

1 MR SMITH: Good morning, everybody, and welcome to today's resumed issue-specific
2 hearing 1 on project definition matters for the Lower Thames Crossing. Before
3 we introduce ourselves, can I check with the case team and audio-visual staff
4 that we can be heard online, and that the recordings and livestreams have started?

5 MS CHURCH: Yes. That's all fine.

6 MR SMITH: Thank you very much, Ms Church. My name is Rynd Smith. I am the lead
7 member of a panel which is the Examining Authority for the Lower Thames
8 Crossing application. I will be opening the hearing this morning, but the next
9 agenda item, which you will recall if you were here at the beginning of this
10 hearing, is 4(h), will be chaired by Ms Janine Laver. So I'm going to ask Jan to
11 introduce herself first.

12 MS LAVER: Hello. Good morning. I'm Janine Laver, and I will shortly be leading on
13 the reconvened agenda item 4(h). Thank you.

14 MR TAYLOR: Good morning. My name's Ken Taylor. I'm a member of this panel. I
15 will largely have my camera switched off today, but I'll be there in the
16 background and I may have some questions if they arise. I'll now hand over to
17 my colleague, Mr Pratt.

18 MR PRATT: Good morning, everybody. My name's Ken Pratt. I'm a member of this
19 panel and I'm keeping track of the actions in what's left of the hearing today. I
20 may ask questions on the matters as they arise, but most of the time you'll not
21 see me as my camera will be switched off, to allow you to focus again on those
22 speaking, but just remember I will be listening in the background and I may well
23 come in. Mr Young.

24 MR YOUNG: Good morning, everybody. Dominic Young. I will mainly be in the
25 background today. I'll pass over to Mr Smith.

26 MR SMITH: Thank you very much for that, Mr Young. This is Rynd Smith, panel lead,
27 speaking again. The participants in this hearing have already been introduced
28 to us and to each other on Wednesday morning, and we don't need to repeat the
29 introduction process again, you'll be very pleased to hear. So when we
30 recommence the agenda at item 4(h), Ms Laver, as I've said, will be in the lead,
31 and she will be asking for contributions from those speakers that she needs by
32 organisation or name, or alternatively she'll be asking for raised hands from
33 those wishing to speak, if she wishes to open the item up for general
34 contributions from the floor.

1 If we need to break this morning, then we'll do so for about 15 minutes
2 close to 11.30 a.m., and touching wood, copiously, we are not anticipating
3 needing an afternoon session today.

4 Can I check with the interested parties and the applicant in the hearing if
5 there are any other matters of a procedural nature that we do need to address
6 now in order to make progress before we return to work on the substantive
7 business of this hearing? And in asking that question, I will accept requests that
8 if dealt with now, could enable an interested party concerned to retire from a
9 speaking involvement in this hearing, noting that we are being livestreamed and
10 recorded, and therefore it is possible for people to comment on matters arising
11 at deadline 1.

12 So can I just see if there are any hands arising from the room? And I see
13 no hands, so on that basis I'm now going to transfer control of the event to Ms
14 Janine Laver, and she will resume the agenda. Ms Laver, it is your hearing.

15 MS LAVER: Thank you very much, Mr Smith. Can I just check if Mr Henderson is
16 representing the applicant today, please?

17 MR HENDERSON: Hello. Good morning, madam, and good morning, everyone. Yes,
18 I am representing the applicant this morning. I'm assisted by Professor Helen
19 Bowkett, who is the traffic and economics lead on the Lower Thames Crossing,
20 and, if required, Dr Tim Wright, who's head of consents.

21 MS LAVER: Okay. Thank you very much. That's great.

22 MR SMITH: Again – apologies, Ms Laver. I will just briefly remark that again the
23 applicant is joining under a name banner that indicates 'Planning Inspectorate'.
24 This is a technical error, we understand, that work is still in hand to try and
25 correct, and it's important that all participants in the hearing are clear that Mr
26 Henderson and his colleagues are speaking for the applicant. They are not
27 associated with the Inspectorate or the Examining Authority. Apologies for that
28 interjection, Ms Laver. Your hearing again.

29 MS LAVER: Thank you. Could I ask my colleagues to switch their cameras off at this
30 point, please? Thank you very much. Now, I noted from our introductions back
31 on Wednesday that we had three specific parties that identified they wished to
32 speak on this item, and that was Gravesham Council, the Port of London and
33 London Gateway DP World. I will go to the applicant with my questions. I will
34 allow them to answer, then I will come back to parties. I note those three parties.

1 There may well be other parties also speaking, so everyone will have an
2 opportunity.

3 So we'll just dive straight in, as we are reconvened. The questions were
4 in the published agenda. Obviously, those questions will be embellished with a
5 little bit more information and a bit more context. So the first question on the
6 agenda was about economic benefits of the proposed Lower Thames Crossing,
7 and the question being whether those benefits are robust and measurable over
8 time. I ask because some of the benefits identified in the planning statement,
9 and in the combined modelling and appraisal report – for the tape, this is
10 APP-518 – they cite, for example, business agglomeration, tax benefits from an
11 improved labour supply, and reduced absenteeism from work.

12 They seem difficult to quantify and measure over time, so I would like the
13 applicant to explain how that process works, please. Mr Henderson, this is your
14 cue to come in.

15 MR HENDERSON: Thank you, madam. Tom Henderson for the applicant. I'm now
16 going to invite Professor Bowkett to respond on that question. Thank you.

17 MS LAVER: Thank you.

18 MS BOWKETT: Helen Bowkett for the applicant. So yes, the assessment of the
19 economic benefits and its benefits of the project referred to as 'impacts' is
20 robust, and has been undertaken following the DfT's TAG – transport appraisal
21 guidance. Where TAG advises, these impacts have been measured. I think it
22 might be helpful to outline that in TAG, there are three levels of impacts.

23 Level 1 impacts are those for which there are well-established methods to
24 measure and value them, and this covers areas like vehicle time savings, vehicle
25 operating costs. Level 2 impacts are those that have been introduced more
26 recently into the appraisal process over the last 10 or 20 years, and this covers
27 journey reliability and wider economic impacts, and I'll return to the wider
28 economic impacts in just a moment, if I may. Level 3 impacts includes items
29 for which only a qualitative assessment is recommended in TAG.

30 It's worth recording for the record that the benefit-cost ratio for the
31 scheme only includes level 1 and 2 impacts, as set out in TAG. So the level 2
32 impacts includes journey time reliability and wider economic impacts – some of
33 the impacts that were referred to earlier, like agglomeration impacts and the
34 benefits of reduced levels of absenteeism. The methods for measuring and

1 valuing those are set out in TAG guidance, and they have been followed in our
2 appraisal.

3 So our assessment of the economic impacts for all these levels has been
4 carried out strictly in accordance with TAG, and is presented in the combined
5 modelling and appraisal report, appendix D, economic appraisal package,
6 APP-526.

7 MS LAVER: Thank you, Ms Bowkett. You say level 1 and level 2 get included in the
8 BCR, the benefit-cost ratio. I'm sort of flipping in to almost my next question
9 on the agenda here, but we're already on marginal levels, are we not? On 1.22
10 benefit-cost ratio, and I'm just trying to get a sense of the sensitivity of those
11 figures which have been put in to that assessment. Anything that's going to slip
12 us below 1 –

13 MR PRATT: [Inaudible].

14 MS LAVER: Mr Pratt, can you mute yourself, please?

15 MR PRATT: My apologies.

16 MS LAVER: So I guess my follow-up, really, is about how much margin's built in to
17 this assessment. Is it really sensitive? Could you come back on that?

18 MS BOWKETT: Helen Bowkett for the applicant. So we have carried out our
19 assessment strictly in accordance with TAG, and for the core [inaudible]
20 scenarios, we present the benefit-cost ratio of 1.22 for the scheme, but we also
21 present a series of sensitivity tests, including, for instance, if the costs were to
22 be higher and lower, if the traffic flow forecast were to be higher and lower. All
23 this is set out in accordance with TAG. We also include, for example, an
24 appraisal if it were carried out over 100 years, rather than 60 years.

25 So again, I would refer you to the combined modelling and appraisal
26 report, appendix D, economic appraisal package, APP-526, which sets out a
27 whole series of sensitivity tests that we've carried out, both on the benefits and
28 changes in the costs.

29 MS LAVER: Thank you. If you could just stay on – in relation to making the assessment
30 from 60 years then to 100 years, could you talk me through that? I'm not an
31 economist, and I'll be honest: I've had to do a fair bit of reading around the
32 background of the economy side of this appraisal. By pushing out to 100 years,
33 does the benefit-cost ratio get larger? Is it skewed to make value for money look
34 better? Talk to me about that.

1 MS BOWKETT: Helen Bowkett for the applicant. The standard appraisal period set out
2 in TAG is for 60 years, but the Department of Transport has been considering
3 the fact that for some items of investment, the lifespan of the capital item being
4 provided is greater than 60 years. So they recommend that when that situation
5 arises – so for our instance, we’re producing a tunnel and the DfT specifically
6 mentions the case of a tunnel, where the lifespan of the asset is more than 60
7 years. It recommends that you carry out an appraisal over a longer time period,
8 100 years. So we have carried that as a sensitivity test. The benefit-cost ratio
9 for a 100-year appraisal of the Lower Thames Crossing provides a benefit-cost
10 ratio of 1.66.

11 MS LAVER: Okay. Thank you. I don’t have any further need to press on that point at
12 this moment. Do any of my panel colleagues wish to come in before I go to
13 other parties? No. Okay. Oh, Mr Pratt, are you wishing to come in on this
14 point?

15 MR PRATT: I’ll ask this supplementary question, if I may, Ms Laver, about the base
16 date. I notice that there’s references to costs and the benefits have been
17 calculated using a base date of about 2010. Now, since 2010, there’s been quite
18 a bit of differential changes between different aspects, particularly in the
19 construction industry, where, shall we say, concrete has increased relative to
20 other materials, say, and similarly, on the benefits side, I could go into a bit more
21 detail, but given we’re now 2023, that base date is 13 years ago.

22 How much has the different aspects of the differential increases in the
23 units – how much has that been acknowledged within the analysis, and how has
24 that changed the overall benefit-cost ratios? Interested to hear from the applicant
25 how they’ve taken that into account. Thank you, Ms Laver.

26 MS LAVER: Thank you.

27 MS BOWKETT: So Helen Bowkett for the applicant. I think it’s important to remember
28 that in TAG, you calculate the costs in today’s prices, but then everything is
29 converted back for appraisal purposes into 2010 prices and values. This is set
30 out in TAG, and this enables all projects to be compared on a comparable basis.
31 So the benefits will be calculated for 2030, 2037, 2042, 2051 in our case, but
32 everything is then expressed back into 2010 prices and values. This is in TAG
33 and applies to all projects.

1 MS LAVER: Thank you. That makes some sense to me. Mr Pratt, are you comfortable
2 with that response?

3 MR PRATT: I'm comfortable with that response, yes, by all means. Thank you.

4 MS LAVER: Thank you very much. So if I could just see if we have anybody wishing
5 to come in on this item, any interested parties. Okay, at this point I'll take them
6 in the order which they've popped up on my screen. Just give me one second.
7 So we have Gravesham Borough Council. Mr Bedford.

