

Minutes of the Meeting of the Lower Thames Crossing Task Force held on 19 June 2023 at 6.00 pm

Present: Councillors Paul Arnold, Mark Hurrell, Fraser Massey, Sara Muldowney, Kairen Raper, Sue Sammons and Neil Speight

Laura Blake, Thames Crossing Action Group
Robert Quick, Resident Representative

In attendance: Mark Bradbury, Interim Director of Place
Chris Stratford, Consultant
Elaine Sheridan, Electoral Services Manager

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

1. Nomination of Chair

Councillor Fraser Massey was elected as Chair of the Lower Thames Crossing Task Force for the 2023/24 municipal year.

2. Nomination of Vice Chair

Councillor Sara Muldowney was elected as Vice Chair of the Lower Thames Crossing Task Force for the 2023/24 municipal year.

3. Minutes

The minutes of the meeting held on 20 March 2023 were discussed and comments were noted.

On page 6 clarification was requested on the statement about the LTC Accounting Officer Assessment document and the reference to an Individual Assessment review. The Thames Crossing Action Group Representative clarified the minute and also provided the following update as of the June meeting. TCAG had entered a FOI to the Infrastructure and Projects Authority in respect of Independent Reviews which had been carried out and mentioned in the LTC Accounting Officer Assessment. TCAG requested copies of those independent reviews from the IPA which falls under the remit of the Cabinet Office and Treasury. The Cabinet Office refused the request and Leigh Day were instructed to request an internal review. Subsequently, the Cabinet Office were in breach of legislation because they did not respond by the statutory deadline. Leigh Day have been further instructed to put a complaint into the Information Commissioners office and TCAG are awaiting further information to see what happens next.

The Director of Place requested the Minute be amended to reflect that the FOI had been refused by the Cabinet Office.

Following the changes and clarification as discussed, the Chair requested that the minutes of the meeting held on 20 March 2023 be approved as a true and correct record subject to the amendments previously circulated by Thames Crossing Action Group Representative and as stated in discussion by the Director of Place.

4. Items of Urgent Business

There were no urgent items of business.

5. Declaration of Interests

No declarations of interest were made.

6. Verbal update on Development Control Order (DCO) Pre Examination Process and next steps

The Director of Place updated the LTC Task Force and stated that Chris Stratford a member of the external team who has been advising the Task Force is now part of the team and making submissions to the examination process.

The Officer explained that members were receiving a verbal update as this is now a very fast-moving stage. The Development Control Order (DCO) was accepted by the Planning Inspectorate in late-November 2022 and the timetable for the Examination phase was set out in a Rule 6 letter from the Examining Authority. We are currently in the Pre-Examination phase for the rest of today and the Examination stage from tomorrow. All correspondence received or submitted is available on the (Planning Inspectorate) PINS website and members were recommended to point interested parties to the website for the most up to date position.

The Task Force last received an update in March 2023 before the pre-election period when the council was in the process of re-engaging the team of external consultants having been on a brief pause whilst the impact of the S114 notice was examined. The council has been challenging National Highways and the LTC team and some of the costs in doing that had been covered by the previous Planning Performance Agreement (PPA) between the council and National Highways. The existing PPA came to an end with the acceptance of the DCO by the Planning Inspectorate and it has been necessary to negotiate a new one. Officers have negotiated better terms for Thurrock residents and the terms of the PPA is better than any other authority involved in the process. There is still a cost to the council in representing itself through the Examination stage of the process as National Highways do not pay legal costs and representation at Hearings.

Officers submitted a request to delay the process by approximately 7 weeks and the submission was accepted for consideration on 21 March and the subject of discussion at a subsequent Programming Meeting on 16 May and at a Preliminary Meeting on 6 June.

Whilst awaiting a decision on the Examination timetable extension, the team have submitted responses to a number of procedural deadlines. The responses are available on the PINS website

- Procedural deadline A – 10 May – met and accepted
- Procedural deadline B – 31 May, met and accepted
- Procedural deadline C – submitted two responses

Officers were optimistic that the extension would be granted, however, the procedural decision released on 15 June did not allow additional time and to remain with the original timetable. The Examination starts officially tomorrow (20 June) and a response will be submitted to a Minor Refinement Consultation (MRC) tonight.

The next steps of the Examination will run for six months from 20 June until 20 December. The Examining Authority (EA) have committed to the timetable, and it is now a requirement for them to deliver their recommendations, complete the Examination and proceed to deliver within that timescale. It is believed this will be a challenge for the EA as well as to the council.

Open floor hearings commence tomorrow where other interested parties who have submitted representations can present their case. Further open floor hearings follow on 28 June with a deadline to register by 22 June, 5 July with a registration date of 29 June.

Issue Specific Hearings will be held on 21 June for Project Definition and 22 June around the draft DCO itself. The council will be represented at both of these hearings.

Examination Deadline 1 and Procedural Deadline D will follow on 18 July. The draft response (the Council's Local Impact Report (LIR)) is being drafted.

The Rule 6 letter made earlier in the process outlines the draft timetable and it remains the same until the Rule 8 letter is published and was published on the PINS website. Officers suggested that a future meeting of the Task Force takes members through the next stage. Members were also asked to consider the need to be updated on a monthly basis and informed it would be a verbal update only.

