

Minutes of the Meeting of the Lower Thames Crossing Task Force held on 12 October 2020 at 6.00 pm

Present: Councillors Fraser Massey (Chair), Gerard Rice (Deputy Chair), Luke Spillman, John Allen, Sara Muldowney and Sue Shinnick

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

Apologies: Councillor Andrew Jefferies
Westley Mercer, Thurrock Business Board Representative
Peter Ward, Thurrock Business Representative

In attendance: Anna Eastgate, Assistant Director of Lower Thames Crossing and Project Delivery
Chris Stratford, Senior Consultant
Wendy Le, Democratic Services Officer

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

18. Minutes

The minutes of the Lower Thames Crossing Task Force meeting held on 21 September 2020 were approved as a true and correct record.

19. Items of Urgent Business

There were no items of urgent business.

20. Declaration of Interests

There were no declarations of interest.

21. LTC Mitigation Benefits List

Anna Eastgate provided an overview summary of the report which set out the list of identified cost impacts of the LTC scheme and the benefits to be gained as listed on the last page of the report. She reminded Members that the remit of the Task Force and the position of the Council was to maximise the benefits of the LTC scheme and to mitigate the impacts.

Councillor Muldowney queried why there was a focus on enhancing the two green spaces in Tilbury as that area would be less affected by the LTC route. She also asked if this would extend to Chadwell St Mary and if other green spaces in the Borough would be enhanced. Anna Eastgate answered that the

Council's Ecology Advisor, Steve Plumb, had agreed that other green spaces should be on the list and that the green spaces in Tilbury were closest to the LTC route with little visual screening of the route. Orsett Heath was also quite close and would experience noise and air quality issues. The LTC Open Space Assessment had also proposed compensation for Blackshots and had asked for full assessment of this to be undertaken to enable the service to look at the other effects on other open spaces. The service would consider this again once a response was received in regards to the level of mitigation proposed.

Councillor Allen queried whether Highways England (HE) had completed their Health Impact Assessment yet. He also noted that the report had assessed impacts to business, economy etc with estimates of minor, moderate and adverse and a moderate to adverse impact assessed to health. Anna Eastgate explained that Hatch had been commissioned for the Economic Costs and the Mitigation Benefits assessment in consultation with Officers and the Council's Public Health Team. Hatch was familiar with undertaking assessments of major public sector infrastructure schemes and identifying values and impacts. The assessment within the report was more than guesswork and some of the judgement had come from the draft of the Health Assessment Impact from HE that included Thurrock's data which the service had seen. She went on to say that HE had undertaken a number of assessments to identify the environmental impacts of the LTC scheme where some could show a significant environmental effect. With air quality, there was a standard in which the scheme would be measured against and mitigation would be required where a breach was identified. She stated that not every part of the LTC route in the Borough would have air quality issues and where there would be, there would be ongoing monitoring and mitigation from HE if there would be significant environmental effects.

Referring to a letter from HE to the Chair, Councillor Rice questioned where the noise barriers would be placed and how valuable these were and how these would be managed. Anna Eastgate answered that HE's latest Design Refinements Consultation booklet highlighted where the noise barriers would be which had also been presented at the Task Force last month. HE had also highlighted that the design and materials for the noise barriers would not be considered until a Principal Works Contractor was hired.

The Chair questioned whether the service was able to influence a change in the construction hours. Anna Eastgate answered that the service would be able to influence the construction hours through the CoCP which would be scrutinised both before and under the examination process and likely to be a highly debated topic.

Councillor Muldowney sought clarification on who would be providing the resources for the Council to provide the Council-Led Support measures under the Mitigation and Legacy Package. She also asked how the Task Force would feed into this work once the Development Consent Order (DCO) was accepted Anna Eastgate said that it was expected that HE provide a fund under section 106 agreements or through another mechanism and the idea

was for someone in Thurrock to lead on the work as they knew the community best. She went on to say that the Task Force's parent committee was General Services Committee who had the power to make the decisions on the recommendations regarding the LTC scheme and that the Task Force did not have decision making powers.

Councillor Shinnick queried whether there would be measures put in place regarding HGVs parking during the construction of the LTC scheme. Anna Eastgate explained that HGVs were not in the remit of the report but HE would have to provide a transport strategy regarding the movement of materials. She went on to say that HGVs were part of a wider Borough issue and would be assessed through the Local Plan.

Laura Blake questioned how much of the identified mitigations on the list would be achievable. She also mentioned incentives for low emission vehicles using the LTC and accommodation for workers in Stanford Le Hope. Anna Eastgate answered that the Council would prioritise the list accordingly and there would be level of mitigation and negotiation with HE on the list. She moved on to say that the Council may need to reconsider its strategy as with an opposing strategy, HE may only give the bare minimum which was the mitigation required under the Environmental Impact Assessment. She went on to say that if HE did not meet the emission targets that they set for themselves, they would need put funds into an escrow account for Thurrock to use for environmental improvements and benefits in the vicinity of the crossing where there were impacts to air quality. Regarding accommodation for workers, she explained that HE could apply under the Town and Country Planning Act (as amended) 1990 and would not have to be included in the DCO.

The Chair sought more detail on L13 (Two Forts Way) and L16 (Coalhouse Fort) in the report. Anna Eastgate answered that Two Forts Way had always been a priority for the Council as the Council considered it provided significant benefits for the community and HE had shown a commitment to improving non-motorised user routes. A report would be going to Cabinet regarding Coalhouse Fort which set out options to improve and secure the future of the site.

22. Health Impact Assessment Update

Anna Eastgate provided an overview summary of the report. The final version of the Health Impact Assessment from HE was not yet available and more details would be provided once it was.

