

Lower Thames Crossing
Application by National Highways for an Order Granting
Development Consent for the Lower Thames Crossing
(Ref. No. TR010032)

Submission for Deadline 2 (D2)

Thurrock Council

3 August 2023

 **thurrock.gov.uk**

On behalf of **Thurrock Council**

Introduction

- 1 This is the submission of Thurrock Council ('the Council') pursuant to Deadline 2 (D2). It focuses upon the offering a preliminary submission of 'Comments on the Applicant's submissions at Deadline 1 (D1)', in accordance with the Rule 8 Letter Annex A Page A4) for Deadline 3 (3 July) ([PD-020](#)):
- 2 The Council requests that its comments on all the Applicant's submissions at Deadline 1 are submitted in full and comprehensively at Deadline 3 (24 August 2023). The Council has been in contact with the applicant about this approach and the PINS Case Officer and both have offered views/opinions. These views are set out below, together with the Council's reasoning for this approach and an explanation of the content of the full submission at Deadline 3.

The Applicant and PINS Case Officer Views

- 3 The applicant, upon request from the Council for its views on the above proposal, stated that '*.....we would recommend putting a preliminary position in at DL2, with a proposal to provide a more comprehensive response at DL3*'. Following this, the Council wrote to the PINS Case Officer to request views on its position, which was: '*....could you check with the ExA that it is acceptable for the submission of the Council's comments on the Applicant's submissions at D1 can be submitted in full to the ExA at Deadline 3 (D3) (24 August), but an explanatory position will be set out at D2. Therefore, the Council proposes to set out broadly at D2 what its more comprehensive submission at D3 will contain.*'
- 4 The PINS Case Officer, whilst reserving the position of the ExA set out their views, as below.
'We appreciate your proposed approach, wherein you submit a preliminary position at Deadline 2, with the view to submit a more comprehensive submission at Deadline 3. This sounds sensible. It is important, however, to highlight that extensions to Deadlines are not offered, so a submission for Deadline 2, at Deadline 3 would be considered a late submission and is therefore at the discretion of the Examining Authority. With this in mind, it would be recommended to include a small explanation within the Deadline 2, preliminary position, that explains the time constraints and reasoning behind a later, more comprehensive submission at Deadline 3.'
- 5 No further advice has been received from the Case Officer.
- 6 The Council therefore has determined to follow both sets of advice above and below, first is an explanation the time constraints and reasoning for the later more comprehensive submission, then that is followed by a summary of the intended D3 submission contents.
- 7 At Deadline 1 the applicant has submitted 216 main documents (with clean and track changed versions of each document and some documents having several parts, as set out in its Cover Letter Annex A), plus all the 43 SoCG submissions (again with clean and track changed versions of each document, as set out in its Cover Letter Annex B). The Applicant's main document submissions includes the following (most of which needs to be more fully reviewed by the Council than has been possible to date):
 - Localised Traffic Modelling Report (of 47pp) and its seven Appendices (totalling some 573pp) – these are new documents that require careful checking;
 - An amended dDCO;
 - Several key and important control document updates, such as CoCP, PWEMP, oLEMP, oTMPfC and the SAC-R;
 - Many amended plans covering, Land Plans, Special Category Land Plans, Crown Land Plans, Rights of Way & Access Plans, Streets subject to Temporary Restrictions of Use Plans, Engineering Drawings and Sections, Classification of Roads Plans, Structures Plans and River Restrictions Plans;

- Various ES documents – 10 updated ES Figures, 6 updated ES documents and an ES Addendum; and,
- Other important documents, such as the Relevant Rep Report, an amended ASI Itinerary, Consents & Agreements Position Statement, Statement of Commonality, Statement of Reasons and the Design and Operational Distinction between an APTR and Smart Motorway

The Council has set out its preliminary/initial position on these five categories in paragraphs 15 – 27 below.

