



PLANNING INSPECTORATE ISSUE-SPECIFIC HEARING

on

19 OCTOBER 2023

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PRESENT

**PLANNING INSPECTORATE**

RYND SMITH  
JANINE LAVER  
KEN PRATT  
KEN TAYLOR

**CASE TEAM**

TED BLACKMORE  
SPENCER BARROWMAN  
RYAN SEDGMAN

**LOWER THAMES CROSSING**

ANDREW TAIT KC  
ISABELLA TAFUR  
MUSTAFA LATIF-ARAMESH  
BARNEY FORREST  
[SARAH CRAYS?]  
MOHAMMED HALLI  
JOHN CLARK-HUGHES  
SUKI COE  
ALISON POWELL  
SARAH COLLINS  
RICHARD STAIT

**LOCAL AUTHORITIES**

MARK WOODGER (Essex County Council)  
MICHAEL BEDFORD KC (Gravesham Borough Council)  
TONY CHADWICK (Gravesham Borough Council)  
WENDY LANE (Gravesham Borough Council)  
ANDREW FRASER-URQUHART (Kent County Council)  
KATE BOORMAN (Kent County Council)  
NIGEL BILLINGSLEY (Kent County Council)  
DANIEL DOUGLAS (London Borough of Havering)  
LEE WHITE (London Borough of Havering)  
LYNN BASFORD (London Borough of Havering)  
GEORGE MACKENZIE (Thurrock Council)  
ADRIAN NEVE (Thurrock Council)  
CHRIS STRATFORD (Thurrock Council)  
TRACEY COLEMAN (Thurrock Council)  
SHARON JEFFERIES (Thurrock Council)  
CHRIS HUDSON (Thurrock Council)  
BEN STANDING (Thurrock Council)  
MUBASSIR MALIK (Thurrock Council)  
PRUDENCE WALES (Thurrock Council)  
SUSAN LINDLEY (Shorne Parish Council)

**STATUTORY PARTIES**

ALISON DABLIN (Port of Tilbury London Ltd)  
ALEX DILLISTONE (Port of London Authority)

LUCY OWEN (Port of London Authority)  
EMMA RODICAN-JONES (Port of London Authority)

**INTERESTED PARTIES**

JOHN BERRILL (Whitecroft Care Home)  
AARTI O'LEARY (Frank's Farm)  
MARTIN COURT (Frank's Farm)  
MIKE HOLLAND (The Mott Family and E & K Benton Ltd)  
MATT ROBBINS (Emergency Services and Safety Partners Steering Group)

1 MR TAYLOR: Good morning, and welcome to today's issue-specific hearing 8, and this  
2 is relating to construction and operational effects of the Lower Thames Crossing.  
3 Before we introduce ourselves, I just need to deal with a few preliminary  
4 matters. Can I just check with the case team and audio-visual team that we can  
5 be heard and seen online, and that the recordings and livestreams have started?  
6 Yes, brilliant, I'm getting the right signals. Just so that everyone's aware, we're  
7 not expecting a fire drill today so if there is a fire alarm, the exits are over here,  
8 behind where we have the councils sat, and then we'll be guided by the hotel  
9 staff from that point.

10 So on to introductions, my name is Ken Taylor. I am a panel member for  
11 this Examining Authority. I will be chairing this meeting jointly with my  
12 colleague Janine Laver. I'll draw your attention to the frequently asked  
13 questions in our rule 6 letter which we published quite a while ago now, but it's  
14 available on our website and that has a brief biography of each member of the  
15 panel and it sets out the purpose of our appointment to this Examining Authority.  
16 My fellow panel members will now introduce themselves, and I'll start with Ms  
17 Laver.

18 MS LAVER: Good morning, everybody. Janine Laver, panel member. Just a word of  
19 caution, I am Covid-free, but I am in recovery, and I seem to be yawning like  
20 something from *The Muppet Show*, so if I'm yawning, I apologise. It's not  
21 because I'm not paying attention; I'm just in that recovery mode. I'll hand over  
22 to my colleague, Mr Pratt.

23 MR PRATT: Good morning, everybody. Ken Pratt, panel member. I'm going to be  
24 relatively quiet today, but I'll be listening and I may ask questions later on. Mr  
25 Smith.

26 MR SMITH: Thank you very much, Mr Pratt. My name is Rynd Smith; I'm the lead  
27 member of the Examining Authority, but as you've seen, we have colleagues in  
28 the chair today, so again, as with Mr Pratt, I'll be relatively quiet today, listening  
29 carefully, and I may interject with questions if required. Mr Taylor.

