

11 December 2018		ITEM: 3
Extraordinary Council		
Lower Thames Crossing (LTC) – Consultation Response		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor Rob Gledhill, Leader, Councillor Mark Coxshall, Cabinet Member for Regeneration		
Accountable Assistant Director: Anna Eastgate, Assistant Director – Lower Thames Crossing		
Accountable Director: Steve Cox, Corporate Director – Place		
This report is Public		

Executive Summary

This report sets out the draft response of the Council to the Statutory Consultation from Highways England (HE) on the proposals for the Lower Thames Crossing (LTC) which commenced on 10 October 2018 and closes on 20 December 2018.

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

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

The summary of the detail of the consultation response is as follows:

1. On the basis of the consultation information provided, including the information set out in the Preliminary Environmental Information Report (PEIR), the following conclusions and recommendations to HE are presented in this report:
 - i. The Consultation Scheme does not meet several of the national and HE's strategic policy tests and scheme objectives, particularly relating to option testing, the delivery of economic growth and achieving sustainable local growth;

- ii. The Consultation Scheme does not make provision for, and is inconsistent with, the housing and development potential for Thurrock and the aspirations for the Borough and for the wider South Essex area as set out in the emerging Local Plan;
 - iii. There are specific design elements of the Consultation Scheme which require modification and/or further consideration by HE in order to contribute to meeting the Government's and LTC's policy and scheme objectives. These are:
 - a. Re-instatement of the Tilbury Link Road into the Consultation Scheme;
 - b. Options for alternative sites inside and outside the Borough for the proposed Rest and Services Area (RaSA) proposed in East Tilbury;
 - c. Reconfiguration of the A13 connections: Orsett Cock junction, A13 widening works and Manor Way junction, and the alignment of Rectory Road;
 - d. Alternative design options for the treatment of the crossing through the Mardyke Valley to reduce potential adverse environmental effects;
 - e. Alternative design options for the treatment of the viaduct over the Tilbury Loop Line to reduce potential adverse environmental effects;
 - f. Consideration and assessment of suitable alternative locations for the Traveller site at Gammon Field which will be affected by the LTC and;
 - g. Proposed physical design mitigation to address potential adverse effects on the Borough's residents eg bunds, cut and cover tunnels or lowering vertical alignment particularly where it is close to residential areas.
2. It is considered that the information contained in the consultation materials and the consultation undertaken with HE to date do not satisfactorily explain the options tested which give rise to the configuration of the Consultation Scheme. The traffic modelling output available as part of the consultation materials does not include the results of any option testing and has insufficient detail to understand the impacts of the Consultation Scheme on the local networks as well as residents, businesses, open countryside and designated environmental areas in the Borough.
3. Health and Environmental effects: in relation to the information presented in the PEIR, there are significant information gaps and potential under reporting of potential impacts, such that the effects of the scheme have not been and cannot be properly considered. Further engagement is required, particularly in relation to the assessment of health impacts.
4. Construction effects: whilst it is acknowledged that the information relating to the construction phase and the proposed off-site and on-site enabling works

are still at an early stage, it is recommended that the Council actively engages with the HE design team to ensure that the areas of potential concern, highlighted in this report, can be appropriately addressed by the team as the scheme design and assessment work progresses. Areas for further engagement are listed in the report.

5. Development Consent Order (DCO) process and Environmental Impact Assessment (EIA) scoping: it is considered that the recent changes to the application boundary and the scheme made since the EIA Scoping Opinion was issued are likely to give rise to new or altered likely significant environmental effects. It is recommended that the Consultation Scheme should undergo a further scoping exercise to ensure that all potential likely significant environmental effects are identified and that any Scoping Opinion will reflect the scheme for which consent is being sought.
6. The nature of the DCO process is to encourage close and meaningful engagement with the promoter as the design proceeds. A programme of engagement with HE is suggested as one of the next steps in the process, which should cover the following key areas:
 - Emerging Local Plan and delivering growth;
 - Option testing/traffic modelling;
 - Treatment of northern portal;
 - Specific aspects including: Tilbury Link Road, Junctions, Motorway Rest Area, passive provision for potential future development;
 - Health and environmental impacts;
 - Construction phase works and effects, including off- and on-site enabling works, and related mitigation (including the Code of Construction Practice) and;
 - Securing local benefits.