- 8 As the ExA is aware, the scale and volume of submission material submitted by the applicant at Deadline 1 was substantial, as were submissions by many other stakeholders. Therefore, it is vital that the Council assesses all relevant information properly and, given that some material was published late, it only allowed 10 days for most of the applicant's submissions published on 24 July 2023 to be assessed and only 8 days for those Localised Traffic Modelling reports that were uploaded on 26 July 2023.
- 9 If the Council is not allowed sufficient time for its proper technical assessment of these key new and updated documents, it considers its position will be prejudiced, which may then restrict the quality of the Council's information and critical assessments being available to the ExA at this important time in the Examination.
- 10 In addition and in parallel to this work, the Council is carefully reviewing the updated SoCG submitted to it by the applicant on 24 July and due back to the applicant on 8 August 2023, with a further review by the Council between 16 – 18 August 2023, to enable submission by the applicant at Deadline 3, of hopefully an agreed position. This review needs to be careful, as it has been almost one year since the Council reviewed the pre-submission version of the SoCG. Furthermore, this detailed SoCG review work involves the same team that would be involved in preparing the Deadline 3 submission commenting on the applicant's D1 submissions.
- 11 Furthermore, any work undertaken by the Council technical team requires Council sign off through its assigned governance procedures, thereby reducing the actual technical review time further.

Preliminary Position – Explanation of Submission at Deadline 3

- 12 The Council intends to make its submission at D3 commenting on all relevant applicant submissions at Deadline 1 in a single document, with each section dedicated to each document submitted by the applicant (as necessary). It is also assumed that it will be necessary for the Council to review new submissions from Deadline 2 and make submissions also at Deadline 3.
- 13 Instructions to the Council team have been issued with weblinks (to the PINS Examination Library) for each 'track changed' document, clear instructions to focus only on the 'track changes' and a strict timetable for reviews and responses to be added to the specially created Council document template.
- 14 The work has been divided by specialism to accord with the document submitted by the applicant and has been colour-coded to reflect relative importance. Amongst the most significant documents are considered to be the new Localised Traffic Modelling report and Appendices and then the six updated control documents. That said, all the updated 'control' plans need checking technically, as do all the ES Figures and documents and then the other submitted documents.
- 15 The **Localised Traffic Modelling report and Appendices** submitted by the applicant at Deadline 1 requires careful checking against the Council's existing local modelling results (undertaken with the applicant during 2022) to both assess any changes and review the results against the Council's own analysis of these submitted new documents. In addition, the Council's submission (and other stakeholders) at ISH1 stressed the need for local operational modelling to be provided. Therefore, it was raised as an important issue and this emphasises and gives weight to the need to carefully assess this new technical material.

16 As the ExA are aware, at ISH1 it was requested via Actions 8, 9 and 10 ([EV-023a](#)) that the applicant submits localised traffic modelling to the ExA. The applicant has submitted at Deadline 1 (18 July 2023) base and forecast micro-simulation models for the following:

- A13 / A1089 / Orsett Cock interchange with LTC
- The Manorway (forecast model only); and,
- East-West Model which incorporates A1012 / Daneholes roundabout and Marshfoot Road priority junction.

Also, the applicant has committed to submit at Deadline 3 (24 August 2023) local modelling at:

- A13 / Five Bells interchange; and,
- A1089 / Asda roundabout

It is not known whether local modelling for the A1012 / Devonshire Road junction will be provided by the applicant.

- 17 Since receipt of the new documents after Deadline 1, the Council has been undertaking a comparative analysis of the base and forecast microsimulation models of Orsett Cock interchange, provisionally provided to the Council in October 2022 and the forecast microsimulation model for Manorway roundabout, also provisionally provided to the Council. The comparative analysis of the operational models is to determine whether the information provided at Deadline 1 is the same as that issued previously or whether adjustments have been made by the applicant to those models.
- 18 In addition, the Council will analyse the East-West model to confirm the adequacy of the model and to understand the outcomes of that model.
- 19 The Council will consider the methods and coding that has been employed by the applicant in preparing the operational modelling and compare the outcomes of that modelling to understand the forecast impacts. The applicant is not understood to be proposing mitigation of any forecasted impacts. The analysis will also allow the Council to compare and contrast those outcomes with the LTAM.
- 20 Initial analysis of the Orsett Cock interchange modelling is showing that adjustments have been made since the provisional release of those models (i.e. prior to Deadline 1) and that the Council's former analysis will need to be extended in order to provide a satisfactory response at Deadline 3. However, given that the applicant will be submitting further 'localised traffic modelling' at Deadline 3 (see above in paragraph 16), the Council will respond to those additional modelling reports at Deadline 4; and, may need to supplement its Deadline 3 response (referred to here) with a further response at Deadline 4.
- 21 Previous comparative analysis between the earlier issued operational modelling and the strategic modelling undertaken by the Council had shown that the two forms of modelling were returning very different outcomes with the operational modelling showing substantial network impacts within the Orsett Cock interchange. The Council is to review the applicant's Deadline 1 submission to establish how it has reported the two methods of modelling and the associated outcomes. It is not anticipated that the applicant will report that the two methods provide different outcomes and the Council would object to that position. The Council does not accept that LTAM and the operational modelling are returning equitable outcomes and the resultant predicted impacts would need further review and mitigation.
- 22 Furthermore, the Council has requested and received further information from the applicant on 25 July 2023 that provides the detailed modelling background that is required for the Council's detailed assessment and these cover the following:
- Orsett Cock – forecasts models
 - East-West – base year models
 - East-West – forecast models
- 23 In conclusion, the Council has already set out its views on a preliminary version of the Orsett Cock and Manorway local operational modelling at Appendix C, Annex 1, Sub-Annexes 1.3 and 1.4 of its LIR and summarised its findings in the LIR Section 9.4. It was concluded then that for Orsett Cock that the localised modelling showed an interchange that was unable to operate during peak periods and had substantial reserve demand; and, for Manorway it was concluded