30 MR TAYLOR: Thank you, Mr Smith. I just want to draw attention to the fact that one  
31 of our panel members, Mr Dominic Young, is not with us today, but he will be  
32 joining us for hearings next week. He's busy doing other work at the moment  
33 on this examination. I'll also just briefly introduce our other planning  
34 inspectorate colleagues, so we have Mr Ted Blackmore; he's the case manager,

1 and he's supported by Spencer Barrowman today in the venue, and we have  
2 Ryan Sedgman who is leading on the online room that we have. Shortly, I will  
3 ask you all to introduce yourselves, but there's just a few other things I need to  
4 cover. As we've already mentioned, this event is being livestreamed and  
5 recorded. The recordings are retained and published, and I just want to check if  
6 anyone has any questions about the process or procedure for that. I'm not seeing  
7 any hands either in the physical room or the virtual room, so I'll move on.

8 So I'm now going to move on to introductions, and if you can introduce  
9 yourselves, mention who you're representing, and if you're part of a team, then  
10 if the person who's taking the lead, if they introduce themselves first and  
11 introduce the relevant members of their team. I'm going to go round the rooms,  
12 both virtually and physically, and then I will finally come to the applicant. I'm  
13 going to go through – I have an attendance list in front of me, which isn't  
14 necessarily in the order of the room, so I'm going to just follow that to hopefully  
15 make sure I do not miss people as I go through, so can I check, do we have a  
16 representative, or representatives, from Essex County Council, please?

17 MR WOODGER: Good morning, sir, thank you. My name is Mark Woodger; I'm a  
18 principal planner and I work in the growth and development team at Essex  
19 County Council, and I'll be joined this morning by my colleague Gary  
20 MacDonnell, who's network manager for Essex County Council. He's at the  
21 moment waiting in the lobby, and I'll ask him to introduce himself if he wishes  
22 to speak on any items raised. Thank you, sir.

23 MR TAYLOR: Great, thank you, Mr Woodger. Now, can I ask a representative from  
24 Gravesham Borough Council, so Mr Bedford?

25 MR BEDFORD: Thank you, sir. Michael Bedford, KC, instructed on behalf of  
26 Gravesham Borough Council, and I'm joined to my immediate left by Mr Tony  
27 Chadwick, the NSIP project manager, and behind him is Wendy Lane, the  
28 assistant director, but I expect to be doing the speaking. Thank you, sir.

29 MR TAYLOR: Thank you. Mr Bedford, while you're speaking, are you also  
30 representing what we're calling the Whitecroft Care Home?

31 MR BEDFORD: Michael Bedford. Yes, that's absolutely correct, sir. I was waiting  
32 because you've got an order for that, but I'm perfectly happy, if it's convenient

33 –

34 MR TAYLOR: Yeah, it's convenient. We'll just to both now.

1 MR BEDFORD: Well, so then the way I've done it is that to my left are my Gravesham  
2 clients. To my right is a representative on behalf of the Whitecroft; in fact, this  
3 is Mr John Berrill who is the acoustician with BY Acoustics. You will have  
4 seen their reports in some of the Whitecroft representations, so it may be – if  
5 we're getting into technical matters on noise issues – that I might invite him to  
6 speak. Thank you, sir.

7 MR TAYLOR: Thank you, Mr Bedford. Yes, now, could I have the representatives for  
8 Kent County Council, please?

9 MR FRASER-URQUHART: Sir, good morning. I'm here representing Kent County  
10 Council. Andrew Fraser-Urquhart, King's Counsel. I'm standing here  
11 replacing, in fact, Mr Humphries who's previously represented the county, and  
12 to my right sits Kate Boorman, who is the head of country parks and countryside  
13 partnerships for the county, and she'll be doing the bulk of the speaking for us  
14 today on those items we contribute to.

15 MR TAYLOR: Thank you, and then can I turn to the London Borough of Havering,  
16 please? Your microphone's not on.

17 MR DOUGLAS: Good morning, sir. Good morning, everybody. My name's Daniel  
18 Douglas; I work in the transport planning team at the London Borough of  
19 Havering, and I'll just invite my colleagues in the virtual room to introduce  
20 themselves.

21 MR WHITE: Yes, good morning, sir. Lee White, Sterling Transport Consultancy,  
22 instructed by the London Borough of Havering. I've got Ms Basford as well,  
23 virtually.