8 MR BEDFORD: Good morning, madam. Michael Bedford, Gravesham Borough
9 Council. Madam, we're still, as it were, completing our review of a lot of this
10 very technical information, so I'm not making, as it were, a complete point at
11 this stage because we haven't, as I say, reached a firm conclusion ourselves, but
12 we are not, at the moment, thoroughly persuaded by what we've read.

13 But what we do have is one particular query, which it would be helpful to
14 have some clarification on, and it does slightly relate to the issue that you've just
15 been discussing with Professor Bowkett about sensitivity testing, and what we
16 seek clarification on is in the economic benefits as reported in the economic
17 appraisal report which is APP-526, as mentioned, the primary assessment, as we
18 see it, is based on what is termed the central case. We understand that, and what
19 inputs that goes into the calculation of economic benefits is the cost that is
20 attributable to the value of time. That's both the value of time for businesses
21 and the value of time for non-work journeys as well.

22 Now, chapter 11 of APP-526 then sets out the sensitivity tests that were
23 conducted, and we've seen that, and essentially they are based on varying some
24 of the input factors, including the levels of traffic growth, so there's a high
25 growth and a low growth, and also varying some of the cost factors.

26 However, what we at the moment cannot see is where there is any
27 sensitivity testing carried out of the value of time input away from the central
28 case assumption, and as we read WebTAG unit 1.3, which is on user and
29 provider impacts, we think that it recommends sensitivity testing on the value of
30 time, at paragraph 4.2.19, 4.2.20, 4.3.6, and 4.3.7, and the sensitivities that it
31 recommends are for work time. A sensitivity of plus or minus 25% to the value
32 that you've chosen to use, and for non-work time, depending on whether it's a
33 commuting journey or a non-commuting journey, the range it recommends is

1 either plus or minus 25% or plus or minus 60%. Those are obviously fairly big,
2 as it were, sensitivities, if you were to include them.

3 What WebTAG, as we read it, also advises is that that sensitivity testing
4 should be carried out, and should be reported on separately from the main
5 assessment, and again, we understand that, but what we're at the moment
6 struggling with is we can't see where that sensitivity testing on value of time has
7 been carried out or reported, and obviously, as such, we reserve our position on
8 this, but if we can simply make the obvious point that because so much of the
9 BCR, the benefit-to-cost ratio, is informed by, as it were, time savings from
10 journeys, obviously we think that the value of time input will be an important
11 component, and given that the adjusted BCR gives a value for money ratio which
12 is categorised as 'low' in the hierarchy, then, obviously, we would expect that
13 sensitivity testing plus or minus those kind of magnitudes of that particular input
14 – and we recognise that it's only one input out of a whole process, but we think
15 it's likely that it would have a marked effect on where you would end up with
16 as a sensitivity test, and as I say, at the moment, we're just struggling.

17 We can't see where that is in the applicant's material, so some clarification
18 on that would be helpful.

19 MS LAVER: Thank you, Mr Bedford. I'll park that question for the moment. I'll go to
20 other speakers. That will give the applicant [to rally?] in the background to
21 maybe try to find that information for us. I'll go to other speakers. So next on
22 my list – Ms Blake, I see that you do have your hand up, but I'll just go to the
23 other local authority and pair them together, so if I could go to Mr Edwards,
24 please, for Thurrock, and Ms Blake, I'll come back to you.

25 MR EDWARDS: Yes, good morning. I'm Douglas Edwards KC for Thurrock Council.
26 In terms of Thurrock's contribution on these matters, it's going to be led by Mr
27 David Bowers, from whom the Examining Authority heard on Tuesday, and then
28 there'll be some input from Dr Black, and potentially then from Mr Stratford
29 and myself. So if I could just invite Mr Bowers, please, to turn on his camera?

30 Before I just invite Mr Bowers to make the comments that he wishes to
31 make at this stage, can I echo on behalf of Thurrock Council the observations
32 made by Mr Bedford? The council is still considering the application material,
33 including economic justification for the application and in support of it. We do
34 have some headline points that are relevant to the questions posed at this stage,

1 but plainly these matters will be considered further in our local impact report
2 when the examination of the documents is completed.

3 MS LAVER: Excellent. Thank you.

4 MR BOWERS: So good morning. Yes, I'm David Bowers representing Thurrock
5 Council.

6 So perhaps to start on my points, I think it's worth noting that we do not
7 have an up-to-date business case for this scheme, and although this has been
8 requested, it's not been provided by National Highways. After, I think, a long
9 period of discussions, a business case was provided for the scheme as it stood in
10 2020, but we note that the national policy statement for national networks states
11 in paragraph 4.5 that, 'Applications for road and rail projects will normally be
12 supported by a business case prepared in accordance with Treasury Green Book
13 principles,' and at the conclusion of that paragraph, 'It is expected that NSIP
14 schemes brought forward through the development consent order process, by
15 virtue of section 35 of the Planning Act 2008, should also meet this
16 requirement.'

17 So I think it would be very helpful for everyone to understand the
18 economic case for this scheme to have access to the full business case. But in
19 terms of perhaps the question as posed, I think the summary is that Thurrock
20 Council has significant concerns that the stated economic benefits of the
21 proposed Lower Thames Crossing are neither robust or measurable. So a lot of
22 information is provided in the economic analysis, but it's worth noting that in
23 the combined modelling and appraisal report, the application reference 518 –
24 this states that the benefit-cost ratio to the scheme, based on journey time
25 benefits, i.e. the well-established benefits just mentioned, is very low, at only
26 0.48, so this shows that in terms of journey time benefits, this scheme is not
27 justified.

28 This seems to be a crucial point for a transport scheme that the transport
29 benefits on their own do not provide more benefits than costs, and actually,
30 there's an issue around how those have been assessed. So the modelling that
31 underpins that economic analysis is based on DfT's national trip end model,
32 version 7.2, to assess trip patterns. So that looks at trip origins and destinations,
33 how people travel, and the rate of propensity to travel.

1 So these assumptions are now out of date, because the DfT has issued
2 NTEM version 8.0, and what that new version of data has done is it reflects on
3 changes in behaviour, in society, and how people have travelled over recent
4 years because of technological changes, and reflected that, and how people do
5 their shopping, for example, and the rise of internet deliveries has changed how
6 we all travel, and those changes are reflected in this new database of trip ends,
7 and they're provided for each local authority around the country, and in answer
8 to that, and we're still working on that for this area, shows that the number of
9 trips you would expect people to make generally is much lower in this new
10 version of 8.0 than 7.2, and that actually has a fundamental impact on the
11 assessment of traffic and travel behaviour in this area.

12 So we've requested sensitivities to be run using this NTEM 8.0, because
13 we think that would be very informative to understand the impacts of the scheme
14 in a way that actually reflects current travel patterns, but –

15 MS LAVER: Mr Bowers, sorry to interrupt you. Could you just tell me when that version
16 came out? Do you know?

17 MR BOWERS: I don't know off-hand, but maybe one of my colleagues may be able to
18 look it up as I just finish the rest of my comments.

19 MS LAVER: Sorry for interrupting.

20 MR BOWERS: Alright. Thank you. So we requested those sensitivities around NTEM
21 8.0, but none have been provided to date.

22 So because the journey time benefits are so low, the benefit-cost ratio,
23 which is in the 'low' category, and which I think essential case is 1.22, is all
24 based on the reliability and wider economic benefits, and again, it's just worth
25 noting that, although Ms Bowkett said that level 1 benefits, the journey time
26 benefits, are well established, I didn't hear her say whether the level 2 benefits,
27 which have been added in recent years to the appraisal process – how well
28 established they are. In our views, these are more uncertain benefits, which are
29 harder to measure, and actually harder to assess, and that's the nature of the
30 benefits, and whilst they would normally be included in the scheme, it's very
31 unusual, in our view, that the whole scheme's predicated in the delivery of these
32 benefits.

33 So to put it another way, to go from your 0.48 BCR to a 1.22 is all based
34 on the assumptions that the analysis of reliability and wider economic benefits

1 is accurate. So the reliability benefits look at how by providing the extra
2 capacity of the Lower Thames Crossing enables journey times, and particularly
3 perhaps across the Dartford Crossing, to be more reliable, and people value that,
4 and that's understandable.

5 So this has been calculated using a piece of software called MyRIAD, and
6 the 'M' in MyRIAD stands for 'motorway,' because it's typically used for
7 motorway analysis of reliability, and the outputs of that process are provided in
8 the DCO, but the inputs and the assumptions underpinning that have not been
9 provided. Again, we've requested that information from National Highways,
10 because that would help us understand the validity of the reliability benefits
11 which actually underpin the economic case for the scheme.

12 So then just to turn to the agglomeration benefits, again, the DfT's TAG
13 unit 2.1 say 'static agglomeration benefits', which actually provide almost 50%
14 of all the economic benefits of the scheme – so it's really important to understand
15 that. Agglomeration benefits are the justification for getting the BCR above 1,
16 and they're seen as having high levels of uncertainty as stated in, as I said, TAG
17 unit 2.1, and it's understanding, and we welcome comments from National
18 Highways – but we understand that this reliance on WEBs – wider economic
19 benefits – to make the economic case is unprecedented in the use for a highway
20 scheme, and so we'd welcome any guidance that National Highways can provide
21 on other schemes that they have promoted where WEBs – these wider economic
22 benefits – provide such a pivotal role, and again, the outputs of this process of
23 calculating the wider economic benefits have been made using something called
24 WITA software, and again we've requested the assumptions that have been put
25 into that software, so we can see what assumptions have been made to help us
26 understand and interrogate the outputs, but again, we've requested those inputs
27 but they've not been forthcoming as yet.

28 So this is a crucial point about these agglomeration benefits being actually
29 crucial to the economic case, and in our local impact report we'll be looking at
30 that in more detail, because we think it's really important, and just to go back to
31 the point around what's changed since 2010, the actual wider economic benefits
32 research, as stated by Ms Bowkett, has come into the appraisal world quite
33 recently, but it's actually based on evidence around effective densities and
34 employment elasticities, based on research in 2009, and clearly the labour

1 market's changed very significantly since then, for lots of reasons around
2 technology. Obviously Covid has had its impact and the way people work has
3 had to change, and at the moment we feel that these behavioural changes are not
4 factored into National Highways' calculations, because of course if the
5 agglomeration benefits aren't as substantial as stated, the overall level of
6 economic benefits would fall, and given that the scheme is already at a very low
7 – or a low level of economic benefit with its BCR of 1.22, it wouldn't take much
8 for it to fall below a one-to-one basis.

9 And just my final point on this area is that in looking on the wider
10 economic benefits provided by National Highways, only 77 million out of the
11 £1,374 million worth of benefits actually occurs in Thurrock, and that's in table
12 C.11 of appendix D of the economic appraisal package, application 526. So to
13 put it another way, the scheme has a very significant effect on Thurrock, as has
14 been said in other comments and submissions, but the wider economic benefits
15 that are stated – only a very small proportion flow to Thurrock, and it accounts
16 for actually just under 0.03% of the annual Thurrock economy, which shows
17 that the very low level of benefit that the scheme provides to the residents of
18 Thurrock.

