

**LOWER THAMES CROSSING
DEVELOPMENT CONSENT ORDER EXAMINATION**

WRITTEN REPRESENTATIONS at DEADLINE 2

on behalf of

KATHRYN HOMES LTD: Unique Reference 20035583

RUNWOOD HOMES LTD: Unique Reference 20035580

RUNWOOD PROPERTIES LTD: Unique Reference 20035582

1. These Written Representations are made on behalf of Kathryn Homes Ltd, Runwood Homes Ltd and Runwood Properties Ltd (“the Objectors”) at Deadline 2. Each of the Objectors is a registered Interested Party and has separately made Relevant Representations but they share common interests and so have combined together to make these joint Written Representations setting out their comments (as at the present time) on the material submitted by the Applicant at Deadline 1.

Comments on the volume of new material and lack of coherent explanation of its purpose and relevance

2. An initial concern is that the Applicant has submitted some 216 new documents at Deadline 1. Some of these documents are of substantial length. Neither the Applicant’s covering letter [REP1-001] nor the latest Navigation Document [REP1-002] provides an adequate description of the contents of the new material, so that it is necessary to review the material itself in order to establish what has been submitted and whether it is relevant to the issues of concern to the Objectors. This is a challenging process, given the volume of material submitted and the shortness of time between the documents being available and Deadline 2. In this regard it should be noted that, although Deadline 1 was on 18 July 2023, it was not until 24 July 2023 that the documents were available to view on the project page of the National Infrastructure website. It has therefore not been possible for the Objectors to review all of the Applicant’s new material within the time available and the Objectors’ reserve the right to comment further on the Applicant’s Deadline 1 material at a later deadline.
3. An illustration of the problems in the way in which the Applicant has presented the new material can be seen in REP1-039. This comprises Volume B of the Structures Plans. The opening text claims (at para 1.1.13) *“These plans have been updated at Deadline 1 to address minor drafting inaccuracies and*

ensure consistency of the Application documents". There is no commentary to identify what the "*inaccuracies*" are. Inspection of the latest Errata Report [REP1-004] does not assist because it does not refer at all to there being errors in the original Structures Plans [APP-044].

4. Only by detailed inspection of the revised Structures Plan [REP1-039] and comparison between them and the original Structures Plans [APP-044] is it possible to see what has been changed.
5. In the particular case of the two A13 westbound overbridges (carrying slip roads for the A13 over the slip road to the A122, comprising Work 7E), which are identified in the Objectors' Written Representations [REP1-373] as being inaccurately presented as regards the Finished Road Level (FRL) heights above Ordnance Datum (AOD) in APP-044, it is now apparent from Sheets 40 and 77 of REP1-039 that the Applicant has significantly amended the FRLs. For Sheet 40 the FRL was said to be 21.94m AOD but this has now become 32.44m AOD. For Sheet 77 the FRL was said to be 20.29m AOD but this has now become 30.10m AOD.
6. In other words, these two structures are now shown to be about 10 metres higher in terms of AOD than was originally shown in the Structures Plans. That is about the height of a typical two storey dwelling. The new corrected AOD heights are also well above existing ground level heights at the same points (the Applicant's data does not give detailed topographic information to establish the precise existing ground levels). It is unclear how the Applicant can regard a 10 m change in the height of an above ground structure as a "*minor drafting inaccuracy*".
7. Moreover, no explanation has been provided as to whether this error has infected any of the technical assessments provided by the Applicant. There is no indication whether any of the technical assessments (in particular noise, air quality, visual impact, landscape impact, or cultural heritage) relied on the erroneous information in the original Structures Plans [APP-044]. This is a matter that cannot be left unexplained. The Applicant needs to explain the basis for the original errors and also the significance of them for the technical assessments.

Comments on Relevant Representations Report [REP1-180]

8. There are some 15 references to Whitecroft in section 3 and Appendix A of the Relevant Representations Report [REP1-180]. In summary the Applicant does no more than refer to its application documentation in order to claim that it has addressed the issues raised by the Objectors. The Objectors regard the application documentation as inadequate for all of the reasons fully set out in their Written Representations. The Objectors do not therefore accept that the impacts have been properly addressed or are capable of effective mitigation.

9. As an example of the weaknesses in the Applicant's approach, it is worth noting the following claim, quoting from para 13.6.75 of Chapter 13 of the ES [APP-151] (on p.281 of REP1-180):

“The Whitecroft Care Home is identified as being of high sensitivity. Impacts on the care home are assessed as minor adverse due to a discernible change in access during the construction period, resulting in a slight adverse level of effect which is not significant.”

10. This apparent outcome is the consequence of the very narrow focus of the Applicant's approach to assessing health and community impacts. It is patently obvious that if the sensitive receptor is a care home for the elderly, a focus primarily on accessibility considerations to identify 'health determinants' (as explained in para 13.3.41 of APP-151) will fail to adequately identify or assess the health and community impacts of the project on the vulnerable residents of Whitecroft. The text in para 13.6.75 of APP-151 seems to conclude that the only interaction between the project and Whitecroft (as a community asset) during the construction period is by reason of some temporary changes to the access arrangements. The conclusion of a *“slight adverse”* effect is therefore a product of an inadequate methodology and a failure to address all of the impacts that will arise. In addition, the Objectors have serious concerns about the Applicant's assessment of noise impacts, unanswered questions about the air quality assessment, and the Applicant's complete failure to address the mental health and well-being impacts for the residents, as explained in the Written Representations.
11. The Objectors also fail to understand how the Applicant can contend (on p.281 of REP1-180) that *“there are no 24-hour construction activities in the immediate vicinity of the Whitecroft Care Home”*, unless the Applicant's definition of *“immediate vicinity”* is a reference to the very boundaries of the Whitecroft site itself. The Objectors' Written Representations set out in detail the activities that the Applicant proposes involving 24-hour working within the vicinity of Whitecroft and the Objectors have seen no evidence to demonstrate that those activities will not have discernible impacts on the residents of Whitecroft. Moreover, the daytime impacts of 'normal' construction working hours are also of concern as explained in the Written Representations, not least by reason of their extended duration, beyond the likely lifespans of most of the residents of Whitecroft.

Comments on Applicant's Post Event Submissions for OFH2 [REP1-185]

12. The Applicant seeks to respond to the issues of concern outlined by the Objectors at OFH2 in its response comments on pp.22-25 of REP1-185. Those comments are in a similar vein to the comments in REP1-180 and simply refer to the application documents, which the Objectors regard as inadequate for the reasons already rehearsed.

13. In essence, this is a case where the Applicant has been 'captured' by its chosen processes and methodologies, and the Applicant appears to have reached its views about the effects on Whitecroft by looking at individual environmental topics in 'silos', and (notwithstanding the deficiencies of those assessments as explained in the Objectors' Written Representations and notwithstanding the Applicant's claims to have carried out a cumulative effects assessment, which the Objectors have criticised for not focusing on the effects on particular sensitive receptors), the Applicant has not in any coherent or credible way stood back and looked at all matters 'in the round', bringing together all of the impacts (properly assessed) that will be experienced at Whitecroft, and addressed the key question of whether locating its project so close to Whitecroft and its community of vulnerable residents can conceivably be an acceptable juxtaposition. The Objectors are therefore entirely unpersuaded that the Applicant has in any way provided an adequate response to their concerns.

3 August 2023