

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

### **Executive Summary**

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

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

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

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

This report comprises two parts as follows:-

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

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

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

## **1. Recommendation(s)**

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

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

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

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

## **2. Introduction and Background**

### **Supplementary Consultation January 2020 to March 2020**

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

### **Statutory Consultation October 2018 to December 2018**

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

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

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

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

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

**South of the River Thames:**

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

**North of the River Thames:**

**Tunnel Area**

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

**Near Tilbury**

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

**A13/A1089 Junction**

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

**Mardyke Area**

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

**LTC/M25 Junction**

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

**M25 Junction 29**

- a new footbridge over the A127;
- utility diversion works near Folkes Lane and B186 Warley Street.

3.2 This report and the response focusses on the changes and impacts as they relate to the Thurrock administrative area.

### **Ongoing Work**

3.3 The services of experienced consultants have been retained to provide support and advice to the Council in order to continue to challenge and review the Highways England proposals and to support the Council in producing a robust Design Refinements Consultation response.

3.4 Current guidance relating to consultation is set out in DCLG Planning Act 2008: Guidance on the pre-application process March 2015. In that guidance, reference is made to the communities and environment in which infrastructure projects are located and therefore a 'one size fits all' approach is not appropriate. The guidance goes on to reference that consultation should be thorough, effective and proportionate with sufficient time for consultees to understand proposals and formulate a response. Paragraph 30 specifically states that 'The Planning Act recognises the role that local authorities play as bodies with expert knowledge of the local community, business and other interests as well as responsibility for development of the local area'.

3.5 Part of the role of the Council in the DCO process is to provide an 'Adequacy of Consultation' representation at the point at which any DCO application is made (currently anticipated to be September 2020). The Secretary of State, in determining whether to accept the DCO application, must have regard to this representation made by the Council, although this will not be the only determining factor in deciding to accept the application or not, as the case may be. As part of the representation, it is important to note that the Council can reference and evidence issues and concerns from the local community that have been raised about the consultation.

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

4.1 The Council continues to make clear its objection in principle to the LTC scheme. This position will not change as a result of the current proposal which delivers very little benefit for local people or indeed does not deliver on Highways England's own scheme objectives 'to support sustainable local development and regional economic growth in the medium to long term' or to 'minimise adverse impacts on health and the environment'.

4.2 With regard to the strategic planning of the future of the Borough, it remains the position that there is an imperative to progress the Local Plan in order to support the Council's position in relation to the LTC. This is consistent advice which has been received from the Council's legal representatives as well as from discussions which have taken place with MHCLG and the Planning Inspectorate. In its response to Highways England's Statutory Consultation

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

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

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

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

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

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

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

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

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

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



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

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

### The Council's Principal Area of Concerns

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

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

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

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

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

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

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

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

## **5. Reasons for Recommendation**

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

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

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

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

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

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

## **8. Implications**

### **8.1 Financial**

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

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

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

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

## 8.2 Legal

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

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

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

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

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

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

### 8.3 Diversity and Equality

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

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

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

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

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

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

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

**10. Appendices to the report**

- Appendix A – Local Authority Response to follow

**Report Author:**

Anna Eastgate

Assistant Director Lower Thames Crossing & Major Transport Projects, Place