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

Lower Thames Crossing Task Force

The meeting will be held at 6.00 pm on 22 January 2024

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

Membership:

Councillors Fraser Massey (Chair), Sara Muldowney (Vice-Chair), Paul Arnold, Mark Hurrell, Kairen Raper, Sue Sammons and Neil Speight

Agenda

Open to Public and Press

1 Apologies for Absence

2 Minutes

To approve the minutes of the Lower Thames Crossing meeting held on the 16 October 2023.

- 3 Declaration of Interests
- 4 Final Update on DCO Examination

Queries regarding this Agenda or notification of apologies:

Please contact Jenny Shade, Principal Democratic Services Officer by sending an email to direct.democracy@thurrock.gov.uk

Agenda published on: 17 January 2024

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Information for members of the public and councillors

Access to Information and Meetings

Advice Regarding Public Attendance at Meetings

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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.



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 Non- pecuniary

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

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 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 Lower Thames Crossing Task Force held on 16 October 2023 at 6.00 pm

Present:	Councillors Fraser Massey (Chair), Paul Arnold, Mark Hurrell, Kairen Raper, Sue Sammons and Neil Speight <i>(arrived 7.06pm)</i>
	Laura Blake, Thames Crossing Action Group
Apologies: In attendance:	Councillor Sara Muldowney (Vice-Chair) Mark Bradbury, Interim Director of Place Chris Stratford, Consultant Jenny Shade, Principal Democratic Services Officer

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.

11. Minutes

The minutes of the Lower Thames Crossing Task Force held on the 17 July 2023 were approved as a correct record.

Laura Blake and Robert Quick to be added to the attendees.

12. Items of Urgent Business

There were no urgent items of business.

13. Declaration of Interests

There were no interests declared.

14. Update on first 3 months of DCO Examination - to follow

Members were provided with an update from officers.

The following points were raised:

- It was acknowledged the enormous number of documents and paper work involved as part of this process.
- Members requested a copy of the written questions and requests for information (ExQ2). Chris Stratford provided these to members following the meeting.
- Members were provided with information on Public Rights of Way during the process.
- Members were provided an update on the Wilderness and the status of ancient woodlands.

- Member noted their disappointment but had not been surprised that the compensation for residents would be the legal minimum.
- It was acknowledged there had been some good questions raised at the hearings.
- Members were provided with an explanation as to the change to 140 plots to now 733 plots.
- Member stated that it was important for residents to have an understanding on the impact LTC would have on local road networks.
- Member raised a question on the profile of Freeport in terms of the hearing process.
- Members and officers discussed land disposal by the Council.
- The Chair requested the task force group be kept updated as much as possible and agreed to meet again in January 2024 to receive a full report.
- The Chair finished the meeting by thanking all officers and the Thames Crossing Action Group for all the very impressive work being undertaken.

A full recording of this meeting can be found from the following link:

Lower Thames Crossing Task Force - Monday 16 October 2023, 6:00pm -Thurrock Council committee meeting webcasts (public-i.tv)

The meeting finished at 6.47 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact Democratic Services at <u>Direct.Democracy@thurrock.gov.uk</u>

Agenda Item 4

Lower Thames Crossing Task Force	ITEM: 4		
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 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.
- 1.2 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 – <u>Lower Thames</u> <u>Crossing | National Infrastructure Planning (planninginspectorate.gov.uk)</u>

PINS Examination Library containing all documents (updated regularly) – TR010032-001818-C - LTC Examination Library.pdf (planninginspectorate.gov.uk)

1.3 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

1.4 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

1.5 In addition, the Council also made two important submissions on 4 May 2023, prior to the Examination commencing – its Relevant Representation (<u>PDA-009</u>) and its Principal Areas of Disagreement Summary Statement (PADs) (PDA-008).

- 1.6 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.
- 1.7 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)

- 1.8 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.
- 1.9 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 (<u>TR010032-002408-LTC Rule 8 Letter and Annexes Amended APPROVED.pdf</u> (planninginspectorate.gov.uk).

