

<b>Lower Thames Crossing Task Force</b>	<b>ITEM: 4</b>
<b>Final Update on DCO Examination</b>	
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<b>Accountable Director:</b> Mark Bradbury – Interim Director of Place	
<b>This report is Public</b>	

## Update

- 1.1 The following sets out the key activities, events and submissions and the Council's involvement in the DCO Examination, which began on 20 June 2023, following a Programming and Preliminary meeting on 16 May and 6 June 2023 respectively, which the Council attended, made submissions to and was represented. As a context, the Council made a number of submissions prior to the June Task Force meeting, which are set out below with weblinks.
- 1.2 The Planning Inspectorate (PINS) website is the single source of truth for all DCO application documents and there are two important links:
  - Main LTC Website showing all information and updates** – [Lower Thames Crossing | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/lower-thames-crossing/)
  - PINS Examination Library containing all documents (updated regularly)** – [TR010032-001818-C - LTC Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/tr010032-001818-c-ltc-examination-library.pdf)
- 1.3 The Submissions for the Programming and Preliminary meetings can be found on the Planning Inspectorate's (PINS) website, as follows:
  - Programming Meeting (16 May)** – [PDA-007](#)
  - Preliminary Meeting (two submissions) (6 June)** – [PDB-009](#) and [PDC-007](#)
- 1.4 In addition, the Council made submissions for Procedural Deadlines A, B and C on 5 and 26 May and 13 June 2023, which also can be found on the Planning Inspectorate's (PINS) website, as follows:
  - Procedural Deadline A (PDA) (5 May)** – as for the Programming Meeting above.
  - Procedural Deadline B (PDB) (26 May)** – as for the Preliminary Meeting above.
  - Procedural Deadline C (PDC) (13 June)** – [PDC-008](#)
- 1.5 In addition, the Council also made two important submissions on 4 May 2023, prior to the Examination commencing – its Relevant Representation ([PDA-009](#)) and its Principal Areas of Disagreement Summary Statement (PADs) (PDA-008).

- 1.6 Finally, following the commencement by National Highways (NH) of its 'Minor Refinement Consultation' (MRC) (after acceptance by the Examining Authority (ExA) on 21 March 2023) on 17 May until 19 June 2023, the Council made its formal submission to NH on 19 June 2023, which were not published by PINS or NH.
- 1.7 It should be noted that there were 12 Deadlines for written submissions from the commencement of the Examination on 20 June 2023 until its close on 20 December 2023. These deadlines were not missed but were regular and challenging.

### **19 June – 17 July 2023 (ISH 1 and 2 and Examination Commenced)**

- 1.8 The Council attended two Issue Specific Hearings (ISH1 and ISH2) on 21 and 22 June 2023, just after the commencement of the Examination, each lasting most of each day. The Council then made written submissions for each ISH at Deadline 1 (D1) on 18 July 2023, which summarised all its points for each ISH and which are set out below.
- 1.9 The Examination commenced on 20 June 2023 and then the publication of the amended Rule 8 Letter was issued on 3 July 2023 by the ExA ([TR010032-002408-LTC Rule 8 Letter and Annexes Amended APPROVED.pdf](https://www.planninginspectorate.gov.uk/tr010032-002408-LTC%20Rule%208%20Letter%20and%20Annexes%20Amended%20APPROVED.pdf) ([planninginspectorate.gov.uk](https://www.planninginspectorate.gov.uk)).

### **18 July – 14 August 2023 (Deadlines 1 and 2)**

- 1.10 Deadline 1 (D1) on 18 July 2023 was a major ExA deadline and the Council made four written submissions, which are set out below:

**Local Impact Report (LIR) of 250 pages and its 13 Appendices** – [REP1-281](#) and REP1-282 – REP1-294 (the weblinks to which can be found in the Examination Library: [TR010032-001818-C - LTC Examination Library.pdf](https://www.planninginspectorate.gov.uk/tr010032-001818-C-LTC%20Examination%20Library.pdf) ([planninginspectorate.gov.uk](https://www.planninginspectorate.gov.uk)))

**ISH1 Submission** – [REP1-296](#)

**ISH2 Submission** – [REP1-295](#)

**Procedural Deadline D (PDD)** – [PDD-001](#)

- 1.11 It should be noted that NH made 216 written submissions at D1 and there were a total of 438 written submissions, including the Council's submissions.
- 1.12 Deadline 2 (D2) was on the 3 August 2023 and again the Council made a written submission, which is: [REP2-093](#). NH made 77 written submissions at D2 and there were a total of 121 written submissions, including the Council's submission.

