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| Committee(s): Policy, Resources and Economic Development Committee | Date: 30 September 2021 |
| Subject: Lower Thames Crossing Community Impacts Consultation and Development Consent Order | Wards Affected: All |
| Report of: Phil Drane, Corporate Director (Planning & Economy) | Public |
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Summary

Highways England (now known as National Highways) are inviting views on the Lower Thames Crossing, a proposed new motorway connecting Essex and Kent through a tunnel beneath the River Thames to provide additional road capacity. A Community Impacts Consultation has been launched following previous consultations. This precedes the expected submission of a Development Consent Order application for the scheme.

Recommendations

Members are asked to:

R1. Approve the response to the Lower Thames Crossing Community Impacts Consultation, as set out in Appendix A; and

R2. Approve delegated powers to the Corporate Manager (Planning Development Management) as part of the Development Consent Order (DCO) process.

Main Report

Introduction and Background

1. On 19 August 2021, Highways England announced it is changing its name to National Highways. This rebrand of the Government-owned company responsible for motorways and major A-roads in England comes six years after its name was changed from Highways Agency. Despite the name change, National Highways will not have control over roads in Wales, Scotland or Northern Ireland. For the purpose of this report and Appendix A, reference is made to 'National Highways'.

2. The Lower Thames Crossing is a proposed new motorway connecting Kent, Thurrock and Essex through a tunnel beneath the River Thames. On the south side of the Thames, the new road will link the tunnel to the A2 and M2 in Kent. On the north side, it will link to the A13 and junction 29 of the M25 in the London Borough of Havering, and areas for associated works in the south-west of Brentwood Borough. According to National Highways it will provide much needed new road capacity across the river east of London with quicker and more reliable journeys locally, regionally and nationally.
3. This is the most ambitious project of its kind in the country. It is the largest single road investment project in the UK since the M25 was completed around 35 years ago. The crossing under the Thames will be the longest road tunnel in the country. At 16 metres in diameter, it will be one of the largest bored tunnels in the world. Current timescales for the project are for construction to commence from 1 January 2024 and be completed by 31 December 2029.
4. There have been several consultations held regarding the Lower Thames Crossing as the project has progressed, which the Council has responded to. Most recently the Council responded to the Design Refinement Consultation launched in July 2020 (Item 497, Policy, Resources and Economic Development Committee, 9 September 2020).
5. In October 2020, National Highways submitted a Development Consent Order (DCO) application to the Planning Inspectorate for examination. In November 2020, following feedback from the inspectorate regarding the content of the application and supporting information, National Highways decided to withdraw the application.
6. The Community Impacts Consultation forms part of further engagement before the DCO application can be resubmitted. It provides further detail about the Lower Thames Crossing project and how it would affect local communities and the environment, during its construction and after it opens. It is expected that the DCO application will be resubmitted later this year following consideration of comments in response to this consultation.

Issue, Options and Analysis of Options

Community Impacts Consultation

7. The Community Impacts Consultation provides further detail about the Lower Thames Crossing project and how it would affect local communities and the environment, during its construction and after it opens. Topics include changes to traffic, air quality, noise and vibration, as well as the impact of the new crossing on the environment and landscape. The consultation also includes

some changes made to the project since the previous consultation stage in 2020. This includes a reduction in the area needed to build and operate the scheme, a smaller impact on local properties and woodland, and new public spaces on both sides of the River Thames. National Highways has also summarised how the feedback provided during earlier consultations has been used in the development of the project.