24 MS BASFORD: Good morning, everyone. Lynn Basford from BasfordPowers Ltd,  
25 instructed by London Borough of Havering.

26 MR TAYLOR: Thank you very much, and now can I turn to Thurrock Council, please?

27 MR MACKENZIE: Good morning, sir, George Mackenzie. I am a barrister. There are  
28 a number of representatives for Thurrock, to my right, in person, and a further  
29 seven online, so could I ask them to introduce themselves, please?

30 MR NEVE: Good morning, Adrian Neve from – or representing Thurrock Council.

31 MR STRATFORD: Chris Stratford, representing Thurrock, planning. Thank you.

32 MR TAYLOR: Yes, I think we've got a microphone on mute there.

33 MS COLEMAN: Sorry, Tracey Coleman, chief planning officer for Thurrock Council.

34 MR TAYLOR: Thank you.

1 MS JEFFERIES: Hi, Sharon Jefferies on behalf of Thurrock Council.

2 MR HUDSON: Chris Hudson on behalf of Thurrock Council.

3 MR STANDING: Ben Standing from Browne Jacobson, representing Thurrock Council.

4 MR MALIK: Mubassir Malik, representing Thurrock Council.

5 MS WALES: Prudence Wales, representing Thurrock Council.

6 MR TAYLOR: Okay, thank you, and then do we have Ms Lindley from Shorne Parish  
7 Council with us?

8 MS LINDLEY: Yes, good morning, sir, thank you very much. Susan Lindley,  
9 representing Shorne Parish Council. Thank you.

10 MR TAYLOR: Thank you very much, and do we have a representative from the Port of  
11 Tilbury London Ltd today?

12 MS DABLIN: Good morning, yes, it's Alison Dablin, associate with Pinsent Masons,  
13 here for the Port of Tilbury, thank you – sorry.

14 MR TAYLOR: And then do we have Ms O'Leary from Lawson Planning Partnership  
15 with us online?

16 MS O'LEARY: Good morning, sir. Yes, I'm here representing Mrs Joan Carver of  
17 Frank's Farm in Cranham. I'm also joined this morning by a Mr Martin Court  
18 from Sharps Redmore who is Mrs Carver's noise consultant.

19 MR TAYLOR: Okay, thank you very much.

20 MS O'LEARY: Thank you.

21 MR TAYLOR: And do we have Mr Holland, who's representing a number of affected  
22 persons and interested parties?

23 MR HOLLAND: Good morning, sir. Mike Holland representing the Mott family as the  
24 northern portal works compound and CA5 affect their landholdings, and also  
25 E & K Benton Ltd as compound CA13 affects their landholding.

26 MR TAYLOR: Thank you very much, and then do we have a representative for the Port  
27 of London Authority?

28 MS DILLISTONE: We do, sir. Alex Dillistone from Winckworth Sherwood on behalf  
29 of the Port of London Authority. I'm afraid my camera is being a little sluggish  
30 to turn on today, so it may take a little while for me to respond. We also have  
31 online Lucy Owen from the Port of London Authority and Emma Rodican-Jones  
32 from Winckworth Sherwood.

33 MS OWEN: Good morning, sir. Lucy Owen from the Port of London Authority.

1 MR TAYLOR: Okay, thank you very much, and then do we have a representative from  
2 Essex Police on behalf of the Emergency Services Steering Group?

3 MR ROBBINS: You do indeed. Good morning, my name is Matt Robbins; I'm a head  
4 of strategic analysis for Essex Police and I'm representing Essex Police as a  
5 member of the Emergency Services and Safety Partners Steering Group.

6 MR TAYLOR: Thank you very much. I think that is everybody on my list. Can I just  
7 check if I have missed anybody before I turn to the applicant? I'm not seeing –

8 MR FRASER-URQUHART: Sorry, can I just interject from Kent County Council?

9 MR TAYLOR: Yes.

10 MR FRASER-URQUHART: We also have online consultants from Bruton Knowles,  
11 who will be dealing with some of the issues concerning the agenda item on the  
12 country park and affected businesses. I'll introduce them online, if I may, when  
13 I call on them later on rather than introducing them now.