19 [Crosstalk]

20 MS LAVER: Did you say 0.3% there?

21 MR BOWERS: 0.03.

22 MS LAVER: 0.03. Thank you.

23 MR STRATFORD: Ma'am, if I can come in at that point, in answer to your question.

24 Chris Stratford from Thurrock Council. In our supplementary submission, at
25 procedural deadline B on 9 June, page 10, we did go through the various updated
26 methods of calculating all manner of different things, and in that, particularly
27 for the question that you asked, the TEMPro 8.0 was released as a forthcoming
28 change in April of '22, and the definitive version came out in December of last
29 year. Admittedly, though, that is after the submission and acceptance of the
30 application, but nevertheless, it is six months ago now, if that's helpful.

31 MS LAVER: Thank you. Yes, it's very helpful.

32 MR EDWARDS: Thank you, ma'am. Can I just see whether Dr Black wants to add
33 anything at this stage on behalf of Thurrock Council?

34 DR BLACK: No, I think David has explained it very well. Thank you.

1 MR EDWARDS: Thank you. Subject to one matter, ma'am, that concludes the
2 representations on this matter from Thurrock Council. The only part that I would
3 add is that you've heard from Mr Bowers that requests have been made for the
4 assumptions that are used in various modelling exercises carried out and relied
5 upon by National Highways. Obviously, it's entirely a matter for you and your
6 colleagues, but we would request that you give consideration to actually
7 formally asking for that information from National Highways, to the extent that
8 it has not yet been forthcoming.

9 MS LAVER: Thank you. Mr Smith, you've come in. Did you want to –

10 MR SMITH: Yes, I was just going to follow up that final point, actually, Ms Laver, and
11 that is that, I guess, we are still before deadline 1, but what would be, I think, of
12 assistance to everybody involved here is – and I'm sure this is in Thurrock
13 Council's mind already – that they will in their deadline 1 submission succinctly
14 outline, or even just reproduce the letters or emails that were used to make the
15 request, and therefore we can then have regard to the nature of the question
16 asked, and we can consider the degree to which it's necessarily for us to reiterate
17 it in a formal sense.

18 Mr Edwards, does that seem a sensible thing?

19 MR EDWARDS: Thank you, sir. It does. We very much had that in mind and that is
20 the approach that we intend to follow in the local impact report in due course.

21 MR SMITH: Okay. Well, we will put that as an action on you. I'm sure you will do it
22 anyway, but we will put that as an action on you arising from this hearing.

23 MR EDWARDS: Thank you, sir.

24 MS LAVER: Thank you. Could I now go to Ms Blake, please, from Thames Crossing
25 Action Group?

26 MS BLAKE: Thank you very much, Ms Laver. Laura Blake, Thames Crossing Action
27 Group. Like yourself, Ms Laver, I'm not an economist. I represent a community
28 action group. However, we are a little bit puzzled as to the figures that are being
29 quoted in the economic benefits. Firstly, we have requested on numerous
30 occasions from the applicant, National Highways, to have an estimated figure of
31 the economic benefits, and we haven't had that provided to us over the years that
32 we have been asking for it. In fact, I think the preferred route announcement
33 was last time that an actual estimated figure was quoted.

1 So that's been something that really hasn't been clear over the course of
2 consultation up until this point, and secondly, it appears to us that the
3 benefit-cost ratio and adjusted benefit-cost ratios that are being mentioned are
4 as at August 2020. Now, bearing in mind that that was probably connected to
5 DCO version 1, and that was withdrawn, and the fact that the government has
6 announced this two-year delay for the start of construction, we're slightly
7 concerned that all of these figures are being worked out on data that is years old.
8 So it would be good to have some clarification on that, please. Thank you.

9 MS LAVER: Thank you, Ms Blake. The second question on the agenda will be coming
10 to what's happened in recent years, but I will go to the applicant now to – unless
11 anybody else wants to speak before I go to the applicant. No, there are no hands,
12 so, Mr Henderson, Ms Bowkett, if you want to come back in.

13 MR HENDERSON: Thank you, madam. Tom Henderson for the applicant. Madam,
14 there are obviously a large number of very technical questions asked there, and
15 we would propose, as a general approach, to take all these points away and
16 respond to them in writing, but we can provide clarification on three matters that
17 were raised, which we think will assist interested parties now.

18 The first clarification was in relation to whether the application contained
19 a sensitivity test in relation to the value of time. We can confirm that that's not
20 in the application, and we can explain in writing why.

21 The second point of clarification was in relation to an up-to-date business
22 case. The simple answer there is that the economic appraisal report included
23 with the application is the up-to-date business case. There's no need for a
24 separate business case in that respect, and the third clarification in response to
25 Ms Blake is that the application includes all the data that's required in relation
26 to economic benefits, and that's set out in the combined modelling and appraisal
27 report.

28 So as I say, we hope that answers the points of clarification that were
29 sought, but we haven't, obviously, heard any of these questions until the last few
30 minutes, and so we would like the opportunity to digest upon them and take them
31 away and respond in writing if that would assist.

32 MS LAVER: Naturally, that will assist. I think there's a lot of detail in the questions
33 that have been asked, and certainly my head is almost reeling, probably as much
34 as the applicant's, from some of those things, so we will certainly want a

1 comprehensive response in your deadline 1 response, please. Just forgive me
2 one second. I just want to go down some of my notes here to make sure that – I
3 don't want to move on without asking a relevant question.

4 So one of the points I had written down was about the Green Book
5 business case. Are you suggesting that you're not going to provide that because
6 your business case is up to date?

7 MR HENDERSON: Tom Henderson for the applicant. That's correct, madam.

8 MS LAVER: Okay. So when you respond in writing, just explain a little bit further why
9 you believe why that isn't necessary.

10 MR HENDERSON: We will do, yes. Thanks.

11 MS LAVER: Yes. Thank you. Sorry, I'm thinking on the run. Okay, I think we can
12 pick up other things in the written responses. So I'll just move on then to part 2
13 of agenda (h), and some of this has been referenced, particularly by Ms Blake.
14 Do cost figures adequately address current positions in relation to labour and
15 materials, availability and costs, and has inflation been sufficiently taken into
16 account? Now, I realise that from Ms Bowkett's initial response, everything's
17 done on present day values, taken back to 2010, so that we've got a level playing
18 field, but I think, in no uncertain terms, the current situation in the economy is
19 substantially different to the base year of 2020 when you started the appraisals.
20 So I'm really interested to understand a little bit further where in inflation and
21 where we are with fluctuations in prices are now taken into account.

22 MR HENDERSON: Thank you, madam. Tom Henderson for the applicant. I'll again
23 introduce Professor Bowkett to respond on this question.

24 MS BOWKETT: Helen Bowkett for the applicant. So yes, the assured costs, as presented
25 in the DCO application, do include amounts for labour, material and inflation,
26 and these adequately represent the applicant's current position in relation to
27 these cost items.

28 The net scheme's costs were assured by National Highways in February
29 2022, as stated in table 4.4 of the combined modelling and appraisal report,
30 appendix D, economic appraisal package, APP-526. So inflation has sufficiently
31 been taken into account using construction inflation rates that reflect the
32 project's use of labour and materials and construction schedule when the costs
33 were prepared and assured. That sensitivity test, which shows the impact on the
34 benefit-cost ratio of the project with a wide range of capital expenditure costs,

1 is provided in table 7.19 of the combined modelling and appraisal report,
2 APP-518.

3 MS LAVER: Could you stay on, Ms – Professor Bowkett? Forgive me, I keep calling
4 you ‘Ms’ and you are Professor, so no offence intended. Inflation you say has
5 been taken into account. Is there a figure that was attached to that assessment?
6 An inflation figure, because obviously inflation went up to 11%. It’s currently
7 sitting somewhere around eight and a half, if we read the national press. What
8 figure was captured in that assessment?

9 MS BOWKETT: Helen Bowkett for the applicant. When we are preparing the economic
10 appraisal, which is presented in the common modelling and appraisal report,
11 APP-518, we are supplied with the cost from Highways England. They prepare
12 the costs and they’re assured and passed onto us, and they contain a variety of
13 components, so it’s the capital costs and how taking into account inflation and a
14 number of other elements, such as risk – what those costs are forecast to be in
15 the years where that expenditure occurs, and those are the costs that I used in the
16 appraisal. So I have to use the cost with the inflation projections at the time
17 those costs are prepared in my appraisal. So they were provided in February
18 2022 in order for us to do the appraisal, which is presented in the document
19 which was submitted in October 2022.

20 Now, inflation is an element of the cost, which does vary over time. It’s
21 a continually changing number, which is why we present sensitivity tests on the
22 impact on the BCR, if the costs were to change for a variety of reasons, including
23 inflation and other possible changes that might affect the cost of the scheme.

24 MS LAVER: That makes certain sense to me, but I’m still trying to get to – when you
25 were provided with the figure, the starting figure, before you apply your
26 sensitivity – going up, going down – what was the starting figure?

27 The reason I’m keen to press this point is we’ve got a two-year delay on
28 construction because of costs, and it’s therefore imperative that we really
29 understand which way this BCR could slide.

30 MS BOWKETT: Helen Bowkett for the applicant. More details on the actual inflation
31 numbers used in those costs are provided in table 6.1 of the economic appraisal
32 report, application number 526.

1 MS LAVER: If you've got that in front of you, could you take me to that? I don't have
2 it on my screen, and I think for everyone listening it would be really helpful for
3 the question to be answered.

4 MR HENDERSON: Hello, madam. Tom Henderson for the applicant. We could put
5 that table on screen if that would assist.

6 MS LAVER: Yep. That would be helpful. Thank you.

7 MR HENDERSON: Just give us a moment to do that.

8 MS LAVER: Sure. Okay. Mr Henderson, we appear to be struggling. Let me see if I
9 can find the document. Is it 526, 6.1?

10 MR HENDERSON: That's right, madam. Apologies. We don't seem to be able to
11 screenshare at the moment.

12 MS LAVER: That's fine. I'm going to try from my side of things. Just going to have to
13 move a few things around on my screen to make sure we can share this. So I
14 can't see myself now, as anybody that's worked with Teams would know, but
15 hopefully this is the table that Professor Bowkett was referring to, the inflation
16 rates. Mr Henderson, I'm reliant upon you and Professor Bowkett coming in.

17 MR HENDERSON: Yes, madam. We're just getting set here. I'll pass across to
18 Professor Bowkett.

19 MS LAVER: Sorry. I can't see anything once my screen is shared –

20 MR HENDERSON: Oh, understood. Of course, yeah.

21 MS LAVER: I don't know what's happening in the wings.

22 MR HENDERSON: Apologies. Professor Bowkett's now going to provide some
23 commentary on that table. Thank you.

24 MS LAVER: Yes, please.

25 MS BOWKETT: Helen Bowkett for the applicant. As you can see in front of you, we've
26 got table 6.1 from the economic appraisal package, APP-526, and that sets out
27 the inflation rates that were assumed for capital expenditure for the project, for
28 when the costs were assured in February of 2022, so you'll see that for 2022, for
29 instance, the inflation rate assumed is 4.10%, and there's a graph underneath that
30 illustrates the inflation rates used.

