



PLANNING INSPECTORATE OPEN-FLOOR HEARING

on

6 SEPTEMBER 2023

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PRESENT

PLANNING INSPECTORATE

RYND SMITH
JANINE LAVER
KEN PRATT
KEN TAYLOR
DOMINIC YOUNG

CASE TEAM

BART BARTKOWIAK
TED BLACKMORE
RYAN SEDGMAN
SPENCER BARROWMAN

LOWER THAMES CROSSING

TOM HENDERSON
SUKI COE

INTERESTED PARTIES

MURIEL BLAKE
JOHN THACKER
JOHN PURKISS
SIMON JOHNSON
PAUL COLE

OTHER SPEAKERS

GORDON PRATT

1 MR SMITH: So, to introductions. My name is Rynd Smith. I am the lead member of
2 the panel which is the examining authority for the Lower Thames Crossing
3 application and I'm in the chair for this hearing. I'll draw your attention to our
4 frequently asked questions that were linked to our rule 6 letter, published quite
5 some time ago now and available on our website, and you'll find brief
6 biographies of all members of the panel there. My fellow panel members will
7 introduce themselves. Now, we do have with us online Ms Janine Laver. So
8 I'll go to Ms Laver first and then I will ask my two colleagues here present
9 physically to introduce themselves – if I can turn to Mr Pratt first.

10 MR PRATT: Good evening, everybody. Ken Pratt, panel member. You might not
11 hear much from me, but I'm going to be listening and noting the actions, if
12 any, as they all come up.

13 MR TAYLOR: Good evening, everybody. My name is Ken Taylor. I'm one of the
14 panel members and, yes, largely I'm in listening mode, but I may ask questions
15 if they arise this evening. Thank you.

16 MR SMITH: Thank you very much, Mr Taylor, and I will refer briefly to the fifth
17 panel member, Dominic Young. Those of you who've been here today will
18 have seen that he was chairing a hearing all day and is now taking a well-
19 deserved rest. You will have seen an agenda with an order paper for speaking
20 this evening, so hopefully that's reasonably clear. Whilst I'm still dealing with
21 introductions as well, I'll introduce our planning inspectorate colleagues
22 working with us this evening.

23 Bart Bartkowiak and Ted Blackmore are jointly the case managers and
24 they're supported by Spencer Barrowman here, and Ryan Sedgman is online
25 providing the virtual support for this blended event. Now, I do just want to
26 check briefly with Mr Sedgman. My understanding is that we don't have any
27 virtual attendees. We will keep the virtual channel open, but certainly my
28 understanding at present is that we don't have any virtual attendees. So the
29 people who wish to speak this evening are physically in the room with us.

30 Now, moving then on to item 2 on the agenda, the purpose of this
31 hearing, the agenda paper explains why we're here. It's an open-floor hearing,
32 which is a place where interested parties can speak on those matters that they
33 wish to raise, and as long as they remain relevant to a decision on the Lower
34 Thames Crossing development consent order as proposed, you have a right to

1 say what you wish, but it is a time limited proceeding. The loose rules are that
2 people who are speaking individually receive five minutes of speaking time,
3 whereas people who are speaking on behalf of a membership organisation or a
4 company or some sort of formal grouping receive 10 minutes. This hearing is
5 intended to end essentially no later than 9.30 p.m., and it's important that it
6 does so because we do have a further full day of issue-specific hearing
7 tomorrow, so I'm afraid we cannot sit late on into the night.

8 And because this is a relatively short hearing with a reasonably small
9 number of attendees, my proposal is that we won't be breaking it up into
10 sessions at all. Once we get into the listed names of speakers, we'll just move
11 through until everybody has been heard and so we won't be holding any breaks
12 this evening, which hopefully means that we should get all of the business we
13 need to get done easily by 9.30 p.m. I will just briefly mention that it is
14 possible – I note from our attendance spreadsheet – that there may be one or
15 two people in attendance who hadn't formally previously requested to be heard
16 and/or are not interested parties and they are people who don't have a right to
17 speak at this hearing but can request, and we can exercise discretion to allow
18 such people to speak, and I'll indicate from the start that our intention in terms
19 of handling any such requests will be that we will hear first from the people
20 who are interested parties and who did register at the correct time.

21 So we'll be fair to them, we'll do their business first and then we'll turn
22 to and consider the discretionary requests to speak at the very end. So I think
23 in terms then of the rest of the business, I will remind those who are speaking
24 that once an issue has been identified by one speaker, it doesn't need to be
25 repeated. It's sufficient then that you just say that you agree with something
26 that has been said by a previous speaker. We may also disregard any
27 representations that appear to be vexatious or frivolous and we will of course
28 ask you to move on if you appear to substantially repeat yourself or indeed
29 repeat what others have said. I will remind you of the importance of respecting
30 all participants and allowing everybody to have their say, and in fairness, just
31 as you will not wish to be interrupted when you speak – and we will not
32 interrupt you unless we absolutely have to – then please do not interrupt other
33 speakers, and every speaker should be allowed to make full use of their
34 opportunity to be heard. Of course, if we need to clarify something then we

1 will intervene in the most efficient way possible, which will usually be at the
2 end of your speaking time.

3 Okay, just a couple of final matters. If anybody does interrupt in a way
4 that's unnecessary or disrupts the hearing, we will warn you, and if we have to
5 warn you more than a third time, be aware that we can ask you to leave the
6 venue and that disruptions and interruptions can be viewed as unreasonable
7 behaviour for which awards of costs can be sought by other interested parties.
8 If anything goes wrong with the technology tonight that means that we can't
9 complete this hearing, which, in realistic terms – given that everybody who
10 wants to speak is in the room, it would have to be a power cut that plunged us
11 into darkness – but if anything of that nature happens, then there are
12 contingency plans to draw us back together and to enable you to speak at some
13 point between 16 and 24 October 2023. But, as I say, very unlikely to happen
14 unless some extraordinary serious technical issue emerges in the next few
15 minutes.

