



PLANNING INSPECTORATE ISSUE-SPECIFIC HEARING

on

6 SEPTEMBER 2023

Ubiquis (Acolad UK Ltd)  
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**PRESENT**

**PLANNING INSPECTORATE**

RYND SMITH  
JANINE LAVER  
KEN PRATT  
KEN TAYLOR  
DOMINIC YOUNG

**CASE TEAM**

BART BARTKOWIAK  
SPENCER BARROWMAN

**LOWER THAMES CROSSING**

ANDREW TAIT KC  
MUSTAFA LATIF-ARAMESH  
DR TIM WRIGHT  
PROFESSOR HELEN BOWKETT  
ISABELLA TAFUR  
GRAHAM STEVENSON  
MOHAMMED HALLI

**LOCAL AUTHORITIES**

GEORGE MACKENZIE (Thurrock Council)  
KIRSTY MCMULLEN (Thurrock Council)  
[NATALIE BEW?] (Thurrock Council)  
PROFESSOR PHIL GOODWIN (Thurrock Council)  
DAVID BOWERS (Thurrock Council)  
ADRIAN NEVE (Thurrock Council)  
[MAT KILEY?] (Thurrock Council)  
DR COLIN BLACK (Thurrock Council)  
CHRIS STRATFORD (Thurrock Council)  
SHARON JEFFERIES (Thurrock Council)  
GARY MACDONNELL (Essex County Council)  
MARK WOODGER (Essex County Council)  
MICHAEL HUMPHRIES KC (Kent County Council)  
JOSEPH RATCLIFFE (Kent County Council)  
VICTORIA SOAMES (Kent County Council)  
DANIEL DOUGLAS (London Borough of Havering)  
[LEE WHITE?] (London Borough of Havering)  
LYNN BASFORD (London Borough of Havering)  
JONATHAN QUILTER (Brentwood Borough Council)  
[DAVID DEBARCA?] (Brentwood Borough Council)  
MICHAEL BEDFORD KC (Gravesham Borough Council)  
WENDY LANE (Gravesham Borough Council)  
TONY CHADWICK (Gravesham Borough Council)  
SUSAN LINDLEY (Shorne Parish Council)  
DEBBIE WRIGHT (Higham Parish Council)

**STATUTORY PARTIES**

ALISON DABLIN (Port of Tilbury London Ltd)

PAUL SHADAREVIAN KC (DP World London Gateway)  
SIMON TUCKER (DP World London Gateway)  
MATTHEW RHEINBERG (Transport for London)  
[SHAMAR ALIKA?] (Transport for London)

**INTERESTED PARTIES**

GRAHAM REEVE (Essex Area Ramblers)  
LAURA BLAKE (Thames Crossing Action Group)  
ROBIN BEARD  
JACKIE THACKER  
[LEIGH HUGHES?] (London Veteran Group)  
ADAM PIPE (Essex Police)  
JOHN ELLIOTT  
[BEN HUNT?] (Emergency Services and Safety Partners Steering Group)

1 MR YOUNG: Good morning, everybody, and welcome to the traffic and transportation  
2 issue-specific hearing. I am Dominic Young, panel member of this Examining  
3 Authority for the Lower Thames Crossing application. I will be in the chair for  
4 this hearing. Can I just check with the case team that we can be heard and that  
5 the recordings have started? That's good. Right, before we proceed, I will  
6 quickly ask my panel colleagues to introduce themselves. Let me just start by  
7 going to Mr Taylor.

8 MR TAYLOR: Good morning, everybody. My name's Ken Taylor, member of this  
9 panel.

10 MR PRATT: Good morning, everybody. Ken Pratt here, panel member.

11 MR SMITH: Good morning, everybody. Rynd Smith here, panel lead, but of course Mr  
12 Young is in the chair today, and then finally if I can hand over to our colleague  
13 with us virtually.

14 MS LAVER: Hello. Good morning, everybody. Janine Laver, panel member.

15 MR YOUNG: We are also joined by the same case team that we had yesterday, and  
16 that's Bart and Spencer in the back of the room. So, turning to today's hearing,  
17 you should have all seen the agenda that was circulated a few weeks ago. If not,  
18 then I'm sure there'll be copies around on the table. Before we make a start, can  
19 I remind people that with all the hearings this week, today's event is being  
20 livestreamed and recorded. Right, what I'm going to do now is ask people to  
21 introduce themselves – do that in a similar manner to what we did yesterday, but  
22 my list is slightly different so I'm just going to start from the top, so I'm going  
23 to start with authorities first and then we'll go to the statutory parties and then  
24 anybody else at the end. So at the top of my list, I have Thurrock, so I can just  
25 ask Thurrock to introduce themselves?

26 MR MACKENZIE: Yes, good morning, sir. My name is George Mackenzie. I am of  
27 Counsel and I act for Thurrock Council as part of the team. I'm led by Mr  
28 Douglas Edwards of King's Counsel who, again, sends his apologies that he  
29 can't be here today. So far as the rest of the team, some are sitting in close  
30 proximity to me and others are in the dress circle, but if I can ask them to  
31 introduce themselves, and also ask for the microphone to be provided to those  
32 sitting at the back of the room for that purpose, thank you.

33 MR YOUNG: Thank you.

1 MS MCMULLEN: Good morning, sir. Kirsty McMullen on behalf of Thurrock Council,  
2 dealing with transport matters today. I'll pass on to others behind me.

3 MS BEW: Hi, Natalie Bew, I'm a transport modelling expert.

4 PROFESSOR GOODWIN: Hello, I'm Phil Goodwin, working with Thurrock Borough  
5 Council.

6 MR BOWERS: Sorry. Hi, I'm David Bowers, director of transport planning,  
7 representing Thurrock.

8 MR NEVE: Hello, Adrian Neve, again representing Thurrock.

9 MR KILEY: Morning, [Mat Kiley?] from Thurrock Council.

10 DR BLACK: Good morning, Colin Black from Thurrock Council and I think we have a  
11 couple online as well.

12 MR STRATFORD: Should we go now?

13 MR YOUNG: Yes.

14 MR STRATFORD: Chris Stratford for Thurrock Council. Apologies, but I'm on Teams  
15 today. I'll be back tomorrow. Nice to see you all.

16 MS JEFFERIES: Hello, Sharon Jefferies on behalf of Thurrock Council.

17 MR YOUNG: Right, is that it? Yeah. Thank you. Right, let me move on to Essex, then,  
18 in that case.

19 MR MACDONNELL: Morning, my name's Gary MacDonnell. I'm representing Essex  
20 County Council today. I'm a programme manager working within highways  
21 and transportation, and to invite my colleague, Mark Woodger.

22 MR WOODGER: Morning, Mark Woodger, Essex County Council.

23 MR YOUNG: Thank you. Right, now Kent.

24 MR HUMPHRIES: Sir, my name is Michael Humphries. I'm a barrister representing  
25 Kent County Council, and I've got with me Joe Ratcliffe, who is likely to speak,  
26 and behind me, Victoria Soames, who is also likely to speak. There are other  
27 people from the county council, but I don't think that they will speak and I don't  
28 think they need to be introduced. Thank you.

29 MR YOUNG: Thank you, and now the London Borough of Havering.

30 MR DOUGLAS: Good morning, sir. Good morning, everyone. My name's Daniel  
31 Douglas, representing the London Borough of Havering.

32 MR YOUNG: Do your colleagues want to introduce themselves? Mr White.

33 MR WHITE: Yes, good morning, sir. [Lee White?], representing London Borough of  
34 Havering in all matters related to the DCO. Ms Basford

1 MS BASFORD: Good morning, Lynn Basford, representing Havering on all matters  
2 DCO, chartered town planner and transport planner.

3 MR YOUNG: Thank you. Now, Brentwood Borough.

4 MR QUILTER: Good morning, Jonathan Quilter from Brentwood Borough Council.  
5 I'm also joined by colleague, [David Debarca?]

6 MR DEBARCA: Good morning, David Debarca, consultant at Brentwood Borough  
7 Council, leading on all matters for transportation and urban development.

8 MR YOUNG: Thank you. Gravesham.

9 MR BEDFORD: Good morning, sir. My name's Michael Bedford, King's Counsel, and  
10 I'm speaking on behalf of Gravesham Borough Council. With me are Tony  
11 Chadwick and Wendy Lane, the project manager and the assistant director of  
12 planning, respectively, but I'm expecting I will be doing the contributions.

13 MR YOUNG: Right, and that's it for the local authorities. I haven't missed anybody,  
14 have I? No, okay. Let me go, then, to Port of Tilbury.

15 MS DABLIN: Good morning, Alison Dablin, and associate of Pinsent Masons and I'm  
16 appearing for the Port of Tilbury. Thank you.

17 MR YOUNG: Thank you. DP World.

18 MR SHADAREVIAN: Sir, good morning. Paul Shadarevian, KC, acting for DP World,  
19 and this morning I have next to me Simon Tucker from DTA, from whom we  
20 will hear today.

21 MR YOUNG: Do you want to introduce yourself, Mr Tucker?

22 MR TUCKER: Yeah, thank you. Simon Tucker from DTA here on behalf of DP World.

23 MR YOUNG: Thank you. Right, do we have Higham Parish Council? Okay, they're  
24 joining us this afternoon. Anybody from Shorne Parish Council?

25 MS LINDLEY: Good morning, sir. Yes, Susan Lindley, representing Shorne Parish  
26 Council.

27 MR YOUNG: Thank you. Right, there's some other interested parties on the list. Let  
28 me just see who we've got. Do we have Mr Graham Reeve.

29 MR REEVE: Good morning, I'm Graham Reeve, representing the Essex Area Ramblers.  
30 Thank you, sir.

31 MR YOUNG: Thank you. I missed out Transport for London, apologies. Transport for  
32 London, could you introduce yourselves?

33 MR RHEINBERG: Yes, thank you. Matthew Rheinberg, major projects and design  
34 manager at Transport for London, joined by my colleague.

1 MR ALIKA: And I'm [Shamar Aliká?], Transport for London strategic analysis  
2 manager.

3 MR YOUNG: Thank you. Do we have anybody else here? Quick show of hands,  
4 anybody else...? Yes, we have Ms Blake. Morning, Ms Blake.

5 MS BLAKE: Good morning, Laura Blake, chair of Thames Crossing Action Group.  
6 Thank you, sir.

7 MR YOUNG: Anybody else? Yes, Mr Beard.

8 MR BEARD: Robin Beard, local resident.

9 MR YOUNG: And Ms Thacker.

10 MS THACKER: Yes, Ms Jackie Thacker, local resident of Orsett.

11 MR YOUNG: Good morning.

12 MS HUGHES My name's [Leigh Hughes?] and I'm a local resident plus the vice chair  
13 of the London Veteran Group.

14 MR YOUNG: Right. Have I missed anybody either in this room or virtually? No, okay.  
15 In that case, I'll go to the applicant.

16 PARTICIPANT: Sorry, virtually?

17 MR YOUNG: Mr Pipe, do you want to introduce yourself? You're on mute.

18 MR PIPE: Sorry, schoolboy error. Morning, sir. I'm Adam Pipe. I'm the head of roads  
19 policing for Essex Police.

20 MR YOUNG: Morning, and Mr Elliott, you turned your camera on; do you want to  
21 introduce yourself?

22 MR ELLIOTT: Yes, I'm [John Elliott?], resident of Kent and long-time transport  
23 planner. Worked for GLC in various boroughs and still working for the chief  
24 engineers society of local authorities.

25 MR YOUNG: Okay. Right, we've covered everybody, then. In that case I'll hand over  
26 to the applicant's team.

27 MR TAIT: Thank you, sir. Andrew Tait, T-A-I-T, King's Counsel, instructed by BDB  
28 Pitmans. I have Mr Mustafa Latif-Aramesh on my right from BDB, Dr Tim  
29 Wright, head of consents of my left. Beyond him, Professor Helen Bowkett,  
30 who is the transport modelling and economic lead and beyond her, Mr Graham  
31 Stevenson, who's the transport planning lead for LTC. There will be a slightly  
32 different composition of the team for item 5, but perhaps they can be introduced  
33 at that point.

1 MR YOUNG: Fine, thank you. Right, so turning back to today's hearing, the agenda  
2 sets out the topics that we are going to discuss and generally, the applicant will  
3 speak first and the panel may ask questions at that point, and then we'll turn to  
4 the highway authorities and then to the interested parties. Please remember  
5 reintroduce yourself every time you speak and please speak clearly into the  
6 microphone. If you are not with us today live and you're watching this as a  
7 recording, you can make comments in writing on anything you hear by  
8 deadline 4 on 19 September. The introductions are now complete. Before I  
9 move on to item 2, does anybody have any comments on anything that I've  
10 covered in this opening?

11 PARTICIPANT: There is one hand up, sir.

12 MR YOUNG: There's a hand up.

13 PARTICIPANT: Yes, we've got –

14 MR YOUNG: Not sure who that is that's...

15 MR SMITH: Can I actually ask that the people dialogue is displayed on the Examining  
16 Authority's monitor screens on Teams, because it does actually then list the  
17 names of people who raise their hands? It's very hard to follow if that dialogue  
18 isn't displayed. Thank you very much.

19 MR YOUNG: Mr Hunt.

20 MR HUNT: Good morning. Apologies if this has arisen by some error on my part, but  
21 I was missed off the interested parties list. My name's Ben Hunt. I'm from  
22 Browne Jacobson LLP. We're providing support to the emergency services and  
23 safety partners steering group, so I'm here with Adam Pipe, head of roads police  
24 of Essex Police. If I could also just ask one thing – and it's probably a good  
25 point in the proceedings – Mr Pipe is only available for the morning,  
26 unfortunately, so if the panel would like to hear from him in relation to the area  
27 – the item on the agenda which is of main concern for us, which is item 5,  
28 perhaps that could be dealt with during the morning, if possible, though I  
29 appreciate that may present some other difficulties. Thank you.

30 MR YOUNG: We'll do our best to come to Mr Pipe before he has to leave. We'll come  
31 back before we break for lunch. Right, okay, any further questions on anything  
32 I've covered in the opening? Right. Mr Shadarevian?

33 MR SHADAREVIAN: Yes, thank you, sir. You will recall yesterday evening we were  
34 discussing matters in relation to slide 32, and I raised the issue about traffic



1 movements traveling south on the LTC to destinations of Little Thurrock and  
2 Chadwell St Mary, and we had a discussion about that and its implications.  
3 Following representations from Dr Wright that the additional movements at  
4 Orsett Cock would be about 245 in the a.m. peak, 395 in the p.m. peak, and I  
5 understood that further figures would be forthcoming today from the applicant  
6 in order to demonstrate what those movements would be to those destinations,  
7 and whether or not there would further impact to be assessed in relation to Orsett  
8 Cock. I don't know whether or not that information's forthcoming.

9 MR YOUNG: Well that's not really anything I've covered in my opening. I'm going to  
10 come to Orsett Cock. I think that might have been the best place to raise it.

11 MR SHADAREVIAN: Very good. I just wondered what was happening.

12 MR YOUNG: Yeah, okay. Well, thanks for raising it.

13 MR SHADAREVIAN: I apologise if it's come at the wrong point.

14 MR YOUNG: Okay, if you want to know any more about the programme for the  
15 remainder of this week, please see the recording of yesterday's event because  
16 I'm not intending to set out everything that Mr Smith set out yesterday. Okay,  
17 moving quickly to item agenda 2, the purpose of this hearing is to examine the  
18 operational and construction effects of the proposed Lower Thames Crossing.  
19 Now, very clearly a lot of traffic and transportation matters have been raised in  
20 written and relevant representations, and I'm sure you can appreciate it would  
21 be impossible to cover all of the issues raised in this hearing today, and therefore  
22 the agenda sets out those areas where the Examining Authority wishes to explore  
23 the written submissions in a bit more detail.

24 However, those that have raised a particular concern that is not covered in  
25 today's agenda, we would remind you that the examination of nationally  
26 significant infrastructure projects is primarily a written process, and written  
27 submissions carry just as much weight as oral submissions here today. So  
28 because of the technical nature of the matters that we're going to be covering  
29 today, I would expect the discussion to be mainly a discussion between the  
30 applicant and the highway authorities and the representatives of the ports. That's  
31 not to say that other people won't have – won't contribute, but there will be  
32 technical matters so I do want to – whilst we have everybody in the room – to  
33 concentrate on trying to resolve some of those issues.

1           That's all I need to say about purpose of the hearing. Does anybody have  
2 any questions about that before I move swiftly on to traffic modelling? Okay.  
3 Right, item agenda 3: traffic modelling. We want to focus on the localised  
4 modelling work that was submitted by the applicant at deadline 1, but we will  
5 have a discussion later about Bluebell Hill, but as far as this morning goes, I do  
6 want to concentrate on Orsett Cock, where the impact of this scheme is a subject  
7 of intense debate, as we heard yesterday. The Examining Authority had hoped  
8 that the submission of the VISSIM modelling at deadline 1 would have helped  
9 to resolve some of these issues, and we're aware – certainly from submission  
10 yesterday and those that I've read at deadline 3 – that there are a number of  
11 outstanding issues, particularly regarding the interpretation of the VISSIM  
12 outputs on whether or they support the SATURN modelling, and whether they  
13 indicate that mitigation would be required in this location.

14           I also want to discuss the implications of the DTA report prepared by Mr  
15 Tucker which was submitted by DP World at deadline 1, as well as appendix E  
16 to the deadline 2 submission. That was the applicant submission which was  
17 entitled, 'Comments on the written representation to the ports', and that – we'll  
18 have a discussion later about the overall impact on the ports. It might be useful  
19 to have some of these documents to hand.

20           I should add, also, that I'm making my way through deadline 3  
21 submissions. I have read most of them, but please do refer me to those where  
22 you think it would be useful. I think the best way to kick this off is to ask the  
23 applicant to summarise where we're at in respect of what has been submitted at  
24 deadline 1 which was the localised modelling report. I just want them to clarify  
25 in their opening whether the results contained in that report are different to those  
26 that were supplied to Thurrock and the ports at the pre-application stage.  
27 Thurrock and the ports have submitted comments that were based on the  
28 August 2022 Orsett Cock modelling report. So I'm a little bit unclear whether  
29 they are one and the same, or if a totally different modelling exercise has been  
30 done for the deadline 1 submission.

31           After that, I would like to explore in detail why there seemed to be a  
32 considerable difference of opinion when it came to this junction, and to try and  
33 identify a pathway by which outstanding concerns can be resolved. That's

1           enough form me, let me go to the applicant, get them to set out where we're at  
2           and then we'll go round the room, so Mr Tait.

3 MR TAIT: Thank you, sir. I wonder if I could just start by picking up the point Mr  
4           Shadarevian made in relation to the request yesterday, and ask Dr Wright to  
5           explain where we are with that data.

6 DR WRIGHT: Tim Wright for the applicant, so we pulled the numbers overnight. We've  
7           had the checks done, and it's an email ready to go to stakeholders, so I can get  
8           that out very shortly. What I'm aware of is that that will be sent outside of the  
9           process. That will be shared directly with stakeholders, so I wanted to understand  
10          if that was something that you wanted to talk to today as well, or whether you  
11          were comfortable that that was just going to stakeholders for now and informing  
12          the process alongside the discussion today.

13 MR YOUNG: Yeah, I think at this stage it would be helpful if it was shared with  
14          stakeholders, and then once they've had time to consider that we can begin to  
15          think about – have a look at that information, how it's introduced to the  
16          examination.

17 MR SMITH: Do you have any observations on process as well? Mr Shadarevian, I mean,  
18          we are talking about process here, but you obviously have a strong engagement  
19          in this. Do you have any observations on process as well? I mean, I have to say  
20          as a starting observation, we – it has been our instinct that it's best to get this  
21          information circulated between stakeholders swiftly so there are no blockages in  
22          time terms. That means that we can then resolve, procedurally, how best and to  
23          draw in everybody's responses to it.

24 MR SHADAREVIAN: It's kind of you to invite a response from me on that issue, and I  
25          would agree with that process, because we do need to interrogate that  
26          information and it can then be presented to you at an appropriate time once the  
27          parties have been able to consider it.

28 MR SMITH: Right, again, just to make very clear where we might go – and we have  
29          made, obviously, absolutely no judgement pending what emerges, but we may  
30          need to form this as part of the October or November hearing sessions, and/or  
31          pursue further in the second written question round, and obviously we can form  
32          a judgement about what's best once we've seen what has emerged and formed a  
33          view about the degree to which there might be likely agreement on it. Is there

1 anybody else with procedural observations on that point, or does that just confine  
2 itself between DP World and the applicant? Thurrock.

3 MR MACKENZIE: George Mackenzie for Thurrock Council, sir. We are content with  
4 that approach, thank you.

5 MR YOUNG: Thank you. Yeah, okay, Mr Tait.

6 MR TAIT: Thank you, sir, so if I can ask Dr Wright now to pick up the reins on what  
7 has been submitted at deadline 1 and supplemented at deadline 3 and then to  
8 proceed, focusing on some of your points from there on.

9 DR WRIGHT: Tim Wright for the applicant, so I'll try and take you through the  
10 information shared. I can also talk to information requests as well if that would  
11 be helpful, so we've set out a summary of the junction modelling submitting at  
12 deadlines 1 and 3 in table 5.1 of REP3-126, but to repeat that here, I think, would  
13 be helpful. So we've provided junctions and modelling reports for Orsett Cock,  
14 Manorway, Asda roundabout in operation and construction, Five Bells, [pit C?]  
15 and a number of junctions in Thurrock on an east-west model and the Havering  
16 TfL area.

17 In terms of the information submitted, there was a question regarding the  
18 information submitted at deadline 1 versus the information that had been shared  
19 with stakeholders prior to submission of the application. There were some minor  
20 differences in that model, so the model that was used for preparation of material  
21 for the stakeholders prior to the submission of the application was based on a  
22 model run, to use a code, CS-67 –

23 PARTICIPANT : 67.

24 DR WRIGHT: 67, thank you, which was used in the early preparation of the application  
25 materials and has informed certain parts of the assessment. There was a minor  
26 modification that was made to that model to create the CS-72, and that was the  
27 information that was included in the transport assessment and the combined  
28 modelling appraisal report within the application, and therefore, to avoid  
29 confusion, we updated the localised traffic modelling that had been issued prior  
30 to the submission to make sure that it was aligned fully with the modelling that  
31 was submitted as part of the application. The actual impact of that change was  
32 small. It was a very minor modification, but we felt it best to avoid that  
33 confusion.

1                   In terms of the information supplied then, I think – was there anything you  
2 wanted to ask on that before I move on to some of the outstanding requests for  
3 information?

4 MR YOUNG: I will ask questions, but not as this point, so if you want to carry on.

5 DR WRIGHT: So we have a number of outstanding requests for information, and I'll  
6 talk to them in turn. So first of all, Thurrock Council have made some requests  
7 for information, set out in a submission that they made at deadline 3, REP3-211.  
8 That sets out a number of actions that its states were agreed between us and  
9 Thurrock Council in a meeting, but we have a different perspective and we  
10 replied to that correspondence by setting out a different position with regard to  
11 the actions that were agreed. Nevertheless, many of those actions were agreed.  
12 We are currently working on developing some information; other information  
13 has already been passed over. It's a work in progress to provide information  
14 across to them.

15                   However, to pick on some of the ones where, I think, a bit of clarity would  
16 be helpful, so they've requested a number of models or model elements that don't  
17 actually exist, and I think that's because of an interpretation of what we wrote in  
18 the localised traffic modelling report, so if I can talk about that. These models  
19 were either developed earlier in the process and were used as part of the design,  
20 and therefore are superseded by design changes that have happened after these  
21 models were developed, or they are terminology that's been used to characterise  
22 something that doesn't actually constitute a model as such, but more a series of  
23 tools that work together. So effectively, a lot of these were run at optioneering  
24 stage, and the outcomes of that have been captured in the engineering and the  
25 SATURN model, rather than them being models of the scheme as it would  
26 operate, as set out in the application.

27                   To be specific, in table 14.1, Thurrock asked the applicant to share an M25  
28 corridor model, and we do not have a full corridor model. We modelled one part  
29 of one link on the M25 during design development, and so that model is no  
30 longer applicable; it's been superseded. Thurrock also asked for A13 corridor  
31 model. We've confirmed to Thurrock that there is no full model of the A13.  
32 We modelled a small part of the A13, which was used in model development to  
33 calibrate driver behaviour, and that was captured and brought in to the VISSIM  
34 model that we prepared and shared separately. And finally on Thurrock, they've

1 put in some additional requests for construction scenario assessments at a  
2 number of local junctions, and I propose that we respond to this under agenda 5  
3 where we talk about the construction modelling.

4 I could talk to Havering, but – well, I understand the focus is really Orsett  
5 Cock today. Would you like me to pick up havering for completeness?

6 MR YOUNG: Pick up Havering a bit later, but I just want to just, this morning, really  
7 concentrate on Orsett Cock. Yeah, do you want to...?

8 DR WRIGHT: I'll continue.

9 MR YOUNG: Yeah, just continue for now. Then I'll ask my questions.

10 DR WRIGHT: Tim Wright for the applicant, so Port of Tilbury set out in their deadline 3  
11 submission that they've asked National Highways to undertake a construction  
12 assessment on the private road network within the Port of Tilbury. The  
13 applicant's in discussion with the Port of Tilbury in relation to the use of their  
14 private roads during construction, and that will form the framework – the – will  
15 develop in the form of agreements between National Highways and the Port of  
16 Tilbury that are underway. So we consider that is best handled through the  
17 development of those agreements between the two organisations.

18 In terms of DP World, DP World put in a representations in their late  
19 deadline 2 submission, REP3-154 on table 4, and I'm going to read it and this, I  
20 think, sets a little bit – in responding, I'll also provide a bit more context as to  
21 the work we've done and how we see it fitting into the wider scheme, so if I can  
22 read from the submission. They've asked that we, 'Rerun the LTAM modelling  
23 using the known capacity constraints at Orsett Cock so that the model properly  
24 reflects the known throughput of the junction. This would allow the  
25 displacement effect of that capacity constraint to be reassigned to other routes.  
26 The individual junctions should then be reassessed using the individual  
27 junctions, using localised – local modelling tools to consider the impacts and  
28 potential mitigation. It may then be necessary to undertake a further run of the  
29 LTAM to consider the wider impacts of the mitigation proposed.'

30 So to talk to this, what I want to do is set out in the first instance the nature  
31 of the modelling work we've undertaken and how we see that combining  
32 together, so it's really the context within which we've used the VISSIM model,  
33 the purpose that we see that the VISSIM model then fulfils, and then talk to why  
34 we have concerns with this approach. So as I'm sure people around the table

1 are well aware, our approach has been to use the SATURN model to forecast  
2 flows across the area, and by using the SATURN modelling, we can account for  
3 drivers' behavioural responses to changes in the network conditions, so traveling  
4 at different times or going to different places and rerouting to take a different  
5 route to get to the same destination. The approach of variable demand is  
6 important to understand the nature of the changes that would happen with the  
7 scheme, and our approach is set out in REP3-126, section 3.2.

8 Now, in addition to the strategic model, there are obviously  
9 microsimulation tools such as VISSIM, which are appropriate for assessing  
10 small networks, but VISSIM doesn't deal with that driver response, and can't  
11 handle that aspect of route choice over a wider area. So where we have used  
12 VISSIM models is in the design development to look at the performance and  
13 safety of individual junctions. We take the outputs from SATURN and put them  
14 into a VISSIM model to check the performance of an individual junction, and as  
15 we do that, where we have identified concerns in the way that a junction has  
16 performed, we have then changed the highways design, as has happened two or  
17 three – or more – times through the development of the project, and then we take  
18 that revised highways design and we remodel using the strategic SATURN  
19 model to deliver the final assessment of the proposals.

20 I won't list all of the times that we've gone through that and modified. We  
21 highlighted some of them in our – an appendix to the localised traffic modelling  
22 report, so we see that the iteration loop of using SATURN and VISSIM is that  
23 we develop the highways design. We run it through SATURN to see what the  
24 flows are like. We then check local junctions using VISSIM. If they  
25 demonstrate that a change is required, we modify that highways design to then  
26 re-run it through SATURN.

27 MR YOUNG: Can I just clarify on that point, then, the flows for the VISSIM model that  
28 was done for Orsett Cock were taken directly from SATURN, because there is  
29 the issue that had been raised by Mr Tucker about actual flows, demand flows.  
30 It's a little bit complicated there, but are you able to speak to that?

31 DR WRIGHT: I'm able to speak to that to an extent, and then I would have to defer to  
32 my colleague, Professor Bowkett. Because of the nature of the discussion we  
33 were having with Thurrock Council at Orsett Cock, there are some questions  
34 about the peak hour of traffic flow. So SATURN produced as a.m. peak and a

1 p.m. peak, but in the discussions with Thurrock Council, we identified that their  
2 concern – particularly in the morning peak – did not coincide with the peak that  
3 we model using the strategic model, and therefore we had to make some  
4 modifications to that in order to allow for a different peak flow in the morning.  
5 If I can just check with my colleague, Professor Bowkett whether there's  
6 anything she wants me to say or that she wants to add.

7 PROFESSOR BOWKETT: Helen Bowkett for the applicant. I'd just like to add that the  
8 – we developed a VISSIM model of Orsett Cock during our own design  
9 development, but Thurrock Council asked if we could build a fresh VISSIM  
10 model under their direction through a series of workshops using traffic flows  
11 that they approved, and that they could see everything that was happening as we  
12 were developing the model. It's almost like we were a model for them as the  
13 client, so we had a whole series of workshops which set out a local modelised  
14 report. Now, for Orsett Cock – so this work was taking place during Covid, so  
15 we were looking around for what available traffic counts there were before  
16 Covid that could be used to build a [inaudible] VISSIM model, and we identified  
17 some one-day turning movement counts at Orsett Cock from 2016, and then  
18 there was another one-day count on A1013 from 2018, but we worked with  
19 Thurrock Council to develop a matrix for the VISSIM model based on those  
20 one-day turning counts, and we worked with them to develop a base model.

21 So how it works is we developed – had a series of presentations. We  
22 worked through how we felt the flows should be developed [inaudible] the  
23 counts, and developed the model and then shared it with them, took on board  
24 their comments, and revised the modelling line with their comments where they  
25 had made some. And then for the forecasting, you take the changing flows that's  
26 predicted by the SATURN LTAM model, and then you apply it to your base  
27 view VISSIM model flows, and then we're at the stage where we've submitted  
28 the forecasting report and the VISSIM model to Thurrock, and they've now  
29 kindly responded with their comments on the forecast report, so we'll be hoping  
30 swiftly to have another workshop with them where we can go through, address  
31 their comments, update the model accordingly and rerun traffic forecast with the  
32 model. So it's been very much a collaborative work in progress.

33 MR YOUNG: Thank you. Do you want to continue?



1 DR WRIGHT: Tim Wright for the applicant, so with that context set, if I return to the  
2 request from DP world, so we understand that DP World would like us to take  
3 the VISSIM results and input them back into SATURN. Now, that's feasible.  
4 The difficulty with that approach is that where longer delays are shown on  
5 VISSIM and those queues and delays are fed back into SATURN, the driver  
6 behaviour – the queues and delays are likely to reduce in the SATURN model,  
7 because that's able to reflect driver behaviour and route choices over the area,  
8 and reflect the fact that some trips would be likely to reroute, choose to travel at  
9 a different time.

10 Our concern is that we were to – sorry, I need to just... If you took the  
11 VISSIM results from a single junction and you fed them back into SATURN,  
12 what that would do would be to unbalance the SATURN model because it would  
13 be taking a single impact at a single location and not accounting for the various  
14 impacts across the wider junction, so – and then you would have to do it for a  
15 multitude of junctions across the modelled area. That would then lead to a  
16 requirement for an iterative process in which the VISSIM outputs are put into  
17 SATURN and the SATURN back into VISSIM, and vice versa, so on. The  
18 models would eventually reach convergence, but that would be an extremely  
19 long process. It wouldn't be proportionate, and isn't necessary for, or appropriate  
20 for preparation of –

21 MR YOUNG.: Had it ever been done, to your knowledge, in any other NSIP, any other  
22 road scheme you've been involved with? Have you ever taken that approach?