14 MR TAYLOR: Yes, that makes sense. Thank you very much.

15 MR FRASER-URQUHART: Thank you.

16 MR TAYLOR: Okay. Yes, now, can I turn to the applicant? Ms Tafur, are you leading  
17 today?

18 MS TAFUR: I am, sir, good – well, this morning, anyway. Good morning, sir. My name  
19 is Isabella Tafur of Counsel, appearing on behalf of the applicant. On the table  
20 today are Mustafa Latif-Aramesh, partner at BDB Pitmans, Barney Forrest  
21 who's the environment lead at LTC. To my left, [Sarah Crays?], who's the  
22 materials lead at LTC, Mohammed Halli who's the construction lead, and John  
23 Clark-Hughes, who's the construction tunnel lead, and there are others behind  
24 that will swap in at appropriate moments.

25 MR TAYLOR: Okay, thank you very much. Okay, so that now deals with introductions.  
26 Turning to just some other housekeeping matters, we'll be running the hearings  
27 sessions similarly to how we have done before, so we're trying to keep the  
28 sessions to roughly an hour and a half, so we'll probably be looking to have a  
29 15-minute break at about 11.30, and then a lunchbreak at about 1.15, and then if  
30 we have – need an afternoon break around about 3.45 or so. I am aiming to try  
31 to finish this hearing today by 5.00. This is principally because the panel  
32 members, and possibly other people in this room, do need to travel because  
33 we're conducting a site visit some distance away, relating to a current tunnelling  
34 operation, so if we – we'll be trying for a prompt finish if we can. Just finally,



1 if anything goes wrong with technology for the people who are joining us online  
2 and you struggle, contact the case team to try and rejoin, but if you ultimately  
3 struggle then you can put any submissions in writing for deadline 6 which is  
4 Tuesday 31 October.

5 So that's the introductions finished. Before I move on, does anyone have  
6 a burning question relating to introductory or procedural matters? I'm not seeing  
7 any. Okay, so moving on to agenda item 2, this will be brief so this is just  
8 covering the purpose of the hearing. This is an issue-specific hearing to cover a  
9 number of matters relating to construction and operational effects. The topics  
10 that we're going to discuss are set out in the agenda. Is there anyone who has a  
11 questions about the wider purpose of the agenda before I move on to the  
12 substantive agenda items?

13 Okay, so I'm going to move on the substantive agenda items now. I'll just  
14 say a few introductory words about how I intend to handle this, so I will be  
15 chairing for agenda item 3. Ms Laver will be chairing for agenda item 4, and  
16 then you'll have me again for agenda item 5. Generally speaking, we'll be going  
17 – looking for the applicant to set out their position first, and then going to the  
18 parties, and I'll probably ask for a steer from the parties as to who wants to speak  
19 on each item, and then we'll go from there, and then we'll go finally back to the  
20 applicant to hear any closing remarks on each agenda item.

21 I think in terms of agenda item 3(a), my intention with, I think, the first  
22 two – so (i) and (ii) – is to ask the applicant to be fairly brief on their position,  
23 because we have quite a lot of written material so far on these issues and I think  
24 it's more important to then hear substantive comments from the parties, and then  
25 return to the applicant for their response, and for most of the agenda items, I'm  
26 also really looking for what are your positions, and if you've got concerns, how  
27 they could be resolved and what you would want to see, and – from the applicant.

28 We've done this in other hearings, but the reason this is now getting quite  
29 important is we are well into the application, and really, we've got deadline 6  
30 which is coming up soon, and we'll be asking for your post-hearing submissions,  
31 and then really, by deadline 7, we need to have a pretty clear steer as to where  
32 the parties are at in terms of what matters are potentially resolved, what are  
33 outstanding and what matters look like they won't be resolved, and that we, as  
34 a panel, might need to ultimately adjudicate on? Because after we get past

1 deadline 7, we're really bouncing down to getting close to final comments from  
2 the parties and then allowing the applicant their very final position at – by  
3 deadline 10.

4 So hopefully that's fairly clear, so move on to the first agenda item, so  
5 relates to construction compound matters in particular, and it's a question of  
6 whether the approach to waste and material management strategy for the  
7 compounds is appropriate. So I'll turn to Ms Tafur for the applicant first, if you  
8 can set out your case fairly briefly, and then I'll go round the virtual and the  
9 in-person room.