16 So that's everything that I wish to say of an introductory nature. Agenda
17 items 1 and 2 are now complete. Before we move on to the individual speaker
18 contributions, does anybody have any preliminary or procedural matter that
19 they're unclear about and a question that they want to put about the remit of
20 the evening before we go on? If you do, raise your hands. I'm seeing no
21 hands, so in which case, let us move directly on. So, as I indicated, I am
22 proposing to run as close as I can to the published order of the agenda paper,
23 noting that there are a considerable number of people who aren't here. Can I
24 ask first, do we have a Mr Mark Smith of Swing Rite Golf Limited? Do we
25 have Mr Smith with us? It appears not.

26 Okay, well, in that case, I will move on and just check – looking at the
27 order of business, I believe we have Muriel Blake. You don't wish to speak?
28 Well, I will caution you in that you have been given an opportunity to speak.
29 We anticipate that at a maximum, we'll only be holding two more of these
30 open-floor events – possibly only one – depending on the numbers that we
31 have, which are now quite small, of the people that we have to hear and we
32 have given you the opportunity to speak tonight. Ah, excellent. In which case,
33 as long as you're clear, the opportunity to potentially involve yourself in one of
34 these is now coming close to an end.

1 MS BLAKE: I can't actually speak at another one because I haven't taken the
2 opportunity tonight?

3 MR SMITH: No, in the circumstances where you've actually emailed in and said that
4 you don't wish to speak tonight, we will hear from you, but because we have a
5 very limited number of people now requesting to be heard, it may well be there
6 will only be one date. We need to work out the final arrangements for final
7 open floor. So it may well be there will be one more date and that's it. Or
8 there may be two. There may be one in October and one in November, but
9 either way, that's where we are. We're close to the end.

10 MS BLAKE: Thank you, but I have found – and you've said before – written
11 representations are just as good –

12 MR SMITH: And they absolutely are.

13 MS BLAKE: – and that's what I think I will be doing, and that's why, after I'd seen the
14 other one – I then found that out – I then decided that I don't want to speak, so
15 thank you very much.

16 MR SMITH: No worries. Fine. Look, we'll proceed on that basis, Ms Blake. Can I
17 then check, do we have Mr John Purkiss who is noted on our notes as chairman
18 of the welcome forum? Yes, we do. Mr Purkiss. Now that's a representative
19 body, as I understand it, so sir, you have 10 minutes. You've got a spot here
20 with a properly plumbed in microphone, so I'd really encourage you to come
21 forward and use it. We'll get the best possible recording we can. The floor is
22 yours, and what will happen is the case team will pop a little note on screen as
23 you approach a minute prior to the end of your time, and then at the time 10
24 minutes is over, you'll receive a note on screen as well. Over to you, sir. You
25 press the little button.

26 MR PURKISS: Okay. Yes, my name's John Purkiss. I'm the chairman of the local
27 welcome forum which represents East Tilbury, West Tilbury and Linford. It
28 seems like an ongoing, ever going consultation that we're doing here all the
29 time. Most people within my area feel that they're all consulted out and this
30 seems to be going on forever and a day. So it is good at the moment that
31 hopefully we come – some kind of resolve. I have a few questions regarding
32 the actual tunnelling of the LTC. I've been in East Tilbury all my life and
33 know the area very, very well. Where you intend to do, a lot of the tunnelling,
34 was the old quarry site that had toxic lagoons there.

1 Now, I understand, reading on the Silvertown tunnel that's going at the
2 moment, they are using something like 260,000 litres of water a day on their
3 tunnelling machine. Now, I'm really concerned that this amount of water
4 being used in our area could lower the pressure for many residents, and also
5 the way that there is no new reservoirs being built at this situation. Can the
6 LTC guarantee that water pressure within this area will not be compromised in
7 any way as you're using 260,000 litres a day? So over a continual build, I
8 dread to think how much water is being used. Again, looking at the Silvertown
9 project, they bring the slurry out from there and hopefully they go to other
10 lagoons and then that actual slurry is used in landscaping.

11 Now, with those toxic lagoons on East Tilbury marshes, I'm very
12 concerned that the [inaudible] over the years in the 70s has gone throughout
13 there, and as they tunnel, if that slurry is reused in any way on landscaping,
14 will be a very toxic affair. So on that side, I'd like a bit of confirmation that
15 things like that won't happen, and again, where is all this water going when it
16 comes out? A lot of tunnels use, like I say, comes back to lagoon and reused.
17 So hopefully the answer to that question of that slurry will not be used and
18 again, the actual amount of water being used will be limited.

19 The other thing is going back and – not in my era, but during the Second
20 World War – there was lots of bombs dropped along the river there that was
21 either just chucked out because they don't go all the way to London and on the
22 way back. What sort of procedures have the LTC got put in place if they find
23 one of these or it suddenly goes up? Because I don't think you've actually
24 marked every single bomb that's been left out there. So there needs to be a
25 procedure put in place for the residents of East Tilbury, Linford and West
26 Tilbury if this occurs.

27 The next thing is I don't think that the LTC would have had as much flak
28 if they had decided to put this whole road underground past East Tilbury and
29 Linford to alleviate the problem of the amount of pollution that's going to get
30 there. The only reason I can see for this – which LTC totally deny – is for the
31 link road from Tilbury 2. That is the only reason I can see, apart from
32 financial decisions. What comes first, actual money or people, which is very
33 interesting as the LTC seem to be going forward.