23 DR WRIGHT: Our understanding is that certainly in terms of National Highways, no,  
24 that hasn't been the case. If I can just get my colleague, Professor Bowkett, to  
25 confirm.

26 PROFESSOR BOWKETT: Yes, this isn't standard practice in National Highways to  
27 take results from the VISSIM model and put it back into SATURN. They have  
28 two concerns with doing it, which is this issue of balance across the wide area.  
29 If you start changing numbers at one junction, you'd be changing them at other  
30 junctions, and then you – how far out do you go? And their second main concern  
31 is with this iteration that you would have to do, so therefore the length of time  
32 the whole process would take doing it across a model for a wide area, because  
33 you take your SATURN flows, you put them into VISSIM, you would, by the  
34 nature of the fact you're using different modelling tools, get different forecasts,

1 delays, out of the VISSIM model. You put those back in SATURN, run your  
2 SATURN, bearing in mind that you've only manipulated – changed one  
3 junction, not the others, you'll then get a different set of flows because the  
4 SATURN model deals with what we call the variable demand modelling so the  
5 drivers change their destination, and it also would deal with the rerouting. So  
6 people might decide to move towards the junction or away from the junction if  
7 you change the delays in it. Then you'd get another set of flows out of SATURN  
8 which you then put into VISSIM, run VISSIM. You'd get another set of  
9 numbers. You'd go back to SATURN.

10 Where National Highways have the – it's standard practice for them to do  
11 – taking the outputs from the SATURN model, put it into a VISSIM model to  
12 look more closely at the operation of a junction, and they know of one occasion  
13 where, for a small scheme, only a VISSIM model was filled and then they  
14 actually had concerns that that VISSIM model, say, was not taking into account  
15 the variable demand rerouting aspects that you would get in a SATURN model,  
16 so they actually required a SATURN model to be built so that the SATURN  
17 model could then feed information down into the VISSIM model. So there was  
18 one exceptional case where they then looked back at the VISSIM into the  
19 SATURN. It was for one junction, not over a wide area like we have in the  
20 Lower Thames area, so that's our caution with that because it's not standard  
21 practice.

22 MR YOUNG: Yeah. Okay, so it's not that technically what DP World are asking to be  
23 done can't be done, but it's – from what you're saying it opens such a Pandora's  
24 box that it would be so disproportionate to do that...

25 DR WRIGHT: That's right; it would be disproportionate. What we have discussed with  
26 them is that we would do one iteration just to demonstrate to them the nature of  
27 that, but that we do not agree with the proposal and the process, but we are  
28 aware – and I think we'll come back to this this afternoon – that in some  
29 instances, it is necessary to move the conversation forward to do things that...  
30 So we have spoken to them about it, and we are exploring ways that we could  
31 do one version, just to test.

32 MR YOUNG: Yeah. Well, that's one of the questions I was coming to about – are you  
33 proposing to do any more modelling? But aside from what you've just said, is

1 National Highways content with what's been done, not proposing to do any  
2 further junction modelling at this stage?

3 DR WRIGHT: We're satisfied that what we've submitted into the application – and that  
4 the SATURN model that we've put into the application – is a robust tool for the  
5 assessment of this scheme of making the decisions. The VISSIM does serve a  
6 purpose to help people explore the issues and that's why we have shared it, to  
7 help that discussion move forward, but we remain in the position that the  
8 SATURN modelling we've done is an appropriate and robust decision-making  
9 tool.

10 MR YOUNG: Can you just help me and my colleagues by – if you can, you may not be  
11 able to answer this, but in terms of other projects and NSIPs that you've been  
12 involved with, how does the level of the amount and scale of modelling that's  
13 been submitted for this compare to other large road schemes that National  
14 Highways have been involved with?

15 DR WRIGHT: I'll defer to my colleague, Professor Bowkett, to set that out, please.

16 PROFESSOR BOWKETT: Helen Bowkett for the applicant. The modelling that we've  
17 done for Lower Thames Crossing is comparable with the modelling that's done  
18 for other schemes by National Highways. In fact, in way it's more advanced  
19 because we did a considerable amount on the Lower Thames area model. It's a  
20 very well developed model which – it was very important to build a model that  
21 covered such a large area as the Lower Thames area model to pick up the  
22 variable demand response and the rerouting which could affect a considerable  
23 part of Kent and Essex, so it has been an intense and comprehensive exercise,  
24 and particularly the use of the VISSIM model in the design process as well.

25 MR YOUNG: Is it normal that you would do that, the VISSIM modelling?

26 PROFESSOR BOWKETT: Yes. It's normal industry practice because in modelling,  
27 you've got a variety of tools suitable to different purposes, and it's – making a  
28 big investment like this, it's very sensible to look at the VISSIM model because  
29 it does give you different insights into how a junction would operate, so it would  
30 be common practice to use both tools together and take the insights from both.

31 MR YOUNG: Okay, alright. Do you want to say anything at this stage about DP World's  
32 submission, Mr Tucker's report at this stage? Do you want to cover that, and  
33 then I think probably that's going to be a time – after you've covered that, we'll  
34 go round. I do want to come back to the results of the VISSIM modelling,

1           though, so we'll come back and ask the applicant to comment – summarise what  
2           the results showed. But yeah, do you want to say anything DP World's  
3           submission, and have I missed anything at deadline 3? Because I know I have  
4           read a comment that the applicant was going to digest Mr Tucker's report and  
5           you were going to submit some comments on it. Have I missed that at  
6           deadline 3, or is that still – are we still waiting for that information?

7   DR WRIGHT: Tim Wright for the applicant. We haven't yet submitted that response,  
8           so that is still to come. But again, if I can talk further about the DP World  
9           submission, and our understanding of the concerns there. So DP World have  
10          raised concerns about U-turning movements at Manorway to access the A1089,  
11          so this relates to traffic travelling north or south from LTC, coming off at Orsett  
12          Cock and being put off by the queue length on the roundabout's circulatory  
13          lanes. They feel that traffic will instead decide to carry on traveling further east  
14          to Manorway roundabout, to U-turn and come back to Orsett Cock in order the  
15          A1089, and they have a concern about the increase of traffic on Manorway in  
16          terms of their access into their port. In REP2-050, table A.1, we set out the  
17          number of vehicles using Manorway to U-turn to get on to LTC.

18   MR YOUNG: You gave that figure yesterday, didn't you?

19   DR WRIGHT: No, that was a different figure I gave yesterday, so in REP2-050, what  
20          we set out – we don't believe that there are vehicles that are doing the movement  
21          that DP World are setting out. LTAM does not forecast vehicles doing the  
22          movement to come off at Orsett Cock, travel along the – sorry, come off at the  
23          LTC, travel along the A13 and U-turn up Manorway. What we believe some  
24          vehicles do is they come from the A128 Brentwood Road to the Orsett Cock  
25          junction. They are wanting to get on get on to the LTC but can't directly, and  
26          therefore they will go up to the A13, turn around at Manorway and return on the  
27          A13.

28   MR YOUNG: Why wouldn't they be able to – if they're coming down the A128, why  
29          wouldn't they be able to get onto this slip road to 1089 from Orsett Cock?

30   DR WRIGHT: No, they would be able to get on. What we're saying is that the 40  
31          vehicles that are travelling along the A13 to Manorway and returning are  
32          actually originating from the A128 southbound, who want to join LTC, cannot  
33          directly at Orsett Cock, and therefore they go up to Manorway and back. But  
34          we set out those numbers, and in the 2030 a.m. peak it's 40 PCUs that would

1 make that movement, 29 in the p.m. and by 2045 that would actually be zero in  
2 the a.m. peak and zero in the p.m. peak, so we do not agree that there are vehicles  
3 making that U-turn.

4 MR YOUNG: No. I mean, Mr Tucker will speak for himself, I'm sure, but I think that  
5 report, as I understood it, was predicated purely on the basis that Orsett Cock is  
6 so congested, and I'm assuming in a world where Orsett Cock is not congested,  
7 then that problem dissipates, not there anymore, so...

8 DR WRIGHT: Sir, Tim Wright for the applicant. If I can speak to that, we recognise  
9 that there will be queues at Orsett Cock roundabout and that is set out in our  
10 documentation and our reports, but we don't consider the movement to be an  
11 attractive alternative, so let me, if I can, just set out why we don't think traffic  
12 will take that route. The route used in the project, A13, U-turning at the  
13 Manorway junction, Orsett Cock junction and the exit for the Orsett Cock  
14 junction is 6.6 kilometres longer and would take an addition 7.9 minutes in the  
15 2030 a.m. peak and then by 2045, an extra 10 minutes, so the additional journey  
16 times for vehicles, if they were to U-turn at the Manorway junction – which we  
17 set out in table 5 of the document – is substantial.

18 So we've done the VISSIM modelling, which shows that the delays that  
19 would be incurred as you go through Orsett Cock junction are substantially  
20 lower than that. The distance would be lower, and therefore whilst, yes, traffic  
21 will have to sit in a queue at certain times in order to move through, Orsett Cock  
22 roundabout, the diversionary route that would otherwise be taken is so  
23 significantly longer that we don't believe that traffic would make that.

24 Now, if I can talk to that actual modelling information that DP World  
25 supplied, DP World produced a LinSig model which, again, doesn't show  
26 U-turning movements, and in fact if you take the base model which excludes the  
27 – any U-turning movements, that shows Manorway junction functions  
28 satisfactorily. So they then explain in paragraph 3.1.3 of their submission,  
29 REP3-154, that they added an additional 200 vehicles to reflect a scenario that  
30 would be Orsett Cock not operating in a normal scenario. We don't consider  
31 that scenario to be representative of, and – or a reflection of how the variable  
32 demand model, the SATRUN model, would account for such a circumstance.  
33 So we don't think that the modelling provided by DP World is representative of  
34 the performance of Orsett Cock junction, excepting, potentially, some unusual

1 conditions, and even then whether the 200 vehicles is right or not is something  
2 that we haven't really – we consider that to be an arbitrary number.

3 MR YOUNG: Yes. Mr Tucker's report had flows of 755 and 664 in the – doing the  
4 U-turn movement, and your deadline 2 submission had the number way lower.  
5 I think they're the figures you gave us yesterday: 231, 204 – I'm not sure whether  
6 that's PCUs or movements, but anyway. The figures were vastly different. I  
7 suspect that's why there was – in terms of the performance of Orsett Cock, that's  
8 why there was a big difference between the two but Mr Tucker will speak to  
9 that, I'm sure. Okay, is there anything you want to say on the work that  
10 DP World did? Because I think it's only fair at this stage to ask them to come  
11 back on.

12 DR WRIGHT: I'll just confer with my colleagues quickly.

13 MR YOUNG: Yeah.

14 DR WRIGHT: No, sir. That will do.

15 MR YOUNG: Okay. Alright. I'm going to ask DP World to come in now rather than  
16 Thurrock, because – only on the basis that they've done an alternative  
17 assessment, okay? Nobody else has, so in terms of – I really want to get to the  
18 bottom of this. I think it's fair that I go to them and then if it's anything – I'll  
19 give you the opportunity to come in as well, Essex.

20 MR MACKENZIE: George Mackenzie for Thurrock Council. Thank you for explaining  
21 that, sir, noted.

22 MR YOUNG: Yeah. Okay, Mr Shadarevian.

23 MR SHADAREVIAN: Yes, sir. I'm going to hand over to Mr Tucker. We're going to  
24 start by looking at the Manorway junction, just to contextualise this and explain  
25 its sensitivities and its functionality.

26 MR TUCKER: Thank you. Simon Tucker for DP World, so yes, starting at Manorway,  
27 the sensitivity of Manorway interchange in terms of being the critical access to  
28 the port links on to the fact that it was reconstructed as part of the consents at  
29 DP World London Gateway to provide additional capacity into the port from the  
30 A13. That junction is designed to, obviously, accommodate all movements, but  
31 predominantly to accommodate a high flow of traffic, and HGVs in particular,  
32 from the A13 west down the Manorway and into the port and park, and as a  
33 function of that, the capacity – and the predominant capacity in the junction is

1 that movement – changes to the disposition, if you like, of traffic around the  
2 junction.

3 So U-turning is one example, but also traffic coming from the north and  
4 turning right down the A13 will have a significant impact on how that junction  
5 operates, and I've set it out in my first written REP, but that comes down to a  
6 very small point which is on the southern side of the roundabout there's a very  
7 short link at a give way line, where, if people are U-turning round the junction,  
8 there's only three or four cars – sorry, five cars or two or three HGVs where, if  
9 they're waiting at a red light, that effectively gridlocks back around the junction.  
10 So although the numbers that you heard in the set out in REP2-050 – 40 vehicles  
11 an hour U-turning – that, potentially, on a link which is already at capacity, could  
12 have a disproportionate impact on the capacity of that junction, so it is critical  
13 that that node is properly assessed and considered.

14 The knock-on effect from Orsett Cock – if I could just provide a few  
15 summary points before we go into the detail – is that the – if there is congestion  
16 elsewhere in the network, and if that were properly captured in SATURN, as Dr  
17 Wright said earlier, SATURN would then disperse, reassign or redirect traffic  
18 to other locations, i.e. in simple terms, and these are round numbers, but if  
19 SATURN assumes that the capacity of a junction is 5,000 vehicles an hour in its  
20 actual capacity, but the demand flows are 6,000 vehicles an hour, then that extra  
21 1,000 vehicles, SATURN will assume, cannot get through that junction and will  
22 have to go somewhere else because they're on the wider network.

23 So the fundamental concern about Orsett Cock is that if it cannot be shown  
24 to be operating within reasonable capacity, there will be additional diversion and  
25 reassignment of traffic on the network, which hasn't been properly captured in  
26 LTAM, which is likely to have a significant impact on Manorway.

27 MR YOUNG: Yeah.

28 MR TUCKER: And sorry, sir, just to finish the thought process, we've talked about the  
29 U-turning, but the other concern that I've got is the A128 southbound, so coming  
30 from the – sorry, got the numbers wrong – that coming from the north, so from  
31 Laindon for example, if, as forecast in the VISSIM model, there's a long queue  
32 on that link, then rather than come down that road to Orsett Cock, they might  
33 choose to turn off the main road earlier, if you like, to the east, and therefore come  
34 down and join Manorway from the north, from the B1007, so there are

1 interactions between the two junctions which LTAM hasn't properly capture,  
2 and the reason it hasn't properly captured it, and the reason we know it hasn't  
3 properly captured it is because the VISSIM modelling, for whatever reason it  
4 was prepared, whether it was prepared for design processes or not, it's in the  
5 evidence base in front of us all, and that shows that the throughput of the junction  
6 is significantly lower than SATURN has assumed, so there is a clear disconnect  
7 between what SATURN is saying about the wider network and what VISSIM is  
8 saying about the wider network and it's not adequate to say that, 'We're only  
9 doing that for design progression,' because it does fundamentally question  
10 whether LTAM is right.

11 Now, the way to deal with that, Dr Wright kindly read out part of my table  
12 4. He missed out – and you had a discussion about whether that was a reasonable  
13 amount of work. I had an 'or' in that table, which I can take you to, if you like,  
14 but the alternative approach that I was proposing to deal with that was that: if  
15 you don't want to re-run LTAM or you haven't got time or you think it's  
16 disproportionate, then you ought to get the operation of Orsett Cock in VISSIM  
17 to a point that properly corroborates and converges – to use Dr Wright's  
18 terminology – with the LTAM assumptions. I'm sure that it's designed to  
19 provide the amount of capacity that LTAM is assuming it can accommodate.

20 So you don't have to – ideally we would go through that iterative approach  
21 – yes, I know that Thurrock could make the same point – but if there isn't time,  
22 then the right solution to resolve it and to get convergence is to provide a  
23 junction form in VISSIM, which, you can have comfort, converges with the  
24 assumptions in LTAM, i.e. show some mitigation, re-run VISSIM to show that  
25 that throughput can be achieved and then we would have comfort – I would have  
26 comfort – that the reassignment effect of LTAM generally is properly  
27 represented.

28 MR YOUNG: Can you not accept the point that you would have to do that at every  
29 junction? Which was I think the point that National Highways were making:  
30 you couldn't just simply do it in isolation.

31 MR TUCKER: Well, there is an issue, isn't there, that this assessment and this process  
32 has highlighted that LTAM as a strategic model may or may not validate and  
33 calibrate to WebTAG and all those other questions, but there is an issue here that  
34 we have a known evidence base that proved that the two don't agree with each



1 other. And that disconnect needs to be resolved and if there are other junctions,  
2 which have the same problem, yes, they need to be resolved as well – and I  
3 haven't delved into the detail of the other wider junctions and I've heard  
4 concerns yesterday about capacities – but fundamentally if you're going to rely  
5 on LTAM to make a decision on the scheme, you need to be comfortable that it  
6 properly assesses the impacts and we've got evidence – I mean, it's not my  
7 evidence – I mean, I'll come back to my own evidence in a minute – but this is  
8 National Highways' own assessment that shows that the two don't corroborate,  
9 converge, whatever the right terminology is.

10 So I think my view is that for those critical nodes, this being one of them  
11 for the port, but I'm sure there are others, that assessment does need to be done  
12 to check that it is correct.

13 MR YOUNG: Just be clear though, you're not suggesting that the LTAM model is in  
14 any way defective. It doesn't validate – it's been calibrated – it's not part of DP  
15 World's case, nor is it, I don't think, part of Thurrock's case. That's not been  
16 challenged, has it?

17 MR TUCKER: In terms of –

18 MR YOUNG: It does meet TAG standards, does it not?

19 MR TUCKER: It does meet certain TAG standards, as far as I'm concerned. What I'm  
20 questioning is – as a strategic model, it meets TAG standards. What it clearly  
21 doesn't do, in terms of a refinement of that, is validate with a known assessment  
22 of Orsett Cock. And that's the thing: that you've got a strategic model. It covers  
23 – Professor Bowkett said most of the south east of England. It's a massive  
24 model. It's gone through a due process but it's never going to be able to properly  
25 consider impacts at isolated locations. That's not its purpose and that's not what  
26 it does. If you're worried about particular node, Professor Bowkett said she did  
27 it the other way once, but that's fine, but you do need to corroborate on those  
28 individual bases whether you can rely on the evidence base.

29 So the way that I see it is that – I'm not saying that LTAM needs to be  
30 thrown in the bin; I'm saying that there's sufficient evidence – produced by the  
31 applicants themselves – that says on this particular part of the network it does  
32 need proper refinement one way or the other to ensure that you can be  
33 comfortable that the evidence-based supports fit the overall scheme and what  
34 it's been promoted to achieve.

1 MR SHADAREVIAN: Paul Shadarevian. Sir, in that context it's important to  
2 understand that the Manorway junction is a sole point of access to what is an  
3 interest of national significance in terms of port activity.

4 MR YOUNG: Yes, that's well understood. To go back to the point I raised with Dr  
5 Wright, in the scenario where you're happy with Orsett Cock, concerns at  
6 Manorway disappear, don't they?

7 MR TUCKER: More or less, I think it still needs – the 40 vehicles U-turning could still  
8 have an impact on that short node that I described earlier, which hasn't been  
9 assessed. But if we had comfort that the SATURN model – the LTAM was  
10 properly forecasting what's happening at Manorway, then yes, that would be  
11 correct. Subject to one other caveat, which hasn't been discussed and isn't, I  
12 don't think, on the agenda, but is the issue of incidents on the Dartford Crossing  
13 and how that's been properly assessed, in terms of the additional traffic that  
14 might come across to the A13 corridor as a result of those incidents, which are  
15 frequent, daily, ten times a day and that hasn't been assessed.

16 And we might design mitigation at Orsett Cock, which resolves the point  
17 you've just asked me, but then if you're adding on more traffic, because  
18 everything's diverting frequently from the existing crossings to the new  
19 crossings, that's a test that hasn't been done yet. So there may be further impact  
20 arising at that same point, which is just not in the evidence base at the moment.

21 MR YOUNG: Thurrock –

22 MR TUCKER: Sorry, sir, just a final thing in my note was that the comments about  
23 LinSig modelling that I produced. And one of the reasons that we were  
24 challenging or seeking the numbers that have been issued this morning, is to  
25 understand what actually is changing at Orsett Cock. So my LinSig modelling  
26 based on what I could understand from the TA –

27 No, step back – from the data that we've got from the modelling, the  
28 eastbound approach to Orsett Cock experiences, something like 1,000 extra  
29 vehicles in the morning peak as a result of the LTC, whether it's described in  
30 the transport assessment in terms of Orsett Cock being used for U-turning traffic  
31 to the A1 – sorry, 1089 I assumed that that 1,000 vehicles was effectively U-  
32 turning around the roundabout to go back down to the 1089.

33 What's been clear in the revised assessment and modelling that we have  
34 got – and I've set that out at table 1 of rep 3154 – is that there's actually a more

1 dynamic change at Orsett Cock in terms of the LTC. So there is the 200 and –  
2 just take the morning peak for an example, it's 250, 245-odd, movements doing  
3 a U-turn but the other 1,000 vehicles that are additional on that link are actually  
4 going south down Brentford Road. They're going east on the A1013 and they're  
5 going west on the A1013.

6 So in terms of my assessment, that's superseded because the numbers that  
7 [inaudible] put into it were wrong, but with those new numbers the impact's  
8 going to be the same: you've still got a large amount of traffic, whether it's  
9 genuinely a U-turn or whether it's going round the roundabout and then south  
10 down Brentford Road, it's still a significant increase in traffic and that's why  
11 those numbers are important. Yesterday we looked at slide, I think it was 32,  
12 which showed the movement to Tilbury Port with the U-turn around the  
13 roundabout. But actually what LTC induces at Orsett Cock is a lot of extra  
14 traffic on all movements.

15 And so my LinSig model, I suppose, is superseded, but we could re-run it  
16 with that new number and it would still show, as does the VISSIM, it would sort  
17 of corroborate the VISSIM that there's significant queuing on all of those arms.

18 MR YOUNG: Does Thurrock want to come in as well?

19 MR MACKENZIE: Yes, sir, we do. George Mackenzie for Thurrock Council. We  
20 obviously have a lot to say on this topic, sir. I proposed a deal with matters in  
21 the following way: can I firstly pick up a question that was directed to us, as well  
22 as DP World about whether LTAM is in accordance with the current TAG? Our  
23 position is, 'No, it's not,' and the reference is paragraph 7.8.10 of our local  
24 impact report. Can I ask Kirsty McMullen to just talk to that issue for now and  
25 I'll then move on to the other substantive points that we want to make, please?

26 MS MCMULLEN: Kirsty McMullen, on behalf of Thurrock Council. So LTAM model  
27 is based on 2016 data. It's now considered to be out of date by the council but  
28 it's also considered to be out of date by National Highways themselves. So  
29 we're aware that they are updating LTAM at the moment as part of their work  
30 for the full business case. And effectively they need to do that so that they can  
31 go on to that next step.

32 MR YOUNG: At the time of submission.

33 MS MCMULLEN: At the time of submission, they were updating LTAM for their full  
34 business case, but the DCO is based on the out-of-date LTAM model.

1 MR YOUNG: Was it out of the date at the time of submission?

2 MS MCMULLEN: It's based on 2016 data.

3 MR YOUNG: Yeah, that doesn't strike me as unusual for a transport model.

4 MS MCMULLEN: So what we've set out in the LIR is that there's lots of changes that  
5 have happened since that time that haven't been reflected. So we've had Covid.  
6 We've had Brexit. There's other demand changes. So it's a seven-year period,  
7 within which those changes have been made. Professor Goodwin will be talking  
8 further on this in more detail on the next agenda item, in terms of uncertainty  
9 and our view of uncertainty is it's probably better, I think, to come on to those  
10 matters in more detail.

11 MR YOUNG: I think so. Yeah, we don't want to –

12 MS MCMULLEN: I'm conscious we're probably straying into the next agenda item, but  
13 just to stress that our position is that we consider LTAM to be out of date and  
14 not in accordance with current guidance and is being updated at the moment. Is  
15 it useful now for me to just go on to Orsett Cock and the position on Orsett  
16 Cock?

17 MR YOUNG: Yeah.

18 MS MCMULLEN: So what we have done is set out both in our LIR and we updated it  
19 at deadline 3 – it has moved on slightly since then, but we've got a table, which  
20 we set out as a RAG system of hopefully to help you guide the process at each  
21 deadline and we will update it at each deadline.

22 MR YOUNG: That one, the flow diagram.

23 MS MCMULLEN: Yeah, that's it. Exactly, yeah. So the latest one we submitted was  
24 at deadline 3, and that's at appendix E, annex 1. And so what that shows is that,  
25 in terms of what – I'll do an overview quickly, but then concentrate on Orsett  
26 Cock – we do now have an Asda VISSIM model, and so that will now, at the  
27 next stage, go from red to orange because we're now reviewing that Asda  
28 VISSIM model. Orsett Cock, I'll come onto in detail shortly. East-west model,  
29 we do have a base model, but it's not yet approved and therefore until that's  
30 approved we can't then move on to discussing the forecast model with the  
31 applicant. So we're still raising concerns with that base model.

32 Manorway, we haven't got a base model; there's a forecast model based  
33 on LTAM flows, but the forecast model isn't based on observed traffic  
34 behaviour. There's been ample opportunity since the A13 construction works

1 were complete, for the applicant to collect that data and build that base model,  
2 from which to create a forecast model. That hasn't been done and therefore we  
3 are doing that at the moment. So we are undertaking a VISSIM base model of  
4 Manorway and that will be submitted shortly to the applicant in time for them  
5 to review it by deadline 5. So that hopefully starts to take the Manorway issues  
6 forward, though currently at red.

7 Five Bells junction, we have received an ARCADY model, but ARCADY  
8 doesn't address the concerns that we're raising at Five Bells. We're expecting  
9 a VISSIM model at that junction. We will respond formally at the next deadline.  
10 And Tilbury Junction resubmitted ARCADY information as part of our LIR on  
11 the operational impacts of the Tilbury junction but I haven't received any  
12 information on that.

13 But, going back to Orsett Cock and where we're at at Orsett Cock: we  
14 have worked with National Highways and we have agreed a base model so we  
15 haven't submitted any differing data. I suppose, there's the confusion of which  
16 version of the model because we're obviously provided with a version of the  
17 model pre-examination, and we heard from the applicant that they have updated  
18 that as part of deadline 1 to reflect a change in demand within LTAM so that  
19 version is now – we don't know what that version is called, the version we were  
20 provided with, the version 1.5 – we have asked for proper version controls and  
21 model logs that will hopefully help when we're discussing the examination that  
22 we can keep track on versions. So hopefully that will help going forward.

23 In terms of the forecast model, we're yet to agree that for Orsett Cock.  
24 Based on the previous version that we were provided with – version 1.5 – we set  
25 out a number of issues with the coding of that model. And we have now  
26 provided that updated forecast model back to the applicant for them to review,  
27 and hopefully that will speed up the process, rather than us providing a review  
28 to the applicant to then address. So there will be elements that they need to  
29 address, even though we provided a full updated forecast model to them. There  
30 are a number of points that they will need to address, which they are already  
31 aware of, based on the model meeting we have with them on 16 August.

32 To name some of those, latent demand is an issue. So latent demand is  
33 whereby there is extra vehicles within the network that are trying to get into the  
34 network, but they are out of the model network and out of the approaches, so

1 there is a significant amount of latent demand on the approaches to this model.  
2 And what the applicant is seeking to do is to extend the approaches on the arms  
3 to the model so that we can get a clear understanding of the actual length of the  
4 queue and the journey time impacts through the junction. So, at the moment,  
5 we've provided them with an updated, coded model, but that now needs to be  
6 updated again to reflect latent demand. It will also need to be updated to reflect  
7 their latest CS-72 LTAM demand flows.

8 And the final thing that we've requested is that the VISSIM model is  
9 showing significant queues, which the applicant accepts on Rectory Road, and  
10 so, as part of the modelling meeting actions from 16 August, they agree to do  
11 two sensitivity tests of removing traffic from Rectory Road and reallocating that  
12 back onto the A128, Brentwood Road. And a second sensitivity test to see the  
13 effect of having a bus only link on Rectory Road. So we still have some way to  
14 go on Orsett Cock and understanding what – or be able to make judgements on  
15 the impacts at Orsett Cock.

16 And it's important to note that this isn't wider mitigation; this is part of  
17 their scheme as we were explaining – or they were explaining yesterday at issue-  
18 specific hearing 3, they need this junction to work because it is an integral part  
19 of their project.

20 Just as a final couple of points I wanted to make in terms of the interaction  
21 between VISSIM and LTAM. So it is common practice for there to be this  
22 iterative approach between VISSIM and a SATURN model, and that is actually  
23 set out in TfL's modelling guidance of best practice for modelling, so we can  
24 provide that in written submissions, in terms of this iterative approach. What is  
25 incorrect is to say that we're expecting there to be the flows going from one to  
26 the other. Actually, what is required is that the operational models – the VISSIM  
27 model – is optimised in terms of all the signal timings and the modelling  
28 parameters from the VISSIM model are input back into LTAM. We would need  
29 to do the same on other junctions when we get to that point but we've identified  
30 this as a severe difference between what VISSIM is showing and the significant  
31 queuing and delay in VISSIM that is not reflected in LTAM.

32 And in the modelling actions the applicant has agreed to go through that  
33 process. It will then effectively change the journey times and the driver  
34 behaviour within LTAM that the transport assessment, the business case and

1 everything is based on, but it is common practice to have this iterative process  
2 and that's what TfL do on their schemes.

3 MR YOUNG: There's a lot to digest there.

4 MR MACKENZIE: I'm afraid I do need to add some further material into the digestion  
5 chamber, if I may. George Mackenzie for Thurrock Council, before the  
6 applicant responds. So yes, it's really just to, if I may, take a step back and place  
7 some of the observations that Ms McMullen has addressed you on in a legal  
8 context because Thurrock Council has a fundamental concern that there is now  
9 a real risk that, even by the end of this examination, the applicant won't have  
10 furnished to stakeholders or to the panel, validated micro-simulation or  
11 operational models of the local junctions, and nor will they have fed the  
12 parameters and signalisation outputs of those models into the SATURN model.

13 And yesterday Ms McMullen said that there was still a long way to go in  
14 respect of where we need to be so far as achieving convergence between the two  
15 types of models, and I hope that that position is now understood at the more fine-  
16 grained level. And there are consequences of that position and also on the  
17 consequences of that position changing because, as Mr Shadarevian explained  
18 yesterday, we're running out of time. And that is the case both in absolute terms  
19 because of the statutory period, within which the examination must take place,  
20 but also in procedural fairness terms, if I can put it like that because clearly any  
21 new modelling and any new attempt to take up that iterative approach and share  
22 the results of it with stakeholders needs to be fairly appraised and interrogated  
23 by parties to the examination, and that needs to be sufficient time for that.

24 But the headline point that I want to emphasise, if I may, is that the  
25 consequence of the information deficit, which exists at the moment, sir, is that  
26 the panel is being asked to make a determination on the merits of a scheme  
27 without an adequate set of local junction models. And that means that the  
28 operational impacts on LTC on local junctions and of course on local  
29 communities, it follows, can't be properly understood or appraised. And that  
30 means – and I don't shy away from this submission, sir – that means that a lawful  
31 in the sense of a decision, which I is supported by adequate evidence on these  
32 matters is at present impossible.

33 And with respect to the applicant, it's not an answer to this point, we  
34 respectfully submit, to say that LTAM itself should be used to assess these

1 localised impacts and that the VISSIM micro-simulation is only an appropriate  
2 tool at the design stage and should be discounted or disregarded thereafter. And  
3 we've been over the reasons for this and there are five headline points to note.