10 MS TAFUR: Isabella Tafur on behalf of the applicant. The applicant has adopted a  
11 robust and appropriate approach to waste and material management which aligns  
12 with the core principles of the circular economy and the waste hierarchy.  
13 Control plans have been developed in collaboration with regulatory authorities.  
14 They include an outline site waste management plan – which sets overarching  
15 principals and procedures that will be applied for the management of waste,  
16 including surplus excavated material during the construction phase – the outline  
17 materials handling plan – which sets the approach and principles for handling  
18 construction materials and waste, both inside and outside the order limit – and  
19 the code of construction practice, which provides control to ensure good  
20 housekeeping within the compounds, including the waste of management and  
21 materials. It will then be for the contractors to develop detailed material  
22 handling plans and construction site waste management plans, based on the  
23 framework of those outlined documents. No part of the authorised development  
24 can commence until those secondary plans for the relevant works have been  
25 submitted to, and approved by, the Secretary of State, following consultation  
26 with the stakeholders identified in table 2.1 of the code of construction practice.

27 In addition to the control plans, there are a number of commitments in the  
28 REAC which specify targets and appropriate limits relating to waste and  
29 material management, for example the project will preserve 95% of excavated  
30 material onsite, and in addition to that, for the remaining materials there are  
31 commitments that the contractors will divert a minimum of 95% by weight of  
32 inert excavation waste and a minimum of 95% of inert construction and  
33 demolition waste, destined for offsite waste management from the final disposal  
34 in landfill. So those are some of the commitments, and there are others, and in

1 summary, our position is that the controls contained in the outline plans are  
2 appropriate for this stage of development, and ensure a robust and appropriate  
3 approach to waste and material management.

4 MR TAYLOR: Thank you, Ms Tafur. Okay, can I get an indication from the rooms –  
5 both in person and virtually – by just raises of hands as to who wants to speak  
6 on this particular item? So if you could just keep your hands up while I make a  
7 note, sorry. Brilliant, okay, Mr Bedford, could you kick us off, please?

8 MR BEDFORD: Thank you, sir. Michael Bedford, and these remarks are on behalf of  
9 Gravesham Borough Council, and sir, there are two compounds which are  
10 directly of concern to Gravesham: the A2 compound of Thong Lane and the  
11 main southern tunnel entrance compound, which, sir, as you know, also sits, as  
12 it were, to the north-east of Thong Lane but also south of the A226, Gravesham  
13 Road. We are not challenging, as it were, the overall strategy to waste and  
14 materials management, which we accept and we understand, effectively, the  
15 desire for the project to so far as possible, as it were, absorb its own smoke, both  
16 in terms of trying to source materials from within the order land, and manage its  
17 waste appropriately, accordingly, including the, as it were, disposal of surplus  
18 materials into the landscaping, for example at Chalk Park.

19 So it's not an issue of principle that we have a concern about, but there are  
20 detailed issues of concern in terms of the impacts of the construction activities,  
21 so far as they affect adjacent properties in residential use, and I put it that way  
22 because I embrace not only, as it were, bricks and mortar dwellings, but also in  
23 terms – on a slightly later item in your agenda – the traveller sites off the A226,  
24 Gravesham Road, and what we're concerned about – we understand, effectively,  
25 the approach the applicant is taking with the controlled documents that we have  
26 outlying plans, and there is a further stage of control. We understand that and  
27 obviously we welcome the involvement of the borough council as one of the  
28 consultees on that.

29 There's a wider issue – which I'm certainly not spending time on today –  
30 about the discharge of requirements and who ought to be the discharging  
31 authority, but parking that entirely – because that's a completely different  
32 conversation, but in terms of the applicant's approach.

33 MR SMITH: November.

1 MR BEDFORD: In terms of the applicant's approach, we obviously welcome being a  
2 consultee identified in table 2.1 and the issue I think we have, particularly – and  
3 it's particularly acute with the southern tunnel entrance and the residential  
4 properties on the A226, and that includes – there's a property called Polperro.  
5 There's also the two traveller sites at Horseshoe and Viewpoint which sit,  
6 effectively, cheek by jowl, and in the applicant's proposal, in particular – and  
7 this is at plate 1.3 in – I'll give you the appropriate reference – AS-050, which  
8 is the construction supporting information, there is a plan which is an illustrative  
9 – and I do accept – sorry, indicative. I do accept the word 'indicative', an  
10 indicative layout, but what that appears to show is that so far as the soil storage  
11 areas are concern, they effectively entirely surround the property Polperro, and  
12 so far as the two traveller sites – sorry the – perhaps it's easiest if you find the  
13 A226, Polperro. I don't think it's clearly on the plan, but there's an indent.  
14 There's a single property on the south side of the road, and then the brown of  
15 the soil storage areas entirely embraces that, and then moving to the traveller  
16 sites which lie slightly –

17 MR TAYLOR: Mr Bedford, I just wonder, is it possible for the applicant to bring that  
18 plan up and that might just assist us?