1 Also, within the Silvertown, they have put in 38 air monitoring systems.
2 Can the LTC tell us how many monitoring systems they've put in for this
3 construction? Which would be very interesting to hear because there doesn't
4 seem to be many about. We have schools within East Tilbury, lots of
5 residents, factory workers, and we have a prevailing westerly wind on a regular
6 basis, which means we get a lot of dust and smog from the Tilbury Port at the
7 moment, let alone with the new electrical vehicles. Tyre dust is going to be
8 blown our way. Again, as I said, if it was in a tunnel, we wouldn't have that
9 problem. It would bypass us to further down to open fields. On that note,
10 that's all I've got to say, really. Thank you very much for letting me speak. I
11 appreciate that. Thank you.

12 MR SMITH: Well, thank you very much for attending and providing us with a very, I
13 think, on point and thought provoking presentation. Mr Taylor, did you have
14 some...?

15 MR TAYLOR: Yes, I just wanted to say to you, Mr Purkiss, that tomorrow we have an
16 issue-specific hearing which is focused entirely on tunnelling matters. So if
17 you're interested, we do live stream those or there's a recording published later
18 and you may want to listen to that because a number of the points you've
19 raised are specifically on the agenda. So we do have agenda items relating to
20 water resource management. We do have agenda items related to how
21 unexploded ordnance should be dealt with. So some of those matters are there
22 and then you'll hear the applicant's point of view on some of them.

23 MR PURKISS: Thank you. I appreciate that.

24 MR SMITH: Thank you very much, once again. Okay, let us move on. Do we have
25 Jackie Thacker? I believe we do. You did? But we do have John, and Wayne
26 Thacker, I gather, can't attend. Okay, well, let's hear from Mr John Thacker.

27 MR THACKER: Good evening, sir.

28 MR SMITH: Press the button and the red light comes on and then the floor is yours,
29 and you have five minutes.

30 MR THACKER: Okay, it won't be that long. I live in Orsett – have done for many
31 years – and I've seen the road network develop over the years and travelled
32 through the Dartford Tunnel many times, and I think the purpose of the Lower
33 Thames Crossing is to ease the traffic, but I'm confused to understand how

1 you're going to do that with these spaghetti junctions that you're actually
2 going to build, one in Orsett, one at Brentwood, the A12, the 127 and the A13.

3 On previous meetings, they've questioned how fast the lorries can turn
4 round on these junctions, and at the moment, there are already congestions on
5 the M25 at these specific roundabouts, and you're only going to add to the
6 congestion on these by joining on the M25. You're just going to cause more
7 pollution, more traffic upset, and if one of those roads break down, you're just
8 going to overload the roads you're planning to ease. I'd just like some
9 explanation, are you really testing these junctions and the flow of traffic
10 through them?

11 MR SMITH: Well, to the extent that that's a question to us, the answer is yes, we are,
12 and that's what we're here to do, and clearly our objective as an examining
13 authority is we are an independent body who has to test all of the case put
14 forward by National Highways, who are the applicant who wish to bring the
15 project forward. Everything that they do – the entirety of their application – is
16 subject to test during the examination process. We're asking them sequences
17 of written questions and we're also holding sequences of hearings where we're
18 aiming to interrogate pretty much everything that moves on the entirety of the
19 proposed development.

20 We have a six month process to do that and you won't see answers to all
21 of the questions emerging immediately, but by the time we reach the end of
22 that process, I trust we will have carried out a pretty thorough, pretty rigorous
23 examination of the case that they have put forward, and then we have to go
24 away and form a recommendation to the Secretary of State for Transport who
25 makes the final decision. That, in a nutshell, is what we're doing, sir.

26 MR THACKER: Yes, I believe this is going to take 10 years to actually bring this to
27 fruition. In this period of time, do you think you'll go over budget?

28 MR SMITH: I have to emphasise these are questions that are directed at – realistically
29 – the applicant. National Highways is the body that is proposing to build this
30 thing. As an examining authority, we are responsible for making a
31 recommendation to the Secretary of State about whether or not it ought to
32 receive development consent, which is the legal authority to build it, or not. If
33 we were to recommend that it did receive development consent, at that point,

1 the applicant would move into the development of a detailed design that, in
2 turn, would then be something that would be constructed.

3 Now, as you can see, we're already two steps away from the process that
4 myself and my colleagues are in command of, which is the question of whether
5 or not this thing receives the legal authority to proceed. So I hope you don't
6 think I'm obfuscating, but I can't answer the question about whether or not
7 anybody will go over budget. It certainly won't be us, and that is a contingent
8 question that falls after the job that we are here to do, which is to resolve
9 whether or not to recommend to the Secretary of State whether it should go
10 ahead at all or not.

11 MR THACKER: By the time you build it, will it be out of date? Will you be looking
12 to put more lanes in?

13 MR SMITH: Well, again, I am very conscious here that this is your time we're using
14 and I'm answering a lot of questions. What we are here to assess is the
15 application that National Highways have put in front of us. Now, it's their
16 obligation to try and design the best scheme that they can design with a view to
17 trying to persuade us to recommend to the Secretary of State that it ought to be
18 built, and that, realistically, again, summarises the job that we have to do. It is,
19 however, for them, as the applicant – the proponent for the scheme – to put
20 forward the best scheme that they believe they can, but we are neutral in
21 relation to it and we will assess what is in front of us, and that's a very clear
22 undertaking that I'll give to you that we will do with the best of our ability.