4 The first is that the SATURN model is better suited, and indeed designed,  
5 to inform the business case and the economic appraisal and the strategic effects  
6 of the project. And secondly, it follows that it's an inadequate tool to inform  
7 and understand the operational impact of LTC at the local junction and local  
8 community level.

9 Ms McMullen has dealt with the point on the out-of-date base data and the  
10 absence of local road validation. And also the final point is the difference of  
11 opinion between Thurrock Council and the applicant to do with the SRN peak  
12 period being earlier than that on the local road network and it's the VISSIM  
13 models, which are the appropriate tools to assess that peak period in the a.m.

14 And so we're not aware of any other NSIPs which have been examined in  
15 the absence of a major and unexplained friction between the strategic and the  
16 local operational modelling where each model tells a different story.

17 MR YOUNG: Well, that's not the applicant's position, though, is it?

18 MR MACKENZIE: Well, it's our position. So, taking a step back, we know – and indeed  
19 this is acknowledged by the applicant – that there will be a range of major  
20 adverse impacts on local junctions and, in that context, it's necessary to  
21 understand precisely what those impacts are, how severe they will be and what  
22 the appropriate mitigatory tools are to address those matters. And again, that is  
23 something that we say can only be understood on the basis of sufficient micro-  
24 simulation.

25 And if I can just give one example of how important the micro-simulation  
26 is – it's a matter that we touched on yesterday in relation to Orsett Cock, which  
27 is a junction that has been subject to micro-simulation in VISSIM, although the  
28 council hasn't signed it off, as it were – but it's the issue of the weaving section  
29 where traffic from LTC and the A13 merges on the westerly approach to the  
30 A13. And, following micro-simulation, the weaving length of that lane was  
31 increased only in the model from 90 metres to 200 metres, which is a significant  
32 change, which arose because of micro-simulation and having regard to it. And  
33 there's a footnote to this, that change, which is shown in the model, hasn't been  
34 incorporated yet into scheme design.



1 But I want Thurrock's position on this matter to be crystal clear and  
2 unambiguous and it's as follows: that if the local modelling isn't completed and  
3 validated, then there will not be a legally acceptable basis on which to assess  
4 and determine the merits of LTC and that will mean that the project can conflict  
5 with the national networks NPS, paragraph 4.6 in particular, which provides that,  
6 'Applications for road projects should be supported by a local transport model  
7 to provide sufficiently accurate detail of the impacts of a project.' And we say  
8 that, in the absence of the micro-simulation operational models that we're  
9 talking about, it would fail that test.

10 And the same paragraph of the NPS states that, 'The modelling should be  
11 proportionate to the scale of the scheme and include appropriate sensitivity  
12 analysis to consider the impact of uncertainty on project impacts.' And,  
13 although the applicant today has suggested that it would be disproportionate to  
14 achieve or seek to achieve model convergence by way of model iteration as  
15 between VISSIM and SATURN, absolutely no explanation as to why it would  
16 be disproportionate has been provided. No indication as to the length of time  
17 that might take or the level of resource it would consume and no explanation as  
18 to why that process wasn't started earlier.

19 And, given the scale of this particular project, we consider that it's  
20 perfectly obvious that micro-simulation is proportionate and therefore necessary  
21 in the context of policy. And so that's our primary submission that, in the  
22 absence of this information, there isn't a sufficient or reasonable evidential basis  
23 for assessing the full range of scheme impacts in determining appropriate  
24 mitigation.

25 And the second subsidiary point is the timing point, which I've made  
26 already, which is that, clearly as a matter of procedural fence, if this additional  
27 information is to be provided, then there also needs to be sufficient time to digest  
28 and interrogate it and to provide comments to the applicant and to you, sir.

29 MR YOUNG: Thank you. Mr Shadarevian, we're looking to take a break and then we'll  
30 look to let the applicant come back after that.

31 MR SHADAREVIAN: Yes, I just wondered whether I might just indulge you – whether  
32 you might just indulge me – a little a bit longer. Just two points really in  
33 response to what was said this morning by the applicant. And I wonder if Mr  
34 Tucker could just refer to the relevance of latent demand, which was referred to

1 by Thurrock, and also the issue of driver behaviour and the propensity to go to  
2 Manorway to do the U-turn. Just quickly deal with those two points. Just for  
3 completeness.

4 MR YOUNG: Yeah, Ms Dablin.

5 MS DABLIN: Thank you. Alison Dablin for the Port of Tilbury. Obviously the Orsett  
6 Cock junction and the smooth operation of this junction is extremely important  
7 to the Port of Tilbury, given that three out of four routes onto the A1089 now  
8 divert via the Orsett Cock. We would definitely support the need for greater  
9 modelling and for that modelling to be appropriately fed back into the LTAM  
10 model so that the full impacts of the scheme can be properly assessed.

11 I think at this stage though, just to touch upon the points made by Thurrock  
12 about timing, it's clear to our mind, and I think the mind of quite a lot of IPs,  
13 that the impacts on Orsett Cock are, or at least appear to be, potentially extremely  
14 serious, and the mitigation that the applicant has proposed for Orsett Cock is –  
15 well, I think it might even be none. And I think it's important not to lose sight  
16 when we are assessing how much further work is required on the modelling that  
17 we also need to have in the back of our mind consideration as to how, should  
18 negative impact be identified, how those will be mitigated.

19 We've touched upon yesterday a number of methods that our transport  
20 assessments have assessed in terms of the Orsett Cock junction themselves, but  
21 I think the Tilbury link road is a fairly significant potential mitigation as it would  
22 have the effect of removing quite a significant proportion of the additional  
23 traffic. Based upon the numbers that Dr Wright provided, it would be around  
24 20% of the additional traffic is heading to the A1089 and to the extent that traffic  
25 can be removed from that junction then it should be done so.

26 So I guess our ask is that there is also a focus on the mitigation potential  
27 and ensuring that that is secured in the DCO, whether that be through provision  
28 of the Tilbury link road or merely ensuring that the mechanism is in place within  
29 the DCO in the form of constructing the junction immediately to the north of the  
30 north portal so that it meets the relevant design and technical standards that the  
31 Tilbury link road can be constructed without needing to do any major works on  
32 that junction, which should be possible to design the junction based upon the  
33 information that has already been provided to the applicant. Thank you.

1 MR YOUNG: Thank you. And I agree, I think there does need to be some thought given  
2 to mitigation because in a scenario that the examining authority feel that the  
3 impacts of that junction would be unacceptable, there needs to be some sort of  
4 fallback position in the detail to deal with that. We'll come onto that later.

5 I mean, I can probably speak for my panel members where I think we are  
6 a bit dismayed to find ourselves where we are with this. I mean, I read about  
7 how long the workshops have been going on prior to the submission of this and  
8 one wonders what was being discussed? Anyway, on that point, I think it's a –

9 MR SMITH: Are we going to allow Mr Shadarevian to conclude his position? And then  
10 we can go to the applicant immediately after the break.

11 MR SHADAREVIAN: Yes, I'm so sorry to labour this. I just want to be clear in response  
12 to points made this morning. But, first of all, if you could deal with latent  
13 demand.

14 MR TUCKER: Yeah. Just to pick up what Ms McMullen said about latent demand in  
15 the VISSIM model. That's obviously a fairly fundamental omission at the  
16 moment in terms of considering journey times and queuing because that traffic  
17 is just not represented in the outcomes. So you'll have seen, and I think it's –  
18 well, I don't think – it is rep 187, Section 4.1.7 onwards, the applicant sought to  
19 compare outputs from VISSIM and LTAM and demonstrate that they were  
20 comparable.

21 I mean, clearly, unless the latent demand, which in some cases is over  
22 1,000 vehicles not getting into the model, is properly represented in VISSIM,  
23 that comparison just has no weight because it's got a VISSIM number, which is  
24 missing a lot of traffic effectively. So if there's any reliance on that rep 187  
25 assessment, it would need to be re-run following a proper model, which  
26 addresses that latent demand point.

27 And then that leads on to the second point, which is about journey times  
28 and propensity, as we heard earlier, for people to do the U-turn that I've  
29 described. So that's people coming down the Lower Thames Crossing from the  
30 north and basically seeing either visually in some cases by 2045 or certainly on  
31 their satnavs picking up significant delays on that approach to that junction. The  
32 journey time to Manorway of six or seven minutes, depending on the time of the  
33 day, is comparable with the length of the queue that VISSIM is forecasting, even  
34 without having considered that latent demand point in its assessment.

1                   So yes, it's a longer distance, but that has to be considered in the context  
2 of the fact that there is a very significant queue on the approach to the Orsett  
3 Cock forecasts and VISSIM modelling so driver behaviour will balance out.  
4 Either they'll see the back of the queue and want to avoid it, or their satnavs will  
5 find it before they get there. So we think there's a very real risk that will happen  
6 despite the rule of distance.

7 MR SHADAREVIAN: Thank you very much, sir.

8 MR YOUNG: We're going to break now. We'll come to you afterwards. Okay. Right,  
9 it's 11.35. 15 minutes and then so we will come back 11.50. Thank you.

10  
11                   **(Meeting adjourned)**  
12

13 MR YOUNG: Thank you, everybody. It's 10 to so the hearing is resumed. Before I go  
14 to Ms Blake, just a question for Thurrock, having just reflected on their  
15 submission before the break. Let me just ask this: you're seeking a certain level  
16 of fit between the models and you're critical of that and requested more  
17 information. We've heard from the applicant to say that they have dealt with  
18 many road schemes but they've never done that level of work in respect of any  
19 other large road scheme.

20                   The information you're asking for, could you provide us, not now, but at  
21 next deadline, examples of where National Highways have provided that fine  
22 grain of detail that will fit between the models that you're asking from them  
23 now? That would help the examining authority.

24 MR MACKENZIE: George Mackenzie, for Thurrock Council. Sir, yes, we can provide  
25 that information. And would it also be acceptable for us to explain, also from  
26 first principles, why we say it's not acceptable to proceed on the basis where you  
27 have two different sets of models, which disagree with each other, and that in  
28 itself calls for a response, which is a response other than an individual or body  
29 expressing a preference for one over the other. If we could also address that  
30 point, we would be grateful.

31 MR YOUNG: Yeah, I think we need to get to the bottom of whether what Thurrock are  
32 asking is reasonable or whether you're asking for something that is way and  
33 above and beyond anything that's ever been provided before. Okay. The  
34 applicant will say you are; you're saying the opposite. So we need to get to the

1 bottom of that.

2 MR MACKENZIE: Yes. And, sir, if you'll indulge me as well, can I just pick up on the  
3 comment you made before the brief adjournment, where you referred to the  
4 workshops? And I know you know this already, but it's not just in the  
5 workshops that Thurrock Council has been pressing this information –

6 MR YOUNG: Indeed.

7 MR MACKENZIE: I'm grateful.

8 MR YOUNG: Right, Ms Blake.

9 MS BLAKE: Thank you very much, sir, and I appreciate this is a very technical level  
10 discussion that we having here today on your agenda. I'll try and keep it quick  
11 but just some points that I've observed as a more layperson from the community  
12 and bearing in mind that I have picked up some knowledge on traffic modelling  
13 through discussions in consultations and my place on the taskforce at Thurrock  
14 Council on a monthly basis.

15 Firstly, I'd just like to point out that, whilst this item agenda might be in  
16 regard to DP World with the Orsett Cock, this does actually have an impact on  
17 the communities as well in the area obviously because this is a junction that is  
18 very close to our communities, both Manorway and the Orsett Cock.

19 Secondly, the National Highways actually commented with regard to the  
20 increase in traffic doing the Manorway U-turn and Stanford detour, mentioning  
21 the A128 to the LTC specifically as a traffic movement and saying that the 6.6  
22 kilometre detour is not one that people would readily take. Residents in  
23 Thurrock would have no other option but to take that route should they wish to  
24 use the Lower Thames Crossing. It would increase it, based on the fact that  
25 residents and those actually coming across the water to work over here and then  
26 returning home wanting to get onto the LTC would have to use it. I wonder if  
27 that's been included in the modelling, since they're only mentioning the A128  
28 as a few traffic movements.

29 And of course that is also, as touched on by Mr Tucker, not taking into  
30 account the incidents, which I believe National Highways refer to along the lines  
31 of something like, 'Unusual circumstances.' As a resident – a long-term  
32 resident, lifelong resident of Thurrock – I can assure you that what National  
33 Highways consider to be unusual is very usual for us. It's a very common  
34 occurrence. We can tell when there are issues at the Dartford Crossing by the

1 traffic that's coming through our communities. We don't need to look at traffic  
2 reports.

3 And, just to finish off, in regards to the fact that, yes, I share the panel's  
4 dismay on the fact of the ongoing discussions between Thurrock and National  
5 Highways. Thames Crossing Action Group have had a seat on the taskforce, the  
6 LTC taskforce at Thurrock Council, which, if you're not familiar, is a monthly  
7 meeting, started in September 2017 and we were offered a seat on that as a  
8 community representative. And we have monthly meetings with National  
9 Highways in regular attendance, more so earlier on than more recently since  
10 DCO has started.

11 But in that time we have actually witnessed and experienced the  
12 frustration from not only us requesting information but from Thurrock Council  
13 requesting information from National Highways and the complete lack of  
14 meaningful engagement from them and the constant delays and refusal to share  
15 information in a timely and appropriate manner.

16 And, just to finish off: with regard to the fact of you saying, 'Has it been  
17 done with any other projects?' Obviously that is something to be directed to  
18 Thurrock Council but I would respectfully just point out: this is the largest road  
19 project ever built in the country. I don't think necessarily we should take it as  
20 standard because, being the largest project, that is something that needs to have  
21 special consideration. Thank you.

22 MR YOUNG: Thank you. Yeah, Mr Elliott, you've got your hand up.

23 MR ELLIOTT: Yeah, sorry, I've just got my picture and the like. Yes, one comment  
24 Susan Lindley made is latent demand. Also in my written statement and in the  
25 subsequent submission by CIHT, RTPI, etc, to the Department of Transport, we  
26 do cover traffic growth – very quick traffic growth – when you provide  
27 additional capacity. London area is very different from most rural roads on the  
28 strategic road network, and there's a tremendous amount of latent demand that  
29 will vanish if you remove capacity. And latent demand that will vanish and  
30 latent demand that will grow very rapidly with new capacity. And that could  
31 affect things a lot.

32 Also Laura Blake's comment, common occurrence of delays, etc. And I must admit when  
33 I've been using Dartford Crossing, there's a parallel frontage road. You can

1 always go down there and get further up the queue going south. So routes get  
2 funny. People do do U-turns, etc as well. So that's one comment.

3 The other comment is there seems to be a terrific reliance on models and  
4 not on what happens in practice. And that worries me, that there's not the  
5 looking back what has happened, and the accuracy of models is also very  
6 suspicious. Phil Goodwin, who I know very well, and myself and Keith Buchan,  
7 another name in transport planning, were involved in the Thames Gateway  
8 Bridge. And I was involved in the east London river crossing for a long time as  
9 well, and the flows from models, particularly at the east London river crossing,  
10 by the Ministry of Transport at that time, had very big differences from actual –  
11 during calibration stage and presumably, model stage, but that's a bit hazy in my  
12 memory, sorry. Thank you very much.

13 MR YOUNG: Thank you. Does anybody else want to speak? Any other highway  
14 authorities want to speak on Orsett Cock?

15 MR MACDONNELL: Gary MacDonnell on behalf of Essex County Council. I'll keep  
16 this reasonably brief and high level. We've had conversations with Thurrock,  
17 and we've had conversations with Lower Thames Crossing on Orsett Cock as,  
18 point we made yesterday, it's not in our jurisdiction, but it's an area that we're  
19 very keen to keep an eye on because of the potential effects on the Essex  
20 highways network.

21 It's been stated a couple of times, certainly by Thurrock and both ports,  
22 that we need this junction to work. And that seems to be an extremely obvious  
23 and basic point. It has to work. This is an important junction. It's connecting  
24 to some major drivers for the economic growth of the country, so the fact that  
25 we're here discussing it is a poor reflection, quite frankly. And we would go  
26 back to representations that we've made previously around the removal of the  
27 Tilbury link road, for example, which would appear to mitigate quite a lot of  
28 these concerns that were shortsighted at the time and is more shortsighted now  
29 as we sit here talking about the modelling.

30 In terms of the modelling itself, Essex has been provided, like all other  
31 authorities, with data. I would comment on, there's a general point. We were  
32 reasonably happy with the inputs and how the models were built up. We didn't  
33 have any particular concerns around that. However, getting data and being  
34 confined to very small cordons has been problematical and has limited our

1 ability to discuss around this particular point. But I don't think we could add a  
2 great deal more from what Thurrock and others have said, so no great loss there.

3 I would just comment, I'd put the argument, the discussion in terms of  
4 what is appropriate and what isn't appropriate? Clearly, you've requested some  
5 additional information on that, so we'll wait for that to come through. I would  
6 agree with the Thurrock stance, though, in terms of we're looking at an £8 billion  
7 scheme, eight billion-plus here. I don't quite know how we can draw the line as  
8 to what is proportionate. Particularly, economically, this is high stakes and  
9 Orsett Cock has to work, so that would be my comments.

10 MR YOUNG: Mr Douglas. I can't hear you.

11 MR SMITH: Apologies, Mr Douglas, but I think your microphone's off.

12 MR DOUGLAS: Apologies. Can you hear me now, sir?

13 MR YOUNG: Yes.

14 MR DOUGLAS: Good morning. Daniel Douglas, London Borough of Havering. Just  
15 a couple of brief general points, if I may. Havering supports comments that  
16 Thurrock made around the out-of-date-ness of the LTAM model. I won't  
17 reiterate what Thurrock have said, obviously, but I will make the point that the  
18 2016 traffic model, in the context of the Secretary of State's decision to rephase  
19 construction of the project and that, obviously, makes the date-ness of the model  
20 even worse from Havering's perspective because there's obviously a bit of  
21 uncertainty now as to when the project's going to become operational with that  
22 two-year rephasing.

23 The points around local junction modelling, Havering's had similar  
24 concerns. I mentioned those yesterday to a certain extent, where we've asked  
25 for junctions within our borough to be looked at. And we've carried out some  
26 of our own local junction modelling as well, which we submitted as part of our  
27 local impact reports.

28 The other point I'll just make – and I guess it's really a point of  
29 clarification, if I may, via the panel to the applicant. I think the applicant said  
30 fairly early on in their evidence that the latest model run that was used was – had  
31 a reference of CS-72. I think we've been using, or we've only had access to the  
32 model run CS-67, so I guess my question would be, would the applicant be able  
33 to share that latest model run in terms of [inaudible] with Havering and also,



1           whether they would be able to provide a breakdown of the changing outputs  
2           from the CS-67 and CS-72 model runs. Thank you.

3 MR YOUNG: Thank you. Any other hands up? No. Okay, Mr Tait, do your team want  
4           to come back on – there's a lot there. I appreciate it.

5 MR TAIT: Thank you, sir. Perhaps, just to deal initially with what Mr Mackenzie was  
6           saying on behalf of Thurrock, and on the base year, I think we are coming to that  
7           under the next item as I understand, so I'm not going to come back on that point,  
8           the 2016 base year.

9           First of all, there is clearly adequate and sufficient information to allow a  
10          decision to be determined, having regard to compliance with TAG and the  
11          approach accepted by the Secretary of State in relation to National Highways  
12          schemes. We're going to come back to you on that later on, but in this context,  
13          there's reference to 4.6, and I don't think mention was made of the last part,  
14          which is that modelling should be proportionate to the scale of the scheme.  
15          That's obviously important.

16          And in relation to that exercise, Mr Mackenzie said, 'Well, we haven't  
17          heard about what the period would be, if one was going to undertake the large  
18          exercise of seeking convergence between the two across the whole of the LTAM  
19          model,' and I don't know whether Professor Bowkett can just assist on that just  
20          to give an indication. We'll reply in writing fully, but just to give an indication  
21          of what that scale is.

22 PROFESSOR BOWKETT: Helen Bowkett for the applicant. It would take years. When  
23          I was first asked, I said, 'It's probably my lifetime.' I don't quite know how  
24          many years I'm going to be blessed with, but it's a really considerable task to  
25          build, collect data, build the VISSIM models over the area that generally could  
26          be affected by re-routing traffic, because it's not just junctions on the A13  
27          corridor. You've got the A127 corridor running above, so the vehicles could  
28          change between corridors as well. It's an extensive area. Then, when you've  
29          built the models, to run round and do the convergence and intervention, it will  
30          take a considerable length of time.

31 MR TAIT: Thank you. Second point relates to the Orsett Cock junction localised model.  
32          And I appreciate the dismay you expressed that further progress hasn't been  
33          made on that, but I wonder whether Professor Bowkett can indicate when that  
34          was supplied to Thurrock and when we got their comments.

1 PROFESSOR BOWKETT: It's working very well. We worked with, obviously,  
2 Thurrock. We supplied the forecast model, I believe, in August 2022, and we've  
3 now received the comments back, in August '23. We will be addressing them  
4 promptly, and replying to Thurrock, but as I say, there has been a large gap in  
5 time. We're also getting feedback from Thurrock.

6 MR TAIT: So, then, we were going to respond, essentially, on your second part of your  
7 agenda under this, which is 'Pathway to resolving outstanding concerns', which  
8 we had parked, I think, and I wonder, first of all, if I could just ask Dr Wright  
9 and then Professor Bowkett to pick up three specific points that have arisen and  
10 then come back to that one.

11 DR WRIGHT: So, talking to the partners – sorry, Tim Wright for the applicant. Sorry,  
12 technical points first. Apologies. So there were just a couple of points that I  
13 wanted to pick up before I pass over to my colleague, Professor Bowkett. And  
14 I'm afraid I wanted to pick up on a terminology point. There's been a  
15 characterisation of the movements at Orsett Cock as U-turns, and particularly,  
16 the movement of LTC coming back down the A1089. I would like to say that  
17 it's not a position that that's a U-turn; that's normal use of a junction coming on  
18 at one exit and leaving at another, so I did want to make that point.

19 In terms of the discussion around the traffic then leaving Orsett Cock and  
20 moving onto the local links, again, that does happen as part of the flow. And I'd  
21 just like to take a step back a moment and say, this is traffic, local people using  
22 the crossing, local people benefitting, and businesses. And it's actually a sign  
23 that the crossing is providing economic benefit to the region and to the  
24 communities in the area. So, whilst that traffic obviously does raise concerns in  
25 terms of flows, it is a sign of the benefits of the project being realised. With that,  
26 I'll pass over to my colleague Professor Bowkett to pick up on a couple further,  
27 more technical points.

28 PROFESSOR BOWKETT: Helen Bowkett for the applicant. Just wanted to pick up first  
29 on the point about latent demand. Yes, in the Orsett Cock VISSIM forecasting  
30 model that we submitted, there were three short links in the model, which was  
31 Rectory Road and the A128 north and south, and that's where the latent demand  
32 is occurring.

33 So, as a sensitivity test, we've lengthened the links already to remove the  
34 latent demand. Thurrock requested that we sent that to them once we've taken

1 on board their comments that they'd made on the forecasting model. But we're  
2 really sure that the latent demand issue hasn't affected the queuing that we've  
3 used from the LTC onto the Orsett Cock, so that's a long link in the model.

4 And the second point on Manorway and the VISSIM model being based  
5 on base data and not on collected turning counts, but using the LTAM flows for  
6 the base model, that was agreed in workshops with Thurrock because there  
7 wasn't any available turning count data at the time, so that's the reason it was  
8 decided to proceed with the models from LTAM. We had a series of workshops  
9 with them on that.

10 DR WRIGHT: Tim Wright for the applicant. So, if I come back to pathways for  
11 resolution, really, I think there's two pathways. One is to look at the modelling.  
12 We will continue to work with the stakeholders to develop the modelling, but  
13 we would like to refer back to our initial position that we consider the SATURN  
14 modelling robust and that this VISSIM modelling is a useful tool to explore and  
15 understand the nature of that model, but that the application, the decision, is  
16 contingent on the SATURN. We will continue to work with stakeholders to  
17 explore this.

18 And then, secondly, the further use of the VISSIM model. So this is a  
19 preliminary design for the scheme that we are seeking consent for. It has a  
20 follow-on process of detailed design and implementation, and this modelling  
21 will inform that process of detailed design. It'll continue to evolve, as we've  
22 identified in the localised traffic modelling report, and continue to inform the  
23 development of the scheme as it goes forward, and so it doesn't end with  
24 consent. It continues.

25 National Highways has a licensed obligation to continue to collaborate  
26 and work with local authorities and National Highways and that will continue to  
27 do so through the delivery of the project, and then, subsequently, through into  
28 the operation of the strategic road network.

29 Then, I'd just like to flag – you've already questioned us – 4.2.5, relating  
30 to mitigation security at Orsett Cock. And your question there is, 'How would  
31 certain works at Orsett Cock be secured in the DCO?' I don't propose to repeat  
32 that. You've asked that question, and we'll provide a response in the appropriate  
33 format at the next deadline.

1 MR SMITH: Rynd Smith, panel lead, speaking. I will just make a brief observation on  
2 that particular point about the distinction between where you find yourselves  
3 now in terms of seeking development consent and then the continuation of  
4 necessary detail design processes thereafter, which is maybe trying to observe.  
5 But clearly, that which you seek to put for consent before the Secretary of State  
6 needs to have sufficient provision within its Rochdale Envelope to ensure that  
7 the nature of the design iterations that you see as being at all reasonably  
8 foreseeable moving forward are within the scope of the red-line boundary and  
9 the Rochdale Envelope description of the environmental effects and that which  
10 you are putting in front of us.

11 So we can take some comfort from the proposition that there will be  
12 detailed design processes that may continue after this examination. But we can't  
13 take comfort in the proposition that those detailed processes might need then to  
14 push forward at something that might essentially need to push out to the red-line  
15 boundary, the land take of the scheme, and/or push out the assessment of its  
16 environmental effects, broadening its Rochdale Envelope.

17 So, by the time we reach the end of this examination, and the time points  
18 that have been urged upon us around the table – and Mr Shadarevian has  
19 specifically urged those points – are important because, of course, we need to  
20 reach a point where we can actually be sufficiently clear about where we stand  
21 in that line between essentially outlined scheme and detailed design at the point  
22 that we make recommendations to the Secretary of State.

23 So some work does need to be done in this space still, and this is not to  
24 suggest you don't understand that because clearly you do and you are, but we  
25 need to inject, over the next two or three weeks, I would indicate, a very  
26 substantial sense of pace and direction into that work because when we return to  
27 hearings, I would indicate in October, we're probably going to have to come  
28 back to this. And we are going to need to have seen a tangible sense of  
29 engagement and progress around this table by then because, at the moment, my  
30 colleague Mr Young expressed his dismay, very rightly so, so we need to try and  
31 get a grip on this. And I thought it was important to put those remarks into the  
32 public domain. Yes, no, that's a very, very good –

1 MR YOUNG: Just picking up on that point, does Thurrock or the ports want to make  
2 any oral comments about possible requirements that might go into the DCO to  
3 alleviate concerns around Orsett Cock?

4 MR SMITH: If only to flag matters that we will return to in issue-specific hearing 7. I  
5 would say we don't have to deal with the detail today. It would be extemporary  
6 if we asked you to, but if we can return in issue-specific 7 to ways in which  
7 drafting in the order might help us through some of this, we're very willing to  
8 do that.

9 MR MACKENZIE: George Mackenzie for Thurrock Council. At this stage, I think all  
10 that I can say is that we will consider that and get back to you in ISH 7 on that  
11 topic. I don't think I'm in a position extemporary right now to give you anything  
12 other than that.

13 MR YOUNG: Mr Shadarevian. Then I'll come to you, Ms Dablin.

14 MR SHADAREVIAN: Very grateful, sir. I have touched on this in the past about what  
15 potential mitigation might be needed. Once the outputs from the models are  
16 reconciled, and we know where we stand, we will then be able to indicate to you  
17 about how best that might be accommodated through mitigation and what  
18 mechanisms might be employed through the order in order to achieve that.

19 But at this moment in time, I think it's premature to speculate on what the  
20 nature of that litigation might be or where it might occur. But we would be very  
21 happy to consider that further once the outputs of the models have been  
22 reconciled because, at the moment, this examination is in a quandary with regard  
23 to the model outputs and what that really means in effect, in practical terms, for  
24 the operation of this critical junction. But we will certainly give it some thought  
25 and, if necessary, if you think it's appropriate, by our next deadline, we'll  
26 include a response – within our response, a submission which addresses those  
27 matters.

28 MR YOUNG: Ms Dablin.

29 MS DABLIN: Thank you. Alison Dablin for the Port of Tilbury. Yes, we will be very  
30 happy to discuss potential mitigation for the Orsett Cock roundabout and how  
31 that could be secured. I think our primary focus will be on ensuring that a  
32 Tilbury link road can be brought forward at a future date and ensuring that the  
33 mechanism for doing so is secured, as that seems to be the simplest mitigation

1 available at that stage. However, yes, we will make preparations to speak about  
2 that on Monday's hearing.

3 MR YOUNG: Yeah, the applicant has made their position very clear on a Tilbury link  
4 road and even set out numerous times – it is what it is. It's not within their gift.  
5 It's being pursued. That's not their decision. That's been imposed upon them,  
6 so I don't think Tilbury link road is going to be a viable option.

7 MS DABLIN: The submissions that we are proposing are not that the Tilbury link road  
8 should be included within the Lower Thames Crossing. We acknowledge that,  
9 by this stage, it is essentially too late to include it.

10 However, given the potential for it to act as such a significant mitigation,  
11 what is contained within the Lower Thames Crossing scheme, which includes  
12 the junction immediately to the north of the north portal, the mechanisms to  
13 ensure that that is constructed in order that a Tilbury link road can be brought  
14 forward, either by National Highways through the RIS 3 programme or by  
15 third-party developers or Thurrock, even, but ensuring that that can be done  
16 without there being any impediment.

17 So, for instance, were the junction not constructed in a way that the  
18 Tilbury link road could be connected, that would be hampering the ability for  
19 the Tilbury link road to mitigate the wider network impacts, so that is where our  
20 focus has been.

21 It is on ensuring that, to the greatest extent possible, the Tilbury link road  
22 is enabled and not impeded, and this is what we are seeking to secure, rather  
23 than trying to get the Tilbury link road reinstated into the scheme.

24 MR YOUNG: That's understood, and I think the applicant has already accepted that  
25 point. That's already in writing.

26 MS DABLIN: Yes, though I think we haven't seen – it isn't yet secure in the DCO that  
27 that junction will make the relevant standards, and submissions by Dr Wright  
28 are very much to the extent that they cannot confirm that, and that's what we're  
29 seeking to ensure is secured in the DCO.

30 MR YOUNG: Okay, thank you.

31 MR DOUGLAS: Daniel Douglas, London Borough of Havering. Just a general point  
32 about your comments, sir, around putting board requirements to try and deal  
33 with this modelling issue. I think, from Havering's perspective, and again, it  
34 will probably get discussed in more detail at issue-specific hearing 7, but I'll flag

1 it up anyway. Havering, and I know other local highway authorities – some have  
2 raised a similar point. I think we'd probably be looking for something along the  
3 lines of requirement 7 of the Silvertown tunnel DCO, where we're within that  
4 requirement. I think it's sub-paragraph 4.

5 There's a requirement before the Silvertown tunnel is operational for the  
6 applicant to carry out an updated assessment of the likely impacts of the scheme  
7 on the wider network. And I think that's something that I'll just flag up as being  
8 a requirement that we'd like to see considered for this DCO. Thank you.

9 MR YOUNG: Yeah, we'll come to that a bit later this afternoon, I think.

10 MR SMITH: Yes, I think we have to because, otherwise, we're leaving some as I  
11 understand it.

12 MR YOUNG: Mr Pipe, are you there? And we're just aware that time's ticking on.  
13 You've got to leave at 1.00 o'clock. I think now may be the best time. It's  
14 probably going to assume that what you want to talk about is not what we've  
15 been talking about up to now, but do you want to make the submission?

