

Notice of Non-key Executive Decision

Subject Heading:	Lower Thames Crossing Consultation – Formal Response
Cabinet Member:	Councillor Damian White
SLT Lead:	Andrew Blake Herbert – Chief Executive
Report Author and contact details:	Daniel Douglas Transport Planning Team Leader T 01708 433220 daniel.douglas@havering.gov.uk
Policy context:	Havering Local Plan Havering Draft Local Implementation Plan
Financial summary:	No financial implications for the Council arising as a direct result of this decision.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	Yes

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The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

That the Assistant Director of Planning approve the formal response by the London Borough of Havering to the Lower Thames Crossing (Development Consent Order) statutory pre-application consultation (pursuant to s42 Planning Act 2008), for submission to Highways England, a copy of the response is contained at Appendix 1 to this Executive Decision. .

AUTHORITY UNDER WHICH DECISION IS MADE

An Executive Decision dated 6th December 2018 signed by the Leader of the Council, states that the Leader of the Council endorses the submission of a formal response by the London Borough of Havering to the Lower Thames Crossing statutory pre-application consultation to Highways England. The Executive Decision further delegates authority to the Assistant Director of Planning to finalise, and submit to Highways England the Council response on the Lower Thames Crossing consultation dated 10 October 2018.

STATEMENT OF THE REASONS FOR THE DECISION

Background to the Lower Thames Crossing project

1. Highways England (“HE”) has started the first statutory (Section 42 Planning Act 2008) public consultation on its proposals for a new Lower Thames Crossing Development Consent Order (“the Scheme”). This request for an Executive Decision follows two non-statutory consultations held by HE in 2013 and 2016. Members were briefed at the time of the non-statutory consultations, on the details of the Scheme as it was proposed at the time. In the course of preparing the project, HE has also consulted widely including the London Borough of Havering (“the Council”) on supporting technical information such as the draft Environmental Statement (2016).

What is the Lower Thames Crossing?

2. The Lower Thames Crossing is a proposed new crossing of the Thames estuary linking Kent and Essex through Thurrock. The route was confirmed on 12 April 2017 by the Transport Secretary following public consultation in 2016.

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3. The Scheme is designed to relieve the pressure on the existing A282 Dartford Crossing. The project is the largest single road investment project in the UK since the M25 was completed more than 30 years ago.
4. The Scheme is separate to the proposals that the Mayor of London has identified for providing further river crossings in east London.
5. The Scheme will create a new, three-lane dual carriageway highway to motorway specification connecting the M2 near Rochester and the M25 in Essex between North and South Ockendon.
6. HE have consulted on their proposals for the Scheme. The key infrastructure features of the project in Havering include:
 - A new junction with the M25 (including on and off slip roads) at Thames Chase Community Forest in Havering where the new road to / from the tunnel joins the motorway
 - New two lane parallel link road northbound linking the new junction at M25 with M25/J29
 - Left turn lanes from the northbound parallel link road to the A127 westbound
 - Two new M25 southbound lanes towards M25/J29
 - M25 southbound to be widened from four lanes to five with a hard shoulder between junction 29 southbound and the new Lower Thames Crossing road.
 - Overhead power cable restructuring
 - New structures and changes to existing ones (including bridges, under bridges, new footbridges, viaducts etc) along the length of the new road including at Ockendon Road and underneath the M25.
7. The HE 2016 consultation document *Your guide to consultation* includes detail on the project in Havering (pages 70- 81 inclusive). A new junction will connect the Lower Thames Crossing road ("LTC Road"), with the M25 within Havering. The junction with the M25 will be located just under two miles (3km) south of junction 29 on the M25, near Ockendon Road. The junction will have slip roads for northbound LTC Road traffic to join the M25 and southbound M25 traffic to join the LTC Road. A short section of the M25 will be reduced from four lanes to three lanes.
8. Improvement works will take place between the new Junction and Junction 29 of the M25. Improvement works will also take place at junction 29 where the motorway will be widened from three lanes to four in both directions with hard shoulders. Further improvement works will be required to junction 29 itself as well as north of the junction. HE says that the crossing and new road network will provide enough capacity for peak hours and to meet future demand. It will reduce journey times across the Thames and increase capacity for road users across the river by more than 90% east of London.

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Previous Highways England consultations

9. HE has carried out two previous non-statutory consultations in 2013 and 2016. The 2013 HE consultation requested stakeholder views on potential locations for a new river crossing, and the 2016 HE consultation asked for stakeholder views on a recommended route.
10. The Council provided formal responses to both the HE consultations. Whilst the Council has provided support in principle for a new river crossing, this was caveated with the comment that a new river crossing would need to be complemented by improvements on the adjoining strategic highways network.
11. The Councils response in 2016 also raised concerns around the implications a new crossing would have on Green Belt, air quality, heritage and local conservation areas. It also highlighted the potential impact such a crossing would have on the Thames Chase Community Forest (including the Land of the Fanns Partnership). The response from the Council was considered by HE along with all other responses to the consultation.