23 MR THACKER: Thank you.

24 MR SMITH: Mr Thacker, thank you very much for your time. Okay, let us move on.
25 Do we then have here a Mr Simon Johnson? Excellent, and Mr Johnson,
26 you're here. You requested to be heard. You're on the agenda paper. Five
27 minutes is yours.

28 MR JOHNSON: Thank you very much. Thank you very much for the opportunity to
29 address your good selves. I've scripted a few questions. I have examined the
30 documents extensively. Please advise where the environmental impact
31 assessment is for the tunnel spoil amounting to about 2 million cubic metres
32 approximately. Where is the carbon impact for transporting this 2 million
33 cubic metres of spoil material? I note that only one of the companies inquired

1 for this particular spoil removal to actually provide a quote. So how can that
2 be a competitive tender for the taxpayer?

3 I know the scheme is advertised as the greenest road ever, but design and
4 process construction is not yet undertaken, so how can this statement be
5 correct? Please explain. What is the carbon footprint for the tunnel elements?
6 Cement imported to the UK comes primarily from China in 2021, and it was
7 about 150 million, Ireland, 124 million, to the UK. The list is long. Where
8 will the cement come from or will it be domestic production to ensure a lower
9 carbon footprint? In the RIS spend of about 27 billion over a cycle, how can
10 this scheme be included when costs have been estimated at about 20 billion in
11 total?

12 In 2021, the UK imported 35% of its rebar from Portugal, Spain and
13 Russia. Where will the steel be manufactured and what is the carbon
14 footprint? The scheme appears to be going against the direction of travel,
15 where society is encouraging everyone to consider public transport and freight
16 movements by rail. Why is a rail linkage and public transport option not
17 included, which would boost the scheme's zero environmental impact and
18 reduce the carbon footprint? Naturally, the scheme has – like society,
19 generally – been facing considerable inflation pressures. As we know, large
20 scale civil engineering works are considerably over original budgets e.g. HS2.

21 What's the latest budget for a) the tunnel and b) all of the new amended
22 road infrastructure in Kent and Essex? What is the budgeted spend of the
23 annual maintenance of all these new roads and the tunnel? A significant large
24 number of civil engineering contractors have ceased trading. What measures
25 have been taken to protect the scheme from such business failures? What
26 business continuity insurance will be put in place? Have all the contractors
27 provided a 10-year bank guarantee and appropriate insurances valid for now
28 and 10 years rolling forward? Are contractors finalised with fixed price
29 contracts for the scheme to prevent overspend?

30 There's a quote from National Highway roads operator that the scheme
31 will be the greenest road. The LTC has been identified as a carbon neutral
32 pathfinder project. Please explain the rationale and how this will be achieved.
33 What is the latest CBR of the scheme given the increased costs? How much
34 prime farmland will be lost? Further road construction is harmful to society.

1 Please advise how the scheme benefits road users, as the Dartford Crossing
2 will still be running with more users than the design capacity.

3 For the tunnel spoil, only one company quoted National Highways with a
4 dialogue and they've been awarded a contract worth 43 million as of April
5 2021. Please demonstrate how this is good value for the taxpayer funded
6 scheme when only one tender has been received. What is the plan to reuse the
7 aggregates? I've only got a bit more. Please advise the climate goals for the
8 scheme. Please advise the social value of the scheme. The climate emergency
9 and realigning to the COP 26 and 27 protocols require further reductions in
10 carbon and other pollutants. Please advise how the scheme meets these
11 internationally recognised data. The scheme utilises a substantial amount of
12 land which could be suitable for house building amounting to in excess of
13 6,500 units. Please explain how this benefits the local communities.

14 The complete lack of public transport running through the scheme
15 prevents those with a car or access to a car from using this infrastructure. How
16 does this benefit local communities? The proposed design does not interface
17 with local distributor roads. Please explain. Please demonstrate value for
18 money as construction inflation over the time since the scheme was first
19 announced amounts to in excess of 69%. Does the CBR demonstrate value for
20 money considering additional delay of over two years? Why is public
21 transport not a key element of this scheme?

22 The quoted transport data is very out of date. Covid and office two/three
23 day working is having a substantial impact on commuter traffic. Please
24 explain how these factors have been accounted for in the data submitted.
25 Please explain how transport modelling will be for the current time when this
26 scheme will not be finished for about eight years on. Sustainable transport has
27 a lower carbon footprint. Please advise where sustainability features in this
28 scheme. Why has rail freight crossing not been included in the project? Large
29 volumes of freight enter through Dover by lorry and this is unfavourable to the
30 environment. Please explain. Thank you very much.

31 MR SMITH: And thank you very much.

32 MR JOHNSON: Thanks for the applause.

33 MR SMITH: In effect, you are setting out a sequence of questions which are
34 remarkably similar to the questions that it is our job to ask, and we note them,

1 and some of them are in the process of being asked already in an equivalent or
2 slightly different form. Others of them may well get asked as we move on
3 through the remainder of the process. It is the applicant's obligation to answer
4 those questions, and again, just as I said to the previous speaker, all I can
5 assure you is it's our job to try and make sure that we get through a rigorous
6 examination process that ensures that as many of those questions as it is
7 relevant to receive answers to are asked and answers are provided so that,
8 again, we can make a recommendation to the Secretary of State. That's what
9 we're employed to do and that's what we are trying to do.

10 MR JOHNSON: Thank you. Can you just advise then, so from these verbal questions
11 that I presented, how would I, as an individual interested party, actually receive
12 the communication with answers to those, what I would say, specific
13 questions?