### **15 August – 19 September 2023 (ExQ1, Various Hearings and Deadlines 3, 4 and 5)**

- 1.13 **ExA First Written Questions (ExQ1) (15 August)** – there were 250 questions with the majority addressed to NH (the applicant) and some 30 questions were required to be responded to by the Council and other local authorities generally or specifically.

The response deadline was Deadline 4 (19 September 2023), which was met. The 250 questions can be found here – ([PD-029](#))

- 1.14 **Deadline 3 (24 August)** – the Council made its written submission responding to all relevant NH documents submitted at both D1 and D2. The submission consisted of a main report ([REP3-211](#)) and six Appendices A - F (consisting of the Council's Minor Refinements response and responses to NH's localised modelling work) that can be found in numbered sequence here – ([REP3-212](#)), ([REP3-208](#)), ([REP3-209](#)), ([REP3-210](#)), ([REP3-207](#)) and ([REP3-206](#)). It should be noted that NH made 147 written submissions at D3 and there were a total of 219 written submissions, including the Council's submissions.
- 1.15 In addition, the Council worked with NH to produce an updated Statement of Common Ground (SoCG) that was submitted at Deadline 3, which can be found here in a tracked changed format – ([REP3-093](#))
- 1.16 **Hearings between 5 – 15 September** – this was reserved for Open Floor Hearings (OFH) (largely for the public, but open to all, although the Council did not attend these OFHs), Issue Specific Hearings (ISH) (covering the matters set out below), Compulsory Acquisition Hearings (CAH1 and CAH2) and an Accompanied Site Inspection (ASI) with the ExA and stakeholders, lasting three days with two days in the north – detailed agendas were issued in advance for each Hearing and a detailed itinerary for the ASI. The full list was, as follows:
  - ISH3 – Project Design (5 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-041](#)) and ([EV-041g](#)).
  - ISH4 – Traffic & Transportation (6 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-042](#)) and ([EV-042f](#)).
  - ISH5 – Tunnelling (7 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-044](#)) and ([EV-044a](#)).
  - ISH6 – Mitigation, Compensation & Land Requirements (8 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-045](#)) and ([EV-045a](#)).
  - ISH7 – Draft DCO (11 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-046](#)) and ([EV-046e](#))
  - CAH1 – The Applicant's Strategic Case (15 September) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-047](#)) and ([EV-047a](#)).
  - CAH2 – Objections (15 September) – the Council were represented. The Agenda, Amended Agenda and Action Points are on the Examination Library ([EV-048](#)), ([EV-049](#)) and ([EV-049a](#)).
  - ASI1 – ASI3 (13 and 14 September for north of river – ASI2 and ASI3) – the Council was represented.
- 1.17 **Deadline 4 (19 September)** – this involved three submissions from the Council:

- Post Event Written Submissions summarising the Hearings (five ISH's and two CAH's referred to above) ([REP4-352](#))
- Council responses to the identified and relevant to the Council some 30 ExQ1 questions ([REP4-353](#))
- Commentary on relevant NH submissions at D3 ([REP4-354](#))

It should be noted that NH made 282 written submissions at D4 and there were a total of 412 written submissions, including the Council's submissions.

- 1.18 **Deadline 5 (3 October)** – this involved responding to NH submissions at D4, preparing responses to localised modelling and Dartford Crossing issues and preparing jointly with DPWLG, PoTL, Essex CC and NH a 'Joint Position Statement' on Orsett Cock Junction and Asda Roundabout modelling and mitigation required, as required by the ExA. The Council's D5 submission was made on time ([REP5-112](#)).
- 1.19 It should be noted that NH made 97 written submissions at D5 and there were a total of 131 written submissions, including the Council's submissions

### **10 – 31 October 2023 (ExQ2, ASI4, Various Hearings and Deadline 6)**

- 1.20 **ExA Second Written Questions (ExQ2) (10 October)** – there were 77 questions with the majority addressed to NH (the applicant) and some 26 questions were required to be responded to by the Council and other local authorities generally or specifically. The response deadline was Deadline 6 (31 October 2023), which was met. The 77 questions can be found here – ([PD-040](#)).

