located south of the Civic Square was considered. The site was suggested but this did not meet the criteria of being prominent in that any new facility would be hidden from the Civic Square and High Street approach by the adjacent residential block. More significantly, Thurrock Council do not own the Police Station site, so there would need to be a real estate transaction which would add further costs to the project even if the site were considered desirable.
- 3.9 Site 4 – Corner of Anchor Fields Park, Tilbury
A fourth option was presented for review in a plot on the corner of Anchor Fields Park, Tilbury. On review against the site selection criteria this option was positive in terms of plot size, accessibility (by public transport and foot), prominence (on a corner junction of larger roads), and in respect to neutrality (in the centre of town close to the Civic Square).
- 3.10 **Preferred Site**
- 3.11 The option of a Youth Zone located in Anchor Fields Park was taken forward with the agreement of Thurrock Council to be included in the “Tilbury Town Investment Plan” and approved as a preferred site by the Tilbury Town Fund Board. (Please refer to Appendix B). It was noted as part of the Cabinet (July 2022) report approving the submission of the Tilbury Town Fund bid that this selection was subject to planning and other regulatory approvals. A planning application for the Thurrock Youth Zone on the Anchor Fields site was approved by the Planning Committee on 26th October 2023 subject to the signing of a S106 Agreement.
- 3.12 **Fields In Trust Designation**

3.13 The proposed site for the Thurrock Youth Zone is currently on land designed Field in Trust. Following lengthy discussions on replacement options there is agreement in principle with the Fields in Trust on the disposal of the site and the replacement land. This was subject to the following conditions:

1. Planning Permission will be obtained for the new building and copy provided to Fields in Trust
2. A Deed of Release and Dedication to be agreed regarding the variation to the existing dedication
3. The Deed of Release and Dedication will include a covenant that Thurrock Council will carry out the enhancement works offered by them
4. Fields in Trust's costs in the sum of £3000 plus VAT in connection with this matter will be covered by Thurrock Council

3.14 The legal team at the Fields In Trust has drafted the Deed of Release and this has been agreed with the Council's Property and Legal teams to sign and seal. We will continue to work with legal and asset colleagues with regards to any additional regulatory requirements needed to access the site.

3.15 **Development Costs**

As the Youth Zone has progressed through the various design stages (RIBA 1-3) the design team have used cost consultants to produce a revised cost plan against which the budget forecast has been validated. Table 1 below is a summary of the estimated costs of the scheme base on the RIBA Stage 3 design, please refer to Appendix 2 for further detail.

Following the Planning Committee decision to grant planning on 26 October 2023 the scheme will now progress to RIBA stage 4.

Table 1. Summary Capital Project Costs RIBA Stage 3 Report

	Original Budget	Stage 2		Stage 3 (Current)		Diff.
		GIA: 1,730	m ²	GIA: 1,802	m ²	
	Capital Cost Summary (£)	Capital Cost Summary (£)	£/m ²	Capital Cost Summary (£)	£/m ²	£
Capital Project Budget						
Construction Costs	5,776,000	5,768,000	3,334	6,194,000	3,437	426,000
Novated Fees	150,000	150,000	87	150,000	83	0
Site Abnormals	0	719,355	416	937,000	520	217,645
Construction Total	5,926,000	6,637,355	3,837	7,281,000	4,041	643,645
Professional Fees (excluding novated fees)	550,000	550,000	318	550,000	305	0
OnSide Youth Zone Fees	1,100,000	1,100,000	636	1,100,000	610	0
Fixtures, Furniture and Equipment	320,000	320,000	185	320,000	178	0
Contingencies	110,000	110,000	64	110,000	61	0
Subtotals	2,080,000	2,080,000	1,202	2,080,000	1,154	0
Non-recoverable VAT	394,000	394,000	228	394,000	219	0
Total Capital Costs	8,400,000	9,111,355	5,267	9,755,000	5,413	643,645
Total anticipated Project Expenditure	8,400,000	9,111,355		9,755,000		643,645
Variance From Original Project Budget	0	711,355		1,355,000		643,645

3.16 The original budget forecast for the Thurrock Youth Zone has increased from £8.4m to £9.75m based on the most recent cost estimate. The cost estimate has been prepared by the OnSide professional team who are actively delivering two other OnSide facilities and are considered to be accurate. The majority of the increased costs are due to site abnormalities (the need for deep pile foundations and cost price inflation).

3.17 Development Funding

3.18 Thurrock Council have entered into a grant agreement with OnSide Charity to provide a grant from the Tilbury Towns Fund for £400k to cover the early-stage planning, design and project development work and the planning application.

3.19 OnSide have since sought the release of a further grant allocation of £400k from the Tilbury Towns Fund to be able to develop the scheme up RIBA Stage 4-5 to allow for detailed mechanical and electrical design and the tendering and selection of a main contractor. This has been approved.

3.20 The release of further capital funds is subject to final approval of Cabinet and the approval of the terms of the lease and implementation and operational agreements.

3.21 Capital

3.22 The original Town Fund contribution to the Thurrock Youth Zone submitted as part of the Towns Fund application in 2021 was £5.2m. However, as Table 1 above indicates there have been cost increases due to a combination of onsite abnormalities and cost price inflation. This

has resulted in the proposed contribution from the Tilbury Town Board being increased to £5.6m of capital and £1m of revenue. The forecasted capital budget for the scheme is now £10.75m and the capital funding split is set out below.

Capital Funding allocation August 2023

Capital	Overall (£)
Towns Fund	5,600,000
Freeport Seed Fund	2,000,000
DP WORLD	1,300,000
Pledge A	500,000
Pledge B	350,000
Pledge C	100,000
Pledge D – To Be Confirmed	900,000

- 3.23 Since the original bid submission the Thames Freeport has been established and endowed with an initial £25m of Seed Funding to support the delivery of key employment and educational initiatives in the Freeport area. One of the projects that has been selected for Seed Funding is the Thurrock Youth Zone. Capital funding of £2m was approved by the Freeport Board on 23 January 2024. This will go to DLUHC for verification following approval of this report by Cabinet.
- 3.24 DP World have confirmed their commitment to £1.3 million of Capital Funding.
- 3.25 OnSide are responsible for the securing the funding pledges from the private sector donors and these will need to be the subject of binding grant agreements prior to the signing of the Development Agreement and any construction contracts.

3.26 Revenue

- 3.27 It is proposed that the initial startup revenue costs covering the first 3 years of the operation of the Thurrock Youth Zone will be met from a combination of Tilbury Towns Fund grant of £1m and an allocation from private sector pledges of £450k. From the fiscal year 2026/27 onwards is proposed that ongoing revenue cost will be met from a combination of funding from Founders Patron's grant, membership fees and an allocation of £400k pa from the Thames Freeport Business Rate Relief scheme. This is set out in Table 2 below:

Table 2 Current and Future Revenue Costs and Funding Contributions

	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
	Young People's Engagement Work	Pre-Opening Staffing, Branding etc.	Soft Openings from Dec 2025	First full year open			
Towns Fund Revenue Allocation	90,000	450,000	450,000				
OnSide Private Sector Fundraise (Founder Patron's)			450,000	800,000	800,000	800,000	800,000
Youth Zone Member £5 & 50ps, café, room hire etc.				100,000	100,000	100,000	100,000
Freeport Business Rates				400,000	400,000	400,000	400,000
	90,000	450,000	900,000	1,300,000	1,300,000	1,300,000	1,300,000

3.28 OnSide are responsible for securing the private sector contributions and securing grant agreements to ensure the long sustainability of the income stream. One full time OnSide staff member is recruited to solely work on funding. OnSide expect to secure around 34 patrons at £25k per annum. OnSide have a track record with regards to this model, it has been tried and tested therefore it is at very low risk of not being achieved. Revenue risk will sit with OnSide.

3.29 The future revenue allocation from the Thames Freeport Business Rate Relief scheme is subject to Thames Freeport Board approval, but the project has been accepted as being eligible and identified as a Freeport priority.

3.30 Deliverability & Procurement

3.31 Following competition of the S.106 agreement and the funding agreement Onside and the Council will enter into a Development Agreement. This will allow Onside access to the site to undertake construction works. The lease will be granted on satisfactory completion of the works.

3.32 Onside has successfully delivered fourteen new build Youth Zone facilities across England representing a capital investment more than £80 million. OnSide's Property and Construction Team will lead delivery of the design and construction element of each Youth Zone. OnSide's Property & Construction team of chartered surveyors and project managers will act as client lead for the new Thurrock Youth Zone. They are responsible for financial control of the project's capital budget and employ robust change management processes to ensure each project is delivered to specification, on time and on budget.

3.33 Although neither OnSide nor Thurrock Youth Zone will be bound by public procurement rules, both are subject to (and will diligently adhere to) obligations under Charity Law to ensure proper application of charitable funds and achieve value for money. The vast majority of the 'spend' will be on the cost of construction and the construction services will be procured on a competitive basis (single stage competitive tender).

3.34 The procurement route has been discussed with the Council's procurement and legal services. In addition, the Council as the grant provider has expectations as to how it wants to be

informed, involved and the process it will expect the provider to undertake to give it the assurance of value for money and deliverability of the project. OnSide are aware of these conditions and the Tilbury Towns Fund Board will be kept informed throughout. This will be set out in the funding agreement

3.35 Operating Principles and Legal Agreements

3.36 All the Youth Zones in the OnSide network have been built on land that has been leased by the local authority to the operating charities that run the Youth Zones for 125 years at a peppercorn rent, with very restrictive user provisions, appropriate covenants and forfeiture rights to ensure the land is only used for the purpose as originally intended, to deliver positive activities and better life chances to young people on a charitable basis.

3.37 These principles are carried forward into the proposed legal structures and proposed Lease Heads of Terms set out below.

3.38 As part of the successful operational of 14 Youth Zones the Onside Charity require the facilitating local authority to enter a series of legal agreements covering the following items:

- Lease of the Site
- Development Agreement / Capital Grant Funding Agreement
- Funding Agreement

3.39 Lease of the Site

A Lease of the Thurrock Youth Zone site will to be granted to the new operating charity. The Heads of Terms for the lease are as follows:

1. A term of 125 years
2. No premium and a peppercorn rent
3. No break clauses but provision for forfeiture in the event of significant breach covenant and/or fundamental failure of the project.
4. Restrictive user clauses to ensure that there is no material deviation from the original intended charitable use
5. Step-in rights for OnSide to cover a situation in which the local operating charity fails but demand for the Youth Zone remains and OnSide believes it can operate and sustain the facility

3.40 Development Agreement / Capital Funding Grant Agreement

3.41 This agreement (which will be conditional on planning and securing the remaining capital funding) will cover the following:

1. The agreed contributions to capital including the mechanics of payment
2. Permission to enter the site and carry out works to an agreed specification
3. The agreement to grant the lease after practical completion of construction
4. The agreement to enter into the Operational Agreement after practical completion
5. Development plans, specification and provisions for the regulating the methods of construction
6. The Landowner's title to the property

7. Dispute resolution procedure.
8. Freedom of information and confidentiality provisions.

3.42 Funding Agreement

3.43 This agreement will regulate the early years of the project partnership. The principal parties will be the new Thurrock Youth Zone operating charity, the Council and Onside Youth Zones. It will cover the following items:

1. The Council's support of the project both in general terms and specifically its agreed revenue contributions through The Towns Fund
2. Onside contributions to the development of the project and ongoing support.
3. The new Thurrock Youth Zone charity's obligations in relation to the development and future operation of the youth zone, including its responsibility to raise the remaining revenue requirement
4. Branding and publicity methods
5. Normal freedom of information, prevention of corruption, confidentiality and dispute resolutions provisions
6. Appropriate indemnities and provision for termination on insolvency or material and persistent default.

3.44 Subsidy Control

3.45 Based on previous legal opinion OnSide have provided a position statement in relation to Subsidy Control which states that neither OnSide nor the Youth Zone charities in their Network are "enterprises" within the meaning of the Subsidy Control Act meaning that, in turn, the grants are not "subsidies." In support, Onside have provided an advice letter from Addleshaw Goddard and this will be subject to further review by the Council's legal support team Brown Jacobson.

4. Reasons for Recommendation

- 4.1 The development and delivery of the proposed Youth Zone programme provides an exciting opportunity to secure much needed funding to address long standing issues and provide opportunities for Tilbury and Thurrock's young residents, supporting the successful regeneration of Tilbury.
- 4.2 The deadline for the TTF is to be spent by March 2026 as set by DLUCH. Programme progress and spend is reported to DLUCH bi-annually. Delegated authority to sign off and agree terms, legal agreements, grants, contracts for progressing projects is requested to ensure that the Council is able to respond and deliver the project within the required timeframes

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

- 5.1 An update report was considered at the Planning, Transportation and Regeneration Overview (PTR) and Scrutiny Committee 15 November 2023. This report was considered at PTR on 21st February 2024.

Feedback and comments on this report to the PTR meeting to be reported verbally to Cabinet.

5.2 The following table provides consultation undertaken with regards to the Youth Zone:

June/July 2021	Over 1000 young people from Thurrock consulted
March – July 2022	Community consultation: 8 separate events, surveys and community visits to Future Youth Zone
July 2022	Project approved at Cabinet as part of Tilbury Town's Fund programme
Jan-Feb 2023	Public consultation with site plans – online for 3 weeks, and with 3 daytime face to face drop in events
May 2023	Planning Application Submitted – this includes consultation (and responses) from statutory agencies including the Police and Fire Brigade

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

- 6.1 The Thurrock Local Plan and Economic Growth Strategy identify Tilbury as a Growth Hub where economic regeneration and housing growth are to be focussed. The Tilbury Development Framework produced in October 2017 sets out a vision for Tilbury and describes a range of proposed interventions that follow a strategic arc from the station gateway down to the riverfront. The current programme aligns with the priorities set out in this document. The Thurrock Transport Strategy supports improvements of the transport interchange at Tilbury Station including the quality of the public realm and delivering improved and safer accessibility.
- 6.2 The emerging priorities and schemes in the programme are consistent with The Council's strategies and priorities, provide a means for close community engagement, and importantly provide a vehicle for securing funds to support delivery.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Assistant Director – Finance

29 February 2024

The financial implications are set out in the body of the report. The Council believes it is prudent to revise the Youth Zone programme as recommended. The use of Anchor Fields as the youth zone site is consistent with the Council's Asset Strategy: Reuse, Retain or Release.

The mixed funding model is in line with the Council's operating model ensuring public, 3rd sector and private sector partnerships. Given the cost price inflation being experienced across all the programme projects, changes to the budgets do provide the Council and Town Board

with a degree of financial flexibility to reallocate funds, whilst ensuring that the key transformational aspects of the original bid are still delivered.

Work continues to refine the individual elements of the project and budgets have been reviewed and adjusted, with appropriate contingencies applied to ensure delivery within the funding available. Contingencies are reviewed and based on the stage of design, detailed cost assessments and projected procurement timelines. The cost plans for the Thurrock Youth Zone have been adjusted to reflect Construction and Tender Price index for Q3 2023, the estimated tendering timeline. Overall the programme contingency has been set at 20% of the total programme budget.

The programme will need to be continually reassessed through each stage of the detailed design and tendering process to ensure projects remain within budget and maximum efficiencies are made. Continued cost price inflation pressure has been identified as a significant and ongoing risk to programme delivery. The Board in refining and reprioritising the project have provided the flex to respond to further cost challenges, whilst delivering key projects. For example, the increase in capital costs the original Town Fund contribution to the Thurrock Youth Zone submitted as part of the Towns Fund application in 2021 was £5.2m. There have been cost increases due to a combination of onsite abnormalities and cost price inflation with the balance of capital funds coming from the Onside private sector contribution.

It is noted the financial risk associated with the delivery of the proposed projects attaches to the Council (as the Accountable Body) and, consequently, must and will be managed by the Council as part of the capital programme, this will occur within the Tilbury Towns Fund budget.

As part of the operational agreement with the Onside Charity there is a revenue provision with the Town Fund allocation of £1m until 2025/26 and a further revenue provision of £400k per annum expected from the Freeports Business rates allocation until 2029/30. Onside will provide £900k per annum revenue for 4 years. The required capital funding from the Council, up to a ceiling of £6.6m will be funded from the Town Fund allocation. Options to cover the revenue shortfall post 2029/20 are being examined.

7.2 Legal

Implications verified by: **Kevin Molloy**
Principal Lawyer / Manager Contracts & Procurement Team

29 February 2024

The Council by entering into the Heads of Terms with OnSide will create formal obligations on the Council. The proposals whilst bringing forward the potential for significant benefits does carry risk for the Borough, and the Council. In considering this report Members must be mindful that there are several areas of developing detail within the proposals which may leave the Council exposed to material risks or continuing liabilities in the future.

However, the Youth Zone project is being developed with a view to limiting any future contractual or financial liability falling to the Council. Specific terms of any formal agreements between will need to be carefully reviewed to ensure that the Council is protected against risks

which may arise through contract tendering and implementation (including cost increases, and third party risk).

To this extent, external legal advice has been procured and is working with the internal legal team to formally appropriate land assets and to formalised legal agreements. Accordingly the Council can only make a decision in principle to agree outline heads of terms and delegate authority to negotiate the lease terms and associated development agreements and tender packages.

The Council has undertaken statutory consultation under s123 of the Local Government Act 1972 and considered any representations received. The Council is the accountable body for significant public funds from government, the use of some of which may be managed by partner organisations potentially including those in the private sector.

Whilst risk can be mitigated through the use of appropriate contracts the ultimate risk will remain with the Council if deliverables are not met. There is scope for the Council to have to repay funds or ensure delivery of the project with the resultant implications. This type of arrangement exists in a number of settings and can be managed effectively.

The Council has in principle the necessary statutory powers to engage in these arrangements at this point, and partner to deliver the project.

Where projects require works to be undertaken, or the entering into of long term service contracts formal procurement rules will have to be followed by the Council, following both the statutory requirements and the Councils procurement policies.

Any contracts to be entered into will need to be in accordance with national procurement law and the Council's own internal procurement rules, and Legal Services will need to be consulted to ensure compliance as this project proceeds.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer
29 February 2024

The TTFB and its Advisory Group include a full range of representation of stakeholders. The Advisory Group is open to others to join. Stakeholder engagement has built on existing engagement exercises carried out in Tilbury over recent years.

As part of the process of developing the Tilbury Investment Plan (TIP) the Council and the TTFB have carried out extensive community engagement.

The TTFB has committed to ongoing engagement through the process for submission and project development. The Youth Zone project will seek to ensure that proposals understand and, where possible, improve equality and diversity. Community equality impact assessment has been undertaken.

7.4 Risks

Version Cabinet – Final version ready for Cabinet/Executive decision

The key issues and risks to project delivery and benefit realisation, together with mitigating strategies to minimise their impact are outlined in the table below:

Key Risks	Risk Management Activity and Migrating strategies	Accountability & Monitoring
<p>Insufficient capital committed to complete the building</p>	<ul style="list-style-type: none"> • Identify risks early • Pro-actively manage these risks • Inform the design and delivery process accordingly to mitigate risk • Increase certainty • Avoid additional cost • Inform timely change control; and • Ensure sufficient contingency management • Experience of previous Youth Zones programme and spend 	<ul style="list-style-type: none"> • Reports and discussion at the Tilbury Towns Fund Board (every 6 weekly) • Project meetings between the Council and OnSide (bi-weekly) to monitor project progress, manage key risks on the risk register and to ensure action is taken in good time to mitigate risks • OnSide Project Team and Thurrock Youth Zone trustees will be collectively charged with identifying and managing risk throughout the project, so that it is avoided, mitigated and/or minimised. • Council governance (e.g. Strategic Property Board and Cabinet) consider next steps at key gateway points for example once the grant decision is confirmed, at the end of RIBA 3 and on receipt of main construction contract tenders • Communications to stakeholders and the community
<p>Insufficient revenue funding to run the Youth Zone in the long term</p>	<ul style="list-style-type: none"> • Identify risk early • Pro-actively manage these risks • Ensure sufficient contingency management • Experience of previous Youth Zones revenue programmes and issues • 70-80% of revenue is staffing, much of 	<ul style="list-style-type: none"> • The current view is that the Council will not be able to fund in the long term – The Council will work with OnSide to secure an enabling partnership with further private / 3rd sector funders • Financial modelling has been undertaken and will continue to do so to ensure revenue is available. • The private sector contributions are coming from the Founder Patron which is a campaign. One full time OnSide staff member is recruited to solely work on this. OnSide will

	<p>which is sessional, this can temporarily flex to keep within available resources.</p>	<p>secure c.34 patrons at £25k per annum. OnSide have a track record with regards to this model, it has been tried and tested therefore it is at very low risk of not being achieved.</p> <ul style="list-style-type: none"> • Outcomes and outputs from the Youth zone will be monitored to ensure sustainability
Planning / local authority liaison	<ul style="list-style-type: none"> • Identify risks early • Pro-actively manage these risks • Inform the design and delivery process accordingly to mitigate risk • Increase certainty • Avoid additional cost • Inform timely change control; and • Ensure sufficient contingency management • Experience of previous Youth Zones programme and spend 	<ul style="list-style-type: none"> • OnSide's Property & Construction team will work alongside the appointed quantity surveyors (to quantify costs associated with each risk) and project managers to maintain development of the risk register • Mitigating actions will be assigned to the individual Project Team members to discharge, with regular review undertaken to monitor progress • The OnSide risk register template has been customised for this early stage of Thurrock Youth Zone and presents an initial identification of risks/events, attributing a gross risk score which reflects the likelihood and impact of the said risk • Actions/mitigation measures required to control the risk will be identified and attributed • to named personnel in the project team. Further net risk is also considered alongside further action to be taken as and when required. • Reports and discussion at the Tilbury Towns Fund Board (every 6 weekly) • Project meetings between the Council and OnSide (bi-weekly) to monitor project progress, manage key risks on the risk register and to ensure action is taken in good time to mitigate risks
Design		
Commercial		
Highways and public realm		
Services		
Ground risks		
Programme		

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

Version Cabinet – Final version ready for Cabinet/Executive decision

None

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):

- Tilbury Town Fund Programme Cabinet Report 13 July 2023

9. Appendices to the report

- Appendix 1 - Strategic Case and Benefits

Report Author:

Helen McCabe

Head of Tilbury Towns Fund

Place

Appendix 1 - Strategic Case and Benefits Economic Costs and Benefits

Discounted Cashflows in line with HM Treasury have been produced to identify the Present Value of Costs and Benefits. These showed that over 30 years, the Present Value of Costs for the Youth Zone Project comes to £16.063 million.

Name	Present Value of Costs
Capital Costs	£ 8,909,523
Revenue Costs	£ 7,153,683
Present Value of Costs over 30 years	£ 16,063,206

Using the same methodology, the Present Value of Benefits for the Youth Zone Project comes to £30.566 million.

Name	Present Value of Benefits
Annual Membership	£ 16,100,247
Marginal External Costs & Indirect Tax Savings	£ 6,764,464
Marginal External Congestion Costs Savings	£ 3,451,403
Value of Time for Non-Work Purposes	£ 2,984,800
Improvements to Pedestrian Environment	£ 615,054
Time Saved Commuting	£ 325,984
Visitor spend based on new visitors	£ 322,814
Benefit of Cycle Facilities	£ 960
Present Value of Costs over 30 years	£ 30,565,726

Existing Arrangements

On a national level, general demand for youth services has been highlighted by YMCA's 'Out of Service' report¹ which highlighted that over 4,500 youth work jobs had been lost and more than 760 youth centres have closed because of decade-long budget cuts for youth services totalling almost £1 billion in England and Wales since 2010. These cuts represent real terms decline of 70%. Seen as an essential service in the pandemic, the report raises concerns that 1 in 4 youth centres may be forced to close. Emergency funding has been utilised to save some youth charities and community groups, but there is no strategy or long-term investment for their survival. The picture is equally distressing for youth services delivered or funded by local authorities.

The report also identifies that it is the statutory duty for local authorities to provide sufficient services for young people. It concluded that weak guidance and legislation has resulted in budget cuts for the provision of youth services. As such, for every £16 cut from local authority services, £1 of that has come from budget allocations for youth services.

Currently youth service provision is operated with a limited programme from facilities with Brennan Road. This includes a youth club operating on the weekday evenings, providing a limited activity programme due budgetary and staffing constraints. It is proposed that when the Thurrock Youth Zone is operational, it will provide much

needed facilities for young people not only in Tilbury Town but the rest of the Borough. Recent outreach work undertaken by Onside on the potential take up with Corringham and Stanford schools illustrated that there was significant demand outside of the immediate Tilbury Town areas for the facility. In a questionnaire survey return from 450 of pupils 67% stated that they would be willing to travel to a Youth Zone in Tilbury, which at such a distance is very positive.

For reference in the Onside Survey taken in Q1 2021 of 1,000 young people found:

- 74% of those outside Tilbury said they could come to a Youth Zone in Tilbury
- 84% of those inside Tilbury said they could come to a Youth Zone in Tilbury

A report by the National Youth Sector Census in 2021 identifies that that youth provision is place-based and local with operations focussed on, and delivered within, a community or neighbourhood. It also identifies a large disparity in the amount and type of provision available to young people dependent on where they live. It highlights that there is twice as much provision in the most affluent areas as opposed to the most deprived areas. There are twice as many buildings purpose-built for, or dedicated towards, young people in affluent areas.

Reflecting the position at a national level, at a local level, there is a significant lack of youth facilities in Tilbury. Whilst there is a very limited provision of services, these are not easily accessible for all and offer limited operating hours which have been further compounded and eroded by the Pandemic.

Thurrock also has a growing population – predicted to rise by approximately 10% every decade. Over the last 7 years Thurrock has continued to see an increase in the primary population. The 2015/16 birth data is still the highest Thurrock has had at 2,505 with the two years either side of that just fractionally below the 2,500 and the current Year 3 is the highest cohort Thurrock has had at 2,545. The last three years average of birth data is 2,470. After reaching a peak of 2,505 births in 2015/16 Thurrock is now seeing a slight decline. The primary cohort average is now 2,456 per year group, two new Secondary Free Schools should ease the pressure on secondary places as the primary cohort moves through. Thurrock is also getting a new Special Free School.

Primary age 4-11 yrs	2023	2024
Tilbury	3948	4011
30%Corringham+Stanford	821	841
50% Grays	3580	3574
	8349	8427
Age 8-10	3578	3611
Secondary 11-16		
Central 60%	3193	3205
30% East	1054	1068
New schools x 2 @50%	360	480
Special schools @30%	115	115
Total	4723	4869
17-19		
6th forms @30%	223	223
FE college @30%	750	750
	973	973
Total 8-19	9,275	9,454

The Youth Zone and will respond to the current local Thurrock context in the following ways:

- **Deprivation:** Tilbury incorporates some of the most deprived wards; the ability to support the area's young people to access positive things to do in their community will not only improve their health and wellbeing and drive aspirations for adulthood but also support community cohesion and a vibrant locality.
- **Educational Attainment:** Qualification, attainment and skill levels are holding back some residents and are a barrier to Tilbury's sustainable economic growth.
- **Health Externalities:** Thurrock ranks 12th of 144 local authority areas in England on the health deprivation index. The lack of youth services presents negative health externalities for the young people of Tilbury which can be deemed as a market.
- **COVID-19:** Recent research suggests young people have been disproportionately impacted by the COVID-19 pandemic. The new Youth Zone will support the delivery of skills through raising the aspirations of young people, building their confidence.

Benefits Realisation

The key economic benefits to be derived from the preferred option for the Youth Zone Project will be:

- 4,500 paying members within the first year Those who pay the annual membership fee. This number is usually highest in the first year (e.g., 4,500 or more) as lots of young people visit the centre to try it out
- 3,500 'Annual paying members. Numbers stabilise in the second year onwards as young people renew their memberships; some leave and new joiners come. Our experience is some children do not attend even though their parents have paid the fee, especially when it first opens, so this is sometimes larger than the 'Active members'
- 2,000 'Active Members over 12 months. These are unique members who have attended at least once over the last 12 months
- 800 'Visits per week' which is number of attendances per week, some of which may be the same members attended multiple times per week. Can also refer to 100-250 visits per day
- 665 'Regular weekly engagement members. This is unique individuals attending on a weekly basis defined as at least ten attendances over 90 days and at least two per month. This allows for occasional absences due to holidays, sickness, or other activities. This is the figure other TF Green Book studies have used for calculating economic proxy benefits such as 'attendance at youth clubs' of 'increase in self-confidence.' It is based on our CRM showing on average across existing Youth Zones that 19% of members attend on a weekly basis x the annual paying membership estimated to be 3,500 for Thurrock Youth Zone
- Fifty volunteers
- Thirty full-time equivalent staff which is likely to be sixty-five individual employees as most youth workers work part-time

Other key delivery performance minimum thresholds are (as per Network Agreement Excellence Framework attached):

- Open at least 40hrs per week out of school hours, 7 days per week, 52 weeks per year
- Charge no more than 50p per session, £5 annual membership and £1 for a hot nutritious meal.
- 85% satisfaction rate with offer

All the output targets are based on current and historical records from our bespoke Salesforce CRM database which is used by all Youth Zones and from which we can gather live data based on a data-sharing agreement.

There will also be a range of non-monetised benefits for the Tilbury Town Centre area, including social and environmental benefits, in addition to the economic benefits. These are all summarised in the table below:

Towns Fund investment theme	Key benefits	Wider social and economic benefits	Comments
Urban regeneration, planning and land use	<ul style="list-style-type: none"> • Land value uplift 	<ul style="list-style-type: none"> • Increases in local employment and GVA Community cohesion. • Increase in rental/property values. • Health benefits from the use of new public spaces and a rebalancing of the area away from a vehicle-dominated environment. • Social benefits 	<ul style="list-style-type: none"> • Enhanced town centre experience that prioritises the health, safety, and mobility of pedestrians. • Improved connectivity, safety, and security within the town centre. • Opportunities to create more outdoor seating areas.
Arts, culture, and heritage	<ul style="list-style-type: none"> • Increased retail revenue from increased footfall • Amenity benefits 	<ul style="list-style-type: none"> • Social benefits from easier accessibility to public areas that are more visible and easier for residents/visitors to access. • Increases in local employment and GVA Community cohesion 	<ul style="list-style-type: none"> • New avenues for public spaces and increased opportunities for residents / businesses. • Opportunity for an increased number of events and entertainment in the town centre going forward. • A greater sense of identity and cohesion within the town centre.

Towns Fund investment theme	Key benefits	Wider social and economic benefits	Comments
Enterprise infrastructure	<ul style="list-style-type: none"> • Land value uplift 	<ul style="list-style-type: none"> • Increased employment and income • Attraction of more businesses in the long term 	<ul style="list-style-type: none"> • Enhanced townscape that is more attractive and more accessible to residents, businesses, and visitors, fostering increased opportunities for business investment in the area.

Business Needs - Current and Future

The Youth Zone responds to the stakeholder engagement and sets out a clear ambition to support Tilbury's large and growing youth population through the delivery of a dedicated facility.

A preferred site has been identified for the Youth Zone on Anchor Fields ensuring it is easily accessible to everyone. The Council is committed to improve this park as a mitigation of building on it. It will provide much needed recreational space to a high standard, to enable formal/informal recreation and help improve health and wellbeing.

The Board have visited exemplar facilities and recognise the benefits of developing a high quality, integrated youth offer that delivers a range of services under one roof. The facility will not only accommodate space for recreational, sporting, and creative activities, but will provide skills, enterprise, and employability programmes to ensure that Tilbury's youth can achieve their full potential and access the economic opportunities that are being delivered in and around the Town. The proposed range of services include:

- Two -court sports hall
- 3G kick pitch
- Climbing wall
- Boxing gym
- Fitness suite
- Arts and craft workshop
- Performing arts studio
- Music room and sound studio
- Film & media room
- Personal wellbeing room
- Enterprise and employability support
- Sensory room and inclusive programme
- Café and training kitchen

- 1 to 1 mentoring

Main Benefits and Risks

The Youth Zone project will deliver the following Towns Deal outputs, as specified within the Towns Fund Intervention Framework:

- New, upgraded, or protected community centres, sports or athletics facilities, museums,
- Arts venues, theatres, libraries, film facilities, prominent landmarks or historical buildings, parks, or gardens.
- New, upgraded, or protected community hubs, spaces, or assets, where this links to local inclusive growth.
- Increase in capacity and accessibility to new or improved skills facilities.
- Increased and closer collaboration with employers.
- Increase in the breadth of the local skills offer that responds to local skills needs.
- Increased benefit for the public education over the long term

The Youth Zone is expected to deliver the following direct project outputs in Thurrock:

INDICATORS	TARGET BY NOV 2024
Delivery of a state-of-the-art facility for young people which will become a landmark in the town and a community asset.	2,000 sqm
New jobs created	35 FTE
Closer collaboration with employers in preparing young people to be 'work ready'	Forty employers
Increased employability offer, supporting young people to become 'work ready' (one employability programme offered but as an 8-week programme, will be available at least 6 times a year)	TBC
% of learners gaining relevant experience/being 'job ready' (as assessed by employers)	TBC
Improvement to the perception of the area	90%

13 March 2024	ITEM: 19 Decision: 110714
Cabinet	
School Capital Programme Update 2023/24	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor Adam Carter, Cabinet Member for Education	
Accountable Assistant Director: Michele Lucas, Assistant Director Education and Skills	
Accountable Director: Sheila Murphy, Executive Director – Children’s Services	
This report is Public	
Version: Final / Cabinet	

Executive Summary

This report seeks Cabinet approval on one of the options proposed within this report including the approval of additional spend that is required for the expansion of Tilbury Pioneer Academy.

On 15th March 2023, Cabinet approved a budget of £3M along with the procurement process to appoint a design and multi-disciplinary project team to undertake required surveys and develop a detailed cost plan for the refurbishment of the part of the old block that was on the Tilbury Pioneer site and was due to be demolished. Following this detailed work and the increase in cost it is clear that Cabinet needs to reconsider whether new build is more feasible than refurbishment.

The expansion works for Tilbury Pioneer Academy will be funded from the DfE basic need grant (not Council general fund), which has sufficient funds available to cover either option presented within the report.

The report also seeks Cabinet approval of £1M to proceed with works to convert a council owned building in Northview Avenue, Tilbury to a secondary SEMH (Social, Emotional, Mental Health provision, which will be run by Olive Academy. The works will be funded from the DfE SEN Capital Grant (not Council general fund), which has sufficient funds available.

Additionally, this report provides an update on current capital projects managed by Thurrock Council which form part of the current school capital programme outlining the progress that has been achieved since the last report to Cabinet in March 2023.

The current programme aims to deliver sufficient pupil places for 2024/25 academic years in mainstream and SEN provision.

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

Recommendation(s)

Cabinet to approve recommendation 1.1 or 1.2 set out below:

- 1.1 To approve a £3.85M budget for refurbishment works to allow for the expansion of Tilbury Pioneer Academy to be funded from the School's Basic Need capital funding 2023/24.
- 1.2 To approve a budget of £4.75M budget for the new build works to allow for the expansion of Tilbury Pioneer Academy to be funded from the School's Basic Need capital funding 2023/24.
- 1.3 To approve the commencement of the procurement process in accordance with Council & UK procurement procedures to vary the appointment and scope of works to be undertaken by the Multi Discipline design team for the Tilbury Pioneer Expansion Project and appoint the Principal Contractors to take forward the proposed desired scheme.
- 1.3 That authority be delegated to the Director of Children's Services, in consultation with the Education Portfolio Holder, to enter into any form of agreement following the award of the agreements arising from 1.1 or 1.2 above in compliance with the Council's procurement regulations.
- 1.4 To approve a £1M budget for alternation works in Northview Avenue, Tilbury to allow for a secondary SEMH provision to be funded from SEN Capital government grant 2023/24.
- 1.5 Note the recent in-year accommodation works that have commenced and completed in order to ensure sufficient pupil places for 2023/2024.

2. Introduction and Background

- 2.1 The Council has a statutory responsibility to ensure that suitable and sufficient places are available in Thurrock for every child of school age whose parents wish them to take up a school place.
- 2.2 The 2023/24 school capital programme has progressed well and incorporated innovative partnership working, as well as utilising modern methods of construction to deliver the identified additional pupil places needed.
- 2.3 The demand for pupil places has increased significantly, over the last few years we have seen a large increase in 'in year' admissions from families moving into the Authority. In 2022/23, we received 647 applications for children that moved into Thurrock from outside of the UK, and 1005 applications for pupils from elsewhere within the UK. For the first 2 months of this academic year, we have had 213 applications for children who have moved into Thurrock from outside of the UK, and there have been 338 applications for new arrivals from elsewhere within the UK. We are currently not seeing a decrease in the demand; the level of demand has and continues to be unprecedented. To be able to accommodate this demand, we are building

in additional places to support in-year growth across a number of year groups where it has been identified that we do not have sufficient school places.

PROGRESS UPDATE ON EXISTING PROJECTS

Abbots Hall Primary Expansion

- 2.4 Works started in March 2022, with the first 2 phases complete and fully operational.
- 2.5 The final phase of the project which includes a new 2-storey teaching block extension was due to be handed over in August 2023, however, the principal contractor (Lengard Ltd.) ceased trading in June 23, and went into receivership. New contracts have therefore needed to be procured in order to complete all outstanding works along with pre-existing defects meaning that completion of the scheme will now be by March 2024. The additional works are being funded from remaining funds held within the budget along with retentions that were held from the Lengard contract.

Temporary Classrooms

- 2.6 A single demountable classroom was installed in August 2023 to create additional capacity in year 3 at Somers Heath Primary. This has provided an additional 30 primary school places. The temporary classroom will remain onsite until the bulge year ends in four years. In addition, by creating these additional places, this prevents pupils being transported to the next nearest school with available places at the cost to the council.
- 2.7 A single demountable classroom has also been installed for one year to provide additional places in year 7 at Grays Convent. The demountable will be removed in the summer of 2024 when additional space will come available within the main school building when a previous bulge class completes its secondary education.

Tilbury Pioneer Primary Academy Expansion

- 2.8 On 15th March 2023, Cabinet agreed an estimated budget allocation of £3m to cover both an architect led multi-disciplinary design team responsible for providing specialist services needed to oversee the detailed and technical design for the expansion project, and a Principal Building Contractor for its construction phase.
- 2.9 Following completion of scoping and feasibility studies, the proposal for Tilbury Pioneer Primary Academy was to firstly apply to planning to retain the west wing of the old 'Tilbury Manor' building, then if successful, undertake a full internal & external refurbishment of this structure in order to provide the required accommodation. Upon completion, Tilbury Pioneer will have capacity to increase its pupil admission number (PAN) from 420 to 630 making this a 3-form entry primary School with an integral special needs Autism base.
- 2.10 The procurement and appointment of the multi-disciplinary design team was formalised on 20th June 2023, and works began to undertake more extensive surveys and develop a detailed cost plan which is appended to this report Ref: A3408_Cost Plan_Refurbishment.

- 2.11 This cost plan illustrates that the extent of works needed to bring the Tilbury Pioneer building up to modern standards significantly exceeds original expectations, this is compounded by the revision in June 2022 to Part L of the building regulations which places an increased requirement on developers with respect to improving thermal insulation in older buildings. In addition, the highways planning consultee response requires the provision of a 'one way' on site vehicular pupil drop off. The conclusion of the cost plan illustrates that the original budget allocation of £3m is short of what would be needed to complete the refurbishment works.
- 2.12 As a result of the work undertaken around the refurbishment and the significant increase in the potential costs related to the project the decision was taken to pause the project and identify other potential solutions. This has led to further investigations being undertaken to evaluate whether a new building would provide better value for money and building longevity. A developed cost plan is appended to this report ref: A3408_Cost Plan_New Build illustrating the anticipated costs of the new build option along with refurbishment cost option.
- 2.13 Given that both expansion options will require an increased budget allocation, an outline plan has been developed to visualise what could be achievable for a greater increase in financial commitment. Floorplan drawing, elevations drawing, a site plan as well as a 3d render are appended to this report to assist with consideration ref:
A3408_901_A_PROPOSED FLOOR PLANS,
A3408_902_A_PROPOSED ELEVATIONS,
A3408_903_A_PROPOSED SITE LAYOUT
A3408_904_PROPOSED RENDERS
- 2.14 The below table provides a summary of the like for like relative advantages and disadvantages of each option (new build versus refurbishment) the key deliverables are in bold text:

<u>Item/Element</u>	<u>New Build</u>	<u>Refurbishment</u>
Hall / Studio	2 no.	1 no.
Classrooms	9 no.	9 no.
SEN Resource Bases	4 no.	2 no.
SEN Breakout Space	2 no.	0
WC's	6 no	5 no.
Accessible WC's	2 no.	2 no.
PPA/Breakout space	2 no.	1 no.
Staff Room	1 no.	1 no.
Storerooms	7 no.	4 no.
Location (relative to main school block)	Connected at Ground and 1 st floor levels	56 Metres via external footpath
Expected Building Lifespan	70 years	20 years

Estimated Cost per Sqm.	£3,300.19	£3,142.18
-------------------------	-----------	-----------

- 2.15 The contracts, will be below the UK government's Find a Tender Service (FTS) thresholds, and are therefore not subject to a fully published procurement process.
- 2.16 If approved, it will be possible for the commencement of a sub-FTS single stage procurement.

Olive Secondary SEMH Provision (Northview Avenue, Tilbury)

- 2.17 The proposal is to convert the decommissioned building into a temporary specialist Secondary SEMH (Social, Emotional Mental Health) base which would be run by the Olive AP Academy. The provision would be for an initial period of up to five years. The Olive AP Academy is awaiting the outcome of their free school bid.
- 2.18 Sketch designs, and a desktop costing study have already completed with initial indications showing that this project will have an estimated provisional total value of up to £1M, which would be funded from a government SEN capital grant, therefore at no cost to the council's general fund.
- 2.18 The building is currently decommissioned and is not being considered by Education for any other purpose.
- 2.19 There are no other alternatives buildings available in the Tilbury area that could accommodate this temporary provision. The provision needs to be located close to the Olive Academy to ensure sufficient resources (staffing) are available to support the new provision. The Olive Academy site has been considered, however if the free school bid is successful the new school will be built within the site, therefore leaving no available space to erect temporary provision.
- 2.20 A business case was presented to the Councils Strategic Property Board on 25th January 2024, where the proposed change of use was approved.
- 2.21 It is envisaged this provision will deliver significant savings to the Council over the next five years for pupils who would otherwise be placed in provision outside of the borough with high placement and transport costs.
- 2.22 There are 12 pupils placed in a SEMH secondary provision outside of the borough that could be educated locally if provision was available. The placement and transport costs over a 5 year period equates to £3,349,325.00. It is felt the £1M one off capital grant investment significantly outweighs the placement and transport costs over the same period.
- 2.23 There are currently 29 pupils receiving tuition where we are unable to secure a special school place, tuition is offered. The current cost of tuition per pupil is £30,400 for 38 weeks. This would equate to £912,000 per year for 30 pupils that could be placed in the new provision locally and receive intense therapeutic work as this would enable those pupils to be reintegrated back into mainstream settings over time and receive a full education.
- 2.24 A report will be presented to Cabinet in June 2024 to seek approval to re-tender Tuition Support Services. The anticipated total cost for this re-tender is estimated to be up to £3.4 million over a three-year period.

- 2.25 In addition to the 30 pupils receiving tuition, there are 405 pupils with and Education Health Care Plan, with SEMH identified as their main need within their plan. Of those 405, 308 are of statutory school age. Those pupils are currently attending mainstream school, however schools are finding it extremely difficult to continue to meet their needs.

3. Issues, Options and Analysis of Options

Tilbury Pioneer Academy

3.1 Option 1: Do nothing.

This option will not address the demand for school places, either mainstream primary, or SEND provision and will potentially lead to either consequential expense being drawn as a result of the Council funding home to school transport to either the next nearest school with available places, or out of borough schools that are in a position to accommodate pupils with SEND. Additionally, there is a high risk to the Council that it will fail to comply with its statutory duties under both Section 13 of the Education Act 1996, as well as Section 88 of the School Standards and Framework Act 1998.

3.2 Option 2: Continue with refurbishment.

This would mean cabinet agreeing an uplift in the total budget allocation to £3.85m to allow for the original refurbishment plan to proceed. This option only provides a lifespan of 20 years therefore there is no longevity in this option and does not provide best value. In addition, significant works will be required to ensure the required thermal properties are met in line with updated building regulations. It is also felt that this option does not provide best value.

The additional cost would be funded from the DfE basic need grant, which has sufficient funds available.

3.3 Option 3: New build (this option is recommended)

Agree an uplift in the total budget allocation to £4.75m and pursue the delivery of a new-build teaching block. This is the recommended option as it will deliver the best value in terms of achieving the key deliverables: DfE standard classrooms, hall space with secondary studio, SEN resource bases, and an increased longevity in terms of building lifespan of 70 years, this is 50 years longer than the refurbishment option 2. This option will also allow for nursery provision to be created to support the New Childcare Entitlement 2023 that was announced in the Spring budget as the school would then have space to relocate a KS1 class to the new building and provide nursery provision.

The additional cost would be funded from the DfE basic need grant, which has sufficient funds available.

Olive Secondary SEMH Provision (Northview Avenue, Tilbury)

3.4 Option 1: Do nothing

This option will not address the need for local SEMH provision and will potentially lead to either consequential expense being drawn as a result of the Council funding home to school transport to either the next nearest school with available places, or out of borough schools that are in a position to accommodate pupils with SEND. Additionally, there is a high risk to the Council that it will fail to comply with its statutory duties under both Section 13 of the Education Act 1996, as well as Section 88 of the School Standards and Framework Act 1998.

There is also a risk of increase in the number of independent non-maintained special school places being sought. These are usually very high cost.

3.5 Option 2: Re-purpose the building in Northview Avenue (recommended option)

This would require Cabinet to approve the expenditure required which would be funded from the SEN Capital grant. The provision would create places locally for pupils with SEMH needs identified within their Education and Health Care Plan. There would be a reduction on spend for out of borough placements along with the associated transport costs. The new facility would also support pupils who are currently receiving tuition which would also reduce tuition costs.

4. Reasons for Recommendation

4.1 Tilbury Pioneer Academy Expansion

The preferred option is option 3. If approved option 3 will:

- Ensure that the recommended minimum DfE classroom size is met.
- Provide 70 years lifespan for the new building.
- Provide additional hall space with studio.
- Enable a total of 4 SEND resource bases.
- Provide space to include nursery provision alongside their reception classes.
- Reduce spend on tuition costs.

4.2 Olive Secondary SEMH Provision (Northview Avenue, Tilbury)

The preferred option is option 2. If approved option 2 will:

- Provide local provision for pupils with SEMH needs.
- Reduce spend on placements and transport.
- Enable some pupils to be re-integrated back into their mainstream school.
- Enable pupils to work towards attending school full time.

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

This report is being presented to Children’s Overview & Scrutiny committee 12th March 2024.

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

6.1 The award of these JCT Construction and design contracts will enable the Council to continue to meet its statutory duty under the Education Act 2006.

6.2 The improvement of the educational assets is linked to key corporate priorities:

Priority	Delivered by
People	Improve health and wellbeing through improvements in the quality of the learning environment and opportunities provided

Place	Creating a great place for learning and opportunity by improving the education assets within the borough.
Prosperity	Encourage and promote job creation and economic prosperity through the provision of local employment and training opportunities.

7. Implications

7.1 Financial

Implications verified by: **Mark Terry**
Senior Financial Accountant

4th January 2024

Additional accommodation which is needed to meet the statutory requirement to provide places for the increasing pupil numbers, will be funded from a combination of the DfE capital basic needs grant and Section 106 monies held for Education provision. Once in-depth feasibility and design studies have been completed, funding requirements will be quantified and confirmed.

At its meeting on the 15th of March 2023, Cabinet agreed an original budget allocation of £3m for the Tilbury Pioneer Academy expansion. Should Cabinet agree on option 2, the current agreed budget will increase by an additional £0.850m. If option 3 is agreed, a further £1.75m will be added to the budget. There are sufficient funds available within the schools DfE basic need grant, to fund these additional costs at Tilbury Pioneer Academy.

7.2 Legal

Implications verified by: **Kevin Molloy**
Principal Contract Lawyer

4th January 2024

Section 13 of the Education Act 1996 imposes a specific duty on local authorities to secure within their area that there is efficient primary education, secondary education and further education available to meet the needs of the population of their area. This is an absolute duty that is imposed by statute.

There are additional duties that flow from this such as duties under section 88 of the School Standards and Framework Act 1998, which imposes the duty to set school admissions numbers for each school year as well as Regulation 4 of the School Admissions (Infant Class Sizes) (England) Regulations 2012 which sets a limit of 30 pupils to one teacher in all infant classes. These duties mean that local authorities must take care to ensure that there are adequate school provisions within their area to meet these duties.

Therefore, Thurrock Council is under an obligation to ensure that there are available school places for children that live in its area and wish to access education in the area. Accordingly, the proposal set out herein is in line with the positive statutory duty to ensure that the demand for school places is met on an ongoing basis.

The Council, in accordance with section 19 of the Education Act 1996, bears the statutory duty for ensuring that all children aged 5-16 receive an education. In cases where a child of compulsory school age cannot attend school due to reasons such as illness or exclusion, the local authority is obligated to make arrangements for 'suitable education,' either at a school or an alternative venue.

Following issue by the Council of a s114 notice, the Council must ensure that its resources are not used for non-essential spending. The contract at issue here is essential and the provision of it a statutory duty under legislation. In procuring the services outlined, the Council must observe the obligations upon it outlined in national legislation and in its internal procurement rules. Officers should ensure Legal Services are kept informed as they progress through the procurement.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer
12th January 2024

Whilst there are no direct diversity and equality implications, the provision of these services will help to tackle inequality and social exclusion. The procurement process will follow responsibilities as set out within The Equality Act 2010 and Public Sector Equality Duty, with due regard to advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

The procurement approach set out in this report will enable the Council to continue to meet its statutory duty under the Education Act 2006, to ensure that suitable and sufficient places are available in Thurrock for every child of school age whose parents wish them to have one, whilst ensuring value for money.

7.4 Risks

Please refer to options detailed in section 3 of the report. In addition, consideration has been given to a number of risks identified within the table below which relate to option 1.

Strategic	There is a risk that the council will not be able to meet its statutory duty to provide sufficient school places.
Operational	The school admissions team will not be able to offer school places where they are required within the borough, this would have negative impact on families as they would be required to travel to the nearest school with places. As schools are academies the council is unable to direct schools to open bulge classes.

	The council will not be able to reduce its cost for pupils who require specialist SEMH provision.
Financial and Legal	<p>There is a financial risk to the council's revenue budget where children's travel to next nearest schools with spaces exceeds the distance criteria for free travel assistance, statutory guidance places a duty on the council to fund such transport free of charge.</p> <p>There is a financial risk where current tuition providers take a long time to source a face-to-face tutor to provide education for SEMH children missing education where the local government ombudsman (LGO) can order the council to pay £2400 per term per child for loss of education.</p>
Contractual	There is contractual risk whereby the council will need to terminate the existing contract for the multi-disciplinary design team and agree final payment for completed design works.
Reputational	<p>There is a reputational risk where the council is unable to offer places within a reasonable distance to the family home address, which often results in a high number of complaints.</p> <p>Parents also have the right to complain to a first-tier tribunal for a school of their choice, the first-tier tribunal can order the council to place children in out of borough schools where there is no local provision. The Council is required to comply.</p>

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

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):

- Cabinet report 15 March 2023 – School Capital Programme Update 2022/23

9. **Appendices to the report**
Tilbury Pioneer Expansion

- Appendix 1 - Alderton Associates Cost Plan ref: A3408_Cost Plan_Refurbishment
- Appendix 2 - Alderton Associates Cost Plan ref: A3408_Cost Plan_New Build
- Appendix 3 - A3408_901_A_PROPOSED FLOOR PLANS
- Appendix 4 - A3408_902_A_PROPOSED ELEVATIONS

- Appendix 5 - A3408_903_A_PROPOSED SITE LAYOUT
- Apprndix 6 - A3408_904_PROPOSED RENDERS

Olive SEMH Base (Northview Avenue, Tilbury)

- Appendix 7 - A2877_201_A_PROPOSED PLAN
- Appendix 8 - A2877_202_PROPOSED SITE PLAN

Report Author:

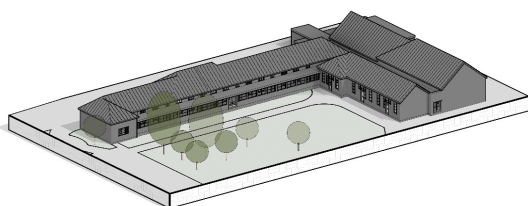
Sarah Williams

Head of Education Support Service

Childrens Services

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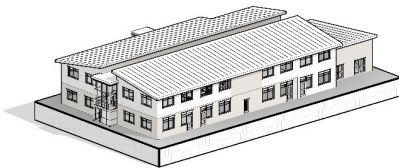
	Unit	Rate	Qty	Total
Aluminium roofing; standing seam Kalzip standard natural aluminium; 0.9 mm thick; 180 mm glass fibre insulation; vapour control layer; liner sheets; (U-value = 0.25 W/m2K)	m2	410.00	1050	430,500.00
Flat roofing systems Includes insulation and vapour control barrier; excludes decking (U-value = 0.25 W/m)	m2	225.00	259	58,275.00
Rooflights/Patent Glazing and Glazed Roofs individual polycarbonate rooflights; rectangular; fixed light m	m2	760.00	3	2,280.00
Stairs and Ramps Mass concrete ramp construction n/e 300mm high Stainless steel balustrade and handrail	m2 m	400.00 700.00	70 32	28,000.00 22,400.00
External Walls P61 Insulated System; natural grey finish; 12 mm self-finished plasterboard lining (U-value = 0.30 W/m2K)	m2	140.00	632	88,480.00
Windows New uPVC windows double-glazed: 30 db acoustic rating; PPC cill; EPDM membrane; DPM; insulation; teleflex openers to opening lights	m2	450.00	90	40,500.00
External Doors Glazed single personnel door; stainless steel ironmongery; Glazed double personnel door; stainless steel ironmongery;	nr. nr.	2,925.00 4,525.00	13 4	38,025.00 18,100.00
Demolition / Strip Out Strip out existing windows, internal finishes and services Asbestos removal	m2 it	75.00 35,000.00	1141 1	85,575.00 35,000.00
Superstructure Internal alterations Timber Repairs	it it	35,000.00 125,000.00	1 1	35,000.00 125,000.00
Internal Doors Standard fire doors; cellular core; softwood lining; softwood architrave; aluminium ironmongery (lockable, self-closure); painting or polishing; single leaf; Oak veneered; 30 min fire resistance; polished Ironmongery sets + OH closers + finger guards	nr nr	820.00 1,075.00	37 37	30,340.00 39,775.00
Internal Walls Plasterboard wall linings (fire rated/impact resistant where required)	m2	32.00	3422	109,504.00
Floor Finishes Carpet Vinyl sheet safety flooring Refinish timber floor	m2 m2 m2	190.00 220.00 50.00	607 316 163	115,330.00 69,520.00 8,150.00
Ceiling Finishes Suspended ceilings 600 x 600; suspension grid; insulation Plasterboard ceiling	m2 m2	47.00 25.00	768 250	36,096.00 6,250.00
Mechanical and Electrical Services Space heating and cooling Electrical installations Sanitary installations and drainage Fire safety system ICT Infrastructure Ventilation Builders works	it it it it it it it	320,000.00 295,000.00 22,000.00 70,000.00 45,000.00 80,000.00 75,000.00	1 1 1 1 1 1 1	320,000.00 295,000.00 22,000.00 70,000.00 45,000.00 80,000.00 75,000.00
FF & E Permanent installation	m2	60.00	1141	68,460.00
Decoration Emulsion all internal walls Emulsion to all plasterboard ceilings Splashbacks and wall linings	m2 m2 m2	12.00 10.00 120.00	3422 250 30	41,064.00 2,500.00 3,600.00
External Works Macadam repairs and drainage Fencing and gates Hard Landscaping	m2 it it	350.00 35,000.00 225,000.00	600 1 1	210,000.00 35,000.00 225,000.00



Sub-Total	2,914,724.00
Preliminaries	349,766.88
Provisional Sums and Contingencies	175,000.00
Contractor OH & P	145,736.20
Total Works Cost	3,585,227.08
GIFA	1,141
£ / m2	3,142.18

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	Total
Pitched Roof	
Metal deck single ply roof - PPC aluminium RWGs	310,000.00
Flat Roof	
Single ply to corridor areas	38,000.00
Stairs and Ramps	
Internal staircases (2nr) with balustrading and enclosures	45,500.00
External Walls	
SFS external walls with brick and render façade	304,000.00
Windows	
Aluminium PPC windows	295,000.00
External Doors	
Aluminium PPC doors	55,000.00
Substructure	
Deep strip foundations	188,500.00
Superstructure	
Steel frame	180,000.00
PCC Ground Floor with composite metal deck First Floor inc. screeds	146,500.00
Internal Doors	
Internal timber flush doors	73,500.00
Internal Walls	
Drylined metal stud partitions	170,500.00
Floor Finishes	
Carpet	66,500.00
Ceiling Finishes	
Suspended ceilings 600 x 600; suspension grid	79,500.00
Mechanical Services	
Air Source Heat Pump - UF Heating and NVHR	650,000.00
Electrical Services	
Mains, power, LED lighting, alarm systems, PVs	550,000.00
FF & E	
Permanent installation	110,000.00
External Works	
Hard landscaping	275,000.00
Soft Landscaping	24,000.00
Fencing and gates	26,500.00
Services / trenching	41,500.00
Drainage / Attenuation	73,000.00
Site clearance / trees etc	



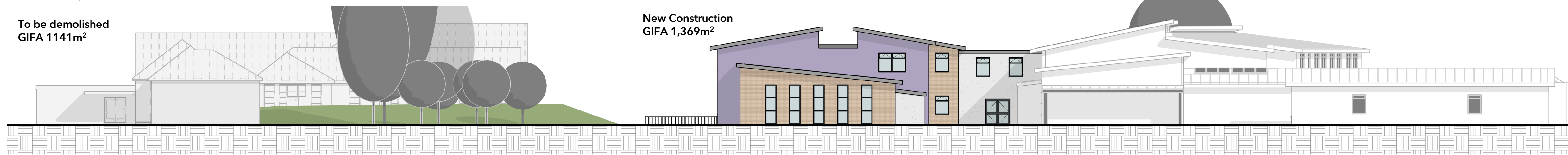
Sub-Total	3,702,500.00
Preliminaries	370,250.00
D&B Contractor design & OH&P	296,200.00
Provisional Sums and Contingencies	150,000.00
Total Works Cost	4,518,950.00
GIFA	1,369
£ / m2	3,300.91

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A3408 / 901 : PROPOSED FLOOR PLANS

To be demolished
GIFA 1141m²

New Construction
GIFA 1,369m²



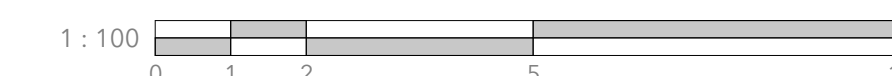
PROPOSED GROUND FLOOR PLAN

1 : 100



PROPOSED FIRST FLOOR PLAN

1 : 100



NOTES

All dimensions to be verified on site before work commences
All discrepancies to be notified to the Contract Administrator.

ROOM LEGEND

- CIRCULATION
- HALL
- KS1 / KS2 CLASSROOM
- PLANT
- SEN RESOURCE
- STAFF ROOM
- STORE
- STUDIO
- UNISEX WC

GROSS INTERNAL FLOOR AREA

GROUND FLOOR	762m²
FIRST FLOOR	607m²
TOTAL GIFA	1,369m²

Rev	Date	Description
A	16/10/23	Classroom Layout

Drawing Status: **FEASIBILITY** Sheet Size: **A1**



3 Brassie Wood
Chelmsford
CM3 3FP
01245 460 222
aldertonassociates.co.uk



Client
Thurrock Council

Site
Tilbury Pioneer Academy

Project
New Build Extension

Date	Scale	Drawn	Checked
22/09/23	As indicated	MC	DA

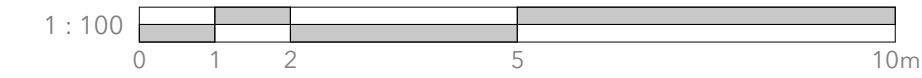
Title:
PROPOSED FLOOR PLANS

DWG No:
A3408 / 901

Rev:
A

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A3408 / 902 : PROPOSED ELEVATIONS



NOTES
 All dimensions to be verified on site before work commences
 All discrepancies to be notified to the Contract Administrator.



PROPOSED FRONT ELEVATION
 1:100



PROPOSED REAR ELEVATION
 1:100



PROPOSED SIDE ELEVATION
 1:100



PROPOSED SIDE ELEVATION
 1:100

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Rev	Date	Description
A	16/10/23	Classroom Layout

Drawing Status: **FEASIBILITY** Sheet Size: **A1**

Alderton Associates
 CHARTERED BUILDING SURVEYORS

3 Brassie Wood
 Chelmsford
 CM3 3FP
 01245 460 222
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Client
 Thurrock Council

Site
 Tilbury Pioneer Academy

Project
 New Build Extension

Date	Scale	Drawn	Checked
22/09/23	1:100	MC	DA

Title:
PROPOSED ELEVATIONS

DWG No: **A3408 / 902** Rev: **A**

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A3408 / 904 : PROPOSED RENDERS

NOTES
 All dimensions to be verified on site before work commences
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Rev	Date	Description

Drawing Status: **FEASIBILITY** Sheet Size: **A1**

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Client
 Thurrock Council

Site
 Tilbury Pioneer Academy

Project
 New Build Extension

Date	Scale	Drawn	Checked
20/10/23		MC	JS

Title:
PROPOSED RENDERS

DWG No: **A3408 / 904** Rev:

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A3408 / 903 : PROPOSED SITE LAYOUT



NOTES
 All dimensions to be verified on site before work commences
 All discrepancies to be notified to the Contract Administrator.



Page 199

PROPOSED SITE LAYOUT
 1 : 500

Rev	Date	Description
A	16/10/23	Classroom Layout

Drawing Status: **FEASIBILITY** Sheet Size: **A1**



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 CM3 3FP
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Client
 Thurrock Council

Site
 Tilbury Pioneer Academy

Project
 New Build Extension

Date	Scale	Drawn	Checked
22/09/23	1 : 500	MC	DA

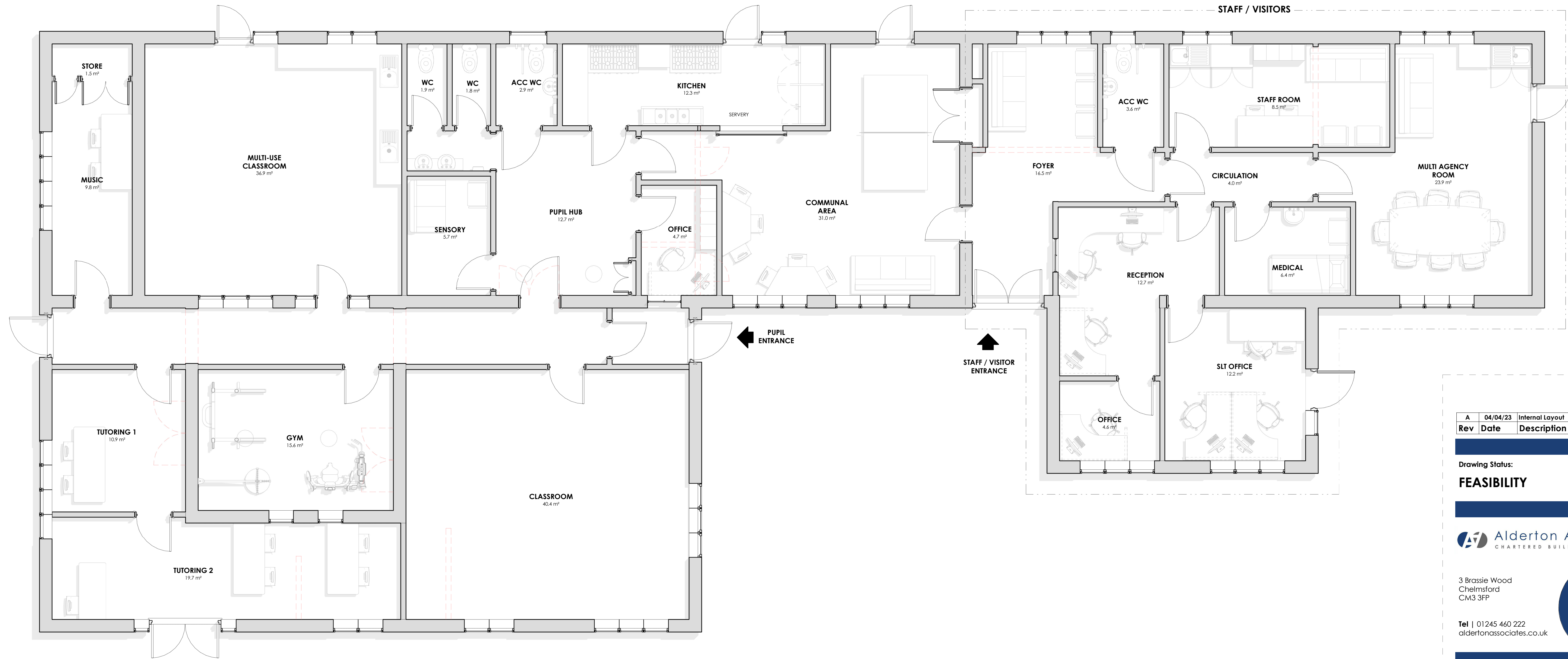
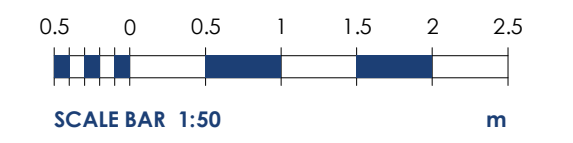
Title:
PROPOSED SITE LAYOUT

DWG No: **A3408 / 903** Rev: **A**

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A2877 / 201 : Proposed Ground Floor Layout

NOTES
All dimensions to be verified on site before work commences
All discrepancies to be notified to the Contract Administrator.



PROPOSED GROUND FLOOR PLAN
1:50

Rev	Date	Description
A	04/04/23	Internal Layout

Drawing Status: **FEASIBILITY** Sheet Size: **A1**

Alderton Associates
CHARTERED BUILDING SURVEYORS

3 Brassie Wood
Chelmsford
CM3 3FP
Tel | 01245 460 222
aldertonassociates.co.uk



Client
Thurrock Council

Site
Little Pirates Nursery
North View Avenue
Tilbury, RM18 7RT

Project
Conversion into SEMH Unit

Date	Scale	Drawn	Checked
07/03/23	1:50	MC	DA

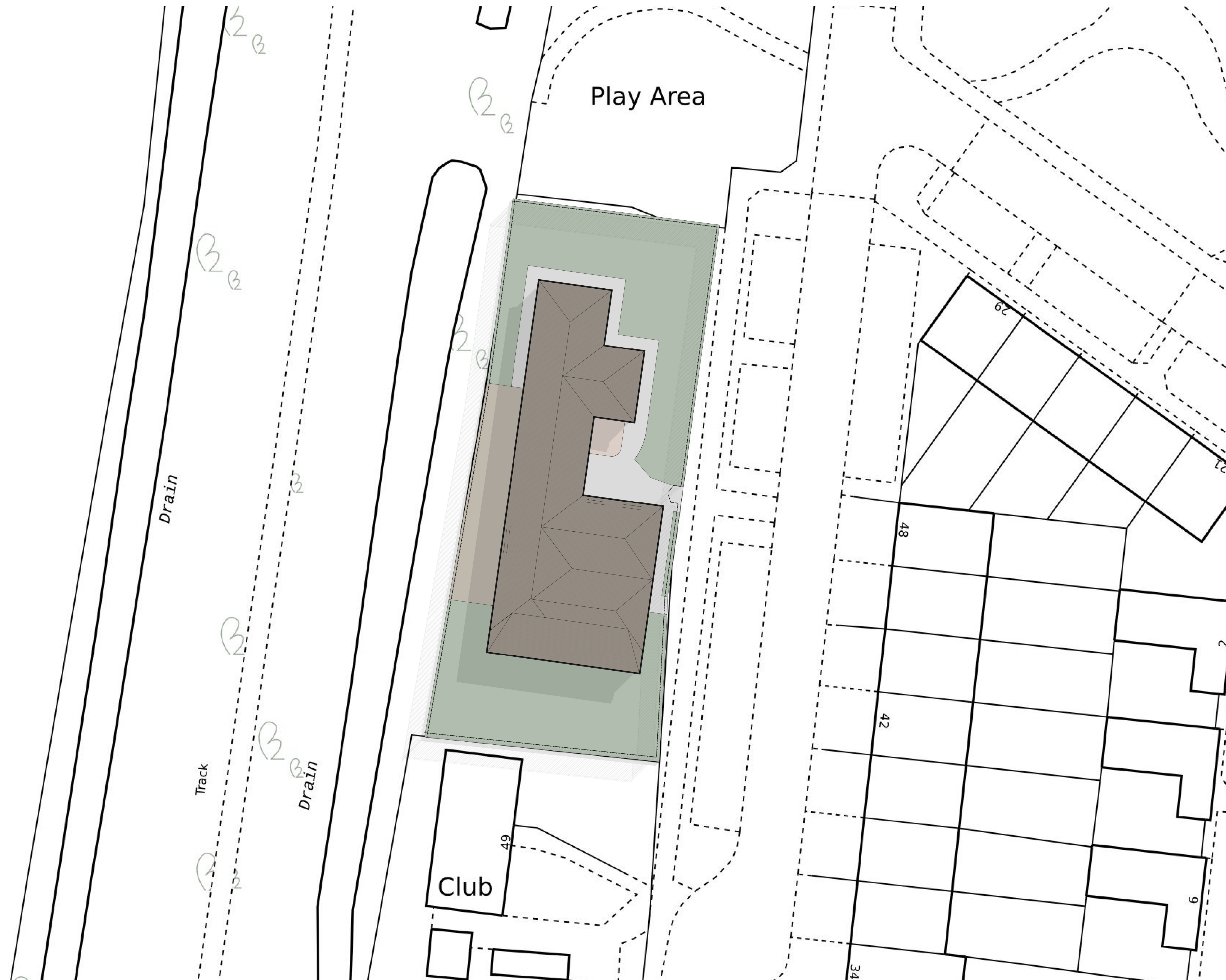
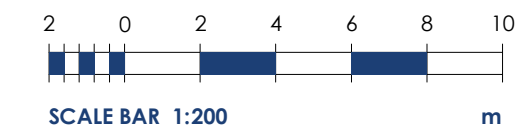
Title:
Proposed Ground Floor Layout

DWG No: A2877 / 201 **Rev:** A

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A2877 / 202 : Proposed Site Plan

NOTES
 All dimensions to be verified on site before work commences.
 All discrepancies to be notified to the Contract Administrator.



Page 203

Rev	Date	Description

Drawing Status: **FEASIBILITY** Sheet Size: **A1**

Alderton Associates
 CHARTERED BUILDING SURVEYORS

3 Brassie Wood
 Chelmsford
 CM3 3FP
 Tel | 01245 460 222
 aldertonassociates.co.uk



Client
 Thurrock Council

Site
 Little Pirates Nursery
 North View Avenue
 Tilbury, RM18 7RT

Project
 Conversion into SEMH Unit

Date	Scale	Drawn	Checked
07/03/23	1 : 200	MC	DA

Title:
Proposed Site Plan

DWG No:
A2877 / 202

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13 March 2024	ITEM: 20 Decision: 110715
Cabinet	
Home to School Travel and Transport Policy 2024-25	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor Adam Carter, Cabinet Member for Education	
Accountable Assistant Director: Michele Lucas, Assistant Director Education and Skills	
Accountable Director: Sheila Murphy, Executive Director – Children’s Services	
This report is Public	
Version: Final / Cabinet	

Executive Summary

The Department for Education published revised Statutory Guidance in June 2023. The Travel to School for Children of Compulsory School Age statutory guidance 2023 replaces the 2014 statutory guidance,.

Parents and carers are responsible for ensuring their child attends school and must take all the action necessary to enable their child to attend school. The Council has a statutory duty to make home to school travel arrangements, free of charge, for eligible children. The Council is responsible for the design and adoption of the policy ensuring that it complies with the law.

As a result of the proposed changes, approval by Cabinet is required. The updated policy will be referred to as the Home to School Travel and Transport Policy “the 2024-25 Policy”. This policy replaces the Home to School Travel and Transport Policy 2021.

The proposed policy looks to introduce the following changes:

1. Publish separate policies for mainstream and SEND transport.
2. Include a Travel Assistance Budget within each policy.
3. Remove the requirement for parents to apply for the three nearest primary schools and six nearest secondary schools to the home address for mainstream pupils and replace with the ‘nearest school’ to the home address.
4. Include a parent contribution towards SEND Post 16 travel which will be detailed within the Post 16 statement published annually.

The Home to School Travel Policy was last updated in 2020 and a report was presented to Cabinet on 22nd July 2020. Cabinet approved the revised policy along with a recommendation to introduce a contribution towards SEND Post 16 transport.

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

Recommendation(s)

The proposed recommendations below to commence from 1st April 2024 for the start of the academic year 2024/25 for new families applying for travel assistance.

- 1.1 Cabinet agrees and adopts the new individual SEND and Mainstream Home to School Travel and Transport Policies 2024-2025 for statutory school age pupils aged 5 to 16 years.**
- 1.2 Cabinet agrees to implement a weekly parent contribution towards SEND Post 16 travel assistance each year of £23.69, this is reduced to £11.85 for low-income families.**

2. Introduction and Background

- 2.1 The guidance states that we must publish our policy on our website for compulsory school aged children and ensure paper copies are available if requested. The policy should be easy for parents to read and understand. The policy should be regularly reviewed to ensure it continues to meet local needs and comply with statutory requirements. Information about the policy should be included within the school's admissions booklets to enable families to be fully informed when applying for schools. We must ensure the policy includes information for parents on how to appeal decisions in relation to travel to school for their child.
- 2.2 The revised guidance states that families must apply for their nearest school to the home address measured using the Council's 'Datamap' system which measures shortest walking distance. This measurement is different to how the nearest school is measured for school admissions. If a place cannot be offered, then we would offer the next nearest school with spaces and families may become eligible for transport if the eligibility criteria is met. If a closer school becomes available later, the Council should not withdraw the child's home to school travel, because moving to the nearer school would be likely to cause significant disruption to their education. This would therefore potentially financially impact the Council. Within the current policy parents must apply to their three nearest primary school or six nearest secondary schools and remain on the waiting list for closer schools. This would be removed from the new policy based on the statutory guidance as the Council cannot expect children to move if offered a closer school.
- 2.3 The 2024 Guidance stipulates that Local authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested stakeholders to include Parents, Schools and Local Family Forum. Consultations should last for at least 28 working days during term time. Officers organised a public engagement via Council's online 'Have my Say' portal. The consultation was run for a total of 28 term days. The consultation opened on 29th November 2023 and closed on 19th January 2024. A summary of the consultation and the responses to it have been included in Appendix 1a and 1b.

- 2.4 Officers propose that the 2021 Policy be updated in line with the revised statutory guidance. This will include creating two policies, one for mainstream eligibility and one for SEND eligibility with links to each other in both policies. This proposal is presented following feedback from the consultation where a total of 124 respondents across both consultations felt there should be separate policies for SEND and mainstream travel assistance. Across both consultations 144 respondents also felt there should be an easy read version of each policy for parents. We believe that by having separate policies it will support families to find the information relevant to them. The details within both policies will be clear and easy for parents to understand and the criteria used to assess whether a child is eligible for free transport. This will include examples of any evidence required to support the application, for example medical evidence.
- 2.5 The Council is responsible for promoting sustainable travel to school and deciding what travel arrangements to make, provided they are suitable for the needs of the children. The council propose to include along with current travel arrangement options, a travel assistance budget available to parents with their consent which provides free travel. This budget would be paid to a parent upfront. A Travel Assistance Budget gives families the freedom to make decisions and arrangements about how their child/young person will get to and from school or college each day. The travel budget is calculated by the number of miles from the home address to school x 45p (HMRC mileage rate) and is paid for a total of 4 trips per day covering school drop off and pick up. Of the 106 responses to this question, 78 respondents said this should be included.

The travel assistance budget could be used in several ways, such as:

- Pay towards the running costs of the parents own vehicle.
- Enables the parent to arrange their own locally sourced transport.
- Allows the parent to pay friends/family to take their child to school.
- Can be used to pay towards childcare for a younger sibling allowing the parent to take their other child/ren to school.

2.6 SEND Post 16 Travel Assistance proposed contribution.

- 2.7 There have been no changes to the statutory guidance published in January 2019 relating to SEND Post 16.
- 2.8 The duty placed on the Council in respect of the provision of travel assistance to post 16 students requires a transport policy statement to be prepared and published in each year, by 31 May, detailing the provision being offered to SEND Post 16 young people.
- 2.9 Local authorities have discretionary powers under Section 508C of the Education Act 1996 to make arrangements for those children not covered by Section 508B. A local authority has discretion to provide transport for children who are outside of the statutory eligibility criteria and where such transport is provided the Council can charge a contribution or full cost for the transport. There is no requirement for these discretionary arrangements to be provided for free. The council is seeking a contribution not a full cost recovery.
- 2.10 In July 2020, a report was presented to the Council's Cabinet. At that meeting Cabinet approved the introduction of a contribution towards Post 16 transport. However, given the time that has lapsed, officers felt this should be re-consulted on with stakeholders. Of the 56 responses, 43 responders felt that they should not contribute towards their child's transport costs.

2.11 Financial Support for Families – The 16-19 bursary fund

The Department for Education has made funding available to educational institutions to support the most financially disadvantaged 16 to 19 year olds and those young people who most need help with the costs of staying in education. Parents must apply directly to the academy, school, college, or other training provider. The bursary is available to help with the cost of travelling to school or college. Funding is available for low income families up to a total of £1,200 per academic year. This funding can be applied for which can be used towards the parents contribution towards transport.

2.12 Independent Travel Training

The council wants to support and encourage independence for as many SEND young people as possible, depending on their level of need and support required. We recognise that travelling independently will not be suitable for all young people and therefore every SEND Post16 young person will be assessed individually.

2.13 The Council is experiencing increased pressure on the budget available for Home to School Transport. Currently the Council has funded all SEND Post 16 transport. However, given the increase in children with Education and Health Care Plans (EHCP) and an increase in the number of eligible children requiring travel support that are of statutory school age, the Council must remain within its allocated budget and is therefore proposing parents contribute towards their young person's travel at Post 16 as the Council does not have a statutory duty to provide free travel for young people between the age of 16 to 19 years. From the age of 19 to 25, the Council has a responsibility to provide free travel if the young person has an Education and Health Care Plan and is continuing a course started before their 19th birthday.

2.14 A benchmarking exercise has been undertaken to identify how many local authorities obtain a contribution and how much parent contribute for the academic year. There are six of the ten eastern region statistical neighbours that responded to our benchmarking survey who charge a parent contribution for SEND post 16 transport. The contribution rates range between £594 and £1554 for the academic year per child.

2.15 As part of the feedback from the consultation 19 of the 56 responders said there should be a means-tested system where the contribution is based on the family's income.

2.16 The Council is proposing a weekly contribution of £23.69 per child, reduced to £11.85 for low-income families. Families will have several payment options available which will include monthly, termly or annually. For example, a parent contributing the full rate equates to £81.83 per month paid over 11 months. A parent on low income equates to £40.93 per month paid over 11 months. There are 65 days per term, 38 weeks across an academic year, a total of 190 school days in the academic year.

2.17 There are currently 101 Post 16 students that are transported to their place of education. There is a 2024/25 budget saving of £37,000 on Post 16 transport which will be implemented from September 2024. There are currently 32 families that are assessed as low income and would be required to contribute a reduced amount of £11.85 per week. There are 69 families not on low income that would be required to contribute the higher weekly amount of £23.69. The number of Post 16 students is likely to change from the current 101 once the new academic

year start in September 2024. The savings target is forecast to be achieved based on the current numbers of post 16 students receiving transport.

- 2.18 The current average cost per student each academic year is £6,631 for students attending local Post 16 provision. For students attending out of borough Post 16 provision, the average cost per student is £16,015 per academic year. This proposed change to the policy will affect all applications for travel assistance to Post 16 provision from 1st April 2024.

3. Issues, Options and Analysis of Options

- 3.1 **OPTION 1** - Do nothing. This is not an option. The revised statutory guidance means that we must update our policy. The Home to School Transport budget spend is increasing as more children of compulsory school age and those children with Education and Healthcare Plans move into Thurrock are eligible for travel assistance.
- 3.2 **OPTION 2** – Accept the proposed changes outlined in section 2.15 and introduce a contribution towards SEND Post 16 travel.
- 3.3 The council does not have a statutory duty to provide free Post 16 transport for students aged 16-19.
- 3.4 Nine of the ten eastern region statistical neighbours that responded to our benchmarking survey include a parent contribution within their SEND Post 16 policy statement. The contribution rates range between £445 and £1554 for the academic year per child. For low-income families the contribution rate is reduced.
- 3.5 Families on low income can apply for financial support, known as the 16-19 bursary fund. Families apply directly to colleges for this support.

4. Reasons for Recommendation

- 4.1 Option 2 is the recommended option. This recommendation would bring Thurrock in line with other council's that have already introduced a contribution towards SEND Post 16 transport.
- 4.2 Any contributions would support financial pressures each year as we see an increase in eligible children of compulsory school age requiring travel assistance.

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

- 5.1 A full stakeholder engagement started on 29th October 2023 and closed on 19th January 2024.
- 5.2 There was a total of 56 responses to the consultation for SEND Post 16 travel assistance and a total of 106 response to the Home to School Travel for 5-16 years consultation. The table below shows a breakdown of positive and negative responses to the proposed policy changes:

Proposed change	Category	Number of Responses
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	Ensure policy is clear in relation to nearest school to home address	Positive	87
		Negative	18
5.3	Separate Policies for mainstream and SEN travel assistance	Positive	80
		Negative	10
		Not sure	16
	Include a travel assistance budget within the policy	Positive	78
		Negative	28
	Should families contribute towards SEND Post 16 travel	Positive	13
		Negative	43

Analysis of the comments provided show that families are mostly concerned about the financial impact this will have on them given the cost of living at the present time. Respondents also feel that there should be means testing of income. This is mitigated by including a lower contribution for families that are on low income.

5.3 A report was presented to Children’s Overview and Scrutiny on 12th March 2024.

5.4 A benchmarking exercise was undertaken with Eastern Region Local Authorities in relation to SEND Post 16 contribution towards travel to school/college.

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

6.1 This report impacts on the following corporate priorities:

- People: a place where people of all ages are proud to work and play, live and stay.
- Place: a heritage rich Borough which is ambitious for its future.
- Prosperity: a Borough which enables everyone to achieve their aspirations.

6.2 There will be a financial impact on families with SEND Post 16 children who would not have been required to contribute to their child’s travel to school/college in previous years.

6.3 The proposed contribution will impact 101 Post 16 students currently receiving transport, however this number fluctuates over the year. Of the 101 students, 32 are from a low income family.

7. Implications

7.1 Financial

Implications verified by: **Joanne Freeman**
Head of Finance

1st March 2024

Current primary pupil growth is causing pressure on the statutory element of the Home to School Transport budget. This is due to the fact that the Council is at times unable to place a pupil in a school within a three mile radius. In such cases, the Council has a statutory duty to transport the pupils involved and to bear the cost of the transport until they complete their primary or secondary education.

Home to school transport costs have increased from £3.8m in 2020/21 to a projected cost of £5.5m in 2023/24. The policy reflects the statutory requirements that will support the management of costs within the funding envelope available.

There is not a statutory duty on the Council to financially support post 16 SEN transport. The assumed level of income has been modelled on the current number of pupils in scope (as set out in paragraph 2.17) and adjusted to allow for pupil movement between settings at the start of the academic year. The full year effect of the expected level of income is expected to be £0.063m and will be realised across two financial years; Implement charge in September 2024 and generate £0.037m in financial year 2024/25 and remaining £0.026m in 2025/26.

This proposal has been included in the 2024/25 revenue budget, agreed at Full Council on 28th Feb 2024.

The contribution will need to reviewed each year to ensure it takes account of any inflationary changes.

7.2 Legal

Implications verified by: **Daniel Longe**
Principal Solicitor on behalf Thurrock Council

13th January 2024

This legal implication has been prepared without sight of the proposed new policies to which they relate (the 2021 policy on the LA website has been seen), owing very understandably to the urgency to which this report must be submitted and the limited time available to consider the same.

Section 508 of the Education Act 1996 sets out mandatory duties imposed on local authorities to make arrangements for home to school transport for eligible children in their area. It also allows for the local authority to make provision on a discretionary basis to children who may not otherwise be eligible for home to school transportation.

I note that the local authority plan is to prepare 2 separate policies for home to school transportation, one for SEND and one for mainstream children.

The council must provide a policy setting out in very clear and simple terms what its policies are on home to school transport and it must be easily available to access by parents on the local authority's website.

The key points that should be taken into account in respect of the legality of the policy is set out within the recent government guidance called "Travel to school for children of compulsory school age Statutory guidance for local authorities June 2023". The key points can be summarised as follows:

A child is eligible if they are:

- of compulsory school age,
- attend their nearest suitable school (i.e. suitable for the child's age, ability, aptitude and any special educational needs they may have) and:
- live more than the statutory walking distance (i.e. a child under the age of 8 is eligible for free travel to their nearest suitable school if it is more than 2 miles from their home. A child aged 8 years or over is eligible for free travel to their nearest suitable school if it is more than 3 miles from their home).

Most eligible children would fall into the above category, but there are other special circumstances where they would be eligible for free transport even if the above criteria are not met namely where the child:

- could not reasonably be expected to walk to that school because of their special educational needs, disability or mobility problem, even if they were accompanied by their parent (i.e. a child with autism and sensitivity to noise could not reasonably be expected to travel on a road without pedestrian walking, even with a parent) or
- would not be able to walk to that school in reasonable safety, even if they were accompanied by their parent (i.e. motorway route with no pedestrian walk).

There are many other factors that must be taken into account within the policy including:

- discretionary power to provide travel for ineligible children. Where the local authority decides not to exercise their discretion, they should not have a blanket policy of never providing discretionary travel and should be prepared to consider cases where the parent says there are reasons why their child needs free travel to school and make decisions on a case-by-case basis and the policy should make provision for this otherwise it becomes susceptible to challenge by way of judicial review. In this report discretionary payment is proposed in respect of post 16 SEND children and this is a very appropriate use of the local authority's discretionary power. It is of note that eligibility is based on income level of parents and once again this is also an appropriate use of the discretionary power.
- The policy must not infringe the parental right to consent to or refuse alternative travel arrangements such as travel expenses, escort or independent travel and must provide the travel arrangements to eligible children in those circumstances.
- The policy must set out a complaints and appeals procedure.

Provided the terms of the policy adhere to the statutory guidance and the matters set out above then it is right for such policy to be duly recommended for approval.

Following issue by the Council of a s114 notice, the Council must ensure that its resources are not used for non-essential spending. The contracts at issue here are all essential and the provision of them a statutory duty. In procuring the services outlined, the Council must observe the obligations upon it outlined in national legislation and in its internal procurement rules. Officers will need to ensure Legal Services are kept fully informed as they progress through the procurements referred to above to ensure compliance.

7.3 Diversity and Equality

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

12th January 2024

A public consultation has been held around the changes to the proposed changes to the 2024 Policy. It enabled all stakeholders to engage in dialogue with Thurrock Council regarding a range of Education Transport issues. The consultation was held from 29th November 2023 until 19th January 2024 which met the timeframe recommended by the DfE. The consultation also provided the evidence required by Council officers to seek Cabinet approval of the proposed update of the 2024 Policy. A Community Impact and Equality Assessment has also been carried out in order to ensure that proposed changes to the 2024 policy have an overall positive equality impact as all children will be treated equally regardless of any protected characteristics as defined by the Equalities Act 2010 e.g. their religion, belief, or their ability.

7.4 Risks

- There is a risk that our policy will not be in line with statutory guidance which could lead to Local Government Ombudsman complaints.
- There is a risk that the current Home to School Travel budget envelope will be exceeded with the additional demand on transport for eligible pupils.
- The level of income realised may be affected by the financial assessment made on the families particularly if there are more families at the start of the academic year that meet the low income eligibility criteria that would pay the lower rate of contribution. There may also be more families that apply that pay the higher contribution rate, which would increase income.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

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 Home to School Transport Policy 2020 and Post 16 statement (<https://www.thurrock.gov.uk/home-to-school-or-college-travel-support/policies-and-useful-information>)
- Department for Education statutory guidance January 2024 (<https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>)
- Cabinet report dated 22 July 2020 <https://democracy.thurrock.gov.uk/documents/s27926/Thurrock%20Council%20Home%20to%20School%20Travel%20and%20Transport%20Policy%20Update.pdf>

9. Appendices to the report

- Appendix 1 – Consultation responses Special Education Needs Disabilities Post 16 Travel
- Appendix 2 – Consultation responses Home to School Travel for Children aged 5 years to 16
- Appendix 3 - SEND Home to School Travel and Transport Policy 2024-2025 for statutory school age pupils aged 5 to 16 years.

- Appendix 4 – Mainstream Home to School and transport policy- 2024-2025 for statutory school age pupils aged 5 to 16 years.
- Appendix 5 - Post 16 SEND Transport Policy Statement 2024-2025.

Report Author:

Sarah Williams

Head of Education Support Service

Childrens Services

Special Education Needs And Disabilities Post 16 Travel

SURVEY RESPONSE REPORT

29 November 2023 - 21 January 2024

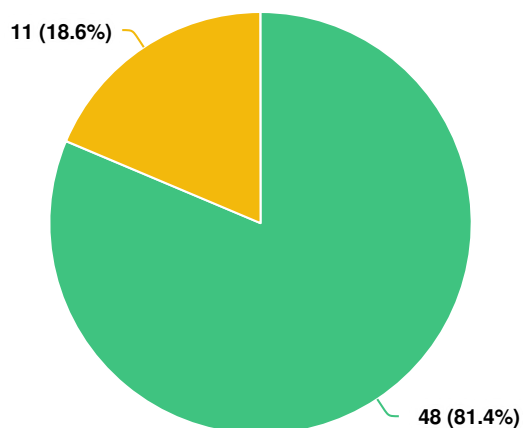
PROJECT NAME:

Home to School Travel Consultation 2023



SURVEY QUESTIONS

Q1 Does your child currently receive home to school transport assistance from the council?

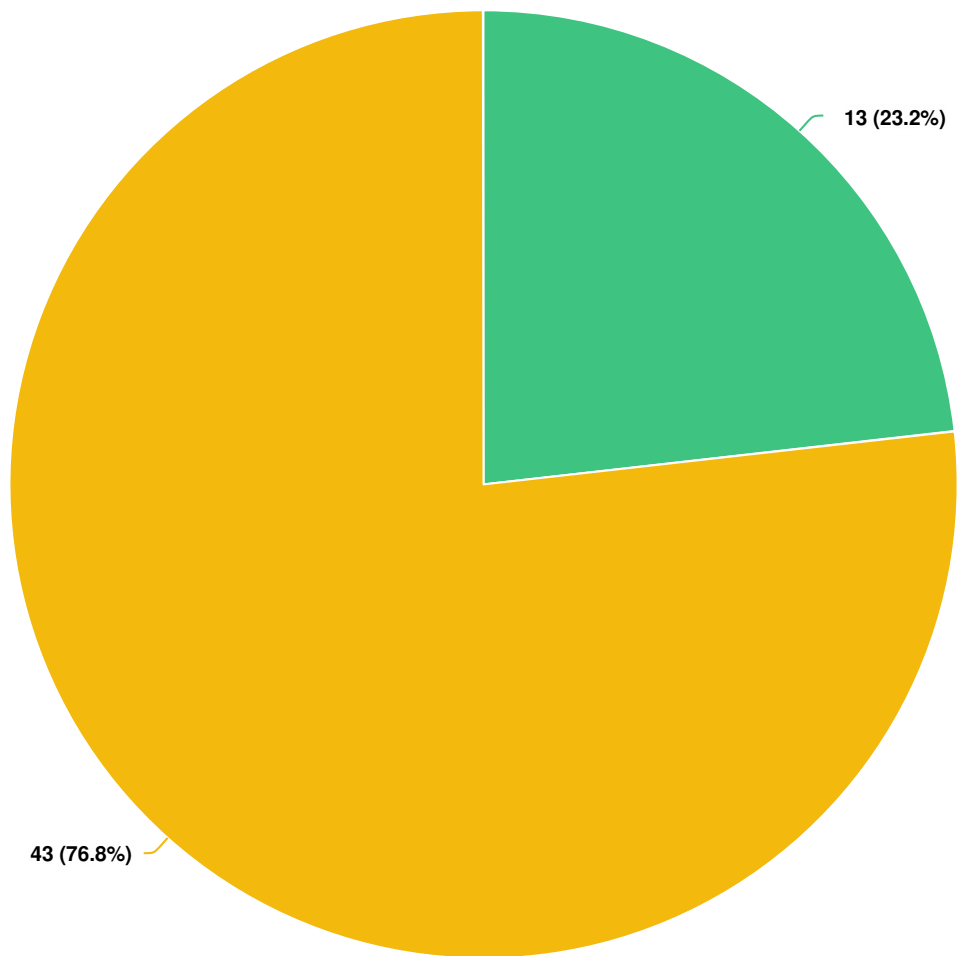


Question options

- Yes
- No

Optional question (59 response(s), 0 skipped)
Question type: Radio Button Question

Q2 | Do you think you should contribute towards the cost of your child's transport to their college or other post 16 facility?



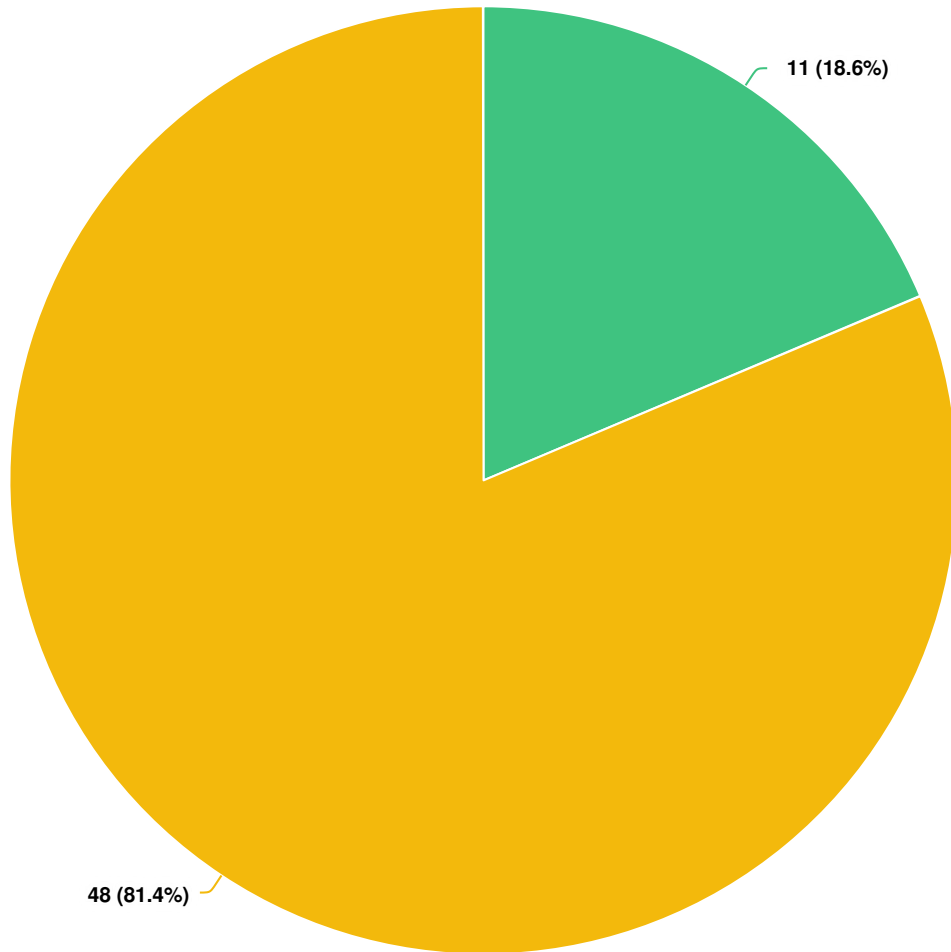
Question options

- Yes
- No (please say why you do not think you should contribute)

Optional question (56 response(s), 3 skipped)

Question type: Radio Button Question

Q3 | Do you feel that Personal Independence Payment (PIP) or Disability Allowance should be used to contribute to your child's transport?



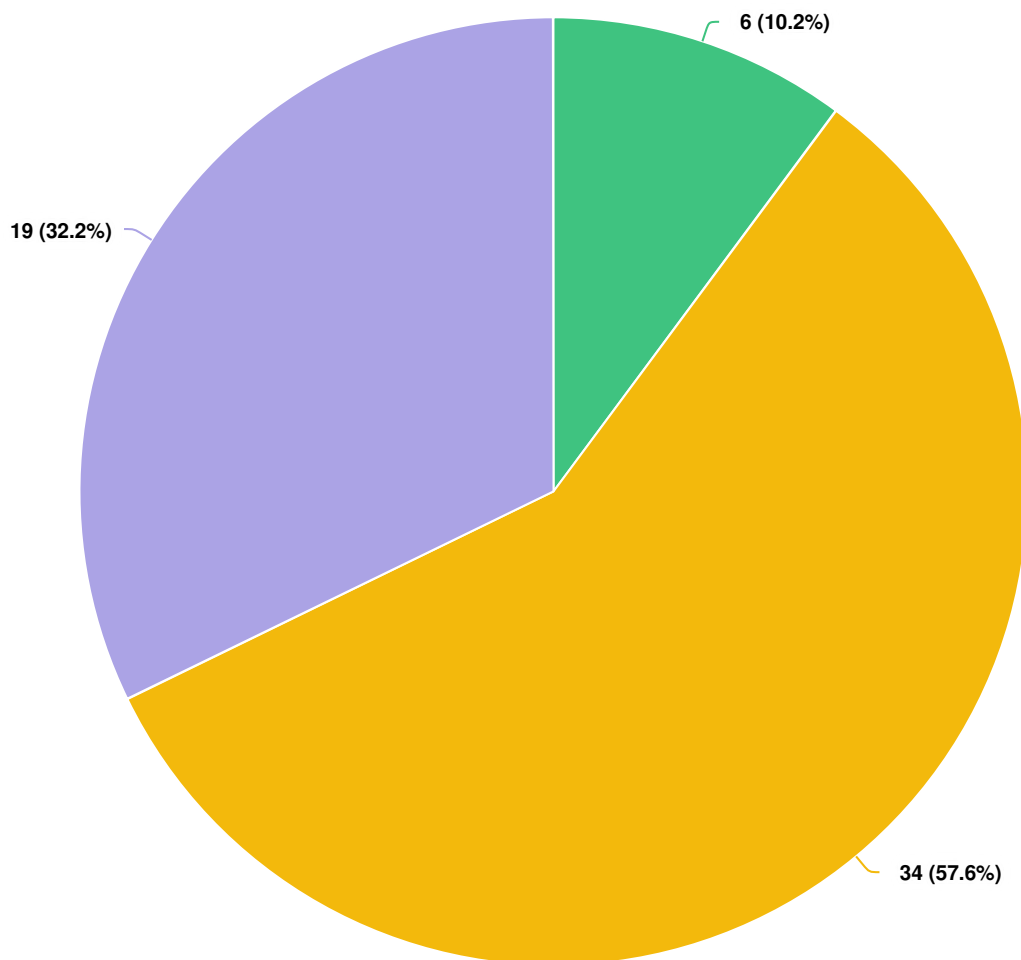
Question options

- Yes
- No (please explain why)

Optional question (59 response(s), 0 skipped)

Question type: Radio Button Question

Q4 | Would the option of a personal travel assistance budget help your child travel independently?



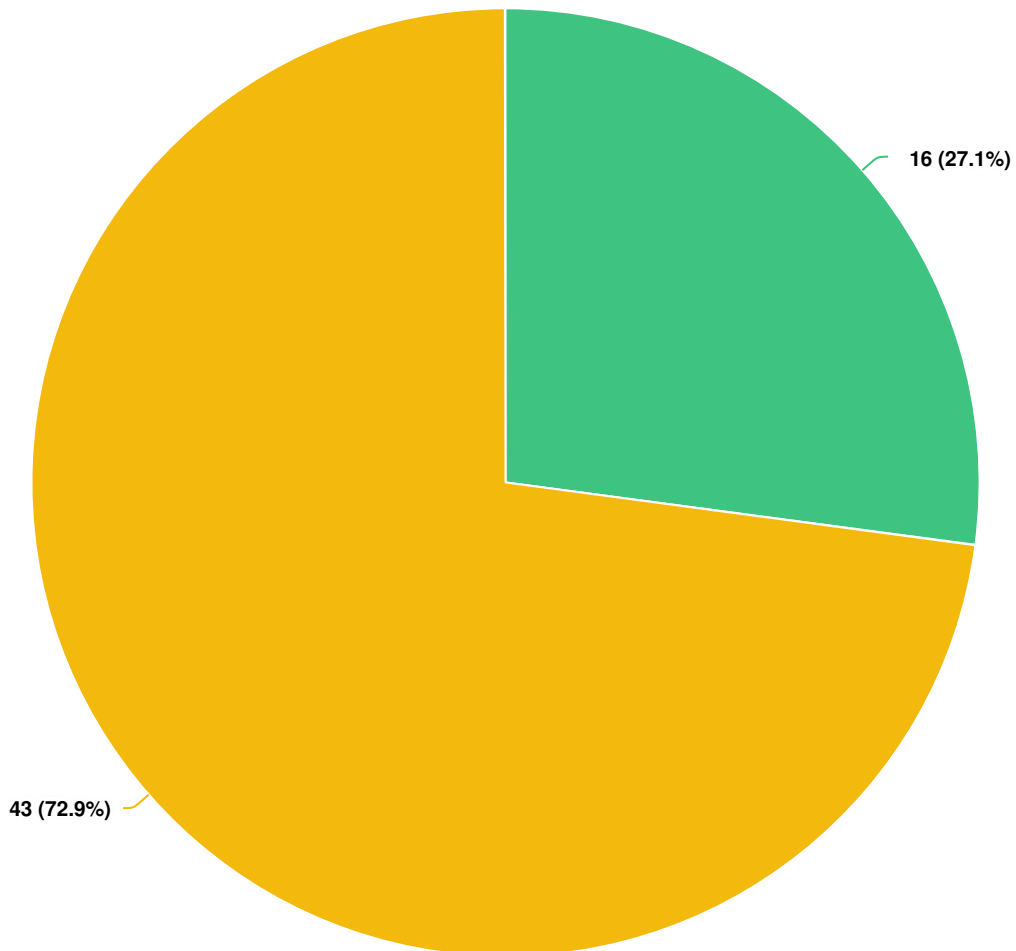
Question options

- Yes
- No
- I don't know

Optional question (59 response(s), 0 skipped)

Question type: Radio Button Question

Q5 Do you feel there are medical conditions such as physical needs which should make someone exempt from making a contribution towards transport?



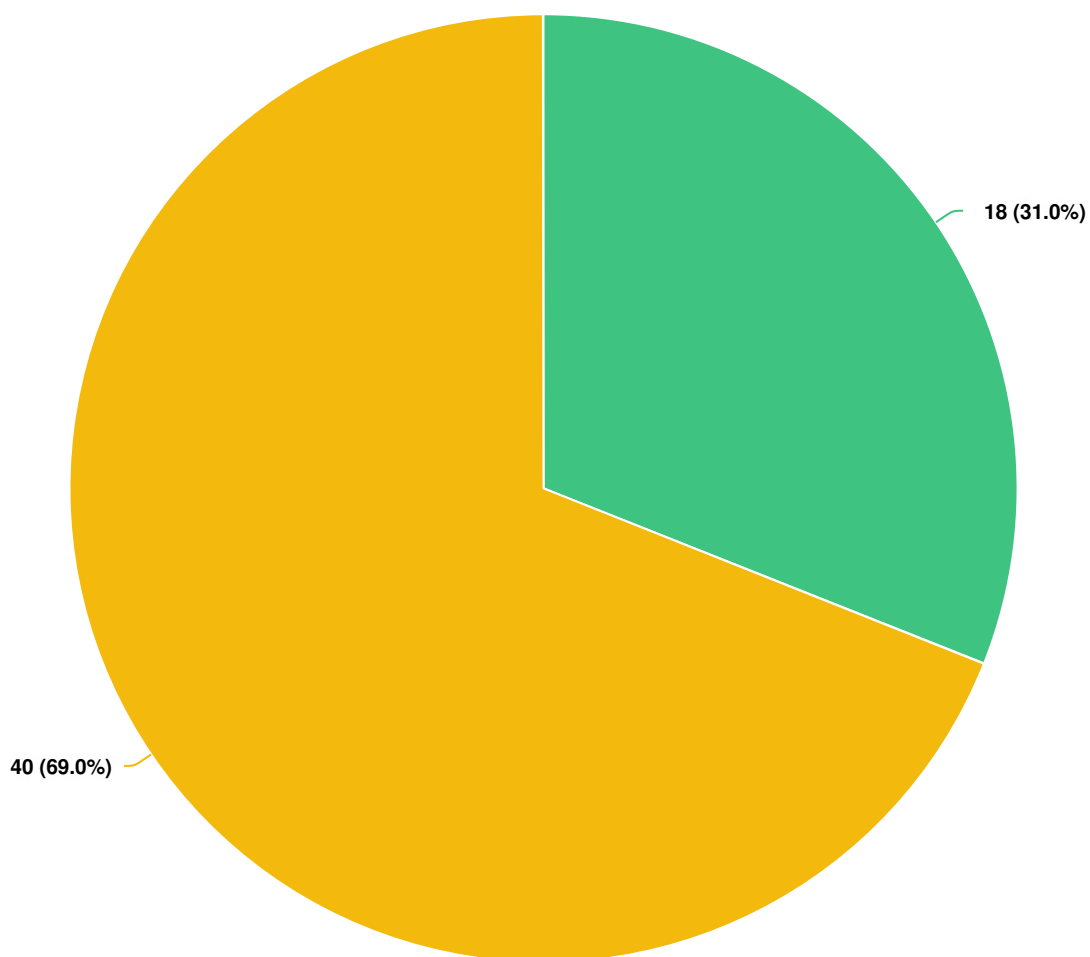
Question options

- No
- Yes (please explain)

Optional question (59 response(s), 0 skipped)

Question type: Radio Button Question

Q6 Does your child have a disabled bus pass?

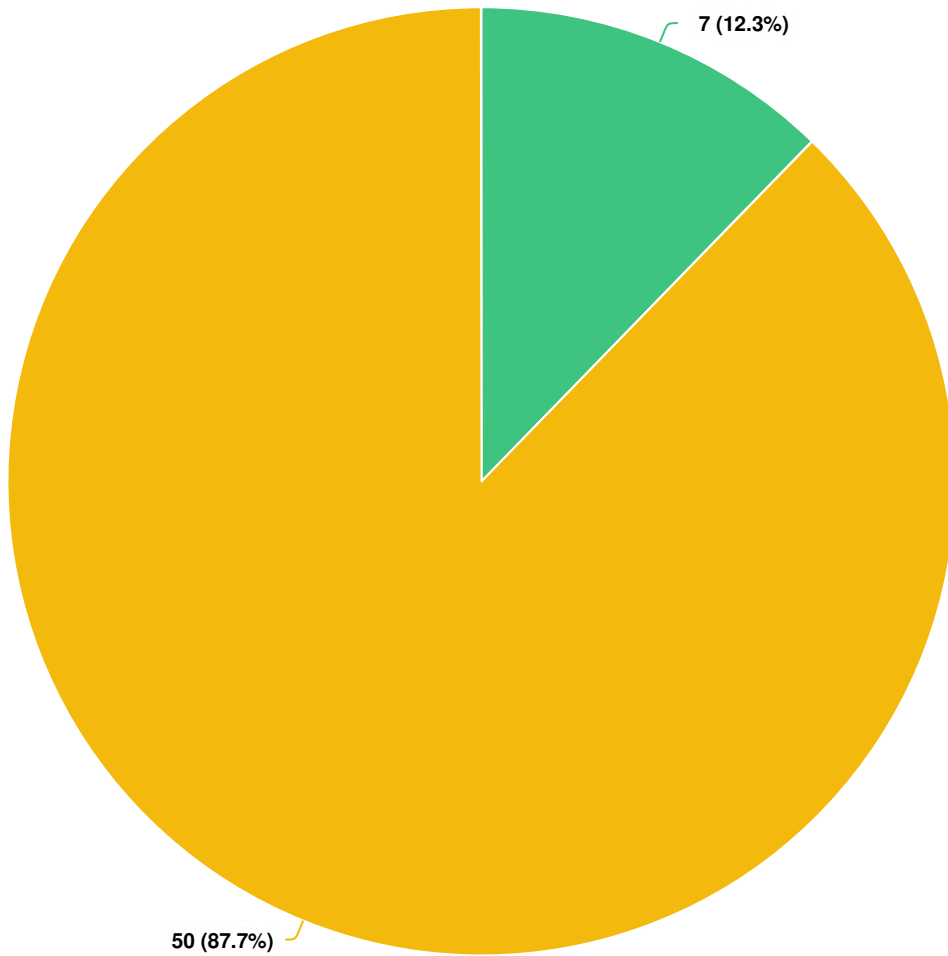


Question options

- Yes
- No

Optional question (58 response(s), 1 skipped)
Question type: Radio Button Question

Q7 Does your child use public transport?

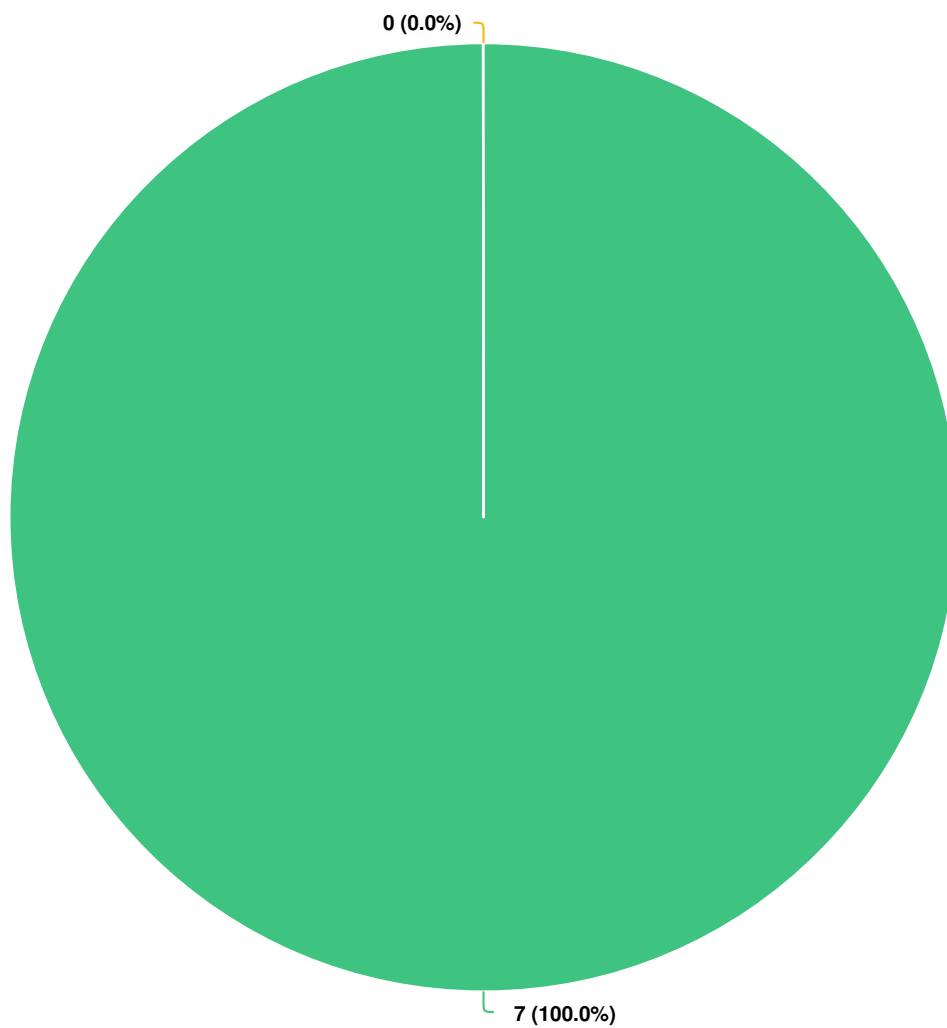


Question options

- Yes
- No

*Optional question (57 response(s), 2 skipped)
Question type: Radio Button Question*

Q8 Does your child travel

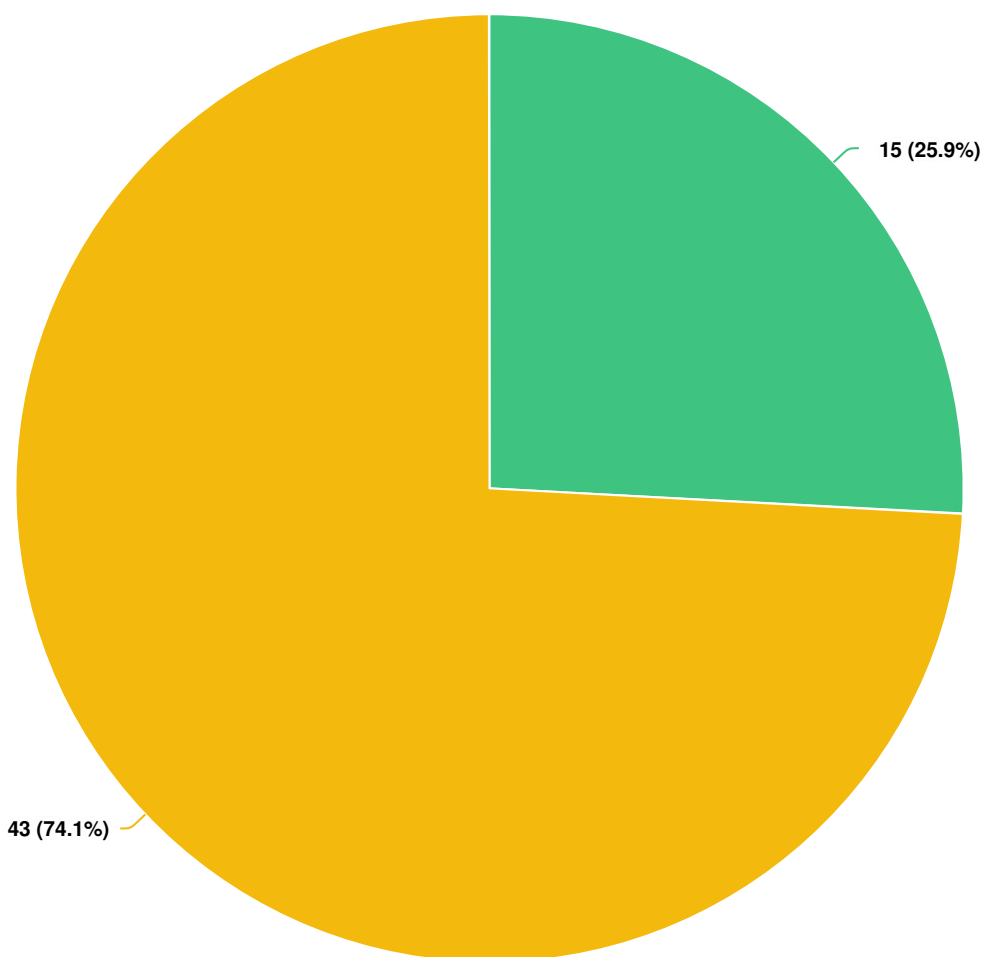


Question options

- With support
- Independently

*Optional question (7 response(s), 52 skipped)
Question type: Radio Button Question*

Q10 | Would you like your child to be considered for Travel Assistance Training?

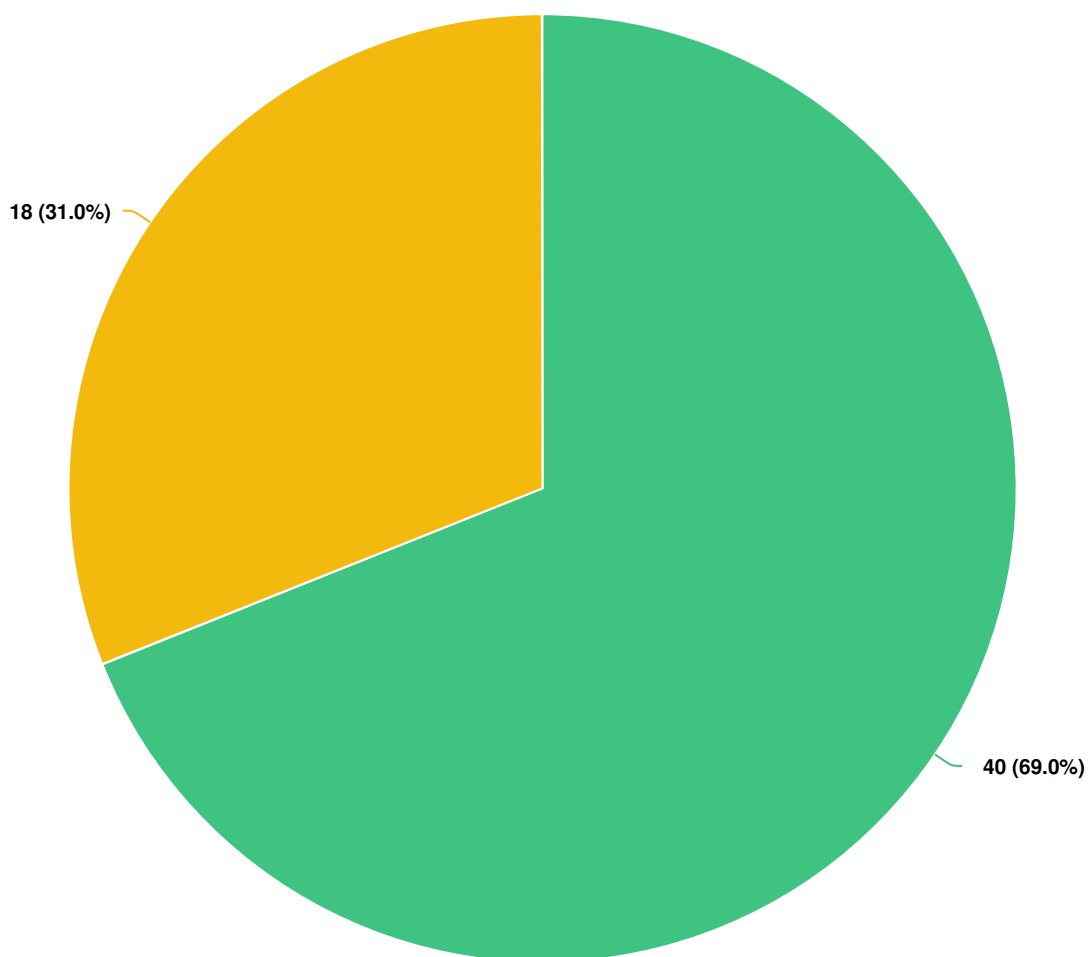


Question options

- Yes
- No (Please explain why)

*Optional question (58 response(s), 1 skipped)
Question type: Radio Button Question*

Q11 | Do you think it would be helpful if we created an easy read version of the policy?

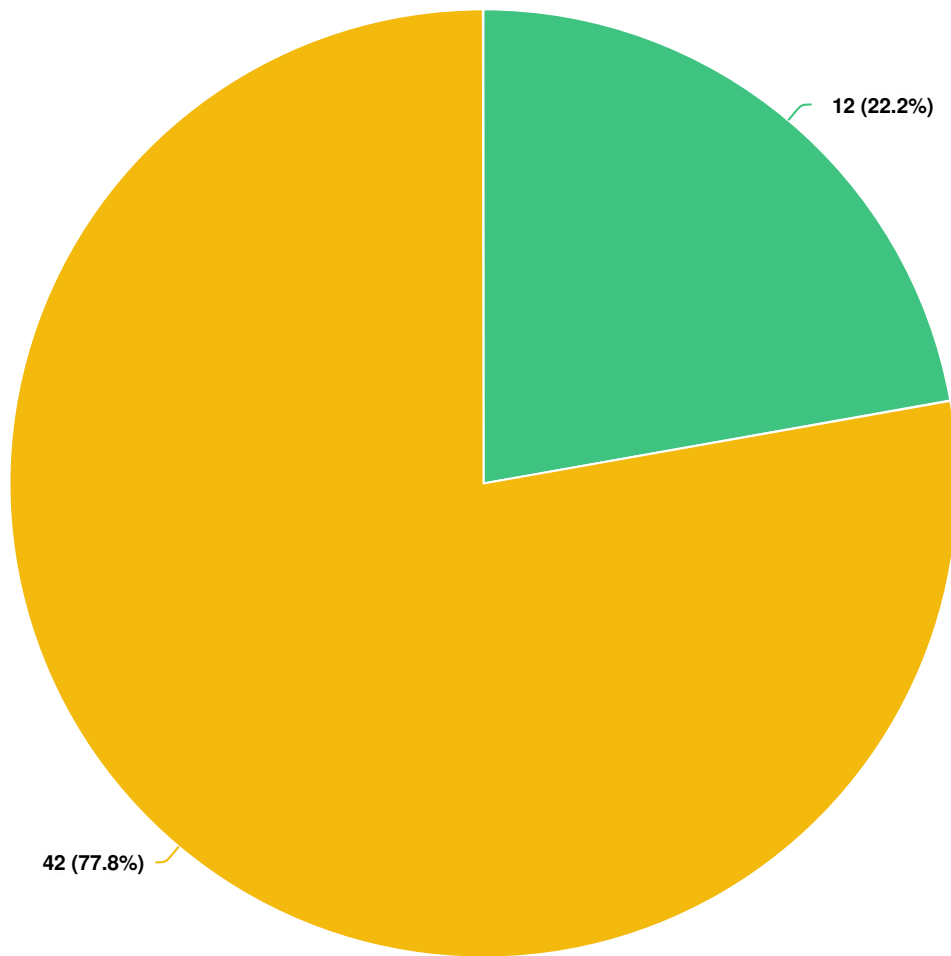


Question options

- Yes
- No

Optional question (58 response(s), 1 skipped)
Question type: Radio Button Question

Q12 | Should the families of students aged 16 – 19 with special education needs and disabilities that have a need for transport to and from college or other post 16 facility contribute towards their transport?



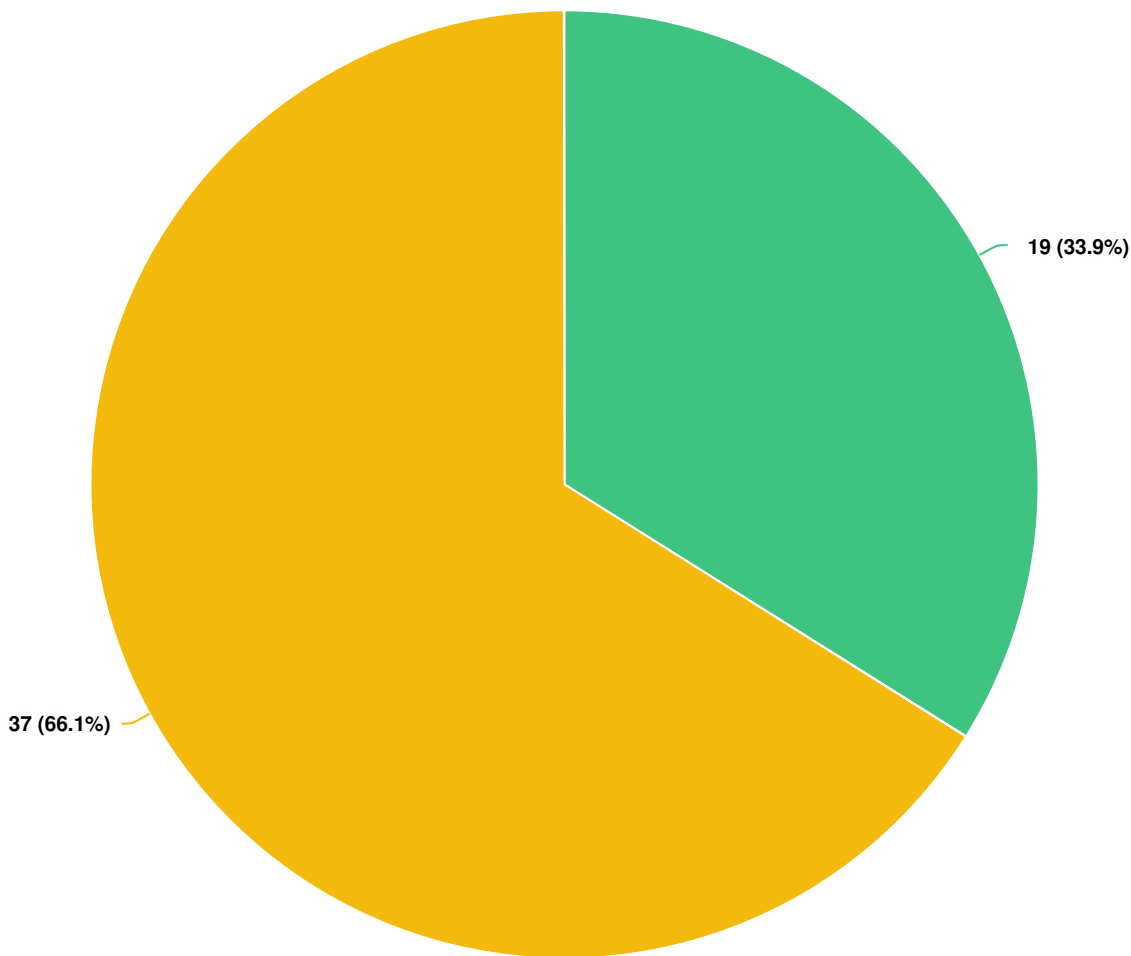
Question options

- Yes
- No (please explain)

Optional question (54 response(s), 5 skipped)

Question type: Radio Button Question

Q13 | Do you think there should be a means-tested system, where charges are based on the family's income?



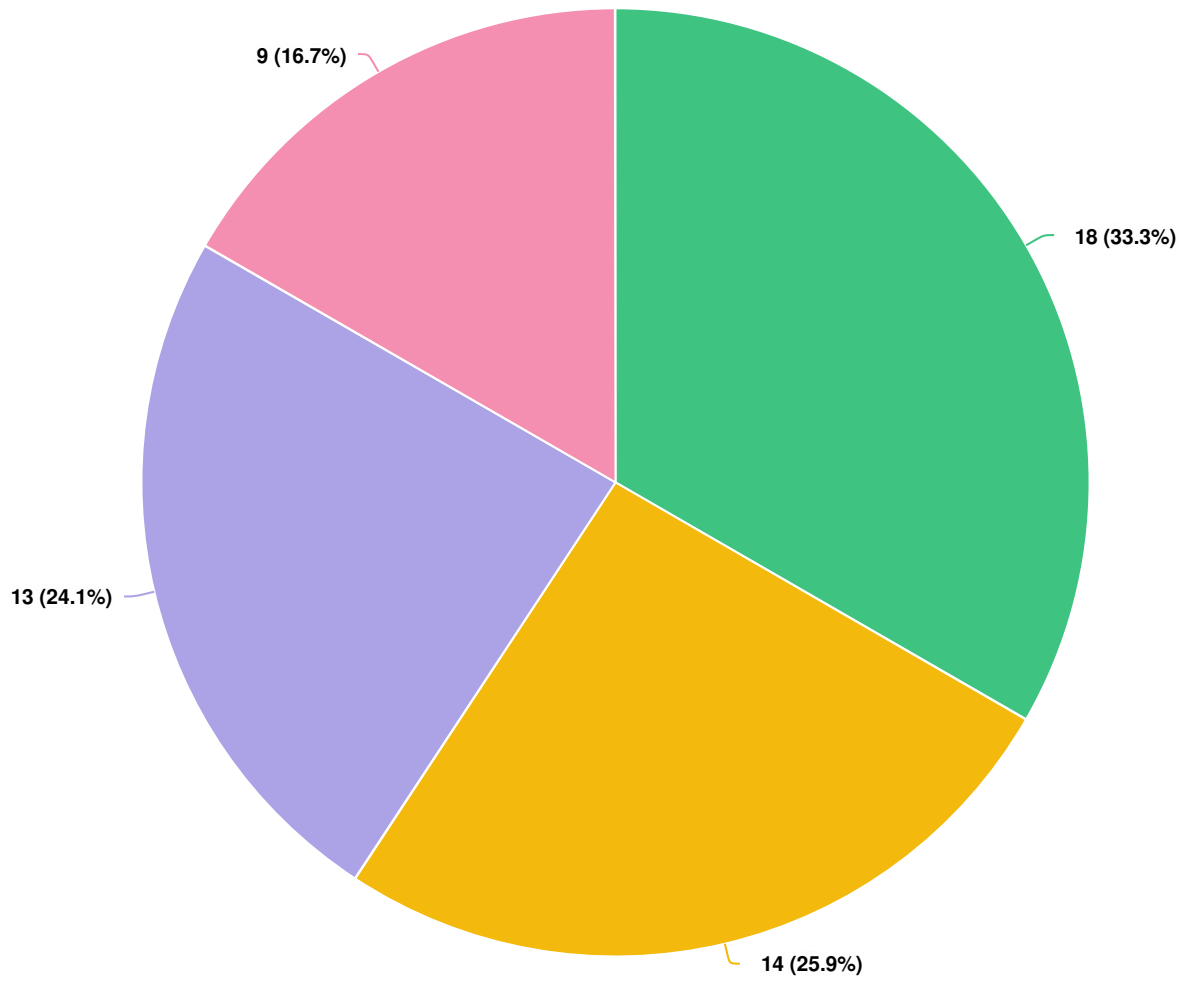
Question options

- Yes
- No (please explain)

Optional question (56 response(s), 3 skipped)

Question type: Radio Button Question

Q14 | How often should we review and assess the impact of the charging policy and make any necessary changes?

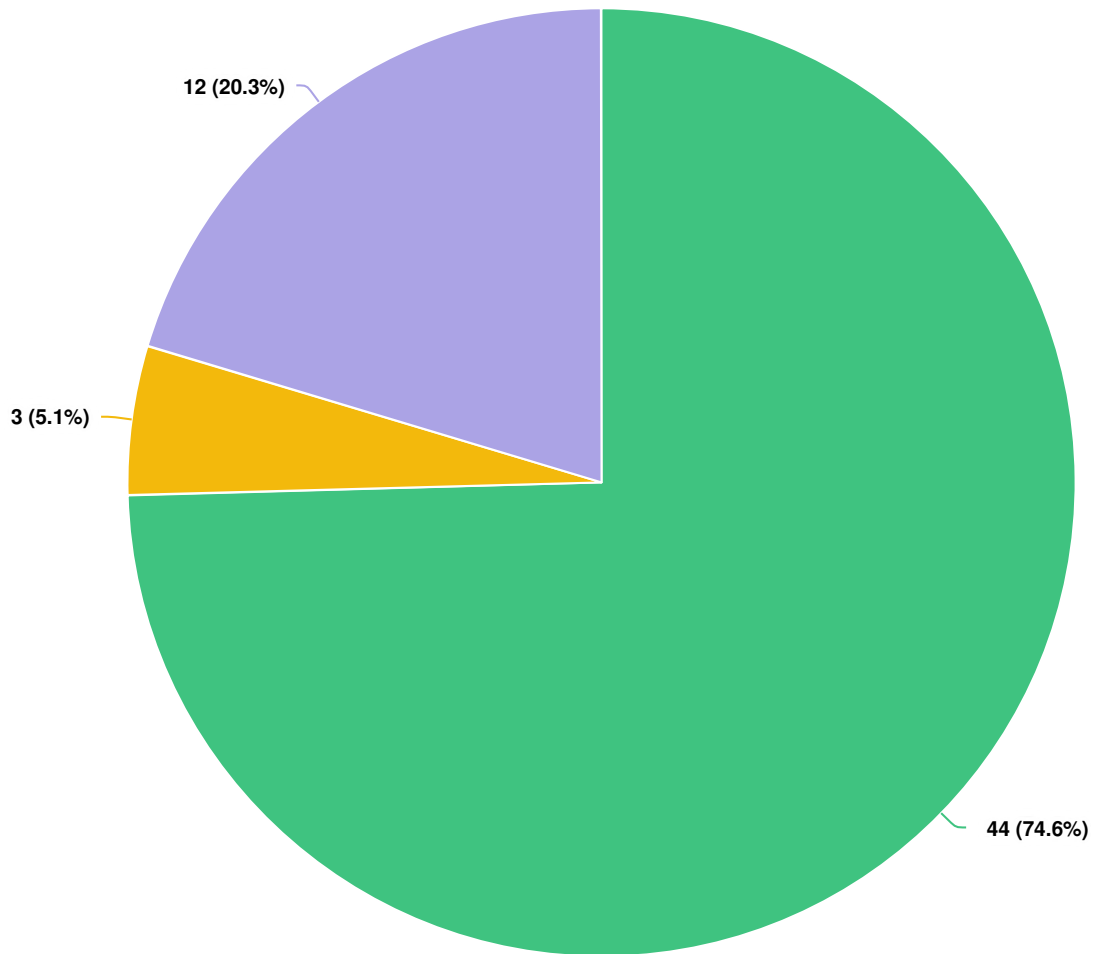


Question options

- Yearly
- Every two years
- Every three years
- Other (please explain)

Optional question (54 response(s), 5 skipped)
Question type: Radio Button Question

Q15 | Do you think there should be a specific special education needs and disabilities transport policy?



Question options

- Yes
- No
- I am not sure

Optional question (59 response(s), 0 skipped)
Question type: Radio Button Question

Home to School Travel for Children aged 5 years to 16 years

SURVEY RESPONSE REPORT

29 November 2023 - 21 January 2024

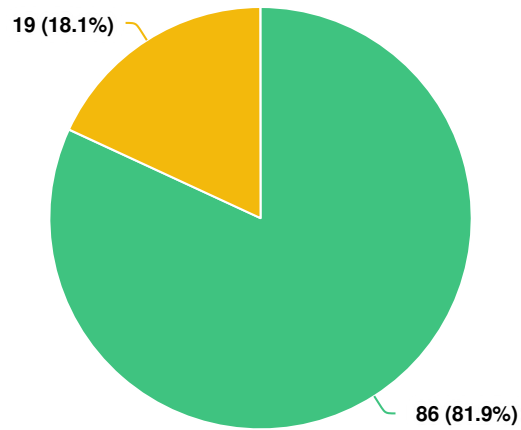
PROJECT NAME:

Home to School Travel Consultation 2023



SURVEY QUESTIONS

Q1 | Do you feel the policy is clear, easy to read and provides enough information?

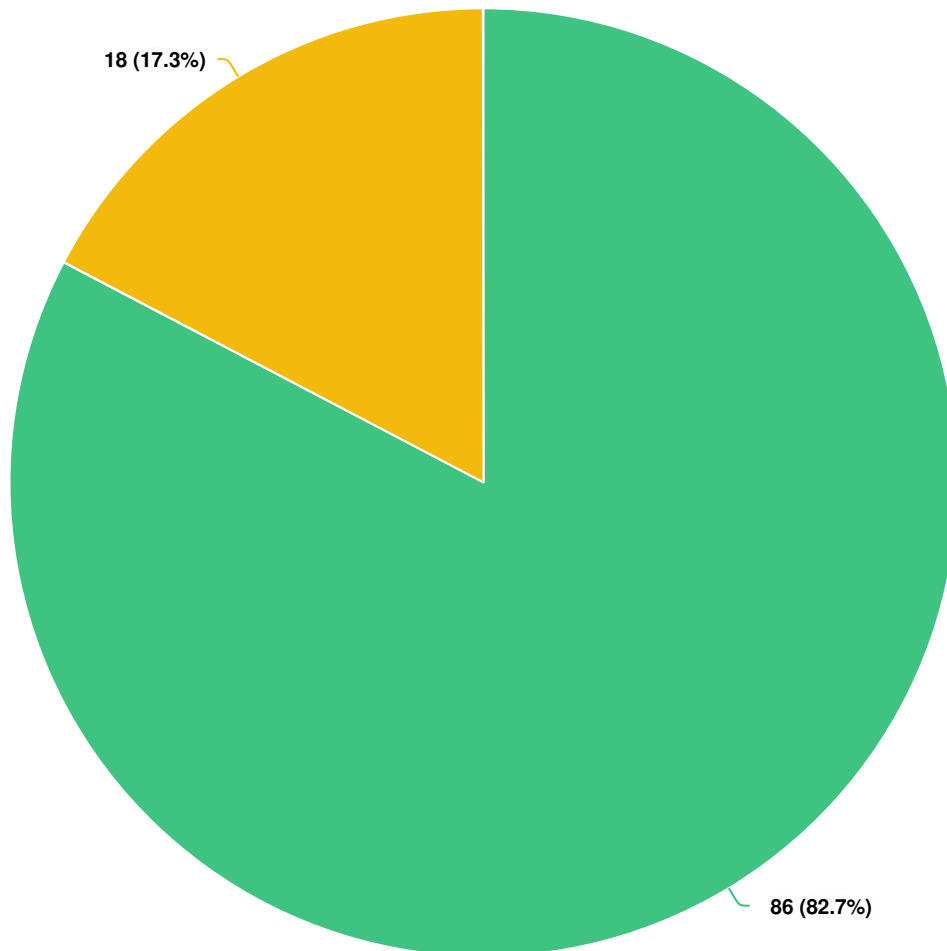


Question options

- Yes
- No (please explain)

Optional question (105 response(s), 1 skipped)
Question type: Radio Button Question

Q2 | Do you consider the travel assistance eligibility criteria at the point of applying for a school place?



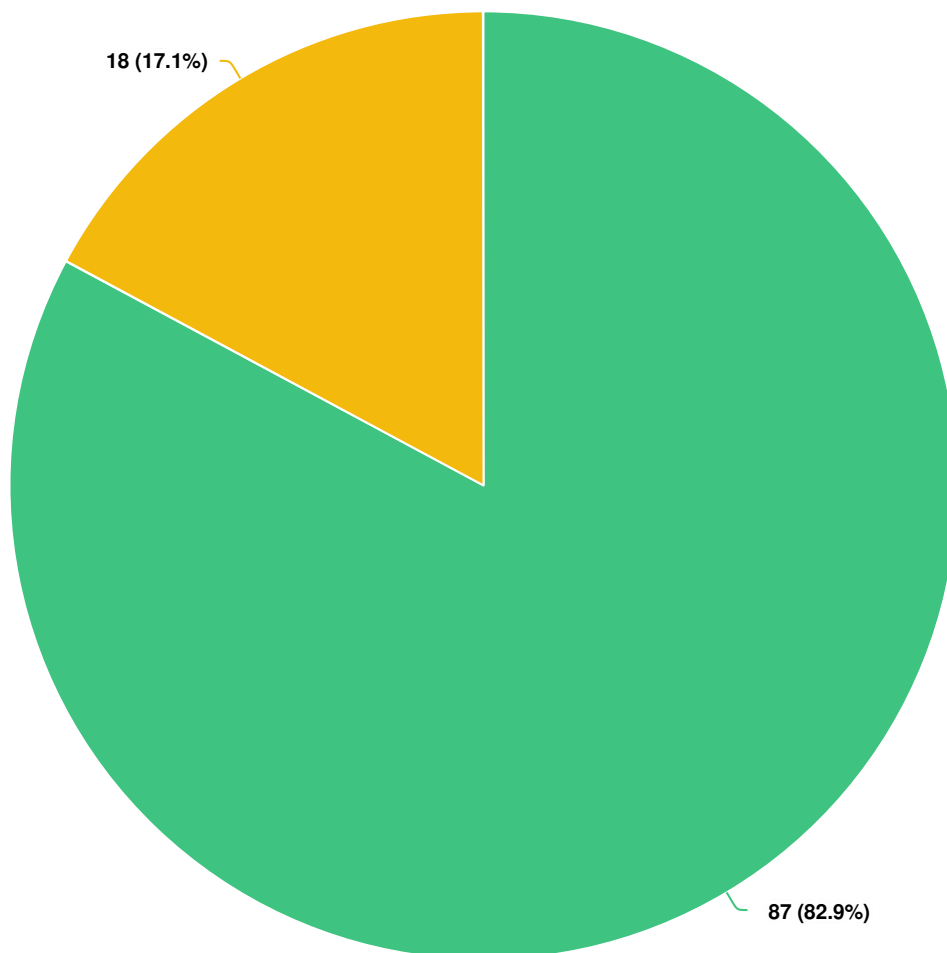
Question options

- Yes
- No (please provide further information)

Optional question (104 response(s), 2 skipped)

Question type: Radio Button Question

Q3 | Should the council make it clearer to parents that travel assistance will only be provided where the parent has applied for their nearest school to the home address and meets the distance criteria?

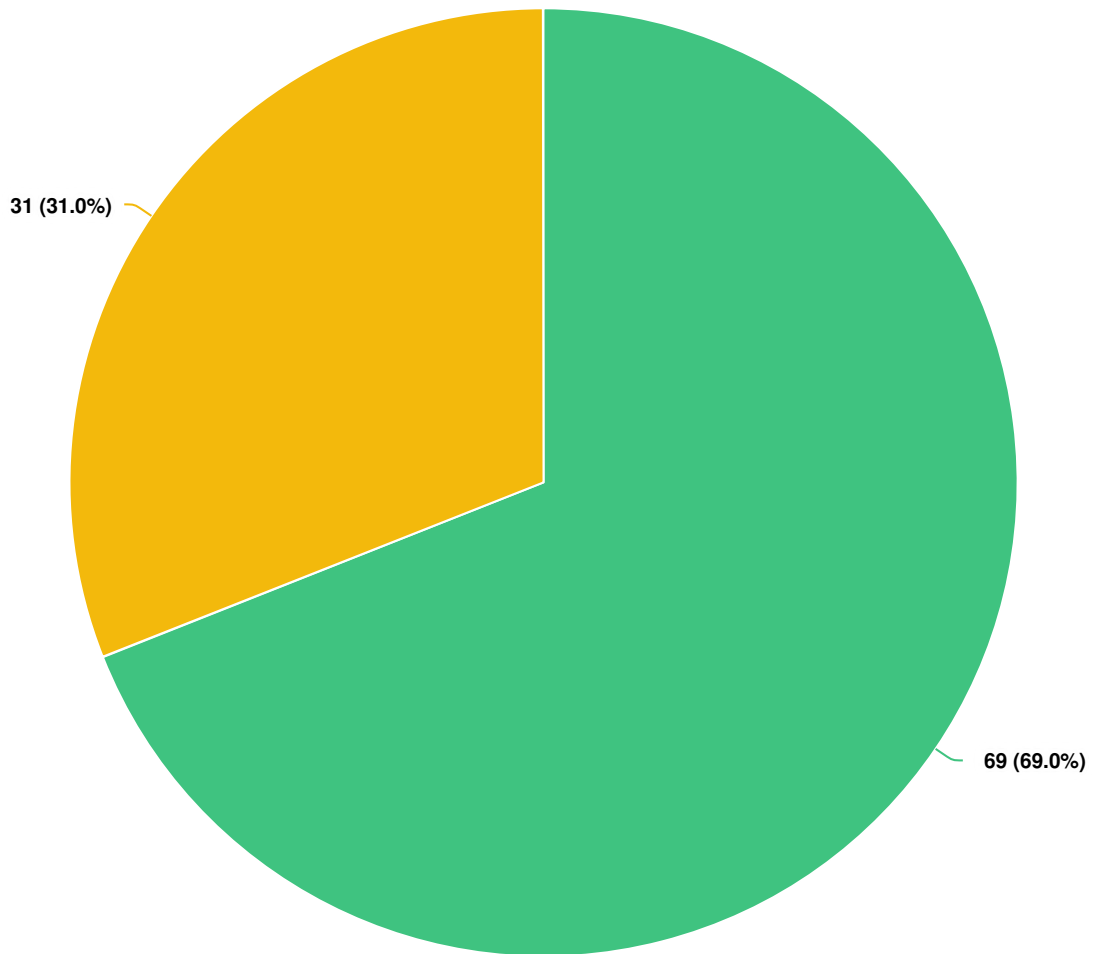


Question options

- Yes
- No

Optional question (105 response(s), 1 skipped)
Question type: Radio Button Question

Q4 Do you feel that the policy provides clear information on the transport appeal process if your transport application is refused?



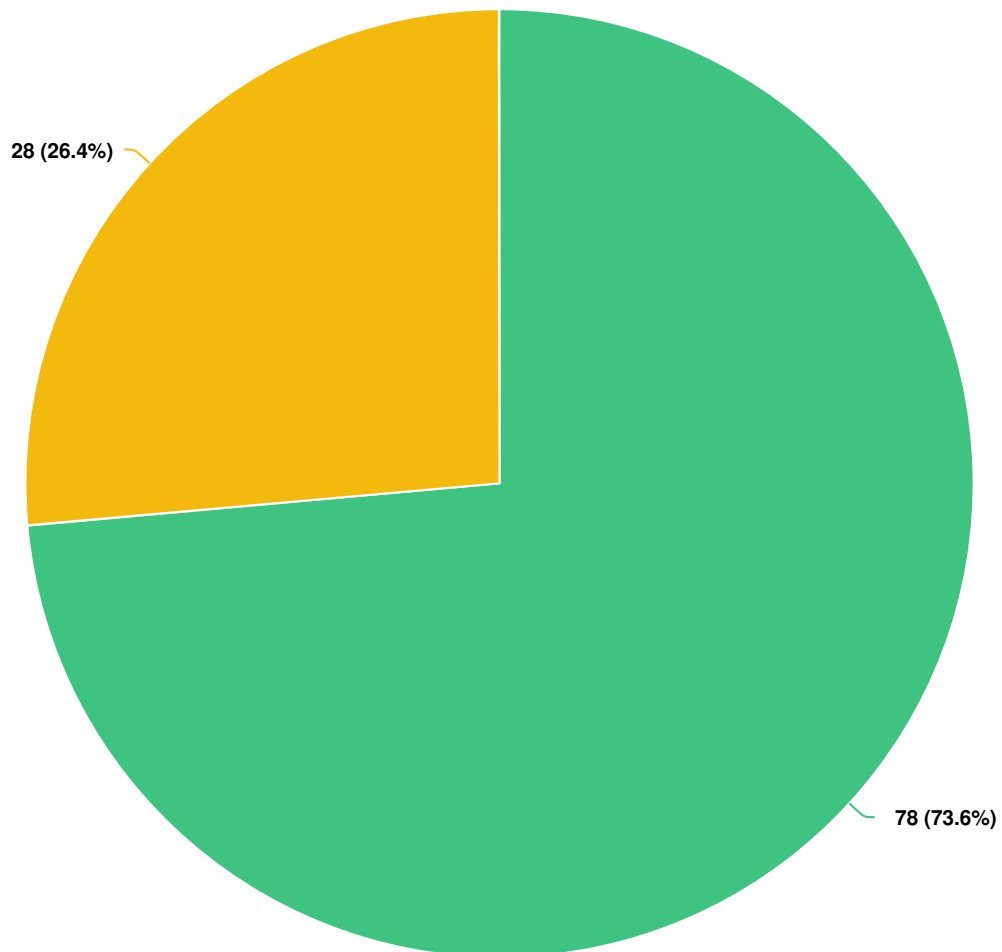
Question options

- Yes
- No (please explain)

Optional question (100 response(s), 6 skipped)

Question type: Radio Button Question

Q5 Should the option of a personal travel budget be included within the policy?

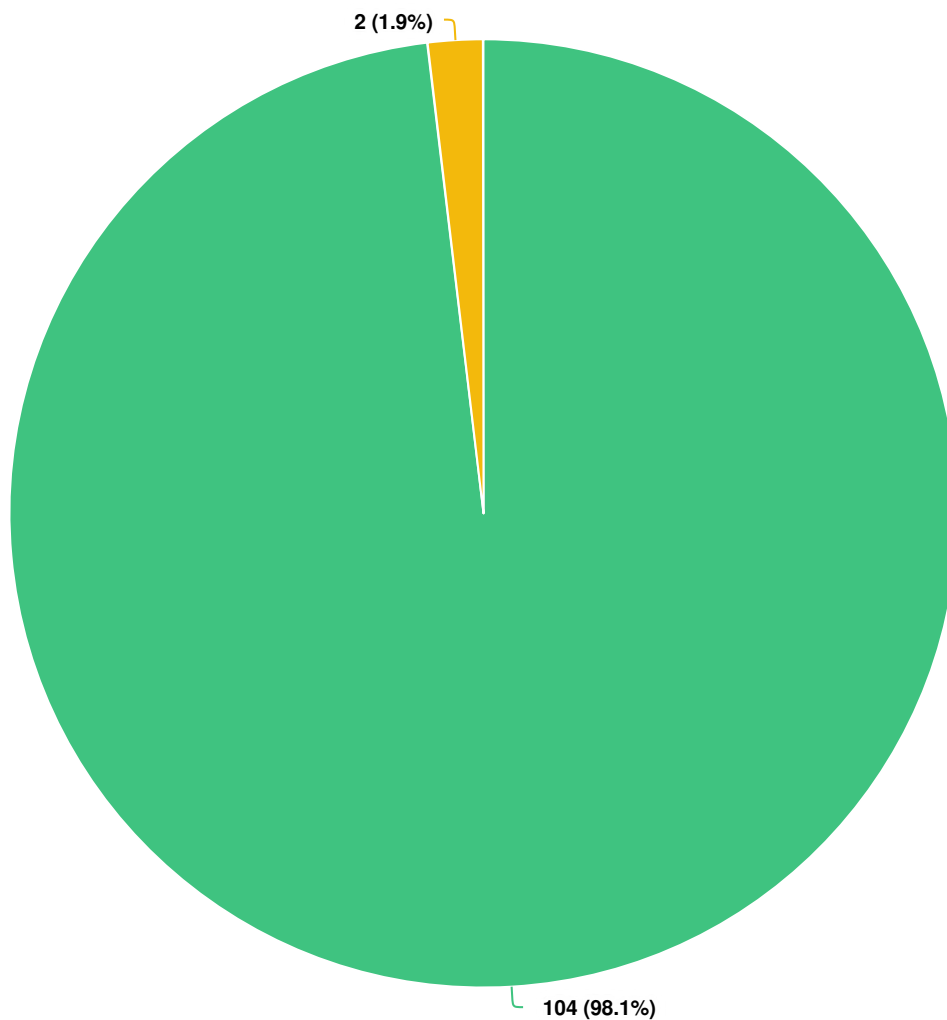


Question options

- Yes
- No

Optional question (106 response(s), 0 skipped)
Question type: Radio Button Question

Q6 | Do you think it would be helpful if we created an easy read version of the policy for parents?