Current Highways England consultation

12. The Scheme is classified as a Nationally Significant Infrastructure Project (NSIP). HE, as the project promoter will apply to the Planning Inspectorate for a Development Consent Order ("DCO") in order to deliver the Scheme. The Planning Inspectorate, on behalf of the Secretary of State for Transport, will consider HE's application.
13. The Planning Inspectorate will make a recommendation to the Secretary of State following a 6 month Public Inquiry. If the application is approved, HE will be awarded a DCO. This gives them permission to build the crossing and associated works. The Council has the opportunity to seek compensation and mitigation as part of this process in respect of adverse and potential adverse effects as a result of pre-construction, construction and operation of the DCO.
14. As part of the DCO process, HE are required to hold a statutory consultation (known as a Section 42 consultation) before submitting the DCO application. This offers the public an opportunity to learn about the project and provide feedback which the project promoter will use to develop the project proposals ahead of submitting the DCO application to the Planning Inspectorate. HE is currently anticipating submitting a DCO application towards the end of 2019.
15. The current HE consultation period on the latest designs for the project began in October to December 20th 2018.
16. A Motion was approved at Full Council on 21st November 2018 welcoming proposed additional investment within transport infrastructure and calling upon

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the Executive to continue to engage with any public consultations, to highlight specific issues and also the cumulative effects that transport infrastructure projects will have on Havering's strategic transport network and on local residents.

How have Members been involved?

17. An item has been placed in the Calendar Brief advising Members of the HE consultation and the Public Information events that are being held within the Borough. Officers have written to all ward Councilors making them aware of the HE consultation.

18. Group Leaders were invited to a meeting on 23rd November to discuss the consultation and the potential response content. Comments included the need to see the River Thames utilised for spoil and transporting other material associated with the Scheme, concern over the impact the Scheme will have on Thames Chase Forest, traffic implications and the impact the Scheme will have on local residents.

Responding to the consultation

19. Following the launch of the public consultation, officers have been reviewing the consultation material. In some cases it has been necessary to commission external consultants to review certain aspects of the consultation material.

20. In early December, an Executive Decision was signed by the Leader of the Council delegating formal sign off of the final Council response on the Lower Thames Crossing proposal to the Assistant Director of Planning. A copy of the formal response to the HE Lower Thames Crossing Consultation can be found in Appendix 1 to this decision.

Next steps

21. Following sign off of this Executive Decision, the formal Council response to the Lower Thames Crossing consultation, as attached is submitted to HE.

OTHER OPTIONS CONSIDERED AND REJECTED

22. The option of not responding was rejected as the Highways England proposal on the Lower Thames Crossing proposal has the potential to affect two or more borough wards.

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23. The Council's views should therefore be submitted to Highways England as recommended in the attached response document.

PRE-DECISION CONSULTATION

24. Consultation has taken place with the Leader and Group Leaders as part of preparing the formal consultation response.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Daniel Douglas

Designation: Transport Planning Team Leader

Signature: 

Date: 20/12/2018

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

25. Parts 1 to 8 of the Planning Act 2008 (as amended) (“the Act”) introduced a system of development consent for nationally significant infrastructure projects (“NSIP”). The proposed Lower Thames Crossing was confirmed as National Infrastructure Project by the Secretary of State for Transport on 12 April 2012.
26. Highways England next step is to apply for a DCO via the Planning Inspectorate as Examining Authority (“PIN’s”) who have six months in which to hear the application. A three month period is then set aside for PIN’s to make a recommendation to the Secretary of State for Transport who then has a further three month period to confirm or refuse the order with or without amendments.
27. The officer is correct in the assessment of the DCO process. The process includes a very tight strict statutory period of consultation under the Act. The intention of the process is to enable all parties affected by the DCO application to make submissions through written representations.
28. This Executive Decision concerns the Council’s intended response to the statutory consultation is to be made and sets out topics and issues at paragraph 28 recommended for inclusion in the response.
29. The response will be submitted to Highways England as part of the S42 Statutory consultation process.

FINANCIAL IMPLICATIONS AND RISKS

30. There are no financial implications for the Council arising as a direct result of this decision paper.
31. Following the Council’s formal response to the consultation, to support the Council’s role in the Lower Thames Crossing project, it is anticipated that additional resources (provision of external consultants) and related funding will be required. To mitigate this, LBH is in the process of agreeing a Planning Performance Agreement (PPA) with Highways England which will see the project promotor agreeing to provide financial support to Havering to support this work. Any costs arising following the consultation will be addressed in subsequent decision papers.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

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32. Preparing formal responses to the consultation and the other processes that the Council is required to go through as part of the Development Consent Order Process including a 6 month examination will require substantial officer resource time. Part of the Planning Performance Agreement that is being drawn up will include financial recompense for council officer time (through hourly rates) that has been attributed to the project.
33. Committing Council resources to the Lower Thames Crossing Project will impact on other council deliverables. This will be mitigated through the PPA agreement with Highways England where a financial resource is being negotiated to provide external support.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

34. The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
 - (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

35. The Council will expect the scheme promoter to undertake a full EqHIA ahead of the DCO Submission.
36. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.
37. Whilst the Lower Thames Crossing Project is principally aimed at improving access and journey times for the motorist, the nature of the project will impact on all transport users. It is important that Havering's formal response takes into account the impact the project will have on all protected characteristics.
38. Havering Council recognises that the proposed project could potentially have significant impacts on people living in the vicinity of the new route. It will be important that the final decision from the Secretary of State on whether to approve the new crossing is informed by a full equality analysis on the potential / likely impact of the proposed project on people with protected characteristics and socio-economic groups.

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BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal ~~NOT~~ agreed because

Details of decision maker

Signed 

Name: Helen Oakerbee

Assistant Director of Planning

Date: 20/12/2018

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 20/12/2018

Signed  _____