16 MR PIPE: Yes, thank you for the opportunity, sir. It's Adam Pipe from Essex Police.  
17 I'm the head of roads policing. I've had concerns for – and I've been part of the  
18 working groups for a long, long time now, and I hear what everyone's saying in  
19 relation to the modelling, whether it be during the construction phase or during  
20 the operational stage. Clearly, the modelling of the road network, it's for the  
21 highway authorities to satisfy themselves that the modelling's absolutely spot  
22 on for what they need. My primary focus is our ability to get to incidents in a  
23 quick manner, free of hindrance, but more importantly, an understanding of the  
24 current climate in policing. And this is one of the big things I've had, is our  
25 ability actually to even get to incidents.

26 I operate with a very, very low number of offices from roads policing. At  
27 any one time, maximum, I'd have a maximum of seven PCs working out of  
28 Chigwell. Chigwell is some considerable distance to the operating area we're  
29 talking about. And demand upon us is absolutely enormous, so I need to be  
30 absolutely satisfied that, with any modelling, we've got an ability to a) to  
31 respond to something in a quick and efficient manner. But also, do I have  
32 officers that are there to respond, particularly when we're talking about any  
33 potential growth in the area, particularly post-construction.

1 My genuine feeling is we are going to see significant growth. That whole  
2 area of the Thurrock area, with all the development ongoing, ports, it's going to  
3 become a real intense area. And I really, really worry about my ability, with my  
4 officers, to get to anything in a quick and efficient manner and deal with it.

5 Just anecdotally sir, just to – we've got ongoing work at the moment in  
6 the north of the county with a National Highways project. I know, anecdotally,  
7 that is already giving us extreme levels of additional calls of service, which,  
8 again, is putting pressure on my team based in the north of the county. Thank  
9 you.

10 MR YOUNG: Thank you. Right, okay, I think what we'll do now is, before we break  
11 for lunch, I'd like to like to deal with the modelling uncertainty issue. Let me  
12 just open this up by saying there's quite a few issues been raised, particularly by  
13 the highway authorities in relation to the approach, both in terms of the  
14 uncertainty log for a future development and highway schemes.

15 And I know that Thurrock and Port of Tilbury are very concerned about  
16 future growth in a model, particularly the omission of the freeport growth.  
17 Brentwood, Kent, Medway, Tonbridge and Malling have raised concerns about  
18 planned growth for their area not being reflected in the core scenario.

19 Now, the applicant has responded at length to those concerns. They are  
20 in writing, and I'll ask the applicant maybe just to respond to some of those  
21 concerns. Let me do that first. Let me go to Mr Tait and see if there's anything  
22 that the applicant can add to what it's already put in writing on this issue.

23 MR TAIT: I think I'll turn to Professor Bowkett first.

24 PROFESSOR BOWKETT: Helen Bowkett for the applicant. As we have reported in  
25 our traffic forecasting report application number 522, we have set out how we've  
26 done the traffic modelling in accordance with TAG. It's worth pointing out that,  
27 when you have your uncertainty log, it has different categories of certainty about  
28 the developments, so you have your 'near certain' and you have your 'more than  
29 likely', and it's the same TAG unit, M4, that you should include the 'near-  
30 certain' developments and the 'more than likely'. You should exercise an  
31 element of judgment.

32 So the presumption is that you would include them, but you have to  
33 exercise an element of judgment, mainly in regard as to whether the – basically,  
34 it's robust enough as a proposal to put into the traffic model. The traffic model



1 has two parts, so you've got the demand side, the matrix, and so if you get a new  
2 development, then you can assess how many trips you would get, and put that  
3 in your matrix.

4 But then you also have the supply side, the network, the transport network,  
5 so you have to ensure that you've got sufficiently robust highway interventions,  
6 or public transport interventions proposed, to support and to balance out the new  
7 trips. So, I mean, an example of the issue we have is on the Hoo Peninsula. We  
8 hear that was a local planning development. We didn't include the Hoo scheme  
9 in the modelling or the local plan development, although we were requested to  
10 by Medway, because the Hoo scheme, although it had funding for the railway  
11 station and a road, it didn't have sufficient certainty to be included, so that's why  
12 we excluded it from the model.

13 We published the uncertainty log in the document, and we did state that  
14 there were two developments that we didn't include, Highsted Park and  
15 Medway One because, in our judgment, they didn't have appropriate highway  
16 intervention to go alongside them, so I hope that answers your question.

17 Sorry, my colleagues have asked me to remind you that the Hoo funding  
18 has been withdrawn, so we were proven right in that case as schemes have come  
19 forward.

20 MR YOUNG: Indeed, yes, you were.

21 PROFESSOR BOWKETT: Sorry, I should have mentioned that specifically for the sake  
22 of the record.

23 MR YOUNG: Okay, alright. See if the highway authorities or the ports –

24 DR WRIGHT: Tim Wright for the applicant. Actually, I'm going to pass to my  
25 colleague, Mr Stevenson, who's going to talk about the freeport specifically.

26 MR STEVENSON: Thank you, Dr Wright. Graham Stevenson for the applicant. Yes,  
27 so you asked us in your opening remarks about the freeport. Obviously, the  
28 freeport covers a number of different sites, some of those sites already within  
29 the model, such as the development of DP World, for example, which is already  
30 in there.

31 Not all the elements of the freeport are yet known and in the public domain  
32 and, as such, it's an unknown as to exactly what's going to happen. As part of  
33 our ongoing engagement with the Port of Tilbury, however, they have been  
34 provided, in 2021, some details by them of the potential land uses and

1 accompanying trip generation for freeport development at the Port of Tilbury.  
2 We had undertaken a modelling assessment of that and have provided the results  
3 of that to the Port of Tilbury.

4 DR WRIGHT: Tim Wright for the applicant. Just to provide a couple more points on  
5 that, we were provided with the master plan development that allowed us to  
6 consider the traffic generated, but what we were not provided with was any set  
7 of interventions or changes that might be made to the localised traffic flow – to  
8 the localised traffic to allow that to flow. We did express concern to them at the  
9 time that, without that, the model would not be representative of the nature of  
10 flows, which is why it hasn't been shared prior to fairly recently.

11 But following the concerns that have been raised, we have now shared that  
12 with them. But we remain of the position that, actually, the freeport, without the  
13 interventions to the road network that would be required to go along with it, it  
14 would – we don't consider that to be appropriate for inclusion and furthermore,  
15 concern that it is not really for National Highways to be putting forward likely  
16 interventions and indeed, entering into the domain new information that is not  
17 currently being shared by the developer of that site.

18 MR YOUNG: Do you want to say anything about growth that's built into the model in  
19 the first place, accounts for future development, the TEMPro growth?

20 DR WRIGHT: Absolutely. I'll ask my colleague, Professor Bowkett, to set that out.

21 PROFESSOR BOWKETT: Helen Bowkett for the applicant. As we've reported in the  
22 traffic forecast in report, APP-522, let me take the uncertainty log. We put those  
23 developments in, but the overall level of traffic growth in the model comes from  
24 the NTEM 7.2 traffic growth forecast, which was current at the time at which  
25 the modelling was undertaken.

26 MR YOUNG: And you've run a sensitivity test, haven't you, at deadline – you submitted  
27 at deadline 3 on TEMPro 8.

28 PROFESSOR BOWKETT: Yes.

29 MR YOUNG: Because I think that was one of the criticisms that had come in from some  
30 of the highway authorities – that I think it was shortly after submission that data  
31 set had been updated.

32 PROFESSOR BOWKETT: Helen Bowkett for the applicant. Yes, so NTEM 8 was  
33 released in November '22, and the goods vehicle factors that you also need to  
34 do the modelling got released in December 2022 from the national road traffic

1 projections, and so we have done the modelling for – using TEMPro 8 and the  
2 2032 opening year, and we published those in paper NTEM 8 and the common  
3 analytical scenarios, at REP3-145. So we’ve compared the traffic forecast, using  
4 TEMPro 7.2 and TEMPro 8. And we’ve also carried out the forecasting for all  
5 the common analytical scenarios. Traffic growth factors for those were also  
6 released at the end of 2022, to enable us to do that modelling work.

7 MR YOUNG: Thank you. And just finding on the toolkit, the updated toolkit, one of  
8 the uncertainties that have been raised as well by various highway authorities –  
9 is there anything in that recent publication that would require any further  
10 assessments of the applicant to revisit any of its work?

11 PROFESSOR BOWKETT: Helen Bowkett for the applicant. Just adding further to my  
12 first point of the comparison between the NTEM 7.2 and the NTEM 8 traffic  
13 modelling, we can supply these figures. They’re provided in that ‘NTEM 8 and  
14 common analytical scenarios’ REP3-145 report, but moving from TEMPro 7.2  
15 to NTEM 8 – sorry, NTEM 8 and TEMPro 8 are interchangeable terms –  
16 resulted in very, very slight change in the forecasted traffic flows at the Dartford  
17 Crossing, the Lower Thames Crossing.

18 Coming back to your point about the uncertainty toolkit, again, with sort  
19 of synonymous terms, uncertainty toolkit, it’s the same name as the common  
20 analytical scenarios, so the DfT published the traffic growth forecast to enable  
21 traffic modellers to implement the common analytical scenarios, seven of them,  
22 in the traffic models.

23 Again, running these large models is a time-consuming task, but we’ve  
24 undertaken all seven of them. And we’ve published that because the  
25 stakeholders are asking, ‘Well, what difference does it make?’ We’ve published  
26 the results in REP-145 ‘NTEM 8 and common analytical scenarios’.

27 There isn’t a really big range in traffic numbers. The biggest changes are  
28 with the behavioural change, in 2047, the average peak hour, where reduction’s  
29 about 9%, and then you’ve got the highest increase is with the high economy  
30 scenario. This is because we’re working in a very busy network, so if you had  
31 a high growth scenario with more trips, there is still only a certain number of  
32 trips that can move around on the network and access the Dartford Crossing and  
33 the roads in the area.

1                   If you have one of the scenarios where you have fewer trips, then what's  
2                   happening is the variable demand model has more people being allowed to make  
3                   the trips that they want to make, and there's a lot of people wanting to cross the  
4                   river, so you don't have the decrease in flows that people might have been  
5                   expecting with the publication of the commonality scenario. So that's why we  
6                   felt it was helpful to do that modelling work and publish those numbers.

7   MR TAIT: Could I ask, finally, Professor Bowkett to pick up age of data because that  
8                   was raised earlier this morning.

9   MR SMITH: Just before we move on, I do know that we have had a hand from  
10                  Alison Dablin for a while, and if it's an interjection that relates to the detail of  
11                  the material that we've just covered, it would probably be best to hear that before  
12                  you wrap that last point up, Mr Tait.

13   MR YOUNG: Ms Dablin.

14   MS DABLIN: Alison Dablin for the Port of Tilbury. It's comments about the freeport  
15                  and how it should be assessed under TAG. Happy to speak now or let the  
16                  applicant finish, if that would be preferred.

17   MR YOUNG: Yeah. We'll let the applicant finish. We'll come to you in due course.

18   MS DABLIN: Thank you.

19   MR TAIT: So, Professor Bowkett, just to pick up a point I think made by Thurrock about  
20                  the age of data.

21   PROFESSOR BOWKETT: Helen Bowkett for the applicant. The Lower Thames area  
22                  model is based on the number of trips and the pattern of trips as observed in  
23                  2016, and this is a vast representation of travel patterns in the area.

24                  In the modelling work, we then take the number of trips in 2016, and we  
25                  factor that up to 2030 or 2032 using the TEMPro 7.24 or, now, TEMPro 8 traffic  
26                  growth forecast. And it does say in TAG unit 2.2, paragraph 444, that if you're  
27                  using – when you're using your data, your model, you have to assess whether it  
28                  is still suitable for the intended use of the model. And we believe that the travel  
29                  patterns in the area are similar to they were in 2016, and so it is suitable.

30                  We have secured data from TomTom, which has a large number of in-car  
31                  and in-HGV GPS units, where they track in very great detail where the vehicle  
32                  was going. And we purchased that data, the 15-kilometre radius from the  
33                  Dartford Crossing, to track the movements of vehicles using the Dartford  
34                  Crossing, and that data has shown great similarity between what was happening

1 in 2016 and 2019 and in March 2023. So, on the basis of that, we're content that  
2 the modelling's robust.

3 MR YOUNG: So would you say – Thurrock mentioned Covid-19 – they're not the only  
4 one to mention that in point of fact – the base year of the model predates Covid.  
5 Is there any evidence whatsoever then, from what you've just said, that travel  
6 patterns long-term are going to be impacted by that period, Covid-19.

7 PROFESSOR BOWKETT: Helen Bowkett for the applicant. It seems that travel  
8 patterns are returning to how they were before Covid, particularly on the SRN,  
9 with the longer distance trips and the trips that are using the Dartford Crossing  
10 nowadays. And also, the trip volumes are coming back as well.

11 MR YOUNG: Yeah, and fairly obvious I would have thought, but there is no data  
12 involved in building the model that would have been collected during Covid-19.  
13 No.

14 PROFESSOR BOWKETT: Helen Bowkett for the applicant. We didn't use any data  
15 that was collected during Covid-19, for either the LTAM model or any of our  
16 VISSIM work.

17 MR YOUNG: Okay. Does that conclude the – okay. Alright. What I certainly don't  
18 want to do, we go around the table and have each highway authority go through  
19 all the schemes that they think ought to be in this model that aren't, because  
20 you've already put that in writing. You've heard the general approach. It's a  
21 general approach. Does anybody dispute that what the applicant has done is  
22 contrary to what is in TAG? That's the sort of submission that I'd like to hear.  
23 Does anybody want to speak on this? Let me start with – I'll work around. I'll  
24 start with Transport for London.

25 MR RHEINBERG: Thank you, sir. Matthew Rheinberg from Transport for London.  
26 This is a general point, and it's not necessarily having an issue with the approach  
27 that's been taken to date. TFL, admittedly, would have preferred to have used  
28 London plan forecast within London, which are more detailed, but we accept  
29 that M10 is the policy position approach.

30 It's more an issue about the uncertainty, given the period of time between  
31 the modelling taking place and the observed data it's based on and the scheme  
32 opening, and the range of things that can happen in that period, whether they're  
33 new projects coming forward, changes in general travel patterns, new

1 developments. And that's not something that any applicant could foresee  
2 precisely, all those things that are going to happen.

3 So the key point we wanted to make really is that that demonstrates why  
4 there does need to be a further stage of modelling closer to the scheme opening  
5 to inform what mitigation may be needed. There is too much uncertainty over  
6 such a long period. If you look back at what's happened in the last 10 years,  
7 there are policies and schemes we're coming to face that would not have been  
8 considered in any way, committed 10 years previously, so, yeah, that's  
9 essentially the point.

10 MR YOUNG: What you're asking, going over and above, beyond what's in TAG, could  
11 they've done the low-grow, high-growth scenarios?

12 MR RHEINBERG: Sir, we're not asking for any additional modelling now. This is more  
13 – it's linked to the approach of mitigation, which will be discussed later.

14 MR YOUNG: Yeah, okay. Kent.

15 MR HUMPHRIES: So, yes, Michael Humphries for Kent County Council. Sir, we  
16 would like to make five points relating to uncertainty generally and the  
17 implications and consequences of uncertainty. The first point is this, that the  
18 extensive discussion you had under the last agenda item, which we didn't take  
19 part in because it related specifically to a site north of the river, is, in a sense, an  
20 example of uncertainty, a lack of conversions between two different types of  
21 models.

22 National Highways' response in this I would summarise in part as being  
23 not that it would not, in theory, be desirable for these models to converge – it  
24 clearly would – but that it would be, in effect, disproportionate to do that. They  
25 don't do that elsewhere. The consequence of that position, though, is an  
26 acceptance of either some uncertainty or potential uncertainty. As you have very  
27 directly put it: 'Where does this leave us?' That's the first point I make.

28 The second point I make is it's absolutely clear in work TAG unit M4 that  
29 uncertainty is inherent in modelling. It gives examples of it. It asks for 95%  
30 confidence intervals. I don't think they've been provided here, but uncertainty  
31 is inherent in that type of modelling.

32 It's also absolutely clear that the transport assessment accepts that there is  
33 uncertainty in this particular case. You can look at various passages. 5.7.19 in  
34 the transport assessment talks about the uncertainty log, and the following

1 paragraph refers to the two sites that were referred to. It makes it clear that the  
2 uncertainty log was produced at the end of September 2021, so two years ago,  
3 and reflects the known scheme's stage. Again, an acceptance, in effect, of  
4 uncertainty because what's happened since is not reflected.

5 Now, the two important points I want to make in a sense are this, but  
6 because there is modelling uncertainty, that is why pre- and, in particular,  
7 post-operational monitoring is absolutely essential. And that point is accepted  
8 by National Highways. There's no argument that they should be monitoring.  
9 Why? If the models were perfect, you wouldn't need it. But there's an  
10 acceptance that they're not.

11 The impact may not be what the models are telling us. But that has then  
12 a further consequence, which then you touch on in your subsequent agenda  
13 items, and so I won't explore them now. But that, if the modelling is uncertain,  
14 if the monitoring is there to try and understand what actually happens – one of  
15 the members of the public make these points, then we would say it's absolutely  
16 essential that the PCO also makes some provision or recognises the need for  
17 mitigation of those effects because, in effect, you're not being told what they are  
18 now, for all the reasons we've already discussed. The real world may not reflect  
19 the computer models, so I will stop at that point because that's the generic point.

20 But clearly, we will want to explain things under wider network impacts  
21 and some of the particular things for us under your later agenda items.

22 MR YOUNG: Thank you, Mr Humphries. That's informative. Thurrock.

23 MR MACKENZIE: George Mackenzie for Thurrock Council. Sir, with your permission,  
24 I'll ask Professor Goodwin to deal with this. And can I, just for my part, seek  
25 your assurance that it will be acceptable for us to provide a copy of Professor  
26 Goodwin's qualifications, credentials and experience in the context of our  
27 written summaries, as opposed to going through it now?

28 MR YOUNG: Yes.

29 MR MACKENZIE: Thank you.

30 PROFESSOR GOODWIN: Thank you, sir. Phil Goodwin for Thurrock Council. What  
31 I propose to say is going to take rather more than 10 minutes, and I noticed we're  
32 now very close to lunch. I mean, I'm happy – I'm in your hands on this, but I'll  
33 forge ahead if you want.

34 MR SMITH: Yeah, anything that extends much beyond about 1.20, 1.30.

1 PROFESSOR GOODWIN: Oh, well before that.

2 PARTICIPANT: Between 10 and 20.

3 PROFESSOR GOODWIN: Good. Thank you very much. Now, uncertainty. DfT,  
4 correctly, I would say, has come to understand increasingly that all forecasts and  
5 appraisals are uncertain. And it's therefore necessary to apply full and fair tests,  
6 challenging the robustness in projects and a wide range of alternative futures and  
7 assumptions. We argue that the applicant's advocacy has not fully followed the  
8 spirit or the letter of DfT's guidance in relation to 12 critical areas.

9 For months, we've been arguing that the appraisal does not reflect changes  
10 in conditions and in DfT advice since 2016, since the project was designed, and  
11 even since the application was submitted. And these changes relate to the  
12 impacts of Covid and Brexit and financial constraints, the delay in the planned  
13 opening year, revised trip rate forecasts by the DfT, which are a significant  
14 reduction in car trip rate growth, and recommendations by DfT for a  
15 significantly wider spread between the high and the low possible future traffic  
16 flows than have been tested in the appraisals.

17 Now, I'm certainly pleased to acknowledge that, in the last few days, the  
18 applicant seems to have accepted all these points in principle, and we now  
19 evidently agree that this starting point, the rates of growth, the central forecasts  
20 and the range of uncertainty in the original analysis all no longer apply. But  
21 their only application of that so far is in a series of detailed tables of river  
22 crossing traffic, which we've not yet had time to assess in detail, but we'll do  
23 so.

24 But the more important application of the principles of uncertainty is to  
25 apply these new conditions to the analysis of congestion and environmental  
26 impacts in the whole network, not only in river crossings, and incorporating  
27 them in the analysis of benefits and costs overall and in value for money.  
28 They're also likely to be sensitive to any changes in the use of road capacity  
29 arising from local plans and, of course, design issues.

30 If we're serious about the different scenarios, the Orsett Cock issue has to  
31 be solved for both the high-traffic scenario and the low-traffic scenario, and it's  
32 a serious matter if we end up with a solution which is either unnecessarily  
33 oversized and expensive or inadequate. Our assessment of this is that  
34 incorporation of those principles in the appraisal of the scheme as a whole is



1 probably going to further reduce the viability of the project, which is already  
2 very close to marginal.

3 Now, the next risk uncertainty point is that, in one respect, the applicant  
4 has treated as certain aspects whose certainty cannot be defended. The applicant  
5 asserts and attributes to the DfT, I think quite wrongly, that heavy and light good  
6 vehicles do not experience any variable demand.

7 In other words, their origins, destinations, numbers and total mileage are  
8 almost exactly the same with and without the Lower Thames Crossing  
9 throughout the appraisal period in 30, 50, 60 years. The probability, I would  
10 say, that this could not be true was not even mentioned in the uncertainty log.  
11 But the assertion is incompatible with the analysis of wider economic impacts  
12 and with DfT published empirical evidence and with the project's strategic  
13 objectives.

14 And the greatest irony of all, it contradicts the applicant's own reporting  
15 of companies supporting the project who say they can and will expand their  
16 activities and, therefore, their traffic, to make use of the crossing. Therefore, it  
17 seems likely that the traffic impacts of increased goods vehicle traffic will have  
18 been underestimated. And further, it's likely that the wider economic benefits,  
19 which I'll come back to, without which the scheme could not be viable, will be  
20 over-optimistic.

21 The next point is that their very dismissive treatment of the traffic impacts  
22 of decarbonisation commitments, both in relation to electric vehicles and of  
23 traffic reduction from government-announced policies, which have not been  
24 taken into account in the sensitivity testing. And I would add here, the same  
25 would apply for any other reasons for favourable changes in the public transport  
26 market, which have been particularly notable in and out of the east of London.

27 The next point is that the DfT express a variety of different carbon values  
28 for use in appraisal: low, medium and high. The medium ones have been tested.  
29 The high values of carbon – and surely that's the direction that we're moving in,  
30 have not been tested or even mentioned, even in the most factful  
31 value-for-money sensitivity test.

32 There's a failure to consider the implications of higher and earlier levels  
33 of climate change on the operating conditions and geographical constraints that  
34 will affect travel in the lower Kent corridor. And there's no recognition that

1 wider economic impact can be either benefits or costs. All the analysis is in  
2 terms of WEBs: wider economic benefits.

3 The DfT's TAG guidance always and systematically avoids this language.  
4 It talks of wider economic impact, which can be negative or positive, and both  
5 of them have to be addressed. Prima facie, there is, therefore, an overestimate  
6 of the net year outcome in terms of benefits.

7 The penultimate point I'd make is that, in pursuit of this, the basis and  
8 derivation of wider economic impacts are not explained in a way which is  
9 comprehensible to a professional economist, let alone, I think, to most of the  
10 people in this inquiry process. Our repeated requests for relevant input and  
11 output files, specifications, to make our own assessment of these wider  
12 economic impacts have been refused. And the calculation of reliability benefits  
13 and their relation to travel speeds and times also seems very uncertain, because  
14 they're not tracked to the cost and benefit analysis. Again, information has been  
15 requested but not provided. There's a particular potential for double-counting  
16 in the treatment of value of time savings and reliability benefits.

17 Now, the problem, to me, in all this is that these uncertainties are not  
18 randomly optimistic and pessimistic, tending, as it were, to cancel each other  
19 out. Rather, in each case, they have the effect of exaggerating the calculated  
20 benefits, or underestimating the calculated costs. Now, partly, this is just human  
21 nature, and I understand the drive to align all analyses to demonstrate that the  
22 project is a good one, but the fact is – surely this is self-evident – that the project  
23 now is not nearly as good as it was assumed to be 10 years ago. As things stand,  
24 the project is facing these two unacceptable possibilities: that the scale of the  
25 investment is unnecessary, or that it will fail to deliver the lasting improvements  
26 in travel times that are promised, and it could be both.

27 Therefore, we're strongly recommending that further essential and  
28 challenging model, and appraisal, and sensitivity tests, are undertaken to reflect  
29 the Council's comments in its local impact report, and to be in accordance with  
30 what we've described as a genuine and unbiased application of the principles of  
31 DFG[?] guidance on uncertainty.

32 What we want, in summary, is first, to update the baseline trip rates and  
33 common analytical scenarios, including high and low traffic roads forecast, and  
34 apply all these changes to every stage of the appraisal, including design,

1 estimation of costs and benefits, value for money, and environmental impact; to  
2 provide and publish the technical specifications and the input and output files  
3 for the assessment of wider economic impacts and the assessment of reliability  
4 benefits; to undertake tests which allow for the probability – near certainty, I  
5 would say – that future traffic via HGVs and LGVs will be different in the with  
6 and without LTC case; to carry out tests of the traffic implications and further  
7 electrification of vehicles, further implementation of government’s declared  
8 policies, which would tend to reduce car traffic; and to report the effect of higher  
9 carbon values within the existing demand framework, and the likely physical  
10 and transport effect in the transport corridor of further increases in global  
11 average temperature.

12 For example, the Defra recommendations that considers scenarios of two  
13 or four degree global temperature increase.

14 Thank you, sir, for your attention.

15 MR YOUNG: Right, we’re going to break for lunch very soon. Ms Dablin.

16 MS DABLIN: Thank you. Alison Dablin for the Port of Tilbury. I will first say that the  
17 Port supports the submissions made by Michael Humphries KC for Kent, in  
18 respect of the impacts of uncertainty. In respect of the freeport, I’d first like to  
19 correct a statement made by the applicant. They said that the data was provided  
20 in September 2021, which it was. However, this was the third occasion that  
21 we’d provided it. The first occasion was, in fact, in April 2020. What we have  
22 been requesting is that an alternative scenario is run in accordance with the TAG  
23 Unit M4 guidance, on the basis that the freeport is a reasonably foreseeable  
24 project. That is: it’s a development that may happen but there is significant  
25 uncertainty.

26 We’re not requesting that it is included in the core scenario, but we do  
27 think that as a significant development, it should be run as an alternative. Since  
28 the data was provided to the applicant, the freeport has been designated, which  
29 occurred in November 2021, and as of March this year, the freeport was given  
30 the go-ahead to operate.

31 Now, the applicant referred to some modelling that it had carried out, and  
32 this was shared with us a few days ago. This is not modelling that has actually  
33 been carried out in accordance with TAG Unit M4. What the applicant has done  
34 is they have looked at the impacts of the freeport on a baseline that includes the

1 Lower Thames Crossing. What they haven't done is updated the baseline to  
2 include the freeport. They have assumed that the freeport will be coming wholly  
3 after the Lower Thames Crossing being operational.

4 This is a misplaced application of the EIA regulations, which require the  
5 direct and indirect effects and the accumulative assessment to be undertaken and  
6 the TAG process that the applicant states it's following. It incorrectly assumes  
7 that the freeport will be brought forward after the Lower Thames Crossing is  
8 operational, but this has never been the case. The certainty that the freeport is  
9 to commence operations and it consists of greater areas of land than just those  
10 areas that the applicant will be using for its construction compound. So to  
11 suggest that the Lower Thames Crossing – not the Lower Thames Crossing –  
12 sorry, the freeport at Tilbury – won't come forward until after the Lower Thames  
13 Crossing is operational is misguided.

14 Our request is that the freeport is included in an alternative baseline so  
15 that the full impacts of the Lower Thames Crossing scheme are properly  
16 assessed in accordance with TAG Unit M4, because until they do so, the full  
17 impacts of the project are not fully understood.

18 Thank you.

19 MR YOUNG: Any questions on that? Mr Bedford.

20 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council. Sir,  
21 the point that we've raised in our local impact report is related to the modelling  
22 process, but given the way that your agenda has been framed, it's only, as it  
23 were, broadly related to the particular agenda item on the uncertainty log, and  
24 I'm just going to touch on a point, which is the issue that we've raised, that the  
25 M10 input, which, obviously, has been used to generate the travel demand for  
26 the purpose of the model, we consider is materially out of kilter with what we  
27 see as being the likely growth in the – particularly in Gravesham, but also in the  
28 related districts in the vicinity, such that we consider that sensitivity tests need  
29 to be undertaken, which doesn't apply.

30 The M10 data has a constraint on overall demand in the model, and we  
31 appreciate that that does not accord with the guidance in WebTAG, and we've  
32 commented on that in our local impact report. We also recognise from and sense  
33 the way you've structured the agenda for today, that, at the moment, you're  
34 probably not entirely persuaded by our points and that we need to probably

1 provide you with more information to explain why we've got the concerns that  
2 we have.

3 I'm referring, particularly, to figure 3.4 of the local impact report, which  
4 sets out where this discrepancy is, and how stark it is, and so what I was  
5 proposing to do, sir, if this is a convenient way of dealing with it, is we need, I  
6 think, to flesh out why we're saying this is a problem and why more needs to be  
7 done by way of the sensitivity tests, and hopefully, if we do that in our post-  
8 hearing submissions, we may see that it gains some traction and that you might  
9 require some further evidence to be provided to reassure us on that point.

10 So that's the point I flag up. That's also the way I'm proposing that we  
11 seek to deal with it.

12 MR YOUNG: Okay. Anybody else? Did the applicant want to come back? Because I  
13 do want to break for lunch now. Uncertainty. Yes. Speak into the microphone.  
14 You can stay there. Come forward if you want.

15 MR REEVE: Graham Reeve on behalf of the Essex Area Ramblers. I'm a retired  
16 transport planner, who worked for quite a few of the international consultants  
17 over many years, and I'd like to continue a bit of the discussion that Mr – rather,  
18 Professor Goodwin brought up, about the implications of the changes due to  
19 Covid.

20 MR YOUNG: Is this going to be – I'm more than happy to hear from you, but I'm just  
21 trying to understand the timescales involved in what you have to say.

22 MR REEVE: Probably no more than three or four minutes.

23 MR YOUNG: Oh, that's fine. The way you were setting up, we could be here for a  
24 while.

25 PARTICIPANT: A technical dissertation, 30 minutes' duration.

26 MR YOUNG: The way you were rustling the papers.

27 MR REEVE: Well, I'll try to keep it fairly untechnical. The WebTAG – TAG Unit M4  
28 clearly picks up in appendix B that there are changes due to Covid and these  
29 should be taken account of in the modelling exercise, and that doesn't seem to  
30 have happened. Now, in terms of the evidence that's been provided by the  
31 applicant, they do accept in paragraph 5740 of the transport assessment, they  
32 accept that, 'From 2021 onwards, demands rebounded and returned to pre-  
33 Covid-19 levels. Although, this does vary by location and there has been some  
34 changes in the mix of vehicle types, especially during peak hours.'

1 Now, therefore they're accepting that there have been changes in traffic  
2 patterns. We spent this morning talking about Orsett Cock, but it might be that  
3 the traffic flows at Orsett Cock are very different to what they were in 2016.

4 So the whole debate about the modelling may be irrelevant, because a  
5 whole basis could be fundamentally wrong, but also it could affect – as, I think,  
6 Professor Goodwin said, it might affect the overall value for money. I mean, the  
7 current central figure is 1.22, which seems to be fairly low. So if that is reduced  
8 because of changes and because of lorry growth, then that could well fall into  
9 the situation where it's not value for money. The fact that the traffic has returned  
10 to existing levels in 2021 indicates that there has been a lot[?] of growth for a  
11 couple of years, which was wrongly taken account of in the assessment.

12 I'd finally just like to read out the second paragraph of B11 in the  
13 Department of Transport's paper, and it says, 'It is the department's view and  
14 recommendation that this evidence [inaudible] of travel demand, relative to a  
15 pre-pandemic projection demand at this time, should be appropriately  
16 represented in transport analysis.'