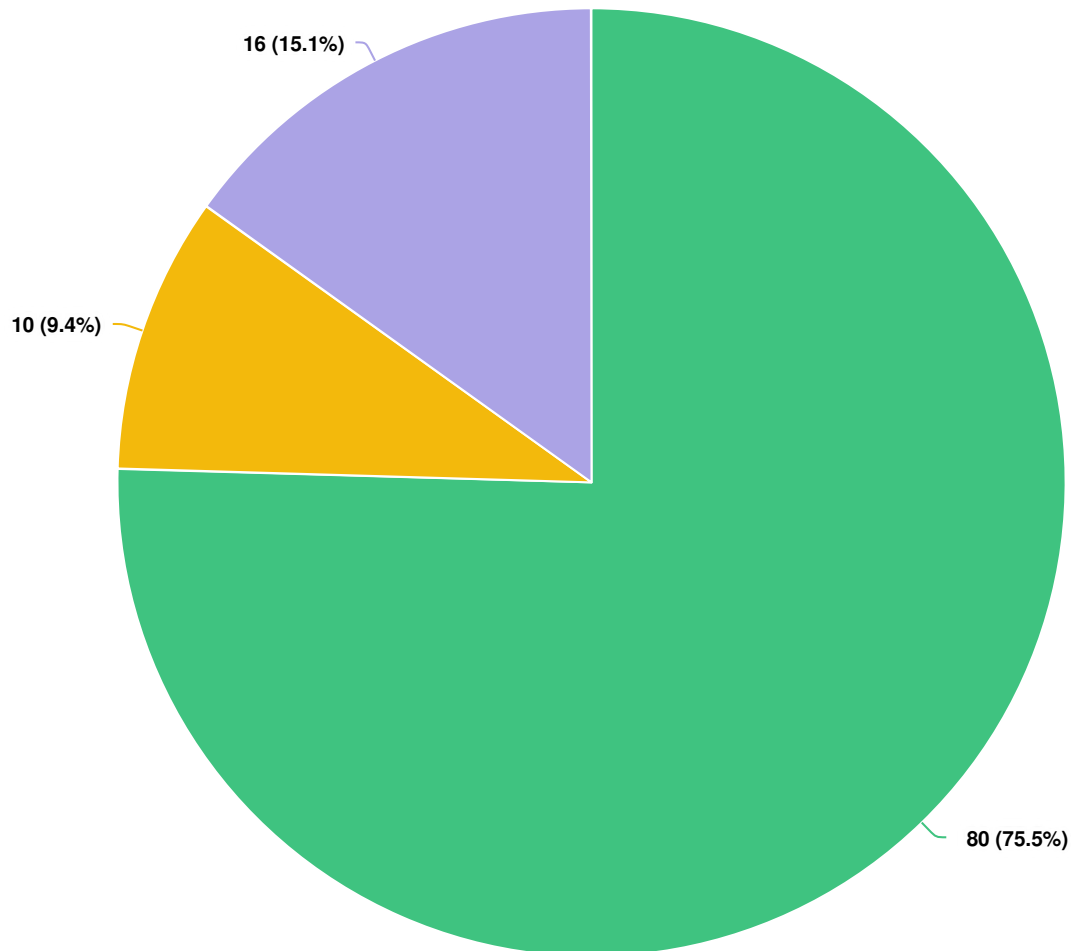


Question options

- Yes
- No

Optional question (106 response(s), 0 skipped)
Question type: Radio Button Question

Q7 | Do you think it would be helpful if the council had separate transport policies for mainstream and special education needs and disabilities?



Question options

- Yes
- No
- Not sure / I don't know

Optional question (106 response(s), 0 skipped)
Question type: Radio Button Question

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13 March 2024	ITEM: 21 Decision: 110716
Cabinet	
Teviot Avenue Nos – 158 – 228 (evens) – Demolition and Redevelopment	
Wards and communities affected: Aveley and Uplands Ward	Key Decision: Key
Report of: Councillor Barry Johnson - Cabinet Member for Children’s Services and Housing	
Accountable Assistant Director: Accountable Assistant Director: Ewelina Sorbjan – Assistant Director of Housing and Development	
Accountable Director: Claire Demmel – Executive Director of Place	
This report is Public	
Version: Final / Cabinet	

Executive Summary

This report advises Cabinet on a proposed redevelopment of numbers 158 - 228 (evens only) Teviot Avenue and seeks approvals related to the redevelopment of the dwellings. The report proposes a site area for redevelopment and seeks authority for the vacation of the dwellings and the making of appropriate payments to displaced residents.

The report identifies the structural defects and repair liability for these flats. It describes the options appraisal that concludes that demolition of the existing buildings and development of an increased number of homes on the site is the option presenting the greatest value-for-money.

The proposed route is for the Council to deliver the scheme itself and to progress this by procuring a main contractor and seeks approval to procure a contractor to demolish the existing dwellings and construct the new homes.

The table below demonstrates the financial viability of the proposed project overall.

30-year summary	£,000
The repair liability for the existing stock avoided	(9.628)
The cost of vacating the existing home through decant of tenants and buyout of leaseholders	1.320
The financial feasibility of the proposed redevelopment	3.365
Total 30-year position	(4.943)
<small>Note: Figures in brackets are positive numbers in the appraisal</small>	

Commissioner Comment:

The Commissioner endorses the recommendations as outlined. Whilst there is a shortfall in the direct costs of the scheme as outlined in 3.36 of £3.365m, given the avoided liability of the repair cost of £9.628m (3.25) that would have been incurred on maintaining the Teviot stock over the 30-year period, there is a positive position from doing the scheme which represents Best Value. Borrowing from PWLB will be necessary to finance the Teviot Scheme.

1. Recommendation(s)

Cabinet is asked to approve the following:

- 1.1 The proposed site area for the redevelopment of numbers 158 – 228 (evens) Teviot Avenue.**
- 1.2 Commencement of decanting residents from these properties and the treatment of these residents in line with the Council's allocations policy**
- 1.3 Payment of home loss and disturbance payments as appropriate**
- 1.4 Commencement of negotiation with leaseholders for the repurchase of properties and completing the purchases with such actions delegated to the Executive Director Adults Housing and Health in consultation with the Chief Financial Officer and the Portfolio Holder for Finance, Human Resources and Payroll, and the Portfolio Holder for Children's Services and Housing.**
- 1.5 Subject to further Cabinet approval the use of Compulsory Purchase Powers under s226 Town and Country Planning Act 1990 should this become necessary.**
- 1.6 Service of a demolition notice under Section 138B and Schedule 5A of the Housing Act 1985 that will confirm the Council's intention to demolish the buildings and suspend the obligation on the Council to complete right to buy applications on the dwellings within the agreed site boundary.**
- 1.7 Approval to negotiate and settle any statutory compensation claims made by residents as a result of the service of the Initial Demolition Notice with such actions delegated as at Paragraph 1.4 above.**
- 1.8 Approval to establish a budget of £1.0m to meet the costs of purchase of leasehold interests.**
- 1.9 Subject to Government agreement to borrowing, approval is given to launch a procurement process to obtain a main contractor for detailed design and**

construction and to delegate to the Corporate Director for Adults Housing and Health in consultation with the Leader, Cabinet Member for Children’s Services and Housing, Commissioners and Section 151 Officer, the decision to make the necessary contract awards

2. Introduction and Background

- 2.1 This report concerns the proposed redevelopment of 36 Housing Revenue Account flats constructed of pre-cast reinforced concrete of the ‘Cornish’ type situated in Teviot Avenue, Aveley. These dwellings were of a type designated as defective initially under the 1984 Housing Defects Act, (consolidated into the 1985 Housing Act), due to their construction material and manufacture. There are currently 36 units (of which 4 are leaseholders) being considered under this proposed redevelopment. All existing units are 2 bed 4 person. An existing plan is shown in the Appendix A. The units in question are even numbers only 158 – 228 inclusive.
- 2.2 In September 2020 the Council commissioned Michael Dyson Associates to undertake a survey of these units as part of a series of surveys on the Council’s non-traditional Cornish Unit Blocks
- 2.3 A refurbishment was already scheduled for Teviot Avenue in the next five to ten years, so the survey was originally instructed to assess the then present condition of the structures, record the location of defects, and also to provide commentary on the remedial works and improvements required to maintain the blocks in the medium term.
- 2.4 The survey identified several issues with the flats at Teviot Avenue, including inherent structural defects due to the method used to construct these flats. These structural defects can only be remedied by substantial reconfiguration of the overall structure. Therefore, this required officers to reconsider the options for the estate and long-term sustainability. The structural problems relate to the pre-cast reinforced concrete elements including balconies and fixtures externally, requiring installation of new concrete wall panels, plinths and columns, together with ad hoc door and window replacement, enhanced roof insulation and support and new internal fit out. To repair, the balconies would require decoupling and replacement taking support from the new walls and footings. The building foundations would also require underpinning and enhancement to take the additional weight.
- 2.5 To summarise, these dwellings are currently in poor condition and suffer from significant damp and mould growth due to thermal bridging related to the existing method of construction. The blocks in their current form require significant investment to undertake major repairs internally and externally and to bring them up to an acceptable standard and for modern day living.
- 2.6 The survey also highlighted that some works were planned to be undertaken as part of scheduled refurbishment in the next five to ten years that would need to be brought forward given Health and Safety issues, such as the balconies which are in a poor condition.

3. Issues, Options and Analysis of Options

3.1 A Green Book' options appraisal/outline business case was initially completed in October 2021 to review options for retention or replacement of the flats. This resulted in a business case in line with HM Treasury's Green Book guidance and other key government guidance documents including Business Case Project Guidance. The appraisal reviewed options in relation to the Strategic Case, Economic Case, Commercial Case, Financial Case and the Management Case for a range of five options, as below:

3.2 Option 1 – Status Quo – remain in occupation, i.e., do nothing other than implementing an ongoing maintenance as programmed

Option 2 – Structural Refurbishment – undertake a comprehensive structural refurbishment of Teviot Avenue including Decent Homes Standard for residents

Option 3 - Structural Refurbishment and Replace Mansard Roof – undertake a comprehensive structural refurbishment of Teviot Avenue including Decent Homes Standard and replacement of the mansard roof.

Option 4 – Demolish and Rebuild – demolish the existing accommodation at Teviot Avenue and build a similar number of new dwellings to accommodate existing residents.

Option 5 – Demolish and Rebuild more units – demolish the existing accommodation at Teviot Avenue and build a higher number of new dwellings to accommodate existing and new residents.

3.3 Initial designs and cost plans were developed and used for the new build options appraisal.

3.4 Housing officers were keen to engage with residents at Teviot Avenue at the earliest opportunity to gather their views on redevelopment options. A consultation exercise was undertaken by the Council in 2021 with all 36 tenants and leaseholders.

3.5 These explained the issues with Teviot Avenue and the poor condition they are in, highlighting the requirement for major repairs in the short-term, and the continued ongoing maintenance and repairs required in the long-term if a better solution for Teviot Avenue is not found.

3.6 Some of the issues highlighted by residents during engagement included:

- Current condition of the properties such as damp, mould, and condition of the balconies
- Worries about a big upheaval with redevelopment, particularly with vulnerable tenants.

- Concerns that some residents would not be able to get a property they wanted in the area.
- Children's schooling possibly being disrupted due to a move to another area should redevelopment proceed.
- Leaseholders unsure on how a redevelopment would affect them and their dwellings.

3.7 Taking into consideration the council's landlord obligations, housing and place making aspirations, preferred outcomes from any works or development programme were identified through senior officer engagement as part of the green book exercise, and together with the results from the engagement with residents, the following statements were used to assess the effectiveness of each option to achieve them. These statements are set out below:

- Teviot Avenue will be a sustainable building to live in for residents.
- Teviot Avenue provides residents with modern living conditions.
- Teviot Avenue makes efficient use of the Council's land ownership.
- Teviot Avenue helps the regeneration and place making of Thurrock.
- The preferred option for Teviot Avenue limits resident disruption.
- The preferred option for Teviot Avenue has the ability to increase the number of housing stock.
- The preferred option increases the lifespan of Teviot Avenue.
- The preferred option enhances and/or creates a community feel.
- The preferred option provides a mix of property types which Teviot Avenue currently lacks.

3.8. Alongside these criteria to evaluate options a number of financial criteria were agreed by officers including future day-to-day repair costs and capital expenditure over a 30-year period.

3.9 The Green Book option appraisal process subjects each option to a value for money (VFM) assessment that recognises both the financial and non-financial implications of the options. The VFM assessment is therefore two-fold via the development of a financial and qualitative model.

3.10 In order to appraise the options from a financial perspective, Discounted Cashflow (DCF) Models, were constructed setting out projected costs and income associated with each particular option over a 30-year period.

3.11 Where benefits are not quantifiable but are clearly material to the decision process, then these qualitative costs, benefits, and risks are also assessed and taken into consideration in identifying the preferred option by the use of a qualitative matrix. The qualitative criteria mentioned at 3.7 was used to score the options against these objectives. This involved the creation of a matrix that enabled the criteria, their weightings, and then individual scoring of the options above to be considered as part of this business case.

3.12 The resultant financial scores for each option and the qualitative scoring derived from officer and resident engagement was then combined to achieve an overall value-for-money outcome, as shown in the table below.

Option	Financial Score (50% weighting)	Qualitative Score (50% weighting)	Total Combined VfM Score (100%)	Value for Money Ranking
1. Status Quo	66.38	32.03	49.20	5
2. Structural Refurbishment	75.72	47.28	61.50	4
3. Structural Refurbishment & Replace Mansard Roof	70.02	51.20	60.61	3
4. Demolish and Rebuild	68.48	88.02	78.25	2
5. Demolish and Rebuild More	100.00	100.00	100.00	1

3.13 The option to demolish and rebuild more homes (Option 5 – demolish and rebuild more) was assessed as providing best course of action when considering the qualitative and financial impact. Whilst the Green Book options appraisal advises that both option four and five should be further assessed, option five remains the preferred option. This report focuses on the progression of option five given its clear superiority in the appraisal.

3.14 The outline business case was further updated in September 2023 specifically in relation to Option 5 ‘demolish and rebuild more’ given its superiority in preferred outcome.

3.15 It concluded that the project remains viable financially and also examined in detail the Benefit-Cost Ratio (BCR) and Value for Money using a Green Book compliant approach.

3.16 The BCR is calculated as the Net Present Value of Benefits generated by the proposal divided by the costs.

3.17 The value includes the rental income generated from the new homes but is also supplemented by the health and wellbeing value of delivering the project using a range of green book compliant methods to value that benefit in cash terms.

3.18 As an example, the calculations of health and wellbeing benefits generated by the delivery of additional affordable housing units follows the Department for Levelling Up, Housing and Communities (DLUHC) Appraisal Guidance approach and uses the recommended £125 worth of benefits per annum per additional affordable housing unit.

3.19 The total health and wellbeing benefit generated by the provision of additional affordable housing is estimated to be £24,883 (2023, discounted prices).

3.20 The total equivalent health and well-being benefits excluding the rental income can be assessed as below:

Total Benefits	Option 5
Affordable Housing	£24,883
Wheelchair Improvement	£10,702
Bike Store	£381,361
Amenity benefits - green space	£198,231
PV CO2 Savings	£259,741
New Built CO2 Savings	£1,149,056
EV charging points	£462,589
Trees CO2 Capture	£21,318
TOTAL BENEFITS	£2,507,881

3.21 The BCR generated by the division of benefits by costs is positive and demonstrates acceptable 'value for money'.

3.22 In order to further demonstrate the financial viability of this preferred option development financial appraisals have been carried out to ensure it would be deliverable as a new housing development project within the HRA.

Financial Appraisal of Redevelopment of Blocks

3.23 There are three components to considering the overall financial evaluation of the proposal to redevelop the existing stock. These are:

- The repair liability for the existing stock over the next 30 years.
- The cost of vacating the existing home through decant of tenants and buyout of leaseholders.
- The financial feasibility of the proposed redevelopment.

The repair liability for the existing stock

3.24 As noted, the existing stock is in poor repair and requires significant capital works. Set out below is the summary 30-year cost forecast plan for Teviot Avenue. The costs shown below are without inflation and exclude planned servicing and grounds maintenance costs.

	Summary	£,000
Years 1-5		5,309,533
Years 6-10		330,778
Years 11-15		269,128
Years 16-20		528,719
Years 21-25		335,611
Years 26-30		756,116
Total		7,529,886

3.25 If works costs are inflated over 30 years at a modest average of 3% per annum this would rise to £9,628,330 to put and retain the blocks in good condition. This is shown in the table within the executive summary.

The cost of vacating the properties

3.26 The cost of vacating the blocks at Teviot is calculated by considering both Home Loss payments and disturbance payments to the tenants and the cost of repurchasing the leasehold interests.

3.27 This will mean that for qualifying tenants Home Loss Payments under s30 Land Compensation Act 1973 will be due. This is currently set at £8,100 and amended by the government each year.

3.28 Disturbance payments will also be available. These are to meet 'reasonable expenses and are paid after the tenant has moved. It is estimated that the cost to the council of relocating each tenant will be £10,000 which is inclusive of the Home Loss Payments, resulting in a total cost of £320,000 for the tenants.

3.29 Our approach assumes all leaseholders are entitled to secure the Home Loss Payment. If it is the case that there are non-resident leaseholder properties present within the estate, then these may be subject to a reduced compensation reflecting Basic Loss Payment within the same Compensation Code. A further sum is assumed to provide additional compensation for relocation costs. Our cost allowance totals £1,000,000 against the four existing leasehold properties. Actual costs will be determined by individual property valuations.

3.30 The total forecast cost of vacating the blocks is therefore £1,320,000.

Development appraisal

3.31 The order of cost for option five to demolish and build 48 new homes is shown in the table below. This is a forecast at December 2023 reflecting designs at RIBA stage 2. This order of cost is based on a proposal of six two-bedroom flats, twenty-one two bed houses, seven three-bed houses, two four-bed houses, nine one-bedroom flats and three two-bed wheelchair access flats as shown in Appendix B.

Item	£,000
Building Works Estimate (incl demolition)	9,394
Main Contractor Preliminaries (15%)	1,409
Main Contractors Overheads & Profits (6%)	648
Main Contractors Design fee (5%)	573
Risk allowance (5%)	601
Tender and Construction Inflation (6.27%)	804
Total	13,429
Cost £/m2 GIA)	3,400
Cost (£/unit)	£279,771
Council costs of pre-contract design, surveys, planning and fees (in addition)	£550,000

Financial Considerations

3.32 The financial case for the Teviot Redevelopment is being produced in the context of the wider financial challenges faced by the council and its continued operation under a s114 notice and the requirement to work alongside Commissioners.

HRA Route

- 3.33 Within option 5 discussed above it is proposed to use HRA debt finance to fund the development cost. This assumes a Public Works Loan Board rate of 4.5% . The calculations assume that the council can use Right to Buy receipts on 40% of eligible expenditure against net additional stock only in line with current regulations.
- 3.34 Rent levels are assumed at current Local Housing Allowance rates. Future increases in Local Housing Allowances have not yet been confirmed however Government has announced that these rates will rise from April 2024. This increase will benefit scheme finances and will be considered in future viability reviews.
- 3.35 Build costs have been subject to some volatility in recent years. In the model used the costs are based on prudent market based assumptions. They are based on a RIBA stage 2 cost plan produced by Airey Miller which forecasts projected build cost inflation and takes into account a likely start on site in 2025
- 3.36 A 30-year high level cash flow analysis of the development proposal has been undertaken as shown below which is the rental income less operating expenditure and the servicing of debt interest. The analysis excludes the residual debt at the end of the 30- year HRA Business plan period which it is assumed as under current HRA

regulations will remain. Assumptions around maintenance, major repairs and rental income and inflation are in line with the HRA Business Plan.

Long Term Cash Flow Summary (Excl Finance)

	30 Year Total
CPI + 1%	
Gross Rental Income	
- Social Rent	(0)
Rents @ Local Housing Allowance level	(17,810,126)
Void & Bad Debts @ 2.5%	445,253
Rent (Net Voids)	(17,364,873)
Maintenance per property	1,903,943
Major Repairs	1,275,707
Total Costs (excl Finance)	3,179,651
Pre-Financing Surplus/Deficit	(14,185,223)
Total Net Borrowing Interest @ 4.5%	17,550,317
Surplus/Deficit	3,365,094

3.37 The shortfall of £3.365m reflected above is set against the avoided repair liability cost (circa. £9.628m) as highlighted in (3.25) that would have been incurred on maintaining the existing (undeveloped)Teviot stock over the 30-year period leaving a net positive position. The overall financial elements are outlined in (3.43).

3.38 The total net borrowing charges is the cost of the prudential borrowing element of the scheme. This is on the following cost basis:

Indicative total Development Cost	£13,979m
Less RTB receipts contribution	(£ 1,398m)
Capital Borrowing Requirement	£12,581m

3.39 The 30-year analysis of the scheme shows a negative financial outcome, or a loss over that period of time.

3.40 It should be noted that the use of Right to Buy (RTB) receipts is limited to the additional properties to be constructed in excess of the 36 dwellings being demolished. As a result, the maximum RTB contribution is limited to £1.398m of RTB receipts rather than the £5.591m that would have been applicable to a scheme that did not replace existing stock.

3.41 Whilst Homes England amended their policy in June 2023 to allow the use of grant from their Approved Development Programme across all dwellings constructed as part

of a stock renewal project the Council is unable to apply for grant through that programme as we remain under a S15 direction.

- 3.42 As a result, the development finance shows a net scheme deficit over 30 years of £3.365m as set out in the table above although further work is continuing on the financial modelling to attempt to reduce this deficit further. In addition, recent announcements on uplifting the Local Housing Allowance (LHA) from April 2024 will permit an increase in rental income thereby further reducing the deficit. Details of the new LHA are yet to be confirmed.
- 3.43 Drawing together the three strands of the overall financial appraisal shows the following over a 30-year period as shown below:

	£,000
The repair liability for the existing stock averted ¹	(9.628)
The cost of vacating the existing home through decant of tenants and buyout of leaseholders	1.320
The financial feasibility of the proposed redevelopment	3.365
Total 30-year position	(4.943)
<small>¹ Repairs to new properties are incorporated within the development appraisal</small>	

- 3.44 This demonstrates that despite the deficit on the construction of new homes alone, by considering the position alongside the significant repair costs averted, the proposal overall does achieve the best value-for-money outcome over a 30-year period. There are a number of variables to the financial parameters that could change the outcome. The most important are changes to the Public Works Loan Board borrowing rate and inflationary increases to the repair costs if the buildings are not demolished.
- 3.45 Sensitivity testing has been carried out on interest changes to variances of 3.7% and 5.6% for borrowing. With no other changes these rates would produce revised forecasts showing the HRA positively benefiting as a result of a rebuild from between £8.1m using the lower figure of 3.7%, to £653,000 using 5.6%, showing how the project can accommodate interest rates changes including a potential 1% in excess of modelled rate, which the Government may require due to the Councils current position under s114.
- 3.46 At present the HM Treasury provides a concessionary Public Works Loan Board (PWLb) borrowing rate reduction of 0.60% for new housing delivery within the Housing Revenue Account which if remains available at the time of borrowing will improve viability.
- 3.47 Any inflationary increase to repair costs incurred should the buildings not be demolished but repaired would show greater benefit of a redevelopment approach. An increase in repair cost inflation from 3% to 5% would mean the repair liability would be £2.2 more. An increase to 7% would show £5.5m higher repair cost. Both scenarios would further strengthen the case to redevelop.

3.48 Whilst this proposal does require borrowing from the PWLB to part finance the project, overall borrowing has been significantly reduced by other HRA development projects being halted and where appropriate assets prepared for disposal.

Further Resident Consultation and Proposed Programme.

3.49 In order to keep residents informed of progress a resident engagement programme has been put in place to ensure residents of the flats and surrounding neighbours are kept informed and able to influence the design.

3.50 A consultation event was carried out in March 2023 at the Aveley Hub where residents of the existing homes were invited to view redevelopment proposals. The council's Housing Team was also on hand to answer questions about repairs and housing management issues. Follow up home visits to those residents requesting were carried out in April 2023.

3.51 A further event was held in Summer 2023 to seek further feedback on proposals in advance of final design and submission of the planning application. Planning was submitted in January 2024 and residents informed of updates through distribution of a flyer to residents.

Programme and Next Steps

3.52 The table below shows the current indicative programme.

Item	Proposed Dates
Procurement of Consultant Team	Completed
Resident Consultation	Commenced
RIBA Stage 1-3 Design complete	Completed
Planning Submission	Completed
Cabinet Decision to progress with project	March 24
Decanting of properties commenced	Spring 24
Leaseholder negotiations commenced	Spring 24
Procurement for Main Contractor and award	Autumn 24
Demolition & Project Construction Commences	Summer 25

3.53 This indicative programme is subject to necessary approvals and achieving vacant possession in a timely fashion.

4. Reasons for Recommendation

4.1 This report is made to seek Cabinet's authorisation to progress the Scheme for the redevelopment of 158 – 228 (evens) Teviot Avenue.

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

5.1 The Housing development team has consulted widely with residents throughout the design development process.

5.2 A version of this report will be considered by Housing Overview and Scrutiny Committee on 5th March 2024

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

6.1 The development of housing aligns closely with the Council's Vision and Priorities adopted in 2018. In particular it resonates with the "Place" theme which focuses on houses, places and environments in which residents can take pride. As the Council's new plans and priorities emerge it is likely that the provision or facilitation of good quality accommodation for residents with the benefits that provides will continue to be a key priority.

6.2 In terms of the 'prosperity' theme the Council is seeking to deliver opportunities for businesses and skills and job opportunities for all. During the construction phase of any development there

will be opportunities for education, training and employment. Contractors social value offer will be considered during the procurement process.

6.3 The redevelopment of these properties also supports or has regard to the following policy documents which are particularly relevant to the Council's efforts to meet housing need in the Borough and to improve health and well-being.

- Thurrock Council Housing Strategy 2022-2027
- South Essex Strategic Housing Market Assessment June 2022
- Thurrock Joint Health and Well-Being Strategy 2022- 2026

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Strategic Lead - Corporate Finance
29 January 2024

There are direct financial implications arising from the report.

Given the level of investment needed in the units to ensure that they meet long term legislative requirements, refurbishment of the existing units appears not to represent the best value for money based on the financial modelling, when set against a demolition and new build option.

The total indicative development cost is circa. £13.979m and the intention is for £12.581m of these to be funded from borrowing with the balance of £1.398m to be funded from 1-4-1 RtB Retained Receipts. The 1-4-1 RtB retained receipts only applies to the additional units above the existing units.

The total borrowing cost over the 30-year period is estimated at £17.55m and this is to be funded predominantly from the net rental cashflow (14.185m) from the development over the same period. The shortfall of £3.365m will be funded from the avoided repair liability costs (circa. £9.628m) that would have been incurred on maintaining the existing (undeveloped) Teviot stock over the 30-year period.

The budget for the disturbance costs is to be funded and contained within the HRA General Reserve. This has an estimated opening balance of £7.881m and is detailed within the Housing Revenue Account – Rent Setting and Budgets 2024/25 Cabinet report 14 February 2024. The current estimated cost for these works is £320,000.

A further budget requirement of £1.0m is required for the cost of leaseholder buy backs, as detailed in para 3.29. This can also be funded, initially directly from the HRA General Reserves. The HRA 30-year Business Plan captures the development costs of this project, and the Council recently provided all the required assurances to the Secretary of State to obtain permission to borrow to fund the development. For costs (disturbance costs and leaseholder buy back costs) as detailed in the report, there is no borrowing

requirement at this time, as this can be fully funded from existing resources within the Housing Revenue Account.

The works pertaining to tenants' disturbance and leaseholder buy backs represents the first stages of ensuring a long-term solution for the affected properties on Teviot Avenue.

The demolition of the blocks, without a replacement will lead to lost revenue, from the rents and service charges of the existing Teviot Avenue dwellings.

The investment required in the redevelopment of the Teviot Avenue units is contained within the HRA 30-year business plan. There will be no direct financial implications outside of the HRA ring-fence.

7.2 Legal

Implications verified by: **Jayne Middleton - Albooye**
Assistant Director - Legal and Governance

29 January 2024

Repairing Obligations

The Council has a responsibility under the Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act 2018 to maintain the structure and essential services of their properties and ensure that they are fit for human habitation for the duration of the tenancy; and where the Council fails to do so, it is at risk as to compensation and abatement claims from its tenants.

Ordinarily to address this duty the council needs to have a planned maintenance programme with periodic inspections and an effective responsive repairs service. In this instance the Council should take appropriate responsive maintenance action prior to tenant decant.

Obligations under the Building Safety Act 2022

The Council also faces additional regulatory obligations under the Building Safety Act 2022, and it is prudent to formulate plans for the satisfactory discharge of such obligations in respect of the proposed redevelopment of number 158-228 (evens only) Teviot Avenue.

Human Rights

Human Rights issues arise in respect of the proposed arrangements. Article 1 the First Protocol of the Human Rights Act 1998 stipulates that: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not,

however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”.

The Council should be sure that the purposes for which the demolition and redevelopment are to occur, and for which rights are to be overridden, sufficiently justify interfering with the human rights of those with interests in the land affected.

In the present case it is considered that the public interest in demolishing and redevelopment of Teviot Avenue, which suffers from the difficulties outlined in this report outweighs the rights of the individuals to peaceful enjoyment of their possessions and their right for private and family life and home, and that the proposed use of the Council's powers amounts to a proportionate interference in all the circumstances

Decant

The Council will have an obligation to ensure compliance with its Decant Policy following the demolishing and redevelopment of Teviot Avenue. The Council will also have to ensure that through the operation of its Decant Policy, that it meets its legal, regulatory, and contractual obligations to the tenants. This includes consultation, compensation, and assistance with all aspects of the decant.

To ensure there is good value for money, the Council will have an obligation to comply with the Accounts and Audit (England) Regulations 2015 section 4 (2) which stipulates that: “The relevant body shall be responsible for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body's functions and which includes the arrangements for the management of risk.”

The Council is required to have regard to the Public Sector Equality Duty (PSED) when making decisions. The PSED is set out in Section 149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The section below refers to the Council having undertaken a Community Equality Impact Assessment, and this indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**
Team Manager - Community Development and Equalities
19 January 2024

All information regarding Community Equality Impact Assessments can be found here:
<https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

A consultation and engagement exercise has been undertaken with residents of 158 – 228 (evens) Teviot Avenue. An initial analysis of feedback received highlights the redevelopment of the estate is expected to have a positive impact for the health and wellbeing of residents. A full Community Equality Impact Assessment has been completed to account for the proposed redevelopment and will be the subject of an ongoing cycle of monitoring, review and refreshing by the project team.

Any contractor or consultant appointed by the council to fulfil works associated with the proposals will be directed to the council's CEIA and will be required to fulfil legislative requirements arising from the Equality Act 2010 and Public Sector Equality Duty as standard. Contracts for services and works will include social value measures to be delivered by the provider/contractor and will be directed in line with the council's social value framework and supporting priorities for communities.

A full Community Equality Impact Assessment is attached as Appendix C.

7.4 Risks

There are several operational and financial risks to note. These include:

Risk	Mitigation	Risk Rating
Impact of Right to Buy (RTB) sales on newly constructed homes.	Discount under the Right to Buy cannot reduce the sale price below the cost of construction for the first 15 years after the building is completed	Low
Successfully achieving planning permission	Pre-application planning discussions have been undertaken and all matters raised have been addressed with relevant reports provided as part of the full planning application.	Medium
Accelerating building construction industry inflation	Sensitivity of 10% increase in cost was modelled with all other variables in the base case remaining the same and this still indicated significant surplus. Current projections do not indicate significant rises in construction inflation.	Low

Risk of changes that reduce Local Housing Allowances (LHA) thereby reducing income	LHA rates have recently been increased which would increase viability which are not yet factored into the business plan.	Low
Increasing borrowing rates from the Public Works Loan Board	Sensitivity testing has been undertaken which demonstrates that the project remains viable as a whole where long term borrowing is no more than 1.25% in excess of projected rates	Medium
Government permission to borrow not achieved.	This project is reliant on the Secretary of State granting the council the permission to borrow as borrowing represents a significant part of the funding. The council has submitted a request to the Secretary of State (DLUCH) for special dispensation to borrow from the PWLB to fund development schemes.	High

7.5 **Other implications** (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

The demolition and redevelopment of the blocks and the development of new housing will provide a significantly healthier environment for residents and will be in accordance with the recommendations of the Council's emerging public health and wellbeing strategy. Public health specialists will be consulted on the design of the redevelopment to ensure the provision of healthy housing and associated space.

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):

None

9. **Appendices to the report**

Appendix A – Proposed site boundary

Appendix B – Proposed Redevelopment at RIBA stage 2

Appendix C – Teviot Avenue Community Equality Impact Assessment

Report Author:

Bruce Chibesa

Senior Project Manager Housing Development

Adults, Housing & Health

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KEY
 — Site Boundary Line

Rev	Date	Drawn	Comment
A	19/01/24	AS	Planning Submission

Client
 Thurrock Council

Job
 Teviot Avenue,
 Thurrock

Planning
Drawing Title
 Existing Block Plan

Date of First Issue	Issued	Checked
19/01/24	AS	WH

Drawn	Scale	
AS	1:500 @ A1	1:1000 @ A3

Drawing No.	Revision
01050	A

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Appendix B

Proposed Redevelopment at RIBA stage 2

48 new Homes

30 Houses

18 Apartments





Teviot Avenue proposed Aerial View

Community Equality Impact Assessment

The Equality Act 2010 states that public bodies must have “due regard” to a variety of Equalities objectives (Equality Act 2010, Section 149) and consequently, Equality Analysis must be carried out to demonstrate that decision-makers are fully aware of the impact that changes may have on stakeholders.

The concept of ‘due regard’ was reinforced in 2012 during the review of the Public Sector Equality Duty (PSED) which “requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities”

‘Due regard’ is dependent on the relevance and potential impact of the decision being considered. The greater the relevance and impact, the higher the regard due.

As an authority, we have made a commitment to apply a systematic screening process to new policy, strategy, functions or service development including reviews or changes to existing policy, strategy, functions or services.

This is to determine whether the proposals are likely to have a significant impact on different groups within our community.

This process has been developed, together with [full guidance](#), to support officers in meeting our duties under the:

- Equality Act 2010
- Public Sector Equality Duty
- The Best Value Guidance
- The Public Service (Social Value) 2012 Act

In addition, the guidance supports officers to consider our commitments set out in the [Thurrock Joint Compact](#) with the voluntary sector.

As well as supporting you to look at whether there is, or will be, a significant impact, the guidance will also consider ways in which you might mitigate this in the future.

About the service and reason for the development or review process

Name of service	Housing
Lead Officer	Bruce Chibesa – Senior Project Manager – Housing Development
Contact Details	Bruce.Chibesa@Thurrock.gov.uk

Why is this policy, strategy, function or service development/review needed?

The proposed demolition and associated decant of council tenants and purchase of leasehold dwellings in three blocks at Teviot Avenue, Aveley which would have a significant impact on existing residents, the wider community and those waiting for affordable housing in the Borough.

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1. Consultation, data and intelligence

1.1 Please highlight the steps you have taken, or plan to take, to consult the whole community or specific groups affected by the policy, strategy, function or service development/review e.g., on-line consultation, focus groups, consultation with representative groups? For further guidance please contact: consultations@thurrock.gov.uk
This is a vital step

1.1 Please highlight the steps you have taken, or plan to take, to consult the whole community or specific groups affected by the policy, strategy, function or service development/review e.g., on-line consultation, focus groups, consultation with representative groups? For further guidance please contact: consultations@thurrock.gov.uk

This is a vital step

An initial consultation and engagement exercise has been completed with residents of Teviot Avenue with the results shaping the proposals to date. An initial analysis of feedback received highlights that the redevelopment of the estate is expected to have a positive impact for the health and wellbeing of residents.

More detailed consultation and engagement with existing residents was conducted on the 13th of March 2023 at Aveley Hub in Aveley village centre, in attendance were members of staff from Thurrock's Housing Development team, Tenancy Management team, Resident Engagement team, Home Ownership team, Mears, the Maintenance contractors, CLTH Architects and Newman Francis, the Council's Community Engagement consultants. Further wider consultation will be undertaken in preparation for a full planning application where detailed plans are presented to existing residents and surrounding neighbours in the summer of 2023. Further, residents will be engaged with on an individual basis with regard the impact and needs of each resident as a result of their need to move in order to achieve vacant possession for each block.

Planned resident engagement is being led by Newman Francis and in addition the council will procure an independent tenant advisor service. There will be active consultation using a variety of methods, namely on-line consultations, in person drop in events and individual consultations around the redevelopment and proposals.

1.2 Please also provide details on the sources of data or intelligence you have used to inform your assessment of impact and how they have helped you to understand those that will be affected by the policy, strategy, function or service development/review outlined?

Data held on the Council housing management information system Northgate.

Thurrock Council 2017/18 Ward Profiles

Census 2021

Nomis 2011 Ward Labour Market Profile: Aveley and Uplands

Thurrock Council 2022 Stock Condition Survey

This has helped us identify the relevant occupants of the apartment blocks to be demolished and gives information on specific rehousing needs and requirements of occupants. The redevelopment will provide much needed wheelchair accessible homes as well as a mix of houses and apartments in the locality.

This information helps ensure that the arrangements for engagement and support for residents are accessible to all and meet the identified needs of those occupants directly impacted.

Stock condition data alongside complaints data helps identify the failing nature of the blocks and the need for permanent solutions to the failing structural components and prevalence of damp and mould in the blocks.

Learning has been undertaken from work completed by LB Tower Hamlets at [Microsoft Word - Appendix 4 - Equalities Impact Assessment \(Oct 2021\) \(towerhamlets.gov.uk\)](#) which informs conclusions in this CEIA.

2. Community and workforce impact

1.1 What impacts will this policy, strategy, function or service development/review have on communities, workforce and the health and wellbeing of local residents?

Look at what you know? What does your research tell you?

Consider:

- National and local data sets – please see guidance
- Complaints
- Consultation and service monitoring information
- Voluntary and community organisations
- The Equality Act places a specific duty on people with ‘protected characteristics’. The table below details these groups and helps you to consider the impact on these groups.

	Positive	Neutral	Negative	What are the positive and negative impacts?	How will benefits be enhanced and negative impacts minimised or eliminated?
Local communities in general	✓			<p>Redevelopment will increase provision of healthy and affordable homes available for qualifying Thurrock residents and remove unhealthy and failing accommodation.</p> <p>Redevelopment of new homes will also include creation of new public realm and consequent improvements in safety, accessibility and design to promote healthy lifestyles</p> <p>The construction process will have a short term detrimental effect because of noise, dust and access however the benefits of the new development outweigh the temporary</p>	<p>Design and layout of replacement homes will support active lifestyles and provide a range of accommodation meeting local need.</p> <p>New public realm will meet modern standards in relation to accessibility and greener travel options such as pedestrian and cycle pathways and electric vehicle charging.</p> <p>Construction contracts will include requirements to meet council design guidance in relation to the new homes and environment. Contracts will deliver social value outcomes to the locality and</p>

				disadvantages.	local people.
Age	✓			<p>Older people with disabilities are likely to be impacted more by redevelopment.</p> <p>Older leaseholders may find it more difficult to raise mortgages on new homes.</p> <p>Children and young people may lose access to local play space during construction.</p> <p>A range of suitably sized affordable accommodation has been proposed in the development plans including increased numbers of adapted homes.</p>	<p>Older leaseholder will have access to independent advice and signposting to support services and how to access qualified financial advisors.</p> <p>The development brief has reflected the mix of housing demand.</p>
Disability	✓			<p>Disturbance of moving will impact those with a disability.</p> <p>Those with sensory or learning disabilities may be disproportionately impacted by the change to environment or home.</p> <p>Dust and air quality changes during the construction phase for neighbouring residents in close proximity to the apartment blocks during the construction period may negatively impact on those with respiratory disease. Noise and changing environment may disproportionately impact neighbouring residents, particularly some vulnerable residents.</p> <p>Moving will improve the opportunity for existing residents to be more appropriately housed and for new residents to benefit from modern homes.</p> <p>New public realm will be more accessible for</p>	<p>Targets have been set for the provision of the number of adapted homes in the new development.</p> <p>Independent tenants and leaseholder advice will be available and support and advise with a range of needs.</p> <p>The contractor will be required to minimise noise, disruption and dust during the construction phase.</p> <p>The new public realm will be planned in accordance with current design guidance.</p>

				those with limited mobility.	
Gender reassignment		✓		The redevelopment proposals carry no perceived negative impacts from a gender reassignment perspective	
Marriage and civil partnership		✓		Marriage/Civil partnership status may have implications regarding property ownership and tenure however this will be the case irrespective of the redevelopment process. There are no specific implications for people with this protected characteristic	
Pregnancy and maternity		✓		Disruption to neighbouring residents of the estate during the construction period may negatively impact on pregnant mothers or families with new-born children. There will be no specific negative long term implications for people with this protected characteristic once redevelopment has been completed	The contractor will be required to abide by industry standard practices such as the considerate contractor scheme in order to minimise nuisance and disruption to neighbouring residents during the construction phase.
Race (including Gypsies, Roma and Travellers)		✓		There are no specific or different implications for people with this protected characteristic	Redevelopment and rehousing plans are to be neutral from a race perspective and will be tested to ensure the plans are fair, unbiased and not influenced by someone's race.
Religion or belief		✓		There are no aspects to the redevelopment plans that will prevent residents from practicing their religion/faith and so it is concluded that there will be no specific or different implications for people with this protected characteristic.	During the fact finding and rehousing process residents will be able to raise issues about their place of worship so that the disruption to lives can be minimised.

Sex		✓		There will be no specific or identified negative implications for people with this protected characteristic	
Sexual orientation		✓		There will be no specific or identified negative implications for people with this protected characteristic	Design of the new homes and public realm will meet secure by design standards which will offer a greater level of security to all which may be relevant to LGBT+ residents.
Any other community issues identified for this location? If the project is based in a specific location please state where, or whether Borough wide. Please include any detail of relevance – for example, is it an area with high unemployment , or public transport limited?	✓			Population data for the ward shows higher than the Borough average of older people. The ward has lower percentages of unemployed people at 4.7% compared to Thurrock overall at 6.2% and no negative implications are identified Residents in the output area typically experience more deprivation than the rest of the borough based on Census 21 data. The creation of new homes and public spaces with opportunities for local employment and social value initiatives will be a positive factor.	Provision of new well designed and affordable accommodation and public spaces promoting healthy lifestyles will enhance the circumstances of the new and existing residents. Council procured contracts will require social value initiatives and opportunities for employment and skill development for local residents.
Workforce of Thurrock		✓		There will be no specific or different implications for people with this protected characteristic	

Council (e.g. in the case of service change/s)				
Health and wellbeing of residents Please see guidance.	✓		<p>Redeveloping the apartment blocks will mean that existing residents do not suffer from the high levels of damp and mould reported.</p> <p>Redevelopment of new homes will also include creation of new public realm and consequent improvements in safety, accessibility and design to promote healthy lifestyle</p> <p>The planned redevelopment will increase the supply of affordable housing in Thurrock thereby contributing to meeting the council's Health and Wellbeing strategy objectives.</p> <p>The redevelopment will seek to improve physical and mental health, reduce exposure to air pollution and to build community resilience and reduce antisocial behaviour through design and community engagement</p>	<p>Provision of new healthy and affordable accommodation will enhance the circumstances of the occupants.</p> <p>New public realm will meet modern standards in relation to accessibility and greener travel options such as pedestrian and cycle pathways and electric vehicle charging.</p> <p>New approaches to water and space heating will reduce the use of fossil fuels and be reliant on cleaner energy.</p> <p>Residents will be able to influence the design of new homes through community engagement activity throughout the project.</p>
Socio-economic outcomes Please see guidance.		✓	<p>Increased levels of affordable housing will benefit those unable to afford to access accommodation in the private sector.</p> <p>Residents in the output area typically experience more deprivation than the rest of the borough based on Census 21 data (specifically those households deprived in one or two dimensions).</p> <p>The creation of new homes and public spaces with opportunities for local employment and</p>	<p>Rent levels will all be set within the Local Housing Allowance cap for the area and so be within limits for eligible benefit claimants.</p> <p>Council procured contracts will require social value initiatives and opportunities for employment and skill development for local residents.</p>

				social value initiatives will be a positive factor.	
Veterans and serving members of the armed forces Please see guidance.		✓		There are no perceived specific or different implications for people with this characteristic	The council has adopted a Veteran's charter and the Essex Military Covenant and the obligations on the Council as a result will be incorporated into the redevelopment proposals where appropriate.

3. Monitoring and Review

3.1 How will you review community and equality impact once the policy, strategy, function or service has been implemented? <i>These actions should be developed using the information gathered in Section 1 and 2 and should be picked up in your departmental/service business plans.</i>		
Action	By when?	By who?
Baseline data on housing typology and accessibility and incidence of damp and mould complaints will be recorded at project approval	Summer 2023	Housing Service
Data resulting from the newbuild project will be recorded at project completion and residents' satisfaction surveys at 6 and 12 months post completion will be analysed.	Within 12 months of project completion	Housing Service
During the duration of this redevelopment this CEIA will be periodically reviewed and refreshed as a working	October 2023 being the next	Housing Service

3.1 How will you review community and equality impact once the policy, strategy, function or service has been implemented?

*These actions should be developed using the information gathered in **Section 1 and 2** and should be picked up in your departmental/service business plans.*

document.

gateway
decision point

4. Next steps

It is important to ensure that the information gathered is used to inform any council reports that are presented to Cabinet or Overview and Scrutiny committees. This will allow members to be furnished with all the facts in relation to the impact their decisions will have on different equality groups and the community as a whole.

Take some time to précis your findings below. This can then be added to your report template and the Equality and Diversity Implications section for sign off by the Community Development and Equalities team at the consultation stage of the report cycle.

Implications/ Customer Impact

An extensive consultation and engagement exercise has already been completed with residents of Teviot Avenue with the results indicating a strong preference for the redevelopment of the apartment blocks providing mixed tenure housing providing better energy efficiency and access to gardens and green spaces.

An initial analysis of feedback received together with this assessment highlights the redevelopment of the apartment blocks is expected to have a positive impact for the health and wellbeing of residents and contribute towards many of the goals within the council's health and wellbeing strategy. This Community Equality Impact Assessment has been completed to account for the proposed redevelopment and will be the subject of an ongoing cycle of monitoring, review and refreshing by the project team.

Any contractor or consultant appointed by the council to fulfil works associated with the proposals will be directed to the council's CEIA and will be required to fulfil legislative requirements arising from the Equality Act 2010 and Public Sector Equality Duty as

Implications/ Customer Impact

standard. Contracts for services and works will include social value measures to be delivered by the provider/contractor and will be directed in line with the council's social value framework and supporting priorities for communities.

5. Sign off

The information contained in this template should be authorised by the relevant project sponsor or Strategic Lead who will be responsible for the accuracy of the information now provided and delivery of actions detailed.

Name	Role – for example, project sponsor, head of service)	Date
Bruce Chibesa	Senior Project Manager Housing Development	6 July 2023
Keith Andrews	Strategic Lead Housing Development	7 July 2023

13 March 2024	ITEM: 22 Decision: 110717
Cabinet	
Blackshots Redevelopment – Business Case	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor Barry Johnson – Cabinet Member for Children’s Services and Housing	
Accountable Assistant Director: Ewelina Sorbjan - Assistant Director Housing Management and Development	
Accountable Director: Claire Demmel – Executive Director of Place	
This report is Public with exempt appendices. Appendix 1 (part exempt) and 1a which contain exempt information which falls within schedule 12A of the Local Government Act 1972 - Information relating to the financial or business affairs of any particular person (including the authority holding that information). In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>	
Date of notice given of exempt or confidential report: 5 March 2024	
Version: Final / Cabinet	

Executive Summary

The report updates Cabinet on the development of the Business Case for the redevelopment of Blackshots tower blocks and takes members through the considerations taken into account.

It concludes that based on the current assumptions a scheme delivered by the council for 100% affordable housing is viable and will deliver 258 units. The business case and financial considerations are explained in detail within the body of the report. The proposed route is for the council to deliver the scheme itself and to progress this by procuring a main contractor to obtain planning permission and to construct the homes in due course.

It seeks approval for the procurement of relevant advisers to assist the council in delivering and managing the proposed development.

The report also updates members on the progress of clearance of the blocks and critical tasks such as the relocation of the King Georges Fields Tennis Courts and Games area and the Fields in Trust land.

Commissioner Comment:

Commissioners support the recommendations as outlined in the report. Based on the assumptions outlined in the business case, the recommendation is for a financially viable scheme over the 30 years. As with any major long term project, here is inherent risk and sensitivities are outlined in detail in the appendices.

1. Recommendations

- 1.1 Cabinet agrees the design developed to date based on consultation and public engagement as a basis for procuring the next stage of the redevelopment.**
- 1.2 Cabinet agrees to progress to the next steps as recommended below based on the Business Case developed by the council's advisers Avison Young**
- 1.3 The council progresses the Blackshots project following the self-delivery approach.**
- 1.4 Subject to Government agreement to borrowing, approval is given to launch a procurement process to obtain a main contractor for further design and construction and to delegate to the Corporate Director for Adults Housing and Health in consultation with the Leader, Cabinet Member for Children's Services and Housing, Commissioners and Section 151 Officer, the decision to make the necessary contract awards.**
- 1.5 In accordance with the business case model, agree to establish a budget of £70.385m for the projected estimated cost of the works to be funded by HRA borrowing in accordance with the proposed HRA business and capital programme, subject to DHLUC approval.**
- 1.6 Approve the procurement of relevant advisers for the council's client technical team and delegate to the Corporate Director of Adults, Housing and Health in consultation with the Cabinet member for Children's Services and Housing the award of contracts.**
- 1.7 Note that a budget of £700,000 has been identified from within the existing Housing Revenue Account General Reserves to support the provision of the necessary advisers which will be accommodated within the existing HRA balance or funded from reserve should it prove necessary.**

2. Introduction and Background

- 2.1 In December 2022 Cabinet considered the future of the Blackshots estate in light of the fact that the tower blocks at Blackshots are in poor state of repair. Initial consultation had been carried out with residents resulting in a significant majority in favour of the redevelopment of the blocks. Cabinet approved the principle of demolition and redevelopment and agreed resources for the procurement and appointment of a design team and advisers to develop schemes for consultation with residents.**

- 2.2 Subsequently, in March 2023 Cabinet agreed the proposed site area for developing proposals. Members also approved the start of decanting residents from the blocks and rehousing in accordance with the council's allocations policy, the payment of home loss and disturbance payments as appropriate and the commencement of negotiations for repurchase from leaseholders. Budgetary provision was set aside to meet the costs of this, and it was agreed to receive a report to consider the full business case for redevelopment.
- 2.3 This report outlines the process followed since then and presents the Business Case for consideration with recommendations set out above.

The Blackshots Tower Blocks

- 2.4 The three blocks, Morrison, Bevan and Keir Hardy Houses were constructed in 1966.
- 2.5 Previous reports have referred to the problems with the Blackshots tower blocks which have considerable problems with damp and mould and had been the subject of resident complaints and of both local and national political and media focus.
- 2.6 External refurbishment was considered but although this would address some immediate issues in respect of the external cladding system, ventilation of communal areas and weatherproofing, it was not able to address the overall design and layout of the properties which do not meet the requirements of today's modern living.
- 2.7 In addition, major works were required to the fixing of the external wall panels; roof covering, windows which are reaching the end of their technical life expectancy and the new regulatory framework required fundamental works to make the properties both safe and habitable. Although much of the work was technically possible, the costs were prohibitively expensive for both short and long-term solutions. Even with significant expenditure the properties were ultimately still sub-optimal and there was no absolute guarantee that some at least of the problems would not recur within the 30-year life-time of the project.
- 2.8 The blocks were not fit for purpose and need to be demolished. The principle of demolition was agreed by Cabinet in March 2023 and a Business Case for redevelopment was required.

3. Issues, Options and Analysis of Options

Commissioning of Business Case

- 3.1 The council sought tenders for multi-disciplinary consultancy services to carry out the design and development of the Business Case through the Crown Commercial Services Framework. The council's Procurement Officers gave advice and monitored the process. Following evaluation Avison Young, in partnership with Levitt Bernstein were appointed.
- 3.2 A procurement process was also held to identify an Independent Tenant Advisor to act as the advocate for the tenants and residents and to liaise between them and the council. Newman Francis were appointed to this role,
- 3.3 The key streams of work in developing the Business Case are:
- Development of design options to RIBA Stage 2 culminating in a preferred option to be taken to preapplication discussions with the council as local Planning Authority.

- Resident engagement and events to run alongside the design process.
- Planning strategy advice and support including co-ordination of pre-application meeting.
- Financial viability and cost consultancy advice to help inform design progression and financial modelling to support the council's analysis of the project.
- Preparation of a business case to inform Cabinet decision-making as to how to structure delivery of the redevelopment of the tower blocks.

The Business Case Process

- 3.4 The Business Case produced by Avison Young is attached at **Appendix 1** The following sections summarise and explain the process and considerations in arriving at the Business case and its conclusions.

Design

- 3.5 The very early indicative designs were prepared by Savills during the initial feasibility work and used to inform the decision to demolish and redevelop the blocks and to identify the development area. These were shown as Appendices to the Cabinet report in March 2023.
- 3.6 Levitt Bernstein reviewed the indicative designs, carried out site analysis, and examined the opportunities and constraints. They also reviewed any alternative sites, although this ultimately proved fruitless. There are no viable alternatives to the replacement sites proposed either through size, availability or lack of feasibility in planning terms.
- 3.7 Levitt Bernstein established masterplan principles and worked on both the north and south sites at Blackshots as an integrated development. After testing what might be possible on the sites and speaking to residents, they developed firmer options. These were narrowed down to a preferred option that was consulted upon with residents at the final engagement meeting in October. This option is shown in the plan at **Appendix 2**
- 3.8 In November 2023 early pre-application planning discussions were held with the council as planning authority. Useful feedback on the design was provided and given the current stage of the design these matters can be dealt with as part of the development of the design, for consideration in the normal planning process. Planning colleagues reiterated the need to demonstrate 'very special circumstances' for the use of the land within the green belt.
- 3.9 This remains a significant hurdle to overcome but positive feedback has been received and the next stage of the design process will need to dwell further on:
- The contribution of the 100% affordable scheme to meeting housing need
 - Contribution to the Borough's overall housing supply to which there is currently a shortfall.
 - The proposals to replace the tennis courts and multi use games area and the intention to significantly enhance the facilities.
 - The replacement and provision of additional Fields in Trust Land
 - The contribution of the proposal to design and visual appearance
 - Significant regeneration benefits and the development of brown field land as a result of the proposal

- 3.10 Subject to matters considered elsewhere in this report the strategy for design and planning from now will be to hand over to an appointed contractor to develop the design in accordance with the most deliverable and viable approach.
- 3.11 The current design has 258 homes split between the north site(78) and the south site (180) composed of 25 houses 10 bungalows, 217 flats and 6 maisonettes. The flats are to be constructed to a maximum of 6 storeys.

Engagement

- 3.12 A programme of four engagement events was held with local residents and stakeholders during the course of the summer in parallel with the design process. A total of 172 residents attended and 60 further comments were received on-line.
- 3.13 As well as showing residents the potential designs at each stage, a range of views was sought from residents concerning the blocks, the redevelopment and the area.
- 3.14 Key considerations from the engagement events were:
- Deliver homes with better energy efficiency standards.
 - Raise the standard of living and improve the local environment.
 - Mitigate and if possible, avoid the development of open space and Fields in Trust land.
 - Increase the quality of available play space and ecological diversity of the local area.
 - Address anti-social behaviour concerns.
 - Mitigate further pressure on the existing car parking provision within the area.

Key Strategic Objectives

- 3.15 Taking into account the views of residents, the existing policy framework, the matters raised in previous Cabinet reports and views expressed by a range of stakeholders the following objectives for this project were agreed as a basis to test and evaluate the options in the Business Case.

These were as follows:

- To vacate the current tower blocks to allow demolition to commence.
- To rebuild no less than the 168 existing residential units, providing high quality healthy housing and associated space that meets the needs of both existing and future residents.
- To deliver no net loss of affordable housing with an aspiration for those to be retained by the council.
- To lessen the financial implications for the council where possible and deliver value for money for the HRA.
- To manage risk exposure to the council.
- Ensure delivery outcomes reduce health and well being inequalities and promote health equity.
- To optimise the use of council land while having regard to the surrounding areas.
- To create and maintain a long-term social value legacy for the local community.

- 3.16 These have been considered and taken into account in examining the delivery options, the financial case and the approach to tenure.

Delivery Options and Approach

- 3.17 The Business Case considers four options for delivery of the proposals.

- Disposal of the site
- Self-delivery
- Development agreement
- Joint venture

- 3.18 In assessing these it is important to find the right balance between risk and reward, the desired level of control and the financial parameters affecting the scheme.

- 3.19 The four options have different advantages and disadvantages.

Disposal of the site

- 3.20 The council's do-nothing option if no other routes could work is to clear the site and leave it pending more favourable conditions. Alternatively, however it could choose to dispose of the site. The cleared site would be sold on the open market for the best consideration available. It is quick and straightforward, but the council has minimal control over the site thereafter, only exercising influence through planning and leading to a significant loss of affordable housing. This will include both timing of any development alongside community benefit, design quality and place making considerations. The council will have very limited ability to achieve its outcomes including guaranteeing the delivery of the numbers of homes and the affordable housing. The council will not achieve significant capital receipts and will not gain any long-term revenue benefits.

Self-delivery

- 3.21 Following detailed consideration in the Business Case, Avison Young recommend that self-delivery is the approach that is likely to respond best to the council's requirements and aspirations for the two parts of the site. While it carries risk in that the council has to fund this itself and bears the risk of cost increases, it gives the greatest control including the amount of affordable housing, speed of delivery and mitigates any lack of market interest. This is the recommended method of delivery.

Development Agreement

- 3.22 Development agreements are partnerships with a development partner for a delivery of a specific scheme usually with a defined land receipt. The legal agreements include detail regarding objectives and parameters for the development of a site generally with the intention that the development partner will seek planning permission. The developer takes on development and sales risk and prices this into the land payment to the council. Although this gives more control than a pure disposal this generally results in the planning system being the principal means of control, and the enforcement mechanism is breach of contract which is a blunt and somewhat ineffective mechanism. In the case of Blackshots, the limited value of the site to a developer given the amount of affordable housing required and the limited opportunity for market sale, precludes this being a worthwhile route.

Joint venture

- 3.23 This is a formal partnership with another party based on joint decision making and control over development. A legal entity is formed in which the council and its' partner take a share, in most cases on a 50:50 basis for risk, investment and reward. The council invests land as its equity investment which is matched by the partner with cash, and debt financing is used to deliver the rest of the funds needed for development. When development is done, returns are distributed to the partners as profits after debt finance is paid off. Joint ventures are complex and require a longer and more expensive procurement process to establish than the other routes considered. They are generally only attractive at large scale of 500 homes or more and as such this route is unlikely to be attractive to the market at Blackshots. They also require, as with the Development Agreement route, a viable scheme.
- 3.24 The Business Case document, which is structured in line with the general principles of HM Treasury Green Book considers the following factors at length:
- Strategic control of development
 - Speed of delivery
 - Market Interest
 - Risk
 - Governance
 - Council resource and expertise
- 3.25 It concludes that the self-delivery approach is the route that responds best to the council's parameters and best meets the requirements and aspirations. Although this carries significant cost risk, the market interest will be limited for the other options and this route gives speed of delivery and an enhanced level of control. It also enables certainty of delivery of affordable housing in the numbers required.

Procurement of main contractor

- 3.26 Having established that the self-delivery route is the best way forward the Business Case document considers whether the council should continue to undertake the role of development manager and in due course construction manager to the project. This is the role that the council has taken to date with the in-house team managing a multi -disciplinary team of technical consultants. The council could continue down this route but once planning was achieved does not really have the resources or skills to progress detailed designs and construction packages and this would undoubtedly require the procurement of further additional extra resources. It would also mean that the council continued to bear all cost risk throughout the contract, and it is likely to lead to a more expensive scheme. On the positive side, it would allow for immediate continued momentum once internal governance approvals were received.
- 3.27 However, the alternative and recommended option is to procure a main contractor, in this instance to support the planning process and thereafter deliver the construction contract. The contractor will take the lead in preparing the design and development proposals for planning, employing the design and technical consultants. Once planning is secured the Contractor can then move into the construction works, although the council does have the ability to reprocur post planning if problems became evident.

- 3.28 This route should secure cost efficiencies during the design stage, with efficient designs and value engineering securing greater value for money. The use of the contractors established supply chain should further enhance this. It also encourages a higher level of certainty that this is a market friendly scheme which a contractor will be prepared to deliver. After due consideration this is the preferred route which in addition brings in early resource to assist the council.
- 3.29 An indicative timetable is shown below giving a likely timescale for the procurement process of 6 months. This is based on the use of the Restricted Procedure under the Public Contracts Regulations 2015. It is likely that the procurement would start in advance of the commencement of the regime under the Procurement Act 2023, which is scheduled, but not certain, to begin in October 2024.

	Restricted Procurement	Framework Route
Procurement Stage	Indicative date	Indicative date
Publish tender docs	26 th April 2024	N/A
SQ Return	27 th May 2024	N/A
Invite short-listed applicants to tender	7 th June 2024	26 th April 2024
Tender Return	5 th July 2024	24 th May 2024
Notification of Result	26 th July 2024	14 th June 2024
Standstill period	27 th July – 5 th Aug 2024	15 th – 24 th June 2024
Expected award	3 rd September 2024	25 th June 2024
Contract commencement	15 th Oct 2024	30 th July 2024

- 3.25 The council will investigate the use of a Framework for procurement and if this is available it may reduce the time required to 4 months. This would potentially achieve an earlier successful planning permission in March 2025, rather than in June 2025. However, the council will need to confirm that there are appropriate frameworks with pre-qualified suppliers with the necessary skills and experience, and sufficient market interest given the current market context where development has slowed due to viability challenges. While contractors are looking to secure a pipeline of orders and this procurement may be timely, further soft market testing to ascertain the most suitable route may be appropriate.

Council Resources and governance

- 3.31 The council's work to date has been carried out through a core project team responsible for driving forward the day-to-day work of the redevelopment, and this has been supplemented by the technical consultants developing the Business Case and providing project management,

programming and risk assessment services. Individual workstreams on design, planning, viability and legal matters have delivered the work and supported the overall project. A council wide steering group has met to overview progress and to provide challenge and monitoring. There have been regular meetings both formal and informal with local ward members and the Portfolio Holder has received frequent briefings on progress.

- 3.32 In future the steering group and political engagement will continue and there will continue to be a dedicated project management function led by council in house resources.
- 3.33 The council's external advice needs will change from the multi-disciplinary consultant approach taken thus far. The council will require an employers' agent to deliver a successful procurement for the main contractor, and thereafter to administer the contract including valuation and final account.
- 3.34 It is likely that the council will also appoint a Clerk of Works to provide on site quality control during construction. A Principal Designer will definitely be required to discharge the council's Health and Safety obligations.
- 3.35 Although the main contractor will be responsible for the design team, progressing the design and preparing the planning application, there is merit in retaining client- side architectural advice to monitor design quality and to assist in protecting the integrity of the designs that have been worked on with residents to date.
- 3.36 The total cost of these services is estimated at circa £700,000. A budget has been identified for this from the Housing Revenue Account Capital Programme and authority is sought to appropriately procure the necessary resources and a delegation to the Corporate Director of Adults Housing and Health in conjunction with the Cabinet Member to award the necessary contracts.

Financial Considerations

- 3.37 The financial case for the Blackshots development is being produced in the context of the wider financial challenges faced by the council and its continued operation under a s114 notice and the requirement to work alongside Commissioners.
- 3.38 The Business case document carries out no financial analysis on joint venture options as it demonstrates that the market disposal route is not viable and joint ventures need a viable scheme to proceed.

HRA route

- 3.39 Within the self -delivery option discussed above it is proposed to use HRA debt finance to fund the development cost during the build period. It is intended that the debt will be refinanced to long term Public Works Loan Board rates after the build period. The calculations assume that the council can use Right to Buy receipts on 40% of eligible expenditure in line with current regulations.
- 3.40 There is an assumed interest rate of 3.5 % from April 2026. Operational expenditure is projected to grow at an average 2% over the life of the project which is in accordance with Council projections in the Housing Revenue Account Business Plan. The rental income

projection assumes income is frozen until April 2028 and is then projected to grow at 3% per annum. This is a simple projection based on the expected growth of HRA rents.

- 3.41 Rent levels are assumed at current Local Housing Allowance rates. Future increases in Local Housing Allowances have not yet been confirmed however Government has announced that these rates will rise from April 2024. This increase will benefit scheme finances and will be considered in future viability reviews. However we are not currently recommending firm alignment to Local Housing Allowance rates to allow for future flexibility depending on events.
- 3.42 Build costs have been subject to some volatility in recent years. In this model the costs are based on prudent market based assumptions available at exempt **Appendix 1a**. They are based on comparisons with the market available to Avison Young, forecasts of projected build cost inflation and taking into account a likely start on site in 2025.
- 3.43 Total development costs are projected as £21.5m on the north site and £47m on the south.
- 3.44 The viability of the scheme through the HRA is determined if the council can make a surplus net cashflow position over the 30-year HRA Business Plan on a net present value basis.
- 3.45 Cashflow is the rental income less operating expenditure and the servicing of debt interest. The analysis excludes the residual debt at the end of the 30-year HRA Business plan period which it is assumed as under current HRA regulations will remain.
- 3.46 The council has assumed a discount rate of 3.5% and the 30-year period commences on the date of the project start. A range of sensitivity tests have been run.
- 3.47 It is important to remember that a new development may be deemed deliverable even if a negative NPV is generated as it is legitimate to take into account whether the existing stock is making a positive or negative contribution to the HRA Business Plan. Where it is making a loss, a smaller loss has a positive effect on the HRA's business plan and the council could proceed on that basis. Even if the developments are in a negative position the council could still proceed with the development if it deemed itself to have capacity within the wider HRA Business Plan, although clearly this is not a position that can be taken on a repeated basis. Given the condition of the Blackshots blocks it is certain that these are having a negative impact on the HRA.
- 3.48 The Business case is predicated on 100% affordable housing to meet the much-needed requirements for affordable housing in the Borough.
- 3.49 Avison Young have produced a base case financial model which indicates that both the North and South sites at Blackshots have a net present value which is in surplus. In the case of the north site this is by more than a NPV of £3.5m and on the south site in excess of a NPV of £7.6m. This is the benefit to the HRA over a 30 year period.
- 3.50 After practical completion, under the current assumptions there is never a period where deficit is incurred before the cashflows come into surplus. Of course, this does depend on the assumptions used.
- 3.51 Increasing the base build costs by 10% reduces the surplus on both sites but over a 30-year period the schemes are still viable. Similar results occur if normal operating costs such as

regular costs as expenditure on day to day repairs and management (OPEX) is modelled at 3% rather than 2%.

- 3.52 If rental growth only occurs at 2% from 2028 then the surplus is materially affected; roughly halved. This means that in isolation the project would remain viable, but it is true that it could become unviable if a number of these sensitivities occurred together.
- 3.53 Rental growth is an important driver of viability for the HRA. Avison Young recommend that while they have assumed LHA levels for this analysis, the council does not peg rents to LHA levels in perpetuity. This will allow flexibility for rent rises should LHA levels be frozen and adversely affect financial sustainability.
- 3.54 As interest rates remain volatile due to economic uncertainty, interest rate sensitivity has also been modelled, reflecting the scenario where interest rates remained at higher rates for a longer period at 4.95%. At this point, both sites become unviable with a break-even figure of around 4.75%. This demonstrates that the viability of the project is sensitive to interest rates, but it also indicates that the scheme can cope with interest rates 1% in excess of projected Public Works Loan Board (PWLB) rates, which the Government may require due to the councils current position under s114. However, at 4.95% there is a deficit in absolute terms and a NPV deficit of £1.9m.
- 3.55 Other sensitivities are set out in the Business case and the option of a mixed tenure approach has also been modelled. While Avison Young recommend reviewing the tenure mix during the design stage, at present it does not produce as good a position as the 100% affordable scheme and is unlikely to be as resilient to changing financial factors due to market sensitivities and the risk profile for market housing on this site.
- 3.56 The conclusion of the financial consideration of the business case is that based on the current numbers and with the assumptions set out in the Business case the scheme is viable through the self-delivery route using the HRA. Cabinet is recommended to progress based on the findings of this Business Case.

Progress on clearance

- 3.57 At the time of writing 42 flats have been emptied and tenants relocated to alternative accommodation. This amounts to 25 % of the flats and leaves 114 households in council rented accommodation still to be rehoused. This is broadly on target with completion of the clearance by March 2025.
- 3.58 Terms have been agreed for the repurchase of 11 leaseholders flats in 10 of which the legal process for repurchase is under way, leaving one further flat for which terms are yet to be agreed.

Fields in Trust

- 3.59 The area of King George's Fields within the red line for development is designated as Fields in Trust. Where such land is used for development this has to be replaced. Meetings have been held with Fields in Trust and an area of Land identified as a potential replacement within the shaded area on the plan at **Appendix 3**. Discussions are being held with the present tenant of

the land as to the terms of its release. Such land on release would be designated as Fields in Trust land, landscaped and fitted with appropriate park and play equipment. It is planned that more land will be devoted to Fields in Trust than is the case at present.

Relocation of tennis courts/MUGA

- 3.60 The financial appraisal of this scheme includes a sum for the replacement of the existing tennis courts and games area currently within the red line for development. This relocation will include an upgrade of facilities and a significant enhancement of the quality of facility available.
- 3.61 The council's leisure services have been involved in the steering group since the outset and have recently had preliminary discussions with the council's leisure provider concerning the site for relocation and potential management arrangements. It is premature to finalise this until further discussions on the council's future leisure strategy have taken place but there is both a willingness to manage the courts and to relocate them nearer the leisure centre giving benefits of increased supervision and overlooking. Further consultation with residents is also required.
- 3.62 By way of example however, Appendix 4 shows an indicative location for the courts and games area in future.

Telecommunications

- 3.63 There are a number of telecommunications masts located on the roof of the blocks, operating under various legal regimes. Advice has been taken on the implications of these and discussions will be held with the operators concerning their relocation. Appropriate legal processes will be commenced as necessary.

Next steps and Programme

- 3.64 With Cabinet's agreement of the next steps in this report the next steps will be to procure the council's advisers for the next stage and to begin preparations for procurement of the main contractor.

An indicative programme at this stage would have the following:

- | | |
|-----------------------|-------------|
| • Vacant Possession | March 2025 |
| • Planning Submission | March 2025 |
| • Contractor on Site | Autumn 2025 |
| • Contract completion | May 2028 |

4. Reasons for Recommendation

- 4.1 This report with accompanying documents and recommendations builds on the Cabinet reports of March 2023 and December 2023 and is made to seek Committee's comments on progressing the Scheme for the redevelopment of Blackshots tower blocks.**

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

- 5.1 As noted above engagement events took place with residents over the summer and they have been involved with the design of the replacement homes to date and their views taken into consideration.

Further Consultation

- 5.2 Dialogue is continuing with the residents and neighbours of the site. The Independent Tenant Adviser continues to engage with and be available to residents to increase understanding of the project and of residents' options. Further drop -in sessions have been held during January and these will continue.
- 5.3 The council is increasing its' presence on site and further information and opportunities for residents will be available.
- 5.4 Appropriate pages on the council web site are now under development.
- 5.5 When a contractor is appointed to take this project forward they will be charged with ensuring continued liaison and consultation with residents, particularly with regard to design and public realm options.

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

- 6.1 The development of housing aligns closely with the council's Vision and Priorities adopted in 2018. In particular it resonates with the "Place" theme which focuses on houses, places and environments in which residents can take pride. As the council's new plans and priorities emerge it is likely that the provision or facilitation of good quality accommodation for residents with the benefits that provides will continue to be a key priority.
- 6.2 In terms of the 'prosperity' theme the council is seeking to deliver opportunities for businesses and skills and job opportunities for all. During the construction phase of any development there will be opportunities for education, training and employment. Contractors social value offer will be considered during the procurement process.
- 6.3 The redevelopment of these properties also supports or has regard to the following policy documents which are particularly relevant to the council's efforts to meet housing need in the Borough and to improve health and well- being.
- Thurrock Council Housing Strategy 2022-2027
 - South Essex Strategic Housing Market Assessment June 2022
 - Thurrock Joint Health and Well- Being Strategy 2022-2026

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Assistant Director for Strategic and Corporate Finance

13 February 2024

The business case considers options on delivery routes for the redevelopment of Blackshots Estate and identifies the self-delivery route via the HRA as preferred. Tenure mixes of the accommodation types to be provided were considered and 100% affordable housing was selected as the most suitable option that meets the council's objectives.

The preferred option (base case) is expected to deliver 78 property units on the North site and 180 property units on the South site. The provision on the North site represents a split of 63% (49 units) and 37% (29 units) between current affordable housing provision and additional affordable housing provision while the provision on the South site represents a split of 59% (107 units) and 41% (73 units) between current affordable housing provision and additional affordable housing provision.

This project is reliant on the Secretary of State granting Thurrock Council the permission to borrow as borrowing represents a significant part of the funding. Thurrock Council has submitted a request to the Secretary of State (DLUHC) for special dispensation to borrow from the PWLB to fund development schemes.

The business case adopts a two-prong strategy around borrowing to finance the project. It intends to undertake short-term borrowing to finance the development and once completed, to undertake long-term borrowing over at least 30 years which ensures better rates based on the estimated duration of the refinance.

The total development cost of the North site is estimated at £21,215,082 and with projected 1-4-1 Right to Buy (RtB) receipts of £3,064,469 applied on additional units leaving the net cost to be refinanced as £18,150,614. The total development cost of the South site is estimated at £47,194,808 and with projected 1-4-1 RtB receipts of £6,494,835 applied on additional units leaving the net cost to be refinanced as £40,699,973.

The surplus on the North site based on a 30-year period is estimated at £7,289,258 with NPV being £3,575,104 while the surplus on the South site based on a 30-year period is estimated at £15,700,390 with NPV being £7,669,769.

The business case relies on several assumptions that informs critical variables within the financial model.

An interest rate of 4.5% has been applied on the initial borrowing requirement for both sites development while 3.5% has been applied to the £58,850,587 to be refinanced under PWLB long term borrowing. The 4.5% reflects the short-term PWLB projected rate at the time development should commence (around June 2025) while the 3.5% reflects the PWLB projected rate at refinance on completion of development (around December 2026). Acknowledging the potential volatility of interest rates, sensitivity analysis has been undertaken and the modelling indicates the breakeven interest rate on the long-term borrowing as circa. 4.75% if NPV is used as the measure of viability.

Build cost is a variable that reflects movement in the construction market.. A sensitivity of 10% increase in cost was modelled with all other variables in the base case remaining the same and this still indicated significant surplus.

Sensitivity analysis have been undertaken to understand the impact of changes on some other variables such as: OPEX increase, rental growth freeze/stagnation.

The preferred option (base case) which is 100% affordable housing provision on both the North and South sites of Blackshots Estate appears viable subject to the assumptions / variables contained within it. Whilst volatility risks of some of the variables exists, the impact of these have been tested as part of the sensitivity analysis undertaken.

The key variables and assumptions will be continually monitored up till approval to proceed is given.

The council's five-year capital programme budget which is to be consider by Cabinet and Full Council in February and March 2024 has a budget of £70.385m earmarked against Blackshots Redevelopment.

The £700K required to fund the procurement of relevant advisers to assist the council in delivering and managing the proposed development can be funded within the HRA General Reserves as the current balance is sufficient to defray this cost. The request to drawdown on this amount will only be made at year-end subject to the HRA revenue account not being able to accommodate the cost incurred in the relevant financial year.

7.2 Legal

Implications verified by: **Godwin Mangse**
Interim Principal Lawyer Housing & Litigation – Legal Services
13.02.2024

Section 1(1) of the Localism Act 2011 introduced the “general power of competence” for local authorities, defined as “the power to do anything that individuals generally may do” and which expressly includes the power to do something for the benefit of the authority, its area or persons resident or present in its area”. The generality of the power conferred by subsection (1) is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power. Therefore, this power may be relied on to carry out the redevelopment of the Blackshots tower blocks as recommended in this report.

The Council's objectives for the redevelopment of the Blackshots tower blocks are described in this report and its main purpose is not investment within the meaning of section 12 of the Local Government Act 2003. The purpose is to provide 100% affordable housing that is viable and deliver 258 units with long-term public benefit. As such, the Council is not under an obligation to have regard to statutory guidance on the exercise of investment powers under the Local Government Act 2003.

Accordingly, Cabinet is advised that the adoption of the recommendations is within the powers of the Council.

In reaching a decision, Cabinet members should consider whether resultant expenditure (and other financial consequences) is prudent, having regard to the Council's general fiduciary duties. It must also reach a decision by reference to all relevant considerations, disregarding irrelevant ones, and be satisfied that the recommended course of action is a rational course of

action for the Council. The Report details the justification for the redevelopment of the Blackshots tower blocks including the financial implications involved.

Procurement of contractors and advisors and any subsequent contract awards should be in accordance with the Council's constitution, Procurement and Contract award procedures and relevant law.

The Council is required to have regard to the Public Sector Equality Duty (PSED) when making decisions. The PSED is set out in Section 149 of the Equality Act 2010 to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The section below refers to the Council having undertaken a Community Equality Impact assessment and member should consider whether the proposals in the report will have a disproportionately adverse impact on any people with a particular characteristic.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer –
Adults, Housing and Health

6 February 2023

All information regarding Community Equality Impact Assessments can be found here: <https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

A full Community Equalities Impact Assessment is attached as Appendix 5.

The approach to monitoring this is set out within the document and the document will be continually refreshed. It is likely that the next review will be in the spring of this year.

7.4 Risks

There are several operational and financial risks to note. These include:

Risk	Mitigation	Risk Rating
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Impact of Right to Buy (RTB) sales on newly constructed homes.	Discount under the Right to Buy cannot reduce the sale price below the cost of construction for the first 15 years after the building is completed	Low
Successfully achieving planning permission	Pre-application planning discussions advise that as the design develops outstanding matters for review can be dealt with as part of the in the normal planning process. A significant hurdle remains to be overcome with regard the need to demonstrate 'very special circumstances' for the use of the land within the green belt which will be the focus of the next stage on design.	Medium
Accelerating building construction industry inflation	Sensitivity of 10% increase in cost was modelled with all other variables in the base case remaining the same and this still indicated significant surplus.	Low
Risk of changes that reduce Local Housing Allowances (LHA) thereby reducing income	LHA rates have recently been increased which would increase viability which are not yet factored into the business plan.	Low
Increasing borrowing rates from the Public Works Loan Board	Sensitivity testing has been undertaken which demonstrate the project remains viable where long term borrowing is no more than 1.25% in excess of projected rates	Medium
Government permission to borrow not achieved.	This project is reliant on the Secretary of State granting the council the permission to borrow as borrowing represents a significant part of the funding. The council has submitted a request to the Secretary of State (DLUHC) for special dispensation to borrow from the PWLB to fund development schemes.	High

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

Health Inequalities

The provision of modern fit for purpose housing, free from the problems affecting these blocks will be a step towards combatting health inequalities. This approach is consistent with the Council's Health and Well-Being Strategy 2022-2026

Crime and Disorder

Both previously, and during the consultation on the development of this business case there have been some complaints of anti-social behaviour around the estate, including the existing blocks and the interface with King George's Fields. The proposed future designs incorporate high quality design to minimise crime and anti-social behaviour. As the design progresses this will be further reinforced.

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):

- Blackshots Estate – Proposals for the Way Forward – Cabinet December 2022
- Blackshots Estate – Demolition and Redevelopment - Cabinet March 2023
- Available at <https://www.thurrock.gov.uk/committees-meetings-minutes>

9. Appendices to the report

1. & 1a Blackshots Estate Renewal – Strategic Outline Business Case – Avison Young (**Exempt**)
A public appendix 1 is attached
2. Plans of preferred option for consultation – Levitt Bernstein
3. Indicative plan of replacement tennis courts and games area
4. Plan of potential replacement Fields in Trust Land
5. Community Equalities Impact Assessment

Report Author:

Julian Wain

Strategic Place Adviser

Adults Housing and Health



Thurrock Council

Blackshots Estate Renewal - Strategic Outline Business Case

March 1, 2024

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Appendices

Appendix I Sub heading

Report title: Blackshots Estate Renewal – Strategic Outline Business Case

Prepared by: Kimberley Grieveson & Ishdeep Bawa

Contributors: Alexandra Curran, Ella Barron, Ed Goodall

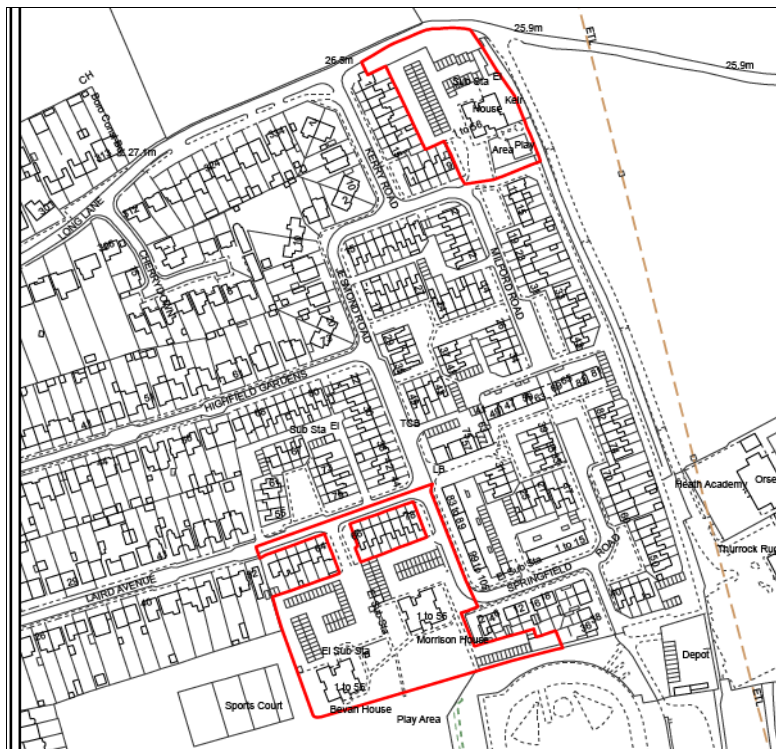
Status: Final

Draft date: 1 March 2024

For and on behalf of Avison Young (UK) Limited

1. Introduction and Context

- 1.1 The subject of this Business Case is the proposed redevelopment of the three Council owned tower blocks which were constructed in the 1960s.
- 1.2 The subject blocks are set out below:
- 1.2.1. Keir Hardy House which is located to the north of the estate and contains 56 homes arranged on 12 storeys. The following flats have been acquired by tenants under the right to buy scheme; numbers 4 (inc garage), 7 (inc garage and shed), 12 (inc garage and shed), 32 (inc parking space), 37, 41, 42. All remaining homes are held within the Council's Housing Revenue Account (HRA).
- 1.2.2. Morrison House & Bevan House are located to the south of the estate and are adjacent to one another. Individually the blocks contain 56 homes arranged over 12 storeys. The following flats have been acquired by tenants under the right to buy scheme; numbers 4 and 11 within Bevan House and numbers 27, 32, 37 (inc garage) within Morrison House. All remaining homes are held within the Council's HRA.
- 1.2.3. Collectively these are 168 homes across the blocks and are referred to as the 'Properties'.



- 1.3 The existing tower blocks have considerable problems with damp and mould with complaints to the Council being the highest across any other tower blocks within their ownership.
- 1.4 Some external works have been undertaken to address the immediate issues in respect of the external cladding systems, ventilation of communal areas and weatherproofing but these works do not deal with ongoing issues over design, layout and inherent defects.

- 1.5 A report was produced in August 2022, by Pellings, on behalf of Thurrock Council to review the existing cladding. Within the report, CHPK Fire Engineering provided a desktop fire risk review of the external wall and ARC Engineers were commissioned to assess the implications of existing rainscreens being removed. The report assessed options for managing and maintaining the tower blocks for a period of up to 5 years through to the end of 2026, particularly in relation to fire and structural safety of the external envelope of the buildings.
- 1.6 The report confirmed that the existing cladding had defects which pose safety hazards and does not comply with current fire regulations. The following ongoing issues have been identified:
 - 1.6.1. The existing external wall system does not conform to current building regulations
 - 1.6.2. Improvements are required to the smoke ventilation systems on individual landings
 - 1.6.3. The roof coverings and windows are reaching the technical end of their life expectancy
- 1.7 Within the March 2023 report to Cabinet the following position was summarised; ‘...these blocks are not fit for purpose and need to be demolished so that good quality accommodation can be provided for the benefit of the Borough’s residents. Refurbishment would produce a sub-standard product at old fashioned design standards, with no firm guarantee that the blocks would last the 30 years of the HRA Business Plan.’
- 1.8 A Cabinet decision in March 2023 resolved to vacate the existing blocks, to make payment to displaced residents and to serve initial demolition notices. Specifically, the following recommendations were approved:
 - 1.8.1. The proposed site area for developing proposals for the future of the Blackshots Estate
 - 1.8.2. Commencement of decanting residents from these properties and the treatment of these residents in line with the Council’s allocations policy.
 - 1.8.3. Payment of home loss and disturbance payments as appropriate
 - 1.8.4. Approval to commence negotiation with leaseholders for the repurchase of properties with approval to complete purchase delegated to the Corporate Director Adults Housing and Health and Chief Financial Officer in consultation with the Director of Place and the Portfolio Holders for Finance, Housing and Growth.
 - 1.8.5. Subject to further Cabinet approval the use of Compulsory Purchase Powers under s226 Town and Country Planning Act 1990 should this become necessary.
 - 1.8.6. In view of the decant and leasehold repurchase decisions, no dwellings within these three blocks shall be re-let.
 - 1.8.7. Service of a demolition notice under Section 138B and Schedule 5A of the Housing Act 1985 which will confirm the Council’s intention to demolish the buildings and suspend the obligation on the Council to complete right to buy applications on the three tower blocks in question.
 - 1.8.8. Approval to negotiate and settle any statutory compensation claims made by residents as a result of the service of the Initial Demolition Notice
 - 1.8.9. Approval to establish a budget of £2.7m to meet the costs of purchase of leasehold interests

- 1.8.10. Agree to receive a report in December 2023 to consider the full Business Case for redevelopment of the site and determine the most appropriate financial option at that time.
- 1.9 This Business Case provides the rationale and basis for the Council to make decisions in respect of the redevelopment of the site once cleared and has regard for how the options available to the Council accord with existing Vision, Policies and Objectives.
- 1.10 This Business Case assumes that the decision to demolish the existing blocks does not require re testing and focuses on the redevelopment options available to the Council post demolition. These include a 'do nothing' option which would see no further action beyond demolition as a baseline and then also tests a number of potential redevelopment options across the two 'sites'.
- 1.11 In the development of this Business Case, we have worked with the Council to refine the project objectives and analyse prospective delivery options and have also undertaken financial analysis to demonstrate the potential implications of delivery solutions on the Housing Revenue Account (HRA).
- 1.12 To inform this Business Case, Avison Young (AY) and architects Levitt Bernstein (Levitts) (collectively the Core Consultants) were appointed by the Council to assist with design, financial modelling and delivery advice. Newman Francis were subsequently appointed as Independent Tenant & Leasehold Advisor and Browne Jacobson were appointed to provide legal advice.
- 1.13 A summary of the Core Consultants' workstreams is set out below:
- 1.13.1. Development of design options to RIBA stage 2 culminating in a preferred option to be taken to pre-app with the Council as Local Planning Authority
- 1.13.2. Resident engagement and events to run alongside the design process
- 1.13.3. Planning strategy advice and support including co-ordination of pre-app meeting
- 1.13.4. Financial viability and cost consultancy advice to help inform design progression and financial modelling to support the Council's analysis of the project
- 1.13.5. Preparation of a business case to inform Cabinet decision-making as to how to structure delivery of the redevelopment of the tower blocks.
- 1.14 This Business Case, is structured in line with the general principles as set out in the green book to provide a structured approach to ensure that the decisions to proceed with the Blackshots redevelopment are made having given due consideration to the implications and outcomes that will result from the design. As such the business case is prepared with the following chapters:
- 1.14.1. **Strategic Case** – Sets out the rationale for intervention.
- 1.14.2. **Delivery Options** – undertakes an options appraisal and the identification of the preferred option.
- 1.14.3. **Commercial Case** - focuses on the deliverability of the preferred delivery approach including the procurement approach and attractiveness to the market.
- 1.14.4. **Management Case** – considers the governance and management arrangements needed to support the successful delivery of the project.

2. Strategic Case

- 2.1 The following section provides a summary of the relevant policy and vision documents that provide the Council with the context for decision making, provides site context in brief and sets out the process through which the Council has set the Objectives for this project.
- 2.2 Whilst Cabinet have already made certain approvals as detailed at Section 1.7 the next stage of this project continues to be set in the context of wider Council strategies and that there is alignment with both existing and emerging policies.
- 2.3 In particular any future decision in respect of the redevelopment of these Properties will need to have regard for:
- 2.3.1. Vision and priorities for Thurrock (adopted January 2018)
 - 2.3.2. Thurrock Council Housing Strategy 2022 – 2027
 - 2.3.3. South Essex Strategic Housing Market Assessment June 2022 (SHMA)
 - 2.3.4. The existing and emerging Local Plan
 - 2.3.5. Thurrock Joint Health and Wellbeing Strategy 2022 - 2026
 - 2.3.6. The HRA Business Plan
 - 2.3.7. Community Equality Impact Assessment
- 2.4 2.4 The relevance of these documents and vision statements is considered in turn below:

Vision and Priorities for Thurrock

- 2.5 The Council's priorities in respect of **'People'** are relevant to this Business Case and in particular creating a borough where people are proud to 'play, live and stay.' Further, the Council is seeking to improve health and wellbeing and to create safer environments for residents.
- 2.6 In respect of **'Place'** the Council is seeking to develop 'roads, houses and public spaces that connect people and places and to create 'clean environments that everyone has a reason to take pride in'.
- 2.7 In respect of **'Prosperity'**, the Council is seeking to deliver opportunities for businesses and skills and job opportunities for all. Although not directly relevant to the case for housing delivery, there may be a number of opportunities for education, training and employment through the construction phase of any development which should not be lost sight of.
- 2.8 We consider that the demolition of the existing poor quality homes and the re-provision of new fit for purpose homes accords with these priorities.

Thurrock Council Housing Strategy 2022 – 2027

- 2.9 The overarching principle of the Housing Strategy is that 'everyone should have access to a safe, stable, secure and suitable home.' This principle reinforces the Council's decision to serve initial demolition notices in respect of the tower blocks owing to concerns over the suitability and safety of these existing properties. It also supports the argument to redevelop housing on the site of these blocks following demolition as this will increase the number of future homes available to help more people access suitable housing.

- 2.10 If the Council does not redevelop housing following demolition, as a minimum this will remove 168 homes from the Borough; of which 156 are of affordable tenure. If the Council is minded to deliver a new scheme in excess of 168 homes then this would help to provide even more housing into the Borough.
- 2.11 The Council is currently 'decanting' its tenants from these existing blocks which is placing increased pressure on its remaining housing stock and placing those other residents in need of housing further down the Housing Waiting List which will likely result in people remaining in temporary housing solutions (which are often unsuitable and brings additional costs to the council) for longer periods of time.
- 2.12 It is also important to note that the Borough has the fifth lowest ratio of council-owned to RP owned dwellings for stock-retaining local authorities in England and as such there is increased pressure on the Council directly to deliver more affordable homes as it is seen as the primary provider of affordable accommodation within the Borough.
- 2.13 Specifically the following elements of the Housing Strategy are relevant to this Business Case:
- 2.14 **To Meet Housing Need** Thurrock Council have developed a strategy called 'To Meet Housing Need' to ensure that the right homes are delivered in Thurrock based on household needs. During the engagement and development of the strategy, residents cited affordability as being one of the most significant barriers to securing suitable accommodation within the Borough. As a response to this, it is expressly stated that the Council 'will deliver and refresh the council's housing development programme in order to identify new opportunities to provide at least 500 new social homes for rent by 2027.'
- 2.15 Estate Regeneration is seen to present an opportunity to address issues of health inequality and also to provide the potential to increase housing provision on site to deliver 'new and better' housing. The document expressly references the stock condition issues with the Blackshots Towers as have already been outlined within this Business Case and makes the following commitments.

What?	How?	Impact?
<p>We will deliver the major regeneration projects at Blackshots, CO1 and Teviot Avenue to provide modern, sustainable homes that are fit for the future</p>	<p>We will progress and deliver the regeneration of Blackshots, Civic Offices 1 and Teviot Avenue, delivering up to 373 new homes</p>	<p>Residents in Blackshots and Teviot Avenue will be supported to move into good quality homes that eliminate the current issues experienced in those locations, with new housing opportunities for residents across the borough at CO1</p>
<p>We will embed resident engagement in estate regeneration in order to deliver projects that meet local needs</p>	<p>We will work closely with our residents to understand their priorities, identify required estate improvements, and progress opportunities for new housing to transform and enhance neighbourhoods</p>	<p>Residents will have direct input, influence and opportunity to shape future council-owned developments and ensure that they meet their needs and priorities</p>
<p>We will target the regeneration approach in order to maximise the value of housing assets</p>	<p>We will undertake full stock appraisals of assets where property archetypes continue to present challenges due to age or build type or where land redevelopment could offer opportunities to improve stock and provide better value for money</p> <p>We will ensure these appraisals consider, need and demand, and social, economic and neighbourhood sustainability factors</p> <p>We will use these appraisals to inform and recommend future programmes of investment or redevelopment to address identified issues</p>	<p>Residents will be assured that new developments offer value for money, are financially viable and can be delivered</p>

- 2.16 Further, it is stated that, ‘remediation works would prove costly and only extend the life of accommodation that had already been identified as falling short of meeting the needs and expectations of tenants and modern day living. In the longer term, the proposals to redevelop these sites (and others in the future) will deliver new homes and neighbourhoods meeting higher quality standards, with modern technology built-in to maximise thermal and energy efficiency. These outcomes will directly benefit the residents that will live in these homes in the future, improving general health and wellbeing and reducing the risk of experiencing fuel poverty.’
- 2.17 This statement creates a clear commitment on the part of the council to bring forward redevelopment on the site of the Properties and not proceeding with this redevelopment project would be contrary to the statements made within the council’s current Housing Strategy.

Thurrock Joint Health and Wellbeing Strategy 2022 - 2026

- 2.18 There is significant overlap between the Health and Wellbeing Strategy and the Housing Strategy with both documents seeking to drive forward positive improvements to the health and wellbeing of Thurrock residents.

- 2.19 Within the Health and Wellbeing Strategy, there is a particular focus on addressing health inequalities across six key themes, one of which is 'housing and the environment', based on the premise that access to 'safe, secure, stable, warm and affordable homes provide people with a solid foundation upon which they can better protect their health and support wellbeing.'
- 2.20 There are a number of goals identified within this document which support this strategic case for redevelopment at Blackshots:
- 2.20.1. Goal 5A - Reduce homelessness and increase the supply of affordable housing in Thurrock
 - 2.20.2. Goal 5B - Facilitate and encourage maintenance of good quality homes in Thurrock to support the health of residents, protecting them from hazards such as cold, damp and mould
 - 2.20.3. Goal 5D. Regeneration and future developments will seek to improve physical and mental health, reduce exposure to air pollution and to build community resilience and reduce antisocial behaviour
- 2.21 We consider that these goals support the case for redevelopment of the subject properties.

Thurrock Local Plan

- 2.22 Thurrock Council is currently preparing a new Local Plan for the borough. The new Local Plan will help create the conditions for places within the borough to change, grow and adapt over the next 15-20 years.
- 2.23 One of the main aims of the new Plan will be to try and ensure that housing needs are met in full – the South Essex Housing Needs Assessment indicated that 23,320 new homes need to be built within the borough by 2040. Over the last few years, the Local Plans Team have been evaluating and assessing potential development sites – this work has indicated that there are not enough developable sites within the built-up area to meet the Borough's needs in full which is why the team have been actively exploring potential sites in the green belt to determine which sites/potential growth areas would deliver the biggest benefits to local communities.
- 2.24 At Full Council on 6th December Councillors agreed a 9-week consultation period for the Initial Proposals document (Regulation 18). The Purpose of the initial proposals document is to enable a more focussed conversation with communities and other stakeholders like local businesses and statutory consultees. This document will set out initial proposals for potential policy directions and growth areas alongside reasonable alternatives.

South Essex Strategic Housing Market Assessment June 2022 (SHMA)

- 2.25 The SHMA provides an assessment of the scale and mix of housing and the range of tenure types which will be required over the duration of the Local Plan period. It reinforces the need for housing delivery of all types. The key findings of the SHMA are:
- 2.25.1. A need to deliver at least 1,181 dwellings per annum throughout Thurrock
 - 2.25.2. This need is split as follows:
 - 1 bed – 13%
 - 2 bed – 26%
 - 3 bed - 41%

4+ beds – 20%

2.25.3. Analysis of Councils' housing registers indicates that 5,629 households in South Essex are currently in need of affordable housing with 676 applications in Thurrock. Further, future need for affordable housing projects a 'new gross need' of 830 affordable homes per annum. Combining these figures provides for a projected annual gross need of 866 affordable homes per annum over the period to 2040.

2.25.4. Within Thurrock, there is a projected supply per annum of 418 affordable homes indicating a shortfall of 448 homes.

2.25.5. Across Thurrock the type of affordable need is split as follows with a clear demand for more 1 and 2 bedroom units:

1 bed – 56%

2 bed – 32%

3 bed – 7%

4+ beds – 5%Dd

2.26 The SHMA reinforces the need for additional homes of all tenure types across the Borough and identifies a significant projected shortfall in affordable housing delivery. Through redeveloping the subject properties to deliver new homes the Council is responding to the findings of the SHMA.

2.27 It will be important that the final mix of units delivered is reflective of the Council's evidenced need at that point, noting that requirements constantly shift.

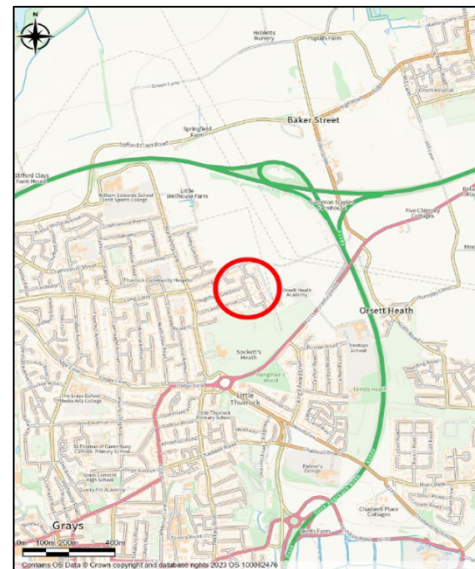
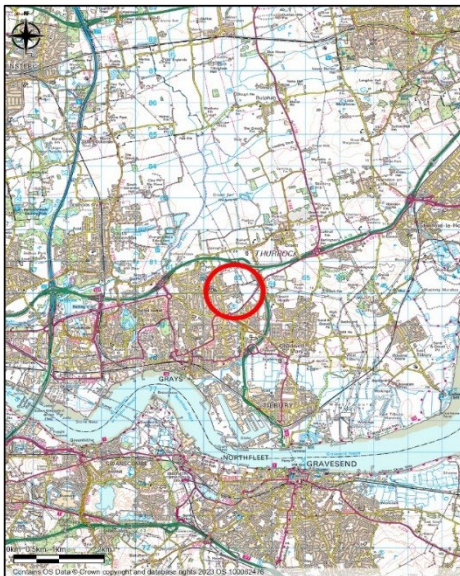
The Subject Properties

2.28 The graphics below note the location and situation of the Blackshots Estate.

2.29 The wider estate is located within the Borough of Thurrock, in South Essex. Thurrock is located to the north bank of the River Thames and lies approximately 20 miles to the east of London.

2.30 The tower blocks which form the subject of this Business Case are located within the wider Blackshots estate which was built by the Council in the 1960s and is largely dominated by two storey semi detached and terraced housing where there have been high levels of Right to Buy penetration. In their current form the 12 storey tower blocks' height is inconsistent with the surrounding housing density.

2.31 In addition to housing there are a range of sports and recreation facilities in the immediate vicinity including Thurrock Rugby Football Club, Blackshots leisure centre and Blackshots Athletics stadium and there are large areas of open space immediately surrounding all three towers.



2.32 The Towers comprise:

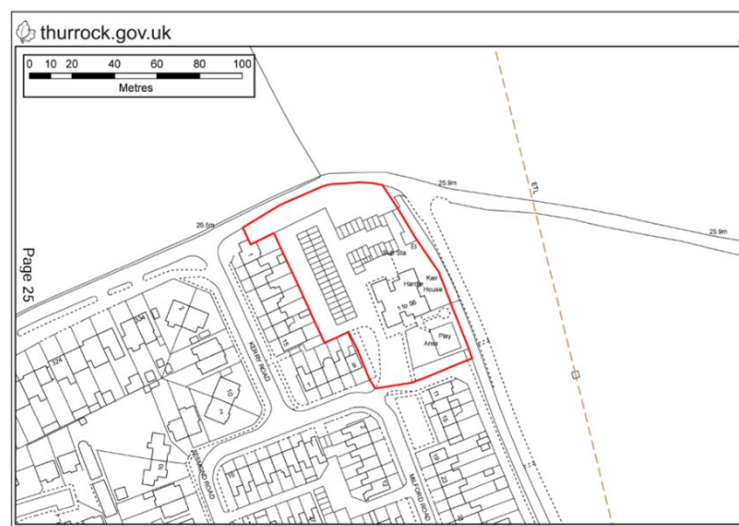
2.32.1. Morrison House, Jesmond Road, Grays, Essex, RM16 2NR;

2.32.2. Bevan House, Laird Avenue, Grays, Essex, RM16 2NS

2.32.3. Keir Hardie House, Milford Road, Grays, Essex, RM16 2QP.

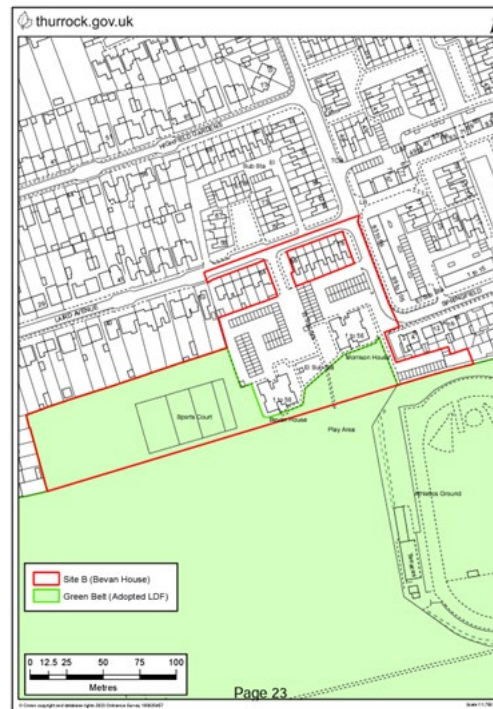
2.33 The Towers are sited on two parcels of land with the northern part comprising Keir Hardie House and the southern part comprising Morrison House and Bevan Houses together with land containing leisure and sports facilities to the north of King George’s field.

2.34 The red line development boundary was approved in March 2023 Cabinet (derived from early scoping works carried out by Savills), and is shown in the figures below:



Northern Site Boundary (Keir Hardy House)

Source: Blackshots Estate – Demolition and Redevelopment Cabinet Report March 2023 Appendix 2



Southern Site Boundary (Bevan & Morrison Houses)

Source: Blackshots Estate – Demolition and Redevelopment Cabinet Report March 2023 Appendix 2

- 2.35 As shown in the diagram above, the Southern boundary includes the use of land currently designated as Green Belt and is subject to the progress and outcome of the green belt review associated with the draft local plan.
- 2.36 Further, King George’s Field benefits from Fields in Trust protection meaning that it is designated for use as green space into perpetuity and any redevelopment of this land would require agreement and suitable reversion of green space. This is considered within greater detail in the Commercial Case Section of this report.

Objective Setting

- 2.37 In the development of Project Objectives we have had regard for:
- 2.37.1. The Council’s Visions and Priorities (2018)
 - 2.37.2. Cabinet Decisions
 - 2.37.3. The outcomes from the Consultation and Engagement events
 - 2.37.4. The Objective Setting Workshop (held with Officers in August 2023)

The Council’s Visions and Priorities (2018)

- 2.38 We outline below the Council’s Vision & Priorities adopted in 2018. This provides an overarching framework for the strategic objectives to align to. It was noted in the Objective Setting Workshop that the corporate objectives are being reviewed and may change in due course, however, they remain the primary framework at the time of writing.

Corporate Priority	
<p><u>People</u> A borough where people of all ages are proud to work and play, live and stay</p>	<ul style="list-style-type: none"> • High quality, consistent, accessible public services • Build on partnerships to improve health and wellbeing • Communities empowered to make choices, be safer, stronger together
<p><u>Place</u> A heritage-rich borough which is ambitious for its future</p>	<ul style="list-style-type: none"> • Roads, houses, public spaces that connect people and places • Clean environments to take pride in • Fewer public buildings with better services
<p><u>Prosperity</u> A borough which enables everyone to achieve their aspirations</p>	<ul style="list-style-type: none"> • Opportunities for businesses/investors to enhance local economy • Vocational & academic education, skills, job opportunities • Commercial, entrepreneurial and connected public services

2.39 It is noted that the development of housing aligns closely with the ‘Place’ priority which focuses on houses, places and environments in which residents can take pride.

Considerations from Approved Cabinet Papers:

2.40 There have been a number of Cabinet Papers and associated decisions in relation to this project and we consider the below are relevant to setting objectives for the next stages of the project.

2.40.1. Replace at least a similar number of rented properties with an affordable housing product

2.40.2. Create healthier housing and associated space

2.40.3. Commitment to consult with residents and appoint an Independent Tenant Liaison Advisor (ITLA)

Consultation and Engagement Events

2.41 A number of wider considerations have been noted throughout the engagement and consultation period with residents, with a detailed summary of the engagement process and outcomes from this contained within the Commercial Section of this Business Case.

2.42 Collectively these considerations and the outcomes from the workshop feed into the Project Objectives.

Considerations from the Engagement/ Consultation Process:

2.42.1. Deliver homes with better energy efficiency standards

2.42.2. Raise the standard of living and improve the local environment

2.42.3. Mitigate and where possible avoid development of open space and in particular Fields in Trust Land

2.42.4. Increase the quality of available play space and ecological diversity of the local area

2.42.5. Address Anti-social behaviour (ASB) concerns

2.42.6. Mitigate further pressure on the existing car parking provision within the area

Key Aims from the Objective Setting Workshop

2.43 The following key aims were articulated by Officers within the Objective Setting Workshop

2.43.1. To swiftly vacate the existing blocks, providing Council tenants with homes which are fit for purpose

2.43.2. Following vacant possession, to expedite demolition (Project Phase 1) due to health and safety imperative

2.43.3. To agree a delivery solution which secures best value to the Council and lessens the financial impact over the life of the HRA business plan

2.44 Council Officers articulated and agreed upon a set of objectives to achieve these aims. These objectives are noted below. They appear in no particular order of priority due to the difficulty associated with balancing needs.

Key Strategic Objectives

2.44.1. To vacate the current tower blocks which will enable demolition to commence

2.44.2. To rebuild back no less than the 168 existing residential units, providing high-quality healthy housing and associated space that meets the needs of both existing and future residents

2.44.3. To deliver no net loss of affordable housing with an aspiration for these to be retained by the Council

2.44.4. To lessen the financial implications for the Council where possible and deliver value for money for the HRA

2.44.5. To manage risk exposure to the Council

2.44.6. Ensure delivery outcomes reduce health and well-being inequalities and promote health equity

2.44.7. To optimise the use of Council land whilst having regard to the surrounding areas

2.44.8. To create and maintain a long-term social value legacy for the local community

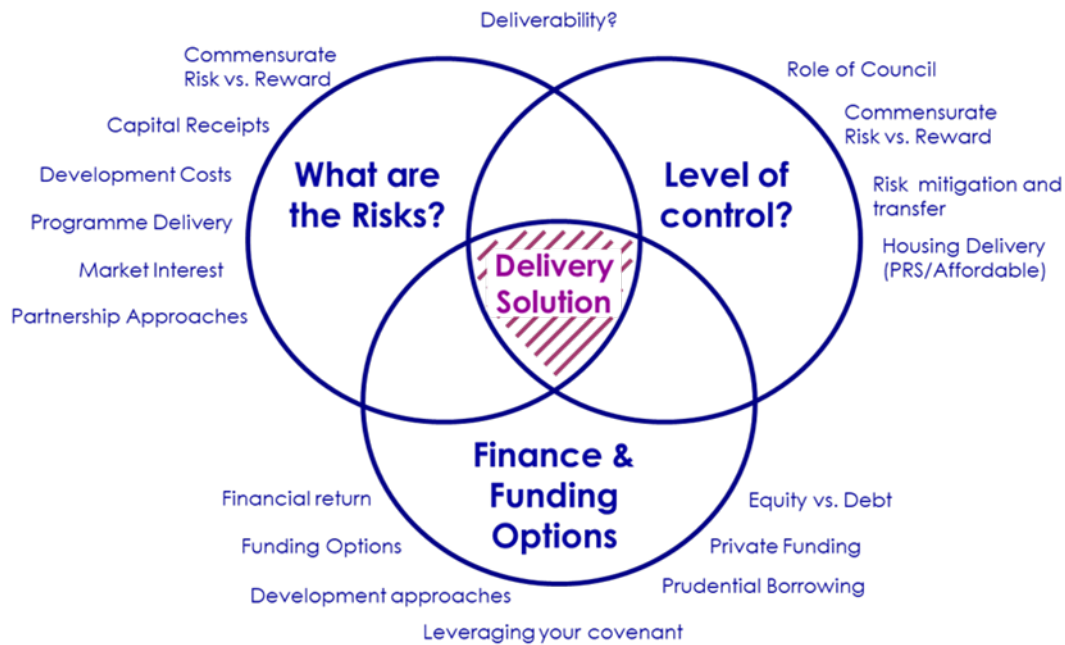
2.45 These Strategic Objectives will be used as a basis against which to test and evaluate delivery options in the Delivery Section of this report.

3. Delivery Options

3.1 The baseline position for the Council would be to simply decant existing tenants to alternative accommodation and demolish the blocks across the two sites. This would deal with the immediate issues around residents living in homes that are suffering from damp and mould issues, do not conform to existing regulations and require significant amounts of capital expenditure. We consider

this option to be the do nothing baseline for the Council. While this would deal with the immediate issues facing the blocks it would not meet the Council's needs around housing provision and delivery of wider strategic objectives in relation to health and well being outcomes, social value and the delivery of new and better homes. Should the business case demonstrate that alternative options are not ones that the Council could afford, then this baseline would be the result.

- 3.2 As such, while this do nothing option exists, we do not consider this to be an option that delivers for the Council against its priorities. Therefore below, we explore the options available to the Council for redevelopment of the sites.
- 3.3 Through discussions with the Council a number of options have been explored as potential routes to deliver the redevelopment of the residential tower blocks at Blackshots Estate (Keir Hardy, Morrison and Bevan Houses). In December 2022 the Council's Cabinet approved the principle of demolishing the blocks and re-providing good quality housing. The development will seek as a minimum to re-provide the existing number of affordable homes across the demolished towers, plus additional homes where these can be delivered in a manner that is affordable and sensitive to the surrounding area while delivering on the Council's aspirations for improved open and play space and appropriate density.
- 3.4 The core options considered to deliver the aspirations of the Council across the blocks are:
 - 3.4.1. Site Disposal
 - 3.4.2. Self-Delivery
 - 3.4.3. Development Agreement
 - 3.4.4. Joint Venture
- 3.5 While there can be slight variations to how each option could operate in practice, those nuances are not material to arriving at a recommendation to proceed with one of the above options. Once a preferred delivery route has been arrived at, a detailed commercial and legal structuring workstream can then be undertaken as appropriate.
- 3.6 To land on a recommended option for the delivery of the Council's residential blocks, it is typically important to find the right balance between risk and reward, desired level of control and the financial parameters that the Council is operating within. The diagram below seeks to provide a more detailed consideration of these characteristics to illustrate how the delivery options need to find the right balance depending on the Council's requirements.



- 3.7 Taking the above, we have worked with the Council to agree a set of parameters by which to assess the delivery routes. As set out in section 2, the Council has established strategic objectives in relation to this Project, and evaluation parameters have been derived to assess how well each of the delivery routes respond to the criteria identified.
- 3.8 Below we have mapped the Council’s corporate priorities and strategic objectives as set out in section 2 against evaluation criteria that has been used to assess the fit of each of the options.

Corporate Priorities	Strategic Objectives	Evaluation Criteria
<ul style="list-style-type: none"> - Roads, houses, public spaces that connects people/places Empowered, safer, stronger communities Clean environments Heath & wellbeing through partnerships 	<ul style="list-style-type: none"> - Provision of high-quality housing that meets the needs of both existing residents who wish to return and other Thurrock residents 	<ul style="list-style-type: none"> - Strategic control over development - Speed of Delivery - Market interest in the project - Governance
<ul style="list-style-type: none"> - Roads, houses, public spaces that connects people/places Quality public services 	<ul style="list-style-type: none"> - No net loss of affordable homes delivered across the towers, with increased densification having regard to the surrounding areas 	
<ul style="list-style-type: none"> - Heath & wellbeing through partnerships Empowered, safer, stronger communities Opportunities to enhance local economy Education, skills, job opportunities Commercial, entrepreneurial, connected public services 	<ul style="list-style-type: none"> - Create and maintain a long-term social value legacy for the local community 	
<ul style="list-style-type: none"> - Clean environments Heath & wellbeing through partnerships 	<ul style="list-style-type: none"> - Expedite delivery and certainty of renewal of the towers 	

Corporate Priorities	Strategic Objectives	Evaluation Criteria
Empowered, safer, stronger communities		
- All of the above, delivered in a financially sustainable manner	- Deliver value for money to the Council's HRA	- Viability of Developments (financial case)
- All of the above, delivered in a financially sustainable manner	- Manage risk exposure to the Council	- Development Risk - Council resource and expertise

3.9 Below we describe each of the delivery options in more detail, providing some of the general advantages and disadvantages of those options.

3.10 We understand that previous appraisals undertaken for market led schemes have not been deemed viable, however it is important for us to revisit this as part of our analysis. Options for a market led approach include Site Disposal, Development Agreements or a Joint Venture approach, while self delivery is assumed to be via the HRA and these are described further below.

Site Disposal

3.11 This option can be seen as the 'do minimum' option where the Council puts forward the ownership and simply sells the residential tower blocks development on the open market (either prior to or after demolition of the blocks). The Council will be required to obtain best consideration so in practice will seek to dispose land at the highest land receipt that can be achieved at the time of marketing.

3.12 Whilst this option has the advantage of being relatively quick and straightforward to undertake, there are a number of disadvantages of this approach. In the main the Council would have very little control over development under this option. There would be limited ability to influence design, quality, density, pace of delivery, tenure mix and affordable rental levels other than what is achievable through statutory planning powers.

3.13 The Council could dispose of sites using planning and development briefs to steer the form of development, though this is only a slight extension of planning policy and once the sites are sold the Council has no further ability to influence other than through pre-application discussions and development control. Furthermore, given the need to decant existing residents, the site disposal cannot happen until that process has been completed (due end of Feb 2025), which would mean that a third party would not be on board and progressing with the site until the end of 2025 at the earliest. The Council's ability to secure the outcomes it wants from development is therefore very limited and it is unlikely that the Council would be able to achieve its strategic aspirations through this delivery route.

3.14 Disposal in this manner is also unlikely to secure the best financial outcomes for the Council. All development risk is being taken by the private sector, and the market will price this accordingly. Given the design work carried to date demonstrates limited additionality of homes, and the level of re-provision of affordable homes that would be required, then a one-off capital receipt may not be of significant value. And, although the Council may receive an upfront payment in the form of land value, it will not participate in any surplus revenue generated from holding the housing stock long term, though may be able to negotiate an overage or planning clawback with the market.

- 3.15 Furthermore, we do not believe this option is likely to suit the delivery of the Council's corporate or strategic objectives. Affordable housing provision is unlikely to meet policy requirements due to the financial constraints of the development. The scheme is likely to be viability tested by a developer and therefore will reduce the amount of affordable housing that will be realised from the redevelopment, which will almost certainly not deliver any additionality of affordable homes and likely to not even re-provide all the existing affordable homes on the site.

Self-Delivery

- 3.16 For the Council to self-deliver the scheme would mean the delivery option with maximum involvement where the Council would act as the developer, securing planning permission and delivering residential units at the two sites.
- 3.17 The advantage of this option is that it provides the Council with ultimate control of the outcomes delivered across the redevelopment of the blocks, ensuring that design responds to the needs of the local community and existing residents and deliver additionality and quality of housing in a manner which is sensitive to the surrounding area. Importantly the Council would have control over the pace of delivery. The towers have significant damp and mould issues and do not meet regulatory standard and speed of delivery, will be critical, whether that be the decant process, planning and design or through the construction stages. The Council would also have complete oversight of all decisions therefore having the ability to promote good governance with clear lines of accountability.
- 3.18 Although there are the above benefits from self-delivery, this delivery route would bring disadvantages. The Council would bear significant element of the risks associated with the delivery of the scheme, which include development, financial and reputational risks, especially prior to entering into a construction contract. While the Council will seek to pass on as much construction cost risk through a JCT design and build contract, the contractor will price this risk into the contract sums. There are likely to be provisional sums that will not be fixed and the Council will retain the cost overrun risk on those items. Relative to other disposal options, the Council will retain cost inflationary risk from project inception until a fixed price contract is agreed and therefore consideration needs to be placed on both the Council's financial capacity within the HRA and the expertise and experience in delivering a project of this nature. However, the self-delivery route does enable the Council to take a more long-term view on the financial viability of the project, which a market led scheme wouldn't do.
- 3.19 In terms of internal capacity and capability to successfully manage and deliver the Blackshots estate, we understand that the Council have some resource that could be deployed to support the management of the project, however this is limited. As such, adopting a self-delivery route will require the Council to adopt a strategy that either employs a suite of external advisors to help drive the project forward through the planning and design stages or seek to procure a contractor with an extended preconstruction services agreement, to take the project through the design and planning processes. Both routes have their respective advantages, which is covered in Section 7.

Development Agreement

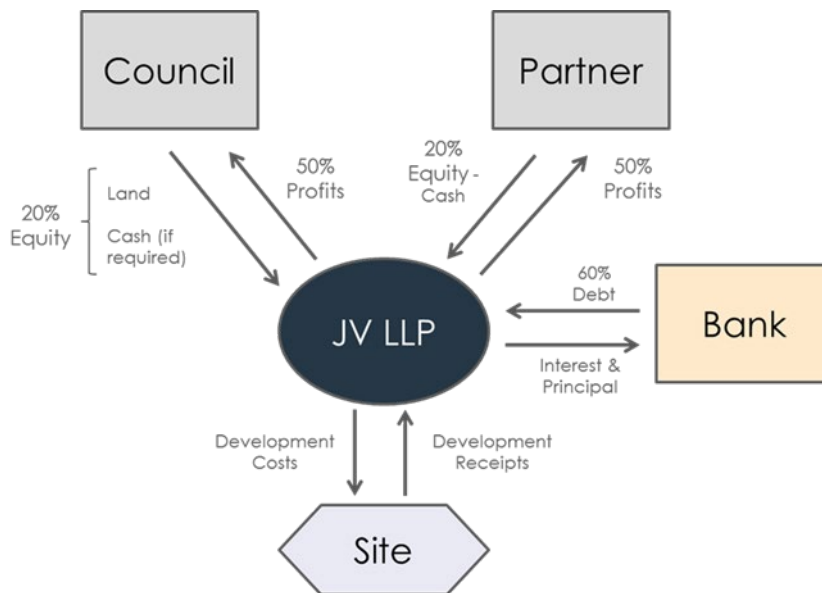
- 3.20 Development Agreements are contracts with a development partner for the delivery of a specific scheme, usually for a defined land receipt. Typically, they include a lot of detail regarding objectives and parameters for the development of a site, either with reference to a planning permission, or (more commonly), with the intention that the partner will secure planning permission in accordance with the defined parameters. The developer will take on all the development and sales risk associated with the project and will price these risks into any land payment paid to the Council.
- 3.21 The contract can be used to set delivery milestones, minimum deliverables and place other restrictions on the operation of the delivery partner, for example with respect to procurement of

supply chains. It can also include wider goals such as those related to sustainability or social value, though these can often be difficult to define and monitor over time.

- 3.22 A Development Agreement across both sites would offer greater control over the form and nature of developments brought forward than a pure site disposal. However, the nature of a Development Agreement is such that once signed, controls tend only to be negative and reactive in nature. Typically, the development partner would wait for Council milestones or submit proposals themselves for approval which could be rejected if not aligned with the parameters set out in the legal agreements, but without scope for involvement in reshaping those proposals. It is also possible for a development to deliver against the objectives as set out, but not in the form that the Council would like.
- 3.23 Given the nature of the contract and the levels of prescription likely to be inserted, the Council would only have planning controls to influence the proposals put forward by the development partner. Once in operation poor performance is disincentivised with the threat of breach of the agreement. This is something of a blunt instrument and as a result generally thresholds for poor performance (e.g. delays, poor sharing of information etc.) are quite high.

Joint Venture

- 3.24 A Joint Venture (JV) is a formal partnership with another party based on joint decision-making and control over development. Partnerships can be contractual or corporate, i.e. formed as a distinct vehicle. Contractual JVs are similar to a Development Agreement but with mechanisms to enable more collaborative decision making. Given the similarities to a development agreement we have not considered as a separate option (contractual JV) and for the purposes of this document, we refer to a JV in the context of a corporate vehicle being established as the means for delivery.
- 3.25 In forming a corporate JV, a separate legal entity would be formed in which the Council and its development partner will be shareholders/members (dependent on the exact legal structure).
- 3.26 The majority of JVs take a '50/50' structure, where the parties have equal membership, decision-making rights and controls, commitments to investment, risk exposure and shares of profits. Some JVs deviate from a pure 50/50 share, however this moves away from having an alignment of interests between both partners which, in turn, starts to create perverse incentives during the operations of the JV.
- 3.27 Under this delivery option the Council would not typically receive a land payment for the sites to be developed; rather the land will be invested into the JV in order that the Council receives its share of profits. If the scheme was viable, the Council's land would be its equity investment. In a 50/50 structure this will be matched by the partner in the form of cash, and the remaining funds required to deliver the development will be met by debt financing. However, it is still possible for the structure to include upfront land receipts from the JV or indeed deferred land receipts.
- 3.28 Under this structure the Council is directly participating in development risk, but sharing this in combination with the partner. Where land is invested as equity with no/a partial up-front payment, returns are only realised in the event the JV is profitable. Returns in the form of profits are issued only after all debt finance is paid off. It is important to note that under a JV, as returns are distributed in the form of profits, they are accounted as revenue to the Council, while land receipts would be treated as capital. Where revenue is generated, this can help to support Council revenue budgets as well as funding capital programmes enabling greater flexibility for the Council on use of receipts.
- 3.29 A detailed illustrative diagram of a JV structure is included below:



- 3.30 In terms of governance, in a 50/50 structure all development decisions are made jointly between the parties. This means the Council has direct control over matters including design, planning submissions, programme and phasing, uses and marketing. That said, the control is fettered slightly given all decisions must be made jointly. If there is no agreement between the parties, this leads to 'deadlock'; in other words each party effectively has a veto over the other. This can ultimately lead to termination. To help prevent this, the JV will have a detailed business plan and clear objectives which the members must act in accordance with. The objectives are set as early as procurement and the conclusion of procurement typically provides a draft business plan that the parties agree in concluding negotiations.
- 3.31 JVs are complex generally and require relatively longer and more expensive procurement processes to establish. They tend to only be attractive at a larger scale, typically for a development pipeline of c500 homes or more. Given the quantum of homes being delivered at Blackshots, this option is unlikely to be overly attractive to the market,
- 3.32 JVs do require resource from the Council once in operation. Officers (or where appropriate elected members) will be required to act as board representatives within the JV, which necessitates not only a time commitment but also that officers have sufficient expertise to make development decisions. Once a board member, officers will have to make decisions in the commercial interests of the JV, and it is important to avoid any conflicts with wider Council functions so far as possible. Despite the JV partner bringing forward its expertise, it is important for the Council to maintain a level of professional advice to protect its interest within the JV, especially given the partner is likely to be wearing different 'hats' within the JV, including development management and construction functions, creating potential conflicts of interest.
- 3.33 Should the Council opt for a joint venture approach then there are a number of advantages against the other approaches that have been considered above. These include:
- 3.33.1. Ability to share in greater returns (commensurate to the added risk taken on)
 - 3.33.2. Greater level of control in decision making and outcomes achieved over the long term
 - 3.33.3. Leveraging private sector expertise to deliver the opportunity in a more commercial manner
 - 3.33.4. Council officers can learn and upskill working alongside a private sector partner

- 3.33.5. Flexibility to alter approach over time as priorities and market conditions change
- 3.33.6. Ability to widen scope of the JV to capture future opportunities as they arise (subject to procurement parameters set)
- 3.34 The disadvantages of approach include:
 - 3.34.1. Council will need to invest alongside its private sector partner, which would likely require the Council to borrow to invest in the JV.
 - 3.34.2. Development risk taken, which means that receipts are not guaranteed (though priority of returns through the repayment waterfall can be managed through the legal agreements e.g. land receipts would typically sit higher up in the waterfall than profits)
 - 3.34.3. Long-term involvement will require dedicated and experienced Council resource to participate and act as an 'intelligent' partner
 - 3.34.4. More complex procurement process than a simple site disposal or development agreement.

Qualitative Analysis of Delivery Options

- 3.35 In order to evaluate each of the delivery options described above, we have agreed with the Council a selection of evaluation criteria against which to assess the options. These were agreed through engagement with a wide group of internal Council stakeholders. We have assigned a score to each criterion between 1-10, with a higher score indicating that the option scores well against the criteria and therefore helps to delivery the Council's strategic objectives. Below we set out the details of each evaluating criteria:
 - 3.35.1. Strategic control of development – Through discussions with Council officers a key ambition that has come across is the ability to control the outcomes of the development. The Council wishes to make sure that the existing poor housing stock is demolished paving way for a new redevelopment programme that will provide much needed improved affordable housing to the area. Delivery of social value, health and wellbeing outcomes and the ability to take an active role in community engagement is also seen as an important factor for the Council. Control over and above the statutory powers on design and quality is an important requirement, balancing the desire to create exemplar standards for future development with the financial viability challenges that the development will face.
 - 3.35.2. Speed of Delivery – A delivery option that allows the Council to deliver the redevelopment in a timely manner and have control of delivery in terms of speed of decision making is important in achieving the overarching objectives for the two sites. The quicker the actual speed of development the more favourable the delivery option. For some options, the speed of procuring a partner onboard needs to be taken into consideration.
 - 3.35.3. Market interest – In relative terms, the likely depth of market for potential delivery agents/partners for each of the approaches, affecting the success of any competitive disposal/procurement process. Market interest also refers to interest in the scheme from contractors or supply chain who will take part in the developments when considering the self delivery option.
 - 3.35.4. Risk– The exposure to and the management of risk is another key factor in the consideration for the right delivery route for the Council. Risk can be seen through multiple different lenses, including development risk, reputational risk and risk associated with delivering the Council's objectives. Each delivery option will respond better or worse to different aspects of risk and this

criterion will look to assess how the delivery options best help the Council in either reducing or managing the risks.

- 3.35.5. Governance – The Council’s governance procedures are currently enhanced in light of the current financial position, with commissioners taking a central role in decision making and approvals required by central government around future expenditure commitments. The delivery options will need to be seen in the light of the governance arrangements that the Council need to operate within, and consideration should be given as to whether the various routes to market can effectively fit within the Council’s procedures.
- 3.35.6. Council resource and expertise – Varying time, cost and resource commitments are required from the Council under each option, both in securing a developer(s)/contractor, and during the construction phase. The complexity of the procurement process to secure a partner/contractor will also differ. The options will be assessed to determine which option requires the least Council resource and minimal procurement complexity.
- 3.35.7. Viability Constraints – We note through early viability assessments at both sites that viability is an issue for the scheme that the Council want to deliver. Any financial viability concerns will need to be factored into the assessment of each delivery option, any market led scheme may more than likely fail in this regard. While we focus in this section on the qualitative assessment of the options against the criteria above, it is likely that the financial case will be a key driver in selecting a delivery route. Delivery options that assess the scheme over a longer period of time will have a greater chance of making a scheme more viable as there is greater period of income to payback the initial investment therefore negating any upfront viability concerns.
- 3.36 As set out above, each of these criteria has been given a score of 1 – 10 for each of the delivery options. This method is not intended to provide a precise mathematical assessment; rather it serves as an illustration of the relative characteristics of each option and a tool to aid in deciding which may be the preferred route. These criteria and our assessment of the qualitative scoring for each are set out below. The quantitative assessment of these options is considered in section 5:

Criteria	Site Disposal	Self-Delivery	DA	JV
<u>Qualitative Scoring</u>				
Strategic Control of Development	1	9	6	8
Speed of Delivery	2	8	5	5
Market Interest	4	7	3	1
Risk	7	4	8	5
Governance	7	8	6	4
Council Resource & Expertise	8	4	6	5
Total	29	40	34	28

Note, Scoring Range: 1 = weakest at delivering against criteria 10 = best delivers against the criteria

- 3.37 Based on the scoring above, Self-Delivery option through the HRA responds best to the Council's requirements. We explore the rationale for the scoring below.

Strategic Control of Development

- 3.38 Site Disposals offer control only through the planning system and any conditions agreed at the point of sale. There is no on-going control over use or quality following disposal and this doesn't enable the Council to control the delivery of its strategic objectives. Development Agreements have the potential to include a wide range of controls over the exact nature of development, e.g. with reference to detailed specifications and briefs. This provides greater influence over the development than Site Disposal, however, ongoing controls tend to be negative in nature, as failing to deliver development of the type described, or within key milestones set in the contracts may be a breach of the agreement and result in penalties.
- 3.39 A JV approach affords the opportunity for full Council participation in development use and quality decisions, allowing positive control and flexibility. In a typical 50/50 deadlock structure however, all decisions are made jointly, and disagreements can stall or slow progress. This can be managed through clarity of scope up-front and clear governance processes however, there will always be the tension between the private sector commercial requirements and the public sectors objectives.
- 3.40 A Self-Delivery approach would provide the Council with the greatest level of strategic control and thereby providing maximum flexibility to the Council in making decisions that best respond to the strategic objectives set out (as long as prudent financial management is adhered to). This option would ensure the Council has full responsibility on design and quality, social value and affordable homes commitments.

Speed of Development

- 3.41 While the Council is able to set out and agree a timetable to dispose of the site, the Council will have little or no control over the speed of the redevelopment of the sites under a straight disposal route. The acquirer of the site would have no obligation to bring forward the site in a timeframe deemed acceptable to the Council and therefore this route would not respond well to this criterion. In reality the Council will not be able to progress with the sale of the site under this route until after vacant possession has been achieved, which is not likely to be before Feb 2025.
- 3.42 A Development Agreement for the sites enables the Council to include milestones and longstop dates within the contract agreements to help provide a level of control over the speed of development. In practice however, developers will seek to agree dates which are far enough in the future to provide themselves with the greatest flexibility to avoid breach. Given they are longstop dates, they don't act as incentives to increase the speed of delivery and therefore all the Council has the ability to control is the worst-case scenario for pace of delivery, which will need to be agreeable to the market. A development agreement approach will also require a procurement process to be undertaken. A typical process will take c10-12 months from start to finish, including the Council's internal governance processes which will prevent the development of plans progressing until after the point a partner is on board.
- 3.43 A Joint venture route would similarly to a Development Agreement require the procurement of a partner, which would take a similar c12-14 month timeframe. Thereafter, the Council as member of the joint venture would have a greater level of influence over the speed of delivery as programme would form part of the business plans that the Council would need to approve. However, given there would need to be consensus between the partners on the programme, there is potential for there to be a misalignment in the Council's desire to bring forward development in an expedient manner and

the development partners commercial interests. The added layers of governance within a joint venture will also increase the timescales for decision making which can impact speed of delivery during the operational phases.

- 3.44 Self-Delivery through the HRA, will likely provide the Council will the most expedient way to progress with the redevelopment of the site. Like the other development routes, the Council will need to undertake a procurement process, but for a main contractor rather than developer. A main contractor procurement is likely to be shorter than a full developer procurement and could be undertaken in a 6-8month period should an existing framework be utilised. The Council could also progress the planning and design process in parallel to that procurement should it wish to do so, which would enable the Council to start on site sooner than the other routes. Alternatively, the Council could procure a main contractor to undertake the planning process through an extended preconstruction services agreement, which while not as expedient as the Council undertaking those activities itself, would still commence sooner than under the other delivery approaches. More generally, the Council will be able to dictate the programme as client, ensuring an appropriate pace is always maintained.

Market Interest

- 3.45 A straightforward disposal of land would generally be of interest to the market given its simplicity and lack of obligations placed on the purchaser. However, given the sites complexities and associated risks, alongside the high level of affordable housing, it may deter potential interest in the site and not be suitable to all parties. On the assumption that there would be an obligation under planning policy to re-provide the existing affordable housing units, this would likely deter housebuilders and developers as there would be limited scope to deliver open market sale units. It may appeal more to registered providers, but the Council is seeking to offer residents the option to return, therefore the pool of potential purchases is therefore limited. Furthermore, the general viability of the development is challenged and therefore it is unlikely that there would be significant levels of interest in this opportunity.
- 3.46 Market interest in a Development Agreement will depend on the extent of commitments and negative controls within it, given this hampers the partner's ability to act as it wishes. The Council would likely put out a detailed specification of what the development needed to deliver, including the re-provision of the affordable homes on site currently alongside the specific design parameters that have been discussed with resident with regards to height, density, open space etc. There would also likely to be very tight milestones for delivery imposed which the market would be seeking to push against. As with the straight disposal, it is difficult to see a significant amount of market interest in the opportunity due to the tenure mix and viability concerns associated with the development.
- 3.47 When considering self-delivery in the context of market interest, we refer to the interest that would likely be received from contractors who the Council would seek to appoint for the construction of the development. As a contracting opportunity under and design and build contract, this is likely to appeal to a wide range of contractors in the market. The current market downturn has meant that the number of opportunities for contractors to secure is limited and therefore the Council launching this redevelopment programme, will likely be competitive and receive relatively greater interest and therefore self delivery will score higher than other options in the evaluation. Previous soft market testing undertaken by the Council demonstrated that there was interest from contractors, and with the further restrictions in development activity, it is likely that interest for contracting opportunities will remain strong.
- 3.48 Market interest in a JV depend on the scale of the opportunity and the extent to which a good strategic and commercial fit can be found between partners. JVs also take time and money to set up

and operate, and the opportunity must therefore justify this. As discussed earlier a JV will take time to procure and bidders will need to expend significant amounts of speculative money participating in a process. Furthermore, the ongoing running costs of a JV can be in the region of £100k - £120k per annum. Therefore, JV opportunities are typically only attractive at a scale of minimum c500 units, with higher quantum of developments preferred as it is only at these levels of development that the returns can be realised to cover the additional costs of operation and establishment. Blackshots does not achieve this level.

- 3.49 Again, as with the other market led options, the mix and viability will be a challenge and this will further erode interest in the opportunity. Furthermore, as would be for the case for the Council, a partner will be seeking to enter into a partnership with a partner? that has a strong covenant strength and is seen as a credible partner. In the Council's current financial position, there is likely to be concern in the development market that the Council may not be able to stand behind its future obligations within a joint venture. This will be a concern for any party seeking to bid for this opportunity. A JV overall is likely to score least well relatively to the other options when considering market interest.

Risk

- 3.50 As set out early, when looking at risk, we are considering development risk (and financial exposure of the Council), alongside reputational risks of not being able to deliver the Council's objectives. From a development risk perspective, the market led routes of site disposal or development agreement, will see a transfer of risk to a development partner. The Council will also set out the objectives they are seeking to achieve and that bidders must respond against. However, as discussed under control, the ultimate form of development, pace of delivery and social value realised will be dictated by the partner with limited ability for the Council to influence outcomes. Indeed, with the viability concerns, there is a high risk that the development either does not come forward as developers seek to stall in the hope of market conditions improving or negotiating through planning the reduction in affordable housing delivery and increasing density of the scheme. From the Council's perspective, there is a political aspiration to deliver a scheme which is height sensitive and not overly dense. This risk will be mitigated more under a development agreement as the Council would seek to set a number of preconditions that need to be achieved before land is drawn down by the developer. Both these disposal options will have a higher reputational risk for the Council that the market fails to deliver on the Council's objectives.
- 3.51 Under a JV arrangement, the Council is directly participating in development risk, albeit this is shared with a development partner. The level of risk will be dictated by the terms of the JV negotiated, however in a standard 50/50 joint venture, the Council would be obligated to share the risk and reward of the development opportunity equally with the development partner. Receipts are distributed following repayment of debt, and profit is contingent upon the success of the scheme, including being exposed to market movement. The Council would usually control this risk through a variety of contractual mechanisms (including applying conditions precedent to the land which need to be satisfied prior to phases/sites being transferred, creating greater certainty). The Council would also have equal say on the business plan for the JV and the ultimate development proposals, thereby reducing the risk of failure to deliver the outcomes that the Council is seeking. There may have to however be compromises where the partner has differing views on the deliverability of outcomes to the Council, though there is relatively less risk of reputational risk through not delivering the Council's objectives than of other market led approaches.
- 3.52 Self-Delivery naturally generates the highest levels of development risk and greatest financial exposure to the Council. The Council will be fully exposed to market conditions with any cost increases falling onto the Council and where open market sales are to be delivered, the sales risk will

also sit solely with the Council. The Council will be able to transfer the majority of the cost risk to a main contractor through a fixed price design and build contract, however until the point where a contractor is able to fix the costs, any inflationary or other costs risks will need to be absorbed by the Council.

- 3.53 Sales risk could be mitigated by the Council seeking to deliver a 100% affordable development (where financially this is sustainable) or by employing sales and marketing agents. While agents will bring a greater level of experience and expertise in selling homes, they will not be able to mitigate the risk of market slowdowns. In terms of reputational risk around the non-delivery of the Council's objectives, the Council will have much greater flexibility in the delivering the outcomes that it wishes to achieve and can control to a greater extent the form of development and delivery of the wider social value and health and well-being outcomes desired. While this level of control helps to manage the risk, in reality, the Council in this scenario will be the sole delivery agent of the project and therefore anything that occurs that is seen in a negative light by stakeholders, will ultimately be the Council's responsibility therefore reputational risk of non delivery of any promises by the Council will be heightened.

Governance

- 3.54 How the Council's internal governance processes and decision-making interface with each delivery route is an important factor. As discussed earlier, the Council is operating under heightened governance processes and greater scrutiny of any investment and financial decisions. Regardless of which route to market is considered, the time taken to get to market and to make ultimate decisions around the outcome of a disposal or selection of a development partner will be elongated. Given that ultimate decisions may need to receive approval not only at Council officer and Member level but also by Commissioners and potentially central government, there is an added layer of uncertainty for the market that participation in any process not only could take a lot longer to completion but that the ultimate decision may not receive approvals at all the necessary levels.
- 3.55 The market participants prefer certainty and political stability when it comes to making decisions around what opportunities to pursue. When looking at a development agreement or joint venture structure, not only is there consideration to be taken around the initial process, there is also the need to factor in how decisions will take place during the operational phase of the development and how governance will either support or hinder the delivery of the development. In a JV structure, the market would prefer the JV to have a level of autonomy to make decisions around the development, with sufficient delegation to the JV board meaning decisions can be made in a timely fashion. Given the Council's current state of play, there is likely going to be the need for much greater decision making to take place at Council level than would ordinarily be the case.
- 3.56 Typically business plan approvals would be the key decisions for each partner, but even the lead in times that would be required for the Council to make the decisions around the approval of those business plans will be much longer than the norm, which would hinder the pace of progress of the JV.
- 3.57 Similarly for a development agreement, the Council would have approval rights of the developer's proposals within the contracts. These approvals will go through the more rigorous governance processes and therefore take longer for to achieve.
- 3.58 Overall, the Council's current governance process is likely to not align with the markets requirements for either a JV or development agreement route. If this was a route that the Council wanted to pursue, alternative arrangements which enable more streamlined decision making would be required.
- 3.59 For site disposals, there is less involvement from the Council, and it would just be initial stage of accepting the offer for land sale which would need to be approved. Even though this would take

longer than would otherwise be the case under the enhanced governance procedures at the Council, this alone would not have a material impact in market interest to participate in a process. More widely however, there may be a greater concern from the market more generally around the Council as planning authority and its capacity to support a smooth and expedient planning application process. While this is unlikely to be a key determinant in a developer securing development opportunities in Thurrock, this will likely slow down approvals and therefore the ultimate timescales for redevelopment.

- 3.60 Given the above, it likely leaves the Self Delivery route, as the one that will best interface with the Council's governance processes as there would be no third party developer involved, or structures that have additional decision making layers on top of the Council's. The Council will be able to best manage the decision making and incorporate the additional timescales into its programme as it would be in full control of the redevelopment rather than being reliant on other stakeholders in supporting that process.

Council Resource and Expertise

- 3.61 For a site disposal, some Council resource and expertise is required to obtain due diligence and run a formal tender marketing exercise, however this resource requirement would be limited with the Council likely to procure a land agent to market the opportunity on its behalf. A Development Agreement or Joint Venture structure would require a much greater level of resource to run a process over a period of 12 months. This might require additional expertise to be brought in to manage the client side activities of the process alongside the need to procure financial, commercial and legal advice given the complexity of the arrangements that will be negotiated. Once established, a development agreement would require monitoring and management, and given the Council will be seeking greater levels of control, this may require the Council to be more hands on than under a typical development agreement structure.
- 3.62 A JV route requires extensive internal resource in order to progress delivery decisions with the partner, including undertaking, reviewing and agreeing planning matters, programmes, cost and pricing exercises etc. in accordance with the business plan. The partner can undertake much of this, but the Council will require the expertise to monitor, review and sign off on activities. A corporate JV will also require Council representatives as board members.
- 3.63 The Self-Delivery option would also need to manage the procurement of goods and services and to manage and monitor the overall programme level activities of the redevelopment. The Council are likely to go down the route of securing a main contractor to design and build the developments and therefore the day-to-day activities will be managed by a third party contractor. However, the Council will need to be fully involved to ensure that the main contractor is working to deliver against the Council's priorities and aspirations. Therefore, a client side lead/team will need to be in place to effectively manage this process. The Council has a development team inhouse which has the capacity, ability and track record to take the scheme forward on this basis alongside the processes to effectively manage the relevant private sector specialist services that will be required. Where there are market sales homes to be delivered, the Council will need to either manage the sales programme itself, or more likely outsource that by procuring and managing market agents to support the sales process. As set out above, we understand that the Council have a team that could be deployed to manage the self delivery of this programme, however this is will need to be considered in the context of the wider set of development activities that the Council may seek to undertaken in future should priorities for resource deployment change.

Conclusion

- 3.64 The qualitative analysis undertaken, demonstrates that the Self-Delivery approach is likely to respond best to the Council's parameters and therefore the preferred option qualitatively that meets the Council's requirements and aspirations for the two development sites. The Self-Delivery option scored the highest in the scoring matrix at 5.35. While the self-delivery route will carry the relatively higher risk, this needs to be considered in the context of the level of market interest, which is likely to be limited for other delivery options, the level of control around the strategic outcomes and speed of delivery the Council wishes to have. Given the absolute need to demolish and redevelop the sites, it is likely that the Council would need to undertake the development itself.

4. Commercial Case

- 4.1 The commercial case focuses on the deliverability of the preferred delivery approach via the Council's HRA. The commercial case considers the attractiveness of the scheme to the supply side, and in practical terms what will be the procurement strategy and contractual arrangements for the Council. It also looks at the current status of the planning discussions and the deliverability of the scheme from a planning perspective.
- 4.2 There are a number of different nuanced approaches to delivering the scheme through the HRA delivery model, though on the whole these are iterations of two main contractual routes:
- 4.2.1. Self Management (Development and Construction Management)
- 4.2.2. Main Contractor Approach (Design and/or build)
- 4.3 We set out the details of each of the routes below, alongside the hybrid options that may be appropriate for the Council to consider adopting.

4.4 Self Management

- 4.5 Under the self management route the Council would seek to undertake the role of development manager and construction manager for the project. To date this is the approach the Council have taken to the early development of the project, procuring a multi disciplinary team of technical commercial, property, finance and design experts to help shape a scheme that can be progressed with. The Council's Housing team has in effect have been undertaking a development management role to date, managing the assembled team and driving the vision of the project, supported by the advice provided by the consultants on board.
- 4.6 Going forward the Council could continue down this path, either with the existing consultant team, supplemented with additional resource required to support the planning application process or should it wish to do so, procure different advisors to take the scheme forward. Council officers would continue taking the role of development manager and managing the design and planning process and ongoing viability assessment. Once planning is achieved, the Council would progress with the detailed designs and eventually procuring each construction package and managing the construction process as a construction manager would do.
- 4.7 It is recognised, that in practice the Council is unlikely to have the inhouse resource, experience and expertise to manage and deliver a project of this nature and therefore it is likely that additional external resources will be required. This could be through the Council recruiting a team of development and construction experts including a project manager and or construction manager, that would take on the responsibilities of co-ordinating and managing the various activities of the project.

- 4.8 This approach would also support capacity building within the Council for future development projects, however, given the Council's financial position it is probably unlikely that the Council will have a significant pipeline of opportunities that will be self-delivered in the short to medium term. As such it may not be appropriate for the Council to undertake recruitment to this extent.
- 4.9 The slight alternative to the recruitment approach would be to procure a third party consultants to act in the project manager/construction manager role. Utilising either internal or external resource, the Council would continue in its capacity as development management route is one where the Council will be overseeing the delivery of the Blackshots development including traditional development management functions as well as the logistics of the construction project itself.
- 4.10 The construction management route will see all the cost risk or cost saving potential remain with the Council throughout the development process. This route to procuring construction packages works well where the developer has an established supply chain that can benefit from economies of scale and drive down costs and generate value. It is unlikely that the Council would be able to secure these benefits and indeed it is more likely that the costs of delivering the scheme would end up being higher for the Council under this route.
- 4.11 From a programme perspective, this route would enable the Council to start working on the next stage of the design development once internal governance approvals have been secured, retaining momentum on the project.
- 4.12 Below, we set out what an indicative timetable could look like for the Council should it wish to pursue the planning application prior to onboarding a main contractor. This timetable assumes that cabinet approval to progress the scheme to planning is secured in March 2024. The timetable is based on statutory requirements and could in practice be extended.

Milestone	Timeframe	Date
Design Progression	8 weeks	April - May 2024
Appointment of Wider Team	1-2 weeks	April 2024
EIA Screening (strategy on timings to be discussed)	3 weeks	April - May 2024
Scheme Freeze	1 day	Start of May 2024
Preparation of Application Pack	3-4 weeks	End of May 2024
Issue of Draft Documents	1 day	End of May 2024
Issue of Final Documents	1 day	June 2024
Application Submission	1 day (plus time to collate application)	June 2024
Validation	1 week (minimum)	June 2024
21-Day Consultation	21 days	June - July 2024
Statutory Determination Period (13 weeks if not EIA)	13 weeks	June - Sep 2024
Planning Committee	1 day	Sep/Oct 2024
Decision	Allow 6 weeks following committee for S106	Oct/Nov 2024

- 4.13 5.12 The estimated time to progress the scheme for the current stages and take through the planning process as set out above is c8 months. This timetable assumes that the Council continue with its existing design and planning team, however, should the Council wish to reprocur their

consultant team then the above timetable would require additional time to be factored in for this procurement process plus a period of familiarisation for the new consultant team to review and understand the Council objectives and aspirations for the scheme. We would estimate that this would potentially add c3-4 months to the timetable. It should be noted that an extension of the existing consultant team would need to evidence compliance with the Council's procurement framework to demonstrate value for money. Given the likely costs for the next stage of works, demonstrating compliance may be problematic if the works are not competitively tendered.

Main Contractor

- 4.14 The alternative to self-management across the entire development and construction process would be for the Council to procure a Main Contractor. A Main Contractor can be procured at different stages of the development cycle to undertake different activities. In the main, the Council's options are:
- 4.14.1. Procure a Main Contractor once planning permission has been secured
 - 4.14.2. Procure a Main Contractor to support the planning process
- 4.15 The first approach would see the Council taking the lead in preparing the planning application. As with the self-management approach, the Council would procure relevant design and technical consultants to progress the scheme that will ultimately form the development proposals submitted for planning. Once the planning permission is secured, the Council would bring on a Main Contractor to lead the detailed design work required to get to start on site. This detailed design stage would ordinarily be done under a pre construction services agreement (PCSA), the end of which would result in a fixed price contract being agreed between the Council and the Main Contractor for the construction works. At that point the construction cost risk (bar any provisional sums set out), would be passed onto the Main Contractor. During the construction period, the Council would monitor the progress of the development, either utilising in house capacity, or more likely by procuring an employers agent to monitor and sign off progress on its behalf. Under this route, the Council could secure the planning permission ahead of procuring a main contractor for the detailed design stage, bringing some time efficiencies to the overall programme.
- 4.16 Under the second approach, the Council procure a main contractor to come in and take the lead in preparing the design and development proposals for the planning submission. The main contractor would employ the design and technical consultants and lead the process in developing the planning application. These services would take place under an extended PCSA, and would be in place until the planning permission has been secured. At that point the Council could in theory, depending on the scope of the original procurement, continue with the contractor through to the detailed design stages and construction phase or the Council could seek to undertake a further procurement process to test the market again for the future stages of the project and potentially appoint a different. main contractor. The latter route would most support the Council in demonstrating value for money has been achieved, however given that there is an incumbent contractor appointed under the PCSA, it may discourage competitive bids from other contractors. It may be prudent therefore to test the market appetite nearer the time before landing on the optimum approach.
- 4.17 The rationale for the Council to seek to procure a main contractor to support the development of the design underpinning the planning application is to help secure cost efficiencies during the build stage. By having a main contractor on board the design proposals, in theory should enable the Council to create more efficient designs and value engineer to make sure that the construction of the homes can be done for the lowest price for the Council. The alternative potentially runs the risk of a design work undertaken which is less cost efficient from a build standpoint and therefore having this early input into the scheme design may help to secure greater value for money. Soft market testing gas

suggested that contractors prefer to have early input into schemes to optimise design proposals. Clearly, the Council will need to ensure that the quality of the scheme and the qualitative objectives of the scheme are not fettered by targeting the lowest cost option.

4.18 Under the first approach the programme of activities would kick off in a similar timeframe to that of self-management. The design evolution and development could commence once internal approvals have been received. Under the second route, there would need to be a pause in the design development, as the Council will need to first procure a Main Contractor.

4.19 Preferred Route

4.20 From discussions with the Council, we understand that the Council's preference is to secure a Main Contractor to lead the development of the design to support the planning permission. This is mainly due to:

4.20.1. Bringing in resource to support the Council and lead and manage the development of the scheme

4.20.2. Enable early contractor input to develop a design that can build in cost efficiencies into the scheme that may not otherwise be captured

4.21 The Council could seek to procure the main contractor for the extended PSCA period, either through an open market process, or through an existing framework. The latter approach may be most efficient and streamlined for the Council and help to reduce the programme.