then that the localised modelling was not validated against base traffic flows and used only LTAM outputs and the model showed impacts that are not mitigated and would lead to displacement of traffic to local roads and communities; and, the impacts are not mitigated and would lead to displacement of traffic to local roads and communities. Clearly, the Council will respond, as outlined above, on the local operational modelling of the Orsett Cock interchange and Manorway roundabout that has been submitted to the Examination by the applicant at D1, but it is noted that these reports do not include local modelling on Asda roundabout.

- 24 In recent discussions with DP World/London Gateway, as part of our regular technical discussions, the applicant has been invited to meet with DP World/London Gateway, Thurrock Council and Essex CC well before Deadline 3 (in order to inform all parties responses being prepared for Deadline 3) to discuss the 'Localised Traffic Modelling Report and its seven Appendices' and understand its assumptions, analysis and conclusions. The DP World/London Gateway and the Council awaits the applicant's response.
- 25 For the **dDCO and the other updated control documents**, the Council review will involve assessment against the Council's position within its submissions made within its LIR and the supporting Appendix I and the ISH2 (including its Annex 1) submissions at Deadline 1 (and possibly the Council's ISH1 submission). Furthermore, in reviewing the updated SoCG presented to the Council by the applicant, it has become clear that there are additional issues raised within the LIR, Appendix I that need to be included within the updated SoCG. Consequently, the review of the updated dDCO will need to assess if such issues are covered or not, together with assessing if any other amendments made to the Council's SoCG comments are also covered.
- 26 For the **updated plans, ES Figures and ES documents** these need checking technically to determine if any changes further prejudice the Council in its positions set out in the LIR and other ExA submissions. With regard to the updated plans (particularly the various Land, Crown Land and Special Category Land Plans), it was not clear to the Council what changes had been made by the applicant and following questions to the applicant on 2 August 2023, they have drawn the Council's attention to Section 1.8 of the D1 Cover Letter ([REP1-001](#)) and offered further explanations for clarity. Although not initially clear on the changes to plans, the Council are now clear and can assess these changes.
- 27 A further query was raised with the applicant regarding why certain ES Figures had significant changes, as an example ES Figure 6.6 (Representative Viewpoints – two sheets) ([REP1-122](#)) and ([REP1-124](#)). The applicant has drawn the Council's attention to the ES Addendum ([REP1-181](#)), which is an 85-page document listing all updates to the ES chapters, figures, appendices and NTS. However, it does not explain the reasons for this particular example and merely states '*amended to include omitted summer and winter views*' and there were 11 missing views, which were listed in a separate email to the Council, but not clarified in the applicant's submissions. Clearly, checking these updates with the applicant is not efficient, takes time and should have been explained clearly in an overarching document.
- 28 The **other submitted documents (updated and new)** – this covers the amended 'ASI Itinerary', amended 'Consents & Agreements Position Statement', 'Statement of Commonality' and 'Statement of Reasons'; and, the new documents of the 'Relevant Representation Report' and the 'Design and Operational Distinction between an APTR and Smart Motorway', which are also in the process of being reviewed by the Council, but there is no preliminary results at this stage.
- 29 Obviously, the Council will only be making comments on the proposed changes from the applicant where necessary and it may be the case that some updated documents require no comments and this will be made clear in the Deadline 3 submission.