

## TRO10032 LOWER THAMES CROSSING

### SUBMISSION after ISH2 (Issue Specific Hearing 2, 22<sup>nd</sup> June 2023) For Deadline 1 (18<sup>th</sup> July 2023)

#### SHORNE PARISH COUNCIL (IP ref 20035603)

A Parish Council representative viewed the recordings of the hearing retrospectively.

This document provides Shorne Parish Council's comments subsequent to the hearing on the matters discussed.

Much of the discussion at this hearing was very high-level and about Legal matters and other interpretation issues with the draft DCO. These are largely above our participation level however there are below a few points from the general discussions on which we would make comment in this document. These and other points may also be covered in our Written Representations.

#### Agenda item 4a:

- Shallowness of the tunnels under the Thames riverbed, also under the North Kent Marshes:
  - The PLA and all the involved ports are quite rightly worried about the inadequate depth of the tunnel structures under the river Thames as regards dredging requirements now and in the future.
  - We have a similar concern about the lack of adequate depth under the North Kent Marshes and potential damage being caused to the overlying marshland (please see also under water issues below).
  - In addition to the main tunnel structure we will also have the "ground preparation tunnel" about which we have considerable concerns as it is even shallower and there is a lack of confidence in the methodology.
  - We will expand upon this topic in our written representations but just wanted to flag up this connected negative aspect now.

#### Agenda item 4b:

- Which SoState signs off the DCO? - We raised this question early on in the various consultations, about the situation that the SoS for Transport (SoST) effectively gives themselves permission to cause extensive environmental damage. It would appear that there is a mutual consultation and sign-off requirement at Government level and the Action Points require NH to provide evidence about that.

#### Agenda item 4c onwards (apologies these are mixed up compared to the Agenda):

- The SoST's resourced team, bespoke unit for highways Orders:
  - More information is needed about this unit and its staffing, remit and independence. Also their qualifications for the role to provide assurance of their competence, especially around local knowledge and environmental issues.
  - Given the size of the LTC project, would there be dedicated/specific staff in the team always dealing with LTC aspects, so that they had continuity of understanding and expertise specifically for the project?
  - If this distant SoST Team is receiving written representations there could be a deficiency in their understanding as it can be difficult to convey points in writing. The submitted wording is being interpreted by others, both at NH and in the team

- but their decisions will only be as good as the briefing that they receive from NH even if they also receive the input documents for review.
- Mr Smith asked if there should also be a central SoST monitoring team – if so perhaps only at high level and as something that the LA's can report into directly as otherwise local knowledge for evaluation of impacts would be inadequate.
  - Having a remote triumvirate (SoST, their team, and NH) deciding matters is not likely to result in a good outcome for local residents.
  - Time allowance for responses - We agree with the discussion that the time allowed for responding must be long enough to enable informed input, while short enough so as not to hamper progress or cause delays. There should be official contacts and deputies (both to be contacted) for each organisation and a reminder system.
  - "Deemed consent" – We are opposed to this as it is an unsuitable approach to any kind of consultation, as well as being undemocratic. Deemed refusal might be described in the same way but is the safer default option.
  - Discharging role for Local Authorities (LA's) – We support this as a principle:
    - We agree with the representations made that, particularly with a very complex project, the LA's are the best placed people, who have detailed knowledge of the area as well as expertise in managing and interconnecting all local planning matters, which the SoST's team will not have.
    - As the principally affected Authorities, Thurrock and Gravesham could work and liaise together (and with other LA's as needed), which should satisfy some of NH's concerns about maximising consistency across the project.
    - Planning Applications that are neighbouring or straddle LA boundaries are common locally so the LA's are used to managing these.
    - The LA's are better placed and experienced at consulting with the required parties locally.
    - We support their need to have a monitoring, reporting and enforcing role both during construction and operationally.
    - As others said, just because something has been done a certain way before does not mean that is right now and for this particular proposed project.
  - The DCO can be regarded as a very large Planning Application:
    - There was discussion that the DCO is an Outline application, something that we particularly dislike generally as it means that the applicant is really being given "Carte-blanche" based on very little detail, in this case seeking very wide powers and limits of deviation etc. It disbenefits local residents as it is a way to circumvent valid objections that would otherwise be made before possible consent if the final details were known earlier. Subsequent input and control, especially over changes, is likely to be very limited.
    - After all the time that the project has been in preparation, and large costs expended by NH, we would have expected there to be a lot more detail in the DCO application when submitted for possible consent and for there not to still be so much of importance being left until later.
    - Similarly, we object to the "spade in the ground" aspect. It ought to be possible to separate the preliminary investigation works from actual definitive construction works in some way such that undertaking minor preliminary works does not mean that the build is regarded as having been started.
    - Do DCO consents have a lapsing date like ordinary Planning Applications? Circumstances could have changed considerably such that late building might not still be cost effective and the best solution (assuming incorrectly that it is presently).
    - We agree that review, updating, revision and repeat signing-off of key documents should be essential if there is a long delay, the number of years should be specified.