31 I think it's worth also pointing out that inflation is quite a highly volatile
32 number that's changing rapidly at the moment, and the government does have a
33 policy of taking measures in the economy to reduce the rate of inflation, so it's
34 not really appropriate for us to be producing month-by-month updates to the

1 scheme costs. We have set out the inflation rates that were used in the costs that
2 we used in our appraisal.

3 MS LAVER: I absolutely would agree with you that it isn't appropriate for you, on a
4 month-by-month, in the way the Bank of England is playing with interest rates,
5 to be updating us on the inflation around that. However, what I would say is
6 those figures that were on the screen seem very much an underestimate, and I
7 appreciate that's not in your gift.

8 These figures are provided, and they'll probably be the same figures
9 provided on other highway schemes, but they seem widely out of touch with
10 where we are, and I'm pressing the point simply because the benefit-cost ratio
11 is on such a fine margin – at the moment being low value – that we've got this
12 delay in construction because of costs, and it's whether we can be assured in two
13 years' time that inflation is sufficiently at those 4% levels that were in that table
14 or lower, to keep you around that 1.22. So I'm sorry for labouring the point, but
15 it feels to me it was necessary.

16 Now, just before I move on from that point –

17 MR HENDERSON: Madam, sorry, could we just respond to a couple –

18 MS LAVER: Yes, of course. Absolutely.

19 MR HENDERSON: Via Professor Bowkett. Thank you.

20 MS BOWKETT: Helen Bowkett for the applicant. We have, as I said, in table 4.4 of the
21 economic appraisal package, APP-526, looked at the impact of an incredibly
22 wide range of change in capital costs, and that impact on the benefit-cost ratio,
23 and I'd like to say that inflation is just a very small element of the scheme cost,
24 and the benefit-cost ratio is standing at 1.22, and the change in inflation is
25 unlikely to change the value for money banding that the benefit-cost ratio would
26 lie in, because the inflation is a small portion of the total scheme cost.

27 MS LAVER: Yes. Understand that. Thank you. So do any of my other panel members
28 wish to come in at any point about that before we move forward? No. Okay, so
29 we'll move on. So we are now in to the final question of the economic benefit
30 section, which is question 3, and this is about adjustment.

31 Is any adjustment to economic benefits necessary, given submissions from
32 the port to the effect that the lack of local highway connectivity to the waterfront
33 could reduce local journey time reliability and have negative economic impacts
34 on port operations? Quite alive to some of the economic impacts on the port.

1 We heard a fair bit yesterday about potential impacts on tunnelling, and the
2 limits of deviation, and what that could mean for the waterway, but in this
3 particular question – it’s specifically geared around comments we’ve received
4 through relevant representations about the potential impacts on the ports for its
5 traffic. Mr Henderson, over to you.

6 MR HENDERSON: Thank you, madam. Tom Henderson for the applicant. I’ll provide
7 an answer on this one, which we think is a relatively briefly answer, but we’ll
8 obviously we’ll be then happy to answer any follow-up questions you may have.
9 Just to put some context to this, in the first part of this hearing on Wednesday,
10 Dr Wright, in his submissions against agenda item 4(e)(iii), set out that the
11 applicant considers that the project would provide improved access for the ports
12 as a result of the new connectivity that the project would provide, and we think
13 that’s an important point to reinforce.

14 In relation, then, to your direct questions here on economic benefits, these
15 were, as we’ve said, appraised in line with TAG, and we don’t consider any
16 adjustment to them is necessary, as the appraisal already takes into account both
17 the benefits and disbenefits of the project.

18 So in short, there are no adjustments required. We haven’t missed a
19 disbenefit that we should have considered, so that’s, I guess, the short answer,
20 but happy to answer any questions you might have.

21 MS LAVER: Yeah. In terms of being appraised with TAG, that’s a generic assessment,
22 yes, which you would apply to all of the highway schemes? I mean, presumably
23 it’s a form of process, and you don’t often encounter where you’ve got three port
24 operators that would need to feed into that. So I’m just trying to understand how
25 bespoke the assessment is as to whether there should be some wider
26 consideration for things that aren’t picked up in TAG.

27 MR HENDERSON: Tom Henderson for the applicant. Madam, I’ll pass over to
28 Professor Bowkett to comment on that question.

29 MS BOWKETT: Helen Bowkett for the applicant. So the TAG guidance set out all the
30 benefits and disbenefits that should be included in the appraisal, and we used
31 that term ‘benefits and disbenefits’ for that very reason, that, for instance, for
32 the journey times, it’s looking at all the changes in journey times, and whether
33 they are higher or lower for individual trips that get made. So for the port,

1 actually, there are journey time benefits, as Dr Wright mentioned earlier for the
2 ports.

3 So we've included all the impacts that are set out in TAG for the level 1
4 and level 2 benefits. As I say, level 3 benefits is where there's a wider discussion
5 on other elements that can't be measured and valued – a qualitative assessment.
6 In our assessment, the benefits to the port on the Lower Thames Crossing are
7 beneficial, and it will boost the local and regional economy.

8 MS LAVER: Okay. Thank you very much for clarifying that.

9 MR HENDERSON: Just to complement that answer, just a couple of extra points from
10 me.

11 MS LAVER: Sure.

12 MR HENDERSON: As we laid out on Wednesday, the modelling that's been undertaken
13 accounts for port usage inherently, and that feeds in to the economic assessment,
14 so the combination of the LTAM and the use of TAG appropriately addresses
15 the economic impacts on ports. There's nothing specific to ports that requires
16 us to adopt a different approach, and I'll just repeat the point I made on
17 Wednesday in relation to national policy statement for national networks.
18 Paragraph 4.6 provides clear national policy support for the use of TAG as the
19 appropriate appraisal methodology. That's all I wanted to add. Thank you.

20 MS LAVER: Okay. Thank you. No, I've noted that. Thank you very much. Okay, so
21 I'll open it up for questions. I note that, Mr Shadarevian, you've got your hand
22 up for the London Gateway. I also note Ms Dablin there for Port of Tilbury, and
23 Mr Edwards for Thurrock. So we'll go with Mr Shadarevian, as your hand was
24 up first, please.

25 MR SHADAREVIAN: Ma'am, good morning to you.

26 MS LAVER: Good morning.

27 MR SHADAREVIAN: My internet connection is very, very difficult at the moment, so
28 would you be offended if I turn off my camera?

29 MS LAVER: Not at all.

30 MR SHADAREVIAN: Just bear with me, please. Thank you.

31 MS LAVER: We'd rather hear you than lose you.

32 MR SHADAREVIAN: Thank you very much. I'm not going to repeat what I've already
33 said in general terms about TAG. I'll leave that to one side for now, but it was
34 very interesting to hear that the BCR assessment has taken into account the

1 benefits and the disbenefits with respect to the ports, but what we don't know at
2 the moment, and it's not been itemised, is what those disbenefits to the port are,
3 i.e. which disbenefits have been taken into account, and of course it's our case,
4 and our case is, as I've said already, contingent on the interrogation of the traffic
5 modelling, and transport modelling, which is done or to be done at an
6 appropriate level in terms of the impact of the design of the scheme, and I
7 emphasise that fact – the design of the scheme on the operation of both the port
8 and the park.

9 Now, the BCR is inevitably a strategically based assessment, and therefore
10 can't take into account the specific nuances, and it might well be that if one
11 factors in a negative adverse impact on port and park operational performance,
12 it may not make a substantial difference to what is in any event an unimpressive
13 BCR, but of course, that is not, in and by itself, a critical issue here, for the
14 purposes of this examination. If it is assessed that the impacts of the scheme, as
15 currently designed, on the transport interchanges – and I'm talking here about
16 the Orsett Cock interchange, and the Manor Way interchange – will have a
17 material adverse impact on port and distribution operations.

18 Given their indisputable importance to the national economy, it will be
19 necessary to understand, in that context, what the BCR would be as a function
20 of providing junction upgrades with respect to port and park operational
21 efficiency and resilience in a Lower Thames Crossing world. In other words,
22 the potentially significant levels of economic harm brought about by the current
23 design of the LTC scheme can be avoided by the provision of a relatively low
24 cost mitigation scheme as an integrated component of a wider LTC scheme, and
25 in that context, it's really quite important also to take into consideration the fact
26 that the A13 upgrades were already undertaken by Thurrock Council as local
27 council authority, and by DP World, under the provisions of the Harbour
28 Empowerment Order to Manor Way, have been carried out to accommodate
29 local plan and port-related growth in a Lower Thames Crossing world.

30 The Lower Thames Crossing design, at the moment, even though we say
31 that the applicant has not interrogated this issue appropriately so far – it depends,
32 in part, on this capacity. So that is extremely important as a baseline
33 consideration. So, ma'am, I'm not going to say anything more at this point on
34 it. Just to really set out our case by way of response of the question which you

1 posed, quite properly, in the hope that further interrogation of the evidence and
2 the availability of appropriate modelling might shed some more light on this
3 very, very important issue. So, ma'am, unless I can help you further on that
4 point, those are the submissions I'd like to make at this stage.

5 MS LAVER: No, thank you. As you know, we will inevitably be holding traffic and
6 transformation information issue-specific hearings much later in the
7 examination, around September, I would suspect, and this issue will come again.
8 It is an issue which we are very alive to, and it will play into the economic
9 question which I've posed this morning, so I suspect we won't resolve that
10 today, but it is a point well made for the applicant to be alive to.

11 MR SHADAREVIAN: I'm very grateful, ma'am. Thank you.

12 MS LAVER: Thank you. So I'll turn now to Ms Dablin for Port of Tilbury, please.

13 MS DABLIN: Good morning. Alison Dablin for the Port of Tilbury. I think we would,
14 by and large, agree with the submissions made by Mr Shadarevian. In addition,
15 for the Port of Tilbury, I think it is important to understand that, currently, and
16 indeed under the Lower Thames Crossing scheme as it was submitted in
17 application, there is a single point of failure in terms of the road connection for
18 the road connection for the Port of Tilbury. That is the A1089. The significant
19 concerns that the Port of Tilbury have are primarily associated with the impacts
20 of construction on the potential fragility of this link. As I have mentioned in – I
21 believe it was Wednesday – the Asda roundabout is known to be operating at or
22 very close to capacity. Subject that National Highways are requiring transport
23 assessments to include modelling of this junction for new developments in the
24 area – our understanding is that this modelling has not been undertaken by the
25 Lower Thames Crossing scheme and has not been required to be undertaken,
26 which we're unclear on why this has not been undertaken. I think our concern
27 is, without this detailed assessment, it is not possible to effectively quantify the
28 economic disbenefits that would be appropriately applied during construction.