**Hearings and ASI4 between 16 - 24 October** – there were five Hearings and one Accompanied Site Visit (ASI4), as follows:

- CAH3 (17 October) – for individual site specific representations. The Council did not need to attend. The Agenda and Action Points are on the Examination Library ([EV-050](#)) and ([EV-056](#)).
- CAH4 (18 October) – also for individual site specific representations. The Council did not need to attend. The Agenda and Action Points are on the Examination Library ([EV-057](#)) and ([EV-061](#)).
- ISH8 (19 October) (Construction and Operational Effects (Non Traffic)) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-062](#)) and ([EV-068](#)).
- ASI4 (20 October) to the HS2 Chiltern Compound to view TBM – the Council was represented.
- ISH9 (23 October) (Environment & Biodiversity) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-069](#)) and ([EV-075](#)).
- ISH10 (24 October) (Traffic & Transportation) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-076](#)) and ([EV-082](#)).

**Deadline 6 (31 October)** – this involved, as with D4, three submissions from the Council (plus an Appendices submission) and a jointly updated SoCG, which were:

- Post Event Written Submissions summarising the various ISH's ([REP6-166](#))
- Council responses to ExQ2 ([REP6-167](#))
- Commentary on relevant NH submissions at D4 and D5 ([REP6-164](#))
- Appendices A – O related to that Commentary ([REP6-168](#))
- Updated SoCG jointly with NH ([REP6-031](#)).

1.21 It should be noted that NH made 97 written submissions at D6 and there were a total of 124 written submissions, including the Council's submissions.

### **1 November – 20 December 2023 (ExQ3, Various Hearings, ASI5 and Deadlines 7, 8, 9, 9A and 10)**

**ExA Second Written Questions (ExQ3) (14 November)** – there were 48 questions with the majority addressed to NH (the applicant) and some 17 questions were required to be responded to by the Council and other local authorities generally or specifically. The response deadline was Deadline 8 (5 December 2023), which was met. The 48 questions can be found here – ([PD-046](#)).

1.22 **Deadline 6A (14 November)** – this was a short submission specifically relating to local traffic modelling issues required by the ExA. The Council's submission was on time and contained a report and a 105Mb video ([REP6A-013](#)) and ([REP6A-014](#)). It should be noted that NH made 9 written submissions at D6A and there were a total of 23 written submissions, including the Council's submissions.

**Hearings and ASI5 between 21 – 28 November** – there were five Issue Specific Hearings, one Open Floor Hearing and one Accompanied Site Visit (ASI5), as follows:

- CAH5 (21 November) – for individual site specific representations. The Council did not need to attend. The Agenda and Action Points are on the Examination Library ([EV-083](#)) and ([EV-083a](#)).
- ISH11 (22 November) (Environmental Matters) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-084](#)) and ([EV-084a](#)).
- ISH12 (23 and 28 November) (Social, Economic and Project Delivery Matters) – the Council were represented. The Agenda and both sets of Action Points are on the Examination Library ([EV-085](#)), ([EV-085a](#)) and ([EV-085i](#)).
- OFH5 (23 November) (Interested Parties Representations, including Travellers) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-086](#)) and ([EV-086c](#)).
- ASI5 (24 November) to the Ports (PoTLL and DPWLG) – it was not necessary for the Council to be represented.
- ISH13 (27 November) (Traffic and Transportation) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-087](#)) and ([EV-087g](#)).