4.22 The Council's procurement team have undertaken an assessment of the potential procurement process that could be taken forward. The current expectation is that a restricted procedure will be taken forward, with the below indicative timetable expected to be followed:

	Restricted Procurement	Framework Route
Procurement Stage	Indicative date	Indicative date
Publish tender docs	26 th April 2024	N/A
SQ Return	27 th May 2024	N/A
Invite short-listed applicants to tender	7 th June 2024	26 th April 2024
Tender Return	5 th July 2024	24 th May 2024
Notification of Result	26 th July 2024	14 th June 2024
Standstill period	27 th July – 5 th Aug 2024	15 th – 24 th June 2024
Expected award	3 rd September 2024	25 th June 2024
Contract commencement	15 th Oct 2024	30 th July 2024

- 4.23 The procurement process as set out above would take c6 months. Utilising an existing framework would potentially enable the Council to reduce the process to c4 months. Under the restricted route, the Council and the Main Contractor would seek to commence the planning application from Oct 2024 and following the design and planning timetable set out earlier, this would take c8 months, securing planning permission for the Council around June 2025. A framework procurement approach will enable the Council to commence the planning application process from August 2024, with planning permission achieved around March 2025.
- 4.24 The Council will need to consider whether there are appropriate frameworks that have suppliers prequalified that would have the necessary expertise and experience the Council is seeking. There is likely to be sufficient market interest in the opportunity from suppliers, especially in the light of the current market context whereby construction activity has slowed due to developers pausing schemes due to viability challenges. Contractors are currently looking to secure a future pipeline of orders and the Council's procurement process is therefore likely to be timely in securing positive interest from market participants.
- 4.25 It would however be appropriate for the Council to carry out some further informal market testing prior to launching the procurement to test whether a restricted route or framework approach is most suitable. We understand that the Council have carried out some engagement with the market previously, however given the passage of time, it would be worth refreshing this exercise at least in part.

Other Considerations

- 4.26 In pursuing the preferred route, the Council need to consider whether it will seek to retain any of its consultant team for the Main Contractor to work with or whether it will seek for the contractor to bring a new team in to support the design evolution. Should the Council wish to allow the Main Contractor the flexibility to bring in its own design and technical team, then we would recommend the following:
- 4.26.1. Council to issue new/updated employers' requirements
- 4.26.2. Establish and set out a design intent/code document which seeks to lock in quality and design principles that have been developed to date and have underpinned the design evolution and engagement with local residents and businesses
- 4.26.3. Council to consider to retain client side quality monitoring resource to advise on emerging design to ensure that the intended quality and design principles are being retained and delivered against.

Planning and residents' engagement

- 4.27 The development proposals that underpin the scheme assessed within this business case, have been arrived out through engagement and consultation with key stakeholders, including Council officers, members and residents. Previous consultation has been carried out with residents in 2021 resulting in a significant majority in favour of the demolition and redevelopment of the blocks. The latest round of consultation and engagement with residents sought to get feedback on the emerging design proposals and respond to concerns and aspirations expressed by the local community.
- 4.28 An in depth engagement process took place with the residents, community groups and local business between July and October 2023. This was complimented by three online surveys that aligned with the topics of the in person events, allowing residents a number of different opportunities to express their preferences. This engagement with the community has been an iterative one, helping to shape design

decisions. A total of four engagement sessions have taken place, with the most recent iterations being recognised as responding well to the majority of concerns residents had expressed in previous engagement sessions. The main highlights of the feedback received from the final session included:

- 4.28.1. Overall, most liked the look of the street level sketch visuals, but the principal of development on the green belt/Fields in Trust land remains an issue
 - 4.28.2. Environmental and landscape strategies were liked by most. Dealing with sustainability and the climate crisis was at the forefront of most people's thinking.
 - 4.28.3. Importance of the design of streets was raised. Need to be able to control car parking whilst including lots of trees
 - 4.28.4. Concerns raised about negative impacts on current property values due to loss of views and construction disruption
- 4.29 As a culmination of the design process and the engagement sessions, the Council have had a pre app meeting with the local planning authority to test the principles of the proposals that have been developed. The verbal feedback received during the session was broadly positive with support for general approach taken the scheme. Areas that were raised as potential enhancement that could be made to the scheme included considerations around the levels of parking (either sufficiency of or creation of car free zone), and ensuring adequate and quality play space provision, but the biggest concern raised was in relation to the land that is currently within the green belt.
- 4.30 The feedback highlighted that the steps for assessing development in the Green Belt would be through identifying inappropriate development, assessing impact on openness, assessing the land against the five purposes of the Green Belt and weighing up the Very Special Circumstances (VSC). It was noted that VSC would need to be carefully assessed and is a very high bar, with recent big schemes fully within the Green Belt all being taken to committee with a recommendation for refusal, although some have been overturned by members. Housing need and delivery would not be enough by itself to tip the Green Belt assessment.
- 4.31 The Council and its planning and design team have been working to develop the VSC case and this will need to be further enhanced as the scheme proposals develop further. As part of the pre app written feedback, the Council have requested that the planning authority to provide their view on the weight given to the VSC matters within the written pre-app feedback, along with a view on perceived harm. This will form the basis of any enhancement in the case being developed by the Council. The release of land from the green belt remains one of the biggest risks for the Council in relation to the proposals underpinning this business case.

5. Management Case

- 5.1 The management case looks at how the Blackshots development will be delivered and monitored. The project will need to have in place robust governance processes and appropriate oversight, consider how risks and uncertainties will be managed.
- 5.2 The Council is current operating under a section 114 notice and as such its standard governance processes are enhanced by the oversight of commissioners and added approvals required from central government around investment decisions. As such it is extremely important for the Council to maintain a strong project management structure that provides confidence in the approach being taken forward and ensure decisions are made with sufficient evidence underpinning them.

- 5.3 To date the Council have convened a core project team within the Council with the responsibility of driving forward the day to day activities of the Blackshots redevelopment. This core team has been supplemented by technical consultants, with a remit to provide project management services, developing and maintaining project plans, programme of activities and a RAID (risks, actions, issues and decisions) Log.
- 5.4 Regular project management teams have been put in place, with individual workstreams providing updates across design, design, legal, planning and viability. This has enabled the project team to have a clear understanding of the emerging outcomes of each workstream and importantly the interdependencies between them.
- 5.5 The Council have also established a Steering Group, which has attendance from a wider group of Council stakeholders, with the remit to provide challenge and scrutiny over the progress and outcomes of the Blackshots project. The Council's core officer team alongside the appointed consultants provide monthly updates to the Steering Group. Political engagement processes are also in place, ensuring that relevant scrutiny is being provided by elected members on proposal development.
- 5.6 Furthermore, the Council is required to engage with Commissioners, to ensure that the case for investment is being developed in a manner that can be supported and there has been regular engagement on this front.
- 5.7 The key governance milestones that need to be navigated for the Council in the coming months will include:
- 5.7.1. Commissioner and government sign off for the Council to proceed with the further development and investment in the Blackshots project in line with this business case's recommendation to pursue development through the HRA.
 - 5.7.2. Cabinet approval of this Strategic Outline Business Case and recommendation
 - 5.7.3. Cabinet approval to begin the procurement of a Main Contractor to support the design evolution and planning application submission.
- 5.8 Future key governance milestones in will likely also include:
- 5.8.1. Update of the financial viability of the scheme and relevant approvals to proceed with the planning submission.
 - 5.8.2. Approval of the detail of the planning application itself
 - 5.8.3. Approval to engage in a further procurement to enter into a fixed price construction contract or entering into a construction contract with the existing contractor onboard
- 5.9 The above approvals are likely to need to go through both Cabinet and the Commissioners/Central government processes and any future project plans will need to continue to factor in adequate scrutiny and lead in times to adhere to these requirements.
- 5.10 From a day to day perspective, as the project progresses, it is recommended that the Council maintain a similar approach to project governance that it has adopted to date, with a dedicated Council project team and project management function to put in place project plans and monitor progress and manage risks. While the Council is seeking to procure a main contractor to manage to the design process through to planning submission, the Council should consider what employer side resource is required to undertake the project management functions effectively.

-
- 5.11 While the main contractor will be expected to manage the design and technical team, it is assumed that the Council will still have need to manage the main contractor as employer and ensure that the interface between the main contractor, Council stakeholders and planning consultants is seamless. This may be through dedicated in-house Council resource, or the Council may wish to consider procuring ongoing project management support.
- 5.12 It is also recommended that the Council continue to progress with the Steering Group meetings that have been set up which to date have been an effective way of ensuring wider Council functions are represented in the discussions and progress of the scheme development.
- 5.13 Once the project progresses to the construction phase, the Council will need to ensure that there is robust client-side scrutiny of the contractors performance. This is typically done by procuring an employers agent who will monitor and ratifying construction progress including sign off on value of spend to be invoiced by the main contractor.
- 5.14 To date the Council's governance and management processes have operated effectively in supporting the progression of the scheme, the basis of which should be continued going forward and supplemented as they project requirement change.

Appendix I

Sub heading

Contact details

Enquiries

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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North Site



Shared surface with planting



Play area



Car parks separated by green spaces



Pocket parks



Shared surface route



Pedestrian route



2 storey



3 storey



4 storey belt



5 storey



6 storey

Storey height of surrounding buildings shown in outline only.

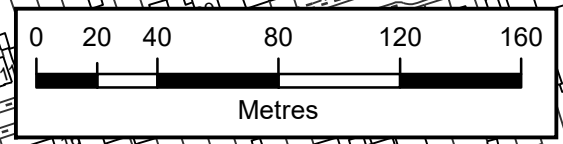
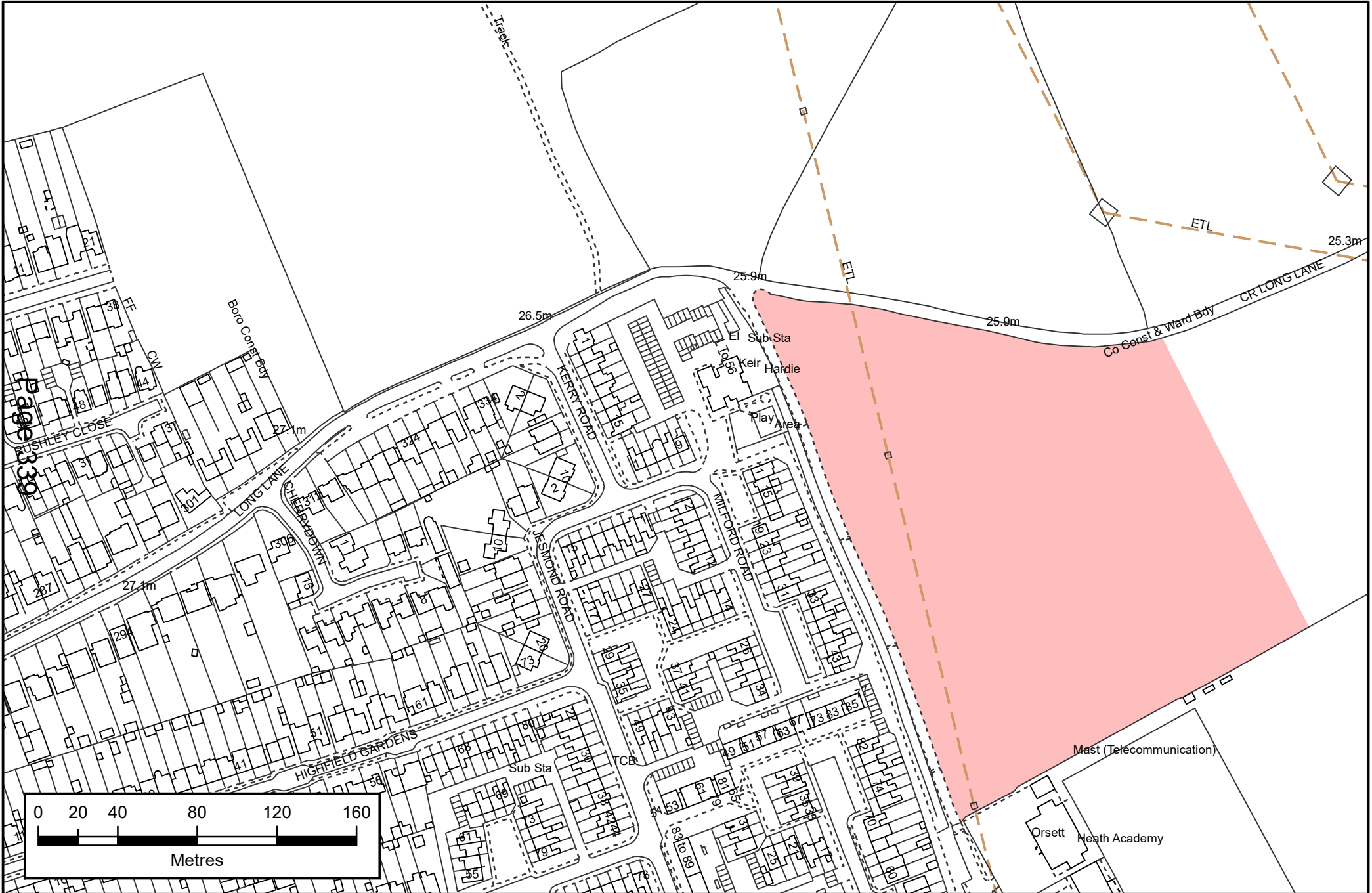


South Site

-  Shared surface with planting
-  Play area
-  Car parks separated by green spaces
-  Pocket parks
-  Planted swales
-  Shared surface route
-  Pedestrian route
-  1 storey
-  2 storey
-  3 storey
-  4 storey belt
-  5 storey
-  6 storey

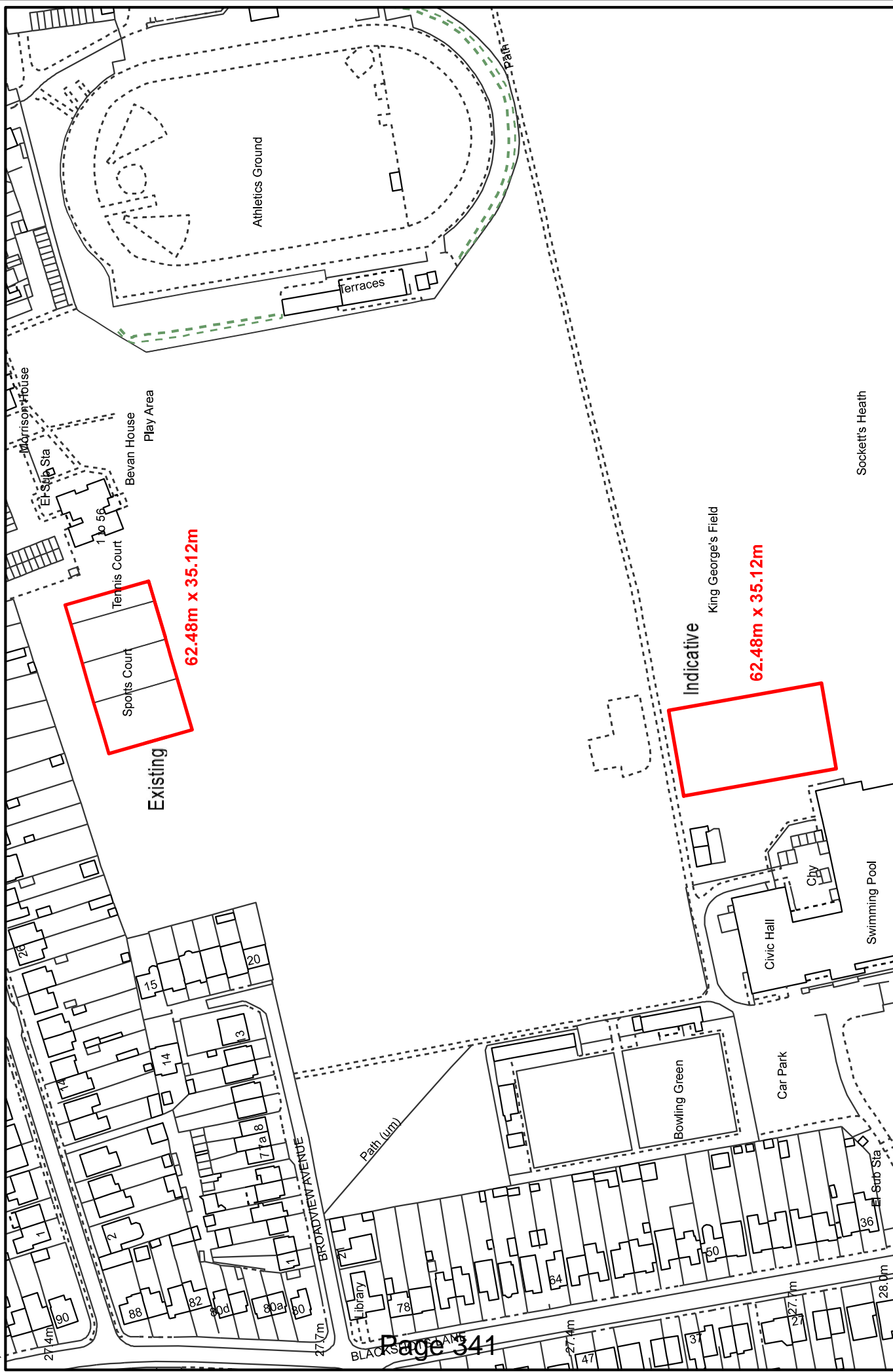


Storey height of surrounding buildings shown in outline only.



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Reposition of Tennis Courts?



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Blackshots Community Equality Impact Assessment – January 2024 Review

The Equality Act 2010 states that public bodies must have “due regard” to a variety of Equalities objectives (Equality Act 2010, Section 149) and consequently, Equality Analysis must be carried out to demonstrate that decision-makers are fully aware of the impact that changes may have on stakeholders.

The concept of ‘due regard’ was reinforced in 2012 during the review of the Public Sector Equality Duty (PSED) which “requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities”

‘Due regard’ is dependent on the relevance and potential impact of the decision being considered. The greater the relevance and impact, the higher the regard due.

As an authority, we have made a commitment to apply a systematic screening process to new policy, strategy, functions or service development including reviews or changes to existing policy, strategy, functions or services.

This is to determine whether the proposals are likely to have a significant impact on different groups within our community.

This process has been developed, together with [full guidance](#), to support officers in meeting our duties under the:

- Equality Act 2010
- Public Sector Equality Duty
- The Best Value Guidance
- The Public Service (Social Value) 2012 Act

In addition, the guidance supports officers to consider our commitments set out in the [Thurrock Joint Compact](#) with the voluntary sector.

As well as supporting you to look at whether there is, or will be, a significant impact, the guidance will also consider ways in which you might mitigate this in the future.

About the service and reason for the development or review process

Name of service	Housing
Lead Officer	Keith Andrews – Strategic Lead – Housing Development
Contact Details	KAndrews@Thurrock.gov.uk

Why is this policy, strategy, function or service development/review needed?

The proposed demolition and associated decant of council tenants and purchase of leasehold dwellings and garages in three tower blocks (Bevan, Morrisson and Kier Hardie Houses) at Blackshots, Grays which would have a significant impact on existing residents, the wider community and those waiting for affordable housing in the Borough.

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1. Consultation, data and intelligence

1.1 Please highlight the steps you have taken, or plan to take, to consult the whole community or specific groups affected by the policy, strategy, function or service development/review e.g., on-line consultation, focus groups, consultation with representative groups? For further guidance please contact: consultations@thurrock.gov.uk
This is a vital step

1.1 Please highlight the steps you have taken, or plan to take, to consult the whole community or specific groups affected by the policy, strategy, function or service development/review e.g., on-line consultation, focus groups, consultation with representative groups? For further guidance please contact: consultations@thurrock.gov.uk

This is a vital step

An extensive initial consultation and engagement exercise has been completed with residents of Blackshots Estate with the results reported to Cabinet in December 2022. An initial analysis of feedback received highlights that the redevelopment of the estate is expected to have a positive impact for the health and wellbeing of residents.

More detailed consultation and engagement with existing residents has also now been completed through four on-site consultation events during the summer of 2023 alongside the preparation of a redevelopment proposal. Residents have also been engaged with on an individual basis through home visits with regard to the impact and needs of that resident as a result of their need to move in order to achieve vacant possession for each block.

An independent tenants and leaseholder advisor service has been engaged to be an advocate for tenants and active consultation. They have participated in the consultation events and established a programme of activities focusing on key issues regarding the vacation of the blocks and associated matters.

1.2 Please also provide details on the sources of data or intelligence you have used to inform your assessment of impact and how they have helped you to understand those that will be affected by the policy, strategy, function or service development/review outlined?

Data held on the Council housing management information system Northgate.

Thurrock Council 2017/18 Ward Profiles

Census 2021

Nomis 2011 Ward Labour Market Profile: Little Thurrock Blackshots

Thurrock Council 2022 Stock Condition Survey

This has helped us identify the relevant occupants of the tower blocks to be demolished and gives information on specific rehousing needs and requirements of occupants.

This information helps ensure that the arrangements for engagement and support for residents are accessible to all and meet the identified needs of those occupants directly impacted.

Stock condition data alongside complaints data helps identify the failing nature of the blocks and the need for permanent solutions to the failing external wall treatment and prevalence of damp and mould in the blocks.

Learning has been undertaken from work completed by LB Tower Hamlets at [Microsoft Word - Appendix 4 - Equalities Impact Assessment \(Oct 2021\) \(towerhamlets.gov.uk\)](#) which informs conclusions in this CEIA.

Following update from Treasury end of November, we anticipate we will progress to March Overview & Scrutiny followed by March Cabinet. Following this, planning application consultation to take place in Winter 24/25, vacant possession in Spring 2025, Planning application in Spring/Summer 2025, followed by site construction from Winter 2026-2028.

2. Community and workforce impact

1.1 What impacts will this policy, strategy, function or service development/review have on communities, workforce and the health and wellbeing of local residents?

Look at what you know? What does your research tell you?

Consider:

- National and local data sets – please see guidance
- Complaints
- Consultation and service monitoring information
- Voluntary and community organisations
- The Equality Act places a specific duty on people with ‘protected characteristics’. The table below details these groups and helps you to consider the impact on these groups.

	Positive	Neutral	Negative	What are the positive and negative impacts?	How will benefits be enhanced and negative impacts minimised or eliminated?
Local communities in general	✓			<p>Redevelopment will increase provision of healthy and affordable homes available for qualifying Thurrock residents and remove unhealthy and failing accommodation.</p> <p>Redevelopment of new homes will also include creation of new public realm and consequent improvements in safety, accessibility and design to promote healthy lifestyles.</p> <p>The construction process will have a short-term detrimental effect because of noise, dust and access however the benefits of the new development outweigh the temporary disadvantages.</p>	<p>Design and layout of replacement homes will support active lifestyles and provide a range of accommodation meeting local need</p> <p>New public realm will meet modern standards in relation to accessibility and greener travel options such as pedestrian and cycle pathways and electric vehicle charging.</p> <p>Construction contracts will include requirements to meet council design guidance in relation to the new homes and environment. Contracts will deliver social value outcomes to the locality and local people.</p>

					The adoption of Secured by Design principles will help prevent crime and anti-social behaviour
Age	✓			<p>Older people with disabilities are likely to be impacted more by redevelopment</p> <p>Older leaseholders may find it more difficult to raise mortgages on new homes</p> <p>Children and young people may lose access to local play space during construction</p> <p>A range of suitably sized affordable accommodation will be required in the development brief including increased numbers of adapted homes</p>	<p>Older leaseholders have access to independent advice and signposting to support services and how to access qualified financial advisors</p> <p>Phasing of development will aim to minimise loss of available play space during construction</p> <p>The development brief will reflect the mix of housing demand.</p>
Disability	✓			<p>Disturbance as a result of moving will impact those with a disability</p> <p>Those with sensory or learning disabilities may be disproportionately impacted by the change to environment or home.</p> <p>Dust and air quality changes during the construction phase for neighbouring residents not moving out of the estate during the construction period may negatively impact on those with respiratory disease. Noise and changing environment may disproportionately impact those remaining residents, particularly some vulnerable residents.</p> <p>Moving will improve the opportunity for existing residents to be more appropriately housed and for new residents to benefit from modern homes.</p>	<p>Targets will be set for the provision of the number of adapted homes in the new development.</p> <p>Independent tenants and leaseholder advice will continue to be available and meet the needs of people with a range of needs.</p> <p>The contractor will be required to minimise noise, disruption and dust during the construction phase. The impact of construction noise and traffic will be monitored as part of the council's management of the construction contract.</p> <p>The new public realm will be planned in accordance with current design guidance.</p>

			<p>New public realm will be more accessible for those with limited mobility.</p> <p>33% of those residing in postcodes RM162NR & RM162QP are registered disabled.</p>	
Gender reassignment		✓	<p>The redevelopment proposals carry no perceived negative impacts from a gender reassignment perspective</p>	
Marriage and civil partnership		✓	<p>Marriage/Civil partnership status may have implications regarding property ownership and tenure however this will be the case irrespective of the redevelopment process.</p> <p>There are no specific implications for people with this protected characteristic</p>	
Pregnancy and maternity		✓	<p>Disruption for neighbouring residents not moving out of the estate during the construction period may negatively impact on pregnant mothers or families with new-born children.</p> <p>The replacement of the existing poor condition stock with new homes will eliminate the possibility of people enduring poor quality housing whilst pregnant or with newborn children.</p> <p>There will be no specific negative long-term implications for people with this protected characteristic once redevelopment has been completed</p>	<p>The contractor will be required to abide by industry standard practices such as the considerate contractor scheme in order to minimise nuisance and disruption to neighbouring residents during the construction phase.</p> <p>Should Allocations become aware of pregnancy, then the relevant document is requested. This would fall under the monitoring process. Normally expected due date paperwork or a MATB1 certificate is supplied to evidence the pregnancy. At 28 weeks, the unborn child is included on the bedroom calculation to ensure we offer a property that meets the needs of tenants in terms of size. The mental health of all tenants would be considered through the decant process. For instance, any evidence submitted to us in relation to mental health would be assessed by the relevant medical officer. If there is a</p>

					severe case of mental ill-health, for instance, where there may be suicidal tendencies, the property type offered to the tenant may be restricted to low rise properties. All applicants are dealt with equally and in line with the Allocations Policy . However, if any needs are identified regarding MH, we would first advise that they speak with their GP. If they have an allocated support worker, we will liaise with them or our colleagues in ASC/CLS.
Race (including Gypsies, Roma and Travellers)		✓		There are no specific or different implications for people with this protected characteristic	<p>Redevelopment and rehousing plans are to be neutral from a race perspective and will be tested to ensure the plans are fair, unbiased and not influenced by someone's race.</p> <p>The council monitors the equality of its allocation policies on regular planned basis.</p> <p>If a person raises a particular issue with area/property type that could have any detrimental impact on a person's religious beliefs/race etc, then it would certainly be something we would take into consideration.</p> <p>Housing Allocations do ask applicants for their demography/equalities data, but it is their choice as to whether or not they respond to those questions.</p>
Religion or belief		✓		There are no aspects to the redevelopment plans that will prevent residents from practicing their religion/faith and so it is concluded that there will be no specific or different implications for people with this protected characteristic.	During the fact finding and rehousing process residents will be able to raise issues about their place of worship so that the disruption to lives can be minimised

Sex		✓		There will be no specific or identified negative implications for people with this protected characteristic	
Sexual orientation		✓		There will be no specific or identified negative implications for people with this protected characteristic	Design of the new home and public realm will meet secure by design standards which will offer a greater level of security to all, which may be relevant to LGBT+ residents.
Any other community issues identified for this location? If the project is based in a specific location please state where, or whether Borough wide. Please include any detail of relevance – for example, is it an area with high unemployment , or public transport limited?	✓			<p>Population data for the ward shows higher than the Borough average of older people however residents of the block are typically younger with an average age of 40 years and so are less likely to have larger number of people with disability or poor health conditions.</p> <p>The ward has lower percentages of unemployed people at 6.5% compared to Thurrock overall at 8.5% and no negative implications are identified.</p> <p>Residents in the output area typically experience more deprivation than the rest of the borough based on Census 21 data. The creation of new homes and public spaces with opportunities for local employment and social value initiatives will be a positive factor.</p>	<p>Provision of new well designed and affordable accommodation and public spaces promoting healthy lifestyles will enhance the circumstances of the new and existing residents.</p> <p>Council procured contracts will require social value initiatives and opportunities for employment and skills development for local residents.</p>
Workforce of Thurrock		✓		There will be no specific or different implications for people with this protected characteristic	

Council (e.g. in the case of service change/s)				
Health and wellbeing of residents Please see guidance.	✓		<p>Redeveloping the towers will mean that existing residents do not suffer from the high levels of damp and mould reported.</p> <p>Redevelopment of new homes will also include creation of new public realm and consequent improvements in safety, accessibility and design to promote healthy lifestyles.</p> <p>The planned redevelopment will increase the supply of affordable housing in Thurrock thereby contributing to meeting the council's Health and Wellbeing strategy objectives.</p> <p>The redevelopment will seek to improve physical and mental health, reduce exposure to air pollution and to build community resilience and reduce antisocial behaviour through design and community engagement</p>	<p>Provision of new healthy and affordable accommodation will enhance the circumstances of the occupants.</p> <p>New public realm will meet modern standards in relation to accessibility and greener travel options such as pedestrian and cycle pathways and electric vehicle charging.</p> <p>New approaches to water and space heating will reduce the use of fossil fuels and be reliant on cleaner energy.</p> <p>Residents have already been able to influence the initial design proposals through consultation events during the summer of 2023 and will continue to be able to influence the design of new homes through community engagement activity throughout the project.</p>
Socio-economic outcomes Please see guidance.		✓	<p>Increased levels of affordable housing will benefit those unable to afford to access accommodation in the private sector.</p> <p>Residents in the output area typically experience more deprivation than the rest of the borough based on Census 21 data (specifically those households deprived in one or two dimensions).</p> <p>The creation of new homes and public spaces with opportunities for local employment and</p>	<p>Rent levels will all be set within the Local Housing Allowance cap for the area and so be within limits for eligible benefit claimants.</p> <p>Council procured contracts will require social value initiatives and opportunities for employment and skills development for local residents.</p>

				social value initiatives will be a positive factor.	
Veterans and serving members of the armed forces Please see guidance.		✓		Whilst there will be no specific or different implications for people with this characteristic, please see mitigation.	The council has adopted a Veteran's charter and the Essex Military Covenant and the obligations on the Council as a result will be incorporated into the redevelopment proposals where appropriate.
Unpaid Carers		✓		There will be no specific or identified negative implications for people with this protected characteristic	All applicants are dealt with equally and in line with the Allocations Policy . Carers can request a priority banding and this will be assessed according to the allocation policy.

3. Monitoring and Review

3.1 How will you review community and equality impact once the policy, strategy, function or service has been implemented? <i>These actions should be developed using the information gathered in Section 1 and 2 and should be picked up in your departmental/service business plans.</i>		
Action	By when?	By who?
Baseline data on housing typology and accessibility and incidence of damp and mould complaints will be recorded at the point Members give approval for the redevelopment process to commence.	Spring/Summer 2024	Housing Service
The effectiveness and equity of the decant process will	March 2024	Housing Service

<p>3.1 How will you review community and equality impact once the policy, strategy, function or service has been implemented? <i>These actions should be developed using the information gathered in Section 1 and 2 and should be picked up in your departmental/service business plans.</i></p>		
be monitored through out the process to ensure fairness		
Data resulting from the newbuild project will be recorded at project completion and residents' satisfaction surveys at 6 and 12 months post completion will be analysed.	Within 12 months of project completion	Housing Service
During the duration of this redevelopment this CEIA will be periodically reviewed and refreshed as a working document.	Spring 2024 being the next gateway decision point	Housing Service
Resident satisfaction of the programme will be monitored throughout.	Review conducted in December 2023 and will be repeated in Spring 2024.	Resident engagement and Independent Tenant and Leaseholder consultants reporting to the Housing Service
Satisfaction surveys will be completed with new residents at 6 and 12 months after construction.	Post construction	Housing Service

4. Next steps

It is important to ensure that the information gathered is used to inform any council reports that are presented to Cabinet or Overview and Scrutiny committees. This will allow members to be furnished with all the facts in relation to the impact their decisions will have on different equality groups and the community as a whole.

Take some time to précis your findings below. This can then be added to your report template and the Equality and Diversity Implications section for sign off by the Community Development and Equalities team at the consultation stage of the report cycle.

Implications/ Customer Impact

An extensive consultation and engagement exercise has already been completed with residents of Blackshots Estate with the results indicating a strong preference with 71% of those responding agreeing with the statement that “I think the buildings are coming towards the end of their life. Thurrock Council should look to replan the area with lower height homes with better energy efficiency and access to gardens and green spaces”

An initial analysis of feedback received together with this assessment highlights the redevelopment of the estate is expected to have a positive impact for the health and wellbeing of residents and contribute towards many of the goals within the council’s health and wellbeing strategy. This Community Equality Impact Assessment has been completed to account for the proposed redevelopment and will be the subject of an ongoing cycle of monitoring, review and refreshing by the project team.

Consultation events during 2023 demonstrated that residents support for demolition of the blocks had not changed and was still welcomed. There were concerns about the extent of the red line for development on the King George’s field and that will remain a focus for further work.

At a later stage, during construction, there will be a planning condition for the contractor to complete a Housing Impact Assessment. This will outline the impact of this project against many of these characteristics. This will lead to identification of further mitigation and enhancement measures.

The tenancy decant officer will continue to monitor ongoing issues and queries with residents throughout the decant process. The Independent Tenant & Leaseholder advisor has arranged drop-in sessions and workshops as well as providing 121 support with residents. A FAQs document will be shared with the wider community outlying the project & programme updates. During construction stage, a Construction Engagement Management Plan is required from the contractor to investigate how transport and traffic

Implications/ Customer Impact

is managed throughout the site and wider area, as well as dust and mitigation measures.

Any contractor or consultant appointed by the council to fulfil works associated with the proposals will be directed to the council's CEIA and will be required to fulfil legislative requirements arising from the Equality Act 2010 and Public Sector Equality Duty as standard. Contracts for services and works will include social value measures to be delivered by the provider/contractor and will be directed in line with the council's social value framework and supporting priorities for communities. Contractors' policies will also be assessed within the procurement process.

5. Sign off

The information contained in this template should be authorised by the relevant project sponsor or Strategic Lead who will be responsible for the accuracy of the information now provided and delivery of actions detailed.

Name	Role – for example, project sponsor, head of service)	Date
Keith Andrews	Strategic Lead Housing Development	30 March 2023
Julian Wain	Strategic Place Advisor	17 May 2023
Ewelina Sorbjan	Assistant Director Housing – Project Sponsor	18 May 2023
Keith Andrews	Head of Housing Development	9 January 2024

Julian Wain	Strategic Place Advisor	25 January 2024
Ewelina Sorbjan	Assistant Director Housing and Development – Project Sponsor	26 January 2025

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13 March 2024	ITEM: 23 Decision: 110718
Cabinet	
Total Security Solution Contract Procurement	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor Barry Johnson, Portfolio Member for Housing and Children Services	
Accountable Assistant Director: Ewelina Sorbjan, Assistant Director of Housing and Development	
Accountable Director: Ian Wake, Corporate Director of Adults, Housing and Health	
This report is Public with exempt appendices. Appendix 2, 4 and 5 by virtue of part 1 of Schedule 12A of the Local Government Act 1972 are exempt because they contain information as set out in category 3 relating to the financial or business affairs of any particular person	
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>	
<i>Appendix 2 -Service Requirements is exempt for the purpose of this report</i>	
<i>Appendix 4 – Draft Stage 1 Form is exempt for the purpose of this report.</i>	
<i>Appendix 5 – Cost Specification Report is exempt for the purpose of this report.</i>	
Date of notice given of exempt or confidential report: 5 March 2024	
Version: Final / Cabinet	

Executive Summary

This report seeks approval for an integrated Total Security Solution Contract for the period 2024/25, combining concierge, static guarding, access control, and intruder alarm response call outs. This procurement exercise allows for one contract model to be in place of multiple security contractors across the council via a compliant framework agreement.

The report reviews the options considered to continue delivering security services in a more effective and efficient way.

The key findings support a combined security solution for the following reasons:

Increased Costs – Current security costs could increase having different unaligned contracts in place with various contractors.

Expensive In-House Model - An in-house Council team delivering this combined security service is the most expensive model to implement compared to an outsourced integrated security solution.

Controls Expenditure - One contract helps to control and monitor security costs across the council.

Reduced Costs - An opportunity to scale up an Intruder alarm response service in council owned buildings to reduce static guard costs.

Other Services – This gives the opportunity to purchase wider security services in performing our current duties, legal requirements now and in the future e.g., fire warden, vacant property safety, event security, etc., to a diverse range of portfolio sites.

Efficiency - Key Performance Indicators (KPIs) will help to measure the effectiveness and efficiency of this security contract in relation to overall performance, cost, contract utilization and social value.

Government Intervention & Section 114

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern about three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022, DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council's compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- The scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority's approach to financial management, and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority's commercial strategy, and.
- The failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that the Authority was taking to address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner.

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature.'

Since that period, the Council has continued to operate under the s114 Notice and is collaborating with Commissioners to tighten its financial management procedures.

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

1. Recommendation(s)

- 1.1 To approve the procurement for an Integrated Total Security Solution Contract across council departments.**
- 1.2 To delegate authority to Corporate Director in consultation with the Portfolio Holder to award this contract following the PCR 2015 and the Council's contract procedure rules.**
- 1.3 To note that the new security contract will have a term of 3 years with an option to extend for further 2 years making the total contract term 5 years.**

2. Introduction and Background

2.1 Current contractual arrangements: There are four Council departments using different security contracts detailed below.

2.2. The existing contracts includes:

2.2.1 Social Housing – Chadwell St Mary, Chadwell St Mary – 273 properties

The core service is as follows. 24/7 Concierge service – controlling entry and monitoring all visitors to the building, and patrols. Funding for this service recovers from tenant and leaseholder service charges in the Housing Revenue Account. The contract value is circa £284k per annum. This contract has been extended until 30 September 2024.

2.2.2 Sheltered Housing – Pigg's Corner, Grays Thurrock – 82 properties.

The core service is as follows. 24/7 Concierge Service – controlling entry and monitoring all visitors to the building, and patrols. Funding for this service recovers from tenant service charges in the Housing Revenue Account. The contract value is circa £140k per annum. This contract has been extended until 30 September 2024.

2.2.3 Homelessness – Brook House, Grays Thurrock – homeless hostel ten units

The core service is as follows. 55 hours per week, controlling entry, greeting visitors, and conducting building patrols. Funding for this service comes from the General Fund Account. The contract value is circa £112k per annum. An extension until 30 September 2024 is currently being considered by SAP.

2.2.4 Facilities Management – Civic Office and Thameside, Grays Riverside

The core service is as follows. 136 hours per week, general building security services and out of hours evening and nights security. Funding for this service comes from the General Fund Account. The contract value is circa £150k per annum.

2.3 The drawbacks to these current contractual relationships are:

- Higher prices paid by different departments as small value contracts reduces the councils bargaining power.
- Higher management and administration costs to the council.
- Lower social value contribution in small value contracts.
- Lower levels of trust in small value contracts.
- Reduced collaboration and shared benefits of a long-term partnership.

3. Service Model Options and Analysis of Options

- 3.1 Appendix 1 presents a high-level option appraisal of potential security delivery models for residents, staff, and public safety at sites 2.2.1 to 2.2.4. The findings helped, to reshape our service requirements.
- 3.2 Key findings were as follows:
- 3.3 The options appraisal has four different service delivery models to keep residents and the civic building protected.
- 3.4 The preferred option retains the current specification but with appropriate revisions to improve service delivery and effectiveness.
- 3.5 Appendix 2 contains the proposed Total Security Contract service requirements.
- 3.6 Table 1 presents the current services to fulfil our existing duties and allows the purchase of further security services in the future to fulfil other legal requirements within this new contract.

Table 1

Current Service Requirements	New Additional Security Services
Concierge – meet and greet controlled entry	Flexibility for other council departments to join and access security services.
Customer Service – friendly, polite, and helpful	Waking Watch Fire Warden Service – This covers the protection of residents and buildings in response to fire safety issues.
Mobile security patrols to deter unauthorised visits through inspection and patrol of the exterior areas	Static Guards to protect residents and Thurrock public buildings and assets.
Patrol System Technology	Response to alarms and key holding for out of hours Thurrock public buildings.
Keyholder/Out of Hours Response	Site Security to protect Thurrock public buildings and assets.
Relief SIA [Security Industry Authority] Security Guards	Event Security at council civil events.
General Building Security to ensure doors, windows, and car parks are secure	Vacant Property Guardian Service for housing estates redevelopment e.g., Blackshots Lane, Little Thurrock Blackshots

3.7 The new contract will be three years with option to extend in annual increments for a further two years. The whole life value of this contract is above £500K and has a scope to control future expenditure on security services.

4. Analysis of Security Contract Options

4.1 The following options have been considered before recommending entering this tender for procurement. Table 2 represents a summary of those high-level options considered in Appendix 3.

Table 2

No.	Description	Outcome
1.	Do Nothing	High security concerns for vulnerable residents and women and children living in Chadwell high rise /sheltered housing / homeless hostel, increases in Anti-Social Behaviour and the adverse impact on customer satisfaction this option was rejected.
2	In House/Direct Management	This model is expensive for tenants, leaseholders, and the Council. An in-house team would incur higher staffing costs, overheads, and TUPE cost to accommodate existing and new employees. This option was rejected because of high cost and the council's aim of reducing its staffing base.
3	Total Security Service	This model provides the council the following benefits: Long term partnership arrangement, potential of collaboration and innovation in security services at diverse range of sites. A higher social value contribution having one large contract in place rather than small, bundled lots. Increased flexibility for other departments to join this contract in the future. New and extra security services available to protect council assets. Procurement under a framework agreement helps to ensure competitive pricing, drive savings, and improve efficiencies. This was the preferred option.
4.	Single Contract	Small contracts have some drawbacks, such as higher risk and lower competitiveness to secure a contractor. This option was rejected because we would not want to issue four small separate contracts due to the costs involved.
5.	Bundled Contract	A bundled contract could combine some services together into smaller lots. However, this option has a combination of high risks, unlikely to provide best value for money and quality may vary across services, resulting in service inconsistency. This option was rejected because of the higher contract management resource requirements and costs than having one contractor.
6.	Hybrid Contract	This option is like five. However, in this instance, some bundles are delivered in house rather than bought. This option was rejected because of the high costs involved for the council to have an in-house team expanded to deliver some of these services.

- 4.2 The Procurement team has agreed that Housing lead on the procurement of the Total Security Solution tender. The different routes to market available include open tender and compliant framework agreement, with differing timescales, but Housing has opted for a compliant framework agreement to achieve administrative efficiencies.
- 4.3 The use of a compliant framework agreement will mean the suppliers have already been vetted and can provide the required services. All suppliers on the chosen framework (or Lot) will be invited to tender. It may be possible to undertake an expression of interest exercise to gauge supplier interest before commencing the further competition.
- 4.4 Different framework user guides were considered e.g., ESPO, CCS and NHS before Housing selected ESPO Framework 377_22 Security Services. This includes all aspects of the Council's requirements for a Boroughwide security solution as laid out in the Service Specification in Appendix 1. The award criteria will be 50% quality and 50% price. This is also the award criteria preferred by the Council's Commissioners.

4.5 The expected benefits of tendering out this service include:

- Improvement in our contract specification requirements and expanding the service to protect Thurrock's building assets and to keep vulnerable residents safe.
- Continuation of security services to protect residents and council assets.
- Value for money through the tendering competition process.
- One security service able to co-ordinate a response to our security requirements across the Council.
- A larger contract value provides a larger social value benefit for residents.

4.6 Appendix 4 presents the draft Stage 1 Form Approval to proceed to Tender.

5. Budget Analysis

5.1 The Budget Specification Report in Appendix 5 presents a high-level breakdown of current budget spend in comparison to the proposed contract service requirements.

5.2 Key findings are as follows:

5.3 The total current budget for Housing and Corporate Services totals £536k per annum.

5.4 The estimated Frameworks costs, fall in the range of £509,758 to £612,943 per annum or a total contract value of £ 2,548, 790 to £3,064,715 for five years. These top and bottom contract values are budgeted annually within Housing Revenue Account (HRA) and Housing General Fund (HGF).

5.5 The bottom contract value has a potential in saving costs to the Council in procurement. Other benefits include a better contract in terms of service quality, flexibility, and, therefore, better value for money as a whole contract.

5.6 The contract price shall be fixed for the first two years and there after subject to an annual price review based on the increase of Consumer Price Index (CPI). The purpose of the price review is determine if a change of price shall apply for the next 12 months.

5.7 Whilst the costs of the new contract to the Council will be higher we are expecting the following non-financial gains:

- Benefits to the community from innovative Social Value
- Contract efficiencies such as: clear requirements, key performance indicators so suppliers can be held accountable, sustainability, cost control
- A supplier that is licensed by the SIA (Security Industry Authority) as well as meeting the requirements of the framework agreement in terms of financial stability, track record and experience
- Ability for continuous improvement
- Ability to identify and manage risks
- Customer satisfaction

6. Timetable for Procurement and Award

6.1 It is anticipated that the following timescales will be applied, see Table 3. Changes may be made by Officers to any of these dates if this action is delayed beyond the control of the council.

Table 3

Key Event	Estimated Timeline
Tender Publication	01/04/2024
Deadline for clarification requests	24/04/2024
Closing date for Tender submission	01/05/2024
Notification of result of evaluation	22/05/2024
Standstill period	10 days*
Leaseholder Consultation [Section 20}	35 days*
Expected date of award of Contract	21/06/2024
Contract Commencement	01/10/2024
Contract End	30/09/2024

* these dates can run in parallel

** assuming a total contract term of 5 years

6.2 Each department involved has apportioned costs budgeted for in HRA and HGF.

6.3 Housing and Corporate Services shall manage their own contractual relationship with the appointed supplier separately to ensure their service requirements are adhered too.

7. Reasons for Recommendation

7.1 This report is submitted to Cabinet in accordance with the Council's Contract Procedure rules to seek approval to proceed to tender for a contract with a whole life value above £500k.

7.2 The decision to procure cannot be deferred.

8. Consultation (including Overview and Scrutiny, if applicable)

8.1 The residents at Chadwell St Mary, Brook House and Piggs Corner will have their say on how they want the new service to operate and support vulnerable residents.

8.2 Leaseholders in Chadwell St Mary affected by this decision will also be consulted Under section 20 of the Landlord and Tenant Act 1985 [amended by section 151 of the Commonhold and Leasehold Reform Act 2002 regarding the Total Security Solution Contract for which they must pay.

9. Impact on corporate policies, priorities, performance and community impact

9.1 This security service will support Housing and the Police to manage and tackle crime, disorder on estates, and improve the health and wellbeing of residents to live in a safe and secure environment.

9.2 The Council's Social Value condition in this contract will secure community benefits, such as a mix of local recruitment, apprenticeships, event sponsorship, etc. in Thurrock.

10. Implications

10.1 Financial

Implications verified by: **Andy Michaelides**

Senior Management Accountant

The current housing contracts are budgeted for within the Housing Revenue Account and General Fund 2023/24 and extended to 2024/25 to fulfil our legal requirements.

A competitive procurement process will aim to procure a new security contract, with enhanced performance delivery outcomes, including maximising social value to the local community and value for money for residents in awarding a contract.

10.2 Legal

Implications verified by: **Kevin Molloy**
Principal Solicitor Contracts Team

Following issue by the Council of a s114 notice, the Council must ensure that its resources are not used for non-essential spending. The contract at issue here is essential and related to the provision of essential Council services. In procuring the services outlined, the Council must observe the obligations upon it outlined in national legislation and in its internal procurement rules. Officers should ensure Legal Services are kept informed as they progress through the procurement.

10.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Officer

The re-procurement of the housing concierge element of this contract does not involve any changes to service delivery of operational practices to residents. However, a community equalities impact assessment will be conducted to ensure our decision-making process and service does not present barriers or disadvantage any protected groups.

The service remains front line aimed at enhancing the quality of life on estates which will benefit all equality and diversity groups and particularly address those who may feel vulnerable in their home and environment.

The procurement process will establish a suitable list of tenderers who can evidence their commitment to the council social value priorities and demonstrate excellent practice in employment including equal opportunities, recruitment, training and staff term and conditions.

10.4 Risks

NA

10.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

There are no direct staffing implications for the Council arising from this report although there is the potential for TUPE between the existing security contractors at Chadwell St Marys, Piggs Corner Civic Offices and Thameside and the new security contractor. Staffing costs will

need to be obtained from the current providers before we go out to tender and will only be shared with potential bidders upon completion of a confidentiality agreement.

Security services will protect both the council's assets, staff, and members of the public against anti-social behaviour. The security provision can also cover the council's civil events.

Security staff provide customer service at tenanted high-rise blocks, sheltered housing, hostel shared accommodation and the council civic offices. The appointed supplier must comply with all the relevant council policies and procedures.

11. 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):

- Housing Re-procurement of Concierge Contract, 10 March 2021.
[Report Template \(thurrock.gov.uk\)](https://www.thurrock.gov.uk)

12. Appendices to the report

- Appendix 1 Service Delivery Model Options
- Appendix 2 Total Security Contract Service Requirement [**Exempt**]
- Appendix 3 Options Appraisal Report
- Appendix 4 Draft Stage 1 Form – Approval to proceed to Tender. [**Exempt**]
- Appendix 5 Cost Specification Report [**Exempt**]

Report Author:

Dulal Ahmed, Housing Enforcement Manager, Private Housing & CCTV Enforcement
Peter Doherty, Head of Housing Operations

Appendix 1 Service Delivery Model Options

Terminology:

- Static concierge / guard – permanently stationed, acts as a visual deterrent, protects premises against unauthorised access.
- Mobile patrol – undertakes regular patrols of a site acting as a visual deterrent, reports any suspicious behaviour. This is particularly relevant out of hours, ensuring that there are trained eyes throughout the night when crime might be more likely.
- Mobile car patrol – as per ‘mobile patrol’ – is able to move between a wider geographical number of sites.
- Alarm Response service (keyholders) – is an intruder alarm system which is monitored 24/7 by a 3rd party alarm receiving centre (ARC). The staff at the ARC respond to our alarm activations by contacting our pre-defined list of keyholders.

Option 1: Reduce the number of security personnel where there are two or more on-site at the same time.

- Sites: Chadwell High Rise / Civic

The new specification for the Chadwell high rise will require one of the two current static concierge to operate as a highly visible mobile patrol covering the whole site – this has been requested by residents. In order to do so we will require the second concierge to man the reception to provide access to the large volume of visitors to the site. If we were to reduce the service to one concierge then we would have insufficient cover to provide the mobile patrol.

The six static guards at the Civic are to be reduced to four – this has already been factored into 23/24 in-year savings.

The remaining sites either have only one security personnel and therefore fall outside the scope of this option or in the case of the corporate in-house team do not fall within the scope of the procurement exercise.

Option 2: Use of a mobile car patrol as opposed to a static security guard

- Sites: Piggs Corner / Chadwell High Rise / hostel B / Alarm Response Service (keyholders)

We have considered offering a mobile car patrol as opposed to a static guard, even for part of the day/night, which could alternate between Chadwell and/or Piggs Corner and/or hostel B and/or the Alarm Response Service.

We have ruled out including hostel B because we think a permanent presence of an on-site security guard provides a greater level of assurance to the female occupants and would be more of a deterrent to unwanted male visitors particularly at night.

We have ruled out Piggs Corner because of the very high foot fall of persons e.g. carers and medical personnel coming on to the site at all times of the day/night so there needs to be a permanent presence to manage access/security. The concierge,

who is trained in fire safety/evacuation, was introduced due to the lack of staff on site at night and the high number of tenants who cannot evacuate without assistance.

We have ruled out Chadwell because if we were to reduce the service where one of the concierge was part of a borough wide mobile patrol then we would have minimal cover.

The remaining service – Alarm Response Service (keyholder); the new contractor would be expected to have their own list of keyholders so this is likely to be provided as a stand-alone service within the new contract. If, however, we had had a need for a mobile car patrol then it is possible that the keyholder service could have been included within the scope of duties.

The corporate in-house team do not fall within the scope of the procurement exercise.

Option 3: Replace concierge and introduce intercom access for residents

- Sites: Piggs Corner / Chadwell High Rise / hostel B

We have considered replacing the concierge / static guards at the above sites.

We have ruled out Chadwell High Rise because the cost of upgrading the intercom system would be prohibitive.

We have ruled out including the hostel B and Piggs Corner for the same security reasons stated above in option 2.

The remaining services – Alarm Response Service (keyholder) and corporate inhouse services fall outside the scope of this option because they do not provide resident access.

Option 4: Retain the current specifications but with appropriate revisions to improve service delivery and effectiveness

We are recommending this option because it allows us to take the best of the current contracts and to add what more we and our residents would like added in order to reshape the current services and make them more effective and therefore better value for money.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Appendix 3

TOTAL SECURITY SOLUTION – OPTIONS APPRAISAL

Number	Option	Comments
1	Do Nothing	<p>Given the many risks identified with us do nothing, for example, the potential security concerns for residents and women and children living in Chadwell high rise / hostel B, increases in ASB and the adverse impact on customer satisfaction this option was rejected.</p>
2	In-house/Direct Management	<p>This would result in the Council retaining full control and flexibility, but it also means it takes all the risk in terms of direct delivery. As a result, it is likely to be the most expensive and complex model to implement.</p> <p>As an in-house team we would incur the overheads and TUPE costs for the infrastructure to accommodate the existing and new employees and in supporting staff, resulting in higher service charge cost to tenants and leaseholders.</p> <p>There are however some benefits to this model. We could expect better customer service. Direct management would give us more direct control of resourcing and would simplify the implementation of change and continual improvement removing the need to agree changes through an external management team. Direct management would also allow us to improve information sharing between concierge and council staff. Additionally, we would have the scope for partnership working and/or blending roles within locality delivery models.</p> <p>On balance we rejected this option because of the high costs involved and whilst it is acknowledged that we have a small in-house security team there is not the appetite to increase the size of the team. Moreover, this would run contrary to the Council's aims of reducing its staffing base.</p> <p>The current contracts are budgeted for within the Housing Revenue Account at a cost of £511K and General Fund £87K.</p>

		<p>The costs of the new contract(s) could be in the region of between £605,115 to £725,414. It should be noted for the concierge services (Chadwell high rise and Piggs Corner) that any additional costs will be met by tenants and leaseholders. All other costs would have to be met by the General Fund for Hostel B.</p> <p>It should also be noted that a separate recharge and service charge review is planned in 2024/25.</p>
3	Total Security Service	<p>Re-procuring the contract would allow us to test the current market. It would provide certainty to the service users and staff for the coming years, and potentially allow us to build on the existing service by introducing new elements and working practices.</p> <p>This option is likely to score well on value for money and risk and could increase flexibility. This could bring the expertise of a market leader who has the experience and track record in running efficient services, delivering service quality improvements, can provide cost certainty and deliver savings.</p> <p>As we look to streamline our security team function, we will have less reliance on contract guards, but will see a need for other services such as alarm response, key holding and lock/unlocks. Moreover, this option would allow us to have a degree of flexibility in bringing in additional resources should the need arise in the future.</p> <p>The bigger the contract the larger the social value contribution / benefit to the community engagement and the larger the savings delivered through the economies of scale. There are however some potential risks – this delivery model involves many aspects of control handed directly to the contractor which is a risk and the larger the contract then the potential for losing that ‘personal touch.’ A competitive re-procurement will reveal market rates and may offer savings, but this is by no means certain and cannot be quantified. In addition, no matter how thorough the selection process is, a new contractor could diminish rather than improve the service.</p>

		<p>On balance we recommended this option because we thought it would offer the greatest savings to the Council and if managed properly could provide an improved service to residents and services. The option also aligns with the Council's vision and objectives and the procurement route (a further competition via a compliant framework agreement) helps to ensure competitive pricing, drive savings and improve efficiencies. Suppliers listed on the framework are assessed for financial stability, track record, experience as well as technical and professional ability. They must also be licensed by the SIA (Security Industry Authority).</p>
4	Single Contracts	<p>This contract will cover four service areas – Chadwell high rise (concierge only), Piggs Corner (concierge only), hostel (concierge only) and corporate services (security guards). Although this option might provide bespoke, high quality service delivery e.g. fire safety / evacuation at Piggs Corner and support local firms, having to manage a number of contracts is likely to result in much higher contract management resource requirements and costs and deliver no savings to the Council.</p> <p>Smaller contracts could mean risk and impact of failure is higher. The local market may mean less competition which means higher prices / less incentive for quality assurance. This option was rejected because we would not want to issue four small separate contracts due to the costs involved.</p>
5	Bundled Contracts	<p>This follows on from 4 above – although we would not want to issue four separate contracts, we might want to bundle the contracts. In this instance the most obvious way would be bundle those where there is a concierge requirement i.e. covering Chadwell high rise, Piggs Corner and Brook House, and to have a separate corporate contract.</p> <p>Having more than one contract would enable us to benchmark the services against each other. It would also provide a bit of resilience, in that we could 'buy-in' extra services or cover, from the contractors.</p> <p>This option highlights a combination of risks from all options. It is also unlikely to provide the best value for money and quality may vary across services resulting in a lack of consistency.</p>

		This option was rejected because of the higher contract management resource requirements and costs than having one contractor.
6	Hybrid Contracts	<p>This option is similar to 5. However, in this instance some bundles are delivered internally rather than bought.</p> <p>This means the Council retains part control and flexibility, but it also means it takes all the risk in terms of direct delivery which would be problematic given we do not have the resources in-house to provide some, or all, of the requirements.</p> <p>On balance we rejected this option because of the high costs involved and whilst it is acknowledged that we have a small in-house security team there is not the appetite to increase the size of the team. Moreover, this would run contrary to the Council's aims of reducing its staffing base.</p>

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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13 March 2024	ITEM: 24
Cabinet	
Lower Thames Crossing Update	
Wards and communities affected: All	Key Decision: Non-key
Report of: Cllr Andrew Jefferies, Leader of the Council	
Accountable Director: Mark Bradbury, Interim Director of Place	
This report is Public	
Version: Final / Cabinet	

Executive Summary

The Council has consistently opposed National Highway’s current proposals for the crossing as they do not meet National Highways own objectives for the crossing and will create significant issues for Thurrock and Thurrock residents and businesses. We have fought hard for changes to the proposals or at the very least for improvements and mitigations that will help to address our concerns. National Highways have consistently failed to address these.

The Council’s Lower Thames Crossing team negotiated hard with National Highways last year, to secure an improved agreement with National Highway to ensure that most of the cost of our attending the Examination into the proposal, between June and December last year, would be met by National Highways and not by the Council or Council taxpayers.

The Council was as a result able to present our case in the strongest possible terms at the Examination, entering 31 submissions in response to the proposals. The Council’s response has been praised by the Thames Crossing Action Group in their latest newsletter where they acknowledged *‘What was clear to us, was what a great job the council’s LTC team did.’*

A decision is now in the hands of the Secretary of State, Michael Gove. It is the Council’s view that his Examiners should either recommend refusal of the proposals as they stand or at the very least, make approval conditional on a range of improvements and mitigation measures that we have put forward being delivered.

Commissioner Comment:

No comments

1. Recommendation(s)

- 1.1 **That Cabinet notes the significant work undertaken by officers and consultants acting on behalf of the Council to present the Council's position at the Lower Thames Crossing Development Control Order Examination between June and December 2023**
- 1.2 **That Cabinet endorses the Council's continued position that the proposals submitted by National Highways do not meet their own objectives for the crossing and that they should be recommended for refusal, unless approval is conditional on a range of improvements and mitigation measures as set out by the Council in its submissions to the Examination**

2. Introduction and Background

- 2.1 The Lower Thames Crossing is intended to create additional road capacity across the Thames and relieve pressure on the Dartford Crossing. The proposed route includes 14.3 miles of new road connecting the M2/A2, A13 and M25 and the longest road tunnel in the UK, stretching for 2.6 miles. The project also includes around 50 new bridges and viaducts. About 70% of the infrastructure will be in Thurrock.
- 2.2 The Council has endeavoured to work with National Highways to influence and improve the scheme but remains opposed to the scheme in its current form due to the magnitude of unmitigated economic, environmental, and social impacts levied disproportionately on Thurrock and the Council's concerns about the ability of the scheme to deliver its stated objectives.
- 2.3 The Lower Thames Crossing Task Force has met regularly from September 2017 and has consistently sought to hold National Highways to account. Cabinet has received regular updates in accordance with agreed terms of reference.
- 2.4 In October 2022 National Highways resubmitted its application to the Planning Inspectorate for a Development Consent Order (DCO). The Council submitted its Adequacy of Consultation (AoC) representation highlighting very serious concerns about the consultation, transparency of communication, and local understanding of the scheme impacts. This was accepted by the Planning Inspectorate on 28th November 2022. At this stage in the DCO process, there has been no other basis to challenge National Highways' approach. The possibility of a Judicial Review will not arise until the DCO decision has been issued. Notably, PINS are not required to provide any substantive justification as to how they considered the Council position.
- 2.5 The Council reaffirmed clear all-party support for continuing to challenge the current LTC scheme in response to a Motion at its meeting on the 25th January 2023.
- 2.6 On 12th July 2023 Cabinet approved entering into a Planning Performance Agreement with National Highways that the cost of preparing technical evidence for presentation at the DCO Examination would largely be met by National Highways. This enabled the Council to present its case in the strongest possible terms.
- 2.2 Detailed breakdowns of the Council's responses during the examination were presented to the Council's Lower Thames Crossing Task Force 16th October 2023 and 22nd January 2024.

These detailed the 31 submissions mad by the Council. The paper presented to the Task Force on 22nd January 2024 is attached as Appendix 1.

- 2.3 Further detail on the mitigation measure proposed by the Council is set out in the following documents which are appended to this report: -

LTC Mitigation Benefits (Executive Summary)	November 2020
Relevant Representation – Thurrock Council	4 May 2023
Thurrock Council Local Impact Report	18 July 2023
Thurrock Council Comments on Applicant’s Submissions at Deadline 6	17 November 2023

3. Issues, Options and Analysis of Options

- 3.1 N/A

4. Reasons for Recommendation

- 4.1 The Council has consistently opposed National Highway’s current proposals for the crossing as they do not meet National Highways own objectives for the crossing and will create significant issues for Thurrock and Thurrock residents and businesses. We have fought hard for changes to the proposals or at the very least for improvements and mitigations that will help to address our concerns. National Highways have consistently failed to address these.

- 4.2 A decision is now in the hands of the Secretary of State, Michael Gove. It is the Council’s view that his Examiners should either recommend refusal of the proposals as they stand or at the very least, make approval conditional on a range of improvements and mitigation measures that we have put forward being delivered.

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

- 5.1 The Lower Thames Crossing Task Force received an update on the Examination of the Development Control Order for the Lower Thames Crossing at its meeting on 22nd January. The update set out in detail the activities undertaken by Thurrock Council Officers and Consultants during the examination.

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

- 6.1 There are no implications arising from this report.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Finance Manager
21st February 2024

There are no financial implications arising from this report.

7.2 Legal

Implications verified by **Caroline Robins**
Locum Principal Solicitor Law and Governance

27th February 2024

This report is for noting and there are no direct legal implications arising from this report. There will not be further opportunities for challenge until the DCO decision has been made. The Council could consider challenging the DCO decision using the Judicial Review process when the decision has been issued. It is important to note that once the decision has been issued, the Council would only have six weeks from the date of that decision to bring a Judicial Review claim.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Community Development Team Leader

There are no implications arising from this report.

7.4 Risks

The Lower Thames Crossing is identified as a risk in the Council's Corporate risk Register.

It is noted that as this is Highways England's scheme and the Council is a statutory consultee, management of this risk is reactive to the plans and proposals brought forward by Highways England as well as the timescales laid out in legislation covering the Development Consent Order (DCO) process.

Responding to these plans and proposals impacted every service area within the Council and has relied heavily on their time at different points in the Development Consent Order (DCO) process.

This scheme will impact the health and wellbeing of residents affected by the construction of the crossing by traffic following construction if the scheme is approved.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

There are no significant implications arising from 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):

Version Cabinet – Final version ready for Cabinet/Executive decision

- N/A

9. Appendices to the report

- | | |
|--|------------------|
| • Report to LTC Task Force 22 nd January 2024 | November 2020 |
| • LTC Mitigation Benefits (Executive Summary) | 4 May 2023 |
| • Relevant Representation – Thurrock Council | 18 July 2023 |
| • Thurrock Council Local Impact Report | 17 November 2023 |
| • Thurrock Council Comments on Applicant's Submissions | |

Report Author:

Mark Bradbury

Interim Director of Place

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Lower Thames Crossing Task Force	ITEM:
Final Update on DCO Examination	
Report of: Chris Stratford : Planning Consultant	
Accountable Assistant Director: Tracey Coleman – Chief Planning Officer	
Accountable Director: Mark Bradbury – Interim Director of Place	
This report is Public	

Update

- 1.1.1 The following sets out the key activities, events and submissions and the Council's involvement in the DCO Examination, which began on 20 June 2023, following a Programming and Preliminary meeting on 16 May and 6 June 2023 respectively, which the Council attended, made submissions to and was represented. As a context, the Council made a number of submissions prior to the June Task Force meeting, which are set out below with weblinks.
- 2.1 The Planning Inspectorate (PINS) website is the single source of truth for all DCO application documents and there are two important links:
- Main LTC Website showing all information and updates** – [Lower Thames Crossing | National Infrastructure Planning \(planninginspectorate.gov.uk\)](#)
- PINS Examination Library containing all documents (updated regularly)** – [TR010032-001818-C - LTC Examination Library.pdf \(planninginspectorate.gov.uk\)](#)
- 2.2 The Submissions for the Programming and Preliminary meetings can be found on the Planning Inspectorate's (PINS) website, as follows:
- Programming Meeting (16 May)** – [PDA-007](#)
- Preliminary Meeting (two submissions) (6 June)** – [PDB-009](#) and [PDC-007](#)
- 2.3 In addition, the Council made submissions for Procedural Deadlines A, B and C on 5 and 26 May and 13 June 2023, which also can be found on the Planning Inspectorate's (PINS) website, as follows:
- Procedural Deadline A (PDA) (5 May)** – as for the Programming Meeting above.
- Procedural Deadline B (PDB) (26 May)** – as for the Preliminary Meeting above.
- Procedural Deadline C (PDC) (13 June)** – [PDC-008](#)
- 2.4 In addition, the Council also made two important submissions on 4 May 2023, prior to the Examination commencing – its Relevant Representation ([PDA-009](#)) and its Principal Areas of Disagreement Summary Statement (PADs) ([PDA-008](#)).

- 2.5 Finally, following the commencement by National Highways (NH) of its 'Minor Refinement Consultation' (MRC) (after acceptance by the Examining Authority (ExA) on 21 March 2023) on 17 May until 19 June 2023, the Council made its formal submission to NH on 19 June 2023, which were not published by PINS or NH.
- 2.6 It should be noted that there were 12 Deadlines for written submissions from the commencement of the Examination on 20 June 2023 until its close on 20 December 2023. These deadlines were not missed but were regular and challenging.

19 June – 17 July 2023 (ISH 1 and 2 and Examination Commenced)

- 2.8 The Council attended two Issue Specific Hearings (ISH1 and ISH2) on 21 and 22 June 2023, just after the commencement of the Examination, each lasting most of each day. The Council then made written submissions for each ISH at Deadline 1 (D1) on 18 July 2023, which summarised all its points for each ISH and which are set out below.
- 2.9 The Examination commenced on 20 June 2023 and then the publication of the amended Rule 8 Letter was issued on 3 July 2023 by the ExA ([TR010032-002408-LTC Rule 8 Letter and Annexes Amended APPROVED.pdf](#) ([planninginspectorate.gov.uk](#))).

18 July – 14 August 2023 (Deadlines 1 and 2)

- 2.10 Deadline 1 (D1) on 18 July 2023 was a major ExA deadline and the Council made four written submissions, which are set out below:

Local Impact Report (LIR) of 250 pages and its 13 Appendices – [REP1-281](#) and [REP1-282](#) – [REP1-294](#) (the weblinks to which can be found in the Examination Library: [TR010032-001818-C - LTC Examination Library.pdf](#) ([planninginspectorate.gov.uk](#)))

ISH1 Submission – [REP1-296](#)

ISH2 Submission – [REP1-295](#)

Procedural Deadline D (PDD) – [PDD-001](#)

- 2.11 It should be noted that NH made 216 written submissions at D1 and there were a total of 438 written submissions, including the Council's submissions.
- 2.12 Deadline 2 (D2) was on the 3 August 2023 and again the Council made a written submission, which is: [REP2-093](#). NH made 77 written submissions at D2 and there were a total of 121 written submissions, including the Council's submission.

15 August – 19 September 2023 (ExQ1, Various Hearings and Deadlines 3, 4 and 5)

- 2.13 **ExA First Written Questions (ExQ1) (15 August)** – there were 250 questions with the majority addressed to NH (the applicant) and some 30 questions were required to be responded to by the Council and other local authorities generally or specifically. The response deadline was Deadline 4 (19 September 2023), which was met. The 250 questions can be found here – ([PD-029](#))

- 2.14 **Deadline 3 (24 August)** – the Council made its written submission responding to all relevant NH documents submitted at both D1 and D2. The submission consisted of a main report ([REP3-211](#)) and six Appendices A - F (consisting of the Council's Minor Refinements response and responses to NH's localised modelling work) that can be found in numbered sequence here – ([REP3-212](#)), ([REP3-208](#)), ([REP3-209](#)), ([REP3-210](#)), ([REP3-207](#)) and ([REP3-206](#)). It should be noted that NH made 147 written submissions at D3 and there were a total of 219 written submissions, including the Council's submissions.
- 2.15 In addition, the Council worked with NH to produce an updated Statement of Common Ground (SoCG) that was submitted at Deadline 3, which can be found here in a tracked changed format – ([REP3-093](#))
- 2.16 **Hearings between 5 – 15 September** – this was reserved for Open Floor Hearings (OFH) (largely for the public, but open to all, although the Council did not attend these OFHs), Issue Specific Hearings (ISH) (covering the matters set out below), Compulsory Acquisition Hearings (CAH1 and CAH2) and an Accompanied Site Inspection (ASI) with the ExA and stakeholders, lasting three days with two days in the north – detailed agendas were issued in advance for each Hearing and a detailed itinerary for the ASI. The full list was, as follows:
- ISH3 – Project Design (5 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-041](#)) and ([EV-041g](#)).
 - ISH4 – Traffic & Transportation (6 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-042](#)) and ([EV-042f](#)).
 - ISH5 – Tunnelling (7 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-044](#)) and ([EV-044a](#)).
 - ISH6 – Mitigation, Compensation & Land Requirements (8 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-045](#)) and ([EV-045a](#)).
 - ISH7 – Draft DCO (11 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-046](#)) and ([EV-046e](#)).
 - CAH1 – The Applicant's Strategic Case (15 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-047](#)) and ([EV-047a](#)).
 - CAH2 – Objections (15 September) – the Council were represented. The Agenda, Amended Agenda and Action Points are on the Examination Library ([EV-048](#)), ([EV-049](#)) and ([EV-049a](#)).
 - ASI1 – ASI3 (13 and 14 September for north of river – ASI2 and ASI3) – the Council was represented.
- 2.17 **Deadline 4 (19 September)** – this involved three submissions from the Council:

- Post Event Written Submissions summarising the Hearings (five ISH's and two CAH's referred to above) ([REP4-352](#))
- Council responses to the identified and relevant to the Council some 30 ExQ1 questions ([REP4-353](#))
- Commentary on relevant NH submissions at D3 ([REP4-354](#))

It should be noted that NH made 282 written submissions at D4 and there were a total of 412 written submissions, including the Council's submissions.

- 2.18 **Deadline 5 (3 October)** – this involved responding to NH submissions at D4, preparing responses to localised modelling and Dartford Crossing issues and preparing jointly with DPWLG, PoTL, Essex CC and NH a 'Joint Position Statement' on Orsett Cock Junction and Asda Roundabout modelling and mitigation required, as required by the ExA. The Council's D5 submission was made on time ([REP5-112](#)).
- 2.19 It should be noted that NH made 97 written submissions at D5 and there were a total of 131 written submissions, including the Council's submissions

10 – 31 October 2023 (ExQ2, ASI4, Various Hearings and Deadline 6)

- 2.21 **ExA Second Written Questions (ExQ2) (10 October)** – there were 77 questions with the majority addressed to NH (the applicant) and some 26 questions were required to be responded to by the Council and other local authorities generally or specifically. The response deadline was Deadline 6 (31 October 2023), which was met. The 77 questions can be found here – ([PD-040](#)).

Hearings and ASI4 between 16 - 24 October – there were five Hearings and one Accompanied Site Visit (ASI4), as follows:

- CAH3 (17 October) – for individual site specific representations. The Council did not need to attend. The Agenda and Action Points are on the Examination Library ([EV-050](#)) and ([EV-056](#)).
- CAH4 (18 October) – also for individual site specific representations. The Council did not need to attend. The Agenda and Action Points are on the Examination Library ([EV-057](#)) and ([EV-061](#)).
- ISH8 (19 October) (Construction and Operational Effects (Non Traffic)) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-062](#)) and ([EV-068](#)).
- ASI4 (20 October) to the HS2 Chiltern Compound to view TBM – the Council was represented.
- ISH9 (23 October) (Environment & Biodiversity) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-069](#)) and ([EV-075](#)).
- ISH10 (24 October) (Traffic & Transportation) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-076](#)) and ([EV-082](#)).

Deadline 6 (31 October) – this involved, as with D4, three submissions from the Council (plus an Appendices submission) and a jointly updated SoCG, which were:

- Post Event Written Submissions summarising the various ISH's ([REP6-166](#))
- Council responses to ExQ2 ([REP6-167](#))
- Commentary on relevant NH submissions at D4 and D5 ([REP6-164](#))
- Appendices A – O related to that Commentary ([REP6-168](#))
- Updated SoCG jointly with NH ([REP6-031](#)).

2.22 It should be noted that NH made 97 written submissions at D6 and there were a total of 124 written submissions, including the Council's submissions.

1 November – 20 December 2023 (ExQ3, Various Hearings, ASI5 and Deadlines 7, 8, 9, 9A and 10)

ExA Second Written Questions (ExQ3) (14 November) – there were 48 questions with the majority addressed to NH (the applicant) and some 17 questions were required to be responded to by the Council and other local authorities generally or specifically. The response deadline was Deadline 8 (5 December 2023), which was met. The 48 questions can be found here – ([PD-046](#)).

2.23 **Deadline 6A (14 November)** – this was a short submission specifically relating to local traffic modelling issues required by the ExA. The Council's submission was on time and contained a report and a 105Mb video ([REP6A-013](#)) and ([REP6A-014](#)). It should be noted that NH made 9 written submissions at D6A and there were a total of 23 written submissions, including the Council's submissions.

Hearings and ASI5 between 21 – 28 November – there were five Issue Specific Hearings, one Open Floor Hearing and one Accompanied Site Visit (ASI5), as follows:

- CAH5 (21 November) – for individual site specific representations. The Council did not need to attend. The Agenda and Action Points are on the Examination Library ([EV-083](#)) and ([EV-083a](#)).
- ISH11 (22 November) (Environmental Matters) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-084](#)) and ([EV-084a](#)).
- ISH12 (23 and 28 November) (Social, Economic and Project Delivery Matters) – the Council were represented. The Agenda and both sets of Action Points are on the Examination Library ([EV-085](#)), ([EV-085a](#)) and ([EV-085i](#)).
- OFH5 (23 November) (Interested Parties Representations, including Travellers) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-086](#)) and ([EV-086c](#)).
- ASI5 (24 November) to the Ports (PoTLL and DPWLG) – it was not necessary for the Council to be represented.
- ISH13 (27 November) (Traffic and Transportation) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-087](#)) and ([EV-087g](#)).

- ISH14 (28 November) (the draft Development Consent Order (dDCO)) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-088](#)) and ([EV-088f](#)).
- 2.24 **Deadline 7 (17 November)** – this was single submission containing four Appendices (and was made on time ([REP7-228](#))). It should be noted that NH made 197 written submissions at D7 and there were a total of 275 written submissions, including the Council’s submissions.
- 2.25 **Deadline 8 (5 December)** – this involved three submissions and a 105Mb video from the Council, which were:
- Post Event Written Submissions summarising the various ISH’s ([REP8-167](#))
 - Council responses to ExQ3 ([REP8-165](#))
 - Commentary on relevant NH submissions at D6A and D7 ([REP8-166](#)). This also included jointly with DPWLG, PoTL, Essex CC and NH an ‘Updated Joint Position Statement’ on Orsett Cock Junction.
 - Video ([REP8-168](#)).
- 2.26 It should be noted that NH made 125 written submissions at D8 and there were a total of 194 written submissions, including the Council’s submissions.
- 2.27 **Deadline 9 (11 December)** – this was single submission containing four Appendices (including jointly with DPWLG, PoTL, Essex CC and NH a further ‘Updated Joint Position Statement’ on Orsett Cock Junction) and was made on time ([REP9-299](#)). It should be noted that NH made 279 written submissions at D9 and there were a total of 316 written submissions, including the Council’s submissions.
- 2.28 **Deadline 9A (15 December)** – this was single submission containing two Appendices and was made on time ([REP9A-119](#)). It should be noted that NH made 107 written submissions at D9A and there were a total of 154 written submissions, including the Council’s submissions.
- 2.29 **Deadline 10 (20 December)** – close of Examination. The Council made no submissions at this close of Examination deadline, as none were necessary or required. It should be noted that NH made 25 written submissions at D10 and there were a total of 48 written submissions, but the Council made no submissions. However, the Council’s signed and sealed S106 Agreement was published at D10 in track changed version ([REP10-019](#)) and clean ([REP10-018](#)).
- 2.30 In addition, the **TCAG** made its closing submission at D10 ([REP10-041](#)) and the TCAG, of course, made submission throughout the Examination that can be found in the Examination Library.
- 2.31 **OVERALL SUMMARY OF SUBMISSIONS** – there are a total of 2,855 submissions made during the Examination stage, of which some 1,658 were made by NH and the Council made 31 submissions (as listed above with weblinks to each). In addition, these can all be found within the Examination Library and on the PINS main LTC page – [Lower Thames Crossing | National Infrastructure Planning \(planninginspectorate.gov.uk\)](#)

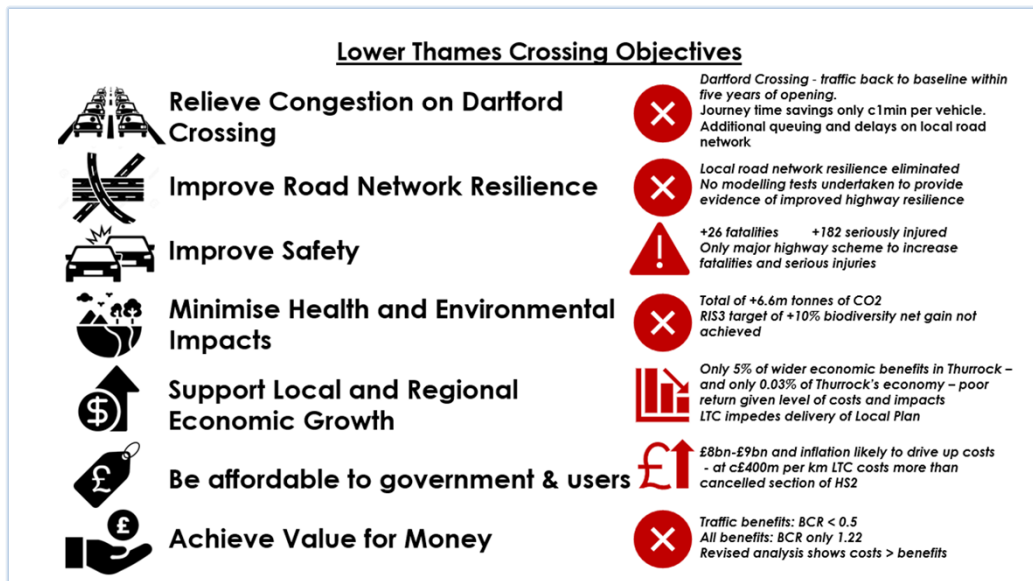
- 3.1 The Council set out its major concerns within its D7 submission ([REP7-228](#)) in Section 2 (with links to all submissions where each was discussed in more detail) and these are set out below for convenience. In addition, the Council provided in its D9A submission ([REP9A-119](#)) in Section 1.4 three 'infographics' of its assessment of NH's performance against its scheme objectives and its major issues, which are reproduced below for convenience.

MAJOR ISSUES

- 3.2 Given the five extensive submissions by the Council from D2 to D6A, the Council assisted the ExA by summarising the top 20 major concerns that the Council has expressed in detail in those submissions. Subsequently, the S106 Agreement has been signed by the Council and therefore was removed, leaving 19 major concerns. These concerns are and not in any particular order of priority:
- a. Draft DCO issues;
 - b. Land, CA and Statement of Reasons (SoR) issues;
 - c. Need for LTC and so-called 'relief' to Dartford Crossing;
 - d. Serious issues with almost all localised traffic models (ongoing) and timetable for resolution, resulting in significant local road network impacts;
 - e. Wider Network Impacts;
 - f. Disbenefits of the scheme and low BCR and not meeting seven Scheme objectives
 - g. New Requirements and collective Protective Provisions;
 - h. Inadequate Control documents, despite many welcomed changes;
 - i. Environmental issues relating to detailed matters with road drainage and water environment, geology and soils and waste, landscape and climate impacts and compliance with policy;
 - j. Significant issues with air quality and noise impacts, especially on vulnerable users;
 - k. HEqIA and specific health issues, including high sensitivity wards and vulnerable populations;
 - l. SEE Strategy inadequacy relating to unambitious targets;
 - m. WCH provision – lack of clarity on closures/diversion in an overall sense and inadequacy of mitigations;
 - n. Utility plans and impacts – lack of clarity and inadequate assessment;
 - o. Emerging Local Plan impacts, especially impacts on potential growth areas and serious impacts on viability;
 - p. SoCG issues, largely the scale of matter not agreed or under discussion;
 - q. Inadequate legacy provision, despite several years of discussion;
 - r. Lack of Alternatives consideration for key design elements and future proofing'; and,
 - s. Inadequate provision and involvement of Emergency Services.
- 3.3 These key issues can be found throughout the Council's Examination submissions and differ slightly from those set out in its Relevant Representation ([PDA-009](#)) dated [4 May 2023](#).



















4.1 INFOGRAPHICS


These are set out in the following three pages in landscape format for ease of understanding.




Summary of Thurrock Council's Major Concerns


Lack of Evidence/Missing Info:
e.g. transport modelling, Green Belt assessment etc


-  A. Remaining DCO drafting issues
-  B. Land, Compulsory Acquisition and Statement of Reasons issues
-  C. Need for LTC and so-called 'relief' to Dartford Crossing
-  D. Issues with almost all localised traffic models
-  E. Unresolved Wider Network Impacts
-  F. Disbenefits of the scheme, low BCR and not meeting seven scheme objectives
-  G. Requirements and collective Protective Provisions not agreed
-  H. Inadequate control documents
-  I. Environmental issues: road drainage; water; geology; soils; waste; landscape; climate; policy compliance
-  J. Significant negative air quality and noise impacts
-  K. HEqIA and specific health issues
-  L. Inadequate SEE Strategy and unambitious targets
-  M. Unclear Walking, Cycle and Horse-riding related closures/diversions and mitigations
-  N. Utility plans and impacts – lack of clarity and inadequate assessment
-  O. Untested emerging Local Plan scenarios
-  P. Statement of Common Ground - 216 issues 'Not Agreed'
-  Q. Inadequate legacy provision
-  R. Lack of consideration for alternative modes and layout
-  S. Inadequate provision and involvement of emergency services

 **Relieve Congestion**


 Dartford Crossing - back to existing conditions in only five years
Journey time savings only c1min per veh
Additional local queuing and delays


FAIL

 **Minimise Environmental Impact**


 +6.6million tonnes of CO2
Biodiversity net gain target not met


FAIL

 **Affordable and Value for Money**


 Costs £8bn-£9bn & costs going up
Latest analysis: costs>benefits
More expensive per km than HS2


FAIL

 **Support Growth**


 Only 5% of wider economic benefits in Thurrock – and only increases economy by 0.03% - poor return given level of costs and impacts
LTC impedes delivery of Local Plan


FAIL

 **Improve Safety**

 +26 fatalities (8 in Thurrock)
+182 seriously injured
Only major highway scheme to increase fatalities and serious injuries

FAIL

 **Improve Network Resilience**

 Local road network resilience eliminated
No modelling tests undertaken to provide evidence for resilience

FAIL

 **Construction and Operational Arrangements**

 Inadequate DCO provisions, Requirements, Protective Provisions and Control Documents

FAIL

 **Assessment of Impacts**

 Many unresolved Statement of Common Ground, Environment, Health and Walking, Cycling and Horse-riding issues

FAIL

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LTC Mitigation Benefits

An Executive Summary by Hatch
November 2020

Executive Summary

- i. Hatch were commissioned by Thurrock Council to undertake an assessment of the local economic and social costs of the Lower Thames Crossing (LTC) scheme. The initial findings were presented within the 'LTC Economic Cost Study' (February 2020).
- ii. Hatch have subsequently worked with the Council to produce an overall package of schemes and interventions that are considered to adequately offset the identified economic and social costs of the LTC Scheme within Thurrock.

Identified Cost Impacts of LTC Scheme

- iii. The LTC Economic Cost Study identified a range of key impacts of the LTC Scheme within Thurrock, as summarised within the graphic below.

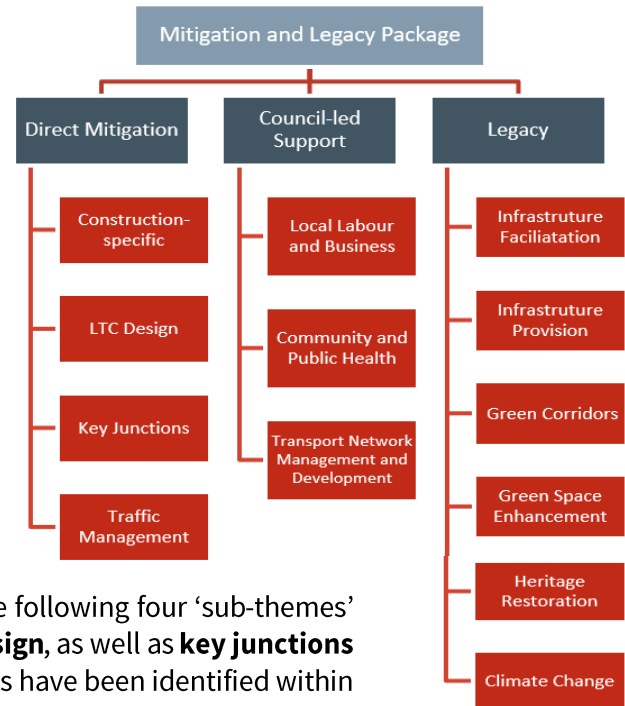
Business & Economy Impact	Estimated Cost	Community Impact	Estimated Cost
Commercial Assets / Land Value Lost	c. £4 million	Loss of residential properties	£3.1 million
Business disruption during construction	up to c. £39 million	Residential property blight	£25.4 million
On-going Business Performance	up to c. £18 million	Impact on community facilities	Moderate adverse
Attractiveness to investors	Minor to Moderate Adverse	PRoW severance/disruption	Moderate adverse
		Community disruption	Moderate adverse (up to £36 million transport impacts)
Environment Impact	Estimated Cost	Impact on community cohesion	Moderate adverse (up to £21 million transport impacts)
Amenity land value lost	£1.35 million	Health & Wellbeing	Moderate adverse
Habitat lost/damaged	Minor to moderate adverse		
Heritage impact	Moderate adverse	Growth Impact	Economic Cost
Flood risk	Negligible to minor adverse	Land permanently lost	up to £88 million
Visual impacts	Moderate adverse	Land delayed	up to £29 million
Local air quality and emissions	Moderate adverse	Land blighted	up to 41 million
Increase in noise	Moderate to Major adverse		

- iv. This includes significant **direct loss of land** (up to £96 million), **disruption to access and movement** during construction (up to £104 million), and will **create blight across the corridor** (up to £67 million), and have **on-going negative impacts** upon business and the local community (up to £39 million).
- v. Given all of the costs identified, the Council's position on the LTC Scheme is that the current scheme configuration will negatively affect the Thurrock area as it:
 - It **does not meet several national and Highways England strategic policy tests and scheme objectives**, including the delivery of economic growth and achieving sustainable local growth within the Thurrock area.
 - It is **inconsistent with the housing and development potential** for Thurrock
 - It will **provide limited additional connectivity for residents and businesses** of Thurrock
 - Throughout the construction phase there will be **considerable disruption of local roads and Public Rights of Way** across Thurrock. This will affect access to employment, education, health facilities and local services, as well as delay development opportunities
 - It includes **very limited options for public transport provision**
 - There are a number of **design elements** that do not meet the needs of Thurrock businesses and residents
- vi. A number of other technical and community significant objections have been raised within the three formal consultation Council responses, in a range of formal correspondence and in response to a range of draft technical documents, which all contribute to the over-riding need for additional mitigation and legacy measures to those currently proposed.

Mitigation and Legacy Measures

vii. An iterative package development process has been undertaken that has led to the creation of a preferred package of 57 measures. These are classified within three overarching ‘themes’:

- **Direct Mitigation:** measures that address the direct impact of the construction phase, as well as design of the LTC scheme and the resulting traffic and transport implications
- **Council-led Support:** measures that ensure sufficient local resource is available to support local businesses and communities throughout the construction phase and into the transition of the operating scheme
- **Legacy:** measures that will ensure the LTC scheme delivers a lasting legacy across Thurrock and ensure positive local outcomes



Direct Mitigation Measures

viii. The measures have been categorised within the following four ‘sub-themes’ relating to **impact of construction**, the **LTC Design**, as well as **key junctions** and **traffic management**. A total of 23 measures have been identified within this ‘theme’ and are summarised below:

Ref.	Scheme Measure	Brief Description
Construction-specific (emissions and transport)		
M1	Ensure optimum phasing of construction	Ensure the construction operations cause the minimum level of disruption by phasing activities.
M2	Reduce the number and/or optimise the location of construction compounds	Ensure the construction operations cause the minimum level of disruption by locating compound sites away from properties and sensitive receptors
M3 *	Minimise construction and construction traffic emissions	Ensure best practice approaches are adopted in relation to dust and emissions.
M4	Real-time air quality and noise monitoring at key receptor sites	Install sensors to monitor air quality and noise, with required actions if target limits are exceeded.
M5 *	Alter construction hours to reduce noise and disruption in residential areas	Minimise the level of disruption by only applying appropriate on-site working hours
M6	Additional noise mitigation in Chadwell and East Tilbury	Current levels of proposed mitigation are considered insufficient in these sensitive locations.
M7	Sustainable public transport access to construction sites	Provide an electric shuttle bus between the new interchange at Stanford-le-Hope station and the main construction compounds
M8	Implement innovative public transport measures	Use the construction phase as an opportunity to trial innovative forms of public transport measures.
M9	Enable active travel to construction sites	Ensure construction workers can access construction compounds via active travel modes.
M10	Use of marine transport for the movement of materials	Use of river transport to move materials and construction equipment to and from site during the construction phase
M11	Adequate waste management processes	Ensure clear waste management processes and mitigation measures during construction (coded bins, appropriate training)

LTC Design Elements		
M12	Smart speed limits that can respond to traffic flows and pollutant concentrations	Ensure that the smart and variable speed limits can be utilised to respond to real-time air quality monitoring data and slow traffic during periods of higher pollution
M13	Use of low-noise road surfacing on the LTC and the local network	As well as utilising low-noise surfacing along the LTC, this surfacing should also be applied on local roads to help off-set the overall level of noise generated from the scheme
M14	Use of best-in-class energy efficient systems for operations	Whilst HE will adopt modern lighting and signage, it is important to confirm that best-in-class energy efficiency is being provided.
M15	Build sufficient earth bunds and noise barriers along the route to reduce noise impact	Whilst landscaping and noise barrier measures are already proposed, it is important to confirm that sufficient provision is being made across the full alignment
M16	Flood risk mitigation and water quality improvement through SuDS	Greater emphasis should be made on the use of SuDS features within the scheme to deliver water quality benefits
M17*	Revised Proposals for A13/LTC Junction	Alternative proposals to minimise the extensive land sterilisation, property demolition and blight creating by the existing proposals
M18	LTC Toll Hypothecation	Ensure a fixed proportion of LTC tolls are hypothecated to support projects within Thurrock
Key Junctions and Traffic Mitigation		
M19*	Orsett Cock Roundabout Mitigation	Additional mitigation to negate the negative impact of the LTC scheme upon the A128 approach to the junction.
M20*	Manorway Roundabout Mitigation	Additional lane capacity on the A1014 and A1013 approaches to ensure port and local traffic movements are not impaired by the LTC.
M21	Traffic Management Measures (Orsett)	Mitigation for additional traffic movements on local roads through local settlements, including HGV movements.
M22	Traffic Management Measures (Horndon)	
M23	Traffic Management Measures (Chadwell St. Mary)	

* designated as high priority measure

Council-led Support

- ix. The LTC scheme will result in pressures upon the way some local businesses can operate, as well as the cohesion of local communities and their access to employment, education and public services and amenities. In turn, this will place additional pressures upon Council resources to support these groups and to continue to undertake their statutory duties.
- x. Three areas of **Local Labour and Business, Community and Public Health, and Transport Network Management and Development** have been identified, with a total of 12 measures, as summarised below:

Ref.	Scheme Measure	Brief Description
Local Labour and Business		
CLS1*	Council-led Local Labour and Business Team	A Council team with the responsibility supporting residents and businesses secure economic benefits from the LTC.
CLS2	Business rates holidays for firms affected during construction	Business rates holidays for those businesses most affected by the LTC scheme during construction.
CLS3	Target for local labour and apprentice use	Establish clear targets for engaging local labour and apprentices during the construction of the LTC scheme

CLS4	Employment opportunities small capital grants scheme	Grants to support voluntary and community organisations who are helping local people into employment
CLS5	Social value procurement	Ensure LTC procurement meets with requirements of the Council commissioning, procurement and grant funding strategy
CLS6	Shop shutter/signage creative improvement programme	Grant funding to improve business environments and tackle perceptions of the local area
CLS7	Green business support scheme	Utilising and expanding on existing green initiatives.
Community and Public Health		
CLS8 *	Council-led Community and Public Health Team	Apply the same principle as the Local Labour and Business Team and create a Local Community and Public Health Team within Thurrock Council.
CLS9	Public Health mitigation during construction	Public Health mitigation measures including the enhancement of public transport to healthcare facilities and the reinforcement of local NHS provision.
CLS10 *	Community engagement during construction	Support to enable community engagement during the construction of the LTC scheme.
CLS11	Community investment small capital grants scheme	Capital grants to facilitate aesthetic and environmental improvements within the community.
Transport Network Management and Development		
CLS12	Transport Network Management and Development Resource	Additional Council resource provision to cover the requirements to manage and develop the transport network in response to the impacts of the LTC construction.

* designated as high priority measure

Legacy Measures

- xi. This final ‘theme’ represents measures to deliver a lasting legacy across Thurrock and positive local outcomes.
- xii. The proposed measures have been categorised within the following six ‘sub-themes’ that seek to **facilitate infrastructure** delivery, directly **provide infrastructure**, deliver **Green Corridors** and **enhance green space, restore heritage** and reduce impact upon **climate change**. A total of 22 measures have been identified within this ‘theme’ and are summarised below:

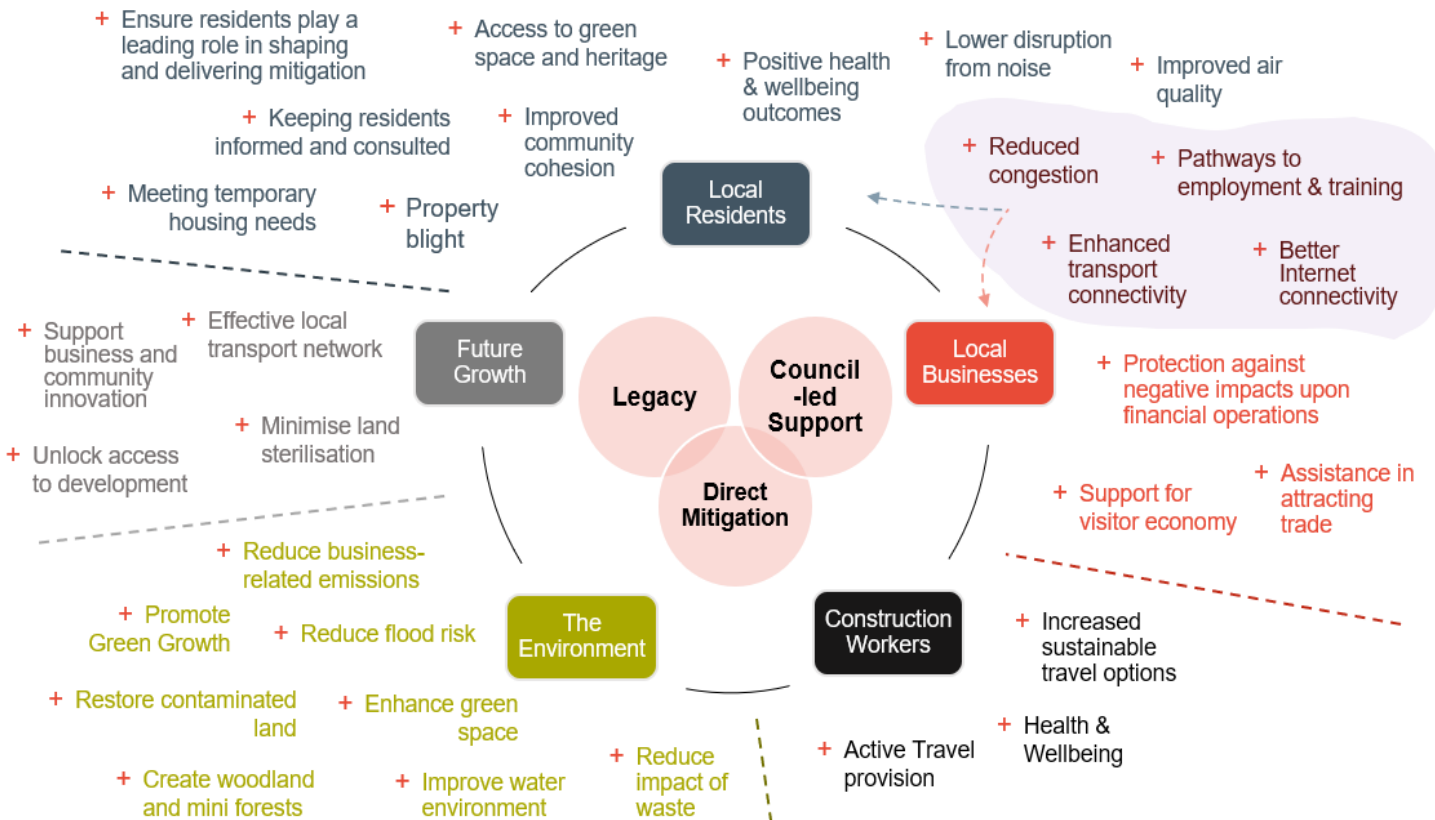
Ref.	Scheme Measure	Brief Description
Infrastructure Facilitation		
L1 *	Passive provision for LTC Junctions	Safeguarding for the future provision of junctions onto the LTC at East Tilbury and South Ockendon.
L2	A13 East-facing Access Support and Facilitation	Whilst this scheme will be delivered in isolation, it is requested that HE acknowledge the importance of this scheme alongside the delivery of the LTC and actively support and enable its delivery.
L3	Tilbury Link Road Enabling Works	Construct any elements of the proposed haul road that will fall within the general alignment of the TLR alignment to a standard to support the subsequent delivery of the Link Road.
L4	Asda Roundabout Enhancement	The requirement for enhancements should be actively examined alongside other potential highway improvements.
L5	Public transport provision on the LTC	Recognising the long-term aspiration for the LTC to be utilised for cross-river public transport connections.

L6	Distributor Road Facilitation	Maximise opportunities to utilise the construction of the LTC to enable future distributor roads to be more readily delivered.
Infrastructure / Highway Provision		
L7*	Permanent Multi-modal rail crossing	Construct a permanent bridge over the Tilbury Loop Line near east Tilbury to a width and standard that would enable it to be adopted as part of the future local highway, walking and cycling network.
L8*	A1012 Junction and Medebridge Road Improvement	Deliver the proposed construction haul road along Medebridge Road alignment from the A13 to Grangewater to a sufficient width and standard to enable it to be adopted by the Council.
L9	Daneholes Roundabout Enhancement	Provide a bus lane on the outside lane on the A1013 Stanford Road approach to the roundabout to enhance priority for buses.
L10	Improve Internet / 5G Connections	Utilise the construction phase of the LTC as an opportunity to lay down internet and 5G cables within the alignment and make provision on all bridges and tunnels, as appropriate.
L11	Building Legacy Housing Provision	Provision of worker accommodation that can be left as a legacy for Thurrock Council to use.
Green Corridors and PRow Enhancements		
L12	Optimising bridge crossing provision	Ensuring that the proposed re-provision of bridges across the LTC, along existing corridors, deliver sufficient legacy provision to encourage active sustainable travel and support future growth.
L13*	Two Forts Way Project (TFWP)	The TFWP is a comprehensive masterplan for the coastal area incorporating the re-establishment of the TFW and consideration of on-going maintenance requirements.
L14	Complete and improve the PRow network	A range of further improvements to complete gaps and enhance the current network of bridleways, footpaths and cycleways to complement the TFWP and the LTC bridge crossings. Improvements will need to consider maintenance requirements.
Green Space Enhancements and Heritage Restoration		
L15	Enhanced Green Space	Enhance key sites that are in close proximity to the LTC, are of low quality, and are in need of investment.
L16*	Coalhouse Fort and East Tilbury Natural and Cultural Heritage Area Project	Securing the legacy of Coalhouse Fort and the surrounding natural and cultural landscape through a comprehensive and integrated restoration project.
L17	Historic Landscape Restoration	Restoration of Belhus Woods including a site survey and Conservation Management Plan
L18*	Enabling the restoration of the historic landfill site and cleaning the marine habitat	Support and facilitate the collaborative partnership of organisations seeking to deliver the restoration of the site at East Tilbury Landfill.
Climate Change Measures and Incentives		
L19	Incentives for low-emission vehicles to use the LTC	Ensure that electric and/or low-emission vehicles are incentivised to use the LTC with discounted or free use.
L20*	Target (with penalties) for low-emission vehicle usage on the LTC	Low-emission vehicle usage targets with financial penalties payable to Thurrock in the event of exceedance.
L21	Carbon offsetting of the LTC scheme	Carbon offsetting measures across Thurrock that offset the CO ₂ produced by the construction and operation of the LTC
L22	Tree Planting across Thurrock	Additional street tree planting initiatives and the delivery of LTC Forest aspirations.

* designated as high priority measure

Benefits Mapping

xiii. The diagram below provides an overview of the benefits delivered by the whole package of measures



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Lower Thames Crossing

**Application by National Highways for an Order granting
Development Consent for the Lower Thames Crossing
(Ref. No. TR010032)**

Relevant Representation – Thurrock Council

4 May 2023

On behalf of **Thurrock Council**

 **thurrock.gov.uk**

Introduction

- 1 Thurrock Council's ('the Council') Section 151 officer issued a Section 114 (S114) notice on 20 December 2022 to confirm that the Council was unable to balance its budget for 2023 and 2024. Written correspondence was sent to the Examining Authority (ExA) dated 24 February and 6 and 9 March 2023 to explain that this would prevent the Council from submitting a compliant RR within the statutory timescale. The Council has now been able to navigate the processes required to recommence work on its Lower Thames Crossing (LTC) engagement and representations and now respectfully submits this document (which is referred to heretofore as the Relevant Representation), with the aim of informing the Examining Authority about its primary concerns relating to the scheme, as soon as it has been able.
- 2 The Council notes that ongoing delay to the scheme, with the proposed Minor Refinements Consultation not yet commenced in accordance with National Highways (NH) previously suggested programme, provides a window of opportunity for its concerns to be taken into account prior to the commencement of the Examination and the formulation of the ExA's written questions. Those concerns were initially formalised in the Council's emails to PINS dated 31 January and 3 February 2023.
- 3 The Council also wishes to point out that, although this RR sets out in outline the Council's case, it does so without having analysed fully all of the DCO documentation. Negotiations will recommence soon with NH regarding a variation to the Planning Performance Agreement (PPA), in particular about its scope and scrutiny processes which, as it stands, the Council believes will inhibit its ability to accelerate its assessment of the Development Consent Order (DCO) application and the strategic case for the scheme. It is further concerned that the time available before the Examination on current programme (as per PD-012) will restrict its ability to analyse the significant amount of complex data and detailed evidence, to engage with specialists from National Highways or to prepare counter-factual evidence in support of its case.
- 4 Such proper representation will greatly assist in the effective scrutiny of a large number of outstanding issues. As approximately 70% of the route passes through the Thurrock boundaries and the project occupies 10% of its land area and causes the majority of the project's impacts and issues, the Council is concerned that without its full involvement with the DCO process, that process cannot be thorough and fair or technically examine all the issues.
- 5 The Council's concerns about the programme were set out in further detail in its email to Mr Smith, dated 13 April 2023 and does not seek to repeat these here. We note the response from PINS received on 21 April and guidance provided to make further appropriate representations about programme and merits at the Programming and Preliminary Meetings. The points made in the Council's email about the adverse position of Thurrock Council in relation to this scheme and the impact of the Ministerial Statement on the evidence underpinning the DCO application remain. Accordingly, the Council will raise these concerns again when the opportunity arises.
- 6 The Council notes that the decision by PINS not to accept or publish the above email was influenced by the perceived status of these as being 'unsolicited'. Whilst it is correct to say that the emails were sent without invitation from the ExA, it is also the first opportunity that the Council has had to express its views on the procedural decisions made because of the consequences of its S114 notice and it was keen to ensure that the ExA understood the views of the Council on those issues at the earliest opportunity.
- 7 The Council is obviously disappointed about this decision but will continue to seek to engage constructively in the process. It sincerely hopes that the contribution of the following document it not also considered to be unsolicited, as it provides important information that it hopes will inform the Examination and that could not have been provided at an earlier stage. It should be noted that this document, as a Relevant Representation (RR), is a document that had been invited by the ExA. It is acknowledged that the deadline for submission has passed, however, as set out above, submission by the deadline was not possible. Its consideration by the ExA is considered by the

Council to be in the public interest, due to the impacts upon the Council should the scheme proceed.

- 8 Subject to the foregoing, the Council sets out in this RR (as set out in Article 102 of the Planning Act, 2008 (as amended)) and Regulation 4 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 and as on the Planning Inspectorate (PINS) website from 3 February 2023), its principal submissions in respect of the application. In particular, it sets out the main areas where the Council has significant concerns that remain unresolved and offers an outline of its case.
- 9 The Council's outline of its principal submissions/case that we intend to make is set out below and for the convenience of the ExA has been summarised into 15 principal areas/issues that will, subject to agreement with NH about the PPA Variation, be explored in more detail within both the Principal Areas of Disagreement (PADs) Summary and the Council's (Local Impact Report) LIR and other Written Representations, with supporting evidence and policy support.

Principal Submission Areas/Issues

I. **The Costs and Disbenefits of the LTC Scheme outweigh the benefits it brings. The LTC Scheme and its Transport Business Case no longer represents 'Value for Money'**

- 10 The Council contends that the requirements within the National Policy Statement (NPS) for the economic case prepared for the 'transport business case' are not provided accurately within the DCO application, as required within Section 4.5 of the National Policy Statement for National Networks (NPSNN). This may affect the ExA's consideration of the adverse impacts and benefits. The Council therefore wishes to set out its contrary case within the LIR, supported by clear evidence.
- 11 The Council's request for access to the Outline Business Case (OBC) during 2022 was rejected twice by NH, but eventually provided by NH in late October 2022 (after the DCO submission) after being required to do so by the Information Commissioners Office (ICO) in July 2022. The OBC provided by NH is dated August 2020 and NH have confirmed it is the latest version. The latest estimates of the cost of LTC is found within the RIS2 document and is given as a range of £6.4 – £8.2 billion (page 90) and in the NAO Progress Report on RIS 2 (dated November 2022) it is revised to £5.3 – £9 billion (page 24), stating a cost increase of £1.9 billion since March 2020, i.e. in just 2.5 years. This is not accounted for in the latest Outline Business Case, dated August 2020, and given concerns about other, unaccounted for disbenefits, this is likely to significantly adversely affect the scheme's 'value for money'.
- 12 The Council intends to also demonstrate that adverse impacts of the project significantly outweigh the perceived and wider benefits of the scheme, as set out by NH within the application document Combined Modelling and Appraisal Report (ComMA) and its Appendices (PINS Ref. Nos. APP-518 – APP-527) and other parts of the DCO application. An evidence-based study to examine the benefits and disbenefits presented in the ComMA was in progress but has been on hold since the S114 notice. Subject to agreement with NH on the PPA Variation and sufficient time before the Examination, this will encompass:
 - a. Wider economic benefits;
 - b. Travel time disruption costs;
 - c. Thurrock's Commercial Land and Property Costs;
 - d. Costs on key aspects of the Environment; and,
 - e. Costs on Residents' Health and Wider Lost Investment Costs – updating the previous Hatch Economic Costs Study (dated February 2020).
- 13 Evidence is intended to be presented to substantiate the case that the NH appraisal fails to account for significant disbenefits to residents, businesses and travellers within Thurrock and that this would

contribute to the negative impact of disbenefits on its Outline Business Case. The Council will set out specific examples of:

- a. Transport/highway/public transport disbenefits, in both the construction and operation phases that contribute to this outcome;
 - b. Uncertainty for the council in its emerging local plan and its growth agenda;
 - c. Uncertainty of impacts on local residents without further mitigation and compensation; and,
 - d. Other, non-monetised impacts.
- 14 In considering 'value for money', it is vital to compare these disbenefits against the anticipated benefits (assuming that there are) against the NH LTC Scheme Objectives and the performance against each of these 7 objectives, as set out in NH's application document 'The Need for the Project' (PINS Ref. No. APP-494). This will be undertaken as part of the evidence-based work within the LIR.
- 15 In parallel, the Council intends to set out the fundamental issues on the net benefits for users travelling within Thurrock with the NH wider economic benefits case. For example, NH claim that 46% of scheme benefits are from the wider economic benefits, such as agglomeration and a further 15% is from journey time reliability, but no evidence is provided.
- 16 The consequences of late sharing of the OBC and these increasing costs is that the Council has not had sufficient time to scrutinise the OBC. Furthermore, the resulting 'Benefit Cost Ratio' (BCR) has been reducing and is currently set at between 1.09 – 1.36, depending on the growth scenario used – this is categorised by DfT as a 'low' value for money category. Clearly, by updating the costs, the OBC and recognising the disbenefits more clearly and the lack of the scheme achieving its objectives, is likely to cause this BCR to reduce further.
- 17 The Council's concern about the scheme's 'Value for Money' is closely aligned with its concerns about the under-estimation of traffic congestion on local roads and lack of consideration of alternative measures and current lower traffic forecasts (see Sub Section III below), which critically undermines the transport business case. The Council will present detailed evidence within the LIR to demonstrate this issue. This particularly relates to Items 2.1.155 – 2.1.157 within the draft SoCG.

II. LTC Scheme fails to achieve key Scheme Objectives

- 18 A key strategic objective for the LTC scheme is that it should provide relief to the existing Dartford crossing and that this should lead to benefit for the local communities and environment. However, according to the revised LTAM model provided to the Council in May/June 2022, the reduction of traffic on the Dartford Crossing is now reduced to approximately 4% within 15 years of scheme opening and not the 20% claimed by NH (Item 2.1.157 of the draft SoCG) – it is predicted to return to the congested 2016 'existing' condition between 2038 and 2041.
- 19 In order for LTC to meet its scheme objectives, this very limited theoretical and marginal benefit needs to be assessed in the light of a wide range of disbenefits, (many of which are dealt with later in these representations) and the reliability of the modelling on which this benefit is predicted. For example, if the modelling under predicts local impacts and fails to fully reflect the implications of a later opening year, or changes in traffic demand that have occurred as a result of the pandemic, this could well significantly change the conclusions about the relative benefit gained from a transitory theoretical improvement in delay at the Dartford Crossing.
- 20 The Council is firmly of the view that the LTAM is in need of rebasing to reflect the delay to the scheme, which was the subject of the Ministerial Statement (PD-011). It is now **known** that the scheme will be delivered at the earliest by 2032, (rather than the previously assumed opening year of 2030), some 16 years after the current baseline data. This is clearly not in line with DfT guidance about the use of data, for example:
- a. DfT guidance for technical project managers, ([TAG TPM - Guidance for the Technical Project Manager \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101421/TAG-TPM-Guidance-for-the-Technical-Project-Manager.pdf)) states at paragraph 3.2.8 that, '*each model should be*

assessed on the basis of: the structure of the overall model and its components; the age, quality and spatial coverage of the underlying data; and, the model's adherence to quality criteria for calibration and validation.'

- b. Also, at paragraph 3.5.1, this guidance states *'As part of producing an appropriate analytical tool, it is important that models are based on up-to-date evidence and are demonstrated to produce realistic results when tested. Without this assurance, results from a model may not be sufficiently robust to be used to adequately assess impacts of a potential intervention.'*
 - c. DfT guidance on Data Sources and Surveys (TAG Unit M1.2 - [Data Sources and Surveys \(publishing.service.gov.uk\)](http://www.publishing.service.gov.uk)), says at paragraph 3.3.40, *'All data should be checked to identify and remove any that might have been affected by unusual events. Where data quality is suspect, the data should be investigated thoroughly and, if necessary, rejected.'*
- 21 The current traffic model is underpinned by data which dates from 2016. With the scheme opening now delayed until 2032, this data predates the opening year by 16 years. It also predates the pandemic which has resulted in a number of changes to patterns of travel demand, and which will significantly affect planning for future transport projects. The Council contends that the Lower Thames Area Model (LTAM) is no longer fit for purpose. The underpinning data is no longer up to date, and if the pandemic is not an 'unusual event', then there would appear to be no event that would fit within this category at the strategic level. The model therefore needs to be rebased using new and relevant post pandemic data.
- 22 There is therefore significant uncertainty about the validity of the forecasts, and the implications of this are exacerbated now that scheme opening is two years into the 5 year flexibility window proposed by NH in the draft DCO. Given that the construction programme has been squeezed from 7 years to a highly ambitious 6 years in order to meet the published timetables for a 2030 opening, as well as the need for greater (pre or post application) consultation and the potential for further delays resulting from further challenge, this scheme could quite easily be implemented beyond this three year window.
- 23 It is not known how this delay to the project would affect this marginal gain because NH consider it unnecessary to assess the implications, but it can be seen how small changes in timing might affect the stated benefits and thus the case for the scheme. This is one example of why the Council believes that the underpinning evidence for the scheme needs to be reviewed, with the latest, post-pandemic data.
- 24 In any event, the main scheme objective of *'To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity'* cannot reliably be said to have been achieved, except for a very short term relief from the scheme opening. Consequently, when this is combined with the costs and the disbenefits, it is clear to the Council that the project's 'Value-for-Money' (VfM) is very poor. In addition, the intended benefits for the environment and local communities will be marginal.
- 25 The draft SoCG outstanding issue (relating to need for the project) will also be dealt with, namely Item No. 2.1.57, by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.
- III. Local Roads Congestion is not adequately mitigated and Key Local Roads and Junctions fail or are congested during Operation (wider network impacts), as seen in the Local 'VISSIM' Junction modelling and through analysis of the LTAM Cordon Model**
- 26 As stated above at paragraph 19, the Council is concerned that the data underpinning the LTAM is out of date and does not reflect significant events (the pandemic), in contravention of current DfT guidance. In addition, the LTAM is a strategic traffic model which has insufficient definition of the local highway network to be a robust tool for considering the local impacts of LTC. In combination, the Council believes that the LTAM is not fit for purpose for the assessment of traffic effects in the local highway network across Thurrock.

- 27 It is accepted practice that local network implications are tested on local operational models, using local validation to test fitness for purpose. The Council has secured an undertaking from NH to develop local operational models to assess the impacts of traffic arising from the LTC at Orsett Cock Roundabout, Manorway Junction and an East-West model including Daneholes Roundabout. This work has not been completed, nor has an agreed position been reached about the impacts of the scheme on the local highway network or any necessary mitigation. The Council has also sought further modelling of other locations, including Asda roundabout, which has not been agreed.
- 28 The Council is also concerned that the modelling undertaken to date has not taken into account the impacts of the Local Plan or the development of the Freeport. There is therefore a significant risk that the conclusions being reached on the basis of current modelling will very quickly be out of date, that impacts will be greater, and that the onus of rectifying the impacts of the scheme will fall to the local authority to resolve at a later date.
- 29 Due to Council concerns about future junction performance, the Council and NH undertook a local VISSIM model of the LTC/A13/Orsett Cock Roundabout/A1089 interchange junction in 2021. It took over 10 months to complete it, due largely to NH delays. It should be noted that this local model did not model the impact of Local Plan growth or Freeport growth or the need for additional signalisation and PRow provision and so the Council's concerns about capacity are under-stated. It is understood that these modelling results are not part of the DCO application at present but do need to be included in the ExA's considerations.
- 30 In summary, the conclusions from this local modelling are, as follows:
- a. NH has chosen to use Thurrock's local roads (especially Orsett Cock Roundabout) as a core part of LTC providing existing vital Strategic Road Network (SRN) to SRN links, but fails to deal with the consequences of increased traffic at this location;
 - b. NH's strategic traffic model (LTAM) seriously underestimates the impact of the LTC scheme on critical junctions, such as the LTC/A13/Orsett Cock Roundabout/A1089 interchange junction and Manorway junction;
 - c. It took some 10+ months for NH to complete this critical VISSIM modelling of Orsett Cock Junction and the results was finally shared with the Council in early October 2022;
 - d. VISSIM modelling shows Orsett Cock will be oversaturated with long queues and delays at opening and in 2045 (and there are other factors that mean that, in reality, queues will be longer than currently presented);
 - e. There will be constraints to access for both the Port of Tilbury on the LTC/A13 off-slip and to DP World/London Gateway;
 - f. NH have known about this issue for a long time and have not resolved it;
 - g. To assume these serious unresolved issues are not of consequence and to submit only the LTAM strategic modelling within the DCO application (as the VISSIM modelling is not currently part of the application) is misleading, as it does not show the full potential impact of the scheme;
 - h. The quickest way to address this issue is to pause and rethink this junction scheme design and address alternatives; and,
 - i. The Council is very concerned that NH has submitted the DCO application when it is clear that the **NH/Council joint modelling shows that LTC scheme does not work.**
- 31 In addition to the issues above, a significant but related concern is the **effect of LTC's operation on Thurrock's local roads affecting local connectivity**, which has been and continues to be a key concern of the Council. In fact, the Council has consistently and repeatedly raised concerns at meetings and via representations that the impacts on the local roads and junctions are likely to be underestimated resulting in increased likelihood of delay at key junctions, such as the Orsett Cock, Manorway, Daneholes and Asda roundabouts and several other key locations (Items 2.1.159 – 2.1.162 within the draft SoCG).

- 32 NH and the Council have previously agreed that further traffic modelling work is required to validate the LTAM model and identify these delay issues. The accepted approach to this is to use a local model (such as VISSIM) to undertake more detailed local modelling and for the results to be iterated with the strategic model to achieve a better representation of anticipated operational conditions. This work is in progress for Manorway and for an East/West corridor model, including Daneholes Roundabout, but this work is not complete, nor does it cover all locations of concern.
- 33 This work should then be followed by the development of improved mitigation proposals from LTC to address the identified impacts. These mitigation proposals could take the form of junction improvements and/or complementary environmentally-sound initiatives, including enhanced public transport and active travel connections and provision. This is the approach NH would take with any scheme promoter which affected its highway, yet any consideration of mitigation are completely missing from the current proposals.
- 34 The Council contends that the impact on local roads must be part of the traffic modelling evidence base and if mitigation is required then NH should legally commit to a process for that mitigation (possibly a S278 or S38 (of the Highways Act) Agreement or similar or even through a new Schedule 2 Requirement, discharged by the Council).
- 35 These **wider network impacts** have been discussed with NH over the past two years at many technical meetings without any resolution to the many issues raised. The Council's major concerns are that local junctions (some 13 local junctions are impacted) and roads will experience additional congestion and serious impacts due to the LTC.
- 36 Furthermore, although NH may have committed to monitor such effects post-opening, it will not agree to mitigate adverse effects observed, which leaves the Council with significant issues and further expenditure to undertake such mitigation in the medium to long term should it be required. Also, the Council require further local junction modelling at key junctions to determine impacts and potential mitigation and NH will not commit to this action.
- 37 In addition, specific Council comments have been made on the Wider Network Impacts Management and Monitoring Plan (WNIMMP) (PINS Ref. No. APP-545) in September 2021 and the Council has not received any responses to such comments prior to the DCO submission.
- 38 The draft SoCG outstanding issues (relating to design of roads, tunnels and utilities) will also be dealt with, namely Item Nos. 2.1.84 – 2.1.99, 2.1.143 – 2.1.157 (relating to traffic and economics) and Items 2.1.158 – 2.1.168 (relating to wider network impacts), by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.

IV. The Current Design of Key Elements of the Scheme on which the Council require further amendments

- 39 There are a number of scheme elements that the Council has consistently challenged NH on over the past two years and requested changes only to be refused by NH and these will now be outlined so that the ExA can understand the reason for, purpose and value of such changes. All these design elements were part of the Council's comments on both the Community Impact and Local Refinement Consultations in July – September 2021 and May – June 2022 respectively. These key design elements are, as follows:
 - a. **Interchange Junction between LTC/A13/Orsett Cock Roundabout and the A1089** – the Council contends that this junction is overly convoluted; confusing and potentially unsafe for users, whilst also sterilising a large area within the Borough. This is a significant element of the scheme and lacks any significant options appraisal. As is noted in Sub Section III above, the junction is congested and is likely to be oversaturated with long queues and delays both at opening in 2030 and worse subsequently in 2045.

Notwithstanding this, the proposals for this junction uses Council local roads to provide critical SRN to SRN connections. This serves to reduce the cost of LTC by using this local highway road and junction but will inappropriately increase future financial burden on the Council, by

placing SRN traffic on this Major Road Network (MRN) junction. It will also mean LTC traffic will use up capacity delivered at this junction as part of the recent and expensive A13 highway upgrades undertaken by the Council to support local growth requirements and aspirations. The Council made three specific suggestions in the Local Refinement Consultation, but these have not been incorporated by NH – these will be examined in more detail in the Council's LIR. Therefore, the Council is concerned it will be burdened with financial responsibility for future improvements and maintenance costs at this junction, which will effectively be operating as a crucial part of the SRN.

NH issued the Council with a Technical Note in May 2021 summarising its position on the process it adopted for developing the LTC/A13 junction design and was titled 'Lower Thames Crossing - A13 Junction Design Approach' (May 2021). Following this, the Council provided NH, in October 2021, with its Technical Paper that reviewed this junction's design approach and despite a series of technical exchanges, its recommendations have not been incorporated into the LTC scheme. Subsequently, the Council issued to NH, in January 2022, a further Technical Note setting out 10 serious and specific concerns about the safety and operation concerns relating to this interchange junction, including a review of the NH Road Safety Audit that identified serious concerns.

In view of these concerns, the Council requires NH to extend the A13 trunking from the A1089 up to and including the A13 Orsett Cock junction. However, NH's trunking/de-trunking proposals are not part of the DCO application (as a Trunking Order under Section 10 of the Highways Act, 1980) and are not yet clear or been the subject of effective technical engagement and/or consultation. However, if this wider interchange junction were trunked then it would place a duty on NH to implement high standard connections for active travel and provision to allow a good public transport service, both of which form part of the Council's concerns about the operation of this junction.

In conclusion, the Council disagrees that sections of the LRN/MRN should be utilised as part of the SRN without suitable justification, analysis, mitigation and agreement as to how that would operate within the wider road network.

- b. **Manorway Junction** – in early May 2022 both the Council and DP World/London Gateway (DPWLG) sent a joint Technical Note to NH expressing concerns about the effect of LTC on the performance of Manorway junction. This set out four key issues to resolve, as follows:
- LTC generates significant additional traffic on Manorway, which contributes to it experiencing traffic flows over its critical operating threshold. LTC is expected to create delays and queuing at Orsett Cock junction, which NH has not resolved. Unless these are resolved congestion at this junction will further exacerbate traffic congestion at the Manorway junction;
 - LTC also creates significant wider network issues, such as rat-running and new diversion routes when incidents occur on the SRN, which if not addressed will further increase pressure on Manorway junction;
 - The route to the Port at DPWLG should be part of the SRN, which should connect with strategic Ports; and,
 - NH must collaborate with the Council, DPWLG and other parties with interest in managing future growth/impact on the junction, to identify a scheme, determine proportionate funding contributions and mechanisms to ensure that the traffic generated by LTC does not contribute to conditions which inhibit port access.

Subsequently a series of technical meetings have taken place through 2022, but no amendments to the LTC scheme have been undertaken and there has been little progress on resolving these issues. This remains a serious outstanding issue for both stakeholders.

- c. **Asda Roundabout** – the Council is still reviewing the operational performance of Asda roundabout as part of its analysis of the LTAM cordon model. Notwithstanding this, the Council is concerned about its performance during construction, particularly on the effects of HGV movements and worker traffic – NH do accept that there will be increased traffic through this junction and state that these will be managed through the oTMPfC (PINS Ref. No. APP-547). In addition, NH has so far refused to undertake local junction modelling of this junction explaining that the LTAM model demonstrates it works satisfactorily – this is despite the fact that at Orsett Cock junction local junction modelling demonstrates serious issues whereas the LTAM model does not (refer to Sub Section III above), i.e. demonstrating a contradiction of evidence. The Council therefore contends that this junction requires detailed analysis to demonstrate its acceptability during construction and for NH to commit to any mitigation that is deemed necessary.
- d. **Tilbury Junction** – NH has provided an operational and emergency access at Tilbury, which the Council consider is in fact a 'junction'. This was provided by NH in spring 2022 as part of changes within the Local Refinement Consultation and after consistently refusing to provide any junction here since 2018. Whilst the provision of a junction here is supported in principle by the Council even for operational/emergency purposes (as NH maintain). However, in the Council's view if provided it needs to be 'fit for purpose' in the future as a local highway junction and should facilitate the provision of a Tilbury Link Road (TLR), which is not part of the LTC scheme.

The Council expects NH to demonstrate that the proposed junction design will provide the vital capacity, connectivity, configuration and operational performance required to accommodate future traffic, public transport and walking, cycling and horse-riding (WCH) movement demands arising as a result of the proposed LTC scheme configuration, with a TLR in place and with local growth aspirations for the area (e.g. Thames Freeport expansion and the emerging Thurrock Local Plan). This evidence has not been provided thereby making it impossible for the Council to take a reasonably informed position on this junction proposal and design. The Council have undertaken two studies in spring and autumn 2022 respectively: an options appraisal of the TLR route with the Port of Tilbury; and, a detailed capacity assessment and configuration appraisal of the proposed 'junction'. These studies have not yet been shared with NH as work on LTC was paused at the end of 2022 due to the S114 Notice that prevented any work until a full financial business case for ongoing work had been presented and agreed. This work will form part of the LIR.

For the 'Capacity Assessment and Junction Configuration' study there were four conclusions to highlight to the ExA:

- The proposed NH junction design cannot accommodate the traffic from any of the future demand scenarios. This indicates that NH's configuration of the junction does not provide adequate capacity to support traffic demand associated with future delivery of a Tilbury Link Road and/or committed future development across the area, including the Port to the west and at East Tilbury to the east of the junction. It would therefore also not support future growth aspirations and movement demands associated with the Port of Tilbury or developments sites proposed as part of the emerging Thurrock Local Plan.
- NH has undertaken strategic modelling of alternative LTC scheme options encompassing different combinations of A13 junction arrangements and TLR connectivity. The proposed NH junction design cannot accommodate the levels of demand forecast at this junction in any of the alternative options considered.
- With roundabout improvements and slip-road widening, both the 'high' and 'low' demand scenarios on the TLR can be accommodated, but only if a general traffic connection to East Tilbury is not provided, i.e. allowing public transport and active travel connection only.
- The proposed NH layout for Tilbury Junction does not include dedicated facilities for public transport or active travel. Space should be provided on the road linking the two roundabouts to provide flexibility to reallocate road space to public transport in the future. Additionally, a combined 5-metre active travel route should be provided on the southern side of the road between the East Tilbury connecting corridor and the Tilbury Link Road.

- e. **Tilbury Viaduct** – this structure is one of only two viaducts within the LTC scheme, the other being two linked viaducts in the Mardyke Valley to the north and it is considered a major structure, extremely visible from the surrounding area and located in an area of future growth. Within the Design Principles Table 4.4 (PINS Ref. No. APP-516) some six structures are designated as ‘Project Enhanced Structures’ that are required to use a coherent, distinctive, and consistent design approach with a recognisable design language and consistent material palette. Tilbury Viaduct has not been designated as such and so the Council require that it becomes a Project Enhanced Structure in order to improve the current ‘standard design’ approach. Tilbury is an area of multiple deprivation and yet the Tilbury Viaduct is a missed opportunity for a well-designed structure. The lack of design quality measures for this area will only worsen the environment for this population. Furthermore, the priority and logic for which structures are enhanced and which are not enhanced remains unclear. Also, the specification and detail for the structures that are not enhanced is not clear.

In addition to the above concern, the Council remains concerned that the separation of habitats between the Tilbury Fields area to the south of the Tilbury Loop railway line and areas north of the railway line caused by the Tilbury Viaduct has not been satisfactorily addressed by NH and requires further work to demonstrate that this separation is prevented, possibly by the creation of a new wildlife corridor. This issue will be discussed further with Natural England and form part of the LIR.

- f. **Active Travel and Public Transport Provision on the 13 LTC Bridge Crossings** – the Council has been in discussions with NH for almost two years about the design of the 13 bridge crossings of local roads by the LTC scheme. Although there has been some progress, the provision for active travel and public transport on these bridge crossings remains unsatisfactory. This matter was first included as mitigation measure L12 within the Hatch Mitigation Measures report in February 2021, which was shared initially with NH in November 2020. Following discussions and a refusal by NH to amend their bridge crossings design the Council provided, in October 2021, a detailed table with a map of the crossings and setting out the current NH bridge widths and provision for active travel and public transport, discrepancies in the widths between different NH’s technical documents and the Council’s preferred requirements. This matter was then debated and culminated in the NH final response in summer 2022 setting out amended bridge widths and provisions and subsequently providing excerpts from the Design Principles (PINS Ref. No. APP-516). The Council responded, explaining via a table with reasons, why in most cases the bridge widths are still inadequate. This matter remains not agreed by the Council.
- 40 The draft SoCG outstanding issues (relating to design of roads, tunnels and utilities) will also be dealt with, namely Item Nos. 2.1.84 – 2.1.99, 2.1.102, 2.1.143 – 2.1.150 and 2.1.153 (relating to traffic and economics), 2.1.256 and Items 2.1.158 – 2.1.168 (relating to wider network impacts), by providing the Council’s case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.
- V. Adverse Impacts from Construction have not been adequately Mitigated/Compensated and are not sufficiently covered in Control Documents or Agreements**
- 41 The Council contends that the LTC construction for a period of 6-8 years will create unacceptable impacts that require significant mitigation. Further work on construction traffic modelling is still required to understand likely impacts and more robust traffic management (PINS Ref. No. APP-547) and travel plans (PINS Ref. No. APP-546) are required with defined governance, complemented by a progressive outline Materials Handling Plan (oMHP) (PINS Ref. No. APP-338) that together maximise non-road transport, minimise impacts on local communities and reduce embedded carbon. Sustainable travel plans for workforce travel also must be secured, with clear targets, through encouragement of the use of active travel modes and reducing private car use within its Framework Construction Travel Plan (FCTP) (PINS Ref. No. APP-546).
- 42 In addition, the Council contends that environmental impacts are likely to be significant and that consideration of mitigation must be based on more granular and updated data, especially in respect

of air quality, noise, health, severance, effect on PRoWs with closures and diversions, loss of historic buildings and deleterious effects on cultural heritage and other key topics. Utility relocations are extensive and whilst reduced impacts have been achieved over the last year, there is still a lack of information on likely impacts on residents and businesses. Monitoring during construction for a range of factors is essential and the proposed monitoring regime to inform key control, management and governance is unclear.

- 43 The Council has requested a number of additional 'Information Requests' for a range of topics in December 2022 to support further analysis of the DCO application documents and still awaits a response from NH in late April 2023.
- 44 The Council's and its resident's overall concerns rightly concentrate on impacts of construction on the local community, property and land impacts, traffic impacts and detrimental traffic increases, significant effects of noise, pollution, and traffic over 6-8 years, 24/7 working impacts and a range of environmental impacts. NH responses prior to DCO submission were only general in nature and reaffirmed that correct processes had been followed, referred to previous information in the consultations, broadly reassured residents that all impacts have been considered and appropriate mitigation employed. Importantly, NH did not acknowledge any shortcomings. NH concentrated on their scheme design changes maintaining instead that they have 'further reduced' impacts. The Council's contends that it is completely reasonable to see a more detailed assessment of construction effects and how these are going to be mitigated and managed. Until this information is made available, the Council continues to contest these conclusions by NH.
- 45 The Council and its local residents are very concerned about the insufficiency of mitigation and that mitigation measures will not be implemented. Concerns include an unacceptable loss of woodland, insufficient measures to mitigate carbon emissions, inadequate noise mitigation, poor traffic management measures leading to local traffic congestion and more pollution. Despite ongoing technical engagement, some progress towards the reduction of predicted impacts and the promotion of LTC as a so-called 'pathfinder' project to explore carbon neutrality (a status that is not adequately explained). The approach to construction remains general in nature with no definitive approach to securing future mitigation and management that can be relied upon through the DCO or its control documents. The Council contends that mitigation within the scheme design and in 'control documents' is inadequate, and this will be explained in more detail in the Council's LIR.
- 46 The range of construction issues is extensive and will be dealt with in the LIR, covering construction phasing, working hours, use of port facilities and marine transport, HGV movements, excavated materials and their use, designated construction access routes and 'rat running', haul road alignments and connectivity, local construction impacts, monitoring, outline Traffic Management Plan for Construction (oTMPfC) and Framework Construction Travel Plan (FCTP) (PINS Ref. Nos. APP-547 and APP-546) content, targets, enforcement and coordination, incident management, impacts on vulnerable users and on bus routes, cumulative construction impacts and worker accommodation and travel. All these draft SoCG outstanding issues will also be dealt with, namely Item Nos. 2.1.107 – 2.1.140, 2.1.160, 2.1.233 – 2.1.236 and 2.1.243 – 2.1.255, by providing the Council's case in the LIR and answering the NH responses and setting out the key issues within its PADs Summary and LIR.
- 47 In order to offer a 'flavour' of the Council's case on these above and critical key construction matters, we set out below the Council's main 5 issues:
- a. **Marine transport** – a joint review of the oMHP (PINS Ref. No. APP-338) was undertaken by the Council and the Port of London Authority (PLA) and a Technical Note was prepared setting out joint comments. This was sent to NH on 21 October 2022 setting out an agreed view of both stakeholders on this critical issue. A response was received from NH on 15 February 2023 and this will be reviewed and any comments included within the LIR. The Council's Technical Note set out detailed comments on the NH baseline commitments and offered a technical appraisal of sustainable options as a way forward.

In summary, both stakeholders were extremely concerned that NH is not applying sufficient weight or credence to a strategy to reduce the safety impacts and minimise the environmental

impacts of the material, plant and equipment handling for the project, adopting instead a 'road transport first' strategy. Both the Council and PLA are seeking for NH to adopt:

- Further DCO commitments to materials, plant and equipment handling by non-road-based transport;
 - Provide evidence of a revised and refreshed adopted strategy that demonstrates the progressive, stretching and binding targets and commitments for the project;
 - Build positively on the precedents set by other major infrastructure projects and set out the benefits and legacy of the adopted strategy;
 - Define the procedures and governance that would accompany the adopted strategy, including the involvement of the PLA and the Council; and,
 - Set out and secure its commitments and governance processes within the DCO and appropriate 'Control Documents'.
- b. **HGV movements** – the Council has not had any prior opportunity to review the evidence, assessments and conclusions of the Transport Assessment and its Appendices (PINS Ref. Nos. APP-529 – APP-538) and has not yet had an opportunity to review and discuss its outputs with NH. The Council is concerned that there is limited evidence of likely HGV movements and there is no cap on any movements or clarity on how HGV's will be managed on the local road network. The Council is concerned that there is the potential for serious local highway issues to arise that will be to the detriment of residents and that there are no plans secured through the DCO that enable the Council to seek resolution to these issues, until more detailed management plans are prepared by the main works contractors. Without independent examination of these issues, the Council is concerned that significant issues will not be resolved properly.
- c. **Construction access routes, haul routes and 'rat running'** – the Council is not clear on the detail of the proposed broad construction access routes and that there are gaps in the proposed haul routes. It is concerned that this will constrain the ability to serve construction sites from the river and put unacceptable pressure on local roads. This concern was communicated to NH in early May 2022 by providing detailed comments on 39 locations of concern and in late May 2022 providing concerns about haul road gaps. However, there has been no satisfactory response or solutions to date, despite several technical meetings. In addition, there are two routes/areas of potential harm due to rat running (Linford Road/Station Road and Orsett) and despite highlighting concerns about local congestion, no solutions have been provided by NH.
- d. **Adequacy of the Framework Construction Travel Plan (FCTP)** – many detailed technical comments were provided on the FCTP (PINS Ref. No. APP-546) at both the Community Impact (summer 2021) and Local Refinement (spring 2022) Consultations and despite several technical meetings, there has been little confirmation from NH as to how such comments have been accounted for and solutions provided. The Council remains seriously concerned that there are no targets committed to for increasing the use of sustainable modes for worker journeys and measures to encourage such modes are weak.
- e. **Worker accommodation** – detailed comments on the Worker Accommodation Report (WAR) (PINS Ref. No. APP-551) have been provided in October 2020, which NH responded to in February 2022. Some technical discussions have been held in the two years prior to the DCO submission. The Council remain seriously concerned that NH has not yet resolved key issues raised by the Council:
- That the local rented sector cannot accommodate the demand from workers and will cause an increase in rents, deleteriously affecting the local community;
 - That access to accommodation and welfare facilities for workers is not clear, committed or managed, especially outside normal working hours; and,

- The analysis provided in the WAR is flawed. The current proposals also provide no legacy benefit to the Council.
- 48 There are a further nine control documents and seven have a bearing on construction within this representation and many aspects that were discussed with NH need to be checked in detail and then relevant comments included in the LIR. These documents are the Code of Construction Practice (CoCP and its Register of Environmental Actions and Commitments (REAC)), the Stakeholder Actions and Commitments Register (SACR), Outline Materials Handling Plan (oMHP), Outline Site Waste Management Plan (oSWMP), Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (AMS-OWSI) and the Carbon and Energy Management Plan (CEP) (PINS Ref. Nos. APP-336, APP-554, APP-338, APP-337, APP-367 and APP-552 respectively).

VI. Alternative Scheme Elements and Transport Modes are not adequate or incorporated in the LTC Scheme

- 49 The Council initially technically engaged with NH on alternative scheme elements and transport modes in January 2021 and this detailed written exchange continued throughout 2021. Unfortunately, NH did not respond positively to any of the suggestions raised during this period. Consequently, the Council has serious concerns that NH has not complied with key requirements within the NPS. These can be summarised, as follows:
- a. The LTAM traffic modelling excludes any accounting for the changed traffic growth trajectory caused by the Covid-19 pandemic, the need to decarbonise transport, recent cost of living issues, Brexit or recent tax changes and therefore the LTAM does not reflect the current lower traffic forecasts;
 - b. There is an absence of traffic modelling for resilience to future change, such as travel trends, mode shift and emerging technologies;
 - c. Lack of alternatives considered for the highly complex, land-hungry A13 junction and the absence of modelling evidence for any evaluation of such alternatives and no assessment of any alternatives have been presented;
 - d. No inclusion of the TLR within the scheme or connections to the LTC and local roads, thereby preventing significant reductions/changes in the A13 junction design;
 - e. There are no deliverable plans to provide adequate connectivity to facilitate sustainable local development (a key LTC Scheme Objective);
 - f. No assessment has been made of the potential benefits of including the TLR within the scheme or connections to the LTC and local roads, thereby preventing significant reductions/changes in the A13 junction design;
 - g. There are inadequate connections with active travel and public transport (there is no provision for alternative modes through the tunnel) and local road bridges over LTC are inadequately designed to allow for adequate space for both future active travel and public transport use;
 - h. The design also excludes any provision for public transport connections or priorities from key areas linking through the LTC tunnel, thus making public transport connections circuitous and unattractive;
 - i. No provision is made for the measures needed to support rapid electrification of the vehicles fleet, such as provision for electrical distribution and charging facilities, as set out as being critical for the decarbonisation of the surface transport sector in Decarbonising Transport (July 2021) and the Carbon Budget Delivery Plan (March 2023); and,
 - j. There is no strategy for charging/demand management to reduce/control demand beyond replicating the charging regime of the Dartford Crossing.
- 50 The draft National Networks NPS, currently out for consultation, further reinforces the need to consider these issues. There are a range of changes from the 2015 NPSNN, which are relevant to these considerations:

- a. A greater emphasis on meeting net zero for transport (paragraph 2.18ff);
 - b. The need to consider resilience to climate change (paragraph 3.34ff);
 - c. The need to enable more active travel and public transport (paragraph 3.42);
 - d. The need to provide genuine choice of transport mode by increasing accessibility to public transport, connecting places and by improving the environmental for journeys by active travel (paragraph 3.42);
 - e. The need to integrate with spatial planning to support walking, cycling or public transport as the natural first choice for journeys (paragraph 3.42); and,
 - f. Greater deployment of technology to make more efficient use of the network, including support for alternative fuels (paragraph 3.42).
- 51 The Council contends that significant progress could be made towards these objectives without incurring large public cost and that it is regrettable that NH have persistently resisted the Council's entreaties to respond more positively to National Government policy about the promotion of alternative modes and the response to the climate emergency.
- 52 The draft SoCG outstanding issues (relating to route selection, modal alternatives and assessment of reasonable alternatives)) will also be dealt with in more detail in the LIR, namely Item Nos. 2.1.63, 2.1.66 – 2.1.70, by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.
- VII. The Need to comply with the Government's and NH's Net Zero guidance/policies, account for the effect of Climate Change and account for carbon costs in the Scheme Disbenefits**
- 53 The Government's Transport Decarbonisation Plan makes it clear that decarbonisation of the transport sector is critical to the challenge of meeting our net zero obligations. Independent assessment of the data underpinning Decarbonising Transport, (July 2021), undertaken by the University of Leeds on behalf of Thurrock Council shows a large reduction (10 – 30%) of the total distance driven on the UK road network is needed to meet the UK's net zero obligations, LTC is contrary to the UK's legal obligations, as modelling demonstrates that the scheme is going to increase both the number of journeys made and the amount of distance driven.
- 54 The Council considers that the NH assessment of carbon impacts is inadequate, incomplete, and inconsistent. It uses out of date economic and policy assumptions and assumptions about the value of carbon. The analysis of traffic growth and vehicle fleet composition are inconsistent with the assessment of carbon and the assessment of carbon impacts of the scheme are incomplete. Overall, the analysis is inconsistent with the Net Zero Strategy, Decarbonising Transport and NH's own Net Zero Highways commitments. The Council contends that the NH assessment is fundamentally flawed, and this will be covered in detail within the LIR.
- 55 The Council has requested a number of additional 'Information Requests' for various topics in December 2022 to support further analysis of the DCO application documents and still awaits a response from NH as at late April 2023.
- 56 Clearly, particularly in view of NH's Net Zero Plan, the project needs to show how it will accelerate modal shift to public and active transport, reduce road user emissions by supporting a transition to EV and decarbonise how goods are received, such as supporting hydrogen-fuelled transport. The Council contends that NH has not demonstrated any of these measures adequately. The current LTC project and the associated climate change impacts appear to be entirely inconsistent with the 78% Carbon Reduction by 2035 and its subsequent Carbon Budget Orders of 2021. The Council expected broad objectives and a framework for future action to be promoted by NH and secured through the DCO, however, currently there are no such commitments.
- 57 It is understood that the Government is also about to impose a requirement to 'Quantify Carbon Reductions' on local authorities through the process of developing their Local Transport Plans. This requirement clearly demonstrates that the need for significant carbon reduction at the local authority

scale is vital, yet no obligation has yet been placed on National Highways to meet the need to 'Quantify Carbon Reductions'. This is obviously inconsistent and undermines the argument that carbon impacts from LTC's operation are insignificant.

58 There are a number of other contributing concerns of the Council, as follows:

- a. Insufficient information is provided to examine the carbon calculations and NH has not yet responded to the Council's request for further information in December 2022;
- b. Assumptions around electric vehicle uptake do not appear to reflect latest DfT guidance (NH only assumes a 44% uptake by 2050, not the 67% assumed in the November 2022 version of WebTAG) and neither provide a deliverable pathway to net zero for the surface transport sector without other, demand management measures being provided;
- c. LTC will generate a new power demand in both construction and operation, especially with the increased movement predicted. The infrastructure required to generate and distribute will be additional to infrastructure already planned for to enable economic growth locally and nationally. The cost of the power generation, distribution and capacity needed to provide for this additional demand has not been factored into the NH appraisal. Nor has the cost to the local economy of constraining available generating capacity during construction, i.e. the cost of additional reinforcement required for any subsequent housing growth been taken into account. The appraisal is not complete without this data being provided;
- d. The economic impact assessment of carbon from NH keeps changing, i.e. in 2020 the Outline Business Case established a cost of carbon of £122m and this has increased to £523m in 2022. The difference has not been explained. Any additional increase would further reduce the 'Value for Money' of the scheme.

59 With regard to the NH reduction of carbon during construction the CEP and the CoCP/REAC (PINS Ref. Nos. APP-552 and APP-336) set out various provisions. The Council requires further DCO secured commitments on the establishment and enforcement of new carbon reduction standards; provision of a 'Low Emissions Strategy' within the DCO; provision of details of infrastructure within the DCO to enable carbon neutral construction; and, secured estimates/targets provided of proposed emissions reductions.

60 In conclusion, it is clear to the Council that there are no deliverable scenarios that deliver net zero transport **without** necessary reduction in vehicle kilometres (vkms) being required to meet the Climate Change Committee, NH's Net Zero Strategy or the Government's Transport Decarbonisation Plan carbon reduction trajectories of 15% - 40% by 2030, depending on assumptions. The Council contends that the current scheme and its various assessments are not in compliance with national policy, guidance and legislation and as such undermine LTC's strategic case.

61 The draft SoCG outstanding issues (relating to climate and carbon)) will also be dealt with in more detail in the LIR, namely Item Nos. 2.1.264 – 2.1.271, by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.

VIII. Health Impacts within the HEqIA (including severance, accessibility, air quality and noise) are not adequately addressed or mitigated

62 In August 2021, there were nine affected or adjacent local authorities that agreed the scope and then commissioned an Independent Review of the HEqIA from the previous DCO submission. This provided some 13 fundamental Health Impact Assessment (HIA0 recommendations and a further seven Equalities Impact Assessment (EqIA) recommendations.

63 In addition, detailed comments were provided to NH in the Council's Community Impacts and Local Refinement Consultation responses in summer 2021 and spring 2022 respectively, to which no written responses were received, although the matters were listed in the draft SoCG. In summary, the key points raised in spring 2022 were, as follows:

- a. The qualitative narrative at that time as to the potential changes in air quality resulting from these traffic flow changes are considered speculative and not in keeping with the seriousness of the health effects of air quality and it is disappointing the NH have given the topic such cursory consideration;
 - b. It was not clear from the information provided at that time whether detailed acoustic modelling has been undertaken for the identified areas or whether adequate calculations have been undertaken to quantify the impacts. The lack of clarity in this regard is disappointing, as the inclusion of the results of acoustic modelling would allow greater insight into where impacts have either improved or deteriorated, as well as provide greater clarity to inform the public. This is particularly of concern close to the southbound off-slip of the LTC, to the east of the A13 / A1089 junction. NH reported a change from a moderate/major beneficial effect to an adverse effect, but does not quantify the extent of the adverse effect; and,
 - c. The Council requested in early 2022 and since for NH to provide inputs and results for air quality and noise modelling assessments in an accessible format to allow meaningful review and understanding, as soon as possible, to enable the Council to review and discuss with NH and any additional mitigation provided in a timely manner prior to DCO submission, as it would take several months to properly assess such results. None were provided.
- 64 Despite a number of Community Impacts and Public Health Advisory Group (CIPHAG) meetings during late 2021 and despite requests, no written amendments to the previously flawed HEqIA were presented to these nine councils, including Thurrock Council in particular during 2022, although two 'NH briefing's' were given in late 2022.
- 65 The Council requested details of the air quality and noise assessments within the DCO application prior to DCO submission, but these requests have been consistently refused by NH. Subsequently, the Council has requested a number of additional and detailed 'Information Requests' in December 2022 relating to air quality and noise to support further analysis of the DCO application documents and still awaits a response from NH in late-April 2023. It is clear that after two years of requesting detailed assessment data none has been forthcoming, making the Council's assessment difficult in its role as technical authority, even given the documents within the DCO application, which are only in pdf format and so cannot be properly interrogated or analysed.
- 66 In mid-2022, following the failure of NH to provide adequate data, the Council undertook its own analysis of the likely air quality and noise impacts based on data from the previous DCO submission and using Council data and published it at that time on its website – [Noise and Air Quality Impacts – Lower Thames Crossing](#) [REDACTED]. The Council produced maps of the likely impacts and concluded that the scheme will significantly increase noise disturbance to households along the route and will affect the tranquillity of open spaces. The project will also significantly increase the number of people exposed to the effects of air pollution in Thurrock and therefore have a negative impact on their health and wellbeing; and LTC will also increase traffic significantly on local roads in Thurrock. The Council has asked National Highways to properly explain these impacts to the Council and the local community, so far without response.
- 67 Notwithstanding this, NH has assessed that a large number of households will experience both air quality and noise increases and decreases and severance from community services. The Council will assess (assuming it receives further detailed data in an appropriate format) the cumulative nature of these changes to determine the levels of significance of these impacts to determine a balanced conclusion, especially in relation to the soon to be implemented improvements in air quality standards within the Environment Act, 2022.
- 68 In addition, with regard to effects on health of light pollution, since DCOv1 there have been numerous changes to elements of the scheme, including the A13/A1089 junction and connections to Orsett Cock and the A128; raising the level of the LTC around North Road, South Ockendon, the arrangement of false-cuttings and other landscape mitigation and the proposed incorporation of tall earth bunds around the A13/A1089 junction. These changes have potential to increase light pollution, or if appropriately designed, to help mitigate some of the effects. The Council has concerns about consequential lighting impacts to understand how areas of the Borough will be affected by LTC.