18 July – 14 August 2023 (Deadlines 1 and 2)

1.10 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 – <u>REP1-281</u> and REP1-282 – REP1-294 (the weblinks to which can be found in the Examination Library: <u>TR010032-001818-C - LTC Examination Library.pdf</u> (planninginspectorate.gov.uk)

ISH1 Submission – <u>REP1-296</u>

ISH2 Submission – <u>REP1-295</u>

Procedural Deadline D (PDD) – PDD-001

- 1.11 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.
- 1.12 Deadline 2 (D2) was on the 3 August 2023 and again the Council made a written submission, which is: <u>REP2-093</u>. 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)

1.13 **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)

- 1.14 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.
- 1.15 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 (<u>REP3-093</u>)
- 1.16 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 (<u>EV-041</u>)) and (<u>EV-041</u>)).
 - ISH4 Traffic & Transportation (6 September) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-042)</u>) and (<u>EV-042f</u>)).
 - ISH5 Tunnelling (7 September) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-044</u>)) and (<u>EV-044a</u>)).
 - ISH6 Mitigation, Compensation & Land Requirements (8 September) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-045</u>)) and (<u>EV-045a</u>)).
 - ISH7 Draft DCO (11 September) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-046</u>)) and (<u>EV-046e</u>))
 - CAH1 The Applicant's Strategic Case (15 September) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-047</u>)) and (<u>EV-047a</u>)).
 - CAH2 Objections (15 September) the Council were represented. The Agenda, Amended Agenda and Action Points are on the Examination Library (<u>EV-048</u>)), (<u>EV-049</u>) and (<u>EV-049a</u>)).
 - ASI1 ASI3 (13 and 14 September for north of river ASI2 and ASI3) the Council was represented.
 - 1.17 **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) (<u>REP4-352</u>)
- Council responses to the identified and relevant to the Council some 30 ExQ1 questions (<u>REP4-353</u>)
- Commentary on relevant NH submissions at D3 (<u>REP4-354</u>)

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.

- 1.18 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 (<u>REP5-112</u>).
- 1.19 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)

1.20 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 (<u>EV-050</u>) and (<u>EV-056</u>).
- 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 (<u>EV-057</u>) and (<u>EV-061</u>).
- ISH8 (19 October) (Construction and Operational Effects (Non Traffic)) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-062</u>) and (<u>EV-068</u>).
- 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 (<u>EV-069</u>) and (<u>EV-075</u>).
- ISH10 (24 October) (Traffic & Transportation) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-076</u>) and (<u>EV-082</u>).

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 (<u>REP6-164</u>)
- Appendices A O related to that Commentary (<u>REP6-168</u>)
- Updated SoCG jointly with NH (<u>REP6-031</u>).
- 1.21 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).

1.22 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 (<u>REP6A-013</u>) and (<u>REP6A-014</u>). 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 (<u>EV-083</u>) and (<u>EV-083a</u>).
- ISH11 (22 November) (Environmental Matters) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-084</u>) and (<u>EV-084a</u>).
- 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 (<u>EV-085</u>), (<u>EV-085a</u>) and (<u>EV-085i</u>).
- OFH5 (23 November) (Interested Parties Representations, including Travellers)

 the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-086</u>) and (<u>EV-086c</u>).
- 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 (<u>EV-087</u>) and (<u>EV-087g</u>).

- ISH14 (28 November) (the draft Development Consent Order (dDCO)) the Council were represented. The Agenda and Action Points are on the Examination Library (<u>EV-088</u>) and (<u>EV-088f</u>).
- 1.23 **Deadline 7 (17 November)** this was single submission containing four Appendices (and was made on time (<u>REP7-228</u>). 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.
- 1.24 **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 (<u>REP8-165</u>)
 - Commentary on relevant NH submissions at D6A and D7 (<u>REP8-166</u>). This also included jointly with DPWLG, PoTL, Essex CC and NH an 'Updated Joint Position Statement' on Orsett Cock Junction.
 - Video (<u>REP8-168)</u>.
- 1.25 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.
- 1.26 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 (<u>REP9-299</u>). 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.
- 1.27 **Deadline 9A (15 December)** this was single submission containing two Appendices and was made on time (<u>REP9A-119</u>). 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.
- 1.28 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).
- 1.29 In addition, the **TCAG** made its closing submission at D10 (<u>REP10-041</u>) and the TCAG, of course, made submission throughout the Examination that can be found in the Examination Library.
- 1.30 **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)

1.31 The Council set out its major concerns within its D7 submission (<u>REP7-228</u>) 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 (<u>REP9A-119</u>) 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.

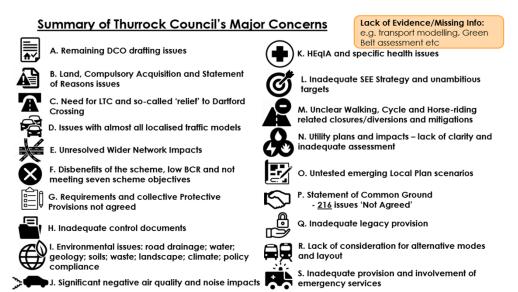
MAJOR ISSUES

- 1.32 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.
- 1.33 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 <u>4 May 2023.</u>

1.34 INFOGRAPHICS

These are set out in the following three pages in landscape format for ease of understanding.







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