- Control over the Construction stage:
  - It was discussed that there would be Forums/working groups and Community Liaison but we have significant worries over the extent that these would actually take note of valid community concerns and then implement actions to rectify/improve problem situations.
  - These groups are not going to have any true power over NH or Contractors, so could just be frustrating “talking shops” that do not effect any changes in response to problems being raised.
  - This is why it is essential that LA’s have involvement and control when they consider it is appropriate.
- 3D modelling requested but not provided:
  - Like others we have from early on asked for 3D modelling of the LTC:A2 junction. While some people can realise the full likely horror from viewing the flat plans, these are exceedingly complex and others need 3D renderings and proper elevation drawings in order to be able to understand the proposals.
  - Initially nothing was provided but later there were the bucolic fly-throughs, however these do not provide an image that can be viewed from all directions, or truly demonstrate the elevations of the roadways plus the tallest associated structures, where there will be noise fences, lights and light pollution etc.
  - There are plenty of 3D CAD programs available, both commercially and publicly. It would be very surprising if NH do not have these along with expertise in their use. If not, we would have expected them to commission such work from outside.
  - NH have been asked by the Inspectorate to provide elevation section plans but we would be grateful if NH could also be asked: whether they have created 3D models of junctions for other projects and which; whether they have in fact created 3D models of the junctions for the LTC; and if so why they have not been shared.
- Dis-application of legislative provisions etc, effect on Thames and Medway Canal:
  - Dis-application was evidently a major concern to the expert IP’s.
  - Dis-application is a new concept to us, and one that we still do not completely understand, it appears that permanent suspension of certain protective powers is being sought when temporary suspension, and only in narrowly defined locations, might suffice.
  - Our interest in this is firstly over the various Acts relating to the Thames and Medway Canal, which passes through Shorne parish. The Canal might be disused as a mode of transport in the present day but it remains an important community asset in terms of the local Environment, therefore we are concerned about anything that threatens it, and unsure of the short- and long-term implications of dis-application.
  - In APP-057 (Table on pages 53 and 54) the text states “That canal sits within the Order limits”. That is not really the case. The LTC and more importantly at this location, the “ground preparation tunnel” (Works Ref 4C) will, as far as we are aware, cross under the Canal and only a small fraction of the Canal is within the order limits. However we are unclear presently about the detail and totality of all the threats that the LTC poses to the Canal and overlying marshland at this location so further information and exploration of that is needed.
  - Secondly, we are concerned about dis-application regarding the North Kent Marshes SPA and other local SSSI areas.
  - And Thirdly we are concerned, although it is not mentioned in the AS-039 document, about dis-application that might affect the Ramsar site, if such a thing is

even possible. As noted in the next section, NH apparently propose to discharge water potentially containing chalk into the SPA and Ramsar site.

- Lastly, we are unclear how dis-application leaves matters legally, possibly in perpetuity.
- Water drainage issues:
  - Water drainage both during construction and in operation is a major concern to us as regards contamination implications for The North Kent Marshes SPA and the Ramsar Site.
  - We note that Ramsar is not mentioned in AS-039. It appears once in APP-057 but that is only in the terminology for the Deemed Marine License.
  - Organisations such as the Environment Agency and Marine Management Organisation, together with the North Kent Marshes Internal Drainage Board, should be dealing satisfactorily with the various proposals and arising issues but we presently lack information about this and therefore confidence that the interconnected ecosystem of the marshes will not get damaged.
  - NH's proposals involve the construction drainage from the works south of the Thames being discharged into the Ramsar site – the ditch that they refer to as the “western ditch” is also known as the “Ramsar ditch”. In App-058, page 15 NH refer to using “...a ditch that would convey flows to the River Thames” due to “... potential for entrainment of chalk fines.” We are therefore concerned about potential chalk particle and other contamination impacting negatively on the interconnected marshes ecosystem.
  - There is also concern therefore about the purpose and function of the large pond proposed on marshland north of the Lower Higham Road in Chalk parish. This was only supposed to be temporary but if so the land could be left with chalk and other contamination.
  - We would be grateful if the Applicant could be asked to provide evidence that dis-application has been applied previously to such an important ecological area.
  - We wanted to ensure that the Inspectorate is aware of this these issues.

Thank you very much for considering the above representations.

*Shorne Parish Council,  
18<sup>th</sup> July 2023*