19 MR BEDFORD: So it was – it's AS-050, and it was plate 1.3. I'm grateful. Perhaps if  
20 we could just zoom in a little bit to the blue road that's running along the – that's  
21 it, yeah, down a bit, as it were. Right, and then if we could – yeah, that's about  
22 fine. So as I say, the indented property on the south side of the road just to the  
23 east of the word 'chalk', that is Polperro, as you can see, surrounded by the  
24 brown which is indicative of the soil storage areas. Ad then slightly to the east  
25 you can see that there are some purple blobs which are marked as the other  
26 facilities to enable construction, and then to the east of those blobs is the traveller  
27 sites. There are two, with one – they have different accesses from Gravesham  
28 Road, but they actually, in terms of their residential accommodation, as it were  
29 – one is to the north and one is to the south, but they're both south of the A226  
30 and the southern one, I think, is Viewpoint and the northern one is Horseshoe.

31 And what you can see from there is you can see a black line which is the  
32 haul roads, and you can see there is a haul road which effectively curves around  
33 the traveller sites. As I say, you can see the purple blobs with are marked as the  
34 other facilities to enable construction and you can also see, obviously, the

1 relationship between those and the soil storage areas slightly to the west. We  
2 acknowledge that there are a number of provisions in the REAC, which – I think  
3 in its current form, it's in the rear of the COCP, which is REP5-048, and there  
4 are a number of landscape and visual measures within the REAC which seek to  
5 provide some controls, but what we're concerned about is we don't think at the  
6 moment that simply providing a potentially 3 metre bund and then some general  
7 controls over heights of either facilities – which could be these other facilities to  
8 enable construction and/or the heights of soil storage and/or stockpiles – we  
9 don't think that is sufficiently considered to avoid undue intrusion to the  
10 occupiers of those residential properties.

11 We'd like to see something more bespoke coming forward, which  
12 specifically recognises the sensitivities of those properties, and so far as we're  
13 dealing with the first item, which is compounds rather than noise and  
14 disturbance, which I know is another agenda item, I think we certainly want to  
15 see things like standoff distances and potentially the removal of the haul road  
16 from its close proximity to the traveller sites. We understand, obviously, that  
17 there are going to be operational reasons why no doubt it has been sited where  
18 it is, and as I say, what we think is there needs to be a more bespoke solution to  
19 how one then manages those processes.

20 Whilst we're not actively promoting that the traveller sites need to be  
21 relocated, if it turned out that you couldn't do anything in a way which made it  
22 acceptable to the traveller sites, and you still had to carry out the construction,  
23 then that would be, as it were, the ultimate option that we would invite the  
24 applicant to consider. But we would, as it were, start by saying, 'Well, it ought  
25 to be possible, given the size of the southern tunnel compound, to arrange things  
26 so that you don't need to carry out those intensive activities quite so close to  
27 sensitive residential properties', so that, in relation to your first item, sir, I think  
28 is our essential concern.

29 MR TAYLOR: Thank you, Mr Bedford. Just one question on that very last point you  
30 made about – you consider, well, it should be able to come up with an acceptable  
31 scheme, but if not, then looking at relocated sites, so would you be suggesting  
32 some kind of cascade system, where if something appropriate couldn't be  
33 agreed, then it moves on? Or are you saying that this needs to be sorted out at  
34 this stage so that you're clear and half content that –

1 MR BEDFORD: I think, sir, our preference would be that it's resolved at the  
2 order-making stage because we think that would provide clarity, particularly to  
3 the occupiers, who we – so far as we can see, we don't think they've directly  
4 engaged in the development consent order process, but in a sense we're not  
5 entirely surprised by that because they are, effectively, amongst the hard to reach  
6 persons in terms of community engagement. But we would prefer that the  
7 solution is identified at the order-making stage, but again, if it was being said to  
8 us, 'Well, until the contractor's done X, Y and Z, we can't say what the solution  
9 is going to be', we could contemplate a cascades system, but it – that would not  
10 be our preference.

11 MR TAYLOR: No, thank you, Mr Bedford for that clarity, and yes, I would generally  
12 support that view that that's not the ideal approach, to have a cascades system  
13 because of the lack of clarity it could potentially bring. Thank you. Mr  
14 Mackenzie, can I hear from you for Thurrock, please?

15 MR MACKENZIE: George Mackenzie for Thurrock Council. Sir, Mr Neve will address  
16 you on this agenda item, and Mr Hudson is online, and he may also have  
17 something to add. I'll check with him at the end as to that. Thank you.