8. In response, Appendix A sets out the issues affecting the borough and the Council's interest in partnership working across South Essex and beyond. The response is split into two parts according to the structure of the consultation questions. Comments made regarding principles of the project, wider benefits, and unresolved issues are made in response to question 2d ("north of the river in Thurrock, Havering and Essex"). These are largely reemphasised from previous consultation stages for continued engagement with National Highways.
9. Comments made regarding the impacts of the project, according to new information published as part of this consultation, are made in response to questions 1b and 1d ("the project's impacts and mitigation"). In summary, these are as follows:
 - a) **Transport Assessment** – While the validity of the Lower Thames Crossing transport assessment model should be for Essex County Council as local highways authority, there is concern about the impact on housing delivery projections within the Brentwood Local Plan period (to 2033). In particular, for planned growth in the South Brentwood Growth Corridor due to Lower Thames Crossing construction works and associated compounds. Careful coordination will be required for works to deliver the project and planned growth in Brentwood and beyond. Within the borough, construction and employee traffic generated by Lower Thames Crossing compound CA16 (adjacent to Brentwood Enterprise Park) is accounted for. However, it is not clear how trips from the construction of the enterprise park are considered or once the park is operational. Finally, the biggest unknown is construction spoil (see waste management below).
 - b) **Framework Construction Travel Plan** – This is an overarching guide that will need a site-specific Travel Plan created and submitted by the local contractor for each compound and/or works. It is recommended that the Council request to remain directly informed of the Travel Plan that impacts compound CA16. Mention is made of sustainable modes of transport, which is consistent with the Council's South Brentwood Growth Corridor sustainable transport vision document published as part of the Local Plan. The vision aims to link growth with sustainable transport options, such as Demand Responsive Transport. It is recommended that

the Council seeks to engage with National Highways about the prospect of including the CA16 contractor into the Demand Responsive Transport model to be launched in the South Brentwood Growth Corridor and potentially beyond. A proposed Travel Plan Liaison Group is intended to be launched, the Council should be represented on that group alongside Essex County Council.

- c) **Code of Construction Practice (CoCP)** – This is an overarching guide requiring a second iteration of the Environmental Management Plan (EMP2) to be created by the local contractor for compounds and/or works. This is important because it determines travel behaviour, especially for truck delivery routes into the compounds and spoil movements away from them (see above transport assessment, and below waste management plan).
 - d) **Communications and Engagement Plan** – As per the CoCP above, this is a guide that requires input for specific works. So far, the information shared by the Lower Thames Crossing Team has been thorough and well summarised. However, there are outstanding issues relating to achieving the very best from the project locally and so it is recommended that the Council seek a structure that allows as direct feedback as possible to National Highways and the local contractor should any issues arise.
 - e) **Waste Management Plan** – The Lower Thames Crossing Transport Assessment adds 20% to flows to account for spoil traffic but states that it is not yet known where that spoil will be going given this is likely to be site specific and by contract etc. While the Waste Management Plan seeks to minimise the amount of construction waste that needs to leave site to circa 20%, if achieved by various contractors this would still equate to over 2 million cubic metres of spoil. It is recommended that the Council raise concern about the likelihood of this spoil going to wherever contractors can achieve the best deals around Greater London and the South East. There is a danger that if uncontrolled it could generate HGV trips through the borough's urban areas and villages in the event that shortcuts are taken to avoid congestion on the M25, A127 or A12 etc. The Council should seek some form of control measure from National Highways regarding spoil movements.
10. An exciting part of the mitigation proposals in the borough include the creation of a new community woodland at Hole Farm in Warley. To be delivered in partnership with Forestry England, National Highways bought Hole Farm earlier this year to plan, plant and manage the new community woodland. The vision for Hole Farm is to create a multi-purpose woodland which will become an inspiring place for people to visit and explore, a thriving wildlife habitat and a

source of sustainable timber. This ties in with Forestry England and National Highways shared vision to “deliver a legacy of inspirational multi-purpose forest creation projects that will enhance and integrate the Lower Thames Crossing landscape for the environment and wellbeing”. The Council has been supportive of this initiative since announced earlier this year and the Community Impacts Consultation provides a way to formally state that support as well as indicate willingness to take part in its delivery. An overview of the new community woodland proposal can be found online at https://highwaysengland.citizenspace.com/ltc/community-impacts-consultation-2021/supporting_documents/23_Warley.pdf. A more recent update is included at Appendix B.

11. Next steps, once the consultation has closed, include a review of all the comments received. A summary of the responses will be published, and National Highways will describe how proposals have been informed and influenced by these. This will form part of the Development Consent Order (DCO), which is expected for submission late 2021 / early 2022.

