

LTC Task Force Paper

Lower Thames Crossing Task Force – EIA Update

1. Introduction

1.1. This paper has been prepared to provide an update to the LTC Task Force on the current position of the Environment Impact Assessment (EIA) associated with the Lower Thames Crossing (LTC) project.

1.2. This Paper covers the following items:

- **Stakeholder Engagement** - where we are in the process to date, in terms of draft technical EIA documents received from Highways England.
- **Summary of Council's concerns** - what concerns have been raised by the technical team to date, in response to the LTC draft Environmental Statement (ES) Chapters, issued to the Council for comment in July 2020.
- **Outstanding Council concerns** – Highways England's response to the Council's concerns relating to the LTC draft ES Chapters, issued to the Council in February 2021 and which issues remain a concern to the Council. It should be noted that, these concerns are still draft and have not been through a formal review.
- **Next steps** – programme for further engagement

2. Stakeholder Engagement - Where we are in the process to date

2.1. Highways England has issued the Council with the following technical documents on EIA:

Highways England technical document	Date issued by Highways England	Date of Council response	Date of Highways England response
Technical Note for Statement of Common Ground (EIA)	29 January 2020	13 May 2020	No response provided as comments on draft ES supersede this document.
Technical Note for Cumulative Effects Assessment	6 March 2020	6 October 2020	3 Feb 2021
Code of Construction Practice and REAC	18 th August	6 October 2020	3 Feb 2021
Draft ES Chapters.	2 and 14 July 2020	12 October 2020	3 Feb 2021

3. Summary of concerns raised by the Council in response to the draft ES Chapter

3.1. Highways England consulted the Council on the draft ES in July 2020. The ES included the following chapters: Air Quality, Cultural Heritage, Landscape & Visual, Biodiversity, Geology and Soils, Material Assets and Waste, Noise & Vibration, Population and Human Health, Road Drainage and Water Environment, Climate and Cumulative Effects Assessment.

3.2. The Council assessed the draft ES chapters, using the following methodology:

- **Purple** = priority matters that require urgent attention by Highways England;
- **Red** = matters that need addressing/require amendment prior to DCO submission (due to gaps, inconsistencies and missing information/data);

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- **Amber** = matters that Highways England has moved towards accommodating but which still require further work with the Council required prior to DCO submission; and,
- **Green** = satisfactory, no action required.

3.3. A summary of the RAG rating result of the draft ES review is provided in Table 1 below to illustrate broadly the number of concerns made by the Council.

Table 1: Summary of RAG rating on the draft ES Chapters

EIA Topic	Policy, Legislation and Guidance		Assessment methodology		Baseline conditions		Project design & mitigation		Assessment of impacts		Cumulative impacts		Monitoring	
	C	O	C	O	C	O	C	O	C	O	C	O	C	O
Air Quality	Green	Green	Amber	Yellow	Yellow	Yellow	Amber	Red	Red	Red	Green	Green	Red	Yellow
Cultural Heritage	Yellow	Yellow	Yellow	Yellow	Red	Red	Amber	Amber	Red	Red	Yellow	Yellow	Yellow	Yellow
Landscape	Green	Green	Green	Green	Yellow	Yellow	Red	Red	Red	Red	Yellow	Yellow	Yellow	Yellow
Terrestrial Biodiversity	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red	Yellow	Yellow	Yellow	Yellow
Geology and Soils	Green	Green	Yellow	Yellow	Green	Green	Yellow	Yellow	Yellow	Yellow	Red	Red	Yellow	Yellow
Materials	Yellow	Yellow	Green	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Green	Green	Yellow	Yellow
Noise and Vibration	Green	Green	Red	Red	Yellow	Yellow	Yellow	Yellow	Red	Red	Yellow	Yellow	Yellow	Yellow
People and Human Health	Yellow	Yellow	Red	Red	Red	Red	Amber	Amber	Amber	Amber	Red	Red	Amber	Amber
Water	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red	Red	Red	Yellow	Yellow	Red	Red
Climate	Yellow	Yellow	Yellow	Yellow	Green	Green	Yellow	Yellow	Green	Green	Green	Green	Green	Green
Cumulative Effects Assessment	Green	Green	Yellow	Yellow	Red	Red	X	X	Red	Red	Yellow	Yellow	Yellow	Yellow