18 MR NEVE: Good morning, sir. Thank you, so Adrian Neve on behalf of Thurrock  
19 Council, so just to introduce – and what I'll try not to do is to over rehearse  
20 matters that we've already discussed, but apologies if I do touch on elements  
21 that we've already discussed, and I'll try and move away from those. So in  
22 essence, the view from Thurrock Council is that many of the control documents  
23 that have been mentioned today – so the site waste management plan and the  
24 outlined material handling plan – are in essence not strong enough at this stage  
25 to allow proper monitoring and management during the process and to give full  
26 enough leadership and guidance to the incoming contractors, and that our  
27 opinion is that this – there should be much more depth into the actions and  
28 initiatives that are captured within those frameworks, and leaving that detail to  
29 the later stages is just not going to give us a good enough, a strong enough  
30 framework from which to build from.

31 So primarily, that comes down to a lot of the points that we make  
32 throughout these aspects, and particularly with the site waste management plan,  
33 one of the principle points is that there needs to be better guidance from National  
34 Highways as to how contractors should restrict themselves to that waste

1 hierarchical approach, and that at the moment, although there are references to  
2 the waste hierarchy, there isn't that guidance and that leadership and the targets  
3 that would give the Rochdale Envelope, if we like, to work to during that phase,  
4 so we would look to see that coming through in the waste management plan. It  
5 should, theoretically, make life a lot easier when we're then developing those  
6 detailed plans because so much more is given to the contractors to adopt as they  
7 move forwards.

8 As an example, some of the high-level projections that were – that are in  
9 the assessments at the moment assume flatline approaches to materials  
10 movements and handling, and plants and equipment, and as we know from these  
11 projects, that that's not the reality. We accept that at this stage you can't have  
12 that detail, but we need to have something to measure against during that  
13 process, because a very flatline approach, looking at only specific materials – I  
14 mean, there's a lot of discussion about the movement and the commitment to  
15 movement of bulk aggregates for the tunnelling operation. The project itself has  
16 a much broader requirement for materials and plant and equipment handling,  
17 and so we need that robustness, that rigour of that assessment at this stage, rather  
18 than brushing it further down the line.

19 So I'm going to – I guess in a snapshot, that's all I – our main view, that  
20 the project should be stretching itself. I mean, we've heard references to the  
21 pathfinder status of the project. We need to have assurance at this stage that  
22 those aspects are going to be brought through into the latter design – the detailed  
23 materials handling plans, and Thurrock Council has issued a joint response with  
24 the Port of London Authority, and I trust the Port of London Authority will speak  
25 later on this subject. But in that response, we included what we felt was a  
26 reasonable approach considering very specific aspects of the project, as to how  
27 those materials and how that plants and equipment could be handled better, to  
28 look at reducing environmental impact and reducing risk, reducing harm to local  
29 communities and stretching the aspect of the project so that we can see that  
30 environmental protection and that reduction in the impacts. If you'd like a  
31 reference, that joint response was contained in our local impact reports. It's  
32 annex C – sorry, appendix C, annex 4, and then it's appendix 2 and table 1 of  
33 that annex, so sorry, it's a little bit buried, as I said before, but it's – that should  
34 take you to it.

1           So what slightly concerns me is that after we had discussions on this  
2 subject at – I think it was issue-specific hearing 5 – was that the written response  
3 from National Highways effectively concludes that it doesn't seek to progress  
4 any further with the materials handling plans, and uses the words that it doesn't  
5 see it – see commitments to using non-road transport as either sensible or  
6 practical – or sorry, 'deliverable' was their words. That, to me, is defeatist. It  
7 basically isn't stretching that point. As I said, if you look at the control  
8 documents, it isn't giving us that environment in which to measure and monitor  
9 during the process and to understand exactly whether there is an exceedance or  
10 compliance within the movement and handling of that plan. I think that's all I'd  
11 like to say on that. Thank you.

12 MR TAYLOR: Thank you, Mr Neve. I probably have a questions from – for you in a  
13 moment. You'll probably also aware that we have asked some very targeted  
14 questions in terms of the transport of waste material and using river traffic for  
15 that in this last round of questions that we've recently issued, so it is very much  
16 on our radar. You did mention a concern about the Rochdale Envelope. Can I  
17 just ask you to expand on that? Because are you – is it your concern that we  
18 could – the applicant could end up going beyond that, or not? I just wasn't really  
19 clear when you mentioned that where your concern really lay.