Development Consent Order (DCO)

12. The DCO process was introduced in the Planning Act 2008, to simplify and speed up the process of obtaining planning permission for Nationally Significant Infrastructure Projects, such as the works proposed for the Lower Thames Crossing. Since the introduction of the Localism Act in 2011, planning applications for Nationally Significant Infrastructure Projects are determined by the Planning Inspectorate and the Secretary of State. As part of this process there is likely to be public hearings during examination. Following this, the examining authority will make a recommendation to the Secretary of State for Transport, who will decide whether the scheme can go ahead.
13. Although very little of the Lower Thames Crossing works are within the borough, some of the required works to the M25 and junction 29 will involve land in the borough. Most of the scheme is within Thurrock and south of the River Thames in Kent, as well as partly in the London Borough of Havering to the west of Brentwood. As an authority impacted by the proposals, the Council will be involved in the DCO process.

Brentwood Local Plan Strategic Transport Impacts

14. Strategic transport impacts, the delivery of Lower Thames Crossing and other transport infrastructure schemes were the subject of discussion through the recent Local Plan examination hearing sessions. National Highways (then Highways England) submitted an objection to the growth planned through the Local Plan and impacts on strategic highway junctions shortly before the

scheduled hearing session regarding Matter 12a and Issue 13 (transport and connectivity) in February 2021. This followed the Council's publication of revisions made to the Local Plan Transport Assessment in January 2021 after several months of discussion with National Highways (and Essex County Council) about growth planned, associated highways impacts and necessary mitigation. The objection resulted in the postponement of the hearing session, which was subsequently took place in July 2021 following an agreed timetable between the Council and National Highways to resolve the objection. By June 2021 the objection had not been formally resolved through work to agree a Statement of Common Ground although evidence was provided of intensive joint working and a commitment to continue to work to find solutions.

15. At the hearing session in July 2021, proposals were made to remove the objection via a clause to be inserted in a new/modified policy to undertake an early partial review the plan. This was on the basis of short-term growth being accommodated by identified mitigation at strategic junctions. Should the plan undergoing examination eventually be found sound and adopted, this review process would require the Council to reach submission of the partial review within 28-months of adoption. This proposal is subject to a main modifications consultation ahead of receiving confirmation on the outcome of the examination. Moving forward it is essential that engagement with National Highways (and Essex County Council) continues.
16. When engaging with the local plan, National Highways and the Lower Thames Crossing project team have operated separately. Delivery of Lower Thames Crossing and related works at M25 junction were considered in the local plan transport assessment, along with sensitivity testing for scenarios without the crossing.

Reasons for Recommendation

17. It is recommended that the issues set out in Appendix A be issued in response to the Lower Thames Crossing Community Impacts Consultation. The Council has engaged with National Highways on the Lower Thames Crossing project to date. It is proposed that issues raised in previous consultation responses are maintained where relevant and/or unresolved.
18. Once National Highways commence the Development Consent Order (DCO) process there will be strict deadlines to adhere to, often with challenging timeframes. Once submitted the Council's Planning Development Management Team will be responsible for considering the scheme and responding to the Planning Inspectorate. In light of the timeframes, it is recommended that the Corporate Manager for Planning Development Management be delegated

authority to determine the DCO process. Updates on progress will be brought to Members when relevant.

Consultation

19. The Lower Thames Crossing Community Impacts Consultation took place between 14 July and 8 September 2021. The response set out in Appendix A was submitted to comply with the consultation deadline. This is subject to Member approval in accordance with the recommendation.

References to Corporate Strategy

20. Delivery of the Lower Thames Crossing will improve connections for borough residents and businesses. Key associated economic benefits contribute to the Council's corporate objectives to grow the economy. Specific proposals within the Community Impacts Consultation, such as new community woodland at Hole Farm, contribute to corporate objectives to protect our environment.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and S151 Officer

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21. There are no direct financial implications. The cost of officer time through involvement in the expected Development Consent Order process has been considered through the Planning Development Management budget.