29 In addition to that, the Tilbury link road, which was, in an earlier iteration
30 of the scheme, linking the Port of Tilbury to the Lower Thames Crossing, that
31 no longer forms part of the application. I made submissions on Wednesday
32 about how the Tilbury link road must not be in any way impeded from being
33 brought forward at a later date. The view of the Port of Tilbury is certainly that,
34 in the absence of a Tilbury link road, the economic benefits have not been fully

1 achieved, simply because the economic benefits to the Port of Tilbury from a
2 Tilbury link road directly onto the Lower Thames Crossing are significant. The
3 Port of Tilbury has concerns that the benefits are similarly not realised, in terms
4 of the A13 junction, in that the Lower Thames Crossing benefits for the Port of
5 Tilbury are focused on journey times in relation to the Dartford crossing.
6 However, the Port of Tilbury is not gaining any benefit from crossings from the
7 Lower Thames Crossing itself. I think the port, in general, would disagree that
8 the Lower Thames Crossing is providing improved access for the Port of
9 Tilbury. That's my submissions for today, thank you.

10 MS LAVER: Thank you very much. So, I'll move now to Mr Edwards, for Thurrock,
11 please.

12 MR EDWARDS: Yes, Douglas Edwards, KC, for Thurrock Council. As in respect of
13 the first of the questions under consideration today, Mr Bowers is going to take
14 the lead in terms of Thurrock's response, followed by Dr Black. We hope to be
15 relatively brief in respect of this particular matter because the points that you've
16 already heard made very clearly by Mr Shadarevian and Ms Dablin really echo
17 the concerns that Thurrock have in respect of the impact of the port. So, with
18 that in mind, can I just hand over then, please, to Mr Bowers, who will briefly
19 explain Thurrock's response to this question.

20 MR BOWERS: Yes, good morning. David Bowers for Thurrock Council. So to answer
21 the question, Thurrock Council considers that a downward adjustment to
22 economic benefits is necessary. And this is because, whilst wider economic
23 benefits have been considered, many of the wider economic costs associated
24 with the development have not been fully considered. I'd also make a point that
25 many of the comments from National Highways referred to the transport
26 appraisal guidance. And they seemed to interpret it in a very generic way, which
27 has not looked at the specific issues around the geography and the behaviour of
28 people and businesses in and around the Lower Thames Crossing corridor. We
29 think that's a really important area for further consideration.

30 In terms of the negative effects of the Lower Thames Crossing, one way
31 that it affects Thurrock, in particular, is the way that the extra traffic generated
32 by the crossing will affect the ability and desirability of land to be brought
33 forward for development, for either residential or employment use. We're not
34 satisfied that this impact of the lost or delayed growth because of the crossing

1 has been examined in sufficient depth by National Highways. And the National
2 Highways analysis has looked at development land within the order limits, plus
3 a 500-metre area surrounding it, to see what impact there might be on particular
4 development sites. Our view is that the approach of site analysis in looking at
5 those particular sites has overlooked numerous good quality development sites
6 which could, without the Lower Thames Crossing, be brought forward earlier,
7 and, what would happen with the delivery of the crossing and the extra traffic,
8 which would impinge on the ability of these sites to be brought forward. And
9 we will be providing examples of this in our LIR.

10 And, finally, I think it's just worth saying that the extra traffic caused by
11 the crossing really does have this effect on potential sites in Thurrock. So a site
12 that is brought forward with the additional traffic, associated with a crossing,
13 might be required to do further junction improvements, which has, obviously, a
14 capital cost which, in the absence of the crossing, they would not be required to
15 do. And it's those issues around these extra economic costs of the delivery of
16 the project which we think need further consideration, and which we'll be
17 looking at in our local impact report. I think Dr Black may have some more
18 comments, more specifically on the access to the port.

19 DR BLACK: Colin Black, for Thurrock Council. Just, I think, on that, the applicant
20 regularly refers to the fact that the costs of wider impacts don't necessarily have
21 to be taken into consideration as part of the scheme. It's just that they are very
22 real costs to Thurrock Council. This scheme will mean that we have to spend a
23 lot of money upgrading junctions that are affected by the scheme. It puts
24 additional costs on that. We're unclear as to whether those costs have been
25 sufficiently quantified and fed back into the business case, because the business
26 case – the scheme doesn't work if those local junctions don't work. People can't
27 get to it and use it. Our key concern is that the business case is very close, I
28 think, as you've mentioned before, to being poor value for money. The scheme
29 is reliant, therefore, on getting the costs and benefits accurate. There is, actually,
30 very little margin for error.

31 And, in particular, we note that LTC is predicated on the basis that it will
32 deliver free-flow traffic for decades to come. The traffic analysis that National
33 Highways has provided does appear to contradict this position and we will come

1 to that in due course, and we'll examine that in more time as the examination
2 proceeds.

3 Now the Saturn modelling provided in the DCO may technically
4 demonstrate improved access to ports, and this is probably what Dr Wright is
5 referring to. However, National Highways has also undertaken operational
6 modelling work that paints a very different picture. And we note that the
7 applicant has chosen not yet to submit its operational modelling for
8 consideration by the Examining Authority, and this urgently needs more
9 exploration.

10 When the long outstanding work on operational modelling is completed,
11 it may potentially necessitate a revision to the business case, to readjust the BCR.
12 If key junctions, such as Orsett Cock, do not perform as predicted by the Saturn
13 modelling, then the value of time benefits will be substantially eroded. And we
14 note that the BCR value for money category is very sensitive to the traffic
15 modelling. Equally, if local junctions don't work, then this will affect the ability
16 of LTC to deliver its BCR. This is a crucial point that merits transparent and
17 open assessment, and we note that the applicant has repeatedly referred to
18 WebTAG as a justification for its approach. And we just want to highlight, and
19 it's important to note, that this is guidance; it's not rigid. It is possible to be in
20 compliance with WebTAG and demonstrate different results. Thank you.

21 MS LAVER: Thank you very much. Anything else, Mr Edwards?

22 MR EDWARDS: Nothing else from me, ma'am. So unless there's any questions that
23 you or your colleagues have, that concludes Thurrock Council's contribution for
24 this question.

25 MS LAVER: Thank you very much. We have Ms Dillistone waiting, now, for the Port
26 of London, please.

27 MS DILLISTONE: Yes, thank you, madam. Alex Dillistone, for the Port of London
28 Authority. I realise this agenda item is more focused on road connectivity, in
29 general. But as we noted yesterday, ports operations can be negatively affected
30 by river connectivity. And yesterday the PLA spoke about tunnel depths and
31 dredging, and we have talked to the applicant about these, and we hope that these
32 talks will, at some point over the course of this examination, be productive. But
33 the information that has been shared with us to date, from that information, we
34 are concerned about preserving future access to the ports. And there would be

1 an economic disbenefit if access was detrimentally affected. So I don't want to
2 go over the ground we covered yesterday; so I think that all I need to say for
3 today is that what we are seeking is clarification from the applicant as to what
4 the economic and other consequences would be of restricting future river access
5 to ports.

6 MS LAVER: Thank you, Ms Dillistone. I think that you heard me say that we're very
7 alive to the issue of the waterway. It did come up yesterday; we will be exploring
8 much further; we will also have a tunnelling issue-specific hearing down the
9 line. So these things will definitely come very much to the surface, if they're
10 not already at the surface now.

11 MS DILLISTONE: Thank you, madam. I had noted that you've noted it, which is why
12 I don't plan to say anything more on it today. Thank you.

13 MS LAVER: Great, thank you. Okay, so can I go back, then – I see no other hands – so
14 can I go back, please, to Mr Henderson and Professor Bowkett and others to
15 comment, please.

16 MR HENDERSON: Thank you, madam. Tom Henderson, for the applicant. Madam,
17 as before, we've noted all those questions down and we will take them away and
18 respond to them, as appropriate, in writing. So we'll just give some headline
19 responses now, which will be partly me and partly Dr Wright, in relation to the
20 Port of Tilbury and Tilbury link road.

21 The headline point which we want to get across, which we made on
22 Wednesday, is that the Lower Thames Crossing scheme is beneficial for ports,
23 or, in other words, the ports are better off with the Lower Thames Crossing
24 scheme than without it. And we think it's very important to emphasise that
25 point. So I won't say any more than that now, but that's a key point that we
26 want to get across. In respect of some of the comments that were made on the
27 traffic performance of the scheme, again, lifting this up a level, our position here
28 is that the scheme meets its objectives and sufficiently mitigates its impacts, and
29 it performs acceptably in traffic terms. So we rebut any comments that were
30 made that the scheme won't perform in traffic terms; that's not our case and
31 we'll be, obviously, expecting to lay that out in more detail as the examination
32 progresses.

33 I'll introduce, as I say, Dr Wright, to talk about the Port of Tilbury in a
34 moment. Just in relation to the Port of London Authority's comments, as we

1 mentioned yesterday at issue-specific hearing 2, we have provided information
2 in response to the main issue that we understand the Port of London Authority
3 have in relation to the dredging, and we await response to that. The comments
4 that were raised in respect of economic benefits, that's not a point that's ever
5 been raised to us before in our discussions with the Port of London Authority,
6 so just wanted to put that on record that that's not something that we haven't
7 responded to because it hasn't been raised with us by them before. So I'll leave
8 it there and introduce Dr Wright.

9 MS LAVER: Before you do, Mr Henderson, can I just come back on that point? They
10 may not have raised it, but as an Examining Authority, we have raised it. So it
11 doesn't mean the point goes away. We're very alive to the issue of the economy
12 for the waterway.

13 MR HENDERSON: That's understood. Thank you, madam.

14 MS LAVER: Thank you.

15 DR WRIGHT: Dr Wright, for the applicant, responding to the comments raised by the
16 Port of Tilbury, first in relation to the Tilbury link road. So I wanted to make it
17 clear that our assessment does not take account of any economic benefits that
18 would arise, were the Tilbury link road to be brought in. That is being developed
19 separately, by National Highways, and would go through its own investment
20 decision process and its own consenting process. But I wanted to make it clear
21 that we don't take account of any economic benefits that would arise from the
22 Tilbury link road.

23 And, secondly, just to comment on the operational access to the port along
24 the A1089, and to reflect what was said previously, that we are in constructive
25 discussions with the Port of Tilbury about the access along that route during
26 construction. And we'll continue that engagement and work towards a
27 collaborative solution there. Thank you.

28 MR HENDERSON: Tom Henderson, for the applicant. That concludes our responses,
29 madam. Thank you.

30 MS LAVER: Thank you. I just want to come back on a couple of things. I don't want
31 to stray into a traffic and transportation hearing. Obviously, we've heard a lot,
32 in this item, about that, because the question was targeted around movements to
33 and from the ports. But comments have come up time and again about the Asda
34 roundabout and the modelling of that, and I know that will be explored in greater

1 detail by my colleague, Dominic Young, in due course. But it's come up again
2 today, so I think we're going to need something from the applicant about the
3 modelling of that roundabout. I'm sure that's in hand.

4 The other point was for Thurrock Council. Again, they have repeatedly
5 said they've requested operational modelling, from National Highways, around
6 the roads at Orsett Cock in particular. And I just really would like some
7 understanding as to what's the issue in providing that? Is it simply that the
8 information isn't prepared, it isn't ready? If you could, Mr Henderson, ask your
9 colleagues about that, that would be great. Before I come to you for an answer,
10 Ms Dillistone, you've got your hand up, so I will come to you, please.