4. Outstanding concerns despite Highways England's response and DCO submission

- 4.1. Highways England has provided a response in February 2021 to the issues and concerns raised in the Councils response to the draft ES Chapters in early October 2020. These are set out as either a clarification; the issue is resolved in DCO version 1 (DCOV1); will be resolved in DCO version 2 (DCOV2); or, is an issue which needs further discussion and should be addressed through the Statement of Common Ground (SoCG) logs.
- 4.2. The technical team are currently reviewing Highways England's responses to determine whether the issue has been dealt with appropriately.
- 4.3. Due to length and complexity of all the outstanding issues of the EIA, the next section only focuses on issues that are a major concern to the Council, i.e., would have been identified as red or purple in the initial exercise of the review of the draft ES Chapters. These issues are outstanding and are still a major concern for the Council despite Highways England's response (February 2021).
- 4.4. Some issues are progressing through the Hatch Mitigation Report, however, we are yet to receive any formal confirmation of the measures which are agreed. Where there has been indication from Highways England to incorporate measures within the DCO, these are referenced in the sections below as 'Measure xxx'.

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5. Air quality

5.1. Screening out of emission from barges and Non-Road Mobile Machinery

- The screening out of emissions from barges and Non-Road Mobile Machinery (NRMM) was not supported and reliance on TG (16) was considered inappropriate as this relates to whether such activities would cause issues in a potential Air Quality Management Area (AQMA), primarily due to SO₂ emission from Fuel Oil and not whether significant adverse NO₂ or PM₁₀ impacts would occur. Whilst it was accepted that Highways England has assessed emissions from NRMM within the ES, this would need to be validated in the form of a detailed review of the Air Quality Chapter submitted October 2020 in DCOV1.
- Screening out barge emissions is unlikely to be accepted given the Planning Inspectorate comments (26 November 2020): *'The ES considers 'road only' outlier position which is not sufficient, and Highways England need to consider multi-modal approach, this is all deferred for later consideration, which means that mitigations have not been fully assessed'*.

5.2. Non-Road Mobile Machinery (NRMM) mitigation

- The mitigation of the construction phase relies on emission controls of the NRMM, however, without more details of the proposed plant, it was not possible to determine that emissions will be adequately reduced. Highways England responded stating that emissions from NRMM will be temporary and minimised through the application of mitigation measures, including meeting the emissions standard requirements of the London Low Emission Zone for NRMM across all construction compounds and activities. However, whilst NRMM are by their nature 'temporary' their presence could extend for several years at some key construction locations and clarity is required that the mitigation will also be applied to any onsite portable power generators. It is therefore considered that greater detail is required to screen out impacts from such activities.

5.3. PM_{2.5} and PM₁₀ monitoring

- PM_{2.5} should be considered by Highways England in accordance with other DCO projects and further discussions are required. Whilst accepted that DMRB LA105 does not require monitoring where a Project does not cause significant effects, given the scale of the Project, uncertainty as to traffic flows and emissions and widespread impacts, some monitoring to demonstrate this lack of a significant would seem prudent. As previously communicated, the absence of PM₁₀ and PM_{2.5} monitoring within close proximity to the affected road network is considered a limitation.

5.4. Assessment of impacts and mitigation

- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain and further comments will need to be issued to Highways England.

6. Cultural Heritage

6.1. Adequacy of the Desk Based Assessment:

- The Council still have concerns regarding the quality of the Desk Based Assessment (DBA) and how this is being used to support the ES. The Council was concerned of the assessment of value throughout the document. There were also concerns regarding the supporting documentation used in the ES, which had not been updated and needed to be so. This included the assessment of the post medieval forts and the assessment of the World War I and II heritage assets. These needed to be revisited with further information provided. At present there was no assessments of the Holocene and only an initial enhanced assessment of one of the buildings to be demolished.

6.2. Adequacy of mitigation measure for archaeological/heritage assets:

- At that time, the REAC has only a reference to the proposed WSI in relation to Archaeology and building recording. It was recommended that this needed to be in much more detail as with ecological requirements. It was suggested that we need separate REAC sections in dealing with the excavation of the Scheduled Monument, recording of the listed buildings for demolition, further evaluation both for trenching and areas such as the tunnel mouth area.

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6.3. Incomplete archaeological survey work, especially near the tunnel mouth:

- There was still concern that a considerable part of the development and especially the tunnel mouth had not been archaeologically assessed. As this was likely to be the first area of major works during the construction project, there was potential for major hold ups to the scheme if the impact had not been identified.

6.4. Assessment of impacts and mitigation:

- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain, and further comments will need to be issued to Highways England.

7. Landscape and Visual

7.1. Adequacy of landscape mitigation proposal:

- Highways England stated the landscape scheme had been developed holistically. Further mitigation was proposed, which would need to be reviewed in detail to ensure that the mitigation is in keeping with the local landscape character and not the bare minimum. Further example of landscape mitigation was provided in Highways England's response.
 - Woodland planting at Tilbury to strengthen an existing wooded ridgeline
 - Woodland planting along the river corridor near the Chadwell link
 - Wetland creation in the Mardyke Valley
 - Planting to parcels of land following rectangular field pattern at Ockenden Link
 - Extensive parcels of woodland planting around the A13 and M25 junctions

7.2. Assessment of impacts and mitigation:

- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain and further comments will need to be issued to Highways England.