- 69 The Council will review the current HEqIA and Chapter 13 of the ES and their relevant Figures and Appendices (PINS Ref. Nos. APP-539 – APP-543 and APP-151, APP-451 and APP-175 – APP-177, APP-345 – APP-350 and APP-403 – APP-406) against these previous comments (that were numerous and extensive) and review to determine its adequacy within the LIR. However, it is anticipated that after some two years of technical discussions and little evidence presented during that period only limited improvement will have been made and it will be deemed inadequate.
- 70 The draft SoCG outstanding issues (relating to the HEqIA and Chapter 13 of the ES)) will also be dealt with in more detail in the LIR, namely Item Nos. 2.1.28, 2.1.77, 2.1.155, 2.1.164, 2.1.187 – 2.1.190, 2.1.193 – 2.1.198, 2.1.206 – 2.1.232, 2.1.239 – 2.1.240 and 2.1.264, by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.

IX. The Council's planned growth through its emerging Local Plan is negatively affected by the LTC Scheme

- 71 The Council's Issues and Option Stage 2 of its emerging Local Plan process identified a number of possible growth areas in late-2018 and these are currently being developed into more focussed options as the emerging Local Plan progresses towards its Regulation 18 submission (of the Town & Country Planning (Local Planning) Regulations 2012). Those potential growth areas which are likely to be directly affected by LTC are: Port of Tilbury, Tilbury, East Tilbury, Chadwell St Mary and South Ockendon.
- 72 The LTC either severs or impacts access to the land available for the provision of homes and jobs in these locations. There are, however, opportunities to deliver improved connectivity that would help to facilitate this growth and the Council have been seeking to ensure that these are considered, safeguarded, and implemented, given that a key LTC Scheme Objective is '*To support sustainable local development and regional economic growth in the medium to long term*'.
- 73 The opportunities that have been discussed with, but not accommodated by NH, include the following: provision of a 'fit for purpose' junction at Tilbury; multi modal access to the Tilbury and East Tilbury Growth areas via the Tilbury Link Road; public transport access and LTC crossing at Brentwood Road; A1013 bus priority; and, provision either for a junction at South Ockendon or upgrading of Medebridge Road to provide a distributor road access.
- 74 The Council continues to be strongly of the view, originally set out in the Issues and Options (Stage 2), that the LTC '*threatens to significantly undermine the Council's plan to meet its housing needs and support economic growth*', by sterilising development opportunities, providing poor connectivity and not adequately mitigating impacts across its land take, particularly west of East Tilbury, north and east of Chadwell St Mary, around the A13 junction and north and east of South Ockendon.
- 75 In principle, LTC presents, along its route, an opportunity to support and enable growth in sustainable locations, particularly in East Tilbury, Chadwell St Mary and South Ockendon in order to meet its LTC Scheme Objective of supporting sustainable local development (as mentioned above). However, this is based on the appropriate alignment of LTC and, critically, improved local access provision. Without confirmation of support on additional junctions (Tilbury, South Ockendon/Medebridge Road and Tilbury Loop Line Overbridge and approach roads), wider network improvements (as discussed above), public transport provision and the provision of more and better WCH facilities, LTC will hamper future growth in Thurrock. This is due to the severance of, or impacts on, the land available for the provision of homes and jobs in these locations and thereby preventing future improvements that would contribute to 'levelling up'.
- 76 The draft SoCG outstanding issues (relating to planning statement/policy and other relevant SoCG topics) will also be dealt with in more detail in the LIR, namely Item Nos. 2.1.59, 2.1.62, 2.1.66, 2.1.70, 2.1.88 – 2.1.89, 2.1.98, 2.1.146, 2.1.153, 2.1.159, 2.1.163, 2.1.165, 2.1.169, 2.1.257 and 2.1.273, by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.

X. Emergency Services and Safety Partners requirements are not provided satisfactorily and are reserved by NH for more detailed design, thereby compromising their operations during emergencies/events/incidents

- 77 The Council is concerned about the lack of adequate provision for emergency services within the LTC scheme or any securing mechanism for its provision. There is a lack of detail and proposals for measures to support the emergency services and safety partners are absent.
- 78 It does, however, wish to draw attention to the response to NH's Community Impacts Consultation made by that the Emergency Services and Safety Partners Steering Group (ESSPSG) (of which the Council is a key member) in September 2021, which set out their concerns in detail offering 56 recommendations. The ESSPSG obtained all the members' approval to submit this written response. Despite an interim response from NH in November 2021 to each recommendation and a number of ESSPSG and other 'Scoping Group' meetings, there has been limited progress on resolving and agreeing these recommendations and ensuring they are 'secured' within the DCO. This continues to be a serious concern to the Council and to all members of the ESSPSG.
- 79 This concern was amply demonstrated when the ESSPSG formally refused to allow NH to submit any draft SoCG within its DCO submission. This was because the draft SoCG was provided very late in autumn 2022, just prior to DCO submission and besides matters of incorrect detail, was considered far too positive in specifying the status of many issues, which have had little progress over the last 18 months. This draft SoCG is still being considered by ESSPSG members, but despite several technical meetings since the DCO submission no further progress with the original 56 recommendations has been made.
- 80 The ESSPSG (including the Council) will continue to progress its comments on the draft SoCG and review the DCO application (providing its own Relevant Representation and Written Representations) and the Council will provide a more detailed assessment of the issues separately within its LIR.
- 81 The draft SoCG outstanding issues (relating to DCO and Consents and other relevant SoCG topics) will also be dealt with in more detail in the LIR, namely Item Nos. 2.1.8, 2.1.63, 2.1.66, 2.1.69, 2.1.95, 2.1.98 – 2.1.99, 2.1.125, 2.1.141, 2.1.154 and 2.1.277, by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.

XI. The Issues Identification and SoCG process did not permit full Council involvement leading to many issues unresolved

- 82 The Council originally developed an 'Issues Log' with NH in 2019. This was developed jointly until mid-2022, when the list grew to over 800 issues that were outstanding and unresolved. NH rightly considered that such a number was impractical and difficult to fully understand in subsequent stages of the DCO process. So, by agreement with the Council these were subsequently divided into three groupings. As a by-product, this exercise also substantially increased the overall total number of issues:
- a. Group 1, which contained approximately 730 issues that were duplicates, repetitions, statements, superseded or agreed matters. Some of these were subsequently transferred to Group 3;
 - b. Group 2, which consisted of approximately 1,300 issues characterised by a lack of information or where further technical discussions were required but were not considered significant. Again, some were transferred to Group 3 and are covered in the draft SoCG Items 2.1.78 – 2.1.79); and,
 - c. Group 3, which consisted of approximately 480 issues that were significant/fundamental matters that required further technical discussions.
- 83 Once this exercise was complete the Council and NH jointly combined and simplified these 480 Group 3 issues into approximately 290 significant/fundamental issues so that they could be set out within a draft SoCG. During summer 2022 the Council worked intensively with NH to agree the

appropriate description for each of the Thurrock comments/issues, although the wording was yet to be formally agreed by the Council.

84 Subsequently, the draft SoCG was prepared by NH, the detailed NH responses were included and then the draft SoCG was included in the DCO application without further discussion with the Council. In view of ongoing discussions about Group 2 issues, in early February 2023 it has been agreed to add a number of additional issues from Group 2 into Group 3, demonstrating that the draft SoCG is still not yet in an agreed form, in the Council's view.

85 As further evidence of the lack of an agreed form for the draft SoCG, the Council discussed with NH appropriate wording for the front cover of the draft SoCG, prior to DCO submission. The Council suggested the following text:

'This is a DRAFT Statement of Common Ground (SoCG). It is unapproved and has yet to be agreed by Thurrock Council. National Highways has spent the last 2-3 months clarifying/summarising the large number of significant issues into this SoCG. Therefore, this DRAFT SoCG only represents National Highways' understanding of the issues and the status of discussions with Thurrock Council as at October 2022 and there remain a significant amount of further work to establish an agreed first draft. Thurrock Council requires further time to complete its review of this DRAFT SoCG in accordance with its local authority governance process. Thurrock Council continues to have a strong desire to undertake constructive engagement with National Highways to address the substantial number of issues prior to the DCO Examination period, as is normal practice. Thurrock Council intends to complete its review of the DRAFT SoCG prior to DCO Examination as is the normal process, although given the large number of outstanding significant issues we consider that it is likely to require further updates throughout the Examination.'

86 Subsequently, NH have included the following, quite different wording:

'This is a draft Statement of Common Ground with matters outstanding and is unsigned. The draft Statement of Common Ground has been drafted by the Applicant, but the stakeholder has not yet been able to complete their review in line with their governance process. The Applicant considers that this Statement of Common Ground presents an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date.'

87 It is clear that there is a serious disagreement about the status of the draft SoCG, as was also true of the proposed draft SoCG with the ESSPSG, as set out in Sub Section X above.

88 Consequently, the Council contends that this process was developed too late by NH and did not allow the Council to scrutinise the NH Response to each issue, until after DCO submission. The Council has subsequently undertaken an outline review of this SoCG and concluded the following:

- a. The Council's issue/comment is only presented as a short precis, but the NH response is presented as a detailed rebuttal either disputing the position taken by the Council or a dilution by citing an array of DCO documents, meetings/briefings held, or bodies set up to address the issues;
- b. The status of many issues/comments is presented as agreed, not agreed or under discussion. The distinction is unclear and presents the status of the draft SoCG as more positive than the Council is willing to support; and,
- c. The Council will present its understanding of each issue and set out what is the remaining issue and what is necessary to address each issue, which should offer the ExA more clarity. This can be partially covered within the Council's PADs Summary.

89 The Council is also of the view that since DCO submission in October 2022 there has been very limited progress in discussing or resolving any of these outstanding and significant matters up until the Council's Section 114 notice was issued in late December 2022. As a consequence, **the Council does not agree to the current version of the draft SoCG.**

XII. Prematurity of the DCO submission, continual delays/refusal in the provision of technical data to the Council to analyse the LTC Scheme effectively and a Lack of Progress with the Section 106 Agreement

- 90 Prematurity – the Council considers that there is a serious issue of prematurity relating to the submission of this DCO application in late-October 2022. It believes that significant further work was needed to be completed in order to address the Council’s critical concerns expressed to NH over the past two years and yet despite this, the DCO submission was made.
- 91 Whilst much of this work was being progressed in 2022, critical information was not received until post-summer (and some was delayed by over 3-months on the original traffic modelling programme) or not until DCO submission. This left the Council with very little time to review and therefore adequately represent the views of its residents or as a technical authority in certain key matters. These are:
- a. The LTAM traffic modelling work by NH was delayed during 2022 and the Council only received the operational and construction cordon models in May and June 2022. This provided important inputs to other technical work and such technical reviews subsequently established that important aspects of the LTC design does not work. In addition, an important local VISSIM model was completed in late-summer 2022 that demonstrated that the strategic LTAM model is incorrect;
 - b. Detailed meetings were held throughout 2022 to discuss the development and use of the Orsett Cock Roundabout local traffic model and further meetings were planned to assess the traffic impacts of LTC on a number of other major junctions in Thurrock (A13 Manorway and the A1089 Asda Roundabout), potentially resulting in further mitigation, but these were never concluded and remain outstanding;
 - c. LTC confirmed in summer 2022 that assessment work for many topics within the ES and its Figures and Appendices (PINS Ref. Nos. APP-138 – APP-486) and all of the HEqIA and its Appendices (PINS Ref. Nos. APP-539 – APP-543) were still underway and may not be concluded until just before DCO submission in October 2022. As the conclusions were not available, it is contended that this assessment work (post DCO submission) may conclude that both further mitigation and scheme changes may be necessary to satisfy the assessment results; and,
 - d. Prior to DCO submission, it was expected/required that the LTC project needed to provide further provision and scheme changes to accommodate recent policy changes, especially regarding decarbonisation (in construction especially), air quality targets, active travel and public transport provision. Such changes are likely to need to be significant and therefore need further consultation.
- 92 Therefore, the Council contend that following further work/discussions there are very likely to be changes that may require additional consultation for the following significant matters: junction mitigation design changes, additional noise impact mitigation, changes to construction proposals and traffic routing mitigation, additional environmental mitigation, further health impact mitigation and additional provision for active travel/public transport provision.
- 93 Delays/Refusal in Provision of Technical Data – in the Council’s view there have been considerable delays or a refusal to provide critical information and data to the Council, despite many requests in writing over the past few years, both within formal consultations and within ongoing technical engagement. This lack of information/data has prevented the Council in performing its tasks as a technical authority. Consequently, the Council has been prevented from obtaining and adequate understanding of the scheme and therefore in its ability to undertake meaningful engagement with National Highways on a range of important technical matters, as would normally be expected. Through its action NH has prevented the Council from providing its residents with a full understanding of the project and its significant impacts.
- 94 The Council will demonstrate this with evidence within its LIR. It sets out below a number of examples of the information/data that has not been provided or has been delayed and emphasises

the critical nature of such information/data to perform both its functions as representing its community and acting as technical authority. The issues that most amply demonstrate this critical matter are:

- a. Provision of the Outline Business Case and in a timely fashion – initially requested in March 2022 and only provided in late-October 2022 after two NH refusals and an ICO decision to compel NH;
- b. Lack of and delayed traffic modelling information – no access to the full LTAM model granted by NH and updated cordon models not received until late-May and June 2022, with other technical support data not received until DCO submission; and the Orsett Cock Roundabout VISSIM model results originally requested in October 2021 and not concluded and received until just before DCO submission in late-September 2022 (over 10 months after commencement);
- c. Lack of updated and detailed air quality and noise assessments since DCOv1 in October 2020 – only received at DCO submission and only in pdf format and other detailed information requests still outstanding; and
- d. Lack of any real updates to the Health and Equalities Impact Assessment (HEqIA) or any understanding of their response to criticisms of its methodology, impacts or proposed mitigation. This assessment was only received at DCO submission and other detailed information requests are still outstanding.

95 Furthermore, there are many other instances where long-awaited technical information/data has been provided in bulk all at once often due to NH delays, coinciding the release of critical information with a formal consultation or just before the current DCO submission. For example, the results of the Orsett Cock local junction modelling were released all together, rather than in a phased manner as agreed, just a few weeks prior to DCO submission. These examples reduce the time available to resolve important technical issues deferring important matters to be considered during Examination and not within the Pre-Application or Pre-Examination stages of the DCO process as would be expected.

96 Section 106 Lack of Progress – there is substantial work to be completed on agreeing the Section 106 Heads of Terms and various side agreements still to be provided or to be negotiated. In summary, the Council issued its preliminary list of 38 potential measures in late-January 2022 and since then there have only been four technical meetings prior to DCO submission in February, April, June and August 2022. Our main concern is that to get to agreement on such matters will require considerable resource and enhanced speed of NH responses, now that these will be progressed during the Examination, when already stretched Council resources are under most pressure.

97 The draft Section 106 HoT (PINS Ref. No. APP-505) are just Skills, Education and Employment Strategy, the NH proposed Community Fund, Officer Support Contributions and Pedestrian Crossing Improvements south of the River Thames and were only received in early August 2022 and did not contain any elements originally requested by the Council in January 2022. They were then issued at DCO submission with minor additions, but none from those suggested by the Council. Despite the Council's list of potential measures and four meetings there has been no inclusion of any measures recommended by the Council.

98 The Council is extremely concerned that its views on two elements currently included within the Section 106 HoT have been largely ignored during the latter parts of 2021 and all of 2022 and these are briefly explained below but will be covered in more detail within the PADS Summary and LIR. These two matters are:

- a. Skills, Education and Employment Strategy (SEE Strategy) – since mid-2020 the Council has strongly recommended to NH that this Strategy be included within the DCO submission as a 'Control Document' to ensure its provisions and targets are adequately secured and hence followed by the subsequent main works contractors. This has been consistently refused by NH, preferring only to include limited parts of the Strategy within the Section 106 HoT.

The Council's detailed comments on the draft SEE Strategy were originally made in July 2020 and very few comments were subsequently accounted for by NH. Then NH issued updated versions of the SEE Strategy in August and November 2021. NH issued a response to all the Council's comments in June 2022 relating to the Group 3 issues within the then proposed draft SoCG.

To illustrate the Council's ongoing concerns with the SEE Strategy engagement and progress, an email of complaint was sent by the Council to NH on July 2022 regarding the lack of progress with dealing with Council comments and finalising the SEE Strategy. Subsequently, the Council issued its further detailed comments on the SEE Strategy and draft Section 106 HoT (just relating to this topic) in mid-September 2022 and NH responded in late-September 2022. This response largely rejected most of the Council's comments and subsequent technical discussions did not change the NH position, especially related to the securing status of the SEE Strategy and improving targets.

In conclusion, the Council contend that the SEE Strategy should be a Control Document and there should be considerable improvement in many of its key targets.

- b. Community Fund – NH commenced discussions on this topic with the Council and other relevant local authorities in January 2022. Subsequently there have been three technical meetings in January, May and June 2022, with the latter meeting being joint with all affected local authorities. Presentations were given and shared at each meeting by NH. The draft Section 106 HoT relating to this topic was originally shared in June 2022.

The Council initially communicated its concerns about the Community Fund to NH in June 2022. Summarised, these concerns related to the scale of the fund being too low in comparison with other major NSIP projects; the apportioning of the fund between local authorities is not correct or fair; community capacity building needs to be built into the operation of the Fund; and the eligibility criteria needs more detail, clarity and agreement.

Technical discussions continued about these concerns throughout the rest of 2022. This culminated in the Council submitting a jointly agreed Technical Paper (from Medway Council, LB Havering and Gravesham BC) about its concerns to NH on 24 November 2022, with a finally revised version being issued on 7 December 2022. NH's response was received in mid-March 2023 and will be considered by the Council and comments included within the LIR.

The collective position from these local authorities related to three matters: the scale of the Fund being inadequate, the need to change its apportionment between local authorities and the need for more agreed detail on the Fund's eligibility criteria.

- 99 The draft SoCG outstanding issues (relating to Planning statement/policy and other topics) will also be dealt with in more detail in the LIR, namely Item Nos. 2.1.1, 2.1.61, 2.1.117, 2.1.122, 2.1.143 – 2.1.153, 2.1.170 – 2.1.184, 2.1.187 – 2.1.189, 2.1.217, 2.1.228, 2.1.237 and 2.2.259, by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.

XIII. Thurrock Council-owned land and property effects is insufficiently compensated or covered with a suitable Legal Agreement

- 100 There are two significant outstanding matters with NH relating to land and compensation and these will be dealt with in turn below.

- 101 Side Legal Agreement – the Council has been engaging with NH during the second half of 2021 and all of 2022 to understand the effects on the Thurrock-owned land parcels by the LTC scheme (originally 174 parcels in September 2021 and now 142 parcels due to changes in the Order Limits). This resulted in a detailed table setting out for each parcel the reason for acquisition, type of acquisition, a map of the parcel and then the likely effects, timescales and purpose of its use by NH, subject to main contractor confirmation.

The latest table was finalised in August 2022. The purpose of the table was to understand the detailed effects on Thurrock-owned land, understanding that the information contained in the Statement of Reasons (SoR) within the DCO application (PINS Ref. No. APP-060) will be broad.

The Council requested in mid-2022 that this table be supported by an appropriate Side Legal Agreement to give the Council confidence in its detail, with any necessary qualifications included in the drafting. This Agreement is still awaited from NH, with the latest of several reminder requests being in December 2022. In that latest reminder request on 7 December 2022, there were also a number of other detailed, but important, technical queries relating to permanent acquisition, temporary occupation of public open space and disruption compensation. No response has been received yet from NH.

102 Compensation Concerns – in both the Community Impacts (summer 2021) and Local Refinement (spring 2022) Consultations the Council set out its concerns in detail. These concerns still apply as no changes have been made to NH compensation policies. These concerns can be summarised, as follows:

- a. The NH policy, *'Your property and compensation or mitigation for the effects of our road proposals'*, simply refers to and re-states legislation that provides LTC with options for mitigating scheme impact both to the environmental and to local residents. These largely standard statutory measures for local residents include options in respect of increased noise (including planting, noise insulation and noise payments), expenses for suitable temporary moves and off-line discretionary home purchase. The policies, in most cases, do not go further than the statutory position and provide limited comfort due to their discretionary nature and lack of specific details (including application process, response timeframe and support, etc.). Furthermore, no support is offered for local businesses or other property uses outside of residential.
- b. As a response to these inadequate NH policies, the Council has and still requires additional provisions for environmental mitigation, off-site planting agreements, noise insulation, noise payments for movable homes, additional expenses for moves into temporary accommodation and an off-line discretionary purchase scheme. These additional provisions could be included within the NH policy documents entitled *'Your Property and Blight'*, *'Your Property and Compensation or Mitigation for the Effects of Our Road Proposals'*, *'Your Property and Discretionary Purchase'* and *'Your Property and Compulsory Purchase'*. These NH policy documents are not currently included within the DCO application.
- c. Under Section 19 of the Acquisition of Land Act, 1981 – where the land to be acquired forms 'part of a common, open space or fuel or field garden allotment' an acquiring authority is, in all but a limited number of cases, required to provide replacement land to fulfil the function of the land acquired, such other land to be of no lesser area and no less advantageous. The Council contend that this requirement should apply both in respect of land permanently acquired and that acquired temporarily. Failure in either circumstance would leave the residents of Thurrock with less of this particular land type.

103 The Council will provide more detail with evidence and precedents on these above matters within the PADs Summary and LIR.

104 The draft SoCG outstanding issues (relating to a range of topics) will also be dealt with in more detail in the LIR, namely Item Nos. 2.1.1 – 2.1.56, 2.1.66, 2.1.80 – 2.1.83, 2.1.91 and 2.1.238, by providing the Council's case in answering the NH responses and setting out the key issues.

XIV. The draft DCO Order does not contain adequate provisions to protect the Council and its residents despite significant negotiations over two years

105 The Council originally issued its detailed comments to NH on the draft DCO (but not its Explanatory Memorandum) (PINS Ref. Nos. APP-056 and APP-057) itself in April 2021 and following this there were four very detailed exchanges between the Council and NH. The timings of these written responses was, as follows:

- a. Council's detailed comments late-April 2021 – NH response in late-June 2021;
- b. Council's further detailed comments mid-October 2021 – NH response in December 2021;
- c. Council further detailed comments February 2022 – NH response in April 2022; and,

- d. Joint Council/NH meeting in October 2022 to discuss outstanding issues following an exchange of correspondence between August – October 2022, followed by finally agreeing meeting notes in November 2022.

106 Whilst NH has responded positively and amended the draft DCO in a number of areas, there are still many unresolved and not agreed outstanding matters that are set out in the draft SoCG. Here we will summarise the five key areas of Council concern below (from the overall list of 56 issues) and a more detailed analysis of all the matters will be presented in both the PADs Summary and the LIR.

107 These five key matters can be summarised, as follows:

- a. Discharging Authority and Local Authority Consultation – NH are strongly of the view that the DCO requirements (currently set out in Schedule 2 of the draft DCO) should largely be discharged by the Secretary of State. It is the Council's position that Requirements 3 (detailed design), 4 (Construction and Handover EMPs), 5 (landscaping and ecology), 8 (surface and foul water drainage at a local level (with the Environment Agency responsible for those elements not at a local level), 10 (traffic management), 11 (construction travel plans), 12 (fencing) and 17 (amendments to approved details) should be discharged by the relevant local planning authority, with any appeal going to the Secretary of State. Whilst it is not uncommon for transport DCOs to have the Secretary of State as the discharging authority, it is by no means universal (there are at least four other transport DCOs where this is not the case). In addition, the Council are not aware of any other Secretary of State (for example DHLUC, DEFRA or BEIS) being the discharging authority in connection with non-transport DCOs. In relation to this scheme, the Council is the local highways authority for 70% of the route, with the remaining 30% being within LB Havering and Kent CC local highway authority areas. Accordingly, NH's concerns regarding co-ordinated discharge of functions is not well founded in relation to this LTC scheme.

In the Council's view, locally elected local authorities, who are experienced in discharging similar planning conditions, should be the discharging authority. It is precisely because of the complexity of the project that a detailed understanding of the locality, including the local highway network, is required. It is accepted that changes to local highway sections will need to consider the impact of those changes on trunk road sections (and vice versa), and accordingly it is suggested that the relevant planning authority will discharge requirements in consultation with relevant parties, such as NH and other key stakeholders. The current proposal, of the Secretary of State being the discharging authority, after consulting the Council, is likely to lead to unnecessary expenditure as the relevant local planning authority will have to commit significant resources to explaining to the Secretary of State the impact of proposals.

A number of the requirements (as currently drafted) refer to consultation with the relevant planning authority. There are no details in the draft DCO as to how long this consultation will be or how it will take place. However, it is understood from NH verbally that the consultation period will be four weeks, with the ability to extend to 6 weeks. Accordingly, the Council contends that the setting of 8-week discharge period for the Secretary of State and then only allowing only 4-6 weeks for consultation with local planning authorities is not appropriate or fair, as it does not take into account the complexities of the individual matters being discharged.

- b. Order Limits and Limits of Deviation (LoD) – Article 6(2) would offer the ability to carry out works outside of the Order Limits. Whilst this may be acceptable in a limited number of situations, the Limits of Deviation (LoD) need to be restricted to the Order Limits to provide sufficient certainty regarding the impact of the project. As currently proposed, where there are no materially new or materially different environmental effects there is in essence no Limit to the Deviation and land ownership is not covered. This means that issues such as visual impact especially impact on private land/access rights might not be properly considered. Therefore, NH should restrict the LoD to the Order Limits in the interests of certainty and to allow effective engagement with the local community. There are numerous examples in other NSIP projects where LoD's do not extend outside the Order Limits.

In addition, within Article 3(3) the Council is concerned that the precise impacts have not been considered and that having a blanket provision of 'adjoining or sharing a common boundary', where the specific impacts of different legislation have been disapplied have not been considered. This could lead to unexpected adverse impacts and there is insufficient clarity as to its meaning or application.

- c. Deemed Consent – the provisions on deemed consent (refer to Articles 12(8), 17(11), 19(8), 21(6) and Schedule 2 and 14), in particular the inability to agree extensions of time for consideration of requests for consent is a cause of concern for the Council. In the Council's opinion, the public interest and the interests of NH would be better served if there is the ability for the parties to mutually agree an extension of time (which should be capped at a default of 3 months, especially if there is disagreement). This would avoid unnecessary appeals and also avoid delay by having to refuse applications that could have been approved if a short extension could have been agreed.

Also, the provisions should be 'deemed refusal' rather than 'deemed consent'. This would continue to incentivise the Council to work within the specified timeframes but avoid the risk of decisions being deemed as having consent when they have not been considered by either the Secretary of State or the Council. This position is further strengthened by the fact that the Council's current financial situation may lead to reduced resourcing and therefore involve slightly longer response times. Therefore, the current proposed wording has the potential to unfairly impact the residents of Thurrock due to the Council's financial position.

- d. Temporary Possession – Article 35(2) requires NH to provide at least 28 days notice before entering and taking temporary possession of land. Article 36(3) requires NH to provide at least 28 days notice before entering and taking temporary possession of land. The Council contends that both these timeframes are far too short, especially if landowners need to make alternative arrangements for their business to continue to function. Accordingly, the period in articles 35(2) and 36(3) should be 3 months and NH should justify why the notice period cannot be for this longer period.

The Council recommends that the DCO Explanatory Memorandum (PINS Ref. No. APP-057) makes a commitment to: (a) outlining estimated timescales as accurately as possible to landowners when notices are given; and (b) keeping them updated as to evolving timescales. The Council fully anticipates that NH will be doing this in practice as a responsible public body but considers that there is considerable value to this being specifically set out within the draft Order and Explanatory Memorandum.

- e. Traffic Management Forum (TMF) – Article 9 and the oTMPfC (PINS Ref. No. APP-547) makes provision for the disapplication of various important provisions of the New Roads and Street Works Act (NRSWA) and the establishment of a TMF respectively. The Council contends that the disapplication will significantly impact its ability to coordinate street works effectively. If the Council is not in a position to effectively coordinate all works on its network, potentially for a construction period of 6 – 8 years, the risk of conflicting street works is increased, and the Council will then not be fulfilling its duty. Having two determining Street Authorities operating on the same section of network risks conflicting street works being approved, resulting in significant traffic disruption (and potentially significant economic, environmental, and social issues in the local area and restricting access to emergency vehicles).

In addition, Article 9(11) sets out that future orders by the SoS under NRSWA will not have effect on the authorised development (LTC) – the Council therefore questions the appropriateness or lawfulness of this provision, including its drafting.

Although the TMF may help resolve issues, there is still uncertainty regarding its set up and terms of reference, the detail of which has not been provided to the Council or discussed. The draft oTMPfC does not address how conflicts between NH and other developers would be managed, so as to avoid significant negative impact on the wider road network. In summary, the Council requires details of the TMF membership, structure, terms of reference and powers set out in the CoCP/REAC.

108 The draft SoCG 56 outstanding issues (relating to DCO and Consents and other related topics) will also be dealt with in more detail in the LIR, namely Item Nos. 2.1.1 – 2.1.56, 2.1.124 -2.1.125, 2.1.134 – 2.1.136, 2.1.138 and 2.1.164, by providing the Council's case in answering the NH responses and setting out the key issues within its PADs Summary and LIR.

XV. Inadequate Legacy Provision, particularly for Highway Improvements, Skills and Employment, PRowS and other elements of the Hatch Mitigation Measures Report (dated February 2021)

109 The Council is very concerned about the paucity of 'legacy' measures included by NH within the DCO application, which largely seeks to include only the required 'embedded mitigation' with some 'enhanced mitigation'. In a project of this size and complexity (the largest DCO under consideration in the UK), it would be usual practice to include a range of additional legacy measures to further offset the significant effects of such an impactful project on local communities. Despite the Council's detailed technical engagement concerning all aspects of legacy over the last two years, (since the previous DCO was submitted and then withdrawn in November 2020), very little progress has been made. The brief history of technical engagement on legacy matters is summarised below. Then we set out the legacy measures that the Council would require to be covered either within the DCO or as part of a separate Section 106 Agreement or other side legal agreement.

110 The Council issued the full Hatch Report '*LTC Mitigation Benefits*' to the then Highways England in mid-November 2020, informally. The Council then formally published the Hatch report on its website on 24 February 2021. The NH initial response was that the report was useful and helpful. It contained 57 measures that the Council wants to see NH action – 23 direct mitigation measures, 12 measures of Council-led support and 23 measures of legacy. One further measure was added in subsequent dialogue with the then HE, making 58 measures in total.

111 Technical meetings between NH and Council officers/consultants began in December 2020 and continued until late-November 2022. These meetings have been helpful in explaining to NH the detailed thinking behind each measure, determine if further information was required from the Council and to discuss how best for, NH to satisfy each measure. Since December 2020 there have now been 37 lengthy meetings, each recorded within a detailed table of progress.

112 Thus far, very few of the 58 measures have been agreed. The number of technically agreed measures is 16, but these are still subject to subsequent Council Members approval – although the Council has offered Council Members regular updates on progress offering a RAG progress on each measure. The reasons for this long delay, in the Council's view, is the need to continually and repeatedly explain each measure in increasing detail to NH, answer seemingly never-ending follow-up questions from NH and a resistance from NH to resolve the Council's requests, despite the regular tracking of each measure and the agreed consequent actions.

113 There are some 24 measures where NH has either declined to provide what has been requested or which are very unlikely to be provided despite senior political involvement and other pressures/influence. These measures have remained unsuccessful after almost two years of negotiations and seem unlikely to move forward at present.

114 There are, therefore, some 30 measures that have the potential to be technically agreed but await either further information, further technical discussions, or a changed NH position, now after two years of engagement. These measures are those that the Council require to be included in an acceptable form within the DCO or through separate legal agreements and are, as follows:

- a. M4 – install sensors to monitor air quality and noise, with required actions if target limits are exceeded.
- b. M8 and M9 – use the construction phase as an opportunity to trial innovative forms of public transport measures and enable active travel to construction sites.
- c. M10 – the use of marine transport for the movement of materials (this is discussed further in Sub Section V above).

-
- d. M19 and M20 – Orsett Cock Roundabout and Manorway Roundabout Mitigation. Additional mitigation to overcome the negative impacts of the LTC project on the A128 approach to the Orsett Cock junction; and, an additional lane on the A1013 and A1013 approaches to Manorway Roundabout to ensure portland local traffic movements are not impaired by the LTC.
 - e. M21, M22 and M23 – traffic management measures in Orsett, Horndon and Chadwell: mitigation for additional traffic movements on local roads through local settlements, including HGV movements.
 - f. CLS 1, CLS8 and CLS12 – financial contribution from NH to Thurrock to help the Council to manage impacts/scrutiny of LTC delivery:
 - Council-led Local Labour and Business Team;
 - Council-led Community and Public Health Team;
 - Support to enable community engagement during the construction of the LTC scheme;
 - Transport Network Management and Development Resource.
 - g. CLS3 – establish clear and more ambitious targets for engaging local labour and apprentices during the construction of the LTC scheme.
 - h. CLS4 – grants to support voluntary and community organisations who are helping local people into employment.
 - i. CLS5 – ensure LTC procurement meets with requirements of the Council commissioning, procurement and grant funding strategy.
 - j. CLS9 – public health mitigation during construction.
 - k. CLS11 – capital grants to facilitate aesthetic and environmental improvements within the community.
 - l. L2 – A13 East Facing Access Support and Facilitation.
 - m. L4 – Asda Roundabout Enhancement – requirement for enhancements should be actively examined alongside the delivery of other highway improvements.
 - n. L5 – recognise the long-term aspiration for the LTC to be utilised for cross-river public transport connections.
 - o. L6 – maximise opportunities to utilise the construction of the LTC to enable future distributor roads to be more readily delivered.
 - p. L7 – construct a permanent bridge over the Tilbury Loop railway line near East Tilbury to a width and standard that would enable it to be adopted as part of the future local highway, walking, cycling and horse-riding network.
 - q. L8 – deliver the proposed construction haul road along Medebridge Road alignment from the A13 to Grangewater to a sufficient width and standard to enable it to be adopted by the Council.
 - r. L9 – Daneholes Roundabout Enhancement.
 - s. L12 – ensuring that the proposed re-provision of bridges across the LTC, along existing corridors, deliver sufficient legacy provision to encourage active sustainable travel/support future growth.
 - t. L13 – Two Forts Way Project (TFWP).
 - u. L16 – Coalhouse Fort and East Tilbury Natural and Cultural Heritage Area Project.
 - v. L18 – support and facilitate the collaborative partnership of organisations seeking to deliver the restoration of the site at East Tilbury Landfill.
 - w. L22 – additional street tree planting initiatives and the delivery of LTC Forest aspirations.
 - x. L23 – A13 Trunking from Stanford-le-Hope and Manorway Roundabout and part of A1013 to A13 Junction with A1089.

Some of the above measures are in partial discussions but still require finalisation yet are not currently included within the draft Section 106 HoT. It is recognised that some of the remaining measures, not covered here, are outside of the DCO scope, but are presented here for completeness – these are L2, L7, L16 and L23, as outlined above.

115 The draft SoCG outstanding issues (relating to a range of topics) will also be dealt with in more detail in the LIR, namely Item Nos.2.1.57, 2.1.105 – 2.1.106, 2.1.125, 2.1.128, 2.1.164, 2.1.170 – 2.1.184, 2.1.203 – 204, 2.1.245 – 2.1.255, 2.1.258 – 2.1.259, 2.1.260 – 2.1.262, 2.1.269 and 2.1.275 – 2.1.285, by providing the Council's case in answering the NH responses and setting out the key issues.

Conclusions

116 In view of the 7 LTC Scheme Objectives, the Council has significant concerns that the current project fails to meet those objectives. In addition, it will have significant negative impacts on growth, current residents and the environment.

117 The Council, in setting out its outline of case covering the 15 key matters set out above has, at the end of each sub section, outlined the corresponding matters within the draft SoCG in order to assist the ExA. This is notwithstanding the critique of the SoCG process set out in Sub Section XI above. Nevertheless, not all draft SoCG matters are referred to in these paragraphs as there are a number that do not neatly fall into the 15 sub sections above. Therefore, we have set these out separately below for convenience. This may subsequently help in subsequent submissions of the PADs Summary and LIR.

118 The draft SoCG measures not covered in the foregoing sub sections include 2.1.133, 2.1.142, 2.1.169, 2.1.185 – 2.1.186, 2.1.191 – 2.1.192, 2.1.199 – 2.1.202, 2.1.205, 2.1.238, 2.1.241 – 2.1.242, 2.1.263 and 2.1.272 – 2.1.274. For clarity, the Council consider that each of these issues are equally important as those set out above, but just do not fit into the 15 categories that have been used to structure this RR. In summary, these issues cover the following topics:

- a. Impacts on public transport;
- b. Maintenance of the Public Rights of Way (PRoW) infrastructure;
- c. Wider Socio-Economic impacts;
- d. Need for a Scoping Opinion and inclusion of a Transport Chapter in the ES;
- e. Designation of a Scheduled Monument and primacy of NPSNN over DMRB;
- f. Impact on the Landscape Character;
- g. Commitment to Biodiversity Net Gain (BNG) and other Specific Queries;
- h. Construction waste elimination and mitigation;
- i. Comments on draft oSWMP;
- j. Impact of possession of common land and private recreational facilities;
- k. Completion and improvement of PRoW network within and outside Order Limits;
- l. Potential legacy improvement in Baker Street;
- m. Future responsibilities of sea defences at Coalhouse Point;
- n. Nitrogen Deposition – assessment and methodology and DCO Requirement; and
- o. Work on flood defences.

Lower Thames Crossing

Thurrock Council Local Impact Report

Thurrock Council



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Date: 18 July 2023

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Executive Summary

Section 1 – Introduction

1. This Local Impact Report (LIR) builds on Thurrock Council's ('the Council') Relevant Representation formally submitted on 4 May 2023 ([PDA-009](#)), which presented an outline of the 15 principal issues of major concern to the Council. This LIR sets out the impacts of LTC, providing more detail, evidence and discussions to assist the ExA.
2. The LIR needs to be able to clearly set out its concerns about impact and is predicated on the assumption that the applicant has engaged constructively to address and mitigate issues. In this instance and in the Council's view, the Applicant undertook extensive technical engagement, but in declining to resolve or delaying input on issues has left a very substantial number of issues unmitigated for the ExA to review. This has made the LIR extremely complex and very challenging for the Council to capture this complexity and the narrative. So, rather than the Development Consent Order (DCO) process being used to resolve issues between public sector organisations, the Council considers that the NH approach has sought to exert its influence to dismiss continuously highly relevant and valid concerns expressed by the Council over a two year period since the initial DCO was withdrawn.
3. Therefore, this LIR has necessarily been prepared in a constrained timescale due to the reasons presented in the Procedural Decision ([PD-018](#)) issued by the ExA on 27 June 2023 within Annex B. Whilst the Council has endeavoured to review and assess all parts of the DCO, there are likely to be areas where the Council will wish to present further information concerning the impacts of LTC on the Borough.

Section 2 – Context

4. NH is proposing to construct LTC, of which some 70% of the route will be within the Council area, which takes approximately 10% of Borough's overall land area and approximately 11% of all of the Green Belt in Thurrock would be lost if LTC is consented.
5. LTC will be routed through the middle of Thurrock, and it will bisect the district into two separate areas, including bisection of the East and West Tilbury Conservation Areas. The scheme will lead to the direct loss of land, disruption to access and movement in the Borough and the creation of blight across the LTC corridor. The configuration of LTC would also impact on the future local sustainable growth required by the Council to meet its housing and employment obligations from the Government.
6. The LTC project began in around 2009, when the DfT began investigating the capacity and constraints of the Dartford Crossing and developing potential options to address the identified issues. There have been five consultations since then leading to 81 changes to the scheme. These changes have resulted in significant changes in the effects that the scheme has on Thurrock. However, the final outcome of these changes has failed to result in a substantially improved scheme from the perspective of the Council.
7. The Borough contains a range of important environmental, cultural and social/community assets that will be impacted in varying degrees; and it is a Priority 2 status LA in respect of levelling up, with high levels of deprivation. All of which will be deleteriously affected by the impact of the LTC.
8. If LTC is granted, there would be significant future challenges to the Council for a minimum of ten years in terms of impacts, particularly during the proposed six years of construction. There would then be ongoing additional uncertainty associated with the processes following any DCO grant that may delay delivery of the scheme; and then the Council would need to endure the operation of LTC and the increased traffic levels that the scheme would cause on local roads in many areas in Thurrock.

Section 3 – Planning History

9. The plans for LTC have evolved since 2009 with a range of different options being considered. However, the decision to proceed with a road-based solution has not changed since 2009 and the preferred route alignment confirmation by DfT in 2017.
10. In October 2020, Highways England made the submission of its first DCO application to the Planning Inspectorate (PINS). Subsequently, following discussions with PINS, it withdrew that DCO application in November 2020.
11. On 31 October 2022, NH submitted another and the current DCO.
12. In the last five years there have been two DCOs consented in Thurrock (Thurrock Flexible Generation Plant and Tilbury 2) and one DCO application which is anticipated to be submitted in 2025 (East Anglia Green (EAG), now termed 'Norwich to Tilbury'). There are also relevant planned developments at Purfleet (2,800 new homes and town centre), the LDO in the DP World/London Gateway port area and the Thames Freeport, which could generate 25,000 jobs.

Section 4 – Planning Policy Context

13. The Council's extant Development Plan is comprised of the Core Strategy and Policies for Management of Development (as amended) (2015) and the saved policies of the Borough Local Plan (1997). As recommended by the Council during the pre-application engagement with Highways England (now National Highways (NH)), it is expected that consideration has also been given by NH to the Design Strategy Supplementary Planning Document (2017).
14. The Council is preparing an emerging Local Plan, which seeks to make Thurrock a more prosperous, attractive, and sustainable place to live and work, with improved quality of life and thriving communities by 2040. To meet this vision for Thurrock, the Council has produced an extensive evidence base, which indicates that there will be a need for significant growth of housing, employment, and related social infrastructure. Key policy objectives include the following: to reduce congestion; support integrated and well-connected public transport; to reduce the Borough's carbon footprint; and, to retain an effective Green Belt.
15. The Council are currently in the process of preparing an Initial Proposals Local Plan (Regulation 18) document, which is anticipated to be published for consultation in Autumn 2023. The Council are looking at sustainable spatial options, which can deliver the housing and employment levels in line with national planning policy. However, regarding the LTC scheme, the Council concluded that it was unable to formally submit the emerging Local Plan in advance of the resolution of the LTC DCO, as the design, route and delivery of the scheme if consented, could be subject to amendment through the Examination process, i.e. it can be only progressed up to the Regulation 19 stage at present, on the assumption that the DCO is consented in the current timetable of mid-2024.

Section 5 – Statement of Common Ground

16. The Council has been working with NH over some five years, as the design of LTC has been developed. This has involved the development of many different options and the assessment by NH of how they might impact Thurrock and other areas. Whilst many elements of these discussions have been helpful there is a wide range of technical information, which has been repeatedly requested by the Council, but not provided by NH; and many issues remain unresolved.
17. This lack of engagement and provision of technical information by NH means that there are more than 230 issues which are 'Matters Not Agreed' or 'Matters Under Discussion' in the Statement of Common Ground (SoCG). The Council considers that given the size of LTC, it is not plausible and unlikely that these issues will be resolved satisfactorily during the DCO Examination.

Thurrock Council Local Impact Report Lower Thames Crossing

18. Recent discussions with the applicant have revealed their strong intention to submit an updated SoCG at Deadline 1 on 18 July 2023. Such a submission does not have the support of the Council and represents a further unilateral decision of the applicant to submit an unagreed and unsigned SoCG that will be submitted some ten months after the initial unilateral decision to submit the SoCG at DCO submission. Furthermore, the applicant has refused to discuss further all 'Matter Not Agreed' items within the SoCG, preferring to devolve such responsibilities to the ExA. Regrettably, this confirms that NH's approach to matters of disagreement regarding the SoCG is to refuse to cooperate in respect of further discussions with a view to identifying, discussing and ultimately accommodating reasonable points made to them by the Council.
19. The Council has many outstanding issues with both the SoCG process (especially over the last two years leading to DCO submission) and the resulting unresolved nature of many issues. The latest position is that following NH's unilateral decision to submit an updated SoCG at Deadline (without any Council involvement or agreement), a more realistic timeframe for an actual 'joint' submission of the SoCG, undertaken in a collaborative manner (as intended by the DCO process), is Deadline 3 on 24 August 2023.

Section 6 – Overall Position of the Council and Key Issues on Consultation / Engagement

20. The Council objects to the current proposals for LTC as the scheme fails to strike an acceptable balance between national benefit and the substantial harm to the Borough. This position was set out in the Council's Statutory Consultation response and all five previous rounds of non-statutory public consultation. The Council considers that this position has not changed as a result of the current proposals, which deliver very little benefit for local people and do not deliver on the applicant's own scheme objectives.
21. The Council's constructive opposition is to the general configuration, proposed purpose and details of the proposed route and is not necessarily opposition to the principle of a further River Thames crossing to improve accessibility across the Estuary. However, recognising this does not alter the need to negotiate these measures and other scheme improvements. Furthermore, the applicant has not adequately explored alternatives that might perform better and align with local sustainable growth objectives that should have been considered; and that in the event of this scheme progressing, there are many changes to the submitted scheme that the Council would advocate.
22. The inadequacies of both the now six consultations and the extensive technical engagement by the applicant over the last five years has resulted in many inadequacies and deficiencies. In addition, the Council has tried various methods to obtain appropriate further information/data over the last two years with very limited success. Therefore, as the ExA is aware, there is the provision in Rule 17 of the Infrastructure Planning (Examination Procedure) Rules, 2010 that allows for a range of further information to be requested from the applicant. The Council has set out in the main LIR a composite list of 19 areas of missing information (which themselves contain various sub points); and, some information is out-of-date and so the Council set out in its PDB Supplementary Submission ([PDC-007](#)) in Table 2, a comparison of data that is current with that used in the DCO submission to assist the ExA.

Section 7 – Costs and Disbenefits outweigh the Benefits and provide Poor Value for Money

23. The Council has examined the analysis of LTC and considers that the costs and disbenefits outweigh the benefits and that it provides poor Value for Money. In particular, the Council's analysis shows that LTC does not meet the seven scheme objectives defined by NH and the 'need' for the project has not been demonstrated, as set out in the following points:

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- a. The scheme does not relieve the congested Dartford Crossing (a key scheme objective) and traffic levels return to existing levels five years after the opening of LTC. Furthermore, the LTC scheme does not satisfy its other six scheme objectives;
 - b. No transport modelling evidence is provided to show that LTC improves the resilience of the River Thames crossings; the assumptions used to generate the reliability benefits have not been shared and so the Council cannot consider or scrutinise on the validity of the assumptions or results; and, the Council has been unable to assess the distribution of these disbenefits within the district as this information has not been provided by NH;
 - c. LTC does not improve safety and leads to 26 additional fatalities and 182 seriously injured casualties with an economic disbenefit of £68.8m. Many of these casualties can be expected to occur in Thurrock;
 - d. LTC is forecast by NH to generate 6.596m tonnes of CO₂ and this level of emissions is not consistent with the UK's Net Zero legal obligations. This estimate of emissions is based on a series of unfunded assumptions concerning the operation of the road network. These emissions will make it more challenging for the Council to meet its own Net Zero targets;
 - e. The traffic impacts of LTC constrain the ability of the local road network to accommodate the Council's growth ambitions, stifling local growth in Thurrock rather than supporting it;
 - f. The cost of LTC has increased with each revision of the proposals. The currently estimated central case cost (£8bn) is based on an inflation forecast from February 2022 which does not reflect recent global events and economic challenges. Any increase in cost would further reduce the 'low' estimate of value for money calculated by NH; and
 - g. LTC provides 'low' value for money with a BCR based only on journey time benefits of 0.48, an overall 'adjusted' BCR of 1.22. The economic justification of the scheme is based on less well-established reliability (16%) and Wider Economic Benefits (48%), for which NH have been unwilling to provide technical details. Only 5% of these Wider Economic Benefits would occur in Thurrock, so that the WEBs presented are an overestimate and misrepresent the case that would be considered acceptable if an independent assessment was undertaken. NH has not incorporated additional Wider Economic Costs associated with the impacts of LTC and hence the economic analysis is incomplete. In conclusion, the estimated margin of benefit of LTC is now so low, that even modest changes in the assumptions would wipe out the net benefit entirely.
24. Further issues with the economic appraisal include the following:
- a. LTC generates sizeable construction disbenefits, the majority of which are expected to fall on users travelling within Thurrock. The Council has been unable to assess the distribution of these disbenefits as this information has not been provided by NH;
 - b. The current traffic model is underpinned by data which dates from 2016. With the scheme opening now delayed until 2032, this data predates the opening year by 16 years and needs updating. It also predates the pandemic and other major events, which have resulted in changes to travel behaviour and reduced demand for travel and which will significantly affect the assessment of LTC presented in the DCO. The Council considers that the traffic modelling supporting LTC does not represent an up-to-date or representative view of current conditions and leads to the benefits of the scheme being overestimated; and,
 - c. Inadequate sensitivity testing has been undertaken as part of the scheme appraisal. This approach to modelling is inconsistent with the latest Uncertainty Toolkit approach from DfT published in 2021. The new DfT Common Analytical Scenarios and NTEM8 (both published 2022) have not been incorporated. Additionally, the emerging Local Plan for Thurrock has not been included in any test so far presented by NH and the scheme is likely to reduce the available

capacity of the local road network to accommodate the emerging Local Plan. The Council therefore considers that the modelling is outdated and inconsistent with guidance associated with assessing uncertainty.

Section 8 – Consideration of Alternatives

25. The Council considers that the analysis of alternatives provided by NH does not meet the requirements of the NPSNN and therefore the submitted analysis is not valid and needs updating along with further work. The traffic forecasts used by NH do not reflect the likely impacts of the delivery of Government policies, including decarbonisation, active travel and public transport, i.e. the 'high' and 'low' traffic forecast scenarios used by NH do follow DfT's guidance concerning the use of Common Analytical Scenarios and do not reflect the wide range of possible future scenarios for the operation of LTC, impacting the selection of options and ruling out of alternatives.
26. The design of LTC provides limited access to development sites and national port facilities in Thurrock. This would be remedied by the inclusion of Tilbury Link Road and changes to the operation of A13/A1089/LTC and Orsett Cock junctions, as part of the LTC scheme design.
27. The option selection for LTC is based on an initial decision made in 2009. This was reviewed and confirmed by NH in 2017, but despite requests, the underpinning analysis has not been made available to the Council, especially for key elements of the design.
28. Since the initial decision there have been many substantial changes to transport patterns and the wider economy which have not been considered as part of the decision-making process. Analysis by the Council shows that there are several potential public transport-based options which would meet NH's objectives for LTC. There are also several alternative options for LTC, e.g. including Tilbury Link Road, which would lead to a scheme which better met the objectives for LTC. The Council considers that these options should be considered by NH.
29. The provision of facilities to enable public transport services to access LTC is poor leading to circuitous routes and unattractive journey times. The Council considers that if implemented the design of LTC should be refined to enable better public transport facilities to be provided, e.g. access to and from the North Portal. There are also insufficient facilities provided for electric vehicle charging, especially in the context of the Government's proposed ban on new diesel and petrol vehicles in 2030.
30. The Council considers that the potential impacts of providing a variable demand management charging regime should be considered to maximise the benefits of providing LTC. Also, that alternative routing strategies for dangerous loads and tall vehicles should be considered to increase the effective capacity of Dartford Crossing.

Section 9 – Transport

31. NH has proposed two significant changes to LTC, which neither resolve previous identified impacts, nor provide benefit to the current or future LRN within Thurrock.
32. The Council considers that the modelling assessment is inadequate and potentially underestimates impacts on the Local Road Network (LRN). The LTAM strategic model is not sufficiently detailed to properly assess the effects of LTC on the LRN and operational modelling should be undertaken/completed to understand the precise nature of impacts and need for mitigation on the LRN. Also, NPSNN paragraph 4.6 requires that models of sufficiently accurate detail of the impacts are used for the submission. The Council has evidenced that NH's modelling assessment is inadequate and significantly underestimates impacts on the LRN.
33. NH's assessment shows that there are many communities, roads and junctions across Thurrock that are significantly adversely affected by LTC, but no mitigation is proposed by NH. However, any such mitigation will, in many instances, require reassigning traffic currently shown in unsuitable residential

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areas back onto the key traffic corridors, further exacerbating issues already evident from the strategic modelling. Furthermore, the Council is opposed to the proposal by NH to overlook all induced impacts and to require the Council to apply for future funds to mitigate the effects of LTC on local roads, which may not be successful and would in any case load significant additional financial burden on the local taxpayers, who would need to provide significant funding.

34. The Council requires local impacts to be mitigated both during the construction and operational phases of LTC. The Council has set out to NH the additional mitigation for local impacts that is required based on the LTAM modelling. The Council requires this detailed operational modelling to be provided in order to validate the Council's mitigation requirements and determine if any further mitigation is required.
35. Scheme changes are required by the Council to reduce the impacts on local traffic. These include changes to the A13/A1089/LTC junction (the interchange introduces safety concerns, severance to walkers, cyclists, horse-riders and public transport and delay to local traffic using Orsett Cock, which is being utilised as part of the SRN); changes to the operational and emergency access north of the north Portal to accommodate Tilbury Port traffic in the future; connections to be incorporated to LTC for cross-river bus services; and, to provide passive provision to serve likely future growth in Thurrock.
36. In addition, the construction control documents, do not include sufficient control, commitments and governance for LTC to be constructed within defined DCO parameters. NH should lead with a strong framework from which the contractors can refine their final proposals, so as to protect the local communities from the effects of the construction period. The current NH proposals rely heavily on future collaboration and goodwill within the TMF.
37. NH should extend its commitments to tertiary mitigation by minimising the use and transportation of materials, plant, and equipment especially by road. The oMHP ([APP-338](#)) must be revisited by NH prior to any DCO being consented, such that it sets a clear and stretching basis from which the contractors can develop their proposals.
38. A stated objective of LTC is to bring resilience to the crossings of River Thames. The Council has not been provided with evidence that LTC will succeed in that objective and has sought to work with NH to understand the strategy to manage incidents on the proposed convoluted network. NH has not provided any evidence or collaborated with the Council on this strategy and no details of an incident management plan have been provided by NH.

Section 10 – Assessment of Environmental and Health Impacts

39. The Council has reviewed the information in the ES and other related documents within the DCO that considers the environmental and health impacts of the scheme and makes the following comments by each environmental topic below.

Air Quality

40. The Council has requested that NH provides inputs and results for the air quality modelling in an accessible format to allow a meaningful review and understanding of the proposals and impacts, which has not been provided. As a result of the lack of transparent information provided by NH, the Council commissioned Borough-wide modelling in 2022 to clarify the burden of LTC on the residents of Thurrock. The analysis of residential properties indicates that the number forecasted to experience an increase ('small', 'medium' and 'large') in annual average NO₂ and PM_{2.5} concentrations is substantially greater than the number of properties predicted to experience decreases. Furthermore, residential properties within more deprived areas of Thurrock (lower 2 IMD quintiles) are more likely to experience increased concentrations of NO₂ and PM_{2.5} whereas residential properties within the least deprived quintile are more likely to experience decreases.

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41. The Council consider that the duration of these forecast impacts is uncertain and PM_{2.5} impacts due to LTC are likely to increase further in future years with increased traffic flows using LTC resulting in residents of Thurrock continuing to experience an elevated fraction of mortality attributable to particulate air pollution. Unfortunately, NH has declined to model PM_{2.5} concentrations and it is the Council's view that PM_{2.5} concentrations needs to be modelled to understand the impacts of LTC on Thurrock residents.
42. This NH approach of using DMRB LA105 does not fully acknowledge or recognise the requirements of paragraph 5.12 of the NPSNN (to give substantial weight to significant air quality impacts in relation to EIA, which is given greater clarity and weight in the draft NPSNN) or the potential for adverse health impacts due to NO₂ and PM_{2.5} at levels well below the current AQO (or limit values).
43. Overall, despite the sparsity of modelled receptors in residential areas in proximity to the Scheme, there are more receptors within Thurrock that experience an increase (81no) in concentrations compared to those that experience a reduction (56no). Generally, there is a geographical divide within the Borough with those receptors located in the west of the Borough experiencing a reduction in concentrations, while those located in the east of the Borough experiencing an increase in concentrations.
44. Finally, given the inherent uncertain in the underlying traffic data and methodologies for modelling emissions from traffic, the Council consider that it would be appropriate (and in line with non-Highway related developments) to undertake extensive monitoring post completion at receptors identified by the air quality assessment to have the greatest change in concentrations because of the scheme.

Noise

45. The Council has, since early 2022, requested NH to provide inputs and results for the noise modelling in an accessible format to allow a meaningful review and understanding of the proposals and impacts and this has not been provided by NH. Significant adverse effects have been identified relating to construction traffic in the years 2025 – 2029, with over 200 receptors subject to a moderate or more increase in noise levels in 2025 and in 2028. It is unclear what specific mitigation measures have been identified to reduce the impact and what the residual impacts will be. Furthermore, given that major and moderate impacts remain, it is questioned why the use of additional barriers/increased lengths have not been included.
46. Significant daytime construction impacts are likely at Whitecroft Care Home. Baseline sound levels at this receptor are 55 dB, L_{Aeq,T}. Construction noise levels are predicted to be over 70 dBA. Impacts are therefore significant and specific mitigation measures are required for this receptor. Significant negative impacts for construction noise are likely during the construction phase due to construction plant and for construction vibration, no construction plant outside of piling, such as vibratory rollers, has been assessed. For construction road traffic, moderate or major negative impacts are likely due to construction traffic and mitigation measures are unclear, but no absolute noise level information has been provided and so there is no evidence to confirm that significant effects are not likely at the receptors.
47. It is noted that certain receptors do not appear to have been included within the assessment despite having been raised previously with NH. The Gammonfields Way traveller site has also not been assessed in the ES Noise and Vibration Chapter 12 ([APP-150](#)) and as the sound insulation for such receptors is likely to be less than for typical residential dwellings, impacts could be more significant.
48. The UK Health Security Agency (UKHSA) has conducted a new study to better understand how noise can affect health and wellbeing. The research builds on long established evidence that living in an area with higher noise levels from traffic can lead to stress and sleep disturbance, and more recent research shows that this can lead to an increase in an individuals' risk of developing more serious health problems such as heart disease or diabetes.

Cultural Heritage

49. The Council wishes to secure the appropriate level of mitigation to address the harm or loss of significance resulting from the demolition of three Grade II listed buildings and the degradation of the setting of a fourth Grade II listed building. The Council is still awaiting a revised Holocene report. The heritage assessment of the portal entrance has not been evaluated to the level of the remainder of the route and no mitigation strategy has been discussed. The Council is still in discussions with NH on a revised Outline Written Scheme of Investigation.
50. The Council continue to press for archaeological management and especially the role of the local authority Archaeologists for monitoring and signing off the mitigation to be appropriately acknowledged and clearly and consistently defined as part of the wider environmental response. Of the non-designated assets impacted an approximate total of 120 areas have been identified from the evaluation work which will require archaeological investigation in advance of the application being developed. Considerable knowledge will be gained; however, this will result in the complete loss of the archaeological resource where impacted.
51. It is considered that the most significant effects on historic landscapes, which cannot be fully mitigated would be on the West Tilbury Conservation Area, due to the proximity of the Tilbury Viaduct and the Bulphan and Orsett Fens, due to the elevated section of LTC, including the Mardyke and Orsett Fen Viaducts.
52. It is important to have a clear programme of outreach defined for LTC and a proposal for long term storage and display of material. This has been discussed with the applicant's heritage consultants. Within Thurrock there may be the opportunity to link this with the restoration of Coalhouse Fort and the associated park proposed in the area.

Landscape and Visual

53. Mardyke Valley is a relatively tranquil area with scattered farmsteads and hamlets which is assessed in the Landscape and Visual Assessment (LVIA) as having a High Landscape Sensitivity. The LTC would pass through this landscape on a viaduct and bridges creating a major, elevated feature transecting the landscape.
54. The Tilbury Viaduct would be a large, elevated structure approximately 300m from the edge of the West Tilbury Conservation Area with Order Limits extending to the Conservation Area boundary. The LVIA confirms that there would be a Large Adverse effect from the residential properties on Low Street Lane during construction. The effects on the residential properties would still be Large Adverse by Design Year. Despite this it has not been identified as a 'Project Enhanced Structure' in the Design Principles [APP-516](#), which the Council has repeatedly challenged and NH has declined to change its designation.
55. Little detail has been provided regarding the features that would be contained within the construction compounds. A key constraint to the provision of additional landscape mitigation has been the narrowness of the Order Limits corridor. This has resulted in landscape mitigation relying on measures such as false cuttings to achieve screening. This, however, limits the opportunity to provide more significant mitigation that would have a more positive outcome for the local landscape.
56. For Tilbury Fields, the Council has previously raised concerns following the revision to the site layout regarding the potential visual impacts of the mounds, particularly for users of Coalhouse Fort Park, now that they extend further inland compared to what was originally proposed. Also, here is no information as to how the paths and interpretation will be managed in the long term, as these elements are not included within the oLEMP ([APP-490 – APP-493](#)). In addition, the Council were not provided with an options appraisal for potential areas in the vicinity to accommodate the new Tilbury Fields area and this remains so, despite it is acknowledged that areas in the vicinity/adjacent are limited.

Terrestrial Biodiversity

57. A key concern of the Council is that the proposed biodiversity mitigation is constrained along significant sections of LTC due to the narrowness of the landscape corridor. This has restricted the opportunities to provide good quality fenland habitat within the Mardyke Valley and to provide robust connectivity to enable species to cross the route. The original proposals were significantly scaled back compared to the areas identified during the development of the first DCO. While it has been demonstrated that there is sufficient area to deliver the ecological mitigation needs, the limited space means there is a reliance of features, such as the spiral of water vole habitat rather than a wider network of ditches. This significantly lessened the scope to recreate the former fenland habitat, benefiting the landscape character and contributing to water management as well as mitigating for biodiversity.
58. The scheme will result in a significant barrier to biodiversity connectivity through the Borough, with most protected and priority species, including bats, reptiles, amphibians and badgers and small mammals not being able to cross the route. The proposed green bridges would achieve some localised links once they have developed, however, over most of the project length the road would create a barrier species movement. The revised design of Tilbury Fields provides grassland and open mosaic habitat that benefits invertebrates and there is other suitable habitat to the north, however, there is no linking habitat provided around the Tilbury Viaduct, which creates a significant break in the connectivity, as this was refused by NH despite several Council requests for a linking wildlife corridor until the existing Tilbury Loop rail line.
59. The Council has concerns, however, that the scheme could result in indirect effects on the European sites and their functionally linked land due to the potential of the scheme to prevent repair works to the river frontage to prevent future contamination.

Marine Biodiversity

60. The Environment Agency has stated that East Tilbury Landfill has potentially high levels of contamination including leachates. If the river frontage continues to fail, there is a real risk that these pollutants will enter the River Thames. It does not appear that the implications of this on the marine biodiversity and associated functionally linked land to the SPA have been considered within the ES. This raises an increasing risk as the erosion continues that pollutants from the buried landfill will enter the River Thames immediately upstream of the Thames Estuary and Marshes SPA/Ramsar.
61. ES Appendix 10.7 East Tilbury Landfill Risk Assessment [APP-428](#) only considers the potential impacts of the proposed North Portal construction on groundwater quality. The assessment confirmed that the site contained hazardous waste types and that the only active pathway is likely to be that of the leachate from East Tilbury Landfill into the River Thames. While LTC would not directly alter this potential pathway, the construction of the North Portal and HRA High Water roost would prevent access to reinforce the river frontage to prevent this leachate entering the river in ever-increasing quantities.

Water Resources

62. Whilst the flood risk modelling undertaken by NH has been updated to incorporate up-to-date climate change guidance (May 2022), no other updates have been carried out to the modelling. For example, using the FEH hydrological methods, which the Environment Agency (EA) typically requires. Confirmation must be provided that the assumptions within the biodiversity calculations are consistent with the surface water drainage strategy. Also, clarification is required regarding the phasing at the North Portal junction and its relationship with the drainage strategy and whether temporary measures are required. Further information must be provided regarding the proposed pumping station at the North Portal junction, e.g. location, access proposals, maintenance and operational requirements.

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63. It is noted that the hydrological and hydraulic model methods and software versions have been superseded. From a hydrological point of view, the statistical method utilised WINFAP v3 with NRFA v7 data, where the latest software version is WINFAP v5 with NRFA 11.1 data. The rainfall runoff modelling utilises the FEH Rainfall Runoff method, which is superseded for all but reservoir safety work in England and while the more recent ReFH method is dismissed, no consideration is given to ReFH2. The latest method at the time of writing is ReFH2.4 supported by FEH22 data. Recent EA guidance is that justification should be provided where hydrological assessment is greater than 6 months over and outdated software and data is used.

Geology and Soils

64. Outdated data has been used to inform the baseline conditions and this is not considered robust. The assessment of impacts at several areas is insufficient. The contamination status of medium and high-risk credible contaminant is stated to be unknown or not fully characterised due to limitations in ground investigation and yet these are significant sources of contamination. Furthermore, several requests for additional data have been declined or not provided, such as the factual ground investigation reports; and a table of all the sources showing the risk rating, number of exploratory holes within the source, number of soils tested, number of leaching tests, number of groundwater samples and number of unflooded gas monitoring wells.
65. The Council has proposed the wording for an additional DCIO Requirement relating to ground conditions and ground stability. Also, it is uncertain whether the REAC comments (8no) are resolved as the actions identified include 'review of wording'. Within the REAC revised wording is considered necessary.
66. It is noted that the last time there was a physical inspection was three years ago. In the absence of a robust baseline, it is considered that there may be impacts that have not been identified. A current dataset should be obtained, and a comparison undertaken to ascertain the presence of differences that require additional assessment, including a visual inspection of the river frontage within the Order Limits.
67. It is considered that the Application has the potential to cause further degradation and/or destabilisation which is identified as a negative impact, along the river frontage adjacent to the former landfill site. The potential for negative impacts due to compressibility and slope failure should be assessed and mitigation measures to be implemented identified.
68. The proposed processing and reuse of excavated material including that from landfills is not explicitly stated to be done under an Environmental Permit and therefore it should be identified that an Environmental Permit to permanently deposit waste on land as a recovery activity will be obtained. If these activities are not to be undertaken under an Environmental Permit, there are potential impacts that cannot be assumed to be adequately mitigated.

Material and Waste

69. NH identify that the development of LTC will produce 12.5 million m³ of excavated materials over the six years of its construction and provides details of how much waste needs to be removed beyond the Order Limits. The basis for the identification of these estimates is not provided, therefore it is not possible to determine whether the quantities identified are appropriate.
70. Without NH demonstrating the basis for the waste/excavated material arisings and ability to place materials within the Order Limits it is not possible to identify the local impacts. Due to the large quantities of excavated materials generated even relatively small percentage differences in projected the rates of generation or consumption would have a significant impact on the quantities of material. NH need to identify how the excavated material arisings and usage within the Order Limits has been calculated to provide confidence in the figures presented.

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71. NH have not identified where or how excavated materials will be utilised within the construction, therefore, it is not possible to determine whether excavated materials are to be used within the compound or may require movement between compounds. This would potentially change the classification to wastes requiring additional management and mitigation measures and increase transport impacts with potential transport taking place on the public highways.
72. The Outline Site Waste Management Plan (oSWMP) does not set out the actions that NH requires or expects the contractor to deliver to achieve the REAC commitments and what regulatory requirements these may trigger. Furthermore, the oSWMP should consider both the temporal phasing and location of waste arisings to provide an appropriate basis for the assessment of the impact of the management of the wastes, the identification of appropriate regulatory regimes to be implemented and to set an appropriate framework for the management of wastes throughout the construction phase by the contractor.

Land Use and Open Space

73. Thurrock contains several communities with relatively high population densities, and which have high levels of deprivation, including low car ownership levels. These settlements often only contain small parks and play areas. This makes access to these open spaces particularly important. The Planning Statement has focussed solely on those open spaces where there would be a direct and permanent loss of land. It has not considered any indirect effects on existing open spaces. The Council considers that a package of measures should have been provided for those open spaces close to the route to help lessen air quality, noise, visual intrusion and general amenity and any permanent loss arising from LTC.
74. Through the Legacy programme, new masterplans have been prepared for six open spaces and it is important that funding is made available for the implementation of these schemes. However, other sites, for example, in Orsett and South Ockendon have not been assessed.
75. The Council has concerns over the lack of detail concerning wardening to ensure proposals for Tilbury Fields does not attract antisocial behaviour.

Walkers, Cyclists and Horse Riders

76. The Council requires that crossings of LTC are of sufficient width to incorporate future dedicated cycle paths or bus routes. This reflects the Council's emerging transport strategy to promote and increase active travel and public transport use along routes that cross the proposed LTC alignment. The Council is highly concerned that NH has unilaterally decided, without substantiation, that people in Thurrock are never likely to adopt cycling and bus use to the level that would warrant the need for dedicated facilities. The Council has not been provided with any details of NH's assessment of the benefits of a future-proofed design with wider bridge widths compared to its preferred approach and is concerned that NH is basing decisions likely to leave a lasting negative legacy with an over-reliance on bias and anecdote.
77. The Borough's low number of PRoW routes and poor connectivity of routes means the prolonged closure of any, be it permanent or 'temporary' for up to five years for some key routes, will have a significant impact on walkers, horse riders and cyclists. There has been no single plan showing the existing network, the proposed temporary and permanent changes and the legacy opportunities, so there is limited coordination of proposals temporarily or permanently; and there is no detail regarding types of surfacing, structure and signage.
78. There are a range of significant construction impacts on Baker Street within Orsett Ward, involving long closures, realignments, utility modifications and diversions, often for years. NH also intends to impose a range of access restrictions, traffic, bus, pedestrian and cycle diversions for various periods. It remains a matter of utmost concern that insufficient and very limited mitigation is being proposed by NH (despite an earlier proposal in late-2021) to provide both mitigation and legacy provision) and

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there is inadequate commitment to legacy improvements to help compensate for a prolonged period of serious disruption. NH summarily removed any mitigation or legacy provision in January 2023, which the Council considers is unacceptable.

Human Health, Equalities and Wellbeing

79. The Council and NH have been discussing health, equalities, and wellbeing issues over five years, including via the Community Impacts and Public Health Advisory Group (CIPHAG), as well as the Council undertaking an Independent Review of the HEqIA in 2021 together with eight other LAs. Unfortunately, many of these issues raised with regard to the robustness of the assessment within the HEqIA have not been addressed by NH, particularly the 20 recommendations, which have not been properly addressed.
80. The Council is concerned as most of the scheme is to be built in Thurrock, there are likely to be a majority of health impacts on Thurrock residents, whose populations are already at risk of poor health conditions and higher levels of deprivation. In particular, impacts appear to be both understated and inadequately assessed in respect of air quality and noise.
81. Specific impacts on the relocated traveller community, Whitecroft Care Home and residential areas near the A13/A1089 and Orsett Cock junctions are not fully recognised or properly mitigated. In addition, identified impacts of the NH proposals for worker accommodation have not been properly addressed resulting in likely impacts on the private rental market in Thurrock.
82. The Council requires a clear and concise summary table of the transport and traffic environmental impacts, including the significance of impacts and mitigation of any residual significant impacts. This should cover severance, driver delay, pedestrian amenity, fear and intimidation, accidents and safety and driver stress. Also, no consideration has been given to pedestrian delay, which is required to be assessed within the IEMA guidance; and the screening rules set out in IEMA guidance (Rules 1 and 2) have not been applied to determine the study area for transport environmental impacts.
83. The approach of aggregation has resulted in a disconnect between the description of negative outcomes for sensitive populations described in the health outcome sections and summary tables and the outcome assigned, as well as a lack of clarity on how ward sensitivities have been incorporated into the assessment (and how wards identified as sensitive and sensitive populations have been integrated).
84. There is concern with the HEqIA that there is a lack of evidence that the equalities duty has been met. The following topics do not clearly lay out how these concerns have been addressed or how these concerns relate to engagement with protected characteristic groups or the Hard to Reach Focus Groups: accessibility, traffic-related severance, affordability, noise and vibration, mental health, light pollution and climate change. Additionally, a Hard to Reach Strategy was agreed to be supplied as part of the DCO, but this has not been referenced or included.
85. The mitigation summarised in the HEqIA is not explicitly linked to reducing health inequalities or addressing impacts on sensitive or protected characteristic groups identified or often tied to specific wards, making it difficult to assess how the mitigation is considered within outcomes provided. There is also no mention of how health impacts are suggested to be monitored during construction. This severely limits the HEqIA as a standalone assessment.
86. Other specific examples of where mitigation is viewed as inadequate or needs clarification are, as follows:
 - a. Mitigation regarding workforce construction and healthcare services and mental health outcomes is addressed, but this is vague, and details of requirements are not outlined and will rely on later negotiation as to what is appropriate;

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- b. Some areas of common land and private recreational facilities will be requisitioned (temporarily or permanently) resulting in changes to the availability of open space and there is no mitigation proposed for any such temporary land take;
- c. There is no description of specific enhancement measures to encourage use of the active travel routes by members of the public;
- d. The assessment of the health impacts from the construction workforce on accommodation is considered neutral after mitigation. It is unclear which specific mitigations would enable it to be considered a neutral impact on residents on a low income; and,
- e. Mitigation regarding providing funding or support to the affected Boroughs, namely the Community Fund and S106 agreements are noted, but there is a lack of detail tied to how these will reduce or address specific health outcomes in specific areas and the mechanisms by which they will be delivered and monitored.

Climate and Decarbonisation

- 87. LTC does not allow the Government to meet their requirements of the Paris Agreement (Article 4) for transparency in emission reporting. This lack of transparency in measuring, reporting and verification relates to the: comparative emission boundaries set within the project carbon assessment in comparison against the total national emission boundaries; and, the difference in greenhouse gas calculation methodologies between the project emissions and those developed for National Emissions Budgets, the National Atmospheric Emissions Inventory and the Climate Change Committees Carbon Budgets. The approach holds no consistency, completeness, comparability or accuracy between the calculated project emissions and national emission budgets in order to form an opinion of significance of impact.
- 88. The lack of transparency in the approach to reporting and comparing carbon emissions results in the project not meeting the tests defined in NPSNN for significance of impact against the Government's ability to meet their net zero target.
- 89. There is no consistency between the claims of the benefits from the reduction in traffic and the changes to carbon emissions and the subsequent economic disbenefit to the project with the same reduced road transport numbers. If there is less traffic on the road due to transport decarbonisation, the DCO has not assessed the impacts of this on the economic case for the scheme.
- 90. The ES has not considered the impacts of LTC on Thurrock meeting its own net zero transition, in particular, how LTC responds to the DfT's upcoming Local Transport Plan requirements for district level emission measuring, reporting and verification to net zero carbon by 2050.
- 91. The DCO application does not provide evidence of how the investment in LTC will accelerate the Climate Change Committee 6th Annual Carbon Budget and how recommendations for the decarbonisation of transport will be achieved, especially within the host community of Thurrock. No carbon mitigations targets have been set that will allow verification of progress in decarbonisation during construction. The verification of carbon reduction is not secured through the DCO during construction and therefore is not guaranteed.
- 92. The project has explicitly disregarded best practice guidance Assessing Greenhouse Gas Emissions and Evaluating their Significance (IEMA, 2022) and not followed the internationally recognised methodology for appraising carbon emissions Greenhouse Gas Protocol (GHG Protocol for Project Accounting, World Resources Institute 2003), especially relating to setting boundaries for assessment and the use of industry specific guidance for greenhouse gas reporting.
- 93. The ES states that the project is compatible with the budgeted science-based 1.5C trajectory. There is no scientific explanation or justification for this statement.

94. The detailed calculation workbooks have not been submitted with the DCO application. It is therefore not possible for the Council to audit or verify the emission calculations undertaken. The raw data has been subject to numerous requests since December 2022 and forms part of the unresolved issues within the SoCG between the Council and NH.
95. The impact of decarbonisation measures identified in the Carbon and Energy Management Plan have not been tested within the Environmental Impact Assessment. For example, no environmental risk appraisal or impact assessment has been undertaken for the use of hydrogen during construction, the impact of utility impact on the decarbonisation plans of the Council and maximum electrical demand for the full 'electrification' of construction activities.
96. There has been no consideration of the local power capacity impact from LTC power demand on the host community's uptake of electric-led decarbonisation technology, e.g. heat pumps, EVs, solar, etc.
97. Within the ES there is no assessment of adaptation benefit and how LTC could improve the Council's resilience to climate impacts to address the environment benefits of the scheme.
98. NH has adopted its own Net Zero goals and this suggests that NH and the traffic on their networks makes them a sufficiently significant agency to demonstrate that the budget for the SRN itself is a matter of significance (and not just their own activities).

Cumulative Impacts

99. The Zone of Influence (ZoI) for the cumulative effects of LTC on Population and Human Health is limited to 500m from the Order Limits and should be updated with the IEMA Rules 1 and 2 to ensure that the environmental effects on transport are properly assessed. However, the Council considers there are likely to be impacts on Population and Human Health beyond this area, due to the changes in traffic flows as a result of LTC. Furthermore, certain roads have been omitted from the ZoI.
100. There is also incorrect reporting of effects in the ES Cumulative Chapter e.g. noise: Tilbury Riverside and Thurrock Park ward effects concluded as moderate rather than large despite significant adverse impacts relating to construction traffic; Chadwell St. Mary's Ward effects concluded as large rather than very large despite significant adverse impacts at receptors relating to operational traffic which are permanent effects. For Population and Human Health, the assessment does not include the assessment of severance, driver delay, pedestrian amenity, pedestrian delay, fear and intimidation, road safety and driver stress.
101. As the DCO application is dated October 2022, there are three development applications missing from the cumulative shortlist that may influence cumulative environmental effects and the associated Plan ([APP-330](#)) is very difficult to read and so a number of questions/queries have been highlighted.

Section 11 – Emergency Services and Safety Provision

102. There are several key matters that are still outstanding between the applicant and the Council, which are set out below and are covered in more detail in the ESSPSG's Relevant Representation and in its forthcoming SoCG and Written Representation at Deadline 1, as the Council is a member of that Steering Group:
 - a. The Council considers there is inadequate content in the draft DCO Order (dDCO), its drawings and its relevant Control Documents in securing a range of matters for the ESSPSG, including appropriate consultation arrangements within the Control documents for a range of subsequent details. There has been no progress on many requested amendments to a range of Control documents and a lack of a legal definition of 'emergency services' or 'safety partners'.

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- b. An adequate framework has not been provided for several emergency preparedness and response plans (or any DCO Requirement to cover it) or the consultation arrangements to be followed following any DCO grant.
- c. The northern Rendezvous Point (RVP) is considered unsuitable and not adequately described in the dDCO Schedule 1 and the emergency services require greater consultation to reach agreement during the Examination process.
- d. There is a lack of any 'Protest Plan' being prepared and consultation arrangements are inadequate.
- e. There is no agreement on the emergency services being consulted on any subsequent detailed tunnel design and there are issues with the emergency services role within the Traffic Management Forum being proposed by the applicant.
- f. There is no agreement on role of the emergency services for the location and design of the tunnel evacuation assembly areas being prepared at detailed design and there is no agreement on the appropriate spacings for the tunnel cross passages.
- g. There is inadequate detail or modelling on the effect of construction activities (over the six-year construction period and its 11 phases on emergency services response times. There is a complete lack of funding to support the emergency services and local authority resources/staffing in undertaking these additional functions over the six-year construction period and beyond.
- h. There has been inadequate consultation with the emergency services for the tunnel emergency access roadways and there has been no consultation with the emergency services on the preliminary design of the emergency hubs located within the tunnel service buildings.
- i. There is a lack of understanding of emergency and incident management planning procedures either in the event of an incident/emergency, closure of LTC or Dartford Crossing or both.

Section 12 – Utilities Impacts

103. The overarching concern regarding the utilities infrastructure, including diversions, new supplies, and utilities logistics hubs (ULHs), is the spread of information across the DCO documentation, with little to no reference to information location. This was clarified by NH in its email to the Council in mid-June 2023 and indicated utility diversion was covered in over 15 main DCO documents, making clarity difficult. The information provided is also not detailed enough to be able to determine the impacts of the utilities diversions, new supplies and ULHs.
104. It is usual for a project of this size and complexity to include a standalone Utilities Section, which would normally provide a lot more detail than has been given for LTC and with detailed drawings provided. This would be necessary for gas, electricity, water and telecommunication diversions to be provided detailing the proposed utility supplies for LTC, as well as temporary supplies for the construction compounds. For electricity infrastructure, the Council requires an analysis explaining the choice between overhead and undergrounding diversions in order to assess the validity of those decisions. It is clear from what has been included within the DCO that further detail and information is available, however, this has not been provided by NH.
105. The assessment of the proposed overhead electrical diversions within Annex 2 of the Explanatory Memorandum ([APP-057](#)) is acknowledged to be in line with Section 16 of the Planning Act 2008, although it is more of a 16-page summary, rather than a full detailed report. The Council would have expected accompanying drawings or reference to detailed drawings showing compliance or non-compliance with each item within Section 16 of the Planning Act 2008. The Council would have expected further investigation and information regarding the significant environmental impacts on the

identified electrical overhead line NSIP. Little information has been provided to demonstrate how the impacts have been minimised and what mitigation measures have been put in place, if any.

106. Furthermore, many of the matters raised in the previous consultations, the Council's Relevant Representation ([PDA-009](#)), the recent PADs Summary Statement ([PDA-008](#)) and in this LIR, have not been dealt with, despite NH claiming successful engagement on these issues in a number of other DCO documents.

Section 13 – Skills, Employment & Legacy

107. The Council recognises that the LTC proposal has the potential to deliver some skills, employment, and education benefits for the local area. With this in mind, the Council has sought to engage at every opportunity on the NH Skills, Education and Employment Strategy (SEE Strategy). Unfortunately, NH has not prepared the SEE Strategy in an open and transparent way and has not listened to the Council's requests.
108. The current NH LTC website states that *'The Lower Thames Crossing will provide work for more than 22,000 people'*. The NH Roadmap to Growth document lists what NH see as the main labour market benefits of LTC and states the project will provide *'work for more than 22,000 people'* (p4). The number 22,000 has been used by NH for at least three years and described by NH in various different ways over the period. The Council has requested information throughout on the derivation of this number and a precise definition of what it is measuring. This is despite the content of the NH Workers Accommodation Strategy ([APP-551](#)). The document (p19) states that *'the workforce for the (LTC) Project would reach an overall peak of 4,514'*. The Council contend that NH has added together annual peak numbers to arrive at 22,000. This practice is highly misleading.
109. The Council wants all SEE targets to be suitably 'localised'. Localised means that any skills, employment, and education benefits must flow primarily to those local areas within which the proposed LTC works take place. As approximately 70% of the proposed LTC works are located within Thurrock and the Council has made repeated requests that a commensurately high share of labour market and skills benefits flow to Thurrock. As it stands, the Council is explicitly targeted to receive only 4% of SEE outcomes.
110. The Council has also made repeated requests that the targets within the SEE Strategy are more ambitious; and, of the 12 key targets in the current SEE Strategy, all lack ambition. The Council has provided NH with more stretching targets on each and every measure.
111. The Council also needs to be properly resourced by NH to help secure positive labour market outcomes. This means having a dedicated internal team to work on a range of matters including labour market readiness, skills, recruitment, supply chain development, etc. The Council's requests on this matter have been rejected by NH.
112. The combination of unambitious and insufficiently localised targets and the absence of any dedicated local resource means that the opportunity for NH to deliver positive SEE outcomes in Thurrock will not be taken.

Worker Accommodation Provision and Impact

113. A draft of the WAR Summary (only) was originally offered to the Council for comment in May 2020 and the Council provided both general and detailed comments in October 2020, in summary these comments at that time outlined six major areas of concern for the Council. There has been limited technical engagement since then and there are still almost 15 remaining significant issues that need resolution otherwise there is a strong likelihood of significant impacts on the Council's housing and rental market and other community impacts.

Community Fund Measures and Wider Legacy Provision

114. The Council along with Gravesham BC and LB Havering submitted a Joint Paper setting out their requirements for this Community Fund in December 2022 and it covered: the size of the fund was considered too small and recommended increasing it from £1.89m to £3.75m over the six years of construction (based on the recent pilot scheme results and benchmark evidence); some modest changes to the percentage distribution of the Fund across local authorities; and, further clarification was requested on the four themes within the Community Fund. Neither of the first two requests has been accepted by NH.
115. The Council has also requested resource for a four person Community and Public Health Team (see Thurrock/NH Statement of Common Ground ([APP-130](#)) – item 2.1.172. At the time of writing, NH has agreed to fund two posts, focussed on supporting the EHO, coordinating the community liaison workstream and to support the skills/business advisor within the NH team. However, the Council require full agreement to the original request, which in addition to the two posts offered by NH also included an administrative and apprentice post, the inclusion of 15% 'on-costs' and a commitment to fund the posts for 7.5 years.
116. The Council identified 23 legacy measures as part of the October 2020 Hatch Mitigation Report. These are investments the Council is seeking from NH to deliver positive outcomes for Thurrock residents and to serve as a partial offset to the negative impacts of LTC in the Borough. The Council expected that Designated Funds would have the potential to deliver many, if not all, of these legacy measures.
117. But, at the current time, only three of the 23 measures are classed as 'Matters Agreed' in the SoCG. Also, to date some £1.3 million of Designated Funds have been approved for deployment in Thurrock. Whilst this is a welcome investment, it is far below the investment required to deliver the 23 legacy measures the Council has requested and also represents a very poor 'offset' against the many disbenefits that LTC will deliver in Thurrock.
118. NH has missed an opportunity to agree to the Council's legacy requests. These requests were made nearly three years ago and were all clear and potentially fundable.

Section 14 – Proposed Order Limits, Land Interests and Compensation

119. The Council has a significant number of land interests affected by LTC. These include land it holds in the following categories: investment land (including woodland and agricultural land); public open space; private roads; and, public highways.
120. If the DCO were granted and implemented as drafted, then NH will be entitled to acquire these interests and pay compensation in accordance with the 'so called', compensation code (being the various Acts of Parliament, Statutory Instruments and decided Case law used to assess compensation following the use of compulsory purchase powers). The Council is very concerned as it considers that this compensation methodology fails to address, in full, the impact of the scheme on the Borough and the Council's land interests.
121. At an early stage, NH and the Council recognised that there was a need for an overarching legal Agreement that would address land take, timing of land, condition of return and compensation liability. NH undertook to provide a draft legal Agreement in April 2021, but this has yet to be produced. This legal agreement would support the detailed table of effects on Council-owned land that NH and the Council have been jointly preparing over the last two years.
122. The extent of the land take/occupation by NH is, in some instances, very significant. In only limited instances has there been an attempt to justify the requirement for the area identified, much less any attempt to justify the extent of the area identified.

123. The Council considers it imperative that it understands: what land is being taken permanently and when; what land is being taken temporarily and when, and, where that happens; whether the land is being taken temporarily on more than one occasion; what triggers return of the land; and the condition of land on its return.
124. The Council considers that NH should be adopting an approach to compensation that reflects the approach taken in other large schemes, e.g. Thames Tideway, Heathrow Third Runway and HS2 and which would better mitigate impacts on residents of the Borough.
125. NH has published a series of brochures which summarise impacts on land and property. The Council considers that the information in these brochures is insufficient and that typically NH goes no further than the statutory position in mitigating impacts. The Council require NH introduce non-statutory policies to address the identified shortcomings in the statutory schemes for the following matters: Blight; and those who suffer hardship as a result of the LTC scheme.
126. The Council also considers that further information should be provided in terms of the need to take significant areas of Public Open Space temporarily for very significant periods as part of LTC.

Section 15 – Adequacy of Key Application Documents

The Draft DCO (dDCO)

127. The DCO application includes the draft Order and a wide range of 'Control Documents' and it has significant concerns about many aspects of the proposals and controls which they specify. The Council considers that many of the documents are not currently adequate in terms of providing the Council with essential commitments and controls.
128. The Council has been discussing the draft DCO with NH since the end of 2020. Some of the Council's concerns have been taken into account in the current draft of the DCO. However, many other points, which the Council view as having a significant negative effect on the Council's residents, do not appear to have been taken into account. Broadly, these are:
- a. **Uncertainty**, for example, caused by uncertain Order Limits, length of time CPO powers can be used for, timeframes within which the project is going to be commenced, and the potential adverse effects of disapplying legislation.
 - b. **Loss of control and coordination over the impact of the project on how the Council discharges its statutory functions.** For example, because of the effects of the Council not being the discharging authority for certain requirements, control over works to the highways, different drainage enforcement regime and deemed discharge.
129. Overall, the Council considers that the applicant needs to ensure that the limits of the draft DCO are clear, allowing certainty for those potentially impacted to engage effectively. The applicant frequently justifies its position based on precedent and the size and complexity of the scheme. It is the Council's position that, pursuant to paragraph 1.5 of Advice Note 15, the applicant needs to explain why particular wording is relevant to the proposed draft DCO.
130. These are not the only examples of where the Council's ability to discharge its statutory functions are amended or lost due to the DCO as currently drafted. For example, the numerous deemed consent provisions seek to take control from the Council and other public bodies, for the benefit of the applicant and to the detriment of the general public.
131. It is the Council's position that for certain Requirements, the locally elected local authorities, who are experienced in discharging similar planning conditions, should be the discharging authority and the Council has set out its detailed reasons with many precedents for this outcome. In addition, Article 9 and the disapplication of the New Roads and Street Works Act 1991 ('NRSWA') is of major concern to

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the Council regarding permitting, which has already been this raised with the applicant. It is very important that the Council remains in control of its highways network, for which it has statutory responsibility. Overall, it is the size and complexity of this scheme, which is why the Council needs to be able to coordinate and manage further consents being issued to minimise the negative impact of the scheme (and also to maximise any potential benefits).

132. In addition to the above, the Council is concerned about the legal basis for the Section 106 Agreement. The DCO application sets out that the plan is to secure the land against the permanent route alignment of the A122 LTC. Part of this land is currently owned by the applicant, with compulsory acquisition powers being sought through the DCO for those sections are not currently owned by the applicant. The Council will need to be confident that sufficient land is owned by the applicant prior to any DCO being consented, now that a Section 106 Agreement, which could be effectively enforced, could meaningfully be entered into prior to the close of the Examination. If it is not possible to enter into a Section 106 agreement that could be effectively enforced, then other methods of securing the obligations needed make the scheme acceptable in planning terms would be required (if the scheme is to proceed), such as a Deed of Obligation.
133. The applicant has acknowledged, through the proposal of the S106 Agreement and two side agreements, that additional safeguards are required outside that contained within the DCO. The additional mitigation secured through these agreements is, in the Council's opinion, necessary to make the scheme acceptable in planning terms. Failure to provide these represents an unacceptable negative impact on the Council.
134. The fact that the Section 106 Agreement has now been significantly reduced in scope and two side Agreements have not been provided, means that the Council is likely to be significantly adversely affected by the scheme. The Council set out its expectations for mitigation matters that would need to be addressed through Section 106 Agreement and communicated these clearly to the applicant in advance of the DCO submission in an email of January 2022. This was to enable the applicant and the Council to work together to progress the technical work necessary to define and cost the schemes and initiatives to be funded via S106 and several meetings were held up to August 2022. Given this spirit of collaboration the Council was surprised to receive communication from the applicant through which the applicant has set out its unsubstantiated unilateral decision to re-write the list of S106 matters. This significantly reduces the number of matters the applicant is now, many months since its DCO submission in October 2022, prepared to discuss and address with the Council, preferring instead to load yet more issues for the ExA to arbitrate within an already highly constrained timetable. Currently, there are 16 matters that have been excluded from consideration within the S106 Agreement by NH. The Council finds this unacceptable.

Stakeholder Actions and Commitments Register (SAC-R)

135. The Council received no consultation/engagement on a draft of this document or its commitments prior to the DCO submission in October 2022 or subsequently, this is despite the claims in Sections 3.1.1 – 3.1.3 of this document.
136. There are currently no commitments with the Council and only six commitments listed in the SAC-R and no mapping to identify their locations – one related to Orsett Fen in Thurrock but committed with Natural England, Green Lane and Brentwood Road farm accesses during construction located in Thurrock and agreed with the landowner and landowner access to land near the North Portal with the landowner. The remaining two commitments are broad and project-wide and not directly related to the Council. Although, an additional commitment relating to the traveller relocation has been agreed with NH and will be part of an updated SAC-R.
137. The Council considers that it is possible to include further SAC-R commitments during the DCO Examination process and it may lend itself to a range of additional commitments on design, construction and operational matters that are currently missing or inadequate within the current DCO

application. In the Council's view a number of additional broad commitments are listed and these will be contingent on further discussions, Hearings and submissions during the Examination.

Control Documents

138. The Council has concerns about the arrangements described in many of the 'Control Documents' for the scheme. The following examples are discussed in more detail in the LIR and are summarised below.
- a. The Wider Networks Impacts Management and Monitoring Plan (WNIMMP) completely neglects the requirement to secure the mitigation of LTC's impacts through the DCO and that stance is unacceptable to the Council.
 - b. The Code of Construction Practice and Register of Environmental Actions and Commitments (CoCP and REAC) are missing a wide range of controls and information, e.g. supporting commitments to reducing the road transportation of materials, plant and equipment (linked to the OMHP); to how communications will be managed to ensure communities are kept informed, in particular traditionally hard to reach communities; providing advance notice of when and where temporary road closures will occur, access arrangements of accommodation and welfare facilities outside of working hours, arrangements for dust monitoring. There are also a range of REAC commitments that need amending and adding.
 - c. The Framework Construction Travel Plan (FCTP) does not provide an assessment of its expected effectiveness or a robust basis of viable initiatives and binding commitments. Much of what is proposed relies on the goodwill of the contractors, over which neither the Council nor NH has any control. Overall, the Council considers that the assumptions within the FCTP for access to compounds by means other than private car are flawed. Furthermore, it contains no binding targets.
 - d. The Council notes the progress made since initial drafts of the Outline Traffic Management Plan for Construction (oTMPfC) were shared prior to the submission of DCO. However, there are continued concerns that the predicted impacts have not and would not be resolved. For instance, it outlines the phase of traffic management, but does not cover the management of construction traffic numbers visiting the compounds; although the TMF may help resolve issues, there is still uncertainty regarding its set up and terms of reference, the detail of which has not been provided to the Council or discussed (detail such as the TMF membership, structure, terms of reference and powers set out in the CoCP/REAC); and, engagement with the local bus operators to establish strategies for managing services during the phases of construction. This plan should be revised prior to completion of the DCO Examination to address the Council's concerns.
 - e. NH has previously committed to agreeing a DLOA or side agreement and to funding additional network management resource during the construction period. Those agreements must be secured prior to completion of the DCO Examination.
 - f. Regarding the Outline Materials Handling Plan (oMHP), HGV reductions could be made if NH were to commit to importing other bulk and bulky materials and plant and equipment by non-road transport, such as marine. This approach has seen significant benefits when adopted by the Thames Tideway project and other NSIPs and the recommendations within the Joint Technical Note from the Council and PLA was not accepted by NH. NH dismisses importing cement either for onsite batching or to local batching plants, however, the Council notes that existing local batching uses marine import of cement; and segments for the ground protection tunnel will not be cast within the compound and would be transported by road. Those segments should be cast within the segment factory within the compound. Finally, there is no proposed River Transport Strategy as provided with other similar NSIPs.

- g. The Outline Site Waste Management Plan (oSWMP) and the Carbon and Energy Management Plan (C&EMP) do not respectively: contain sufficient detail on the approaches to the management of the wastes to provide confidence that these measures will be achieved; or, it does not provide clear links between how these C&EMP actions achieve the carbon reduction quantum defined within ES Chapter 15 ([APP-153](#)) and it does not provide evidence on how LTC supports the host community of Thurrock, in both decarbonisation and climate adaptation and so does not provide any analysis of local impact or mitigation at a local level to Thurrock.

Planning Statement and Green Belt

139. The aim of a Planning Statement is to provide a balanced justification for development and so it should include the recommended elements from best practice. The Council concludes that LTC Planning Statement ([APP-495](#)) does not cover matters adequately, in that it does not set out a summary of all issues identified within the DCO application and so cannot undertake an acceptable 'planning balance'.
140. NH has not provided the Council with a robust Green Belt Assessment within its DCO application for the alternatives assessment or preferred route. Therefore, it is unclear how the Green Belt impacts have been assessed correctly. In particular, this does not provide an assessment of openness or other Green Belt purposes and does not clearly identify 'very special circumstances'.

Section 16 – Overall Strategic Assessment of Impacts

141. Overall, the Council considers that there are 16 very significant planning issues identified with the LTC scheme, as set out in this LIR below in more detail. The LTC, as currently proposed, should not proceed given its high cost, poor economic case and the significant harm it would impose on residents of Thurrock.
142. The analysis provided within this LIR shows that the Council has significant concerns about the design, assessment, and proposed mitigation for LTC. The Council is disappointed that engagement with NH over many years has not led to the development of a scheme that provides more benefits for Thurrock residents. The lack of provision of technical information by NH has not helped the Council understand the impacts of the scheme.

1. Introduction

1.1 Background

- 1.1.1 National Highways (NH) has submitted an application for a Development Consent Order (DCO) to construct and operate a new highway known as the Lower Thames Crossing (LTC), which also includes four additional utility diversion Nationally Significant Infrastructure Projects (NSIPs) (the installation of an electric line above ground and the diversion of three gas pipelines). The DCO application was accepted for Examination by the Planning Inspectorate (PINS) on behalf of the Secretary of State (SoS) for Transport on 28 November 2022.
- 1.1.2 Section 60 of the Planning Act 2008 (PA 2008) provides for relevant Local Authorities (LAs) submitting a Local Impact Report (LIR – ‘...a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area).’) into the Examination process, which the Examining Authority must have regard to in making its recommendation to the Secretary of State.
- 1.1.3 On 27 June 2023 the Examining Authority published a Rule 8 letter which set out, among other matters, that LIR’s from relevant local authorities should be submitted at Deadline 1 (18 July 2023) of the Examination.
- 1.1.4 This report is submitted in response to that request and in accordance with Thurrock Council’s (‘the Council’) duty as a host authority for the purpose of the LTC proposal. In compiling the report, the Council has had regard to PINS Advice Note One: Local Impact Reports (version 2, April 2012) (AN1) and to the brief advice set out in Advice Note 2 (AN2) section 21.

1.2 Purpose of the Local Impact Report (LIR)

- 1.2.1 Although AN1 has no statutory status, it is intended to assist LAs with the form and content of LIRs. AN1 stresses the importance of the LIR, stating that the SoS must have regard to any LIRs that are submitted by the deadline. This is further confirmed by the terms and effect of Section 104(7) of PA 2008, which indicates the principles for deciding the application other than in accordance with the adopted NPS states ‘*this subsection applies if the Panel or Council is satisfied that the adverse impacts of the proposed development would outweigh its benefits.*’ The adverse impacts will include those set out below in this LIR.
- 1.2.2 The Council would contend (as set out in the sections below) that these disbenefits do in fact outweigh the benefits, notwithstanding the need for the project. However, the Council contend that when considering Section 104(3) of the PA2008, it concludes that the LTC scheme is not, at present, in accordance with the NPSNN and these matters are discussed below.
- 1.2.3 AN1 also emphasises the need to begin the preparation of the LIR as soon as the application has been accepted formally, i.e. from December 2022 onwards. This has relevance for the Council as work on the DCO application ceased from the publication of its Section 114 Notice on 20 December 2022 until work re-commenced, following approval of the Business Plan for such work by the S114 Commissioners, in mid-April 2023. This shortened the preparation period for the Council’s LIR by almost four months, i.e. the Council has only had almost three months to prepare this LIR.
- 1.2.4 Normally, however, the required LIR approach of enabling LA’s to be able to clearly set out its concerns about impact, is predicated on the assumption that the applicant has engaged constructively to address and mitigate issues. In this instance, the Applicant undertook extensive technical engagement, but in declining to resolve or delaying input on issues has left a very substantial number of issues unmitigated for the ExA to review. This has made the LIR extremely

complex and very challenging for the Council to capture this complexity and the narrative. So, rather than the DCO process being used to resolve issues between public sector organisations, the Council considers that the NH approach has sought to exert its influence to dismiss continuously highly relevant and valid concerns expressed by the Council over a two year period since the initial DCO was withdrawn.

1.3 The Scope of the Local Impact Report

- 1.3.1 The LIR only relates to impacts of the proposed scheme as they affect the administrative area of the Council, as stated by Section 60(3) of PA 2008, but AN1 confirms that the content is a matter for the LA provided it is within this statutory definition. Notwithstanding this AN1 on page 5 sets out topics for the content that may be of assistance. The Council has taken those topics into account in determining the structure and content of this LIR, which is outlined below.
- 1.3.2 AN1 advises that the LIR does not need to contain a balancing exercise between positives and negatives or an assessment of compliance with the NPS, which will both be undertaken by the Examining Authority (ExA). The ExA will be assisted by the LIR identifying local issues and compliance with local policy and guidance; and, by LAs giving their views on the relative importance of different issues and offering views on DCO Articles, Requirements and DCO obligations, especially commenting on specific mitigation or compensatory measures and offering explicit suggestions. Furthermore, the LIR can contain representations made to it by the public and other organisations if relevant to local impacts, but it is not required to carry out its own consultation with the community in respect of this LIR. Finally, the LIR can cross refer to any Statement of Common Ground (SoCG) between the LA and applicant and this opportunity is taken below in Section 5.
- 1.3.3 The Council's Relevant Representation formally submitted on 4 May 2023 ([PDA-009](#)) sets out an outline of the 15 principal issues of major concern to the Council and this LIR builds on that outline with more detail, evidence and discussions to assist the ExA.
- 1.3.4 It is noted that the Council will be able to submit a separate Written Representation (WR) if it wishes to express a particular view on whether the application should be granted. It is acknowledged that the LIR should be prepared objectively, framing important matters within the Council's jurisdiction and have regard of local policy.

1.4 Structure of the Report

- 1.4.1 This report is structured as follows and contains the following main sections:
- **Section 2: Context** – sets out details of the proposed development and outlines the context of the Council's area/assets in which the local impact will be experienced, such as demographics, levels of deprivation and opportunities for future development to meet housing, employment, needs, including reference to sensitive receptors. This also includes a short sub section addressing the LTC history, the original/current LTC objectives and the current context and different future challenges.
 - **Section 3: Planning History** – sets out the planning history of this area and relevant planned development in the Thurrock area.
 - **Section 4: Planning Policy Context** – sets out relevant Council local policies and policies from the emerging Local Plan and any specific and relevant national policies.
 - **Section 5: Statement of Common Ground (SoCG)** – sets out the Council's concerns with the process leading up to DCO submission and subsequently. It sets out the limited progress in resolving SoCG matters, the work required by the Council to comment and key issues with

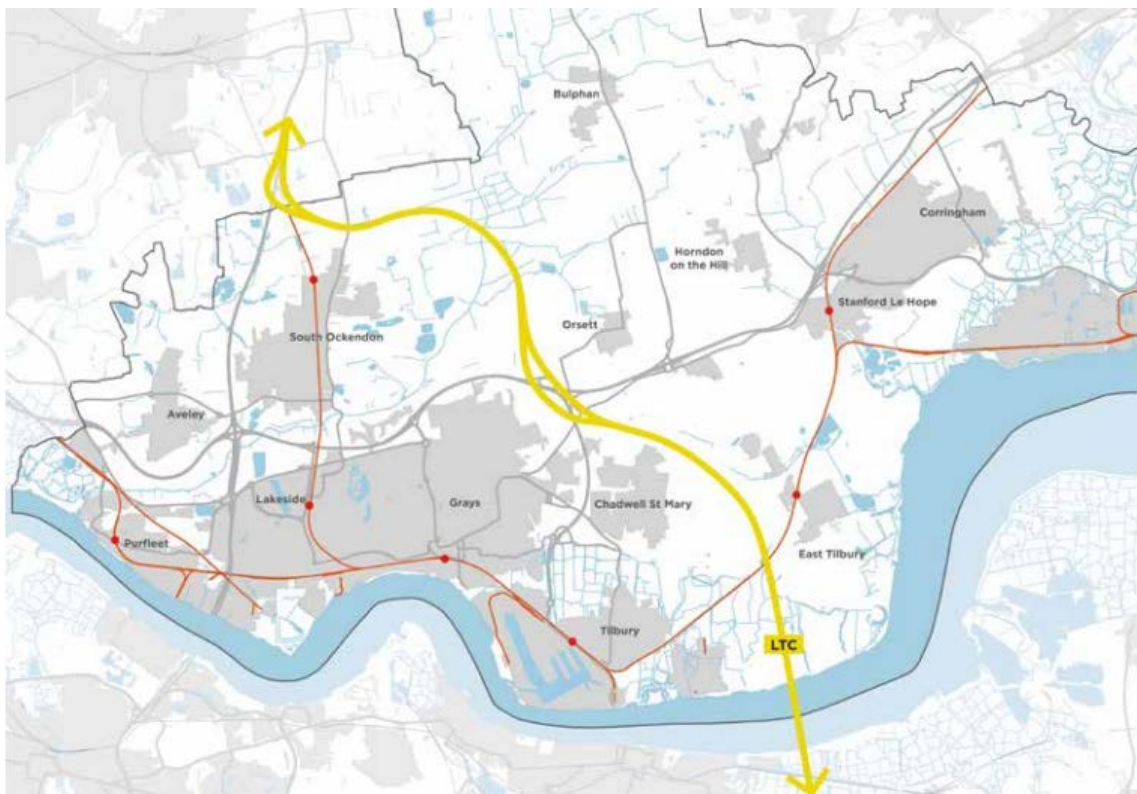
the NH responses and how an updated SoCG is progressed over the coming weeks and months.

- **Section 6: Overall Position of the Council and Consultation** – sets out the Council's position and which has directed this LIR preparation. It then sets out a summary of key matters with both the Adequacy of Consultation (AoC) and subsequent technical engagement and the need for further information from NH (with a list of outstanding information requirements).
- **Section 7: Costs and Disbenefits and Poor Value for Money** – sets out performance against a range of national, regional and scheme objectives, assesses transport user and wider economic disbenefits/benefits, demonstrates the scheme's poor value for money and reviews the transport modelling data and evidence base and its effects on transport forecasts.
- **Section 8: Consideration of Alternatives** – assesses a range of alternatives in respect of scheme design elements, lack of consideration of recent past significant events or key future scenarios, limited provision for public transport and active travel, limited future proofing of the scheme and the lack of demand management measures.
- **Section 9: Transport** – sets out an analysis of the proposed development with regards to transport, covering an assessment of scheme changes, local road impacts, adverse impacts from construction on transport, incident management and recommended amendments to scheme design.
- **Section 10: Assessment of Environmental and Health Impacts** – setting out an analysis of the positive, neutral and negative impacts of the proposed development against each of the Environmental Statement (ES) environmental topic areas.
- **Section 11: Emergency Services and Safety Provision** – sets out the current Steering Group status and progress (of which the Council is a key member), explanation of the current consultation process and progress on issues and a summary of the key outstanding issues related to the impact on emergency services and safety partners.
- **Section 12: Utilities Impacts** – sets out compliance with policy, current issues with the utility diversion content of the DCO application and an assessment of impacts and limited mitigations for the four NSIP utility diversions.
- **Section 13: Skills, Employment & Legacy Impacts** – this summarises previous engagement and sets out the Council's mitigation requests, assesses the scheme's 'Skills, Education and Employment (SEE) Strategy', Worker Accommodation provision impacts, assesses the Council's views on the proposed Community Fund and the adequacy of the scheme's provision for legacy.
- **Section 14: Proposed Order Limits, Land Interests and Compensation Issues** – this assesses the impact of the Order Limits on Council-owned land and proposed mitigations and assesses the limitations of compensation provision for identified impacts.
- **Section 15: Adequacy of Application** – sets out the Council's position on the adequacy of the DCO application, covering the draft DCO Order and all Control documents, where relevant.
- **Section 16: Overall Strategic Assessment of Impacts** – given the AN1 recommendations about not assessing the balance between positives and negatives (which is the role of the ExA), the Council sets out its overarching views/conclusions on the strategic assessment of impacts to assist the ExA on the Council's position when all impacts are considered in-combination.

2. Context

2.1 Description of the Proposals

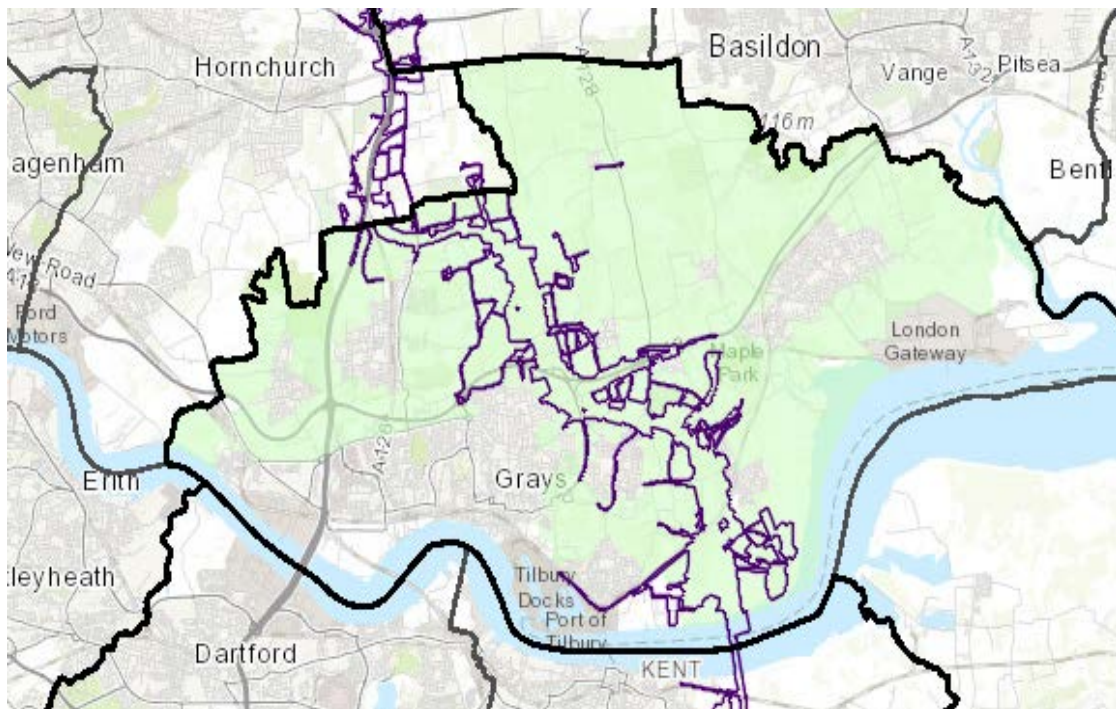
- 2.1.1 NH are proposing to construct LTC, which is approximately 14.3 miles (23 km) of new road connecting the existing road network from the A2/M2, south-east of Gravesend, to the M25, to the north of North Ockendon. The indicative route within the Council area is shown on **Figure 2.1** and approximately 11.3 miles (18.25km) of the route will be within the Council area, i.e. some 70% of the route.



Source: Thurrock Council, Thurrock Local Plan Issues & Options (Stage 2), December 2018

Figure 2.1: Indicative LTC route within Thurrock

- 2.1.2 The full description of the proposed development is set out in detail within LTC Planning Statement ([APP-495](#)) and 6.1 ES - Chapter 2 - Project Description ([APP-140](#)).
- 2.1.3 In Thurrock, approximately 11% of the Green Belt within Thurrock would be affected and/or lost if LTC is consented as shown below on **Figure 2.2**.
- 2.1.4 LTC will be routed through the middle of Thurrock and will bisect the district into two separate areas and will bisect the East and West Tilbury Conservation Areas. The scheme will lead to the direct loss of land, disruption to access and movement in the Borough and the creation of blight across the LTC corridor. The configuration of LTC is likely to also impact on the future local sustainable growth required by the Council to meet its housing and employment obligations from the Government.



Source: Stantec, 2023

Figure 2.2: Map showing the proposed LTC Order Limits and the extent of Green Belt affected in Thurrock

2.2 Background to the Project

2.2.1 The LTC Project began in around 2009 when the Department for Transport (DfT) began investigating the capacity and constraints of the Dartford Crossing and potential options to address the issues. Between 2013 and 2018, NH developed a preferred route and held non-statutory consultation relating to the proposed LTC route options between 2013 and 2016. Then, the Preferred Route was announced in April 2017. At the end of 2018, Highways England (now renamed NH) presented its 'Statutory Consultation Scheme' for the proposed LTC. LTC has changed significantly in the four years since the Statutory Consultation in 2018. The Statutory Consultation Scheme comprised:

- a. Approximately 14.5 miles (23 km) of new 'all-purpose trunk road' connecting to the existing road network from the A2/M2 to the M25;
- b. Two 2.5 mile (4 km) tunnels under the River Thames, one southbound and one northbound;
- c. Three lanes in both directions with a maximum speed limit of 70 mph;
- d. Modifications to the M25, A2 and A13, where the Lower Thames Crossing connects to the road network;
- e. A new Rest and Services Area at the Tilbury Junction (East Tilbury);
- f. New structures and changes to existing structures (including bridges, buildings, tunnel entrances, viaducts, and utilities such as electricity pylons) along the length of the new road; and
- g. A free-flow charging system, where drivers pay remotely, similar to that at the Dartford Crossing.

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- 2.2.2 Elements of the proposed LTC have evolved since Highways England's Statutory Consultation in 2018 and a series of design changes were published within the Supplementary Consultation. The design changes that were proposed were:
- a. Increase in length of tunnels, now 2.6 miles (4.3 km) and corresponding decrease in length of new road, now approx. 14.3 miles (23 km);
 - b. Changes to the M2/A2 junction and local link roads;
 - c. Relocating the southern tunnel entrance approximately 350 metres to the south;
 - d. Removal of the Rest and Service Area;
 - e. Removal of the previously proposed junction at Tilbury;
 - f. Relocating the route between Tilbury and the A13 junction approximately 60 metres north-east;
 - g. Changes to a number of slip roads at the junction between the LTC, A13, A1089 and A1013;
 - h. Removal of one lane southbound between the M25 and A13 junction;
 - i. Changes to the structures over the Mardyke River, Golden Bridge Sewer and the Orsett Fen Sewer;
 - j. Changes to the southbound link from the M25 to the LTC; and
 - k. Changes to the layout of junction 29 of the M25.
- 2.2.3 In addition, there were a further three rounds of non-statutory consultations (Design Refinement, Community Impacts and Local Refinement) that included further changes between 2020 and mid-2022.

2.3 Description of the Area

- 2.3.1 Thurrock is situated north of the River Thames and is approximately 32 kilometres east of central London, in South Essex. The population of Thurrock is approximately 175,900 (NOMIS, 2023) and the borough covers an area of 165 sq km.
- 2.3.2 The riverfront areas of Thurrock are urbanised with residential and industrial development on the eastern and western parts of the Council's area. Thurrock has several main settlements, including Grays, Stanford-le-Hope, Corringham, Chafford Hundred, South Ockendon and Tilbury, together with a number of villages within the Green Belt. The Lakeside Regional Shopping Centre is located west of Grays and east of the M25.
- 2.3.3 Thurrock has a relatively young population with the highest proportion of residents, approximately 63.9% in the traditional working age group (16 to 64 years), the England average is slightly lower at 62.9% (NOMIS, 2021). Since 2011, the population of Thurrock has increased by 11.6% (Office for National Statistics, 2023). In Thurrock, 75.9% of the population are economically active in employment (January 2021 – December 2021, Office for National Statistics, 2023), which is slightly lower than the East Region average of 77.1%. Around 4.9% of the population are economically active, but unemployed (Office for National Statistics, 2023) and 4.5% of the population claim benefits. These figures are both higher than the East Region and the Great Britain averages.

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- 2.3.4 In Thurrock, there is also a growing ageing population, increasing demand on Thurrock's care services. Since 2011, there has been an increase of 19.4% in people aged 65 years and over.
- 2.3.5 Overall levels of deprivation in Thurrock are lower than the national average, but some areas of Thurrock are among the most deprived in England. In Thurrock, in 2019, 13.0% of the population was income deprived. Of the 98 neighbourhoods in Thurrock, 15 have been identified as being among the 20% most income deprived in England (Office of National Statics, 2021).
- 2.3.6 As a result of social inequalities, the Council is part of the Thames Estuary Levelling Up Bid Group and was awarded approximately £110 million in Autumn 2021. Thurrock has been identified as a Priority 2 area (narrowly missing out on Priority 1 status). Priority 1 areas represent the highest levels of identified need and Priority 3 is the lowest level of need, although still requiring levelling up. The Levelling Up funding will be used to regenerate town centres and high streets, upgrading local transport and investing in cultural and heritage assets. The funding was awarded to try to reduce the levels of child poverty across the Lower Thames area, which is 20% compared to the England average of 18%, reduce the level of economically employed and to increase overall health in the area.
- 2.3.7 Within Thurrock, there is an issue around housing affordability, with the Council being the primary provider of social housing. In March 2020, it was estimated that 14.3% of dwellings in Thurrock were owned by the Council with other registered providers of social housing owning less than 3.1% of homes in the borough MHCLG, now DLUHC, 2020).
- 2.3.8 Although the number of registered provider-owned dwellings has been increasing over time, this historical imbalance has resulted in additional pressure and demand on the Council from households who need affordable housing. In turn this has resulted in an increase on demand for private rented accommodation. Approximately one third of all households in Thurrock are still unable to afford the cost of rent and this is predicted to increase following the cost of living crisis (South Essex Housing Needs Assessment June 2022).
- 2.3.9 Concerns are raised around the potential impact of NH accommodating the construction workers if LTC is consented and the impact on the private rented accommodation. There may also be impacts on local community facilities, for example doctor surgeries. These concerns are set out in further detail in Sections 10.14 and 13.5 below.
- 2.3.10 In terms of cultural heritage, within Thurrock there are a number of heritage assets which will be directly impacted. The setting and significance of the Neolithic causewayed enclosure at Orsett, a Scheduled Ancient Monument, will be severely affected by LTC as well as the total loss of the Grade II Thatched Cottage, Murrells Cottages, and Grays Corner Cottages in Orsett. Furthermore, there are extensive cropmark complexes which are impacted running from East Tilbury to Orsett, which range from the Neolithic through to the post medieval period, the significance of which will adversely be affected.
- 2.3.11 The full list of heritage assets directly and indirectly impacted are-recorded in the following NH documents:
- 6.1 Environmental Statement – Chapter 6 – Cultural Heritage ([APP-144](#));
 - 6.2 Environmental Statement – Figure 6.2 – Built Heritage Baseline and Assets Assessed as Likely to Experience an Effect ([APP-188](#));
 - 6.2 Environmental Statement – Figure 6.3 – Historic landscape ([APP-189](#));
 - 6.2 Environmental Statement – Figure 6.4 – Geophysical and Aerial Mapping Survey Results ([APP-190](#));

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- 6.2 Environmental Statement – Figure 6.7 – Archaeological Trial Trench Evaluation Carried Out by LTC ([APP-194](#));
 - 6.2 Environmental Statement – Figure 6.8 – Archaeology and Geology ([APP-195](#)); and
 - 6.2 Environmental Statement – Figure 6.9 – Palaeolithic Archaeology ([APP-196](#)).
- 2.3.12 The ecological assets of the area include the Thames Estuary and Marshes Ramsar and Special Protection Area (SPA). The areas directly and indirectly impacted by LTC are set out in the following NH documents:
- 6.2 Environmental Statement – Figure 8.1 – Designated Sites ([APP-262](#));
 - 6.2 Environmental Statement – Figure 8.2 – Phase 1 Habitat Map ([APP-263](#)); and
 - 6.2 Environmental Statement – Figure 9.1 – Nationally and internationally designated sites within 11km of Order Limits ([APP-296](#)).
- 2.3.13 In summary, LTC would give rise to adverse effects during its construction and operation which would significantly affect Thurrock’s communities and environment, in particular in relation to effects on severance, on private rented accommodation and on Thurrock’s natural and historic environment, including to the significance of scheduled monuments, listed buildings, historic landscapes and extensive archaeological deposits.

2.4 LTC History, Objectives, Current Context and Challenges

- 2.4.1 In 2009, HE and the DfT established the following LTC Project Objectives which the scheme should meet, and these are the current scheme objectives as set out within the DCO application. These objectives set out that the development should seek:
- a. To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free flowing, north-south capacity;
 - b. To improve resilience of the Thames crossings and the major road network;
 - c. To improve safety;
 - d. To support sustainable local development and regional economic growth in the medium to long term;
 - e. To be affordable to Government and users;
 - f. To achieve value for money; and
 - g. To minimise adverse impacts on health and the environment.
- 2.4.2 As set out above, the LTC Project began around 2009 when the DfT began investigating the capacity and constraints of the Dartford Crossing and potential options to address the issues. LTC has been subject to several significant design stages and amendments, which are set out in turn below:
- a. **2009:** The Dartford River Crossing Study 2009 is undertaken.
 - b. **2013:** The Options Consultation Review of Lower Thames Crossing Options: Final Review Report was published for consultation.

- c. **2016:** Non-statutory route consultation between January and March 2016 Route Consultation Pre-Consultation Scheme Assessment Report (Highways England, 2016).
- d. **April 2017:** The Post-Consultation Scheme Assessment Report (Highways England, 2017) was published. This identified Route 3 as the preferred route, which was approved by Government.
- e. **2018:** At the end of 2018, HE (now renamed NH) presented its 'Statutory Consultation Scheme' for the proposed LTC.
- f. **2020:** A series of design changes were the subject of a Supplementary Consultation exercise which ended in April 2020.
- g. **2020:** A further round of Design Refinement was the subject of non-statutory consultation, undertaken virtually, from 14 July to 12 August 2020.
- h. **2020:** HE made its submission of its first DCO in October 2020. Subsequently, following discussions with PINS, it withdrew DCO application in November 2020.
- i. **2021:** A further Community Impacts Consultation was held from 14 July to 8 September 2021. It was undertaken virtually and at in-person events in response to the Covid-19 pandemic and comments from PINS.
- j. **2022:** A further round of Local Refinement Consultation was held from 12 May to 20 June 2022. It was undertaken virtually and at in person events.
- k. **2022:** On 11 November 2022, NH submitted its second DCO application.

2.4.3 A broad analysis has revealed that overall, over the five consultations, there have been 81 changes made to elements of the scheme over a four year period as set out in **Figure 2.3**. The figure of 81 changes corresponds to the overall number of changes set out in each of the 'Guides to Consultation' (when totalled), published at each of the 5 formal consultations. The contents and changes are summarised in the **Figure 2.3** below.

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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
Supporting Technical Documents were: <ul style="list-style-type: none"> • PEIR and Summary • Traffic Forecasting Report and NTS • Map Books • Case for the Project • Approach to Design, Construction & Operation 	9 major design changes (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	18 major design changes (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	Additional 28 major design changes (taken from 'Guide') Major changes to Order Limits, Utility proposals and Special Category Land Major Update of Information of 3,500pp covering: Construction Update Operations Update Ward Impact Summaries You Said, We Did document Maps Technical Documents: DCO Schedule 2 and Explanatory Note OSWMP OTMPTC oMHP CoCP and REAC WNIMMP OLEMP FTPIC	26 major design changes (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

Figure 2.3: Summary of Key Contents and Changes from each 'Guide to Consultation'

- 2.4.4 In summary, since the Statutory Consultation in 2018 there has been a withdrawn DCO application and five further rounds of non-statutory consultation. LTC has changed significantly in the five years since the Statutory Consultation in 2018. These changes have resulted in significant changes in the effects that the scheme has on Thurrock. Yet the final outcome of these changes has failed to result in a substantially improved scheme from the perspective of the local authority.
- 2.4.5 If LTC is consented, there would be significant future challenges to the Council for a minimum of 10 years in terms of impacts/delays beyond the impacts of the LTC construction itself. It is acknowledged that the DCO Examination close is 20 December 2023 and then the timetable effectively prescribes that a decision on the DCO is to be confirmed by the Secretary of State six months after the Examination close. The following issues may affect such a decision into the future bringing further uncertainty to the Council and its residents, which are summarised below:
- If there is a legal challenge to the grant or refusal of the DCO brought through a judicial review pursuant to Section 118 of the 2008 Act or further High Court challenges, there could be additional delays and future uncertainty.
 - If there are any interruptions in discharging the Requirements, then this could cause further delays.
 - The construction period is anticipated now to cover the period from 2026 up to 2032, if the DCO is granted without further delays. This will result in a period of at least 10 years from now until 2032 of uncertainty for Thurrock. This could result in other major developments or growth being delayed or halted, businesses deciding not to relocate or expand in the area as a result of the construction period or potential effects from the construction and operation of the LTC scheme on businesses day to day operations.
 - If LTC does in fact open in 2032, there may be further requirements from the Council to monitor the impact of the scheme, which would result in financial burdens on the Council.

3. Planning History

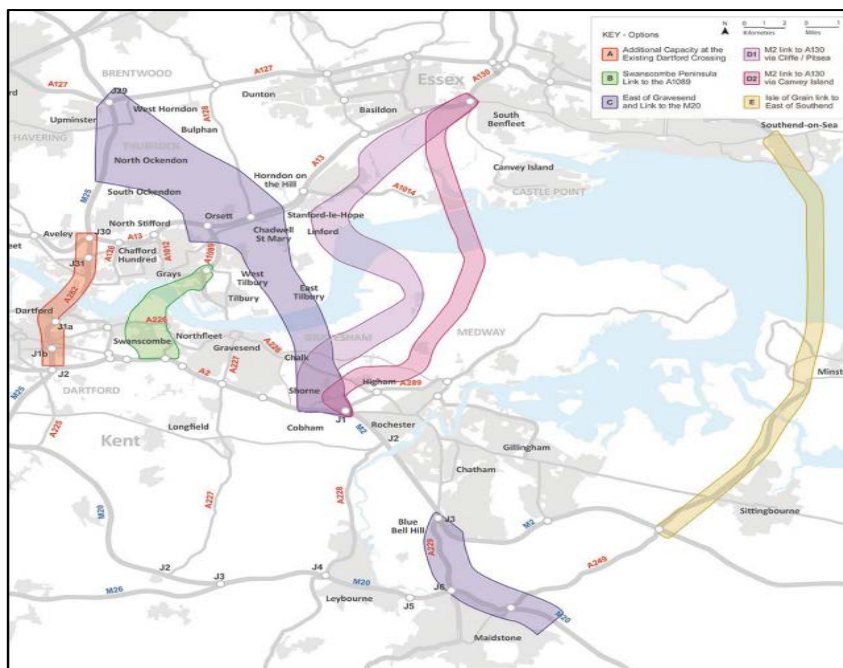
3.1 Planning History of the Scheme and Site Corridor

3.1.1 Plans for the LTC have a long history. The LTC project evolution and alternatives are set out in the LTC Document 7.2 Planning Statement (APP-495), Chapter 5. A short summary of the planning history of the scheme is set out in turn below for broad context.

3.1.2 As outlined in Section 2 above, the LTC Project began in around 2009, when the DfT started to investigate the capacity constraints at the Dartford Crossing. The Study included an initial consideration of what role other travel modes could be considered for example, light/heavy rail, bus, cross-river rail provision in the Lower Thames area, passenger rail provision and rail freight provision. That review considered that there were three cross-river crossings (Snow Hill tunnel near Blackfriars Bridge, the Chelsea Rail Bridge and the High Speed 1 tunnel between Ebbsfleet and Purfleet). The conclusion of the report and subsequent reports concluded was that current rail facilities were adequate and were taken no further. The initial six routes/road solutions that were identified were:

- A – Increasing capacity at the Existing Dartford Crossing;
- B – Swanscombe Peninsula Link to the A1089 link;
- C – East of Gravesend and Link to the M20 link;
- D1 – M2 Link to A130 via Cliffe/Pitsea link;
- D2 – M2 Link to A130 via Canvey Island link; and
- E – Isle of Grain Link to East of Southend link.

3.1.3 The above six potential route option alignments which are shown on **Figure 3.1** below.



Source: Lower Thames Crossing 7.2 Planning Statement, National Highways, 2022.

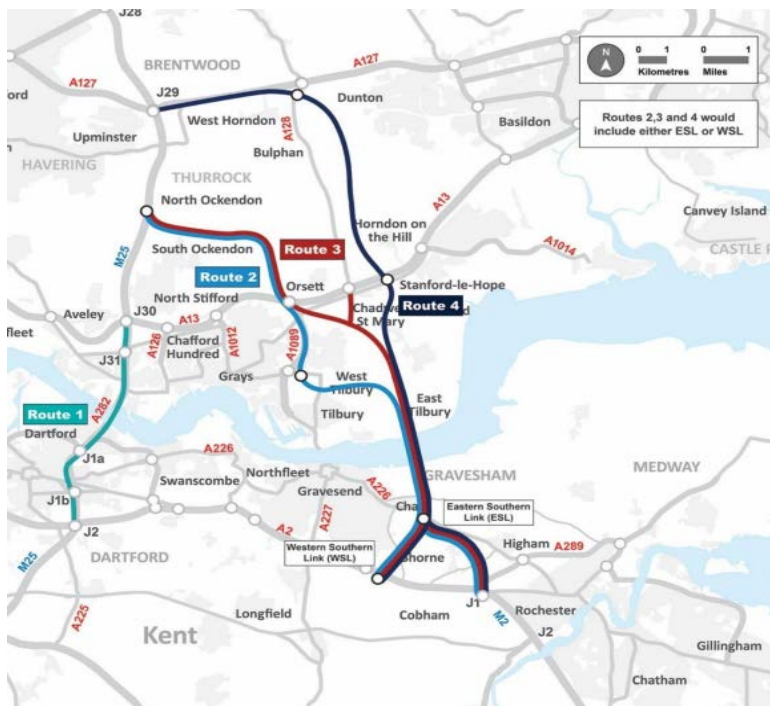
Figure 3.1: Six routes investigated in 2009

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- 3.1.4 For each option, a preliminary design and assessment was carried out, along with an environmental appraisal. As a result of this assessment, crossing Location Options A, B and C were recommended for further consideration, while crossing Location Options D and E were rejected.
- 3.1.5 In 2013, the three potential routes and a variant of Route C were presented for consultation. Following this consultation, Option B was not taken further as it could limited the redevelopment of the Swanscombe Peninsula, which was identified as a key growth area within the Thames Gateway area. This resulted in three remaining options, Route A, Route C and Route C variant.
- 3.1.6 In 2014 a more detailed assessment of route Location Options A and C began, and this resulted in the identification of a series of potential alignment options, all following the general route corridors defined by Location Option A and Location Option C. Option A and Option C were broken down into potential routes and these potential routes were considered.
- 3.1.7 In 2014, a long list of options were developed which were based upon the Routes A, C and C Variant:
- a. Route A-16 routes were investigated;
 - b. Route C-6 options were investigated; and,
 - c. Route C Variant-4 options were investigated.
- 3.1.8 Following viability checks and feasibility studies and in accordance with scheme objectives, 11 options were taken no further, these were A3, A5 A7, A10, A11, A13, C5, C6, CV3 and CV4. These routes were not taken forward due to financial implications, construction implications or significant impacts on existing developments.
- 3.1.9 The remaining 15 route options were taken forward and from these 15 potential routes, an additional 13 variants of Route C were investigated. The results were subject to tiered assessment and the results were, as follows:
- 3.1.10 Route Options Eliminated at first stage appraisal:
- a. A8, A12, A14, C11, C12, C13, C14 (Elements of C3 were used to develop C8).
- 3.1.11 Route Options Eliminated at second stage appraisal:
- b. A2, A9, A15, A16, C1, C4, C7, C10 C15, C16, C17, C18, CV1 and CV2.
- 3.1.12 There were four Route Options taken forward for further assessment (note that the routes were renamed following this assessment, the previous route names are in brackets). These four routes are as follows and as shown in **Figure 3.2** below.
- a. Route 1 with bridge (A1);
 - b. Route 1 with bored tunnel (A4);
 - c. Route 2 with WSL and bridge (C3);
 - d. Modified by C8 Route 2 with WSL and bored tunnel (C3);
 - e. Modified by C8 Route 2 with WSL and immersed tunnel (C3 modified by C8);
 - f. Route 2 with ESL and bridge (C3 modified by C8 and C19);

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- g. Route 2 with ESL and bored tunnel (C3);
- h. Modified by C8 and C19 Route 2 with ESL and immersed tunnel (C3 modified by C8 and C19);
- i. Route 3 with WSL and bridge (C2);
- j. Route 3 with WSL and bored tunnel (C2);
- k. Route 3 with WSL and immersed tunnel (C2);
- l. Route 3 with ESL and bridge (C2 modified by C19);
- m. Route 3 with ESL and bored tunnel (C2 modified by C19);
- n. Route 3 with ESL and immersed tunnel (C2 modified by C19);
- o. Route 4 with WSL and bridge (C9);
- p. Route 4 with WSL and bored tunnel (C9);
- q. Route 4 with WSL and immersed tunnel (C9);
- r. Route 4 with ESL and bridge (C9 modified by C19);
- s. Route 4 with ESL and bored tunnel (C9 modified by C19); and,
- t. Route 4 with ESL and immersed tunnel (C9 modified by C19).



Source: Lower Thames Crossing 7.2 Planning Statement, National Highways, 2022.

Figure 3.2: The Four Route Options

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- 3.1.13 The four routes were subject to review and further investigation in 2016. All Route 1 options were discounted at this stage as they did not meet scheme objectives in terms of traffic and there were potential issues around deliverability.
- 3.1.14 At a non-statutory public consultation, which was held between January and March 2016, Routes 2, 3 and 4 were presented. Route 3 (with a bored tunnel river crossing) was identified as the route option with the fewest impacts on designated sites, the lower cost option and was considered to meet the transport related objectives identified by NH.
- 3.1.15 In April 2017, the Secretary of State announced the Preferred Route, Route 3. Following consultation in 2017, a Post-Consultation Scheme Assessment Report was published by HE, which reassessed the four routes. Route Option 2 was discounted due to the potential significant adverse impacts on road safety on the A1089 and Route Option 1 was then included in the post-consultation appraisal.
- 3.1.16 Following the consultation, Route Options 1 and 2 were not taken any further. Route Option 1 was assessed as not meeting the scheme objectives and Route Option 2 was not supported by the public or by key statutory bodies due to the potential impacts on the environment and on local communities. Route Option 3 was investigated in further detail along with an assessment of the updated Eastern Southern Link and the updated Western Southern Link.
- 3.1.17 The 2017 appraisal in the Post-Consultation Scheme Assessment Report (Highways England, 2017), set out that Route Option 3, which included the updated Eastern Southern Link, and the updated Western Southern Link would have a similar positive impact on reducing congestion at the Dartford Crossing. It was considered that Route Option 3 and the Western Southern Link Road was the option that would meet the scheme objectives. As demonstrated above, there have been approximately 63 route options (for its overall alignment only) put forward by NH for consideration since 2009 before the first DCO application was submitted.
- 3.1.18 In October 2020, HE made their submission of its first DCO application to the Planning Inspectorate (PINS). Subsequently, following discussions with PINS, it withdrew that DCO application in November 2020.
- 3.1.19 On 31 October 2022, NH submitted another DCO application, which was accepted by PINS on 28 November 2022.

3.2 Local Development Consent Orders

- 3.2.1 In the last five years there have been two NSIP's consented in Thurrock and one further DCO application is anticipated to be submitted in 2025.

Thurrock Flexible Generation Plant

- 3.2.2 On 16 February 2022, the Thurrock Flexible Generation Plant was granted development consent. The application was for the development comprising of the construction and operation of Gas Reciprocating engines with up to 600MW electrical capacity and Battery Storage with up to 150MW electrical capacity. In September 2022, an application for a non-material amendment was made to the Planning Inspectorate and the non-material amendment was consented in March 2023. There has been no further progress since that amendment.

Tilbury 2

- 3.2.3 The Port of Tilbury, which lies some 2km to the west of the proposed alignment of the LTC route, has sought to develop further and create new employment opportunities and around 4,000 new jobs. Port of Tilbury London limited identified the disused Tilbury Power station for a new port

terminal known as Tilbury 2. In 2019, the Port of Tilbury received Development Consent to construct (Tilbury 2) and associated facilities, and the development is completed and operational.

Norwich to Tilbury (formerly East Anglia Green (EAG))

- 3.2.4 East Anglia Green (EAG) is a Nationally Significant Infrastructure Project (NSIP) proposal being developed by National Grid Electricity Transmission (NGET), to build a new 400kV electricity transmission line between Norwich and Tilbury, which will enable offshore wind generated energy to be directed to the National Grid. The entire scheme is 179 kilometres (111 miles) in length and crosses parts of Norfolk, Suffolk and Essex and into Thurrock. The EAG project will assist the Government in meeting its commitment to achieve net zero emissions by 2050 through enabling the generation of 15,000MW of new energy from renewable sources. It is noted that within the NH LTC DCO submission, there is no information on how the LTC proposal works will operate alongside NGET East Anglia Green project. Non-statutory public consultation was held for the EAG in Spring 2022 and a second non-statutory consultation is being held from 27 June-21 August 2023, with a view to formally submitting the DCO application in 2025.

3.3 Recent Major Planned Developments

Purfleet

- 3.3.1 Purfleet-on-Thames regeneration programme will provide approximately 2,800 new homes, a new town centre and additional community facilities, such as schools and health centres. A film and television studio complex will be developed alongside the residential area which will provide employment opportunities within the local area. An outline planning application for the proposals was approved in April 2019. Potentially, if the LTC project is granted consent then it could negatively impact on the delivery of this regeneration programme and make it less attractive for potential investors, which has not been addressed within the DCO application, especially the ES or Planning Statement.

Thames Freeport

- 3.3.2 In November 2021, the Port of Tilbury, DP World/London Gateway, Ford Motor Co. Ltd and Thurrock Council became a designated Freeport, along with the with the eastern part of the former Tilbury Power Station. As the 'Thames Freeport', all national ports within it can work outside of outside normal customs rules, although confirmation of its planning status has not yet taken place.
- 3.3.3 The Freeport could generate up to 25,000 new jobs and £5.1bn in gross value. In late summer 2021, the design of the LTC was amended to ensure that the development would not limit the land available for the future growth of the Freeport and which is covered within its designated area. However, this Thames Freeport growth is likely to be subject to the need to upgrade the Manorway roundabout, which itself is impacted by LTC. Currently discussed have recently commenced between all parties using the junction (LTC, the Council, DP World/London Gateway and the Thames Enterprise Park (TEP) to understand the collective impacts, determine appropriate mitigation and then determine funding apportionment and delivery.

Local Development Order (LDO)

- 3.3.4 The DP World/London Gateway area benefits from a LDO and the current LDO is being developed further in collaboration with the Council.

Other Developments

- 3.3.5 NH Document 6.1 ES Chapter 16 – Cumulative Effects Assessment ([APP-154](#)) sets out relevant planning permissions. However, there are a number of additional applications which have been identified using the Thurrock Council Public Search facility. It is considered that these applications

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below in **Table 3.1** should be included within Document 6.1 Environmental Statement Chapter 16 – Cumulative Effects Assessment as they may have a cumulative effect that needs to be assessed. Further reference should also be made to Section 10.15 below, where further detail is provided.

Table 3.1: Title is Other Development Projects in Thurrock

Planning Reference	Description	Status
21/00754/MIN	Application for the variation of condition no's 6 (Plans),10 (Vehicle Movements) and 33 (Landform) of planning permission ref. 14/01316/MIN (Continuation of extraction of minerals (Old Haven Sand - also known by the brand name Thanet Sand) remaining from the cessation of planning permission ref: 00/00890/CONDC (pursuant to planning permission ref: THU/400/84) for a 10 year period (until 2025) together with the subsequent restoration. Orsett Ltd Stanford Road, Orsett, Essex, RM16 3BB.	Awaiting Decision
20/00242/FUL	Tilbury Football Club, Residential Development For 112 Dwellings.	Approved on 31 March 2023
19/01556/OUT	Application for outline planning permission with all matters reserved apart from access: Proposed mixed use development comprising up to 750 no. residential dwellings, medical facility, retail and commercial units on the former Thurrock Airfield.	Awaiting Decision
18/01404/OUT	Outline planning permission with all matters (except for access) reserved for the demolition, phased remediation and redevelopment of 167 hectares of former Coryton Oil Refinery to provide up to 345,500 sq. m of commercial development including Manufacturing; Storage, Distribution & Logistics (Use Class B2/B8); Energy & Waste related facilities (Use Class Sui Generis); A Central Hub incorporating a range of active uses (Research & Development, leisure, education, hotel and conferencing facilities Thames Enterprise Park, The Manorway, Coryton, Essex	Awaiting Decision
18/01671/FUL	Hybrid planning application for the demolition of existing buildings and structures; site preparation works; up to 2,500 dwellings [Use Class C3] and supporting infrastructure. Outline approval (with all matters reserved) sought for: up to 2,158 dwellings comprising a mix of 1, 2, 3-bedroom units (Use Class C3); a serviced plot for a new primary / nursery school up to 2,300 sq.m.; a health centre up to 1,000 sq.m. (Use Class D1); community pavilion of up to 500 sq.m (Use Class D1); convenience retail store up to 400 sq.m (Use Class A1); public art together with associated vehicle parking, open space, landscape and public realm provision, ecological mitigation, highways, pedestrian and vehicular access routes,	Awaiting Decision

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Planning Reference	Description	Status
	<p>and other associated engineering, utilities and infrastructure works. Creation of a new additional vehicle access. Detailed approval sought for: 342 dwellings (Use Class C3) comprising a mix of 1, 2, 3-bedroom units; linear park; a lido facility with changing room facilities up to 340 sq.m (Use Class D1) and ancillary café up to 100 sq.m (Use Class A3); 3km of mountain bike routes and a pump track, a pedestrian / cycle link tunnel from Lakeside Shopping Centre underneath the A1306, and vehicular access from the A1306 and MSA roundabout (bus / emergency).</p> <p>Arena Essex Arterial Road, Purfleet</p>	
16/01232/OUT	<p>Outline planning permission of up to 830 dwellings (Use Class C3) if the Lower Thames Crossing is constructed (scenario 1) and up to 1,000 dwellings (Use Class C3) if the LTC does not proceed (scenario 2)</p> <p>Land at Muckingford Road.</p>	<p>Awaiting Decision</p> <p>If the LTC application is granted development consent, it could result in the loss of 170 dwellings from this site alone</p>

4. Planning Policy Context

4.1 Introduction

- 4.1.1 This section provides an overview of the national policy (only broadly) and specifically the local development plan policies, Supplementary Planning Documents (SPDs) and other Thurrock planning guidance of relevance to the LTC scheme.
- 4.1.2 The Development Plan is comprised of the Core Strategy and Policies for Management of Development (as amended) (2015) and the saved policies of the Borough Local Plan (1997). As recommended by the Council during the pre-application engagement with Highways England, it is expected that consideration has also been given to the Design Strategy Supplementary Planning Document (2017).

4.2 Thurrock Core Strategy and Policies for Management of Development

- 4.2.1 The Core Strategy and Policies for Management of Development (as amended) ('the Core Strategy') was adopted in January 2015. It is a strategic document that sets out the locations for the scale and distribution of development and the provision of supporting infrastructure up to 2026.
- 4.2.2 One of the Core Strategies key objectives is OSDP1, which seeks to promote sustainable growth and regeneration in Thurrock through proactively engaging with developers to deliver high quality sustainable development schemes and this is relevant as one of the LTC scheme objectives seeks to support such sustainable local development. The following policies are considered to be important and relevant to the LTC proposal from the perspective of Thurrock Council.

Table 4.1: 2015 Core Strategy Policies

Policy Number	Policy Name
OSDP1	Promoting Sustainable Growth and Regeneration in Thurrock
CSSP1	Sustainable Housing and Locations
CSSP2	Sustainable Employment Growth
CSSP3	Sustainable Infrastructure
CSSP4	Sustainable Green Belt
CSSP5	Sustainable Green grid
CSTP3	Gypsies and Travellers
CSTP5	Neighbourhood Renewal
CSTP6	Strategic Employment Provision
CSTP9	Wellbeing: Leisure and Sports
CSTP10	Community Facilities
CSTP11	Health Provision
CSTP12	Education and Learning
CSTP13	Emergency Services and Utilities
CSTP14	Transport in the Thurrock Urban Area: Purfleet to Tilbury

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Policy Number	Policy Name
CSTP15	Transport in Greater Thurrock
CSTP16	National and Regional Transport Networks
CSTP17	Strategic Freight Movement and Access to Ports
CSTP18	Green Infrastructure
CSTP19	Biodiversity
CSTP20	Open Space
CSTP21	Productive Land
CSTP22	Thurrock Design
CSTP23	Thurrock Character and Distinctiveness
CSTP24	Heritage Assets and the Historic Environment
CSTP25	Addressing Climate Change
CSTP27	Management and Reduction of Flood Risk
CSTP28	River Thames
CSTP29	Waste Strategy
CSTP31	Provision of Minerals
CSTP32	Safeguarding Mineral Resources
PMD1	Minimising Pollution and Impacts on Amenity
PMD2	Design and Layout
PMD4	Historic Environment
PMD5	Open Spaces, Outdoor Sports and Recreational Facilities
PMD6	Development in the Green Belt
PMD7	Biodiversity, Geological Conservation and Development
PMD9	Road Network Hierarchy
PMD10	Transport Assessments and Travel Plans
PMD15	Flood Risk Assessment
PMD16	Developer Contributions

4.3 Design Strategy Supplementary Planning Document (SPD)

- 4.3.1 The Thurrock Design Strategy Supplementary Planning Document (SPD) was adopted in March 2017 and is a material consideration in the determination of planning applications. The document seeks to ensure that new developments are of a high design quality and respond appropriately to the local context.
- 4.3.2 The Design Strategy requires developments to gain a proper understanding of place and establish locally distinctive and responsive designs which complement existing place typologies. The Strategy then sets out key design requirements for each typology.

4.4 National Policy Statements

- 4.4.1 Section 104 of the Planning Act 2008 states that DCO applications must be determined in accordance with the relevant NPS, in the case of the LTC scheme the relevant NPS's are:
- a. National Policy Statement for National Networks (NPSNN);
 - b. National Policy Statement for Overarching Energy (EN-1);
 - c. National Policy Statement for Oil and Gas Supply and Storage (EN-4);
 - d. National Policy Statement for Electricity Networks (EN-5); and,
 - e. National Policy Statement for Ports.
- 4.4.2 NH has assessed the LTC project against both the National Policy Statement for National Networks (NPSNN) as well as the Overarching National Policy Statement for Energy (NPSEN-1), National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPSEN-4) and National Policy Statement for Electricity Infrastructure (NPSEN-5). NH's Planning Statement Appendix A (NPSNN) Accordance Table ([APP-496](#)) sets out how the LTC is in accordance with the NPSNN and the Planning Statement – Appendix B – National Policy Statements for Energy Infrastructure Accordance Tables ([APP-497](#)).

NPS for Ports

- 4.4.3 There is no detail within the Planning Statement – Appendix B – National Policy Statements for Energy Infrastructure Accordance Tables (APP-497) with regards to how the LTC project is in accordance with the NPS for Ports, which was published 28 February 2012. Part of the project could have significant impacts on Port of Tilbury or indeed DP World/London Gateway port. Details are required on how the LTC project will ensure Tilbury Docks and DP World/London Gateway (now both part of the Thames Freeport) can continue to promote economic growth through improving networks and links for passengers and freight and to strengthen the safety and security of transport. These significant matters are outlined in their respective Relevant Representations ([RR-0863](#) and [RR-0608](#)).

Updated National Policy Statements (NPSNN and NPSEN-1 – NPSEN-5)

- 4.4.4 The draft revised National Policy Statement for National Networks (NPSNN, 2023) and accompanying documents were out for consultation from 14 March to 6 June 2023. Furthermore, public consultation on the revised NPSs EN1 to EN5 were held in 2021 with an additional public consultation, which closed on 23 June 2023. A review of the NPS was announced in the 2020 Energy white paper: 'Powering Our Net Zero Future'. This review was to ensure the NPSs were brought up to date to reflect the policies set out in the Energy White Paper (2020). It is anticipated that the updated National Policy Statements will be published towards the end of 2023, subject to consultation responses.

National Planning Policy Framework

- 4.4.5 The National Planning Policy Framework (NPPF) (Updated 20 July 2021) sets out the Government's planning policies at a national level and how these are expected to be applied. The NPPF is therefore an important material consideration in planning decisions.

Emerging Local Planning Policy

- 4.4.6 The Council commenced work on a emerging Local Plan in early 2014. The Local Plan Stage 1 Issues and Options was published for consultation in February 2016 and the Local Plan Stage Issues and Options consultation took place from December 2018 to March 2019. Since then, the

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Council has undertaken a range of formal and informal consultation on the emerging Plan including: two Issues and Options consultations; several 'Call for Sites' requests; Design Charettes in 'potential growth areas'; and 'piggybacking' on other Council events to better understand the views of local stakeholders. A considerable amount of technical evidence has also been produced including assessments looking at housing and employment needs, a green and blue infrastructure strategy, an assessment of landscape character and an initial assessment of Thurrock's Green Belt (as set out below). The Council also have evidence that has been commissioned, but has not yet been published, such as an updated assessment of potential housing sites, an infrastructure baseline study and an integrated impact assessment of potential spatial options – all based on sites that are being actively promoted in the Borough.

