

13 March 2024		ITEM: 24
Cabinet		
Lower Thames Crossing Update		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Cllr Andrew Jefferies, Leader of the Council		
Accountable Director: Mark Bradbury, Interim Director of Place		
This report is Public		
Version: Final / Cabinet		

Executive Summary

The Council has consistently opposed National Highway's current proposals for the crossing as they do not meet National Highways own objectives for the crossing and will create significant issues for Thurrock and Thurrock residents and businesses. We have fought hard for changes to the proposals or at the very least for improvements and mitigations that will help to address our concerns. National Highways have consistently failed to address these.

The Council's Lower Thames Crossing team negotiated hard with National Highways last year, to secure an improved agreement with National Highway to ensure that most of the cost of our attending the Examination into the proposal, between June and December last year, would be met by National Highways and not by the Council or Council taxpayers.

The Council was as a result able to present our case in the strongest possible terms at the Examination, entering 31 submissions in response to the proposals. The Council's response has been praised by the Thames Crossing Action Group in their latest newsletter where they acknowledged '*What was clear to us, was what a great job the council's LTC team did.*'

A decision is now in the hands of the Secretary of State, Michael Gove. It is the Council's view that his Examiners should either recommend refusal of the proposals as they stand or at the very least, make approval conditional on a range of improvements and mitigation measures that we have put forward being delivered.

Commissioner Comment:

No comments

1. Recommendation(s)

- 1.1 That Cabinet notes the significant work undertaken by officers and consultants acting on behalf of the Council to present the Council's position at the Lower Thames Crossing Development Control Order Examination between June and December 2023**
- 1.2 That Cabinet endorses the Council's continued position that the proposals submitted by National Highways do not meet their own objectives for the crossing and that they should be recommended for refusal, unless approval is conditional on a range of improvements and mitigation measures as set out by the Council in its submissions to the Examination**

2. Introduction and Background

- 2.1 The Lower Thames Crossing is intended to create additional road capacity across the Thames and relieve pressure on the Dartford Crossing. The proposed route includes 14.3 miles of new road connecting the M2/A2, A13 and M25 and the longest road tunnel in the UK, stretching for 2.6 miles. The project also includes around 50 new bridges and viaducts. About 70% of the infrastructure will be in Thurrock.
- 2.2 The Council has endeavoured to work with National Highways to influence and improve the scheme but remains opposed to the scheme in its current form due to the magnitude of unmitigated economic, environmental, and social impacts levied disproportionately on Thurrock and the Council's concerns about the ability of the scheme to deliver its stated objectives.
- 2.3 The Lower Thames Crossing Task Force has met regularly from September 2017 and has consistently sought to hold National Highways to account. Cabinet has received regular updates in accordance with agreed terms of reference.
- 2.4 In October 2022 National Highways resubmitted its application to the Planning Inspectorate for a Development Consent Order (DCO). The Council submitted its Adequacy of Consultation (AoC) representation highlighting very serious concerns about the consultation, transparency of communication, and local understanding of the scheme impacts. This was accepted by the Planning Inspectorate on 28th November 2022. At this stage in the DCO process, there has been no other basis to challenge National Highways' approach. The possibility of a Judicial Review will not arise until the DCO decision has been issued. Notably, PINS are not required to provide any substantive justification as to how they considered the Council position.
- 2.5 The Council reaffirmed clear all-party support for continuing to challenge the current LTC scheme in response to a Motion at its meeting on the 25th January 2023.
- 2.6 On 12th July 2023 Cabinet approved entering into a Planning Performance Agreement with National Highways that the cost of preparing technical evidence for presentation at the DCO Examination would largely be met by National Highways. This enabled the Council to present its case in the strongest possible terms.
- 2.2 Detailed breakdowns of the Council's responses during the examination were presented to the Council's Lower Thames Crossing Task Force 16th October 2023 and 22nd January 2024.

These detailed the 31 submissions mad by the Council. The paper presented to the Task Force on 22nd January 2024 is attached as Appendix 1.

- 2.3 Further detail on the mitigation measure proposed by the Council is set out in the following documents which are appended to this report: -

LTC Mitigation Benefits (Executive Summary)	November 2020
Relevant Representation – Thurrock Council	4 May 2023
Thurrock Council Local Impact Report	18 July 2023
Thurrock Council Comments on Applicant’s Submissions at Deadline 6	17 November 2023

3. Issues, Options and Analysis of Options

- 3.1 N/A

4. Reasons for Recommendation

- 4.1 The Council has consistently opposed National Highway’s current proposals for the crossing as they do not meet National Highways own objectives for the crossing and will create significant issues for Thurrock and Thurrock residents and businesses. We have fought hard for changes to the proposals or at the very least for improvements and mitigations that will help to address our concerns. National Highways have consistently failed to address these.

- 4.2 A decision is now in the hands of the Secretary of State, Michael Gove. It is the Council’s view that his Examiners should either recommend refusal of the proposals as they stand or at the very least, make approval conditional on a range of improvements and mitigation measures that we have put forward being delivered.

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

- 5.1 The Lower Thames Crossing Task Force received an update on the Examination of the Development Control Order for the Lower Thames Crossing at its meeting on 22nd January. The update set out in detail the activities undertaken by Thurrock Council Officers and Consultants during the examination.

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

- 6.1 There are no implications arising from this report.

7. Implications

- 7.1 **Financial**

Implications verified by: **Laura Last**
Finance Manager
21st February 2024

There are no financial implications arising from this report.

7.2 Legal

Implications verified by **Caroline Robins**
Locum Principal Solicitor Law and Governance

27th February 2024

This report is for noting and there are no direct legal implications arising from this report. There will not be further opportunities for challenge until the DCO decision has been made. The Council could consider challenging the DCO decision using the Judicial Review process when the decision has been issued. It is important to note that once the decision has been issued, the Council would only have six weeks from the date of that decision to bring a Judicial Review claim.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Community Development Team Leader

There are no implications arising from this report.

7.4 Risks

The Lower Thames Crossing is identified as a risk in the Council's Corporate risk Register.

It is noted that as this is Highways England's scheme and the Council is a statutory consultee, management of this risk is reactive to the plans and proposals brought forward by Highways England as well as the timescales laid out in legislation covering the Development Consent Order (DCO) process.

Responding to these plans and proposals impacted every service area within the Council and has relied heavily on their time at different points in the Development Consent Order (DCO) process.

This scheme will impact the health and wellbeing of residents affected by the construction of the crossing by traffic following construction if the scheme is approved.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

There are no significant implications arising from this report.

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):

- N/A

9. Appendices to the report

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| • Report to LTC Task Force 22 nd January 2024 | November 2020 |
| • LTC Mitigation Benefits (Executive Summary) | 4 May 2023 |
| • Relevant Representation – Thurrock Council | 18 July 2023 |
| • Thurrock Council Local Impact Report | 17 November 2023 |
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Report Author:

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Interim Director of Place