8. Terrestrial biodiversity

8.1. Adequacy of biodiversity mitigation proposal:

- There was a concern throughout the process that there would be a reliance on small-scale areas immediately adjacent to the road to provide mitigation rather than trying to deliver larger areas that would be more sustainable. The mitigation areas around Coalhouse Fort form the largest block, but there was no clarity over long term management. Work was being progressed on further enhancement projects. Discussion with Highways England on potential ideas for the Tilbury - Stanford Le Hope Riverside area would help support landscape restoration, biodiversity mitigation and enhancement, improve access, strengthen the cultural heritage connection, and provide health and well-being benefits to the community. The Council is currently awaiting visualisations from Highways England to demonstrate how Highways England could maximise the potential of the area.

8.2. Biodiversity net gain:

- Whilst Highways England has responded to the Council's previous comment on biodiversity net gain and stated that the project will achieve 15% net gain, the Council wish to see this legally secured within the DCO, which it currently is not.

8.3. Assessment of impacts and mitigation:

- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain, and further comments will need to be issued to Highways England.

9. Geology and Soils

9.1. Assessment of impacts and mitigation:

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- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain, and further comments will need to be issued to Highways England.

10. Materials and Waste

10.1. Construction waste handling:

- There was limited information as to the actual implications of the waste handling strategy. Planning Inspectorate (PINS) comments on construction waste (26 November 2020). *'The ES considers 'road only' outlier position which is not sufficient, and Highways England need to consider multi-modal approach, this is all deferred for later consideration which means that mitigations have not been fully assessed'*. Furthermore, PINS stressed that the Site Waste Management Strategy should have an interface with the Transport Assessment and the navigation elements for the construction period, particular as a significance threshold of 1% of landfill has been set for England rather than the study area. Highways England has issued to the Council the Outline Site Waste Management Plan (18 February 2021), which is currently under review. Also, a Materials Handling Plan will be issued in May.

10.2. Zero waste target:

- Project commitments have been set in line with Highways England Guidance (2019) Design Manual for Roads and Bridges (DMRB): Volume 11, Part 13 (LA110) Material assets and waste. It was understood that Highways England did not intend to have a zero-waste target due to the size of the project (particularly considering the number of contaminated sites transacted by the alignment). Further justification is required.

10.3. Assessment of impacts and mitigation:

- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain, and further comments will need to be issued to Highways England.

11. Noise and Vibration

11.1. Noise emissions from construction traffic:

- Significant adverse impacts were predicted. However, it was not clear how these will be mitigated. Construction traffic would be mitigated through the traffic management measures implemented through best practice measures in the CoCP and REAC. Until the DCOV1 versions are reviewed, the Council's concerns remain.

11.2. Assessment of impacts and mitigation:

- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain.
- Earth bunds and noise barriers are proposed along the route to reduce noise. However, it is vital to ensure that there is an appropriate provision (Hatch Report Measure M15). A review of the proposed noise barriers will be conducted to determine the efficacy and potential visual impacts of the noise barriers on those communities that will be directly affected.

12. Population and Human Health

12.1. Transparency at CIPHAG:

- Prior to the DCO submission (23 October 2020), CIPHAG met over an 18-month period. During this time, very limited information was shared with members on the impacts identified and how this shaped the scheme or informed mitigation. Highways England has recently proposed to reform CIPHAG with greater transparency and opportunities for feedback and discussion. The first CIPHAG meeting is likely to commence in late March with further meetings prior to the DCO re-submission later this year. The Council has raised concerns relating to the HEqIA, which will need to be addressed as part of the CIPHAG, these are:

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- Agreement of the scope and methodology of the assessment;
- Sufficiency of information provided on the baseline conditions and the opportunity to comment on these specified conditions and offer any further data/analysis/assessment;
- The extent and adequacy of various mitigation measures; and,
- The level of geographical granularity of reporting to ensure that inequalities are appropriately considered.

12.2. Employment and skills plan:

- The Council are unaware if its comments on the Skills and Legacy Plan have been incorporated into the version submitted at DCOV1 (October 2020), a review of this Plan will be conducted. However, discussions have progressed and it is understood that Highways England are in the process of providing a target for local labour and apprentice use during the construction of the project (Measure CLS3).