In relation to the Council's landholdings, the response can be summarised as:

1. We believe there could be as many as 212 land parcels affected in which the Council has an interest. The effects include direct impacts where the land will be compulsorily acquired either permanently or temporarily as well as impacts arising from a right to claim compensation as a consequence of environmental impacts to a property in a number of ways including affects as a consequence of noise
2. Gammon Field travellers site is adversely impacted by the scheme. The Council has statutory obligations to make provision for gypsy and traveller sites and HE must engage with the council to help fulfil these obligations.

3. Some parcels of land are either severed or the rights to use the land in the way intended are impacted. HE must engage with the Council to help understand when and how these issues can be minimised
4. Loss of value and impacts on residential amenity affects some of the Council's interests for which the Council has an obligation to ensure an appropriate standard of accommodation for its residents
5. Loss of potential future development is a concern as the Council will be required to support future growth and regeneration in the Borough which may come forward as a result of the emerging local plan. There is also a specific concern in relation to the proximity of the scheme to Coalhouse Fort and the ability to bring forward opportunities at the site whilst preserving it as a heritage asset
6. Some parcels are adversely affected by the diversion of utilities needed to facilitate the LTC. The impact of the utilities as currently shown require further discussion with HE to ensure that there is no further sterilisation of Council land
7. Where the scheme is in proximity to public open space there is a concern that there could be a detrimental impact in relation to the enjoyment and use of that space

Despite personal and face to face commitments from Highways England to provide the council with appropriate time to consider the Consultation Document on the LTC, which runs to over thousands of pages, the documents were only provided to the authority on 11 October 2018. The reason for the urgent Council Meeting is that HE has also said it will not allow the authority additional time, on behalf of its residents and businesses, to consider the proposal and impact on the Borough.

This report comprises two parts as follows:-

- (1) The consultation response from the Council in its capacity as a statutory consultee pursuant to Section 42(1)(b) of the Planning Act 2008, that is a local authority for the purposes of the area in which a Development Consent Order (DCO) application is to be made (**Appendix A**); and
- (2) The consultation response from the Council in its capacity as a landowner pursuant to Section 42(1)(d) of the Planning Act 2008, that is being an owner, lessee, tenant or occupier of land (**Appendix B**).

1. Recommendation(s)

- 1.1 That the Council maintains its opposition to the Lower Thames Crossing in Thurrock and pursuant to Section 42 (1)(b) of the Planning Act 2008 objects in principle to the proposed scheme;**
- 1.2 That the Council agrees the consultation responses set out in Appendix A (Local Authority response) and B (Interests in land) and submits these to Highways England by 20 December 2018;**

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

2. Introduction and Background

Preferred Route Announcement (April 2017) to July 2018

- 2.1 The Secretary of State for Transport announced the preferred route for the Lower Thames Crossing in April 2017. In November 2017, Highways England made a further announcement in relation to changes to the proposed scheme announced seven months earlier. Those changes included a link road at Tilbury to facilitate access to the area south of Tilbury and the removal of the link road from the LTC to the Orsett Cock roundabout. It is understood that these changes were made in response to feedback received to the preferred route announcement earlier that year.
- 2.2 Since November 2017 there has been little further information released or shared either with Thurrock Council or its residents and businesses. During this period however, Thurrock Council has been preparing for the statutory consultation phase of the project. This is the point at which Highways England consult on its proposed application for development consent and represents a significant milestone in being the last opportunity Thurrock Council, its partners, residents and businesses have, to influence the design of the scheme by providing feedback.
- 2.3 Thurrock Council established a Task Force specifically for LTC in September 2017 which is representative of the Council and its affected residents and businesses. Councillors across all three groups are involved and are working alongside representatives from the Thurrock Business Board, Port of Tilbury, residents and the Thames Crossing Action Group. This provides a valuable platform to challenge and review the development of the scheme which has culminated in the production of the mitigation schedule which captures the measures the Task Force want put in place to mitigate the impact and maximise the opportunities of the LTC in the event that it proceeds. This document continues to provide focus and has helped to define Thurrock Council's formal consultation response
- 2.4 One of the key points in the mitigation schedule relates to the inclusion of a Health Impact Assessment (HIA) as part of the development consent order application. Officers worked collaboratively with other neighbouring authorities to bring significant pressure to bear on Highways England to obtain agreement to produce an HIA. This is a significant step forward and will enable that collaboration to continue between the affected authorities to get a positive outcome for the health and wellbeing of residents. However the HIA has not yet been completed and therefore the council is currently unable to

comment fully on the health impacts of the LTC and any mitigation arising from it. This will form a significant part of the council's ongoing work regarding the LTC post submission of the consultation response.