- 4.4.7 The Council are currently in the process of preparing an Initial Proposals Local Plan (Regulation 18) document, which is anticipated to be published for consultation in Autumn 2023. This document is intended to set out our preferred approach to strategic policies; details about other boroughwide policies that the Council consider will be needed in the final version of the new Local Plan; development priorities and principles for each of the five Spatial Planning Areas within the Borough and information about potential development sites. Sites identified within the emerging Local Plan will be the sites that the Council consider have the most amount of development potential based on the information available now.
- 4.4.8 The emerging Local Plan needs to be in accordance with the Governments commitments to increase the amount of housing being delivered and contributing to the around 340,000 new homes need to be supplied in England each year. In addition to the emerging Local Plan meeting the Governments housing targets, the emerging Local Plan will contribute to meeting the Thames Estuary 2050 Growth ambitions. In 2003, the Thames Gateway was identified as one of the Growth Areas in the Government's Sustainable Communities Plan. Thurrock is located strategically within the Thames Gateway and has been identified by regional government as a driver for economic and housing growth within this sub-region. The Thames Estuary 2050 growth ambitions include enabling 1.3 million jobs, 1 million new homes and increasing the local economy by £190 billion.
- 4.4.9 The emerging Local Plan is seeking to make Thurrock a more prosperous, attractive and a more sustainable place to live and work, with improved quality of life and thriving communities by 2040. To meet this vision for Thurrock, the Council have produced an evidence base and to guide development, the Council have produced a number of draft objectives, these are:
- a. Reduce congestion;
 - b. Support integrated and well-connected public transport;
 - c. Reduce the Borough's carbon footprint;
 - d. Provide an appropriate mix of high quality and affordable housing to meet the needs of all sections of the community;
 - e. Ensure the delivery of an appropriate range of high-quality community infrastructure and services;
 - f. Deliver regeneration and reduce inequality and social deprivation;
 - g. Promote, conserve and enhance the special character and heritage of Thurrock;
 - h. Identify and deliver sufficient suitable development sites to meet Thurrock's future housing, employment and other needs;
 - i. Improve the health and well-being of the Borough's residents;

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- j. Retain an effective Green Belt;
 - k. Protect and enhance the Borough's tranquil areas;
 - l. Conserve and enhance the Borough's built and natural environmental assets;
 - m. Value and protect the role played by the River Thames as an economic and environmental asset; and;
 - n. Ensure new development is well designed and future-proofed to meet changing economic, social, technological and environmental needs.
- 4.4.10 The proposed alignment of the LTC will significantly undermine the efforts of the Council to plan to meet its objectively assessed housing needs in full and to support economic growth and the regeneration of existing local communities. The impacts on the emerging Local Plan include:
- a. The sterilization of development opportunities in sustainable locations around existing settlements due to the LTC Order Limits, particularly near Chadwell St. Mary, East Tilbury and South Ockendon;
 - b. Delays in delivering infrastructure to enable strategic housing and employment locations to be delivered, largely as a result of construction disruption over six years, particularly near Chadwell St. Mary, East Tilbury and South Ockendon;
 - c. Addressing the issues around poor connectivity as a result of the LTC across the area; and,
 - d. The need to mitigate the impact of noise, air quality, severance and flood risk considerations, which has led to an increase in land take in locations where future development capacity exists.
- 4.4.11 Furthermore, the two-year delay to the DCO commencement of construction that was announced by the SoS for Transport and the now current timetable for construction (due to commence in 2026, with completion in 2032) will lead to further uncertainty in terms of delivery of infrastructure, developments and implementation of the emerging Local Plan, if the DCO is consented. The reasons for this are summarised in Section 3 above.
- 4.4.12 Within the emerging Local Plan, the Council are looking at sustainable spatial options, which can deliver the housing and employment levels in line with national planning policy. To support the delivery of the emerging Local Plan, several Local Plan evidence base documents have been produced and published, which are listed in turn below. At present, the evidence base documents are afforded limited weight, but the weight will increase as the emerging Local Plan is progressed.

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4.4.13 The following evidence base documents have been produced and published:

Table 4.2: Thurrock Council Local Plan Evidence Based Documents

Thurrock's Local Plan Evidence Based Document Title	Date Published
Whole Plan Viability Study	May 2023
Employment Land Availability Assessment	February 2023 (updated April 2023)
Thurrock Economic Development Needs Assessment	March 2023
Thurrock Green And Blue Infrastructure Strategy, 2022/23 Update	February 2023
Landscape Character Assessment	December 2022
Design Charette Outcome Reports	October 2022
South Essex Housing Needs Assessment	June 2022
Integrated Impact Assessment Scoping Report	June 2022
South Essex Authorities Joint Strategic Plan Integrated Impact Assessment – Scoping Report	July 2020
Thurrock Strategic Green Belt Assessment Stages 1a and 1b	January 2019
Habitat Regulations Assessment: Scoping and Discussion	January 2019
Integrated Sustainability Appraisal (Isa)	December 2018
Thurrock Town And Local Centre Health Check Assessment	October 2018
Gypsy, Traveller and Travelling Showpeople Reports	January to July 2018
Thurrock Level 1 Strategic Flood Risk Assessment (SFRA)	June 2018
South Essex Retail Study Volumes	November 2017
Thurrock Housing Land Availability Assessment (HIAA)	October 2017
Grays Town Centre Framework	October 2017
South Essex Strategic Housing Market Assessment	May 2016 / May 2017
Sustainability Appraisal – Scoping Report 2016	February 2016

4.4.14 The proposed development of the LTC has had significant implications on the delivery of the emerging Local Plan in terms of timescales and the need for the Plan to be found sound at Examination. Therefore, the Council concluded that it was unable to formally submit the emerging Local Plan in advance of the resolution of the LTC DCO, as the design, route and delivery of the scheme if consented, could be subject to amendment through the Examination process. Therefore, the Council can only progress the Plan up to the Regulation 19 stage at present, on the assumption that the DCO is consented in the current timetable of mid-2024.

4.4.15 As Thurrock's emerging Local Plan will provide the development context for the proposed LTC, should the scheme proceed, then there would be implications for the delivery of the emerging Local Plan. The proposed LTC does not make provision for, and is inconsistent with, the housing and development potential for Thurrock and the aspirations for the Borough as set out in Thurrock's emerging Local Plan and the Purfleet development. Nevertheless, the emerging Local Plan is being developed to its Regulation 18 stage on the assumption of the current broad LTC proposals within the DCO application.

South Essex Plan

- 4.4.16 The South Essex Plan is being prepared by the six South Essex authorities of Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock working together with Essex County Council. Together these form ASELA (Association of South Essex Local Authorities). The Plan will set out a strategic framework for development in the area up to 2050. The South Essex Plan will set out an overall strategy for development across the whole area. It will also contain high level policies on topics such as housing, employment, and environmental protection. The Plan will form a context informing the preparation of Local Plans, including the emerging Thurrock Local Plan.
- 4.4.17 Ambitions of the South Essex Plan are:
- a. To improve connectivity and public transport, which is underpinned by investment in active travel projects which benefit people's health and wellbeing and could see major environmental benefits;
 - b. To develop a strategy to secure more commercial development from employers who can provide productive and well-paid employment, locally; and,
 - c. To accelerate development of housing sites that deliver new quality homes, neighbourhoods and communities and enhanced amenity and place for all residents.
- 4.4.18 Work on the South Essex Plan has identified several 'Strategic Areas of Opportunity', which are considered to have potential to accommodate growth.
- 4.4.19 Since the formation of ASELA, several evidence base documents have been prepared. However, the Issues and Options consultation, which was scheduled for 2021, has not been progressed.

5. Statement of Common Ground (SoCG)

5.1 Introduction

5.1.1 The Council would draw the ExA's attention to Section 3.3 of the Council's AoC ([AoC-018](#)) and Section XI of the Council's Relevant Representation (RR) dated 4 May 2023 ([PDA-009](#)), which set out the Council's serious concerns with the SoCG process to date with the applicant.

5.1.2 In summary, the Council set out the process that both the applicant and the Council had agreed from 2019 until before the DCO submission in October 2022. It drew attention to the serious concern in the latter stages of finalising the DCO application and how the Council does not agree with the submitted version, that it is unsigned and does not set out the Council's position, highlighting that after some four years of discussions there is limited agreement on the almost 300 issues set out in the submitted SoCG ([APP-130](#)).

5.1.3 The Council contends that the SoCG process was developed too late by the applicant and did not allow the Council to scrutinise the applicant's Response to each issue (unlike the collaborative approach to preparing the Council's issues), until after DCO submission. The Council has subsequently undertaken an outline review of this SoCG and concluded the following:

- a. The Council's issue/comment is only presented as a short precis, but the applicant's response is presented as a detailed rebuttal either disputing the position taken by the Council or a dilution by citing an array of DCO documents, meetings/briefings held or bodies set up to address the issues;
- b. The status of many issues/comments is presented as agreed, not agreed or under discussion. The distinction is unclear and presents the status of the draft SoCG as more positive than the Council is willing to support; and,
- c. The Council will present its understanding of each issue and set out what is the remaining issue and what is necessary to address each issue, which should offer the ExA more clarity, once the Council has finally reviewed the full SoCG. This is partially covered within the Council's PADs Summary Statement formally submitted to the ExA on 4 May 2023 ([PDA-008](#)).

5.1.4 The Council received from the applicant, on 15 May 2023, an updated SoCG (subsequent to the version submitted in the DCO application) for further commentary. It contained a few new matters as discussed with the Council and many updated applicant responses. It is understood that further updates are being undertaken.

5.2 Council's Review of SoCG and Required Outstanding Work

5.2.1 The Council had undertaken a partial review of the submitted SoCG in December 2022 prior to the Council stopping work on its assessment of the DCO application. The Council subsequently has reviewed the updated version in some detail during May/June 2023. This has revealed the need for a considerable amount of further work necessary to discuss and agree an updated version with the applicant, which is described below. It is not possible for the Council to agree any updated SoCG submission at Deadline 1, however, the Council will work with the applicant collaboratively to submit the updated version at Deadline 3.

- 5.2.2 The main issues that need to be covered in any updated version are:
- a. The Council’s list of 285 issues was prepared in late summer 2022 (some 9 months ago) and need updating (the Council believes that there are now three additional issues making a total of 288 issues), which is considerable work in parallel with the LIR preparation and very dependent on the LIR technical content. In fact, this updated version has undergone many amendments (mostly trying to place the onus on the Council, often within the ‘Matters Not Agreed’ category) that will require considerable time to check and validate;
 - b. Once the Council’s comments have been prepared and sent to the applicant further amendments are likely to be necessary, taking time;
 - c. Whilst the PADs Summary Statement is more up to date (May 2023) ([PDA-009](#)), it only covers 150 issues of the now 288 SoCG issues;
 - d. The Council undertook seven SoCG workshops with the applicant between 13 June and 14 July 2023; these were intended to try to resolve ‘matters under discussion’. The results of these workshops need to be incorporated into the updated SoCG by both the Council and the applicant and this will take time (although many have been accounted for within this LIR); and
 - e. Consequently, a more realistic timeframe for a joint submission of the SoCG, undertaken in a collaborative manner (as intended by the DCO process), is Deadline 3 on 24 August 2023.

5.3 Council’s Issues with Current SoCG Content

- 5.3.1 There are some 288 outstanding issues reported in the latest SoCG that is not agreed and is unsigned (and not submitted to the ExA), the status of which can be summarised in **Table 5.1**.

Table 5.1: SoCG Issues

Type of SoCG - based on submitted SoCG	No. of Issues	% of All Issues
Total number of SoCG Issues	288	100%
Matters Agreed	30	10%
Matters Agreed, subject to review of DCO docs	16	6%
Matters Under Discussion	126	44%
Matters Not Agreed	116	40%

- 5.3.2 As the Council have now reviewed the latest updated SoCG (as referred to above), it is clear that the applicant’s responses are not satisfactory or agreeable to the Council. It should be noted that the Council’s issues were collaboratively debated between the applicant and Council representatives over several days in September and October 2022 and agreed subject to Member review. However, in contrast there was no collaborative discussion on any of the applicant’s SoCG responses and the Council was faced with the DCO submitted version ([APP-130](#)).
- 5.3.3 The Council’s broad commentary (with examples giving SoCG reference numbers) on the deficiencies of the applicant’s formal responses to each SoCG matter can be characterised and are set out below:
- a. In the Council’s view, responses are **vaguely phrased and need better definition, a clear rationale and be based on published evidence** using phraseology such as: ‘accepted practice’; ‘appropriate balance’, ‘...used professional judgement’; ‘worked collaboratively’; ‘it has been sufficient’ (in relation to information provided); ‘demonstrated the right approach’; ‘balance design quality and practicality’; ‘adequate and appropriate’; ‘commitment’; and,

- 'ensure confidence'. Examples would include the following items: 2.1.1; 2.1.4; 2.1.62-2.1.64; 2.1.72 - 2.1.73; 2.1.82 on the approach to the TLR; 2.1.91; 2.1.136 regarding the lack of targets for the FCTP and compliance with PAS500 good practice; 2.1.101; 2.1.103 regarding active travel standards; 2.1.104 regarding flood storage; 2.1.111 regarding ULHs statements; 2.1.137 on contractor commitments that the Council has not seen; and, 2.1.153 contains several vague statements.
- b. In the Council's view, some responses **characterise the Council as evasive, unhelpful and delayed** in its responses to certain matters, as with item 2.1.2.
 - c. In the Council's view, many suggest that **the Council's views/comments are out of date**, because they have been addressed in the DCO documentation that (by implication) have not been reviewed yet or cite a number of meetings/briefings, with typical text being: *'The position has been reconsidered for our DCO application... This matter is addressed within the DCO application documents but Thurrock Council haven't yet provided any feedback on this matter'*. A typical example is where specific DCO application documents are referred to then exact bibliographical references are required (including section/paragraph numbers). Other examples include the following items: 2.1.115 where it is implied that the Council asks for more despite applicant engagement; and 2.1.159 regarding the usefulness of WNI meetings, because just holding a meeting/briefing is not sufficient in itself.
 - d. In the Council's view, **the applicant has used their response in the Council Comment column by mistake** for matter 2.1.24 and in 2.1.71 where a Council position is stated in the applicant response column.
 - e. In the Council's view, the **distinction between 'Matter Not Agreed' and 'Matter Under Discussion' is rather blurred** in many matters and it is questionable how helpful the distinction is really. Furthermore, the applicant has stated that all 'Matters Not Agreed' will not be discussed except through the Examination process. Therefore, the Council should, if there is a likelihood of issue resolution retain it as a 'Matter Under Discussion' status, but otherwise mark it as 'Matter Not Agreed'.
 - f. In the Council's view, there are several instances where **the applicant seeks to reshape the narrative on an issue in order to support its position**, such as 2.1.62 (in respect of local growth support and connectivity and additional modelling of the TLR) and many instances where the applicant states (without evidence) that the scheme meets its scheme objectives on a particular matter. No options have been presented for the future use of East Tilbury Landfill despite requests from the Council (2.1.101). Also, 'written responses' and a 'risk-based approach' do not necessarily address Council concerns (such as 2.1.120 and 2.1.121); and, within 2.1.165 about the applicant's statements about timeframes to gain TLR DCO grant.
 - g. In the Council's view, there are very many **Incorrect factual or misleading statements**, covering approximately 45 matters with a few examples being 2.1.62 – 2.1.65, 2.1.81 – 2.1.88, 2.1.209 – 2.1.228 and 2.1.282 – 2.1.285.
 - h. In the Council's view, there are many instances when **the Council has requested information, but not received a satisfactory response or the information in a suitable form**, such as relating to air quality and noise assessments, local junction modelling data/results and 2.1.98 and LTC bridge crossing widths and allocation of corridors for WCH and public transport provision.
 - i. In the Council's view, there are **many matters where NH seeks only to comply with DMRB or DfT guidance**, without employing best practice or later guidance or attempting to comply with emerging policy. In particular, this affects 2.1.101 and 2.1.143.

- j. Finally, In the Council's view, all references to 2030 as the **opening date need changing to 2032** throughout the SoCG and to consider the implications of the delay in construction on the cumulative impacts and the continued and uncertain sterilisation of the Borough, its communities and its affected travel network.

5.4 The Applicant's and Council's Position on Future SoCG Updates

- 5.4.1 The applicant has set out on 21 June 2023, the process for updating the submitted SoCG in a six-step process requesting Council comments by 16 June 2023 and culminating in re-submission at Deadline 1 on 18 July 2023. It stated that the Council's comments must be received by 23 June 2023, otherwise they will not be able to address those comments. However, the Council has been clear in all correspondence with the applicant that the absence of the Examination timetable delay has repercussions on other matters, such as the updated SoCG.
- 5.4.2 The applicant then presented two options for moving forward:
- a. To use a form of words (set out below, although the Council requires a much fuller more explanatory cover page text) in the introduction section of the SoCG explaining how this has not gone through full governance of the Council and is the applicant's view of matters:

'While National Highways has worked closely with Thurrock Council in the preparation of the SoCG, Thurrock Council has not yet been able to complete its review of the SoCG in line with its governance process. The SoCG is therefore presented as National Highways understanding of the status of discussions with Thurrock Council and is presently unsigned'.
 - b. The applicant considered submitting this updated SoCG document at ED2, however, to be helpful to the ExA and highlight the new issues added into the SoCG early, the Council would prefer submitting at ED3 (the draft SoCG went from 285 issues in October 2022 to 288 in June 2023). This option provides an opportunity to update the SoCG with additional and amended issues agreed with the Council at the various workshops in May, June and July 2023.
- 5.4.3 The Council is strongly of the view that to do justice to the process of properly updating both the SoCG and the PADs Summary Statement, it requires more time otherwise the ExA will receive, again, a one-sided view of the SoCG from the applicant, when the process was intended to be collaborative. This collaborative process is set out clearly in the PINS Advice Note 2 (AN2 dated February 2015, Version 1) section 22 and in the Government's guidance entitled '*Examination of applications for development consent*' dated March 2015 (Sections 58 – 65). Important quotations from these advice/guidance notes are set out below:
- a. AN2 Paragraph 22.4 – '*The preparation of a SoCG can be iterative and, particularly for larger NSIPs, agreement may evolve over the course of the examination*'; and, '*.....an early SoCG, developed during the pre-application stage can and should be signed by both parties*'.
 - b. Government Guidance Section 58 – '*A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached*'.
 - c. Government Guidance Section 60 – '*Applicants should start to work with relevant statutory consultees on agreeing statements of common ground during the pre-application period and should aim to have reached an initial agreement in the pre-examination period before the preliminary meeting is held*'.
- 5.4.4 It is clear that at DCO submission in October 2022 and even now in July 2023, for all the reasons given above, that the SoCG is not agreed with the Council, is unsigned and remains a serious area of disagreement with the Council.

Latest Position

- 5.4.5 The applicant has informed the Council by email on 17 July 2023 that it will not be submitting an updated SoCG at Deadline 1 and their current changes will be developed and submitted at Deadline 3. This position was recommended by the Council in discussions and therefore is acceptable to the Council. The applicant has proposed a four-step process for jointly updating the SoCG and the Council will collaborate in achieving this suggested timetable. Notwithstanding this, in email correspondence, the applicant has refused to discuss further all 'Matter Not Agreed' within the SoCG, preferring to devolve such responsibilities to the ExA. Regrettably, this confirms that NH's approach to matters of disagreement regarding the SoCG is to refuse to cooperate in respect of further discussions with a view to identifying, discussing and ultimately accommodating reasonable points made to them by the Council.
- 5.4.6 The Council consider that having refused the Council's request to delay the start of the Examination by seven weeks, it is clearly the ExA's expectation that the applicant will adopt a collaborative and constructive approach in order to facilitate the Council's fair engagement in the Examination process (and behind the scenes thereof), as opposed to the intransigent approach, which is currently being adopted by the applicant.

6. Overall Position of the Council and Key Issues on Consultation/Engagement

6.1 The Council's Overall Position on LTC

- 6.1.1 The Council objects to current proposals for the LTC as they fail to strike an acceptable balance between national benefit and the substantial harm to the Borough. This position was set out in the Council's Statutory Consultation response and all five previous rounds of non-statutory public consultation. The Council considers that this position has not changed as a result of the current proposals, which deliver very little benefit for local people and do not deliver on the applicant's own scheme objectives, such as *'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'*.
- 6.1.2 The Council has continued to engage with the applicant in order to fulfil its statutory obligations and to protect the interests of the Borough. This is important in order to comply with PINS AN2: *'The role of local authorities in the development consent order process'*. This 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'*. With this in mind, the Council has negotiated an agreed Planning Performance Agreement (PPA) Variation in place with the applicant for the Pre-Examination and Examination periods, which will provide some financial support for resources needed to respond and engage with the applicant on technical matters and is only awaiting Council governance to be concluded in mid-late July 2023. This aligns with the Council's usual practice for major development applications within the Borough.
- 6.1.3 The Council has consistently set out in consultation responses its key issues with the scheme. In February 2021, the Council published its Hatch Report entitled *'LTC Mitigation Benefits'*, which set out in some detail the 58 mitigation, avoidance and compensation measures that it required should the scheme proceed.
- 6.1.4 The Council has continued to engage with the applicant to achieve the measures identified in the Hatch Report through the DCO securing mechanisms and other means, which necessarily will involve much discussion and some compromise. The Council has also engaged with the applicant on a range of technical matters including, inter alia, the transport implications of alternative scheme layouts; impacts on and operation of the local road network; integration with Local Plan growth, housing, and infrastructure; provision for public transport and active modes; provision for future crossings of the LTC; construction traffic and materials handling; traffic management; health impact; climate change; health and equalities; and, emergency services.
- 6.1.5 However, progress on agreeing measures for mitigation, avoidance or compensation of impacts with NH has been unnecessarily slow and difficult, with very little movement on significant measures and the necessary collaboration and engagement from the applicant to resolve such matters has been mixed. This mixed reaction from the application has involved positive approaches to having meetings or workshops and some measure of written responses, but in the main has failed to provide critical information when requested, has refused to provide essential mitigation, and has delayed progress on a range of technical matters.
- 6.1.6 Consequently, it is the Council's view that the applicant is not sufficiently invested in a commitment to achieve an improved level of support from the Council as main host local authority to LTC prior to or following the start of the DCO Examination on 20 June 2023. It has recently become clear that NH intends to use the ExA to arbitrate on a substantial number of crucial matters, using the limitations of the DCO process to constrain the depth of analysis achievable with the time period allowable. In its detailed and ongoing analysis of LTC the Council is of a strong view that the extent

of local disbenefits arising from the scheme is not outweighed by the scheme's claimed/forecast strategic benefits. The Council's constructive opposition is to the general configuration, proposed purpose and details of the proposed route, as set out previously, and not necessarily opposition to the principle of a further Thames crossing to improve accessibility across the Estuary. However, recognising this does not alter the need to negotiate these measures and other scheme improvements.

- 6.1.7 Furthermore, that the applicant has not adequately explored alternatives that might perform better and align with local sustainable growth objectives that should have been considered; and that in the event of this scheme progressing, there are many changes to the submitted scheme that the Council would advocate.

6.2 Key Matters in Adequacy of Consultation (AoC) and Technical Engagement

- 6.2.1 The Council's submitted Adequacy of Consultation response on 16 November 2022 ([AoC-018](#)) did contain a number of matters of inadequacy or deficiency that are relevant to the Council's LIR responses, which also relate to technical engagement, which are set out below.
- 6.2.2 The inadequacies of both the now six consultations and technical engagement by the applicant over the last five years has resulted in the following inadequacies/deficiencies:
- a. Almost **300 outstanding SoCG issues** not being resolved (refer to Section 5.3.1 above) with a preference from NH to consciously defer many of these issues for the DCO Examination. The Council recognises the likely insufficient time available to deal with these issues properly within the DCO Examination timescale.
 - b. **A significant volume of technical information/data is not being available or was only being released at DCO submission in October 2022** and recently requested information remains outstanding. This was outlined in Principal Issue XII within the Council's RR dated 4 May 2023 ([PDA-009](#)) and as set out in Section 3.2 of the Council's AoC ([AoC-018](#)).
 - c. In addition, and more recently, there have been some 15 requests for information by the Council in December 2022 and January 2023 (nine detailed requests) and responses were finally received in late-April 2023. Very few were provided, instead the applicant referred to the DCO application or declined to provide with only a few actually being provided. Subsequently, over the last two months there were a further 10 detailed information requests and most are still outstanding or are not being provided by NH.
 - d. These issues with the applicant sharing information were apparent in the process to obtain the applicant's August 2020 Outline Business Case (OBC), which was protracted and from the initial request by the Council in March 2022 to the release by the applicant in late October 2022 (after DCO submission) following the Information Commissioners Office (ICO) decision notice earlier that month.
 - e. The changes resulting from consultation are 81 changes despite there being a total of over 4,000 summary issues raised in those consultations (some 2% of changes derived from the many issues raised). This **resistance to change** by the applicant despite Section 49 of PA 2008 and extensive technical engagement by the Council, still pervades the current DCO process. It therefore is incumbent on the Council, within this LIR, not only to set out the impacts, but also to set out the design changes and additional mitigation required (with detailed supporting evidence) that would ensure that the benefits do outweigh the identified adverse impacts.
 - f. The **critical 14 Control Documents** that are part of the DCO application – the Council's very detailed comments on drafts were shared with the applicant in September 2021 on seven documents provided by the applicant. However, there was no feedback (except inclusion

within the draft SoCG) until the DCO submission in October 2022 (four documents were shared by the applicant in the first DCO application). This has effectively missed two years of opportunity to resolve matters within those documents and this deficiency still persists. In addition, a further four Control Documents formed part of the submitted DCO application that had not been shared with the Council for consultation/engagement, namely the Carbon & Energy Management Plan ([APP-552](#)), Environmental Management Plan (APP-159 – APP-168), Stakeholder Actions and Commitments Register (SAC-R) ([APP-554](#)) and the Preliminary Works EMP ([APP-339](#)).

- g. The Council has a significant issue with the applicant's traffic modelling, which are set out in more detail below in Chapters 7 and 9). In particular, the lengthy progression (in collaboration with the Council over a year) and the subsequent **refusal to submit the local traffic modelling** within the DCO submission to the ExA, which came to a 'head' in Issue Specific Hearing 1 (Part 2), when the information was requested from the applicant by the ExA by Deadline 1. The Council and Essex County Council (ECC) sent a joint letter in February 2022 to NH to request the release of the full LTAM strategic model, as it proved impossible to hold sensible discussions between neighbouring Highway Authorities to determine cross-boundary impacts of LTC. This request, along with all previous requests, for access to LTAM was formally refused by NH.
- h. The Council has repeatedly requested the applicant to consider **resubmitting a Scoping Report to the Planning Inspectorate (PINS) for a new Scoping Opinion** within Section 3.8 of its AoC response ([AoC-018](#)) and within most of the Council's formal responses to consultations set out within the applicant's Consultation Report (APP-064 – APP-090). The reason for these requests has been the significant number of changes since the PINS Scoping Opinion given in December 2017, outlined in six consultations and within the DCO submission.
- i. Section 3.9 of the Council's AoC ([AoC-018](#)) sets out a range of issues that need to be considered and which may **jeopardise the completion of the Examination timetable** within the 6 months and to satisfactorily resolve most of the major issues within that timeframe.

6.3 The Consequential Need for Further Information

- 6.3.1 Throughout the subsequent sections below, especially Sections 7 – 15 there are many technical requirements for further information for most of the topics covered in subsequent Sections below; and this is in addition to the previous requests for data/information outlined above in Section 6.2. The need for such information, if provided to the ExA and local authorities, would then enable the Council (as technical competent authority for many matters), to assess the impacts outstanding and then recommend additional mitigation or further securing mechanisms. A significant example of this lack of information was highlighted during ISH1 Part 2, where it was clear that all interested parties that contributed found this refusal of NH to provide operational modelling to be unacceptable – the Council considers that an example of a much more significant issue with information provision by NH that is set out in more detail below in **Table 6.1** (which shows that there are 19 significant information matters missing with many sub details under each matter).
- 6.3.2 It is entirely the ExA decision on how such matters might be progressed, but the Council has tried various methods to obtain appropriate further information/data over the last two years with very limited success. Therefore, as the ExA is aware, there is the provision in Rule 17 of the Infrastructure Planning (Examination Procedure) Rules, 2010 that allows for a range of further information to be requested from the applicant. However, it would then depend further on the ExA offering a further opportunity for comment to interested parties (17 (2)),
- 6.3.3 The Council sets out below for the ExA a composite list of what the Council requires in terms of further information, for the ExA to then determine what if any of these matters should be part of any Rule 17 request.

6.4 Evidence and Information Missing from DCO Application

6.4.1 In addition, to the missing evidence and information set out below, the Council set out in its PDB Supplementary Submission ([PDC-007](#)) in Table 2, a comparison of data that is current with that used in the DCO submission. In considering this vast amount of missing robust evidence and information in the LTC DCO submission documents, it is information which has either not been produced by the applicant at all or has been produced but not shared with the Council, despite various written requests. Without clear visibility of crucial evidence, the Council have not been properly informed to enable the Council to make full assessment of the scheme benefits, disbenefits and impacts, which has resulted in a large number of SoCG issues and PADs. Missing evidence is listed below, with summary of why evidence is required, which is explained in full within various other subsequent Sections of this LIR.

Table 6.1: Evidence and Information Missing from DCO Application

Lack of Evidence or Missing from DCO	
1	Strategic Green Belt Assessment for the selection of preferred route, based on the purposes of the Green Belt, as set out in NPPF. Then a detailed Green Belt Assessment for the preferred route, based on the purposes of the Green Belt, as set out in the NPPF, to inform the design.
2	<p>Microsimulation Modelling is required at the following locations for LTC operations:</p> <ul style="list-style-type: none"> ▪ Orsett Cock <ul style="list-style-type: none"> - Base Year model is complete but not submitted as part of the DCO evidence - Forecasts have been completed and shared with Thurrock but not signed off. ▪ The Manorway <ul style="list-style-type: none"> - Further work is required to refine the model by accounting for Base Year observed flow before the impacts can be understood. ▪ Daneholes and Marshfoot junctions: <ul style="list-style-type: none"> - Base Year model East-West microsimulation model is complete but not submitted as part of the DCO evidence - Forecasts have been completed and need to be shared and agreed with Thurrock. ▪ Five Bells junction <ul style="list-style-type: none"> - Microsimulation modelling is required to assess impacts ▪ A1012/Devonshire Road <ul style="list-style-type: none"> - Microsimulation modelling is required to assess impacts ▪ Tilbury Junction <ul style="list-style-type: none"> - No modelling to support future connection - Further work is required to refine the operational and emergency access
3	<p>LTAM Sensitivity Tests to Align the Assessment of the operation of LTC with up-to-date guidance and real-life travel behaviour:</p> <ul style="list-style-type: none"> ▪ Application of Common Analytical Scenarios Framework - required to confirm LTC benefits/disbenefits and local impacts in the context of national uncertainties ▪ Application of the latest DfT's national travel growth forecasts using NTEM 8.0 (for car and public transport trips) and NRTP2022 (for LGV and HGV traffic) ▪ Incident management scenarios - required to substantiate resilience objective ▪ Local Plan Growth Scenarios - to ensure LTC does not preclude delivery of Thurrock's emerging Local Plan ▪ Impact arising from Thames Freeport - to test LTC in the context of local uncertainty ▪ Impact of significant events (e.g. Covid-19 pandemic) - to confirm benefits/disbenefits and local impacts in the context of national uncertainties.
4	Missing Traffic Modelling – ASDA Roundabout – LTC operations and construction periods

Lack of Evidence or Missing from DCO	
	<ul style="list-style-type: none"> ▪ No modelling has been completed to assess and mitigate impacts. ▪ Microsimulation modelling work is required to understand impacts of LTC.
5	<p>Walkers, Cyclists and Horse Riders (WCH) details The absence of detail on the format of walking, cycling and equestrian provision on the structures and along the LRN corridors. The structure plans simply refer to ‘raised verge’, but the dDCO Works Descriptions imply that other facilities are to be provided.</p> <p>In addition, and while there is a lot more information regarding PRoW and WCH, there is not a plan showing the existing network with the proposed closures and the routes of the agreed diversions.</p>
6	<p>Excavated Material The assumptions or modelling used by NH to identify the quantities of both excavated materials generated and placed within the order limit are not provided. At the scale of Excavated Material arisings, even relatively small percentage deviations have the potential to generate material differences in arisings which would affect the assessment of the impact on transport, local waste treatment infrastructure and the environmental impacts of their management.</p> <p>NH has stated that ‘earthworks’/Excavated Materials HGVs are assigned to specific routes within its LTAM Thurrock Cordon Model and assigned to specific compounds. Those compounds are contained within broad model zones and so permitted to assign across that zone and can contain more than one compound with unclear EM strategies. NH should provide detailed evidence on its EM/earthworks movements within the LRN and that strategy should be the basis for a capping of impacts.</p>
7	<p>Air Quality Assessment No evidence has been presented to demonstrate that the efficacy and practicability of options to mitigate the air quality impacts of operational traffic have been considered through the design process of the Scheme and the Council consider that mitigation, such as speed limits or additional physical barriers to protect the most impacted and vulnerable receptors, need to be secured through the DCO.</p> <p>it would be appropriate (and in line with non-Highway related developments) to commit to undertake extensive monitoring post completion at receptors identified by the air quality assessment to have the greatest change in concentrations because of the scheme. This would provide clarity as to the actual impacts of the Scheme on air quality (and risk of adverse health effects) and support the Council in its statutory duties in regards to Local Air Quality Management and Public Health.</p>
8	<p>Noise Assessment No details on Traffic Management Plan to mitigate construction traffic impacts. No information on absolute noise levels in noise contour format to determine significance. No assessment of Gammonfields travellers’ site.</p>
9	<p>Details on the Assessment of other modal solutions in response to Traffic Appraisal Modelling and Economics (TAME) Advice Note 2 to understand what alternative options have been considered and how they have been assessed.</p>
10	<p>Carbon Emissions All technical calculations, spreadsheets and workbooks that were developed and used as part of the carbon emission calculations have not been provided.</p>

Lack of Evidence or Missing from DCO	
	<p>The NH Carbon Valuation Toolkit was used to value the embodied carbon emissions. A copy of this has not been provided to allow full analysis of the assumptions behind it. A copy of the schemes NH Carbon Valuation Toolkit (including results, input assumptions and other relevant information) has been requested but not yet received.</p> <p>Only the core carbon values for the carbon impacts (tailpipe and embodied) have been provided whereas many NH schemes provide both these and the high values of carbon. A copy of the calculation using the higher carbon value has been requested, but not yet received.</p>
11	<p>Local Benefit Climate Adaptation Assessment</p> <p>No evidence has been provided on the benefits and disbenefits of investment into climate adaptation measures by LTC.</p>
12	<p>Flows at the Dartford Crossing</p> <p>Paragraph 5.2.11, point a) of the (APP-528) Non-Technical Summary states that the ‘overall level of traffic using the Dartford Crossing would fall on average by 19% in 2030 and 12% in 2045 (but up to a maximum of 25% in 2030 and up to a maximum of 25% in 2045 in the modelled hours) when compared to the Do Minimum scenario’. The Council have been unable to derive these figures from the data provided in either this document or Document 7.7 Combined Modelling and Appraisal Report and its Appendices (APP-518 to APP-526). The derivation of this figure has been requested, but not yet received.</p>
13	<p>Accidents and Safety</p> <p>A reduction in accidents of 0.57 PIC/km is presented within the ComMA Appendix D (APP-526). This has been requested as a rate in terms of PIC/mvkm as this is the standard unit for accident rate used by COBALT. This remains outstanding.</p> <p>The A2 from M2 J7 to Dover is excluded from the assessment despite Plate 8.3 (APP-526) suggests it is an impacted link. A reason for this exclusion has been requested but yet to be provided.</p> <p>The COBALT accident impacts are presented at a high level at a total level. Plates of results provided in various reports shows there are some accident changes in Thurrock. The A13 sees an increase in accidents and LTC through Thurrock shows a large number of accidents. Detailed results for Thurrock links and junctions have been requested from NH. These remain outstanding.</p>
14	<p>Reliability</p> <p>Annex B, of ComMA Appendix D (APP-526) states that user defined assumptions for MyRIAD have been used but these are not presented. These assumptions have been requested, but not yet received.</p> <p>The results (Table B.7) show that the PM shoulder shown to have more benefits than PM peak. The reason for this is not explained within the text and an explanation as to the reason has been requested but is outstanding.</p> <p>The four time periods with the biggest benefit are (in order of magnitude from largest), the Interpeak, the PM Shoulder, Weekend Charged and the PM Peak. Further commentary around the reasons for these periods being the highest benefit has been requested.</p>

Lack of Evidence or Missing from DCO	
	It is not clear if the increase in accidents caused by the scheme has been accounted for in travel time variability element (specifically the Incident-related variability component) of the reliability assessment. NH have been asked to clarify this, but this has not been received.
15	<p>Wider Economic Benefits</p> <p>NH have been asked to provide the input and output files for the WITA2 analysis, including any masking (and any differences between it and the TUBA masking). This requested remains outstanding.</p>
16	<p>Drainage and Water Environment</p> <p>The flood risk modelling which supports the FRA has not been updated to latest methods and software versions (for example, using the FEH hydrological methods and 2022 software versions for Flood Modeller and Tuflow), as the EA would typically require, when climate change scenarios have been updated. Confirmation that this approach was agreed with the EA and is required. Further, additional information is required to confirm that there is sufficient area and volume available to accommodate any changes at detailed design when later methods are used.</p> <p>Confirmation must be provided that the assumptions within the biodiversity calculations are consistent with the surface water drainage strategy.</p> <p>Clarification is required regarding the phasing at the North Portal junction with regard to the drainage strategy and whether temporary measures are required.</p> <p>Further information must be provided regarding the proposed pumping station in relation to the North Portal junction, which should include location, access proposals, maintenance and operational requirements and also definition of adoption responsibilities.</p>
17	<p>Human Health, Equalities and Wellbeing</p> <p>Clarification provided on how criteria for significance has been met and why topic assessments outlined in paragraph 10.2.5 are not considered significant.</p> <p>Further clarification is needed on what local weight policy has been given in the assessment and if mitigation is expected to meet local policy objectives.</p> <p>NH were to provide access to a 'Hard to Reach Engagement Strategy' at DCO to demonstrate adequate engagement with these groups.</p> <p>Clarification on what mitigation is proposed for sensitive wards outlined within the air quality assessment and how a neutral impact has been justified.</p> <p>Information needs to be provided regarding noise assessment baselines for Traveller sites.</p> <p>Further clarification if there has been consideration of noise and vibration impacts on WCHs during construction.</p> <p>Further clarification on numbers of CLG's proposed, where these might be and a list of topics/themes that these will cover and if any additional funding will be provided for them. Clarification is needed on if the Council and other stakeholders will have input into the ECP to inform the development of the CLGS.</p> <p>Rationale to be provided for consideration of affordability within visitors' accommodation.</p>

Lack of Evidence or Missing from DCO	
	<p>Further information provided on scoping process for the HIA with CIPHAG and what topic assessments and equalities groups were scoped out and why.</p> <p>Clarification on further modelling undertaken regarding noise and air quality impacts post 2022 assessment provided by the Council, referenced in the Council's Relevant Representation (Principal Issue VIII) (PDA-009).</p> <p>Further clarification is needed regarding intra-cumulative effects, including the phasing of these effects, where they will be felt and what mitigation measures will be in place regarding cumulative impacts, including in reference to the transport assessment regarding severance, pedestrian delay, amenity and fear and intimidation.</p> <p>Further information provided regarding what enhancement measures are in place to encourage a move away from vehicular travel in operation to achieve a positive significant effect.</p> <p>How appropriate is defined within mitigation regarding healthcare facilities should be defined.</p>
18	<p>Utilities</p> <p>The overarching concern regarding the utilities infrastructure, including diversions, new supplies and utilities logistics hubs (ULHs), is the spread of information across the DCO, with little to no reference to information location. It is also acknowledged that the information provided is not detailed enough to be able to determine the impacts of the utilities diversions, new supplies and ULHs. It is usual for a project of this size and complexity, particularly with regards to the gas and electric NSIPs, for a standalone Utilities Section to be included, which provides a lot more detail than has been given for LTC and with detailed drawings provided. It is clear from what has been included within the DCO that further detail and information is available, however, this has not been provided.</p>
19	<p>Draft DCO (dDCO)</p> <p>A major concern with the dDCO is the lack of justification and analysis for certain provisions. As set out later in this LIR, the applicant needs to justify why they require so much flexibility and how this has been balanced by the harm caused by the uncertainty to other stakeholders. This includes justifying the uncertain Order Limits and the time limit for exercise of CPO powers.</p> <p>The Council also consider that the applicant needs to provide further justification for why it has not taken all reasonable steps to reduce the areas of land which are not subject to the restrictions of Article 28(2). Further justification should also be provided in relation to the power at 35(a)(ii) to temporarily possess Order Limits land that is not specifically set out in Schedule 11.</p> <p>The applicant also needs to provide its analysis of how which legislative provisions (including local legislation) may be impacted by LTC and why it is appropriate to disapply them. This includes the analysis as to whether there could be unintended consequences and why the geographic scope of the disapplication of legislation hasn't been set out.</p> <p>Further justification needs to be provided for the wide scope of the defence to statutory nuisance, taking into account that the requested provisions are much wider than requested in other highways DCOs.</p> <p>For Article 31(3), further information on this approach is required. This is a significant departure from standard provisions and the Council needs to understand the full implications of the proposal.</p>

Lack of Evidence or Missing from DCO	
	<p>For Article 44, the Council requests further information as to why the relevant local authorities are limited to Kent CC, Thurrock and Gravesham BC.</p> <p>In relation to the use of deemed consent, the applicant should explain why this has not been replaced with deemed refusal.</p>

6.4.2 The above documents should be requested and then shared during the Examination, so that the ExA and the Council can be fully informed on how the applicant have arrived at the design of LTC and mitigation of its impacts. The Council believes that the ExA can make an improved and informed decision on the scheme following viewing the documents listed above.

7. Costs and Disbenefits outweigh the Benefits and provide Poor Value for Money

7.1 Introduction

7.1.1 This section of the LIR sets out the Council's concerns with the appraisal and evidence base used to underpin the costs and disbenefits for the LTC scheme. The key issues are summarised below.

Table 7.1: Summary of Key Issues – Disbenefits

Summary of Key Issues
<ul style="list-style-type: none"> ▪ The Council considers that NH has not carried out the required form of appraisal as defined in NPSNN and subsequent updated ('successor') documents. Further, the Council considers that the carbon appraisal undertaken by NH should be assessed against the transport sector carbon target to determine whether this leads to a different conclusion against the 'material impact' test for such emissions. ▪ The Council contends the scheme does not provide significant relief to the Dartford Crossing, is incompatible with the UK's and NHs net zero ambitions and legal targets, and additionally there are concerns around the safety impacts of the scheme. ▪ The Council contends that the NH analysis shows that LTC caters for different traffic to the Dartford Crossing and this is reflected by the low level of traffic relief at the Dartford Crossing. LTC is shown to be more suitable for traffic travelling to/from Dover/Folkstone to the northern M25 (and beyond) while Dartford caters for mainly M25 orbital traffic. ▪ The assumptions used to generate the reliability benefits have not been shared and so the Council cannot consider or scrutinise on the validity of the assumptions or results. The Council therefore still considers this a Matter under Discussion (SoCG issue ref 2.1.154). ▪ There are sizable construction disbenefits, the majority of which are expected to fall on trips and users within/travelling through Thurrock. The Council has been unable to assess the distribution of these disbenefits within the borough as this information has not been provided by NH and considers this still a Matter under Discussion (SoCG issue refs, 2.1.121, 2.1.150 and 2.1.151). ▪ The Council considers that NH is obliged to give Wider Economic Costs the same weight as Wider Economic Benefits (WEBs) in its BCR analysis and that it has failed to do this. ▪ The Council's view is that the WEBs presented are an overestimate. ▪ The current traffic model is underpinned by data which dates from 2016. The Council contends that the traffic modelling supporting LTC does not represent an up to date or representative view of the current conditions and leads to the benefits of the scheme being overestimated. ▪ Inadequate sensitivity testing has been undertaken as part of the scheme appraisal. This is inconsistent with the latest Uncertainty Toolkit approach from DfT published in 2021. The Council therefore contends that the modelling is outdated and inconsistent with guidance published around uncertainty. ▪ The Council considers that the Value for Money of the scheme is likely to be overstated due to costs and overstated benefits. The estimated margin of benefit of LTC is now so low, that even modest changes in the assumptions would wipe out the net benefit entirely.

7.1.2 Section 7 contains the following sub sections:

- a. **Key Policy Consideration and Not Achieving Scheme Objectives:** this focuses on the Council's understanding that the scheme promotor has not adequately followed NPSNN 2014. This subsection also presents the Council's views around how the scheme fails to meet many of its stated objectives drawing upon evidence presented in the NH reporting.
- b. **Transport User Disbenefits/Benefits and Distribution:** this subsection sets out the Council's contention that LTC does not provide adequate relief of the Dartford Crossing and that, based upon National Highways own traffic modelling, Dartford Crossing is no longer at free flow with LTC in place after just 5 years post LTC opening. Also, discussed in this subsection are Journey Time Reliability and Construction disbenefits, where the Council considers that further detail on these impacts is required from NH.
- c. **Wider Economic Disbenefits/Benefits and Distribution:** this presents the Council's arguments that, while the scheme promotor has considered possible positive impacts of the scheme on the wider economy, the assessment to date has failed to adequately account for wider economic costs and disbenefits.
- d. **Poor Value for Money:** this subsection presents the Council's contentions around the weakening value for money case for the scheme. The scheme's sensitivity to relatively small increases in costs or decreases in benefits is presented and it is set out that adequate sensitivity testing has not been carried out to understand these impacts. This subsection also discusses wider economic benefits and the scheme's reliance on these as an unprecedented proposition of benefits. The validity of these benefits in a post pandemic world is also discussed.
- e. **Review of transport modelling evidence base:** this subsection presents the Council's concerns around the transport modelling underpinning the LTC transport business case, including the age of the data it is based upon, the lack of sensitivity testing based upon the latest forecasts and the lack of incorporation of the emerging Local Plan in the scheme appraisal.

7.2 Key Policy Consideration and Not Achieving Scheme Objectives

Policy Considerations

- 7.2.1 The NPSNN, December 2014 (NPSNN) is the base statement for defining the broad objectives of NSIPs, covering their expected contribution to wider Government policies, as well as defining needs, assessment principles, and both generic and specific impacts. The validity of these broad policy requirements is not typically open to challenge at DCO Examination.
- 7.2.2 However, NPSNN also provides guidance for how it should be treated in the Examination process by the ExA, promoters and interested parties. There are some specific aspects of the guidance which have not been followed by NH. The most important ones are, as follows:

Updated Policies and Data

- 7.2.3 Section 1.8 of the NPSNN states:

'It should be noted that where the NPS refers to other documents, these other documents may be updated or amended over the time span of the NPS, so successor documents should be referred to.'

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7.2.4 There is no specific time limit applied to 'successor documents', e.g. 'up to the date of writing the application' or 'up to the date of the data used for modelling', and successor documents could include important statements issued during the Examination itself, for example, updates of the DfT's WebTAG (now called Transport Assessment Guidance (TAG)) guidance on forecasting and appraisal. The constraint is not of date but of importance. Paragraph 4.7 states:

'Where updates are made during the course of preparing analytical work, the updated guidance is only expected to be used where it would be material to the investment decision and in proportion to the scale of the investment and its impacts.'

7.2.5 Further guidance in the DfT's TAG – The Proportionate Update Process 2014 on how to test materiality and proportionality states that *'This should involve reasonably balancing (a) the greater time, cost, and/or resource needed to deliver programmes, with (b) the quality of the analysis submitted to assist the decision required, including its robustness against potential challenge from all sources.'*

7.2.6 In relation to LTC, there are two factors which make updated evidence *material and proportionate*: 1 - it is the biggest project in the roads programme; and 2 - its appraisals are very close to the point where its costs exceed the benefits.

7.2.7 In addition to this, particularly important 'successor' documents, which in the Council's view NH has not, or only partially, considered include:

- a. BEIS, in their *Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions* for appraisal, recommendations to carry out appraisal tests against scenarios of 2°C and 4°C global temperature increase
- b. BEIS recommendations for values to be attributed to carbon in the appraisal, especially the upper bound of those values which are presented as *'part of sensitivity analysis to account for uncertainties'* (*Valuation of greenhouse gas emissions: for policy appraisal and evaluation 2021*)

DfT Publication of its Transport Decarbonisation Plan 2021

7.2.8 TAG guidance on assessing uncertainty and the use of a range of different scenarios found in sections 3.1.3, 4.1.1 and 4.2 of TAG Unit M4, which is not consistent with the sensitivity tests shown by NH. A more realistic range of sensitivity tests would show that in most scenarios the scheme would represent lower value for money than is currently presented.

Need to Assess Alternatives

7.2.9 NPSNN (paragraph 4.27) states:

'All projects should be subject to an options appraisal. The appraisal should consider viable modal alternatives and may also consider other options (in light of the paragraphs 3.23 to 3.27 of this NPS). Where projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies or other appropriate policies or investment plans, option testing need not be considered by the examining authority or the decision maker. For national road and rail schemes, proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken.'

7.2.10 Further guidance on options development is also given by DfT TAG *The Transport Appraisal Process 2018* (quoting here the 2018 version which was already available before the DCO submission was prepared).

2.8 Step 5: Generating Options

2.8.1 The purpose of option generation is to develop a range of alternative measures or interventions that look likely to achieve the objectives identified in Step 4a. Analysts should start with a wide range of possible measures, and then narrow these down (in Steps 6 and 7) in a robust, transparent and auditable manner.

2.8.2 It is important that as wide a range of options as possible should be considered, including all modes, infrastructure, regulation, pricing and other ways of influencing behaviour. Options should include measures that reduce or influence the need to travel, as well as those that involve capital spend. Revenue options are likely to be of particular relevance in bringing about behavioural change and meeting the Government's climate change goal.

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2.8.3 Studies should not start from an assertion about a preferred modal solution, or indeed that infrastructure provision is the only answer. Following the Eddington Transport Study 2, Sponsoring Organisations will be looking to encourage the better use of existing infrastructure and avoiding "solutions in search of problems". In this context, it is recognised that small schemes can represent high value for money.

2.8.4 For public transport schemes, options should include different technologies and lower cost alternatives. For example, where light rail schemes are being considered, alternative bus based options should also be identified.

2.8.5 Where highway solutions are being considered, options should include a consideration of different link/junction standards and other alternatives to address the problems in the area, such as public transport provision, demand management policies, traffic management measures and strategies.'

- 7.2.11 NH has not undertaken the required form of options appraisal as defined in NPSNN and subsequent updating documents, and therefore the condition in NPSNN that such matters do not need to be considered in detail at the Examination, *which is conditional on such work having been done at an earlier stage*, does not apply; and, the Council consider that the Options Appraisal Report (OAR) process for LTC has not been robust – these matters are set out below in further detail. The Council consider that NH has been more critical during Thurrock's OAR process for the East Facing Access onto A13 scheme, despite there being more significant issues with the LTC scheme. NH has not therefore applied the same level of scrutiny and rigour for its flagship LTC scheme that it does for more routine schemes on its network. Further examination of alternative options to LTC is provided in Section 8 below.

Carbon Impacts

- 7.2.12 Paragraph 5.18 of the NPSNN (December 2014), referring to the Carbon Plan 2011, states:

5.18 'The Government is legally required to meet this plan. Therefore, any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.'

- 7.2.13 In previous road appraisals, NH and its predecessors, citing this clause, has made a calculation of the estimated increases in carbon emissions arising from a scheme. This is then expressed as a percentage of all carbon emissions from all sources in the whole economy, as a test of whether the scheme would have a 'material impact'. Since the figure always comes out as a very small percentage, it is concluded by NH that carbon emissions from a road scheme, under the legal doctrine of 'de minimis', are irrelevant and may be discounted.

- 7.2.14 In one legal challenge this interpretation was upheld by the court (see Transport Action Network Ltd v Secretary of State for Transport (2021) EWHC 2095, which involved a challenge via Judicial Review that the SoS needed to account for quantitative carbon assessments when approving RIS2). However, that was at a time when there was no sectoral target published for transport as a whole, or for the road's element within that target. Since publication of the transport decarbonisation strategy, there are now targets for the transport sector, and the relevant test is the effect of whether the Roads Infrastructure Programme as a whole, and specific schemes within it, would have a material impact on the ability of the transport sector to reach its sectoral targets. The Council contends that LTC scheme emissions should be assessed against this test, and this is set out in more detail in Section 10.14 below.
- 7.2.15 The sentence quoted above from 5.18 of the NPSNN has disappeared from the draft revised NPSNN 2023. The draft new wording (Section 5.37) does allow for some circumstances where increases in carbon may be compatible with decarbonisation, but with a more cautious tone, and concludes in draft Section 5.37: '*Therefore approval of schemes with residual carbon emissions is allowable and can be consistent with meeting carbon budgets, net zero and the UK's Nationally Determined Contribution*'. Implicitly that will require a judgement about whether the LTC scheme's emissions are, in fact, allowable and consistent with meeting the relevant norms.
- 7.2.16 **SUMMARY: the Council considers that NH has not carried out the required form of options appraisal as defined in NPSNN and subsequent updated ('successor') documents. This means that the condition in NPSNN that such matters do not need to be considered in detail at the Examination, which is conditional on such work having been done at an earlier stage, does not apply. Further, the Council considers that the carbon appraisal undertaken by NH should be assessed against the transport sector carbon target to determine whether this leads to a different conclusion against the 'material impact' test for such emissions.**

7.3 Scheme Objectives

- 7.3.1 Table 1.1 of the "Need for the Project" ([APP-494](#)) sets seven objectives for the LTC scheme, framed around Transport, Community/Environment and Economic. The Council's view on whether each objective is achieved is presented in the following sub sections.

Transport

Objective 1: To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity.

- 7.3.2 The modelled future traffic using Dartford Crossing and the M25 is provided in the Combined Modelling and Appraisal report: Transport Forecasting Package ([APP-522](#) Plate/Tables 8.32, 8.33, 8.53 & 8.54) for 2037 and 2045 with the LTC scheme in place.
- 7.3.3 The figures presented by NH show in 2037 that Dartford Crossing remains at or above 95% Volume/Capacity (V/C) Southbound in the AM and Northbound in the PM, i.e. there is no relief to Dartford Crossing in these time periods. Additionally, Dartford Crossing is above 85% V/C in the Northbound direction in the AM and Interpeak periods i.e. there are not free flow traffic conditions as stated as the aim in the objective.
- 7.3.4 NH's data therefore shows that the scheme fails to relieve congestion at Dartford Crossing and does not provide free flow capacity at this location or relieve congestion at the Dartford Crossing.

In summary, this Objective is not met.

Objective 2: To improve the resilience of the Thames crossings and the major road network.

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7.3.5 No transport modelling tests are provided in the DCO documentation to show the network impacts of closing one of either the Dartford Crossing or LTC. There is no mechanism to use the proposed tolls to manage demand as both crossings are proposed to use the same tolling regime. This means that the overall use of the two crossings is not maximised.

In summary, insufficient evidence is currently provided to show that this objective is met.

Objective 3: To improve safety.

7.3.6 The ComMA: Economic Appraisal Report ([APP-526](#)) Table 8.10 (shown as **Figure 7.1** below) shows that the scheme increases the number of casualties over 60 years with 26 additional Fatalities and 182 Seriously Injured Casualties and presents an accident saving per kilometre with LTC in place of 0.57 PIC/km. This is unusual as the standard approach in other scheme assessments is to present an absolute saving in casualties and accidents rather than a rate. As far as the Council is aware, this is the only scheme to rely on a rate to justify its success against its safety objective and the only NH scheme with an increase in all casualty types with the scheme in place.

Table 8.10 Change in the number of casualties

Without Scheme				With Scheme				Change			
Fatal	Serious	Slight	Rate/km	Fatal	Serious	Slight	Rate/km	Fatal	Serious	Slight	Rate/km
1,441	14,559	146,987	40.65	1,467	14,741	149,451	40.08	26	182	2,464	-0.57

Figure 7.1: Extract of Table 8.10 from Economic Appraisal Report ([APP-526](#))

7.3.7 Table 8.10 ([APP-526](#)) shows that the monetised impact of this increase in accidents is valued as a disbenefit of £67.8m, i.e. the delivery of the scheme has a negative impact on safety. Further, the estimate of this disbenefit is the same for all three assessed traffic scenarios. This does not seem plausible given the different levels of traffic flows which are used in the assessment.

7.3.8 The Council also notes that NH's assessment of different options for LTC undertaken in 2013 (Review of Lower Thames Crossing Options: Final Review Report) stated at paragraph 4.6.2 that in terms of the assessment of **all** options: *'they are projected to increase accidents on the network as a whole, because they would induce additional traffic and accidents increase broadly proportionally with traffic'*.

7.3.9 Additionally, the A2 from M2 J7 to Dover is excluded from this assessment of accident disbenefits despite information ([APP-526](#) Plate 8.3) showing it is an impacted link. Given this is a key route for traffic using LTC, the traffic (and therefore accident) changes on this route are likely to make the accident disbenefit greater than currently presented.

7.3.10 A review of the 2013 Options Analysis undertaken at earlier stages of LTC showed all options had an overall negative impact on casualties suggesting the scheme would not meet this objective regardless of the option taken forward. This puts it at odds with NH stated commitment, which also must apply to LTC of *'nobody will be killed or seriously injured on our roads / motorways by 2040'*. A copy of the article providing this quote is provided in **Appendix A.1**.

7.3.11 The Council has requested the detailed accident impacts for the Thurrock area to understand the local impacts of the increase in accidents. The Council considers that an increase in accidents as a result of the scheme would jeopardise its Vision Zero commitments, which aim to eliminate fatal and serious injuries from the roads of Essex by 2040. No mitigation for increases in accidents on the local road network has been put forward as part of the LTC scheme.

In summary, this Objective is not met.

Community and Environment

Objective 4: minimize the impacts on health and the environment.

- 7.3.12 The scheme is shown to lead to large tonnages of new carbon emissions during the next three Carbon Budget Periods(CBP), as presented in [APP-526](#):
- a. CB4 – 1.148m tCO₂
 - b. CB5 – 0.899m tCO₂
 - c. CB6 – 0.462m tCO₂
 - d. 60yrs – 6.596m tCO₂
- 7.3.13 These are calculated to have a monetised value of £526.1m disbenefit over the 60 year appraisal period. This level of emissions is not consistent with UK Net Zero policy and carbon disbenefits are worth 30% of the journey time savings. The ComMA ([APP-518](#)) quotes UK transport emissions as 99m tCO₂ in 2020. LTC would provide a substantial addition to this total.
- 7.3.14 The report states there are several assumptions that are neither firm nor funded, but are included in the embodied carbon estimate, including:
- a. Net zero operation assumed (in accordance with NH Net Zero Plan, a copy of the relevant section of the plan is found in **Appendix A.2**) from opening of LTC.
 - b. Maintenance assumed to be net zero from 2040 (in accordance with NH Net Zero Plan).
 - c. Renewals assumed to be net zero (in accordance with NH Net Zero Plan) from 2040.
- 7.3.15 Although the NH Net Zero Plan has been published, funding will be required in RIS3 and beyond to deliver these assumptions with no certainty the Plan will achieve its aims. RIS3 negotiations are ongoing, so this funding is not assured. Further assumptions have been made by NH around low carbon design and construction but details of how this will be achieved are not provided.
- 7.3.16 The LTC scheme is aiming to achieve 7.5% net gain for biodiversity. However, the scheme is now a RIS3 scheme following the delay to the start of construction. RIS3 is expected to have aims in line with the Environment Act 2021, i.e. to achieve 10% biodiversity net gain in each of the three unit categories. LTC should be designed to meet the requirements of this Act (which is not listed in [\(APP-494\)](#), despite other 2021 national policies being included) and the required changes should be included in revised costs and mitigation. This biodiversity point is dealt with in more detail in Section 10.6. In addition, there is further discussion on the Environment and Health impacts of the scheme in Section 10 of this LIR below.
- 7.3.17 Further impacts on human health are dealt with in more detail in Sections 10.2 (Air Pollution) and 10.13 (Health and Wellbeing) below.

In summary, this Objective is not met.

Economic

Objective 5: To support sustainable local development and regional economic growth in the medium to long term.

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7.3.18 The network impacts of LTC may constrain the ability of the local network (and the Strategic Road Network within and adjacent to Thurrock) to accommodate the Council's growth ambitions within the emerging Local Plan and of the Thames Freeport. LTC will use local road capacity, and this will likely stifle local growth rather than support it and further details can be found in Section 9 below.

In summary, this Objective is not met.

Objective 6: To be affordable to government and users.

7.3.19 ([APP-063](#) 4.3 Funding Statement (paragraph 2.1.1) states the cost envelope of the scheme is £5.2bn – £9bn. At each iteration of the appraisal, the scheme cost has increased. The current estimate used for the 'central case cost' in ([APP-526](#)) is approximately £8bn, which is already at the at top end of the envelope quoted in the Funding Statement and other published documents. In two recently published reports: the NH RIS2 Report (March 2020) it is stated as £6.4 – £8.2Bn and in the National Audit Office Report (November 2022) it is stated as £5.3 – £9Bn.

7.3.20 Materials and labour costs are increasing and at a faster rate than the inflation forecasts provided in Table 6.1 of Appendix D – Economic Appraisal Package ([APP-526](#)). For example, inflation for 2023 is estimated by NH at 4.18% whereas the BCIS 'Outlook for the Construction Industry 2023' published in January 2023 forecasts inflation to be 6.6%. A 2% variation in the cost of the scheme is equivalent to the substantial cost increase of £100m – £180m; and this is just the change associated with increased inflation in 2023. This impact will be compounded in future years if inflation continues to overshoot NH expectations, which is likely.

7.3.21 These ongoing high levels of inflation mean that it is very likely that the £8bn+ cost of LTC now represents a lower-end estimate. Therefore, there are questions about the accuracy of the cost estimate presented in the DCO. These issues suggest the cost envelope will need revising upwards to represent these rising scheme estimates.

7.3.22 A cost increase of approximately £500m (to around £8.5-£9bn or more) could result in a BCR below 1.0 and therefore very poor value for money. It is noted that whilst the central cost case is circa £8bn that NH has considered it necessary to seek prior approval from HM Treasury for a substantial increase in the budget envelope to £9bn. With commitments to adopt contemporary technology, as part of its pledge to be the greenest construction project ever, it is reasonable to assume that costs may even exceed the current budget envelope, as is commonly the case.

In summary, this Objective is not met.

Objective 7: To achieve value for money.

7.3.23 The Combined Modelling and Appraisal report: Economic Appraisal Package ([APP-526](#)) Tables 8.16 and 8.18 shows the Level 1 Core BCR is shown to be below 0.5, which suggests that the core transport benefits are low compared to the cost. Table 11.5 - 11.6 of the same report show that cost sensitivities have a large impact on the BCR.

7.3.24 Increases in cost push the scheme towards Poor Value for Money (VfM) even when Level 1 and Level 2 benefits are included. There are concerns outlined further in this section around the robustness of some of the claimed benefits. A reduction in these benefits would also potentially result in Poor VfM.

In summary, this Objective is not met.

7.3.25 **SUMMARY: the Council has a number of concerns around LTC objectives and believes that those in the Transport, Economic and Community & Environment areas are not met by the current scheme. The Council considers that the scheme does not provide significant relief to the Dartford Crossing, may be incompatible with the UK's and NH's net zero ambitions**

and legal targets and, additionally, there are concerns around the safety impacts of the scheme. The Council also considers that the Value for Money of the scheme is likely to be overstated due to cost pressures and the robustness of the evidence used in the economic appraisal.

7.4 Transport User Disbenefits/Benefits and Distribution

Lack of Relief to Dartford Crossing and SRN

- 7.4.1 One of the schemes stated objectives is ‘To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity’ (APP-494, Table 1.1). This subsection outlines the way in which this objective is not being met by presenting analysis based upon data provided by NH in the ComMA: Traffic Forecasting Report (APP-522).
- 7.4.2 National Highways states in paragraph 5.2.11 of the Traffic Forecasts Non-Technical Summary (APP-528) that there is a 19% reduction in 2030 two-way daily flows at Dartford Crossing with the scheme in place. However, this does not provide an accurate picture of the peak time periods when traffic is at its highest over the Dartford Crossing.
- 7.4.3 The analysis uses traffic flows at the Dartford Crossing (interpolated between modelled years) and compares them to the maximum capacity stated for the Dartford Crossing (by direction). This allows the Council to understand when the short-term congestion relief at the Dartford Crossing will stop and it becomes congested again. Full details of the Council’s analysis are provided in **Appendix A.3**.
- 7.4.4 DMRB LA 105 Table A.1 (NH 2019) defines the ‘free flow’ speed band to be a road with a V/C<80% (This table is quoted in Table 9.4 of APP-522). APP-518, paragraph 5.8.11 states that ‘A V/C ratio of above 0.85 indicates the likelihood of frequent occurrences of slow-moving traffic and above 0.95 indicates a network under pressure’. This shows that NH acknowledges that a section of road with a V/C of more 0.85 is no longer providing free flow conditions and is subject to congestion. Models provide forecasts and there is a margin for error to account for uncertainty. A ±5% V/C is within a margin for error and therefore the Council would argue a 95% V/C could be considered a road operating at capacity.

Southbound

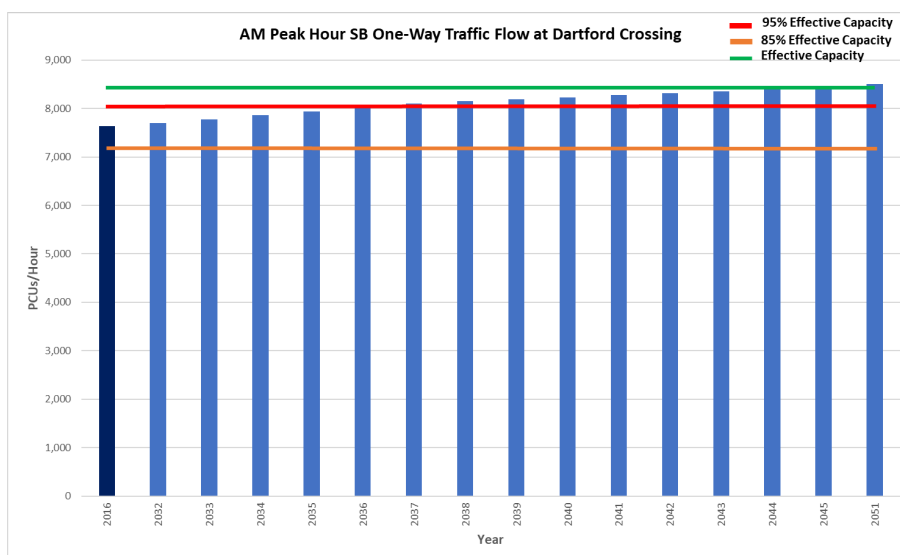


Figure 7.2: Southbound AM Peak Dartford Crossing Traffic (With LTC in place) compared to capacity

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- 7.4.5 **Figure 7.2** shows that southbound, the AM peak has capacity issues from LTCs opening. The AM is above 85% V/C from 2032 (opening year) and is carrying more traffic than in 2016 from this opening year. In the AM peak, the southbound Dartford Crossing is over 95% V/C by 2037. This suggests the scheme will only provide five years of relief to Dartford Crossing southbound before the crossing is operating at or near capacity. Moreover, the scheme is shown to be operating at, or above, effective capacity by 2044.
- 7.4.6 In the case of the Interpeak and PM peak (provided in **Appendix A.3**), the flow is shown to be below 85% V/C until 2051.
- 7.4.7 This shows that the scheme does not achieve its objective of relieving the Dartford Crossing and in the southbound direction, after five years will be operating with the same levels of congestion as 2016.

Northbound

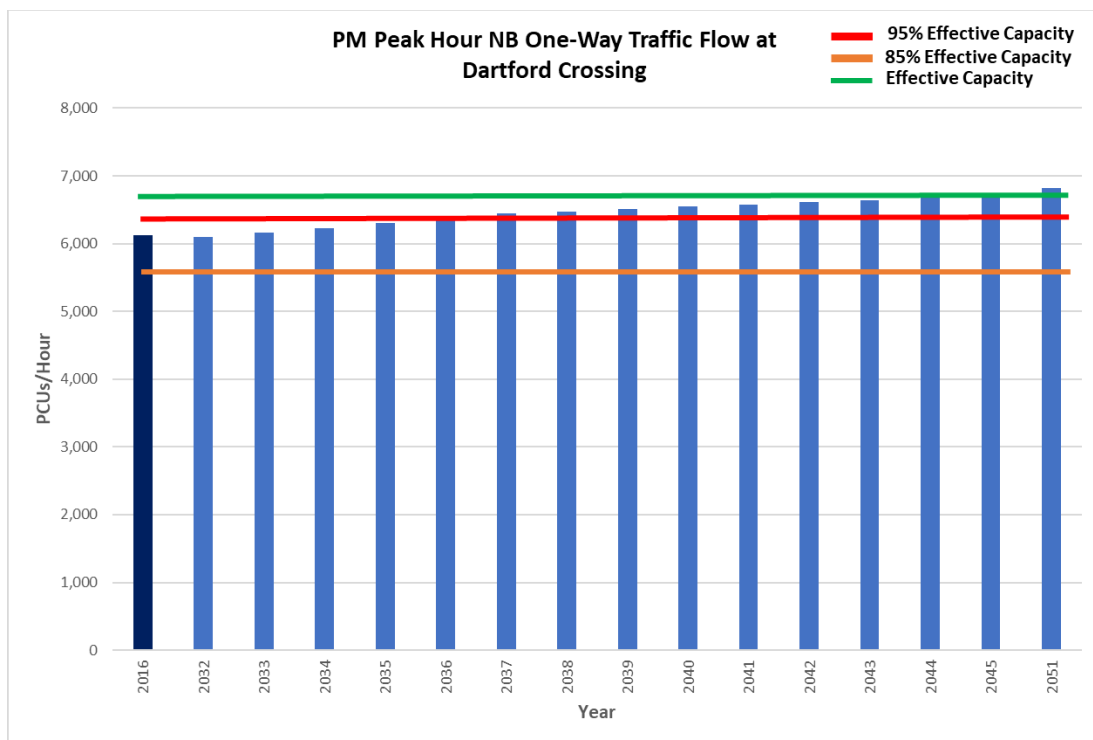


Figure 7.3: Northbound PM Peak Dartford Crossing Traffic (With LTC in place) compared to capacity

- 7.4.8 **Figure 7.3** shows that northbound, the PM peak is above 85% V/C from opening and above 95% V/C (defined by National Highways as a network under pressure) by 2037. This suggests the scheme will only provide five years of relief to Dartford Crossing northbound before the crossing is under pressure and again suffering from a lack of traffic capacity.
- 7.4.9 The Council’s analysis (provided in **Appendix A.3**) also show that in the AM peak and Interpeak periods the northbound Dartford Crossing flow (taken from [APP-522](#)) will be above 85% V/C by 2034 and 2037 respectively.
- 7.4.10 In summary, paragraph 7.1.7 of the Traffic Forecasts Non-Technical Summary ([APP-528](#)) states ‘*If the Project is built (as shown by the Do Something scenario), it would provide significant relief to the Dartford Crossing and its approach roads*’. The definition of ‘significant’ is not provided in this statement, but as shown by the analysis presented in this report, there is no evidence that ‘significant relief’ would be provided by LTC to the operation of the Dartford Crossing **and in fact**

NH traffic modelling shows that congestion levels will return to the existing levels within five years of opening.

Journey Patterns Through Both Crossings

7.4.11 The Council notes that ([APP-518](#)) Tables 5.3 and 5.4 show a total crossing capacity of the River Thames by combining the capacities of both LTC and Dartford Crossing. However, a review of ([APP-522](#)) Plates 8.28-8.30, 8.31-8.33 and, 8.34-8.36 shows that LTC and Dartford crossing cater for different traffic, and different origins and destinations. **Figure 7.4** shows an example of these Plates for the 2045 PM Peak with LTC in place.

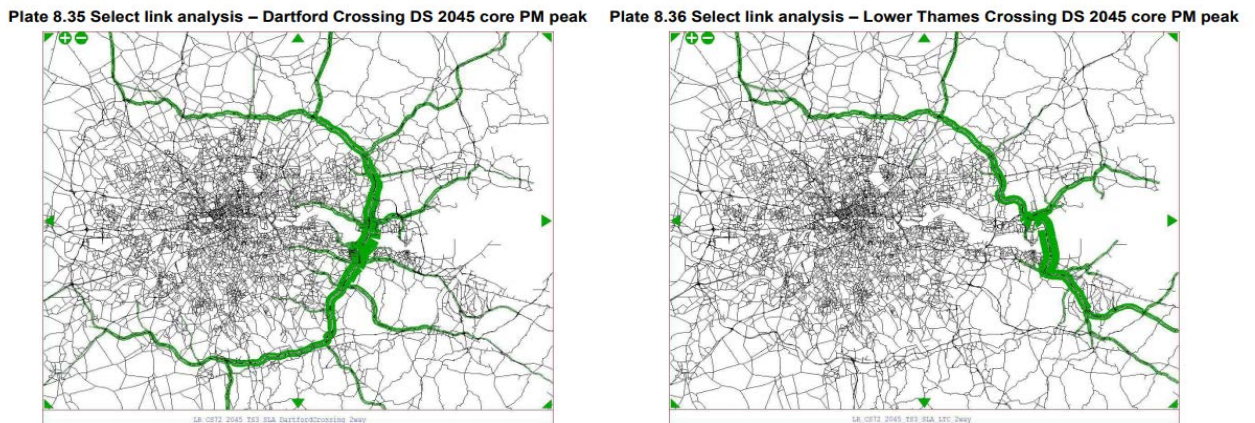


Figure 7.4: [APP-522](#) Plates 8.35 and 8.36 showing traffic in 2045 PM Peak using the different crossings with LTC in place

- 7.4.12 LTC users are typically travelling from Dover/Folkstone to north of the River Thames (and vice versa), while the Dartford Crossing caters for mainly M25 orbital traffic, local traffic in Kent from the west of LTC and some port traffic. The Do Something plots suggest LTC caters for very little M25 orbital traffic or traffic in local areas west of the scheme. The majority of the existing M25 traffic continues to use the Dartford Crossing once LTC has opened.
- 7.4.13 A key observation is that LTC causes an increase in traffic on the M20 and A2/M2 corridors to/from Dover/Folkstone with the main route for traffic using LTC appearing to be the A2/M2 corridor. There is some routing shown in the Plates previously referenced between the M2 and M20 via the A229 and A228, the latter of which is a mix of single and dual carriageway which may not be appropriate for high levels of strategic traffic.
- 7.4.14 Due to increases in traffic, there are capacity issues on the M25 between J28 and J29 (from 2037) and J3 and J4 (from opening) in the AM peak. Further mainline issues (V/C over 85%) appear on many more links in most peaks by the design year of 2045 (Plates 6.13-6.15 in [APP-518](#)).
- 7.4.15 **SUMMARY: the traffic flows presented in ([APP-522](#)) show that for multiple time periods the Dartford Crossing is over 85% volume/capacity (a network under pressure), particularly in the northbound direction, from 2037. This shows the scheme only provides five years of congestion relief to the Dartford Crossing and therefore shows that the NH objective for Dartford Crossing is not met.**
- 7.4.16 Further, the Council contends that the NH analysis shows that LTC caters for different traffic to the Dartford Crossing and this is reflected by the low level of traffic relief at the Dartford Crossing. LTC is shown to be more suitable for traffic travelling to/from Dover/Folkstone to the northern M25 (and beyond) while Dartford caters for mainly M25 orbital traffic, and therefore, the potential relief for Dartford Crossing is limited.

Journey Time Reliability

- 7.4.17 The Council has concerns around the reliability benefits claimed by NH. The Council has requested further commentary on the results, particularly commentary around why the periods with the biggest benefit are (in order of magnitude from largest to smallest): the Interpeak; the PM Shoulder; Weekend Charged and the PM Peak. The Council notes that the middle two of this list are not modelled in LTAM and so the derivation of these benefits is not clear.
- 7.4.18 Annex B of ([APP-526](#)) states that the MyRIAD journey time reliability software used to calculate these benefits uses a series of user defined assumptions. These are not presented by NH although they have been requested.
- 7.4.19 **SUMMARY: the assumptions used to generate the reliability benefits have not been shared and so the Council cannot consider or scrutinise on the validity of the assumptions or results. The Council therefore still considers this a Matter under Discussion (SoCG issue 2.1.154).**

7.5 Transport User Construction Disbenefits

- 7.5.1 The disruption on the road network resulting from the construction of LTC will lead to impacts on local traffic unrelated to the construction work. The Council is concerned that this will lead to rat-running to avoid construction sites, which was seen in recent major works on the A13, leading to adverse impacts on local communities. For example, traffic rat running via Marshfoot Road and by the two proposed schools, to avoid the congestion on the A1089.
- 7.5.2 Transport Assessment (TA) ([APP-529](#)) Section 8.8 discusses the flow changes forecast as a result of construction activities and information is shown for each of the eleven phases. The Transport Assessment acknowledges that there would be traffic flow changes and adverse impacts on local roads as a result of the prevailing traffic management plans. For example, Marshfoot Road is acknowledged within the TA as one on which traffic measures and network changes would be undertaken during construction. In Phase 1. Contraflow is planned on Marshfoot Road ([APP-529](#) Table 8.6 as RNTM05) and the contraflow at Marshfoot Road would cause traffic to divert on to Linford Road and Turnpike Lane (paragraph 8.8.9). This contraflow would also contribute to delays on Station Road/Fort Road/A1089 in the AM peak westbound direction (paragraph 8.8.12) and cause additional delays along the A126 in both directions (paragraph 8.8.14).
- 7.5.3 The ComMA ([APP-518](#)) presents the assessed impacts of these construction impacts. Table 7.5 ([APP-518](#)) shows that the scheme has construction and maintenance disbenefits of £140.7million. Construction disbenefits account for £130.8million. These were modelled within TUBA and represent the various Traffic Management Plan phases. No breakdown of local impacts during construction has been provided nor is it clear where the disbenefits are located in terms of local areas. Given construction is likely to be localised around the main construction sites (and their approach roads), it is anticipated that Thurrock will likely bear the brunt of these disbenefits. However, the locations most affected cannot be assessed due to insufficient data being provided. This means that the adequacy of the Traffic Management Plan mitigations cannot be robustly assessed by the Council. The impacts on the LRN during the construction phase are dealt with at Section 9 and Section 15 of this LIR.
- 7.5.4 **SUMMARY: there are sizable construction disbenefits, the majority of which are expected to fall on trips and users within/travelling through Thurrock. The Council has been unable to assess the distribution of these disbenefits within the district as this information has not been provided by NH and considers this still a Matter under Discussion (SoCG issues 2.1.121, 2.1.150 and 2.1.151).**

7.6 Wider Economic Disbenefits/Benefits and Distribution

Wider Economic Costs

- 7.6.1 The Council is concerned about the absence of any quantifiable evidence on Wider Economic Costs (WECs) in the calculation of the Benefit Cost Ratio (BCR) for LTC.
- 7.6.2 The Government's TAG Unit A1.1 Paragraph 1.1.1 says that '*analysis which quantifies in monetary terms as many of the costs and benefits of a proposal as feasible, including items for which the market does not provide a satisfactory measure of economic value*'. One of the key negative effects of LTC is through the way it affects the development of land for residential and employment growth. This concept of lost or delayed growth is of critical importance to the Council.
- 7.6.3 The Council is not satisfied that the issue of lost or delayed growth has been examined in sufficient depth or indeed materially at all and believes that NH has not considered important disbenefits. These disbenefits should feature in the scheme BCR. The Council's concerns are, as follows:
- a. The notion of negative development land consequences of LTC are acknowledged by NH. They include analysis of development land impacts in the ES Chapter 13 Population and Human Health ([APP-151](#), paragraphs 13.4.77 – 13.4.88 covering identified development land north of the River Thames). However, the analysis is far too simplistic (see below) and there is no attempt to incorporate these negative impacts (economic costs) into the BCR. The only reference to development land impacts in the BCR focuses on what NH see as positive 'dynamic agglomeration' (Level 3) economic impacts. There is no reference to negative effects in the Level 3 analysis.
 - b. The scope of the NH analysis in ([APP-151](#)) is to include development land within the Order Limits, plus a 500m area surrounding it. They include development land that is either allocated in the extant Local Plan or has a permitted planning application attached to it. This is a narrow interpretation of development land, especially at a time when the emerging Local Plan is being developed and new sites are coming forward for consideration. Our analysis shows that there are numerous good quality development sites physically located within the 500m radius that have been overlooked by NH. The Thurrock Local Plan Issues & Options (Stage 2) report 2018 shows the Council has urban extension ambitions in South Ockendon, Chadwell St Mary and East Tilbury that would all be affected by the scheme. This includes sites from the 'Call for Sites', which shows sites have developer interest. The impact on viability of some of these sites and impacts on the local network from LTC on these ambitions has not been adequately articulated.
 - c. It is far too simplistic to assume, as NH do, that the only transmission mechanism between LTC and development land is physical land-take. There are other transmission mechanisms that will impact development land that have been ignored by NH. For example, the impact of LTC on the local road network will significantly shape the ability to bring forward certain sites for development and these sites lie outside the 500m area but are nevertheless impacted negatively by LTC.
- 7.6.4 **SUMMARY: the Council considers that NH is obliged to give Wider Economic Costs the same weight as wider economic benefits in its BCR analysis. It has failed to do this. NH's analysis of lost/delayed growth is overly simplistic. They also fail to give any acknowledgment to Wider Economic Costs in their analysis of Level 3 wider economic effects. This means that the Council considers the analysis of Wider Economic Impacts to be incomplete and suggests further work is undertaken to establish and include any Wider Economic Costs.**

7.7 Poor Value for Money

Review of OBC and Identification of BCR Options

- 7.7.1 Successive appraisals of LTC since 2016 have shown that estimated benefits have consistently reduced, and the estimated costs have consistently increased. This is shown in **Table 7.2**.

Table 7.2 Successive outline appraisals of the Lower Thames Crossing by the Promoters

2010 Prices, £m	2016 Summary Business Case – Route Consultation Favoured scheme R3ESL	2020 Core growth ComMA Appendix D Economic Appraisal Report 2020	2022 Central Case ComMA Appendix D Appraisal Summary Table (APP-524)
Initial Present value benefits	3,856	1,946	1,296
PV Costs	1,656	2,877	2700
Initial BCR	2.3	0.68	0.48
WEBs	1,677	1,657	1,517
Reliability	147	545	487
'Adjusted' BCR	3.4	1.44	1.22
Carbon by value £m	288	122	528

- 7.7.2 The initial outline appraisal of the proposed LTC in 2016 looked at several different alignments. The promoters claimed that the best of these would have initial benefits, mostly calculated from the value of estimated travel time savings for users and a BCR using established benefits of 2.3. After adding less established estimates for potential wider economic benefits and improvements in reliability, a BCR of 3.4 was presented, i.e. the benefits would be 3.4 times the costs.
- 7.7.3 Each subsequent recalculation found that this initial estimate was substantially overestimated.
- 7.7.4 In 2020 the initial BCR was 0.68, i.e. the travel time savings did not even cover the cost of construction and even after adding the less well established wider economic benefits and reliability, the estimated BCR was only 1.44. This calculation lasted less than two years.
- 7.7.5 By the time of DCO submission in 2022, the initial benefits were less than half the cost, and even after adding Wider Economic Benefits (WEBs) and reliability, the benefits are closer to the costs, at 1.22.
- 7.7.6 The estimates for wider economic benefits are in the Council's view, biased because they only include a number for 'benefits' and not the corresponding number for the additional costs of these wider effects.
- 7.7.7 This process of successive reductions in benefit has not been completed. Even on optimistic assumptions there is less estimated net benefit, and this is at risk because the current situation and prospects are less favourable to LTC than had been assumed in 2022, when the calculations were largely based on traffic data from 2016 to 2018, and did not take account of:
- Longer term impacts of Covid;
 - Revised official economic growth estimates following financial crisis and estimated effects of Brexit;

- c. The 'high' carbon values advised by BEIS;
 - d. Potential effects of climate change on economic activity;
 - e. Potential impacts of declared Government policy on walking, cycling, public transport, vehicle occupancy, and land use planning to reduce road traffic;
 - f. Potential effects of changes in vehicle taxation which would reduce the growth in electric vehicle traffic; and
 - g. Any further increase in cost including the changes to the assumptions around inflation.
- 7.7.8 NH has not included any explicit modelled tests of the effects of any of these on the benefit cost calculations. They have shown some results simply for higher or lower traffic growth, and these show that lower traffic growth is associated with a worse benefit cost ratio and high traffic growth is associated with worse congestion.
- 7.7.9 Lower traffic growth could happen either as a result of worse economic conditions or as a result of policy to reduce traffic. Although both these outcomes have very different wider effects, they both reduce the calculated value of the scheme, in the one case with unfavourable ramifications and the other with favourable ones.
- 7.7.10 **SUMMARY: the estimated margin of benefit of LTC is now so low, that even modest changes in the assumptions would wipe out the net benefit entirely. This would mean that the scheme would cost more than the benefits it could produce and could not be justified in terms of value for money. The sensitivity tests provided do not cover sufficient scenarios to fully understand the impacts of possible policy and economic futures. The Council therefore contends that further sensitivity tests should be undertaken and published to understand the impacts of different futures for travel, technology and work habits. The Council suggests that some of the DfT's Common Analytical Scenarios should be used to undertake this. Further, a revision is required to NH's assumptions is required.**

Wider Economic Impacts

- 7.7.11 Wider Economic Benefits (WEBs) are a key element of LTC's economic case, comprising 46% of net scheme benefits (£1.52Bn/£3.29Bn) and 37% of all gross benefits (£1.52Bn/£4.10Bn) (Table 9.6, [APP-526](#)). It is only through the inclusion of Wider Economic Benefits that the BCR gets to 1.22. Without Wider Economic Benefits the BCR is only just over 0.48 BCR for only Level 1 benefits.
- 7.7.12 The Council considers that these WEBs are not robust nor robustly measured and considers the following issues need to be considered further:
- 7.7.13 The WEBs are largely so called 'static agglomeration' effects. These are nebulous concepts with high levels of uncertainty as to whether these benefits will actually occur and at what scale. The Government's own TAG Unit A2-1 states that the modelling of wider economic benefits is '*...complex and subject to a high degree of uncertainty*' (para 1.1.3(a)).
- 7.7.14 The reliance on WEBs (46% of total benefits) is, as far as the Council knows, without precedent. For example, the 2012 HS2 Business Case had wider economic benefits of 24% of net scheme benefits. On HS2 the wider economic benefits pushed the BCR from 1.9 to 2.5. The 2018 A303 Stonehenge Business Case had wider economic benefits of just 3% of net scheme benefits (based on Table 6-1 of the A303 Stonehenge ComMA. A copy of this table is provided in **Appendix A.4**). On both these schemes the Wider Economic Benefits just pushed the BCR further above a level of 1 and were not critical to the business case in the same way as they are for LTC. The Council

questions whether a new river crossing mainly dealing with traffic to and from Dover delivers the WEBs claimed. The Council considers local wider benefits will be negligible.

- 7.7.15 The needs case for WEBs (see 'Need for the Project' [APP-494](#)) is not persuasive. Physical connectivity between labour markets and individual businesses is becoming far less of an issue because of technological advances and behavioural changes; and, if physical connectivity is required across local labour markets, then there are alternative means to deliver it.
- 7.7.16 There is a lack of transparency on the derivation of the WEBs. The Council has asked for the assumptions used within the WITA economic analysis software to assess WEBs, but the information has not been provided by NH. There are some limited assumptions listed in Doc 7.7 Appendix D Economic Appraisal Report ([APP-526](#)), but a full explanation is not provided. Given the dependency of the business case on WEBs, the Council would have expected far more transparency and explanation.
- 7.7.17 From the assumptions and workings that have been provided by NH it is clear the WEBs are rooted in very historic evidence. There are two key variables in the NH approach that link changes in travel times/costs into productivity improvements – these being 'effective densities' and 'agglomeration elasticities'. It is clear from the NH evidence that these critical variables are based on research papers from 2009 or earlier (according to the references presented in *Quantifying Wider Economic Impacts of Agglomeration for Transport Appraisal: Existing Evidence and Future Direction* by DfT, 2018, the reference section of which is provided in **Appendix A.5**). **This means that the evidence used in the modelling of wider economic benefits is nearly 15 years old.** The labour market and the ways in which businesses collaborate has changed substantially over this period, not least due to COVID and technological advances. None of these behavioural changes, which essentially make more and more use of technology/virtual connections, and which are gathering pace every year are factored into NH's calculations.
- 7.7.18 The NH analysis shows that relatively few of the WEBs flow to Thurrock. The data presented indicates that Thurrock receives just 5% of the static agglomeration benefits (£77m over 60 years out of £1,374 million based on Table C.11 of Economic Appraisal Report ([APP-526](#))). Medway in Kent by comparison gets 23% of the total. The £77m over 60 years for Thurrock equals £1.3m per annum, just a tiny fraction (0.03%) of the size of the annual Thurrock economy.
- 7.7.19 **SUMMARY: the scheme BCR is highly reliant on WEBs, more so that the Council are aware of than any other transport scheme (including HS2). WEBs are a nebulous and uncertain concept and quantified using old world economic models. Behaviours have changed markedly, and the benefits are greatly exaggerated. If the labour markets/businesses either side of the River Thames need to become better connected then alternative mechanisms are available to provide this accessibility. Without the WEBs, the LTC BCR falls to well below 1.0. Irrespective, NHs calculations show that very few (5%) of the WEBs will flow to Thurrock. The Council's view is that the WEBs presented are an overestimate and misrepresent the case that would be considered acceptable if an independent assessment was undertaken.**

7.8 Review Of Transport Modelling Evidence Base

- 7.8.1 This sub section outlines the issues and weaknesses identified in the appraisal evidence base, particularly issues with the LTAM model, the data underpinning it, the traffic impacts of the scheme and the appraisal and disbenefits of the scheme. The Council has previously submitted further issues with the technical approach taken towards modelling. These are set out in Table 2 of *Thurrock Council – Preliminary Meeting Part 1 Supplementary Submission* ([PDC-007](#)). This Table details the Council's concerns that new and up-to-date data and guidance or assumptions regarding traffic modelling, scheme appraisal, air quality and climate have not been used by NH, to the detriment of understanding the impact of LTC.

LTAM as an Evidence Base – Overview

- 7.8.2 The Lower Thames Area Model (LTAM) has been developed and used by NH as the scheme promoter to understand the impacts of LTC on the Strategic Road Network (SRN) and Local Road Network (LRN) and to provide evidence that the scheme meets relevant planning policy tests and achieves its objectives.
- 7.8.3 The LTAM is a multi-modal strategic model. For each model year the model is used to forecast how travellers will change their behaviour as a result of highway and public transport interventions, changes in the levels of congestion, the cost of fuel and other external factors. The model forecasts the routes that drivers will take, given higher levels of traffic on the network in the future and their behavioural responses to the change in the time and cost of their planned trips. These forecasts are prepared using a road network, which does not include LTC (Do Minimum scenario) and a road network which includes LTC (Do Something scenario). Clearly, the model is only as good as the assumptions and technical information within it.
- 7.8.4 LTAM is a critical part of the assessment for LTC. Results from the model are used to predict future road conditions, future changes in strategic travel behaviour and directly underpin environmental assessments, such as noise, carbon and air quality, as well as the Combined Modelling and Appraisal Report ([APP-518](#)), which includes information for the economic justification for the scheme.

LTC Assessment is Based on Very Outdated Data

- 7.8.5 The LTAM base model was created in March 2016 to represent the transport system in the Lower Thames Area as it was then. Further updates were applied to the 2016 base model as part of the withdrawn DCO application from late-2020, including minor network alterations and a localised validation update.
- 7.8.6 The 2016 base year LTAM serves as the basis for developing the forecast year models (2030, 2037, 2045 and 2051) used to assess LTC benefits and to test the effects of the LTC operation and construction phases on the SRN and LRN.
- 7.8.7 Since the base year model was developed in 2016, there have been a number of changes that have significantly impacted the transport sector, including the UK's exit from the European Union, changes to the UK economy, the UK's Net Zero Strategy, the COVID-19 pandemic and rising fuel prices. These are significant events, which have led to marked changes in travel patterns and which will have an impact on model forecasts.
- 7.8.8 The LTAM is based on 2016 data, i.e. data that is seven years old, and this means that LTC assessment takes no account of current travel patterns. The LTAM is therefore in the Council's view, not a suitable basis for the assessment of a scheme of this scale, cost and national significance.
- 7.8.9 The use of 2016 data as the basis for LTC assessment is not in line with DfT guidance concerning the use of traffic data. The guidance clearly requires that scheme assessments should be based on up-to-date evidence. This is stated within several TAG (Transport Analysis Guidance) units, for example:
- a. DfT TAG for The Technical Project Manager, May 2018 states at paragraph 3.2.8 that *'each model should be assessed on the basis of: the structure of the overall model and its components; the age, quality and spatial coverage of the underlying data; and, the model's adherence to quality criteria for calibration and validation.'*
 - b. Also, at paragraph 3.5.1, this guidance states *'As part of producing an appropriate analytical tool, it is important that models are based on up-to-date evidence and are demonstrated to*

produce realistic results when tested. Without this assurance, results from a model may not be sufficiently robust to be used to adequately assess impacts of a potential intervention.'

- c. DfT guidance on Data Sources and Surveys, May 2020 says at paragraph 3.3.40 *'All data should be checked to identify and remove any that might have been affected by unusual events. Where data quality is suspect, the data should be investigated thoroughly and, if necessary, rejected.'*
 - d. DfT TAG Unit M2.2 Base Year Matrix Development, May 2020 describes the importance of establishing an appropriate base year model from which to forecast and reiterates in paragraph 2.1.3 that *'The base year demand matrix is a fundamental element of the transport models used for scheme appraisal'*.
- 7.8.10 The Council is therefore concerned that the traffic modelling of LTC is based on outdated data, which does not meet DfT guidance for assessing new transport schemes.
- 7.8.11 **SUMMARY: the current traffic model is underpinned by data which dates from 2016. With the scheme opening now delayed until 2032, this data predates the opening year by 16 years. It also predates the pandemic and other major events, which have resulted in changes to travel behaviour and reduced demand for travel and which will significantly affect the assessment of LTC presented in the submitted DCO. The Council contends that the traffic modelling supporting LTC does not represent an up to date or representative view of the current conditions and leads to the benefits of the scheme being overestimated.**

Inadequate Consideration of Uncertainty in Forecasting

- 7.8.12 TAG Unit M4 Forecasting and Uncertainty (May 2019 - this version was used in the DCO application and has now been superseded by a newer version) sets out the need for all known assumptions and uncertainties in the modelling and forecasting approach to be summarised in an uncertainty log. Paragraph 2.1.1 states that *'the uncertainty log will also be the basis for developing a set of alternative scenarios.'*
- 7.8.13 This guidance requires the development of the Core Scenario, which is intended to provide a sensible, consistent basis for decision making based on current evidence. To account for significant and often unquantifiable uncertainties associated with forecasting travel demand, the development of High and Low Growth Scenarios is also recommended. The High Growth scenario aims to consider whether under high demand assumptions the intervention is still effective in reducing congestion, or if there are any additional adverse effects, e.g. on safety or air quality. The Low Growth Scenario aims to confirm if the intervention is still economically viable with lower traffic flows.
- 7.8.14 This guidance, as it was in May 2019, was followed in the LTC assessment with the results presented in the DCO application.
- 7.8.15 Though the guidance on the use of the uncertainty log and application of High and Low Growth Scenarios has been retained and maintained in subsequent updates of TAG Unit M4 including the prevailing version (May 2023), in recent years DfT has prepared a comprehensive framework of Common Analytical Scenarios. These Common Analytical Scenarios are a set of seven consistent, 'off-the-shelf', cross-modal scenarios exploring national level uncertainties and they have been developed by DfT for use in forecasting and appraisal. They are the preferred substitutes for the High and Low Growth Scenarios used by NH and in the Council's view it is essential they are incorporated into the LTC assessment.
- 7.8.16 The development of a common set of appraisal scenarios by DfT was driven by the need to see a more robust and consistent treatment of uncertainty in the appraisal of major schemes such as LTC. The DfT's TAG Uncertainty Toolkit (May 2023, first published in May 2021) sets out

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scenarios for testing trajectories for economic and demographic growth, regional imbalances, behavioural and technological changes and decarbonisation, which capture the key uncertainties that face the transport sector in the coming decades.

- 7.8.17 DfT's TAG Uncertainty Toolkit states at paragraph 1.1 that '*There is considerable uncertainty about how the transport system will evolve in the future, particularly with the potential for emerging trends in behaviour, technology and decarbonisation to drive significant change over time. The use of transport models, a fundamental aspect of scheme appraisal, can also introduce uncertainty to transport analysis, through the data, assumptions and model specifications required. To ensure decision-making is resilient to future uncertainty, decision makers need to understand how the outcomes of spending and policy proposals may differ under varying assumptions about the future.*'
- 7.8.18 The DfT Uncertainty Toolkit sets out the four principles that underpin the guidance at paragraph 1.3, which are:
- 'The treatment of uncertainty is a core part of any transport analysis and is needed to inform robust decision making.*
 - Analysis should not focus exclusively on a core scenario.*
 - Proportionate appraisal techniques for defining, measuring and accounting for uncertainty within decision making should be used.*
 - Uncertainty should be considered holistically across the strategic and economic cases and throughout the planning process.'*
- 7.8.19 DfT TAG Unit M.4 Forecasting and Uncertainty states in paragraph 5.1.1 that in addition to the High and Low Growth Scenarios and the Common Analytical Scenarios, other scenarios may be required to test the impacts of significant sources of local uncertainty and that these scenarios should also be subject to a full appraisal. Given significant changes, the level of uncertainty and in accordance with TAG guidance, the Council is of a view that a much more comprehensive framework for consideration of national and local uncertainty beyond just the implementation of Low and High Growth Scenarios should be followed by NH, with follow-up technical engagement and consultation with the public.
- 7.8.20 Over the last few years numerous requests have been made to NH to undertake sensitivity tests to test uncertainty in forecasting. **Table 7.3** summarises sensitivity tests requested by the Council, when they were requested and the inadequacy of the NH responses to date.

Table 7.3: Summary of Sensitivity Tests Requested by Thurrock Council

Sensitivity Test requested by Thurrock Council	When Requested	National Highways Response	When Sensitivity Test Completed and Results provided
Impact arising from Thames Freeport	Requested in DCOv1 model review report (November 2021)	None	Not completed
Local Plan Growth Scenarios (DCO application)	Requested in 'PART 2 Indicative Local Plan (ILP) Model Runs' report (29.06.21)	NH confirmed (30.11.21) that it was unlikely that they would be updating local plan runs using the latest version of the model available at the time (DCOV1).	Not completed
Impact of additional trips associated with London Resort	Requested in DCOv1 model review report (November 2021)		No longer relevant as the application for London Resort has been withdrawn.

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Sensitivity Test requested by Thurrock Council	When Requested	National Highways Response	When Sensitivity Test Completed and Results provided
Incident/ network resilience tests to demonstrate that the scheme meets its objective of improving network resilience	Requested in December 2021		Not completed
Future mobility - the LTC design is for a life span of some 100 years, yet there is no modelling for resilience to future change.	Thurrock Council requested NH to provide information regarding sensitivity testing of the scheme in terms of future mobility	National Highways confirmed they will not be carrying out any sensitivity testing.	Not completed

- 7.8.21 The assessment of LTC followed TAG Unit M4 Forecasting and Uncertainty, which was published in May 2019 and has now been superseded by a newer version. The demand sensitivity tests undertaken and presented in the DCO are for Low and High Growth Scenarios consisting of forecasts that are based on a proportion of base year demand subtracted (for Low Growth) or added (for High growth) to the demand from the Core Scenario as per the guidance in TAG Unit M4 Section 4.2.
- 7.8.22 The proportion of base year demand subtracted or added is based on a parameter 'p' which varies by mode. For highway demand, the value of 'p' required by the latest version of the guidance is 4%, which is up from 2.5% in the old guidance. The LTAM forecasts have been based on the old value of 2.5% and are therefore outdated. These forecasts are likely to overestimate the effectiveness of the scheme in meeting their strategic objectives in the High Growth Scenario and overestimate the scheme value for money in the Low Growth Scenario.
- 7.8.23 It is also important to recognise that modelling for business cases submitted to the DfT must include forecast scenarios assuming central growth in demand (such as the Core Scenario), which has controls on growth in travel demand associated with the NTEM dataset at an appropriate spatial area (usually local authority and district level).
- 7.8.24 The NTEM dataset is accessible via the TEMPro software (Trip End Model Presentation Program) and represents DfT's standard assumptions about growth in demand.
- 7.8.25 The DCO forecasts are based on the DfT's national traffic growth forecasts published in February 2017 (National Trip End Model, NTEM v7.2), which has now been superseded with NTEM v8.0. The latest version of NTEM v8.0 was released as the 'forthcoming change' in April 2022 and became a definitive version in December 2022.
- 7.8.26 There is a significant difference between the two sets of national forecasts. NTEM v7.2, which has been used in the LTC DCO application, forecasts a 27.3% growth in car trips between 2016 (LTAM base year) and 2045 (LTC design year) for Essex and 39.9% growth in car trips in Thurrock.
- 7.8.27 These forecasts have been substantially reduced in NTEM v8.0 to 17.6% for Essex and to 22% for Thurrock and are reflective of changes in national forecasts of population growth and employment. NTEM v8.0 is now definitive and given the significant changes (shown in **Table 7.4**) in national forecasts, the Council expects a sensitivity test based on NTEM v8.0 assumptions to be provided.

Table 7.4: Differences in Car Trip Growth between NTEM v7.2 and NTEM v8

Car Trip Growth between 2016 - 2045	Essex	Thurrock
NTEM v7.2	27.3%	39.9%
NTEM v8	17.6%	22.0%
Difference (NTEM v8 - NTEM v7.2)	-9.7%	-17.9%

- 7.8.28 Similarly, paragraph 1.1.7 of Appendix C Transport Forecasting Package of the Combined Modelling and Appraisal Report ([APP-522](#)) indicates that the percentage growth in LGV and HGV growth factors for LGV and HGV traffic have been determined from DfT's National Transport Model (NTM) Road Traffic Forecasts 2018 (RTF18) and these are applied to the base year LGV and HGV trips. These forecasts are now outdated and have been superseded by National Road Traffic Projections (NRTP2022).
- 7.8.29 This evidence confirms that the LTC assessment has not properly taken account of the latest national travel demand forecasts, key areas of forecasting uncertainty, including UK's exit from the European Union, the COVID-19 pandemic, rising fuel prices, changes to the UK economy and the UK's Net Zero Strategy, as well as likely alternative land use changes or consideration of incident planning. As a result, all the environmental and economic assessment work is based on out-of-date assumptions, preventing a realistic picture of benefits and disbenefits of LTC to be considered, including noise, air quality, carbon, etc., as well as implications for the justification of the scheme.
- 7.8.30 Many of these requests for updated data, guidance and methodological assumptions were presented to the ExA in the Council ([PDC-007](#)) Supplementary Submission in Table 2 on 9 June 2023.
- 7.8.31 **SUMMARY: inadequate sensitivity testing has been undertaken as part of the scheme appraisal. This is inconsistent with the latest Uncertainty Toolkit approach from DfT published in 2021. The new DfT Common Analytical Scenarios and NTEM8 (both published 2022) have not been incorporated. Additionally, the emerging Local Plan for Thurrock has not been included in any test so far presented by NH and the scheme is likely to reduce the available capacity of the local road network to accommodate the emerging Local Plan. The Council therefore contends that the modelling is outdated and inconsistent with guidance published around uncertainty.**

8 Consideration of Alternatives

8.1 Introduction

- 8.1.1 This section considers potential alternatives to the LTC scheme and provides further information to support Principal Issue VI of the Relevant Representation from the Council ([PDA-009](#)) and the issues raised in the 'Initial Assessment of Principal Issues' presented in the Rule 6 Letter ([PD-013](#)), particularly Item 3 'Consideration of alternatives'.

Table 8.1: Summary of Key Issues

Summary of Key Issues
<ul style="list-style-type: none"> ▪ The 'high' and 'low' traffic forecast scenarios used by NH do not follow DfT's guidance concerning the use of Common Analytical Scenarios and do not reflect the wide range of possible future scenarios for the operation of LTC, impacting the selection of options and ruling out of alternatives. ▪ The traffic forecasts used by NH do not reflect the likely impacts of the delivery of Government policies including decarbonisation, active travel and public transport. ▪ The design of LTC provides limited access to development sites and national port facilities in Thurrock. This would be remedied by the inclusion of Tilbury Link Road and changes to the operation of Orsett Cock junction, as part of the LTC scheme. ▪ The option selection for LTC is based on an initial decision made in 2009. This was reviewed and confirmed by NH in 2017, but despite requests, the underpinning analysis has not been made available to the Council. Since the initial decision there have been many substantial changes to transport patterns and the wider economy which have not been considered as part of the decision-making process. Analysis by the Council shows that there are several potential public transport based options, which would meet NH's objectives for LTC. There are also several alternative options for elements of LTC, e.g. including Tilbury Link Road (TLR), which would better meet the objectives for LTC. The Council considers that these options should be considered by NH. ▪ The provision of facilities to enable public transport services to access LTC is poor leading to circuitous routes and increased journey times. The Council considers that the design of LTC should be refined to enable better facilities to be provided, e.g. at the Tilbury operational and emergency access. ▪ The Council is concerned that NH has not considered how or where electric and hydrogen powered vehicles will be able to charge on the 22 kms new section of the network in the context of the ban on new diesel and petrol vehicles in 2030. ▪ The Council considers that the potential impacts of providing a variable demand management charging regime should be considered to maximise the benefits of providing LTC. ▪ The Council considers that alternative routing strategies should be considered to increase the effective capacity of Dartford Crossing.

8.2 Policy Context

- 8.2.1 The Council have significant concerns that alternative solutions to LTC were not considered that could greatly reduce the negative impacts of LTC on the residents of Thurrock. LTC uses approximately 10% of the available land in Thurrock and will sever the more heavily populated sites in the south and west from key employment opportunities in the east, such as DP World London Gateway (DPWLG).
- 8.2.2 The NPSNN (NPS) has specific guidance on how to approach the assessment of alternatives in paragraphs 4.26 and 4.27:

'Applicants should comply with all legal requirements and any policy requirements set out in this NPS on the assessment of alternatives. In particular:

- a. *The EIA Directive requires projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and the main reasons for the applicant's choice, taking into account the environmental effects.*

All projects should be subject to an options appraisal. The appraisal should consider viable modal alternatives and may also consider other options (in light of paragraphs 3.23 to 3.27 of this NPS). Where projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies or other appropriate policies or investment plan, option testing need not be considered by the examining authority or decision maker. For national road and rail schemes proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken.'

8.2.3 In addition, it should also be noted that paragraphs 4.17 – 4.19 of the draft NPSNN (2023) are also of relevance here. In relation to this, the Council considers that the judgements made on the A303 Stonehenge is helpful in demonstrating that the ExA is obliged to give consideration to such alternatives as are advanced by 'interested parties' to the Examination, such as the Council. Therefore, the Council considers that in order for the ExA to consider and assess the relative merits of alternatives as part of the Examination, it must:

- a. Demonstrate what the alternative proposals are in a clear and choate manner;
- b. Show their merits relative to the scheme as promoted by the applicant; and,
- c. Advance a case to the effect that consideration of the alternatives is justified as an 'exceptional circumstance'.

8.2.4 The Council considers that the alternatives put forward below within Section 8 of this LIR fulfil those three conditions above have been satisfied.

8.2.5 In order to gain consent, it is important that alternative options are fully considered alongside a clear rationale of the reasons for option selection. The Council does not believe that NH has fully considered alternative options that would greatly reduce the negative impacts on Thurrock and better align with the Council's long-term ambitions to support sustainable travel and economic growth.

8.2.6 These concerns have already been raised with NH as outlined in Section 2.1 of the Statement of Common Ground between National Highways and Thurrock Council ([APP-130](#)).

8.2.7 It is important to note that the alternatives described in this section are considered significant and they should be assessed fully and effectively during the Examination, regardless of whether such changes would require a new DCO application, for the reasons set out in Section 8.2.3 above.

8.2.8 **SUMMARY: the Council considers that the analysis of alternatives provided by NH does not meet the requirements of the NPSNN and therefore the submitted analysis is not valid and needs updating along with further work.**

8.3 Alternative Traffic Growth Trajectories

8.3.1 The appraisal of LTC has relied on a 'core' set of traffic forecasts, which have been used to determine the provision of additional road capacity. As described in Section 7, 'high' and 'low' traffic growth scenarios are presented by NH to test the robustness of LTC to different traffic conditions.

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8.3.2 The following analysis shows that the range of the ‘high’ and ‘low’ traffic forecasts used by NH is narrower than the range recommended for use by DfT and they do not reflect the expected range of alternative future travel conditions which could be reasonably expected in and around LTC and this means negative impacts on Thurrock will not be accurately represented and that alternative solutions may have been ruled out incorrectly that could otherwise solve the problems that LTC is seeking to address.

High and Low Calculations of Traffic Growth

8.3.3 The main approach used in the Combined Modelling and Appraisal (ComMA) Report ([APP-518](#)) to allow for variations in traffic growth is to provide two alternative traffic growth scenarios: ‘Low’ and ‘High’ and these are described rather briefly in Section 6.6 of the ComMA ([APP-518](#)).

8.3.4 These traffic forecasts are generated by a formula of symmetrically increasing or reducing traffic by a notional ‘p’ factor of 2.5% per year from the ‘core’ forecasts. This formula includes a ‘damping’ effect by taking the square root of the number of years between the initial year and the forecast year. The following example helps explain this process.

- a. Suppose there is a base traffic forecast for 100 vehicles per hour for a year, which is 25 years in the future;
- b. The high traffic forecast would be given by $100 + (0.25)(\sqrt{25})$, i.e. 107.5 vehicles or an increase of 7.5%;
- c. Similarly, the low traffic would be $100 - 0.25/(\sqrt{25})$, i.e. 92.5 vehicles or a decrease of 7.5%; and,
- d. This means the ‘high’ test would be 16% higher than the low test ($107.9/92.5=1.16$).

8.3.5 Tables 6.10 and 6.11 in ComMA ([APP-518](#)) give the low and high tests respectively for the Dartford Crossing with and without LTC. These show that the high and low traffic forecasts for the forecast year of 2040 are on average +/- 7% of the base forecast.

8.3.6 The Council notes that no results are given for how this corresponds with the total traffic mileage in the modelled network as a whole, e.g. no mileage data is provided for sample years over the 60 year appraisal period. These results are required to undertake a comparison of the traffic flows and the various measures of benefit used to calculate the BCRs and without this data it is not possible to interpret the results.

8.3.7 Table 7.13 of ComMA ([APP-518](#)) shows the effect that the high and low growth forecasts, defined in this way, have on the overall value for money. This table is presented below in **Figure 8.1** for ease of reference.

Table 7.13 Total monetised benefits (£million, 2010 prices and values)

Benefit	Low growth	Core growth	High growth
Transport user benefits	1,749.7	1,971.9	2,240.1
Construction and maintenance delays	-140.8	-140.8	-140.8
Indirect tax revenues	50.1	43.5	34.2
Accidents	-67.8	-67.8	-67.8
Environmental impacts	-532.1	-532.1	-532.1
Physical activity	21.2	21.2	21.2
Sub-total	1,080.2	1,295.9	1,554.8
Wider economic impacts	1,470.2	1,516.6	1,529.7
Journey time reliability	487.1	487.1	487.1
Total	3,037.4	3,299.5	3,571.5

Figure 8.1: Extract of Total Monetised Benefits

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- 8.3.8 The stated high and low growth BCRs are roundly +/-11% of the results for the core growth scenario. The high growth benefits are over 40% higher than the low growth benefits and the BCRs are 25% higher, all due to traffic flows which, over the whole appraisal period, are expected to be approximately 14% higher in the high forecast than the low forecast.
- 8.3.9 This analysis of the BCR results and the other information presented in this table highlights five technical matters of significant concern, as they have material impacts on the case for LTC presented by NH:
- a. The calculated BCRs are very sensitive to the forecast traffic growth: a small change in the forecast traffic has a larger effect on the BCRs.
 - b. The method of using the square root damping factor does not follow the guidance as suggested by DfT in TAG Unit M4. This document (para 4.2.3) recommends that for highway demand forecast the 'p' factor should be 4% per year - not the 2.5% per year used by NH. It is not clear why NH have decided to use a value of 2.5%. If NH had adopted 4%, the difference between high and low traffic forecasts would be greater and the 'low' growth BCR forecast would have been closer to 1.0 and likely lower than 1.0, even with the full incorporation of the Wider Economic Benefits.
 - c. Environmental impacts (including carbon), accidents, 'physical activity', i.e. the amount of walking and cycling, are all assumed to be constant across the whole range of traffic forecasts. This is implausible and inappropriate.
 - d. Journey time reliability benefits are also assumed to be constant across the whole range of traffic forecasts. Again, this is implausible.
 - e. Wider economic impacts are barely affected by changes in traffic flows (and they are in any case subject to other difficulties discussed in Section 7.5). Again, this is unlikely to be a realistic outcome of LTC.
- 8.3.10 The Council considers that the use of these assumptions is likely to substantially underestimate the difference in BCR between the different scenarios.

Requirement to use DfT's Common Analytical Scenarios (CAS)

- 8.3.11 NH claims that *'The range in the number of trips produced by applying this adjustment factor covers most of the outcome scenarios explicitly modelled in the National Transport Model'* (para 6.6.4, APP-518)
- 8.3.12 NH claims, in effect, that the Low and High Growth scenarios give a spread corresponding to the DfT's more explicit modelling of alternatives as defined in their Common Analytical Scenarios. These Common Analytical Scenarios include different possible futures of economic growth, population, the consequences of special features like Brexit, Covid, uptake of electric vehicles and financial pressures and their consequences on home working, trip length, etc.
- 8.3.13 However, analysis of the scenarios used by NH shows that they do not meet DfT's requirements and that the range of scenarios used by NH is narrower than the range suggested using DfT's Common Analytical Scenarios. This is shown in **Figure 8.2** below.

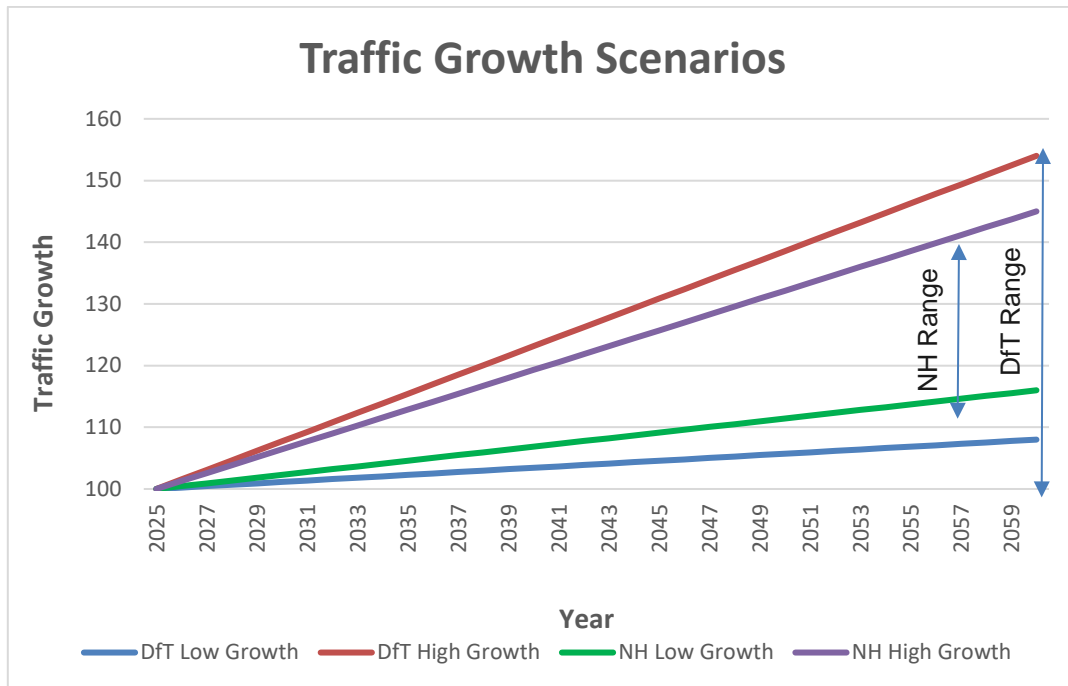


Figure 8.2: Traffic Growth Scenarios

- 8.3.14 The narrowness of the traffic forecasts used by NH is demonstrated by the traffic flows presented in Table 7.1 of the Transport Assessment ([APP-529](#)). This data shows that for the southbound direction of A122 (LTC) between the A2 and the A13, the 'core' AM peak forecast is 3,470 pcus per hour and the 'high' forecast is 3,500 pcus per hour, i.e. a difference of only 30 pcus per hour or less than 1%.
- 8.3.15 This analysis shows that the NH range of traffic forecasts does not reflect DfT forecasts, and the NH forecasts therefore cannot be taken as a measure of the likely range of outcomes. This is a very significant weakness in the assessment of LTC.
- 8.3.16 The Council notes that neither the DfT Common Analytical Scenarios, nor the NH adjustment with a 2.5% factor, takes into account carbon and climate effects. The CAS do not include estimates of the effects on traffic growth of the successful application of the policies in the DfT Decarbonisation Strategy, which would be consistent with carbon targets and arguably involve reductions in traffic of the order of 10% to 20%.
- 8.3.17 Nor are the CAS consistent with likely road and traffic conditions if policies to limit global warming fail with consequential disruption of economic geography and social life.
- 8.3.18 Thus, the range of traffic conditions considered in the appraisal does not include either the conditions which would apply in the case of success nor in the failure of climate policies.
- 8.3.19 The resultant calculations of the impacts of different forecast levels of traffic suffer from assumptions that traffic levels have no effect on carbon and other environmental impacts, accidents, the amount of walking and cycling, journey time reliability, and nearly all elements of Wider Economic Benefits. This means that the impacts of the assumed levels of traffic in the economic appraisal are underestimated.
- 8.3.20 **SUMMARY: the 'high' and 'low' traffic forecast scenarios used by NH do follow DfT's guidance concerning the use of Common Analytical Scenarios and do not reflect the wide**

range of possible future scenarios for the operation of LTC, impacting the selection of options and ruling out of alternatives.

8.4 Absence of Traffic Modelling for Future Change

- 8.4.1 In Section 8.3 above, the Council presented challenges with the NH approach to traffic modelling and how NH deals with future changes by using a broad-brush consideration of higher and lower traffic forecasts to assess scheme outcomes and value for money.
- 8.4.2 However, in practice future traffic levels could change for all sorts of different reasons, each of which would have a different significance for the appraisal of the project and could lead to LTC being overengineered, taking more land than is necessary within Thurrock or possibly under-engineered and more land-take could be required in the future leading to further negative impacts on residents and the environment.
- 8.4.3 For example, traffic levels which were lower due to lower economic growth would be connected with a change in both pressures on incomes if people were poorer and pressures on the amount of time availability if people had to work longer hours. This would affect people with higher or lower incomes, and with more or less constrained time, in different ways, both tending to reduce the quality of life.
- 8.4.4 However, if traffic growth were lower due to the successful implementation of decarbonising strategies involving better local facilities, more walking and cycling, better internet connectivity, reallocation of some road capacity to improvements in the social realm, and a calmer, more leisurely lifestyle, then this could be associated with an improvement in the quality of life.
- 8.4.5 Another example would be that the interaction of vehicles on a road network, using the relationships and method of traffic science, would be quite different in the context of different traffic management systems, road, and pavement design, signalling and regulation, or different vehicle operating characteristics and degrees of autonomy, which would have different effects on traffic safety, speeds, fuel consumption, and choice of destinations and times of day of travel.
- 8.4.6 Each of these future scenarios would have different effects on the types, modes, times of day and location of travel, that would not be captured simply by using catch-all 'higher' and 'lower' traffic forecasts.
- 8.4.7 The range of possible future scenarios under which the LTC could operate means that the Council expects to see a greater range of traffic modelling sensitivity tests, including those using the DfT Common Analytical scenarios. This would allow the Council and NH to better understand the scheme's value for money and its impacts in a wide range of futures and ensure it is fit for purpose.
- 8.4.8 **SUMMARY: the traffic forecasts used by NH do not reflect the likely impacts of the delivery of Government policies, including decarbonisation, active travel and public transport.**

8.5 Limited Connectivity to Facilitate Sustainable Development

- 8.5.1 The proposed design of LTC provides limited opportunities for traffic to access development sites and national port facilities in Thurrock. Previous designs of LTC included provision of and access to Tilbury Link Road. However, this was removed by NH in 2017. This means the only access to development sites in Thurrock is via the Orsett Cock junction, a local Council road. In practice, this junction is expected to be congested in peak periods and this issue is described in more detail in Section 9.

8.5.2 **SUMMARY: the design of LTC provides limited access to development sites and national port facilities in Thurrock. This would be remedied by the inclusion of Tilbury Link Road and changes to the operation of Orsett Cock junction as part of the LTC scheme.**

8.6 Inadequate Provision of Active, Public Transport and Local Road Bridges

8.6.1 The Council has examined how the design of LTC has evolved and the following comments reflect the issues raised in the Rule 6 letter ([PD-103](#)).

Consideration of Planning Timescales, Social and Economic Changes

8.6.2 As described in detail in **Appendix B, Annex 1 B.1**, options for LTC were originally developed in 1994, with a more extensive assessment exercise carried out in 2009. The scheme was further refined in 2013 with a public consultation undertaken in 2016 and a preferred route announcement in 2017.

8.6.3 Each of these stages of option development and selection built upon previous work with a number of key decisions made in 2009 that ruled out different mode solutions, e.g. the use of public transport. This means that the decision to proceed with LTC has not reflected key infrastructure and social and economic changes to the local area and across the UK which have occurred since 2009. The following important changes have been made locally:

- a. Arrangements at the existing Dartford River Crossing have changed with the removal of toll booths and an increase in toll price;
- b. Kent Fastrack has been successfully extended (showing a latent demand for public transport in the region); and,
- c. DP World/London Gateway has developed into a major employment hub and the Thames Freeport has been announced as one of eight new freeports.

8.6.4 In the surrounding region, new crossings have been delivered towards central London via rail (the Elizabeth line) and road (Silvertown tunnel is under construction with dedicated HGV and bus lanes), while the Thames Estuary Growth Commission has been established with a vision for improved connections within cities, towns and villages across the region.

8.6.5 At a national level, there have been substantial changes to the economy since 2009 with the aftermath of the 2008 Global Financial Crisis, the on-going uncertainty of the impact from UK's withdrawal from the European Union and the Covid-19 Pandemic. The rise of homeworking (particularly following lockdown restrictions) means that working and commuting patterns have changed significantly.

8.6.6 These changes all need to be considered as part of any confirmation that the decision to proceed with LTC as a road in 2009 is still valid in 2023, or in 2024 when a DCO decision can be made, or indeed in 2026 when construction is currently programmed to commence.

Consideration of Alternatives to The Road

8.6.7 Public transport options were ruled out as a solution to the identified issues in 2009. The Council has concerns over this decision given the scale of impact LTC has on residents, associated land take and negative environmental impacts of the proposed highways solution and does not believe, based on the evidence made available, that NH have met their requirements under the NPSNN (paragraphs 4.26 and 4.27) to consider alternative modes. A public transport alternative would greatly reduce the negative environmental impacts of LTC on Thurrock and would support the Council's long-term ambitions to support sustainable travel.

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- 8.6.8 The decision to rule out a rail solution was based on low numbers of travellers between stations in north Kent and south Essex. However, this did not consider that these movements require a minimum of one interchange in London (often two) and as such have very long travel times. There are also concerns (raised by Medway in 2009, as shown in in **Appendix B, Annex 1 B.1**) that the ruling out of public transport alternatives did not sufficiently account for key growth sites and planned infrastructure investments to develop a freight route from East Anglia to the West Coast Main Line.
- 8.6.9 Census journey-to-work data from 2011 shows that over 1,100 residents in Thurrock commuted to Kent daily, while over 2,300 residents of Kent commuted to Thurrock. The majority of these commuters travelled by car (90.7%) with very few using public transport (4.3%). This reflects the very poor public transport connectivity between Thurrock and Kent with just a single bus service (X80) using the Dartford Crossing and rail connections requiring an interchange in London.
- 8.6.10 Where there are better public transport connections more commuters use public transport. For example, Thurrock has excellent public transport connections to London and 40% of commuters use public transport. Connections between Thurrock and the rest of Essex are relatively poor but are significantly better than connections between Thurrock and Kent. This this leads to a 7.2% mode share for public transport, a 67% increase on the public transport mode share between Thurrock and Kent. This shows that residents either side of the River Thames have an appetite for public transport where there are better connections.
- 8.6.11 NH has stated in Section 6.1 of the Post Consultation Scheme Assessment Report (shown in full in **Appendix B, Annex 1 B.1.56**) that additional analysis in 2017 showed that no public transport options could relieve 75% of the identified problem (defined as congestion at the Dartford Crossing) for the first 15 years, which they stated as being the removal of 34,000 cars and 8,000 HGVs in 2025. This analysis has been requested, but NH has not made it available for review.
- 8.6.12 Without this analysis it is not possible to determine the robustness of NH's conclusions. However, the Council notes that given Tables 8.50 and 8.52 in the Transport Forecasting Package ([APP-522](#)) shows that LTC only removes 613 vehicles from Dartford Crossing in the AM peak and 2022 vehicles in the PM peak in 2045, it is hard to see how the scheme itself meets this requirement. If it does, then it is likely that a public transport option could offer equivalent reductions on Dartford Crossing.
- 8.6.13 The Council has undertaken its own analysis of the potential ability of public transport options to meet LTC's scheme objectives and this is presented in **Appendix B, Annex 1 B.2**. A summary table from **Appendix B, Annex 1 B.2** is shown as **Table 8.2** below, showing how public transport options could meet LTC's stated objectives for the scheme as standalone schemes or as part of LTC. This includes options using the proposed Tilbury Link Road (TLR) discussed later in this section.

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Table 8.2: Assessment of Alternative Schemes

ID	Option	Dartford Crossing congestion relief	Resilience	Safety	Environmental Impacts	Sustainable Growth	Affordability	Value for Money	Total
0	Lower Thames Crossing	3	3	1	3	3	1	2	16
Bus-Based Options									
1.1	Extend X80 Bus Service	1	1	3	4	3	5	4	21
1.2	Extend Kent Fastrack	1	1	4	4	3	4	4	21
1.4	BRT Tunnel	2	2	4	4	4	1	1	18
1.5a	Bus loop (using Ferry)	2	1	4	4	4	3	5	23
1.5b	Bus loop (using LTC)	4	3	2	4	5	1	4	23
Ferry Options									
2.1	Uber Boats	1	1	3	4	3	5	3	20
2.2	Enhanced river boat service	1	2	3	4	4	3	3	20
Multi-Modal Options									
3.1	Ferry/Bus modal integration	1	1	3	4	3	5	4	21
Rail-Based Options									
4.1	KenEx Tram	3	1	4	4	5	1	2	20
4.2	Light Rail/Tram-train Service	3	1	4	4	4	1	2	19
4.3	Railway station infill	3	1	4	4	2	1	2	17
4.4	Crossrail extension	2	1	3	4	5	1	2	18
LTC Additional Options									
5.1	Rail/Tram on LTC	4	3	1	4	5	1	1	19
5.2	Bus access on LTC	4	3	1	4	4	1	2	19
5.3	Bus lanes on LTC	2	2	2	4	3	1	1	15
5.4	Additional bus services on LTC	3	3	1	3	2	1	2	15
Future Technologies									
6.1	DRT/Autonomous vehicles	1	1	3	3	4	2	2	16
Demand Management									
7.1	Increased Tolls	3	1	4	4	1	3	3	19
Packages									
8.1	Bus loop (using Ferry) with increased toll	3	1	4	4	4	3	4	23
8.2	Bus loop (using LTC) with increased toll	5	3	2	3	5	1	3	22

8.6.14 The analysis presented in **Appendix B, Annex 1 B.2** shows that there is a range of alternative options which would meet the objectives defined for LTC in a more affordable way.

Consideration of Alternative Proposals for The Road

8.6.15 Based on the information presented at DCO and during previous consultations, the Council considers that the choice of preferred route alignment may well be appropriate. However, the Council has identified a number of issues that are relevant for the appraisal of the current LTC scheme:

- a. Scheme costs in 2013 seem very optimistic, especially for a tunnelled solution with the cost of a tunnel only 6% more than a bridge;
- b. In 2013 Option C (one of the corridors identified in 2009 in which the preferred option sits) scored worst against environmental impacts, however, all options were expected to have negative environmental impacts; and,
- c. In 2013 Option C scored worst against safety, however, all options are expected to have negative safety impacts through the increase in traffic over the River Thames.

Consideration of Alternative Proposals for Broader Infrastructure Design

8.6.16 The design of LTC includes many of the features of 'Smart' motorways, e.g. lane controls. The Council notes that the delivery of new 'Smart' motorways has been halted by DfT on 15 April 2023 and is concerned that the LTC scheme is being designed to similar 'Smart' motorway principles.

The Council would welcome advice from NH to confirm why they consider that LTC is not a 'Smart' motorway and what design changes would be required to convert the scheme to motorway standard.

Consideration of Alternative Mitigation Measures

- 8.6.17 As shown in Sections 2.1.66, 2.1.68, 2.1.84 and 2.1.85 of the Statement of Common Ground ([APP-130](#)), the Council has repeatedly raised concerns that the scheme's design will lead to significant adverse impacts for the residents of Thurrock by increasing delays on the local road network, constraining the development of key sites such as the Thames Freeport, increasing severance, worsening noise and air quality emissions and worsening safety.
- 8.6.18 The Council considers that alternative local junction arrangements and the provision of the Tilbury Link Road should be integral to LTC's design to alleviate these problems and to optimise the scheme's performance.
- 8.6.19 At the 2016 Public Consultation a much smaller, less complex junction was shown between LTC, the A13 and the A1089. NH also stated that the Tilbury Link Road (TLR) would be further examined during scheme design refinement. However, by the time of the preferred route announcement in 2017, a much larger, more complex junction had been selected by NH and the TLR and a junction at Tilbury were ruled out as forming part of the scheme design. The Council believes these decisions are not appropriate nor supported by evidence.
- 8.6.20 NH has stated that '*the Tilbury Link Road would not contribute to the Scheme Objectives of relieving the congested Dartford Crossing and approach roads*' and therefore the design for the access to LTC at Tilbury is just for emergency and operational service vehicles. However, transport models provided by NH to the Council to test alternative arrangements at this location show that the inclusion of Tilbury Link Road reduces two-way traffic over the existing Dartford Crossing, contradicting NH's assertion. Further details on these model results is provided in **Appendix B.3, Annex 2** below.
- 8.6.21 NH's operational modelling of the proposed LTC/A13/A1089 junction shows extensive queuing and delays and the Council has proposed alternative junction arrangements that include the provision of the TLR to avoid the need for all movements to be catered for at the A13/A1089/LTC junction. This is considered further in Section 9.
- 8.6.22 All of the options proposed by the Council show improvements compared with the design proposed by NH in terms of journey times for key strategic routes, together with much improved performance on the local road network (modelling results are presented in full in **Appendix B.3, Annex 2**).
- 8.6.23 The Council has undertaken an assessment of key alternatives to LTC, including options that include mitigation for local impacts and public transport. A summary is provided in **Table 8.3** below and further details are presented in **Appendix B, Annex 1 B.4**.

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Table 8.3: Assessment of Alternatives to LTC

Objective	LTC	Public Transport Alternative	LTC with Public Transport	LTC with TLR	LTC with TLR and alterations at Orsett Cock	LTC with Public Transport and TLR
To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity	=	-	+	+	+	+
To improve the resilience of the Thames crossings and the major road network	=	-	=	=	=	=
To improve safety	=	+	+	=	=	+
To minimise adverse impacts on health and the environment	=	+	+	=	=	=
To support sustainable local development and regional economic growth in the medium to long term	=	+	+	+	+	+
To be affordable to government and users	=	+	=	=	=	=
To achieve value for money	=	+	=	+	+	+
= Likely similar performance to proposed LTC - Likely worse performance than proposed LTC + Likely better performance than proposed LTC						

8.6.24 This analysis shows that there are several alternatives to LTC which would improve the performance of the scheme and / or reduce its impacts.

8.6.25 **SUMMARY: the option selection for LTC is based on an initial decision made in 2009. This was reviewed and confirmed by NH in 2017, but despite requests, the underpinning analysis has not been made available to the Council. Since the initial decision there have been many substantial changes to transport patterns and the wider economy which have not been considered as part of the decision-making process. Analysis by the Council shows that there are several potential public transport based options which would meet NH's objectives for LTC. There are also several alternative options for LTC, e.g. including TLR, which would better meet the objectives for LTC. The Council considers that these options should be considered by NH.**

8.7 Lack of Provision for Public Transport or Priorities Through Tunnel

8.7.1 As described in SoCG item 2.1.67 of the SoCG ([APP-130](#)) the Council is concerned that current design for LTC provides poor integration with public transport to the north of the River Thames, limiting the Council's long-term ambitions to support increased sustainable transport and reducing car based travel.

8.7.2 Most of the population of Thurrock is concentrated in Grays and Tilbury, however, public transport wishing to travel south of the river using LTC would be required to use the proposed junction with the A13 and A1089 at Orsett Cock to the north before heading south over LTC. This additional northern leg of the journey adds travel time and makes public transport less appealing.

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- 8.7.3 The Council has investigated potential Mass Rapid Transit (MRT) solutions that could integrate with LTC, the proposed South Essex Rapid Transit (SERT) scheme and the existing public transport services south of the River Thames (Kent Fastrack). This work is summarised in **Appendix B, Annex 1 B.2.**
- 8.7.4 This work has identified a bus-based loop combining the X80 bus service, Kent Fastrack and a new service through Grays, Tilbury and over LTC as a strongly performing option. This public transport option would be further enhanced given the potential integration with SERT to support public transport movements through south Essex. This public transport scheme would support the overall scheme objectives of LTC to reduce congestion and reduce environmental impacts as shown in **Appendix B, Annex 1 B.4.**
- 8.7.5 With the delivery of the current proposals for LTC, any bus service would need to double back on itself either looping out towards Stanford-le-Hope or heading north from Tilbury to access LTC. This would add to the journey time and limit the commercial and user attractiveness of the service. An improvement to the design of LTC would be to provide access at the Tilbury operational and emergency access for buses, either through widening the proposed turning radii and slip road lengths and providing bus only access or through the provision of a new junction (and potentially TLR).
- 8.7.6 **SUMMARY: the provision of facilities to enable public transport services to access LTC is poor leading to circuitous routes and increased journey times, impacting on the commercial and user attractiveness of such a service. The Council considers that the design of LTC should be refined to enable better facilities to be provided, e.g. at the Tilbury operational and emergency access.**

8.8 No Support for Rapid Vehicle Electrification

- 8.8.1 No provision is made for the measures needed to support rapid electrification of the vehicle fleet, such as provision for electrical distribution and charging facilities, as set out as being critical for the decarbonisation of the surface transport sector in Decarbonising Transport (July 2021) and the Carbon Budget Delivery Plan (March 2023), especially with the government commitment to ban sales of new petrol and diesel vehicles in 2030, increasing the need for charging facilities.

- 8.8.2 The emerging draft NPSNN (2023) makes the following references of relevance to this issue:

'3.14 As we place more demands on the network through increases in the volume of traffic and greater expectations on its performance in underpinning efficient supply chains, our reliance on the technology that supports its smooth operation has increased. The ability of our network to accommodate and support advances in technology is ever more critical. Delivering the infrastructure needed to support innovation, including facilitating greater digital connectivity and supplying the energy needed to support the evolution of vehicle technologies using the network, is key to ensure our networks remain resilient both now and in the future. The resilience of the technology itself, its maintenance and upgrade, and its continuity of service is essential, particularly as the connected and autonomous vehicles place new demands on real time information.'

'3.15 Resilience in networks, therefore, also includes accommodating changes in technology, including the infrastructure needed to support the use of alternative fuels, and digital connectivity will also require our national networks to evolve and adapt in order to utilise the benefits that technology can bring.'

- 8.8.3 The emerging draft NPSNN sets the context for LTC. It is relevant as an update to the NPSNN. NH should demonstrate how LTC will deliver the infrastructure needed to support the new electric vehicles using the network. This is vital in ensuring the Strategic Road Network remains resilient.

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- 8.8.4 The Council is concerned that NH has not considered how or where electric and hydrogen powered vehicles will be able to charge on the 22 kms new section of the network, potentially forcing traffic off the SRN into Thurrock seeking charging facilities, further worsening the significant adverse impacts of LTC on the local network.
- 8.8.5 A service station was originally deemed necessary by NH at East Tilbury, close to the more recently added, 'so-called' emergency and operational access. Access to this service station at Tilbury was originally considered important by NH, but then removed partially due to the request of the Council, who were concerned about the potential impacts of anti-social behaviour.
- 8.8.6 NH then recently re-provided a junction at Tilbury, but this time for just for emergency and operational access. However, NH has designed this to be in a location where the on/off slips are not possible to be adapted at a later stage to enable the incorporation of a full junction at Tilbury. For example, the northbound exit lane length is restricted due to its proximity to the tunnel portal and would therefore not meet DRMB design standards.
- 8.8.7 The Council has repeatedly attempted to engage NH on the matter of Electric Vehicles and alternative fuel recharging. NH's LTC team has consistently refused to engage on this matter simply stating that it is outside of their scope.
- 8.8.8 There is clearly a missed opportunity to bring forward the infrastructure needed to accommodate and support advances in technology. Another NSIP (National Grid's Norwich to Tilbury scheme, previously termed 'East Anglia Green') is highly relevant as it crosses LTC. There is a missed opportunity for the two NSIPs to coordinate to provide the power likely to be needed to support the transformation of the fleet to EV and alternative fuels. The local electric power requirements created by the substantial increase of HGV, van and car miles travelled as a result of LTC will increase markedly. Supplying the electricity to support the evolution of vehicle technologies using the SRN is an essential consideration when delivering the infrastructure needed. NH has refused to engage with the Council on the local energy requirements necessary. Instead, it is creating a legacy problem for the Council to deal with and absolving itself from complex discussions by simply removing new service station provision from its scheme, despite the Council offering to engage with NH on an alternative site in the north west of the Borough.
- 8.8.9 Due to the current design, vehicles travelling to/from the services at M2 Medway and A1(M) South Mimms would need to travel circa 90 kilometres between service areas because the Cobham services on the A2 in Kent are earmarked for closure as part of the LTC scheme. Services were originally planned to be 25 kilometres apart, but this regulation was removed in 2013.
- 8.8.10 The longest combined motorway journey with no service stops is circa 96 kilometres (M40 Warwick to M54 via Telford), so there is precedent, but no data exists to understand whether this creates a greater increase of EV power outages on the network than elsewhere.
- 8.8.11 To recreate a comparable lengthy combined motorway journey via LTC with no service stops simply on the basis that there is a precedent elsewhere on the network lacks credibility and does not support the notion that the infrastructure is being designed to ensure the network remains resilient now and in the future. There are also the additional challenges associated with vehicles losing power in the tunnel.
- 8.8.12 **SUMMARY: the Council is concerned that NH has not considered how or where electric and hydrogen powered vehicles will be able to charge on the 22 kms new section of the network in the context of the ban on new diesel and petrol vehicles in 2030.**

8.9 No Strategy for Demand Management Charging Regimes

- 8.9.1 NH proposes to implement the same charging regime (tolls) at both Dartford Crossing and LTC.
- 8.9.2 This means there is not a strategy to provide variable charging (i.e. tolls) which would enable demand management and maximise the use of the available capacity provided by the two crossings (Dartford Crossing and LTC).
- 8.9.3 **SUMMARY: the Council considers that the potential impacts of providing a variable demand management charging regime should be considered to maximise the benefits of providing LTC.**

8.10 No Consideration of Alternative Dangerous Load and Tall Vehicle routing

- 8.10.1 The Need for the Project (APP-494) states that the routing of Dangerous Goods Vehicles (DGVs) and taller vehicles through the Dartford Crossing impacts the capacity for northbound travel. DGV escorting is estimated to reduce effective capacity by between 8-12%, while taller vehicles are required to use the eastern tunnel and need to straddle both lanes reducing capacity even further while vehicles mistakenly seeking to enter the western tunnel cause disruption as they need to be moved.
- 8.10.2 The Council is concerned that alternative strategies to allow DGVs and tall vehicles to cross the River Thames were not considered in order to increase capacity at Dartford Crossing rather than implementing LTC to the detriment of local residents and the significant environmental impacts in Thurrock.
- 8.10.3 **SUMMARY: the Council considers that alternative routing strategies should be considered to increase the effective capacity of Dartford Crossing.**

8.11 Conclusions

- 8.11.1 The Council considers that the analysis of Alternative Scheme Elements and Transport Modes is not adequate, nor has been sufficiently incorporated into the development and definition of LTC. Key issues are:
- a. The Council considers that the analysis of alternatives provided by NH does not meet the requirements of the NPSNN and so the submitted analysis is not valid and needs updating.
 - b. The 'high' and 'low' traffic forecast scenarios used by NH do not follow DfT's guidance concerning the use of Common Analytical Scenarios and do not reflect the wide range of possible future scenarios for the operation of LTC.
 - c. The traffic forecasts used by NH do not reflect the likely impacts of the delivery of Government policies including decarbonisation, active travel and public transport.
 - d. The design of LTC provides limited access to development sites and national port facilities in Thurrock. This would be remedied by the inclusion of Tilbury Link Road and changes to the operation of Orsett Cock junction as part of the LTC scheme.
 - e. The option selection for LTC is based on an initial decision made in 2009. This was reviewed and confirmed by NH in 2017, but despite requests, the underpinning analysis has not been made available to the Council. Since the initial decision there have been many substantial changes to transport patterns and the wider economy which have not been considered as part of the decision-making process. Analysis by the Council shows that there are several potential public transport-based options, which would meet NH's objectives for LTC. There are also

several alternative options for LTC, e.g. including TLR, which would better meet the objectives for LTC. The Council considers that these options should be considered by NH.

- f. The provision of facilities to enable public transport services to access LTC is poor leading to circuitous routes and increased journey times. The Council considers that the design of LTC should be refined to enable better facilities to be provided, e.g. at the Tilbury emergency and operational access.
- g. The Council is concerned that NH has not considered how or where electric and hydrogen powered vehicles will be able to charge on the 22kms new section of the network.
- h. The Council considers that the potential impacts of providing a variable demand management charging regime should be considered to maximise the benefits of providing LTC.
- i. The Council considers that alternative routing strategies should be considered to increase the effective capacity of Dartford Crossing.

9 Transport

9.1 Introduction

- 9.1.1 As set out in Sections 7 and 8 above of this LIR, the Council's position is that LTC does not meet scheme objectives and generates local impacts on the Borough and its communities, that the disbenefits outweigh the benefits and that reasonable alternatives have not been considered. Notwithstanding this, this Section of the LIR considers the proposed LTC scheme being put forward by NH and examines:
- a. The local impacts of the operational and construction phases of LTC to local transport users and local communities;
 - b. The mitigation that is required by the Council to mitigate the local impacts on local transport users and local communities should the scheme go ahead (it should be noted that the draft NPSNN makes many specific references to the importance of mitigation throughout Sections 4 and 5); and,
 - c. Scheme changes required by the Council to mitigate local transport impacts.

Table 9.1: Summary of Key Issues

Summary of Key Issues
<ul style="list-style-type: none"> ▪ The modelling assessment is inadequate and underestimates impacts on the LRN in Thurrock. ▪ The strategic LTAM model is not sufficient to properly assess the local effects of LTC on the LRN and operational modelling should be undertaken to understand the precise nature of impacts and need for mitigation on the LRN. ▪ NH's assessment shows that there are many communities, roads and junctions across Thurrock that are significantly adversely affected by LTC, but no mitigation is proposed by NH for those network impacts. ▪ The Council requires local impacts to be mitigated and secured through the DCO both during the construction and operational phase of LTC. The Council has set out the additional mitigation for local impacts that is required based on the LTAM modelling, but it requires detailed operational modelling to be provided in order to validate the mitigation requirements and determine if any further mitigation is required that must be secured within the DCO. ▪ Scheme changes are required by the Council to reduce the impacts on local traffic. These include changes to the A13/A1089 junction, changes to the operational and emergency access north of the North Portal to accommodate Port of Tilbury traffic in the future, incorporate connections to LTC for cross river bus services and provide passive provision to serve potential growth in Thurrock. ▪ The construction control documents, which include the oTMPfC (APP-547), the FCTP (APP-546), the oMHP (APP-338), the pNRA (APP-548), and the CoCP (APP-336), do not include sufficient control, commitments and governance for LTC to be constructed within defined DCO parameters and to minimise the environmental impacts of the construction processes with the Borough. ▪ The DCO does not provide any evidence on how LTC will meet its objectives to provide resilience to the crossings of the River Thames, nor does it include an incident management plan setting out how the proposed crossing will be used to alleviate traffic congestion in relation to commonly experienced issues, including high-winds and traffic incidents that block the route.

9.2 Assessment of Main Scheme Changes / Development Since Last DCO

- 9.2.1 NH has made the following two significant changes to the design of LTC since the first DCO, which would affect the operation of traffic on the local road network (LRN):

- a. Reconfiguration of the westbound links from LTC and A13 westbound to A1089 southbound at LTC/A13 junction and consequential links to LTC and Orsett Cock from A13 westbound; and
 - b. Inclusion of the operational and emergency access at the North Portal, which is not configured to facilitate local connectivity.
- 9.2.2 The link between the A13 westbound and LTC to A1089 southbound has been reconfigured since the first DCO, such that traffic is now shown accessing A1089 via the LRN Orsett Cock junction. The Council and other stakeholders had previously raised concerns that the previous DCO configuration required traffic from LTC to travel east to the Manorway roundabout to u-turn and retrace its route westbound on the A13 to access the A1089. That routing was inappropriate and there was concern that traffic would be attracted to local routes, such as A1013/Stanford Road and Brentwood Road to access the Port of Tilbury. The previously proposed routing further impacted the operation of the Manorway roundabout.
- 9.2.3 Following concerns raised by the to the Council and Port operators, NH proposed a reconfigured connection to A1089 southbound, which requires LTC traffic to route through the Orsett Cock junction to access A1089 southbound. NH's aspiration to reduce the previously identified impacts at the Manorway has moved impacts to the Orsett Cock junction and the Brentwood Road, including the community around Chadwell St Mary, through which Brentwood Road passes.
- 9.2.4 The other significant change introduced by NH since the previous DCO is the proposal for an operational and emergency access to the north of the North Portal, as shown in **General Arrangement Drawing, Sheet 20** ([APP-016](#)).
- 9.2.5 The Council has sought for LTC to improve connectivity to the Port of Tilbury and provide access for public transport across the River Thames. NH promoted the inclusion of the proposed junction at Tilbury as a positive addition to the LTC scheme. Indeed, the DfT stated in correspondence with the Council that the Tilbury junction and link road elements of the *'scheme is being designed so that a future junction and link road, subject to funding and planning permission, can be built in the future as a connection to Tilbury'*. However, the proposed operational and emergency access north of the North Portal does not provide a suitable layout to meet these objectives or provide the ability for the design to be adapted to enable these objectives to be met in the future. Instead, NH has proposed an over-engineered operational and emergency access. The design incorporates an expensive gyratory system intended to enable the junction to provide local connectivity. The location of the junction decided by NH was, however, consequently found to prohibit exit and entrance slips being provided in accordance with DMRB. This led to a change of approach by NH, who subsequently determined that the Tilbury junction would be for operational and emergency access only.
- 9.2.6 **SUMMARY: NH has proposed two significant changes to LTC, which neither resolve previous identified impacts, nor provide benefit to the current or future LRN within Thurrock.**

9.3 Policy Compliance and Local Impacts

- 9.3.1 This Section summarises how the proposed LTC scheme fails to comply with NPSNN policy with regards to local transport impacts and mitigation. NPSNN is clear within paragraph 3.3 that the scheme promoter should not only mitigate impacts but should *'provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes.'* This Section of the LIR sets out how the DCO has neither mitigated the impacts on the LRN, nor sought reasonable opportunities to deliver transport benefits to local communities within Thurrock.

9.4 Local Transport Impacts of Operational Phase

Deficiencies in Modelling Approach for Local Impacts

- 9.4.1 NH has solely relied on the LTAM strategic model to inform the operational impacts of LTC. That strategic model is better suited to informing scheme appraisal but is an inadequate tool to inform and understand the operational impacts of LTC on local junctions, links and local communities during construction and operation. Normally, and on many other projects, NH would adopt an iterative process using the outputs of the operational modelling to adjust the strategic model. For this project, NH has not followed this approach. This means that the design and business case for LTC is predicated on strategic modelling that has not been subject to the appropriate checks. By relying solely on the strategic model, NH has failed to accurately and robustly assess the impacts of the scheme on the Thurrock LRN.
- 9.4.2 There are several key reasons for this:
- LTAM is only as good as the data which it is based on. LTAM development involved calibration and validation checks, which attempted to quantify how accurately the model can replicate observed flows. These checks were only completed on a limited number of links within the LRN, and the model was not calibrated and validated against turning counts at key junctions within the LRN. Therefore, it is unknown if the model can accurately replicate junction turning flows within the LRN and other local junction parameters, including saturation flows, queues and delays.
 - LTAM works on aggregate average hourly flows and is not precise in the way it replicates traffic behaviour. This makes LTAM particularly inappropriate for examining traffic interactions and potential operational problems at local junctions.
 - LTAM may be under-estimating local traffic impacts of LTC on the LRN due to the model representing the AM peak hour on the SRN, which is between 0700 and 0800, whereas the peak hour on the LRN occurs between 0800 and 0900. This serious discrepancy has been discussed with NH on many occasions over the last two years without resolution.
- 9.4.3 In the Council's experience, NH would not allow a developer to rely solely on a strategic model for a planning application and instead would require the hierarchical approach to modelling to be adopted and presented, i.e., a strategic model feeding into more detailed operational models to assess the detailed local traffic impacts of a scheme and determine if mitigation is required. NH also use this approach on their own DCOs. **Table 9.2** shows a selection of NH DCO schemes and summarises the approach to local operational modelling. The selection of schemes include three Tier 1 (>£500m) schemes, as well as two 'standard' Major Projects schemes.