17 This is important particularly in appraisal and analysis supporting  
18 transport and investment decisions, and because it's such a major scheme –  
19 we're talking about a scheme of the order of about £10 billion, and it's the largest  
20 scheme within the National Highways programme – it seems to us that it's not  
21 right that decisions are taken on such a major scheme, when clearly, the whole  
22 basis of the modelling could be fundamentally wrong.

23 Thank you, sir.

24 MR YOUNG: We'll break for lunch and then we'll come back to the applicant, and try  
25 and tie this agenda item pretty quickly after lunch, and then we'll move on to  
26 have a discussion about mitigation.

27 MR TAIT[?]: I was going to say we were going to respond in writing to the various  
28 points. You might have questions of us, but if you don't – unless we're going  
29 to –

30 MR YOUNG: I don't have –

31 MR TAIT: – extend into the afternoon with...

32 MR YOUNG: Well, we'll break for lunch now. I think that's the best thing to do.

33 MR SMITH: We can –

34 MR YOUNG: Yeah, pick it up.

1 MR SMITH: We can deliberate briefly over lunch to see if there are any other matters  
2 that we, as a panel, need to explore with you, and pending that – so we may want  
3 to come back to you on this before we close the item out. Otherwise, we might just  
4 close it out as soon as we return. Okay.

5 MR YOUNG: So 2.15 then, please, everybody. The hearing's adjourned.

6

7

**(Meeting adjourned)**

8

9 MR YOUNG: Good afternoon, everybody. It's quarter past. The hearing's now  
10 resumed. Just a couple of matters, just coming out of that lunch break. We  
11 haven't got any further questions for the applicant. Just one thing we just want  
12 to highlight is: in your deadline 4 submission, we would very much like you to  
13 respond in detail, if you could, to Professor Goodwin's submissions today.  
14 Yeah. Thank you.

15 PARTICIPANT: All a round of nodding that that can be done.

16 MR YOUNG: Yes, good. Thank you.

17 MR SMITH: I will just briefly speak on that point, Mr Young, which is to observe that  
18 we have a sense that there is still a substantial amount of clear water between  
19 the applicant's position and the position that is being advocated by Thurrock,  
20 and when one is in that position, merely telling the parties to go away and  
21 continue to try and negotiate, with a view to returning with an agreed position  
22 within the timeframe of the examination, isn't something that necessary delivers  
23 results. We, therefore, need to put ourselves into a position where we fully  
24 understand what remains as outstanding matters.

25 I mean, PADS is the process that we've been using in this examination as  
26 a pretty useful way of doing that – to understand what's outstanding, because at  
27 the end of the day, there are matters in our report that we deal with in a judicatory  
28 mode, where we are, essentially, making a recommendation to the secretary of  
29 state about how to resolve points of difference that have emerged that are not  
30 resolving themselves through the examination process. If we need to do that,  
31 we need clear resolution of what is outstanding, and actually, in relation to the  
32 conversation that went on this morning, we need detail.

1 MR YOUNG: Mm-hmm. Thank you. Just a reminder to speak into your microphones  
2 – something the case team has asked me. Ms Bowkett and Mr Shadarevian, you  
3 two have been highlighted as repeat offenders, so lean forward, please.

4 MR SHADAREVIAN: Apologies.

5 MR YOUNG: Okay. So we'll move onto item 4 on the agenda, which is wider network  
6 impacts, management and monitoring. Just a few preliminary remarks from me,  
7 and then we'll go to the applicant as usual. This is an issue, or the lack of  
8 mitigation at junctions identified in the transport as being adversely affected is  
9 a matter that's been raised, I think, by all highway authorities. The applicant's  
10 oft-repeated position is that it has assessed the wider network impact of the  
11 project and considered these against the requirements set out in the NPS, and  
12 considers that the adverse transport impacts are acceptable under this policy.

13 What I want to do this afternoon is try and explore that a little bit. Just for  
14 the benefit of those who might not be aware of what the NPS says in relation to  
15 mitigation. It says that, 'Mitigation measures should be proportionate,  
16 reasonable, and focused on promoting sustainable development.' There's a  
17 second reference where it says that, 'Where development would worsen  
18 accessibility, such impacts should be mitigated as far as reasonably possible.'

19 So the applicant is proposing to monitor the impacts of the project, as we  
20 all know, on the local road and strategic road networks, and if monitoring  
21 identifies opportunities to further optimise the road network, as a result of traffic  
22 growth or new third-party developments, then local authorities would be able to  
23 use this evidence to support scheme development and case-making for existing  
24 funding mechanisms and processes.

25 From what I've read, the overriding sentiment from highway authorities is  
26 that, while monitoring is welcomed, it doesn't necessarily help them resolve  
27 problems on their network as a result of the scheme, particularly in light of a  
28 prevailing climate where funding for local highway schemes outside of planning  
29 process is extremely limited, and likely to be for some time.

30 So just with those introductory remarks, let me go to the applicants first,  
31 and on that key point, ask the applicant to justify its approach to the wider  
32 network impact monitoring, planning, and particularly that issue about  
33 mitigation, or unforeseen impacts, should they arise.

34 MR TAIT: Sir, could we then take A(i) and (ii) together?



1 MR YOUNG: Yeah.

2 MR TAIT: And then deal with the precedent separately. That's a separate – but the first  
3 two seem to lie together. So I was very briefly just going to echo what you were  
4 saying about what you were saying about the policy position and elaborate on  
5 that, very briefly. So you know our position in relation to policy compliance is  
6 set out in appendix 4 of the TA at 535, and in appendix A of the planning  
7 statement at 496, and as you've indicated, there's a specific section on impacts  
8 on transport networks between paragraphs 5201 to 5218, and this is clearly the  
9 section that governs consideration of wider network impacts.

10 As you've mentioned, sir, there is the reference in 5215 about mitigation  
11 needing to be proportionate and reasonable. There are three more specific  
12 aspects of policy within the NPS relevant to this. The first is the reference in  
13 5206 to environmental impacts, which makes clear that that's to be done  
14 pursuant to WebTAG and then the environmental impacts, in terms of noise and  
15 [inaudible] are to be reported, and clearly that's been done.

16 Secondly, there are the two points about severance and accessibility,  
17 which you've mentioned. That's 5205 and 5216, where there are specific  
18 exultations about mitigation as far as reasonably practicable, with a very strong  
19 expectation in the case of NMUs that that would be mitigated.

20 And thirdly, cross-referring to 4.64 and 4.65 of the NPS, there are various  
21 tests about safety of that which is being proposed, and the short point I would  
22 wish to make just by way of preface is that, in contrast, and notably, there isn't  
23 any specific requirement in relation to the need for interventions where there  
24 may be increased congestion in the wider network as a consequence of the  
25 particular intervention.

26 So that was the policy context. I was then going to ask Dr Wright to deal  
27 with the application of that very briefly, and then to explain how the [inaudible]  
28 process is intended to work, and why it's proposed. So Dr Wright, please.

29 DR WRIGHT: Tim Wright for the applicant. So just to restate – and I know we have  
30 said this before, but I'll be brief – that fundamentally, the position is that the  
31 project, as set out in the need for the project and the economic appraisal package,  
32 provides overall benefits to each local authority area, and that the adverse  
33 impacts have been quantified and accounted for in the determination of that  
34 benefit, and so by delivering against the need, we're in alignment with section 2

1 of the national policy statement for national networks, and we've complied with  
2 the specific relevant tests, considering the impacts for change in traffic flows  
3 against, away from the project boundary, and so we consider that the project is  
4 compliant.

5 If I can jump then to some specific matters, so the tests, as my colleague  
6 set out. I will go through the three core areas that we see in turn. So severance  
7 and accessibility. Accessibility is talked as well in paragraph 3.19 to 3.22 of the  
8 national policy statement, and it talks about provision of ensuring access for  
9 varied communities, including people with disabilities, and so we have assessed  
10 that through the HEQIA, and then alongside that, it talks about severance, and  
11 we've provided a severance assessment in the HEQIA as well, and through that,  
12 we did identify that there were three locations where there were, potentially,  
13 severance issues associated with the changing traffic flows away from the  
14 project.

15 Each of these are identified within our section 106 heads of terms  
16 proposals as being an area for investigation with the local authority to see if we  
17 can improve crossing locations in those areas.

18 If I move forward, then, onto environmental impacts, which I won't go  
19 into detail, because I'm sure we will have whole, separate discussions, but  
20 clearly, those have been considered and addressed in the environmental  
21 statement, and clearly air and noise impacts associated with the project, and also  
22 landscape impacts in sensitive areas of the changing traffic flows. Needs are  
23 being mitigated where appropriate, or dealt with otherwise through the  
24 application materials, and they are set out individually and addressed against  
25 their national policy statement requirements in the appropriate areas.

26 And then finally, moving on to the safety, there's a couple of different  
27 areas where the safety is talked about in terms of the potential issues associated  
28 with changes in traffic flows. The first talks about showing that they've taken  
29 steps that are reasonably required to minimise the risk of death and injury, and  
30 contribute to an overall reduction in road casualties, and reduction in the number  
31 of unplanned incidents. We've set out in the application materials how, on a per  
32 kilometre travel basis, our proposals lead to a reduction in the total number of  
33 casualties across the scheme.

1           And then the second one relating to safety, which is paragraph 4.65, we  
2 need to demonstrate that we have considered the safety implications of the  
3 project from the outset and are putting in place rigorous processes for monitoring  
4 and evaluating the safety, and those requirements are addressed by the National  
5 Highways' standard approach of delivering a post-opening project evaluation.

6           So there is no specific requirement to propose interventions in response to  
7 increased congestion. Paragraph 2.15 sets out the section on impacts on  
8 transport networks. Mitigation measures, as you quoted, 'should be  
9 proportionate and reasonable.' The applicant's position on that is that because  
10 the benefits significantly outweigh the impacts, providing additional  
11 interventions across the regional highways network would be disproportionate  
12 and unreasonable, and I'd like to talk a little about that if I may.

13           So a little bit of context around this matter from our perspective: the  
14 licence issue to National Highways by the Department of Transport sets out  
15 statutory directions and guidance, and that's informed the approach that we've  
16 taken to the ongoing management of the highway network, and the consideration  
17 of the changes in traffic flow resulting from the project.

18           Through the licence, we're under a statutory duty to work with others to  
19 align national and local plans and investments, and I'm quoting here, 'balance  
20 national and local needs, and support better end-to-end journeys for road users.  
21 Impacts on the highways' network resulting from changes in flows following  
22 opening of the Lower Thames Crossing will be considered by National  
23 Highways as part of the exercise of this duty.'

24           And these principles are confirmed in the road investment strategy too,  
25 which explains that National Highways has a very specific role as an applicant,  
26 and quite a comprehensive role. First of all, it notes the purpose of the Lower  
27 Thames Crossing, and we can't lose sight of the strategic intervention on road  
28 network – that 'the purpose is to tie the nation closer together, to link Essex to  
29 Kent, and the south to the north,' and then it goes on to talk about how road  
30 schemes will be considered for inclusion, and if I can quote, 'It is widely  
31 accepted that it is not possible to outbuild congestion across the whole of the  
32 road network. RIS 2 will address more of the most notorious delays.'

33           So RIS 2 is a five-year plan, second one, and it's part of a vision to 2050.  
34 It can only ever be considered part of the story, and in that context, the role of

1 National Highways as the strategic highways company is particularly important.  
2 So National Highways, originally Highways England, was established as a  
3 steward of the strategic road network with a remit to operate, maintain, renew  
4 and enhance our motorways, the main A roads, to the benefit of road users,  
5 people who live next to or depend on the road network, and the natural built and  
6 historic environment.

7 RIS 2 then goes on to set out how the Lower Thames Crossing is a key  
8 component of a broader investment pipeline by stating, ‘We expect to  
9 investigate linked improvements on the A2 into Kent as part of the pipeline of  
10 works for the next RIS,’ and these and similar matters are considered through  
11 future investment strategies, and in May 2023, National Highways published its  
12 root strategy initial overview reports, looking at various regions around the  
13 country, and that is the continuation of this process of looking at investment  
14 across the regional and the national network, but to take where I’m going with  
15 this – in other words, not all areas of congestion are intended to be resolved by  
16 singular investment, or even within a single investment period.

17 The supported schemes are part of a national connectivity strategy, and  
18 each investment will have consequences, particularly the larger schemes, but the  
19 full scale of change is the subject of ongoing work, engagement, and investment.

20 RIS 2 sets in place the process for further investment into the future. For  
21 example, Tilbury link road is listed as a pipeline project, and that was updated  
22 following the written ministerial statement for RIS 4, set out in the May route  
23 strategy initial overview report on Kent.

24 There’s no suggestion that LTC cannot go ahead without that or other  
25 investments. LTC’s role is nationally important and transformational. So the  
26 DfT has in place mechanisms for dealing with further investment, each on its  
27 merits, and allowing for the prioritisation of issues nationally.

28 As a matter of government policy, any necessary further investment to the  
29 road networks of Essex, Kent, and Thurrock and beyond, will be considered  
30 through the RIS process when related to the strategic road network, and similar  
31 funding regimes when on the local road network, and it’s important that that  
32 road funding process is objective and fair.

33 There’s going to be competing claims, as we well know, for scarce  
34 government resource to tackle bottlenecks and other substandard highways, and

1 it would be unfair to the case for investment in those projects if local projects  
2 were committed to by government on the back of the Lower Thames Crossing,  
3 bypassing the existing processes.

4 It is possible, as a consequence, there's some road investments which may  
5 be meritorious, and some may be seen as essential, may fail to receive  
6 government funding support. That decision, however, would be an exercise by  
7 government of weighing priorities in the full knowledge of government policy.  
8 It cannot be regarded as inherently unacceptable.

9 In summary, it's National Highways' position, in relation to the provision  
10 of further interventions to optimise flows across the wider network, either  
11 directly in the DCO, or through a commitment to a triggering criteria in the  
12 monitoring, but it would be disproportionate for such a project to be held  
13 accountable for further investments to address adverse impacts without taking  
14 into account the scale of the benefits provided by the project.

15 If the applicant were required to address the identified areas of adverse  
16 impact, the scope of the project would expand beyond that intended by the  
17 government in their decision to include the project in the road investment  
18 strategy too.

19 Furthermore, as the existing flows across the network are already  
20 constrained, addressing the identified impacts would likely lead to the creation  
21 of further impacts, essentially resulting in the applicant be held accountable for  
22 each junction that is currently at or near capacity across the region. This has to  
23 be considered disproportionate, counter to the intention of both the policy and  
24 the government's investment strategy. Specifically drawing attention back to  
25 paragraph 2.24 of the national policy statement: 'Individual schemes will be  
26 brought forward to tackle specific issues, including those of safety, rather than  
27 meet unconstrained traffic growth.'

28 So in summary, the Lower Thames Crossing really is a transformational  
29 project. It will bring change to the strategic road network on a scale that hasn't  
30 been seen since the construction of the M25, and in order to bring this scheme  
31 forward, it is necessary to look at the benefits the scheme brings as well as the  
32 adverse impacts, and our view is that the proportionality that needs to be applied  
33 to the consideration of the wider impacts, and the need for mitigation on the

1 wider network, is informed by the scale of the intervention, the scale of the  
2 benefits, as well as the nature of the adverse effects.

3 MR YOUNG: Just a quick question then from me. Are there any circumstances in this  
4 case where if there was a demonstrable impact on the highway network as a  
5 result of this scheme going on – your submission is there are no circumstances  
6 under which mitigation would be justified, because you’ll always fall back on  
7 the position of wider benefits.

8 [Crosstalk]

9 MR YOUNG: Let me put a scenario to you then. Let’s just say the Examining Authority  
10 have concerns about Orsett Cock. We prefer Thurrock’s or Mr Douglas’  
11 assessment of that junction, and we came to the view that we were going to have  
12 vehicles queuing back onto the A13 main line, and that’s a congestion issue, but  
13 it’s a safety issue. Two sides of the same coin. In those circumstances, would  
14 it be justified to tie a commitment to mitigate at Orsett Cock, or any other  
15 location for that matter, if we found that there was going to be a ‘severe impact’,  
16 in the words of the framework?

17 DR WRIGHT: Tim Wright for the applicant, and I note that that is a question that has  
18 been put to us, and we are, of course, preparing a response to that, but I’ll come  
19 to that here. That would be contingent on the nature of the flows that resulted  
20 in that. Obviously, the network is subject to change daily and there are incidents  
21 on the network and quite regularly, you will get queueing back onto a main line.  
22 We’ve all seen it in certain scenarios, but what I would say is that we’re  
23 confident that our localised traffic modelling does demonstrate that that  
24 wouldn’t happen.

25 If that were to be the case – we did, I note, identify with the modelling at  
26 an earlier stage of the project that that was a risk, in relation to the traffic leaving  
27 the Lower Thames Crossing, coming onto Orsett Cock roundabout. So we used  
28 the vision modelling at that time to inform a decision to increase the nature of  
29 the slip road, produce extra capacity on that, to remove that implication.

30 So I hope that goes some way to answer the question. We would have a  
31 concern in that situation, depending on the specific nature of that, and when we  
32 did identify that, we made modifications to the scheme to address that scenario.

33 MR YOUNG: Anything else?

34 PARTICIPANT: Let’s see. Yes. There was...

1 MR YOUNG: Ms Laver, do you want to ask the applicant a question? Just unmute  
2 yourself.

3 MS LAVER: Yeah. Thank you very much, Mr Young. Just hearing all of that, I realised  
4 that the scheme has come out of the RIS 2 programme, but I just want to get  
5 some clarity on whether the applicant is suggesting that RIS 2 is a policy  
6 document that is an important and relevant consideration to the ExA, in terms of  
7 whether we should be asking for mitigation or not, because in my view, it doesn't  
8 equate to a national policy statement, and I just want to understand – there's a  
9 lot of reliance placed upon what's said in RIS 2, but how does the ExA have to  
10 deal with RIS 2? I'm just looking for a bit of clarity from the applicant on that,  
11 please.

12 DR WRIGHT: Tim Wright for the applicant. So it doesn't equate to the national policy  
13 statement, which obviously has a special status under the Planning Act 2008, but  
14 we do consider it to be a policy document which is important and relevant, and  
15 it is a strategy and plan of the government which needs to be considered in  
16 appropriate fashion.

17 MS LAVER: Okay, so just coming back on that point – but you would agree that the  
18 national policy statement takes precedent over what's said in RIS 2?

19 DR WRIGHT: Yes, and there is specific reference to the RIS in 4.27, albeit in the context  
20 of the full options, the alternative provisions. So it's tied into it, but clearly, the  
21 NPS has the statutory precedence.

22 MS LAVER: Thank you. That's all I had to say. Thank you.

23 MR YOUNG: What the NPS doesn't say is that if there's a wider benefit, we don't need  
24 to deliver mitigation at a particular location. It doesn't say that, does it?

25 DR WRIGHT: Tim Wright for the applicant. It doesn't use those specific words.  
26 Equally, it doesn't say exactly where you do, or what the measure of  
27 proportionality would be, except in the areas where I've identified previously.

28 MR SMITH: [Inaudible].

29 MR YOUNG: [Inaudible]. Okay. So who wants to speak on this? Mr Humphries,  
30 you're going to deal with it.

31 MR HUMPHRIES: Michael Humphries for Kent County Council, and again, should I  
32 follow Mr Tait's lead and take items (i) and (ii) to run on together?

33 MR SMITH: Yes.

1 MR HUMPHRIES: Yeah. The first point to make is that the applicant's submissions on  
2 this and the policy context and why they've done what they've done is itself very  
3 revealing. We were told that when looking at wider network impacts, they'd  
4 looked at environmental impacts, severance and accessibility, and safety, and  
5 they say that that is based on the NPS, and if that is what they have done, they  
6 have only considered wider network impacts on those three grounds. That is, as  
7 I say, is very interesting.

8 What the existing designated national network NPS actually says, at  
9 paragraph 5.202, is that, 'Development of national networks can have a variety  
10 of impacts on surrounding transport infrastructure, including connecting  
11 transport networks. Impacts may include economic, social, and environmental  
12 effects.' It goes on to talk about exactly the things that National Highways refer  
13 to, but in no way in an exclusive sense. At no point are impacts on the highway  
14 network in some way excluded from consideration, either in the assessment or  
15 indeed in mitigation.

16 The second point – KCC's written representations have made reference  
17 not only to the existing national networks' NPS and indeed, I think, in the  
18 preliminary meeting, I actually drew attention to some paragraphs, but in our  
19 submissions we have, but also the draft revised NPS, and as I said at that point,  
20 the draft revised NPS, paragraph 1.17, makes it clear that it itself may be an  
21 important and relevant consideration for the Secretary of State.

22 Now, what is the consequence of that being potentially important and  
23 relevant for the secretary of state, for the secretary of state to be informed about  
24 that, in order to decide himself whether it's important and relevant? Therefore,  
25 he must be told about it. It must be exempt so that you can report upon it. Now,  
26 in the LTC planning statement – because, obviously, perfectly properly of its  
27 date, it predates the draft revised NPS, and so that document APP-496, appendix  
28 A, does not give National Highways' views on the draft-revised NPS that's  
29 currently in admission. We would expect them to deal with that. If they have –  
30 there have been such a plethora of documents and some very recently – I  
31 apologise, but I couldn't find anything at the moment.

32 This is important because the national networks' NPS, according to the  
33 government's own timetable, ought to be designated before, certainly, a decision  
34 is made, and in most likelihood, before the end of the examination. So one



1 would expect National Highways to actually have to deal with this. When one  
2 looks at the draft revised NPS, there are some significant changes, and changes  
3 of emphasis, that are directly material to what we're considering at the moment.  
4 So, for example, if I look at the quote – yeah, mitigation. So the existing NPS,  
5 paragraph 5.215, says 'Mitigation measures for schemes should be proportionate  
6 and reasonable, focused on promoting sustainable development.' You heard that  
7 quoted back to you just now. But just seeing what the draft revised NPS says.  
8 'For road and rail developments, the applicant's assessment should include an  
9 assessment' – sorry, I'm quoting, I think, from the wrong bit on mitigation. I  
10 apologise.

11 'Mitigation measures may relate to design, layout and operation of  
12 developments for the scheme – operation of the scheme – or support or funding  
13 for the immediate surrounding area.' In other words, an emphasis has moved on  
14 from just looking at things that are proportionate. What's introduced for the first  
15 time, in several places, and I won't be tedious by going through them all, is the  
16 idea of National Highways actually funding mitigation. Why is that important?  
17 One of the things that National Highways will say to you about wider mitigation  
18 now is, 'Well, look, it's all too late to include a scheme in our red line. You'd  
19 have to consult with landowners, you'd have to ES[?], carry out an  
20 environmental impact assessment and so on.'

21 But the draft revised national policy statement seems to have understood  
22 and anticipated this, and anticipated that it may be appropriate not for things to  
23 be included in the red line boundary – clearly that would be an option – but for  
24 National Highways to fund other schemes that are outside its boundary. Clearly,  
25 this, as you will appreciate, drives directly into the whole point about monitoring  
26 for future effects, and then mitigation. At the moment, the wider network  
27 impacts monitoring and mitigation plan, APP 45 – 545, deals with monitoring,  
28 but gives no commitment to any form of mitigation. It, incidentally, also  
29 identifies various external sources of potential funding, although it's actually out  
30 of date; some of these have expired, but that's, for the moment, by the by.

31 The wider network impacts monitoring and mitigation policy compliance  
32 document, APP-353, of course, once again does not deal with the draft revised  
33 NPS; they've just simply omitted it because it postdates the application. The  
34 transport assessment, however, does recognise that there will be impacts on the

1 wider network. National Highways have not for one moment and demurred  
2 from that. Their point is, 'Well, that's not for us, RIS 1 or RIS 2 don't include  
3 these. But as you have quite rightly pointed out, neither does RIS 1 or RIS 2  
4 actually preclude that. It's not precluded at all; it's just not included. When you  
5 look at the national networks NPS, it mentions the road investment strategy, but  
6 it doesn't in any way say that mitigation is confined to that. So under a later  
7 agenda item, Mr Ratcliffe, to my right, can explain to you our concerns about  
8 the A229, Blue Bell Hill. I won't elaborate that now.

9           Importantly, there is no legal or policy exemption for National Highways  
10 when it comes to mitigating the effects of its schemes. There is nothing that  
11 says, 'Oh, well, National Highways doesn't have to mitigate its schemes like  
12 everybody else.' And currently, you cannot be satisfied that such impacts will  
13 be mitigated, when National Highways say that it's to depend on external future  
14 funding from other programmes.

15           Now, I emphasise this point, and I suspect all of you, as inspectors, will  
16 be familiar with this. National Highways, of course, does require developers of  
17 other projects to fund improvements to its network. We can think of many  
18 examples of that, where they will turn up at inquiries and say, 'Look, your  
19 development has an impact. We want some sort of contribution to the  
20 improvement of a junction', for example, or a link, or something else. And  
21 because of the potential for objection by National Highways to large schemes,  
22 very often they are able to secure that, usually through side agreements. Usually  
23 through side agreements.

24           Now, it cannot, of course, be argued properly by National Highways that  
25 the funding is simply not available here. If we look at the funding statement,  
26 APP-063, we will see that the project capital costs are between 5.2 billion and  
27 9 billion. That's a range of 3.8 billion. They make it clear that the upper end of  
28 that range, 9 billion, is funded by Government. Of course, that doesn't just cover  
29 capital costs – there's also land costs – but the majority of that.

30           It also makes clear that their estimates include various things including  
31 risk. In other words, a contingency. We do not know the size of that  
32 contingency. It's quite clear, however, that with a range, upper and lower range  
33 of £3.8 billion, that the sort of improvements to the local network that would be  
34 required to satisfy Kent County Council, Essex and other highway authorities is

1 clearly within the range of reasonable contemplation. You've been provided  
2 with no evidence to suggest that that is not the case.

3 And therefore, sir, our position very strongly is, in the light of the things  
4 we were talking about this morning – uncertainty with impacts – in the light of  
5 the need for monitoring, which is accepted, and an acceptance, we say, which is  
6 implicit, that there will be some impacts that need to be mitigated, we can see  
7 no proper reason why this DCO should not adopt the type of approach – type of  
8 approach – that the Silvertown Tunnel DCO – another strategic crossing of the  
9 Thames, and also a project that I promoted – no reason why that type of approach  
10 should not be adopted here. And we suggest that you would require very, very  
11 convincing reasons and justification from National Highways not to adopt such  
12 an approach. So under these two agenda items, those are my points, sir.

13 MR YOUNG: Thank you. Just remind me, what was the funding gap for Bluebell Hill?

14 MR HUMPHRIES: It's about 200 million. I can – we can give you the precise figure,  
15 but the funding gap is about 35 million. The total project, I think, is just over  
16 200 million, but the funding gap is 35, I believe.

17 MR YOUNG: Thurrock.

18 MR MACKENZIE: George Mackenzie for Thurrock Council. With your permission,  
19 sir, I will deal with agenda items 1 and 2, together with Kirsty McMullan. Can  
20 I begin by saying that we agree entirely with everything that Mr Humphries has  
21 said on behalf of Kent Council. We align ourselves with those submissions, in  
22 particular those in relation to the draft revised NPS for National Networks, and  
23 as a result, I would repeat what Mr Humphries said about the draft revised NPS,  
24 and we'll focus on the position under the extent NPS for National Networks, and  
25 address the proposition advanced by the applicant that it's not necessary for an  
26 NSIP to address – by way of providing reasonable mitigation – adverse effects  
27 and impacts on the local road network, caused by project.

28 Clearly, we disagree with that proposition in the strongest terms, and  
29 indeed don't shy away from the submission which I 'll develop, which is that  
30 it's absurd. I think I need to just highlight, at the outset, that the extent NPS for  
31 National Networks says this in paragraph 5.202, last sentence – and I begin by  
32 drawing attention to this because it is just abundantly clear and leaves no room  
33 for argument about what the policy position is. It's this: 'The consideration and

1 mitigation of transport impacts is an essential part of Government’s wider policy  
2 objectives for sustainable development.’ It doesn’t get clearer than that.

3 And I’ll, in a moment, draw attention to other paragraphs in the NPS  
4 which set the scene for that statement of policy, but it is necessary to draw  
5 attention to it at the outset. But just taking a step back for the moment, LTC is  
6 introducing major transport infrastructure into this area and is relying heavily on  
7 access to existing local junctions in order to deliver the scheme objectives and  
8 to deliver proper functionality. And indeed, it can fairly be said, in particular in  
9 relation to the Orsett Cock roundabout, that LTC is appropriating the capacity  
10 that was introduced into the local road network by Thurrock Council in order to  
11 support and drive its local growth ambitions.

12 And in that context – or it’s in that context that we say it’s both  
13 counterintuitive and indeed absurd that LTC, which depends on the  
14 appropriation of those junctions, and which will have adverse effects, in terms  
15 of congestion, on other nodes in the local road network in a way that damages  
16 the council’s growth ambitions, should not be required to provide any mitigation  
17 in respect of those matters. And further by way of context, the applicant  
18 recognises that there is a need to provide a range of mitigatory interventions, in  
19 respect of a wide range of impacts that LTC would bring about: landscape and  
20 visual mitigation; ecological and hydrological mitigation; mitigation on the  
21 significance of designated heritage assets and scheduled monuments; noise and  
22 mitigation in respect of effects arising during the construction phase, and yet  
23 they say that it’s not for them to mitigate adverse operational effects on the local  
24 road network. And there is a logical gap there, in my submission, that is worth  
25 observing at the outset, by way of context.

26 I will turn now, if I may, to the NPS. Starting with paragraph 4.3, which  
27 provides as follows: that – again, I’m just kind of picking out the highlights –  
28 ‘The Examining Authority and the Secretary of State should take into account’  
29 – bullet 2 – ‘Any long and cumulative adverse impacts’, and then it says this:  
30 ‘As well as any measures to avoid, reduce or compensate for any adverse  
31 impacts.’ And the language used here is, ‘any adverse impacts’, and that’s  
32 important, and in my submission sets the stage for a policy requirement to  
33 mitigate traffic and transport effects, in terms of congestion on the local road  
34 network. Paragraph 4.4 goes on to say that, ‘Environmental, safety,

1 socioeconomic benefits, and adverse impacts should be considered at national,  
2 regional and local levels.’ That too is important.

3 Paragraph 4.9 articulate the well-known requirements for – the  
4 requirements for requirements in relation to a development consent, and in my  
5 submission, there is no reason in principle why these tests are incapable of being  
6 met, in relation to mitigation interventions in respect of adverse effects on the  
7 local road network, and that is a further indication that mitigation for adverse  
8 operational effects on a local road network are properly to be regarded as falling  
9 within the scope of a DCO. And indeed, there are many DCOs, as Mr  
10 Humphries indicated, which make comprehensive provision for mitigation of  
11 operational effects on a local road network.

12 The next section that I draw attention to is paragraph 4.31. ‘A good design  
13 should meet the principal objectives of the scheme by eliminating, or  
14 substantially mitigating, the identified problems, by improving operational  
15 conditions and simultaneously minimising adverse impacts.’ Again, there’s no  
16 indication here that adverse impacts on a local road network are excluded from  
17 the exhortation in the policy to minimise adverse impacts.

18 We then turn to the section that I dealt with at the outset, by way of  
19 headlining, and it’s section 5, which deals with impacts on transport networks,  
20 and I’ve drawn, sir, your attention already to paragraph 5.202, which sits in the  
21 context of 5.201. And again, I think I just need to say only this: that one could  
22 not find a clearer statement that mitigation of transport impacts is something that  
23 is expected to be delivered by applicants under the NPS.

24 Then, paragraph 206, which concerns ‘Road and rail developments likely  
25 to have significant environmental impacts, and therefore needs to be subject to  
26 environmental impacts assessment’, and the policy says this: ‘That the  
27 applicant’s environmental statement should describe those impacts and  
28 mitigating commitments.’ And why, I ask rhetorically, would that be the case if  
29 in fact there was no expectation in the NPPS – in the NPS, that those effects  
30 would in fact be mitigated and that those commitments would in fact be secured  
31 by way of DCO requirements?