- 2.5 In July 2018 Highways England also released an enlarged red line boundary for the proposed scheme, increasing the land take from approximately 12 square km to over 21 square km. This change constituted approximately a 68% increase in the land required for the scheme and has had a significant impact upon the Borough and its green belt. Further changes to the red line boundary were made at the beginning of statutory consultation without prior knowledge of this Borough.
- 2.6 As late as September 2018, HE were conducting public information events which included reference to the Tilbury Link Road being part of the scheme. The link road was removed when consultation began on 10 October 2018.

Consultation Scheme

- 2.7 On Wednesday 10 October 2018, Highways England announced the commencement of its statutory consultation which will run until Thursday 20 December 2018. Further changes have been made to the proposed scheme which is subject to consultation. The main elements of those changes are:

South of the River Thames:

- the tunnel portal has been extended by approximately 600m south. This change is as a consequence of a Ramsar site and would reduce the impact on this designation;
- Removal of the A226 junction and widening of the M2 and A2 junction

North of the River Thames:

- the removal of the Tilbury link road which was announced in November 2017;
- the inclusion of a Tilbury junction which provides access to a Motorway Rest and Service area;
- routing between Tilbury and A13 junction has been moved approximately 80 metres east as well as lowering the road by approximately 5 metres;
- changes to the design of the scheme at the A1089/A13 junction resulting in no access to the LTC (either north or south) from the Orsett Cock junction; no eastbound connections to the LTC (either north or south) when travelling from the M25 along the A13. Further, no access to the A1089 from the southbound LTC onto the A1089 or from the A128 without travelling to the Manorway junction
- three lanes of carriageway north of the A13 junction;
- a viaduct across the Mardyke at approximately 5-6 metres high;
- a change to the route near Ockendon to avoid the landfill site;
- the LTC now goes under the M25 and Ockendon Road and widening the M25 up to Junction 29 (this section is in the London Borough of Havering).

- 2.8 Experienced consultants were appointed earlier this year to provide advice and support at an early opportunity to ensure they were up to speed ready to analyse the consultation information and support the Council in producing a robust consultation response.
- 2.9 Highways England was due to commence the statutory consultation in September 2018, however that date slipped by a month. Officers formally wrote to Highways England on 24 October 2018 to seek confirmation of their verbal agreement to allow the Council until after Council in January 2019 by which to submit our consultation response. Despite previous assurances made in person to senior Council members and officers, Highways England then refused an extension until this time and has requested that the Council get a draft response submitted by 20 December 2018 deadline with a view to submitting a final response after Council in January. The issue with this is that Highways England does not have a statutory obligation to take into account any late response and only gave a commitment to the Council to endeavour to take any changes to that response into account. This extraordinary meeting has been arranged in December to ensure a consultation response is submitted before the end of the consultation period which sets out the Council's agreed position. In October 2018 the Council agreed a motion which states: *'We call on the elected Members of Thurrock Council to support any judicial review, or other legal action, that may be possible against Highways England's proposals for the Lower Thames Crossing.'*
- 2.10 The impact of this refusal for additional time to analyse thousands of pages of consultation information is that as of the publication date of this report, officers and the consultant team have only had a little over seven weeks to review, analyse and consider the voluminous consultation material. This is considered an inadequate period within which to completely understand and assess the impacts of this nationally significant infrastructure project on the borough, particularly given that over 50% of the scheme is within this Council's administrative area and uses approximately 7% of borough greenbelt land. Further, Highways England does not have a duty to consider a response to statutory consultation which is received after the deadline of 20 December 2018. In summary, HE have placed an almost impossible task on the Council to respond by the deadline of 20 December but, on behalf of residents and businesses, this authority has ensured we will respond as fully and comprehensively as is possible, despite the inappropriate time provided.
- 2.11 Current guidance relating to consultation is set out in DCLG Planning Act 2008: Guidance on the pre-application process March 2015. In that guidance, reference is made to the communities and environment in which infrastructure projects are located and therefore a 'one size fits all' approach is not appropriate. The guidance goes on to reference that consultation should be thorough, effective and proportionate with sufficient time for consultees to understand proposals and formulate a response. Paragraph 30 specifically states that 'The Planning Act recognises the role that local authorities play as

bodies with expert knowledge of the local community, business and other interests as well as responsibility for development of the local area’.