14 MR SMITH: Probably the simplest and best way to see the process work out will be to
15 – and, I mean, there is a lot of work associated with this – but to review the
16 written questions that we've published online, to also review the recordings of
17 all of the hearings that we have held and will continue to hold, and you will
18 therefore see the questions that are asked and the answers that are provided to
19 them. Every single response that the applicant – or indeed any party to these
20 processes provides – is published. So if we ask a question and an answer is
21 provided to it – either orally or in writing – the outcome appears on our
22 website, the National Infrastructure Planning website that the Planning
23 Inspectorate manages, and the examination library that forms part of that. It
24 contains many, many thousands of documents already and recordings, and you
25 will find all of that information there.

26 Now, if you obviously don't have time to read all of that, in due time,
27 when we will write a report to the Secretary of State for transport and that will
28 make a recommendation about the decision that will be taken on this scheme,
29 which the Secretary of State will consider and may accept or may not accept
30 for reasons, and then the Secretary of State will make their decision, but when
31 their decision is made, the report will be published. And again, if you want to
32 see it all summarised at the end, the report will be the place to go to, because at
33 that point you'll be seeing an overview of the whole, rather than working your
34 way through the detail of all of the individual rounds of questions and all of the

1 individual hearings and written processes. I hope that's a reasonably clear
2 explanation of what we're doing and how we're accountable and how you can
3 see the result 'at the end.'

4 MR JOHNSON: Thank you very much. So just one further question across here of the
5 dialogue. I was watching intently the presentations yesterday, and there was
6 AI used, no doubt, to form text at the bottom of the page that I could see
7 online, and one of the people that was actually making a presentation used the
8 word 'does' and 'doesn't' appears in the text. I'm sorry, I haven't got the text
9 in front of me, but I know that that's what was there on my computer screen.

10 MR SMITH: I will put a very substantial caveat on those machine translations that are
11 used, and exactly the same will be happening as you and I are speaking now,
12 and a transcript will be formed using an algorithmic, AI driven process. I have
13 to say we place very, very limited weight on those transcripts. The genuine
14 record is the camera and the audio recording, and whenever we verify what
15 happens at a hearing, it's the recording that we use, not the transcript, precisely
16 because the transcripts are notoriously wobbly.

17 We would provide exactly the same advice to any participant in any of
18 these proceedings. We use that transcript process because actually, by using it,
19 we educate it, we improve it. We end up with essentially better transcripts
20 over time. They're already probably 10 or 15 times better now than they were
21 maybe four or five years ago when they were atrocious. So we do think it's a
22 worthwhile exercise, but absolutely, we know the caveat. We don't place
23 weight on that algorithmically generated material. We go to the formal record,
24 which is the digital recording of the hearings that we hold.

25 MR JOHNSON: Thank you very much.

26 MR PRATT: Mr Smith, if I remember correctly, Mr Johnson has the opportunity to put
27 his comments in writing by the next deadline.

28 MR SMITH: Yes, absolutely, and I was going to –

29 MR PRATT: I must admit, I'm trying to keep a note of the actions and what to ask and
30 all the rest of it, and I'm not 100% sure that I got it all written down. So I
31 would suggest that if you want specific comments in the public domain or put
32 questions in the public domain, do provide us with a written copy by the next
33 deadline, which is deadline 4.

1 MR SMITH: Deadline 4, yes, in the examination timetable, absolutely. Well reminded,
2 Mr Pratt, and the same goes for anybody else who speaks tonight. You all
3 have the opportunity to render your oral submissions into writing by that
4 deadline and those will be published so they form part of the record of the
5 event as well. So again, if there's anybody with a residual concern about the
6 recording process or about the transcription process, use your own words and
7 put it in, in time for deadline 4.

8 MR JOHNSON: Thank you very much.

9 MR SMITH: Thank you. In which case, now, do we have Mr Paul Cole? Good
10 evening, sir. Take a seat and you know the drill now. As soon as the red light is
11 on, it's yours, and you also have five minutes.

12 MR COLE: Great, thank you very much. So good evening. I'm Paul Cole. I'm a
13 resident here in Orsett in Thurrock. I've lived here for around 20 years now. In
14 my professional life, I'm a chartered engineer. I work for a large automotive
15 company, carrying out research and development in a management role. So first
16 of all, nobody can deny that something needs to be done to address congestion at
17 the Dartford Crossing. My wife used to work in Medway. We've got family
18 members that live in southeast Kent and obviously we live in close proximity to
19 the crossing, so we're well accustomed to the sort of delays that can occur there
20 on a normal day, let alone on a day when something goes wrong. So I am going
21 to question whether the scheme as proposed actually addresses that critical
22 problem of traffic congestion because I am far from convinced.

23 So we all know, I'm sure, that the design capacity of the crossing is quoted
24 at 135,000 vehicles per day and the data does show that that is regularly exceeded.
25 The scheme as proposed increases the number of lanes in each direction by 75%,
26 and yet it's only projected to reduce traffic flow at Dartford by 19% in the
27 opening year. So the model traffic flows in the application indicates that the
28 design capacity at Dartford would still be exceeded in the opening year of the
29 Lower Thames Crossing and the modelling also shows that the levels of peak
30 flow that were deemed unacceptable in 2016 would be reached again at Dartford
31 by the mid-2030s.

32 The modelling of the wider road network as well presents some more
33 problems, I think. It's showing northbound traffic leaving the M20 to use the
34 LTC diverting via the A229 and the M2, roads that are already very congested at

1 peak times. So all of that can only lead me to conclude that the scheme as it's
2 designed is in the wrong location from the demand. It looks to me underutilised
3 and it doesn't appear to sufficiently relieve the traffic flow at the existing
4 crossing. I'd also ask you to note that it's interesting for me that in the executive
5 summary of the introduction, congestion is only the fourth item in the list of
6 scheme objectives. That absolutely shocked me. I thought that that was the
7 primary objective of the whole thing. Similarly, increasing resilience is only the
8 fifth objective and on that point I'm fairly time poor at the moment.