32 5.211 is next. ‘The Examining Authority and the Secretary of State should  
33 give due consideration to impacts on local transport networks.’ And – forgive  
34 me – again, I say in relation to that that it simply couldn’t be clearer that

1 unmitigated impacts are relevant considerations under the policy framework and  
2 that the primary expectation, as I've indicated, is that mitigation will be  
3 delivered in relation to adverse impacts.

4 We then come to 5.215 to 5.217. Attention to these paragraphs has already  
5 been drawn by others, so I won't labour the points made here, except, I think,  
6 just to read out paragraph 5.217, which says this: 'That mitigation measures may  
7 relate to the design layout or operation of the scheme.' And again, there's no  
8 indication that mitigation measures are excluded or outwith the scope of the  
9 policy expectations in the NPS when it comes to adverse effects in terms of the  
10 operation of the local road network.

11 So if I can draw these points together, I'll do so as follows: that the  
12 guidance in the NPS is brief, perhaps, but it's enough. And it expressly  
13 envisages that reasonable and proportional mitigation in respect of any adverse  
14 operational effects on the local road network should be put in place as part of an  
15 NSIP, and that if they are not, the corollary is that the project is contrary to policy  
16 and further that due consideration should be given to residual effects. Thank  
17 you.

18 MR SMITH: Excuse me, Mr Mackenzie. Rynd Smith, panel lead. There is an interesting  
19 issue that flows from those submissions, because one may take it from those that  
20 it is your position that any and indeed all adverse effects on a local network that  
21 flow from the implementation of a nationally significant infrastructure project  
22 development ought to be mitigated. There's possibly an alternate view that sits  
23 mainly maybe in between the position that the applicant has advocated and that  
24 you have responded to, and indeed Mr Bedford – sorry –

25 MR HUMPHRIES: Humphries.

26 MR SMITH: Mr Humphries. You always appear on the same cases and so I mix you  
27 both up.

28 MR HUMPHRIES: I just thought I'd finally had an upgrade.

29 MR SMITH: Yes, they are deploying a new operating system for you as we speak, Mr  
30 Humphries. Yes, a position that might lie between the approach taken by the  
31 applicant and the approach taken by yourself, namely that there may be certain  
32 instances of adverse effect on local networks that the proponents of the national  
33 scheme might say they acknowledge, but they do not propose to mitigate, and  
34 they do not propose to mitigate it because its adverse effects rest in the planning

1 balance in circumstances where the national scale benefits outweigh – that are  
2 positive – outweigh the local scale adverse impacts that are negative.

3 Now that’s a thought experiment. I’m not suggesting that we adopt that  
4 in any way at this stage, but I thought it would be quite useful to hear you on it,  
5 and then, when we return to the applicant, to hear them on it.

6 MR HUMPHRIES: That line is exactly, in fact, exactly the line that National Highways  
7 has taken. For example, in its response to our written representation, so  
8 REP2-045, at PDF page 11, they make exactly that point. Ultimately, there is –  
9 as in any planned case – there is a planning balance. That is also implicit, or  
10 explicit, frankly, in section 104 of the Act. But that doesn’t absolve a party from  
11 seeking to mitigate those effects that should properly be mitigated.

12 Now, you are absolutely right. I don’t think anyone is suggesting – I don’t  
13 think Kent County Council is suggesting that in order for this scheme to be  
14 consented, every impact, however minor, wherever it is, has to be resolved, but  
15 there has to be a balance. What is very noticeable, if I may characterise it in this  
16 way, and the approach of National Highways is that they have just not looked at  
17 it like that.

18 They’ve made it very clear, on this scheme and many others, anything that  
19 is outwith precisely what is their scheme is just to be funded by some other  
20 mechanism, and that is part of the problem. That is part of the reason why  
21 monitoring and mitigation are important, and I quite accept that that mitigation  
22 may have to acknowledge that there are some effects that are more important  
23 and more – and should be mitigated, and others that, for whatever reason, cannot  
24 be. But you can’t just absolve yourself of going through that exercise by saying,  
25 ‘Oh, look, there are colossal economic benefits of this scheme,’ because you still  
26 have to make reasonable efforts to mitigate.

27 MR SMITH: So, in following up from that, then, in your proposition, therefore, this must  
28 be an express and a rational exercise, in which you tabulate the nature of the  
29 impacts, for example, and if you are not going to address them fully because you  
30 believe it is justified in policy terms not so to do, and also that there is a net  
31 benefit balance arising from the national benefits of the scheme that in some way  
32 clears your way, that needs to be clear. But equally that, in returning to your  
33 words about not being absolved, that there will be, necessarily, other local  
34 network, local system impacts that ought, on their face, be addressed, because

1           they can be. And there's no harm to the scheme that flows from that and no  
2           diminution of net benefit, overall.

3   MR HUMPHRIES: Using the language of the draft revised NPS, supported and funded.  
4           Some assistance given, if it can't be included in the scheme, some assistance  
5           given to those highway authorities that have to deal on a day-to-day basis with  
6           these problems and the consequences, to assist them to appropriate solutions, for  
7           the benefits of the network as a whole. I pause there. So I agree with your  
8           summation of the various positions.

9   MR SMITH: Thank you. Apologies for that interjection.

10   MR YOUNG: No, just for Mr Humphries, Mr Mackenzie, again, on that issue of  
11           proportionality, we heard comments from the applicant about, 'Well, if you get  
12           into this, where does it end?' I'm paraphrasing what they said, but, 'If you start  
13           to do this junction, that junction, you release the throttle here, that's going to  
14           have a knock-on impact', before you know it, we will be doing road  
15           improvement all over the Southeast. And indeed, one of the reps, I think it was  
16           from Dover, was suggesting that roads in and out of Dover should be improved,  
17           on the back of this. Going back to proportionality and how you keep a lid on it  
18           –

19   MR HUMPHRIES: I think there are two – thank you, sir. Michael Humphries for Kent  
20           County Council again. I think there are two aspects of that. One, I'm not ever  
21           aware that that exercise has been gone through. There's no evidence before us  
22           that they've looked at various other improvements beyond their own network,  
23           and said, 'Well, this one really is quite serious and warrants attention, and this  
24           one is not.' Secondly, that exercise is, of course, in the very nature of planning.  
25           That is what we do. We look at different things. You look at mitigation with  
26           all mitigation, whether its environmental effects, socioeconomic effects,  
27           whatever effects. We form, as people within the planning professions,  
28           judgements about what effects ought properly to be mitigated.

29           Now, the difficulty for you is that that exercise has not been gone through,  
30           and realistically will not be gone through. But that is why a mechanism of the  
31           sort in requirement 7 schedule 2 of the Silvertown Tunnel DCO is something –  
32           and I appreciate obviously you've identified it later in your agenda – something  
33           that needs to be looked at very carefully as being appropriate, because that, in  
34           that particular case, was exactly that: a mechanism that would have allowed



1 appropriate mitigation to be identified and then funded. Now, we can move onto  
2 that discussion at some point, but I think that's where this lands, ultimately.

3 MR YOUNG: Yeah.

4 MR HUMPHRIES: Okay.

5 MR YOUNG: But I think we are interested just talk a little bit more about Silvertown  
6 shortly. Let me just – we've got plenty of hands up. Just in the room, though. Can  
7 I go to Gravesham first? Or do you – is it a quick pint?

8 MR MACKENZIE: George Mackenzie for Thurrock Council. I don't think it is a quick  
9 point. It's just that our response to these agenda items was going to be me  
10 followed by Ms McMullan. I know that she has some points that she would  
11 rather like to address the panel on, if that would be in order. That's fine. Sorry.

12 MS MCMULLAN: So I'll be very brief. Kirsty McMullan, on behalf of Thurrock  
13 Council. It was just a couple of points, just to add to Mr Humphries' and Mr  
14 Mackenzie's submissions. We've all worked and got experience at a number of  
15 DCOs, and obviously not just DCOs but developments in general, and the  
16 applicant seeks to distance itself from other applicants of DCOs. I've recently  
17 been involved in Sizewell C, giving evidence that on behalf of the applicant. We  
18 reached a position – there was a lot of modelling. There was a lot of assessment.  
19 There was a lot of mitigation.

20 We had very lengthy discussions with the highways authorities. There  
21 was no expectation, on either side, that we were trying to seek to mitigate all  
22 adverse impacts. That's not what policy says and that's not what the highways  
23 authority there were expecting. But we did mitigate significant adverse impact,  
24 and there was a very wide-ranging, in terms of safety; in terms of traffic calming  
25 through villages; in terms of investment in the A12 corridor and impact on there  
26 and on other wider junctions. There was millions of pounds of investment in  
27 mitigation for those identified, known mitigation. And in addition to that – so  
28 that was what was flowing out of the assessment – and in addition to that, there  
29 was a recognition that there is uncertainty in models, that we cannot predict the  
30 future and there are – and models don't predict everything. Parking overspill,  
31 traffic calming, those kind of more nuanced things are not picked up in a  
32 strategic model. And therefore, there was a further fund, a contingency fund,  
33 that is secured within the DCO, that the Transport Review Group can draw down  
34 from, and through the monitoring, there is further mitigation. There was a whole

1 schedule of the types of mitigation and the locations where we might envisage  
2 those unforeseen impacts to occur, and money identified and safeguarded for  
3 those potential impacts.

4 So it's – we feel that this isn't – we're not asking for every adverse impact  
5 to be mitigated. We are asking for significant impacts to be mitigated. And just  
6 a further point in terms of Orsett Cock, it's not a wider impact. This is an integral  
7 part of the scheme and it has to be sorted out now, rather than in the future. This  
8 is not something – we are very concerned. We won't revisit the concerns that  
9 we have raised this morning, but we do wish to separate the thoughts of wider  
10 impacts and Orsett Cock. It's an integral part of the scheme that the applicant is  
11 relying on.

12 MR YOUNG: Thank you. That was – point well made. So let's go to Gravesham.

13 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council. Sir,  
14 I don't repeat, but I do endorse the various submissions that have been made to  
15 you on the relevant parts of the current National Networks NPS, which make it  
16 quite clear that there is not any, as it were, doctrinaire position that would  
17 suggest that congestion impacts on the local road network will always fall on the  
18 wrong side of the line of what is proportionate or reasonable to mitigate. That,  
19 one would say, as a matter of common sense, cannot be right, but it will always  
20 – we would suggest inevitably – be a case-specific judgement, which is also in  
21 part an answer with respect, sir, to your question of, 'Well, how far does it go?'

22 Mr Humphries dealt with that. Inevitably it comes back to the particular  
23 circumstances and the particular nature of the local impacts and what the  
24 consequences of those will be, and again, in reality, there needs to be an  
25 assessment of those, and we have got some assessment through the Transport  
26 Assessment, and then there needs to be a judgement, an informed judgement,  
27 made on that severity, and therefore the extent which it would be proportionate  
28 or reasonable to require the project to mitigate. So that's the overarching point.

29 Then, so far as Gravesham is concerned, we are keenly concerned that the  
30 impacts which are caused to the local road network, which might then have  
31 consequences for local plan growth, those are classically the type of impacts  
32 which do require to be adequately mitigated, because after all, one of the drivers  
33 and central objectives of the Lower Thames Crossing is to release economic  
34 growth, and you don't achieve that effectively if you stymie local growth in local

1 plans from then coming forward because of your impacts on the local highway  
2 network which you have declined to mitigate. So that's our position on this  
3 particular issue.

4 MR YOUNG: Thank you. London Borough of Havering.

5 MR DOUGLAS: Thank you, sir. Daniel Douglas, London, Borough of Havering. I  
6 won't go over the points that have been made by colleagues at Kent and  
7 Thurrock, other than to say that Havering endorses many of those points,  
8 particularly in relation to compliance with the NPS, and we've made a number  
9 of similar points in our written representation, submitted at deadline 1,  
10 REP1-253.

11 The only point that I will make in relation to that is, and it goes on from a  
12 point that Mr Humphries made, that whilst we recognise that, from an NPS point  
13 of view, a balance has to be struck between benefits versus adverse impacts, we  
14 would suggest that, given paragraphs 4.64 on safety; 5.206 on severance and  
15 5.216 on accessibility, that that balanced between adverse – benefits and adverse  
16 impacts assumes that consideration for mitigation has been taken into account  
17 in relation to safety, accessibility and severance as far as it reasonably can, so  
18 that's the point that I wanted to make on that particular one.

19 The other matter that I just wanted to mention – and again we've touched  
20 upon this in our deadline 3 submission – that's REP3-186 – is around the funding  
21 streams that the wider network impacts management and monitoring plan  
22 signposts host authorities – host highway authorities – towards, in terms of how  
23 funding could become available to mitigate impacts.

24 As the panel I'm sure is aware, funding opportunities for transport within  
25 London is different to outer London, outside of London. There isn't the  
26 opportunities to bid for a number of funding pots that government have  
27 available, because quite often they're available only to authorities outside of the  
28 GLA boundary area. We're very much limited to funding from the Mayor of  
29 London, because of the Mayor's devolved powers for transport. And setting  
30 aside the fact that we're effectively asking five local highway authorities to  
31 compete against each other to bid for funding to mitigate impacts on their  
32 network, which we don't agree with – if we end up not being able to secure  
33 external funding, any impacts on our network, the Havering taxpayer is going to

1 have to pay. We don't consider that's right, given that this is a scheme that's  
2 being promoted by a third party, yet it will have an impact on our network.

3 So in terms of the applicant's position around monitoring impacts and then  
4 signposting local authorities to how they can be funded, we don't think that's  
5 the correct approach, and we'd certainly encourage consideration to changing  
6 that approach to at least working with local authorities and trying to reach an  
7 agreement around how mitigation can be funded. Thank you.

8 MR YOUNG: Thank you. TfL.

9 MR ALIKA: Thank you very much. Firstly I'd align ourselves –

10 MR YOUNG: Just introduce yourself, please.

11 MR ALIKA: Sorry, thank you, yes. Shamar Alika, for Transport for London. Align  
12 myself with Messrs Humphries, Bedford, Mackenzie and Douglas, on the points  
13 they've made, and particularly appreciate the forensic dissection of the National  
14 Networks Policy Statement, which I won't repeat.

15 I think on the mitigation point, I think right as you said at the start, I think  
16 it was very clear that policy hooks there. I think we would just add, as well, the  
17 reference to local plan policies in the national policy statement, including, which  
18 would therefore include London plan policy T4, which again is very clear on the  
19 need for mitigation. A lot of the discussion, quite understandably, has of course  
20 been about the extent of mitigation of the impacts, but clearly there's a separate,  
21 equal question that we've also touched on, which is, what is the extent that we  
22 can be certain to the extent of the impacts?

23 And I think that's a really important one because the scale, as I said earlier,  
24 a scheme of this scale, the biggest in the Southeast since the M25, and the  
25 inherent uncertainties, even with the most perfect modelling context, to  
26 understand what those impacts would be for most opening, it would be a tall  
27 order.

28 You factor in the discussions we've had this morning about the challenges  
29 with the robustness of modelling, the uncertainty, and fundamentally your – the  
30 decade between when much of the modelling was done and when the scheme  
31 will open. And the risk is you're sort of in an exercise which is as much about  
32 crystal ball gazing as it is rigorous understanding or analysis of the data. I mean,  
33 simply by virtue of that time period to when you are basing your entire

1 mitigation approach solely on the modelling that was done way back when, I  
2 think leaves you in a very uncomfortable position, as the applicant.

3 And of course the impacts, if they are not addressed, are very considerable  
4 and would have to be addressed by local authorities, with no certainty of  
5 securing that funding and the – to achieve those otherwise. The point has been  
6 made about congestion. I would just add that, conscious that, as said, it is not in  
7 the current NPS, it is in the draft NPS, that is a very clear direction of travel from  
8 central government and one would expect a government agency to be taking that  
9 lead.

10 But as Mr Young made in the example, there are others, such as the safety,  
11 but equally, environmental issues, so with increased congestion becomes  
12 increased emissions in terms of carbon, in terms of air quality, in terms of noise,  
13 and actually the functioning of the highway network, when we are in our patch  
14 in Havering in London, where junctions on the A127, which will cease to  
15 function at certain times because of the interactions, because of the tailbacks.

16 We had a very decent discussion this morning about Orsett Cock, and  
17 actually the impact on the ports. And I think this brings very neatly into this  
18 question which again was made by the applicant of that benefits versus the  
19 impacts. And I think the problem we have here is that they are saying that  
20 benefits will outweigh the impacts, without an understanding of knowing what  
21 the impact is going to be, and that is a real challenge. We don't have a  
22 mechanism to then look at the impacts and look at how they're developing and  
23 then say, 'Okay, fine, on balance this is...' They're sort of saying, 'No, we don't  
24 need to do that', and I don't think that's right.

25 And again, the Orsett Cock example is a very good one, because it's  
26 eroding the benefit – the economic benefits – of the scheme, if it means that the  
27 ports of Tilbury and other economic hubs in this area are not able to function.  
28 So it's really important that we do have – we have that understanding so we can  
29 make that planning balance. I think that is absolutely critical. Also mentioning  
30 the points of the statutory duty, of course, that National Highways has. And of  
31 course that's fine to make its own roads functional, but a lot of the roads we are  
32 talking about are roads – whether it's the Transport for London road network,  
33 whether it's local authority roads in Havering and Essex and Thurrock, and they

1 are not part of the remit of National Highways, so those won't – issues won't be  
2 addressed through their statutory duty and their processes.

3 So it places a real burden on us to deal with this and find resources, and  
4 there are – which we have no – which we have a significant challenge getting.  
5 And if I could finish, and again the point has been made about Silvertown. We  
6 are agnostic to the exact mechanism but we do appreciate that the applicant is  
7 keen not to be on the hook for a blank cheque. This has a huge scope. I guess  
8 the point being made about Silvertown is you have a mechanism which is  
9 specifically designed to not put TfL on the hook for that, but at the same time it  
10 creates a really useful framework for engaging the stakeholders to have a  
11 mitigation plan – a monitoring plan which feeds into mitigation.

12 So I know we are going to talk about that in detail in the subsequent part,  
13 but I think, in principle, that gives you a way of addressing that and avoiding the  
14 concern that somehow you are going to be funding every scheme in the  
15 Southeast for the next 10 years or something.

16 MR YOUNG: Were you involved in the Silvertown –

17 MR ALIKA: We've not been directly involved, but had a lot of conversations with our  
18 colleagues about it, so we can share more about that.

19 MR YOUNG: Just on the issue of how it evolved, whether it was always part of this  
20 scheme as it was submitted, or whether it was something that came through the  
21 examination process or from the Examining Authority.

22 MR ALIKA: It came through – well, it came as a result of the engagement with the  
23 stakeholders. We had, probably not dissimilar to this, it's similar– it's a road  
24 crossing with impacts over a wide area, and some stakeholders who were in  
25 favour but concerned about the impact; some who were outwardly hostile, and  
26 it became part of the approach which TfL realised would be required if we were  
27 to provide that reassurance.

28 Because again, it would be – even with the modelling that we had done –  
29 it would be impossible to fully demonstrate that the impacts would be  
30 completely addressed. In that case, air quality was a particular challenge. But  
31 that level of uncertainty, a scheme of that scale – yeah, have you anything to  
32 add?

33 PARTICIPANT: I was actually going to suggest I think Mr Humphries – but overall,  
34 yes, my understanding is that yes, it was developed through the examination

1 process, but put forward, I believe, by Transport for London as a means to satisfy  
2 the stakeholders that reasonable efforts were being made to address the concerns  
3 they had on the need for mitigation.

4 MR HUMPHRIES: And maybe I can just add to that. It was partly that recognition that  
5 without that mechanism, you are placing all your eggs in the modelling basket,  
6 a modelling done pre-DCO, and that has to be a damn good basket if it's going  
7 to carry that sort of load.

8 MR SMITH: Okay, thank you, that's useful. Still got quite a few hands up. Let's see.  
9 Can I go to Mr – I think I'll go in the order that the hands went up, so Mr – let  
10 me just say – no, let me go to Ms Basford. I think you're with London borough.  
11 Yes.

12 MS BASFORD: I am, yes. Lynn Basford, on behalf of London Borough of Havering.  
13 Just really on the last point, that I was directly involved with the Silvertown  
14 Tunnel scheme. I represented Royal Borough of Greenwich and London  
15 Borough of Tower Hamlets, and it became apparent through the scheme  
16 development, prior to examination, that the provision of mitigation, from TfL's  
17 perspective, was to be largely achieved through the management of the charging  
18 regime and this was to be examined, post-operations through re-running the  
19 model etc.

20 And on behalf of the local authorities, we worked to convince TfL that the  
21 monitoring and mitigation strategy was put forward, and I have to say that TfL  
22 did a very robust job in terms of drafting the monitoring strategy and relating  
23 that back to the charging regime, which I appreciate is not relevant for this  
24 examination here, but you can see the interconnectivity between project and the  
25 requirement to mitigation.

26 The mitigation strategy set out a clear set of assumptions that local  
27 mitigation would be judged against, and this included external factors that may  
28 not be attributed to the provision of Silvertown Tunnel etc. And I suppose this  
29 is why, from Havering's perspective, we are very keen to see a type of  
30 Silvertown Tunnel monitoring and mitigation strategy come forward from the  
31 applicant, but also an important part of the process was the establishment of a  
32 Silvertown Tunnel Implementation Group.

33 Now, this went above and beyond the environmental monitoring etc; this  
34 was particularly with regards to traffic and transportation, and this was the local

1 authorities, and London Airport etc, and a zone of influence was set around the  
2 Silvertown Tunnel, from which the monitoring modelling was undertaken, but  
3 also the membership of Silvertown Tunnel Implementation Group was also  
4 undertaken. That group is still going, and I think, as Havering has indicated in  
5 its representation, that something – a group of a similar nature that is not a traffic  
6 forum, because this is talking about operation, not construction – is brought  
7 forward. Thank you very much.

8 MR YOUNG: Thank you. Okay. Alison Dablin.

9 MS DABLIN: Good afternoon. Alison Dablin, for the Port of Tilbury. I'm going to  
10 keep this very brief. Port of Tilbury fully support and agree with the submissions  
11 of Mr Humphries for Kent and Mr Mackenzie for Thurrock, and we would also  
12 emphasise the importance of having regard to the Ports NPS. To the question  
13 of the proportionality, I think it is also important to note that where local impacts  
14 also affect the ports, these should be considered to be national impacts, given  
15 the role of the port in the national economy. Thank you.

16 MR YOUNG: I think that's a point well put and I think it's on the back of that that we  
17 have wanted to focus a lot of the discussion today on Orsett Cock, because we  
18 do, we acknowledge the special importance attached to ports in the NPS. Right,  
19 we'll next go to Councillor Wright.

20 MS WRIGHT: Good afternoon. Hello. Thank you for inviting me to speak. So the  
21 point I would like to make on the wider network impact – having listened to the  
22 barristers speaking, I think they put it somewhat clearly, but I think – I'm from  
23 Higham parish council, so south of the river. I think from our point of view, the  
24 issue is that the impact on Blue Bell Hill is directly – or the redirection of traffic  
25 from Dover up the 229 along the M2 will occur directly because of the LTC. So  
26 it is part of the LTC route, and then – so it's fundamentally part of the project.

27 I understand what the applicant is saying, that any impact, say, on the 228  
28 or the 226 or the 227 may not – not the 226; the 249 and the 227 – are just  
29 congestion issues that might be formed, but if the work on the Blue Bell Hill is  
30 not undertaken, the impact on the 228 and the 227 in particular will be absolutely  
31 catastrophic, and the traffic is likely, then, to also carry on up the M20 to the  
32 M25, and then – and potentially come back down the A2 from the – eastbound,  
33 and that would just not be achieving the project aims, which is to alleviate traffic  
34 at Junction 2 of the A2 and the M25. So I think there's a balance. The impact



1 on the 228 – on the Blue Bell Hill, 228 – no, 229 – is only happening because of  
2 LTC being implemented, and therefore it really needs to be considered a  
3 fundamental part of the LTC project. Without it, the LTC project doesn't really  
4 work. But I accept that other elements shouldn't – don't need to be done. So  
5 that's my point number one.

6 My apologies, I wasn't able to attend this morning, but the other issue that  
7 Higham Council have is – and obviously I haven't listened back to the recording  
8 yet from this morning – is, does the traffic modelling really take account of  
9 traffic flows on minor – on smaller roads? So the A226 comes straight along  
10 the top of Higham parish and becomes a very narrow road at the Forge Lane –  
11 Gads Hill junction, and we are very concerned about the traffic levels that are  
12 going to be coming through there, particularly during construction, but the  
13 operational phase during any incidents – that lane on the 226 gets blocked up  
14 anyway currently, as does the 289, so do the traffic flows really represent the  
15 impact on what is an A road, but actually a very underutilised A road currently?  
16 It doesn't go anywhere, as such, other than from Medway to Gravesend, so there  
17 is no industrial traffic particularly going along there. So that's my second point.

18 And the third point is, could we have some understanding of how the  
19 construction traffic that is proposed along the 226 has been calculated? I've  
20 seen two different documents – one that says 125 lorries a day, and another says  
21 50 lorries a day – and that, in conversation in a meeting with National Highways,  
22 they've indicated is to bring all construction materials to the site. Now, 50  
23 lorries is quite a lot, but it's not a lot a lot. So I'm just wary that I don't have  
24 any calculations behind that to model how that level of construction traffic has  
25 been calculated. So it would be really helpful to have that. Sir, thank you.

26 MR YOUNG: Yeah. Okay. Maybe the applicant can deal with that in writing. Thank  
27 you, councillor. Just a quick point on the distinction – we did – I think as a panel,  
28 we realised that Orsett Cock and Blue Bell Hill were two particular points of  
29 interest, because they were critical parts of the network, and if it goes wrong  
30 there, there would be pretty severe implications. I think the reason we wanted  
31 to deal with the Orsett Cock this morning was because there was a dispute about  
32 the impact there, a big dispute about modelling.

33 As I understand the submissions on Blue Bell Hill, there isn't the same  
34 level of disagreement. I think the Transport Assessment sets out what the impact

1 is. I think from Kent's Local Impact Report takes those figures and has got its  
2 own transport model. I don't think there's a great deal between the applicant  
3 and Kent on the issue of Blue Bell Hill. The issue there was just more, how does  
4 that impact get mitigated? That's why I've separated it out on the agenda. I  
5 don't know, when we come back from the break, whether we need to say any  
6 more about Blue Bell Hill. Okay, well, we'll give you the opportunity to do that.  
7 It is obviously wrapped up in the whole debate about mitigation, as well.

8 MS WRIGHT: Sorry, just a question on that before – sorry, you may be looking in the  
9 room, I couldn't quite tell. But does that mean that Blue Bell Hill mitigation is  
10 going to happen? And if it is, is it considered in the benefit ratios for the project?  
11 It is only 200 million, which in the context of 8 billion isn't a lot, but the saving  
12 on the impact of the Kent Southeast, Medway areas would be significant, and  
13 I'd go to Gravesham's issue that if that isn't mitigated, the impact on local  
14 growth would be significant. So is it confirmed that they will do Blue Bell Hill?

15 MR YOUNG: We will come – I won't say any more than that because we are going to  
16 have a break and we'll discuss that in a bit more detail. Right, is it just Mr Elliot  
17 left? Mr Elliot. Anybody else? No. Mr Elliot.

18 MR ELLIOT: Yes, it's John Elliot, a transport planner of many years. First of all, I  
19 should apologise to the panel, not being able to refer to all the documents. I was  
20 involved with NNPS[?] 1 and the policy statement but not since. I have been  
21 quite ill. I was in hospital most of July and my brain hasn't been fully functional.  
22 Well, it wasn't functional much in August, but I'm trying to get back into it now.  
23 So that's apologies to you, examiners. I've got four points, I'm afraid. I'll try  
24 and be as quick as possible.

25 One is relating to the mitigation and the extent of that mitigation. The  
26 extra capacity of the Lower Thames Crossing could very quickly add 5000  
27 vehicles – the maximum probably, but the standard says 6000 vehicles – to the  
28 network in each direction. We know from past schemes of this sort in the  
29 London area that the growth – the all-day growth – happens within five years  
30 and peak traffic happens within two years, and Thames crossings can happen  
31 within under a year, the massive growth in traffic. So we are looking for that  
32 sort of volume of traffic.

33 Now, the obvious route if you are going to Dover, for a car coming off  
34 this road is not Blue Bell Hill but to carry along on the A2. The A2 was

1 programmed to be a smart motorway, as I understand. Smart motorways are  
2 now – new smart motorways are now out, but that road is quite full now and I  
3 believe it's outside the immediate study area. There's 11 miles of that road, so  
4 there's a big strategic mitigation problem there.

5 All trips, or almost all trips, use the local road network to reach the final  
6 destination. 98%, or 97.6%, of network, total network in the country is local  
7 roads. Vehicle miles, I accept that about 30% is on the strategic road network,  
8 but all trips need to do it, and local roads are very seriously congested. So that's  
9 to be solved, and I fully agree with KCC that it doesn't just include roads like  
10 Blue Bell Hill or the highways – National Highways road, of the M2.

11 The second point is economic return. I have said on that, but they are  
12 saying, I think it's 1.22, the last time I've read a figure. That is a pretty low rate  
13 of return. You've only got to lose 20% and you are in a negative field. It's  
14 based on an awful lot of assumptions. I know it was – I had intended to submit  
15 this as part of my original bit, but my son had to submit it because I was in no  
16 fit state to do it.

17 Deadline 3, I put quite a bit in, which was a document supported by the  
18 Chartered Institution of Highways and Transport; local government technical  
19 advisors' group, which I am part of, but my objection is not from them; it's as  
20 an individual involved in these things. RTPI – Local Government Association  
21 was consulted about it, but the actual detailed modelling is not something they  
22 do regularly. But those points on economic assumptions and how it's done are  
23 highly relevant. We are having – we've had one meeting with the DfT on that  
24 and we've got another programmed for 4 November for that group of people.

25 Phil Goodwin mentioned the negative effects to take off from the  
26 transport, socioeconomic peak hour travel time savings. Interestingly, the  
27 economic – North Kent is not an area of boom, and perhaps it's one of the areas  
28 that should be levelling up. Now, with the extra – potential extra traffic on the  
29 A2, it means that people would not be able to visit those areas so much. So  
30 perhaps there's quite a big negative economic effect and a real negative  
31 economic effect, just of that, not a time-saving economic effect. So those are  
32 the main two points.

33 Casualties – when people come off fast roads, casualties often occur on  
34 local roads. In my experience, in Westminster, where the ramps came off

1 Westway, we had an absolute crop of accidents in Westbourne Park area. In  
2 France they have reduced speeds as you go down the slip road, from 130 to 100  
3 before, and then 80 and then 60, but they are rather more efficient at speed  
4 control than we are now.

5 The final point – linking the country together. I obviously live in Kent. I  
6 travel west or north quite regularly, and this rule, I think, everybody around here  
7 accepts, that if you're traveling more than 90 degrees of the M25, you will have  
8 40-minute delay extra, one in three times. It isn't all at Dartford. Dartford might  
9 be slow approaching, but most of the time it moves. It does get congested, but  
10 you'll always find a few other places where it's congested. So one of the things  
11 we say, it separates us in Kent from the rest of the country. It doesn't link us to  
12 it, the M25, because of its inherent congestion. High-speed train does.

13 Thank you very much. Sorry about the links of that, but I think those are  
14 quite important points. I know Blue Bell Hill is mentioned further and is another  
15 point where I would be bringing up the M2 issue, which hasn't been included,  
16 the extra congestion on that, which would be a negative effect on the overall  
17 economic benefit, but outside the study area. Thank you.

18 MR YOUNG: Thank you, Mr Elliot. It would just help me if you could just keep  
19 focussed on the agenda in future. We've really diverged from some of those  
20 comments, when it would just be helpful for us just to stick to the points that the  
21 applicant had raised, that we were discussing.