- 2.12 Part of the role of the Council in the DCO process is to provide an ‘Adequacy of Consultation’ representation at the point at which any DCO application is made (currently anticipated to be autumn 2019). The Secretary of State, in determining whether to accept the DCO application, must have regard to this representation made by the Council, although this will not be the only determining factor in deciding to accept the application or not, as the case may be. As part of the representation, it is important to note that the Council can reference and evidence issues and concerns from the local community that have been raised about the consultation.

3. Issues, Options and Analysis of Options

- 3.1 Officers continue to make clear the Council’s objection in principle to the LTC scheme. This position will not change as a result of the current proposal which delivers very little benefit for local people or indeed does not deliver on Highways England’s own scheme objectives ‘to support sustainable local development and regional economic growth in the medium to long term’ or to ‘minimise adverse impacts on health and the environment’.
- 3.2 Officers will continue to engage with Highways England in order to fulfil the Council’s statutory obligations and to protect the interests of the borough. This is important in order to comply with the Planning Inspectorate Advice Note two: The role of local authorities in the development consent order process, which states at paragraph 6.2 ‘Local authorities should engage proactively with a developer even if they disagree with the proposal in principle...Local authorities are not undermining an ‘in principle’ objection to a scheme by engaging with a developer at the pre-application stage’.
- 3.3 With this in mind, the Council is negotiating a draft Planning Performance Agreement (PPA) which it is intended will provide financial support for resources needed to respond and engage with Highways England on technical matters whilst continuing to object strongly to the scheme. This aligns with the Council’s usual practice for major development applications within the borough.
- 3.4 Thurrock residents should continue to be encouraged as much as possible to attend consultation events and engage in the consultation process and submit their responses by the relevant date. It is an important part of the DCO process to provide feedback on the proposals. Highways England has a statutory obligation under Section 49 of the Planning Act 2008 to have due regard to the responses received by the deadline. Residents should also be encouraged to report any concerns they have about the consultation to the Council at the earliest opportunity to ensure that officers can provide the necessary support in an attempt to resolve concerns, albeit this consultation is a Highways England initiative.

3.5 The Council's consultation response as a statutory consultee is set out in full at Appendix A. The response is detailed and includes a technical assessment of the consultation scheme. The Council's position in relation to the consultation scheme has three strands as follows:-

- (i) the Council has an in-principle objection to the proposal as it gives rise to substantial harm to the borough;
- (ii) the consultation material has substantial information gaps, inaccurate assessments and under reporting of impacts, such that the effect of the scheme has not been and cannot be properly considered and;
- (iii) if the scheme were to proceed, there will need to be substantial changes to mitigate and compensate for the worst of its impacts (although the Council does not believe full mitigation of these impacts can be secured).

3.6 The summary of the detail of the consultation response is as follows:

1. On the basis of the consultation information provided, including the information set out in the Preliminary Environmental Information Report (PEIR), the following conclusions and recommendations to HE are presented in this report:

- i. The Consultation Scheme does not meet several of the national and HE's strategic policy tests and scheme objectives, particularly relating to option testing, the delivery of economic growth and achieving sustainable local growth;
- ii. The Consultation Scheme does not make provision for, and is inconsistent with, the housing and development potential for Thurrock and the aspirations for the Borough and for the wider South Essex area as set out in the emerging Local Plan;
- iii. There are specific design elements of the Consultation Scheme which require modification and/or further consideration by HE in order to contribute to meeting the Government's and LTC's policy and scheme objectives. These are:
 - a. Re-instatement of the Tilbury Link Road into the Consultation Scheme;
 - b. Options for alternatives sites inside and outside the Borough for the proposed Rest and Services Area (RaSA) proposed in East Tilbury;
 - c. Reconfiguration of the A13 connections: Orsett Cock junction, A13 widening works and Manor Way junction, and the alignment of Rectory Road;
 - d. Alternative design options for the treatment of the crossing through the Mardyke Valley to reduce potential adverse environmental effects;

