

<b>Committee(s):</b> Policy, Resources & Economic Development Committee	<b>Date:</b> 13 July 2022
<b>Subject:</b> Lower Thames Crossing Local Refinement Consultation	<b>Wards Affected:</b> All
<b>Report of:</b> Phil Drane, Corporate Director (Planning & Economy)	<b>Public</b>
<b>Report Author/s:</b> Name: Jonathan Quilter, Corporate Manager (Strategic Planning) Telephone: 01277 312500 E-mail: jonathan.quilter@brentwood.gov.uk	<b>For Decision</b>

### Summary

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 Local Refinement consultation has been launched following several previous consultations. This precedes the expected submission of a Development Consent Order application for the scheme.

This consultation includes several technical refinements to the project, some of which directly impact on infrastructure or land within Brentwood borough. In addition to the ongoing discussion taking place with National Highways regarding outstanding issues impacting the borough, this report sets out a proposed response to the local refinements.

### Recommendation(s)

**Members are asked to:**

- R1. Approve the response to the Lower Thames Crossing Local Refinement Consultation, as set out in Appendix A.**

### Main Report

#### **Introduction and Background**

1. 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.

2. 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.
3. 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 Community Impacts Consultation launched in July 2021 (Item 140 Policy, Resources and Economic Development Committee, 30 September 2021).
4. 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.
5. Following the Community Impacts Consultation in July 2021 it was anticipated that the DCO would be resubmitted towards the end of last year. Since then further work has been undertaken by National Highways on localised changes to the project. The changes were in response to ongoing design work, engagement with stakeholders and feedback through previous consultations. It is expected that the DCO application will be submitted later this year following consideration of comments in response to the local refinement consultation.

### **Issue, Options and Analysis of Options**

6. The Local Refinement Consultation provides further detail about the Lower Thames Crossing project in respect of localised changes to the project since the previous consultation stage in 2021. This includes the redesign of and addition to open space provision, improvements to Orsett Cock junction, new bridge over the A127 west of junction 29 in Havering, modified access to the northern tunnel entrance and additional environmental compensation.
7. In response, Appendix A sets out the issues affecting Brentwood 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 set out at the beginning. These are largely reemphasised from previous consultation stages for continued engagement with National Highways.

8. Comments made regarding proposed changes to the section of the route north of the river and in particular M25 junction 29 are made in response to questions 1h, 1i and 2a (“Improvements for walkers, cyclists and horse riders: A127/M25 junction 29”). In summary these are as follows:
  - a) Support for aim to improve infrastructure and facilities for non-motorised users including horse riders;
  - b) Concerned that proposals may be incompatible with those being developed through both the adopted Brentwood Local Plan and the current planning application for Brentwood Enterprise Park and request for continued engagement to resolve and ensure the most suitable solution for non-motorised users is achieved; and
  - c) Request for clarification on how non-motorised users will travel through the northern section of junction 29 and what improvements are deemed necessary.
9. Comments on nitrogen impact and compensation: Hole Farm, Brentwood, are made in response to question 3d. Since the last consultation Natural England has advised National Highways that the project should consider the impacts of Nitrogen Deposition on the environment and specific habitats. As a result the project now identifies proposed compensation sites for habitat creation amounting to approximately 250ha. Of the four areas identified one includes Hole Farm, Brentwood which was originally purchased by National Highways in 2021. The amount of land anticipated to be used for compensatory measures is around 75ha. The response from the Council requests further clarification on the amount of the overall site that would eventually be accessible to the public given significant elements of the site is now required for specific compensatory measures relating to Nitrogen Deposition. There is also a repeat of previous comments that it is expected there will be improved access through the area for non-motorised users.
10. With regards to changes to the Order Limits for the scheme comments have been made in response to question 4a. This acknowledges the addition of Hole Farm due to being identified as a Nitrogen Deposition compensatory area and parts of the non-motorised users crossing over the A127. There are also reductions in the order limits on land south east of the M25 junction 29 which overlapped with the Brentwood Enterprise Park allocation.

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 DCO, which is expected for submission late 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.
14. Once National Highways commence the 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. Delegated authority for the Corporate Manager of Planning Development Management to determine the DCO process was approved by Policy, Resources and Development Committee on 30 September 2021 (Item 140). Updates on progress will be brought to Members when relevant.

### **Reasons for Recommendation**

15. 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.

## **Consultation**

16. The Lower Thames Crossing Local Refinement Consultation took place between 12 May 2022 and 20 June 2022. The response set out in Appendix A was submitted to comply with the consultation deadline. This is subject to committee approval in accordance with the recommendation.

## **References to Corporate Plan**

17. Delivery of the Lower Thames Crossing will improve connections for the borough residents and businesses. Key associated economic benefits contribute to the council's corporate objectives to grow the economy.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and Section 151 Officer**

**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**

18. 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: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

**Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk**

19. 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 and Economy)**

**Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk**

20. 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 confirmed 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 & Health)**

**Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk**

21. The consultation includes consideration of equality and diversity as part of the planning, construction and operation of Lower Thames Crossing.

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

22. 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.
23. 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 Local Refinement Consultation Guide (May 2022): <https://ltcconsultation2022.nationalhighways.co.uk/wp-content/uploads/2022/05/LTC-LR-Con-Guide-to-local-refinement-consultation.pdf>
- Consultation material, including background documents and maps, can be found on the National Highways website at: <https://ltcconsultation2022.nationalhighways.co.uk/>

- Planning Act 2008 Guidance on Changes to Development Consent Orders, Department for Levelling Up, Housing and Communities  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/485064/Making\\_changes\\_guidance\\_to\\_Development\\_Consent\\_Orders.pdf](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 Community Impacts Consultation and Development Consent Order (Item 140, Policy, Resources and Economic Development Committee, 30 September 2021)
- Brentwood Borough Council response to the Lower Thames Crossing Design Refinement Consultation (Item 497, Policy, Resources and Economic Development Committee, 9 September 2020)
- Brentwood Borough Council response to the Lower Thames Crossing Supplementary Consultation (Item 432, Policy, Resources and Economic Development Committee, 18 March 2020)
- Brentwood Borough Council response to the Lower Thames Crossing Statutory Consultation (Item 263, Ordinary Council, 5 December 2018)
- Brentwood Borough Council response to the Lower Thames Crossing Route Consultation (Item 416, Policy, Finance and Resources Committee, 22 March 2016)

### **Appendices to this report**

- Appendix A: Response to Lower Thames Crossing Local Refinement Consultation, June 2022