9 I've got two kids, busy job and I'm doing a second master's degree at the
10 moment. I haven't been able to find anywhere in the modelling data some
11 scenarios where congestion or closures on either the existing Dartford Crossing or
12 on the Lower Thames Crossing where that has been modelled as to show what the
13 impact would be. I can't believe that that data hasn't been run, so I'm at a loss to
14 explain why I can't find it in the presentations anyway, but it doesn't take a
15 model, quite frankly, to figure out that those scenarios where traffic's diverting
16 could be fairly chaotic. Some of those diversion routes are quite long; some of
17 them are quite awkward. Is that really adding resilience to the road network?

18 Sticking on that theme, one of your earlier presenters questioned the
19 spaghetti of junctions to the south and west of Orsett. I can't help but feel that
20 that isn't the best arrangement that could have been come up with. It looks like it
21 would be confusing for drivers using the road. It's got some very circuitous and
22 long slip roads and it grabs a huge amount of land, and with multiple tall bridges
23 and earthworks, it's going to dominate the landscape around there, and despite
24 that, it still manages not to offer complete connectivity with the major road
25 network in that location.

26 So as I said, the scheme as proposed, it occupies a significant footprint of
27 greenbelt land to the north of the Thames. I'm a keen runner and walker. The
28 routes along Green Lane out of Orsett, across Orsett and Bulphan Fens, along the
29 seawall between East and West Tilbury, those are some of the very few areas in
30 Thurrock where you can mostly escape from traffic noise. You can enjoy some
31 views where there's very little development, or between the forts, you can look at
32 the historic landscape there and that's all going to be lost forever if the scheme is
33 built as currently designed. So far from enhancing public enjoyment of the
34 countryside, as the documents would have you believe, you'd actually remove

1 some of the last remaining truly open spaces in Thurrock and hopefully you'll see
2 this in your forthcoming site visits.

3 So in conclusion, I'm not opposed to increasing crossing capacity over the
4 Thames; it's absolutely vital. However, the scheme doesn't address what should
5 be, in my view, the fundamental objective of this project: reducing congestion,
6 and further, there's no real evidence presented that it delivers any significant
7 improvement in the resilience of the road network and I firmly believe that the
8 cost of this proposal in terms of taxpayers money and in the loss of natural
9 environment is too high a price to pay for a road that appears to be in the wrong
10 location from the demand. Thanks for your time this evening.

11 MR SMITH: And thank you for your time this evening. Obviously, as we've extended
12 the opportunity to others, you have the opportunity to put something in, in
13 writing, by deadline 4. So there was a lot of material packed into a relatively
14 slender package there so –

15 MR COLE: I could have spoken for 20 minutes with slides if you'd wanted.
16 Obviously, that wasn't on offer.

17 MR SMITH: Indeed, but the opportunity, therefore, to make a written submission is a
18 useful one I suggest. Also, you did of course raise the fact that we are carrying
19 out accompanied site inspections next week. I did just want to draw your
20 attention to the fact that those are by no means the only inspections that we do.
21 Accompanied ones are ones that are formal because we need, for example, the
22 permission of private landowners to enter onto private land and where we go
23 onto land with a person, then we have to do it in public to ensure due propriety.
24 However, if we are able to see what we need to see from the public domain –
25 from the highway, from public rights of way, bridlepaths, etc. – we do so, and
26 we have been actively inspecting large amounts of the land subject to or
27 affected by this proposal, essentially since the application was originally
28 accepted for examination back last October. So we publish notes of everything
29 we do. If you're interested, you can follow them up online.

30 MR COLE: Great, thank you.

31 MR SMITH: Okay, right. So thank you very much for that contribution. If we then
32 move on. Just before I bring this part of the hearing to an end, I do just want to
33 check, there are one or two further names of people who had requested to be
34 heard, but from whom we haven't formally heard that they no longer so wish.

1 So I do just want to check that none of the following people are in the room.
2 Can I just check, do we have [Savannah Hughes?] or [Robert Lane?] or
3 [Kelvin Moon?]? And then finally, there was Karen Howard of Gateley Legal
4 representing a pair of families and organisations and I did just want to check
5 we don't have her in attendance.

6 Okay, so we then heard from everybody who made an advance request to
7 be heard on the basis that they are an interested party or representing an
8 interested party, but I do have one more name on the list which is Mr [Gordon
9 Pratt?], who is not an interested party, and I indicated that we could exercise
10 discretion, Mr Pratt, and make a decision to hear you and that if there was time
11 left in the hearing – and there evidently is – then we will hear you. So if you'd
12 like to come forward, but you're subject to the same disciplines as everybody
13 else, in fairness. Five minutes to speak and we will hear what you say.

14 MR PRATT: Just before you start, Mr Smith, I just want to make clear that as far as
15 I'm aware, we are not related.

16 MR SMITH: Despite a certain similarity of appearance.

17 MR PRATT: It's just we have to be absolutely certain that we are completely
18 independent, and I just thought that in order to make sure that no questions can
19 be asked, I would make that comment.

20 MR SMITH: Well, from one Mr Pratt to another, I note that there is no interest that
21 requires to be declared. So Mr Pratt.