22 MR ELLIOT: Rather I'm supporting the other comments that –

23 MR YOUNG: Duly noted.

24 MR ELLIOT: Yep. Thank you.

25 MR YOUNG: Right, Mr Shadarevian – sorry. It's just the camera's obstructing.

26 MR SHADAREVIAN: Can you hear me now?

27 MR YOUNG: Yes, sir.

28 MR SHADAREVIAN: Good.

29 MR SMITH: Perfect.

30 MR SHADAREVIAN: I'm very lucky because my learned friends to the left have done  
31 all the hard work, so I'm going to just simply adopt what they've had to say, so  
32 far as consistent with my case. That's a real cheat's way of doing it. I just want  
33 to add a couple of small points really to what's been said, and it's about delivery,  
34 not simply the principle of mitigation and who pays, but delivery and whether

1 or not the mechanisms which are being promoted here are appropriate. Let's  
2 just take Orsett Cock by way of example. We know from the VISSIM modelling  
3 that there is a real prospect – I put it no more highly than that at the moment.  
4 You know what our case is – a real prospect of harm occurring, that there would  
5 be an impact on the operation of Orsett Cock, and we say by extension, also  
6 Manor Way. The VISSIM model indicates that that is the case, so this is not an  
7 issue that can be, as it were, kicked into the long grass and reliance placed on  
8 the mitigation measures that are being proposed. They are too nebulous as a  
9 means of securing the necessary mitigation, should that harm be found, and it  
10 also be found on the planning balance that that harm ought to be mitigated in the  
11 public interest. So that's the first point.

12 The second point is the timing of delivery and who delivers and what  
13 mechanisms will be needed in order to deliver it, and none of these matters are  
14 addressed. With something as important and as critical as these two key  
15 components in the local highway network north of the Thames, we need to be in  
16 a position – or I should say, the Secretary of State needs to be in a position to  
17 know that the harm, if it is found to be unacceptable, can be mitigated, and that  
18 requires either a mechanism within the instrument itself which allows those  
19 mitigation measures to come through in a timely way, or a change to the scheme  
20 itself, which I know would be unacceptable. But there are means of dealing with  
21 it. It's not just a question of funding. It's a question of how and when it needs  
22 to be delivered. So those are the only points I'll make at this stage.

23 MR YOUNG: Thank you. Does anybody want to say anything else about the Silvertown  
24 Tunnel issue before we break, because I'm going to come back afterwards and  
25 I'm going to let the applicant respond? It was specifically asked about why we  
26 couldn't take that approach here, but just want to make sure nobody else wanted  
27 to say anything on that.

28 MR BEDFORD: Sir.

29 MR YOUNG: Yes.

30 MR BEDFORD: Michael Bedford, Gravesham Borough Council. I don't want to say  
31 anything elaborate on it because you've been given that material by London  
32 Borough of Havering and a number of parties have spoken to it. I'll just say that  
33 from a Gravesham perspective, we would endorse the more, as it were, iterative  
34 approach that's set out in their Silvertown Tunnel requirements.

1 MR YOUNG: Indeed. Okay, fine. Thank you. Right. Well, it's 3.50. Shall we come  
2 back then at 4.05? Thank you, everybody.

3  
4 **(Meeting adjourned)**

5  
6 MR YOUNG: Okay. It's 4.05. The hearing is resumed.

7 MR HUMPHRIES: Sir, before we move to National Highways, can I just clarify  
8 something with you? Apologies. It's Michael Humphries, for Kent County  
9 Council. I think in my submissions I had assumed we were coming back to  
10 touch on Silvertown Tunnel. I sort of got the impression, as did others around  
11 the room, that you felt we'd done with Silvertown Tunnel.

12 MR YOUNG: I was just going to say something about it. I'll say it now, because I spoke  
13 with Mr Smith during that adjournment and realised perhaps that I had curtailed  
14 the time for people who were going to want to say a bit more about that. There  
15 is going to be a sufficient room in the agenda for issue-specific hearing 7 to  
16 discuss this. So if parties want to make representations on the appropriateness  
17 or otherwise of a Silvertown Tunnel approach in this case, then that perhaps is  
18 where we're going to pick this up again.

19 MR SMITH: If I can maybe help here, what we very deliberately opted to do was to  
20 place, on Monday morning, an issue-specific hearing agenda for issue-specific  
21 hearing 7 for the DCO that is an empty framework, because essentially, what it  
22 is there for is to do two jobs. One – monitoring around the various changes in  
23 train to the DCO that the applicant is already working on and/or wish to inform  
24 us about. But secondly, and by far the most important function, is to provide a  
25 destination for DCO form and drafting issues arising from these hearings, so that  
26 we don't end up bogging ourselves down in essentially statutory drafting. We  
27 can talk strategy here and then we can take away to ISH-7 all of the toing and  
28 froing around specific approaches to drafting, whether a provision is merited,  
29 not merited for reasons, what the form of drafting might be, how it might be  
30 preferred, whether there are precedents, etc. We can deal with all of that on  
31 Monday.

32 MR HUMPHRIES: Sir, obviously I can only speak for my client. I'm happy with that.  
33 I will be here on Monday and you raised there, sir, the other agenda item, (iii),

1 'Hear precedents for and against the approach,' so you would kick that over to  
2 Monday as well?

3 MR SMITH: Yes.

4 MR HUMPHRIES: As far as I'm concerned, that's fine, but I know that several people  
5 had raised this with me, so I'll stop now.

6 MR SMITH: Yeah. Well, given that we've got people intervening on the point, and so  
7 that we can plan well for Monday, why don't we hear others on it?

8 MR RHEINBERG: Thank you, sir. Matthew Rheinberg, Transport for London. I  
9 thought the only other point we felt might be useful to me today is to give some  
10 experience of how the Silvertown Tunnel implementation group is currently  
11 working, which we felt might be useful to that panel.

12 MR SMITH: It would be very useful. It would equally be capable of being drawn into  
13 that Monday agenda, to be frank, and if that enables us to complete the rest of  
14 this agenda, that is not DCO drafting, then my distinct preference would be to  
15 have Mr Young finish his substantive matters today and then we can deal on  
16 Monday with all things DCO, including comparative practice with made[?]  
17 DCOs, which brings in, of course, Silvertown.

18 MR RHEINBERG: Thank you, sir.

19 MR YOUNG: I'm grateful. [Inaudible] still going to go back to the applicant, and still  
20 item number 5. Also, I just want to highlight, we've got an evening session.  
21 The panel are going to want a little bit of downtime, so I really do not want to  
22 go beyond 5.30 at all tonight. So that's helpful. Right, in that case, I'll go back  
23 to the applicant.

24 MR TAIT: Thank you, sir. Just six points, if I may, in response. First of all, when I was  
25 introducing the NPS policy, the purpose of that was to draw a distinction  
26 between the specific requirements on safety and environmental assessment,  
27 accessibility and severance, in contrast to what it doesn't say about wider  
28 operational impacts. But it shouldn't be taken from that that it was being  
29 suggested by me that there hasn't been very extensive consideration of the wider  
30 operational impacts, both in the [inaudible] in the TA, and also appendix F of  
31 the TA, which is at 535, in a policy context, specifically looks at operational  
32 impacts on the wider network in that policy context and reaches a conclusion  
33 about the overall acceptability of that. So that's the first point, and I think related  
34 to that first point is that at 545, which is the plan itself – identifies a number of

1 monitoring locations – 32 – which have been informed by the assessments of the  
2 wider transport effects. So that makes that clear. So it's quite clear that this has  
3 been understood and reported. The issue is the process for addressing that, if it  
4 is required to be addressed.

5 The second point is that the NPPF, which is an important and relevant  
6 consideration, does have some text in it which relates to how one approaches  
7 impacts on the road network in the context of, one, safety, and secondly, the  
8 cumulative impacts on the road network. So that's set out in APP-538, which is  
9 Appendix I of the TA, and it looks at paragraph 112 of the NPPF, and draws a  
10 conclusion about it in the context of that test as to whether the cumulative  
11 impacts are acceptable, and reaches the conclusion that they are.

12 The third point relates to the draft NPS, which was referred to, and I  
13 appreciate there's a question about that, but even if that is adopted in its final  
14 form, it won't displace the application of the NPS in relation to this project and  
15 it refers to acceptable levels as the test, and so our answer will, and you will see  
16 more fully set out – is that that doesn't reflect a substantive change from that  
17 which is currently embodied in policy.

18 Fourthly, Mr Mackenzie referred to paragraph 431 of the NPS, which was  
19 on the agenda yesterday, relating to design, and the decision of the  
20 Secretary of State in February this year on the A47 – the Wansford to Sutton  
21 DCO – makes it clear one shouldn't elide or conflate that with the tests in section  
22 five, i.e. the wider impacts ought to be considered under section 5. That's where  
23 the policy focus is.

24 Fifthly, that the scale of the project must mean that any impact so far as  
25 they arise, nine years hence, need to be considered on a national basis rather than  
26 on an individual project basis, and in relation to that, I'm just going to ask  
27 Mr Wright to comment on the materiality of this being a highway scheme, as  
28 opposed to some of the other schemes that have been referred to.

29 DR WRIGHT: So, as we set out in the transport assessment, appendix F, it's important  
30 to recognise that, as a highway scheme, the nature of our scheme is different to  
31 other schemes that have been referenced today, for example, Sizewell. It leads  
32 to the movement and changes of journeys across the network, people making  
33 different decisions about where to go and which journey to take, rather than  
34 creating a centralised point-of-trip[?] generator, which people would travel to



1 and from, and so that then links, I think, to the NPPF statement about cumulative  
2 impacts. We deliver substantial benefits to the highways network, but it's  
3 important to consider that this is a highway scheme as a differential to another  
4 type of scheme.

5 MR TAIT: So sixthly, we'll come back to precedents on Monday, and also in relation to  
6 Silvertown, but just two points at a high level in relation to Silvertown, as that's  
7 been discussed. Again, I'd like to ask Dr Wright to contribute, please.

8 DR WRIGHT: Tim Wright, for the applicant. At a high level, two points about  
9 Silvertown. One we've heard earlier about the specific nature of funding for  
10 Transport for London, that they are a different organisation operating under  
11 devolved powers, in comparison to National Highways, who work under the  
12 DfT, and so that different funding arrangement provides for a different  
13 perspective to be taken, and secondly, in terms of the engagement. Now,  
14 National Highways – sorry. There was a reference to the STIG group and how  
15 that was a useful mechanism, allowing for engagement with concerned  
16 stakeholders in the review of the performance and the ongoing optimisation of  
17 the road network.

18 National Highways' licence obliges National Highways to work with local  
19 highways authorities and as such, there are existing engagement groups, along  
20 with local highways authorities, and also in industry bodies, to look at the  
21 performance of the road network, and I referred earlier to the route strategies in  
22 development, the early reports of which were published in May '23. If you were  
23 to look through those, you'll see many references to National Highways working  
24 with local highways authorities and working with different groups to understand  
25 the performance and the challenges that the road network provides, looking at  
26 the intersections between the strategic growth network and the local highways  
27 network, and how they need to work together to bring forward. So I would  
28 propose that those groups are already in existence and delivered as part of the  
29 National Highways' licence obligations. Thank you, sir. That's our response.

30 MR YOUNG: Okay. Thank you. Right, before we move on to that final agenda item, I  
31 did promise Kent that I would come back to them on Blue Bell Hill. They put  
32 it in the agenda and we've only skipped over it very briefly. So, Kent, do you  
33 want to make some submissions on that now?

1 MR HUMPHRIES: Yes, sir, and you'll be delighted to hear, it won't be me. It'll be  
2 Mr Ratcliffe. So, Mr Ratcliffe, thank you very much.

3 MR RATCLIFFE: Thank you. Joseph Ratcliffe, for Kent County Council. I'm not quite  
4 sure what to start, really. I'll only take a few moments. I won't be long. I'll be  
5 brief, but the overall context of this whole scheme – I completely agree with  
6 what Dr Wright said earlier. This is a transformational project. It's one that  
7 Kent County Council supports, this new strategic link all the way from the  
8 Channel portals, all the way to the Midlands and the North. We want that new  
9 transformational scheme. We recognise the relief that gives to the road network  
10 to the west of the new crossing. It relieves the A2. It obviously provides relief  
11 for Dartford, which is its primary objective.

12 However, because it is a transformational scheme, it redistributes the  
13 traffic, as Professor Bowkett said earlier today. People's route choices are  
14 changed and it loads traffic onto the network, which is not designed to cope with  
15 it, and this has been recognised right from the very beginning. Prior to National  
16 Highways', then called Highways England, inception in, I think, 2015, the 2013  
17 Department for Transport consultation on options for a new Lower Thames  
18 Crossing recognised the link between the M20 and the A2/M2 corridor, up to  
19 the crossing – the option C variant – which was an improvement to Blue Bell  
20 Hill, the A229, which, let's not forget, although a local road, it's junctions, M2  
21 junction three and M20 junction six are key parts of the strategic road network,  
22 serving not just that link between two motorway corridors, but also serving the  
23 two biggest conurbations in Kent of Maidstone and Medway.

24 That option C there, it was ruled out at a very early stage. I believe, on the  
25 basis of the high cost of the scheme and the environmental impact. Although,  
26 to my knowledge, I'm not sure how much options appraisal was looked at to rule  
27 that out on cost an environmental impact and the scheme progressed without it.  
28 We've always been told, those sorts of wider network impacts will be addressed  
29 through the risk program road investment strategy, yet nothing is put forward  
30 for M2 junction three or M20 junction six in RIS. Kent County Council,  
31 recognising that this is not just a problem for Lower Thames Crossing to enable  
32 it to function properly, but also because, and we admit, obviously it's already a  
33 congested route. There's a lot of local planned growth in Maidstone and  
34 Medway to deal with, plus the rest of Kent – put forward its large local major

1 scheme bid, which was parallel with the major road network program that the  
2 Government launched in around, I think, 2019. These schemes were meant to  
3 be delivered between 2020 to 2025. Here we are in 2023, having submitted  
4 what's called a strategic outline business case to the DfT in December, almost  
5 three years ago, waiting for a decision on whether it even proceeds to the next  
6 stage of project development – outline business case.

7 It's only at the end of that stage that we'll have an investment decision  
8 from DfT as to whether the scheme proceeds. So as we sit here this evening, we  
9 have to assume there is no improvement to Blue Bell Hill, other than what – it  
10 will be as it is today when the scheme opens. Even if the DfT makes that  
11 decision and funds it, we still have to go through planning – our own local  
12 planning system. There's no guarantee we'll get permission to deliver the  
13 scheme and it's only for 85% of the project's cost, which at £200 million leave  
14 15% for the local authority to find, which at the current time is quite frankly  
15 impossible. Local development cannot meet those contributions. We have put  
16 – and it's in our local impact report. It's in our written representation, and as  
17 my colleague Mr Humphries described earlier, in the context of the overall  
18 scheme cost of several billion pounds, a contribution from this project towards  
19 what is essential for the project.

20 Now, as part of this toing and froing of business case with the  
21 Department for Transport, we were asked to develop a lower-cost scheme,  
22 which only dealt with local growth, assuming, I presume, that LTC is never  
23 delivered. That's £130 million less expensive than the current scheme. So you  
24 could argue that that is the cost of the LTC functioning properly at this location.  
25 I could go on to quote all the figures, etc, of the extra traffic. I won't, other than  
26 to say this is not just a congestion issue. There are tailbacks already and there  
27 will be increased tailbacks on the M2 main line and the M20 main line on  
28 approaches to those junctions. That becomes a safety issue with people  
29 changing lanes, stationary traffic in live lanes, etc, so it does need to be  
30 mitigated. Otherwise, National Highways will have to deal with this problem,  
31 and it could be – what I don't understand, going back to the acknowledgement  
32 of this as an issue – National Highways has proposed to the DfT for RIS 3, so  
33 2025 up to 2030, to explore options to trunk the A229. Now, that means it  
34 becomes part of the strategic road network. It's no longer a local road if that

1 happens, and it will become National Highways' issue, the entire link between  
2 the M2 and the M20.

3 Now, that is not guaranteed and it will be for the Department of Transport  
4 to make a decision when they approve the next RIS, which I believe will be  
5 probably March '25, but probably around the same time as a decision on this  
6 project is made as to whether it's going ahead. So clearly, there's a recognition  
7 from all concerned that this is an important part of the project, right from the  
8 beginning, right up to now, considering its trunking and everything else. So, I  
9 mean, I will stop there. There's issues in terms of HGVs, movements, etc, and  
10 the need obviously to balance the delivery of the two projects in terms of  
11 construction and the impact of that will have on the route. But I just wanted to  
12 clarify, because I think a question was raised about, 'Is Blue Bell Hill going  
13 ahead?' The answer simply at this time is 'no', because we haven't got a funding  
14 decision from DfT and there's a huge funding gap, so I just wanted to clarify  
15 that. I hope that's clear. If there are any more questions about facts and figures  
16 of Blue Bell Hill, my colleague, Victoria Soames, has been patiently awaiting  
17 here all day and is available to answer them. Anything else, Michael, to add to  
18 that or –

19 MR HUMPHRIES: No, I'm finished. Thank you.

20 MR RATCLIFFE: Thank you very much.

21 MR YOUNG: Thank you. Now – want to respond to that in writing or –

22 MR TAIT: We can do it in writing, but very briefly, Dr Wright.

23 DR WRIGHT: Tim Wright, for the applicant. I will be brief. A couple of things I wanted  
24 to clarify there. C variant was looked at early in the scheme development and  
25 to give the reason that it was not taken forward was because it was limited in  
26 how much it increased the relief at Dartford, and we were focussed on delivering  
27 scheme objections, the Blue Bell Hill delivered limited relief and therefore that  
28 option was not carried forward. In terms of the – sorry. I've lost my train of  
29 thought a moment.

30 MR TAIT: That's a good indication. We'll come back in writing. It couldn't have been  
31 that important.

32 DR WRIGHT: Apologies, sir.

33 MR SMITH: There's a lot of stuff to keep. We all need to be clear that there is a lot of  
34 detail here and sometimes we need a little space to find it.

1 MR YOUNG: Right. I think we'll move on then to the final agenda item, construction  
2 matters. I've got a small number of issues really that I want to just discuss. I  
3 don't know how many people are planning to speak on this. What I don't want  
4 to do is to go around a table and everybody to say, 'This location – 10 months  
5 closure here is unacceptable.' We could spend a whole day doing that. There's  
6 going to be that many road closures, contraflows, traffic lights. I think the only  
7 time that's going to be helpful, and I'm reminded of – I think it was Havering  
8 yesterday were lamenting the closure of Ockendon Road for 10 months. That's  
9 perfectly understandable. I understand the highway authority is going to have  
10 concerns about any length of closure, but unless you can put forward an  
11 alternative programme that brings that down, that's something that the applicant  
12 can comment on – the Examining Authority can see – I'm not really sure how  
13 helpful that is to us as a panel.

14 Most of the other sessions we've had, I've invited the applicant to set out  
15 its approach. I don't think really, we perhaps should depart from that approach  
16 here. Let me just set this out and get some preliminary comments, and that we  
17 – the outline traffic management plan for construction, commits a project to a  
18 traffic manager and traffic management forum with attendees, consultees,  
19 contributors, as listed, and the traffic management forum specifically is intended  
20 to resolve issues through consultation with the relevant authorities. The traffic  
21 management plan will be developed post-consent, in line with controlled  
22 commitments. That's all set out in the outline document. As part of the  
23 preparation of a traffic management plan, temporary traffic management  
24 measures will be consulted upon with the relevant authorities.

25 So a lot of these issues will be resolved post-consent. Research I've done  
26 and having read some other made DCOs for road schemes, that approach in  
27 general term seems to be fairly standard commonplace and has been for road  
28 schemes for quite a number of years. Let me just start by asking the applicant  
29 then, are they aware that, as a general approach, that led to any significant  
30 problems in practice?

31 MS TAFUR: Sir, may I just introduce myself for the first time? My name is  
32 Isabella Tafur, and I'm acting for the applicant on this topic and also, I think  
33 you've already been introduced to Mr Graham Stevenson, who's on my far left,  
34 who's the transport planning lead, and next to me now is Mr Mohammed Halli,

1 who's the construction roads lead. So they will be able to assist, sir, but certainly  
2 National Highways' perspective on this is that this is a very well-trod path. It  
3 hasn't resulted in any problems or difficulties at implementation stage. They  
4 have, as Dr Wright already touched upon earlier, a well-established mechanism  
5 for engagement with local highway authorities and local authorities and  
6 stakeholders more generally, and it's worked well in practice and they anticipate  
7 the same in this case.

8 MR YOUNG: Thank you. Anybody want to take a different – anybody have a difference  
9 of opinion on that? Just the general approach that the applicant's taking here –

10 MR SMITH: Mr Humphries.

11 MR HUMPHRIES: Sir, Michael Humphries, for Kent County Council. I think our  
12 position is, in a sense, to send into slightly more detail on some of your agenda  
13 items. So agenda item 5(a)(i) – adverse impacts arising from specific  
14 construction routes or road closures. I think you will have noted that our position  
15 there in the local impact report was what we identified as a short heading of  
16 transport impact J, and that's in the PDF, paragraphs 8.61-65, and then in the  
17 written reps, transport impact J again was paragraph 4.44-46, and essentially,  
18 our point here was that the expeditious delivery of the project will mean  
19 construction routes, many of which will pass over our roads – that is going to  
20 impose a considerable burden on just mundane but, I'm afraid, very important  
21 things like wear and tear on the roads.

22 If any of those road services were to fail because of the additional impact  
23 of large numbers of HGVs, that would have potentially very serious effects on  
24 the construction phase and the delivery of the Lower Thames Crossing. What  
25 we've asked for, and you can see we've articulated it in the written reps, is that  
26 there should be, agreed with National Highways and ourselves, some  
27 expenditure for pre-emptive strengthening and improvement on those roads, so  
28 that they can withstand the extra wear and tear from large numbers of HGVs and  
29 perform the function, because clearly, if they can't – those roads are closed for  
30 periods or whatever – then all of the traffic modelling for the construction  
31 impacts is out, because that traffic will have to go somewhere else or the project  
32 will be delayed.

33 Now, we believe that this is not unreasonable as an approach in order to  
34 deliver the Lower Thames Crossing. We'd be very happy to deal with it in some

1 form of agreement with National Highways, but it is an important issue to us,  
2 and if it can't be dealt with by some form of agreement, then something will  
3 have to be drafted on the face of the DCO. Now, I don't know whether  
4 Mr Ratcliffe wants to add to that, but in a nutshell, sir, that's our point and its  
5 traffic impact J, both in the local impact report and the written representation.

6 MR YOUNG: The powers under the Highways Act, for the highways authority to  
7 recover the expenses – wear and tear of the highway.

8 MR HUMPHRIES: There are, but not from National Highways.

9 MR YOUNG: Right.

10 MR HUMPHRIES: So far as I'm aware, we can't turn around to National Highways and  
11 say, 'Well, look. Actually this is your traffic that is causing this. We want you  
12 to pay for it.' I haven't had to look at that recently, but we can check that. But  
13 that's my understanding.

14 MR YOUNG: We'll both check. Thurrock.

15 MR MACKENZIE: George Mackenzie, for Thurrock Council. I'm going to ask, if I  
16 may, Adrian Neve to deal with this agenda item for the council.

17 MR NEVE: Sir, thank you very much. Adrian Neve, on behalf of Thurrock Council,  
18 and thank you for my first appearance here. I will try and be brief. Obviously,  
19 a lot of what we have on this point is already in our evidence base and local  
20 impact report 15.6 specifically, so that will go into the detail about our views on  
21 the construction period. But what we mustn't forget is this is a period of at least  
22 six years, so it's not a temporary impact within Thurrock and so we need to make  
23 sure that we have the processes in place and there is a suite of documents that  
24 cover those control mechanisms, and those can't be dealt with in isolation. So,  
25 when we talk very much about the traffic management plan and the results of  
26 the outline traffic management plan for construction, which will subsequently  
27 be the traffic management plans, it's reflecting how those actually coordinate  
28 across those suites of documents.

29 At the moment the view is that we really haven't got the robustness that  
30 we seek, that there are initiatives that were enshrined within those documents,  
31 but they're just not giving us that control and that surety that we require as the  
32 local highway authority. So we need to see that robust built into them.

1 MR YOUNG: But, as you heard, it's a tried and tested approach, so in your evidence, if  
2 you can refer me to cases where it hasn't worked, because unless we've got that  
3 information –

4 MR NEVE: Sir, we're not saying that the traffic management forum itself wouldn't work,  
5 providing it is constituted correctly and it is a mechanism – I mean, I've spent a  
6 number of years working on the Thames Tideway project where we will have  
7 similar –

8 MR YOUNG: Is it more the governance then of it, or is it the actual – Thurrock and the  
9 ports and all the sort of relevant players are included in it, aren't they?

10 MR NEVE: We are included in the traffic management forum. It is a bit of a toothless  
11 beast, if I'm honest. We obviously have them in the moment now in the  
12 examination. We will have one more moment when it comes to our review of  
13 the traffic management plan that comes forward. There's some confusion from  
14 National Highways as to whether it is a plan, or a number of plans. I would trust  
15 it's a number of plans that come forward. There's some confusion in the  
16 documents as to how that's then coordinated across the contract, and so, as I  
17 said, the principle of a forum to hold those discussions and to help that review  
18 during the process is there. It just doesn't go far enough as we stand with the  
19 evidence and suite of documents.

20 MR YOUNG: What more do they need to do? I'm just trying to really drill down to  
21 specifics, rather than being woolly about it. What specifically needs to change?  
22 I mean, I think Thurrock would like to be at the final say, wouldn't they? Not  
23 the applicant's position, but a Secretary of State will have the final say, but I'm  
24 not – beyond that, what specifically is it that Thurrock want the applicant to  
25 change?

26 MR NEVE: As it stands, so much is pushed down the line beyond the DCO grant to the  
27 contractors to self-govern.

28 MR YOUNG: But we've heard that's tried and tested, and there's no evidence that that  
29 leads to problems in practice.

30 MR NEVE: Well, from my experience, it's not tried and tested. There is greater  
31 governance beforehand with commitments set by the applicant, in that case the  
32 undertaker, to how those contractors should adhere to those controlled  
33 documents. At the moment the view is that things like the governance of  
34 movements into the compounds – the applicant will have heard me mention on



1 many occasions about how we manage across the network the flows into and out  
2 of those compounds. At the moment it isn't reflected. The modelling is done in  
3 – sorry to mention the modelling word again today, but the modelling of the  
4 construction scenarios is done slightly differently to the way that the applicant  
5 is suggesting that they will commit their routine traffic to, that their models don't  
6 apply, that that routing analysis – so that –

7 MR YOUNG: Okay, and you think all these issues need to be resolved now.

8 MR NEVE: They should be to give us the confidence around – the confidence that there  
9 is that control mechanism within there to give us the surety of those impacts.

10 MR YOUNG: Okay. Sorry. I did interrupt, but do carry on.

11 MR NEVE: No. We're here to quiz. Thank you. So going back to my shortlist, which  
12 I will try and keep short, we talked about the robustness, and I'll mention these  
13 commitments. I mean, if we look at the materials handling plan as it stands,  
14 there is a commitment to deliver 35% of the project's loose aggregates. I believe  
15 we'll talk more tomorrow about the tunnelling aspect, and I'm sorry if I repeat  
16 myself slightly tomorrow, but we're looking at how does one commit oneself to  
17 a better control on the materials and equipment. That needs to be captured across  
18 that coordinated documentation. At the moment, part sits in the materials  
19 handling plan. The materials handling plan doesn't talk to the traffic  
20 management plan, so it's that coordination of the framework construction travel  
21 plan. There are flaws within the principles of the framework construction travel  
22 plan.

23 There are a number of aspects, that we have these controlled documents  
24 that just aren't aligned and coordinated, and that's down to then the role of the  
25 traffic management forum to actually try and help that coordination, at which  
26 time, as a local authority, we are limited in our influence, if you like, and our  
27 powers. Sorry. I'll just try and wrap up on those points.

28 So, as I said, there's certainly some concern on the traffic modelling that  
29 we've seen and we'd like to understand that there's an application that vehicles  
30 were applied to the 11 scenarios. There are going to be many other scenarios  
31 that will be undertaken during the construction period, and so we understand the  
32 need for agility within the traffic management plans and traffic fora – but the  
33 view is that we need to understand now, what those commitments are to that

1 routing agreement, how that's going to be managed and monitored during the  
2 process.

3 We have had some very constructive conversations with  
4 National Highways, dare I say. We've got into the documentations a range of  
5 monitoring locations, so that's adopted into the traffic management plan for  
6 construction. We provided a catalogue of views of roads. I mean, we were  
7 specifically talking about road closures and disruption to routes, so we've  
8 provided a catalogue of Thurrock's network and how that can be brought into  
9 the traffic management plan, and I trust that that will then get brought forward  
10 to the contractors. So it's giving that robustness, if you like, to those future  
11 terms. Thank you.

12 MR YOUNG: Are Thurrock are going to talk to me about the Asda roundabout at all?

13 MR NEVE: We can do, sir.

14 MR YOUNG: I thought it would be –

15 MR NEVE: I'm happy to introduce the –

16 MR YOUNG: – the cornerstone of what you were going to talk about.

17 MR NEVE: Just one of many.

18 [Crosstalk]

19 MR STRATFORD: Mr Young, if I might – sorry. Before you move on to the Asda  
20 roundabout, would it be possible to interrupt you? Chris Stratford from  
21 Thurrock Council.

22 MR YOUNG: Yeah. Go on, Mr Stratford.

23 MR STRATFORD: I mean – sorry. Can I continue to interrupt you then? I've already  
24 done so. Apologies for that. I just wanted to draw out more and what Adrian  
25 was saying about the TMF. We're not disputing the tried and tested method of  
26 a TMF – traffic management forum. What we're concerned about, and we will  
27 set this out in writing, of course, is more about the governance because the  
28 membership seems to have all the various local authorities in. It's not quite clear  
29 who the chair is, but we're assuming it's National Highways or the contractor,  
30 but what we don't understand is how you resolve disputes. How do you reach  
31 decisions about what's the best thing to do?

32 For instance, when the highway management team in Thurrock are trying  
33 to manage the network in Thurrock and yet, if National Highways want priority  
34 on a particular closure or a diversion, that may have unintended consequences

1 throughout the borough, and it's important that that measure of forcing  
2 something through and giving priority is paid attention to against the backlog of  
3 all the other closures and diversions, and therefore, what we're asking for, I  
4 suppose, in simple terms, might be a dispute resolution system within the TMF.  
5 It's just not there right now. It's mentioned in the OTMPFC[?]. It's mentioned  
6 in the COCP, but there's no detail. So, when you said, 'Is it about governance?',  
7 it is about governance – a lot of it. So I just wanted to make that point before  
8 you moved on to Asda roundabout, if you didn't mind.

9 MR YOUNG: Thank you.

10 MR NEVE: Adrian Neve, for Thurrock Council. Thank you for inviting me to talk about  
11 Asda roundabout. We obviously have only just received –

12 MR YOUNG: Yes. Have you had time to digest it?

13 MR NEVE: We haven't yet fully digested it. We are aware of some of the initial outputs  
14 and it's confirming our concerns that, during construction periods, there will be  
15 significant impact on some of Thurrock's local road network, and obviously  
16 we'll come back to you in detail at D5 – is it? D4. But it just demonstrates that  
17 we have been looking at these issues for some time. We have been seeking some  
18 information on what those impacts are and the concern that, through the  
19 governance process, are those impacts actually then going to be mitigated? I've  
20 raised the concerns about the coordination between the different documents.  
21 The mitigation process during construction is very much around hearts and  
22 minds. It's issues where perhaps you're dealing with work and travel to the main  
23 compound, and I know it's something that is shared by the Port of Tilbury, the  
24 concern over the impacts on that junction and workforce travel.