11 MS DILLISTONE: Thank you, madam. And I don't want to get into the details of who's
12 said what on this call, but I just thought that given that the applicant has said that
13 we hadn't raised the point about economic benefits, I would point out that it is
14 in the PLA's relevant reps, and it has been something that we are discussing in
15 the context of tunnel depth. So I apologise if that at all is unclear to the applicant,
16 but, from the PLA's point of view, we have raised it.

17 MS LAVER: Thank you very much. So, Mr Henderson, over to you.

18 MR HENDERSON: Thank you, madam. Dr Wright is going to respond to the question
19 that you just raised.

20 MS LAVER: Thank you.

21 DR WRIGHT: Dr Wright, for the applicant. So I want to provide some clarifying points
22 about the modelling that we've undertaken. Using the LTAM model, which my
23 colleague, Professor Bowkett, has talked about previously, we've undertaken
24 construction modelling and operational modelling across the region. This does
25 include Asda roundabout, Orsett Cock, and Manor Way, as well as a large
26 number of other junctions across the area. That has been shared with the relevant
27 stakeholders and they've seen that information. In addition to that – oh, sorry,
28 that forms the basis of our assessments; it forms the basis of all of the
29 information that we've put forward in the application.

30 In order to help our stakeholders understand the localised impacts at
31 certain junctions, we have conducted localised modelling and shared that
32 information with them, on an ongoing basis, as that's been developed, where we
33 consider it necessary and appropriate, to help them understand how the strategic
34 model reflects impacts at certain local junctions. That has been done in order to

1 help the understanding of those stakeholders with a particular interest in those
2 junctions. But we maintain that the modelling set out in the application is robust,
3 it sets out the impacts, and is suitable for the consideration of this scheme. We
4 will provide a more comprehensive response to this at deadline 1, so that you'll
5 be able to consider that further. Thank you very much.

6 MS LAVER: Yes, please. Before I bring in my colleague, Mr Young, I just want to ask
7 a question: when is it not necessary and appropriate to share? I'm just using
8 your phrase; you share 'where necessary and appropriate'. So how do you define
9 that?

10 DR WRIGHT: Dr Wright, for the applicant. So we've shared it where specific concerns
11 have been raised about a junction flow that we agree needs to be explored in
12 more detail. So, for example, at Orsett Cock and Manor Way, we recognise that
13 there are changes in flow there; that there are adverse impacts at those junctions
14 that are set out in the transport assessment, and, therefore, we've worked with
15 them, in more detail, on those. In other areas, for reasons that I think would
16 need a more complex written response, we don't consider it necessary or
17 appropriate, at this time, to be providing that. An example of that would be the
18 construction modelling, where we will go through a further level of detailed
19 assessment and design, as appropriate, were the consent to be granted. And that
20 level of detail would be needed, to feed into a more detailed model, in order to
21 be able to present information on that. Thank you.

22 MS LAVER: Okay. So I'm taking from that, only where you agree with the stakeholder
23 that there's a potential problem, that you'll share your information. Did I
24 understand that correctly, Dr Wright?

25 DR WRIGHT: I think what I'm trying to get to the point of – we have to be proportionate
26 in the amount of detailed analysis that we undertake. We get a lot of requests
27 for very extensive additional work across the whole region, and, in order to
28 maintain public value as we develop this project, we have to be proportionate in
29 the amount of assessment work that we undertake.

30 MS LAVER: Okay, thank you. Mr Young, I will bring you in at this point.

31 MR YOUNG: Yeah, no, I think you asked the question, Ms Laver, that I was going to
32 ask. You know, it seemed a bit arbitrary as to what's being submitted and what
33 isn't, and clearly the issue around the operational performance of certain
34 junctions and roundabouts close to the ports is becoming a major issue. And I

1 hinted at it the other day, that we're going to have to see some further
2 information. I don't think this issue is going to go away. And to satisfy the
3 panel, we're going to have to see some micro-modelling of those junctions using
4 the flow, which I would add, is normally the way it would be done. You would
5 take flows from the macro model or a variable demand model and you would
6 then feed those into more nuanced junction modelling, [inaudible] modelling,
7 and that's, I think, probably what the local authorities and the ports are wanting
8 to see. I don't think this issue is going to go away. I would suggest that the
9 applicant gets on and does that piece of work.

10 And I do take the point that there are requests left, right, and centre, for
11 additional transport work. I do get that point, but I think, already, we're only a
12 few days into this examination and I think this specific issue around the ports,
13 which is quite geographically constrained, it's already an issue and I would
14 strongly advise the applicant to go away and look at that and get the information
15 before the examination, so we examine that issue. I've got nothing further to
16 say on it.

17 MS LAVER: Thank you, Mr Young. I've got hands raised and I would like to go to the
18 parties with hands raised. I've got Mr Bowers and Mr Black, for Thurrock,
19 you've both got your hands raised.

20 MR BOWERS: So, if I go first, David Bowers, for Thurrock. So just to come back on
21 the point about using the LTAM model for assessing junctions, it would be very
22 useful to know where else National Highways have applied this approach. So,
23 just in doing research since Wednesday, we understand – say, for example, on
24 the A66, the A303, and the A428 DCOs – operational modelling of the form
25 described just then, in terms of LinSigs or Vissim models, which look in very
26 much detail at junction performance, were all provided as part of those
27 applications. And it would be very useful to know other locations where large
28 schemes like Lower Thames Crossing have not provided that level of detailed
29 operational modelling. Thank you.

30 MS LAVER: Mr Black, do you want to add something to your colleague's comment?

31 MR BLACK: Yes, please. Colin Black, for Thurrock Council. As the local highway
32 authority, I just want to put it on record that we are not in agreement with the
33 applicant as to the appropriateness of the modelling. They have a very different
34 view as to what they think is appropriate to the local highway authority. And

1 some of the work that we have repeatedly requested in our consultations, as
2 absolutely appropriate and in accordance with what has been provided on other
3 similar scale of schemes, nationally, has simply not yet been undertaken for this
4 scheme.

5 So to understand how that then feeds back into the traffic assumptions and
6 the potential business case, that information is lacking at this stage. And we do
7 have some information, but we do need to progress that information, particularly
8 at Manor Way and at Orsett Cock, and at Asda junction. But there are a number
9 of other critical junctions that the work remains in desperate need of completion;
10 and then that work needs to feed back into the strategic modelling. And that has
11 been, consistently, our position and it is a major point of disagreement between
12 us and the applicant. Thank you.

13 MS LAVER: Thank you, Mr Black, Mr Bowers. I think I've expressed – and certainly
14 my colleague expressed it in no uncertain terms – this is a matter which needs
15 to be taken seriously by the applicant. And we are very early in the examination,
16 but it is there, on note, that there is more work to be done around this. Mr
17 Edwards, you've come into my chat.

18 MR EDWARDS: Yes, if I could just round this off for Thurrock, what I propose, madam,
19 is we approach this matter – that's Thurrock Council, approaches this matter in
20 the way that Mr Smith indicated. We will set out in detail, in our local impact
21 report, what we say is necessary, why it's necessary, and recite the requests that
22 we've made from National Highways for the provision of this information. And
23 in so doing, we will respond to what was said by Dr Smith, on behalf of National
24 Highways, which, I must say, I found surprising and arresting, in terms of their
25 position, i.e. 'We will provide information to you only when, actually, we
26 consider that you're entitled to it', which I don't, for my part, regard as being a
27 satisfactory approach to be taken by a promoter of a scheme of this nature. But
28 we'll address that more fully in the local impact report.

29 MR SMITH: I am going to interject very briefly, and slightly embroider the sense, Mr
30 Edwards, that I spoke around the way that we would deal with this request,
31 because at that particular point, it seemed sensible that we would wait until
32 deadline 1 and that you would set out everything that you had previously asked
33 for but not received. It could then be reviewed by us and by the applicant, and
34 we could move in a relatively even pace, shall I say. But the sense that I'm

1 getting from this conversation in the last few minutes is that this is a large issue,
2 there is a distinct sense of urgency emerging also about it, and, frankly, the
3 applicant are already on notice of the requests that you've made because you've
4 written to them. That's my understanding. And so, frankly, if there could be
5 some behind-the-scenes short circuit – an agreement to progress – if the
6 applicant was in a position to contact Thurrock at some point before deadline 1
7 and say, 'Well, we'll deal with this,' and, if by dealing with it, we can actually
8 shortcut an element of deadline 1, you articulating your case, deadline 2,
9 applicant responding, and, at some point thereafter, this Examining Authority
10 then resolving what additionally, finally, we need. If that can be shortcut by
11 agreement, then I would very, very strongly urge that the applicant work
12 productively with Thurrock Council to try and cut down the amount of time
13 necessary to cut to the chase on this one.

14 MS LAVER: Mr Smith, can I just add that Port of Tilbury and London Gateway have
15 very similar issues around some of the junctions and requested similar
16 information? So I think it's a wider discussion, behind the scenes, for the
17 applicant.

18 MR SMITH: Yes, and I strongly endorse that comment, too, Ms Laver. And I would
19 say, yes, in formal terms, we will allow this to continue to deadline 1 because
20 that is the process. However, this can be made quicker and easier for everybody
21 if the applicant is prepared to grasp this nettle. And yes, you are absolutely right,
22 it should be grasped not just with Thurrock Council, but it should be grasped
23 also with the ports.

24 MR EDWARDS: Thank you, sir. Can I just respond very briefly on that. As far as
25 Thurrock Council is concerned, yes of course, we would be more than happy to
26 engage with the applicant, and with other stakeholders, to seek to advance this
27 matter in advance of deadline 1. I mean, frankly, the applicant knows what we
28 want and what we've asked for and, I daresay, know what the other stakeholders
29 who are interested in this matter have asked for. And, obviously, we'll work
30 with the applicant if they have anything to say further, to seek to resolve this
31 matter behind the scenes.

32 MS LAVER: Thank you, Mr Edwards.

33 MR SMITH: And thank you from me. I'm grateful for that indication. Ms Laver, back
34 to you.

1 MS LAVER: Okay, so, Ms Dablin, for Port of Tilbury and then Mr Shadarevian, please,
2 for DP World London Gateway.

3 MS DABLIN: Thank you. I just wanted to confirm that, indeed, the Asda roundabout is
4 one of the roundabouts that Mr Wright is speaking of, in that there has been no
5 detailed modelling shared. And I'd just like to draw the Examining Authority's
6 attention to the transport assessment, which is reference APP-529, and there are
7 various similar paragraphs as they detail the impacts as assessed by LTAM
8 modelling of the construction traffic during the various phases.

9 And in paragraph 8.8.33, this states that there would be additional delays
10 along the journey time route, JT13 – which is Station Road, Fort Road, A1089
11 – in all time periods and in both directions. And in this phase, the contraflow
12 measure on a different place is no longer in place, and 'instead, the additional
13 delay is caused by an increase in traffic on the A1089, due to the project-related
14 construction traffic, which would cause additional delays, in particular, at the
15 Asda roundabout and at the A1089 westbound on slip on the A13.' So I'm sure
16 you can appreciate, it has been frustrating not to receive further modelling when
17 it has been identified as a bottleneck by even the wider LTAM modelling. Thank
18 you.