22 MR GORDON PRATT: Sorry, I just got to get used to the microphone. I am
23 managing director of the Thames Gateway Tramlink project, the KenEx. We
24 are providing a cross river tramway. We submitted our outline business case
25 to the Department for Transport about two to three years ago. That has gone
26 through due process, and it has also been reviewed by UK Tram, which is the
27 trade body partly funded by government. The situation currently is that we are
28 being encouraged to move on for our full business case and being supported to
29 do that. The background is that essentially we were approached by Arriva,
30 which is a subsidiary of Deutsche Bahn, which is a government state-owned
31 company.

32 They at the time ran the fast track bus service in North Kent, and they
33 were having issues with traffic congestion due to the existing Dartford
34 Crossing, and they wanted to support us because they saw that a tramway

1 would be a way to reduce the number of cars on the Dartford Crossing, and the
2 estimated figure from our studies and submissions to the Department for
3 Transport were about 10%. So we could reduce the number of cars on the
4 Dartford Crossing by simply providing an alternative and it would relieve the
5 Dartford Crossing with a certain amount of its current congestion and Arriva
6 were very helpful and keen to support us in that.

7 We also have the support of the bus company on the Essex side – Ensign
8 Bus – who also saw the advantage of seeing fewer cars on the road and better
9 public transport to allow people to cross the river. We’ve worked with the
10 local authorities on both sides of the river, and the underlying problem that has
11 been established between the local authorities is that there are jobs on the north
12 side of the river and there are more people than jobs on the south side of the
13 river. So we had a meeting between the leaders of both councils and they
14 agreed that our project would be a good idea because it would enable people to
15 get from North Kent – where there was more people than jobs – to South
16 Essex, where there are more jobs than people.

17 And when you look at, say, for example, the Gravesham local plan, the
18 types of people that we’re talking about are non-car drivers. They are people
19 in deprived areas in North Kent, around Northfleet, other areas, and when you
20 look at census information, less than 50% of households actually have access
21 to a car, and this was very important and part of our submission to the
22 Department for Transport where we had to look at all the different options of
23 crossing the river. That is a very important point, and when you look at the
24 census information, in some parts of the sub wards, less than 50% of houses
25 have cars – as I’ve referred to before – but also the new properties.

26 I take, for an example, there’s a development at a place called Albion
27 Waterside where there’s an excess of 1,000 new homes being built in the area
28 and they are being built with one car parking space for two properties. I’ll just
29 repeat that. One car parking space for two properties, and for a lot of people
30 moving into brand new flats in the area, the idea of a road crossing really does
31 not help, and as far as we can see, there is no provision for public transport on
32 the Lower Thames Crossing. I would add that a few years ago – three or four
33 years ago – we were approached by the Lower Thames Crossing team. We

1 spoke with their technical people because they asked us, can they put a
2 tramway beneath the road deck on the Lower Thames Crossing tunnels?

3 So we had the plans, we had the technical guys on both sides looking at
4 that. The answer was yes, you can put a tramway underneath the road deck on
5 the Lower Thames Crossing tunnels. You could not put a heavy rail
6 connection in that form, but we passed on that because of the cost of using the
7 Lower Thames Crossing tunnels. They're long. They're four kilometres.
8 They were not much use for us because they didn't actually pass the
9 passengers to where they needed to get to. So we couldn't meet the origin and
10 destination requirements for our transport planning because we needed people
11 to get into the town centres and to where the jobs are and where the
12 opportunities lie, to the hospitals and so on and so forth, which of course
13 doesn't work with the Lower Thames Crossing and the car provision.

14 So that's where we are currently. I'm not quite sure where the
15 representations for the local public transport operators are. I've not really seen
16 a huge number of those, but we know that there's 50% of the local population
17 that actually needs public transport, and as far as we are aware – and speaking
18 to our colleagues within the likes of Ensign Bus, who are the operator for
19 Thurrock – that the public transport element has been designed out of the
20 Lower Thames Crossing rather than incorporated as an integral part. So that's
21 where we are and that's our submission, and what we would want to ensure is
22 that whatever happens with the Lower Thames Crossing, it does incorporate
23 public transport to meet the 50% demand that the road can't meet.

24 MR SMITH: Thank you very much for those submissions. There's, again, an
25 enormous amount of – in principle – important and relevant material included
26 in them. One of the things that we will do is we will go away and think on
27 how best to engage with your organisation amongst other public transport
28 providers, because there is time left in this examination for conversations to
29 occur, and, yes, I must say, it's somewhat of a surprise to see a senior leader of
30 an organisation with a mission such as yours turning up at an open-floor
31 hearing at 8.30 p.m. on a Wednesday night.

32 MR GORDON PRATT: It was about the only way to do it, I'm afraid. It's far more
33 open in Scandinavia. I'm giving a talk in Lund, just outside Malmo in
34 Sweden, in November, and it's far more open. The road crossing there at the

1 Fehmarnbelt link is road and rail. You don't just build a road. You build road
2 and rail in that part of the world, so it's easier.

3 MR SMITH: Well, you made it here. We've seen you, we've heard you, and what we
4 will have to do is go away and deliberate on what we have heard and think
5 about whether that triggers other questions that we need to ask and indeed,
6 whether there might need to be other involvements with your organisation.
7 Can I ask, as you leave – given that this was a discretionary request – we're not
8 formally an interested party – just to make sure that we've got contact details
9 for yourselves, speak to the members of the case team at the rear of the room.
10 Mr Blackmore or Mr Bartkowiak will have a conversation with you.

