



Lower Thames Crossing

Executive Summary - Review of Design Refinement Consultation

On behalf of **Thurrock Council**



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Executive Summary

Introduction

1. Highways England is applying for a Development Consent Order (DCO) to construct and operate the Lower Thames Crossing (LTC) which is approximately 14.3 miles (23 km) of new road connecting the existing road network from the A2/M2, south-east of Gravesend, to the M25, to the north of North Ockendon. The scheme incorporates two 2.6 mile (4.3 km) tunnels under the River Thames and associated modifications to the M25, A2 and A13, and free flowing charging systems.
2. The scheme is classified as a Nationally Significant Infrastructure Project (NSIP) therefore consent will be sought via a Development Consent Order (DCO) under the Planning Act 2008 (PA 2008) and the Planning Inspectorate (PINS) will consider the application on behalf of the Secretary of State for Transport. Highways England programme is to submit to the DCO application in Autumn 2020.
3. At the end of 2018, Highways England presented its 'Statutory Consultation Scheme' for the proposed LTC. A series of design changes was the subject of a Supplementary Consultation exercise which ended in April 2020 and now, a further round of design refinement is the subject of non-statutory consultation, being undertaken virtually, from 14 July to 12 August 2020.
4. This report has been prepared for Thurrock Council to provide a review of the material presented as part of the Design Refinement Consultation exercise. Its purpose is to identify areas of concern, potentially significant issues and identify areas of further work required to be carried out by Highways England in order to allow the scheme to be properly and proportionately assessed.
5. Overall, the Council has continued to actively engage with Highways England however, based upon the consultation material available, and as with the Supplementary Consultation (January 2020) material, the information presented by Highways England is deficient in the detail required for stakeholders, including the Council, to provide an informed response to the proposed design changes and the wider scheme. Moreover, progress on the environmental and health impact assessment work has been slow such that the Council is likely to be unable to engage meaningfully with Highways England on the potential effects of the scheme and the effectiveness of any mitigation proposals prior to the planned submission of the DCO application this Autumn.

Design Refinement Consultation Scheme

6. Highways England commenced its Design Refinement Consultation exercise on 14 July 2020, ending on 12 August 2020. Within Thurrock, the proposed design refinements are:
 - Tilbury area - northern tunnel landscaping and maintenance road refinements. Realignment of two footpaths and an option for a shared path on Muckingford Road providing improved connectivity between Chadwell St Mary and East Tilbury. Water supply utility work to provide water to the construction sites and TBM and, other utility diversion works.
 - A13/A1089 - two changes to the A13 merges and the removal of a false cutting between the A128 Brentwood Road and Hoford Road. Two separate woodland areas identified off Baker Street at the A13/A1089 that Highways England is looking to make accessible to the public. Proposed minor change to the alignment of the watercourse diversion before the A13 junction. Removal of the new footpath connection under the A13 and the open space to the north of the A13. Realignment of the proposed shared path for walkers, cyclists and horse riders between Green Lane and Stifford Clays Road. Relocation of the Gammonfields traveller site. Movement of some of the overhead cables at the corner of Hornsby Lane and Foxes Green underground. Proposed permanent compound east of Orsett Cock roundabout, along Stanford Road. Additional land required for overhead electricity distribution cable diversion

works north of Heath Place and for multi-utility works in the area off Mill Lane. Multi-utility diversion extension along the B188 High Road, towards Orsett.

- LTC/M25 - new maintenance access track and multi-utilities diversion north of the Thames Chase Forest Centre, resulting in reduced woodland compensation. Watercourse diversion within the Wilderness, resulting in reducing woodland planting. Watercourse diversion, removal of earthworks and the introduction of a retaining wall to avoid encroachments into the Ockendon landfill site. Relocation of construction site 13. Relocation of footpath 136 and realignment of footpath 252. Reconfiguration of land required for multi-utility works. Utility diversion works between Ockendon Road and St Mary's Lane via the B186 and other works around the B186 North Road. Works in the Mardyke area for National Grid maintenance access.