25 We're somewhat unclear as to how National Highways sees the movement  
26 of workforce, which is one of the major movements to and through Tilbury Port.  
27 There seems to be some difference as to how that workforce will access  
28 compound five, north portal compound, so I'm going to maybe –

29 MR YOUNG: Well, they've provided the routes, haven't they?

30 MR NEVE: They have provided different routes – yes – in different documents.

31 MR YOUNG: So I think each compound has primary access, secondary access, etc,  
32 hasn't it?

33 MR NEVE: I think it's the WAR. The worker accommodation report refers slightly  
34 different to the framework construction travel plan, which looks differently to

1 the traffic management plan, so there's a little bit of confusion as to whether  
2 workers are permitted to travel through Chadwell St Mary's, for instance,  
3 coming straight south through the Cross Keys junction, or are they required to  
4 come through St Andrew's road through into the port? So I mean, there's fairly  
5 detailed points there. I'm sorry, but I think it illustrates the point that there is  
6 uncertainty through those documents as to exactly how these fairly considerable  
7 movements are accessing the sites.

8 MR YOUNG: Okay.

9 MR NEVE: Thank you.

10 MR YOUNG: I'll come around the room, but let me just go to Ms Dablin because I  
11 suppose she might want to come in on some of the issues maybe – perhaps Asda  
12 roundabout maybe. I don't know.

13 MS DABLIN: Thank you. That's appreciated. Alison Dablin, for the Port of Tilbury.  
14 Yes. On the Asda roundabout, we have been reviewing the traffic modelling  
15 that was provided by the applicant at deadline 3. If I may just correct something  
16 that you just mentioned however, you referred to the primary and the secondary  
17 accesses to the compounds. Now, at least as we've understood the documents,  
18 those relate to the HGV movements to the compounds. For the construction  
19 workers, the documentation suggests a route and I believe it's Station Road, and  
20 then you go up through, eventually, to Gun Hill, but that is not actually secured.  
21 So this forms part of our concern. It's that construction workers won't take that  
22 route, will not be obliged to take that route and will instead route via the strategic  
23 highway network, through the Asad roundabout, and that this has not been  
24 included in the junction modelling.

25 From the review of the junction modelling report, and the only thing that  
26 we have been provided with is the same report that's been provided into  
27 examination, we do have concerns about a number of anomalies that have not  
28 been explained. For example, there are instances where the vehicle movements  
29 decrease or appear less, which is contrary to what is expected, and this includes  
30 for phase six of the construction, where there are anticipated to be an additional  
31 200 PCUs per hour. It results in decreases and there is no explanation for that.  
32 We also have traffic survey data from 2018 that was collected two months prior  
33 to that collected by the applicant, and there are significant differences between

1 the traffic surveys, as are several hundred higher in some instances in terms of  
2 traffic movements through the junction.

3 In order to assess the impacts on the Asda roundabout, we would like to  
4 see the extracts from the LTAM model that have been utilised to create the  
5 VISSIM model. We would like to see the extracts from the VISSIM model.  
6 We'd like to have the access to the VISSIM model impacts, and we'd also like  
7 to have the raw traffic data for the 2018 base surveys. The report also – it seems  
8 to indicate that there will be impacts, in some cases very significant ones,  
9 particularly on Dock Road, but the report doesn't follow through to assess  
10 whether or not that impact needs to be mitigated. It also doesn't consider the  
11 further impacts that this may have on the wider local road network and, as I said,  
12 the various anomalies, we need to understand whether or not these are functions  
13 of the model inputs, or anomalies with the model. So, whilst we are very grateful  
14 that some modelling has now been undertaken, the report itself does not provide  
15 sufficient information and we would be very grateful to receive the underlying  
16 inputs as I just set out. Thank you.

17 MR YOUNG: Thank you, Ms Dablin. Yeah. At deadline 3, there was a series of  
18 VISSIM reports and I must admit, I picked up on the fact that they finished very  
19 abruptly. For the Asda one, for example, you had quite significant impacts  
20 occurring and it's just – there's no conclusion. There's no discussion of the  
21 results. There's no mitigation. It's a similar case, I think, with some of the  
22 others as well. That I was surprised at, and it just leaves a very big question  
23 mark as to where we are with that. Right. Let me just see who else is in the  
24 room.

25 MS DABLIN: Sorry. Alison Dablin, for the Port of Tilbury. If I may just make one  
26 further comment, just on the outline traffic management plan for construction,  
27 you will have seen from various submissions that we do have concerns that this  
28 is not fit for purpose, given the proximity of the construction compound and  
29 everything that goes with that, to the operational port, including the shared – the  
30 solo access to the port is also being shared by the main construction route into  
31 that compound. Yourselves have asked a question of that in EXQ1, which we  
32 will be responding to more fully, but in brief, it's fairly generic and it does not  
33 deal with the unique situation and the fact that we will need to have real-time  
34 response when issues occur, and currently there isn't that escalation procedure

1 and it isn't reactive enough. So that would be the very high-level summary of  
2 our submissions. Thank you.

3 MR YOUNG: Thank you. Mr Bedford.

4 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council. Three  
5 short points, sir, in relation to construction matters – first, to say that we agree  
6 with and endorse the remarks made by Kent County Council in relation to the  
7 importance of looking at pre-emptive works, in relation to anticipating where  
8 these construction impacts are likely to be felt, and that ought to be brought into  
9 the document, so that there's actually a process of – as we're trying to take  
10 anticipatory measures to avoid problems as opposed to dealing with problems  
11 once they have arisen.

12 Secondly, in relation to the issue of governance, we would agree with the  
13 matters raised by Mr Stratford on behalf of Thurrock, and certainly the need for  
14 dispute resolution and a clear decision-making arrangement with an escalation  
15 in the case of disputes, so that there can be a ready resolution, and it's not always,  
16 as it were, what National Highways and/or its contractor wishes to do. I think,  
17 from some of your remarks, probably what you would be helped by is us  
18 proffering some form of wording that could be added to the document so that  
19 you've got something to consider that's tangible, and obviously, equally that the  
20 applicant can consider. So we'll do that in our post-hearing submissions.

21 Then the third points are – I have to say, I rather suspected you might have  
22 been looking at my pre-script notes when you said you didn't want to hear about  
23 somebody saying, 'So and so – the closure is X weeks,' because we've got 19  
24 weeks for a particular closure at Brewers Lane, which is a matter of concern to  
25 us and obviously to the communities affected by that. So I think the issue, as  
26 opposed to the specific location, is again, I believe, probably incumbent on us to  
27 try to suggest some wording to address this – is to impose, effectively, a  
28 management obligation on the contractors to minimise the closure, so that it  
29 doesn't become that the default is, 'Well, we said 19 weeks in the ES  
30 documentation,' and therefore everybody just proceeds on the basis that it's  
31 going to close for 19 weeks. Given that is a – sorry, 19 months. I apologise.  
32 I'm getting too abridging of things – that these are lengthy closures and clearly,  
33 there ought to be an obligation to minimise, wherever that is practicable, and  
34 again, I think we'll look to see if we can find some wording to make that an

1 obligation so that that actually has to be a process of bringing those periods down  
2 where it is possible to do so.

3 MR YOUNG: I think that's helpful, but then on one level, I just wonder, isn't that just  
4 common sense that it's not going to be National Highways' interest to prolong  
5 these closures. I mean everybody –

6 MR BEDFORD: Well, with respect, sir, I'm not sure it's quite that one-sided, in the  
7 sense that there can be cost implications and so therefore it may be that, from  
8 the contractors' perspective, there's a particular way of working which they  
9 would prefer, which does impose a closure. It would be possible to reduce that  
10 closure, but there might be cost implications to the contractor of reducing that  
11 period. So it's not necessarily the case that you can assume that everybody will  
12 always want to minimise the periods of closure because the affected  
13 communities obviously would want the minimum period of closure, but I'm not  
14 sure that necessarily all of the other parties would necessarily want that outcome.

15 MR YOUNG: Is there a suggestion there then that the National Highways' contractors,  
16 as it currently operates, are not incentivised to complete the work as soon as  
17 practically possible and get these routes open? You're sort of saying, if they  
18 finish early, they maybe get less –

19 MR BEDFORD: Well, I mean, obviously I don't, and we're not aware of the commercial  
20 detail, but I don't think you can assume that it will always be the case that, from  
21 the contractor's perspective, as it were, the best way of working to deliver their  
22 particular obligations will be to minimise the road closure periods. That might  
23 well be the position, but it won't necessarily be the position, and so if it's  
24 something which is actually placed as an obligation in the control documents,  
25 that maybe gives some reassurance that the closures will be for the minimum  
26 period that they need to be.

27 MR YOUNG: Yes. That's quite interesting. Let me come back to it. Let me go to the  
28 TfL. They want to speak on this.

29 MR RHEINBERG: Thank you, sir. Matthew Rheinberg, Transport for London. It was  
30 just building on the points made just there, that drawing a precedent from a  
31 recent scheme – the M25 junction 28 scheme – where the traffic management  
32 plan included a closure of a particular slip road at junction 28 for 70 nights – the  
33 contractor and National Highways subsequently proposed that that slip road is  
34 actually closed for nine months, 24 hours a day. So it's 270 days approximately.

1 That eventually, in response to the local highway authority – that National  
2 Highways withdrew that proposal. We understand the intention was to make a  
3 construction programme more efficient, to fully close that slip road for the full  
4 time, but we and other highway authorities felt it would have a very significant  
5 effect.

6 But it does demonstrate that there is a risk that, when the traffic  
7 management plan – that there is the risk that contractors will try and make  
8 changes. In that case, we felt it would be almost – a materially different impacts,  
9 which would not be compliant with the DCO, but it shows there is risk there,  
10 and certainly having some way to incentivise the contractors, or require the  
11 contractors, to minimise closures would be helpful.

12 MR YOUNG: Yeah. I think we'd all agree, minimising the length of closures should  
13 take precedent over cost implications. But again, I go back to the point I made  
14 at the beginning. I think what's going to be particularly useful for us as the  
15 Examining Authority, and for the applicant for that matter, is looking at those  
16 closures. If it's 19 months, and looking at the work programme, is that  
17 reasonable, and if an authority of Gravesham doesn't think that's reasonable,  
18 then to say why, and to set out a programme that the applicant can consider for  
19 reducing it. Essex.

20 MR MACDONNELL: Thank you. Gary MacDonnell, Essex County Council. Just  
21 generally on the construction management plan, as it currently stands, Essex are  
22 broadly content with what has been put forward. We have worked well with the  
23 Lower Thames Crossing in terms of discussions around that, and there have been  
24 changes made to that plan as a result of our feedback. So we had concerns over  
25 certain routes that were being suggested and they have been changed within that,  
26 so we've been broadly happy with the way that that has panned out.

27 It was interesting with TfL mentioning the junction 28 project. We're  
28 affected by that as well. I would take a slightly different view, if I'm being  
29 honest, in terms of how all that panned out, listening to the discussions. I think,  
30 from our perspective, we shouldn't be too prescriptive. There's contractors  
31 who've got to come on board and we've welcomed their input into the process.  
32 The example on 28 – there's a contractor brought on board. They've offered up  
33 something different. I totally agree, it would have been a change to the DCO  
34 and it wasn't right that it went forward in that instance. I fully agree with that.



1           However, I would say that, in that instance, perhaps the construction  
2           management plan was too prescriptive and I think we need to allow some room  
3           for manoeuvre and bring a contractor on board to add into that process. So that's  
4           where we currently sit with that. Thank you.

5   MR YOUNG: I'll go to Mr Humphries and then I'm going to go to the people that are  
6           waiting in the virtual room because they have had hands up for a little while  
7           now. Mr Humphries.

8   MR HUMPHRIES: Thank you, sir. Michael Humphries, for Kent County Council. A  
9           short but generic point, as we've moved on to the current management plan for  
10          construction. I think an important point to emphasise on this is the way in which  
11          schedule two, requirement 10, actually operates. The outline traffic  
12          management plan for construction, which we have as a document, will be a  
13          certified document. What requirement 10 tells us, that no part of the authorised  
14          development is to commence until a traffic management plan – so the actual  
15          traffic management plan for construction for that part – which is substantially in  
16          accordance with the outline traffic management plan for construction,  
17          substantially in accordance with – and then the obligation that you actually have  
18          to carry out the authorised development in accordance with the approved  
19          management plan.

20                 So that outline plan is a pretty important document. It constrains what the  
21          actual transport management plan for construction can be. I'm not going to  
22          elaborate them now, but we have a number of concerns about the outline. For  
23          example, and of course it can be corrected, but plate[?] 2.4, which shows the  
24          monitoring positions, only shows monitoring positions for construction traffic  
25          north of the river. There's nothing in Kent at all. Now, that, I'm sure, could be  
26          corrected in monitoring points, but when you have an obligation then that the  
27          actual traffic management plan has to be substantially in accordance with that –  
28          I give that as an example. One that can be, I'm sure, corrected, and there's no  
29          need in a sense to discuss it in detail, but that outline plan does need to be very  
30          carefully understood and scrutinised, because many of the points that have been  
31          discussed about what people would like to see may end up being constrained by  
32          a document that receives relatively little discussion or consideration. So I make  
33          that point and I will now stop.

34   MR YOUNG: Thank you, Mr Humphries. Let me go to Lynn Basford.

1 MS BASFORD: Good afternoon, sir. Lynn Basford, on behalf of London Borough of  
2 Havering. Just picking up on our lamentations from yesterday with regarding  
3 the ten-month closure and the impact on the cemeteries and crematorium, rather  
4 than lamenting, we have actually looked to inform the applicant how measures  
5 could be introduced on the diversion routes which would provide resilience to  
6 overcome the potential increase in journey times for, in particular, this very  
7 sensitive business. Some of the construction routes are unsuitable in terms of  
8 their rurality, and therefore we have made these suggestions. These are  
9 documented in our LIR, REP1-249, and in particular paragraphs 7.2.26, which  
10 picks up on detailed proposals.

11 Now, we carried out initial engineering feasibility examinations on these  
12 routes and what could actually be done. We've attempted to discuss this with  
13 the applicant. The applicant has said this is a matter for much further down the  
14 line, however I think that bringing up the issues that Michael Humphries has just  
15 done regarding the certification of these documents, that we need to provide  
16 surety now that what are is being put forward is actually feasible, and whilst the  
17 10 months has been reduced from previous lengths, there is still a matter of  
18 resilience and I think that's a practical, positive action by Havering to assist the  
19 process, but as yet has not been taken up by the applicant.

20 I would just very briefly say that the construction of the slip roads is still  
21 cited as being 24 months, which seems to us rather a lengthy duration, given that  
22 of course each engineering situation is different, but compared to the  
23 construction period of 15 months for a whole new junction at Harlow, junction  
24 7a on the M11 – so I would also just like to reiterate the point that TfL made  
25 about the issues of contracts in junction 28. It's really important that we get  
26 these sound documents and that contractors understand that they need to follow  
27 them. Thank you.

28 MR YOUNG: Thank you, Ms Basford. I do recall seeing those submissions, I think,  
29 from Havering about the – oh. Yeah. I do remember reading your submissions  
30 on that. They were very lengthy, weren't they? Incredibly detailed – they were  
31 looking at things like pavement widths, visibility [inaudible]. You name it, and  
32 I must admit, I had some sympathy with, if the applicant's saying that was too  
33 much detail. I think on that occasion I probably would have some sympathy  
34 with that position.

1 MS BASFORD: Well, here's the thing. How can we be certain that a route is feasible,  
2 unless we actually look at how it can operate in practice – and if there is  
3 shortcomings that could be taken from a safety perspective, then those are the  
4 matters that we will look at. There's safety matters, as well as free-flow issues  
5 here. So, yes, they are very detailed, but those were for discussion and I think it  
6 would be good and useful for the applicant to have those discussions. I go back  
7 to Hinkley Point C, where we had this very same issue on construction routes. I  
8 was appointed by the Somerset County Council on that matter there and there  
9 was a real issue with the panel about the general arrangements drawings and the  
10 appropriateness of it because once those get into a document, those get into a  
11 document and it takes a great deal of movement to change. So, yes, it is a lot of  
12 detail, but we were endeavouring to give the applicant every opportunity to  
13 consider what really needs to be done and what would be the best routes.

14 MR YOUNG: Yeah. I think you're quite entitled to point out what you think is the best  
15 route. I was just thinking, if you were expecting the applicant to respond on all  
16 those technical matters at this stage, that would perhaps be a little unreasonable,  
17 but I take your point. I think your point is well made.

18 MS BASFORD: Thank you, sir.

19 MR YOUNG: Thank you. Mr Pratt.

20 MR PRATT: Good evening. Yes, Ken Pratt, panel member. Sorry to interrupt. It was  
21 just going back to Essex County Council. The reason what he just said about  
22 getting contractor input and to make things better, or to construct things better.  
23 Being an engineer, I know how much reliance I've placed sometimes in  
24 contractors for improved schemes, but could I just ask you, and in fact, I think  
25 with my colleagues' agreement, anybody who comes up with bright ideas along  
26 those lines – and I call it a bright idea. It's a good idea – can you also at the next  
27 opportunity actually put something in writing to us to suggest how we could  
28 incorporate that into the DCO, or some other mechanism, so that it's both an  
29 opportunity, but it doesn't let the contractor do as they like because they will  
30 tend to do it the cheapest way. I'm talking very generically about contractors,  
31 but they tend to do it the cheapest way to suit themselves, as opposed to the best  
32 quality for what we're all here trying to do, so anything along those lines would  
33 be gratefully received.

1 MR MACDONNELL: Gary MacDonnell, Essex County Council. Yeah. Duly noted,  
2 and we'll flesh that out for representation at the next deadline.

3 MR YOUNG: Let me just go to Thurrock and then I will go to the virtual room.

4 MR NEVE: Thank you. Adrian Neve, on behalf of Thurrock Council. Mr Pratt, if I'd  
5 come straight back to you, that – wholly welcome that thought, because having  
6 worked on both the construction side and on the authority, or the client and  
7 promoter's side, I wholly understand both sides of that equation. The term  
8 'having your feet held to the fire' has been used on many an occasion, where  
9 that constraint, if you like, and that governance, that leadership from the client  
10 side, particularly, dare I say, referred back to Thames Tideway. The process and  
11 the due diligence that went on before we got to construction phase meant that  
12 the controls of governance were there in place for the contractors and rather than,  
13 as I've been told before, allowing the contractor to have that innovation, having  
14 the restriction fosters that innovation. It pushes it forwards, and giving that free  
15 self-governance to the contractor unfortunately, on occasions, will have the  
16 opposite effect, as you rightly say.

17 So I think what we're saying is that we're looking for the robustness – the  
18 challenge now, to develop that into the traffic outline – traffic management plans  
19 for construction, to give it its full title – and that comes forwards. I'm trusting  
20 that we're going to come back to agenda item three, which is on the monitoring  
21 and mitigation side, because I'd like to speak a little bit about that as well, but  
22 I'm aware of time.

23 MR YOUNG: Yeah. I am.

24 MR SMITH: I'm acutely aware of time as we have another hearing starting at 7.30 this  
25 evening.

26 MR NEVE: Can I say some very quick ways then? Can I say compliance –

27 MR YOUNG: You can elaborate it in writing in your submissions.

28 MR NEVE: Yes, we will do, but compliance control, performance targets, live data,  
29 dispute resolution, derogation, challenge – all of those are important and they  
30 need to be in the controlled documents now. They are not, and if they're not in  
31 now, the likelihood of getting them into post-grant is pretty much gone. Thank  
32 you. I was trying to be brief.

33 MR YOUNG: Thank you.

34 MR NEVE: Thank you.

1 MR YOUNG: Right. Let me go to Mr Elliott, and then I'll come to Councillor Wright,  
2 and then, if there's no more hands going up, we'll go back to the applicant at  
3 that point. Mr Elliott.

4 MR ELLIOTT: Right. Sorry. It will be very quick. It's just about this point of closures  
5 and how long they could be, etc. The junction five, which is the A249 junction,  
6 which is not a long way away from here – for at least three months and other  
7 periods, basically Sittingbourne and Sheppey were cut off from the west and  
8 similarly, people up the A249 couldn't get out on M2. The diversion route added  
9 21 miles because you had to go all the way up to Junction seven. That, as far as  
10 I know, was not modelled and it wasn't part of the original proposal, but I was  
11 told by National Highways people, that the construction company would come  
12 back and change it later. So it's just a supporting situation that actually  
13 happened to what has just been raised. I don't want to say any more than that.

14 MR YOUNG: Thank you. Councillor Wright.

15 MS WRIGHT: Thank you, Chair. Two things from me – one is, we are asking for traffic  
16 control measures on the A226, which is before Gad's Hill junction, where  
17 construction traffic will be passing to go to the compounds in the south portal.  
18 We've asked for traffic control measures there because the junction is very  
19 narrow. The 226 at the point of Forge Lane and Gad's Hill is very narrow and  
20 we would like to have a roundabout or some traffic lights or something. National  
21 Highways accept that it's a pinch point. They've been out to see it and they  
22 agree it's a pinch point, although they have put that fully in writing. But what  
23 their position is, that they should – the traffic lights, or whatever, may not be  
24 agreed until a detailed design. My contention is that I'm a volunteer and a  
25 layman and therefore we would like your position on this now, and the other is  
26 that if it's a cost for the contractor, why would they implement an additional cost  
27 afterwards? Therefore this sort of thing, I think, because it is a safety issue,  
28 should be implemented as part of the design the applicant's putting forward. So  
29 that's one point.

30 The other point is that, for Brewers Road, the 19-month closure, in my  
31 written reps, or Higham Parish Council's written reps, we have recommended  
32 or suggested that is there a possibility to keep Brewers Road open, and to  
33 construct the new green bridge alongside it for some time in phases and only  
34 open it as it comes? Obviously, I'm not an engineer and haven't looked at it in

1 detail, but is there any possibility to keep it majorly open and not to close it for  
2 the whole of 19 months? That may not be possible, but at least something that  
3 should be suggested. Thank you.

4 MR YOUNG: Thank you. Anybody else in the room? Ms Lindley.

5 MS LINDLEY: Apologies for speaking at the last minute, sir. Thank you. Good  
6 afternoon. It was just in connection with the Brewers Road bridge closure. The  
7 point I wanted to make is that sometimes road closures force people to take a  
8 different route, and that will be the case for Shorne residents, who will have to  
9 go north to the A226 and turn left or right, and that is going to be across the  
10 construction traffic increase on the A226. So those movements do need to be  
11 facilitated with traffic lights and again, like Councillor Wright said, we would  
12 like some assurance that this point is being taken seriously, and will be taken  
13 forward to the construction plan. Thank you.

14 MR YOUNG: Thank you. Right. Go back to the applicant on that.

15 MS TAFUR: Thank you. Isabella Tafur, for the applicant. So I'm not going to try and  
16 respond to absolutely everything, but I will try and respond in groups and I will  
17 try and do it within your time estimate, or time limit. Can I just mention one  
18 thing, sir? At the outset, you said that generally you'd been going to the  
19 applicant for a broad overview, but you weren't going to take that approach in  
20 this instance, which I entirely understand, but there was a broad overview that  
21 we were hoping to provide on the construction traffic modelling, which we  
22 haven't actually spoken about yet. I won't do that now, but I will do it in writing  
23 because I would like to draw out several themes about the robustness and the  
24 assumptions that have been addressed in that model.

25 Okay. So, in respect of the issue of wear and tear and highway  
26 maintenance that, I think, was raised by both Kent and Gravesham, we would  
27 point to section 3.2 of the outline traffic management plan, which creates a  
28 requirement on the contractor, where there's an interface between the strategic  
29 and the local road network, to seek to agree a detailed local operating agreement  
30 with the local highway authority, which will set out the roles and responsibilities  
31 of the parties in respect to a numbers of things, including routine maintenance  
32 and repair. In the event that that cannot be agreed, the outline plan has a  
33 provision for that to be referred to and approved by the Secretary of State, in

1 which case everybody would have the opportunity to make their representation  
2 as to wear and tear maintenance, etc, and we say that's sufficient.

3 As to the structure and, I suppose, the escalation issues in the event that  
4 there's a disagreement amongst the members of the forum, there is provision  
5 made for that also in the outline traffic management plan, which includes a table  
6 which sets out the escalation process, which is plate 3.3, and effectively, there  
7 will be a number of bodies, including highway bodies, public transport  
8 operators, local businesses, stakeholders will be members, or invited to be  
9 members of the forum. They will have input into the traffic management plan.  
10 In the event that there is a disagreement between those members, that  
11 disagreement will be escalated by the traffic manager, who has been pointed by  
12 National Highways, to a joint operating forum, and in the event that that  
13 escalation mechanism doesn't resolve the dispute, then there are obligations in  
14 both the DCO itself – the requirements – and in the outline plan for those  
15 representations to be submitted to the Secretary of State, along with an  
16 explanation from the applicant as to how it's taken into account, or hasn't, and  
17 the ultimate arbiter will be the Secretary of State.

18 So we in fact say that this outline plan goes a lot further than many others,  
19 in that it does include a raft of illustrative traffic management measures. They're  
20 illustrative plainly, and that's because of the stage of detailed design and the  
21 absence of contractors for a lot of these works, yet has been touched upon. So  
22 we say that there's an appropriate, well-precedented governance strategy. In  
23 fact, the example that was given by TfL seemed to us to be a good example of  
24 that system working very well. A contractor came on board. He suggested  
25 something. The stakeholders didn't agree. It was changed, and we have every  
26 confidence that that's how this will work as well.

27 In terms of the monitoring positions mentioned by KCC being only north  
28 of the river, that was because there were discussions with a number of local  
29 authorities, and it was only Thurrock who provided the locations where they  
30 would like their monitoring, and there were then subsequent discussions with  
31 Kent about that and it was explained to them that the traffic management plan  
32 will include monitoring locations. That's already a requirement of this outline  
33 plan and that will of course be informed by discussions of the forum, which will

1 include all the other local authorities. So it's not an error. It's an illustrative  
2 example, and there's a provisional –

3 MR YOUNG: It'll be revisited.

4 MS TAFUR: Exactly. There's a provision that says, 'Monitoring locations will be  
5 included in the traffic management plan,' and obviously Kent and everybody  
6 else will have input into that process.

7 As to the suggestion that it would be useful to have a requirement on the  
8 contractor to minimise disruption, that is already contained in the outline  
9 management plan and that is, I think, paragraph 2.4.23. I'll just read the wording  
10 to you, because I know there was some discussion about that. Hang on. Thank  
11 you – which says, 'The contractor would support interventions and/or changes  
12 to traffic management measures required to ensure disruption is kept to a  
13 minimum at the time of planning, and would identify where continuous  
14 improvements need to be implemented.' So that's a specific requirement and  
15 then there is another at paragraph 4.4.1 of the plan. In fact there are two 4.4.1s  
16 and it's both of them that are helpful. So it's on page 51, and it says, 'To reduce  
17 the impact on local road users, the length of traffic management measures will  
18 be kept to a minimum and left in situ for the shortest duration, as far as  
19 reasonably practicable, and where it's intended for roadworks to be left in place  
20 for defined periods, without any construction work being undertaken, for  
21 example at weekends, the contractors have to assess whether it's reasonably  
22 practicable and safe to remove the equipment during that period.' So these are  
23 just outline controls, I accept, at this stage, but thought has been given to this  
24 and they will be further revolved through the forum itself.

25 Let me just check. Asda roundabout – the information that was provided  
26 in the appendices was intended to be factual. There is some commentary in the  
27 first of the appendices, which is appendix A. It's REP3-126, and I hope that  
28 when we set out in our written summary the further information about the  
29 modelling approach, it will be clear that, in effect, we understand and recognise  
30 from the modelling, both that VISSIM model and from the strategic model, that  
31 there are certain impacts, inevitably, from the construction traffic on a number  
32 of junctions. We absolutely recognise that, but at this early stage in the design  
33 process, it's not really possible to go further than that, and we say that these  
34 control documents are the way in which to address those impacts, and they will



1 be robust and they won't eliminate impacts. That'd be impossible and scheme  
2 of this scale, but they will minimise and manage them appropriately.

3 I believe that Dr Wright wanted to address you. Oh, sorry. Performance  
4 targets – the point from Thurrock about monitoring. Performance targets, live  
5 data and monitoring, you said, are all important and all need to be in the control  
6 document. They are. They're all in the control document. There's extensive  
7 provision for monitoring, which includes live data, cameras recording trips, the  
8 reporting of trips, possibly even in-vehicle systems to monitor all of that. There  
9 are performance indicators indicative at this stage in appendix D to the outline  
10 plan. So all of those things are already included. I think, Mr Wright, in the  
11 remaining three minutes before 5.30, wanted to address you briefly on  
12 engagement with the Port of Tilbury, and also on the delivery partners that  
13 National Highways will work with.

14 DR WRIGHT: Dr Wright, for the applicant, and I won't take three minutes. On the Port  
15 of Tilbury, I just wanted to note that we are in active engagement with the Port  
16 of Tilbury team, talking about construction traffic management protocols, which  
17 would operate to allow for the optimised use of Asda roundabout, considering  
18 both Lower Thames Crossing, but also, the functioning of the port. Then I  
19 wanted to make note on our contracting model. This is clearly a very  
20 high-profile project for National Highways and as such, we're very aware that  
21 our contractors need to be seen and do the right thing by the local communities.  
22 We've taken a very collaborative approach to our contracting framework, and I  
23 think that can be summed up by, we don't actually call them contractors  
24 internally or externally on our communications. We use contractor in the DCO  
25 for the clarity of purpose, but actually we refer to them as delivery partners, and  
26 I just wanted to make that comment. Thank you.

27 MS TAFUR: Isabella Tafur, for the applicant. With the remaining one minute, might I  
28 ask Mr Halli just to address Brewers Road quickly, because I think it was raised  
29 by a number of participants.

30 MR HALLI: Good afternoon. Mohammed Halli, for the applicant. In regard to Brewers  
31 Road closure, so just in response to why the green bridge can't be constructed  
32 parallel to Brewers Road – so the design alignment of it is constrained by HS1,  
33 and hence falls along the existing alignment. So, in order to build the bridge  
34 safely, it requires the closure of Brewers Road.

1 MS TAFUR: On that, there wasn't initially a proposal for it to be close for 19 months.  
2 That was then narrowed and secured in the outline plan that it will be a maximum  
3 of 10 months, and I understand that the main works contractors are due to – oh,  
4 sorry. No, that's a different road. Sorry, that's Ockendon Roads. In respect of  
5 Ockendon Road, that has been secured in the outline plan and I understand that  
6 the main work contractors are due to speak with Havering shortly, as to whether  
7 any further minimisation of that closure will be possible.

8 MR YOUNG: Mr Stratford, I assume you'll make this fairly brief.

9 MR STRATFORD: Yes, of course, sir. Thank you very much. I just wanted to pick up  
10 on a couple of points that Ms Tafur mentioned in respect of the detailed local  
11 operating agreement, affectionately called the DLOA. It is far from agreed that  
12 [inaudible] agreement being agreed with the applicant, or indeed protected  
13 provisions –

14 MR YOUNG: Mr Stratford, let me just stop you there. I don't know if you're on dial-up  
15 or something, but your signal is not good. We can't really see you very well and  
16 now the audio has started to break up.

17 MR STRATFORD: If I turn my camera off, is that better? Can you hear me now clearly?

18 MR YOUNG: We'll ask you to put it in writing, if that's okay, Mr Stratford. Apologies  
19 for that. Alright. Anything else from the panel members?

20 MR SMITH: Nothing from me.

21 MR YOUNG: Action points, I think we will tidy those up and we'll get those published  
22 as soon as we can. Unless there's anything else – I'm not seeing any hands go  
23 up. In that case, thank you very much. Very difficult, but very useful day, so  
24 thank you for your participation, and we'll see some of you in a few hours' time.  
25 Thank you, everybody.

26 MR SMITH: Indeed, and just a brief reminder, we are back in this room at 7.30 for those  
27 who are participating in the open-floor hearing. Thank you very much, Mr  
28 Young.

29

30

**(Meeting concluded)**