- e. Alternative design options for the treatment of the viaduct over the Tilbury Loop Line to reduce potential adverse environmental effects;
 - f. Consideration and assessment of suitable alternative locations for the Traveller site at Gammon Field which will be affected by the LTC;
 - g. Proposed physical design mitigation to address potential adverse effects on the Borough's residents eg bunds, cut and cover tunnels or lowering vertical alignment particularly where it is close to residential areas.
2. It is considered that the information contained in the consultation materials and the consultation undertaken with HE to date do not satisfactorily explain the options tested which give rise to the configuration of the Consultation Scheme. The traffic modelling output available as part of the consultation materials does not include the results of any option testing and has insufficient detail to understand the impacts of the Consultation Scheme on the local networks as well as residents, businesses, open countryside and designated environmental areas in the Borough.
 3. Health and Environmental effects: in relation to the information presented in the PEIR, there are significant information gaps and potential under reporting of potential impacts, such that the effects of the scheme have not been and cannot be properly considered. Further engagement is required, particularly in relation to the assessment of health impacts.
 4. Construction effects: whilst it is acknowledged that the information relating to the construction phase and the proposed off-site and on-site enabling works are still at an early stage, it is recommended that the Council actively engages with the HE design team to ensure that the areas of potential concern, highlighted in this report, can be appropriately addressed by the team as the scheme design and assessment work progresses. Areas for further engagement are listed in the report.
 5. DCO process and EIA scoping: it is considered that the recent changes to the application boundary and the scheme made since the EIA Scoping Opinion was issued are likely to give rise to new or altered likely significant environmental effects. It is recommended that the Consultation Scheme should undergo a further scoping exercise to ensure that all potential likely significant environmental effects are identified and that any Scoping Opinion will reflect the scheme for which consent is being sought.
 6. The nature of the DCO process is to encourage close and meaningful engagement with the promoter as the design proceeds. A programme of engagement with HE is suggested as one of the next steps in the process, which should cover the following key areas:

- Emerging Local Plan and delivering growth;
- Option testing/traffic modelling;
- Treatment of northern portal;
- Specific aspects including: Tilbury Link Road, Junctions, Motorway Rest Area, passive provision for potential future development;
- Health and environmental impacts;
- Construction phase works and effects, including off- and on-site enabling works, and related mitigation (including the Code of Construction Practice); and
- Securing local benefits.

3.7 The Council's consultation response as an affected landowner is set out in full at Appendix B. The Council's position in relation to the consultation scheme is to object to the compulsory acquisition of its land and can be summarised as follows:

1. We believe there could be as many as 212 land parcels affected in which the Council has an interest. The affects include direct impacts where the land will be compulsorily acquired either permanently or temporarily as well as impacts arising from a right to claim compensation as a consequence of environmental impacts to a property in a number of ways including affects as a consequence of noise.
2. Gammon Field travellers site is adversely impacted by the scheme. The Council has statutory obligations to make provision for gypsy and traveller sites and will engage with Highways England to ensure it can fulfil those obligations
3. Some parcels of land are either severed or the rights to use the land in the way intended are impacted. The Council will engage with HE to understand when and how these issues can be minimised
4. Loss of value and impacts on residential amenity affects some of the Council's interests for which the Council has an obligation to ensure an appropriate standard of accommodation for its residents.
5. Loss of potential future development is a concern as the Council will be required to support future growth and regeneration in the Borough which may come forward as a result of the emerging local plan. There is also a specific concern in relation to the proximity of the scheme to Coalhouse Fort and the ability to bring forward opportunities at the site whilst preserving it as a heritage asset
6. Some parcels are adversely affected by the diversion of utilities needed to facilitate the LTC. The impact of the utilities as currently shown require further discussion with HE to ensure that there is no further sterilisation of Council land.

7. Where the scheme is in proximity to public open space there is a concern that there could be a detrimental impact in relation to the enjoyment and use of that space.
- 3.8 The process for preparing the Thurrock Local Plan has already been delayed for over 18 months because of the LTC. The red line boundary and proposed route have a significant impact upon the development options in the Borough.
- 3.9 In terms of the next steps for the DCO process, the period after the close of consultation up to May 2019 will be a critical period in the development of the scheme. On the current programme, Highways England will need to freeze the design of the scheme to enable the environmental impact assessment work to be written up and prepare and formulate the DCO application. Notwithstanding the in-principle objection to the scheme, officers will need to engage with Highways England to discuss the consultation response in more detail with a view to Highways England taking account of that response and to enable changes to be made to the scheme. Those changes may require a re-consultation exercise to be undertaken if they are considered to be material changes.
- 3.10 Officers will be working to produce the local impact report which is a statutory function of the Council in the development consent order process. This will be a detailed and considered document which will set out all of the impacts both positive and negative which the scheme could have on the Borough and its interests. This document will come to Council to be agreed in approximately 12 months on the basis of the current programme. The document will be informed by discussion at the LTC Task Force.