7. Highways England's Design Refinement Consultation materials can be found at the following link: <https://lowerthamescrossing.consultationonline.co.uk/>

Adequacy of Consultation - the Council's Comments on the Consultation Process

8. The Council considers there to be significant issues and challenges associated with undertaking another consultation exercise so soon after the end of the Supplementary Consultation in April 2020 and which is being held during the time of the Covid-19 global pandemic and the summer holiday period.
9. The Council is concerned that directly affected residents and the wider community will be at a disadvantage in meaningfully engaging with this 'virtual' Design Refinement Consultation, that this consultation is being unnecessarily rushed by Highways England and that there is significant risk of consultation fatigue and higher priority matters posed by Covid-19. Given that this consultation will be online only, there are concerns that certain vulnerable groups may be underrepresented, particularly those with limited access to the internet or difficulties in downloading large documents.
10. Whilst Highways England has acknowledged stakeholder concerns regarding the length and timing of the consultation, the programme has not been amended.
11. There are also concerns about the adequacy of the consultation materials and an over-reliance on the preliminary environmental information publish for statutory consultation in December 2018, which combine to make the whole consultation exercise a challenge for members of the public and other stakeholders.

Review Findings and the Council's Position

12. The aim of the review is to identify potential issues arising from the construction and operation of the proposed LTC, as updated by the Design Refinement Consultation Scheme, which are likely to be of concern to the Council as a 'host authority'. The review considers only the design refinements in Thurrock.
13. A re-cap of the Council's principal areas of concern relating to the LTC scheme and specific comments relating to the design refinements are set out in the report. These are:
 - **Emerging Local Plan and its interface with the proposed LTC** - the proposed LTC does not make provision for, and is inconsistent with, the housing and development potential for Thurrock and the aspirations for the Borough and for the wider South Essex area as set out in Thurrock's emerging Local Plan and South Essex Joint Strategic Plan. To this end, the Council will require on-going and transparent updates from Highways England on both the construction and operational programme for each phase of the LTC.
 - **Design Quality** - Highways England appears not to meet its own brief and policy and also fails to meet the design expectations set out in the National Design Guide and the National

Planning Policy Framework. The Council's design officers will liaise with LTC design team to review the emerging mitigation for landscape, ecology, cultural heritage and Non-Motorised Users, seeking to deliver outcomes that are beneficial to the local community.

- **Highway Design and Safety** - the Council continues to have significant concerns in relation to the potential impacts and effects of the LTC on the operation of the road network in Thurrock and adjoining areas, which are not resolved or responded to in the Design Refinement Consultation.
- **DCO Application Boundary, LTC scheme and EIA Scope** – the DCO application area is approximately 55% larger than that at the EIA scoping stage in October 2017 and there have been a number of material changes to the scheme design since that time. This presents questions around the adequacy of the EIA scoping exercise and the Council is requesting that an updated Scoping Opinion is sought from the Secretary of State.
- **Specific Comments on the Design Refinement Consultation Scheme**
 - **Environmental impacts** – there are significant information gaps and the potential for under reporting of potential impacts. The increase in the area cover by the application combined with the changes to the LTC scheme since the EIA Scoping Opinion was published Autumn 2017 are likely to give rise to new or altered likely significant environmental effects.
 - **Code of Construction Practice (CoCP)** - there is a reliance on the CoCP to deliver appropriate mitigation during the construction phase however, to date, the Council has received only a working draft CoCP which does not provide any details of the mitigation measures proposed. In addition, the Council has yet to receive the Register of Environmental Actions and Commitments (REAC) which forms a critical part of the CoCP in understanding the proposed mitigation.
 - **Effects on people and communities** - no working draft Health and Equalities Impact Assessment (HEqIA) has been shared with the Council to date and it is not included in this consultation. It has therefore been very difficult to comment on the potential health impacts or any proposed mitigation measures however matters relating to deprivation and mental health issues have been raised with Highways England.
 - **Highway design and safety** - the proposed design refinements to the merge layout designs between LTC, A13 and A1089 are likely to be of little consequence to the operation of the road network in Thurrock. The interchange between LTC/A13 and the Orsett Cock roundabout is inadequate and would be unsafe, where traffic is required to merge and weave too close to the Orsett Cock junction. The designs included in the consultation material do not reflect the change in layout at the Orsett Cock junction, that is currently being constructed, to increase the size of the roundabout circulation and to alter the alignment of the A13 off-slips and the widening of the A13 through link. The proposed layout presented by Highways England does not geometrically align with those changes and does not create a workable solution with sufficient capacity for the current or predicted demand at the junction.
 - **Mitigation proposals: noise barriers** - Highways England proposes 15 new noise barriers in Thurrock, which range from 1 to 6m in height. Little information, other than the location and length, is provided therefore the Council is seeking details from Highways England to determine the likely efficacy as well as potential visual impacts of the barriers on those communities which will be directly affected.
 - **Mitigation proposals: landscape and ecological mitigation** - little land has currently been set aside for mitigation along most of the route and there is a reliance on embankments and false cuttings to provide most of the visual screening. Detail regarding planting along these features has not been provided. The Council is seeking to be the approving authority for any DCO Requirements relating to ecological and landscape mitigation proposals.

