

Minutes of the Meeting of the Lower Thames Crossing Task Force held on 14 February 2022 at 6.00 pm

- Present:** Councillors Fraser Massey (Chair), John Kent (Vice-Chair), Gary Byrne, Daniel Chukwu (*arrived 18.07pm*) and Sara Muldowney
- Apologies:** Councillors Adam Carter and Sue Sammons
Peter Ward, Business Representative
Colin Black, Interim Assistant Director Regeneration and Place Delivery
- In attendance:** Lucy Tricker, Senior Democratic Services Officer
- Chris Stratford, Senior Consultant Stantec, engaged by Thurrock Council
Henry Church, Senior Director CBRE
- Laura Blake, Thames Crossing Action Group Representative
Westley Mercer, Thurrock Business Board Representative
Robert Quick, Resident Representative
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Before the start of the meeting, all present were advised that the meeting was being recorded, with the recording being made available on the Council's website.

51. Minutes

The minutes of the meeting from the Lower Thames Crossing Task Force held on 17 January 2022 were approved as a true and correct record.

52. Items of Urgent Business

There were no items of urgent business.

53. Declaration of Interests

There were no interests declared.

54. National Highways Compensation Policy

Councillor Kent queried the purpose of the report. The Chair stated that the issue of compensation had not been discussed by the Task Force previously and gave the opportunity for officers to answer questions and provide comment. The Senior Consultant Stantec introduced the report and stated that compensation given by National Highways (NH) was divided into two parts: the first was statutory compensation that had been contained within

section three of the Council's formal consultation response; and non-statutory compensation.

The Senior Director CBRE stated that compensation could also be given in three instances where no land was taken from a resident:

a. Section 10 of the Land Compensation Act (commonly known as the McCarthy Rules) which were only applicable where a right benefitting retained land was impacted causing reduction in the value of retained assets. He gave an example of if a resident had their access rights impacted by the scheme, which subsequently reduced the value of their house, then they might be entitled to compensation for the reduction in value arising from the executive of the works. He explained that NH would often negate a claim by re-providing the right (in the example by providing an alternative access to the house).

b. Noise insulation regulations, which were only available to houses within 300m of the scheme and where:

- i. The 'Relevant Noise Level' was at least 68 dB(A) L10(18 – hour).
- ii. The 'Relevant Noise Level' was at least 1 dB(A) more than the 'Prevailing Noise Level'.
- iii. New roads would contribute at least 1 dB(A) to the 'Relevant Noise Level'.

He stated that the compensation offered under these regulations would be to mitigate the impact of the noise, for example by offering to pay for double or triple glazing, or other noise reducing works. He added that the noise threshold of 70 decibels was extremely high, and therefore only limited residents were likely to qualify for compensation under these regulations.

c. Part 1 of the Land Compensation Act 1973, which compensated the owner of a house or interested land for the reduced value of their asset caused by physical factors arising from the use of the works. He stated that these physical factors included noise, smoke, dust, and fumes, but did not take into account loss of views. He stated that this compensation could only be accessed one year after LTC scheme opening, and residents either had to own the freehold to their property or have a long leasehold interest in rented property to apply. The Senior Director CBRE stated that it would be difficult for residents affected by the construction of the route to claim compensation, and non-compulsory purchases would not be regularly offered, even if residents were affected by noise, dust or traffic.

The Chair sought clarification that non-statutory compensation would not be widely available during the construction phase, and queried how many properties in Thurrock would be negatively affected by the construction. The Senior Consultant replied that NH had undertaken an exercise to identify all properties within 300m of the proposed route, and one of the Hatch measures had been to ensure that earthwork construction, where residents lived 300m or less from the route, would be limited to daytime hours, and the team would try to secure this in the Development Consent Order (DCO), agreed by NH. He added that NH had plans outlining all of the affected properties, but were currently updating their noise and air quality assessments before determining

if mitigation to those residents would be required. The Senior Director CBRE added that it was difficult to assess some of the impacts, as the majority of the design had not yet been agreed, and much of the design work would be left to the contractors. He stated that the LTC team in Thurrock were working to foresee potential issues before they arose and ensure mitigation measures against these issues were included in the DCO.

Councillor Muldowney explained that she had had a discussion with the NH Executive Director for LTC and had requested a fund be set-up for those residents living close to the route who suffered from COPD or other illnesses that could be worsened by their proximity to the route. She mentioned that this fund could be used to relocate, either temporarily or permanently, these residents to ensure their health would not be impacted by the scheme. She queried if any progress had been made on developing this fund. The Senior Consultant replied that her suggestion of the fund had been included in the original comments submitted as part of the non-statutory Community Impacts Consultation, but the team had not yet received feedback on these comments. The Senior Director CBRE stated that he had previously worked on the HS2, Heathrow, and Thames Tideway schemes and these had been run by the private sector where enhanced compensation had been offered. He stated that as NH were a government organisation it tended to only offer the statutory minimum level of compensation required.