4. Reasons for Recommendation

- 4.1 The LTC consultation scheme in its current form delivers causes substantial harm but delivers no local benefit for Thurrock. The Council is unanimous in its current position in this regard.
- 4.2 The Council should, in order to protect the interests of the Borough and its resident and business community, submit an agreed consultation response both as a local authority and as a landowner by the deadline.
- 4.3 The consultation response may need to be amended to include any specific issues which arise as part of the debate. As a consequence, a delegation is sought to enable officers to give effect to those changes.

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

- 5.1 There has been ongoing engagement with the LTC Task Force in the formulation and approach to the Council's consultation response. Discussions have also taken place with the Thurrock Business Board.

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

- 6.1 Lower Thames Crossing will have a significant impact on the emerging Local Plan as well as associated policies and documents.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Director of Finance and IT

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

The Council has currently agreed a recurring annual budget of £50k and a further lump sum of £380k from the 2017/18 budget surplus, whilst also funding a dedicated Assistant Director to lead on this work. Cabinet will consider further allocations at their meeting in December 2018.

7.2 Legal

Implications verified by: **Benita Edwards**
Interim Deputy Head of Law (Regeneration)

This report seeks authority to submit a response to the statutory pre-application consultation being carried out by Highways England as a precursor to its submission of an application for a Development Consent Order ('DCO') in relation to the proposed Lower Thames Crossing, which is classed as a Nationally Significant Infrastructure Project ('NSIP'). The application is expected to be submitted to the Planning Inspectorate in 2019. As the Council will not be the decision-maker in respect of the proposed application, the Council is being consulted in its roles as both statutory consultee and landowner with interest in some of the land comprised in the forthcoming application. The Council will also have an opportunity to participate in the Examination hearings for the DCO.

It should be noted that the DCO process enables the applicant to secure a range of consents (such as planning permission, approvals for highways works and compulsory acquisition of land) that may be required for a scheme. Accordingly, the Council's response should seek to address the key issues raised through the consultation process, which may include (but not be limited to): requirements on the DCO and/or planning obligations that the Council considers should be provided to mitigate the impact of development; the

potential requirement for the stopping up or diversion of highways (including Public Rights of Way and Bridleways); the potential need for highways works and / or Traffic Regulation Orders; any objections that the Council may have including with respect to proposals for acquisition of land (or interests on, under or over land) owned by the Council.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**
Team Manager - Community Development and Equalities Adults, Housing and Health Directorate

In September 2018, the Council prepared a detailed response to HE's Draft Statement of Community Consultation incorporating a series of challenges related to the measures HE would put in place to enable interest groups and individuals with cross cutting protected characteristics (as outlined in the Equality Act 2010) to be engaged and participate in the LTC consultation.

Since the consultation launched on 10th October 2018, a small number of events have been held or organised by HE with the first taking place in Orsett on Tuesday, 16th October. Additional dates for a mobile unit to attend other locations, including those to the East and West of the Borough, have been organised by HE although they are considered to supplement more formal events and may be withdrawn with limited notice. In the meantime, the Council's 'Have my say' web page will continue to provide access to up to date links to the HE website including dates for consultation events in Thurrock.

Whilst Equality and Diversity data is invited in the current LTC Consultation Response Form, it is restricted to a narrow selection of genders, disability, a limited number of ethnicities and age. It is not presently known how this information will support a more thorough understanding of the profile of those individuals or organisations that have provided responses. It is also unknown when and how an Equality Impact Assessment for the scheme will be prepared by HE and nor how it will be informed by health or environmental data either held or already captured by them.

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

The scheme includes the proposal to compulsorily acquire land from the Council to facilitate the delivery of the scheme. Some of the land in question is leased in particular some of the land affected which is agricultural land. The true impacts of this will not be understood until the DCO application is submitted and therefore the red line boundary of the scheme will become fixed. Any acquisition of land will be subject to rigorous scrutiny to ensure it passes the legal, policy and guidance tests. Ultimately any land will not be acquired compulsorily until after the DCO were to be granted which on the

current programme is anticipated to be early 2021. The Council would be compensated under the statutory code for compensation for land taken either permanently or temporarily for the scheme.

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 Paper 26 July 2017, Lower Thames Crossing
- DCLG Planning Act 2008: Guidance on the pre-application process March 2015
- Planning Inspectorate Advice Note two: The role of local authorities in the development consent order process
- Lower Thames Crossing Your Guide to Consultation
www.lowerthamescrossing.co.uk

9. Appendices to the report

- Appendix A – Local Authority Response
- Appendix B – Interests in Land

Report Author:

Anna Eastgate

Assistant Director Lower Thames Crossing, Place