The Chair questioned if it was normal practice that the health assessment was not publicly available before the submission of a DCO. Anna Eastgate reminded Members that a Health Impact Assessment did not have to be produced as a standalone document and that sections within it could be produced instead. However, when the Environmental Impact Assessment and Health Impact Assessment, the service would review these to identify where there were gaps and find ways to remedy these.

The Chair noted that the DCO would be submitted on 23 October and sought clarification on if it would 28 days before the DCO was accepted, that the two assessments would be made publicly available. Anna Eastgate said that this was the usual process but the Applicant could choose to publish the documentation earlier so Thurrock, in conjunction with other affected Local Authorities (LA), asked HE and the Planning Inspectorate for early sight of the document to give Thurrock and other LAs the opportunity to review the document at the earliest juncture as the document would be between 50,000 to 60,000 pages long.

Councillor Muldowney queried how much of the Health Impact Assessment would benefit Thurrock. She felt that there had been little benefit and useful information so far and that the community's Impact and Health Assessment Group still had not received enough baseline data to agree the baseline conditions on which the Health Impact Assessment was based. Anna Eastgate agreed and explained that HE had sent documents to Thurrock and other LAs quite late in the process and did not enable enough time for review and providing detailed feedback before the DCO was submitted.

Councillor Allen asked how the baseline data was gathered and whether the data was analysed in an unbiased way. Anna Eastgate explained that HE had a number of consultants under Cascade that undertook the assessments and that there were rules and regulations on how assessments were undertaken and there were British Standards to conform to. The service would review the assessments to ensure that rules and regulations had been complied with and to identify if there were areas that had not been complied with.

The Task Force discussed the issue of the assessment of PM2.5 in which Officers explained that the HE modelling on air quality and pollutants were not showing breaches of regulations. The service had raised concerns on the lack of information from HE regarding PM2.5 and there was ongoing maintenance and monitoring of air quality.

23. Work Programme

The following items were added to the work programme:

A report on biodiversity.
Future of the Task Force.

The Chair asked that no formal minutes to be taken if the DCO was to be heard in November's meeting and that an informal meeting take place instead.

24. Any Other Business

Referring to a letter (circulated to Task Force Members) to the Chair from HE which had received six unsatisfactory responses from the 19 questions asked,

Chris Stratford highlighted six points to be included in the Chair's response to HE:

1. A reminder of the question asked by the Chair to have early sight of the consultation report and other DCO documents in advance of the DCO publication.
2. Why reflective noise barriers were proposed for use instead of absorptive noise barriers.
3. That HE confirm their current biodiversity score including a score for the North and South sides of the river.
4. What the details of the Travel Plan were and the targets for achieving sustainable transport.
5. Where the benefits of the LTC scheme were located.
6. A copy of the closed meeting of the Design Council held back in June. Also for design slides and for HE to respond to Laura Blake's query about false cutting.

The draft response would be provided to the Chair for sign off before it was sent to HE.

Councillor Allen questioned if the design of the LTC scheme would change over time. Anna Eastgate said that once the application was submitted, it would be difficult for matters of substance to change e.g. the red line boundary due to consultation notification requirements. There were certain elements that could still be influenced such as the CoCP (including hours of construction), requirements, local construction routes and protective provisions.

The Task Force discussed the control of the levels of noise construction, noise barriers, technical language in HE letters to residents, visual impacts of the LTC. There was also discussion regarding letters from HE to residents, who were not within the vicinity of the LTC scheme, which stated that residents' homes were of interest. Officers explained that the service would monitor air quality and noise levels during the construction phase and would be questioning HE on the effectiveness of the noise barriers. The service would feedback to HE to avoid technical wording in letters to residents and to explain details in layman terms. HE had provided no details about visual impacts and the service would query this. For residents who had received letters from HE, Anna Eastgate explained that these were private law matters and advised individuals to seek legal advice. She went on to say that updates were provided from HE for anyone who had registered and that in November, the link for interested parties to register would open for 28 days but an interested party would require a written representation. She would provide key dates for the Task Force of when the link would open.

Councillor Allen questioned how the 50,000 – 60,000 pages of DCO documentation would be examined when published and if there were commercial assets set aside for the DCO. Anna Eastgate explained that the DCO would be examined by a group of consultees as in-house Officers were already under pressure from their current workload due to the pandemic. The DCO would not go to the High Court and the examination of it would be public and run by the Planning Inspectorate with specific hearings. Thurrock would need to review the DCO and submit its written representations. The examination process would take six months and at the end, the examining authority would have three months to submit its recommendation to the Secretary of State who would have another three months to determine the application.

The Task Force discussed what benefits would be gained if the Council moved from a position of opposition to conciliatory and accepting. Anna Eastgate explained that there was a presumption of favour for the LTC scheme (also hailed as a flagship scheme by the Government) as there was a need for public schemes to be brought forward and to develop infrastructure. There was a Council motion to judicially review HE but this could only be undertaken once a decision had been made on certain grounds of irregularity, illegality or impropriety which were narrow grounds for challenge and a Judicial Review (JR) did not stop a decision either. However, a JR was still in place although it would not be with HE, it would be with the Planning Inspectorate and the Secretary of State as this was where the scheme was progressing to. She went on to say that this was the opportunity for the Council to look at what benefits could be gained from the scheme in terms of social value and local economy. She stated that if the Council were to support the scheme, there would still be elements of the scheme that the Council was not happy with so would look to be strategic and endeavour to identify the 'top 10-12 asks' of HE in terms of mitigation to ensure the maximum benefit for Thurrock's residents.

The Task Force questioned how its views would be heard. Anna Eastgate explained that the Task Force had received a greater detail of information than any other Committee on the LTC scheme and that the Chair provided a quarterly update of the Task Force's work to Cabinet. The work of the Task Force was important and the next steps would need to be considered.

The meeting finished at 7.50 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

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