Table 9.2: Selection of DCO Applications Submitted by NH, which included Detailed Operational Modelling

Scheme	Transport Modelling Approach presented in DCO
A30 Chiverton to Carland Cross DCO: 2018-2020 Scheme cost: £330 million	Detailed operation modelling for the three junctions within the scheme has been presented alongside strategic modelling. The operation modelling was undertaken in ARCADY (Junctions 9) and was informed using the flows for a strategic model (Saturn). The ' <i>Memorandum – Junction Analysis</i> ' is a detailed technical note for the three key junctions. The results presented show ratio of flow to capacity, queues and delay at the junctions.
A303 Amesbury to Berwick Downs (Stonehenge) NH Tier 1 scheme DCO: 2018 – on-going	The Combined Modelling and Appraisal Report (ComMA) and its appendices for the A303 Stonehenge scheme detail the microsimulation modelling (VISSIM) undertaken to support the scheme. The model is extensive and covers the A303, local routes north and south of the scheme. The model

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Scheme	Transport Modelling Approach presented in DCO
<p>Scheme cost: £1.7 billion</p>	<p>was supported and calibrated/validated using extensive data collection (including counts, Automatic Number Plate Records and journey time data).</p> <p>The ComMA report, which presents results of the scheme assessment undertaken using the 'A303 Stonehenge SWRTM (DCO)' strategic model. The report also references a microsimulation model, which was developed to allow for more detailed assessments of junction layouts and vehicle movements to be undertaken.</p> <p>The ComMA Appendix B Transport Model Package Appendix B of ComMA report, details approach to strategic and microsimulation modelling. Additionally, Appendix C Transport Forecast Package of ComMA report, details forecast operational assessment results.</p>
<p>A66 Northern Trans-Pennine NH Tier 1 scheme DCO: 2022 – Awaiting decision of The Secretary of State (2023) Scheme cost: £1.3 billion</p>	<p>The Transport Assessment for the A66 outlines the operational modelling undertaken using a strategic model and detailed microsimulation modelling, which has been undertaken for major interchanges: M6 Junction 40 and A1(M) Scotch Corner and like the other schemes, results are extensively reported.</p>
<p>A428 Black Cat to Caxton Gibbet NH Tier 1 scheme DCO: 2021 – 2022 Scheme cost: £810 to £950 million</p>	<p>The Traffic Forecasting Report (Appendix C of ComMA report) details the operational assessment undertaken using VISSIM and informed by strategic model data. Average speed plots are provided of the key scheme junctions. These are used to show that there is not significant issues at the scheme junctions with traffic speeds being in and around the speed limit of the links up until just before the junctions themselves.</p> <p>The TA outlines the results for the VISSIM and Junctions 9 modelling. Junction 9 modelling results include RFC, delays and queuing data.</p> <p>Transport Assessment Part 1 provides more detail on the operational modelling in a local context.</p>
<p>M42 Junction 6 DCO: 2019-2020 Scheme cost: £285 million</p>	<p>A document was submitted as part of the DCO outlining the hierarchy of the transport modelling which took the following structure:</p> <div data-bbox="635 1373 1278 1615" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> graph TD PRISM[West Midlands PRISM] --> LAM[M42 Junction 6 LAM] LAM --> OM[M42 Junction 6 OM] LAM --> JM[Junction Models] </pre> </div> <p style="text-align: center;">Figure 1.1 - Modelling Hierarchy</p> <p><i>Source: 8.50 Transport Modelling Hierarchy and Growth in Future Year Traffic</i></p> <p>The scheme involved the use of the following models:</p> <ul style="list-style-type: none"> ▪ The West Midlands Policy Responsive Integrated Strategy Model (PRISM) ▪ M42 Junction 6 Local Area Model (LAM) ▪ M42 Junction 6 Operational Model (OM) ▪ Operational models of individual or linked junctions <p>This sets out a clear hierarchy for the modelling with strategic model being used to inform the Operational model which in turn informs the local junction models. This is in line with the approach used on other NH schemes.</p>

- 9.4.4 The Council's response to the Supplementary Consultation (January to April 2020) set out its concerns about the validation of the LTAM base model of the local highways network in Thurrock, with the model data suggesting that baseline traffic flows were being under-estimated, thus undermining the ability of the model to be used for assessment of local highway impacts and mitigation in the future.
- 9.4.5 **SUMMARY: the Council has significant concerns about the accuracy of the impact assessment of LTC on the local roads in Thurrock using the LTAM. Adoption of a hierarchical approach to modelling is therefore required, which includes a suite of operational models of the LRN.**

Impact on Local Traffic and Local Communities

- 9.4.6 The Council's review of the Thurrock cordon LTAM model (presented in the 'Lower Thames Crossing. Review of DCO Cordon Transport Models', **Appendix C, Annex 1, Sub-Annex 1.1**) has identified potential serious adverse impacts on the LRN at the following junctions, which require operational modelling to determine the more precise impacts and potential need for mitigation:
- a. The Orsett Cock junction;
 - b. The Manorway roundabout;
 - c. Daneholes roundabout;
 - d. ASDA Roundabout;
 - e. A126 Marshfoot Road Junction;
 - f. A13 westbound merge at Five Bells junction; and,
 - g. A1012 / Devonshire Road junction
- 9.4.7 The Council's comparative review of the Thurrock LTAM cordon with emerging operational models provided to the Council by NH has indicated that there are significant differences between the two modelling techniques in the forecasting of impacts. It is a serious issue, therefore, that the operational modelling has not been used to validate and adjust the strategic model upon, which the LTC design and business case is based on. That differential forecast is explored in greater detail at **Appendix C, Annex 1** of this LIR.
- 9.4.8 NH has agreed to undertake operational modelling for some of the above junctions but not all. In addition, the operational modelling that has been undertaken is not complete nor has an agreed position been reached about the impacts of LTC on the local highway network or any necessary mitigation. That operational modelling has not currently been submitted to the Examination, although it has been requested by the ExA at Issue Specific Hearing 1 (ISH1) and referred to within the Action Points ([EV-023a](#)) of ISH1. It is noted at **Appendix C, Annex 1** of this LIR that other NSIPs sponsored by NH have been assessed at the time of Examination by a conjunction of strategic network modelling and local operational models. It is the Council's opinion that that approach is essential for this application.
- 9.4.9 The junctions identified as being impacted within the LRN are strategically highly important to the operation of Thurrock and the transport network for road traffic, walking and cycling, and public transport. Particularly most form part of the access strategies to the Port of Tilbury and DP World/London Gateway, as well as other important business and community functions.

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9.4.10 The hierarchical approach to modelling and the status of each of the local junction operational models is graphically presented in **Figure 9.1** and repeated at **Appendix C, Annex 1, Sub-Annex 1.2 – Summary Modelling Status**. A RAG (Red/ Amber/ Green) approach has been used to present the status of each local model:

- Green – completed and approved by the Council
- Amber – completed, but not approved
- Red – not completed

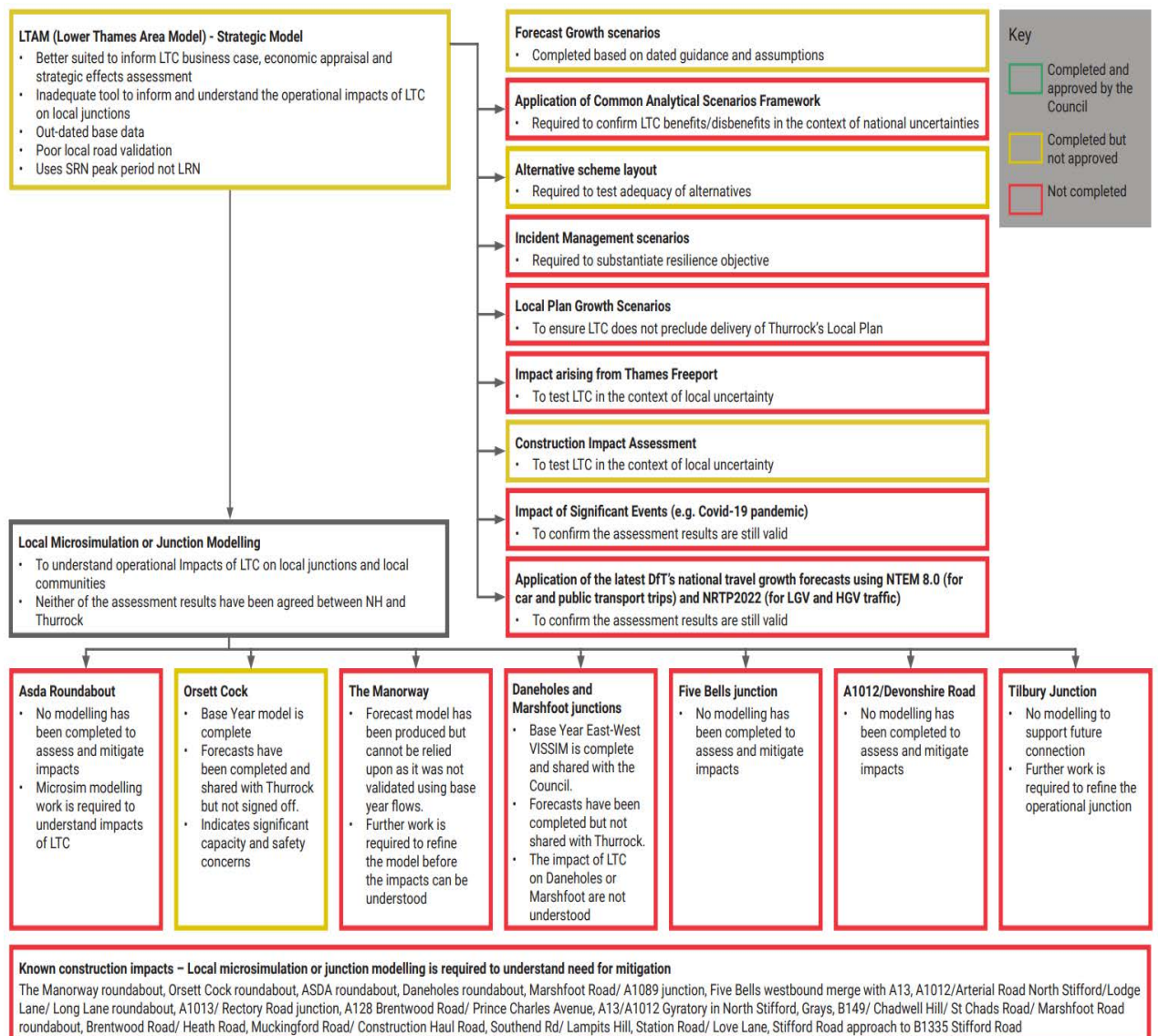


Figure 9.1: Summary of Model Status (Repeated at Appendix C: Annex 1 Sub-Annex 1.2)

9.4.11 **Figure 9.1** clearly shows that none of the junctions identified for operational modelling have been assessed by NH and shared with the Council, with the exception of Orsett Cock for which only the base microsimulation model has been approved by the Council and forecast microsimulation model provided by NH and audited by the Council but not yet approved. No evidence for the Orsett Cock microsimulation model has been presented in the DCO application. The operational

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modelling of Orsett Cock has demonstrated that the LTAM significantly underestimated the local impacts at this junction and the queuing and delay presented in the operational model as a result of LTC at Orsett Cock is much more significant than shown in LTAM. The Council is concerned that NH is fully aware of this issue and decided not to submit the operational modelling, because it contradicts the strategic modelling, which the LTC design is based upon. Although it is now understood from NH that operational modelling will now be submitted at Deadline 1, which the Council will need to carefully scrutinise.

- 9.4.12 The Council's appraisal of the strategic LTAM impact assessment at each of the junctions is set out at **Appendix C, Annex 1**. In the absence of operational modelling undertaken by NH, the Council has undertaken its own operational appraisal of the local junctions impacted by LTC. That appraisal demonstrates that LTC has severe impacts on the local junctions, which require mitigation.
- 9.4.13 NH's strategic transport model forecasts that LTC will substantially increase traffic on some of the most important and busiest roads in Thurrock including the following:
- a. A1089, which is forecast to see 46% and 41% increases in northbound traffic in the morning and evening peak hours by 2045; and,
 - b. A13 east of the Orsett Cock roundabout is forecast to see increases in traffic ranging between 11% and 19% in the morning and evening peak hours by 2045.
- 9.4.14 LTC is also forecast to increase traffic on unsuitable local roads and through local communities in Thurrock. These concerns are raised by the Council through SoCG Matters 2.1.60 to 2.1.162 and cause severance to those communities, which is identified at paragraphs 3.22 and 5.205 of NPSNN. Through a review of the LTAM cordon model for the DCO, the communities within Thurrock noted to be affected including:
- a. Brentwood Road (south of A13 Orsett Cock junction), between Orsett and Orsett Heath, is forecast to see increases in traffic of 59% and 24% in the morning and evening peak hours respectively by 2045 with rerouted traffic travelling through Chadwell St Mary and Tilbury;
 - b. Chadwell Hill in Chadwell St Mary is forecast to see increases in traffic of 11% and 6% in the morning and evening peak hours respectively by 2045 with rerouted traffic travelling through Chadwell St Mary and Tilbury;
 - c. Muckingford Road in Linford is forecast to see increases in traffic of 32% in the evening peak hours by 2045 with rerouted traffic travelling through Chadwell St Mary and Tilbury;
 - d. The LTAM strategic model forecasts significant worsening of congestion on the A13 westbound merge resulting in traffic re-routeing through communities of Corringham and Stanford-le-Hope; and
 - e. Rectory Road passing through Orsett village is forecast to see increases in traffic of 18% and 20% in the morning and evening peak hours respectively by 2045, with reductions in traffic on Brentwood Road as a result of traffic re-routing through Orsett village and away from Orsett Cock.
- 9.4.15 It should be noted that the five points raised above demonstrate that the NH position and conclusions appear contradictory and confusing, and, the Council have raised the need for mitigation with NH, but NH consider the matter negligible and that it should be addressed by the Council in future years. Therefore, the Council would like to highlight and summarise these contradictions as follows:

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- a. The operational modelling has not been used to validate the LTAM modelling, which is particularly an issue at Orsett Cock, which is within the Order Limits and a key part of LTC scheme;
- b. Operational modelling shows reduction in traffic on Brentwood Road, but the LTAM modelling (upon which the DCO application is based) shows significant increases. NH has therefore submitted two contradictory modelling scenarios;
- c. NH has agreed that the increase in inappropriate traffic through Orsett village is significant. Instead of addressing this through the DCO, NH has identified mitigation for this as necessary via a S106 Agreement;
- d. Once mitigation to remove the displaced traffic through Orsett is taken into account the loading of traffic back on the Brentwood Road will further exacerbate traffic at Orsett Cock. This has not been modelled;
- e. NH did not agree the scope of the operational traffic modelling with the Council and the full extent of the queuing on Brentwood Road is beyond the limits of the modelled area; and,
- f. NH has not applied an iterative approach to use the operational modelling to inform its LTAM modelling, as is normal practice on other NH schemes and would be required by a local authority scheme affecting the SRN. The clear contradictions between the models means that the LTAM model is not a sufficiently sound basis for the scheme design and the business case is predicated on this LTC scheme.

9.4.16 **SUMMARY: NPSNN paragraph 4.6 requires that models of sufficiently accurate detail of the impacts are used for the submission. The Council has evidenced that NH's modelling assessment is inadequate and significantly underestimates impacts on the LRN. The Council considers that the LTAM is not sufficient to properly assess the effects of LTC on the LRN and that operational modelling should be undertaken to understand the precise nature of impacts and need for mitigation on the LRN.**

9.4.17 **Irrespective of the appropriateness of LTAM to assess impacts on the LRN in Thurrock, it forecasts significant reassignment of traffic within the local area, including through local communities and causes congestion and delays at junctions not directly related to LTC. These impacts have not been mitigated. Mitigation will, in many instances, require reassigning traffic currently shown in unsuitable residential areas back onto the key traffic corridors, further exacerbating issues already evident from the strategic modelling.**

9.5 Required Mitigation of Local Transport Impacts

- 9.5.1 No physical mitigation for local transport impacts and local communities is currently proposed by NH to mitigate the operational effects of LTC. NPSNN paragraph 3.3 specifically states '*In delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance*'. As set out in **Appendix C, Annex 1**, LTC will result in unmitigated severe transport impacts on the LRN and create substantial community harm within Thurrock and is therefore not compliant with national policy.
- 9.5.2 It is the Council's opinion that it is not acceptable for the severe transport effects on the LRN not to have mitigation secured through the DCO. The Council has repeatedly raised its objection to the approach adopted by NH to discount the need to mitigate severe impacts on the wider network and these are expressed here and through SoCG Matters 2.1.158, 2.1.159, 2.1.163 and 2.1.164.
- 9.5.3 The Wider Network Impacts Management and Mitigation Plan (WNIMMP) ([APP-545](#)) sets out NH's approach to the monitoring and management of the local impacts that are created by the operation

of LTC and the associated WNIMMP Policy Compliance document ([APP-535](#)) sets out how that process is claimed by NH to be compliant with policy.

- 9.5.4 NH does not deny that LTC induces local network congestion and disruption. Furthermore, through traffic re-routeing, LTC causes unmitigated community harm. At paragraphs 1.1.1 and 4.2.10 of the WNIMMP ([APP-545](#)), NH states that the strategic traffic modelling as presented through the Transport Assessment ([APP-529](#)) demonstrates that there are to be impacts on the local road network. It is NH's opinion that its approach accords with NPSNN and that these local impacts are acceptable when balanced with the greater national good. NH suggests that it has been collaborative, e.g. WNIMMP paragraph 4.3.2 and 4.3.4; and, proposes that through the data collection and analysis process set out in the WNIMMP, the Council should bid for future funding as a separate initiative under such workstreams as RIS and Levelling-up (paragraphs 4.3.3, 5.6.1 and Table 6.1 of the WNIMMP).
- 9.5.5 **SUMMARY: fundamentally the Council is opposed to the proposal by NH to overlook all induced impacts and to require the Council to apply for future funds to mitigate the effects of LTC on local roads, which may not be successful and would in any case load significant additional financial burden on the local taxpayers, who would need to provide significant funding. Notwithstanding the Council's opposition to the stance taken by NH, the draw on the Council's stretched financial and personnel resources to prepare funding applications and to subsequently oversee the implementation of any mitigation would be untenable.**
- 9.5.6 NH's approach omits the 'management' aspect of the WNIMMP and resolves to do nothing to mitigate the impacts and harm of LTC. That stance is not compliant with the NPSNN, which requires applicants to mitigate the local impacts and harm. NPSNN paragraph 5.206 states that the EIA '*should describe those impacts and mitigating commitments*' and paragraph 4.31 states that it is for the applicant to mitigate '*any existing adverse impacts wherever possible; for example, in relation to safety or the environment*'. In accordance with NPSNN, mitigation of scheme impacts should not be left to local authorities to address.
- 9.5.7 Paragraph 5.206 goes on to states that '*if a development is subject to EIA and is likely to have significant environmental impacts arising from impacts on transport networks, the applicant's environmental statement should describe those impacts and mitigating commitments.*'
- 9.5.8 Paragraph 5.214 states that '*Provided that the applicant is willing to commit to transport planning obligations and, to mitigate transport impacts identified in the WebTAG transport assessment (including environment and social impacts), with attribution of costs calculated in accordance with the Department's guidance, then development consent should not be withheld. Appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure.*'
- 9.5.9 The Council is seeking the following approach from NH for the mitigation of identified LRN impacts of the operation of LTC and monitoring of potential additional impacts over and above the DCO assessment:
- a. Severe transport impacts on the LRN to be mitigated through the DCO, either via mitigation to be delivered through Order Limit changes or via planning obligations within a Deed of Obligation or S106 Agreement; and,
 - b. Monitoring of actual LRN transport impacts of LTC operation to be undertaken through the WNIMMP (NB. Monitoring locations are accepted by the Council) and if further severe impacts arise that are beyond what has been identified and mitigated through the DCO, additional LRN mitigation is funded by NH as part of the WNIMMP, secured through the Deed of Obligation or S106. This mechanism has recently been implemented as part of the Sizewell C Deed of Obligation, which includes a fixed Transport Contingency Fund from which the local highway authority can draw down if ongoing transport monitoring shows additional severe impacts over and above those mitigated through the DCO.

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- 9.5.10 Based on the incomplete modelling exercise undertaken to date by NH, the Council considers that key impacts that require mitigation are:
- a. Capacity mitigation on the local network – Orsett Cock, The Manorway, Five Bells, ASDA roundabout, A1012 / Devonshire Road and the Marshfoot Road junction;
 - b. Community/Environmental mitigation – Orsett village, Chadwell St. Mary / Tilbury, Corringham / Stanford-le-Hope and Horndon;
 - c. Mitigation for severance and safety concerns at LTC interfaces with walking, cycling and equestrian routes – A1013; Orsett Cock; LTC bridge crossings; and,
 - d. Mitigation for public transport – providing connectivity opportunities to LTC for cross river services; providing sufficient width at crossings of LTC and allowing sufficient corridor width on specific LTC crossings for emerging bus corridor improvements connected with growth in Thurrock and within the emerging Transport Vision for Thurrock (as has been discussed with NH for over a year but not agreed by NH).

- 9.5.11 **SUMMARY: NH's assessment shows that there are many communities and junctions across Thurrock that are significantly adversely affected by LTC, either through reassigned traffic or through induced additional traffic. NH has determined that, despite clear policy requirements on mitigating impacts in NPSNN, it is not its duty to mitigate local impacts and instead that the local authorities are responsible for mitigating the effects of LTC on local roads, which may not necessarily be successful.**

This approach is not accepted by the Council.

9.6 Required Amendments to Key Elements of LTC Scheme Design

- 9.6.1 This section of the LIR expands on the Council's Relevant Representation Principal Issue IV, which identifies the various concerns with LTC proposed layout and connection.
- 9.6.2 The Council has raised a series of design and layout amendments that should be made to LTC to mitigate local impacts and further promote sustainable modes of travel. These are reported in detail at **Appendix C, Annex 2, Sub-Annex 2.1** to this LIR and include:
- a. Providing a simple and appropriate scale design for the interchange between LTC / A1089 /A13 and the Orsett Cock junction, which resolves the Council's significant concerns over safety, severance, delay, congestion, land take and traffic reassignment;
 - b. Create a robust interchange and connections at Tilbury to provide access to the Port of Tilbury and facilitate future local connection to emerging development growth;
 - c. Incorporate connections to LTC for cross river bus services; and,
 - d. Safeguard an area around the North Road structure to allow for the future provision of an interchange with LTC to serve future development growth in the vicinity of Ockendon.
- 9.6.3 With regards to road safety paragraph 3.10 of NPSNN requires the applicant to *'take opportunities to improve road safety, including introducing the most modern and effective safety measures where proportionate.'*
- 9.6.4 Paragraph 4.66 of NPSNN states that consent should not be granted unless *'all reasonable steps have been taken and will be taken to:*
- a. *Minimise the risk of road casualties arising from the scheme; and*
 - b. *Contribute to an overall improvement in the safety of the strategic road network.'*

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9.6.5 The Council continues to have significant concerns with the interface between LTC and the LRN at the Orsett Cock junction. Road safety issues with the scheme design, which may result in collisions and have consequential impacts on the LRN as a result of the management of these incidents are set out in detail in **Appendix C, Annex 2**. Those points are indicated and summarised below in **Figure 9.2** below.

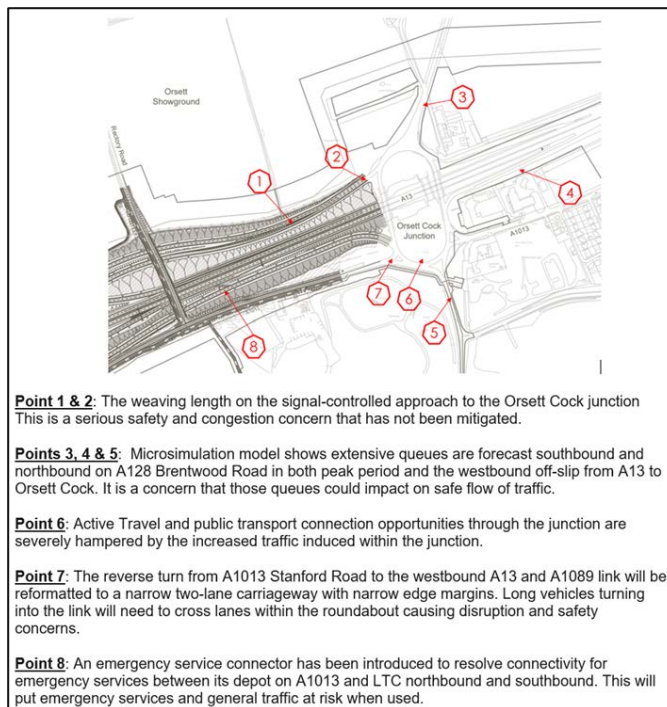


Figure 9.2: Summary of points of concern at Orsett Cock Junction

- 9.6.6 In addition, the increase in traffic on the LRN as a result of LTC will result in an increase in collisions on local roads and NH forecasts an increase in road collisions as a consequence of LTC in its appraisal of the overall project. It is the Council's opinion that the layout of the LTC/A13/A1089 Orsett Cock interchange is a convoluted and confusing interchange with many short merge, diverge and weaving points, for which a disproportionate increase in collisions would be realised. That would not be reflected by the standard appraisal of impacts and does not adequately represent the impacts on the LRN or towards the national aspiration for Vision Zero to eliminate killed and serious injury collisions on UK's roads.
- 9.6.7 NH is not clear within its submission as to the layout of the interface between the proposed new LTC infrastructure and the current Orsett Cock junction. Plans submitted by NH in the DCO do not fully align with the current revised junction at Orsett Cock; and, the descriptions of the Authorised Works in dDCO ([AS-038](#)) do not align with the General Arrangement drawings. This point is set out in more detail at **Appendix C, Annex 2** to this LIR. The Council is not able to provide an informed opinion on the layout of the interconnection and impacts at Orsett Cock without clear and aligned layout details.
- 9.6.8 Through engagement with NH the Council has sought to review alternative configurations of the connectivity between LTC and the borough. The Council proposes that a connection should be made both to the south and north of A13. Those connections would both provide local connectivity and would allow for rationalisation of the A13 interchange.
- 9.6.9 To the south a connection in the vicinity of Tilbury / Port of Tilbury had been identified. That interchange would be focused on access to the port and provide access both to the east and west of LTC primarily for public transport and active travel. That connection would allow cross-river connections for public transport with suitable amendments to LTC south of River Thames.

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- 9.6.10 North of A13 the Council has identified that connection to LTC around North and South Ockendon could provide relief to M25 junction 30 and potentially LTC / A13 interchange. That strategy has not been tested through LTAM or other modelling. Furthermore, that connection could form part of a strategy for access to potential development growth around Ockendon.
- 9.6.11 **SUMMARY: the Council has consistently contested that that strategy for the interchange at LTC/A13/A1089 is flawed and unsafe. The interchange introduces safety concerns, severance to walkers, cyclists, horse-riders and public transport and delay to local traffic using Orsett Cock, which is being utilised as part of the SRN. Information provided by NH on the interface between LTC and the LRN is confused and unclear.**
- 9.6.12 **LTC furthermore fails to meet its objectives by creating barriers to future growth opportunities and does not facilitate connectivity across the River Thames for public transport or to the growth at the Port of Tilbury, to the east of LTC or in the vicinity of Ockendon.**

9.7 Legacy Benefits

- 9.7.1 NPSNN paragraph 3.3 states that '*Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes.*' There is no evidence of tangible transport legacy benefits to the borough as a consequence of LTC.
- 9.7.2 With regards to WCH facilities, NH has reconnected severed routes rather than taking a more strategic approach to WCH provision. NH should have engaged with the Council on a package of meaningful and tangible improvements rather than the rather perfunctory approach that it has adopted.
- 9.7.3 Rather than designing LTC to achieve environmental and social benefits associated with public transport improvements, LTC has instead precluded public transport opportunities on A1013 through the realignment and reconfiguration of Stanford Road to the west of the Orsett Cock junction.
- 9.7.4 The Council has requested that a bus priority corridor is provided at the Muckingford Road crossing to facilitate future bus priority improvements within the Borough vital for the emerging Local Plan. This has not been provided in the submitted design of LTC.

9.8 Local Transport Impacts of Construction Phase

- 9.8.1 This Section expands on the Council's Relevant Representation Principal Issue V relating to the governance, impacts and mitigation required during the construction phases of LTC.

Impact on Local Traffic

- 9.8.2 Notwithstanding the Council's overriding concerns about LTC, if the scheme were consented and constructed, the Council requires that binding, coordinated and robust mechanisms are put in place to protect its local communities and the travel network from the traffic impacts of the construction period (and indeed for its operation too).
- 9.8.3 The Council has sought to collaborate with NH in assessing the impacts and establishing what mitigation and controls should be implemented and maintained. Some progress towards the construction strategy and control mechanisms has been realised, however, progress is still required in the commitments to be made by NH within the DCO.
- 9.8.4 The suite of control documents is emerging and would be refined by NH's contractors following appointment. The Council acknowledges that the Code of Construction Practice ([APP-336](#)); the

outline Traffic Management Plan for Construction (oTMPfC) ([APP-547](#)); the Framework Construction Travel Plan (FCTP) ([APP-546](#)); and outline Materials Handling Plan (oMHP) ([APP-338](#)), inter alia, provide a base for managing the construction phases. It is the Council's opinion, however, that there are many statements, limited clarity and few commitments contained within those documents, which combined, fail to provide the certainty to the Council that the construction will be managed within the construction parameters defined within the DCO assessment.

- 9.8.5 The construction of LTC is planned to be undertaken over a construction period of six years. The long duration of the construction period and the construction activities inclusive of network changes and construction traffic will have disruptive and intrusive impacts on local communities in Thurrock, leading to day-to-day inconvenience to the travelling public, local residents and businesses.
- 9.8.6 The Council has sought to understand the assumptions regarding:
- a. The temporary traffic management measures and phases affecting the borough;
 - b. The strategy for materials, plant and equipment handling – see SoCG matters 2.1.110 through to 2.1.115;
 - c. The process for governing the construction period – see SoCG matters 2.1.7 to 2.1.9, 2.1.36, 2.1.45, 2.1.107, 2.1.117 to 2.1.142, and 2.1.243 to 2.1.255;
 - d. The applied construction related traffic and their representation in the LTAM cordon construction models; and,
 - e. The forecast impacts on the LRN during the construction phase.
- 9.8.7 **Appendix C, Annex 3** sets out the Council's position regarding the deficiencies in NH's assessment of the impacts of the construction period on the Borough and how control documents and governance processes proposed by NH fail to mitigate the impacts in the Borough or provide a sufficiently strong set of parameters and controls within which the contractors can construct the scheme.
- 9.8.8 **SUMMARY: the Council notes the progress made with NH in refining the governance approach, which would be followed during the construction period. It is the Council's opinion, however, that insufficient control is set out in the currently submitted Control Documents from which the contractors are to develop the detailed governance plans. NH should be leading with an extremely strong framework from which the contractors can refine their final proposals, so as to protect the local communities from the effects of the construction period.**

Impact of Traffic on Local Communities

- 9.8.9 The construction period models have indicated significant traffic re-routeing and the movement of construction traffic through local communities, such as Orsett village, Chadwell St. Mary / Tilbury, Corringham / Stanford-le-Hope and Horndon and at junctions including Orsett Cock roundabout, Marshfoot Road, Asda Roundabout, North Stifford interchange and High Road/Stifford Clays Road (Medebridge Road). NH has taken no steps to mitigate these effects other than to state that the creation of a Traffic Management Forum (TMF) will allow these points to be 'discussed' and that the contractors will put into place route management and delivery period controls. The Council has observed traffic increases through Orsett Village during similar works during the recent reconfiguration of A13 and the Orsett Cock junction.
- 9.8.10 When combined with vehicle monitoring information that must be shared with the Council, these measures will assist with the management and enforcement of the construction traffic fleet. It will not influence workforce traffic, which will not be controlled in the same way, and it will not mitigate

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the effects of general traffic re-routeing to avoid delays and disruption. The TMF will not be mandated to resolve matters raised during the construction period and will rely on NH's and the contractors' goodwill to react and resolve matters raised by the Council and other stakeholders, which the Council contends is not acceptable until further detail is committed to within the relevant control documents.

- 9.8.11 As noted through the review of the construction models, some routes are forecast to experience journey time increases of up to four minutes on average during the modelled period (0700-0800). That forecast is an averaged increase, does not reflect the LRN network peak and allows for re-routeing that has taken place within the software to balance the network. It is therefore fundamental that NH considers mechanisms to manage traffic away from the local communities and to minimise journey time increases and disruption in those communities and at affected junctions.
- 9.8.12 That mitigation could take the form of temporary road closures to restrict unwanted through traffic or other route restrictions to introduce equivalent delays and retain traffic on its appropriate corridor. These measures need to be considered in collaboration with the Council, so that they can be secured through the DCO. NH has not yet committed to undertaking such work or mitigation.
- 9.8.13 Complementing the management of traffic during the construction period, NH should also commit to decarbonising the construction fleet to reduce environmental impacts and reducing the need to move to and between compounds. Electric vehicles and plant should be used where viable for the size and form of vehicle or plant, especially where they are involved in shorter and frequent movements within or between compounds and other related facilities. Hydrogen or alternative zero-emission fuelled vehicles should be promoted for larger construction vehicles and plant. Autonomous and Artificial Intelligence options should be continually reviewed and adopted as they emerge into the industry, where they can save the need to travel and can reduce the risks associated with the construction period. This has been raised previously with NH through SoCG Matters 2.1.246 to 2.1.248.
- 9.8.14 **SUMMARY: NH has used the LTAM model to forecast effects of a series of scenario phases. NH forecasts impacts on a number of key locations within the LRN but proposes that mitigation would be defined by its contractors' post DCO being consented. Relying heavily on future collaboration and goodwill within the TMF. The governance framework secured through the DCO must test and confirm the level and type of mitigation that must be adopted, including matters such as decarbonisation of the contractors effects on the LRN.**

Impact on Public Transport

- 9.8.15 The Transport Assessment ([APP-529](#)) Section 8.9 and associated Tables 8.70 to 8.79 set out the assessment of impacts on public transport services in Thurrock. That assessment shows that bus services in Thurrock are noted to be impacted during 10 of the 11 phases of the construction period with an increase in running time of greater than two minutes. During certain phases the forecasts in journey time increases can be greater than five minutes, generally in the PM peak period. Train services are anticipated to be less disrupted with short term possessions.
- 9.8.16 Bus service 11 is forecast to be impacted through all of the 10 phases, which is currently estimated by NH to be a period of 55 months. Bus services 100, 200, and 370 are predicted to be affected for periods between 25 and 49 months. This represents a substantial long-term impact on bus services but is currently not mitigated. Bus service 100 is a high frequency service (typically 4 buses per hour) and will be impacted for around 33 months and in addition during the connection works between Orsett Cock and the new LTC linkages. Bus service 200 will require diversion during the long-term closures of both Baker Street and Rectory Road.
- 9.8.17 NH relies on the preparation of more detailed Traffic Management Plans (TMPs) by the contractor and collaboration through the TMF also by the contractors to mitigate the impacts on bus services.

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NH has given very little leadership and guidance as to what that mitigation should be or how it should be implemented and when. With a headway of 15 minutes on bus service 100 impacts of 5 minutes per journey through the affected section of its route is significant and could require additional buses to maintain headway. The impacts on services have been identified by NH yet no mitigation has been proposed, except to leave that to the contractors.

- 9.8.18 The Council has expressed its concerns over the impacts on local bus services at SoCG Matters 2.1.131 and 2.1.132. Recognising that there would be impacts on journey times and routeing, the Council expresses that the impact in mobility can have a profound effect on people's ability to access, amongst other things, community and health services. These effects must be given due credence and mitigation. The Council has specifically noted the potential impact on journeys between Thurrock and Basildon (Thurrock University Hospital), which should be recognised and addressed.
- 9.8.19 The oTMPfC ([APP-547](#)) within Section 2.4 'Challenges and consideration' and Table 2.3 includes the generic headlines of considerations for contractors to take into their TMPs and when engaging with stakeholders. Those headlines are to: maintain the services as far as possible; provide diversion routes as required and as informed by the Council; and, to engage with rail companies and reduce impacts. Those are valid statements but do not bind the contractors into action.
- 9.8.20 Against the backdrop of potential legacy improvements, NH should include such measures as:
- a. Specify the mitigation required to be introduced and funded for the affected services following its own engagement with bus operators, such as funding additional buses within services to offset delays;
 - b. Propose direct engagement with stated stakeholders, such as colleges, health centre and community centres to publicise the changes and promote service use;
 - c. Seek mechanisms to incentivise public transport use, such that a legacy effect might be realised;
 - d. Actively manage mobile traffic signals to minimise peak flow delays;
 - e. Stipulate the lead in times for contractors to notify stakeholders of changes to bus service and how to keep stakeholders notified;
 - f. Require innovation in keeping stakeholders up to date with changes and project over runs; and,
 - g. Require contractors to programme and coordinate construction works, so that impacts are targeted at quieter times, such a holiday periods.
- 9.8.21 The TMF proposed through the oTMPfC ([APP-547](#)) simply provides a forum for discussion. Its role and independent governance needs to be mandated to resolve problems which might occur during the works, such as the changing and cumulative nature of works on A1013. Funding also needs to be set aside to ensure that mitigation requirements can be adequately funded.
- 9.8.22 As with many matters, NH has recognised that the construction of LTC will have a long-term impact on local communities during the construction period but does very little to mitigate those impacts.
- 9.8.23 **SUMMARY: NH must confirm the actions that it will require its contractors to take to mitigate the impacts on local public transport services in the form of an appropriate strategy. This strategy should include stakeholder engagement exercises; service and infrastructure modification; and service reliability commitments. That strategy must focus**

both on the direct effects of adjacent works and the indirect effects on those communities using the public transport services, e.g. education and health journeys.

Required Mitigation of Construction Impacts

- 9.8.24 Notwithstanding the Council's overriding opinion on the absence of a viable transport business case for LTC, as set out throughout this LIR, the following reflects the Council's review of the impacts anticipated to the communities and transport system within the Borough during construction, if LTC were to be built. This section summarises the mitigation that would be required.
- 9.8.25 During the Examination, the Council requires that NH reviews the submitted control documents and strengthens its commitments contained in those documents to provide clear parameters, secured within the DCO, from which the contractors will prepare their detailed governance and control documents. These include the oTMPfC ([APP-547](#)), the FCTP ([APP-546](#)), the oMHP ([APP-338](#)), the pNRA ([APP-548](#)), and the CoCP ([APP-336](#)). Those review would then need to be reflected in the dDCO ([AS-038](#)), the Transport Assessment ([APP-529](#)) and ES Appendix 4.4 and others ([APP-343](#)).
- 9.8.26 That strengthening would be the basis for actual mitigation to support the statements and data collection processes that are provided within the current suite of control documents. The fact that NH has already appointed its contractors for LTC should not prevent the need to renegotiate terms with contractors, as necessary, to reflect the necessary governance arrangements yet to be agreed.
- 9.8.27 The oMHP should be the base from which to develop a stretching and environmentally sound, in line with industry good practice and reflecting its 'pathfinder' status, approach to managing materials, plant and equipment associated with the entire construction process and that should include the use of marine and rail transport. The oMHP currently presents one commitment to transport 35% of bulk aggregates by river, which is phased such that it is open to interpretation by the contractors. That commitment should be one of a range of robust commitments and should also be more testing and fully governed and secured within the DCO and monitored during the construction phase, with clear consequences for not achieving them. Proposals were jointly presented by the Council and the Port of London Authority (PLA) to NH for improved use of the river for marine transport of plant and materials. This was presented in the Joint Council/PLA Technical Note of October 2022, which is within **Appendix C, Annex 4** and was responded to by NH in February 2023, but with no changes to their original proposal which was not considered acceptable.
- 9.8.28 NH should commit to requiring its contractors to using a zero-emissions road fleet and construction plant both within the works and for movements to, from and between compounds. Departures from that commitment would need to be substantiated by the contractors through their TMPs ([AS-038](#), dDCO Requirement 10 and [APP-547](#), oTMPfC section 2.3) or its Construction Logistics Plans ([APP-336](#) Section 6.1). NH should further actively facilitate use of zero-emissions vehicle use by workers as part of legally binding Travel Plan obligations.
- 9.8.29 A Detailed Local Operating Agreement (DLOA) or side agreement should be devised and concluded before DCO Grant or secured through a Requirement. That agreement will clearly set out the mechanisms for co-ordination between the authorised works and other works on the LRN both within and outside the Order Limits. Further comments on this matter are set out in Section 15.2 below.
- 9.8.30 The FCTP has provided analysis of the anticipated travel effects of the workforce and needs to be extended prior to DCO Grant to provide clear and robust targets and initiatives that will be adopted by the contractors. That can include commitments toward decarbonising travel and putting in place

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- mechanisms to help workers travel without their cars. Section 15.6 of this LIR considers the FCTP ([APP-546](#)) further.
- 9.8.31 NH must mandate the TMF, which will be established through the oTMPfC ([APP-547](#)) to resolve problems that are identified during the construction period. A clear and robust governance structure must be set out in the oTMPfC showing the control and co-ordination and reporting structure and timeframes for resolving matters raised. Currently the TMF would become a discussion group with no authority or proper controls.
- 9.8.32 Orsett village will be significantly impacted during the construction phases both directly through the closure of Rectory Road and Baker Street and indirectly through the displacement of traffic into the village network to avoid delays at Orsett Cock and A1013. NH has acknowledged that funds for the provision of traffic management measures in Orsett Village should be secured through the DCO, but has not currently proposed a mechanism. Furthermore, the commitment to monitor the impacts on other communities, as set out in oTMPfC ([APP-547](#)) Section 2.4, should be assigned a ringfenced fund in a Deed of Obligation to be used during the construction period to mitigate other problems, which are directly related to the construction period, such as re-routing traffic that has been forced into communities, such as around Chadwell St Mary, Tilbury and Linford.
- 9.8.33 The oTMPfC should set out in the document what the consequences are to the contractor of non-compliance with the designated routes which will be monitored during the construction phase through the framework indicated at Plate 2.4 of the oTMPfC ([APP-547](#)). Paragraph 2.4.22 of the oTMPfC ([APP-547](#)) refers to providing the monthly monitoring at data sites, which must include reviews of variations in background traffic and must include what the consequences would be if monitoring is different to the assessed effect. The contractors should collect daily data of its fleet and that of its subcontractors and hauliers and present this information via digital dashboards that can be interrogated as part of the monthly monitoring reports.
- 9.8.34 NH has used LTAM to provide a transport modelling assessment of the distribution of construction traffic across the LRN. That assessment does not wholly align with the controls on traffic that are proposed within the oTMPfC, since only earthworks HGVs are assigned in the models to specific routes and other construction traffic is at liberty to assign within the network. The Council notes that there is no mechanism to control HGV movements and is concerned that NH's projections and controls will not be complied with. The Council proposes that caps on HGV movements to and from each compound are set in accordance with the DCO assessment and that those movements are assigned to the prescribed routes as set out within NH's evidence and commitments within the oTMPfC ([APP-547](#)). Those caps would be captured in the oTMPfC, such that they should be adopted within the contractors' TMPs. The caps on movement would be in accordance with the assumptions that NH has taken during its assessment and that were applied to its LTAM strategic models, with detailed modelling yet to be undertaken.
- 9.8.35 Through the TMF (if improved), the contractors, NH, the Council and other stakeholders can review the observed flows and commitments to remediate effects; defending local communities from traffic which seeks to reroute (e.g. Orsett).
- 9.8.36 Currently, there are no controls on the number of HGV movements or workforce movements that could be assigned to each compound. Both NH and the contractors are at liberty to adjust their operations with no consequences to local impacts or understanding of such impacts.
- 9.8.37 NH must revisit its proposals for governance and commitments during the construction period set out in the control documents. This must include a more robust approach to using marine and rail transportation to minimise the need to use road transport for the movement of materials, plant and equipment.
- 9.8.38 The construction period will bring in excess of 1,000 workers to the Borough at peak construction, who will not currently live in the Borough. Those people will need effective and environmentally

sound means to travel to the compounds. At present NH has not provided sufficient evidence as to how it will facilitate those journeys by anything other than the private car. This is not acceptable to the Council.

- 9.8.39 **SUMMARY: alongside a strengthening of the construction period governance processes, to set a robust framework for secondary mitigation, and the need to define primary mitigation at locations identified to be impacted by construction traffic and rerouted traffic, NH should extend its commitments to tertiary mitigation by minimising the use and transportation of materials, plant and equipment especially by road. The oMHP ([APP-338](#)) must be revisited by NH prior to any DCO being consented, such that it sets a clear and stretching basis from which the contractors can develop their proposals.**
- 9.8.40 **OVERALL SUMMARY: NH has used the LTAM to assess the likely impacts of the construction period for LTC. LTAM does not provide sufficient accuracy or detail to properly assess the impacts of construction on the LRN and local communities. This exercise must be completed using the operational models, so that impacts are properly understood and mitigation can therefore be considered in relation to construction impacts.**
- 9.8.41 **Notwithstanding this, the LTAM has shown impacts at many locations and NH proposes a suite of control documents as a basis for governance during the construction period. Those documents provide the start of a system of governance, but do not include sufficient control, guidance and commitments to lead NH's contractors to minimise the impacts of construction on the local community and network and operate within parameters assessed through the DCO.**

9.9 Incident Management

- 9.9.1 NH has stated that an objective of the scheme is to increase resilience in the SRN and for the crossing of the River Thames. This is specifically referenced in the Transport Assessment section 7.9 ([APP-529](#)), where it is stated that LTC would provide an alternative route to the Dartford Crossing under normal operation, but also during network incidents.
- 9.9.2 The Council has sought to understand the implications of LTC being used during network incidents and conversely the effects on the LRN of the redistribution of traffic in the event of incidents on LTC. Following many months of the Council raising its concerns, NH finally met with the Council on 18 October 2022 to discuss the implications of incidents on the LRN and SRN in Thurrock and how those incidents would be managed. At the meeting NH described current operations for management of incidents at the Dartford Crossing. The Council encouraged NH to collaborate further on understanding the likelihood impacts on Thurrock and the governance of those incidents. NH has not taken up that offer and has not prepared an incident management assessment and plan, which we understand has also been requested by the emergency services.
- 9.9.3 In the absence of any alternative method, the mechanism for investigating these effects would seem to be through iterations of the LTAM model. The Council has requested iterations of the LTAM model and provided a series of incident scenarios that could be assessed. This assessment has not been provided and so the Council cannot judge the likely effects of incidents on its network.
- 9.9.4 The road network in Thurrock has suffered frequently from the effects of southbound incidents at the Dartford Crossing. With the introduction of LTC the effects will change, however, that change could include new disruption to the LRN during northbound incidents at the Dartford Crossing as well as increased local demand during southbound incidents and closures. An added complexity would also come from incidents on LTC where drivers are not given adequate notice to reroute before arriving at an incident on LTC and either becoming trapped within LTC or seeking to reroute via the Orsett Cock interchange and onto other local roads.

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- 9.9.5 Currently, the Council is not in a position to form an informed judgement on these effects in the absence of wider LTAM testing and an incident management plan. The Thurrock LTAM 'cordon' traffic model does not allow the Council to run its own tests in the wider area.
- 9.9.6 Irrespective of the absence of provision of scenario testing of incidents and maintenance events on the surrounding network, the evidence submitted within the DCO does not include any information on an incident management plan. The Council does not agree that the network should be left to find a balance rather than operating under a planned and potentially proactive management plan being put in place which should be regularly reviewed, refined and updated. The Council is aware that this opinion is supported by the emergency services.
- 9.9.7 **SUMMARY: a stated objective of LTC is to bring resilience to the crossings of River Thames. The Council has not been provided with evidence that LTC will succeed in that objective and has sought to work with NH to understand the strategy to manage incidents on the proposed convoluted network. NH has not provided any evidence or collaborated with the Council on this strategy.**

9.10 Walkers, Cyclists and Horse Riders (WCH)

- 9.10.1 Further details can be found in Section 10.12 below.

10 Assessment of Environmental and Health Impacts

10.1 Introduction

- 10.1.1 This section reviews the DCO application in respects of the various topics within the Chapters of the ES and the related, Figures, Appendices, the HEqIA, the Carbon and Energy Management Plan and other related documents. The topics covered below are Air Quality, Noise and Vibration, Cultural Heritage, Landscape and Visual, Terrestrial Biodiversity, Marine Biodiversity, Water Resources, Geology and Soils, Materials and Waste, Land Use and Open Space, Walkers, Cyclists and Horse riders (WCH), Human Health, Equalities and Wellbeing, Climate and Decarbonisation and Cumulative Impacts.
- 10.1.2 Each topic is dealt with in a similar fashion (supported by Appendices if necessary) covering the following structure/content: an Introduction, Summary of Key Issues, Local Impacts, Policy Compliance and Local Impacts and Further Work and Mitigation Required.
- 10.1.3 This assessment of the identified environmental and health impacts/effects highlights local impacts and what is required to mitigate such impacts and what local aspects need to be considered by the ExA in determining written questions, Hearings content and managing the Examination.

10.2 Air Quality

Introduction

- 10.2.1 The fraction of mortality attributable to particulate air pollution (Public Health Indication D01, PHE) in Thurrock in 2021 was 5.91%, above the national average and in the highest 20% of local authorities in England.
- 10.2.2 The Council has investigated air quality within its administrative area as part of its responsibilities under the Local Air Quality Management regime. To date, the Council has declared 18 AQMAs. These have been declared due to exceedances of the annual mean NO₂ and 24-hour mean PM₁₀ NAQOs because of traffic related pollution along busy roads, many of which (such as the M25 and sections of the A13) are controlled by National Highways. None of the TC AQMAs fall within the Order Limits for the Project.
- 10.2.3 The Council carries out monitoring of nitrogen dioxide at three automatic stations and at 67 locations using passive diffusion tubes. In 2019 measured concentrations have been above the annual mean NO₂ objective (40µg/m³) at nine sites within Thurrock, eight of which were within the existing AQMAs. There were also an additional 6 sites which reported within 10% of the NAQO. Overall, NO₂ concentrations remained at similar levels during 2018 and 2019.
- 10.2.4 The Council carries out monitoring of PM₁₀ at three automatic stations, concentrations have remained at similar levels between 2018 and 2020 and there have been no exceedances of the annual mean or 24-hour mean objectives.
- 10.2.5 The Council carries out monitoring of PM_{2.5} at one automatic station, concentrations have been below the NAQO of 20µg/m³ for the last 5 years and concentrations have remained relatively constant between 2017 and 2020.
- 10.2.6 Estimated background concentrations for the Borough are available from the latest 2018 based national maps provided by DEFRA. The background NO₂ and PM₁₀ concentrations are below the relevant NAQOs and limit value across the borough. The background PM_{2.5} concentrations meet the limit value of 20µg/m³, however background concentrations in 2030 (the latest year projections are available) are above The Environmental Targets Regulations 2023 annual mean target of 10µg/m³ to be achieved by 2040 at some locations across the borough.
- 10.2.7 It is therefore evident that the residents of Thurrock have long been exposed to elevated concentrations of air pollution with resultant adverse health effects with NH controlled roads, likely to be a significant contributor. The following summary of key issues aligns with many of the SoCG issues being discussed, but not resolved, with NH over the last 2-3 years.

Table 10.1: Summary of Key Issues

Summary of Key Issues
<p>Relevant Rep VIII – the Council has, since early 2022, requested NH to provide inputs and results for the air quality modelling in an accessible format to allow a meaningful review and understanding of the proposals and impacts. This has not been provided and therefore has not allowed for discussions on additional mitigation to be undertaken in a timely manner. This is documented in Principal Issue VIII within the Relevant Representation document (PDA-009).</p> <p>Comments on the previous SOCG issues that remain valid.</p> <p>SoCG 2.1.101 and SoCG 2.1.196 – no additional information was provided for Tilbury Fields to determine how the highway affects the air quality at the proposed public park adjacent to the tunnel exit at Tilbury Fields. It is considered that additional receptor locations close to the tunnel exits should</p>

Summary of Key Issues

be considered in the assessment to determine the impact of the scheme on users of the Tilbury Fields.

SoCG 2.1.115 - only the impacts associated the Core Scenario (of the transport modelling) have been assessed within Chapter 5; whilst this is standard practice given the substantial increase in pollutants at receptors close to the route in Thurrock, some clarity on the likely range and likelihood of even more substantial impacts would allow acceptability to be determined.

SoCG 2.1.188 - PM_{2.5} concentrations were not modelled and instead the PM₁₀ results were used. While it is acknowledged that the Environmental Targets (Fine Particulate Matter) Regulations 2023 and the Environmental Improvement Plan 2023 were published after the DCO was submitted, these documents set a lower concentration than those considered in the assessment. It is considered that further assessment against these targets is undertaken to determine the impact of the scheme within Thurrock.

SoCG 2.1.189 (2) – the information provided in the Chapter 5 does not provide enough information to determine the overall burden to the residents of Thurrock. Particularly in respect to the increases in Chadwell St Mary, Baker Street and along the A13 between Baker Street and Stanford-le-Hope, where substantial increases in NO₂ concentrations are predicted at the receptors presented in the assessment. The DMRB LA105 assessment methodology focuses on locations where there is an exceedance of the NAQOs, significance of the effects should be considered at locations below the NAQOs and additional information be presented on the quantitative health impacts.

SoCG 2.1.189 (3) – it is acknowledged that under the methodology and guidance used within the assessment that mitigation and monitoring for the operational phase is not required by DMRB LA105. However, given the substantial increase predicted within Thurrock, the Council consider that it would be appropriate (and in line with non-Highway related developments) to undertake some monitoring post completion at receptors anticipated to have the greatest change in concentrations because of the scheme.

SoCG 2.1.198 (1) – it is noted that National Highways were due to commence the baseline monitoring in 2022, confirmation that this has commenced.

SoCG 2.1.198 (2) – modelling shows there are substantial increases in receptors in proximity to the route within Thurrock, particularly in Chadwell St Mary, Baker Street and along the A13 between Baker Street and Stanford-le-Hope, it is considered that monitoring would be proportionate in these locations.

Other Issues

The draft NPSNN highlights (paragraph 5.18 and 5.21) that air quality considerations will be important where there is a deterioration in air quality, particularly where substantial changes are expected, and not be limited to areas where breaches of any national air quality limits or statutory air quality objectives are predicted. The current significance criteria in DMRB LA105 guidance are not considered to reflect this emerging requirement and there are receptors where substantial increases in pollutant concentrations are predicted and the ES Chapter 5 ([APP-143](#)) does not consider them as significant due to the background level rather than the degree of deterioration.

It is not clear from ES Chapter 5 ([APP-143](#)) and the appendices which diffusion tubes are contained with each verification zone or which receptors are within each verification zone. Given that the verification factors that might have been applied to the modelling results within Thurrock range from ~0.65 to greater than 3, this will have a major effect on the reported impacts. It is therefore considered essential that a figure be provided which shows where each zone has been applied and therefore which receptors are in each verification zone. This will help the Council to better understand the predicted changes in air quality within the Borough.

Local Impacts Identified by Thurrock Council

- 10.2.8 It is acknowledged that there are both improvements and deteriorations in air quality because of the scheme. The information provided in the ES Chapter 5 ([APP-143](#)) does not provide adequate information to fully determine the overall burden to the residents of Thurrock, particularly in respect to the increases in Chadwell St Mary, Baker Street and along the A13 between Baker Street and Stanford-le-Hope, where substantial increases in NO₂ concentrations are predicted at the limited number of receptors presented in Table 1.1 of Appendix 5.4 of the assessment ([APP348](#)) and Table 5.28 of Chapter 5 ([APP-143](#)).
- 10.2.9 Overall, despite the sparsity of modelled receptors in residential areas in proximity to the Scheme, there are more receptors within Thurrock that experience an increase (81 No.) in concentrations compared to those that experience a reduction (56 No). Generally, there is a geographical divide within the Borough with those receptors located in the west of the Borough experiencing a reduction in concentrations, while those located in the east of the Borough experiencing an increase in concentrations.
- 10.2.10 Whilst NH has not provided complete data in a manner that would aid interpretation, from the data presented in Chapter 5 ([APP-143](#)) and Table 1.1 of Appendix 5.4 ([APP348](#)) considering all receptors within Thurrock there is maximum predicted increase in annual average NO₂ concentration of 4.8 µg/m³ (at receptor LTC326 as a result of a new section of road being constructed close to the receptor with predicted flows of 86,400 AADT) and an average increase in annual average NO₂ concentrations of 0.3 µg/m³. The draft NPSNN highlights (paragraph 5.18 and 5.21) that air quality considerations will be important where there is a deterioration in air quality, particularly where substantial changes are expected and not be limited to areas where breaches of any national air quality limits or statutory air quality objectives are predicted. The Council consider that the significance of these changes in concentrations, whilst below the current legal thresholds, should be considered as part of the EIA process.
- 10.2.11 As a result of the lack of transparent information provided by NH, the Council commissioned Borough-wide modelling in 2022 to clarify the burden of LTC on the residents of Thurrock. This modelling was based on a previous version of the traffic model data provided by NH, who have since declined to provide updated data to allow updates to be assessed. The full Technical Note and associated maps are presented in **Appendix D, Annex 1** and a summary of the findings are discussed below.
- 10.2.12 From analysis of the modelled impacts, the numbers of residential properties (from OS Address base data) experiencing a change (increase or decrease) in modelled NO₂ and PM_{2.5} concentrations are summarised in **Table 10.2**.

Table 10.2: Property Count with Predicted Magnitude of Change in Annual Average NO₂ and PM_{2.5} concentration

Predicted Change	Number of Residential Properties with Predicted Increased Concentration	Number of Residential Properties with Predicted Decreased Concentration
'Small' change in NO ₂	18,052	9,343
'Medium' change in NO ₂	1,863	42
'Large' change in NO ₂	124	1
'Small' change in PM _{2.5}	8,782	3,474
'Medium' change in PM _{2.5}	117	2
'Large' change in PM _{2.5}	48	0

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10.2.13 These forecast changes in annual average NO₂ and PM_{2.5} concentrations at residential properties have been considered alongside Index of Multiple Deprivation (IMD 2019 by LSOA), as summarised in the **Tables 10.3 and 10.4** below.

Table 10.3: Property Count by IMD quintile with Predicted Change in Annual Average NO₂ concentration

IMD quintile	Most Deprived			Least Deprived		Total
	0-20%	20-40%	40-60%	60-80%	80-100%	
No of Properties with Predicted Reduction in NO ₂ Concentrations	171	2,739	1,693	1,228	3,555	9,386
No of Properties with no appreciable change in predicted NO ₂ concentrations	4248	15,799	8,032	8,671	2,844	39,594
No of Properties with Predicted Increase in NO ₂ Concentrations	719	7,140	3,630	5,408	800	17,697

Table 10.4: Property Count by IMD quintile with Predicted Change in Annual Average PM_{2.5} concentration

IMD quintile	Most Deprived			Least Deprived		Total
	0-20%	20-40%	40-60%	60-80%	80-100%	
No of Properties with Predicted Reduction in PM _{2.5} Concentrations	283	836	1,262	119	976	3,476
No of Properties with no appreciable change in predicted PM _{2.5} concentrations	6,028	20,861	10,200	13,284	6,223	56,596
No of Properties with Predicted Increase in PM _{2.5} Concentrations	1,169	3,981	1,893	1,904	0	8,947

10.2.14 The analysis of residential properties indicates that the number forecasted to experience an increase ('small', 'medium' and 'large') in annual average NO₂ and PM_{2.5} concentrations is substantially greater than the number of properties predicted to experience decreases.

10.2.15 Furthermore, the analysis of the forecast changes in annual average NO₂ and PM_{2.5} concentrations at residential properties alongside Indices of Multiple Deprivation (IMD) indicate that the air pollution impacts of LTC are not equally distributed; residential properties within more deprived areas of Thurrock (lower 2 IMD quintiles) are more likely to experience increased concentrations of NO₂ and PM_{2.5} whereas residential properties within the least deprived quintile are more likely to experience decreases.

10.2.16 These forecasts (and those presented by NH) are based on 'opening year' traffic flows and it should be recognised that traffic is forecast to increase significantly within the first 15 years of operation. The rate of renewal of vehicles and uptake of Electric Vehicles (EV) will contribute to anticipated reductions in NO_x emissions from road transport; however, this is unlikely to result in any noticeable decrease in PM_{2.5} emissions (and heavier weights of EV could result in increased emissions). There is uncertainty as to the rate of this change and whether any decrease in NO_x emissions will outweigh the growth in traffic flows using LTC.

10.2.17 Therefore, the duration of these forecast impacts is uncertain and PM_{2.5} impacts due to LTC are likely to increase further in future years with increased traffic flows using LTC resulting in residents of Thurrock continuing to experience an elevated fraction of mortality attributable to particulate air pollution.

Policy Compliance and Local Impacts

10.2.18 Paragraph 5.13 of the NPSNN states:

- a. *'The Secretary of State should refuse consent where after taking into account mitigation, the air quality impacts of the scheme will:*
- b. *Result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or •*
- c. *Affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision.'*

10.2.19 However, paragraph 5.12 of the NPSNN states:

'The Secretary of State must give air quality considerations substantial weight where, after taking into account mitigation, a project would lead to a significant air quality impact in relation to EIA and / or where they lead to a deterioration in air quality in a zone/agglomeration.'

10.2.20 Whilst the air quality assessment complies with the requirements of paragraph 5.13 of the NPSNN policy, the consideration of the significance of the impacts in relation to EIA (as required by paragraph 5.12) is limited by the DMRB LA105 methodology, which fails to consider the effect of substantial increases in pollutant concentrations at levels below the legal thresholds.

10.2.21 As outlined in **Tables 10.2 – 10.4**, in the absence of any consideration of this by NH, the Council's analysis indicates that as a result of LTC there are in excess of 100 residential properties within Thurrock that could potentially experience a 'large' increase (1,863 potentially experience a 'medium' increase) in annual average NO₂ concentrations and 48 residential properties potentially experience a large increase (117 potentially experience a 'medium' increase) in annual average PM_{2.5} concentrations.

10.2.22 The significance of these impacts on relation to EIA has not been considered within the assessment and therefore does not comply with the requirements of paragraph 5.12 of the NPSNN.

Further Work or Mitigation Required

10.2.23 It is acknowledged that under the methodology and guidance used within the assessment that mitigation and monitoring for the operational phase is not required by DMRB LA105 as NPSNN 5.10 only requires mitigation where there is a breach of air quality thresholds, as follows:

'Where a project is likely to lead to a breach of the air quality thresholds, the applicant should work with the relevant authorities to secure appropriate mitigation measures with a view to ensuring so far as possible that those thresholds are not breached.'

10.2.24 As a result of the requirements of paragraphs 5.10 and 5.13 of the NPSNN, NH rely on the framework set by their DMRB LA105 guidance, which focusses solely on exceedances of the NAQOs.

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- 10.2.25 However, this approach does not fully acknowledge or recognise the requirements of paragraph 5.12 of the NPSNN (to give substantial weight to significant air quality impacts in relation to EIA, which is given greater clarity and weight in the draft NPSNN) or the potential for adverse health impacts due to NO₂ and PM_{2.5} at levels well below the current AQO (or limit values).
- 10.2.26 Given the impacts and deterioration in air quality forecast for numerous residential properties within Thurrock, the Council consider that appropriate mitigation measures should have been investigated by NH though the design process of the Scheme.
- 10.2.27 This should include consideration of mitigation measures related to the source, i.e. speed limit reduction, encouragement of EV uptake, influencing driver behaviour, etc.); pathway, i.e. alignment and use of barriers; and, receptor, i.e. filtration and awareness raising, as recommended in Highway England Research (this was a summary of research projects to improve air quality on or close to the strategic road network, December 2019).
- 10.2.28 No evidence has been presented to demonstrate that the efficacy and practicability of options to mitigate the air quality impacts of operational traffic have been considered through the design process of the Scheme and the Council consider that that mitigation, such as speed limits or additional physical barriers to protect the most impacted and vulnerable receptors, need to be secured through the DCO.
- 10.2.29 Additionally, given the inherent uncertain in the underlying traffic data and methodologies for modelling emissions from traffic, the Council consider that it would be appropriate (and in line with non-Highway related developments) to undertake extensive monitoring post completion at receptors identified by the air quality assessment to have the greatest change in concentrations because of the scheme. This would provide clarity as to the actual impacts of the Scheme on air quality (and risk of adverse health effects) and support the Council in its statutory duties in regard to Local Air Quality Management and Public Health. In addition, it is necessary for funding to be provided to the Council to mitigate any exceedances found due to such monitoring.

10.3 Noise and Vibration

Introduction

- 10.3.1 The Council has, since early 2022, requested NH to provide inputs and results for the noise modelling in an accessible format to allow a meaningful review and understanding of the proposals and impacts. This has not been provided and therefore has not allowed for discussions on additional mitigation to be undertaken in a timely manner. This is documented in Principal Issue VIII within the Relevant Representation document ([PDA-009](#)).
- 10.3.2 This review is therefore based solely on the information provided in a .pdf format within the relevant chapter and appendices of the DCO Environmental Statement (ES) documentation (APP-138 – APP-486).
- 10.3.3 The noise and vibration assessment (Environmental Statement Chapter 12 – Noise and Vibration) ([APP-150](#)) considers both the operational and construction phases of the proposed development.
- 10.3.4 Noise impacts have only been reported for human receptors. However, the chapter states that noise modelling has informed other technical chapters, including Chapter 8: Terrestrial Biodiversity.
- 10.3.5 Noise-sensitive receptors within the jurisdiction of the Council are currently exposed to noise from two significant road traffic sources, the M25 and the A13. Receptors in close proximity to these roads are likely to be subject to significant levels of noise. However, the majority and remaining receptors in the Council area are unlikely to be exposed to significant levels of road traffic noise.

Table 10.5: Summary of Key Issues – Noise and Vibration

Summary of Key Issues
<p><i>Table 12.60 in Chapter 12 of the ES summarises the assessment findings (with mitigation in place), as follows. These are impacts summarised across the full geographical scope of the scheme and not just Thurrock Council:</i></p> <p><i>Construction Phase</i></p> <p>Construction Noise – significant impacts are likely during the construction phase due to construction plant.</p> <p>Construction Vibration - no construction plant outside of piling, such as vibratory rollers have been assessed.</p> <p>Construction Road Traffic – moderate or major impacts are likely at receptors due to construction traffic and no mitigation measures seemed to have been outlined.</p> <p><i>Operational Phase</i></p> <p>Road Traffic - impacts due to the development are likely to cause moderate and major changes in noise levels at receptors within the jurisdiction of the Council.</p>

Local Impacts Identified by Thurrock Council

- 10.3.6 The construction receptors assessed do not cover all receptors that are potentially affected. It is likely that South Ockendon could be subject to construction noise impacts. Therefore, receptors along Cheelson Road, located within South Ockendon, which are in close proximity to the LTC should be included within the assessment.
- 10.3.7 Construction noise impacts are concluded as being not significant with mitigation measures being identified within the Register of Environmental Actions and Commitments (REAC) ([APP-336](#)). However, specific measures to mitigate impacts have not been identified. Significant daytime

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construction impacts are likely at Whitecroft Care Home. Baseline sound levels at this receptor are 55 dB, $L_{Aeq,T}$. Construction noise levels are predicted to be over 70 dBA. Impacts are therefore significant and specific mitigation measures are required for this receptor. Such increases in noise levels equate to a tenfold increase in energy and are likely to be perceived as doubling in loudness. Furthermore, given the sensitivity of the receptor the impact on residents is likely to be particularly significant.

- 10.3.8 Significant adverse effects have been identified relating to construction traffic in the years 2025 – 2029, with over 200 receptors subject to a moderate or more increase in noise levels in 2025 and in 2028. It is unclear what specific mitigation measures have been identified to reduce the impact and what the residual impacts will be. Reference is only made to a Traffic Management Plan, but no details or resulting impacts have been provided.
- 10.3.9 Operational road traffic impacts due to the development are likely to cause moderate and major changes in noise levels at receptors within the jurisdiction of the Council. Whilst mitigation measures, such as the implementation and commitment to low noise road surface are welcomed, these impacts will remain. Therefore, receptors within the Council area will experience permanent increases in noise levels that are likely to be perceivable and be a potential source of annoyance.
- 10.3.10 Acoustic barriers have been appraised within the ES and some have been identified as being included in the assessment. However, given that major and moderate impacts remain, it is questioned why the use of additional barriers/increased lengths have not been included. Based on Section 6.2 of the ES Figures, Figure 12.7, these impacts remain at the following locations:
- Edge of East Tilbury;
 - West Tilbury;
 - Linford;
 - North of Chadwell St. Mary;
 - To the North of South Ockendon and Ockendon; and
 - Orsett Heath.
- 10.3.11 Impacts above the SOAEL (Significant Observed Adverse Effect Level) will also be experienced at 2 receptors within Thurrock. These are Nos 1 and 2 Brook Farm Cottages, Brentwood Road. No specific mitigation measures or compensation have been put forward for these receptors. Furthermore, no operational monitoring is specified despite significant impacts being identified.
- 10.3.12 The assessment has considered a study area in accordance with DMRB. However, it is noted that certain receptors do not appear to have been included within the assessment despite having been raised previously with NH. The receptors that require further assessment are set out below.
- 10.3.13 Tilbury Fields has not been assessed as a receptor during the construction phase. With respect to operational noise, levels are presented in Figures 12.7 and 12.8 of the ES but have not been considered specifically in the ES. Therefore, it cannot be concluded as to how the construction or operation of the scheme affects Tilbury Fields.
- 10.3.14 The Gammonfields Way traveller site has also not been assessed in the noise and vibration chapter ([APP-150](#)). Given the sound insulation for such receptors is likely to be less than for typical residential dwellings, impacts could be more significant. Gammonfields Way travellers' site is mentioned within *Section 6.1 of the ES Chapter 13 Population and Human Health*. However, there are no specific noise levels mentioned with regards to construction and no assessment of the suitability of the site with regards to private external amenity areas or internal noise levels. The ES

Chapter simply concludes that with mitigation measures included, impacts are slight adverse and not significant. There is no justification for this conclusion and a full noise assessment should be undertaken for that travellers site.

Policy Compliance and Local Impact

10.3.15 NPSNN states in paragraph 5.195 that the Secretary of State should not grant development consent unless satisfied that the proposals meet the following aims:

- a. Avoid significant adverse impacts on health and quality of life from noise as a result of the new development;
- b. Mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and,
- c. Contribute to improvements to health and quality of life through the effective management and control of noise, where possible.

10.3.16 With regards to the first aim, the ES identifies that significant adverse effects have not been completely avoided and there remain receptors where effects above a SOAEL are predicted during operation. By exceeding the significant levels, the noise causes a material change in behaviour, attitude or other physiological response. This can include avoiding certain activities during periods of intrusion and where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. There is also potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Overall quality of life is diminished due to change in acoustic character of the area.

10.3.17 Construction traffic impacts are likely to increase noise levels to above moderate impacts. However, as no absolute noise level information has been provided, there is no evidence to confirm that significant effects are not likely at the receptors.

10.3.18 With regards to the second aim, the proposal includes acoustic barriers, cuttings and bunds as well as a low-noise surface. However, given that impacts remain moderate and major, further measures such as increased barrier heights/alternative routes should be considered to minimise adverse impacts.

10.3.19 With regards to the third aim, the development proposals are unlikely to improve health and quality of life with respect to noise. Whilst noise is typically still considered to be a nuisance rather than a threat to public health, research is growing to oppose this view. The UK Health Security Agency (UKHSA) has conducted a new study to better understand how noise can affect health and wellbeing. The full report is provided in **Appendix D, Annex 2** and further referred to in Section 10.13.7 below. The research builds on long established evidence that living in an area with higher noise levels from traffic can lead to stress and sleep disturbance, and more recent research shows that this can lead to an increase in an individuals' risk of developing more serious health problems such as heart disease or diabetes. The research undertaken shows that major sources of noise such as road traffic contribute to a burden of disease across the population. The study further demonstrates the need to consider health impacts of noise in the decision-making process for new transport infrastructure. This is particularly the case for residents of Thurrock who are to be exposed to increased operational road traffic with noise levels above levels defined as moderate and major in DMRB.

10.3.20 Construction activities to be undertaken for many years are also likely to contribute to higher noise levels than residents are currently exposed to which can impact on health and quality of life.

Further Work or Mitigation Required

- 10.3.21 Compensation or specific mitigation measures have not been included for receptors, which are subject to a SOAEL increase in noise levels. Furthermore, operational monitoring has not been included within the REAC ([APP-336](#)). However, given the significant impacts and potential for further compensation, operational monitoring should be included for these receptors.
- 10.3.22 Operational impacts are likely to lead to moderate or major changes in noise levels. Further reasoning is to be provided as to why additional barriers/increased heights were not included in the scheme.
- 10.3.23 The ES chapter 12 ([APP-150](#)) is unclear on construction traffic mitigation and what resulting noise impacts will be after mitigation.
- 10.3.24 The ES Chapter 12 ([APP-150](#)) states that the use of vessels using the river as part of this scheme would generate low noise levels and the distance to receptors is such that the effects are not significant. NH should provide justification as to what these noise levels are and if night-time works would be undertaken. The resulting assessment should be included within the ES.
- 10.3.25 The ES Chapter 12 ([APP-150](#)) states that CFA piling is considered to have a negligible effect. Justification should be provided within the ES with calculations and predictions being provided. No account has been provided within the ES of the current building conditions and should also form part of the assessment. Other vibration sources such as vibratory roller have also not been assessed and could be a source of potential significant impacts.
- 10.3.26 With regards to construction noise, mitigation measures which should be referenced to specific receptors should be set out in the REAC ([APP-336](#)), which can then inform the evidence for residual impacts. This is specific to receptors likely to be subject to significant impacts, such as Whitecroft Care Home (as referred to above).
- 10.3.27 Receptors previously identified to NH, have not been assessed. These should be included in updated assessment, including Tilbury Fields, Gammon field traveller site and receptors along Cheelson Road.
- 10.3.28 A discrepancy has also been noted, as the ES Chapter 12 ([APP-150](#)) states that moderate or greater changes in road traffic noise are expected at Stifford Clays Road. However, Figure 12.7 of the ES does not show this level of change and this needs to be explained.

10.4 Cultural Heritage

Introduction

- 10.4.1 The Lower Thames Crossing (LTC) will impact extensive cultural heritage assets along the length of the proposed route. The Historic Environment Record shows many archaeological sites will be impacted with the complete loss of a Scheduled Monument and three listed buildings. The settings of several Listed Buildings and Conservation Areas will also be affected. Following consultation, a programme of aerial photographic rectification and extensive trial trenching has been undertaken across Thurrock. The Listed Buildings proposed for demolition have had an initial historic building recording completed, which will be enhanced as the buildings are dismantled.

Table 10.6: Summary of Key Issues – Cultural Heritage

Summary of Key Issues
Appropriate identification of harm to associated non designated asset to the Scheduled Monument of Orsett Cropmarks.
Securing the appropriate level of mitigation to address the harm or loss of significance resulting from the demolition of three Grade II listed buildings (1-2 Grays Corner Cottages, The Thatches & Murrells Cottage, and Thatched Cottage) and the degradation of the setting of a fourth Grade II listed building (Baker Street Windmill).
The Council is still awaiting a revised Holocene report and therefore is unsure with the current document not providing a full assessment of the Holocene deposits.
Heritage assessment of the portal entrance has not been evaluated to the level of the remainder of the route. At present we do not know the significance of these deposits and no mitigation strategy has been discussed.
The Council is still in discussions with NH on a revised Outline Written Scheme of Investigation (OWRSI)
Role of Local Authority archaeological advisors should be clearly and consistently identified for their role of monitoring and signing off the mitigation strategy for each site within the REAC (APP-336).

Local Impacts Identified by Thurrock Council

- 10.4.2 The most significant impacts to built heritage within Thurrock resulting from LTC are the demolition of three Grade II listed buildings (1-2 Grays Corner Cottages, The Thatches & Murrells Cottage, and Thatched Cottage) and the degradation of the setting of Baker Street Windmill, also a Grade II Listed Building.
- 10.4.3 The most significant impacts to below ground archaeology is the destruction of the Cropmark complex Scheduled Monument (SM 1) at Orsett and certainly all the areas of archaeology that would contribute to the assets significance. The impact of LTC will result in the destruction of the vast majority of this monument. There would be a significant effect in EIA terms and in terms of the assessment the impact would be 'major adverse'. In policy terms this would be substantial harm. This has been identified in Chapter 6 ([APP 144](#))

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- 10.4.4 LTC will also result in the removal of an associated and related site (site 247), which sits to the north of Stifford Road and outside of the Scheduled Monument (SM1) red line, but should be considered to be of similar importance to the Scheduled Monument as defined in Policy NPSNN 5.124 . Sections 6.5.165 of Planning Statement 7.2 and 6.3.78 of Chapter 6: Cultural Heritage ([APP 144](#)) do not recognise the importance of site 247, even though it is part of the same complex that is Scheduled to the south (SM1).
- 10.4.5 Historic Building Recordings have been carried out for the three listed buildings proposed for demolition ([APP 374](#)) and this will be enhanced as the buildings are dismantled. This is a specific commitment in the Register of Environmental Actions and Commitments (REAC commitment: CH004) ([APP 336](#)). The REAC also commits to adhere to the AWS-OWSI ([APP 367](#)) (REAC commitment: CH001), which includes the Level 3 Historic Building Recording of Baker Street Windmill.
- 10.4.6 There is potential for further mitigation for the loss of the Grade II listed Thatched Cottage in particular. As a timber-framed building of a modest size, it is a good candidate for dismantling, relocating and reconstructing if an appropriate site can be located. It could have potential benefits of a legacy project involving the use of the building in training/upskilling in traditional building techniques. Whilst the building would lose its historic context and setting, its reconstruction would offer a level of mitigation as there would no longer be a complete loss of the building's significance.
- 10.4.7 Of the non-designated assets impacted an approximate total of 120 areas have been identified from the evaluation work which will require archaeological investigation in advance of the application being developed. Considerable knowledge will be gained; however, this will result in the complete loss of the archaeological resource where impacted.
- 10.4.8 The ES Cultural Heritage Chapter 6 ([APP-144](#)) Sections 6.4.398-3.4.431 and ES Figure 6.3 ([APP-189](#)) provide a summary of the key historical landscape components. This Section concludes that most of the features are of low to moderate value. This is considered appropriate as many parts of the Borough have experienced largescale impacts, such as from mineral extraction or draining of the fens and marshes.
- 10.4.9 The historic landscape assessment recognises that there would be significant effects on marshland and reclaimed marshland; open land, commons, heaths and fens; and farming landscapes. It is considered that the most significant effects on historic landscapes, which cannot be fully mitigated would be on the West Tilbury Conservation Area, due to the proximity of the Tilbury Viaduct and the Bulphan and Orsett Fens, due to the elevated section of LTC, including the Mardyke and Orsett Fen Viaducts.

Policy Compliance and Local Impacts

- 10.4.10 Paragraph 5.127 of the NSPNN states that an applicant must describe the significance of any heritage assets affected in order to understand the impacts of a proposal. ES Chapter 6: Cultural Heritage ([APP-144](#)) and its associated appendices have complied with this policy.
- 10.4.11 In regards to considering the impact of LTC on the setting of heritage assets, the methodology adopted complies with the established best practice Historic England guidance: The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 (2nd Edition).
- 10.4.12 The applicants have completed archaeological field evaluation, in the form of aerial photographic assessment ([APP-367](#)) and trial trenching ([APP-364](#), [APP-365](#) and [APP-366](#)) along the majority of LTC in Thurrock to a satisfactory level and in compliance with the NPS policy. There is concern that the tunnel mouth has not been fully assessed and the detailed nature of the archaeological or paleoenvironmental deposits in this area remain unclear.

10.4.13 Design Principle LSP.08 ([APP-516](#)) specifically references the need to respect the historic landscape features. The landscape strategy set out in the oLEMP and EMP would not cause any adverse effects on the other historic landscape areas.

Heritage Mitigation Statement

10.4.14 The general mitigation strategy is defined in the Outline Written Scheme of Investigation, which is still under discussion ([APP-367](#)) and it is proposed that detailed Archaeological Written Scheme of Investigations for each area investigation will be agreed at a later date once a contractor is appointed. At this stage this work will comprise more than 120 areas of archaeological investigation north of the Thames. At this stage, it is recommended that the application should contain clear maps of the mitigation areas proposed, which are at a scale that is readable (potentially as part of the OWSI).

10.4.15 A revised Holocene report has been promised by NH for many months, but this has not yet been received by the Council.

10.4.16 The Council have commented repeatedly on the desirability of enshrining key underlying principles of archaeological mitigation within the CoCP and REAC. Though some progress has been made, the Council continue to press for archaeological management and especially the role of the local authority Archaeologists for monitoring and signing off the mitigation to be appropriately acknowledged and clearly and consistently defined as part of the wider environmental response ([APP-336](#) Table 7.1 CH007).

10.4.17 The design incorporates embedded mitigation to address the impact on Baker Street Windmill in the form of planting and the creation of an earth bund to limit the land required and provide visual and noise mitigation. The REAC ([APP-336](#)) and AMS-OWSI ([APP-367](#)) provide the commitment for the recording of the built heritage assets lost through LTC, which is considered to be 'essential mitigation'. There is a further commitment (REAC CH008) to implement Cultural Heritage Asset Management Plans for heritage assets remaining in their ownership at operational stage, which included a small part of Coalhouse Fort (a Scheduled Monument).

Further Work or Mitigation Required

10.4.18 The impact on the Scheduled Monument can only be mitigated by large scale open area excavation which has been agreed. This would be enhanced with the integration of site 247 excavated to the same standard.

10.4.19 There is potential for further mitigation for the loss of the Grade II listed Thatched Cottage in particular. As a timber-framed building of a modest size, it is a good candidate for dismantling, relocating and reconstructing. Further consideration is needed as to the appropriate location for its reconstruction and to the potential benefits of a legacy project involving the use of the building in training/upskilling in traditional building techniques. Whilst the building would lose its historic context and setting, its reconstruction would offer a high level of mitigation as there would no longer be a complete loss of the building's significance. The reconstruction of Thatched Cottage should be included within the REAC ([APP-336](#)), if a suitable site for its relocation is found.

10.4.20 With regards to Baker Street Windmill and the effects of LTC on its setting and significance, it needs to be clear within the AMS-OWSI that the Historic Building Recording is to have a particular emphasis on recording the setting of the Windmill.

10.4.21 It is important to have a clear programme of outreach defined for LTC and a proposal for long term storage and display of material. This has been discussed with the applicant's heritage consultants. Within Thurrock there may be the opportunity to link this with the restoration of Coalhouse Fort and the associated park proposed in the area.

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10.4.22 A number of Scheduled Monuments are in close proximity to the proposed route or land take, such as The Tilbury Battery, Bowaters Farm World War II site and Orsett Causewayed enclosure would benefit from management strategies protecting and managing them into the future. At present these lie outside the red line, although in some cases are circled by it.

10.5 Landscape and Visual

Introduction

- 10.5.1 The LTC cuts through the centre of Thurrock, crossing through landscape of varying quality. The south of the Borough has experienced extensive pressure from large-scale mineral extraction and landfilling and industrial, port, logistics and infrastructure operations. The north of Thurrock, by contrast, remains primarily farmland retaining its rural, tranquil character.
- 10.5.2 Thurrock does not contain any designated landscapes, however, there are areas of landscape character of local significance associated with the Mardyke Valley and historic settlements, such as West Tilbury and Orsett.

Local Impacts Identified by Thurrock Council

- 10.5.3 Mardyke Valley is a relatively tranquil area with scattered farmsteads and hamlets which is assessed in the Landscape and Visual Assessment (LVIA) as having a High Landscape Sensitivity. The LTC would pass through this landscape on a viaduct and bridges creating a major, elevated feature transecting the landscape.
- 10.5.4 The Environment Statement Chapter 7 – Landscape and Visual (LVIA) ([APP-145](#)) confirms that the effects on landscape character on this area during construction and during opening year would be Very Large Adverse, only reducing to Large Adverse by Design Year (15 years after opening). Visual effects would be Very Large Adverse for users of Bridleway 219 and moderate or Large Adverse from other rights of way. The Mardyke and Orsett Fen Viaduct will be a Project Enhanced Structure, included in the Design Principles STR.04. However, only broad principles are included.
- 10.5.5 The Tilbury Viaduct would be a large, elevated structure approximately 300m from the edge of the West Tilbury Conservation Area with Order Limits extending to the Conservation Area boundary. The LVIA confirms that there would be a Large Adverse effect from the residential properties on Low Street Lane during construction. The effects on the residential properties would still be Large Adverse by Design Year. Despite this it has not been identified as a Project Enhanced Structure in the Design Principles ([APP-516](#)), which the Council has repeatedly challenged and NH has declined to change its designation.
- 10.5.6 Little detail has been provided regarding the features that would be contained within the construction compounds, however, within 6.2 Environmental Statement Figure 7.8 (1 & 2) ([APP-204](#)) and ([APP-205](#)) the Zones of Visual Influence (ZVI) plans allow for elements up to 25m tall. These ZTVs show the extent of the potential effects that such elements would have in a generally low-lying landscape, with potential for structures being visible across large parts of the borough. Although the compounds are considered to be temporary, they would be in operation for up to six years.
- 10.5.7 Paragraph 7.6.3 of the LVIA states that construction activities could give rise to adverse impacts over the short to medium term. Table 7.23 Schedule of Visual Effects on Representative Viewpoints north of the River Thames during construction confirms that Large Adverse effects will be experienced along many of the receptors close to the route as indicated by the ZTVs.
- 10.5.8 The construction phase essential mitigation measures (Table 7.14) include requirements to site compound facilities greater than 6m in height away from roads and residential properties. However, this will not help with mitigating the proposed elements of 15-25m in height to which NH has not proposed any mitigation.
- 10.5.9 The area around the North Portal has a long history of disturbance associated with landfilling and restoration, however, these activities did not require large equipment and therefore their visual

effects were contained. The construction of the tunnel and the earthworks at Tilbury Fields would have a significant effect on users and setting of Coalhouse Fort and the Two Forts Way/England Coast Path.

Policy Compliance and Local Impacts

- 10.5.10 Paragraph 5.144 of the NSPNN states that where the development is subject to EIA the applicant should undertake an assessment of any likely significant landscape and visual impacts in the EIA and describe these in the environmental assessment. Chapter 7 of the Environmental Statement – Landscape and Visual ([APP-145](#)) and its associated Appendices comply with this policy.
- 10.5.11 The methodology that has been adopted complies with the industry best practice. The Council has been consulted regarding local policy documents and to agree appropriate viewpoints and night-time views.
- 10.5.12 Paragraph 7.3.66 of ES Chapter 7 states that the new Thurrock Integrated Landscape Character Assessment, which was provided in draft was not used, as it was not publicly available before the DCO submission. While unfortunate, it is agreed that this is appropriate given that the completed assessment is still not on the Council website.
- 10.5.13 The embedded mitigation has been secured within the REAC CoCP ([APP-336](#)) and ([APP-339](#)) and Design Principles controlled documents

Design Principles

- 10.5.14 The Design Principles ([APP-516](#)) has been used to embed the proposed mitigation within a control document. These include Project-wide design principles and area-specific design principles. The principles were subject to detailed discussion with the Council and so are considered to be broadly acceptable. As noted above, however, the document only secures the broad principles and not the detailed designs.

Further Work or Mitigation Required

- 10.5.15 A key constraint to the provision of additional landscape mitigation has been the narrowness of the Order Limits corridor. This has resulted in landscape mitigation relying on measures such as false cuttings to achieve screening. This, however, limits the opportunity to provide more significant mitigation that would have a more positive outcome for the local landscape. A primary concern is the lack of robust screening around the Tilbury Viaduct to help mitigate the effects on nearby residents, as well as to provide improved north-south habitat connectivity. A wider mitigation area would allow more naturalistic shaped ponds to be provided as part of the water management requirements.
- 10.5.16 The narrowness of the landscape and ecology mitigation areas through the Mardyke Valley (see Plate 7.2 Ockendon Link – 6.6 Outline Landscape and Ecology Management Plan (oLEMP) ([APP-490](#))) restricts the scope for meaningful landscape mitigation and any enhancement that could help address the Very Large Adverse effects experienced in that area. While it is proposed that the viaduct will be a Project Enhanced Structure there is little scope to create fenland landscape that would help not only soften the visual effects but would be a positive addition helping to the restoring the historic landscape character.
- 10.5.17 Much of the new wetland would be situated very close to the structure which, while addressing the water management issues, limits its potential to contribute to achieving wider landscape benefits. The Council remains disappointed that the proposed landscape and ecological mitigation remains constrained within a narrow section of the Mardyke Valley, falling far short of the initial areas shown to environmental stakeholders, which was included within the LTC Green Infrastructure

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Study ([APP-503](#)) (EWT-01a&b). The objective was to recreate fenland habitat within the Orsett and Bulphan Fens. Such an appropriate measure would have delivered significant landscape benefits increasing natural screening of the viaducts, restoring historic landscape features and benefiting biodiversity.

- 10.5.18 The creation of Tilbury Fields and the earthworks at the junction of A13/LTC have been largely driven by the need to reduce the amount of material being taken off site.
- 10.5.19 The location and design of Tilbury Fields and its use for ecological mitigation and recreation means that this is considered broadly acceptable. The Council, however, has previously raised concerns following the revision to the site layout regarding the potential visual impacts of the mounds, particularly for users of Coalhouse Fort Park, now that they extend further inland compared to what was originally proposed. NH's rationale for not including a north-south bridleway through Tilbury Fields is that where it would connect to the Two Forts Way that section is currently a Public Footpath (FP146), rather than a bridleway. NH recognises there is scope for at least part of FP146 to be upgraded, however, this is outside the Order Limits and therefore NH cannot commit to providing such a route. While this is accepted in principle, the Council wishes to see an aspiration within the Design Principles that that NH would support the upgrading their route if Two Forts Way can be upgraded. There is no information as to how the paths and interpretation will be managed in the long term, as these elements are not included within the oLEMP ([APP-490 – APP-493](#)).
- 10.5.20 The Council has also raised concerns in early 2022 when there were discussions with DHLUC and DfT about moving the previous Tilbury Fields area proposal to accommodate land for the Thames Freeport. Once agreed, the Council were not provided with an options appraisal for potential areas in the vicinity to accommodate the new Tilbury Fields area and this remains so, despite it is acknowledged that areas in the vicinity/adjacent are limited. In particular, the Council were keen to explore use of the unused East Tilbury Landfill site and retrieve it from disuse and remedy its long-standing contamination. It is understood that that area may now be important for invertebrates. The Council, therefore, we like to understand the option appraisal to arrive at the current smaller site and higher landform for Tilbury Fields.
- 10.5.21 In addition, proposed section plans have been provided by NH showing the earthworks in relation to the existing and proposed carriageways. These show the mix of land raising and excavations to achieve the A13 junction and based on these it is considered that the gradients would not be excessive. Success of establishment will depend on factors such as soils and site preparation, which can be dealt with at the detailed design stage.

10.6 Terrestrial Biodiversity

Introduction

- 10.6.1 The terrestrial ecology associated with the Order Limits within Thurrock is highly varied and includes habitat and species types that are not well understood. Large parts of the Order Limits area comprise arable farmland, which is relatively poor in biodiversity. However, there are extensive areas of previously developed land comprising former mineral and landfill sites and extensive industrial, commercial and infrastructure sites, which have developed as important grassland or open mosaic habitats. Many have high biodiversity value, particularly for invertebrate assemblages. Many of these sites are currently not covered by any designations despite LTC survey results confirming that five sites have nationally important invertebrate assemblages.
- 10.6.2 The ES Chapter 8 – Terrestrial Biodiversity ([APP-146](#)) and its associated appendices provide a detailed assessment of all aspects of the biodiversity within Thurrock

Nitrogen Deposition Methodology, Impacts and Mitigation

- 10.6.3 The method for calculating Nitrogen Deposition (NDEP) and its potential to adversely affect designated sites and habitat changed during the preparation of the DCO, requiring additional compensation sites to be identified. The effects of NDEP would be a potential degradation in habitat quality rather than a direct loss of habitat.
- 10.6.4 The Council had sought further details regarding the NDEP methodology (SoCG 2.1.272 ([APP-130](#))). It is now confirmed that the methodology was developed in consultation with Natural England to achieve a more robust model. Additional details have been provided in ES Chapter 8: Terrestrial Biodiversity. The Council is now satisfied with the methodology.
- 10.6.5 Two compensation sites have been identified with Thurrock and these are the Hoford Road NDEP and Buckingham Hill landfill site.
- 10.6.6 The oLEMP ([APP-490](#)) LE8.7 Nitrogen deposition compensation habitat states that the overarching aim is to achieve an overall 70/30% split between woodland and over associated habitat across the compensation sites. The intention is to allow the woodland to develop through natural regeneration where possible. This principle is supported by the Council.
- 10.6.7 The Council has highlighted to NH that the soil and capping depths at Buckingham Landfill site are not known; therefore, it is not possible to be certain that the site would be able to support 70% woodland. This was discussed recently with NH in an SoCG workshop, but there was no full resolution, as the NH explanation was that the 70% ambition for woodland was an overall figure covering all sites earmarked for Nitrogen Deposition mitigation; and, that woodland on this site may not be appropriate, a position accepted by the Council.

Local Impacts Identified by Thurrock Council

- 10.6.8 The Council has been engaged throughout with the LTC project ecologists to seek to minimise adverse effects on sensitive sites and to develop a package of mitigation and compensation sites have been grouped where possible to create large, robust areas that link existing valuable sites to achieve larger, more strategically significant blocks of habitat. This has resulted in a cluster of mitigation and compensation sites being located around Tilbury Fields and Coalhouse Fort and connecting to other similar large sites to the east of East Tilbury. This has the potential to create an extensive area of grassland and open mosaic habitat, which supports nationally important invertebrate assemblages and provides a buffer to the adjacent Thames Estuary and Marshes SPA, which is highly sensitive to recreational pressures.

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- 10.6.9 There are to be a number of features within the Mardyke Valley close to the proposed viaduct that would create areas of wetland and grassland which are supported in principle. However, these were significantly scaled back compared to the areas originally identified during the development of the first DCO. While it has been demonstrated that there is sufficient area to deliver the ecological mitigation needs the limited space means there is a reliance of features, such as the spiral of water vole habitat rather than a wider network of ditches. This significantly lessened the scope to recreate the former fenland habitat, benefiting the landscape character and contributing to water management as well as mitigating for biodiversity.
- 10.6.10 LTC will not have any direct effects on statutory designated sites within Thurrock.
- 10.6.11 The ES Chapter 8 ([APP-146](#)) identifies a total of 29 Local Wildlife Sites within Thurrock within 500m of the Order Limits. It is predicted that the scheme would result in the loss or significant loss of three Local Wildlife Sites, Low Street, Rainbow Shaw and Blackshots Nature Park (as known as Ron Evans Memorial grounds). Compensation measures have been identified for each of these sites, which have been agreed in principle with the Council and secured within the oLEMP.
- 10.6.12 The scheme will result in a significant barrier to biodiversity connectivity through the Borough, with most protected and priority species, including bats, reptiles, amphibians and badgers and small mammals not being able to cross the route. The proposed green bridges would achieve some localised links once they have developed, however, over most of the project length the road would create a barrier species movement. The revised design of Tilbury Fields provides grassland and open mosaic habitat that benefits invertebrates and there is other suitable habitat to the north, however, there is no linking habitat provided around the Tilbury Viaduct, which creates a significant break in the connectivity, as this was refused by NH despite several Council requests for a linking wildlife corridor until the existing Tilbury Loop rail line.

Policy Compliance and Local Impacts

- 10.6.13 Paragraphs 5.22 – 5.23 of the NSPNN states that where the project is subject to EIA the applicant should ensure that the ES clearly sets out any likely significant effects on internationally, nationally and locally designated sites of ecological or geological conservation importance (including those outside England) on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity and that the statement considers the full range of potential impacts on ecosystems.
- 10.6.14 The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.
- 10.6.15 Chapter 8: Terrestrial Biodiversity of the ES ([APP-146](#)) and its associated Appendices provide details of the survey results for habitats and protected species recorded within the Order Limits, together with avoidance, mitigation and compensation requirements which comply with this policy. The survey methodologies for the Terrestrial Biodiversity assessment were agreed with the Council prior to their commencement.

Habitats Regulation Assessment

- 10.6.16 The detailed assessment of the Habitats Regulation Assessment will be undertaken by Natural England and PINS will make the final decision in its role as competent authority.
- 10.6.17 The Council has concerns, however, that the scheme could result in indirect effects on the European sites and their functionally linked land due to the potential of the scheme to prevent repair works to the river frontage to prevent future contamination. These are summarised in Section 10.7 Marine Biodiversity below.

Further Work or Mitigation Required

- 10.6.18 A key concern is that the proposed biodiversity mitigation is constrained along significant sections of LTC due to the narrowness of the landscape corridor. This has restricted the opportunities to provide good quality fenland habitat within the Mardyke Valley and to provide robust connectivity to enable species to cross the route.
- 10.6.19 Appendix 8.21 of the 6.3 Environmental Statement Appendices – Biodiversity Metric Calculations ([APP-417](#)) confirms that for the overall project LTC will result in a 7% increase of Area-based units, a -11% loss of Hedgerow units and a -7% loss of rivers and streams units. It is accepted that these calculations are based on the preliminary design and a number of limitations and assumptions, which is a worst-case scenario. However, given the wider environmental damage associated with LTC it is considered that the scheme should be able to demonstrate a minimum of 10% overall increase in all types of units.
- 10.6.20 It is noted that in Item 2.1.199 of the SoCG ([APP-130](#)) NH stated that the Project ensures that it meets Biodiversity Net Gain in line with emerging policy. It currently does not.

10.7 Marine Biodiversity

- 10.7.1 The Council has taken the position throughout the DCO process to defer the technical review of Marine Biodiversity to the Marine Management Organisation, Environment Agency, Natural England and Port of London Authority. However, the Council has raised concerns throughout the process regarding the condition of the river frontage south of the North Portal and the adjacent East Tilbury Landfill and absence of measures to reinforcement or replace the existing bank. This raises an increasing risk as the erosion continues that pollutants from the buried landfill will enter the River Thames immediately upstream of the Thames Estuary and Marshes SPA/Ramsar.
- 10.7.2 The ES Chapter 9 – Marine Biodiversity ([APP-147](#)) focuses on the habitat features within the estuary but makes no reference to the adjacent riverbanks. The Council has raised concerns about the need to manage the erosion of the river frontage adjacent to the North Portal/Tilbury Fields and East Tilbury Landfill with NH throughout the project design. The Geology and Soils Section 10.10 of this LIR confirms the lack of assessment that has been made of landfill as a manmade geohazard and that no survey of the river frontage has been undertaken (Section 10.10.16). It considers it 'extremely concerning that such significant contamination sources are not robustly understood.'
- 10.7.3 The Goshems Farm site, where it is proposed to construct the North Portal and the East Tilbury Landfill, which is situated east of the North Portal and west of the Coalhouse Point compensation site are two former landfill sites. The Environment Agency has stated that East Tilbury Landfill has potentially high levels of contamination including leachates. If the river frontage continues to fail, as set out in Section 10.10 of this LIR, there is a real risk that these pollutants will enter the river. It does not appear that the implications of this on the marine biodiversity and associated functionally linked land to the SPA have been considered within ES Chapter 8 ([APP-146](#)).
- 10.7.4 LTC would significantly constrain access to the river frontage from the landside to enable works to reinforce the bank to take place once construction has commenced as the north portal and carriageway and HRA mitigation to the east would prevent all access from the land side. The mudflats fronting the site are part of the SPA functionally linked habitat and therefore it is not considered possible that works could be undertaken from the river.
- 10.7.5 ES Appendix 10.7 East Tilbury Landfill Risk Assessment ([APP-428](#)) only considers the potential impacts of the proposed North Portal construction on groundwater quality. The assessment confirmed that the site contained hazardous waste types and that the only active pathway is likely to be that of the leachate from East Tilbury Landfill into the River Thames. While LTC would not directly alter this potential pathway, the construction of the North Portal and HRA High Water roost would prevent access to reinforce the river frontage to prevent this leachate entering the river in ever-increasing quantities.

10.8 Water Resources (Surface and Groundwater, Road Drainage and Flood Risk)

Introduction

10.8.1 The Lower Thames Crossing DCO Application crosses multiple surface water catchments and has the potential to impact groundwater and surface water bodies, impacting on flood risk, water quality and hydro-morphology and the overall water environment. Assessment has been carried out on a catchment basis, as shown in Figure HE540039-CJV-EFR-SZP_GNZZZZZZZZ-DR-LF-00100 in (APP-469), recreated in **Figure 10.1** below, with 4 out of the 5 catchments located within Thurrock. Those catchments are, as follows:

- a. EFR-2 North Portal to Chadwell St Mary;
- b. EFR-3 A13 junction;
- c. EFR-4 Ockendon Link; and,
- d. EFR-5 North Section

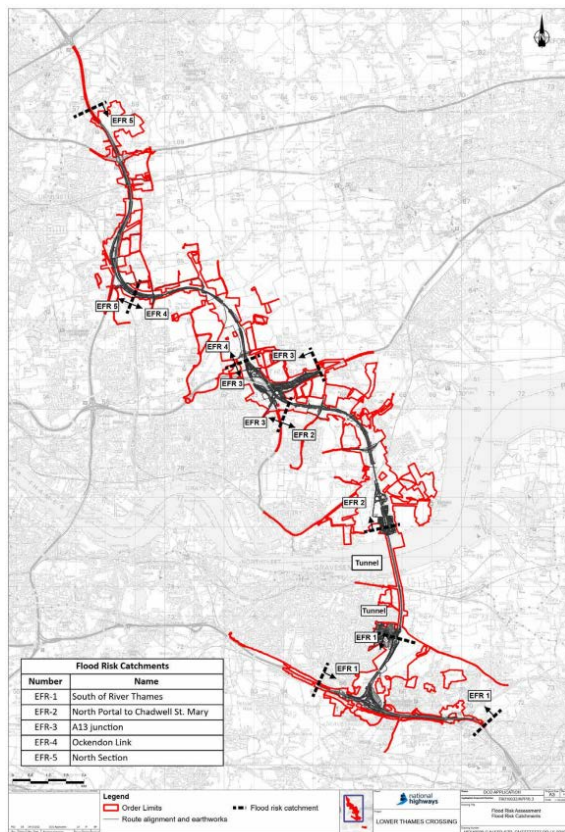


Figure 10.1: FRA Flood Risk Catchments (HE540039-CJV-EFR-SZP_GNZZZZZZZZ-DR-LF-00100)

10.8.2 As set out within the Statement of Common Ground between National Highways and Thurrock Council (APP-130), the majority of matters had been agreed with regard to Road Drainage and the Water Environment, including:

- a. SoCG Item 2.1.260 Flood risk mitigation and water quality improvement through SuDS;

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- b. SoCG Item 2.1.261 Design matters related to flood risk mitigation and water quality improvement through SuDS; and,
- c. SoCG Item 2.1.262 Commitments related to flood risk mitigation and water quality improvement through SuDS.

10.8.3 The review of the 2022 submission documents has focussed on ensuring that the principles established previously have not been eroded. Although, there was a further recent issue noted as being under discussion, regarding the Coalhouse Point flood defences, which is described below.

Table 10.7: Summary of Key Issues Flood Risk

Summary of Key Issues
<p>The flood risk modelling has been updated to incorporate up to date climate change guidance (May 2022), no other updates have been carried out to the modelling, for example using the FEH hydrological methods and 2022 software versions for Flood Modeller and Tuflow , as the Environment Agency (EA) typically requires.</p>
<p>Confirmation must be provided that the assumptions within the biodiversity calculations are consistent with the surface water drainage strategy.</p>
<p>Clarification is required regarding the phasing at the North Portal junction with regard to the drainage strategy and whether temporary measures are required.</p>
<p>Further information must be provided regarding the proposed pumping station in relation to the North Portal junction. This should include location, access proposals, maintenance and operational requirements and also definition of adoption responsibilities.</p>

Local impacts identified by Thurrock Council

- 10.8.4 The LTC has potential to increase flood risk locally, contrary to national and local planning policy. Part 6 of the FRA ([APP-465](#)) and ES set out essential and embedded mitigation measures and Design Principles in Chapter 6. The measures set out within this Section are described in a satisfactory level of detail at this stage.
- 10.8.5 The LTC has the potential to impact on both water quality, hydro-morphology and the wider water environment. Part 7 of the FRA ([APP-466](#)) sets out pollution control measures to manage any impacts on water quality in accordance with DRMB methodologies for each catchment. The WFD assessment ([APP-478](#)) sets out potential impacts on water quality and hydro-morphology and how these will be managed and the detail presented indicates that the proposals are compliant with the WFD and the level of detail presented is satisfactory.
- 10.8.6 Overall, the documents set out a framework which manage potential impacts satisfactorily, however, there are a few issues requiring further clarification, as set out in the sub section entitled 'Further Work Or Mitigation Required' below.

Policy Compliance and Local Impacts

- 10.8.7 A comprehensive Flood Risk Assessment (APP-460 to APP-476) has been prepared, in accordance with 5.93 of the NPSNN. This demonstrates that the Sequential Test and the 2nd part of the Exception Test has been met. The first part of the Exception Test relates to wider sustainability benefits (described in NPSNN paragraph 5.108 bullet 1).

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- 10.8.8 Sustainable Drainage Systems (SuDS) have been proposed to manage surface water drainage, set out within ([APP-466](#)) as per NPSNN Paragraph 5.111, with specific measures varying dependent on local conditions. The sustainable drainage features include pollution prevention measures as per NPSNN Paragraph 5.230. The measures overall are compliant with NPSNN, although further clarification is required as set out in sub section entitled 'Further Work Or Mitigation Required' below.
- 10.8.9 A Water Framework Directive Assessment has been prepared ([APP-478](#)) and the findings are in accordance with NPSNN Paragraph 5.223.

Flood Risk Assessment

- 10.8.10 The Flood Risk Assessment is comprehensive and sets out the baseline flood risk and describes the mitigation measures required to ensure the proposals are in accordance with NPSNN and local policy with regard to flood risk and the methods used to determine these. The level of detail provided is appropriate at this stage in the design.
- 10.8.11 It is noted that the hydrological and hydraulic model methods and software versions have been superseded. From a hydrological point of view, the statistical method utilised WINFAP v3 with NRFA v7 data; where the latest software version is WINFAP v5 with NRFA 11.1 data. The rainfall runoff modelling utilises the FEH Rainfall Runoff method, which is superseded for all but reservoir safety work in England and while the more recent ReFH method is dismissed, no consideration is given to ReFH2. The latest method at the time of writing is ReFH2.4 supported by FEH22 data. Recent EA guidance is that justification should be provided where hydrological assessment is greater than 6months over and outdated software and data is used.
- 10.8.12 The 1 dimensional hydraulic modelling has been carried out using Flood Modeller versions 4.5 and 4.6; the latest version is version 6.2. The 2d modelling has been carried out using TufLOW version 2018-03-AD; the latest version is 2023-03-AB. It would typically be expected that these would be updated to the latest versions and this is something that the EA would request. The DCO has included modelling undertaken since 2020 to consider the most up to date climate change allowances, but no other updates have been undertaken, such as updating to latest software versions. It would be useful to understand whether this scope was agreed with the EA, and why the updated methods and software versions were not utilised when the latest climate change allowances were simulated.
- 10.8.13 As discussed in the SoCG EIA Workshop on 11 July 2023 with NH, it is noted that the Environment Agency (EA) has accepted the modelling approach as set out in SoCG item 2.1.56 of the EA's Statement of Common Ground (October 2022 ([APP-094](#))). However, it is further noted that the EA's SoCG predates the 2022 DCO submission documents.

Further Work or Mitigation Required

- 10.8.14 As noted above, the flood risk modelling which supports the FRA, described in ([APP-463](#) and [APP-464](#)), has not been updated to latest methods and software versions, as the EA would typically require, when climate change scenarios have been updated. It is acknowledged that updated modelling is unlikely to change design parameters significantly and is very unlikely to alter the findings and recommendations. It may, however, impact the compensation flood storage areas proposed, in catchments EFR-2, EFR-4 and EFR-5. Confirmation that this approach was agreed with the EA is required. Further, additional information is required to confirm that there is sufficient area and volume available to accommodate any changes at detailed design when later methods are used.
- 10.8.15 Further information is required regarding the amenity and biodiversity benefits from SuDS. The allocated areas and assumptions made within the Biodiversity calculations ([APP-417](#)) must be checked against the proposed drainage strategy. As discussed in the SoCG EIA Workshop on the

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11 July 2023 with NH, it is noted that defining BNG values for SuDS is challenging, especially at concept design stage. Some detailed issues such as embankment profiles and planting regimes may necessarily be only verified at detailed design stage. However, there are some broad assumptions that should be coordinated at concept stage:

- a. Assumptions about Water Bodies: type (attenuation, infiltration), retained water depth, area allocated for embankment, water quality/treatment performance, planting regime;
- b. Assumptions about swales: as the swales are generally utilising infiltration, there is a possibility of standing water and therefore this assumption may not be valid; and,
- c. Assumptions about ditches: area allocated for slope of ditch verge and embankments, allowance for vegetation and water vole habitat.

10.8.16 At the Northern Portal, the pond POS08-001 was designed to collect runoff from the North Portal ramp in the 2020 submission. The proposals in the 2022 submission ([APP-048](#) Sheet 20 and [APP-049](#) Sheet 23) include a junction that requires a different drainage strategy and consists of two retention basins to receive runoff from the North Portal Junction. The concern raised is that pond POS08-001 would have to be relocated when the proposed junction is constructed and further information is required regarding temporary measures. Further information is therefore required regarding phasing and the design decisions in this location. As discussed in the SoCG EIA Workshop on the 11 July 2023 with NH, the construction team will also need to be consulted to determine phasing of the North Portal Junction and any requirements for interim or temporary attenuation basins.

10.8.17 In relation to the management of surface water at the North Portal junction, Section 3.5.6 of the FRA Part 7 ([APP-466](#)) states that *'Runoff that cannot gravitate to the retention ponds will be collected at the foot of the North Portal ramp and pumped up to RP-01'*. More information must be provided on the proposed pumping station in relation to the North Portal junction and RP-01 & RP-02; including the location, access proposals, maintenance and operational requirements and also definition of adoption responsibilities. Additionally, since the RP-01 and RP-02 will be confined by a junction, the access to these retention ponds for maintenance and inspection must be clearly defined. As discussed in the SoCG EIA Workshop on the 11 July 2023 with NH, the request for clarifications relating to the North Portal Junction will be directed to the drainage designer.

10.8.18 **Coalhouse Fort Drainage Proposal by NH (SoCG Item 2.1.263 in the soon to be updated SoCG)** – in October 2022 the Council received information from NH that it was considering options for ensuring a water supply to the functionally-linked land mitigation adjacent to Coalhouse Fort to the west. That mitigation requires a 'wet' field (ponds with ditch network and marshy grassland) for overwintering birds (and invertebrates), which requires NH to demonstrate to Natural England that it has secured a reliable source of water for HRA. A hydrology study has demonstrated that water in the catchment would not be sufficient to sustain water within the mitigation area. Therefore, alternative options for water supply needed to be investigated. The current proposal at that time within the DCO (as it is now) was to allow ingress of water from the River Thames through a water inlet with a self-regulating valve and the current Order Limits do allow for provision for working area to install the water inlet structure within the existing flood bund. However, supply from the Coalhouse Fort Moat would require agreement from the Council, which is not yet achieved.

10.8.19 Feedback has been received from Council officers and the Coalhouse Fort Ranger and there has been a meeting in late-November 2022 between NH and the Council and then a site visit including Historic England, Natural England, the Environment Agency, the Council and NH on 20 April 2023. Although notes have been received there has been no further progress from NH and the Council remains uncertain of any progress with this proposal. However, at the SoCG EIA Workshop on 11 July 2023 with NH, NH confirmed that it is unlikely to proceed with this option, preferring the option for the water inlet from the River Thames that is included within the DCO application, but would be undertaking further studies to confirm.

10.9 Geology and Soils

Introduction

- 10.9.1 The Council has a legacy of historical land uses and current land uses that could cause ground contamination. The land to the north of the River Thames (including the proposed location of the North Portal) has been subjected to significant land raising and authorised and historical waste disposal activities (including Tilbury Ash Disposal Area C and C2 and Goshams Farm Landfill). Tilbury Sewage Treatment Works and the former Tilbury Power Station also fall within the west of the study area. Further north (North Portal to A13) the Scheme includes several sites with a history of industrial land use, including Princess Margaret Road Landfill, East Tilbury Quarry, Low Street Brickworks and Linford Quarry and Petrol Filling Stations. Appendix 10.6 – Preliminary Risk Assessment Report ([APP-427](#)) paragraph 1.1.5 states that *'over 200 potential contamination features that may credibly affect or be affected by the construction and operational phases of the Project have been identified.'* Paragraph 11.2.2 states that of these potential sources, six were identified high-risk sources and a total of 33 sources as medium-risk.
- 10.9.2 In addition to contamination, unexploded ordnance is identified as a potential hazard present in the borough. Figure 10.9 – Unexploded Ordnance Map ([APP-307](#)) pages 1 and 2 shows locations of land identified having a Moderate hazard ranking within the Borough.
- 10.9.3 Within the Borough there are potential geohazards arising from both natural geology and man-made activities. Appendix 10.2 – Stability Report ([APP-423](#)) paragraph 5.2.1 defines geohazards as *'geological and geomorphological processes, landforms and ground materials that may pose a hazard to proposed engineering works during design, construction or operation.'* Paragraph 5.2.5 states that the geohazards identified on the site include slope instability, chalk solution hollows, running sand deposits, materials susceptible to shrink/swell, compressible deposits and collapsible deposits.
- 10.9.4 Appendix 10.6 – Preliminary Risk Assessment Report ([APP-427](#)) paragraph 1.1.6 states that the receptors identified included human health, controlled waters, drinking water supplies, ecological and built environment. Groundwater in the Borough is a very important resource due to the presence of both principal and secondary aquifers, which provide significant quantities of drinking water, and water for business needs. They may also support rivers, lakes and wetlands. The North Portal is in a particularly sensitive area, as it is within a groundwater Source Protection Zone (SPZ) 1 Inner Zone. An SPZ1 is defined as a 50 day travel time to the point of abstraction, which is the Linford Pumping Station.
- 10.9.5 Appendix 10.6 – Preliminary Risk Assessment Report ([APP-427](#)) paragraph 7.6.3 states that construction works beneath the Thames Estuary have the potential to disturb contaminated sediment. Depending on the type and concentration of sediment contamination, potential effects on river and estuary biota, including benthic organisms, may also occur as a result of this activity.

Status of Statement of Common Ground (SoCG) Issues

- 10.9.6 There are 30no Group 2 Geology and Soils (GS) Statement of Common Ground (SoCG) issues relating to comments on the Register of Environmental Actions and Commitments (REAC) ([APP-336](#)) and comments on ward summaries. The status of the ward summary comments are identified as resolved and/or superseded by the Application documents. It is uncertain whether the REAC comments (8no) are resolved as the actions identified include 'review of wording'. Within the REAC revised wording is considered necessary on the following matters:
- a. GS001 (to be added by NH) - the Contractors would provide ground investigation method statements and scope of working (including schedule of exploratory holes with depths and testing) for acceptance;

- b. GS003 (to be added by NH) – the assessment will include off-site receptors;
- c. GS006 (to be added by NH) – the re-use criteria and locations for re-use are to be submitted for acceptance of National Highways in consultation with the Environment Agency and relevant Local Authorities prior to commencement of the works;
- d. GS018 (to be added by NH) – the gas migration prevention measures identified in Appendix 10.11 - Remediation Options Appraisal and Outline Remediation Strategy will be implemented;
- e. GS025 (to be added by NH) – the proposed measures are to be submitted for acceptance of NH in consultation with the Environment Agency and relevant Local Authorities, prior to commencement of the works; and,
- f. GS027 (to be added by NH) – where supplementary investigation is undertaken to assess residual contamination risks in accordance with GS001, appropriate assessment in accordance with LCRM (Environment Agency, 2021) would be undertaken and the reports provided the LPA. Where unacceptable risks are identified (subject to agreement with the LPA), the Contractors would develop proposals for site-specific remediation strategies and implementation plans in consultation with the relevant local authorities prior to implementation. The Contractors would have regard for ES Appendix 10.11, Remediation Options Appraisal and Outline Remediation Strategy (Application Document 6.3), which identifies techniques that could be implemented by the Contractors for the remediation of contamination.

10.9.7 A further 57no comments were made on in August 2021 on documentation provided in the first DOC, which NH responded to on 23 December 2022 and all were identified as Group 2 (Tranche 5) Issue ID: THURROCK-ES-NEW-CC. Of the 57no 11no are considered resolved (002, 007, 009, 012, 033, 036, 040, 042, 048, 051, 054) and six no longer applicable (031, 032, 034, 035, 038, 039). There are 40no comments that are considered to be unresolved.

Missing Information and Evidence

- 10.9.8 Appendix 10.11 - Remediation Options Appraisal and Outline Remediation Strategy ([APP-434](#)) paragraph 3.1.8 presents a list of identified contaminants of concern, however, it is not stated whether there are potential contaminants of concern that were identified but not tested for such as PFAs. The Applicant should amend this document to identify potential contaminants with no or limited data.
- 10.9.9 Following our review of the Application documents requests for clarifications/further information relating to Geology and Soils were made on the 12 and 27 June 2023, to date we have not received a response from NH.
- 10.9.10 The factual ground investigation reports have not been provided despite the need for this data being identified for the first DCO Application (Group 2 (Tranche 5) Issue ID: THURROCK-ES-NEW-CC-#021). We are therefore unable to determine where intrusive works have been undertaken, the quantum and depth of the testing, whether the testing addresses all the identified contaminants of concern for the source of contamination and essentially where there are data gaps and uncertainty. It is considered that there is a high degree of uncertainty regarding the ground conditions and are therefore concerned that the identified preferred remedial options will not prove to be appropriate. The following information should be provided:
 - a. All the factual ground investigation reports;
 - b. A figure added to 6.2 Environmental Statement Figures (Figure 10.10) showing the location of the exploratory holes in relation to the identified sources of contamination;

- c. A table of all the sources showing the risk rating, number of exploratory holes within the source, number of soils tested, number of leaching tests, number of groundwater samples and number of unflooded gas monitoring wells. The table should include a comment column to identify robustness of the data, if the testing undertaken addressed all the identified COC and uncertainty including whether additional ground investigation is considered necessary;
- d. The revised risk table in Appendix 10.9 – Generic Quantitative Risk Assessment Report ([APP-430](#), [APP-431](#), [APP-432](#)) should be redone to show those sources within the study area that will not be disturbed and/or are not credible gas sources as Low, the remainder of those currently identified as Low to be reassigned as Medium/Low for differentiation. Where the risks associated with Medium/Low sources are considered to be adequately managed using measures in the EMP, this should be identified and justified; and,
- e. For all other sites not identified as Very Low or managed through the EMP a table presenting the site, the commitment to undertaking additional ground investigation together with the objectives for the investigation to address, which will be specific to each source and reflective of the activity to be undertaken.

The Council's LIR and Evidence

- 10.9.11 Point 9 of the Principal Areas of Disagreement (PADs) relates to Geology and Soils and our request to have an additional Requirement. The reply from NH ends '*That measure (GS027) means that a specific requirement which requires a "investigation and assessment report" is not necessary*'.
- 10.9.12 GS027 requires assessment of the additional GI data and **where unacceptable risks are identified** the submission of a remediation strategy to be accepted by NH in consultation with LPA. This potentially means that Thurrock would not have sight of the additional GI data and would have to accept without review the contractor's assessment of what is acceptable risk, noting that the DCO definition of contaminated land is for Part 2A rather than the minimal risk or low level of toxicological concern that is required by planning.
- 10.9.13 The proposed wording of the additional Requirement for Geology and Soils relating to ground conditions and ground stability is provided below.
- a. (1) No part of the Works may commence until an investigation and assessment report to identify ground conditions and ground stability has been submitted to and approved by the relevant planning authority;
 - b. (2) The report submitted pursuant to sub-paragraph (1) must identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site;
 - c. (3) In the event that the report submitted pursuant to sub-paragraph (1) identifies necessary remedial measures, no part of the Works may commence until a remediation verification plan for that part has been submitted to and approved by the relevant planning authority; and,
 - d. (4) The authorised development must be carried out in accordance with the approved report referred to at sub-paragraph (1) and, where necessary, the approved plan referred to at sub-paragraph (3).
- 10.9.14 The following table summarises the key issues identified by Thurrock Council; these issues are then expanded in the text below.

Table 10.8: Summary of Key Issues Identified by Thurrock Council

Summary of Key Issues
<ul style="list-style-type: none"> ▪ Outdated data has been used to inform the baseline conditions which is not considered robust. ▪ The river frontage is potentially being eroded by the river and where this frontage is formed by landfill waste is being exposed. This potential has not been investigated/identified and there is the potential for increased exposure being generated by the development. ▪ The creation of a destination point and improved recreational amenity at Tilbury Fields could result in people using the Thames Estuary Path inadvertently being exposed to leaking landfill waste. ▪ The Stability Report does not reference relevant planning guidance and does not provide a statement of competency. ▪ The factual ground investigation report has not been provided and here is insufficient information provided to allow the Council to determine if the assessment is robust, for example, a plan showing where the exploratory holes are located is not available, nor is it possible to determine the adequacy of the data to inform the ground conditions assessment. ▪ The contamination status of medium and high-risk credible contaminant is stated to be unknown or not fully characterised due to limitation ground investigation. These are significant sources of contamination. Potentially the additional work could reveal ground conditions that cannot be managed through the identified approach, meaning that the actual impacts have not been assessed. ▪ Whilst other environmental control regimes are assumed to mitigate environmental impacts associated with the processing activities these regimes do not limit impacts arising from the transportation of material to a temporary storage area or processing compound. ▪ Impacts due to vermin (birds, insects, flies and rodents) arising from the excavation of landfills, temporary storage and processing of materials. ▪ The proposed processing and reuse of excavated material including that from landfills is not explicitly stated to be done under an Environmental Permit (EP). If these activities are not to be undertaken under an EP, there are potential impacts that cannot be assumed to be adequately mitigated. ▪ The implications of restoration/level raising by Ingrebourne Valley Ltd are not presented and potentially these activities could result in a greater volume of material requiring excavation, disposal and/or re-use.

Local Impacts Identified by Thurrock Council

- 10.9.15 Appendix 10.6 – Preliminary Risk Assessment Report ([APP-427](#)) Table 3.1 identifies that the environmental dataset was obtained in 2019. Many of these datasets are updated on a regular basis and therefore the data may well change in the four years since it was obtained. The ES Chapter 10 – Geology and Soils ([APP-148](#)) Table 10.1 describes the walkover surveys as *'Targeted site walkover surveys were conducted between July 2017 and October 2017, and in September 2018 plus a geomorphology visit in August 2020. A review of the geology walkover survey study area using Google Earth aerial photography was undertaken in 2021 and 2022 to confirm that the baseline information'*. It is noted that the last time there was a physical inspection was three years ago. In the absence of a robust baseline, it is considered that there may be impacts that have not been identified. A current dataset should be obtained and a comparison undertaken to ascertain the presence of differences that require additional assessment. A current and thorough walkover by a competent person for each of the elements being inspected should be undertaken. The need for a current and thorough walkover is further demonstrated in the text below regarding the condition of the river frontage.
- 10.9.16 Appendix 10.2 – Stability Report ([APP-423](#)) Table 5.1 does not identify landfill as a manmade geohazard and from Figure 10.1 – Geology Site Walkover ([APP-299](#)) page 3, it would appear that a visual inspection of the river frontage within the Order Limits has not been undertaken. The photograph below is from an article in the Guardian in May 2023 (The rubbishscapes of Essex: why our buried trash is back to haunt us) Waste from the former landfill site in Thurrock, slowly falling into the Thames.



Source: Photograph: Jill Mead/The Guardian

- 10.9.17 It is considered that the Application has the potential to cause further degradation and/or destabilisation which is identified as a negative impact. A visual inspection of the frontage should be undertaken by a competent person and the Stability Report should be revised identifying landfill as a potential man-made stability hazard. The potential for negative impacts due to compressibility and slope failure should be assessed and mitigation measures to be implemented identified.
- 10.9.18 The ES Chapter 2 ([APP-140](#)) sets out a description of Tilbury Fields in Section 2.4.179 – 2.2.180, including stating it will be a ‘destination point’ and will provide ‘improved recreational amenities.’ The extent of WCH improvements are set out in Section 2.4.122 stating that there will be ‘improved connectivity.’ This proposal will potentially lead to an increase in footfall along the Thames Estuary Path and potentially adverse effects due to exposure to the waste. The Applicant should provide betterment to the current situation as part of the promise to provide ‘improved recreational amenities.’
- 10.9.19 Appendix 10.11 - Remediation Options Appraisal and Outline Remediation Strategy ([APP-434](#)) Table 3.1 identifies that for all medium and high risk sources ‘*the potential source requires further assessment and possible remedial works / specific design*’ and paragraph 3.1.15 identifies a number of data gaps and uncertainties including:
- a. ‘*The contamination status of medium and high-risk credible contaminant sources detailed in Table 3.1 is unknown or not fully characterised due to limitation ground investigation.*’
- 10.9.20 It is extremely concerning that such significant contamination sources are not robustly understood. From paragraph 3.1.16 the Applicant is relying on the REAC ([APP-336](#)) to secure additional works to address the data deficiencies. Such an approach is not considered appropriate for significant sources of contamination. Potentially the additional works could reveal ground conditions that cannot be managed using the stated preferred remedial techniques and alternative solutions would not have been assessed in the ES.

10.9.21 Appendix 10.11 - Remediation Options Appraisal and Outline Remediation Strategy ([APP-434](#)) identifies that 'processing' will occur (see paragraph 7.10.5 Excavated made ground/ contaminated soils and reworked natural soils shall designated for assessment at soil processing compound at the Project and note to Table 8.2 * – *Reuse of soils from excavations assumes soils have been subject to some form of treatment.*) The nature of the processing is not identified in this document and whilst it is possible that such activities would be undertaken under an Environmental Permit it is not certain that this is the case. Without this certainty and the associated assumption of adequate control it is considered that potential negative impacts have not been identified and assessed. The Applicant should provide further information on the nature and location of the processing operations.

Policy Compliance and Local Impacts

Instability

10.9.22 The Application addresses the NPS policy instability requirements (Sections 6.5.141-6.5.150) in so far that it includes a preliminary assessment of potential ground instability. However, the NPS also requires that *supporting guidance* is also taken into account. Planning Practice Guidance (PPG) - Land Stability published by the Ministry of Housing, Communities & Local Government in 2014 and updated in 2019 by the Department for Levelling Up, Housing and Communities (refer to **Appendix M**) is not referenced and it is noted that this guidance states that instability risk assessment reports should be prepared by an appropriately qualified person, such as chartered members of a relevant professional institution. The Council have identified above the need to revise Appendix 10.2 – Stability Report ([APP-423](#)). The revision should reference and be guided by the PPG and a statement of competency should be provided.

Contamination

10.9.23 For contamination NPS 5.168 requires – '*for developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination and how it is proposed to address this*'. Whilst the Application complies with the policy in that consideration has been given to the presence of and risk posed by land contamination, the factual ground investigation report are not provided and there is insufficient information provided to allow the Council to determine if the assessment is robust. For example, a plan showing where the exploratory holes are located is not available, nor is it possible to determine the adequacy of the data to inform the ground conditions assessment.

Pollution Control and Other Environmental Protection Regimes

- 10.9.24 The NPS assessment principles state that '*Decisions under the Planning Act should complement but not duplicate those taken under the relevant pollution control regime*'. It is noted that the Application 3.3 Consents and Agreements Position Statement ([APP-058](#)) identifies the following key matters:
- a. Environmental Permit - *Multiple permits are likely to be required for construction activities, e.g., storage and treatment activities such as materials crushing, concrete/bitumen plants, remediation plant, transfer stations, short-term (less than three years) material storage. Locations where such permits would be required are primarily construction compounds across the Project. During construction, construction compounds would be located along the Project route. Larger compounds would be required at the North and South Portals to allow for tunnelling operations and materials management;*
 - b. Environmental Permit - *Permits will be required where treatment or storage of waste is proposed during construction or operation where it exceeds the provisions/requirements of an appropriate waste exemption. At the northern tunnel entrance compound, a permit(s) will be*

required where construction activities interact with the extant and currently permitted waste activities (operated by others); and,

- c. Control of Asbestos Regulations – works identified as Notifiable.

10.9.25 Whilst works undertaken under the above consents are to be assumed to be appropriately controlled to prevent environmental impacts, a permit does not set limits on travel therefore the Applicant should provide further information on what transportation impacts are being incorporated into the Application associated with the processing of excavated material.

Common Law Nuisance and Statutory Nuisance NPSNN, Sections 4.57 and 4.59

10.9.26 The Application identifies noise and vibration and notes that other nuisances are identified, however, this identifies dust, odour, artificial light, smoke and steam. There is no mention of vermin or attraction of birds to excavations in the former landfills. However, the Council notes that with regard to statutory nuisance, birds are not considered a nuisance under Section 79 of the EPA 1990. But insects are identified as a nuisance, in fact, Section 79 (fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance.

10.9.27 Vermin is not considered a nuisance because it is covered by other legislation, namely the Prevention of Damage by Pests Act, 1949 (PDPA), which requires all landowners to keep their property free of vermin defined as rats and mice.

Further Work or Mitigation Required

10.9.28 The following collates the identified further work and/or mitigation set out above:

- a. In relation to complying with NPSNN requirements for common law nuisance and statutory nuisance we note that Requirement 4 relating to the reparation of EMP (second iteration) does not identify control of vermin and whilst Appendix 2.2 – Code of Construction Practice, First iteration of Environmental Management Plan - Annex C - Preliminary Works Environmental Management Plan ([APP-336](#)) Section 1.10 'Construction site layout and good housekeeping' does identify vermin control, this is not in relation to excavated landfill waste stockpiling and processing. A Nuisance (Vermin) Management Plan for the excavated materials from the former landfills should be prepared;
- b. To address the uncertainty and potential negative impacts associated with the proposed processing of material for re-use and specifically excavated materials from former landfills Application 3.3 Consents and Agreements Position Statement ([APP-058](#)) should be revised to identify that an Environmental Permit to permanently deposit waste on land as a recovery activity will be obtained. Under the directions of the NPS we would assume that the environmental impacts arising from processing are adequately controlled;
- c. Further work is required to show that the proposed development will not lead to an increase in the erosion/failure of the river frontage and release of landfill waste. In addition, given that the Application seeks to promote the use of the Thames Estuary Path, mitigation measures to prevent exposure to the existing exposed waste are necessary and could lead to beneficial impacts;
- d. Further work is required to understand the interaction/implications of the land raising by Ingrebourne Valley Ltd are unclear, particularly in respect to the volumes of materials to be excavated and whether the raised restoration profile has been incorporated in the proposed landscape plans and volumes required;
- e. The Applicant should provide information on what transportation impacts are being incorporated into the ES associated with the processing of excavated material;

- f. A number of the SoCG issues for Geology and Soils relate to re-wording of the REAC ([APP-336](#)). The REAC wording does not appear to have been revised and so alternative wording has been provided for the convenience of the ExA;
- g. The Applicant should identify which potential contaminants of concern have no or limited data and as such still require assessment;
- h. The Applicant should provide all of the factual ground investigation reports;
- i. The Applicant should provide a figure showing the location of the exploratory holes in relation to the identified sources of contamination;
- j. The Applicant should provide a table of all the sources showing the risk rating, number of exploratory holes within the source, number of soils tested, number of leaching tests, number of groundwater samples and number of unflooded gas monitoring wells. The table should include a comment column to identify robustness of the data, if the testing undertaken addressed all the identified COC and uncertainty including whether additional ground investigation is considered necessary;
- k. The revised risk table in Appendix 10.9 – Generic Quantitative Risk Assessment Report ([APP-430](#), [APP-431](#), [APP-432](#)) should be redone to show those sources within the study area that will not be disturbed and/or are not credible gas sources as Low, the remainder of those currently identified as Low should be reassigned as Medium/Low for differentiation. Where the risks associated with Medium/Low sources are considered to be adequately managed using measures in the EMP, this should be identified and justified; and,
- l. For all other sites not identified as Very Low or managed through the EMP a table presenting each of the sources, the commitment to undertaking additional ground investigation together with the objectives for the investigation to be addressed (which will be specific to each source and reflective of the activity to be undertaken).

10.10 Materials and Waste

Introduction

- 10.10.1 The assessment of the minerals and waste impacts considers the management of the excavated materials and wastes generated within the Lower Thames Crossing (LTC) Order Limits during its construction.
- 10.10.2 Wastes and excavated materials will be generated from the excavations of the development of the roads to the north and south roads, north and south portals and the tunnel boring process. The nature of these wastes and materials will depend upon the properties of the excavated materials but will broadly fall within three categories:
- Clean excavated soils and minerals, these would only be definitively considered waste if exported off site for management.
 - Wastes placed under an Environmental Permit which will require management under an Environmental Permit.
 - Contaminated excavated materials which may be suitable for use on site under the Contaminated Land in a Remediated Environment (CL:AIRE) Definition of Waste Code of Practice (DoWCoP).

Table 10.9: Summary of Key Issues Materials and Waste

Summary of Key Issues
<p>Within Section 2.1 of Appendix 11.1 – Excavated Materials Assessment (APP-435) NH identify that the development of LTC will produce 12.5 million m³ of excavated materials over the 6 years of its construction. Of the total excavated material NH identify that 11,176,500 m³ will be re-used within the Order Limits, the remaining material will be considered a waste and will require management outside of the Order Limits in line with the waste hierarchy. NH assume the excess will be exported at a constant rate of 1,680t/day over the 5 years that excavated materials will be generated totalling 200,000 m³ annually. The basis for the identification of these figures is not provided, therefore it is not possible to determine whether the quantities identified is not appropriate.</p>
<p>NH have not identified where or how excavated materials will be utilised within the construction, therefore it is not possible to determine whether excavated materials are to be used within the compound or may require movement between compounds, which would potentially change the classification to wastes requiring additional management and mitigation measures and increase transport impacts with potential transport taking place on the public highways.</p>
<p>Within Section 3.1 of Appendix 11.1 – Excavated Materials Assessment (APP-435) identifies the evaluation criteria for the selection of local and regional waste sites suitable to manage the excavated wastes exported from the Order Limits and the output from the assessment identifying the acceptable sites is provided in section 4. The assessment approach appears to consider the relevant criteria for the identification of suitable receiver sites.</p>
<p>Within the oSWMP (APP-337) NH set out how they will comply with the waste hierarchy through their REAC commitments. Whilst the REAC commitments are largely appropriate the supporting statements in Section 4 provides only high-level actions that will be taken to achieve these aims. The document does not set out the actions that NH require/expect the contractor to deliver to achieve the REAC commitments and what regulatory requirements these may trigger.</p>

Local Impacts Identified by Thurrock Council

- 10.10.3 The management of the excavated materials either through temporary or permanent placement within the Order Limits or through reuse, recovery or disposal without the Order Limits will generate vehicle movements (considered in Section 9.8 above) with the associated noise, dust, vibration and air quality/emissions impacts on local residents. The ultimate magnitude of these impacts will be determined by the overall quantity of material generated and the proportion of materials directly placed, stored prior to use and managed outside the Order Limits.
- 10.10.4 NH recognise that the export of wastes beyond the Order Limits has the potential to impact upon the local and regional waste management market capacity due to the quantity of excavated materials that will require reuse, recovery or disposal throughout the duration of the works. The exact impact of the management of materials exported beyond the Order Limits will depend upon the overall quantity of material generated during the works and the proportion of the excavated material that can be reused, recovered or disposed of within the Order Limits. The assumption that the rate of waste inert material generated from the construction will be exported at a steady rate as stated within Appendix 11.1 – Excavated Materials Assessment ([APP-435](#)) is not justified and if incorrect could lead to a greater than stated impact on local waste sites which could further exacerbate these impacts.
- 10.10.5 Within Section 5.2 of 6.3 Environmental Statement Appendices Appendix 2.2 - Code of Construction Practice, First Iteration of Environmental Management Plan - Annex A - Outline Site Waste Management Plan ([APP-337](#)), NH identify that there will be a '*... space within a compound for segregation and storage*' of wastes. However, there is no detail provided on the segregation processes proposed or the quantities of storage that will be undertaken at any individual compound to determine whether the sites will require consideration under the Environmental Permitting regime or whether an exemption is proposed. The two routes have significantly differing levels of regulatory rigour, impact control requirements and third party monitoring associated with them therefore without understanding the regulatory environment that will be in place it is not possible to understand potential for the generation of environmental impacts from the management of wastes in the compounds.

Policy Compliance and Local Impacts

- 10.10.6 Paragraph 5.39 of the NPSNN states that government policy is to '*... protect human health and the environment by producing less waste and by using it as a resource wherever possible*', furthermore paragraph 5.40 states that '*Sustainable waste management is implemented through the waste hierarchy.*' The Environmental Statement Appendices Appendix 2.2 - Code of Construction Practice, First Iteration of Environmental Management Plan - Annex A - Outline Site Waste Management Plan ([APP-337](#)) sets out the principles of managing the wastes from the construction phase of LTC in accordance with the waste hierarchy, but lacks details on how this will be delivered specifically.
- 10.10.7 Paragraph 5.43 of the NPSNN states that the SoS should be satisfied that '*... the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available.*' Appendix 11.1 – Excavated Materials Assessment ([APP-435](#)) sets out the infrastructure that is available and appropriate for the management of the waste inert material generated. However, the lack of verification of the assumptions on excavated material arisings and the ability to reuse it within the Order Limits means that it is not possible to confirm the quantities of waste arising. The assumption of a flat rate of inert waste arising from the works is also not justified or validated, therefore it is not possible to accurately identify the impact on the local waste infrastructure.

Further Work or Mitigation Required

- 10.10.8 Without NH demonstrating the basis for the waste/excavated material arisings and ability to place materials within the Order Limits it is not possible to identify the local impacts. Due to the large quantities of excavated materials generated even relatively small percentage differences in projected the rates of generation or consumption would have a significant impact on the quantities of material. NH need to identify how the excavated material arisings and usage within the Order Limits has been calculated to provide confidence in the figures presented.
- 10.10.9 The identification of the impact on the shortlisted receiver sites should split the sites to separately consider the impact on the sites allocated as reuse/recover or disposal allocations based on the expected arisings of each waste management route within the ES Appendix 2.2 - Code of Construction Practice, First Iteration of Environmental Management Plan - Annex A - Outline Site Waste Management Plan ([APP-337](#)) and Appendix 11.1 – Excavated Materials Assessment ([APP-435](#)). This would provide a more appropriate identification of the impact on the local waste markets.
- 10.10.10 The assessment of the impact on the receiver sites should be based on the maximum quantity of material to be sent to each route under either the baseline or high recycling scenarios considered. At present the calculation potentially underestimates the quantities of recycled or recovered materials to be managed, as it only considers a 70% recycling/recovery level, in the event that the higher level rates are achieved, then those sites receiving the material would be receiving ~20% more material.
- 10.10.11 Within Table 5.2 of the ES Appendices Appendix 2.2 - Code of Construction Practice, First Iteration of Environmental Management Plan - Annex A - Outline Site Waste Management Plan ([APP-337](#)) NH should identify an initial estimation of the quantities of each material to be sent for reuse, recycling, recovery and disposal based on industry good practice. This would provide guidance for any contractor to be appointed and also validate the claims of the recycling rates that will be achieved. It would also provide a similar level of detail for each material within the oSWMP setting an appropriate base for the development of the SWMP by the contractor.
- 10.10.12 The ES Appendix 2.2 - Code of Construction Practice, First Iteration of Environmental Management Plan - Annex A - Outline Site Waste Management Plan ([APP-337](#)) should consider both the temporal phasing and location of waste arisings to provide an appropriate basis for the assessment of the impact of the management of the wastes, the identification of appropriate regulatory regimes to be implemented and to set an appropriate framework for the management of wastes throughout the construction phase by the contractor.

10.11 Land Use and Open Space

Introduction

10.11.1 There are three Appendices to the Planning Statement that address open space and green infrastructure, which have been provided by NH. These are:

- a. **Planning Statement Appendix D Open Space** ([APP-499](#)) has focussed solely on providing compensation land for open space and common land directly impacted by the scheme. Lower Thames Crossing would directly impact three open space sites, one informal public open space and two areas of registered common. It has not considered the indirect effects on open spaces close to the route arising, for example, from increased noise and air pollution. Further issues related to compensation for temporary use of open space are dealt with below in Section 14;
- b. **Planning Statement G – Private Recreation Facilities** ([APP-502](#)) confirms that only one private facility, Thames View Camping would be permanently lost to the scheme. This is a new operation that operates under pd rights. None of the other 10 operations would result in significant permanent losses of land, most would have temporary impacts associated with utilities works. No assessment has been provided, however, regarding the indirect effects on public open spaces close to the route; and,
- c. **Planning Statement Appendix H – Green Infrastructure Study** ([APP-503](#)) is an update of the document created for the first DCO in October 2020. While some of the policies have been updated, no attempt has been made to review the projects which were identified via a small number of stakeholders, mainly comprising biodiversity-focussed NGOs in 2018/2019. The Council has previously identified numerous issues with the project list.
 - The project list is made up of principally small projects, nearly all below £150,000 and some as low as £4,000, so they would not deliver any strategic benefits.
 - Many of the projects are situated significant distances from LTC which dilutes any impacts and means areas most affected by LTC would get fewer benefits.
 - Many of the projects were short-term schemes, for example, the Land of the Fanns project has already ended.
 - Several projects proposed by stakeholders include sites that now form part of LTC mitigation or have been developed, e.g. sites within Tilbury 2 and Ockendon Landfill.
 - The project list has not been updated to reflect the proposed LTC mitigation.
 - Of the very few projects within Thurrock none were aimed at addressing health and wellbeing issues, such as open space improvements and with no focus on those communities most adversely impacted by the scheme.

10.11.2 The list was prepared without any discussion with local authorities or the Council.

Local Impacts Identified by Thurrock Council

10.11.3 Thurrock contains several communities with relatively high population densities and which have high levels of deprivation, including low car ownership levels. These settlements often only contain small parks and play areas. This makes access to these open spaces particularly important.

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- 10.11.4 The Open Space assessment has focussed solely on those open spaces where there would be a direct and permanent loss of land as a result of LTC. The proposed compensation land for each site is considered appropriate and has been designated to integrate with other LTC landscape and biodiversity mitigation, as much as possible.
- 10.11.5 No consideration has been given to indirect effects such as visual, noise or air quality effects and the general amenity of these open space sites during construction or operation to those open spaces close to the route despite this being raised during the first DCO application process. For some open spaces access will be impacted by road or rights of way closures or diversions.
- 10.11.6 New masterplans have been produced for six public open spaces within the Tilbury and Chadwell St Mary areas, funded by NH Designated Funds as part of the LTC Legacy programme, however, other sites, for example, in Orsett and South Ockendon have not been assessed.
- 10.11.7 The original LTC Green Infrastructure Study ([APP-503](#)) was produced in mid-2019 with little direct consultation with local authorities, despite the claims made in its Executive Summary. Since it was produced it has been necessary to 'retrofit' mitigation and legacy projects to try to deliver the scale of improvements necessary to achieve the GBI benefits required.
- 10.11.8 The Green Infrastructure Study was originally produced in mid-2019 and has not been updated and so is considered to be out of date and so does not have a clear function. The South Essex and Thurrock GBI strategies that have been published based on much wider stakeholder consultation, since the LTC document was prepared. Legacy development work funded through NH Designated Funds is not informed by the document. The LTC Legacy team has tried to progress green infrastructure projects, however, most local authorities do not have the resources to development, implement and manage projects and it is felt that LTC should have taken a more proactive role in ensuring green infrastructure delivery.

Policy Compliance and Local Impacts

- 10.11.9 It is considered that the Open Space compensation sites for permanent loss accords with NPS policy. The Council has been engaged in discussions with NH regarding the design of the compensation sites.

Further Work or Mitigation Required

- 10.11.10 The Planning Statement Appendix D - Open Space study ([APP-499](#)) has focussed solely on those open spaces where there would be a direct and permanent loss of land. It has not considered any indirect effects on existing open spaces. A package of measures should have been provided for those open spaces close to the route to help lessen air quality, noise and visual intrusion arising from LTC.
- 10.11.11 Through the Legacy programme new masterplans have been prepared for six open spaces and Conservation Management Plan for Belhus Park. It is important that funding is made available through the Legacy programme to enable these plans to be implemented.
- 10.11.12 The proposed Tilbury Fields and the associated additional permissive footpath links through the adjacent mitigation areas will help extend open space provision close to Coalhouse Fort. However, there are real concerns regarding the lack of detail concerning wardening to ensure this provision does not attract antisocial behaviour.

10.12 Walkers, Cyclists and Horse Riders (WCH)

Introduction

- 10.12.1 Thurrock has a relatively low density of Public Rights of Way (PRoW) with large parts of the Borough having few if any routes. This is due to the large areas of historic marshland and fenland and extent of largescale mineral extraction, heavy industry and national ports.
- 10.12.2 There is approximately 172km of rights of way within the Borough with a total of 198 routes listed on the Definitive Rights of Way statement. These include 151km are Public Footpaths and only 21km of bridleway, despite the high levels of horse ownership in the Borough. Where rights of way do occur, they often do not form usable circular routes.
- 10.12.3 Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders ([APP-512](#)) (PDR E) Sections 4.2 and 5.2 illustrates the current provision for walkers, cyclists and horse riders.

Local Impacts Identified by Thurrock Council

- 10.12.4 This low number and poor connectivity of routes means the prolonged closure of any, be it permanent or 'temporary' for up to 5 years for some key routes, will have a significant impact on walkers, horse riders and cyclists. While it has been possible to divert some routes, it is not possible for routes, such as BW219 that follows the Mardyke from South Ockendon to Bulphan.
- 10.12.5 An issue throughout the DCO process has been that responsibilities for different aspects of WCH, such as assessing the existing network and mitigating effects, arranging diversions and closures, and identifying legacy opportunities, have been dealt with by separate LTC teams. This has made trying to achieve a coordinated package of measures very difficult. In addition, the provision of new permissive provision, primarily around Tilbury Fields and Coalhouse Battery has been developed separately as part of the Tilbury Fields design work.
- 10.12.6 There has been no single plan showing the existing network, the proposed temporary and permanent changes and the legacy opportunities although the Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders ([APP-512](#)) and the Rights of Way and Access Plans Volume B & C ([APP-204](#) and [APP-205](#)) have started to draw some of the strands together, but not comprehensively as required by the Council.
- 10.12.7 The information contained in these documents and plans accord with discussions regarding permanent changes to the rights of way network and additional permissive routes focussed in the mitigation areas close to Coalhouse Fort and at Tilbury Fields. What is not included is any detail regarding types of surfacing, structure and signage. Although, Design Principle S9.02 Tilbury Fields makes reference to the provision of the accessible permissive routes, but does not refer to a specific standard. It is assumed that PEO.04 – WCH detail design standards covers permissive routes, as it refers to WCH rather than PRoW, however, this is not explicitly stated.
- 10.12.8 A positive measure has been the NH policy to upgrade all affected public footpaths to public bridleway. This is welcome as it has enabled a near continuous bridleway connection to be provided between Coalhouse Fort and Thames Chase Visitor Centre, which forms a useful spine route through the Borough. However, there has been little opportunity to create or enhance other routes that would create the additional recreational loops identified in Design Principle PEO.10 ([APP-516](#))
- 10.12.9 Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders ([APP-512](#)) is useful in providing a summary of the proposed changes to the PROW network. However, it is not a control document and is purely illustrative and therefore not acceptable to the Council.

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- 10.12.10 Design Principles ([APP-516](#)) contains a total of 11 principles relating to WCH. PEO.01-PEO.04 provide high level statements regarding the quality of provision. PEO.04 states that WCH routes shall be designed in accordance with a suite of standards including Local Transport Note 1/20. PEO.10 commits to creating improved recreational loops north of the Thames.
- 10.12.11 The Council as Highways Authority has sought to obtain more details regarding future design and maintenance, e.g. types of surfacing (SoCG Issue 2.1.103) and future maintenance liabilities (SoCG Issue 2.1.142), but NH have not provided further details.
- 10.12.12 Streets Subject to Temporary Restrictions of Use Plans Volume B & C ([APP-028](#) and [APP-029](#)) show those routes that will be subject to temporary alternation. However, they do not show the proposed diversions routes. DCO Schedule 5 Part 6 – Other public rights of way and permissive paths ([AS-038](#)) lists all routes that are affected. Outline Traffic Management Plan for Construction [APP-547](#) Appendix B provides a summary of WCH mitigation measures.
- 10.12.13 Structure Plans Volume A & B ([APP-043](#) and [APP-044](#)) do provide indicative plans showing the proposed bridges, including the green bridges.
- 10.12.14 For the green bridges incorporating roads, Muckingford Road and North Road, the Council is unclear what the purpose of the 'raised verges' is. For example, are these the areas for horse riders and what they will comprise.
- 10.12.15 In addition, the Council has proposed that sufficient width to incorporate a future dedicated cycle path or bus route at crossings of the LTC, which complements an intent from the Council to promote and increase active travel and public transport use along routes that cross the proposed LTC alignment. This requirement is reflected in the Council's emerging transport strategy. The Council is highly concerned that NH has unilaterally decided, without substantiation, that people in Thurrock are never likely to adopt cycling and bus use to the level that would warrant the need for dedicated facilities. The Council is concerned that the approach adopted by NH will mean that LTC acts as a future constraint to active travel and bus use and to restrict the provision associated with emerging major developments in the borough. It will not be cost-effective to widen the crossings once they have been constructed. To avoid LTC becoming a constraint on the potential for Thurrock to promote active travel and bus use, NH must ensure that the crossings are of adequate width to accommodate these requirements. NH argue that it needs only to provide capacity for shared-space standards, at best, stating simply that the rationale for this is to achieve best value for investment. The Council has not been provided any details of NH's assessment of the benefits of a future-proofed design with wider bridge widths compared to its preferred approach and is concerned that NH is basing decisions likely to leave a lasting negative legacy with an over-reliance on bias and anecdote.
- 10.12.16 The Council would like NH to agree to engage with Active Travel England and their remit is to help arbitrate on such matters. NH should also include sufficient width for dedicated bus facilities in the locations noted by the Council.
- 10.12.17 **Baker Street Closure/Impacts and its Implications (including SoCG Issues 2.1.81, 2.1.163 and 2.1.242)** – the Council has had several meetings about the construction effects on PRoW routes along and near Baker Street on 9 August and 23 November 2021, 12 May and 9 August 2022. Further, there was a Hatch meeting in which NH set out its proposals for Baker Street dated 19 November 2021. The Council believed these were interesting ideas that you stated would be reviewed and shared again. Unfortunately NH did not share these proposals again or develop further. Baker Street was also No. 5 on the list of 39 locations in the identified issues in the Council's work on construction impacts issued to NH in early May 2022. This set out clearly the Council's concerns and which was the subject to a range of subsequent technical discussions.
- 10.12.18 The significant construction impacts on Baker Street within Orsett Ward are set out/summarised in Section 6.13 (Pp 203 – 238) of the Community Impacts Report within the DCO

application ([APP-549](#)). Table 6.30 makes it clear that Baker Street will be closed several times in different locations, as follows:

- a. For 5 years south of the A13 for road realignment;
- b. For 10 months (February – November 2026);
- c. Utility modifications for 7 months; and,
- d. Weekends for bridge works and for alignment changes.

10.12.19 NH also intends to impose a range of access restrictions, traffic, bus, pedestrian and cycle diversions for various periods. Bus journey times would increase on affected routes. In addition, there would be noise and air quality and cultural heritage effects and significant visual effects and impacts that will seriously impact the health and wellbeing of residents. These all comprise very significant individual impacts and especially cumulative impacts. It remains a matter of upmost concern that insufficient and very limited mitigation is being proposed by NH and there is inadequate commitment to legacy improvements to help compensate for a pro-longed period of serious disruption.

10.12.20 These issues are referred to in the SoCG as a 'Matter Not Agreed', especially within SoCG Issue 2.1.242 referred to above. The proposed options previously set out by NH (and referred to above) were for the post LTC completion treatment of Baker Street, in recognition of the severe impact and disruption caused by LTC over a prolonged period. NH have now taken a unilateral and wholly inappropriate decision to do nothing, without consulting the Council or residents. NH cites various justifications to renege of commitments previously made to local residents. The Council fails to see how doing nothing within the DCO application to Baker Street in terms of additional mitigation or legacy, after the construction disturbance is completed, cannot be considered just. Furthermore, NH have confirmed that such works cannot be included within any Designated Funds application, as it would not meet the criteria. The NH response on this matters was received on 4 January 2023 and stated:

'Further review has been undertaken on the proposals on WCH improvements on Baker Street. This review has identified that these works are not necessary to address any severance or other issues created by the Lower Thames Crossing project. As a result, it is not appropriate to seek powers through the DCO process. The proposals do not meet the criteria for Designated Funds, due to the limited size of the community benefitting from the improvements and the relatively short section of improvements reduces the amount that could be invested'.

10.12.21 The approach set out above by NH is unacceptable. The Council is strongly of the opinion that NH amend their approach, as set out below. Furthermore, the Council's response on 13 February 2023 has not yet been responded to by NH.