19 MS LAVER: Thank you. Mr Shadarevian, please.

20 MR SHADAREVIAN: Yes, thank you, ma'am. My camera remains off, so apologies
21 still.

22 MS LAVER: That's fine.

23 MR SHADAREVIAN: We have made a request and we've also provided a justification
24 for each of those individual requests in relation to detailed modelling. And I
25 also echo Mr Edwards KC's surprise about the attitude taken by the applicant in
26 relation to the production of this material.

27 MS LAVER: Thank you. Do you have anything further to add?

28 MR SHADAREVIAN: If I may, that this is a critical issue; that detailed modelling is
29 entirely necessary, as Mr Young has indicated; and that the progress of this
30 examination depends very much upon the applicant providing that information
31 in a timely way. Moreover, I would suggest this also: insofar as there are
32 conflicts or contradictions between the LTAM and the detailed modelling, it is
33 also incumbent upon the applicant to explain those differences so that we can

1 interrogate those and their own opinion about those differences, as part of our
2 cases as well. Thank you very much.

3 MS LAVER: Thank you. So, Mr Henderson, do you want to come back on any of that,
4 or are you reserving everything in writing at deadline 1, please?

5 MR HENDERSON: Thank you, madam. Yes, please, if we could come back briefly on
6 the points that have been made and we'll obviously respond in full, in writing.
7 I'll introduce Dr Wright, again, to respond. Thank you.

8 DR WRIGHT: Dr Wright, for the applicant. First of all, I'd like to say, we're not trying
9 to hide anything here. We want to be very transparent and that's why we've
10 been sharing a lot of information with the stakeholders prior to this process and
11 will continue to do so. We have done quite extensive local junction modelling,
12 using the types of models you've referred to, and we've done that in order to
13 make sure that we understand exactly how the behaviour of traffic flowing
14 through the junctions works. Fundamentally, we believe it supports and
15 validates and does not conflict with the material set out in the application. And
16 that's why it's not included in the application itself, because we consider this
17 material all supports the work that we've done, rather than provides any conflict
18 or different perspective on that. Nevertheless, we're happy to liaise with
19 stakeholders. We're happy to respond to requests for further information, and,
20 if it is the desire to put that information forward, for people to take their own
21 view and perspectives of it.

22 MS LAVER: Yes, absolutely, Mr Wright. If you have it and you feel it validates, just
23 submit it.

24 MR SMITH: And indeed, whether you feel it validates or not as this juncture, I would
25 emphasise that we have moved into a place where, clearly, you can see it is the
26 combined will of this Examining Authority that we see and test this material.
27 And that is the primary purpose of it being brought into this process: not to allow,
28 necessarily, individual interested parties to specifically pursue agendas around
29 questioning matters between themselves and the applicant; it is for the purpose
30 of this Examining Authority to test whether or not the effects of this particular
31 proposed development have been adequately assessed. That's all we need the
32 information for. But you heard Mr Young; you've heard Ms Laver. Between
33 them, in their relative lead topics in relation to this matter, they have formed a

1 strong view that this is information that this Examining Authority needs, and it
2 is the unanimous will of this authority that, yes, we need it.

3 And blowing, then, finally, on from that, it is our expressed desire that
4 whilst you can wait until deadline 1 to produce it – and for the relative interested
5 parties to set out their requests for it – we can cut to the chase. We ought to see
6 some expedition by the applicant entering into conversations with the relevant
7 interested parties about clarifying concerns and issues so that the information
8 can be brought forward as swiftly as possible. I think that was probably all we
9 need to say about that, so I'll return to Ms Laver.

10 MS LAVER: Thank you, Mr Smith. Absolutely, and I think the sooner it's provided,
11 the quicker – the easier, rather, we can get through the issue-specific hearing on
12 traffic and transportation later on. Simply because we have another set of
13 information which, possibly, we would have been asking questions about by not
14 having it, and we may actually be able to get to the more specifics of it. So, Mr
15 Henderson, I'll return to you and then I feel we're probably exhausted on the
16 item H for today.

17 MR HENDERSON: Thank you, madam. Tom Henderson, for the applicant. If I could
18 just introduce Dr Wright again, just to provide some comments on how we
19 would go about progressively providing this information, just to set some
20 expectations around that. Thank you.

21 MS LAVER: Thank you, yeah.

22 DR WRIGHT: Dr Wright for the applicant. We will take a look at the work we've got,
23 and we'll look at the most appropriate way to submit it in. What I'd like to say
24 is that the material we have is quite extensive and it may take some time to put
25 it in a suitable frame for submission into the examination. So we'll advise on a
26 timetable for submission of that at deadline 1, and look to what we can submit
27 at deadline 1 as well. But I recognise the desire to see it, as soon as possible,
28 into the process for consideration. So we will look to put it forward as soon as
29 practically possible for us.

30 And I'd just like to reassure that we have had quite extensive discussions
31 and engagement over a number of months of data sharing already, so I think the
32 positions are quite well-formed at present. So I'd just like to reassure you on
33 that, that we have been engaging, for a period of time, with stakeholders on this.

1 MS LAVER: Thank you. We will include, in our actions, a point about this modelling
2 work. So you can expect to see that – just, we’ve obviously talked about it, it’s
3 on record. But we will include it in actions, as well, so that we are expecting to
4 receive this material. But the dialogue with those parties and stakeholders
5 behind the scenes would also be very beneficial for you.

6 So I think we’ve come to the end of the questions that we had, the initial
7 questions on economic benefits, at this point. It’s taken us down a point of traffic
8 and transportation movement. But I think we can bring this to a close now,
9 today, issue-specific hearing 1. I’m going to hand back, now, to my colleague,
10 Mr Smith, who will do a wrap-up. Oh, Mr Henderson, you’ve got – sorry, I
11 didn’t come back to you to see if you had a close-out. I’m ever so sorry, I will
12 come back to you before Mr Smith.

13 MR HENDERSON: Thank you, madam. Tom Henderson for the applicant. It was,
14 really, just to remind you – under agenda item 5 – we flagged on Wednesday
15 that we wanted to raise the prospect of submitting some additional documents at
16 –

17 MR SMITH: We have a full agenda item left, and I’m leading it. So –

18 MR HENDERSON: Understood. Thank you, sir.

19 MR SMITH: Thank you.

20 MS LAVER: Good thing you did. Mr Smith, I’ll come off camera and I’ll let you have
21 the floor.

22 MR SMITH: Thank you very much. Thank you, Ms Laver. So, yes, we got a little bit
23 ahead of ourselves there, but we are now moving on to agenda item 5, next steps.
24 And the purpose of this item of the agenda is to provide the Examining Authority
25 with a checkpoint on actions that have arisen in the hearing, and also to cover
26 off any matters where there have been outstanding requests for procedural
27 assistance or direction from the Examining Authority.

28 Now, before I go to actions, I will ask the applicant, because we did have
29 that note of their desire to address us on a matter that arose from Wednesday,
30 relating to deadline 1 submissions. So, Mr Henderson, please do address us on
31 that point.

32 MR HENDERSON: Thank you, sir. Tom Henderson, for the applicant. These
33 documents, I should say, don’t relate to today’s hearing or, in the main,

1 Wednesday's hearing, actually. But we're conscious that you've given us the
2 clear direction that you don't want us to put in unsolicited submissions.

3 MR SMITH: Yes.

4 MR HENDERSON: So there are three essential categories of document or things that
5 we want to put in for deadline 1. The first is that we would like to make some
6 updates to three control documents, where there are changes that respond to
7 comments received through engagement with stakeholders. The changes are
8 relatively small. In relation to the OLEMP, we want to add Kent Downs AONB
9 as a consultation engagement body, under that document. In relation to the
10 outlined traffic management plan for construction, we're introducing some
11 additional constraints on construction matters relating to closure of roads, again,
12 in response to stakeholder feedback. And then there are some minor changes to
13 the code of construction practice. So if you're content with that, we would like
14 to submit those at deadline 1.

15 The second category relates to errata. You may recall that in response to
16 your initial section 51 advice, we submitted an initial errata report in December.

17 MR SMITH: Yes.

18 MR HENDERSON: And we've – as you would expect, working through the documents
19 as we have since then, we've spotted further minor errors and corrections that
20 we'd like to make. So we'd provide an update to the errata document. And then
21 – sorry, sir, do you want to come in there?

22 MR SMITH: Well, I think we can deal with the errata point very, very easily, which is
23 to say that that seems entirely sensible. And I think that, even without reference
24 to my colleagues, I'm sure we all agree that you can deal with that as a deadline-
25 by-deadline submission with a nil return if nothing has changed, alongside a
26 range of other submissions that we have asked you for on that basis. So please
27 see this as very much an open door. Errata can be submitted into this
28 examination at the deadline, after they are noted, and we will deal with them
29 accordingly. It's a very sensible, consensus means of dealing with that issue.
30 But please continue on the remainder of the submissions. I'll deal with the minor
31 changes; I will be asking my colleagues just for observations as well.

32 MR HENDERSON: Thank you, sir. Tom Henderson, for the applicant. That's a helpful
33 suggestion and we'll take that one away. So the third element is that we would
34 like to submit an addendum to the environmental statement. And this is to cover

1 some additional assessment that we've undertaken since the application was
2 submitted and that we think is important and relevant and, therefore, should be
3 put forward before the examination, at the earliest opportunity, which, naturally,
4 is deadline 1.

5 So there's some additional inter-project cumulative effects that we've
6 identified through developments that have come forward since we concluded
7 our assessments for the application. There's some additional landscape and
8 visual assessment and, finally, some additional population and human health
9 assessment. There's a range of other things beyond that, which Mr Forrest is
10 here to assist if you want more information. But, in summary, we have some
11 additional environmental information; we think it's important and relevant; and,
12 therefore, we would like to submit it at deadline 1. And we recognise it's a
13 matter for you, then, to consider that and decide whether to accept it. But that's
14 the course of action that we'd like to take, with your permission.

15 MR SMITH: Can I just check with my colleagues, and you can provide me with
16 observations to the contrary; but if I receive none, then I will assume we're all
17 in agreement. Mr Taylor, do you contend?

18 MR TAYLOR: Yeah, I'd like Mr Henderson to just be clear on the submissions about
19 the changes on minor refinements consultation. What are you actually intending
20 to submit?

21 MR SMITH: We do need to be clear, here, about the distinction between that which is
22 arising out of the minor refinements and that which is additionally arising, so to
23 speak. So some sort of cover document that gives clarity about which is in part
24 of which would be useful. And look, perhaps, given that you have Mr Forrest
25 on hand, just to give us a window into the detail here. I'm very conscious this
26 is a closing item, and everybody is urgently wishing to see this hearing brought
27 to a close, but can we bring Mr Forrest on and just give us a little more of a sense
28 of what is included here?