- **NMU** - the design refinements to the NMU network have largely marginal net effects on the effectiveness of the proposed NMU network. The removal of the prospective connection below the A13 between Stifford Clays Road and Long Lane is an omission as it reduces the increased permeability of the NMU network north to south across the A13. The NMU strategy must now concentrate on high quality provision along the Baker Street to Stanford Road corridor, linking to the National Cycle Network on that road and to provide high quality NMU facilities along Stifford Clays Road.
- **Utility diversions** - the overall land take relating to the electricity and gas diversions still appears to be excessive and the Council is requesting that this is reviewed, and the utility companies challenged further, in order to rationalise the land take wherever possible.
- **Residents and businesses** – whilst the number of properties within the application boundary has decreased from 270 to 150, this is still a high number of affected residents and local businesses. The 70 residential and business properties within the boundary that do not need to be purchased will be affected in relation to property values, difficulties re-mortgaging homes together with direct and indirect environmental impacts. There is evidence that the former is already affecting properties in the Borough. These matters have been raised with Highways England together with the potential effects on mental health.
- **Traveller community at Gammonfields** - Highways England efforts to find a suitable relocation site for the traveller community at Gammonfields are acknowledged. It is understood that further design and mitigation work is needed, and the potential environmental and health impacts of the scheme and proposed relocation must be considered in the assessment work for this site and community which experiences inequalities in health and wellbeing.
- **Transport modelling** - the Council has identified and raised a number of concerns around transport modelling, although to date, Highways England has not provided evidence to reassure the Council or to address these matters.
- **LTC programme and technical engagement** - the Council remains concerned about the adequacy of technical engagement to date and the time available to allow a period of meaningful technical review and engagement prior to the submission of the DCO application, currently programmed for Autumn 2020. These concerns have been exacerbated by the challenges experienced by the Council in relation to the Covid-19 pandemic. This remains a considerable concern to the Council as it limits the time in which suitable and appropriate measures to mitigate and to compensate for the adverse effects of the scheme can be explored and agreed with Highways England. These concerns have been raised regularly with Highways England and the Planning Inspectorate through the course of the pre-application process.

Recommendations and next steps

14. As noted in the Council's response to the Statutory Consultation (December 2018) and Supplementary Consultation (January 2020) exercises, the nature of the DCO process is to encourage close and meaningful engagement with the promoter as the design process proceeds in the pre-application stage.
15. Further technical engagement with the Council is required prior to the submission of the DCO application in order to address the Council's concerns. The Council wish to see progress in relation to resolving aspects of the LTC scheme which would have a direct bearing on the Council and its communities should consent for the scheme be granted. These aspects would comprise, but are not limited to, setting a timetable and action plan to address:

- the concerns raised by the Council in this and earlier consultation responses, including the aspirations set out in the emerging Local Plan and delivering sustainable local growth;
 - mitigation for the likely economic costs to the Borough;
 - The delivery of a scheme of exemplar design, lasting legacy and securing local benefits; and
 - agreeing relevant draft DCO Requirements, Statement of Common Ground and s106 draft Heads of Terms.
16. Concerns about the time available to enable a period of meaningful technical review and engagement prior to the submission of the DCO application are set out above. The Council would therefore wish to seek clarity on Highways England's programme and activities up to submission, recommending that the DCO submission date is reviewed and revised so that Highways England can take full account of the responses set out in all consultation responses received to date and thereafter engage effectively with principal stakeholders prior to the DCO application submission.