The Thames Crossing Action Group (TCAG) Representative asked if the compensation schemes could be accessed by the general public, as well as by the Council. The Senior Director CBRE replied that any property within 300m of the scheme would be eligible to apply for compensation. He stated that these compensation claims usually fell within part 1 of the Land Compensation Act, and there were companies that specialised in helping people affected by these schemes apply for that compensation. He stated that they often mail dropped a local area that would be impacted, and although they could offer their assistance, there was no guarantee that a compensation claim would be successful. The TCAG Representative asked if residents whose properties did not fall within the red line boundary could apply for compensation. The Senior Director CBRE replied that they could apply for compensation, for example if their access was affected by the construction works, but it was difficult to judge the value lost in these houses due to the scheme. He added that if residents who suffered from COPD and other long-term conditions were concerned about the impact of the scheme, they could apply for a discretionary purchase order under the Highways Act, but they had to have a compelling case that would explain their need to move due to the scheme, and the bar was set very high for this type of compensation. The Chair questioned if there was a time-limit to apply for a discretionary purchase order. The Senior Director CBRE replied that there was no time-limit, but it was prudent for residents to act quickly as soon as the circumstances arose, as it would take time for their application to be submitted, processed and a price agreed upon. The TCAG Representative stated that if residents were concerned, basic information could be found on the TCAG website.

The Senior Director CBRE left the meeting at 6.25pm.

55. Verbal Update: Health Impact Assessment

The Senior Consultant stated that there was no update regarding the Health Impact Assessment (HIA), but the team were continuing to push and ask for updates. He stated that the team were still waiting on technical reports to be submitted by NH, and they were currently chasing these. He added that he was unsure of the dates for the next consultation, as these had not yet been agreed by NH, but the closing date for comments from affected local authorities was Monday 14 February. He explained that NH were still planning on submitting their DCO later this year, but a firm date had not yet been confirmed. The Senior Consultant commented that the team were also waiting on the updated operational cordon traffic model, which they were hoping to receive by the end of the month, and would then receive the updated air quality and noise assessments from NH approximately 6-8 weeks after that.

The Chair asked if any progress on the HIA had been made since the last Task Force meeting in January. The Senior Consultant Stantec replied that there had been little progress since January, but regular CIPHAG meetings were being held every six weeks, which had provided additional information on how NH carried out their assessments. Councillor Muldowney thanked the Senior Democratic Services Officer for circulating version 1 of the HEqIA, and queried how NH had determined that the scheme would have a neutral impact on health due to climate change. The Senior Consultant replied that the DCO v1 had been submitted in October 2021 and had probably been finalised in mid-2021, which was before the governments drive to decarbonise and climate change had formed part of the government's core policy. He stated that the HEqIA had been based on policy at the time, and the team hoped the document would change in line with the updated climate policies. He explained that the bar for regulation impacts requiring mitigation was high, and therefore a scheme had to have a large impact on the local area and local pollution levels before it required mitigation. Councillor Muldowney stated that Thurrock's public health team had analysed the standards that NH used and had found them to be lacking. The Senior Consultant added that an independent audit into the methodology used for the HEqIA had been undertaken and paid for by NH, and scrutinised by the public health teams for nine impacted local authorities, who had lots of methodological criticisms. He stated that NH had committed to adopting approximately 80-90% of the criticisms recommended through the audit.

Councillor Muldowney asked if any progress had been made regarding NH commitment to local work and training for the scheme. The Senior Consultant replied that the team had asked NH for apprentice targets, local labour targets and worklessness targets, and he felt that NH were slowly beginning to agree with Thurrock on the need and benefits of these targets. Councillor Chukwu questioned the overall cost of the scheme, particularly considering the rising cost of living and climate change costs. The Senior Consultant Stantec replied that at statutory consultation in 2018 the scheme had been predicted to cost

between £5 and 6 billion. He stated that the current cost had now been predicted at between £6 and 8.4 billion, which had therefore increased the cost by approximately 30%, not including the climate change costs. He stated that various measures could be undertaken during construction to mitigate the climate costs, for example using zero emission HGVS or using more environmentally friendly road surfacing techniques. He explained that NH were relying on the increased use of zero emissions vehicles during route operation as NH were predicting increased traffic to pre-pandemic levels.

56. Work Programme

The Chair queried if any progress had been made on inviting NH to a Task Force meeting. The Senior Consultant responded that the team were waiting on NH to confirm their consultation dates before an invitation was sent. The TCAG Representative asked if a report regarding the Council's communication strategy and the LTC could be brought to the Task Force. The Senior Consultant replied that he would liaise with The Interim Assistant Director Regeneration and Place Delivery regarding this request. He explained that Thurrock were currently reviewing their LTC website to make it more agile and user-friendly, as well as undertaking a piece of work to ensure customer service for NH met the required standard.

The meeting finished at 6.40 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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