29 MR HENDERSON: Thank you, sir. Tom Henderson, for the applicant. I will introduce
30 Mr Forrest in a moment. Just, in response to Mr Taylor's question, we're not
31 submitting anything at deadline 1 in relation to the documents mentioned that
32 relate to the minor refinements consultation. That, we anticipate, will come in
33 August. But we'll make that very clear in the submissions that we make. So I'll
34 introduce, then, Mr Forrest on the ES addendum. Thank you.

1 MR FORREST: Good morning. Mr Forrest for the applicant. So, in terms of the
2 environmental statement addendum, what we were proposing is, since the
3 application was submitted in October, there have been a number of projects that
4 have come forward or appeared in the planning system, which we'd like to
5 consider in terms of the inter-project cumulative effects. So that's in line with
6 advice note 17, and it's just to provide the panel with the information, at the
7 earliest convenience, on what might have come forward there.

8 The item relating to landscape and visual relates to a bespoke assessment
9 which we undertook in relation to tranquillity within the area of outstanding
10 natural beauty, relating to construction traffic. And there has been a review of a
11 part of the detail of that document, and we'd like to update some of the
12 conclusions of that document. It's a slightly different assessment, in that it's
13 outside of our normal standards, but we feel that it would be helpful to align it
14 with the construction traffic modelling which was undertaken.

15 And, finally, we missed out a document in relation to the use of Shorne
16 Country Park in the population and human health chapter, which Natural
17 England helpfully pointed out to us. And we've looked to provide that, both to
18 Natural England and to the panel, in understanding the implications and the
19 recreational pressure on Shorne Country Park.

20 MR SMITH: Okay. Look, my observations on these matters – and, again, if there are
21 members of the panel that wish to come in on this, please do – is that that seems
22 to be a reasonable request in the circumstances. And it deals with the almost
23 inevitable background to projects of this scale, which is that the world changes
24 around us and that examinations take time, and whilst they're in progress, the
25 world continues to change. It doesn't stop just at the convenience of an
26 Examining Authority or the secretary of state wishing to receive a
27 recommendation. So, yes, in short. Any contrary views, or different views from
28 my colleagues, please come in now. No – in which case, we're good.

29 Now, I do note that we have had a hand from Ms Blake, for TCAG. And,
30 again, without wishing to prolong unduly these procedural requests at the end of
31 the hearing, Ms Blake, can you give us an overview?

32 MS BLAKE: Thank you, sir. Laura Blake, Thames Crossing Action Group. I hope this
33 is the appropriate time to raise this. I just wondered, in light of the addendum
34 to the environmental statement, at what point can we expect some analysis in

1 regard to the new environmental act targets, such as particulate matter 2.5? We
2 have queried this with the applicant and been told it's being analysed. I
3 wondered when we might expect that. Thank you.

4 MR SMITH: Okay. That's a very succinct question. Through me, then, to the applicant,
5 if they're able to respond to that now, then do – and, also, respond succinctly. If
6 not, then bear in mind that air quality is an environmental matter on which we
7 will be holding at least part of an issue-specific hearing later in the examination.
8 And there may well be a better forum for that conversation to take place. But if
9 the applicant can give us a five-word answer, then feel free to do so now.

10 MR HENDERSON: Thank you, sir. Tom Henderson, for the applicant. We're well
11 aware of the point and we propose to deal with it, as you say, when air quality
12 matters are considered as part of the examination.

13 MR SMITH: Thank you very much. Okay, are there any other matters where people
14 seek, I guess, procedural interventions or the guidance of the Examining
15 Authority, before we close out this hearing? I'm not seeing any further hands.
16 Now, Mr Pratt has been working diligently behind the scenes to keep a record
17 of actions. Now, what he's not going to do is go through these, item by item,
18 because there are a number of them, and certain of them require an element of
19 discussion and finessing to make sure the relationships between them are clear
20 and understood and, also, that they don't essentially over-request by accident,
21 and seek information that we already have or can obtain by other means. So, the
22 precise form of some of these actions is going to change. But Mr Pratt, give us
23 a headline view.

24 MR PRATT: And there I was going to give you in detail – never mind. I think the most
25 important thing to say, at this point, is really to remind everybody that we would
26 really welcome the written summaries of the oral submissions and, also, for the
27 applicant to address the detailed questions, where they're able to, that were
28 raised and we passed onto them, by deadline 1. I think they're the two major
29 ones that we want to put in place at this point.

30 Other actions, which, I'm sure the applicant and other interested parties
31 will have their own records about: the two-year construction move; the changes
32 from two tunnelling boring machines to one. What else have I got? The trunk
33 road definitions; ports emergency access; evacuations. Items like that I can go
34 through, but they are very general, and I was hoping that we'd get something out

1 by the end of today, but that was the intention when we opened this particular
2 issue-specific hearing on Wednesday.

3 MR SMITH: Yes.

4 MR PRATT: I don't think it will happen by 5.00 tonight. So this series of actions will
5 come out, hopefully, early next week, but definitely next week. And unless
6 anybody really wants me to clarify anything, I think you've probably heard
7 enough of me just now. Thank you very much, Mr Smith.

8 MR SMITH: Thank you very much, Mr Pratt. Yes, we will do our best to get those out
9 as swiftly as we can. So I think all we need to do now, ladies and gentlemen, is
10 to close out this hearing. This has been issue-specific hearing 1, held over, as it
11 turned out, two days: on the 21st, and then this session on 23 June 2023. I will
12 remind those watching online or on the recording, as well, of our recent and the
13 next hearings in these examinations: firstly, open-floor hearing 1 and
14 issue-specific hearing 2, on the draft development consent order, have now
15 already been held, on 20 June and 22 June, respectively. Both of these were
16 conducted as virtual events. Video and transcripts for open-floor hearing one
17 have already been published on the website. The issue-specific hearing 2 video
18 and transcripts are being worked upon, as I understand it, still, but should be
19 available very shortly. And a reminder that if you register for email alerts on
20 the website, you will be told as soon as they are, indeed, the video from this
21 hearing are published.

22 Open-floor hearing 2 will proceed on Wednesday 28 June, from 10.00.
23 And that's a blended event that will be held at Orsett Hall Hotel, and also online.
24 So that's north of the river, in Essex. I'm afraid registration for that event has
25 now closed. However, open-floor hearing 3 will proceed on Wednesday 5 July,
26 and 6 July if required too, from 10.00 at the Dartford Bridge Hilton Hotel. That's
27 Dartford, obviously, on the south side of the river, in Kent. Interested parties
28 can still request to be heard at that event, either in person or virtually, and they
29 can make that request until Thursday 29 June. And noting the availability of
30 virtual space at that event, if there is anybody resident north of the River Thames,
31 who was disappointed at not making it into the Orsett Hall Hotel event before
32 registration closed, you can cross the river in person but, particularly, we're very
33 much welcoming of requests to be heard virtually from anybody north of the
34 river who prefers not to travel.

1 A reminder, too, that if you want to be heard at an open hearing but have
2 not made a request or don't manage to make a request in time for open-floor
3 hearing 3, we are still reviewing the number of open-floor hearings that we will
4 need in this examination. And we are looking at the possibility of holding
5 physical events, in person, both north and south of the river, if required. And
6 we're also looking at a range of possible days, dates, and times, including the
7 possibility of events held both during a normal business day, for those who
8 prefer that, and also in the evening, for people who find it difficult to attend an
9 open-floor event in the normal business day.

10 But all such things are contingent on the level of interest. If interested
11 parties request open-floor hearings, then they have a right to be heard and those
12 hearings will be held. If those requests are not made, or only a small number
13 are made, then, obviously, the degree to which we will provide those will be
14 limited or not at all. So it's critical that anybody else who wishes to speak to us
15 at an open-floor hearing does submit their request to be heard at deadline 1, on
16 Tuesday 18 July, as that, I'm afraid, will be the last occasion on which we will
17 ask participants in this examination to make such requests.

18 Before I leave open-floor hearings, I will just remind you, too, that if
19 you've already spoken at open-floor hearing 1, or are either registered to speak
20 at either 2 or 3, we will not be offering you a second speaking appointment at a
21 later open-floor hearing after deadline 1, because speaking opportunities, in
22 fairness, are available as of right to those who have not yet had a chance to speak.

23 Interested parties who are interested in the discussions that were held
24 today – at issue-specific hearing 1, or yesterday, at issue-specific hearing 2, or
25 indeed any of the open-floor hearings – but were unable to participate in events,
26 in a speaking capacity, once you've seen the recordings published on the
27 website, you have until deadline 1, on Tuesday 18 July, to provide us with your
28 written comments. And this is the way that you can become involved if you
29 haven't physically attended the event. And that, of course, is also, critically, the
30 deadline for anybody who has spoken here today, to reduce their oral
31 submissions to writing, to provide us with a written, final set of stated
32 submissions.

33 We will be holding further issue-specific hearings in September, October,
34 and November. And we're going to be providing you with more detail about

1 these on the website very shortly. And, for those people whose land or rights
2 are affected by the applicant's requests for compulsory acquisition, or temporary
3 possession, we will also be holding compulsory acquisition hearings. This is a
4 sort of hearing that you haven't seen in this examination yet. And if you are an
5 affected person – a person with land or rights that the applicant wishes to take
6 or change – then you do have a right to be heard at a compulsory acquisition
7 hearing. But, again, you need to put in a request to be heard by deadline 1. The
8 examination timetable setting out hearing arrangements will be published on the
9 website next week. So take a look as soon as that emerges, alongside our rule 8
10 letter.

11 Finally, then, I would like to take this opportunity to thank all of the
12 speakers on Wednesday and today for their contributions to this issue-specific
13 hearing, and to reassure you that everything that has said is being, and will
14 continue to be, carefully considered, and that, if necessary, as no doubt you've
15 probably already divined, the Examining Authority may need to pursue matters
16 identified here further in written questions, in actions, and in other hearings.
17 And obviously, we will be taking a range of decisions about how we do that
18 shortly after this event.

19 I would like very much to thank the Planning Inspectorate case team, for
20 supporting these hearings, because without their sterling efforts, none of us
21 would be here at all and none of this would be happening. So a big thank you
22 to them. But unless there is anything else that anybody wishes to raise – and
23 I'm now checking my list of intending speakers for the final time and I'm seeing
24 no hands – so I'm going to ask my colleagues to come onto camera and say their
25 goodbyes. If I can go, first, to Ms Laver.

26 MS LAVER: Yes, thank you, everybody, for your participation today – very helpful and
27 very informative. I wish you a good afternoon.

28 MR SMITH: Thank you very much, Ms Laver. And Mr Taylor.

29 MR TAYLOR: Yes, thank you, everybody, for your participation today, and I will see
30 you in the future.

31 MR SMITH: Thank you very much. And Mr Pratt.

32 MR PRATT: Thank you very much, everybody. Good afternoon, and maybe see some
33 of you in person next week. Thank you.

1 MR SMITH: Thank you very much. And I will also thank you and, on behalf of the
2 entire Examining Authority, wish you all goodbye. This was issue-specific
3 hearing 1, and it is now closed. Thank you very much.

4

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(Meeting concluded)