Legal Implications

Name & Title: Claire Mayhew, Corporate Manager and Deputy Monitoring Officer

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22. This is a major national infrastructure project with implications for the borough, it is important that the Council respond and consider the decision-making process of the Development Consent Order. Engagement in this way is consistent with the Duty to Cooperate and the Council's adopted Statement of Community Involvement.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning & Economy)

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23. The potential economic benefits of a new Thames crossing will benefit Brentwood businesses and contribute to unlocking growth opportunities in the South Brentwood Growth Corridor (A127 and railway to London Fenchurch

Street), as proposed in the Brentwood Local Plan. Improving safety and journey time reliability are important factors in the economic performance of the area. This will be achieved through delivery of the Lower Thames Crossing, alleviating pressure at the Dartford Crossing and opening new links, as well as adding capacity to M25 junction 29. Investment in such schemes will help local businesses operate with more certainty and encourage inward investment. This will have benefits to businesses and residents in and around the South Brentwood Growth Corridor, although the wider benefits will be felt across South Essex and beyond. National Highways set out that many representatives from a range of businesses indicate their main concern is transport infrastructure. The project will also create new training and job opportunities during construction that will boost both the local and regional economies. The risk of not investing in transport infrastructure is likely to have negative impacts on the local economy.

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure and Health)

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24. The consultation includes consideration of equality and diversity as part of the planning, construction and operation of Lower Thames Crossing. Proposals for a new community woodland at Hole Farm in Warley will create more publicly accessible open space for the wellbeing and enjoyment of borough residents.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

25. The Lower Thames Crossing proposals involve partnership working with Essex County Council as highways authority (in addition to National Highways). The proposals also have implications for the emerging strategic planning framework for South Essex. This will need to be considered through the plan-making process for both the Council and the Association of South Essex Local Authorities (ASELA), of which the Council is a partner.
26. Following the consultation, the DCO application will be submitted by National Highways to the Council as local planning authority. A DCO is the means of obtaining permission for development categorised as Nationally Significant Infrastructure Projects (NSIP). This includes energy, transport, water and waste projects. This is a statutory process and has implications for the resources of the Council's Planning Development Management Team when assessing the DCO in line with set requirements and timeframes.

Background Papers

- Lower Thames Crossing Community Impacts Consultation, Ward Summary, Warley and South Weald (July 2021):
https://highwaysengland.citizenspace.com/ltc/community-impacts-consultation-2021/supporting_documents/23_Warley.pdf
- Consultation material, including background documents and maps, can be found on the National Highways website at:
<https://highwaysengland.citizenspace.com/ltc/community-impacts-consultation-2021/>
- A summary guide to the Community Impacts Consultation can be found on the National Highways website at:
https://highwaysengland.citizenspace.com/ltc/community-impacts-consultation-2021/supporting_documents/LTC%20Summary%20Guide_3.pdf
- Planning Act 2008 Guidance on Changes to Development Consent Orders, Ministry for Housing, Communities and Local Government:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/485064/Making_changes_guidance_to_Development_Consent_Orders.pdf
- Brentwood Borough Council response to the Lower Thames Crossing Design Refinement Consultation (Item 497, Policy, Resources and Economic Development Committee, 9 September 2020):
<https://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=392&MId=2220>
- Brentwood Borough Council response to the Lower Thames Crossing Supplementary Consultation (Item 432, Policy, Resources and Economic Development Committee, 18 March 2020):
<https://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=392&MId=2106>
- Brentwood Borough Council response to the Lower Thames Crossing Statutory Consultation (Item 263, Ordinary Council, 5 December 2018):
<https://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=128&MId=2027>
- Brentwood Borough Council response to the Lower Thames Crossing Route Consultation (Item 416, Policy, Finance and Resources Committee, 22 March 2016):
<https://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=359&MId=1749>

Appendices to this report

- Appendix A: Brentwood Borough Council response to the Lower Thames Crossing Community Impacts Consultation (September 2021)
- Appendix B: Hole Farm Update, Lower Thames Crossing (August 2021)