12.3. Economic benefit to the local community:

- Highways England predicted a large beneficial impact to the economy, which appears to be based largely on employment and connectivity. Factors such as the desirability of an area, attractiveness and environmental attributes, all influence economic success. The £7bn estimated benefit to the economy did not consider local degradation due to borough-wide blight or these poorer environmental outcomes and therefore this potential benefit was considered to be over-reported. Highways England has responded '*The impacts of the Project on the local and wider economy are now described as part of the Economic Appraisal Package contained within Appendix D of the Combined Modelling and Appraisal Report (Application Document 7.7). Chapter 13 describes impacts as they relate to development land and specific businesses (for example changes arising from land-take, changes to access and connectivity improvements).*' Accommodations are being sought through the Hatch Mitigation Report (Measure CLS11) to provide small capital grants schemes to facilitate aesthetic, public health, cohesion and environmental improvements within the community (up to £100,000 pa).

12.4. Assessment of impacts and mitigation:

- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain and further comments will need to be issued to Highways England. The impacts on local residents on changes in air quality and noise are noted as being contained within the HEqIA and draw on findings from the ES Air Quality and Noise and Vibration Chapters. The Council will need to validate this, as well as comments provided in response to human health in terms of accessibility and severance during construction and human health impacts in term of access to open space and nature.
- There was a heavy reliance on the Code of Construction Practice (CoCP) to deliver appropriate mitigation during the construction phase. For example:
 - The REAC did not include any definition as to the implementation or strategy for the WCH (walking, cycling and horse riding) network mitigation package. However, further discussions have progressed in terms of ensuring local people are kept fully up to date with the construction process and are given adequate information and warning of issues, such as severance or environmental damage and community disruption, impact on community facilities and PRow severance/disruption are minimised (Measure CLS10).
 - The mitigation strategy did not address the transport impacts of the construction, phase in terms of fear and intimidation, safety or driver delay.

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- The commitments did not specifically reference legacy benefits, such as the potential for positive impacts on population and human health as a result of improved and enhanced open space and recreational provision (which will support a high-quality residential environment and provide a valuable amenity resource to surrounding residential areas). Paragraph 5.162 of the NPSNN states 'access to high quality open spaces and countryside and opportunities for sport and recreation can be a means of providing necessary mitigation and/or compensation requirements', but there was no specific reference to this element.

13. Road Drainage and the Water Environment

13.1. Accuracy of baseline information:

- The Council previously raised concerns on the accuracy of the baseline data and sources of flood maps used in the assessment, as well as relevant guidance.

13.2. Assessment of impacts and mitigation:

- No embedded mitigation was proposed during the review of the draft ES Chapter for the construction phase. Surface Water, Groundwater and Ordinary Watercourse Flood Risk/ Water Quality would need to be managed during 'construction' and it would be expected that a works-specific Construction Management Plan is submitted to the LLFA for approval in advance of any works being carried out, outlining hazard, risks and associated mitigation measures. An ambitious Sustainable Drainage System (SuDS) Strategy should be promoted, which should include how climate change is considered. Further discussions with Highways England have taken place and Hatch Report Measure M16 may be agreed, promoting flood risk mitigation and water quality improvement through SuDS.
- Whilst Highways England has provided a response to the issues raised on the review of the draft ES Chapters, the technical teams have not validated this response and a full review of the ES Chapters in DCOV1 will need to be conducted to determine whether issues remain. This includes a review of the Flood Risk Assessment, which was not previously shared in July 2020. The Council will need to validate the assessment provided in DCOV1 in terms of flood impacts from surface water and groundwater sources and the risk to communities within Areas of Critical Drainage.

14. Climate '

- See separate Task Force Paper on 'CO₂ Emissions'.

15. Cumulative Effects Assessment

- Highways England issued the Technical Note for Cumulative Effects Assessment on 6 March 2020 to the Council and requested comments and input to the Long List and Short List of consented schemes to be included within the Cumulative Effects Assessment (CEA) by the 31 March 2020. The Council provided comments on the Long List and Short List as well as growth areas to be included within the CEA on 6 October 2020. The Council has requested the cut-off date to provide an updated list of consented schemes and growth areas for inclusion into the CEA for DCOV2.

16. Next Steps

- The technical teams have reviewed Highways England's response to the Council's comments on the draft ES Chapters in early October 2020.
- To progress the issues raised on the draft ES Chapters, the technical team will need to review the ES Chapters as submitted at DCOV1 (October 2020) to be able to validate the response issued by Highways England and determine the appropriateness of the response.
- It is likely that there will be outstanding issues and further comments as a result of the review of the ES Chapters. Further discussions are likely to be required for all technical topics, which will be captured in the next series of Statement of Common Ground (SoCG) meetings.