Policy Compliance and Local Impacts

10.12.22 NPSNN paragraphs 3.17, 3.22, 5.184 and 5.216 all relate to WCH and protecting and enhancing routes for walkers, cyclists and horse-riders during construction and operation. In principle, it is considered that the requirements have been met. However, the mitigation measures will still result in long term closures of important routes, where there is no way to provide a temporary diversion where it is cut by LTC. It has been outlined above that the Borough has a restricted PRow network, therefore the long term closure of key routes, such as BW219 would be a significant concern to the Council.

Further Work or Mitigation Required

- 10.12.23 Through the LTC development it has been difficult to identify opportunities to create improved networks that connect to the enhanced routes within the Order Limits. As part of first DCO a Walking, Cycling and Horse Riding Assessment was commissioned covering the wider area. A summary of its recommendations is set out in Project Design Report ([APP-512](#)). That sought to focus on longer distance active travel routes rather than identifying opportunities to enhance the PROW network.
- 10.12.24 More recently several routes have been subject to feasibility studies funded through the NH Designated Funds. However, resource issues at the Council has meant that it has not been possible to progress these matters.
- 10.12.25 The Council has sought to include bridleway/permissive horse/cycle route north from the Two Forts Way to the upgraded FP200 into the Tilbury Fields design to create an alternative route. This has not yet been shown.
- 10.12.26 The proposed new permissive routes proposed as part of Tilbury Fields, but which run through the ecological mitigation areas are listed as not surfaced. These are routes that could experience significant use due to their location close to Coalhouse Fort. It is considered that these will need to have some form of surfacing and details are required from NH.
- 10.12.27 **Baker Street Closure/Impacts and its Implications** – A range of additional mitigation or legacy options for Baker Street is necessary following construction completion and consideration by the Council and residents. These options should offer a range of alternatives for residents covering the following matters (as covered in the November 2021 presentation):
- a. On-street parking;
 - b. Footpath improvements/provision/widening (possibly as shared use);
 - c. Provision for cyclists;
 - d. Possible traffic calming; and,
 - e. Bus stop improvements and bus route provision that help to mitigate the significant and deleterious effects of construction.
- 10.12.28 It is appreciated that this will require some preparation and surveys, but NH has had ample time over the last 18 months. These options should then be shared with residents, views obtained and then taken forward, as appropriate.

10.13 Human Health, Equalities & Wellbeing

Introduction

- 10.13.1 LTC has multiple, complex human health, equalities and wellbeing impacts across the entire scheme, but particularly in Thurrock where the majority of construction and operation is planned. In order to meet one of its scheme objectives the DCO must demonstrate it can ‘minimise adverse impacts on health and the environment’. The applicant has produced a standalone Health and Equalities Impact Assessment (HEqIA) ([APP-143](#)), which directly informs the human health portion of the ES Chapter 13 - Population and Human Health ([APP-151](#)) and therefore, both will be discussed here, as well as their supporting appendices and related documents. Further detail is also provided by ward within the Community Impact Report ([APP-549](#)) and there a nine wards within Thurrock covered in this document, although impacts and mitigation is only dealt with at a broad level but using ES topics to structure its content.
- 10.13.2 The HEqIA ([APP-143](#)) identifies two significant negative human health impacts (mental health and wellbeing during operation for the general population and sensitive communities and noise and vibration during construction for both general populations and sensitive communities) and six significant positive human health impacts. Alongside this, eleven topic assessments note differential or disproportionate impacts on specific protected characteristic or sensitive population groups within the assessment table, with one being noted as significant adverse (noise and vibration during construction). Given the nature of the scheme and the scale of construction the confidence in these outcomes being reflective of the human health and equalities impacts on Thurrock’s residents is limited due to the methodological limitations of the HEqIA and that Chapter of the ES, alongside specific local concerns, which have not been addressed in the HEqIA due to the aggregation of impacts across the scheme.
- 10.13.3 It should be noted that the HEqIA uses the term ‘health outcomes’ to define positive, negative, uncertain and neutral outcomes. The term ‘outcomes’ has been used below to describe broader matters, whereas the term ‘impacts’ has been used for specific local impacts.
- 10.13.4 Table 10.10 below outlines the key issues that remain, these are drawn from issue references within the Statement of Common Ground (SoCG).

Table 10.10: Summary of Key Issues Human Health, Equalities and Wellbeing

Summary of Key Issues
<p><i>Independent Review of the HEqIA (SoCG issue 2.1.208):</i> twenty recommendations were raised in the 2021 Independent Review of the HEqIA. Most of these recommendations have been carried over into the SoCG and are discussed here, demonstrating that these recommendations have not been fully met. Appendix E contains the response to NH written response to the recommendations after the submission of DCO on the 8 June 2023.</p>
<p><i>Integration of local health policies into assessment (SoCG issue 2.1.209):</i> It is not clear what weight local policy objectives and JSNA priorities have had in the assessment how that they have been included under each topic assessment. Specific topic assessments which have omitted reference to Thurrock policies or objectives are outlined below.</p>
<p><i>Information provided regarding construction phasing (SoCG issue 2.1.209 and now merged with Issue 2.1.220):</i> it is noted that description of construction phases is now included in the HEqIA. An issue remains regarding clarity on how construction phases have been considered alongside ward sensitivity within the cumulative assessment of intra-project effects, especially for those communities closest to the scheme, of which Thurrock has the majority and how mitigation addresses the potential health inequalities associated with these cumulative impacts.</p>

Summary of Key Issues

Information regarding scoping of HEQIA (SoCG issue 2.1.211): further information should be provided regarding what potential health topic assessments had been discussed with the Community Impacts and Public Health Advisory Group (CIPHAG) and been scoped out and why, and clear justification for scoping out equalities groups (specifically sex and faith and belief).

Further information regarding how consultation has informed the assessment (SoCG Issue 2.1.212): Information should be provided regarding how consultation has fed into the design and mitigation. Each topic assessment contains a section regarding consultation where issues regarding the topic during consultation are raised, however multiple topics do not clearly lay out how these concerns have been addressed (these are outlined below) or how these concerns relate to engagement with protected characteristic groups or the Hard to Reach Focus Groups (Table 5.1). There is a risk that due regard under the Equalities Act 2010 has not been demonstrated through the HEqIA and its appendices.

Justification of how criteria set out in paragraph 3.6.13 within the HEqIA has been applied to justify significance and how this interacts with aggregation of the baseline (SoCG Issues 2.1.213, 2.1.214 and 2.1.215): these issues relate to the overarching limitations of the HEqIA (SoCG Issue 2.1.208), where it is unclear from the methodology how considerations outlined in paragraph 3.6.13 of the HEqIA (criteria to determine significance) have been used systematically to determine whether or not an effect is significant. Specific topic assessments that need clarification are outlined below. Specific topic assessments where negative effects on sensitive groups or specific ward sensitivities are identified within the assessment, but the overall effect has been deemed neutral or non-significant and therefore clarification is needed on how these outcomes have been justified are also outlined below.

Information regarding further technical information (SoCG issues 2.217 and 2.1.237): concerns regarding specific technical assessments are raised under the Local Impacts section below. It is important to note that the HEqIA relies on multiple technical assessments. There are specific concerns in Thurrock regarding the air quality and noise and vibration modelling, if any changes or fundamental queries are raised regarding these assessments a clear update or caveat will need to be reported regarding the HEqIA. It is recognised that findings from the Distributional Impact Assessment are reflected qualitatively in the HEqIA, but clarification is needed as to why only income and children/schools are considered in the air quality assessment and not prevalence of long-term health conditions as a relevant characteristic.

Further information on the effectiveness of mitigation (SoCG issues 2.1.218, 2.1.230, 2.1.232 and 2.1.236): specific concerns regarding topic assessments and mitigations are raised under the further work or mitigations required section. Overall, it is not clear what evidence has been used to justify the residual health outcomes assigned to each topic assessment after mitigation. Specific topic assessments where this is the case and examples of further clarification needed regarding mitigation for specific topic assessments is outlined below.

Specific issues regarding the granularity of the EqIA and meeting the Public Sector Equality Duty (SoCG Issue 2.1.222): the issues regarding the EqIA are explored below. There is still uncertainty that the HEqIA fully demonstrates the due regard shown to equalities characteristics comprehensively.

Impacts on the traveller community (SoCG issue 2.1.229): impacts on traveller communities within Thurrock, specifically Gammonfields way have not been fully explored within the HEqIA and further clarification is needed to ensure that negative health impacts are not expected to occur, this is further outlined in the Local Impacts section below.

Specific impacts regarding noise impacts on Whitecroft Care Home (SoCG Issue 2.1.231): paragraph 7.9.21 of the HEqIA identifies that noise impacts on the Whitecroft Care Home would not constitute a significant effect in construction once mitigation measures (specifically acoustic screening) is applied that is secured through the Register of Environmental Actions and Commitments (REAC) ([APP-336](#)). This is disputed and further outlined in the Local Impacts section.

Summary of Key Issues

Specific impacts/mitigation regarding areas of common land and private facilities (SoCG Issue 2.1.238): there is still uncertainty regarding mitigation secured for loss of land, particularly Wild Thyme Outdoors. Additionally, as well as issues raised regarding the impact of land take outlined planning statement regarding temporary land take within Thurrock and demonstrating sufficient mitigation.

Specific impacts regarding health impacts on residential areas at the A13/ A1089 Junction and Orsett Cock (SoCG Issue 2.1.240): within the REAC ([APP-336](#)), there are no specific mitigations outlined regarding these areas and the issues raised within the relevant representation regarding light pollution and VISSIM modelling. This is outlined further below.

Information regarding enhancing vehicular travel (SoCG Issue 2.1.259): it is recognized that in Table 4.1 Design Principles are laid out (PE-1 – PEO13) that ensure standards for WCH which impact safety for NMU's. However, there is no detail provided above and beyond the building of new cycle paths to help ensure a move away from vehicular travel.

Further clarification regarding the Workers Accommodation Report WAR (SoCG Issue 2.1.233, 2.1.234 and 2.1.235): further clarification is needed regarding how mitigation laid out to reduce the effect of worker accommodation needed in the Thurrock housing market will reduce impacts on access to safe, secure and affordable housing for low-income residents in Thurrock. This matter is still to be discussed further with the applicant but is currently unresolved.

Specific impacts regarding proposed construction traffic routes, long term effects of road closures and how this impacts access to hospitals (SoCG Issue 2.1.194): it is not clear that the detail provided in the HEqIA ([APP-143](#)) and the ES Population and Human Health Chapter 13 ([APP-151](#)) demonstrates that congestion and impacts on construction routes have been fully mitigated against, particularly in regard to access to hospitals, this needs to be seen in conjunction with the Transport Assessment ([APP-529](#)) and Cumulative Impacts Assessment ([APP-154](#)).

Local Impacts Identified by Thurrock Council

10.13.5 As most of the scheme is to be built in Thurrock there are likely to be a majority of impacts on Thurrock residents. Thurrock populations are already at risk of poor health conditions and higher levels of deprivation, for example, the baseline Health and Equalities Impact Assessment Appendix C Baseline ([APP- 542](#)) Plates 5.1 to 5.8 demonstrates multiple areas within Thurrock which are within the top 20% most deprived areas in England. Specific local impacts in Thurrock are discussed below.

Information regarding further technical information (SoCG Issue 2.217 and 2.1.237)

10.13.6 **Air Quality:** the assessment currently identifies a neutral health impact in both construction and operation for the scheme regarding air quality, which is disputed given the wards affected, length of impact and amount of people affected, alongside the mitigations proposed. The assessment that, at a ward level the following Thurrock Wards, are the more sensitive to air quality changes, Tilbury St Chads, Aveley and Uplands, Belhus and West Thurrock and South Stifford. However, no further information is provided in the HEqIA on how these areas would be affected by the LTC and a key issue is that the HEqIA does not deal with the detail of specific air quality effects on specific areas. Additionally, it is noted that communities close to construction, or construction traffic routes should be considered be highly sensitive. These impacts are said to be mitigated by measures in the REAC and the CoCP, so would result in no physical health impacts, although no additional mitigation is highlighted in the HEqIA for sensitive wards.

10.13.7 Thurrock has raised concerns regarding the adequacy of the air quality assessment and technical data used during the assessment, most recently within the Council's Relevant Representation (Principal Issue VIII) ([PDA-009](#)). This is in particular regarding the increase in the number of

people affected by air pollution and increase in traffic on local roads, even if under the permissible standards outlined by Air Quality Standard (AQS), as health effects can be felt below these standards. This is in alignment with the UK Health Security Agency's Relevant Representation ([RR-1116](#)) *'the UKHSA would welcome further assessment and clear presentation on the summary of impacts on human receptors where there is a change in air quality, where the AQS is not exceeded'*. Further detail of these concerns can be found in Section 10.2 above. It is unclear from the DCO documentation if the concerns raised by the Council regarding the level air quality have been acknowledged in DCO. A neutral outcome is assigned for both construction and operation through applying mitigation to reduce mental health impacts of environmental changes, alongside controls during construction. However, it is disputed that the current mitigation (just establishment of the Community Liaison Groups) is adequate. Upon review of the CoCP ([APP-336](#)) it is unclear document how many Community Liaison Groups will be formed and there is limited fixed detail on how they will function and what remit these groups will have. It is recognised that findings from the DIA are reflected qualitatively in the HEqIA, but clarification is needed as to why only income and children/schools are considered in the air quality assessment and not prevalence of long-term health conditions as a relevant characteristic.

- 10.13.8 **Noise:** a similar concern is raised to air quality regarding noise, significant concern was raised in the Council's Relevant Representation (Principal Issue VIII) ([PDA-009](#)) regarding the adequacy of the noise assessments and modelling and analysis submitted to NH from the Council in 2022 demonstrated that the scheme will significantly increase noise disturbance and tranquillity of public space – further detail of these concerns can be found in Section 10.3 above. It is not clear what changes, if any, have been made in this assessment in light of this information, although negative significant impacts are noted for construction and both positive and negative impacts are noted for operation. Second, NH responded to SoCG issue 2.1.232 to provide a qualitative assessment of noise impacts on PRoWs and WCH routes, but this has not been included in the DCO submission, this was in particular reference to the shared path in the A13/A1089 area proposed for walkers, cyclists and horse riders between Green Lane and Stifford Clays Road that is now proposed slightly closer to LTC to avoid impacting farmland. It is noted that the noise assessment in the HEqIA outlines specific effects on wards, including years that they are affected, which is welcomed.

Impacts on the Traveller Community (SoCG Issue 2.1.229)

- 10.13.9 Currently, the traveller community are only considered within the Human Health portion of the assessment under housing and services within Environmental Statement Chapter 13 - Population and Human Health ([APP-151](#)) (this is despite Table 13.5 identifying traveller communities as a sensitive population within the topics of mental health and wellbeing) and within noise within Health and Equalities Impact Assessment ([APP-143](#)). However, specific reference to traveller communities are not carried over into the ES chapter regarding consideration of noise impacts. The Council seeks assurances that the health of the traveller community will not be adversely impacted and will not suffer worse health outcomes as a result of proposed relocation at Gammonsfield Way. For example, it must be ensured that, once the relocation site is operational noise levels are monitored in line with standards outline in the REAC (in particular NV001 and NV009 if agreed as appropriate). Within the HEqIA and the ES Human Health Chapter there is no mention of specific air quality assessments regarding traveller sites, in Thurrock or elsewhere. Specific assessment of the potential noise impacts undertaken on all traveller sites (including Gammonfields Way) is referenced in paragraph 7.9.41 of the HEqIA and after mitigation no significant effects are found. However, details of this assessment cannot be found in the HEqIA, therefore this will need to be shared with the Council in order to understand any impacts and if further mitigation is required.

Specific impacts regarding health impacts on residential areas at the A13/ A1089 Junction and Orsett Cock (SoCG Issue 2.1.240)

10.13.10 It is unclear how mitigation outlined in Health and Equalities Impact Assessment ([APP-143](#)) and the Environmental Statement Chapter 13 - Population and Human Health ([APP-151](#)) address specific concerns raised in the Council's Relevant Representation (Principal Issue VIII) ([PDA-009](#)) regarding the A13 Junction 2 and the link between Orsett Cock Roundabout and the A1089. These are regarding the effects on health of light pollution and VISSIM modelling these impacts are not referenced. Whilst the ES Chapter considers health impacts along the Project route as a whole, there is no specific mitigation outlined demonstrating reduction of human health impacts in these areas. Further clarification is needed.

Further clarification regarding the Workers Accommodation Report WAR (SoCG Issue 2.1.233, 2.1.234 and 2.1.235)

10.13.11 The ES Chapter 13 - Population and Human Health ([APP-151](#)) and the Workers Accommodation Report ([APP-551](#)) currently does not demonstrate that potential uptake of private rented accommodation will not have an impact on the ability of Thurrock residents to secure accommodation or not impact. The baseline data is from the Census 2011 (more recent ONS population predictions could have supplemented this data) and it is unclear how a designation of negative but not significant has been arrived at in the human health assessment. This is given the highly sensitive communities and vulnerable (including older people, low income households, families with children and rural communities) described in the assessment and the potential vulnerable groups affected by knock on impacts of a lack of available accommodation (particularly those at risk of homelessness given reference to use of visitor accommodation). The mitigation outlined does not detail how anxiety or access to homes will be managed for these groups. The relevant chapter does not include information regarding how workers will use the accommodation across the timescale of the project and if this affects the health or equalities outcome. Further details of the Council's concerns on this important matter are set out in Section 13.5 below.

Specific impacts regarding proposed construction traffic routes, long term effects of road closures and how this impacts access to hospitals (SoCG Issue 2.1.194)

10.13.12 Appendix 4.4 of the Environmental Statement – Transport and Traffic ([APP-343](#)) is intended to signpost where within the DCO documents the environmental assessment of traffic and transport are considered in the absence of a dedicated ES Chapter, where the following topics are claimed to be covered: severance, driver delay, pedestrian amenity, fear and intimidation, accidents and safety and driver stress. The Council requires a clear and concise summary table of the transport and traffic environmental impacts, including the significance of impacts and mitigation of any residual significant impacts. It is not considered reasonable for the Council to attempt to piece together the transport environmental assessment from a vast array of DCO documents and determine what are the project impacts. **The Council reserves its judgement on the transport environmental impacts until this is provided.**

10.13.13 There is no one singular place within the ES where these impacts and their mitigations are outlined. It is disputed that these are fully covered within the assessment as no geographic locations are noted or sensitive groups are considered that would be particularly vulnerable to driver stress or fear and intimidation related to transport. Severance, driver delay and accidents and safety are covered in more detail, however, as noted under paragraph 10.14.6 the outcomes are disputed given the potential negative impacts identified. This comment should be seen in conjunction with the LIR's responses to the ES Cumulative Assessment Chapter 16 as set out in Section 10.16 below.

10.13.14 Appendix 4.4 of the ES ([APP-343](#)) refers to the Institute of Environmental Management and Assessment (IEMA) 'Guidelines for the Environmental Assessment of Road Traffic' (1993) and seeks to demonstrate compliance with it. No consideration has been given to pedestrian delay, which is required to be assessed within the IEMA guidance. Likewise, the screening rules set out in IEMA guidance (Rules 1 and 2) have not been applied to determine the study area for transport environmental impacts.

10.13.15 The ES Population and Human Health Chapter 13 ([APP-151](#)) concludes that there are no hospital facilities to consider within the 500m buffer or the Order Limits. However, it suggests that wider community asset receptors have been considered within the assessment in Table 13.16, but it is unclear how these have been included in the outcome assessment. There is currently no evidence of consideration of impacts on access to hospitals outside of the buffer area or order limits within the HEqIA or Transport Assessment. Whilst the oTMPfC ([APP-547](#)) suggests that access to facilities will be maintained, it is not signposted in the HEqIA how specifically this will be achieved, especially if no assessment has been made on the impacts regarding local hospitals used by Thurrock residents, such as Basildon and Thurrock University Hospital and Queen's Hospital, Romford.

Policy Compliance and Local Impacts

- 10.13.16 The NPSNN covers the suggested principles for understanding health impacts for nationally significant infrastructure projects. Paragraphs 4.79 to 4.82 of the NPSNN do not define a specific approach or methodology to assess health impacts and note that projects considered under the NPSNN can have direct and indirect impacts on health.
- 10.13.17 Health is referenced under guidance for multiple technical assessments (including air quality, waste management, land instability and noise and vibration). Any implications relating to the robustness of these other technical assessments in relation to the NPSNN raised in this LIR, and this has implications for the validity of the conclusions within these HEqIA and ES Chapter 13 technical assessments, should then need to be reflected in the Health and Equalities Impact Assessment ([APP-143](#)) and the Environmental Statement Chapter 13 - Population and Human Health ([APP-151](#)), but currently are not adequately covered.
- 10.13.18 Whilst there is no specific guidance or methodology outlined in the NPSNN regarding considering health impacts, paragraph 4.81 suggests that significance needs to be considered during the assessment. It is noted that the primary source for the methodology used in the Population and Human Health Chapter is the LA 112, the DMRB Population and Human Health Guidance. This guidance does provide a methodology assessment which assigns significance for the land access use portion of the assessment, but it does not require consideration of significance regarding human health determinants. Both the ES Chapter and the underlying HEqIA refer to further guidance (from IEMA, the IAIA, WHIASU and the Mental Health and Wellbeing Impact Assessment Toolkit) used in the assessment to assign significance to health outcomes. Then paragraph 13.3.3 of the Population and Human Health ES Chapter 13 outlines that 'where no specific guidance is available to determine impacts and significance of effects, professional judgement has been used'. However, it is unclear how these guidance documents have been integrated into the health outcome assessments (positive, negative, neutral and uncertain) and what thresholds are needed to result in a significant effect identified (whilst recognising that some level of professional judgement is needed) resulting in a lack of confidence in the replicability of the outcomes assigned. There are eight health outcomes within the assessment that have been designated as significant, however, no specific limits for thresholds for significance have been determined in the assessment methodology. Therefore, both the Population and Human Health ES Chapter 13 and the standalone HEqIA that informs it, are limited in terms of identifying significant adverse health impacts (in particular for topics where other technical chapters may not provide information specifically regarding impacts on human health).
- 10.13.19 As mentioned, the NPSNN does not provide detail on applying the duties under the Equalities Act within this guidance. The equalities duties mean that public authorities need to have due regard to achieving the objective set out under S149 of the Equality Act 2010 to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and, (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. To demonstrate this due regard the public authority must demonstrate that due regard has been

shown towards protected characteristic groups, the section below outlines that there is doubt that the current HEqIA demonstrates this consistently across the screening tool and HEqIA.

Health and Equalities Impact Assessment

10.13.20 Engagement regarding health, equalities and wellbeing has been pursued over many years, including via the Community Impacts and Public Health Advisory Group (CIPHAG), as well as an Independent Review of the HEqIA in June 2021, which was followed by initial responses to the 20 recommendations from NH in July 2021 and until very recently NH has made no further responses to those recommendations. Unfortunately, many of the issues raised with regard to the robustness of the assessment within the HEqIA have not been addressed (a full breakdown of the 20 recommendations made and adequacy of responses to them can be found in **Appendix E** (the latest response from NH is dated 8 June 2023), most of these points are covered within discussion of SoCG matters in this LIR.

Independent Review of the HEqIA (SoCG Issue 2.1.208)

10.13.21 The overarching criticism of the HEqIA is that it is not clear how or by what thresholds significance criteria has been consistently applied throughout the assessment, resulting in a lack of confidence in the health outcomes identified. Specific issues regarding these concerns are raised within discussion of below.

Integration of local health policies into assessment (SoCG Issue 2.1.209)

10.13.22 Whilst each assessment box for each health topic notes that local policies highlight the importance of the issue, further clarification is needed regarding what weight local policy objectives and JSNA priorities have had in concluding significance in the assessment. Additionally, specific topic assessments that have omitted reference and discussion of Thurrock specific policies or JSNA priorities highlighted in Health and Equalities Impact Assessment Appendix A Local Policy and Strategy Context ([APP-540](#)) are:

- a. Accessibility (Thurrock Whole Systems Obesity Strategy 2018-2021, Thurrock Council, 2018d);
- b. Affordability, Work and Training (JSNA 2017 – Children and Young People, Thurrock Council, 2017);
- c. Housing and Community Services Training (JSNA 2017 – Children and Young People, Thurrock Council, 2017); and
- d. The Thurrock Health and Wellbeing Strategy (2022) is only considered within the Active Travel and Work and Training domains and should be integrated across the assessment.

10.13.23 It is important to note here that it is not sufficient to just reference the policies, but as a key criteria used to help determine significance (as outlined in the methodology), further clarification is needed regarding how policy considerations have been used to inform the health outcomes identified. Additionally, there is no consideration of if mitigations or enhancements help meet specific policy objectives.

Justification of how criteria set out in paragraph 3.6.13 within the HEqIA has been used to determine significance and how this interacts with aggregation of the baseline.

10.13.24 It is unclear what criteria the assessments have met to be considered significant. The following topic assessments have been noted as having a significant impact, however, further clarification is needed regarding what threshold these have met to be considered significant: Noise and Vibration (construction); Working and Training (construction); Accessibility (operation); Access

to green space and outdoor space (operation); Active Travel (operation); Work and training (operation); and, Mental health and wellbeing (operation).

10.13.25 The approach of aggregation has resulted in a disconnect between the description of negative outcomes for sensitive populations described in the health outcome sections and summary tables and the outcome assigned, as well as a lack of clarity on how ward sensitivities have been incorporated into the assessment (and how wards identified as sensitive and sensitive populations have been integrated). There is inconsistency in regards to sensitive wards identified being considered across the assessment, for example Tilbury St Chads and Tilbury Riverside and Thurrock Park are high sensitivity wards, but it is not clear how they have been considered within the health outcome identified as part of the traffic severance assessment for operation (neutral), despite there being an unmitigated severance issue for older people at Brennan Road. Additionally, Tilbury St Chads is not considered within traffic related severance for construction, despite it being affected by severance issues on St Chads Road. Furthermore, no specific highly sensitive wards are referenced within the light pollution assessment. This issue is also covered under SoCG Issue 2.1.194, as the human health assessment within the Population and Human Health Chapter 13 solely relies on the HEqIA, the same issue occurs across both documents. The following are specific topic assessments where negative effects on sensitive groups or specific wards are identified, but it is not clear how potential negative effects outlined in the assessment summaries have been integrated within the final health impact identified. This approach to aggregation is disputed. Further clarification is needed to justify why the following effects are not considered negative or significant: accessibility (construction); traffic related severance (construction); traffic related severance (operation); road safety (construction); air quality (construction and operation); and, impacts on housing and community service (construction and operation).

Information provided regarding construction phasing (SoCG Issue 2.1.209 and now merged with Issue 2.1.220)

10.13.26 It is noted that description of construction phases is now included in the HEqIA. An issue remains regarding clarity on how construction phases and ward sensitivities are considered in the cumulative assessment of intra-project effects, especially for those communities closest to the scheme, i.e. those within 1km of the scheme and host authorities where potential negative effects have been identified in the assessment. It is currently unclear where NH view these effects happening (given the majority of environmental topics health been designated a neutral health impact during construction) and how mitigation addresses the potential health inequalities associated with these impacts.

Information regarding scoping of HEqIA (SoCG Issue 2.1.211)

10.13.27 Further information should be provided regarding what topics had been discussed with CIPHAG and been scoped out and why and clear justification for scoping out equalities groups (specifically sex and faith and belief).

Meeting the Equalities Duty (SoCG Issue 2.1.222)

10.13.28 There is concern with the HEqIA that there is a lack of evidence that the equalities duty has been met. The Equalities Act 2010 requires public authorities to demonstrate due regard to eliminating discrimination, advance equality of opportunity and fostering good relations. This is typically demonstrated through a process of engagement and incorporation of equalities considerations, and cannot rely on the production of a desk-top EqIA as evidence alone. Each topic assessment contains a section regarding consultation where issues regarding the topic during consultation are raised. However, the following topics do not clearly lay out how these concerns have been addressed or how these concerns relate to engagement with protected characteristic groups or the Hard to Reach Focus Groups (Table 5.1): accessibility, traffic-related severance, affordability, noise and vibration, mental health, light pollution and climate change.

Additionally, a Hard to Reach Strategy was agreed to be supplied as part of the DCO, but this has not been referenced or included.

10.13.29 Additionally the following points require clarification:

- a. There is no definition of what criteria would need to be met to have a disproportionate or differential equalities impact and how this relates to the baseline characteristics of the impact area, as well as limited integration of intersectional characteristics within the HEqIA;
- b. Additionally, clarification is requested regarding providing rationale for gender and religion and belief being excluded from assessment; and,
- c. There is no discussion of how mitigation will help meet the Public Sector Equality Duty or of having due regard to eliminating discrimination, advancing equality, and fostering good relations under the Equalities Act.

Further Work or Mitigation Required

10.13.30 The Health and Equalities Impact Assessment ([APP-143](#)) and the Environmental Statement Chapter 13 - Population and Human Health ([APP-151](#)) and its appendices contain extensive information, yet, within the assessment it is difficult to discern how specific impacts on health will be mitigated. The mitigation summarised in the HEqIA is not explicitly linked to reducing health inequalities or addressing impacts on sensitive or protected characteristic groups identified or often tied to specific wards, making it difficult to assess how the mitigation is considered within outcomes provided. There is also no mention of how health impacts are suggested to be monitored during construction. This severely limits the HEqIA as a standalone assessment.

10.13.31 Specific examples of where mitigation is viewed as inadequate or needs clarification are:

- a. **SoCG Issue 2.1.236** – mitigation regarding workforce construction and healthcare services and mental health outcomes is addressed through a secured commitment whereby the Contractor will provide an appropriate range of medical and occupational healthcare services to meet the physical and mental health needs of the construction workforce. However, this is vague and details of requirements are not outlined and will rely on later negotiation as to what is appropriate. This is not sufficient at this stage as there is no outlined definition of what is considered appropriate by NH, if this is tied to financial viability and how the engagement with the local Integrated Care Partnerships will be pursued and implemented.
- b. **SoCG Issue 2.1.238** – some areas of common land and private recreational facilities will be requisitioned (temporarily or permanently) resulting in changes to the availability of open space. Where effects are anticipated, such as effects to the operation of the Wild Thyme Outdoors centre (should it recommence operations), discussions are ongoing, but no secured mitigation is noted. Additionally, there is no mitigation proposed for the temporary land take at Linford Allotments, Walton Common and the common land at Parsonage, despite being within the Order Limits. This is in addition to the adverse impacts identified at Tilbury Fort and Coalhouse Fort regarding amenity during construction (with no mitigation referenced within Table 13.58 within the ES Chapter Population and Human Health), as well as the slight adverse impact assigned regarding the permanent acquisition of land at Tilbury Green (replacement land is noted in operation but there is a six year disruption stage). A slight adverse impact has been put forward within the ES Chapter Population and Human Health Chapter 13 regarding access to community assets, which is disputed based on the above. The HEqIA identifies a negative health outcome during construction regarding access to green space and recreation (although further clarification is required regarding why this is not considered significant and why further mitigation has not been considered). This also needs to be seen in conjunction with issues raised regarding temporary land take in the Section 14

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below and the potential loss of open space for up to six years without re-provision or compensation.

- c. **SoCG Issue 2.1.259** – there is no description of specific enhancement measures to encourage use of the active travel routes by members of the public. Given the positive, significant health benefits ascribed to use of the WCH routes this is lacking. Specific Community Liaison Groups (CLG) could be specified to be created to promote and monitor this **outcome**.
- d. **SoCG Issue 2.1.240** – concerns raised regarding design and mitigation outlined addresses health concerns about impacts on the residential areas surrounding the A13 junction link between Orsett Cock roundabout and the A1089 regarding traffic and congestion modelling have not been addressed. It is noted that NH has replied in the SoCG that no further **mitigation is suggested**.
- e. **SoCG Issue 2.1.233 and 2.1.234** – the assessment of the health impacts from the construction workforce on accommodation is considered neutral after mitigation. It is unclear which specific mitigations would enable it to be considered a neutral impact on residents on a low income.
- f. **SoCG Issue 2.1.218 and 2.1.230** – mitigation mentioned in the report regarding providing funding or support to the affected Boroughs, namely the Community Fund and S106 agreements are noted, but there is a lack of detail tied to how these will reduce or address specific health outcomes in specific areas and the mechanisms by which they will be delivered and monitored. Consequently, it is unclear if the mitigation described within the relevant HEqIA or ES Chapter will effectively prevent the negative impacts identified within the assessment, particularly in areas where it is noted will experience greater adverse effects than others. The detail provided in the CoCP regarding CLG's does not specify how many will be supported in each affected authority, what the likely terms of reference will be, including what remit these groups will have and any additional funding that will be supplied to support these groups, particularly if any capacity building is needed.

10.13.32 Further information requests include:

- a. NH were to provide access to a 'Hard to Reach Engagement Strategy' within the DCO application to demonstrate adequate engagement with these groups;
- b. Clarification on what mitigation is proposed for sensitive wards outlined within the air quality assessment and how a neutral impact has been justified;
- c. Information needs to be provided regarding noise assessment baselines for Traveller sites;
- d. Further clarification if there has been consideration of noise and vibration impacts on NMUs during construction;
- e. Further clarification on numbers of CLG's proposed, where these might be and a list of topics/themes that these will cover and if any additional funding will be provided for them. Clarification is needed on if the Council and other stakeholders will have input into the ECP to inform the development of the CLGs;
- f. Rationale to be provided for consideration of affordability within visitors' accommodation;
- g. Further information provided on scoping process for the HIA with CIPHAG and what topic assessments and equalities groups were scoped out and why;

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- h. Clarification on further modelling undertaken regarding noise and air quality impacts post 2022 assessment provided by the Council, referenced in the Council's Relevant Representation (Principal Issue VIII) ([PDA-009](#));
- i. Further clarification is needed regarding intra-cumulative effects, including the phasing of these effects, where they will be felt and what mitigation measures will be in place regarding cumulative impacts, including in reference to the transport assessment regarding severance, pedestrian delay, amenity and fear and intimidation;
- j. Further clarification is needed regarding intra-cumulative effects, including the phasing of these effects, where they will be felt and what mitigation measures will be in place regarding cumulative impacts;
- k. Further information provided regarding what enhancement measures are in place to encourage a move away from vehicular travel in operation to achieve a positive significant effect; and,
- l. How the term 'appropriate' is defined within mitigation regarding healthcare facilities should be defined.

10.14 Climate and Decarbonisation

Introduction

- 10.14.1 The boundaries that define climate change impact are complex. The boundaries through which greenhouse gas emissions (referred to here in as 'carbon emissions') are emitted will be greater than just the tail pipe emissions. The supply chain for the construction of LTC and the manufacturing of the additional vehicles that will be enabled by its presence is both national and international. The impact from climate change is already being felt in the Borough, the United Kingdom and across the world.
- 10.14.2 The local to international boundaries set by climate change requires transparency and integrity in the approach taken to analyse the effects of Nationally Significant Infrastructure Projects. By the very nature of the importance defined to National Significance Infrastructure afforded through the Development Consent Order (DCO) process, the requirement for transparency and integrity in the approach taken to assessing climate change should reflect the significance of scale and importance of climate change globally.
- 10.14.3 Article 4 of the Paris Agreement (Paris Agreement, IPCC November 25), paragraph 13 page 3 states:
- 'Parties shall account for their nationally determined contributions. In accounting for anthropogenic emissions and removals corresponding to their nationally determined contributions, Parties shall promote environmental integrity, transparency, accuracy, completeness, comparability and consistency, and ensure the avoidance of double counting, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.'*
- 10.14.4 To determine a Nationally Significant Infrastructure Project as having nationally significant economic benefits, but no significant climate change impact, does not afford LTC the transparency of assessment on climate change that it requires.
- 10.14.5 The UK Government ratified its signatory to the Paris Agreement in 2016, as the legally binding international treaty on climate change. This treaty includes a range of articles requiring signatories to deliver action, including Article 4, which requires countries to ensure transparency in emission reporting to ensure environmental integrity, transparency, accuracy, completeness, comparability, and consistency across a broad range of issues.
- 10.14.6 The assessment of climate change (Chapter 15 of the Environmental Statement ([APP-153](#))) fails to meet the basic principles of ensuring environmental integrity, transparency, accuracy, completeness, comparability, and consistency across a broad range of issues.

Table 10.11: Summary of Key Issues Climate and Carbon

Summary of Key Issues
<p>The project does not allow Government to meet their requirements of the Paris Agreement Article 4 for transparency in emission reporting. The lack of transparency (as defined in Article 4) in measuring, reporting and verification relates to the:</p> <ul style="list-style-type: none"> ▪ Comparative emission boundaries set within the project carbon assessment in comparison against the total national emission boundaries; ▪ The difference in greenhouse gas calculation methodologies between the project emissions and those developed for national emissions budgets, the national atmospheric emissions inventory and the climate change committees carbon budgets. <p>The approach holds no consistency, completeness, comparability or accuracy between the calculated project emissions and national emission budgets in order to form an opinion of significance of impact.</p>

Summary of Key Issues

The lack of transparency in the approach to reporting and comparing carbon emissions results in the project not meeting the tests defined in NPSNN for significance of impact against the Government's ability to meet their net zero target.

There is no consistency between claims of the benefits from the reduction in traffic from DfT's future transport scenarios taken into consideration in the carbon emissions calculations and the subsequent economic disbenefit to the project with the same reduced road transport numbers. Whilst the benefits of reduced traffic numbers from the future decarbonisation in transport is highlighted as a benefit, these same traffic number reductions are not accounted for in the economic benefits of LTC. If there is less traffic on the road due to transport decarbonisation, the DCO has not assessed the financial justification of the scheme. With a reduction in vehicle use and as per the Planning Act S104(7) balance the potential costs of the scheme could outweigh its benefits. This has not been tested.

Chapter 15 of the ES has not considered the impacts on Thurrock meeting its own net zero transition, in particular, how LTC responds to the DfT's upcoming Local Transport Plan requirements for district level emission measuring, reporting and verification to net zero carbon by 2050.

The DCO application does not provide evidence of how the investment into LTC will accelerate the Climate Change Committee Sixth Annual Carbon Budget (Chapter 3, Section 1 page 36), recommendations for decarbonisation of transport especially within the host community of Thurrock.

No carbon mitigations targets have been set that will allow verification of progress in decarbonisation during construction. The verification of carbon reduction is not secured through the DCO during construction and therefore not guaranteed.

The lack of meaningful targets is further evidenced in its reference in the low commitments made to the independent verification processes BREEAM Infrastructure and Carbon Literacy, not representative of the 'pathfinder' status the scheme wishes to brand itself with.

No local benefit has been identified for investing in decarbonisation to offset project emissions against the claim of carbon neutral status being defined (ES Chapter 15, Paragraph 15.6.3, page 67).

The project has explicitly disregarded best practice guidance 'Assessing Greenhouse Gas Emissions and Evaluating their Significance' (IEMA, 2022) and not followed the internationally recognised methodology for appraising carbon emissions Greenhouse Gas Protocol (GHG Protocol for Project Accounting, World Resources Institute 2003), especially relating to setting boundaries for assessment and the use of industry specific guidance for greenhouse gas reporting.

ES Chapter 15 states (paragraph 15.6.5, page 67) states the project is compatible with the budgeted science-based 1.5°C trajectory. There is no scientific explanation or justification for this statement.

The detailed calculation workbooks have not been submitted with the DCO application. It is therefore not possible to audit verify the emission calculations undertaken. The raw data has been subject to numerous requests since December 2022 and forms part of the unresolved issues within the Statement of Common Ground between the Council and NH.

The impact of decarbonisations measures identified in the Carbon and Energy Management Plan have not been tested within the Environmental Impact Assessment. For example, no environmental risk appraisal or impact assessment within the ES Chapter 15 has been undertaken for the use of hydrogen during construction, the impact of utility impact on the decarbonisation plans of the Council and maximum electrical demand for the full 'electrification' of construction activities.

No consideration of the local power capacity impact from LTC power demand on the host communities uptake of electric led decarbonisation technology, e.g. heat pumps, EVs, solar etc.

Summary of Key Issues

Within the ES Chapter 15 there is no assessment of adaptation benefit on how LTC can improve the Council's resilience to climate impacts to address the environment benefits of the scheme.

National Highways has adopted its own Net Zero goals and this suggests that NH and the traffic on their networks makes them a sufficiently significant agency to demonstrate that the budget for the SRN itself is a matter of significance (and not just their own activities).

10.14.7 Please note Chapter 7 of this report assesses the lack of evidence in how the economic benefits of LTC failed to take into consideration Government's position that emissions reductions will be delivered through a system of five year carbon budgets to 2050, which include a reduction in vehicle use, as described in paragraph 5.16 page 49 of NPSNN.

Local Impacts Identified by Thurrock Council

- 10.14.8 The impact of LTC on Thurrock's carbon emissions and approach to managing climate risk are significant and weight should be applied to the role of LTC on Thurrock meeting its own climate targets. If Thurrock were to propose a development that would have a material impact on the performance of NH's SRN network then it is most likely that NH would refuse that development or ask for mitigation measures. The principle is the same for the impact of NH on the Council.
- 10.14.9 In 2018 the carbon emissions within the Council's area have been estimated to be 892,000 tonnes (all emission segmentations), with transport accounting for 372,852 tonnes (UK Road Transport Energy Consumption at Regional and Local Authority Level 2005-2020, BEIS 2020). The emissions presented within Chapter 15 of the ES present a major increase in local emissions over such a pre-construction local baseline. Such emission data is known and is important and relevant for the purposes of S104(2)(d) of the 2008 Planning Act, especially when determining significance within the environmental impact assessment.
- 10.14.10 The following local impacts have been identified by the Council that have not been addressed within the DCO:
- a. The assessment of transport emissions has not considered local impact on Thurrock's carbon budgets;
 - b. The EIA has not tested the local impact of construction decarbonisation measures, such as electrification of construction vehicles or the use of hydrogen fuels. Without securing the parameters for use of such available technology their use will not be available to NH;
 - c. No strategy or assessment has been provided of how the 'pathfinder status' of the scheme will contribute to the local green skills agenda to leave a zero carbon economic legacy in Thurrock;
 - d. No strategy or assessment has been provided of how legacy infrastructure developed during construction can be provided to support clean and inclusive growth of Thurrock, such as renewable supply, power capacity, hydrogen infrastructure, etc.;
 - e. The limited commitments to verification of performance, such as BREEAM (targeting contractors to achieve very good, two tiers below the highest rating of Outstanding) and Carbon Literacy Project (targeting silver standard two tiers below the highest rating of Platinum) offer no meaningful advancement from business as usual. In turn no enhanced benefits to the local economy in supporting green skills will be achieved through these commitments; and,
 - f. No assessment, strategy or action has been developed on how the investment into LTC can reduce the host community's climate vulnerability (see **Appendix K** of this document).

Policy Compliance and Local Impacts

- 10.14.11 At the time of the December 2014 NPSNN, the Climate Change Act was legislating for an 80% reduction in emissions and the pathway out to the period in which the construction of projects, such as LTC were not established by the CCC and endorsed by Parliament. There was no framework other than the national emission targets against which the significance of projects could be assessed at that point in time. Indeed, the presence of a 20% budget, which would not be reduced meant that Government argued that there was no need to establish indicative sectoral budgets, because this would lead to distortion of sectoral actions.
- 10.14.12 As of 2020 the Climate Change Act was amended such that there is a commitment to 100% emission reductions (net Zero) now by 2050. In December 2020 the CCC published its 6th carbon budget assessment for the period 2033-2037 and in 2021 the Government responded with the Net Zero Strategy (NZS), which included indicative sectoral budgets which were identified as a range of emission reduction pathways. These are both important and relevant data sets that should be considered as part of the assessment, as defined by S104(2)(d) of the Planning Act 2008.
- 10.14.13 The pathway range for transport in the NZS was a subset of those identified in the Transport Decarbonisation Plan and considerably narrower. It is important to note that the indicative sectoral budgets have no statutory status, but like the annual carbon emission totals defined within the National Atmospheric Emissions Inventory, which are broken down geographically and within sectors, they exist to be able to support comparison to ensure consistency between project level emission reporting and national reporting of emissions.
- 10.14.14 As of March 2023, the Net Zero Strategy was reviewed and the Carbon Budget Delivery Plan was produced. This provided a single indicative pathway for transport, rather than a range. Again, this signals a national government perspective that it is now in a position to define a pathway for transport emissions.
- 10.14.15 Compliance with NPSNN centres around the interpretation of the December 2014 NPSNN, i.e. pre Paris Agreement, tests for defining significance. It should be noted that in paragraph 4.37 of the new draft NPSNN states that *'Should a revised set of UK Climate Projections or associated research be applicable after the preparation of the environmental assessment, the Examining Authority should consider whether they need to request further information from the applicant.'*
- 10.14.16 The December 2014 NPSNN describes in pages 49 to 50, the approach to assessing carbon emissions. In paragraph 5.17, page 50, the document notes carbon budgets should be compared to National Carbon Budgets (last three words paragraph 5.17 page 50 of the NPSNN).
- 10.14.17 The test defined within the NPSNN is determine whether a nationally significant transport project defined by the NPSNN affects the ability of the Government to meet its national budget for transport.
- 10.14.18 ES Chapter 15 only compares predicted emissions against the total National Budget. It fails to consider temporal and sectoral budgets set by Government, the sector budgets set by the Government's Climate Change Committee and the UK's total emissions reported to the UNFCCC through the UK's National Atmospheric Emissions Inventory. Again these long term data sources and benchmarks are important and relevant to consideration of significance of impact.
- 10.14.19 In determining significance (Chapter 15, Section 15.9, Page 59) NH have only used the total National Budget for comparing the project emissions budget (Table 15.17 page 65d). This total National Budget includes all sectoral emissions, including manufacturing, housing, energy, agriculture and other non-road transport. The boundaries of the National Budget are significantly broader than those established for the Project budgets and therefore not comparable.

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- 10.14.20 As noted above in paragraph 10.15.3 of this LIR the Paris Agreement Article 4 (Paris Agreement, IPCC November 2015) requires transparency in measuring, reporting and verification of carbon emissions. It is critical therefore that any net increase in national emissions can be scrutinised against national (i.e. Paris Agreement), sub-national (i.e. Net Zero), and sectoral (i.e. sector emission budgets and pathway) commitments to qualify whether the scheme would materially impact on the ability of Government to meet its carbon reduction targets (which is the test for significance established within ES Chapter 15 ([APP-153](#))).
- 10.14.21 Without any consistency or comparability in assessing the project emissions against the national budget it is not possible to conclude GHG emissions from the project would not have a material impact on the ability of the Government to meet its carbon reduction targets (Chapter 15, paragraph 15.6.6, page 68). The assessment therefore does not provide the appropriate evidence for decision making purposes defined in paragraph 5.18, page 50 of the NPSNN.
- 10.14.22 In its 2023 Report to Parliament the Climate Change Commission (2023 Progress Report to Parliament, CCC 2023) reported that the transport sector was not on a satisfactory trajectory to meet its carbon targets and drew particular attention to the essential need for changes to the treatment of carbon in the appraisal of road schemes. On page 128 it specified the inclusion of:
- a. *'Measures to reduce car demand';*
 - b. *"Support for local transport authorities in refreshing their local transport plans', especially on carbon;*
 - c. *'All scheme appraisals (including road building decisions) must explicitly consider the National Road Transport Plan Decarbonisation scenarios;'*
 - d. *'At the UK level, various road-building projects have recently been pushed back due to fiscal headwinds. The Government should launch a more strategic review (similar to the Welsh roads review) to assess whether these projects are consistent with its environmental goals; and,'*
 - e. *And on page 426: that its proposed roads review should include 'current and future road--building projects' and 'permit schemes to be taken forward only if they meaningfully support cost-effective delivery of net zero and climate adaptation.'*
- 10.14.23 It is understood that this report was published on 28 June 2023, subsequent to NH submission of the DCO. However, the document now should be treated as one of the most important 'successor documents' provided for in the NPSNN and its implications are so great that work to implement it would clearly be proportionate to the scale of the project, the largest in the programme.

Further Work or Mitigation Required

- 10.14.24 The following work would be needed to appropriately consider local impacts and compliance with NPSNN:
- a. Assessment of local impact on carbon emissions is required;
 - b. Consistency in boundaries and calculation methodologies are required between project emission reporting and national budgets;
 - c. The impact of Government's decarbonisation pathways on the economic benefits of LTC requires assessment;

- d. Legacy benefits from infrastructure investment during construction should be established and planned for;
 - e. Host community climate vulnerability assessment is required in line with international best practice; and,
 - f. Inclusion of tests recommended by the CCC in relation to the effects of demand reduction and explicit consideration of the NRTP decarbonisation scenarios, and its proposed test for taking schemes forward.
- 10.14.25 National Highways should provide all calculations and workbooks used in developing emission assessments and sensitivity analysis for stakeholder review. Until such time as the calculations are independently verified, NH cannot determine the project as not affecting Government's ability to achieve their net zero target.

10.15 Cumulative Impacts

Introduction

10.15.1 This sub section considered the ES Chapter 16: Cumulative Effects Assessment ([APP-154](#)) and its related Figures and Appendices (APP-329 – APP-331 and APP-483 – APP-485).

10.15.2 In summary, the Council consider that the combination impacts reveal that the projects when taken together, would have a significant adverse impact on the receiving landscape, ecology, heritage and local residents. There is insufficient commitment within the submission to secure minimisation of the scale and impacts of the scheme. The mitigation proposals presented to date do not satisfactorily address the Council's concerns. There is also considered to be insufficient information in relation to the long-term monitoring of impacts.

Table 10.12: Cumulative ES Chapter – Summary of Key Issues

Summary of Key Issues
<p>The Zone of Influence for the cumulative effects on Population and Human Health is limited to 500m from the Order Limits, but there are likely to be impacts on Population and Human Health beyond this study area, due to the changes in traffic flows as a result of LTC.</p> <p>There is a lack of and incorrect reporting of effects in the ES Cumulative Chapter, just a few examples are listed below:</p> <p><u>For Noise:</u></p> <ul style="list-style-type: none"> ▪ Tilbury Riverside and Thurrock Park ward – effects concluded as moderate rather than large despite significant adverse impacts relating to construction traffic. ▪ Chadwell St. Mary ward – effects concluded as large rather than very large despite significant adverse impacts at receptors relating to operational traffic which are permanent effects. ▪ Inter-project effects for both construction and operation relating to Tilbury Link Road have not been quantified and therefore there is no evidence to conclude that impacts are not significant. <p><u>For Air Quality:</u></p> <ul style="list-style-type: none"> ▪ Table 16.9 Chadwell St. Mary ward – effects concluded as being not significant as the DMRB LA105 methodology does not consider the effect of substantial increases in pollutant concentrations at levels below the legal thresholds. ▪ Inter-project effects for emissions from the Thurrock Flexible Generation Plant have not been quantified and therefore there is no evidence to conclude that cumulative impacts would not be significant. <p><u>For Population and Human Health:</u></p> <ul style="list-style-type: none"> ▪ The assessment does not included the assessment of severance, driver delay, pedestrian amenity, pedestrian delay, fear and intimidation, road safety and driver stress.

Lack of and Incorrect Reporting of Effects

10.15.3 There is a lack of reporting of effects as well as incorrect reporting of effects in the Cumulative ES Chapter 16 ([APP-154](#)). Further detail on a few noise, air quality and population and human health examples are provided below.

Incorrect Reporting of Noise Effects

10.15.4 Within Table 16.8, for Tilbury Riverside and Thurrock Park ward, significant adverse noise effects are specified in association with construction traffic. However, given that no further noise mitigation measures are applied and these construction traffic noise impacts remain as well as having impacts relating to air quality and visual impacts, it is questioned why only a moderate adverse effect has been concluded instead of a large adverse effect.

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- 10.15.5 Within Table 16.9 for Chadwell St Mary ward, significant adverse road traffic noise effects are predicted for receptors on the north-eastern edge of Chadwell St. Mary. These receptors are likely to exceed the significant observed adverse effect levels as defined in DMRB and therefore not comply with NPSNN. It is expected given the impact and with no further mitigation being applied by NH to these receptors the resulting impact should be 'very large' adverse. It is currently being concluded as being no worse than large adverse effects.
- 10.15.6 Paragraph 16.5.50 concludes that inter-project effects are not likely to be significant for construction traffic. However, there is no evidence or assessment undertaken to provide justification for this conclusion. Construction activity associated with Tilbury Link Road could provide a potential significant impact.
- 10.15.7 Similarly, paragraph 16.5.51 concludes that inter-project operational traffic noise effects are unlikely to be significant. However, there is no evidence that cumulative impacts associated with developments including Tilbury Link Road are unlikely to lead to significant effects.

Air Quality Issues

- 10.15.8 Paragraph 16.5.14 concludes that inter-project effects are unlikely to be significant. Confirmation is required that consideration of emissions from industrial sources, such as the Thurrock Flexible Generation Plant have been considered within the cumulative assessment.
- 10.15.9 Similarly, Table 16.12 determines that inter project cumulative effects are unlikely to be significant, as the DMRB LA105 methodology does not consider the effect of substantial increases in pollutant concentrations at levels below the legal thresholds.

Lack of Reporting of Transport and Traffic Effects

- 10.15.10 In the Memo 'Traffic and Transport Assessment in DCO 2.0' issued by National Highways to stakeholders on 22 April 2022 (refer to **Appendix J**), it stated at Table 4.1 that the assessment of severance, driver delay, pedestrian amenity, fear and intimidation, road safety and driver stress would be included in Chapter 13 Population and Human Health. The assessment of these transport effects is not included in Chapter 16 of the ES on Cumulative Effects with regards to Population and Human Health ([APP-154](#)). IEMA Guidance also requires the assessment of pedestrian delay, which is not included within the ES assessment.
- 10.15.11 Appendix 4.4 of the ES on Traffic and Transport ([APP-343](#)) is intended to explain and sign post to where the environmental assessment of traffic and transport impacts are covered within the application documents. The assessment of transport environmental effects (e.g. pedestrian amenity, fear and intimidation, etc.) is claimed to be covered across a number of application documents, but this makes it extremely difficult for the Council to determine what the adverse effects of LTC are from those documents. The Council requires the ES to include a summary table setting out the adverse impacts on all transport effects, with signposting to the exact location of the evidence base of the ES assessment.
- 10.15.12 Table 16.11 of Chapter 16 on Cumulative Effects ([APP-154](#)) summarises the intra-project effects on people during the construction and operational phases. No evidence is provided to support the cumulative effects on population and public health and it is therefore not possible for the Council to determine if the assessment is acceptable or not.
- 10.15.13 The only significant adverse effects on the population are those where there would be adverse effects on access and adverse construction phase dust and emissions, noise, visual and human health effects would combine. Table 16.11 of Chapter 16 on Cumulative Effects ([APP-154](#)) does not identify any significant adverse impact on driver delay or stress during the construction phase, despite there being a need for significant traffic management and road closures during the construction phase.

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10.15.14 No population effects are reported to occur during the operational phase as set out in Table 16.11 of Chapter 16 on Cumulative Effects ([APP-154](#)). This is not considered to be reasonable given the increase in traffic forecast on the local road network during the operational phase as a result of LTC.

10.15.15 Table 16.12 summarises the Inter-project effects during the construction and operational phases. No evidence is provided within the chapter to support the conclusions reached. For example, it is stated that there will be potential positive inter-project effects arising from the potential to create new green infrastructure for walking and cycling opportunities. Commitments to improvements to walking and cycling infrastructure are not secured in the DCO, which would provide a positive environmental effect.

Local Impacts Identified by Thurrock Council

Comments on LTC 6.2 Environmental Statement Figure 16.1 - Cumulative Zones of Influence ([APP-329](#))

10.15.16 The scale of the plans in ([APP-329](#)) makes it difficult to focus on specific areas in any detail and consequently it makes the plan overly confusing and difficult to comment on. The Thurrock area is very complex and the Thurrock section (Page 3) should be provided in a format that is easier to view and scrutinise.

10.15.17 The Zone of Influence (Zol) for the population and human health cumulative impact assessment has been taken as *'500m from the Order Limits for both construction and operation effects on private property and housing; community land and assets; development land and businesses; agricultural land holdings; and effects on WCH'* (Table 16.3 of [APP-154](#)). The Council is concerned that the Zol excludes roads and communities that are likely to be adversely impacted by LTC as a result of the increase in traffic.

10.15.18 Design Manual for Roads and Bridges (DMRB) 'LA112 Population and Human Health' (National Highways 2020b), states that *'Where likely effects are identified outside the 500m area surrounding the project boundary, the study area should be extended accordingly.'* As such, the Council considers that the Zol should be expanded.

10.15.19 In the Memo 'Traffic and Transport Assessment in DCO 2.0' issued by NH to stakeholders on 22 April 2022, it states in Table 4.1 that the traffic and transport assessment in the ES would be based on DMRB LA112 and 'Guidelines for the Environmental Assessment of Road Traffic' published by the Institute of Environmental Assessment in 1993 (now Institute of Environmental Management and Assessment (IEMA)).

10.15.20 Within the IEMA guidance, two broad rules are suggested that can be used as a screening process to define the scale and extent of the study area and assessment:

- a. Rule 1: include highway links where traffic flows would increase by more than 30% (or the number of HGVs would increase by more than 30%); and,
- b. Rule 2: include any other specifically sensitive areas (where sensitivity is defined as high) where traffic flows have increased by 10% or more.

LTAM identifies that there are increases in traffic on the local road network in Thurrock of greater than 10% and 30%. It is not considered that the IEMA screening approach has been undertaken to establish the study area for the assessment.

10.15.21 The traffic modelling summarised in the Transport Assessment and its supporting Appendices ([APP-529](#) and APP-530 – APP-538) identifies that there are increases in traffic on the local road network in Thurrock of greater than 10%, beyond the 500m study area applied by NH to

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the cumulative impact assessment on Population and Human Health. The Council considers that the Zol should be based on Rules 1 and 2 of the IEMA guidance.

10.15.22 Certain roads have been omitted from the Zone of Influence (Zol) and the following should be included:

- a. Fobbing High Road;
- b. Lampitts Hill;
- c. B1007 South Hill and Lower Dunton Road (being the link between A127 and A13) - this is because of the impact at Manorway interchange being severe that rat running will likely occur at Five Bells interchange and onto these routes;
- d. Rectory Rd / Prince Charles Ave / Conways Rd – Orsett;
- e. Orsett Road – Horndon On The Hill; and,
- f. B186 Pilgrims Lane / South Rd – Ockendon.

Comments on LTC ES Figure 16.2 - Developments in the Cumulative Shortlist (APP-330)

10.15.23 This document is dated October 2022 and will therefore exclude a number of recent planning applications, which may influence cumulative environmental effects. For example, the following applications have been submitted since October 2022:

- a. 22/01370/FUL Mardyke application – demolition of existing buildings / structures and provision of employment hub comprising of 44,463 sqm of general industrial (Use Class B2) / logistics floorspace (Use Class B8) on land adjacent to Watts Wood including Mardyke Farm Ship Lane and Broomhill Arterial Road;
- b. 22/01606/FUL Titan application – demolition of existing buildings and the redevelopment of the site to provide 38,026 sqm of flexible Use Class E(g)(iii), B2 and B8 at Titan Works, Titan Road in Grays; and,
- c. 23/00033/FUL Weston Avenue application – demolition of existing retail units (Units 1-9) at part of Thurrock Shopping Park to enable the redevelopment of the Site for a multi-level logistics building to provide 61,893 sqm of flexible Use Class E(g)(iii), B2 and B8.

10.15.24 **Appendix F**, to the LIR, lists all Thurrock Major, Minor and Pre-Application sites from 1 October 2022 to 14 June 2023. All Major or determined applications will need to be included when updating the DCO. Consideration should be given to the effect these developments may have on the cumulative environmental effects set out in Chapter 16 on Cumulative Effects ([APP-154](#))

10.15.25 Furthermore, the Plan ([APP-330](#)) is very difficult to read and so the following questions/queries have been highlighted below:

- a. East Tilbury indicates Local Plan projection but there is a live planning application 16/01232/OUT;
- b. There are two live quarry applications at Orsett Quarry and the Dansand Quarry 19/1709/FUL and 21/00754/MIN respectively;
- c. Other applications that may need to be considered:

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- 19/01373/OUT - Land Adjacent to Wood View and Chadwell Road, Residential Development of up to 75 Dwellings;
 - 21/02110/FUL - Land Adjacent 39 And 41 And To The South Of St Johns Road Chadwell St Mary Essex;
 - 20/00242/FUL - Tilbury Football Club, Residential Development For 112 Dwellings; and,
 - 17/00403/FUL - Land to Rear of Caldwell Road Kingsman Road and Adjacent to A1013 Stanford Road Stanford Le Hope Essex (this may be nearly completed).
- d. It is unclear if Purfleet Port is included or if it needs to be;
- e. It is unclear if Purfleet New Town scheme is included or if it needs to be;
- f. It is unclear if Arena Essex site is included, which will severely impact at M25 J30; and,
- g. The Thurrock Airfield is a live application 19/01556/OUT, but it has only referred to the scoping application.

Further Work or Mitigation Required

- 10.15.26 The Zone of Influence should be updated in line with the IEMA Rules 1 and 2 to ensure that the environmental effects on transport are properly assessed.
- 10.15.27 A summary table of all transport related cumulative environmental effects should be provided as part of Chapter 16 on Cumulative Effects ([APP-154](#)) (i.e. severance, pedestrian delay, pedestrian amenity, fear and intimidation, driver delay, road safety).
- 10.15.28 Notwithstanding that the Council considers that the assessment of cumulative impacts is incomplete within Chapter 16 on Cumulative Effects ([APP-154](#)), the assessment identifies significant adverse effects on population and human health which have not been mitigated

11 Emergency Services and Safety Provision

11.1 Introduction

- 11.1.1 The Council would draw the ExA's attention to Principal Issue X of the Council's Relevant Representation (RR) dated 4 May 2023 ([PDA-009](#)), which set out the Council's serious concerns with the limited satisfactory response from the applicant to requirements of the emergency services and safety partners (of which the Council is part) to date. In addition, there are a number of related issues set out in the Council's PADs Summary Statement ([PDA-008](#)), namely numbers 3, 37, 43 and 87.
- 11.1.2 The Council draws attention to the response to applicant's Community Impacts Consultation made by the Emergency Services and Safety Partners Steering Group (ESSPSG) (of which the Council is a key member) in September 2021, which set out their concerns in detail offering 56 recommendations. The ESSPSG obtained all the members' approval to submit this written response. Despite an interim response from the applicant in November 2021 to each recommendation and a number of ESSPSG and other 'Scoping Group' meetings, there has been limited progress on resolving and agreeing these recommendations and ensuring they are 'secured' within the DCO. This continues to be a serious concern to the Council and to all members of the ESSPSG. Furthermore, the ESSPSG submitted a RR by the ExA deadline of 24 February 2023 ([RR-0291](#)) and it set out the lack of progress on all the previous 56 recommendations referred to above.
- 11.1.3 This concern was amply demonstrated when the ESSPSG formally refused to allow the applicant to submit any draft SoCG within its DCO submission. This was because the draft SoCG was provided very late in autumn 2022, just prior to DCO submission and besides matters of incorrect detail, was considered far too positive in specifying the status of many issues, which have had little progress over almost the last two years.

11.2 ESSPSG Statement of Common Ground (SoCG) Process and Timetable

- 11.2.1 The ESSPSG (including the Council) has continued to progress its comments on the draft SoCG and review of the DCO application (providing its own Relevant Representation and Written Representations) and the Council provides below further broad assessment of the issues separately within this LIR. The ESSPSG draft SoCG has now been considered by ESSPSG members, but despite several technical meetings since the DCO submission very limited further progress with the original 56 recommendations has been made.
- 11.2.2 The ESSPSG has been discussing the programme for submission of its joint SoCG to the ExA by Deadline 1 on 18 July and has agreed a four-step process to agree its first draft. The first and second step in that process has been completed in that the ESSPSG submitted its comments on the latest draft SoCG on 28 June to the draft received from the applicant on 15 June 2023. The draft SoCG has now been reviewed by the applicant and has been returned to the ESSPSG for review on 4 July to enable final comments from the ESSPSG to be undertaken and this has been progressed. This final draft SoCG will now be progressed by NH for submission to the ExA at Deadline 1, however, the track changed version of this SoCG will be part of the ESSPSG WR because it shows the amount of changes and the development of this SoCG made with NH.
- 11.2.3 The ESSPSG has provided many comments to its issue statements and to the applicant's response and indeed the status of each matter. In summary, in the ESSPSG view there are many amendments and progress yet to be made with the SoCG and its key issues; and, there are a total of 38 SoCG matters of which only 2 are 'matters agreed', with 5 'matters not agreed' and the remaining 31 are in various stages of 'matters under discussion'.

11.2.4 The process of discussing/negotiating the original 56 recommendations from the CIC consultation in September 2021 has been extremely slow with very little commitment from the applicant and very few issues secured within the DCO process. Further details of this deficient process will be set out in the ESSPSG Written Representation (WR) at Deadline 1.

11.3 Summary of Outstanding Key Issues

11.3.1 The key matters that are still outstanding between the applicant and the ESSPSG can be summarised below.

- a. Inadequate content of the draft DCO Order (dDCO), its drawings and its relevant Control Documents in securing a range of matters for the ESSPSG, including appropriate consultation arrangements within Control documents for a range of subsequent details. Also, a lack of a legal definition of 'emergency services' or 'safety partners';
- b. Slavish compliance with the relevant DfT 'guidance' documents;
- c. No progress on many requested amendments to a range of Control documents;
- d. No adequate framework for several emergency preparedness and response plans (or any DCO Requirement to cover it) or the consultation arrangements to be followed following any DCO grant;
- e. The northern Rendezvous Point (RVP) is considered unsuitable and not adequately described in the dDCO Schedule 1 and emergency services require greater consultation to reach agreement during the Examination process;
- f. Lack of any 'Protest Plan' being prepared and the inadequacy of its consultation arrangements;
- g. No agreement on the emergency services being consulted on any subsequent detailed tunnel design;
- h. Issues with the emergency services role within the Traffic Management Forum (TMF) being proposed by the applicant;
- i. No agreement on role of the emergency services for the location and design of the tunnel evacuation assembly areas being prepared at detailed design;
- j. No agreement on the appropriate spacings for the tunnel cross passages;
- k. Inadequate detail or modelling on the effect of construction activities over the 6-year construction period and its 11 phases on emergency services response times;
- l. Complete lack of funding to support the emergency services and local authority resources/staffing in undertaking these additional functions over the 6-year construction period and beyond;
- m. Inadequate consultation with the emergency services for the tunnel emergency access roadways;
- n. No consultation with the emergency services on the preliminary design of the emergency hubs located within the tunnel service buildings; and,

- o. Lack of understanding of emergency and incident management planning procedures either in the event of an incident/emergency, closure of LTC or Dartford Crossing or both.

11.4 Assessment of Scheme Proposals and Commitments

- 11.4.1 This assessment will be partly contained in the ESSPSG SoCG and in its WR to be submitted at Deadline 1.

12 Utilities

12.1 Introduction

- 12.1.1 As part of the LTC utilities diversions, temporary utilities works and new supplies will be required.
- 12.1.2 The National Policy Statement for National Networks (NPSNN) looks predominantly at linear infrastructure, specifically road and rail networks. As such, the NPSNN is relevant to LTC as a whole, rather than specifically the utilities infrastructure.
- 12.1.3 Compliance with the NPSNN in relation to local impacts is covered in various Sections of this Local Impact Report (LIR).
- 12.1.4 In addition to the NPSNN, the National Policy Statements for Energy Infrastructure is very relevant to the LTC scheme. The utilities infrastructure – diversions, new supplies, and temporary works – must be reviewed to determine whether any works are identified as Nationally Significant Infrastructure Projects (NSIPs), and show compliance with the following NPSs:
- a. Overarching National Policy Statement for Energy (NPS EN-1);
 - b. National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4); and,
 - c. National Policy Statement for Electricity Networks Infrastructure (NPS EN-5).
- 12.1.5 Four NSIPs have been identified Work No. G2, Work No. G3, Work No. G4 and Work No. OH7, and are listed within Table 5.18 of the Planning Statement Volume 7 ([APP-495](#)). Of the four NSIP's only Work No. OH7 is located north of the River Thames within the Council's area. The remaining three NSIP's are south of the River Thames. The NSIPs are listed below for information.
- a. Work No. G2 – Diversion of National Grid HP Gas Pipeline (Feeder 5, Phase 1) in the vicinity of Claylane Wood (*South of the River Thames*);
 - b. Work No. G3 - Diversion of National Grid HP Gas Pipeline (Feeder 18) in the vicinity of Claylane Wood (*South of the River Thames*);
 - c. Work No. G2 – Diversion of National Grid HP Gas Pipeline (Feeder 5, Phase 2) in the vicinity of from Thong Lane to the A226 (*South of the River Thames*); and,
 - d. Work No. OH7 – Diversion of National Grid Electricity Transmission network (ZB Route) around the A13 (*North of the River Thames*)
- 12.1.6 NSIP Work No.OH7 relates to the diversion of the National Grid Electricity Transmission (NGET) network (ZB Route) around the A13. The location of this NSIP is shown on Plate 3.3 'Location Works No. OH7' of the Planning Statement Volume 7 ([APP-495](#)), which serves a reference to see the length and route of this diversion as a whole. In addition, the diversion is shown on sheets 28, 29 and 33 within both Works Plans (Volume C) Composite ([APP-020](#)) and Works Plans (Volume C) Utilities ([APP-026](#)). The information provided on these, whilst more detailed, is the same on both Works Plans – the Council would have expected more detail on the sheets within Works Plans (Volume C) Utilities ([APP-026](#)), as well as further separate drawings providing the OH7 NSIP in more detail as the main focus. It should be noted that the hatching over the proposed diversion route and the existing route being of grey colour, the same colour as the background OS mapping and proposed road layout, means it gets lost in the drawing and is difficult to see clearly.

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- 12.1.7 In addition to the identified NSIPs, further utilities infrastructure works are proposed, including diversions of electricity lines, gas mains, water mains and temporary utilities logistics hubs for use during the construction works associated with the diversions.
- 12.1.8 Issues associated with the utilities information included within the DCO have been raised previously and are included within the submitted Statement of Common Ground (SoCG) Volume 5 ([APP-130](#)). These issues include the following matters: 2.1.1, 2.1.35, 2.1.39, 2.1.64, 2.1.66, 2.1.77, 2.1.111, and 2.1.257. The SoCG Volume 5 and the Group 2 issues relating to utilities infrastructure have either been only partially resolved or not resolved at all, despite adequate time allowance for these issues to be resolved.
- 12.1.9 In addition, there are two Group 2 issues that have not been resolved. One issue is THURROCK-CIC2021-CIC-K-057, regarding 'Mitigation and Monitoring – Access/Traffic Diversions for Utilities Works' in terms of temporary footpath and bridleway closures and clarity on whether this is the OH7 NSIP diversion and/or associated development. The second issue is THURROCK-OTHER-NEW-CSt-#001, regarding the clarity as to which works qualify as NSIPs with no plans showing the detail of the NSIPs.
- 12.1.10 The Sections of this LIR below provide a review of the DCO in terms of NPS EN-1, EN-4 and EN-5 compliance, existing and any additional issues with the DCO submission and the impacts of the utilities infrastructure works on the local area.
- Section 12.2 'NPS Policy and Local Impact' reviews the sections within the NPS EN-1 and EN-5 policies for the identified OH7 NSIP and how compliance is related to impact on the local area.
 - Section 12.3 'Issues with DCO Submission' outlines where and how the DCO submission falls short with regards to information provided for the proposed utilities diversions, new supplies and temporary works.
 - Section 12.4 'Assessment of Impacts' reviews the DCO documentation in terms of the local impact of the proposed utilities diversions, new supplies and temporary works, particularly in relation to the OH7 NSIP.

12.2 Policy Compliance and Local Impact

- 12.2.1 As outlined above in Section 12.1.4, due to the requirement for utilities diversions as part of the proposed works for LTC, NPS EN-1, EN-4 and EN-5 policy compliance must be evidenced. The majority of the sections within NPS EN-1, EN-4 and EN-5, as part of policy compliance require assessment of the impacts of the proposed NSIP. These impacts, i.e., sections within NPS EN-1, EN-4 and EN-5, are outlined below in paragraphs 12.2.2 – 12.2.14.
- 12.2.2 NH clarified in its email to the Council in mid-June 2023 that utility diversions were covered in some 10 main DCO documents, making clarity difficult. Reference to NPS EN-1, EN-4 and EN-5 is in Cover Letter ([APP-001](#)), Application Form ([APP-002](#)), the Introduction to the Application ([APP-003](#)), the Explanatory Memorandum ([APP-057](#)), the Environmental Statement – Chapter 2 ([APP-140](#)), Appendix 1.3 of the Environmental Statement ([APP-334](#)), the Environmental Statement – Appendix 12.8 ([APP-448](#)), the Planning Statement Volume 7 ([APP-495](#)), Appendix B of the Planning Statement Volume 7 ([APP-497](#)), Section 3.3.3 of the Project Design Report – Part A ([APP-506](#)), and the Health and Equalities Impact Assessment – Appendix D ([APP-543](#)). The assessment of which proposed utilities diversions could be identified as NSIPs is split between gas infrastructure and electrical infrastructure, of which each assessment is found within two separate DCO documents: Appendix 1.3 of the Environmental Statement ([APP-334](#)) for gas infrastructure; and, Annex 2 of the Explanatory Memorandum ([APP-057](#)) with no reference to these locations found anywhere else in the DCO. Both of these assessments are summaries rather than the full assessments that would have been expected as part of the DCO submission.

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- 12.2.3 Whilst only one of the identified NSIPs, as described above in Sections 12.1.5 and 12.1.6, is within the Council's area, there are unclarified elements within the NSIP assessment for gas infrastructure within Appendix 1.3 of Environmental Statement 6.3 ([APP-334](#)). It is unclear whether the works outlined in the Schedule of Works G1 to G10 documents are to local high pressure (LHP) or national high pressure (NHP) gas pipelines. If so, there is a question of how these pipelines do not operate at above 7 bar, considering that operating pressures of a LHP pipeline is 7-16 bar, with NHP pipelines operating at 16-100 bar. If these works are to LHP or NHP pipelines, they should be operating above 7 bar and therefore raises the question as to why these works do not constitute additional NSIP's. As explained in NPS EN-4 paragraph 1.8.1 (iii) gas pipelines with a design operating pressure of more than 7 bar gauge are likely to have a significant effect on the environment. This is further explained in Sections 2.19, 2.23 in NPS EN-4, and includes proximity to existing and planned residential properties, schools and hospitals, railway crossings, major road crossings; below surface usage; environmentally sensitive areas; main river and watercourse crossings; other utilities services (existing and planned); pollution to watercourses; collapse of underground tunnels; usage below the surface; noise and vibration; limits on ability to replant landscape features; and, any unstable ground conditions.
- 12.2.4 The overhead line labelled as OH7, which is the identified NSIP within the Council's area, must show compliance with NPS EN-1 and EN-5 policies, of which the majority of these policies are associated with the local impact of this overhead line (OH7).
- 12.2.5 Appendix B of the Planning Statement Volume 7 ([APP-497](#)) breaks down the policies within EN-1 and EN-4, providing responses to each, as well as the draft NPS EN-1 and EN-5 policies, which have not yet been formally released. The following Sections 12.2.6 – 12.2.12 refer to NH's responses in Appendix B of the Planning Statement Volume 7 ([APP-497](#)).
- 12.2.6 One such policy within NPS EN-1, similar to NPSNN's policy, but with this looking specifically at the gas and electricity NSIPs is paragraph 4.2.1 of Section 4.2 'Environmental Statement', which requires an ES to be produced that describes the aspects of the environment likely to be significantly affected by the project. The ES ([APP-138](#) – [APP-486](#)) is for LTC as a whole and does not specifically assess the NSIPs. Only two sections of the Environmental Statement provide any specific information on utilities infrastructure: Appendix 1.3 of the Environmental Statement ([APP-334](#)) provides specific information on utilities infrastructure; and, as previously described in Section 12.3.3, this is a summary of an assessment of the proposed gas works for the purposes of section 20 of the Planning Act 2008. The ES Appendix 12.8 ([APP-448](#)) includes the National Grid Electricity Transmission Network, Assessment for Audible Noise.
- 12.2.7 This would, therefore, denote a lack of policy compliance, with NPS EN-1 and sections 2.6 – 2.8 of NPS EN-5, meaning that it is unclear as to the local impact of this overhead line diversion (OH7).
- 12.2.8 For Section 2.4 'Climate Change Adaptation' in NPS EN-5, NH has referenced Chapter 15 - Climate of the Environmental Statement ([APP-153](#)). As described in Section 12.3.6 the ES is for the whole of LTC and does not specifically look at the OH7 NSIP. Effects of wind and storms on overhead lines and higher average temperatures leading to increased transmission losses are also not covered. Therefore, this shows is a lack of policy EN-5 compliance, which subsequently means that consideration has not been given regarding the local impact of climate change adaptation, by means of an increased risk to the resilience of the infrastructure, i.e. risk of damage to the local area by infrastructure collapse, a power outage to the local and wider communities and regular maintenance the infrastructure then being required.
- 12.2.9 There is a lack of detail in both the assessments and plans, which are listed and further described in Section 12.3 below, which allows a suitable review to determine whether good design of the OH7 overhead diversion has been demonstrated as per Section 2.5 of NPS EN-5.
- 12.2.10 It is noted that for the section 2.9 'Noise and Vibration' policies within NPS EN-5, NH has included within Appendix 12.8 of the ES ([APP-448](#)), a National Grid Electricity Transmission Network,

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Assessment for Audible Noise. Whilst this covers with the noise requirements of Section 2.9 within NPS EN-5, which look at the impact of noise from the proposed overhead lines diversions (including the OH7 NSIP) on the local environment, vibration has not been covered and therefore local impact from vibration of the overhead lines cannot be reviewed by the Council.

- 12.2.11 It is noted that for the Section 2.10 'Electric and Magnetic Fields EMFs' policies within NPS EN-5, NH has included within Appendix D of the Health and Equalities Impact Assessment ([APP-543](#)), a National Grid Electric and Magnetic Field Report, which aligns with the EN-5 requirements regarding direct and indirect impact of EMFs on human health.
- 12.2.12 Although not included within the current NPS EN-5, the draft NPS EN-5, section 2.14 'Sulphur Hexafluoride', there is a requirement to avoid, if possible, the use of sulphur hexafluoride (SF6) in new electricity networks. Sections 6.6.49 – 6.6.52 of the Planning Statement Volume 7 ([APP-495](#)) provides further detail of the NPS EN-5 requirement, with Section 6.6.52 saying that '*National Grid Electricity Transmission has confirmed in writing that the Project would not involve the use of SF6.*' However, although it should be part of the evidence towards NPS policy compliance, this piece of evidence is not included within the DCO.
- 12.2.13 The assessment of the overhead line diversion (OH7) impacts and any mitigation is not clearly explained and is spread across several documents, with limited supporting drawings. This is considered a significant deficiency. Notwithstanding this, NH have subsequently confirmed in separate correspondence that '*In line with best practice and the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 the Environmental Statement generally assesses the impacts of the A122 Lower Thames Crossing as a whole, rather than the disaggregation of its parts. For clarity, National Highways have, however, assessed the proposed utility works against the relevant provisions of the Planning Act 2008 to confirm which qualify as Nationally Significant Infrastructure Projects in their own right.*' This is not considered by the Council to be acceptable.
- 12.2.14 To summarise Section 12.2 within this LIR, the minimal and lack of detail provided within the DCO regarding the utilities diversions, as well as the non-specific documentation, which looks at the project as a whole rather than specifically for the electric overhead diversion NSIP, shows a lack of policy compliance and therefore assessment of impacts, for both NPS EN-1 and EN-5.

12.3 Issues with DCO Submission

- 12.3.1 NH clarified in its email to the Council in mid-June 2023 that utility diversions were covered in over 15 main DCO documents, making clarity difficult. Therefore, with this assistance and following an assessment of documents related to proposed utility diversions [Cover Letter ([APP-001](#)), Application Form ([APP-002](#)), Sections 3.14, 13.2.10, 13.4.7, 13.4.11-13.4.15 and Table 13.2 of the Introduction to the Application ([APP-003](#)), Works Plans and Temporary Works Plans ([APP-018](#), [APP-019](#), [APP-020](#), [APP-021](#), [APP-022](#), [APP-023](#), [APP-050](#), [APP-051](#), [APP-052](#), [AS-024](#), [AS-026](#), [AS-034](#) and [AS-036](#)), Volume H – Overhead Diversion Routes and Pylon General Arrangement of the Engineering Drawings and Sections ([APP-037](#)), the Explanatory Memorandum ([APP-057](#)), notably Annex 2, which assess the overhead electric lines for the purposes of Section 16 of the Planning Act 2008, to determine whether any of them are NSIPs, ES Chapter 2 ([APP-140](#)), Environmental Statement – Appendix 1.3 ([APP-334](#)), Environmental Statement – Code of Construction Practice ([APP-336](#)), ES Appendix 12.8 ([APP-448](#)), paragraphs 5.6.1 – 5.6.25, 6.4.27 – 6.4.41, 6.4.53 – 6.4.58, and 6.6.1 – 6.6.52 of the Planning Statement ([APP-495](#)), Planning Statement Volume 7 – Appendix B ([APP-497](#)), Section 3.3.3 of the Project Design Report Part A ([APP-506](#)), Sections 4.4, 5.4 and 6.4 of the Project Design Reports Part D ([APP-510](#) and [APP-511](#)), the HEqIA Appendix D ([APP-543](#)), and Outline Traffic Management Plan for Construction ([APP-547](#))] and having requested information from NH as part of the Community Impacts Consultation on 8 September 2021, the Local Refinement Consultation on 20 June 2022, within the submitted SoCG Volume 5 ([APP-130](#)), within the submission of the PADs Summary Statement ([PDA-008](#)) and within the Procedural Deadline C (PDC) submission ([PDC-008](#)), it is clear and

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notable that information and drawings within the DCO relating to utility diversions, their impacts and mitigation is not clear and is spread across several documents with limited supporting drawings. This is considered a significant deficiency.

- 12.3.2 Information on the proposed utilities diversions, new supplies and temporary works that is provided in the above documents (refer to Section 12.3.1 above) lacks the detail expected for a project of this size, which is also considered as a significant deficiency. Of particular note in this regard are the gas and electric NSIPs, which lack detail regarding impact, policy compliance, design, mitigation, background, alternative considerations and the reasoning behind the final routing choices, and timescales. Whilst it is evident that NH has liaised with the statutory providers on these proposed utility works, the associated evidence showing this and the assessment of the diversions by NH itself is not clear within the DCO documentation.
- 12.3.3 The Work Plans ([APP-018](#), [APP-019](#), [APP-020](#), [APP-021](#), [APP-022](#), [APP-023](#), [AS-024](#) and [AS-026](#)) and Volume H – Overhead Diversion Routes and Pylon General Arrangement of the Engineering Drawings and Sections ([APP-037](#)), whilst useful as high-level plans to reference each element of work, do not provide the detail expected for both the NSIP utility diversions and the other utility diversions. Without the detail on the plans the ability to fully review the proposed utility diversions is lost. Generic lines showing routes of ‘multi-utility corridors’ without providing an explanation of the nature and type of utilities proposed within each multi-utility corridor is a failure to adequately provide the information expected and required and creates a difficulty to allow a suitable review of the proposals to be carried out.

12.4 Assessment of Impacts

- 12.4.1 Annex 2 of the Explanatory Memorandum ([APP-057](#)) assesses the possibility of electricity infrastructure NSIPs for the purposes of Section 16 of the Planning Act, 2008.
- 12.4.2 Whilst it is clear that the proposed works labelled as ‘OH7’ constitute an NSIP and have been considered against relevant legislation such as the Electricity Act 1989, no reference whatsoever has been made to the NPS EN-1, NPS EN-5 or any of the other DCO documentation listed above in Section 12.3.1.
- 12.4.3 The assessment of the proposed overhead electrical diversions within Annex 2 of the Explanatory Memorandum ([APP-057](#)) is acknowledged to be in line with Section 16 of the Planning Act 2008, although it is more of a 16-page summary, rather than a full detailed report. The Council would have expected accompanying drawings or reference to detailed drawings showing compliance or non-compliance with each item within Section 16 of the Planning Act 2008. For example, reference to Volume H – Overhead Diversion Routes and Pylon General Arrangement of the Engineering Drawings and Sections ([APP-037](#)), highlighting the pylon details for existing and proposed to see the height difference. The Council would also expect accompanying, or reference to, location plans showing the existing and proposed routes and locations of pylons, as well as reference to the Work Plans ([APP-018](#), [APP-019](#), [APP-020](#), [APP-021](#), [APP-022](#), [APP-023](#), [AS-024](#) and [AS-026](#)) showing the location of OH7 in relation to the wider LTC site. This is a deficiency and prevents the Council’s review and assessment of the proposals.
- 12.4.4 As part of the requirements within NPS EN-1 and NPS EN-5, in order meet policy compliance the NSIP ‘OH7’ electrical overhead line diversion would need to demonstrate that the potential impacts outlined in Sections 3.3, 3.7, 3.8, 4.2, 4.5, 4.8, 4.10 - 4.15, 5.2 – 5.4, and 5.6 – 5.15 of NPS EN-1, and Sections 2.4 – 2.10 have been assessed and either mitigated or shown to not be impacted. Since each of these sections relates to the local impact of the identified NSIP, lack of compliance of the policies also means that the local impacts have not been adequately assessed.
- 12.4.5 Appendix B of the Planning Statement ([APP-497](#)) breaks down each section within NPS EN-1 and NPS EN-5 with NH providing a response and reference to other DCO documentation that is supposed to show how each section has been addressed, i.e. the impacts of the NSIP. As

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previously discussed in Section 12.2.6 above, the ES (APP-138 – APP-486) covers LTC as a whole and does not go into specific detail about the environmental impacts of the NSIP, nor any other proposed utilities diversions, new supplies and utilities logistics hubs. Therefore, Sections 4.2, 4.8, 4.10 – 4.15, 5.2 – 5.4 and 5.6 – 5.15 of NPS EN-1 and Sections 2.4 – 2.8 of NPS EN-5 have not been fully addressed for the OH7 electric overhead line NSIP and as such do not adequately cover the impacts of this NSIP, thus preventing the Council's review and assessment of the proposals.

- 12.4.6 For a gas or electricity infrastructure NSIP the Council would expect either a separate ES or a separate Chapter within the ES (APP-138 – APP-486), which covers all impacts outlined above in paragraph 12.4.4 in NPS EN-1 and NPS EN-5.
- 12.4.7 Of the impacts outlined in NPS EN-1 and NPS EN-4, there is one section within NPS EN-1 – Section 5.11 and two sections within NPS EN-5 – Sections 2.9 and 2.10, where assessments have been carried out that are specific to the OH7 NSIP.
- 12.4.8 A National Grid Electricity Transmission Network, Assessment for Audible Noise has been included within Appendix 12.8 of the ES ([APP-448](#)). This looks at the noise impact for the permanent proposed overhead line diversions for LTC and, from a utilities perspective, is deemed as acceptable and in accordance with the noise aspects of Section 5.11 of NPS EN-1 and Section 2.9 of NPS EN-5. However, vibration assessment and impacts are not covered. It should be noted that comments from an acoustics perspective is not included within this Section of this LIR.
- 12.4.9 Appendix D of the Health and Equalities Impact Assessment ([APP-543](#)) includes a National Grid Electric and Magnetic Field Report. This covers the assessment and impacts of EMFs from the OH7 NSIP and other proposed overhead electricity diversions as part of LTC and is deemed as acceptable and in accordance with Section 2.10 of NPS EN-5, i.e. impacts of EMFs from electricity overhead line NSIPs.
- 12.4.10 The Council would have expected further investigation and information regarding the significant environmental impacts on the identified electrical overhead line NSIP. Little information has been provided to demonstrate how the impacts have been minimised and what mitigation measures have been put in place, if any.
- 12.4.11 The aforementioned Appendix 1.3 of the ES ([APP-334](#)) looks at gas only and does not cover the electrical infrastructure. The three gas infrastructure NSIPs have been identified in the document, with a brief description of locations. No reference has been made to the Project Design Reports Part D ([APP-510](#) and [APP-511](#)) and drawings within it, paragraphs 5.6.1 – 5.6.25, 6.4.27 – 6.4.41, 6.4.53 – 6.4.58, and 6.6.1 – 6.6.52 of the Planning Statement ([APP-495](#)) or Appendix B of the Planning Statement ([APP-497](#)). This is a deficiency and prevents the Council's review and assessment of the proposals.

12.5 Summary of Further Information or Mitigation Required

- 12.5.1 The overarching concern regarding the utilities infrastructure, including diversions, new supplies and utilities logistics hubs (ULHs), is the spread of information across the DCO, with little to no reference to information location. It is also acknowledged that the information provided is not detailed enough to be able to determine the impacts of the utilities diversions, new supplies and ULHs. It is usual for a project of this size and complexity, particularly with regards to the gas and electric NSIPs, for a standalone Utilities Section to be included, which provides a lot more detail than has been given for LTC and with detailed drawings provided. It is clear from what has been included within the DCO that further detail and information is available, however, this has not been provided.
- 12.5.2 Furthermore, it is clear from the assessment of the relevant DCO documents above in Sections 12.1 – 12.4, that many of the matters raised in both the latest previous consultations and item

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numbers 3, 6, 9, 10, 13, 18, 21, 22, 27, and 55 of the recent PADs Summary Statement ([PDA-008](#)) have not been dealt with, despite claiming successful engagement in a number of other DCO documents provided by NH.

- 12.5.3 With regards to gas infrastructure, due to the nature of several gas infrastructure diversions, the Council would have expected a separate Utilities document outlining the gas diversions, with drawings highlighting each one. Aside from this, the Council notes that NH has been liaising with the statutory gas providers and National Grid, such that the diversions are approved by said parties, but not yet confirmed within the DCO process. We also note that LTC's design has been modified to avoid the need for some of these gas diversions.
- 12.5.4 With regards to electricity infrastructure, due to the nature of several electrical infrastructure diversions, the Council expected a separate Utilities document outlining the electrical diversions, with drawings highlighting each one. Aside from this, it is noted that NH has been liaising with the statutory electricity providers and National Grid, such that the diversions are approved by said parties. The Council also note that several diversions have been modified to mitigate impacts on certain areas, such as residential areas. The Council would require a section explaining the choice between overhead and undergrounding diversions in order to assess the validity of those decisions.
- 12.5.5 With regards to water and telecommunications infrastructure, the Council expected a separate Utilities document outlining the water main and telecommunications diversions, with drawings highlighting each one.
- 12.5.6 The Council would also expect a separate Utilities document detailing the proposed utility supplies for LTC, as well as temporary supplies for the construction compounds.

13 Skills, Employment and Legacy

13.1 Introduction

- 13.1.1 The Council recognises that LTC proposal has the potential to deliver some skills, employment and education benefits for the local area. The Council has been proactive in engaging on this topic and has made four main requests from an early stage:
- a. First, that we were provided with sufficient information to understand the derivation of employment forecast numbers that have been used by NH in their scheme publicity;
 - b. Second, that there were ambitious and stretching targets in place for NH, and its contractors, to deliver positive skills, employment, and education outcomes;
 - c. Third, that all targets are suitably 'localised'. By localised we mean that any skills, employment, and education benefits must flow primarily to those local areas within which the proposed LTC works take place. Circa 70% of the proposed LTC construction works and scheme are located within Thurrock and the Council has made repeated requests that a commensurately high share of labour market and skills benefits flow to Thurrock; and,
 - d. Fourth, that the Council be properly resourced by NH to help secure positive labour market outcomes. This means having a dedicated internal team to work on a range of matters including labour market readiness, skills, recruitment and supply chain development.
- 13.1.2 As will become clear from the remainder of this Section, the Council is extremely disappointed by the response of NH on all of the above matters. The Council's position is that there are insufficient mechanisms in place to deliver substantive local skills and labour market benefits.
- 13.1.3 The Council is also disappointed with the lack of a proper engagement process on the topic of skills, employment and education. Whilst a Skills, Education and Employment Working Group (SEE WG) was established by NH in February 2021, it failed to meet regularly. NH has produced a Skills, Education and Employment Strategy (the latest version being appended to the NH Section 106 Agreements – Heads of Terms document ([APP-505](#)), but the involvement of the Working Group in the production of the Strategy was extremely limited and the group was not kept involved nor updated on the emerging content of the Strategy. More details of this lack of engagement are provided below.

13.2 Summary of Previous Consultations and Comments

- 13.2.1 Thurrock Council's first substantive inputs on the topic of skills, employment and education were in a submission of July 2020. The submission was in response to the initial draft of the Skills, Education & Employment (SEE) Strategy produced by NH in June 2020. Extracts from the submission show that our concerns were set out very clearly at the outset:
- a. *'All SSE KPIs should be suitably ambitious';*
 - b. *'We need a definition or definitions of 'local'. There could be core and outer 7definitions and Thurrock should be prioritised on the north side';*
 - c. *'Should be a local labour target for workforce as a whole'; and,*
 - d. *'The delivery of support to residents and businesses should not be left to HE (now NH). We would expect HE (NH) to fund the Council to deliver this so that the Council can*

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effectively build on local delivery arrangements/ links. Our initial request will be funding for a Local Labour and Business Team which includes flexible commissioning budgets’.

- 13.2.2 Not long after the production of the first draft of the SEE Strategy, Thurrock Council published the Hatch LTC Mitigation Benefits Report in October 2020. The report was published on the Council’s website and remains available – it is included as Annex K1 to this LIR. The Hatch LTC Mitigation Report was a companion document to the February 2020 Hatch LTC Economic Costs Study – see Annex K2. The Economic Costs report set out the likely costs to Thurrock of LTC, with the Mitigation report setting out measures need to, in part, offset these costs.
- 13.2.3 The Hatch report contains 58 specific requests of NH to help mitigate the negative impacts of LTC on Thurrock. Two of the 58 requests were explicitly concerned with skills, education and employment matters and are outlined in the next sub-section of this Section. Both measures were entirely in line with the submissions outlined above.
- 13.2.4 It is worth noting the following items on the timeline of skills, education and employment matters, all of which substantiate our view that NH have not seen the SEE strategy document as a priority and have not engaged sufficiently with partners on its production:
- 13.2.5 After production of the first draft of the SEE Strategy in June 2020, the next draft the Council received was in August 2021, over 12 months later. It took NH seven months to acknowledge and respond to the Council’s comments on that draft of the SEE Strategy.
- 13.2.6 In October 2021 a paper was prepared for the Council’s LTC Taskforce (see Annex K3) that summarised the Council’s concerns about the SEE strategy. All of these concerns were relayed to NH.
- 13.2.7 The Council repeatedly asked on a monthly basis for an updated SEE Strategy throughout the remainder of 2021 and the first half of 2022. The Council eventually received the next version of the SEE strategy in July 2022 (which was actually dated November 2021). None of our concerns had been addressed.
- 13.2.8 The first meeting of the SEE Working Group was in February 2021. It met again in May 2021 but then not gain until mid-2022. Commitments from NH to ensure the meetings were held more regularly were not upheld.
- 13.2.9 The Council prepared a further detailed SEE critique document in September 2022 (see Annex K4 Thurrock Council – Further Comments on SEE Strategy & SEE HoT - 8 September 2022) that strongly criticised the NH approach to the SEE strategy and the contents of the document. The main points/recommendations we made were, as follows:
- a. We wanted a much tighter definition of ‘local’. We specifically requested that the ‘host’ authorities are refined down from five areas to include three only, namely Thurrock Council, LB Havering and Gravesham Borough Council. We also requested that the SEE strategy makes clear that within these three areas the majority of works, greater than 70%, are expected to take place in Thurrock and that the sourcing of labour and other SEE targets should reflect this concentration of host-area activity in Thurrock;
 - b. We provided more stretching targets for each of the 12 headline targets in the SEE Strategy and provided a justification of each. The Council requested that these more stretching targets be adopted by NH;
 - c. The Council pointed out there was no explanation in the SEE Strategy of the staffing resource that will be put in place to help deliver the SEE Strategy and secure target outcomes. The Council repeated the request that to deliver the SEE Strategy effectively

the Council requires the provision of six new support posts to deliver positive labour market and business outcomes for Thurrock (as per the Hatch CLS1 request); and,

- d. We again requested that NH reconsiders its claim to be creating 22,000 jobs. The Council expressed our view that this number and claim, which was being widely used in NH communications, was misleading (see below). The Council again asked for evidence on the calculation of the 22,000 number.

13.2.10 NH replied to our September 2002 paper in October 2022. None of the recommendations in our September 2022 were accepted by NH. Our whole relationship with NH on the SEE Strategy over the last three years has been one of the Council making sensible and well-reasoned requests and not being accepted or resolved by NH.

13.3 Summary of Hatch Mitigation Measures

13.3.1 As set above, there are two Hatch measures that are explicitly concerned with skills, education and employment matters.

13.3.2 These two Hatch measures are also explicitly identified as items in the Thurrock/NH Statement of Common Ground ([APP-130](#)). Both are ‘Matters Not Agreed’ – see below:

Table 13.1: Hatch Measures for Skills, Education and Employment

Hatch identifier	Description	SOCG identifier	Current status
CLS1	Request that a Council team (of 6 staff) be funded by NH with the responsibility for supporting residents and businesses secure economic benefits from LTC.	2.1.170	Matter not agreed. NH has refused throughout to fund Council posts on SEE matters.
CLS3	Request that a target be set for both local labour and local apprentice use	2.1.171	Matter not agreed, as Thurrock Council are unhappy with the level of ambition in the SEE strategy targets, and the definition of ‘local’.

13.4 Assessment of Scheme Proposals

Skills, Education and Employment Strategy

13.4.1 We cover the Council’s assessment of scheme proposals under the four main topics that it has used throughout the last three years to structure the comments on matters relating to skills, education and employment.

Clarity Over Job Creation

13.4.2 The level of job creation as a result of LTC scheme remains unclear.

13.4.3 The latest NH position in the October 2020 SEE Strategy is that the project ‘will engage more than 22,000 people during construction including 10,000 jobs at peak. This is made up of both direct and indirect jobs’ (p8).

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- 13.4.4 The current NH LTC website states that *'The Lower Thames Crossing will provide work for more than 22,000 people'*. The NH Roadmap to Growth document lists what NH see as the main labour market benefits of LTC and states the project will provide *'work for more than 22,000 people'* (p4).
- 13.4.5 The number 22,000 has been used by NH for at least three years and described by NH in various different ways over the period. The Council has requested information throughout on the derivation of this number and a precise definition of what it is measuring.
- 13.4.6 The Council remain unconvinced that there will be 22,000 different individuals employed throughout the life of LTC. The Council contend that the figures used by NH are a summation of annual jobs numbers, irrespective of the duration of each job. It follows that as many, if not most, employees will work on the project for more than one year, then the actual number of jobs created/people employed will be considerably lower than 22,000. The Council's views on this matter are reinforced by the content of the NH Workers Accommodation Strategy ([APP-551](#)). The document (p19) states that *'the workforce for the (LTC) Project would reach an overall peak of 4,514'*. The Council contend that NH has added together annual peak numbers to arrive at 22,000. This practice is highly misleading.
- 13.4.7 The Council stated in our September 2022 SEE submission that *'it is important that NH confirm and clarify these (jobs) figures and refrain from quoting the 22,000 figure in any LTC communications until such time that it has done so'*. This was a repeat of earlier request the Council made for a derivation of the 22,000 number. The Council have had no reply on this matter in over 2.5 years.

The Extent to which SEE Targets are Ambitious

- 13.4.8 There are 12 main targets listed in the October 2020 version of the applicant's SEE Strategy ([APP-505](#) (at pages 26/27)). These are the same targets that also appeared in the November 2021 version of the SEE Strategy and the August 2022 SEE Heads of Terms document that the Council were provided with by NH.
- 13.4.9 Despite our detailed comments and requests on each of the 12 targets, not a single target has changed.
- 13.4.10 There has been ample opportunity for NH to raise the ambitions of the SEE Strategy and numerous prompts from the Council, and other partners, to do so. NH have declined to raise ambition at every opportunity. The Council remain very disappointed with the stance of NH. The Council set out below suggestions on how the SEE Strategy targets can be improved and become more ambitious. This is not the first time we have made these requests:

Table 13.2: SEE Targets Comparisons

Target Name	Quantified Target as set out in October 2022 SEE Strategy	Council Request (made originally in September 2022, and repeated now)
Training for local communities	350 people	The Council has suggested below a target of 2,000 new qualifications across the workforce overall. Qualifications flow from training so if 45% of workers are 'local' as per NH suggestion, then this means a minimum of 900 training programmes with certification will be delivered for local workers. In addition, there will be additional training that is not necessarily certificated. An overall target of 1,500 local

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Target Name	Quantified Target as set out in October 2022 SEE Strategy	Council Request (made originally in September 2022, and repeated now)
		people receiving training (with or without a subsequent qualification) would be a reasonable target.
Sector skills qualifications (also labelled 'industry skills')	500 people	500 qualifications over the course of a 7-year build programme and across 22,000 employment opportunities is a woeful and unambitious target. The Council requests that each year contractors are required to secure new qualifications for at least 10% of their workforce. This would equate to an overall target in excess of 2,000 sector skills qualifications.
Apprentices	437 people	The Council notes that only 60% of this target will be met by new apprenticeships, with the remaining 40% being existing contractor staff who are 'converted' to apprentices. The target must be increased to 500 apprentices and this should relate solely to <u>new</u> apprenticeship opportunities. The 500 apprentices should also be resident in one of the three 'host' authorities.
Graduates/trainees	291 people	The Council is unclear on the meaning or purpose of this target. It appears to suggest that LTC delivery contractors are required to provide employment to 291 new graduates. It is not clear what relevance this target has to securing local labour market outcomes.
Newly employed (also known as 'returners to work')	500 people	This target requires clarification. The SEE Strategy states ' <i>LTC delivery contractors are targeted to support at least 500 local people who were previously unemployed</i> '. It is not clear if delivery contractors will be required to <u>employ</u> these individuals. This target should be clarified to say that 500 unemployed local people (using the Thurrock definition of local = three host boroughs) will be <u>employed</u> by LTC delivery contractors.
Pre-employment programmes	650 people	The Council requires that the vast majority of this pre-employment support (>90%) is undertaken with residents in the three host authorities as set out elsewhere. For a project of this scale the target should be substantially greater than supporting only circa 100 people each year. A figure closer to 200 people each year is more appropriate.
Education engagement	5,000 hours	NH has set out a target for 7,000 hours of engagement with local schools, broken down to 5,000 hours supporting students and 2,000 supporting educators. Whilst the volume of activity appears reasonable, NH must commit to undertake the vast majority of this activity in 'local' schools. The majority of activity (>90%) must be undertaken in schools in the three host authorities as set out elsewhere in section.
Support to educators	2,000 hours	See above.
Work placements	470 people	Increase target to 1,000 people. This requires reinstating the previous target of 650 and increasing by approximately 50%. A high proportion of these work placements (>90%) must be offered to 'local' school children (using the required Council definition of 'local').

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Target Name	Quantified Target as set out in October 2022 SEE Strategy	Council Request (made originally in September 2022, and repeated now)
SME spend	£1 in every £3	See below. There must be a 'local' component to this target. So, for example: '£1 in every £3 with SMEs, of which half will be local SMEs' (using the required Council definition of 'local').
Business upskilling	1,000 businesses	This target must relate to 'local' businesses. This target should qualify the depth of business upskilling that NH and its contractors will engage in. For example, sending a mailshot to 1,000 businesses should not count against this target. The intervention needs to be in depth upskilling and awareness raising work. Depending on how the target is qualified, 1,000 <u>local</u> businesses may be a sufficiently stretching target.
Supply chain payment	Within 30 days	The Council is content with this target. It aligns with current reforms to the UK prompt payment policy, which is also seeking to reduce payment terms to 30 days on all government contracts. The Council requests that NH publishes a regular performance dashboard to hold itself accountable and measure performance against its targets.

'Localisation' of SEE Outcomes

13.4.11 The current version of the SEE strategy (dated October 2022) states:

'We want at least 45% of our workforce to be recruited from within 20-miles of the project. This consists of 20% from postcodes that sit within the local authorities that the Lower Thames Crossing 'impacts directly' plus 25% from postcodes that are within a 20- mile radius of the project' (p6).

13.4.12 The definition of 'impacts directly' is provided on p16 of the current SEE Strategy, where it is made clear that the target is for 20% the workforce labour to be sourced from postcodes in the five authorities of Gravesham, Medway, Thurrock, Havering and Brentwood.

13.4.13 This target for localisation is not adequate for the Council. Some 70% of LTC route falls within Thurrock with a commensurate share of construction disbenefits (noise, traffic, delay etc). As it stands, the only explicit targeting of local labour from Thurrock is that we are identified as one of five authorities sharing 20%. All other things being equal, this target seeks to source 4% of labour from Thurrock. This (lack of) targeting is wholly inadequate given the scale and share of LTC disbenefits that Thurrock will experience.

13.4.14 We have made clear to NH our requests for more extensive local targeting, namely that:

- a. The list of 'directly impacted' authorities is refined down from five areas to include three only, namely Thurrock Council, LB Havering and Gravesham Borough Council, which are the most directly affected Las; and,
- b. The SEE strategy makes clear that within these three areas the majority of works, circa 70%, are expected to take place in Thurrock and that the sourcing of labour and other SEE targets should reflect this concentration of host-area activity in Thurrock.

Funding for Council SEE Team

- 13.4.15 The Council has consistently requested that a Council team (of six staff) be funded by NH with responsibility for supporting residents and businesses secure economic benefits from LTC. Detailed costings on the team and role description were provided to NH via the Hatch Mitigation report in October 2020 and in subsequent Hatch meetings where the Council provided the applicant with a year-by-year spreadsheet breakdown of the likely costs of the team. Further updates to these costs will be submitted shortly to NH as their request.
- 13.4.16 Rather than meet this request, NH has pursued a path of assembling their own SEE team. The proposed composition and experience of the SEE team is surprisingly not covered in the SEE Strategy. There is, however, reference in the Thurrock/NH Statement of Common Ground to how NH see the SEE team working ([APP-130](#) within, item 2.1.170)) NH state:
- a. There will be five 'pre-construction' SEE roles. One of these roles is identified as a 'SEE Advisor North'. North referring to north of the Thames covering all Boroughs; and,
 - b. There will be six SEE posts maintained during the construction phase. None of these six posts appear to have a specific geographical remit.
- 13.4.17 As is clear from the role description provided by NH, there is very little SEE staffing resource being explicitly provided to Thurrock. Thurrock has a share of one 'northern' post pre-construction and no dedicated resource once construction begins.
- 13.4.18 Some 70% of LTC's route falls within Thurrock with a commensurate share of construction disbenefits (noise, traffic, delay etc). It is wholly inadequate that we are not being furnished with targeted staffing resource to help secure positive skills, education and employment outcomes for Thurrock 'in return' for these disbenefits.
- 13.4.19 There is a significant mis-match between what we have requested consistently for the last 2.5 years (six SEE posts hosted by the Council) and what is being proposed by NH.

13.5 Worker Accommodation Provision and Impact

Introduction

- 13.5.1 The applicant has produced a Worker Accommodation Report (WAR) ([APP-551](#)) within the DCO application, and this has been reviewed, along with previous consultation responses and the applicant's responses and the current status of the relevant SoCG and PADs Summary Statement matters.

Previous Consultations, SoCG Matters and Previous Technical Comments

- 13.5.2 A draft of the WAR Summary (only) was originally offered to the Council for comment in May 2020 and the Council provided both general and detailed comments in October 2020, in summary these comments at that time were:
- a. The WAR **summary underestimates the level of demand for the private rental sector in Thurrock**. New and existing housing supply in the Borough will be affected due to the construction of LTC; 20 homes will be lost to make way for the construction of LTC, directly reducing the number of residential properties available in the Borough, with a further 1,400 residential properties are estimated to be affected (i.e. to the extent that they should be regarded as being unsuitable for accommodation and therefore be regarded as being removed from the housing stock) by the development of LTC due to their proximity

to the project, with 160 dwellings located within 200m of LTC scheme and a further 1,240 homes located within 500m;

- b. The WAR summary states that **land with the potential for up to 3,500 new homes will either be lost** or will see construction delayed due to LTC, further impacting upon the ability of the Borough to meet its future housing needs;
- c. The surge in **additional demand for accommodation for LTC construction workers would not only stretch the already limited supply of available private rental sector accommodation in the Borough**, but it would also be likely to lead to an increase in private rental sector evictions if landlords seek to increase their rents in line with the NAECl accommodation allowance and/or attempt to convert their family-sized homes into houses in multiple occupation (HMOs). Rather than the local rental market being able to 'reasonably absorb the temporary increase in population during the course of the project', LTC proposals may instead lead to the direct and indirect displacement of Thurrock residents to other areas to secure accommodation which is safe, secure and affordable;
- d. Many of the current costs within the private rental sector are unaffordable to existing residents in Thurrock and private rental sector landlords are continuing to seek opportunities to achieve higher levels of rental income. From a supply and demand perspective, **any significant uplift in demand for rental accommodation as result of LTC would increase the cost of renting in Thurrock**. Although local landlords and investors would benefit from this, an increase in costs could have significant implications for low-income private renters in the borough who are not receiving housing support;
- e. The WAR summary **does not consider the direct and indirect impacts on the Borough's local services**, such as health, leisure, and recreational services as a result of an increased population during the construction of LTC. It is recommended that an impact assessment is carried out on local services as well as housing. These should be reported in the HEqIA and the EIA and should be considered as part of LTC Accommodation Strategy; and,
- f. **Further engagement with the Council is required on the principles of NH providing lasting, high quality on-site accommodation for LTC construction workforce**, which would subsequently remain for the benefit of residents. This could provide an ideal way to achieve many of the objectives which the Council has concerning housing and accommodation and could deliver additional outcomes for both organisations and stakeholders to celebrate. For the Council, the implementation of more on-site and/or campus-based modular accommodation would alleviate some of the pressure which residents and officers would be facing regarding the local housing market in the short-term, lessen the impact of travel and traffic in the medium-term. Also, it would provide a longer-term benefit through increased accommodation to be used for supporting households who are homeless or at risk of homelessness in the future.

13.5.3 NH finally provided comments to the Council review of the WAR Summary document in January 2021 and then the Council responded further (by reiterating its previous comments) in its response to the CIC consultation in September 2021 (Section 2.10.15 of that response). Essentially the NH responses was largely to add comments to the SoCG logs for further discussion, although some clarifications were provided in January 2021 and in mid-2022.

13.5.4 At NH's request a meeting was held with the Council's housing team in mid-August 2022, where NH offer a presentation on the way forward, but largely concentrating on the 'Accommodation Helpdesk' and seeking further information from the Council, which was provided to NH in mid-September 2022, but not followed up with the Council subsequently. The information that the Council provided related to the number of households supported into private rental sector; how many landlords accommodate such households; that there is no current landlord accreditation scheme but incentives exist for discounts on HMO license fee;

and, that there was a Landlord Forum in October 2022 and could provide details (but none were requested by NH).

13.5.5 Given DCO submission was in October 2022, at no time has the Council received any full draft of the WAR and only received the WAR Summary in October 2020, with no subsequent updates.

13.5.6 Although the WAR issues are captured in the submitted SoCG (Items 2.1.233 – 2.1.235 and 2.1.239) and within the Council's PADs Summary Statement ([PDA-008](#)) (Items 140 – 144), there has been little resolution and limited technical engagement between mid-2020 and now.

Assessment of Local Impacts

13.5.7 Given the paucity of technical engagement and the lack of resolution of issues raised over a two year period prior to DCO submission, the WAR remain entirely unsatisfactory. In particular, the matters unresolved include the following:

- a. No recognition of the use of 'bedrooms', with 'bedspaces' as the preferred term, which are different;
- b. There is no explanation of how the figure of 480 (400 bedrooms and 80 hyperbaric bedrooms) on-site accommodation bedrooms was derived;
- c. There is no assessment of the potential reduction in emergency accommodation available to homeless households;
- d. The assessments have been limited to existing accommodation supply data and not forecast data. Furthermore, there is no consideration given to the housing supply figures in the local authority areas and undersupply of housing. Demand that exceeds supply contributes to the rising levels of housing unaffordability within Thurrock, this needs to be considered within the Accommodation Assessment, as it may identify that there will be a greater impact on affordability in Thurrock than currently identified;
- e. Rising rental value levels mean that there are shortfalls between maximum LHA rates and private market rents across Thurrock, which in addition to the construction works seeking accommodation could have significant impacts on housing and homeless households;
- f. The Accommodation Assessment is flawed and needs to be updated with LPA's housing figures (historical and proposed) (market and affordable) and forecasted data is necessary to ensure that the full impact of the workers accommodation on the private rental market;
- g. There is no evidence which has been provided which demonstrates that the project will not lead to unintended homeless due to landlords seeking higher rates;
- h. The NAECI National Agreement figure has not been updated to reflect the 2022 figures of £295.47 per week or £42.21 daily rate). There is now an updated weekly rate which came into force on 9 January 2023, which is £302.89 or £43.27 per day;
- i. There is no information within the WAR with regards to the impact of the need for workers accommodation and dwellings being turned into HMO's;
- j. There is no consideration of how the loss of visitor accommodation could impact on emergency homeless provision or if there will be any impact on visitor accommodation costs, which could impact on accommodating emergency homeless households;

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- k. There is no evidence which has been provided which demonstrates that the project will not lead to the direct and indirect displacement of Thurrock residents. The measures set out in Section 7 (pro-active measures relating to accommodation) does not provide any clarity on how emergency accommodation will be safeguarded;
- l. There is no acknowledgement of the potential impact or any proposed mitigation in terms of how the project will result in the loss or delay of up to 3,500 new homes, which will further affect the ability of the Borough to meet its future housing needs; and,
- m. The WAR needs to be updated following an assessment of the pressures from inner and outer London and the potential impact on private sector housing in Thurrock.

13.5.8 The number and scale of these local impacts clearly demonstrate that the issue has not been dealt with adequately by the applicant over a period of time. Furthermore, without resolution and satisfactory adjustments (as requested) to the worker accommodation issues the impact on the Thurrock housing market could be significant and affecting the most deprived households, further worsening the need for housing in the local area.

Further Work or Mitigation Required

13.5.9 The Council required adequate responses to all previous comments and resolution of the issues and local impacts set out above.

13.5.10 It should be noted that the Council and the applicant have arranged a workshop on 9 August 2023 to discuss the SoCG issues related to the inadequacies of the WAR, namely SoCG items 2.1.233 – 2.1.235, as referred to above.

13.6 Community Fund Measures and Wider Legacy Provision

13.6.1 As set out earlier, the Hatch LTC Mitigation Benefits Report (produced in October 2020 – see Annex K1) contains 58 specific requests of NH to help mitigate the negative impacts of LTC on Thurrock.

13.6.2 Several of the Hatch measures (three in number) are connected with the Council's request for an appropriately large Community Fund to be established to help offset disbenefits and the establishment of a Council-led Community and Public Health team for the duration of LTC works.

13.6.3 A significant number of the Hatch measures (some 23) are labelled as 'Legacy' measures and are collectively seeking to secure a series of investments from NH to deliver positive outcomes for Thurrock residents in return for 'hosting' LTC.

13.6.4 Progress against securing the items identified above is covered in the following two sub-sections.

Community Fund and Community Team

13.6.5 NH is proposing to deliver a Community Fund, the details of which are set out in Section 7.3 of the NH Section 106 Agreements – Heads of Terms document ([APP-505](#)). The Council has made clear and consistent requests in respect of the Community Fund, which are summarised in a paper we prepared jointly in December 2022 with other impacted authorities – see Annex K5 Collective Position of Directly Impacted Local Authorities: Proposed LTC Community Fund. The key points in this joint paper are, as follows:

- a. The Council requested that NH increase the overall scale of the Community Fund from £1.89 million over 7 years to £3.75 million. This uplift was based on benchmark evidence

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collected on a wide range of UK infrastructure projects, and previously shared with NH. The Council also requested that the Fund is subject to an annual index-linked review, whereby the remaining unallocated amount is increased in line with the Consumer Prices Index with Housing (CPIH) each year. Also, that if the overall LTC capital cost increase above the current £8.2 - £9 billion budget envelope, then the Fund should increase proportionally in line with any revised budget envelope. NH has resisted all calls for an uplift in the Fund value and the related requests for indexation;

- b. The Council requested some modest changes, agreed amongst all relevant local authorities (Gravesham BC, LB Havering and Medway Council), to the percentage distribution of any Fund across local authorities; and,
 - c. The Council asked for clarification, and more explanation, on the reach and remit of each of the proposed four themes of the Fund and also requested confirmation that capacity building support would be made available so that less well-resourced community groups are able to successfully access the Fund.
- 13.6.6 The scale of the proposed Community Fund is dealt with in the Thurrock/NH Statement of Common Ground ([APP-130](#)) at SoCG item 2.1.177, the distribution is dealt with at SoCG item 2.1.178, the need for more specificity on the themes at SoCG item 2.1.179 and the need for capacity building support at SoCG item 2.1.181. The scale of the proposed Community Fund is a 'Matter Not Agreed'. At the time of writing, all other Community Fund matters outlined above are marked as 'Matter Under Discussion'.
- 13.6.7 The clear position of the Council is that all requests set out in our Community Fund Joint Paper need to be accepted by NH, including our request for a larger scale Fund.
- 13.6.8 The results of the recent NH Community Fund Pilot (that ran during February 2023 only) reveal the need and demand for a larger scale Fund. Our understanding, based on information provided by NH, is that even under a quick 1-month turnaround Pilot there were 106 applications from Essex, with 70 of these being from Thurrock. 40 of the Essex applications were successful (31 of these from Thurrock) with total funding of £165,000 (£127,000 of which was for Thurrock projects). These numbers demonstrate both the level of demand for the Fund and the potential over-subscription that will ensue if the Fund value is not increased. If the £165,000 per month was extrapolated for a likely 7-year construction period it would sum to £13.8 million and that is just for Essex. This is significantly in excess of the currently proposed £1.89 million for the Fund overall.
- 13.6.9 The Council has also requested resource for a four person Community and Public Health Team (see Thurrock/NH Statement of Common Ground ([APP-130](#)) – item 2.1.172. At the time of writing, NH has agreed to fund two posts, focussed on supporting the EHO, coordinating the community liaison workstream and to support the skills/business advisor within the NH team. The Council require full agreement to our original request, which in addition to the two posts offered by NH also included an administrative and apprentice post, the inclusion of 15% 'on-costs' and a commitment to fund the posts for 7.5 years. The matter is currently marked as 'Matter Under Discussion'.

Wider Legacy Provision

- 13.6.10 As set out above, a significant number of the Hatch mitigation measures (some 23) are labelled as 'Legacy' measures and are collectively seeking to secure a series of investments from NH to deliver positive outcomes for Thurrock residents and to serve as a partial offset to the negative impacts of LTC in our area.
- 13.6.11 The Council recognises that NH has in place a programme of Designated Funds that have the potential to deliver many, if not all, of these legacy measures.

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13.6.12 Given that the Council outlined its target 23 legacy measures at an early stage of the process (October 2020), the experience NH has in deploying Designated Funds elsewhere in England and the clear negative impacts of LTC on Thurrock, we had been expecting rapid progress in agreeing to our requests.

13.6.13 Against these expectations, we are extremely disappointed at the level of progress that has been achieved and the reluctance of NH to agree to our legacy requests:

- a. At the time of writing, only three of the 23 measures are classed as 'Matter Agreed' in the LTC/Thurrock Statement of Common Ground ([APP-130](#)). These being works to facilitate the restoration of Belhus Woods (Hatch L17, SoCG Item 2.1.281), enhanced greenspace at key sites in close proximity to LTC (Hatch L15, SoCG Item 2.1.280) and agreement on DCO wording that will require internet and 5G cables within the alignment and make provision on all bridges and tunnels, as appropriate (Hatch L10, SoCG Item 2.1.105). One out of 23 is marked as a 'Matter Not Agreed' (Hatch L20, Low-emission vehicle usage targets with financial penalties payable to Thurrock in the event of exceedance, SoCG Item 2.1.284).
- b. The vast majority of our requests (19 in number) are marked as 'Matters Under Discussion'. After over 30 meetings over two years on these measures, the Council are not hopeful that NH will agree to these requests. The Council attach at Annex K6 the December 2021 report on Hatch items as presented to the Thurrock Council Taskforce. The same 19 items were identified as being 'Matter Under Discussion' in late 2021. There has been no movement from NH in enabling them to be converted to 'Matter Agreed'.
- c. At the time of writing, some £1.3 million of Designated Funds have been approved for deployment in Thurrock. Whilst this is a welcome investment, it is far below the investment required to deliver the 23 legacy measures we have requested and also represents a very poor 'offset' against the many disbenefits that LTC will deliver in Thurrock.
- d. Legacy provision for Baker Street residents is an area unresolved and not agreed with NH (Hatch Measure L14), as NH are proposing no mitigation or legacy benefit to very significant construction disturbance for several years. This is covered in more detail in Section 10.13 above.

13.6.14 NH has missed an opportunity to agree to our legacy requests. These requests were made nearly three years ago and were all clear and potentially fundable.

14 Proposed Order Limits, Land Interests and Compensation

14.1 Introduction

- 14.1.1 The Council has a significant number of land interests affected by LTC, this includes land it holds as the following categories:
- a. Investment (including woodland and agricultural land);
 - b. Public open space;
 - c. Private roads; and,
 - d. Public highways.
- 14.1.2 Should the DCO be granted and implemented as drafted, then NH will be entitled to acquire those interests identified within its DCO and, at present, pay compensation in accordance with the 'so called', compensation code (being the various Acts of Parliament, Statutory Instruments and decided Case law used to assess compensation following the use of compulsory purchase powers). The Council is very concerned as it considers that this compensation methodology fails to address, in full, the impact of the scheme on the Borough and the Council's land interests.
- 14.1.3 The Council has sought to meet with NH to better understand the scheme impacts on both the Council owned parcels and the wider Borough. In March 2022 *and following* an initial meeting LTC provided a schedule of plots which allowed the Council's to better understand the impacts. This led to a series of meetings during 2022 with the LTC team seeking clarification as to the rationale for plots being included and then to assess the compensation implications (this being a reflection of the extent of the impact).
- 14.1.4 It was clear from these meetings that LTC had adopted a cautious approach, identifying large areas which might be required. These included plots identified for permanent acquisition, temporary possession and over which rights were required. At an early stage LTC and the Council recognised that there was a need for an overarching legal Agreement that would address land take, timing of land, condition of return and compensation liability, as such detail was not part of NH's Statement of Reasons ([APP-060](#)). LTC undertook to provide a draft legal Agreement in April 2021, but this has yet to be produced.
- 14.1.5 The NH project team advised the Council in August 2022 that the details provided in 2021 as to which plots had been identified for permanent acquisition, temporary possession and over which rights were being sought had been revised. Details were promised in the same format as previously. Notwithstanding that the information was published on the PINS website in November 2022, it was not until July 2023 that the NH team provided details in the previously provided format, the effect of which was to allow the Council team insufficient time to properly assess the changes. However, **Appendix H, Annex 1** does provide a summary of these latest changes.
- 14.1.6 A schedule of the Councils' directly affected plots is at **Appendix H, Annex 2**. This schedule identifies the following:
- a. The plots to be taken (by reference to the DCO plan reference);
 - b. LTC's description of the plot;

- c. The type of acquisition (permanent, temporary or rights);
- d. Reason(s) for acquisition/possession; and
- e. Plot area.

14.1.7 Subsequent to it being provided the Council has added additional columns including:

- a. Comments (highlighting queries);
- b. Construction commentary; and

14.1.8 It must be noted that whilst the Council now understands that the affected land parcels have subsequently been adjusted, the information was provided so recently that a proper analysis has not yet been possible. In addition, the Council has retained land interests, which will be impacted by the construction and/or use of LTC

14.2 Proposed Order Limits

14.2.1 Land is required under 3 categories, as follows:

- a. Permanent acquisition;
- b. Permanent acquisition of rights and temporary possession; and,
- c. Temporary Possession.

14.2.2 The extent of the land take/occupation by NH is, in some instances, very significant. In only limited instances has there been an attempt to justify the requirement for the area identified (in each instance), much less any attempt to justify the extent of the area identified.

14.2.3 NH is seeking to take land permanently then return it to the Council at a number of locations include the following:

- a. Land at Brentwood Road (LTC Parcel No. 27074);
- b. Land on the west side of Muckingford Road (LTC Parcel No. 17994);
- c. Sections of the Council owned A13 (LTC Parcel No. 33682); and,
- d. Orsett Cock Roundabout (LTC Parcel No. 33682).

14.2.4 The following points arise:

- a. It is unclear on what basis NH considers there is a compelling case to permanently acquire land, when NH has acknowledged that it does not require the land permanently;
- b. There is no binding commitment to return land;
- c. The identity of the plots to which the proposal to return land has yet to be provided;
- d. There is no indication as to when the land will be returned; and,
- e. There is no clarification as to the condition of the land that may be returned.

- 14.2.5 It is for NH, as applicant, to make a compelling case for both the nature and extent of each interest identified in DCOv2. NH has failed to do this and, in fact, has confirmed that in some instances it is seeking a greater interest than it requires.

14.3 Thurrock-Owned Land Interests Impacts

- 14.3.1 The implications on the Council's property (updated as per the information provided in July 2023) are referenced above and in **Appendix H, Annex 2**. The impacts on Thurrock-Owned Land interest are, as follows

- a. Land interests held as an investment can be adequately addressed by compensation;
- b. The impacts on highway and verge land will include disrupted traffic flow. This will particularly impact residents and businesses within the Borough with in general no provision for compensation; and,
- c. Loss of public open space – the disbenefit of this will be felt particularly keenly by the residents of the Borough, whose access to public open space will be heavily constrained and where there is currently no provision for compensation or re-provision (except with permanent acquisition).

- 14.3.2 The Council has, in addition to a responsibility for the interests it owns, a responsibility to residents and businesses within the Borough. This responsibility includes:

- a. Ensuring, as far as possible, that threats to public health are minimised; and,
- b. That the Council is able to demonstrate a minimum of a 5-year housing land supply (HLS) (HLS). In this respect LTC severs a number of sites identified as part of the 5-year HLS meaning that not only will there be less land allocated in the emerging Local Plan, but that those sites which are directly impacted are less attractive to develop. This directly impacts the Council's responsibilities to ensure the proper planning of its area.

- 14.3.3 The Council considers it imperative that it understands the following:

- a. What land is being taken permanently and when
- b. What land is being taken temporarily and when, and, where that happens:
 - Whether it is being taken temporarily on more than one occasion;
 - What triggers return of the land; and
 - The condition of land on its return.

14.4 Lack of Compensation Provision

Engagement with NH

- 14.4.1 As referenced above, the Council had met with NH on 21 April 2021 and requested details and nature (permanent, temporary, etc.) of land take to allow a view to be formed of the impact of the scheme on both land owned by the Council and, more widely, the impact on the Borough.
- 14.4.2 At the end of May 2021 and following further engagement between LTC and the Council, NH provided the Council with the revised plot plans and also gave an undertaking that NH's

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lawyers were to be instructed to prepare a draft of an agreement that would be binding on LTC to take the plots identified in the DCO only (in preference to a Memorandum of Understanding which is not binding).

14.4.3 LTC have, subsequent to the provision of revised plots plans, sought to provide a rationale for the acquisition/possession of identified plots.

14.4.4 Notwithstanding the assurances given in May 2021, LTC has still yet to provide a draft of the agreement reference at Section 14.1.4 (above).

14.4.5 Until this draft is provided the Council the following remains true:

- a. It is unclear which plots are being taken permanently and when;
- b. It is unclear which plots are being taken temporarily, when and for how long. It is important to understand that temporary possession could mean the LTC project could occupy land for 7 or 8 years;
- c. It is unclear which plots might be returned as well as to timing of and condition on return; and,
- d. The Council has to adopt the working assumption that the compensation entitlement will follow the, 'so called', compensation code (being the various Acts of Parliament, Statutory Instruments and decided Case law used to assess compensation following the use of compulsory purchase powers). The Council recognises and understands that the, 'so called', compensation code applies in respect of direct impacts on interests in land.

Compensation

14.4.6 The Council is aware that a number of schemes have policies which are an enhancement to the statutory position and offer assistance to those impacted (but not directly, that is that they have not been identified for land take but who are clearly in a disadvantaged position and where a discretionary policy can assist mitigating the impact) and where there might be a pressing need to sell or for compensation to mitigate the effect. Schemes referenced include:

- a. Thames Tideway, which had policies, including:
 - Non-statutory Off-site Mitigation and Compensation Policy; and
 - Exceptional Hardship Procedure.
- b. Heathrow Third runway, which had a number of non-statutory policies, including:
 - Property Bond Scheme; and
 - Interim Property Hardship Scheme.
- c. High Speed 2, which has a number of non-statutory policies, including:
 - Exceptional Hardship Scheme; and
 - Need to Sell Scheme.

14.4.7 The Council considers that a responsible promoting authority should implement similar schemes to mitigate the impact of the scheme on residents of the Borough.

Brochures and Policies

14.4.8 NH has highlighted a number of brochures which set out the scheme's policies, as follows:

Your Property and Blight

14.4.9 This describes the process of blight, how the affected property could be affected by blight, compensation applicable and referral of the blight notice to the Upper Tribunal. This policy goes no further than the statutory position, both in terms of the blight process and the compensation that is offered, that being the full unaffected market value of the property (plus additional home loss if the property is residential). A number of large infrastructure schemes have recognised the deficiencies of the current blight regime and offered enhanced terms.

Your Property and Compensation or Mitigation for the Effects of our Road Proposals

14.4.10 NH has indicated that it will seek voluntary agreements with landowners to mitigate the adverse effects (e.g. noise) on land from the construction works or the new or improved road in use, by planting and then maintaining trees, shrubs or plants on the land, or taking other mitigation measures. Several issues arise, as follows:

- a. It is not clear at what stage these agreements will be sought;
- b. In setting out a policy NH is acknowledging that there are impacts from its proposal that exist and require mitigation but where there is no enforceable proposal to address these impacts;
- c. Notwithstanding this proposal, and as is well understood, trees, shrubs and plants do not mitigate noise, unless considerable distance or barriers are involved;
- d. When it comes to persons in movable homes the NH policy (which, as above, is the statutory policy) allows for claims for disturbance either from construction works or from traffic using the new or improved road. To qualify for a noise payment due to construction noise, the noise from the construction of a new or altered highway must have seriously adversely affected the enjoyment of a mobile home for a continuous period of six months. So those affected will have been seriously affected for that lengthy continuous period before qualifying for compensation (notwithstanding that the level of compensation is considered to be insufficient);
- e. NH has proposed a discretionary policy to meet the reasonable additional expenses of residents to allow them to move into temporary suitable alternative residential accommodation. In order to qualify the residents must live adjacent to the site of the construction works and where the physical effects of the works are causing such significant disruption and discomfort as to make their continued occupation not reasonably practicable. The challenges include the following:
 - Those impacted must have already suffered;
 - No procedure or response timeframe for application is included within the policy. There is concern therefore that a resident could be living in very challenging conditions awaiting a response and living with significant uncertainty;
 - The period for which a payment might be made is limited to 5 months;
 - A payment will only be made where the occupier's additional expenses are likely to be less than the cost of noise insulation;

- The policy is only available to occupiers living adjacent to scheme works. This does not take into account occupiers (including vulnerable persons) that might live close to but not adjacent to the works and who have also been significantly impacted, potentially, in some cases, more severely;
- There is no allowance for support in maintenance of impacted properties;
- There is no support for medical expenses that might arise from the increase air or noise pollution;
- Compensation should include any double overheads the resident incurs; and,
- There is no provision within this policy to provide temporary support to local businesses that are impacted by construction work.

14.4.11 The policies set out in this brochure go no further than the statutory position.

Your Property and Compulsory Purchase;

14.4.12 This policy sets out the process for compulsory acquisition and the compensation mechanism. No guidance is given as to when land might be acquired. This brochure sets out the statutory position only.

Your Property and Discretionary Purchase

14.4.13 This policy sets out the circumstances when NH might acquire discretion to acquire properties that are not required for the scheme. As with the policies listed above this brochure goes no further than the statutory position.

14.4.14 Copies of each brochure are at **Appendix H, Annex 3.**

Public Open Space

14.4.15 NH proposes taking possession of significant areas of Public Open Space for, potentially, very significant period(s). These plots include the following:

- a. Land lying to the North West of Stanford Road, Grays – known as Orsett Heath Academy Playing field and extending to 13,876.25 sqm (LTC Parcel No. 26981);
- b. Land on the south side of the A13 Orsett – known as Memorial Ground and extending to 198,207 sqm (LTC Parcel No. 26985);
- c. Land on the south side of the A13 Orsett- known as Heath Farm and extending to 24,556.688 sqm (LTC Parcel No. 27213);
- d. Land lying to the east of Baker Street, Orsett, Grays and extending to 100,962.33 sqm (LTC Parcel No. 47627); Land lying to the south of School Lane, Orsett, Grays, known as Orsett and Thurrock Cricket Club and extending to 40,233.17 sqm (LTC Parcel No. 27048);
- e. Land lying to the north of Linford Road, Grays – which includes part estate recreation ground and extending to 63,628.77 sqm (LTC Parcel No. 17709);
- f. Land on the east side of Brentwood Road, Grays – which includes part estate recreation ground and extending to 19,147.90 sqm (LTC Parcel No. 17756);

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- g. Land on the north west side of Brentwood Road, Grays – known as Old House Wood and extending to 51,801.05 sqm (LTC Parcel No. 39144); and,
- h. Marisco Hall, Brentwood Road, Grays and extending to 717.25 sqm (LTC Parcel No. 35320).

14.4.16 It is unclear, principally because NH does not yet know, in each instance;

- a. How long the temporary possession may last; and,
- b. Whether occupation of these areas will take place once or on multiple occasions

14.4.17 Where public open space (defined as '*part of a common, open space or fuel or field garden allotment*') is permanently acquired, provisions set out in S19 of the Acquisition of Land Act 1981 require (in all but a limited number of cases) an acquiring authority to ensure that there will be provided as replacement land to fulfil the function of the land acquired and that other land will be of no lesser area and no less advantageous. The Council sees no reason why this requirement should not apply both in respect of land permanently acquired and that acquired temporarily. Failure in either circumstance would leave the residents of Thurrock with less of this particular land type. The Council considers that where land is taken temporarily (which as is highlighted above could be a 7-8year period) NH should be compelled to provide replacement land to no lesser amenity than that existing.

Conclusion

14.4.18 The Council considers that NH should undertake the following commitments:

- a. Be required to identify the following:
 - In each instance how long a period its temporary occupation will be;
 - Whether it intends to remain in occupation throughout its period of temporary occupation or whether it intends to take multiple occupations; and,
 - The extent to which, in each instance, it can minimise the land it occupies.
- b. Confirm that those plots which it seeks to take permanently, but only requires temporarily will only be taken temporarily;
- c. Undertake further design work, such that it can reduce the extent of the land take;
- d. Provide a draft of the legal Agreement it undertook to commission approximately two years ago and enter into meaningful negotiations with a view to concluding an Agreement in the next few months;
- e. Introduce non-statutory policies to address the identified shortcomings in the statutory schemes for the following matters:
 - Blight; and,
 - Those who suffer hardship as a result of the LTC scheme.
- f. Provide replacement Public Open Space to replace that lost both permanently, but especially temporarily during construction.

15 Adequacy of Key Application Documents

15.1 Introduction

15.1.1 This Section's purpose is to review the existing dDCO and supporting 'Control Documents' to determine their adequacy, weaknesses and to identify additional work or commitments that the Council requires to make certain aspects acceptable.

15.1.2 It covers the following documents in the following sub sections:

- a. Draft DCO Order ([AS-038](#));
- b. All relevant Legal Agreements, including the Section 106 ([APP-505](#) and its successor Agreement);
- c. The Stakeholder Actions and Commitments Register (SAC-R) ([APP-554](#));
- d. Wider Networks Impacts Management and Monitoring Plan (WNIMMP) ([APP-545](#));
- e. Code of Construction Practice (CoCP) ([APP-336](#));
- f. Register of Environmental Actions and Commitments (REAC) ([APP-336](#));
- g. Framework Construction Travel Plan (FCTP) ([APP-546](#));
- h. Outline Traffic Management Plan for Construction (oTMPfC) ([APP-547](#));
- i. Outline Materials Handling Plan (oMHP) ([APP-338](#));
- j. Outline Site Waste Management Plan (oSWMP) ([APP-337](#)); and,
- k. Carbon and Energy Management Plan (C&EMP) ([APP-552](#)).

15.1.3 The Council has no further comments, except those set out in the above relevant sections) on the following Control Documents – Outline Landscape and Ecology management Plan (oLEMP) (APP-490 – APP-493), Design Principles ([APP-516](#)), Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (AMS-OWSI) ([APP-367](#)) and Environmental Masterplan (EMP) (APP-159 – APP-168).

15.1.4 The Preliminary Works Environmental Masterplan ([APP-339](#)) has not been reviewed in detail, except to state that it has not been shared with the Council until the DCO submission and there has been no technical engagement about its content. The Council therefore may require to make a subsequent submission on this 'Control Document'.

15.1.5 However, even though it is not a 'Control Document', it is considered important that the Planning Statement and its accompanying Appendices (APP-495 – APP-504) are assessed and that review is set out below.

15.2 The Draft DCO

15.2.1 This Section considers the current draft DCO (dDCO) and its impact on the Council's area, including impacts on the Council itself and local residents. A detailed analysis of the individual proposed Articles and Requirements are set out in **Appendix I, Annex 1** and the Council's detailed responses to Issue Specific Hearing 1 (ISH1) Actions Points and individual questions

(which are also a separate submission at Deadline 1) are set out in **Appendix I, Annex 2**. One of the key ways in which adverse effects of the DCO are proposed to be mitigated is through legal agreements. In addition, the proposed Section 106 Agreement and two Side Agreements are considered in detail below in a separate sub section.

The Draft DCO (dDCO)

15.2.2 The Council has been discussing the version of the draft DCO with the applicant since the end of 2020. This has resulted in four detailed reports shared between the Council and the applicant, two meetings and supplementary correspondence on specific articles within the DCO. Some of our concerns, such as limiting some of the ancillary works powers in Schedule 1 have been taken into account in the current draft of the DCO. However, many other points, which the Council view as having a significant negative effect on the Council's residents, do not appear to have been taken into account. Broadly, these are:

- a. **Uncertainty**, for example caused by uncertain Order Limits, length of time CPO powers can be used for, timeframes within which the project is going to be commenced and the potential adverse effects of disapplying legislation.
- b. **Loss of control and coordination over the impact of the project on how the Council discharges its statutory functions.** For example, because of the effects of the Council not being the discharging authority for certain requirements, control over works to the highways, different drainage enforcement regime and deemed discharge.

Uncertainty

15.2.3 It is accepted that a scheme of this size requires some flexibility to overcome unforeseen technical issues and avoid the need to amend the DCO. However, that flexibility needs to be within defined parameters, so that those potentially impacted can input into the DCO process.

15.2.4 Our main concern is about the uncertainty of flexibility, especially in relation to Order Limits. Article 6(3) sets out that the maximum Limits of Deviation do not apply when it can be demonstrated by the applicant to the Secretary of State's satisfaction that disapplying limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the ES.

15.2.5 This raises a number of concerns. First, why are non-environmental effects not part of the consideration as to why the Limits of Deviation, which are considered as part of the draft DCO dis-applied? Non-environmental effects could include the impact on new landownership. It could also include adverse effect on businesses. Environmental effects are very important, but they are not the only effects.

15.2.6 Second, it makes it very difficult for all stakeholders to actively take part in the Examination, if they do not know if their land will be affected. This uncertainty is likely to have a chilling effect on the use of land even though it is outside the Order Limits (because it will discourage investment). No explanation has been given to as to why the Limits of Deviation cannot be limited to within the Order Limits, as an absolute maximum.

15.2.7 It is appreciated that the applicant has not yet completed sufficient design work to enable it to demonstrate precisely what land it requires. However, the degree of flexibility given to the applicant should have clear limits, so as to provide certainty for those likely to be impacted by the project. The applicant is likely to state that some powers, such as CPO, are clearly limited and that this provides sufficient certainty. However, in the Council's position the ability for the scheme to continue, outside of Order Limits and not to have all those impacts fully assessed, it not acceptable. The Council requires sufficient certainty to the scheme, to allow it to fully comment on the impacts and allow those potentially affected to take part in the Examination.

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This means that the scheme should not extend outside of the existing DCO application Order Limits.

- 15.2.8 Another area of uncertainty is around the time limits for acquisition. Article 27(1) allows a period of 8 years for the exercising of compulsory purchase powers. The Council has suggested that where elements of the project may require a period in excess of 5 years, that the time period is extended to these sections of the land only. In particular, consideration be given to:
- a. Limiting the land to which this provision applies; and,
 - b. Limiting the categories of work to which this provision will apply.
- 15.2.9 The applicant has consistently rejected this approach, citing a lack of precedent for a mechanism that would allow for different time periods to be applied over different parts of the Order Limits land. Given the applicant is seeking a much extended time period, the fact that a proposal has not been used in previous DCOs, clearly should not preclude a full consideration of its appropriateness. The drafting to achieve this is not complicated and the applicant should by this stage have a clear project plan on a plot by plot basis.
- 15.2.10 As such, the Council considers it inconceivable that there are not any plots where the applicant is confident at this stage that they will be able to make a determination on requirements in less than 8 years.
- 15.2.11 Even if the number of plots affected by this provision were limited, it would be entirely consistent with compulsory purchase principles that the applicant should seek to have the minimum possible impact on landowners.
- 15.2.12 At this stage, the Council are not satisfied that evidence for an 8 year period has been provided.
- 15.2.13 The points made above apply equally applicable to the rights granted under Articles 28, 35 and 36, which are all affected by the same time limit.
- 15.2.14 Uncertainty is also present due to the reasoning given by the applicant for provisions, for example, due to the disapplication or amendment of legislation/statutory provisions in Articles 53 and 55. The Council have raised with the applicant on a number of occasions the need to explain the impact of the disapplication of statutory provisions, in accordance with Section 25 of Advice Note 15. Good practice point 10, in section 25 of Advice Note 15 states:
- 'Applicants should provide in the Explanatory Memorandum a clear justification for the inclusion of such provisions in the particular circumstances....'*
- 15.2.15 In our opinion significant additional justification is required to explain the rationale for such a wide approach. This uncertainty of impact makes it difficult for the Council and other stakeholders to fully understand the impacts of the scheme promoted by the applicant.
- 15.2.16 Despite this we do not disagree with the fact that primarily the draft DCO should take precedence, it is just that we need to understand the impact better, so we can assess whether any specific mitigation is required.
- 15.2.17 Overall, we consider that the applicant needs to ensure that the limits of the draft DCO are clear, allowing certainty for those potentially impacted to engage effectively. The applicant frequently justifies its position based on precedent and the size and complexity of the scheme. It is the Council's position that, pursuant to paragraph 1.5 of Advice Note 15, the applicant needs to explain why particular wording is relevant to the proposed draft DCO.

15.2.18 Paragraph 1.5 of Advice Note 15 states:

'If a draft DCO includes wording derived from other made DCOs, this should be explained in the Explanatory Memorandum. The Explanatory Memorandum should explain why that particular wording is relevant to the proposed draft DCO, for example detailing what is factually similar for both the relevant consented NSIP and the Proposed Development. It is not sufficient for an Explanatory Memorandum to simply state that a particular provision has found favour with the Secretary of State previously; the ExA and Secretary of State will need to understand why it is appropriate for the scheme applied for. Any divergence in wording from the consented DCO drafting should also be explained. Note, though, that policy can change and develop.'

15.2.19 It is not sufficient to state that a particular provision has found favour with the Secretary of State previously, it needs to be established the provisions are appropriate for the scheme applied for in this DCO application.

15.2.20 It is the size and complexity of the scheme which makes certainty so important. It is already a significant task for the Council and other stakeholders to understand the impact of the scheme upon them. Allowing additional flexibility to the applicant, without clear limit, favours the applicant over the interests of local residents who are going to be directly impacted by the scheme.

15.2.21 Uncertainty is exacerbated due to the project stage of design reached by the applicant. The fact that the applicant has not provided more certainty in the current design should not, however, have an unjust impact on the Council or other local stakeholders. Whilst flexibility may reduce costs and delay for the applicant, there is a cost to the uncertainty, which negatively impacts both other public bodies and private business.

Loss of control and co-ordination over the impact of the project on how the Council discharges its statutory functions

15.2.22 Another key area of concern is the loss of control and co-ordination over the impact of the project on how the Council discharges its statutory functions. It is appreciated that the applicant would find it more convenient to use its own discharge mechanism, with the Secretary of State as the discharging authority. However, the Council does not consider that adequate justification has been provided as to why it is the most appropriate option in relation to this scheme.

15.2.23 It is the Council's position that Requirements 3 (detailed design), 4 (Construction and Handover EMPs), 5 (landscaping and ecology), Requirement 6 – (contaminated land), 8 (surface and foul water drainage at a local level (with the Environment Agency responsible for those elements not at a local level), 9 – (historic environment), 10 (traffic management), 11 (construction travel plans), 12 (fencing), 14 – (traffic monitoring), 16 – (carbon and energy management plan) and 17 (amendments to approved details) should be discharged by the relevant local planning authority, with any appeal going to the Secretary of State. Whilst it is not uncommon for transport DCOs to have the Secretary of State as the discharging authority, it is by no means universal (see for example the West Midlands Rail Freight Interchange Order 2020, the Lake Lothing (Lowestoft) Third Crossing Order 2020, the Silvertown Tunnel Order 2018 and the Port of Tilbury (Expansion) Order 2019 (Tilbury 2)). In addition, the Council are not aware of any other Secretary of State (for example DHLUC, DEFRA or BEIS) being the discharging authority in connection with non-transport DCOs. In relation to this scheme, the Council is the local highways authority for 70% of the route. Accordingly, the applicant's concerns regarding coordinated discharge of functions is not well founded in relation to this scheme.

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- 15.2.24 In the Council's view, locally elected local authorities, who are experienced in discharging similar planning conditions, should be the discharging authority. It is precisely because of the complexity of the project that a detailed understanding of the locality, including the local highway network, is required. It is accepted that changes to local highway sections will need to consider the impact of those changes on trunk road sections (and vice versa) and accordingly it is suggested that the relevant planning authority will discharge requirements in consultation with relevant parties, such as the applicant and other key stakeholders. The current proposal, of the Secretary of State being the discharging authority, after consulting the Council (but without being required to follow the Council's views), is likely to lead to unnecessary expenditure as the relevant local planning authority will have to commit significant resources to explaining to the Secretary of State the impact of proposals, with no guarantee of such views being accepted.
- 15.2.25 This is further exacerbated by Article 9 and the disapplication of the New Roads and Street Works Act 1991 ('NRSWA'). The Council's concerns regarding permitting have already been this raised with the applicant. This is an area of significant concern to the Council. It is very important that the Council remains in control of its highways network, for which it has statutory responsibility.
- 15.2.26 Article 9(3) dis-applies a number of the provisions in NRSWA. Section 58 protects the Council and integrity of any works it is undertaken. The Council understands the need for the programme to progress smoothly, however, this is best achieved through a joined-up approach and having a joint Network Management Team or through the provision of additional resources to the Council's team, which are in the process of being agreed with the applicant.
- 15.2.27 If works need to be undertaken on a Section 58 street, then it would be important that there is a full width reinstatement.
- 15.2.28 Disapplying Sections 56 and 56A is also a significant problem as it could lead to clashes and wider impact on the network. Ultimately the Council needs full control of its highways network, so that it can be managed effectively and in accordance with the Council's statutory responsibilities.
- 15.2.29 In previous correspondence the applicant has noted that this has been agreed in previous DCOs. Whilst this is the case, it is not agreed in every DCO. For example, see the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 or the Model Provisions (which specially apply these parts of NRSWA). It is the Council's position that the applicant should utilise the Council's usual permitting scheme, which will ensure a coordinated approach across the Council's area.
- 15.2.30 Article 9(9) restricts the contents of permits. The applicant has previously stated that this is needed in order to avoid a situation where the applicant cannot comply with conditions. The Council is not aware of any conditions that are likely to be imposed which would need to be a breach of the Order or that the applicant would be unable to comply with. Accordingly, this provision is not needed. If the applicant has particular concerns then these should be raised now.
- 15.2.31 In addition to a loss of control of works to the highway, the applicant proposes in the protective provisions for drainage authorities (the Council is a drainage authority). The provisions in Part 3 of Schedule 14 disapply Land Drainage Act powers. The Council appreciates the applicant's reasoning around disapplying Land Drainage Act Powers, when the scheme spans multiple LLFA areas. However, the Council considers that that ultimately enforcement action should be carried out at the discretion of the LLFA in accordance to their respective enforcement policy and protocols.

- 15.2.32 In relation to previous examples of this in DCOs, we note that it is far from universal that the usual enforcement provisions in the Land Drainage Act 1991 are disapplied. For example, see the A30 Chiverton to Carland Cross Development Consent Order 2020.
- 15.2.33 Schedule 14, Part 3, Paragraph 23(5)(b) refers to the removal of obstructions in watercourses. The Council maintains that the current wording places an unacceptable risk on residential properties. The Council understands NH's comments about the fact that, in some instances, it may not be practical to remove an obstruction within 14 days. However, the applicant should be aiming to remove obstructions within set timescales and where there are exceptions to be made, these can be negotiated with the LLFA on a case by case basis.
- 15.2.34 This will ensure that the risk of watercourse flooding is reduced as it will place some urgency on the applicant to remove obstructions from any watercourses under their care. The risk is that only including 'as soon as reasonably practicable' will mean that bias is placed on the practicality for the applicant of carrying out the work, rather than the increased flood risk the obstruction will cause (which could put residential properties at greater risk).
- 15.2.35 The above are not the only examples of where the Council's ability to discharge its functions are amended or lost due to the DCO as currently drafted. For example, the numerous deemed consent provisions seek to take control from the Council and other public bodies, for the benefit of the applicant and to the detriment of the general public. One of the main explanations by the applicant is that it is required by the size and complexity of this scheme. However, it is the size and complexity of the scheme, which is why the Council needs to be able to coordinate and manage further consents being issued to minimise the negative impact of the scheme (and also to maximise any potential benefits).

Consideration of DCO Order Articles DCO Requirements, and Protect Provisions

- 15.2.36 Further to our comments above, the Council have reviewed the draft DCO and have a number of more detailed comments which relate to the impact upon the Council's area and which remain outstanding from two years of discussions with the applicant. Refer to **Appendix I, Annex 1** for these detailed comments and **Appendix I, Annex 2** sets out supplementary points about the dDCO that were raised at ISH1 and which are also covered in the ISH1 Submission at Deadline 1.