11 MR GORDON PRATT: Perfect. I do have my cards with me, so...

12 MR SMITH: Good.

13 MR GORDON PRATT: Thank you.

14 MR SMITH: Now, I believe then, ladies and gentlemen, looking at the combination of
15 the spreadsheet provided to me by the case team and the printed agenda, that
16 we have now heard from everybody that it was anticipated we would hear from
17 tonight. Can I just check one more final time? Is there anybody sitting in the
18 room who had intended to speak but somehow hasn't managed to find their
19 way onto an agenda paper or my notes, and therefore is sitting there believing
20 that they are about to be ignored because that would be a tragedy, and I'm not
21 seeing any hands. So, on that basis, ladies and gentlemen, we will then start to
22 draw this hearing to a close.

23 My colleague, Mr Taylor, has been taking notes, as indeed my other
24 colleague, Mr Pratt, also has been, and to the extent that actions emerge from
25 this evening, we will publish, amongst other things, an action list. This then
26 has been open-floor hearing number 4, and what I will flag is that we do still
27 have a very small number now of outstanding requests to be heard at an open-
28 floor hearing that haven't yet been accommodated and our case team is
29 continuing to work to list people to be heard. At this stage, I have to say, it
30 looks as though – as I said earlier on this evening – that there would be one
31 potential further additional open-floor hearing held.

32 Now, before we close this though, I will just check to see if we have
33 somebody representing the applicant here. Ah, we do. The absence of the

1 normal side table. Would you like to come forward and introduce yourself and
2 just respond in summary terms to any of the points that have been raised?

3 MR HENDERSON: Good evening all. Thank you. My name is Tom Henderson. I'm
4 a solicitor and partner at BDB Pitmans, a law firm, and we represent National
5 Highways, who are the promoters of the Lower Thames Crossing project. I
6 will be brief; I can reassure you that. Firstly, thank you on behalf of the
7 applicant for the contributions this evening. We recognise this is not the forum
8 where you want us to put our case and so we're going to deploy the tactic
9 we've used at previous open-floor hearings which is to say we will respond
10 generally at deadline 4 – although I'll make a point about that in a moment –
11 so that's 19 September, but given that we've had a relatively small number of
12 speakers, we could make some brief process based comments in response to
13 those which I think will assist them.

14 So on the tunnelling matters that were raised by Mr Johnson, Mr Taylor
15 of the examining authority helpfully signalled that we have a hearing on that
16 tomorrow and in fact, our preparations on this very day have addressed many
17 of the points that he raised, so we'll be happy to put forward answers to those
18 tomorrow. On Mr Johnson's questions, we're very happy to provide him a
19 direct response to those. Many of the points are already addressed in the
20 application or in the various submissions that we've already put in, so we can
21 signpost to those. Any entirely new questions, then obviously we'll consider a
22 response to those, but we would endorse the suggestion, which was if we can
23 receive those in writing by deadline 4, we'll then respond at deadline 5, if that
24 works as a process.

25 MR SMITH: That works perfectly well. We do recognise that where essentially
26 questions are being put before you, it's very hard for you to respond on the
27 same day that the questions arrive in writing.

28 MR HENDERSON: Thank you very much. Turning to Mr Cole, needless to say, our
29 case is directly contrary to his and we'll set that out in writing. On the points
30 he raised about the scheme objectives; it might be helpful to say that those
31 objectives are not weighted. In other words, we do not treat one objective as
32 more important than the other, but on a point of detail, I would just say that the
33 scheme objectives are set out in the need for the project application document
34 and those actually list the transport objectives first and indeed relief of

1 congestion at Dartford as the very first objectives. That really reflects the fact
2 that this is a transport scheme that is being proposed. So I just thought it's
3 worth clarifying that.

4 And then finally, in response to Mr Pratt on behalf of KenEx, the short
5 point is that our cases that a tram based intervention would not meet the
6 scheme objectives I just mentioned, and again, we'll put a full response in
7 writing to explain why that's our case. So that was all I was proposing to say.
8 Thank you.

9 MR SMITH: Thank you very much, and on that basis then we can move to close this
10 hearing. In doing so, I will just remind everybody that we are here again
11 tomorrow for the tunnelling issue-specific hearing and on Friday for an issue-
12 specific hearing that we'll be dealing broadly with mainly natural environment
13 compensation and mitigation matters. Next week, we have an issue-specific
14 hearing on the Monday morning that will be reviewing the drafting of the
15 proposed development consent order, which is the legal instrument that if the
16 project were to be consented, would authorise the project. We will be
17 spending 12, 13 and 14 September on accompanied site inspections and then
18 we will be holding some compulsory acquisition hearings on 15 September
19 back here in this venue.

20 We are proposing to hold further issue specific open floor and
21 compulsory acquisition hearings in both October and November, and our
22 examination timetable, which you'll find on our website, gives you the target
23 windows for those to be held, and we will very shortly be confirming the
24 specific dates and the specific events that will be held upon those dates. I'd
25 like to thank everybody for your contributions this evening. Everything that
26 you've said will be carefully considered, as we have said, and there are matters
27 that we may need to pursue in written questions or other hearings. So thank
28 you for all of your contributions. Everything will flow through due process
29 from here onwards. And on that basis, unless anybody else wishes to raise any
30 final question, I will ask my colleagues to say their goodbyes, starting with Ms
31 Laver, who has been attending virtually on screen. So, Ms Laver.

32 MS LAVER: Thank you, Mr Smith. Thank you everybody for your contributions and
33 we'll see you at another hearing.

34 MR SMITH: Thank you very much, Ms Laver.

1 MR PRATT: Good night, everybody. Maybe see some of you tomorrow. Otherwise,
2 we'll no doubt see some of you again.

3 MR TAYLOR: Yes, thank you everyone, for your contributions and good evening
4 from me.

5 MR SMITH: And good night, finally, from myself. Open-floor hearing number 4 is
6 now closed, ladies and gentlemen.

7

8

(Meeting concluded)