Members were reassured by officers that the team is all in place and will do their best to ensure that Thurrock is well represented and other interested parties such as DP World, the Thames Crossing Action Group (TCAG) were very keen to ensure that Thurrock, as the largest impacted authority, was allowed to be properly represented at the examination.

The PPA Variation is now in an agreed form and will go to Cabinet in July as part of the update paper on the process to seek approval for that to be signed. Although not signed at present, National Highways have agreed to honour expenditure in the meantime and will backdate this to January 2023. This has been confirmed on the record and noted by the Examining Authority.

The Chair thanked officers and asked Members for any comments or questions.

Members queried the reason for not granting an extension. The officer responded to say that the terms are set out in the letter and reiterated that the response a strong case for an extension had been presented, but it did not outweigh the wider interest in getting this decision made. Members discussed the two-year delay and questioned if there was an opportunity to challenge the extension later in the process. The officer outlined that the Examining Authority may come under pressure to meet their own deadline.

Members agreed that it would still be useful to receive monthly updates

Chris Stratford provided supplementary information and outlined the availability of two key documents submitted which summarised the council case. Document 1, Relevant Representation and Document 2, Principal Areas of Disagreement Summary (PADs). These documents will be circulated to members of the Task Force.

It was outlined that the Rule 8 letter was expected tomorrow or soon after, which will confirm the timetable and it is possible that some of the Examination deadlines may change. The next principal document to be submitted at ED1, is the local impact report. This will set out the council's assessment of impact and the case against the project. It will go through the delegated governance process.

Members thanked officers and requested that the documents are circulated. Members agreed that it would still be useful to have monthly meetings even if a short verbal update.

The TCAG representative reminded members of Examination Deadline 1, 18 July, an opportunity for written representations from the public if they do not wish to speak at the open floor hearings.

A member commented that in discussion with DP World/London Gateway, they were keen to highlight the involvement of Freeport and what they will bring. They questioned officers to clarify if Freeport have been engaged in the process? Officers responded that as an accountable body they had not responded but individual groups have. Officers are now working with Freeport as the accountable body but also as a partner and want to ensure they are aware and supportive. They will seek to engage them as a Freeport board and make sure that nothing gets in the way of maximizing the benefits of Freeport.

Members also raised that the current LDO for London Gateway is nearing the end and what impact the development of a Freeport DCO would have? Officers agreed to prepare a briefing note on a ward councillor basis in respect of wider issues on planning and the Freeport.

The TCAG representative questioned officers in regard to the air and noise pollution monitors that are setting the base levels for the LTC in respect of the noise which is carrying further than the areas that National Highways are proposing to be assessed and monitored. Is the current noise level from piling being picked up on the baseline and impacts? Members also requested officers to work with colleagues in Kent too in respect of noise complaints.

Officers responded that it is a valid point which has been raised previously. The current noise levels are abnormal as a result of the piling and this should not be the benchmark level. Officers agreed to check that it is being moderated.

Members raised an additional point to clarify ownership of the noise problem and enforcement action. They highlighted that affected residents suffer with the issue at present, would like more communication and to know that it is not going to recur and if and when it does, that proper legislation is in place to ensure that there are not breaches.

Officers agreed to discuss this further but explained that ultimately the Planning Inspectorate recommends what the planning conditions are and recommends how many of those the local authority has control over. In this instance, due to the number of interested parties the local authority may not get control of Requirements (similar to planning conditions) on the LTC and they may sit with the Department for Transport's Secretary of State.

Members asked the TCAG representative about the status of 'Wilderness' woodland in South Ockendon. The representative explained that it is a new status, and they are trying to establish at what point an application can be made. One of the points requested to be amended in the minutes of the previous meeting is that it is Natural England, not the Woodland Trust, that would consider and potentially award the status.

The Resident Representative questioned and asked officers to explain the apparent contradiction between the DCO process pushing forward versus information in the press stating a two-year delay. Officers clarified that there are two different items in question. When the announcement was made by the Secretary of State, they said that the process for the DCO should continue even though they are delaying construction for two years. This is a broad statement, and it is not clear what 'delaying construction' means yet. The DCO process and the Examination process continues, followed by three months for the Planning Inspectorate Examining Authority to make their recommendations in a report in confidence, to the Secretary of State by the end of March 2024. Then follows a three-month period for the decision to be made at the end of June. It is not uncommon for the decision to be delayed

and there is the prospect of a General Election in the timeframe. In respect of the two years delay it is also uncertain at which point the delay commences.

At 7pm Councillor Raper left the meeting.

Members debated the announcement that the smart motorway system is to be discontinued and if this would impact the proposed route of the LTC.

Officers outlined that National Highways maintain the position that LTC is not a smart motorway. The announcement refers to stopping the building of new smart motorways, but they will complete those they have started. Elements of the LTC do contain principles of smart motorways and National Highways have been challenged on this and responded that LTC is an all-purpose trunk way. Officers will continue to push for a clearer response from National Highways.

Members and representatives agreed that this is effectively a smart motorway by stealth. The TCAG representative informed members that this is an agenda item for Issue Specific Hearing One, Project Definition.

The Chair reminded the public the minor refinement consultation ends at 23.59 on 19 June.

The meeting finished at 7.03 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**