15.3 Legal Obligations/Agreements

Section 106 Agreement (or Heads of Terms)

- 15.3.1 DCO application document ([APP-505](#)) sets out that a Section 106 agreement pursuant to Section 106 of the Town and Country Planning Act 1990 is proposed to support the application for DCO and is required in order to make the scheme acceptable in planning terms. It was promoted by the applicant since early 2022 as an alternative due to concerns the applicant had regarding the implications of making further changes to the DCO.
- 15.3.2 The Council set out its expectations for mitigation matters that would need to be addressed through Section 106 agreement and communicated these clearly to the applicant in advance of the DCO submission in an email of January 2022, following the applicant reminders in the latter part of 2021 and early 2022. This was to enable the applicant and the Council to work together to progress the technical work necessary to define and cost the schemes and initiatives to be funded via S106 and several meetings were held up to August 2022 (February, April, June and August 2022).
- 15.3.3 Given this spirit of collaboration the Council was surprised to receive communication from the applicant through which the applicant has set out its unsubstantiated unilateral decision to re-write the list of S106 matters. This significantly reduces the number of matters the applicant is

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now, many months since its DCO submission in October 2022, prepared to discuss and address with the Council, preferring instead to load yet more issues for the ExA to arbitrate within an already highly constrained timetable. Such behaviours are, in the Council's experience, not typical of public sector collaboration and recent patterns of behaviour by the applicant cause some considerable concern regarding ability to resolve outstanding matters in the remainder of the Examination period. As the Council consider that having the ExA refused its request to delay the start of the Examination by 7 weeks, it is clearly the ExA's expectation that the applicant will adopt a collaborative and constructive approach in order to facilitate the Council's fair engagement in the Examination process (and behind the scenes thereof), as opposed to the intransigent approach, which is currently being adopted by the applicant .

- 15.3.4 The Council has written to the applicant on 6 July 2023 expressing its serious concerns about their approach to S106 matters, following an email from NH dated 5 July 2023; and then the applicant has responded on 18 July 2023 to the Council's previous email. All three emails are set out in **Appendix I, Annex 3**.
- 15.3.5 It was the applicant 's choice to resolve mitigation identified through the local modelling through the Section 106 agreement and not via the DCO. It is now apparent that the applicant is backing away from this position, leaving many areas neither dealt with in the DCO nor Section 106 agreement.
- 15.3.6 The areas the applicant are now refusing to engage on, and which the Council considers are required to help mitigate the effects of the scheme that were included within the Council's initial list of items in January 2022, are, as follows:
- a. Orsett Cock Roundabout (Hatch M19). Additional mitigation to negate the negative impacts of the LTC scheme, especially upon the A128 approach to the junction;
 - b. Manorway Roundabout (Hatch M20). Additional lane capacity on the A1014 and A1013 approaches to ensure port and local traffic movements are not impaired by the LTC;
 - c. Asda Roundabout requires additional mitigation during construction;
 - d. Daneholes Roundabout (Hatch L9). Bus lane added to the outside lane of the approach to the A1013;
 - e. Medebridge Road Upgrades (Hatch L8). Delivery of existing the applicant plan to upgrade Medebridge Road to use as haul road to allow permanent adoption by the Council;
 - f. Contributions towards studies and the recommended mitigation measures resulting from traffic increases on local roads;
 - g. Orsett and Horndon villages and approach roads and the implementation of Orsett Village and Horndon traffic calming measures to avoid/reduce 'rat-running'. Although some studies are covered by Planning Performance Agreement (PPA) for preparatory work by Thurrock Council, based on impact assessment and mitigation work undertaken in 2022 (Hatch M21 & M22) the follow-on works are not covered;
 - h. Contributions to Local Labour & Business, Network Management, Community and Public Health teams resources (not agreed numbers and securing/funding mechanism not clear) (Hatch CLS 1);
 - i. Funding for compliance monitoring officers during construction;
 - j. Contributions for an ongoing study to determine the feasibility of MRT;

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- k. A1013 Bus Priority and Active Travel Corridor development;
- l. Local premises improvement grant and green business support scheme to support local businesses (Hatch CLS 6 and 7);
- m. Commitment to compliance with Thurrock Social Value Framework principles in supply chain and procurement (Hatch CLS 5);
- n. Community Fund, including small capital grants (total sum available currently too small and maximum project sum too small; and, eligibility criteria and SG membership not defined) (Hatch CLS 4 and 11);
- o. Commitments to cross section details for bridge crossings to comply with LTN 1/20 (Hatch Measure L12); and,
- p. Contributions to or commitment to restore all construction compounds to an agreed standard (also covered in our comments on dDCO).

15.3.7 In addition to the above, we are concerned about the legal basis for the Section 106 agreement. DCO application document ([APP-505](#)) sets out that the plan is to secure the land against the permanent route alignment of the A122 Lower Thames Crossing. Part of this land is currently owned by the applicant, with compulsory acquisition powers being sought through the DCO for those sections are not currently owned by the applicant. The Council will need to be confident that sufficient land is owned by the applicant prior to any DCO grant now that a Section 106 agreement, which could be effectively enforced, could meaningfully be entered into prior to the close of the Examination. If it is not possible to enter into a Section 106 agreement that could be effectively enforced, then other methods of securing the obligations needed make the scheme acceptable in planning terms would be required (if the scheme is to proceed), such as a Deed of Obligation.

Side Agreement – Land Take

15.3.8 NH and the Council have been negotiating in relation to land use and take. The current document which has been agreed is titled ‘Land requirement information from Thurrock 1.2’ and is dated 5 July 2023 and is covered in more detail in Section 14. This is an important issue for the Council, as it provides more clarity on how the applicant propose to use the broad powers in the DCO and importantly it provides greater certainty to local residents. It is relevant in connection with Articles 28, 35(1) and 36.

15.3.9 Unfortunately, despite promises that this would be secured via a legal agreement, this has not yet been provided. Without this then the Council will need to seek additional certainty within the DCO itself.

Side agreement – Design and Operation of Highways

15.3.10 Discussions have been had with the applicant regarding a side agreement covering the design and operation of highways, termed a Detailed Local Operating Agreement (DLOA) . This is to include a 12-month maintenance period of relevant works being transferred to the Council by the applicant. It also included provisions in relation to road safety audits, inspecting and testing of materials and design input. The detailed operating agreement (DLOA) and a local operating agreement would cover:

- a. Communications and Customer Care: arrangements for communication with stakeholders including who will be responsible therefore;

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- b. Scheme Operational Areas: definition of scheme extents for the works areas, zone of influence, Traffic Management and diversion requirements and free recovery areas (as appropriate);
- c. Arrangements for the submission to the Council of digital copies of all as-built drawings for the relevant work area including adoption limits;
- d. Winter Maintenance and Severe Weather: arrangements to apply during the construction period and the Maintenance Period;
- e. Continuity of Technology: arrangements to apply during the construction period and the Maintenance Period;
- f. Incidents: arrangements for dealing with and recording incidents during the construction period and the Maintenance Period; and,
- g. Traffic Management: during the relevant works.

15.3.11 This agreement was designed to set out the agreed operational and communication protocols for the LTC Project that will enable handover into Operational Maintenance. It is not yet agreed or signed, despite the Council providing detailed comments in January 2023. Current areas of disagreement include:

- a. Timeframes for repairing defects;
- b. Who is responsible for winter gritting;
- c. The need to retain powers under the TMA and NRSWA to control road space activities;
- d. Details of managing insurance claims;
- e. Combined kerb drainage systems;
- f. Timeframes for comments by the council; and,
- g. The strength of the obligation on the applicant to entering to both a detailed and local operating agreement (the council considers that this should be best endeavours taking in to account the importance of this agreements).

15.3.12 It should be noted that there has been little progress on this over the last 7 months, which considering the importance of this document is of concern to the Council.

Conclusion

15.3.13 The applicant has acknowledged, through the proposal of the above documents, that additional safeguards are required outside that contained within the DCO. The fact that the Section 106 agreement has now been significantly reduced in scope and the two side Agreements have not been provided, means that the Council is likely to be significantly adversely affected by the scheme. The mitigation secured through these agreements is, in the Council's opinion, necessary to make the scheme acceptable in planning terms. Failure to provide these represents an unacceptable negative impact on the Council.

15.4 Stakeholder Actions and Commitments Register (SAC-R)

15.4.1 This Control Document ([APP-554](#)) sets out to provide a list of design, construction, and operational related commitments given to stakeholders that are secured within the DCO, but

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which do not naturally sit within the REAC, the outline management documents or other Control Documents secured under Schedule 2 to the DCO and are not contained within side agreements (agreed with specific stakeholders outside of the DCO). The SAC-R commitments are legally secured through Article 61 of the Draft Order ([AS-038](#)).

15.4.2 The Council received no consultation/engagement on a draft of this document or its commitments prior to the DCO submission in October 2022 or subsequently, this is despite the claims in Sections 3.1.1 – 3.1.3 of this document. However, the Council considers that it has potential to cover many required additional commitments not related to environmental matters (which are/should be contained within the REAC ([APP-336](#))) that are not yet covered within the DCO.

15.4.3 There are currently no commitments with the Council and only six commitments listed in the SAC-R and no mapping to identify their locations – one related to Orsett Fen in Thurrock but committed with Natural England, Green Lane and Brentwood Road farm accesses during construction located in Thurrock and agreed with the landowner and landowner access to land near the North Portal with the landowner. The remaining two commitments are broad and project-wide and not directly related to the Council.

15.4.4 An additional commitment within the SAC-R has recently been negotiated and agreed with the Council relating to the relocation of the travellers site near the A13 junction. The commitment is expected to be added to the updated SAC-R at an ExA Deadline soon. It states:

'Without prejudice or limitation to the approval required under Requirement 13 of the Development Consent Order, the undertaker must not carry out Work Nos.7E, 7Z and MU54 in or over any part of the existing travellers' site until the replacement Gammon Field travellers site is laid out and capable of occupation by the residents of the existing travellers site and Thurrock Council agrees in writing (acting reasonably and such agreement not to be unreasonably withheld or delayed that the site is capable of occupation), except that the undertaker may exercise powers under the Order to take possession for the purposes of, and carry out non-intrusive and intrusive surveys and investigations on the existing travellers site- provided that such non-intrusive works, surveys, and investigations must not prevent access or use of the existing site by residents. In the event of a disagreement about the replacement site being capable of occupation, an appeal may be made to the Secretary of State under article 65 (appeals to the Secretary of State) of the Development Consent Order.'

15.4.5 Therefore, it is possible to include further SAC-R commitments during the DCO Examination process and in the Council's view it may lend itself to a range of additional commitments on design, construction and operational matters that are currently missing or inadequate within the current DCO application. In the Council's view this could include the following (although below is an initial list derived from comments throughout this LIR) and which may be contingent on further discussions, Hearings and submissions during the Examination.

15.4.6 These additional commitments could therefore cover the following matters.

- a. **Thatched Cottage** – there is potential for further mitigation for the loss of the Grade II listed Thatched Cottage in particular. As a timber-framed building of a modest size, it is a good candidate for dismantling, relocating and reconstructing if an appropriate site can be located. It could have potential benefits of a legacy project involving the use of the building in training/upskilling in traditional building techniques. Whilst the building would lose its historic context and setting, its reconstruction would offer a level of mitigation as there would no longer be a complete loss of the building's significance;
- b. **Green and Open Space** – mitigation commitment to be developed in response to the negative effects during construction and to support achieving the positive operational effect. In particular at Ockendon, Stifford Clays, Little Thurrock/Blackshots, Chadwell St Mary, Tilbury St Chads and East Tilbury areas. Suggested mitigation could be a

programme of engagement with remaining green and open spaces during construction period to counter the construction effects. This could be a green and open space engagement team, which have both Borough-wide and targeted activity in the affected areas;

- c. **WCH** – mitigation commitment to be developed in response to the neutral effect during construction and to support the achievement of the positive operational effect. In particular at Ockendon, Little Thurrock/Blackshots and Tilbury St. Chads. Suggested mitigation could be a programme of training and engagement with WCH routes in the Borough during construction period, to counter the construction effects and in support of achieving the operational benefits, when the new and reconnected WCH routes open;
- d. **Severance** – mitigation for severance for Older People at Brennan Road in Tilbury, such as a pedestrian crossing and other traffic related severance at Chadwell St Mary and Linford Road; and,
- e. **Housing and Community Service Impacts** – mitigation for breakdown in change in sense of community, i.e. how can stronger links into the main village of Orsett be supported through physical schemes in the Baker Street/Orsett area.

15.5 Control Documents – Transport

Wider Networks Impacts Management and Monitoring Plan (WNIMMP)

- 15.5.1 The Council has consistently objected to the stance that NH has adopted in overlooking the responsibility for mitigating impacts on the wider network that are either directly or indirectly created through the introduction of LTC into the network through Thurrock.
- 15.5.2 The WNIMMP ([APP-545](#)) has been created as a consequence of the Council's objections to the absence of proposed resolution to the predicted impacts. At paragraph 2.4.6 of the WNIMMP ([APP-545](#)) NH states that the document '*has been produced to demonstrate sufficient management of the impacts of the Project on the road network*'. The output is a document that proposes a system of network monitoring that is an extension of the Post Opening Project Evaluation process that NH would have to undertake as part of the standard DfT evaluation process. It is not a management document or process to resolve impacts.
- 15.5.3 At paragraphs 2.4.4 to 2.4.6 NH acknowledges that assessments of impacts have been carried out as part of the evidence base for DCO. Paragraph 3.3.5 does, however, record that through the Road Investment Strategy 2 (2020-2025) that the creation of LTC '*will have an impact on the road networks of Kent and Essex*', which includes Thurrock. At paragraph 4.3.2 NH claims that the impacts created by LTC and assessed within the Transport Assessment ([APP-529](#)) '*are not considered to have an unacceptable impact*'.
- 15.5.4 The above 'considered' opinion is not shared by the Council.
- 15.5.5 NH recognises in the WNIMMP other schemes on the SRN across a wider area of South East England, of which many have little relevance to LTC. NH neglects to record the recent investment by Thurrock Council and DP World/London Gateway (DPWLG) on the un-trunked section of A13 associated with the continued growth of London Gateway port and the anticipated development growth within Thurrock. This was network capacity created for the value of the local community that LTC proposes to subsume for a nationally-focussed project.
- 15.5.6 NH reports at paragraph 4.2.6 that '*there are forecast to be traffic improvement around the Dartford Crossing and on roads in Gravesham and Thurrock as a result of the Project*'. This statement is contested throughout this LIR, however, there are many locations where there is harm to the LRN and communities. NH states in paragraph 4.2.6 that '*In a number of areas, the percentage of volume to capacity on some roads would increase...*'. It is the Council's opinion that this acknowledges that there are impacts from the introduction of LTC, which

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should have mitigation secured through the DCO. The list of impacted locations is reported in **Appendix C, Annex 1** and in Section 9 of this LIR.

- 15.5.7 Schedule 2 Requirement 14 of the dDCO ([AS-038](#)) stipulates that the undertaker prepares an operational monitoring scheme to be approved by the SoS, following consultation with the Council and other affected Local Highway Authorities.
- 15.5.8 The process of data collection and analysis is, however, only the beginning of the process to confirming impacts. It does not provide a mechanism to resolve those impacts. The Council will therefore not accept a monitoring system that is only a data gathering and assimilation exercise. In spite of the wording at paragraph 2.4.2 on the WNIMMP, NH would report its findings to the SoS, with no apparent need to reflect on the Council's position.
- 15.5.9 There is no commitment by NH to 'manage' or mitigate the impacts of LTC on the wider network. NH absolves itself of the duty to resolve that harm to the local communities and the disruption to the LRN. NH instead proposes that the Council should use the data from the WNIMMP process to bid with all other Local Authorities for funding from other Central Government sources, as stated at paragraphs 1.1.5, 4.3.3 and 5.6.1 of the WNIMMP ([APP-545](#)). At paragraph 5.7.2 NH proposes that if the WNIMMP monitoring '*identifies that future investment would be suitable*', i.e. there is a need to mitigate impacts, then the Council should develop solutions to address those impacts. This stance by NH ignores that community harm and network impacts have already been identified and should be addressed as part of the DCO authorised works.
- 15.5.10 Irrespective of the flawed basis for the submitted WNIMMP, the Council would require other alterations to the document, including:
- a. Paragraph 5.1.1 has the list of stakeholder bodies missing;
 - b. Paragraph 5.2.5 proposes the use of WebTRIS data. That data is often based on extrapolated non-empirical information and so would not be suitable for the WNIMMP process;
 - c. Paragraph 5.3.4 does not include the community around Corringham and Stanford-le-Hope, which are affected by the displaced traffic from A13 Five Bells interchange and directly impact in the London Gateway, Thames Enterprise Park and the emerging London Freeport;
 - d. Paragraph 5.4.2 should include measurement of the severance and delay to walkers/footway users, cyclists and horse-riders. Observations and reviews of junction queues must also accompany junction performance observations and a strategy not just to maintain current usage by active travel but to attract and improve those uses;
 - e. Paragraph 5.5.1 should stipulate that baseline data must be gathered free of disruption from the construction works, which must include not monitoring during period of temporarily displaced traffic; and,
 - f. Paragraph 5.5.2 needs to stipulate who will prepare the assimilation and analysis report.
- 15.5.11 **SUMMARY: the position proposed through the WNIMMP completely neglects the requirement to secure the mitigation of LTC's impacts through the DCO and that stance is unacceptable to the Council.**

15.6 Control Documents – Construction

Code of Construction Practice (CoCP)

- 15.6.1 The oMHP ([APP-338](#)) sets out NH's Baseline Commitment for the transportation of material by marine transport and refers to a contractors' Better than Baseline proposal. That document is commented on in more detail in this sub section below of this LIR. The Council proposes that a much stronger stance by NH should be adopted to respond to minimising the effects of the transportation of materials, plant and equipment. Any commitment in the oMHP should be cross referenced in the CoCP ([APP-336](#)). Whilst the oMHP is Annex B to the CoCP, paragraph 6.1.6 of ([APP-336](#)) simply states that contractors will 'investigate the use of multimodal transport including use of the River Thames' (SoCG Item 2.1.110).
- 15.6.2 As stated in SoCG Item 2.1.116 and THURROCK-DCO-CIC-A-OTMPFC-071, the Council has sought to increase the safe and effective operation of NH's fleet and that of its contractors and subcontractors. There is now a clear commitment from NH in the CoCP for their contractors to operate to the Construction Logistics Community Safety (CLOCS) national standard and the Fleet Operator Recognition Scheme (FORS) (Silver or above). However, there are no details within the CoCP with regards to when those operators must achieve FORS Silver or above and what happens if there is 'non-compliance'. NH has stated that 'strategies to address non-compliance will need to be prepared by the Main Works Contractors'. Strategies for non-compliance should be included within the CoCP. It is the Council's opinion that it is inappropriate for the contractors to set their own standards.
- 15.6.3 NH states that it will provide at least two weeks advanced notice before planned works are carried out (paragraph 5.3.2). This is two weeks shorter than the timescales recommended by the Council, which states should be at least 4 weeks.
- 15.6.4 There is no detail within the CoCP with regards to how communications will be managed to ensure communities are kept informed, in particular traditionally hard to reach communities. There is, however, a section on how NH intends to produce an Engagement and Communications Plan (ECP), which will be produced with LPAs, post consent, if the DCO is granted. There is a commitment by NH to consult with specific protected groups as defined in the Equality Act 2010, which is welcomed.
- 15.6.5 There is no information on cumulative effects during construction within the Register of Environmental Actions and Commitments (REAC), which forms a part of the CoCP. That cumulative impact must be covered through close co-ordination between all of the construction Control Documents including the oMHP ([APP-338](#)) and subsequent more detailed MHPs; the FCTP ([APP-546](#)) and subsequent more detailed SSTPs; oTMPfC ([APP-547](#)) and subsequent more detailed TMPs and the oSWMP ([APP-337](#)) and subsequent more detailed SWMPs.
- 15.6.6 The following lists the outstanding items within the SoCG that are largely unresolved and are added here for completeness and to illustrate the scale of unresolved issues relating to the CoCP ([APP-336](#)).
- 15.6.7 **SoCG Issue 2.1.134** – no commitment has been made by NH with regards to providing the Council advanced notice of when and where temporary road diversions will occur. The oTMPfC ([APP-547](#)) proposes mechanisms for the management of traffic and a response on that document is provided in a sub section below of this LIR. That response proposes that NH and its contractors provide weekly lookaheads to assist with network planning and coordination.
- 15.6.8 **SoCG Issue 2.1.137** – there are no details within the CoCP that set out how contractors will optimise the use of autonomous plant and equipment. NH at paragraph 6.1.7 of the CoCP

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sets out that *'contractors will be encouraged to optimise the use of autonomous plant and equipment and a modernised fleet'*. However, other than this single reference in paragraph 6.1.7, there is no further detail on how this will be encouraged. This topic has been raised with NH through the unresolved SoCG Item 2.1.137.

- 15.6.9 **SoCG Issue 138** – there is no information on cumulative effects during construction within the Register of Environmental Actions and Commitments (REAC) ([APP-336](#)), which forms a part of the CoCP.
- 15.6.10 **SoCG Item 2.1.140** – there are no details provided in the CoCP with regards to how access to accommodation and welfare facilities within the compounds will be managed outside of working hours. The only reference is at paragraph 6.4.3 where NH state that *'activities outside normal working hours that could give rise to disturbance will be kept to a reasonably practicable minimum'*. However, no further details are provided.
- 15.6.11 **SoCG Issue 2.1.197** – there is no commitment from NH in the CoCP with regards to providing Thurrock and other Local Planning Authorities with the opportunity to comment and make recommendations on whether dust monitoring is required. NH has stated that a dust and particulate monitoring risk-based approach will be implemented. NH sets out that if monitoring is required, then the monitoring locations will be approved by the Secretary of State (SoS) in consultation with the relevant local authorities. There is no detail on how long this proposed process will take and if there is disagreement between the SoS and the LPAs. It is considered that Thurrock and other LPAs are in the best position to comment and approve on dust monitoring locations. As stated previously, the Council believes that dust monitoring should begin at least six months in advance of construction, to ensure seasonal variations are understood.
- 15.6.12 **SoCG Issue 2.1.198** – NH has stated that a dust and particulate monitoring risk-based approach will be implemented. NH sets out that if monitoring is required, then the monitoring locations will be approved by the Secretary of State (SoS) in consultation with the relevant local authorities. There is no detail on how long this proposed process will take and if there is disagreement between the SoS and the LPAs. Furthermore, there is no commitment within the CoCP ([APP-336](#)) to monitor air or noise levels up to three years following completion of the works as recommended by the Council.
- 15.6.13 **SoCG Issue 2.1.201** – it is considered that the CoCP makes reference to avoiding primary materials in the first instance in favour of recycled or secondary content. However, the wording within the REAC commitment MW001 in the Table 7.1 in ([APP-336](#)), as written does not provide enough comfort that recycling and reducing use of primary materials is a commitment, rather than an aspiration. There is reference to *'key construction materials'* being recycled/reduced primary materials however this should be a scheme wide commitment.
- 15.6.14 **SoCG Issue 2.1.202** – within the REAC commitment MW005 in Table 7.1 in the CoCP ([APP-336](#)) has not been updated to include details of mitigation measures that would be implemented in the event that contaminated materials are discovered. There are also no details of how the contaminated or suspected materials will be disposed of. Furthermore, within the REAC commitment AQ001 in the Table 7.1 (REAC Table) in CoCP ([APP-336](#)) confirms that all on-road heavy vehicles would comply with the standards set within the London Low Emission Zone (LEZ) across all sites within Order Limits for the relevant class of vehicle.
- 15.6.15 **SoCG Issue 2.1.236** – there is no summary in the CoCP that sets out the impacts on healthcare and other services from construction workers residing in Thurrock during the construction period. There is a reference in Table 7.1 in ([APP-336](#)) (REAC Ref. No. PH002), which states that the Contractor will provide an appropriate range of medical and occupational healthcare services (including on-site facilities) to meet the physical and mental health needs

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of the construction workforce. However, there is no further information provided on the range of healthcare services or the impact on other services.

15.6.16 Section 5.2 of the CoCP sets out the proposed content of the Engagement and Communications Plan. However, there is no information in the CoCP with regards to how the Community Liaison Groups (CLG) will be coordinated and constituted. However, NH has stated that this information is available in the oTMPfC. NH has confirmed that an experienced community relations person will implement the Engagement and Community Plan and support the contractors to resolve community issues. However, no details of the company/person leading this work has been provided or any relevant qualifications.

15.6.17 The report title has not been updated, it should be 'Unexploded Ordnance Desk Study Report and Risk Assessment'. There appears to be no update to the REAC to account for this yet.

15.6.18 There is no reference to the proposed DQRA in the CoCP or the REAC table.

15.6.19 The Council has raised an issue previously about the standard working hours. Table 6.1 in ([APP-336](#)) sets out that standard working hours for a Saturday is 07:00-16:00. However, the Council consider that Saturday hours should be limited to 07:00-13:00 only, as is normal practice.

Register of Environmental Actions and Commitments (REAC)

15.6.20 The Council's comments on the adequacy of the REAC as part of the CoCP ([APP-336](#)) are set out in Sections 10.2 to 10.16 above and in this sub section.

Framework Construction Travel Plan (FCTP)

15.6.21 At peak construction of LTC, NH estimates in the Worker Accommodation Report (WAR) ([APP-551](#) Table 1.2) there will be 3,802 workers employed across the northern compounds of which 1,991 will require accommodation outwith their normal residences or the temporary accommodation at the North Portal compound. That influx of workforce will have direct impacts on the LRN within Thurrock and therefore requires a robust approach to the management of travel demands, particularly around the key compounds at the North Portal; Brentwood Road; Stifford Clays Road and Medebidge. Further details of other Council concerns about the WAR are set out above in Section 13.5 above.

15.6.22 The impacts of workforce and construction traffic movements on the LRN are discussed elsewhere in this LIR through the analysis of the construction period modelling undertaken as 11 phase scenario iterations of the strategic LTAM. This section considers NH's proposals to mitigate the impacts of workforce travel through measures delivered through a suite of Site-specific Travel Plans (SSTPs) to be prepared by its contractors.

15.6.23 The Council has provided feedback to NH during the engagement process on the need for enhanced commitments within the FCTP that will have to be adopted by its main works' and utilities' contractors through their SSTPs. These points, feedback and concerns are expressed through SoCG Items 2.1.127, 2.1.139 and 2.1.243 – 2.1.255.

15.6.24 The FCTP ([APP-546](#)) provides a generally good basis from which to develop the SSTPs and to provide a method of reporting and governance. It is not, however, compliant with PAS500:2008 the BSI 'National specification for workplace travel plans' (a copy of which is included at **Appendix C, Annex 5**). The FCTP does not:

- a. Provide an assessment of the accessibility of the compounds (e.g. site audits) by the various modes and it only includes statements in the generality;

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- b. Identify realisable and committed measure and interventions to reduce car usage;
- c. Define car parking ceilings consistent with achieving the mode shift aspirations; or
- d. Provide a robust baseline for the contractors and utilities contractors to set their targets and includes aspirations for walking, cycling and public transport use that are questionable.

15.6.25 Section 7 of the FCTP ([APP-546](#)) indicates general objectives (paragraph 7.1.5) and aspirations, but does not provide a baseline from which Contractors and Utilities Contractors should progress. The Council also notes that NH has not proposed to prepare a Travel Plan to cover its own 'client' workforce across the construction period, since those people would not be covered by the SSTPs (paragraph 4.4.3 of the FCTP refers).

15.6.26 Whilst the FCTP proposes the creation of a monthly Travel Plan Liaison Group, which would include representation from the Council, the role of the Council on that group would be nothing more than an interested stakeholder since approval of the SSTPs rests with the SoS, as set out in Requirement 11 of the dDCO ([AS-038](#)). It is feasible for NH and its contractors to ignore matters raised by the Council during preparation of the SSTPs and once approved by SoS there is no mandate for those parties to react to concerns raised by the Council during the construction period. Where the SSTPs affect the operation of the LRN, the Council should be provided with the draft SSTP for approval before submission to the SoS. Approval or rejection would be provided in accordance with the terms stipulated within the dDCO ([APP-038](#)) and resultant granted DCO.

15.6.27 The associated Worker Accommodation Report (WAR) ([APP-551](#)) assesses an assumption of 35% of the workforce living locally to the worksites and targets a ceiling of 70% single occupancy car mode share for larger worksites, as repeated within the Transport Assessment ([APP-529](#)). Whilst the 70% single occupancy car mode share is not a ambitious target, it is a basis from which to improve, provided adequate contractor incentives exist within the DCO. The FCTP should reflect the assessments in the WAR and provide basic commitment targets, which reflect NH's 'Pathfinder' project status.

15.6.28 The WAR bases part of the analysis of access to worker accommodation on a journey of 60 minutes to the most appropriate transport hub, broken down as a 40-minute main journey with 10-minute transfers at each end of the journey ([APP-551](#), paragraph 5.1.13). That analysis is flawed because access between the transport hub and worksites is extremely unlikely to be made within ten minutes. That in-turn reduces the available time for the remainder of the journey, which reduces the accommodation range.

15.6.29 NH should revisit the WAR analysis with a realistic reflection on the transfer times between the north compounds and the transport hubs, bus services, railway stations and appropriate walking and cycling routes.

15.6.30 The FCTP states that walking and cycling as methods of accessing the compounds will be encouraged but only '*in a safe, lit highway environment, with footways for pedestrians*' ([APP-546](#), paragraph 3.1.4a) and '*where safe and practical*' ([APP-546](#), paragraph 7.1.5). The Council agrees that workers should only be encouraged to walk or cycle in safe locations and so that condition substantially reduces the viable opportunities for workers to access the compound by Active Travel means. The primary North Portal worksite and the associated Station Road compound are neither accessible via lit footways nor cycle corridors. The same is true for most of the compounds, such as Medebridge, Mardyke and Brentwood compounds. The indicated welfare locations within the North Portal compound are to the east of Station Road. The most direct walking and cycling route from Tilbury Town station is via the internal Port of Tilbury Road and the compound access road. It is approximately 5.0 - 5.5 km between the station and the welfare, approximately a 50-minute walk (at 6.4 kph/4mph) or 15-minute cycle ride (at 18 kph/12mph). Only part of that journey would be along dedicated walking and cycling corridors. The compound 5 welfare is geographically closer to Linford station (circa

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2.5 km) accessed via Love Lane and Station Road, each unlit and without footway provision. The ES Chapter 2 - Project Description ([APP-140](#)) at paragraph 2.6.192 states that workforce will access the compound via a link from Station Road. This effectively rules out access to the North Portal by walking or cycling. Similar access strategies for other compounds would effectively rule out access by walking and cycling.

- 15.6.31 At paragraph 6.3.1 of the FCTP ([APP-546](#)) NH claims that there is '*an extensive walking, cycling and horse-riding network (situated in proximity to the Project's construction sites) that would be expected to be used for workforce travel.*' However, in accordance with its own criteria for safe use, many of those links would not be considered suitable for use by workers as they are either unlit semi-rural or do not connect to the compounds. NH has not provided any analysis of the suitability of this network for the prospective workforce.
- 15.6.32 NH has not presented any assessment of the viable accessibility to each compound and instead bases its assumptions of mode share on the numbers of workers anticipated to be based at each compound. The two aspects are not mutually compatible and so accessibility analysis should be undertaken to demonstrate the real potential to minimise single car use to access the compounds by workers.
- 15.6.33 Overall, the Council considers that the assumptions within the FCTP for access to compounds by means other than private car are flawed.
- 15.6.34 The Contractors and Utilities Contractors will therefore have to consider alternative strategies to minimise single occupancy car travel to and from the worksites and agree mitigation measures with the Council. As expressed by the Council at SoCG Item 2.1.127, NH should include in the FCTP evidence that contractors are to be incentivised to meet stretching targets and to report on how they are performing to those targets. Without that the FCTPs and the resultant SSTPs will be weak documents with no binding commitments.
- 15.6.35 The Council would, for instance, encourage NH to undertake a review of its proposed shuttle services, which might include a more comprehensive park and ride system, which would operate zero-emissions crew buses via appropriate modal interchanges and rail stations. This would intercept workforce and link to train and public bus services. It would enable workforce parking to be minimised within the compounds; give workers an environmentally sound connection to the compound; provide a useable service for interchange from public transport or walking and cycling to the park and ride hub; and, demonstrate NH's commitment to reducing workforce travel impacts.
- 15.6.36 There is an inconsistency between the WAR and the FCTP in that the WAR refers to the workforce destination interchange within Thurrock as Tilbury Town Station ([APP-551](#), Section 5.5 and Table 5.40), whilst the strategy within the FCTP proposes an interchange at Grays station ([APP-546](#), paragraph 6.4.2 etc). Workers would be at liberty to travel to either railway station, however, the assessments within the two documents are not aligned and the associated proposal for a workforce shuttle bus system does not match the assessment within the WAR. The FCTP does not set out any assessment of how suitable Grays station would be as a hub location and this strategy has not been considered with the Council. There is also no detail as to which compounds that hub would serve and the likely frequency of the shuttle service. The road network at Grays station is configured to optimise the operations of local bus services. The proposed workforce shuttle bus service would not be classified as a local bus and so the proposal needs to be verified and agreed with the Council to ensure that the shuttle services could operate.
- 15.6.37 The aspiration to provide a zero-emissions public transport connection to the compounds is admirable, however, the detail should be considered prior to any conclusion of the DCO Examination and reflected in an updated FCTP to ensure it is a realisable initiative, which does not conflict with other services and does provide a viable connection strategy. Prior to any conclusion of the DCO Examination NH should work with the Council to agree a strategy

for interchange between modes and co-ordination between contractors. The proposed shuttle service between the transport hubs and compounds is a major component of the mitigation strategy for workforce travel and yet is undeveloped with no evidence of its effectiveness. The Council reserves judgement on the appropriateness and success of the shuttle service in providing a suitable connection to the compounds at high enough frequency to suit all shift patterns across the roads, tunnelling and utilities contracts north of the River Thames.

15.6.38 Further weakness in the FCTP ([APP-546](#)) is illustrated by the proposal for Tier 1 and Tier 2 initiatives, as set out in Section 8.2. The Tier 1 initiatives are largely standard Travel Plan initiatives, which have not been honed to meet the specific challenges of accessing the construction compounds and the Tier 2 measures will either be met as part of the standard set up of the workforce welfare facilities or should be included within the Tier 1 list as standard offers to workers. The realism and robustness of the Tier 1 initiatives has not been demonstrated through the FCTP as assessed against the compound locations. The initiatives are therefore unsubstantiated statements.

15.6.39 **SUMMARY: as with many other DCO 'Control Documents', the FCTP does not provide an assessment of effectiveness or a robust basis of viable initiatives and binding commitments. Much of what is proposed relies on the goodwill of the contractors, over which neither the Council nor NH has any control.**

Outline Traffic Management Plan for Construction (oTMPfC)

15.6.40 The oTMPfC ([APP-547](#)) provides a reasonable basis from which to monitor the flow of construction traffic during the construction phases and, when combined with the LTAM modelling of the construction phases and local operational modelling, provides a mechanism to understand the headline magnitude of re-routing traffic within the LRN. It does not, however, provide sufficient commitment to mitigating the observed impacts. The Council has, however, noted there are deficiencies with the LTAM to reliably reflect impacts on the LRN.

15.6.41 The Council's concerns regarding the predicted impacts on the LRN during the construction period are set out in Section 9 of this LIR. This section considers the specifics of the oTMPfC and its effect on the Borough.

15.6.42 There has been engagement with NH over the aspects of the oTMPfC prior to DCO submission and NH has made progress towards reflecting on a number of the Council's concerns, however, the Council continues to have concerns that the impacts are not adequately mitigated, especially around the harm to local communities during the construction period.

15.6.43 The oTMPfC outlines the phase of traffic management but does not cover the management of construction traffic numbers visiting the compounds. It is of significant concern to the Council that there are differences between the modelled scenarios and the commitments to traffic management within the oTMPfC. There are no controls proposed that would cap the number of daily movements at each compound and hence no assurance to the Council that the effects that are proposed by NH would not be exceeded. There are no controls on the contractors to adhere to the predicted division of movements, such that the contractors are at liberty to exceed those predictions.

15.6.44 As stated, there are a number of positives that have been incorporated in the submitted oTMPfC following engagement with the Council. NH has acknowledged at paragraph 2.3.4 that the contractor must take account of the feedback from the Council when preparing its TMPs and that that feedback should be reported to the SoS and demonstrated that if there are matters that are not agreed, giving the SoS the opportunity to understand why and to determine accordingly.

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- 15.6.45 Plates 3.2 and 3.3 constitutes the Traffic Management Forum (TMF) well and indicate the route for collaboration, coordination and escalation. These plates demonstrate some progress towards setting the governance process for temporary traffic management during the construction phase but does not indicate the cross-linkage with the logistics planning and the construction workforce management. The timeframe for governance by the Council is insufficient for its normal determination, as described within Relevant Representation Principal Issue XIV and it is not set out clearly the procedure for escalation to the Joint Operating Forum and the consequences of that escalation. Therefore, although the TMF may help resolve issues, there is still uncertainty regarding its set up and terms of reference, the detail of which has not been provided to the Council or discussed. The draft oTMPfC does not address how conflicts between NH and other developers would be managed, so as to avoid significant negative impact on the wider road network. In summary, the Council requires details of the TMF membership, structure, terms of reference and powers set out in the CoCP/REAC.
- 15.6.46 Furthermore, it is noted that the requirement for revision to the TMP is shown as only by NH, which proposes that the Council is not able to inform whether the TMP should be updated (this matter is covered within Section 15.2 and its accompanying **Appendix I, Annex 1**). The Council would work with the Traffic Manager and the TMF, if there is a clear reason to update the TMP due to factors such as project programme over run; a change in approach to the works or other external changes that would influence the works.
- 15.6.47 The Council notes that a separate TMF would be established for the works north of the river, which will assist with geographically focusing the forum, albeit with the stated pan-project co-ordination through the Traffic Manager. The Council supports that at paragraph 3.3.17 NH proposes to establish the TMF early, which will allow early coordination and collaboration before significant project planning takes place. It will be essential that both the TMF and the associated roles are maintained through the life of the construction period.
- 15.6.48 NH recognises the linkages between the control documents and mechanisms, such as at paragraph 2.2.10, albeit the linkage to the FCTP ([APP-546](#)) should be strengthened with communication between the TMF and the TPLG. This will allow the management of construction and general traffic, covered through the TMPs, to link to the management of workforce travel, covered through the SSTPs. Furthermore, the linkage to the contractors' logistics planning is recognised by the connection to the CoCP ([APP-336](#)), however, that linkage should be much stronger. Together with the linkage to the oMHP ([APP-338](#)) and the oSWMP ([APP-505](#)), the management of traffic, workforce travel, logistics, materials, plant and equipment would be linked.
- 15.6.49 The guidance to contractors on the key consideration for stakeholders at Table 2.3 of the oTMPfC is a robust starting point, albeit the matters such as enforcement of vehicle speeds and parking are not in the gift of the contractor and will require co-operation with Essex Police and the Council.
- 15.6.50 The Council propose that topics that should be added to the schedule would include: communicating changes to public transport users, protecting routes near compounds from workforce parking and construction traffic.
- 15.6.51 The management of parking in the vicinity of compounds would continue to require close working with the Council to enforce parking and introduce appropriate parking restriction as needed. The likely challenge areas could be around the Stifford Clays Road compounds, Brentwood Road and on the approaches to the north and east of the North Portal compound – from where access is proposed (ES Chapter 2 Project Description ([APP-140](#)) paragraph 2.6.192). That workforce parking management must be carried out in coordination with the FCTP and SSTP initiatives, which would require collaboration between the TMF and the TPLG to ensure no overspill or inappropriate parking on the approaches to the compounds.

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- 15.6.52 The Council is not aware of NH's engagement with the local bus operators to establish strategies for managing services during the phases of construction. The oTMPfC should include the approach to mitigating the effects on bus services in sufficient detail to inform contractors of what will be needed, such as the potential for additional buses to maintain service headway and additional bus stops on amended and diverted routes. The contractors must also ensure that mobile traffic signals are actively managed to minimise the delays to the services. It is noted that bus operators would be a stakeholder at the TMF and the Council will seek their input to the reviews of the TMPs. The Council's concerns regarding impacts on public transport are set out at Section 9 of this LIR.
- 15.6.53 The proposed coverage of traffic during the construction period as set out at paragraphs 2.4.11 through to 2.4.19 and plate 2.4 represent the data coverage that has been discussed through the engagement process. Ensuring that data is electronically and consistently captured, including the construction fleet compliance checks, will greatly assist in the assimilation and review of the data.
- 15.6.54 The Council was concerned that early and final works such as site establishment and demobilisation would not be covered by the controls within the TMPs and the CLPs. However, the definition of preliminary works in the CoCP ([APP-336](#) Table 3.1) clearly states that site establishment and demobilisation are not included in preliminary works and would be covered by the TMPs and CLPs.
- 15.6.55 NH has indicated that a DLOA or LOA would be established with the Council, but this should be advanced before the completion of the DCO Examination to ensure an acceptable agreement is reached. An initial draft was provided by NH but that has not been progressed – this matter is covered in more detail in Section 15.3 above. Either through the DLOA or as part of the operation of the TMPs, NH and its contractors should provide weekly lookaheads of key logistics operations and any changes to traffic management to assist in network management. The DLOA will require full coordination across NH's contractors with their joint buy-in to the agreement. This has been raised with NH through the SoCG Item 2.1.30. The agreement would allow the efficient management and governance of the network and interfaces between LRN management and management of the network within the Order Limits.
- 15.6.56 As expressed through SoCG Item 2.1.9, the Council continues to require that contractors provide notification of works through the established permitting system and note that NH will adopt that. The right to refuse a permit is noted and this could cause challenges where emergency works are required by third parties either within or adjacent to the Order Limits. Those emergency works would continue to be managed by the Council and would need to be co-ordinated with NH and its contractors.
- 15.6.57 The Council has raised with NH that the ongoing management of the network and the works to construct LTC will significantly increase demands on Council officer time. As such NH should provide funds through the S106 agreement to provide additional resource and this matter is dealt with further in Section 13.6 above. The REAC at Section 7 of the CoCP ([APP-336](#)) notes the potential to assist with resource funding at the Council, but the S106 Heads of Terms submitted do not include for that resource.
- 15.6.58 The inadequacy of the LTAM model to predict to sufficient detail the effects on local junctions and routes has been raised elsewhere in this LIR. The Council notes, however, the statement at paragraph 2.4.20 that contractors would undertake localised modelling. That impact modelling should be carried out prior to the completion of the DCO Examination and appropriate mitigation proposed that contractors would then adopt. The locations that should be modelled are set out at Section 9 of this LIR.
- 15.6.59 **SUMMARY: the Council notes the progress made since initial drafts of the oTMPfC were shared prior to the submission of DCO, however, there are continued concerns**

that the predicted impacts have not and would not be resolved. The oTMPfC should be revised prior to completion of the DCO Examination to address the Council's concerns.

- 15.6.60 **NH has previously committed to agreeing a DLOA or side agreement and to funding additional network management resource during the construction period. Those agreements must be secured prior to completion of the DCO Examination.**

Outline Materials Handling Plan (oMHP)

- 15.6.61 NH sets out in its oMHP ([APP-338](#)) the totality of its projection to capitalise on the juxtaposition of the construction of LTC to marine and rail transportation opportunities. The Council is of the opinion that NH has withdrawn from all but the minimum commitments to minimising road transport for materials, plant and equipment during the construction of LTC and is not incentivising its contractors to use marine or rail transport. This is contrary to the ethos of LTC being a 'Pathfinder' project, as claimed by NH.
- 15.6.62 The Council has previously presented a joint Technical Note with the Port of London Authority (PLA) which expressed that NH should review and extend its commitment to marine transportation. That joint Technical Note and the NH response to it is provided at **Appendix C, Annex 4** to this LIR. The letter provided guidance to NH on the types of material, plant and equipment that should be considered with a view to extending the Baseline Commitment. That aspiration to maximise the use of marine transport for construction related activity is reiterated by the PLA in its Principal Areas of Disagreement submission to the Examination (AS-078).
- 15.6.63 NH has not seized this initiative and as such the Council remains unconvinced that a robust commitment is being made to minimising the use of road transport for materials, plant and equipment. Annex B to the preliminary Navigational Risk Assessment ([APP-548](#)) presents the notes of meetings between NH's representatives and the PLA, at which NH's representatives are minuted as referring to the possible movement of precast segments and the import/export of other materials using marine transport and existing riparian facilities.
- 15.6.64 This is at odds to the proposal for an on-site segment factory within the North Portal (ES Chapter 2 Project Description ([APP-140](#)) paragraph 2.6.149). NH should commit within the oMHP ([APP-338](#)) that segments will be cast within the confines of the North Portal. ES Chapter 2 Project Description ([APP-140](#)) Paragraph 2.7.125 further states that segments for the ground protection tunnel will not be cast within the compound and would be transported by road. Those segments should be cast within the segment factory within the compound and the associated materials included within the oMHP commitments to be moved by non-road transport.
- 15.6.65 It is further noted that NH had intended to prepare a River Transport Strategy, but this has not formed part of the DCO application documentation and NH has also reduced the proposed Order Limits to now exclude operating jetties close to the North Portal, stating that they would not be available during construction due to existing commitments. The previously stated justification for excluding the jetties was that they would be used by the Silvertown Tunnel and Thames Tideway Tunnel projects, however, these will have completed exporting material before LTC construction begins (oMHP [APP-338](#) paragraphs 4.3.4 and 8.2.24).
- 15.6.66 In analysing the impact of moving material, plant and equipment associated with the construction period, NH indicates in the oMHP ([APP-338](#)) a 'Baseline Commitment' for the project, which proposes to import 35% of all bulk aggregates to the project by river. That baseline is proposed to be met by importing 80% of bulk aggregates to be used at the North Portal compound. NH uses a basic description of 'bulk aggregates' at the North Portal, such that it *'includes sand and aggregate for the manufacture of concrete, aggregates for the construction of permanent and temporary infrastructure such as roads, haul routes and*

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working platforms' ([APP-338](#) paragraph 6.2.13a). NH has not been prepared to further specify the materials or processes for which the bulk aggregate would need to be used, e.g. for segment manufacture or for permanent pilling or sprayed concrete lining.

15.6.67 The Council is concerned that the current definition of the use of the bulk aggregates will allow the tunnelling contractor inappropriate and extensive flexibility. No other contractors will be bound by the commitment in the oMHP. Paragraph 6.2.15 of the oMHP ([APP-338](#)) sets out exemptions that the contractor can apply at its own discretion if it wishes to bring bulk aggregates in by road. The Council would have no ability to question that decision, which is a serious concern to the Council. The proposed commitment is therefore little more than a stated aspiration and has no derogation approval process.

15.6.68 Whilst the oMHP includes statements on a prospective 'Better than Baseline Commitment' ([APP-338](#) paragraph 6.2.11), that continues only to refer to the import of bulk aggregates and does not constitute a commitment. Paragraph 1.3.7 states that '*Contractors would engage with aggregate and material suppliers collaboratively to proactively maximise utilisation of river transport for the import of bulk aggregates to the north portal construction area beyond the Baseline Commitment so far as is reasonably practicable*'. The statement allows so much flexibility and has no commitment that it is a 'hollow' statement.

15.6.69 The Council has sought to encourage NH to maximise and commit to using non-road transportation (i.e. marine and rail), such that those methods would reduce the impact of the construction period on the LRN and SRN within the Borough. Through the oMHP ([APP-338](#) paragraph 8.2.11) NH dismisses rail as a viable option on the basis that there are no existing rail heads available to the project. It is the Council's opinion that NH could further explore the opportunity of collaborating with the operator of the current railhead within the Port of Tilbury and/or amending that to derive a useable facility for the project and eventually a legacy for the wider port. The stated reason of the recently created ecology zone is not insurmountable. NH acknowledges at paragraph 2.1.5 of the oMHP that '*upgrading of existing infrastructure*', might be appropriate for the construction of LTC. At paragraph 2.6.188 of ES Chapter 2 Project Description ([APP-140](#)) NH states that allowance has been made for the establishment of a conveyor to the Tilbury2 Construction Materials and Aggregate Terminal. That conveyor would be used to move aggregate to the North Portal compound, however, NH should explore further the opportunities to use that corridor for the export of waste excavated material by rail or marine transport.

15.6.70 The oMHP ([APP-338](#)) covers only the consideration of 'final mile' travel for bulk aggregates and neglects that the construction process will generate a significant quantum of material to be removed from the works and that there are many other bulk materials, plant and equipment that could conceivably be moved by marine or rail operations.

15.6.71 Table 7.1 of the oMHP ([APP-338](#)) indicates a quantum of excavated material that is predicted to be moved from, to or between the compounds north of River Thames. In NH's predictions that quantum amounts to approximately 660,000 m³ of material which NH currently proposes to move by road. At a load capacity of approximately 8.5 m³ per load NH predicts that there will be approximately 155,300 HGV movements at the northern compounds across the construction period. When predicting HGV movements NH has typically used an unrealistic flat profile across the six-year construction period. When applying that to a five-day working week, this equates to approximately 100 HGV movements each day to and from the Roads North and North Portal construction works for excavated material alone. That estimate excludes the 314,000m³ (74,000 HGV movements) of material that is to be moved from the Roads North contract to the Northern Portal. Approximately a quarter of those HGVs would be removed from the road network if NH was to commit to exporting the 154,000 m³ hazardous excavated material from the North Portal compound by non-road transport. NH recognises at paragraph 1.3.6 that riparian facilities are available for use by the project to export material from the construction works.

15.6.72 **SUMMARY: further HGV reductions could be made if NH was to commit to importing other bulk and bulky materials and plant and equipment by non-road transport. This approach has seen significant benefit when adopted by the Thames Tideway project and other Nationally Significant Infrastructure Projects. NH dismisses importing cement either for onsite batching or to local batching plants, however, existing local batching uses marine import of cement.**

15.7 Control Documents – Environment

15.7.1 The only document the Council has any additional comments that are not captured in Section 10 is set out below.

Outline Site Waste Management Plan (oSWMP)

15.7.2 Within the oSWMP ([APP-337](#)) NH provide an overview on the approach to the management of wastes generated during the construction of LTC and how the relevant commitments within the REAC apply.

15.7.3 Whilst the REAC commitments are appropriate at a high level, the oSWMP ([APP-337](#)) does not contain sufficient detail on the approaches to the management of the wastes to provide confidence that these measures will be achieved.

15.7.4 The oSWMP ([APP-337](#)) provides an overarching view of the management of waste at a high level, but the scale and duration of the construction phase of LTC is such that a standard SWMP template does not provide sufficient granularity of data to understand the impacts. The document should provide temporal phasing of arisings and also consider the arisings being generated/managed at each of the compounds. Annual breakdowns by compound fit the typical use profile of an SWMP more appropriately and would allow a greater understanding of the appropriate regulatory environment that will be necessary and therefore the level of environmental impact control and scrutiny that each site will be subjected to during construction.

15.8 Control Documents – Climate and Carbon

15.8.1 The only document the Council has any additional comments are captured in Section 10.15 and is set out below in more detail.

Carbon and Energy Management Plan

15.8.2 The content of the Carbon and Energy Management Plan ([APP-552](#)) provides the methodology on how NH intend to manage contractors to achieving carbon and energy demand reduction. It does not provide clear links between how these actions achieve the carbon reduction quantum defined within ES Chapter 15.

15.8.3 It provides no evidence on how LTC supports the host community of Thurrock in both decarbonisation and climate adaptation. It therefore provide no analysis of local impact or mitigation at a local level to Thurrock.

15.9 Planning Statement

Introduction

15.9.1 LTC Planning Statement ([APP-495](#)) is not a Control Document. However, it is the overarching document for the whole DCO submission and therefore a significant document in the DCO submission. It is important for the Council to provide comments on the document.

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15.9.2 The submitted Planning Statement ([APP-495](#)) includes nine Appendices: four Appendices (A – C and I) are policy compliance tables; Appendix F relates to Kent Downs Area of Outstanding Natural Beauty and is not relevant to Thurrock; and four Appendices relate to specific policy topics, as listed below:

- a. Appendix D – Open Space ([APP-499](#))
- b. Appendix E – Green Belt ([APP-500](#))
- c. Appendix G – Private Recreational Facilities ([APP-502](#))
- d. Appendix H – Green Infrastructure Study ([APP-503](#))

15.9.3 NH submitted a Planning Statement as part of the DCOv1 submission (October 2020) (**Appendix L, Annex 6**), which was subsequently withdrawn. The Council reviewed the document and provided NH with comments (**Appendix L, Annex 5**) on the Planning Statement DCOv1 in October 2020.

15.9.4 NH consulted the Council on a revised structure for LTC Planning Statement in March 2022. The Council provided comments to NH on the structure on 23 August 2022. At that time, the Council were broadly comfortable with the structure listed for the Planning Statement. However, the Council have not seen any content for the Planning Statement until the DCO application was submitted in October 2022.

Recommended/Best Practice Content of Planning Statement

15.9.5 The aim of a Planning Statement is to provide a balanced justification for development. A good Planning Statement should include the elements listed in the table below (left-hand column). The Council concludes that LTC Planning Statement ([APP-495](#)) does not cover matters adequately, as explained in the table below (right-hand column).

Table 15.1: Planning Statement Best Practice Recommendations

What a Planning Statement should include:	LTC Planning Statement (PS) (APP-495)
Local context.	The ES and HEqIA do provide an accurate baseline of Thurrock’s cultural heritage, environmental and social assets, however, there are a number of areas where that are not robust, e.g. NH have not used existing local evidence to inform NH’s own LTC assessments, such as the Thurrock Strategic Green Belt Assessment Study (2019).
The need for the proposed development.	The need for LTC is not adequately demonstrated by NH, as set out in Section 7 above.
How the proposed development accords with relevant national, regional and local planning policies. Whether emerging policies should be taken into consideration.	Emerging national policies are set out in the Planning Statement (APP-495). Although not adopted policy, it is acknowledged that there may be some national policies that are adopted before the end of the Examination.

What a Planning Statement should include:	LTC Planning Statement (PS) (APP-495)
<p>Include a full list of all DCO application documents with a summary contents of application documents.</p>	<p>The Planning Statement does signpost to other key DCO documents. However, this does not provide a summary for all key DCO documents These are documents that identify issues and their identified issues and need to be summarised in the Planning Statement, e.g. the HEqIA, ComMA, Transport Assessment, Project Design Report, ES, etc. There should be a section that outlines issues that emerge from other DCO documents. In the Council's view, NH cannot undertake the planning balance exercise until all impacts and issues are properly identified and assessed and mitigation identified.</p>
<p>Summary of all identified issues and impacts in the DCO application, to base judgement on planning balance. Include a comprehensive project-wide planning assessment. Summary of EIA effects and mitigation.</p>	<p>There is no coverage of SoCG issues at all for each Local Planning Authority (LPA), including Thurrock, in the Planning Statement. The Council would expect it to draw out the main SoCG issues identified by key stakeholders, providing a link to the Consultation Report. In the Council's view, NH cannot undertake the planning balance exercise until all impacts and issues are properly identified and assessed and mitigation identified.</p> <p>The Planning Statement does not include a chapter covering a robust assessment of planning issues/impacts and how they are dealt with and a summary of other key document findings.</p> <p>Due to missing information or lack of evidence studies/DCO documents for some technical topics, such as Green Belt and traffic modelling, some issues have been incorrectly reported or missed altogether.</p> <p>Planning Statement Chapter 6, sets out NH's assessment of environmental, social and economic impacts, which should be clearly cross referenced, for all topics, to the relevant DCO documents, which have identified mitigation measures.</p>
<p>Any Planning Statement should set out a planning balance. This is based on the social, economic and environmental benefits of the proposal and should demonstrate how these outweigh any of the negative impacts.</p>	<p>The planning balance does not adequately set out the balance of benefits and adverse effects and need for the project. Further detail and commentary is provided in Section 16. The DCO application documents do not provide sufficient depth of information for the ExA to make a judgement on the planning balance.</p>

Planning Policy Compliance

15.9.6 Appendices to the Planning Statement ([APP-495](#)) set out NH's policy compliance assessment against national and local policy, in the documents listed below:

- a. Appendix A – National Policy Statement for National Networks (NPSNN) Accordance Table ([APP-496](#))
- b. Appendix B – National Policy Statements for Energy Infrastructure Accordance Tables ([APP-497](#))

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- c. Appendix C – Local Authority Policy Review ([APP-498](#))
 - d. Appendix I – Carbon Strategy and Policy Alignment ([APP-504](#))
- 15.9.7 Section 4 of this LIR provides an overview of the national and local policies, and other planning guidance of relevance to LTC. The Council broad comments on policy compliance is set out below.
- 15.9.8 National policy has been changing since LTC was first proposed, in terms of national policy relating to climate change and the environment (NPSNN paragraph 2.7). Public consultation on the draft revised NPSNN has just closed in June 2023, with an updated NPSNN potentially published towards the end of 2023. Public consultation on the revised NPSs EN1 to EN5 were held in 2021 with an additional recent public consultation, which closed on 23 June 2023. A review of the NPS was announced in the 2020 Energy White Paper: ‘Powering our net zero future’. This review was to ensure the NPSs were brought up to date to reflect the policies set out in the Energy White Paper (2020). It is anticipated that the updated Energy National Policy Statements will be published towards the end of 2023, subject to consultation responses.
- 15.9.9 LTC does not meet several of NH's strategic policy tests and scheme objectives, such as option testing, delivery/facilitation of economic growth and achieving sustainable local growth, which is analysed in Section 7 above.
- 15.9.10 There is a long list of strategic issues still remaining, which are fundamental to the design of LTC, reducing impacts on Thurrock communities and helping to facilitate future growth in the most sustainable way possible. (NPSNN paras 1.2, 1.18, 2.6-2.9, 3.3, 3.5, 3.19, 4.3-4.4, 4.26-4.33, 4.37, 4.40, 4.79-4.82, Chapter 5). NPSNN paragraph 1.2, 3.3 and 3.5, 4.3-4.4, 4.15, 4.79-4.80 and Chapter 5 in particular relate to the assessment and avoidance of potential adverse impacts.
- 15.9.11 Not all necessary data/information, to inform LTC alternatives and best design for both national and local level, has been collated by NH (and not provided to the Council to make an informed response) (NPSNN paras 1.2, 2.6, 2.8, 2.9, 3.3, 3.5, 4.3-4.4, 4.15-4.20, 4.26-4.27, 4.79-4.82, Chapter 5). NPSNN paragraphs 4.28-4.33 in particular, require design to be included as an integral consideration from the outset and for a good design to eliminate or substantially mitigate the identified problems by improving operational conditions and simultaneously minimising adverse impacts. NPSNN paragraphs 4.26-4.27 require projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant’s choice, taking into account the environmental effects.
- 15.9.12 Without resolving many of the strategic issues and without all the necessary data/information:
- a. There are potential significant impacts on Thurrock communities which the Council are unable to comment on (NPSNN paras 1.2, 2.7-2.9, 3.3, 3.5, 3.19, 4.3-4.4, 4.15-4.20, 4.79-4.82, Chapter 5). For example, Thurrock Council have not received the air quality and noise assessments and cannot therefore make an informed response on potential impacts on Thurrock communities. There is particular concern for vulnerable communities, such as Whitecroft Care Home and Gammonfields traveller site which are both located adjacent to LTC. Significant daytime construction impacts are likely at Whitecroft Care Home. Baseline sound levels at this receptor are 55 dB, $L_{Aeq,T}$. Construction noise levels are predicted to be over 70 dBA. Impacts are therefore significant and specific mitigation measures are required for this receptor. The Gammonfield traveller site has also not been assessed in the construction assessment. Given the sound insulation for such receptors is likely to be less than for typical residential dwellings, impacts could be more significant.

- b. LTC does not support local economic activity and facilitate growth (does not support Local Plan growth). (NPSNN paras 1.2, 1.18, 2.6-2.8, 3.3, 3.5, 3.19, 4.3-4.4, 4.15-4.20, 4.26-4.27, 4.33, 4.40). NPSNN paragraph 2.6 requires development on the national networks to support national and local economic growth and regeneration. LTC bisects Thurrock and takes up approximately 10% of Thurrock land, therefore, all sites being considered for the emerging Local Plan should be taken into account, including national port development in Thurrock, considering the level of impact LTC has without it.

- 15.9.13 Benefits have not been confirmed/legally binding – Hatch report sets out 58 measures, but only 16 have been technically agreed. (NPSNN paras 1.2, 3.3, 4.3, 4.4). NPSNN paragraphs 3.3 and 4.3-4.4 in particular require applicants to provide evidence that they have considered opportunities to deliver environmental and social benefits as part of schemes and requires the Secretary of State to weigh a proposed development’s adverse impacts against its benefits.

Main Planning Issues

- 15.9.14 Overall, the Council considers that there are fundamental issues with the DCO design and DCO documents, as set out in the sections above in this LIR. The main planning issues identified by the Council are summarised in Section 16 below.

15.10 Green Belt

- 15.10.1 Green Belt national policy is set out in NSPNN, paragraphs 5.164, 5.170, 5.171 and 5.178 and NPPF paragraphs 137 – 151.

- 15.10.2 Green Belt policy in the NPSNN is included under ‘*Land use including open space, green infrastructure and Green Belt*’. Paragraph 5.164 states that: ‘*The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. For further information on the purposes and protection of Green Belt, see the National Planning Policy Framework*’.

- 15.10.3 Paragraph 5.170 of the NPSNN sets out that there is a general presumption against inappropriate development in the Green Belt and ‘*...such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt policy*’.

- 15.10.4 If it is determined that a proposal would involve inappropriate development in the Green Belt, paragraph 5.178 of the NPSNN sets out the decision-making policy:

*‘When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. **Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.**’*

- 15.10.5 Paragraph 6.5.277 of the Planning Statement ([APP-500](#)) concludes that: ‘*Appendix E to this Statement provides a detailed assessment of the case for the Project within the Green Belt in order to show that very special circumstances exist sufficient to justify the location of the development in the Green Belt and so demonstrate accordance with the relevant requirements*

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of the NPSNN and Energy NPSs, and as far as this may be relevant, consistency with other relevant national and local Green Belt policies.'

15.10.6 Following review of LTC DCO documents, the Council concludes that NH have not demonstrated 'very special circumstances' for LTC. A full explanation, with relevant detail and reference documentation, is set out in **Appendix L, Annex 1**.

15.10.7 Following review of LTC DCO documents, the Council concludes that:

- a. LTC is within the Metropolitan Green Belt;
- b. LTC is 'inappropriate development' in the Green Belt; and,
- c. 'Very special circumstances' have not been demonstrated by NH for LTC (see **Appendix L, Annex 1** for further detail), because:
 - NH have not undertaken a robust Green Belt assessment for LTC, against the purposes of the Green Belt and impact on openness set out in the NPPF, which would robustly set out the harm in any location and for project as a whole;
 - NH have not properly identified or clearly set out the level of harm to the Green Belt, including to its openness and the purposes of the Green Belt, to inform the selection of alternatives (at a strategic level) or for the preferred option design (at a detailed level, e.g. for the A13/A1089/LTC junction) or for the construction sites, such as construction compounds;
 - In terms of 'any other harm', the impacts of LTC in Thurrock on air quality, biodiversity, climate change, geology and soils, health, heritage, landscape, noise, socio economics, transport (such as PRoW, public transport, wider network impacts), water, etc., is significant; and,
 - In terms of 'other considerations', NH evidence for the need for LTC has not been properly demonstrated (see Section 7 above); the level of benefits of LTC has been overestimated (see Section 7 above) and there is a lack of proper assessment of alternatives (see Section 8 above).

15.10.8 Therefore NH, through the LTC DCO application has not demonstrated 'very special circumstances'. The potential harm to the Green Belt by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations. Therefore, NH cannot demonstrate and the ExA cannot conclude that the DCO submission complies with national policy NSPNN 5.164, 5.171 and 5.178 and NPPF.

15.10.9 As the consideration of 'very special circumstances' relies on the considering of all the factors listed in NPSNN, it is suggested that the ExA programme the hearing for Green Belt matters towards the end of the ExA current programme, following deliberation of all other matters set out in **Appendix L, Annex 1**, such as need, impacts of the project, benefits and alternatives.

16 Overall Strategic Assessment of Impacts

- 16.1.1 Overall, the Council considers that there are fundamental issues with the DCO design and DCO documents, as set out in the sections above in this LIR. The LTC, as currently proposed, should not proceed given its high cost, poor economic case and the significant harm it would impose on residents of Thurrock.
- 16.1.2 The main planning issues identified by the Council are summarised below, which summarise the SoCG issues in Section 5 and throughout this LIR.
- a. **Need for the Project** – the need for LTC has not been adequately demonstrated. LTC does not relieve the congested Dartford Crossing and traffic levels return to existing levels five years after the opening of LTC – refer to the Council's review of LTC Need in Section 7.
 - b. **Scheme Objectives** - the Council believes that there are a number of valid concerns around LTC scheme objectives and believes that those in the Transport, Economic and Community & Environment areas are not met by the current scheme. The Council feels the scheme does not provide significant relief to the Dartford Crossing, may be incompatible with the UK's and NH's net zero ambitions and legal targets and additionally there are concerns around the safety impacts of the scheme. The Council also considers that the Value for Money of the scheme may be overstated due to cost pressures and the robustness of the evidence used in the economic appraisal (refer to the Council's review of the Scheme Objectives in Section 7 above).
 - c. **Costs and Disbenefits and Poor Value for Money** – the cost of LTC has increased with each revision of the proposals. The estimated cost in the NH RIS2 Report is £6.4 – £8.2bn dated March 2020 and in the NAO Report of November 2022 it is £5.3 – £9bn and so an increase in overall costs is shown in just two years. Furthermore, costs are based on an inflation forecast from February 2022, which does not reflect recent global events and economic challenges. Any increase in cost would further reduce the 'low' estimate of value for money calculated by NH. In particular, LTC provides 'low' value for money with a BCR based on journey time benefits of 0.48. The estimated margin of benefit of LTC is now so low, that even quite modest changes in the assumptions would wipe out the net benefit entirely. This would mean that the scheme would cost more than the benefits it could produce and could not be justified in terms of value for money (refer to the Council's review of the LTC scheme's Value for Money in Section 7 above).
 - d. **Consideration of alternatives** – the Council's list of issues relating to the consideration of alternatives is listed below and considered in detail in Section 8 above:
 - The Council considers that the analysis of alternatives provided by NH does not meet the requirements of the NPSNN and therefore the submitted analysis is not valid and needs updating;
 - The 'high' and 'low' traffic forecast scenarios used by NH do follow DfT's guidance concerning the use of Common Analytical Scenarios and do not reflect the wide range of possible future scenarios for the operation of LTC;
 - The traffic forecasts used by NH do not reflect the likely impacts of the delivery of Government policies, including decarbonisation, active travel and public transport;
 - The design of LTC provides limited access to development sites and national port facilities in Thurrock. This would be remedied by the inclusion of Tilbury Link Road

(TLR) and changes to the operation of Orsett Cock junction, as part of the LTC scheme;

- The option selection for LTC is based on an initial decision made in 2009. This was reviewed and confirmed by NH in 2017, but despite requests, the underpinning analysis has not been made available to the Council. Since the initial decision there have been many substantial changes to transport patterns and the wider economy, which have not been considered as part of the decision-making process. Analysis by the Council shows that there are several potential public transport-based options, which would better meet NH's scheme objectives for LTC. There are also several alternative options for elements of the LTC, e.g. including TLR, which would better meet the objectives for LTC. The Council considers that these options should have been considered by NH and still could be to the betterment of the overall scheme; and,
 - The provision of facilities to enable public transport services to access LTC is poor leading to circuitous routes and increased journey times. The Council considers that the design of LTC should be refined to enable better facilities to be provided, e.g. at the Tilbury service vehicle junction. There are also insufficient facilities provided for electric vehicle charging.
- e. **Transport Modelling Issues** –the transport modelling to support the LTC design is not fit for purpose and inadequate and the main reasons for this conclusion are set out below:
- The current transport model is underpinned by data which dates from 2016. The Council contends that the traffic modelling supporting LTC does not represent an up to date or representative view of the current conditions and leads to the benefits of the scheme being overestimated;
 - Inadequate sensitivity testing has been undertaken as part of the scheme appraisal. This is inconsistent with the latest Uncertainty Toolkit approach from DfT published in 2021. Given significant changes, the level of uncertainty and in accordance with TAG guidance, the Council contends that the scheme assessment is outdated. Furthermore, a much more comprehensive framework for consideration of national and local uncertainty beyond just the implementation of Low and High Growth Scenarios should be followed by NH, with follow-up technical engagement and consultation with the Council and public;
 - NH need to provide the Council and ExA, with the following information to enable others understand how the design has been arrived at and what the impacts on the wider network and junctions are, as set below and in full in the sections above:
 - *Microsimulation/ junction modelling is required at the following locations for LTC operation and construction periods to understand the local impacts and the requirement for mitigation: Orsett Cock; Manorway; Daneholes and Marshfoot junctions; Five Bells junction; A1012/Devonshire Road; and, ASDA roundabout; and,*
 - *Scenario testing is required of the Tilbury operations and emergency access to demonstrate that it could accommodate the national importance of the Port of Tilbury's traffic, the development of the Thames Freeport and local development aspirations.*
- f. **Access to Development Sites Impacts** – the design of LTC provides limited access to development sites and the two national port facilities in Thurrock. This would be remedied by the inclusion of Tilbury Link Road and changes to the operation of Orsett Cock and probably Manorway's junction, as part of the LTC scheme (refer to the Council's review of Connectivity set out in Section 8.6 above).

- g. **Transport Impacts** – the modelling assessment is inadequate and potentially underestimates impacts on the Local Road Network (LRN). NH's assessment shows that there are many communities, roads and junctions across Thurrock that are significantly adversely affected by LTC, but that no mitigation is proposed by NH. DCO application documents do not reflect the likely impacts of the delivery of Government policies including decarbonisation, active travel and public transport (refer to the Council's review of transport impacts set out in Section 9 above).
- h. **Environmental and Health Impacts** – the Council have set out analysis of the positive, neutral and negative impacts of the proposed development against each of the ES environmental topic areas in Section 10. The Council conclude that LTC will have significant impacts on the environment and health of people in Thurrock. Section 10 sets out the Council's assessment of environmental effects, which substantiates why the Council believe this is the wrong scheme and conclude that other alternatives have not been considered, which could result in less impact to the environment and health of the local community. There are a number of changes which would need to be made to the application to be more acceptable to the Council.
- i. **Flooding** – the flood Exception Test comes into play where the Sequential Test concludes there are no alternative options at lower flood risk and development is necessary in high-risk zones. In this case, the route has to cross areas of high risk. The Exception Test states (NPPG paragraph 164): *'It should be demonstrated that development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk'*. Exception Test (and Sequential Test) is for the planning authority to judge. The Environment Agency (EA) will offer thoughts, but are not the relevant authority. The Council question whether the 'wider sustainability benefits to the community' outweigh the flood risk.
- j. **Emergency Services Provision** – the Council has serious concerns with the limited satisfactory response from NH to requirements of the Emergency Services and Safety Partners, which was previously set out in 56 recommendations made by the Emergency Services and Safety Partners Steering Group (ESSPSG), as set out in Section 11 above. Despite an interim response from the applicant in July 2021 to each recommendation and a number of ESSPSG and other 'Scoping Group' meetings, there has been limited progress on resolving and agreeing these recommendations and ensuring they are 'secured' within the DCO, which will be captured in a jointly submitted SoCG at Deadline 1.
- k. **Utilities** – several concerns have been raised regarding the DCO submission in relation to the proposed utilities works. Of key consideration is the lack of a cohesive review of the proposed utilities works, with reference to utilities spread across a wide number of documents within the DCO. This causes both confusion and difficulty in the Council's ability to review the proposals and impacts. This is considered a deficiency in the DCO submission. Another key concern is the limited information given on the proposed utility works, particularly in relation to the electrical and gas NSIPs and assessment of these NSIPs. For a project of this importance and complexity and for each identified NSIP, the Council would expect detailed plans, reviews of impacts, assessments and reports to be included, as one section, within the DCO. Referring to NPS EN-1, EN-4 and EN-5, there is a requirement to assess the impacts of the identified electrical and gas NSIPs, with either a separate environmental statement for each or specific sections within the wider environmental statement. This has not been provided for LTC and the Council is therefore unable to review the impacts of the proposed utilities works on the local area. This is considered a deficiency in the DCO submission. The Council would expect further and more detailed information to be submitted regarding assessment of the impacts of the proposed utilities works and for this information to be provided as a cohesive section within the DCO submission.

- i. **Legacy** – the Council identified 23 legacy measures as part of the October 2020 Hatch Mitigation Report (**Appendix G, Annex1**). These are investments the Council are seeking from NH to deliver positive outcomes for Thurrock residents and to serve as a partial offset to the negative impacts of LTC in our area. The Council expected that Designated Funds would have the potential to deliver many, if not all, of these legacy measures. At the current time, only three of the 23 measures are classed as ‘Matters Agreed’ in the LTC/Thurrock Statement of Common Ground ([APP-130](#)). Some £1.3 million of Designated Funds have been approved for deployment in Thurrock. Whilst this is a welcome investment, it is far below the investment required to deliver the 23 legacy measures that the Council has requested and also represents a very poor ‘offset’ against the many disbenefits that LTC will deliver in Thurrock. NH has missed an opportunity to agree to our legacy requests. These requests were made nearly three years ago and were all clear and potentially fundable. Related to our legacy requests, the Council also engaged early and with clarity on the proposed NH Community Fund. Working with other impacted authorities, the Council requested that: (i) that NH increase the overall scale of the Community Fund from £1.89 million over six years to £3.75 million based on benchmark evidence collected from a wide range of UK infrastructure projects; and, (ii) some modest changes to the percentage distribution of any Fund across local authorities. Neither request has been accepted by NH.
- m. **Skills, Education and Employment Strategy (SEE)** – the Council recognises that the LTC proposal has the potential to deliver some skills, employment and education benefits for the local area. With this in mind, the Council have sought to engage at every opportunity on the NH Skills, Education and Employment Strategy (SEE Strategy). Unfortunately, NH has not prepared the SEE Strategy in an open and transparent way and has not listened to the Council’s requests. The Council wants all SEE targets to be suitably ‘localised’; and, by localised the Council mean that any skills, employment and education benefits must flow primarily to those local areas within which the proposed LTC works take place. Circa 70% of the proposed LTC works are located within Thurrock and the Council has made repeated requests that a commensurately high share of labour market and skills benefits flow to Thurrock. As it stands, the Council are explicitly targeted to receive only 4% of SEE outcomes. The Council have also made repeated requests that the SEE Strategy is more ambitious. Of the 12 key targets in the current SEE Strategy, all lack ambition in the Council’s view. The Council have provided NH with more stretching targets on each and every measure. The Council also needs to be properly resourced by NH to help secure positive labour market outcomes. This means having a dedicated internal team to work on a range of matters including labour market readiness, skills, recruitment, supply chain development etc. The Council’s requests on this matter have been rejected by NH. The combination of unambitious and insufficiently localised targets and the absence of any dedicated local resource means that the opportunity for NH to deliver positive SEE outcomes in Thurrock will not be taken.
- n. **Land and Property** – NH has identified a larger area of land interests for permanent acquisition, temporary possession and over which rights are required than it can fully justify. It also seeks to take greater interests in some parcels than it has acknowledged it requires. The Council considers that the impacts of both the compulsory acquisition and construction activity will be significantly adverse. Whilst the financial losses that the Council suffers will be compensable under the ‘so-called’ Compensation Code, NH offers little or no comfort for those indirectly affected – be that from noise, dust, fumes or traffic delays during both construction activity and subsequent use of the scheme. Furthermore, significant areas of public open space are to be occupied by the project and yet the Council does not know when this will happen, how often, when the land will be returned and in what condition. Furthermore, NH is not seeking to re-provide the temporarily acquired public open space or otherwise compensate those who will suffer because it is unavailable for public use.

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- o. **Adequacy of Application** – Section 15 sets out the Council’s position on the adequacy of the ‘Control Documents’ within the DCO application, covering the draft DCO Order and many of the ‘Control Documents’, concluding that many do not offer sufficient mitigation, compensation or mitigation.

- p. **Green Belt Impacts** – NH have not provided the Council with a robust Green Belt Assessment for the alternatives assessment or preferred route. Therefore, it is unclear how the Green Belt impacts have been assessed correctly (refer to the Council’s more detailed review of Green Belt methodology and impacts as set out in **Appendix L, Annex 1**).

Appendix A Costs and Disbenefits outweigh the Benefits and provide Poor Value for Money

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Lower Thames Crossing

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

17 November 2023

Document Control Sheet

Project Name: Lower Thames Crossing

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

Doc Ref: FINAL

Date: 17 November 2023

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Executive Summary

Section 1 - Introduction

1. This D7 submission seeks to respond to all of the applicant's Deadline 6 (D6) submission documents that were uploaded to the PINS website on 3 November 2023, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission. Further details of the relevant sections are set out below.
2. The Council would like to note that in many instances within the applicant's documents covered by this submission, there is no further analysis, evidence, documentation or response that addresses the Council's points made in its submissions. The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'robust, reasonable and proportionate', without actually being so.
3. The Council contends that this is not reasonable, particularly if a major stakeholder is making substantive technical points, then it is incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.
4. It is notably that whilst many SoCG items have been updated in descriptions and status, there still remains (at D6) 242 issues that are either a 'Matter Not Agreed' or a 'Matter Under Discussion' (but with little prospect of progression). Clearly, to have so many issues for one local authority as 'Matter Not Agreed', at this late stage in the Examination, in very unusual and in the Council's view places an unnecessary burden on the ExA to resolve these issues, instead of the applicant.
5. The Council notes, in Paragraph 2.1.4 of the SoCG, submitted to ExA by the applicant at D6, provides out-of-date information. The SoCG, submitted at D6, has been agreed by the Council and the applicant. Nevertheless, very little substantive progress has been made, except but minor changes to wording in control documents and a few Matters Agreed. The applicant has declined to change its approach preferring instead for these many SoCG issues to be resolved by the ExA through the Examination process – clearly in contravention of the basic purpose of the Examination process.
6. Within the applicant's response to the Council's D4 ([REP4-354](#)) and D5 comments ([REP6-096](#)) in Section 1 there are a number of comments relating to the above Council criticism of the applicant's approach to engagement from Sections 1.4.1 and 11.4.2 of the Council's D4 submission ([REP4-354](#)). Notwithstanding this, clearly the applicant believes it has engaged constructively, however, the mere fact that there remain 300 pages of SoCG matters outstanding or not agreed suggest there is a major issue, as the Pre Application process should reduce such issues significantly. Furthermore, the Council does NOT have an in-principle objection to the scheme only to key elements of the scheme, the lack of benefits of Thurrock residents and the significant impacts on the Borough that are not adequately mitigated by the applicant – this has been stated in many submissions and the applicant has distorted this position inaccurately.

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

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

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

Section 3 - Control Document Changes at D6

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

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

21. **Statement of Commonality** – the Council's views on this document remain the same as set out in its D6 submission ([REP6-164](#)) within Section 2.10 (and, indeed, in previous submissions too) and the applicant has made no attempt to discuss the Council's comments with the Council or to amend its document to accommodate those comments.
22. **Consents and Agreements Position Statement** – the Council cannot determine any changes made to this v6 of the document, except to add, amend or remove references, and so is puzzled as to why it has been submitted. However, the Council's comments in Section 6.1 of its D3 submission ([REP3-211](#)) have not been dealt with and still require responses from the applicant, as was reiterated in its D4 submission ([REP4-354](#)).

Section 4 – Draft Development Consent Order Matters

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

Section 5 – Land and Compulsory Acquisition Matters

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

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

Section 6 – Response to Applicant's D6 Submissions

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

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

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

Thurrock Council Comments on Applicant's Submissions at Deadline 6 (D6)
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49. The Council considers that MW007 should be updated to reduce the scope for misinterpretation and that material specific targets are required. There is a risk that due to the large quantities of specific materials, a single overarching target could be achieved by managing a limited number of high weight streams at the expense of other (potentially more environmentally beneficial) materials. Setting individual material targets avoids this and allows more intelligent levels to be applied based on market certainty. This approach is standard practice in the development of Site Waste Management Plans and Circular Economy Statements, so the Council do not believe it should be considered controversial. There continues to be a fundamental disagreement between the applicant and the Council on the appropriate level of detail that should be provided in DCO documentation, and the Council requires more detail to be provided.
50. **Coalhouse Point Flood Risk Assessment:** the plan shown in this assessment, along with the description, leave room for misinterpretation and confusion over future ownership and maintenance responsibilities. The Council requests the applicant to update the assessment to include two plans: both a clear representation of existing flood defences and ownership; and, a plan showing proposed flood defences with a clear representation of ownership and maintenance responsibility extents. The Council would like to understand the impact of the proposed wetland development on the watercourses within and outside of the Order Limits. This may be through an update to the assessment, showing existing watercourses and ditches and an assessment of potential impacts of the proposed development.
51. **Statutory Undertakers/Utilities Submissions:** the Council notes that comments made in previous response submissions to Deadlines have not been addressed by the applicant and the Council expects the applicant to respond with amended or further documentation.
52. **Status of Negotiations with Statutory Undertakers v4.0:** the Council notes that the agreements between the applicant and 14 Statutory Undertakers are yet to be achieved and a further updated is requested before the end of the Examination.
53. **ExQ1 Q15.1.3 Statutory Undertakers' Land Rights LTC v3.0:** the Council notes that their comments have not been addressed and that 12 Statutory Undertakers still have objections to the Order.
54. **ExQ1 Q15.1.4 Statutory Undertakers' Rights and Apparatus:** the Council notes that their comments have not been addressed and that 13 Statutory Undertakers still have objections to the Order.
55. **Draft Section 106 Agreement Comments and Progress Update:** the applicant's proposed programme for achieving an agreed S106 Agreement has already been delayed by the applicant and it remains questionable as to whether it will be achieved to the significant detriment of the Council, in the Council's opinion, especially given the more extensive governance procedures of the Council, given its S114 status, in respect of this financial agreement. This is of particular concern in view of PINS guidance in Advice Note Two (published February 2015) in Section 24.
56. There are also several detailed comments on the draft S106 Agreement that remain a concern to the Council. However, the applicant intends to make a draft submission at D7, where the wording setting out a summary of the position has not been agreed by the Council. Consequently, the Council remains concerned that agreement by D9 may not be achieved, largely because the applicant has only recently fully engaged and improved its position after over 18 months of discussions.
57. Further to the Council's previous comments sent to the applicant on 20 October 2023, the Council has received a subsequent amended version of the draft S106 Agreement from the applicant on 3 November 2023. The Council has responded with detailed comments on 8 November 2023, which are under consideration by the applicant and have now been discussed further at a meeting on 15 November 2023. In summary, following that meeting, there are several significant issues still outstanding and on which the applicant agreed to reconsider its position.

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

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

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

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

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

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

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

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

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

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

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

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

1 Introduction

- 1.1.1 This D7 submission seeks to respond to all of the applicant's Deadline 6 (D6) submission documents that were uploaded to the PINS website on 3 November 2023, whether new or amended in track changes. Some submitted documents do not require Council comments and so do not form part of this submission. Further details of the relevant sections are set out below.
- 1.1.2 The Council would like to note that in many instances within the applicant's documents covered by this submission, there is no further analysis, evidence, documentation or response that addresses the Council's points made in its submissions.
- 1.1.3 The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'robust, reasonable and proportionate', without actually being so.
- 1.1.4 The Council contends that this is not reasonable, particularly if a major stakeholder is making substantive technical points, then it is incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points

1.2 Context

- 1.2.1 There were a total of 208 submissions at D6 and of those totals the applicant made 123 submissions of which 41 were in track changes (and hence 41 clean versions that were not reviewed) and the remainder were new documents or documents that did not require Council review. It is these track changed and relevant new documents that have been assessed within this submission, to determine if the Council needed to comment.

1.3 Structure of this Submission

- 1.3.1 This document provides comments on the relevant and necessary submitted documents, as set out below.
- a. Summary of Council's Major Concerns (D2 0 - D6)
 - b. Control Document Changes at D6
 - c. Draft Development Consent Order Matters
 - d. Land and Compulsory Acquisition Matters
 - e. Responses to the applicant's D6 Submissions
 - f. Responses to the applicant's D6 Traffic and Transport Submissions
 - g. Council Comments on NH Post Event Submissions
 - h. Council Comments on applicant's Responses to ExQ2
 - i. Council's Emerging Local Plan Update and Major Concerns

1.4 SoCG Update Progress

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

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notably that whilst many SoCG items have been updated in descriptions and status, there still remains (at D6) 242 issues that are either a 'Matter Not Agreed' or a 'Matter Under Discussion' (but with little prospect of progression). In fact, there remain a total of 314 issues, with 72 issues are 'Matter Agreed', 193 issues are 'Matters Under Discussion' and 49 issues are 'Matters Not Agreed'. The Council have continued working with the applicant and since D6 there have been agreement on just a few Matters, but the vast majority of Matters remain unresolved. Clearly, to have so many issues for one local authority as 'Matter Not Agreed', at this very late stage in the Examination process, in very unusual and in the Council's view places an unnecessary burden on the ExA to resolve these issues, instead of the applicant.

- 1.4.2 The Council notes, in Paragraph 2.1.4 of the SoCG, submitted to ExA by the applicant at D6, provides out-of-date information. The SoCG, submitted at D6, has been agreed by the Council and the applicant. The Council met with the applicant during September to November 2023 through a series of seven SoCG workshops, bringing together a wide range of different technical experts to discuss outstanding matters. Nevertheless, very little substantive progress has been made, except but minor changes to wording in control documents and a few Matters Agreed. The applicant has declined to change its approach preferring instead for these many issues to be resolved by the ExA through the Examination process – clearly in contravention of the basic purpose of the Examination process.

1.5 Commentary

- 1.5.1 The Council would like to note that in many instances within the applicant's documents covered by this submission, there is no further analysis, evidence, documentation or response that addresses the Council's points made in its previous submissions in its Local Impact Report (REP1-281) and its Appendices, its D3 Submission ([REP3-206](#) – [REP3-212](#)) and its Appendices, its D4 Submission ([REP4-352](#), [REP4-353](#) and [REP4-354](#)) and its Appendices, its D5 Submission ([REP5-112](#)) and its Appendices and its D6 submission ([REP6-164](#), [REP6-166](#) and [REP6-167](#)) and its Appendices ([REP6-168](#)).
- 1.5.2 The applicant has in most cases has referred to previous documentation, reiterated its previous position and/or stressed that it has been both 'robust, reasonable and proportionate', without actually being so.
- 1.5.3 The Council contends that this is not reasonable, particularly if a major stakeholder is making substantive technical points, then it is incumbent on the applicant to respond with further analysis, evidence, documentation or argument that addresses the Council's points.
- 1.5.4 Within the applicant's response to the Council's D4 ([REP4-354](#)) and D5 comments ([REP6-096](#)) in Section 1 there are a number of comments relating to the above Council criticism of the applicant's approach to engagement from Sections 1.4.1 and 11.4.2 of the Council's D4 submission ([REP4-354](#)), although these sections numbers are unclear. Notwithstanding this, clearly the applicant believes it has engaged constructively, however, the mere fact that there remain 300 pages of SoCG matters outstanding or not agreed suggest there is a major issue, as the Pre Application process should reduce such issues significantly. Furthermore, the Council does NOT have an in-principle objection to the scheme only to key elements of the scheme, the lack of benefits of Thurrock residents and the significant impacts o the Borough that are not adequately mitigated by the applicant – this has been stated in many submissions and the applicant has distorted this position inaccurately.
- 1.5.5 Clearly, the applicant has forgotten the history of its engagement and the need to withdraw its first DCO due to issues with engagement and many technical flaws in the submission. It has continued to maintain its position over the past two years as 'reasonable and proportionate', but has repeatedly had to adopted Council recommendations/suggestions of a minor and occasionally significant nature. Its 'final' position on technical matters is therefore changeable, unreliable and often flawed. The fact that this current DCO is its most detailed in no way indicates it is satisfactory.

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

2.1 Introduction

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

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

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

2.2 Draft DCO (dDCO)

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

2.3 Land, CA and Statement of Reasons

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

2.4 Dartford Crossing

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

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

2.5 Localised traffic Models (ongoing) and Timetable for Resolution

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

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

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

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

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

2.6 Wider Network Impacts

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

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

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

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

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

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

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

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

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

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

2.8 New Requirements and Collective Protective Provisions

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

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

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

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

2.8.5 D6A submission – Section 8.

2.9 Inadequate Control Documents

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

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

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

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

2.10 Environmental Issues

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

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

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

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

2.11 Significant Issues with Air Quality and Noise Impacts

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

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

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

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

2.12 HEQA and Specific Health Issues

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

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

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

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

2.13 SEE Strategy Inadequacy

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

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

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

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

2.14 WCH Provision

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

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

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

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

2.15 Utility Plans and Impacts

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

2.16 Emerging Local Plan Impacts

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

2.17 SoCG Issues

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

2.18 Inadequate Legacy Provision

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

2.19 Lack of Alternatives Consideration

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

2.20 Inadequate Provision and Involvement of Emergency Services

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

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

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

2.21 Section 106 Agreement Content and Adequacy

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

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

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

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

3 Control Document Changes at D6

3.1 Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61.—(1) The undertaker must when carrying out the authorised development take all reasonable steps to deliver the measures contained in the stakeholder actions and commitments register unless

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

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

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

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

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

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

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

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

3.7.2 The Council's strong opinion is that if the SAC-R is intended as a Control Document then any commitments contained within it must be absolute and not '*take reasonable steps to deliver*' or '*best endeavours*'. The Council therefore requires the dDCO to be amended to account for such absolute commitments on all measures contained within the SAC-R.

3.7.3 SAC-R-014 has been discussed in principle with the Council, but the wording not shared until the applicant's D6 submission. The Council accepts this new SAC-R commitment in principle, subject to the above comments and further comments made in Sections 7.5 and 7.7 below.

3.7.4 SAC-R-017 has been discussed in principle with the Emergency Services and Safety Partners Steering Group (ESSPSG) of which the Council is part and is welcomed. However, the Terms

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

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

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

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

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

3.9.1 The Council cannot determine any changes made to this v6 of the document, except to add, amend or remove references, and so is puzzled as to why it has been submitted. However, the Council's comments in Section 6.1 of its D3 submission ([REP3-211](#)) have not been dealt with and still require responses from the applicant, as was reiterated in its D4 submission ([REP4-354](#)).

4 Draft Development Consent Order Matters

4.1 Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 New Draft Requirement on Housing Impact

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

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

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

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

5 Land and Compulsory Acquisition Matters

5.1 Introduction

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

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

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

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

5.3 Update on Land Negotiations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5.5.1 In the Deadline 6 Submission - 9.140 Planning Statement - Appendix D - Open Space Addendum ([REP6-097](#)), which it is noted is not a Control Document, the applicant continues to maintain its approach to the provision of replacement public open space (POS). That is to say that it continues to consider that the re-provision of POS not less than five years after the acquisition of POS is acceptable.
- 5.5.2 The applicant has, both in discussions prior to D6 and in the Council's Deadline 6 Submission - Comments on Applicant's Submissions at Deadline 4 (D4) and Deadline 5 (D5) ([REP-164](#)), been invited to produce evidence to support its contention that the benefits of improved quantity and quality outweigh the disbenefits of a five-year delay, but has failed to do so. The request remains extant. Insofar as the assessment of the benefits outweighing the disbenefits relies on professional judgement, then the Council wishes to know whose professional judgement is relied on and the extent to which they are suitably qualified to make that assessment, as well as the methodology used in the exercise of this professional judgment and analysis/evidence to support the professional judgement reached.
- 5.5.3 The Council is advised that, as a matter of law, each of the criteria applied in assessing replacement Public Open Space (POS) is to be assessed in its own right. Whilst the Council agrees in principle that contemporaneous acquisition of Special Category Land and vesting of replacement land is not required for replacement to be '*no less advantageous*' or to meet NPSNN policy test, as set out in paragraph 5.166. However, to be '*no less advantageous*', the replacement land must be provided in a reasonable period of time.
- 5.5.4 The applicant has previously accepted at Compulsory Acquisition Hearings that for replacement land to be '*no less advantageous ... to the public*' involves consideration not only of quantitative and qualitative, but also temporal/delivery considerations. The current offer by the applicant is not '*no less advantageous*', given the 'temporal' delay to re-provision of many years.
- 5.5.5 The Council understands that the reference in S131-132 PA 2008 to replacement land that 'is or will be vested in the seller' is really intended to reflect forward delivery of the replacement land, i.e., before acquisition of the existing Special Category Land. It is the Council's clear view that the statutory language does not support or excuse the extended delayed delivery to the extent that the applicant is seeking.
- 5.5.6 Within paragraph 1.2.3 of Deadline 6 Submission - 9.140 Planning Statement - Appendix D - Open Space Addendum ([REP6-097](#)) the applicant states

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

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

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

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

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

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

6 Response to Applicant's D6 Submissions

6.1 Introduction

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

6.2 ES Addendum (v6) (REP6-055)

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

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

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

6.3 Drainage Plans (v3) (REP6-009)

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

Sheets 16 and 20: North Portal Junction and Ramp

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

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

Sheet 19 Coalhouse Point

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

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

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

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

- 6.5.1 This document provides the applicant's response to matters raised by Climate Emergency Policy and Planning (CEPP) in CEPP's Deadline 4 submission. Much of the response concerns matters, including a wider discussion about transport policy, that are not part of the Council's objections to elements of LTC, so the Council has only commented here on points that have a bearing on its previous submissions.
- 6.5.2 Paragraphs 2.1.11 to 2.1.14, and 2.1.55 to 2.1.58 of the applicant's response concern the implications for LTC of the recent *Boswell v Secretary of State for Transport* High Court Judgement [2023] EWHC 1710. The judgement concerns schemes at three different locations on the A47, each of which was the subject of a separate decision by the Secretary of State. The judgement considers the case made by the Claimant that the SoS acted unlawfully in '*failing to meaningfully assess the combined emissions from the three road schemes*'. The judgement concludes that the approach taken was lawful. The applicant's comments in [REP6-094](#) do not affect the Council's own response to ExQ1 (Q2.2.1 and Q2.3.1), as submitted previously, which is that as the Council's objections to LTC are not based on an argument that emissions from other DCOs should be taken into account within the LTC Examination and so the judgement does not have implications for LTC.
- 6.5.3 Paragraphs 2.1.43 to 2.1.45 discuss how the applicant has considered the significance of the GHG emissions from LTC against national carbon budgets. This essentially re-states the applicant's position, which the Council has previously disputed, for the reasons set out in Local Impact Report ([REP1-281](#)); in particular, on the grounds of the rationale for assessing the significance of emissions in comparison with national budgets and that the assessment does not take into account adverse impacts of LTC on the ability of local authorities, such as the Council to meet their own reduction commitments.

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

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

Table 2.1, Section 3.1 – Orsett Cock Roundabout

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

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

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

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

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

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

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- performance of the junction. Subsequent VISSIM modelling work has been undertaken and version 3.6 is the most current.
- 6.6.37 **Paragraph 3.1.27:** there is no stated National Highways policy not to release a full model developed to support an individual scheme while the scheme is in development. This is misleading and inaccurate. A bespoke approach has been adopted for this scheme, intended to limit the ability for scrutiny.
- 6.6.38 Before the Council was allowed to review a cordon model of the local authority area, the applicant required the Council to sign a legal 'Data Sharing Agreement' preventing it from sharing cordon data with neighbouring highway authorities. This severely limited the ability of the local highway authorities to collaborate around areas of key concern in a transparent manner. The rationale for preventing stakeholder collaboration was, and remains, unclear.
- 6.6.39 The Council invested considerable time and effort convincing the applicant of the need to undertake additional model runs. These model runs then required the Council to request significant additional information to understand and analyse the data. The applicant did not agree to undertake all model runs requested by the Council and it took considerable time for the applicant to provide the data, as it has been constantly concerned about the extent to which the data might question the integrity of the LTC design fixed in late-2018.
- 6.6.40 **Paragraph 3.1.28:** the applicant has not provided any analysis to substantiate its claim that traffic congestion at Orsett Cock *'would make no material difference to the benefit cost ratio of the Project'*. The Council has, however, undertaken analysis as shown in Table 10.1 of the Council's D6 submission 'Thurrock Council's Comments on applicant's submissions at Deadline 4 and Deadline 5' ([REP6-164](#)) and in Section 5 of the Council's Deadline 6A submission 'Thurrock Council Comments on Traffic Modelling', which identify the potential for material differences to the BCR of the Project and identifies the potential for material difference to the BCR of the Project.
- 6.6.41 The Council remains seriously concerned about the absence of responses to the issues it has raised with regards to the economic assessment undertaken by the applicant, particularly with regards to an over-estimate of benefits (e.g. agglomeration benefits) and underestimation of disbenefits (e.g. disbenefits associated with traffic delays, such as at Orsett Cock Junction). The Council notes that value for money calculations have not been scrutinised to date at Hearings during the Examination.
- 6.6.42 Department for Transport, Transport Analysis Guidance, [Unit E1: Evaluation](#), November 2022, states at Para 6.1.1: *'For an evaluation to be credible, it needs to be **transparent**, fair and objective. This relies on the project team making a deliberate effort to identify biases, assumptions and unrealistic expectations of what the project and the evaluation can achieve. **Wherever possible and proportionate, the evaluation should be conducted by independent evaluators. If independent evaluators are not used, independent evaluation experts should at least guide and peer review the evaluation design and outputs.'***
- 6.6.43 The Council is concerned that the applicant has not deployed independent evaluators to review its transport appraisal and strategic modelling and that it has instead relied on its project team, which is highly subject to biases and unrealistic expectations. The Council maintains its position that the applicant must provide details of its appraisal approach in a transparent manner to allow scrutiny by the ExA and affected local authorities.
- 6.6.44 **Paragraph 3.1.29:** the Council has consistently been very clear to the applicant what it is seeking in practice with regards to Orsett Cock Junction. For the applicant to suggest this remains unclear is surprising and unnecessarily time-consuming.
- 6.6.45 The Council requires assurance that the applicant will commit at a minimum to modifications of Orsett Cock Junction sufficient to ensure that junction is able to perform in alignment with

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

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

Section 3.2 – Asda Roundabout

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

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

Section 3.3 – Manorway Roundabout Model

6.6.54 Paragraph 3.3.2: the applicant prematurely states that it 'does not consider that there is merit in further development of the Manorway VISSIM model'. The operation of both Orsett Cock Junction and Five Bells junction will impact on Manorway. Until this work has been adequately completed this conclusion is untenable.

6.6.55 The Council is concerned that its attempts to work at pace to undertake essential to develop the Manorway VISSIM model during the Examination is being slowed by the applicant. The applicant insists on providing a significantly higher level of scrutiny and amendment for the Council-led modelling at Manorway, than the scrutiny and amendment the applicant considers necessary for the Orsett Cock junction.

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

Section 4.1 – Dartford Crossing

6.6.57 **Paragraph 4.3.7:** the Council notes that access to and from LTC for residents in Thurrock is via the 'super-intersection' provided in and around the Orsett Cock Junction, i.e. access to LTC for Thurrock residents only occurs in a single part of the Borough.

6.6.58 **Paragraph 4.4.2:** the Council reiterates its point that as shown by the applicant's response to ExQ1 Q4.1.1 that LTC does not provide free-flowing capacity on the Dartford Crossing in the majority of time periods from 2037 onwards (and possibly earlier). The Council considers this means that LTC does not meet its objective '*to relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north south capacity*'.

6.6.59 **Paragraph: 4.5.4:** the Council considers it a fundamental point that traffic flows at Dartford Crossing are forecast to increase following the construction of LTC. The Council's analysis shows that journey time savings (if they occur) are likely to be of the order of approximately one minute per vehicle as described in Sections 2.1.5 to 2.1.8 of the Council's submission 'Thurrock Council's Comments on applicant's Submissions at Deadline 1 and Deadline 2' ([REP3-211](#)). The Council considers this potential journey time benefit does not justify the scheme cost of £8-9bn.

6.6.60 **Paragraph 4.6.2:** the Council has compared forecast traffic flows to 2016, because this reflects how local residents are likely to consider the impact of the LTC scheme. The applicant has confirmed that the introduction of LTC will not reduce traffic flows on Dartford Crossing. This is an important conclusion of significance to residents of Thurrock, who will experience the disbenefits of the six-year construction programme and the loss of 10% of their land area to highway use.

Appendix B Joint Position Statement – Asda Roundabout

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

Appendix C – Transcript of Workshop

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

ExQ1 2.2.1 Localised Climate and Carbon Assessments

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

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

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

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

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

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

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

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

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

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

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

ExQ1 Q8.1.2 – Q8.1.9 Waste and Materials

The applicant's position on Page 72 intrusive surveys comment

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

ExQ1 8.1.4 Waste and Materials

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

ExQ1 8.1.6 Waste and Materials

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

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

ExQ1 8.1.9 Waste and Materials

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

6.7 Coalhouse Point Flood Risk Assessment (REP6-102)

6.7.1 The Flood Risk Assessment for Coalhouse Point was submitted in October 2023: ([REP6-102](#)) Deadline 6 Submission - 9.147 Coalhouse Point Flood Risk Assessment. The report describes the hydraulic modelling undertaken to assess the flood risk impacts of the proposed Coalhouse Point wetland area. The applicant has also sought to describe the current and future ownership and maintenance responsibilities of the flood defences in the area.

6.7.2 The applicant has stated that the existing flood bund adjacent to the proposed wetland has been incorporated into the Order Limits and would be subject to compulsory acquisition. The applicant confirms that it would take permanent ownership of the extent of the feature that falls within the Order Limits.

6.7.3 Inspection of Plate 1.1 on page 2 of the report shows that the flood defence that falls within the Order Limits is restricted to the short stretch of coastline adjacent to the proposed wetland development, where the structure is defined as 'low level flood defence embankment'. However, the Flood Defences on both the western and eastern side of the proposed development do not fall within the Order Limits and therefore would not be the responsibility of the applicant according to the plans and description shown. There is, however, a short stretch of flood defence on the western side as well as the flood defence along the northern side of Coalhouse Point, which do fall within the Order Limits; these sections would be the responsibility of the applicant according to the plans and description.

6.7.4 The Star Dam on the north west corner of the proposed development, falls partly within the Order Limits and partly outside. It is not clear, therefore, where the ownership and maintenance responsibilities will fall for this asset according to the plans and description.

6.7.5 The applicant has described Riparian Landowner's responsibilities, which would apply to both the Council as well as the applicant for the flood defences within their respective land ownership. The measured duty of care principle is highlighted to show that landowners are legally responsible to maintain flood defences on their land to prevent harm to their neighbours by flooding and coastal erosion.

6.7.6 The report identifies flood defence features that would remain under the Council's responsibility as a Riparian landowner, including the remaining part of the low lying flood bund, east of the Order Limits. The Council would continue to share responsibility with Historic England for Coalhouse Fort, including the Fort car park and also the flood defences around the coastal frontage of Coalhouse Fort.

6.7.7 The applicant has shown the proposed Flood defences conceptually; however, the plans do not clearly define the proposed ownership extents, with some assets falling outside of the Order Limits. The plan shown along with the description leave room for misinterpretation and confusion over future ownership and maintenance responsibilities.

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

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

Introduction

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

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

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

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

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

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

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

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

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

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

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

- 6.8.16 The ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) contains a schedule, Table 1.1, of Statutory Providers, and telecommunication providers who retain rights under the Electronic Communication Code, that have 'made a representation as part of the Examination Process (on any matters) with rights and/or apparatus to which S138 of the Planning Act 2008 applies'. The schedule includes a summary of the rights to be extinguished or utility apparatus to be removed / altered, Protective Provisions and/or agreements and the status of objection.
- 6.8.17 The amendments within Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) predominantly consist of the references to updated documents including the Draft Development Consent Order v7.0 ([REP5-025](#)) and the Book of Reference v6.0 ([REP5-031](#)).
- 6.8.18 For the amendment to item number 3 in Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) in relation to the Environment Agency, the Council notes that whilst the existing objection to the Order is still relevant, the applicant now believes that *'all matters pursuant to s138 are agreed'*. Clarification is therefore required to determine whether the applicant is now only waiting on formal withdrawal of the object from the Environment Agency or whether further matters still require an agreement to be reached.
- 6.8.19 For the amendment to item number 5 in Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) in relation to HS1 Limited, the Council notes that the applicant has removed the statement that they are confident that an agreement on all matters will be reached and included confirmation that *'ongoing negotiations regarding the Protective Provisions are expected to take place during the Examination period'*.
- 6.8.20 For the amendment to item number 7 in Table 1.1 of ExQ1 Q15.1.4 PA2008 S138 Statutory Undertakers' Rights and Apparatus – LTC v2.0 ([REP6-084](#)) in relation to Lumen Technologies UK Limited, the Council notes that the applicant has removed the word *'confident'* and replaced it with *'anticipated'*, such that the statement now reads *'it is anticipated that agreement will be reached with Lumen on all other matters during the Examination Period to ensure Lumen receives the Protective Measures it requires for its apparatus'*.

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

6.9 Draft Section 106 Agreement Comments and Progress Update

Introduction

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

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

Draft S106 Agreement

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

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

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

Draft S106 Programme

- 6.9.8 **The applicant's proposed programme for achieving an agreed S106 Agreement has already been delayed by the applicant and it remains questionable as to whether it will be achieved to the significant detriment of the Council, in the Council's opinion, especially given the more extensive governance procedures of the Council, given its S114 status, in respect of this financial agreement.**

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

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

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

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

7 Response to Applicant's D6 Traffic and Transport Submissions

7.1 Introduction

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

7.2 Wider Network Impacts Position Paper (REP6-092)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.1 Introduction

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

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

- 8.2.1 The Council has made its position clear throughout the Examination that it does not concur with the applicant on the rigour or commitments that have been applied to the application of non-road transportation for plant, equipment and materials where those items have to be imported to or exported from the works. The Council does not therefore concur with the submission reported by the applicant in its Post Event Written Statement on Item 3(a)(i). The Council does support the maximisation based on the waste hierarchy and in optimising reuse of materials within the works area where material is deemed necessary to be generated.
- 8.2.2 The explanation provided by the applicant under ISH8 Hearing Action Point 6 regarding further explanation of the rationale behind the determination of on-site accommodation requirements is not considered an adequate response by the Council. The applicant states that the figure has been arrived at based on 'professional judgement, and knowledge of other major projects both NSIP and highways projects'. This does not provide adequate further detail, for example, specific project benchmarks and therefore is not considered a robust response.
- 8.2.3 In regard to Item 3(a)(iv), which interrogates the effect of the proposed on-site accommodation and related management of potential socio-economic impacts the applicant's response is not considered adequate in relation to demonstrated securing sufficient consideration and mitigation regarding impact on healthcare provision. The majority of the applicant response is regarding management of accommodation impacts in the local area, with only paragraph 3.1.70 responding to this concern, outlining that REAC Item PH002 is considered sufficient to manage this impact. As discussed within this submission (under the Sections 5.6 and within this Section on the ISH8 Hearing), this is not considered adequate.
- 8.2.4 The Council raised concerns that noise insulation and temporary rehousing do not currently form part of the REAC measures. The applicant has responded stating that it has a noise insulation and temporary rehousing policy, which enables assessment to be carried out prior to construction activity for qualifying properties. In the event that the applicant's policy changes the Council would request that this is requirement is included in the REAC measures.
- 8.2.5 The Council raised concerns that construction and operational noise assessments have not been undertaken for the Gammonfields travellers sites in its new location. Assessments have now been provided within [REP6-089](#). This is welcomed. The assessment of construction noise is agreed, and impacts are not likely to be significant. For operational noise, it is noted that internal noise levels are likely to exceed BS 8233 Guidance. The Council would require that further mitigation measures are considered to reduce the resulting external and internal noise levels at the relocated travellers site.
- 8.2.6 The Council raised concerns that noise barrier options 4, 6 and 8 were not being implemented despite providing reductions in noise levels to dwellings (reducing impacts from moderate/major to minor and below). The applicant has responded that these barriers were considered but given the low cost-benefit these options were withdrawn. Cultural heritage and landscape reasoning was also cited by the applicant as reasons not to pursue these barriers.

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

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

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

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

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

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

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

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

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

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

The Wilderness

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

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

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

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

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

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

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

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

Annex F: Water Framework Directive

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

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

Item 3(a) Wider Network Impacts Update

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

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

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

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

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

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

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

8.5 CAH1 – Action Point 1 (REP6-086)

8.5.1 Following CAH1 Hearing on 15 September 2023, the Council has been working with the applicant to respond to the ExA Action Point. This Joint Statement is within **Appendix L** of the Council's D6 submission ([REP6-168](#)) and was also submitted by the applicant at D6. There has been no further development since then, except the comments set out below in Sections 8.9 – 8.11 below.

9 Council Comments on Applicant's Responses to ExQ2

9.1 Introduction

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

9.2 Climate (REP6-107)

- 9.2.1 ExQ2 Q2.1.1 asks whether recent changes to PAS 2080: 2016: Carbon Management in Infrastructure would affect the assessment methodology or have consequent climate impacts. Amongst other things, one change would be that sequestration impacts of land use change would be allocated to the operational phase rather than construction but would not alter the total. The applicant concludes that *'changes to the specification do not affect the assessment methodology, make no difference to the overall outcome of the assessment of the significance of the effects of the Project's GHG emissions on climate, and do not affect the commitments made in the Carbon and Energy Management Plan.'* ExQ2 Q2.1.1 is concerned with the basis of calculation of emissions from the infrastructure and does not therefore affect the Council's previously submitted position on LTC's GHG emissions, as set out in Local Impact Report ([REP1-281](#)), which disputes the overall scope of the GHG calculations, in particular that the assessment does not take into account adverse impacts of LTC on the ability of local authorities, such as the Council, to meet their own reduction commitments,
- 9.2.2 ExQ2 Q2.1.2 asks whether the UK Government's recent announcement of a delay to the ban on the sale of new petrol and diesel cars from 2030 to 2035 will affect the carbon and climate assessments. The applicant's response summarises the scenarios that are considered in the modelling: the core scenario being based on the future vehicle fleet mix in the Emissions Factors Toolkit Version 11 (EFTv11), which is not based on any assumed phase out date, so not affected by the change in policy. Upper and lower Transport Decarbonisation Plan scenarios were also used as a sensitivity test. They are not derived directly from any specific fleet mix assumptions. The change in policy would not therefore require any change in methodology.
- 9.2.3 The applicant also quotes the Climate Change Commission's (CCC) recent assessment of the policy change, which concluded that it is very unlikely that this will fall outside the range presented in Table 15.16 of the ES Chapter 15 ([APP-153](#)). It is, however, noteworthy that the quote attributed to the CCC includes the statement that there is a risk that *'that the public and automotive companies perceive a weakening of government commitment to the electric vehicle transition, which could undermine consumer confidence and/or jeopardise some inward investment relating to EV manufacturing'*.
- 9.2.4 It is also noteworthy that the applicant has previously referred to the original 2030 ban on new petrol and diesel cars in its applicant's Compliance Statement to draft NPS ([REP4-209](#)). In particular, new paragraph 2.22 explicitly refers to the *'2030 commitment to end the sale of new petrol and diesel cars'*, so is already out of date and any assumptions made about LTC emissions on this basis will need to be reviewed.

9.3 Traffic and Transportation (REP6-108)

ExQ2 Q4.1.1 – A128 future development

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

ExQ2 Q4.1.2 – NTEM Sensitivity Test

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

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

ExQ2 Q4.1.3 – HGV Bans

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

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

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

ExQ2 Q4.1.6 – Engagement Update

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

9.4 Air Quality (REP6-109)

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

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

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

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

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

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

- 9.4.9 Whilst the rate of renewal of vehicles and uptake of Electric Vehicles (EV) will contribute to anticipated reductions in NOx emissions from road transport, this is unlikely to result in any noticeable decrease in PM_{2.5} emissions (and heavier weights of EV could result in increased emissions). There is uncertainty as to the rate of this change and whether any decrease in NOx emissions will outweigh the growth in traffic flows using the LTC.

- 9.4.10 Therefore, the magnitude of these predicted impacts is uncertain and PM_{2.5} impacts due to LTC are likely to increase further in future years with increased traffic flows using the LTC, resulting in residents of Thurrock continuing to experience an elevated fraction of mortality attributable to particulate air pollution.

- 9.4.11 Given the substantial impacts and deterioration in air quality predicted for numerous residential properties within Thurrock, the Council considers that appropriate mitigation measures should have been investigated by the applicant through the design process of the Scheme, rather than reliance on the DMRB LA105 framework, which the applicant seemingly acknowledges does not reflect the dNPSNN requirements, where substantial changes in air quality are expected.

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

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

9.5 Geology and Soils and Waste (REP6-110)

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

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

9.6 Noise and Vibration (REP6-111)

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

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

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

ExQ2 Q10.1.2 Infiltration Basins and Exceedance Routing

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

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

ExQ2 10.4.1 Operational surface water drainage pollution risk assessment

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

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

Introduction

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

ExQ2 – Q13.1.1 – Benefits and Outcomes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Council's Emerging Local Plan Update and Major Concerns

10.1 Introduction

10.1.1 The Council last set out the current status of the emerging Local Plan in its LIR ([REP1-281](#)) in Sections 4.4.6 – 4.4.12 on 18 July 2023. At that time the Local Plan programme was uncertain, and the Council indicated in outline the likely impacts of the LTC on the effectiveness of delivering the Local Plan and these issues are unlikely to change. Nevertheless, the Local Plan programme is now more certain and additional studies have been completed and therefore a further update is both timely for and helpful to the ExA. In addition, over the past few months the Council has published many of its 'evidence-based' documents for the Local Plan that can be found on the Council's website: [Evidence to support the Local Plan | New Local Plan for Thurrock | Thurrock Council](#).

10.1.2 During 2023, the Council has been working closely with developers and landowners on potential development sites across Thurrock to deliver strategic borough-wide level of employment land and homes. This will set out the future development for major employment sites and 10,000s of homes. The Council recently published its **Local Development Scheme** dated September 2023 and it sets the intended programme for the development of the emerging Local Plan. In summary, the emerging Local Plan current anticipated programme is set out below.

- a. **Regulation 18 (of the Town & Country Planning (Local Planning) (England) Regulations 2012): 28 November 2023** – Papers will be available on the Council's website;
- b. **Regulation 18: 6 December 2023** – Extraordinary Full Council. Elected members will meet to approve the Initial Proposals document for public consultation;
- c. **Regulation 18: 12 December 2023 – 16 February 2024**: Planned Dates for Consultation pending approval from Full Council;
- d. **Regulation 19: End 2024** – currently programmed Publication of the Draft Plan; and,
- e. **Regulation 22: Spring 2025** – submission to SoS for Examination in Public
- f. **Inspector's Report Expected: Spring 2026**
- g. **Regulation 26: Adopted Local Plan by Council: Summer 2026**

10.1.3 It is expected that within the Regulation 18 Initial Proposals document, in addition to emerging policy directions, it will set out a range of potential sites that the Council consider, based on existing evidence and discussions with key stakeholders, should be allocated in emerging Local Plan. These sites include new neighbourhoods, new employment areas, designated local green spaces and opportunity areas where there is the potential to intensify existing uses, introduce new ones and/or make improvements to the public realm and the way people move around the area. The document also sets out a series of reasonable alternatives – some of these options are new sites and some are larger/smaller options for sites shown as initial proposals. Reasonable alternatives are defined as different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each, so that meaningful comparisons can be made.

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

10.2 Key Issues for Future Growth and the Emerging Local Plan

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

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

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

Lower Thames Crossing

Thurrock Council Submission at Deadline 7 (D7)

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

17 November 2023

Thurrock Council



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Document Control Sheet

Project Name: Lower Thames Crossing

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

Doc Ref: FINAL

Date: 17 November 2023

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

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

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

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

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Lower Thames Crossing

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

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

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Lower Thames Crossing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lower Thames Crossing

Thurrock Council Submission at Deadline 7 (D7)

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

17 November 2023

Thurrock Council

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Document Control Sheet

Project Name: Lower Thames Crossing

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

Doc Ref: FINAL

Date: 17 November 2023

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

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B.1 Tilbury Link Road

Tilbury link road readiness and compatibility

1. — No part of the authorised development is to commence until Work No. [North Portal Junction] is designed in detail and approved by the Secretary of State, in consultation with the relevant planning authority. The design of [North Portal Junction] must:
 - (i) not preclude the design, construction, operation and maintenance of the proposed Tilbury link road, which is to be provided as a public highway.
 - (ii) be consistent with the parameters within the General Arrangement drawings HE540039-CJV-BOP-SZZ_GN000000_-DR-CX-10017 and HE540039-CJV-BOP-SZZ_GN000000_-DR-CX-10020 and Works Plans HE540039-CJV-BOP-SZZ_GN000000_-DR-CX-20017 and HE540039-CJV-BOP-SZZ_GN000000_-DR-CX-20020 and with the proposals to be developed by National Highways for the Tilbury Link Road to be set out in the Roads Investment Strategy 3 2025-2030 (or relevant subsequent Roads Investment Strategies) Such provision will allow for LTN1/20 compliant walking and cycling infrastructure (or equivalent design standard updates thereof).
 - (iii) include an east-west oriented route for walking, cycling and public transport which connects with Station Road to the east of Work No. [North Portal Junction]
 - (iv) demonstrate that the junction caters for forecast future port and future traffic growth to 2045 via the proposed Tilbury link road and access to east tilbury.
2. Work No. [North Portal Junction], once approved by the Secretary of State pursuant to paragraph (1) above, must be constructed by the undertaker prior to the operation of [specific drawing number] of the authorised development.

B.2 Air Quality Monitoring and Mitigation

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

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

B.3 Thurrock Accommodation Resilience Scheme

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

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

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

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

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

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

(10) In this paragraph—

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

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

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

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

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

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

Lower Thames Crossing

Thurrock Council Submission at Deadline 7 (D7)

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

17 November 2023

Thurrock Council

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

Document Control Sheet

Project Name: Lower Thames Crossing

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

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Date: 17 November 2023

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

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C.1 Memorandum of Understanding relating to Lower Thames Crossing

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C.1 Memorandum of Understanding relating to Lower Thames Crossing

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



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

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

1 The Parties

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

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

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

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

2 Background

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

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

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

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

3 Purpose

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

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

3.2.1 maintaining effective communication and liaison;

3.2.2 sharing relevant information; and

3.2.3 sharing knowledge and experience.

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

4 Use by NH of land owned by TC

Advanced notice of programme

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

4.2 NH will use reasonable endeavours to:

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

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

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

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

Reinstatement of land following temporary possession

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

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

5 Compensation Code

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

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Chamber) in determining compensation for the acquisition of land or the displacement of persons from land by compulsory acquisition (“the Compensation Code”).

6 Notices

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

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

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

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

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

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

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

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

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

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

7 Resolving disagreements

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

APPENDIX 1
ILLUSTRATIVE PROGRAMME

Appendix D Potential Mitigation at Orsett Cock Junction

Lower Thames Crossing

Thurrock Council Submission at Deadline 7 (D7)

Appendix D: Potential Mitigation at Orsett Cock Junction

17 November 2023

Thurrock Council

 **thurrock.gov.uk**

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Project Name: Lower Thames Crossing

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	Name	Position	Signature	Date
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Reviewed by:	David Bowers / Chris Stratford	Director / Senior Consultant	DB/CS	17 November 2023
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Annex 1	Spiral marking on circulatory
Annex 2	LTC and A13 off-slip approach arms

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D.1 Introduction

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

D.2 Orsett Cock Mitigation Concepts

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

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

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

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

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

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

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

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

Mitigation Measure 2 - Spiral marking on circulatory

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

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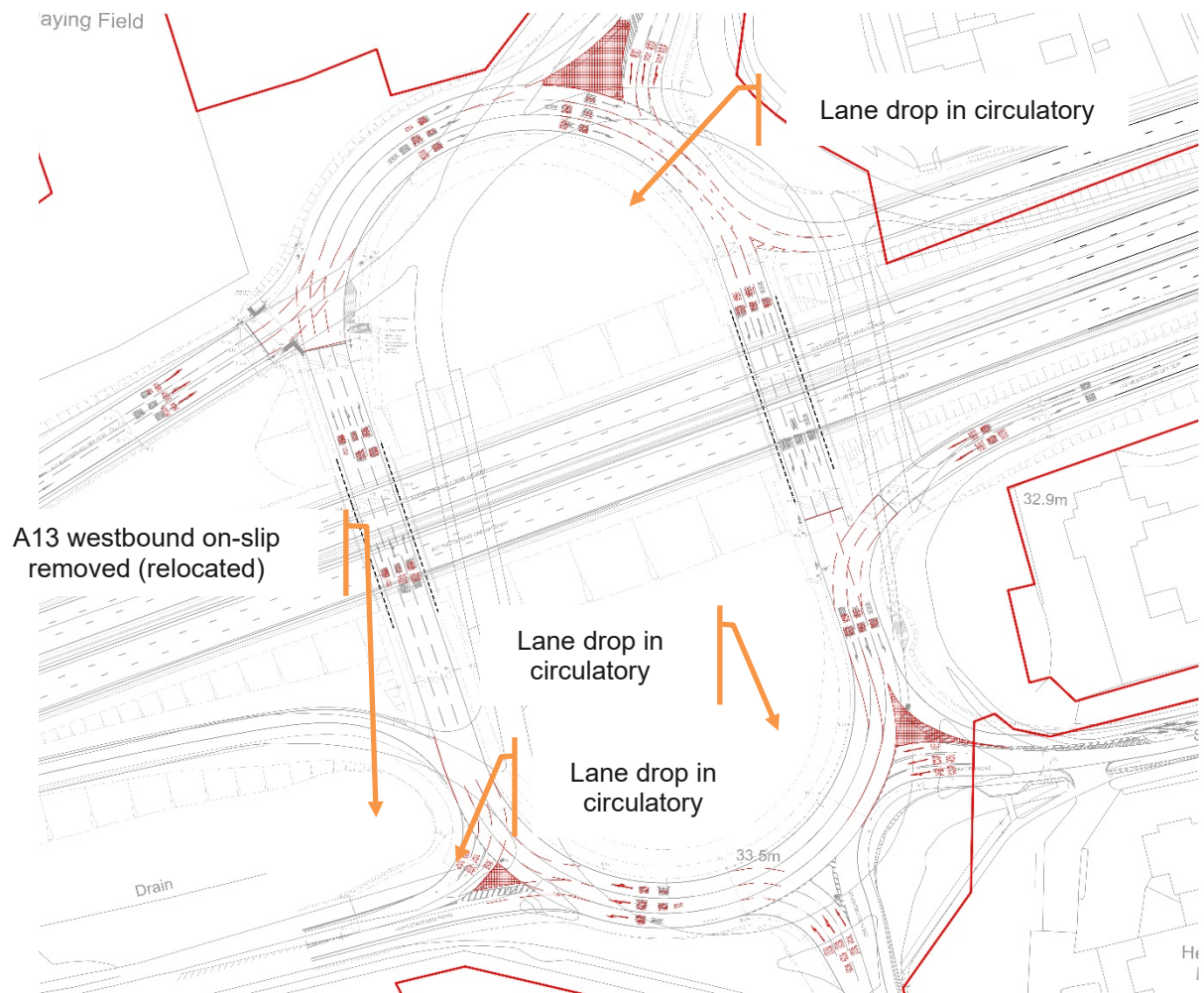


Figure D.2.1: Spiral Marking and Lane Allocation Orsett Cock (also showing Order Limits in red outline)

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

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

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

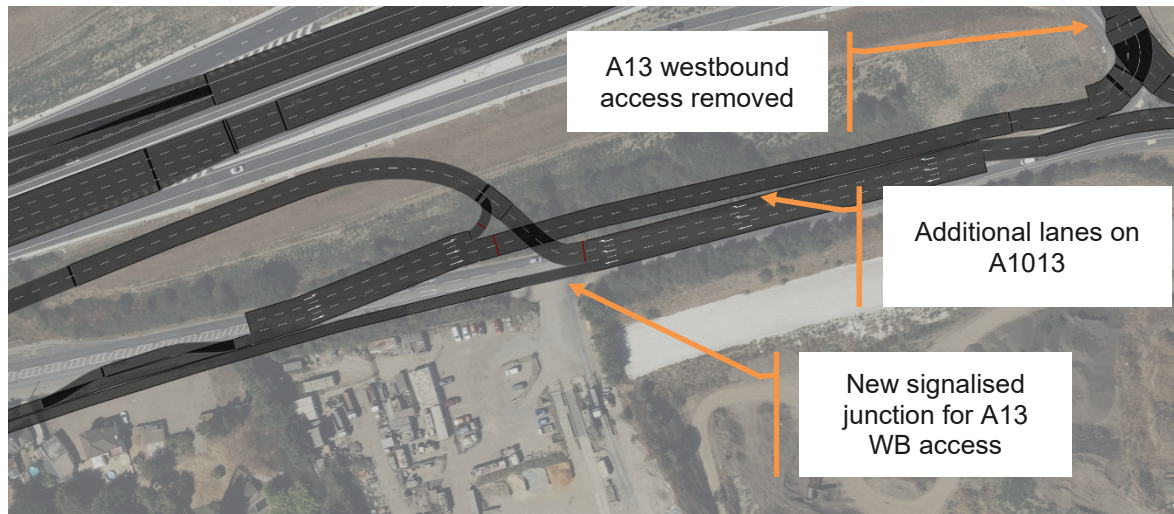


Figure D.2.2: Signalised junction for Stanford Road / A13 westbound on-slip

D.3 Orsett Cock Mitigation Results

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

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

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

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

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

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

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

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

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

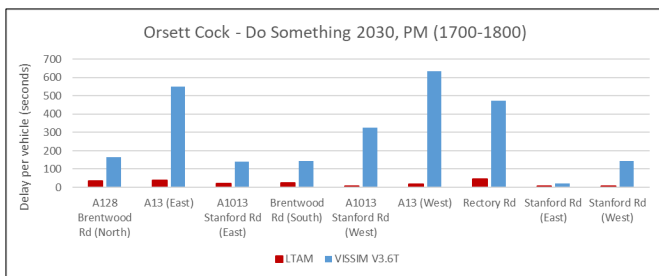


Figure D.3.1: Comparison of LTAM with VISSIM v3.6T. 2030 PM Peak Hour (1700-1800). Delay per Vehicle (seconds)

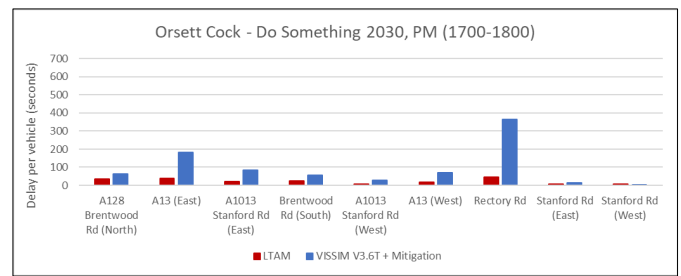


Figure D.3.2: Comparison of LTAM with VISSIM v3.6T + Mitigation. 2030 PM Peak Hour (1700-1800). Delay per Vehicle (seconds)

D.4 Conclusions

Applicant accepts LTC has an unacceptable impact on Orsett Cock

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

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

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

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

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

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

Potential mitigation measures require substantial design changes

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

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

Minor changes proposed by applicant are not sufficient

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

Draft Requirement agreed with other IPs must be secured

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

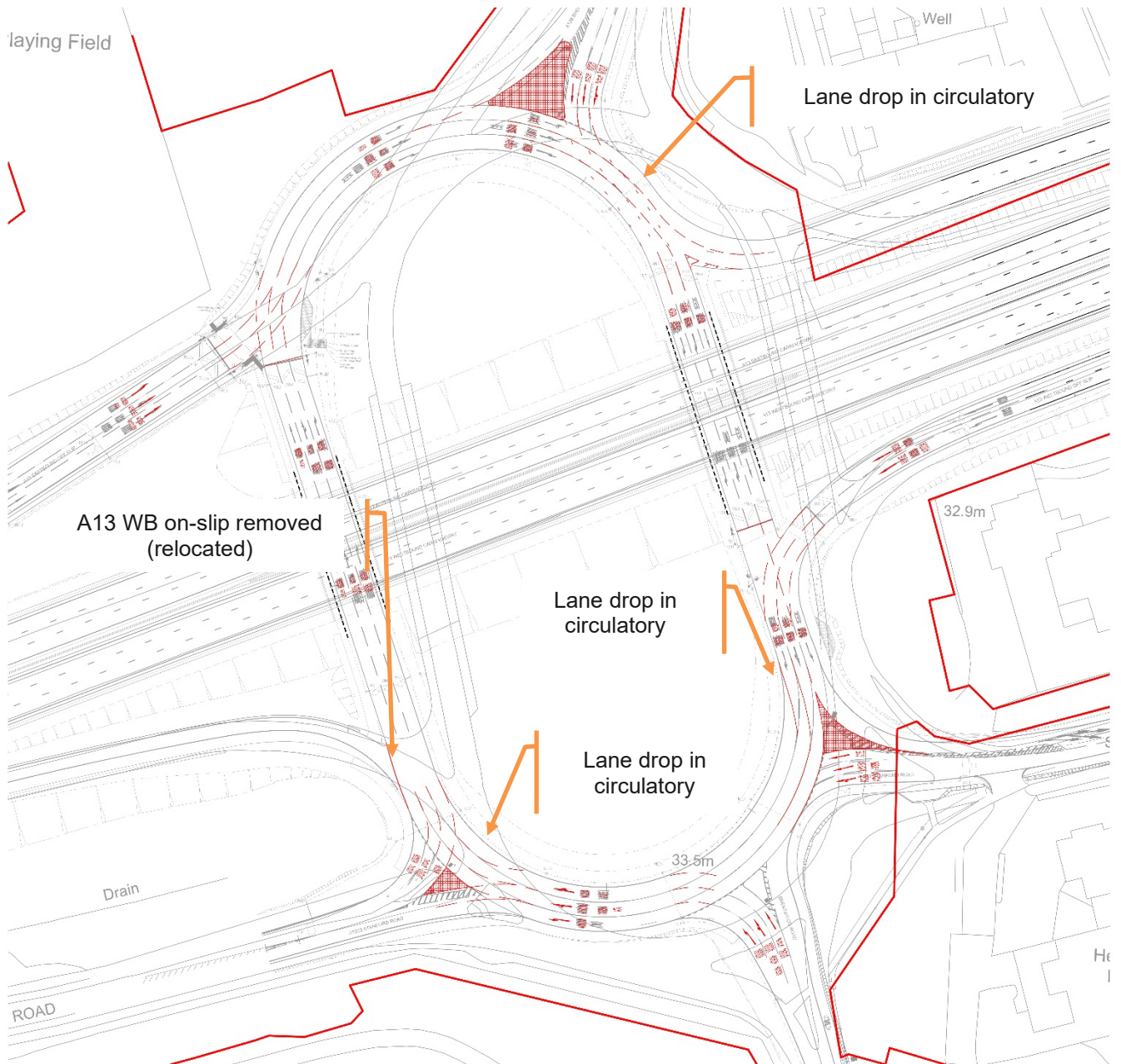
- D.4.9. Without this draft Requirement, the traffic impacts at Orsett Cock are unacceptable to the Council.

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

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

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

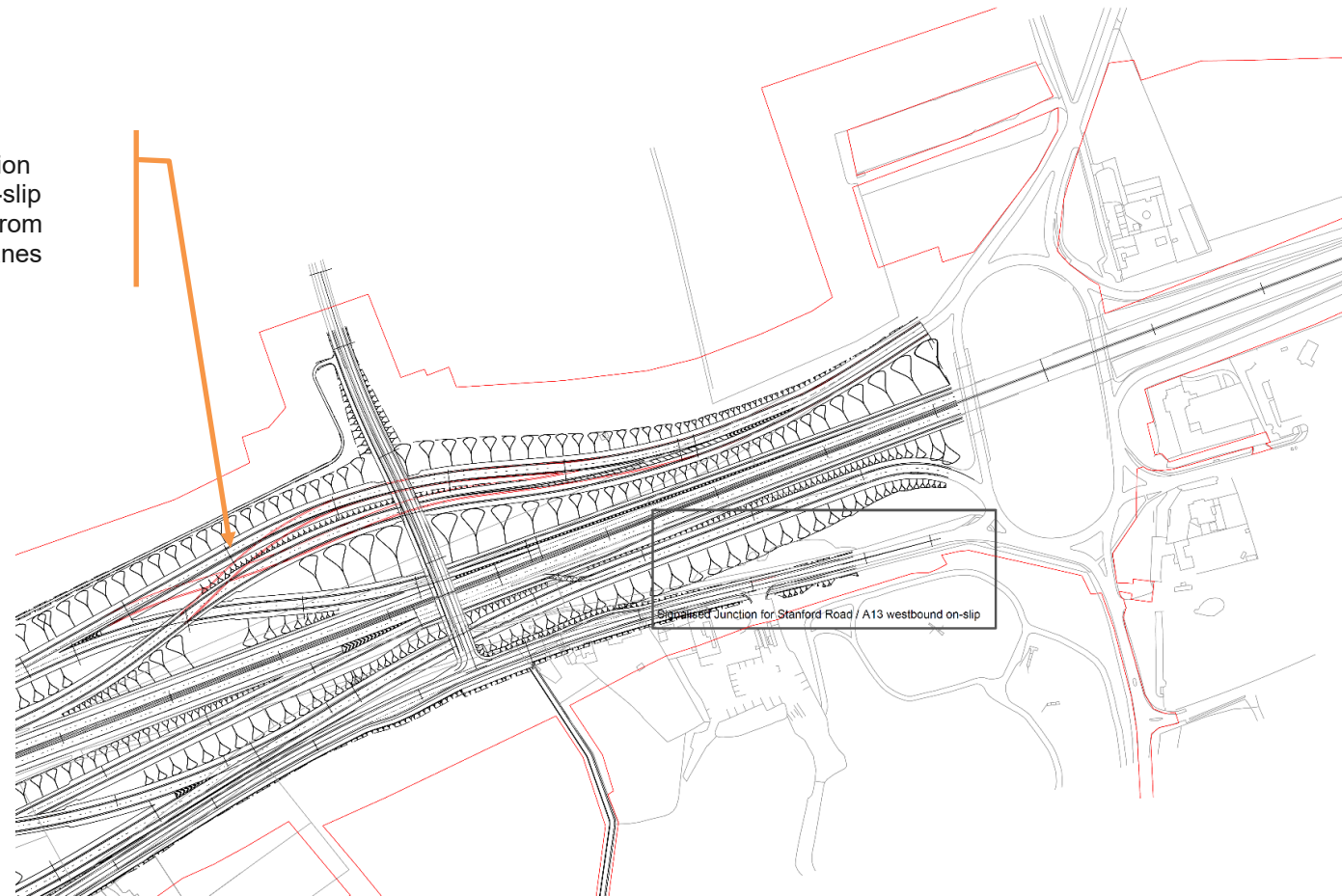
Annex 1 Spiral marking on circulatory



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

Annex 2 LTC and A13 off-slip approach arms

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



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

13 March 2024	ITEM: 25
Cabinet	
Local Government & Social Care Ombudsman (LGO) Report Publication	
Wards and communities affected: N/A	Key Decision: Non-Key
Report of: LGO Report Publication in respect of a complaint received by a Thurrock Council resident citing the Council's failure to provide them with a reliable and effective assisted bin collection service.	
Accountable Assistant Director: Paul Southall, Interim Assistant Director Street Scene & Leisure, Public Realm	
Accountable Director: Claire Demmel, Interim Executive Director of Place	
Version: Final / Cabinet	

Executive Summary

The Local Government & Social Care Ombudsman (LGO) wrote to the Chief Executive on 12th February 2024 to advise they had completed their investigation into the complaint received by a Thurrock Council Resident, Miss Y, citing the Council's failure to provide her with a reliable and effective assisted bin collection service.

Miss Y has a disability, and the Council has provided an Assisted Bin collection service for several years. However, there had been historic repeated issues with the service, which at the time of the initial complaint, were ongoing despite previous complaints to the LGO and the Council's promises to resolve these.

Following its investigation, the LGO has found against the Council for causing injustice to Miss Y and have made several recommendations which the Council must conform with within three months of the decision as well as confirm the actions it has taken or proposes to take.

The Council has accepted and actioned all these recommendations. The LGO has confirmed that they have published the report on their website on 20 February 2024.

Commissioner Comment:

Version Cabinet – Final version ready for Cabinet/Executive decision

Commissioners have been consulted on the content of this report and agree with the recommendations made.

1. Recommendation(s)

- 1.1 That the final report by the Local Government and Social Care Ombudsman should be considered at its full Council, Cabinet or other appropriately delegated committee of elected members.**

2. Introduction and Background

- 2.1 The Council provides an assisted bin collection service for residents whose disability or illness prevents them from taking their bins to the kerbside, and who have nobody in their household who can do this.
- 2.2 In 2020, Miss Y complained to the LGO about problems with her assisted bin service.
- 2.3 During the period from 2019 Miss Y reported 15 missed collections and bins not being returned correctly during the previous 12 months, even though the Council had monitored her collections for a time during this period.
- 2.3 In 2021, Miss Y complained to the LGO again about missed bin collections and other issues during the period since her previous complaint. The LGO found fault and the Council agreed to carry out further monitoring until August 2022.
- 2.4 In February 2023 Miss Y reported further problems to the Council as the problems with her collections were still happening. Collections were being missed, and bins left in the wrong place, sometimes blocking her driveway. She was unhappy it had failed to resolve the problems; despite the action it had taken following her previous complaints.
- 2.5 The Council investigated her concerns and Managers handed out laminated instructions about the assisted bins to crews before their collection rounds. The waste service implemented a system to place stickers on all assisted bins to help crews identify them.
- 2.6 Miss Y was provided with contact details for the waste team so she could report any issues directly.
- 2.7 In April 2023 Miss Y complained to the LGO again advising that there were still issues with the bin collection service.
- 2.8 Miss Y reported several issues to the Council, including missed collections and bins blocking her driveway, in the period from September 2022.
- 2.9 Following concerns raised in February 2023, the Council carried out further monitoring from March to June 2023 however Miss Y reported further issues in July 2023, once the monitoring had ended.
- 2.9.1 Following this report, the waste service implemented a new process and provided photos and written instructions to crews to show where Miss Y's bins should be returned. The crews would also confirm to their supervisor that her bin had been returned to its correct location. A supervisor would also monitor the situation for two months to check the instructions for Miss Y's collection had been properly followed.

3. Issues, Options and Analysis of Options

- 3.1 The Council accepted that there were problems with Miss Y's bin collection service between 2019 and July 2023.

3.2 The LGO findings state that:

Miss Y relies on the assisted service to allow her to use the bin collection service the Council provides to all its residents.

What is a routine bin collection for most residents becomes a weekly source of problems and worry for Miss Y because of the repeated failures in the service.

If the bin has not been moved to the roadside her rubbish will not be collected by the crews. If a bin is left blocking her driveway, she is unable to leave her house on her own until this has been moved.

If a bin has not been returned to its correct location by the crew, she has to ask someone else to do this and she has to ask family and friends for help with these failures in the service or make a phone call to the waste team to ask for their assistance.

3.3 The LGO found that this affected Miss Y's independence, dignity, and ability to manage what should be a routine part of everyday life and that the failings in the service continued to cause her worry and distress and meant that she was treated less favourably than someone without a disability.

3.4 The Council accepted that from the period 2019 to July 2023 Miss Y had experienced issues with her assisted waste collection service. However, since this time the Council has undergone several changes and implemented robust measures, which has stabilised its waste collection service and as a result, Miss Y's waste collections have remained consistent in recent months.

The following statement should be published in response to the LGOs published report:

The Council can confirm that it complies with the Equality Act 2010 and by virtue, the waste collection service offers an 'Assisted Bin' collection service to residents who are not able to take their bins to the kerbside because of disability or ill health and have nobody in their household who can do this.

The Councils accepts that from the period 2019 to July 2023 Miss Y has experienced issues with her assisted waste collection service. However, since this time, the Council has undergone a number of changes and implemented robust measures, detailed below, which has stabilised its waste collection service and as a result, Miss Y's waste collections have remained consistent in recent months.

- A new Interim Assistant Director Street Scene and Leisure joined the Council in July 2023.
- A new Interim Head of Service and Operations Manager joined the service in September 2023 and October respectively.
- The monitoring process has been reviewed and takes place on a daily basis with photographic evidence taken. Any issues or concerns raised during the monitoring process are addressed then rectified the same day.
- The use of Bartec, the crews in cab scheduling and routing system, has been mandated to ensure the crews can identify assisted properties on their rounds.
- A rolling programme of placing yellow stickers on assisted bins was introduced in 2023, to assist crews with identifying properties with assisted collections. It has been confirmed Miss Y's bins have been issued with yellow stickers.

- The service has adopted new tools, namely Power Bi, to assist with identifying and monitoring trends from complaints and service requests.
- Training has been delivered in the form a Toolbox Talk in October 2023 on 'Properties with Assisted Collections' to ensure Crews are aware of the importance of ensuring these collections are made and bins are returned to properties.
- Miss Y has been provided with the direct telephone number and email address should she need to contact the Waste Team at any time.
- Miss Y's property has been consistently monitored since September 2023.
- Miss Y's property will remain on monitoring indefinitely.

4. Reasons for Recommendation

- 4.1 Following its investigation, the LGO has found fault on the Council (part by causing injustice to Miss Y) and have made several recommendations which the Council must confirm it has complied with within three months of the decision as well confirm actions it has taken or proposes to take.

The Council has accepted and actioned all these recommendations.

The LGO has advised that they will now publish the report on their website on or after 20 February 2024

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

- 5.1 N/A

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

- 6.1 N/A

7. Implications

N/A

7.1 Financial

The LGO finding have instructed that a payment of £350 is made to Miss Y to reflect the worry and distress its failures have caused her.

Implications verified by: **Laura Last**
Finance Manager

7.2 Legal

Implications verified by: **Jayne Middleton-Albooye**
Interim Head of Legal Services

The LGSCO investigates complaints about maladministration and service failure. In accordance with s. 31 (2) the Local Government Act 1974, as amended, there is a requirement for the report to be considered in full by the Council's Executive.

The Public Sector Equality Duty (under the Equality Act 2010) applies to the Council when it makes decisions, designs policies and delivers services. The duty requires the Council to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The report outlines the LGSCO's findings in respect of the Council's Equality Act duties and states the Council needs to reflect equality considerations into its delivery, in this case in relation to disability.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Community Development Team Leader

Diversity and equality implications are set out in the body of this report.

All information regarding Community Equality Impact Assessments can be found here:
<https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 Risks

N/A

7.5 Other implications

N/A

8. Background papers used in preparing the report

Final report by the Local Government and Social Care Ombudsman

9. Appendices to the report

- Appendix 1 – LGO Final Report

Report Author:

Paul Southall

Interim Assistant Director

Street Scene & Leisure, Public Realm

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint about
Thurrock Council
(reference number: 23 000 556)**

12 February 2024

The Ombudsman's role

For almost 50 years we have independently and impartially investigated complaints about councils and other organisations in our jurisdiction. If we decide to investigate, we look at whether organisations have made decisions the right way. Where we find fault has caused injustice, we can recommend actions to put things right, which are proportionate, appropriate and reasonable based on all the facts of the complaint. We can also identify service improvements so similar problems don't happen again. Our service is free.

We cannot force organisations to follow our recommendations, but they almost always do. Some of the things we might ask an organisation to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

We publish public interest reports to raise awareness of significant issues, encourage scrutiny of local services and hold organisations to account.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Miss Y The complainant

Report summary

Environmental Services and Public Protection and Regulation – Refuse and Recycling

Summary

Miss Y complained about the Council's failure to provide her with a reliable and effective assisted bin collection service. She has a disability and the Council has provided this service for a number of years. But there have been repeated issues with the service, which are still ongoing, despite her previous complaints to us and the Council's promises to resolve these.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)

To remedy the injustice identified in this report, we recommend the Council take the following action within three months of the report:

- apologise to Miss Y for its ongoing failure to provide her with a reliable and effective assisted bin collection service. We publish [Guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The Council should consider this guidance in making the apology we have recommended;
- pay Miss Y £350 to reflect the worry and distress its failures have caused her. This is a symbolic amount based on our Guidance on remedies;
- offer Miss Y the opportunity to meet with a senior manager in the waste management team to discuss the issues with her assisted bin collection service and the action it has taken to resolve these;
- report to us on the changes it has made to resolve the issues with Miss Y's service; and
- review service requests and complaints about assisted bin collections over the last six months. If these show there are wider problems with the way it delivers its assisted bin collection service to its residents, the Council should consider what changes can be made to improve the service.

The Council has accepted our recommendations.

The complaint

1. Miss Y complained about the Council's repeated failure to provide her with a reliable and effective assisted bin collection service. She has a disability and the Council has provided this service for a number of years.
2. But there have been repeated issues with the service, which are still ongoing, despite her previous complaints to us and the Council's promises to resolve these.
3. Miss Y has told us the bin collection crews have repeatedly:
 - failed to collect and empty her bin. When this happens, she is left with rubbish inside building up until the next collection, causing a trip hazard in her home;
 - failed to return the empty bin to its correct place. When this happens, she cannot move the bin by herself; and
 - left bins in her driveway. When this happens, she cannot use her car or wheelchair to leave her house because she is unable to move the bins out of the way.
4. Miss Y wants the Council to take appropriate action to finally resolve these longstanding issues with her bin collection service.

Legal and administrative background

The Ombudsman's role and powers

5. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)

The Equality Act

6. The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It offers protection, in employment, education, the provision of goods and services, housing, transport and the carrying out of public functions.
7. The Act makes it unlawful for organisations carrying out public functions to discriminate on any of the nine protected characteristics listed in it. They must also have regard to the general duties aimed at eliminating discrimination under the Public Sector Equality Duty.
8. The '[protected characteristics](#)' referred to in the Act are:
 - age;
 - disability;
 - gender reassignment;
 - marriage and civil partnership;
 - pregnancy and maternity;
 - race;
 - religion or belief;

-
- sex; and
 - sexual orientation.

Public sector equality duty

9. The Public Sector Equality Duty requires all local authorities (and bodies acting on their behalf) to have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - foster good relations between people who share a protected characteristic and those who do not.
10. The duty means organisations should think about discrimination, and the needs of people who are disadvantaged or suffer inequality, when they make decisions about how they provide their services and implement policies.

How we considered this complaint

11. We produced this report after examining relevant documents and information, including:
 - Miss Y's written complaint to us and the supporting information she provided;
 - the Council's responses to Miss Y's complaint and the information it provided in response to our written enquiries;
 - relevant law, guidance or procedures as referred to in this report; and
 - our internal guidance, such as our [Guidance on Jurisdiction](#) and [Guidance on remedies](#).
12. We gave the complainant and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before the report was finalised.

What we found

13. The Council provides an assisted bin collection service for residents whose disability or illness prevents them from taking their bins to the kerbside, and who have nobody in their household who can do this.

Previous complaints to us

14. In 2020, Miss Y complained to us about problems with her assisted bin service during the period from 2019. She reported 15 missed collections and bins not being returned correctly over the last 12 months, even though the Council had monitored her collections for a time during this period. We found fault and the Council agreed to monitor Miss Y's collections for a further four weeks.
15. In 2021, Miss Y complained to us again about missed bin collections and other issues during the period since her previous complaint. We found fault and the Council agreed to carry out further monitoring until August 2022.

February 2023: Miss Y reports further problems to the Council

16. Miss Y told the Council the problems with her collections were still happening. Collections were being missed, and bins left in the wrong place, sometimes

blocking her driveway. She was unhappy it had failed to resolve the problems, despite the action it had taken following her previous complaints.

17. The Council investigated her concerns. It told Miss Y:
 - there might be times when the in-cab reporting system for identifying assisted bin collections could not be used by the crew, if for example, there was a malfunction with the system;
 - managers were now handing laminated instructions about the assisted bins to crews before their collection rounds. This would also ensure new crews had written instructions for each round. It had arranged to place stickers on all assisted bins to help crews identify them;
 - there would still be times when, due to human error, bins would be missed. It had given Miss Y contact details for the waste team so she could report any issues directly. When this happened a team member had returned to resolve the issue; and
 - it would monitor her collections for three months.

April 2023: Miss Y's complaint to us

18. Miss Y told us there were still issues with the bin collection service.
19. Our enquiries have confirmed:
 - Miss Y reported a number of issues to the Council, including missed collections and bins blocking her driveway, in the period from September 2022. The last monitoring had ended in August 2022;
 - following her contact in February 2023, the Council had carried out further monitoring from March to June 2023; and
 - Miss Y reported further problems in July 2023, once the monitoring had ended.
20. The Council also told us:
 - it had now provided photos and written instructions to crews to show where Miss Y's bins should be returned;
 - crews would confirm to their supervisor that her bin had been returned to its correct location; and
 - a supervisor would monitor the situation for two months to check the instructions for Miss Y's collection had been properly followed.

Conclusions

21. Our investigation has shown, and the Council accepts, there have been further problems with Miss Y's bin collection service from September 2022, after the end of the previous monitoring period. The Council says human error cannot be eliminated. But we do not consider this is an adequate explanation for the poor service Miss Y has received, especially given the many opportunities the Council has had to address it.
22. Miss Y relies on the assisted service to allow her to use the bin collection service the Council provides to all its residents. She has told us, and we accept;
 - what is a routine bin collection for most residents becomes a weekly source of problems and worry for her because of the repeated failures in the service;

-
- if her bin has not been moved to the roadside her rubbish will not be collected by the crews. If a bin is left blocking her driveway, she is unable to leave her house on her own until this has been moved. If a bin has not been returned to its correct location by the crew, she has to ask someone else to do this; and
 - she has to ask family and friends for help with these failures in the service or make a phone call to the waste team to ask for their assistance.
23. We consider this affects Miss Y's independence, dignity, and ability to manage what should be a routine part of everyday life. The failings in the service have continued to cause her worry and distress, and mean she is treated less favourably than someone without a disability.

The Council's Public Sector Equality Act Duty

24. This requires the Council to reflect equality considerations into the design of its policies and delivery of services. It has considered its duty by providing an assisted bin collection service to those who need help because of their disability, so they can use its residents' refuse collection service.
25. But it is not enough just to offer this service. The Council also needs to reflect equality considerations into its delivery.

The Council's response to this complaint

26. We appreciate there are some practical issues with providing an effective assisted bin collection service, particularly when crews may not be familiar with a round and under pressure to complete their work quickly. We are pleased to note the steps the Council's waste team has taken to address these this year, in response to the ongoing problems with Miss Y's service.
27. But we remain concerned that previous improvements to Miss Y's assisted bin collection service have only been temporary, with problems recurring once monitoring has ended. We are also concerned that other disabled residents who rely on the service may have experienced similar problems.
28. By issuing this report we expect the issues with the assisted bin collection service and their impact on those, such as Miss Y who rely on it, will be taken seriously by the Council. And that the changes needed to improve the service on a permanent basis will be made.

Recommendations

29. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)
30. In addition to the requirements set out above, the Council has agreed to take the following action to remedy the injustice identified in this report:
- apologise to Miss Y for its ongoing failure to provide her with a reliable and effective assisted bin collection service. We publish [Guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The Council should consider this guidance in making the apology we have recommended;
 - pay Miss Y £350 to reflect the worry and distress its failures have caused her. This is a symbolic amount based on our Guidance on remedies;

-
- offer Miss Y the opportunity to meet with a senior manager in the waste management team to discuss the issues with her assisted bin collection service and the action it has taken to resolve these;
 - report to us on the changes it has made to resolve the issues with Miss Y's service; and
 - review service requests and complaints about assisted bin collections over the last six months. If these show there are wider problems with the way it delivers its assisted bin collection service to its residents, the Council should consider what changes can be made to improve the service.

Decision

31. We have completed our investigation into this complaint. There was fault by the Council causing injustice for the reasons explained in this report. The Council has agreed to take the above recommended actions as an appropriate remedy for the injustice caused by the fault.