- ISH14 (28 November) (the draft Development Consent Order (dDCO)) – the Council were represented. The Agenda and Action Points are on the Examination Library ([EV-088](#)) and ([EV-088f](#)).
- 1.23 **Deadline 7 (17 November)** – this was single submission containing four Appendices (and was made on time ([REP7-228](#))). It should be noted that NH made 197 written submissions at D7 and there were a total of 275 written submissions, including the Council's submissions.
- 1.24 **Deadline 8 (5 December)** – this involved three submissions and a 105Mb video from the Council, which were:
- Post Event Written Submissions summarising the various ISH's ([REP8-167](#))
  - Council responses to ExQ3 ([REP8-165](#))
  - Commentary on relevant NH submissions at D6A and D7 ([REP8-166](#)). This also included jointly with DPWLG, PoTL, Essex CC and NH an 'Updated Joint Position Statement' on Orsett Cock Junction.
  - Video ([REP8-168](#)).
- 1.25 It should be noted that NH made 125 written submissions at D8 and there were a total of 194 written submissions, including the Council's submissions.
- 1.26 **Deadline 9 (11 December)** – this was single submission containing four Appendices (including jointly with DPWLG, PoTL, Essex CC and NH a further 'Updated Joint Position Statement' on Orsett Cock Junction) and was made on time ([REP9-299](#)). It should be noted that NH made 279 written submissions at D9 and there were a total of 316 written submissions, including the Council's submissions.
- 1.27 **Deadline 9A (15 December)** – this was single submission containing two Appendices and was made on time ([REP9A-119](#)). It should be noted that NH made 107 written submissions at D9A and there were a total of 154 written submissions, including the Council's submissions.
- 1.28 **Deadline 10 (20 December)** – close of Examination. The Council made no submissions at this close of Examination deadline, as none were necessary or required. It should be noted that NH made 25 written submissions at D10 and there were a total of 48 written submissions, but the Council made no submissions. However, the Council's signed and sealed S106 Agreement was published at D10 in track changed version ([REP10-019](#)) and clean ([REP10-018](#)).
- 1.29 In addition, the **TCAG** made its closing submission at D10 ([REP10-041](#)) and the TCAG, of course, made submission throughout the Examination that can be found in the Examination Library.
- 1.30 **OVERALL SUMMARY OF SUBMISSIONS** – there are a total of 2,855 submissions made during the Examination stage, of which some 1,658 were made by NH and the Council made 31 submissions (as listed above with weblinks to each). In addition, these can all be found within the Examination Library and on the PINS main LTC page – [Lower Thames Crossing | National Infrastructure Planning \(planninginspectorate.gov.uk\)](#)

- 1.31 The Council set out its major concerns within its D7 submission ([REP7-228](#)) in Section 2 (with links to all submissions where each was discussed in more detail) and these are set out below for convenience. In addition, the Council provided in its D9A submission ([REP9A-119](#)) in Section 1.4 three 'infographics' of its assessment of NH's performance against its scheme objectives and its major issues, which are reproduced below for convenience.

## MAJOR ISSUES

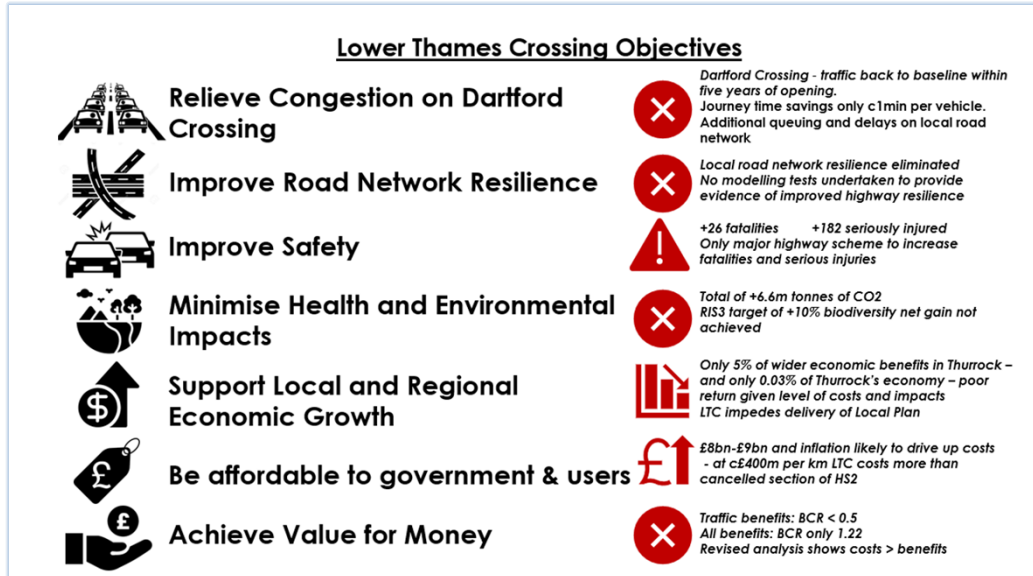
- 1.32 Given the five extensive submissions by the Council from D2 to D6A, the Council assisted the ExA by summarising the top 20 major concerns that the Council has expressed in detail in those submissions. Subsequently, the S106 Agreement has been signed by the Council and therefore was removed, leaving 19 major concerns. These concerns are and not in any particular order of priority:

- A. Draft DCO issues;
- B. Land, CA and Statement of Reasons (SoR) issues;
- C. Need for LTC and so-called 'relief' to Dartford Crossing;
- D. Serious issues with almost all localised traffic models (ongoing) and timetable for resolution, resulting in significant local road network impacts;
- E. Wider Network Impacts;
- F. Disbenefits of the scheme and low BCR and not meeting seven Scheme objectives
- G. New Requirements and collective Protective Provisions;
- H. Inadequate Control documents, despite many welcomed changes;
- I. Environmental issues relating to detailed matters with road drainage and water environment, geology and soils and waste, landscape and climate impacts and compliance with policy;
- J. Significant issues with air quality and noise impacts, especially on vulnerable users;
- K. HEqIA and specific health issues, including high sensitivity wards and vulnerable populations;
- L. SEE Strategy inadequacy relating to unambitious targets;
- M. WCH provision – lack of clarity on closures/diversion in an overall sense and inadequacy of mitigations;
- N. Utility plans and impacts – lack of clarity and inadequate assessment;
- O. Emerging Local Plan impacts, especially impacts on potential growth areas and serious impacts on viability;
- P. SoCG issues, largely the scale of matter not agreed or under discussion;
- Q. Inadequate legacy provision, despite several years of discussion
- R. Lack of Alternatives consideration for key design elements and future proofing'; and,
- S. Inadequate provision and involvement of Emergency Services.


- 1.33 These key issues can be found throughout the Council's Examination submissions and differ slightly from those set out in its Relevant Representation ([PDA-009](#)) dated [4 May 2023](#).

## 1.34 INFOGRAPHICS

These are set out in the following three pages in landscape format for ease of understanding.





### Summary of Thurrock Council's Major Concerns

- |   |   |   |  |
|---|---|---|--|
|  | A. Remaining DCO drafting issues  |  | K. HEqIA and specific health issues  |
|  | B. Land, Compulsory Acquisition and Statement of Reasons issues   |  | L. Inadequate SEE Strategy and unambitious targets                                     |
|  | C. Need for LTC and so-called 'relief' to Dartford Crossing   |  | M. Unclear Walking, Cycle and Horse-riding related closures/diversions and mitigations |
|  | D. Issues with almost all localised traffic models  |  | N. Utility plans and impacts – lack of clarity and inadequate assessment               |
|  | E. Unresolved Wider Network Impacts   |  | O. Untested emerging Local Plan scenarios  |
|  | F. Disbenefits of the scheme, low BCR and not meeting seven scheme objectives                               |  | P. Statement of Common Ground - 216 issues 'Not Agreed'                                |
|  | G. Requirements and collective Protective Provisions not agreed   |  | Q. Inadequate legacy provision   |
|  | H. Inadequate control documents   |  | R. Lack of consideration for alternative modes and layout                              |
|  | I. Environmental issues: road drainage; water; geology; soils; waste; landscape; climate; policy compliance |  | S. Inadequate provision and involvement of emergency services                          |
|  | J. Significant negative air quality and noise impacts   |   |  |

**Lack of Evidence/Missing Info:**  
e.g. transport modelling, Green Belt assessment etc



**Relieve Congestion**


**Dartford Crossing - back to existing conditions in only five years**  
Journey time savings only c1min per veh  
Additional local queuing and delays


**FAIL**

**Minimise Environmental Impact**


**+6.6million tonnes of CO2**  
Biodiversity net gain target not met

**FAIL**

**Affordable and Value for Money**


**Costs £8bn-£9bn & costs going up**  
Latest analysis: costs>benefits  
More expensive per km than HS2


**FAIL**

**Support Growth**


Only 5% of wider economic benefits in Thurrock – and only increases economy by 0.03% - poor return given level of costs and impacts  
LTC impedes delivery of Local Plan


**FAIL**

**Improve Safety**

**+26 fatalities (8 in Thurrock)**  
**+182 seriously injured**  
Only major highway scheme to increase fatalities and serious injuries

**FAIL**

**Improve Network Resilience**

**Local road network resilience eliminated**  
No modelling tests undertaken to provide evidence for resilience

**FAIL**

**Construction and Operational Arrangements**

**Inadequate DCO provisions, Requirements, Protective Provisions and Control Documents**

**FAIL**

**Assessment of Impacts**

**Many unresolved Statement of Common Ground, Environment, Health and Walking, Cycling and Horse-riding issues**

**FAIL**