20 MR NEVE: Thank you, sir. Adrian Neve on behalf of Thurrock Council. I'll try not to  
21 get, again, too much bogged down into that detail, but one – the concerns that  
22 we have are that we have a number of compounds throughout the project, and  
23 obviously within Thurrock Council, Thurrock's boundaries. We have two  
24 contracts – main works contract to the north and the tunnelling compound –  
25 contract, and there will be a number of subcontracts within those contracts, and  
26 undoubtedly can dig – go down further. At the moment, the information that  
27 we've been given has an indication of the movements associated with each of  
28 those compounds, and the assessment within the modelling looks at applying  
29 those broad movements across that network.

30           What we don't have is any commitment at the moment as to how each  
31 compound will then be operated and managed by the contractors, so what is  
32 going to be very challenging to do – almost impossible to do – is actually then  
33 look at how that – those movements and how that material, how that plants and  
34 equipment is actually moved throughout the network, and therefore how we can



1 measure that compliance. So without that rigour that comes in through the  
2 controlled documents, it does mean that you could quite quickly move outside  
3 of the assessed aspects of the project, and in that I include workforce themselves,  
4 for instance, and I know that the modelling that has been undertaken by the  
5 applicant doesn't apply the workforce traffic to the routes that they're saying  
6 that they would commit their workforce traffic to, and so as it stands, the  
7 evidence before us doesn't actually comply with what other parts of the  
8 information are saying.

9 So there's a lot of intertwined challenges around the operation of these  
10 compounds which brings it down to materials, plants, equipment, people, that  
11 makes it very challenging to – as we move forwards, one, for the contractors to  
12 know quite what they're working to. What's the framework that they're working  
13 within? And then when we move into the construction period, how we can  
14 actually measure and monitor whether there is that compliance.

15 MR TAYLOR: Okay, thank you. Mr Smith wants to come in at this point.

16 MR SMITH: Yeah, I think we're at a very interesting fulcrum point between an  
17 inevitable measure of detail that needs to be understood in order to understand  
18 whether the assessment of impacts that has been undertaken and forms the  
19 Rochdale Envelope – forms that which is a) used in the ES, and b) is therefore  
20 secured – as against allowing the reasonable commercial freedom and the  
21 contractual flexibility that actually allow an undertaker to deliver a project at  
22 reasonable cost to the public, because they are not tied down left, right and  
23 centre.

24 There is an inherent tension between those two objectives, but I think what  
25 would really, substantially assist the panel would be for – and this is a point that  
26 doesn't just apply to Thurrock; it distinctly also applies to Gravesham as well –  
27 to be very clear about circumstances where, because of particular factors such  
28 as the relationship between a proposed construction compound site and  
29 particular sensitive receptors, that there is a need to understand that the  
30 maximum adverse impact in relation to a particular indicator must be precise,  
31 and needs to be more certain than you believe it currently is.

32 So to give you just a couple of very particular examples, if it's noise  
33 sensitivity, then what are the particular operations that are likely to go on in the  
34 compound? What is the worst-case bundle of those? And is it that that we're

1 seeing underlying the assessment in terms of the most adverse sensitive receptor  
2 noise impacts from that compound in the ES? Now, if the answer to that  
3 question is, 'Yes, it is', then the applicant has probably done a decent job,  
4 whereas if the answer to that question is that – and there was an implication in  
5 your statement that you think this second case is true – that sometimes there has  
6 been a slightly more generic assessment of the mix of activities that might take  
7 place in a compound, because that's not spatial and maybe not specific as to  
8 particular work types and techniques and timings, you're not 100% sure whether  
9 or not a maximum adverse assessment has been achieved on the compound.

10 Now, what we need to know, as I say, is if there are any doubts about that  
11 point, got to be in writing by deadline 6 so that the applicant can just check those  
12 back against the ES, and can come back to us and say, 'No, we believe we've  
13 assessed the maximum, because' – or alternatively, 'Whoops, we need to  
14 additionally refer to this.' Does that all make sense?

15 MR NEVE: Thank you, Mr Smith. Adrian Neve again for Thurrock Council. It certainly  
16 does, thank you, and I'm sure you won't be surprised that throughout our  
17 evidence that we will – we have been drawing attention to where we think there  
18 are specific aspects, to name but a few, Asda and Orsett Cock, for instance –  
19 sorry, Asda roundabout and Orsett Cock. But in certain instances – and I won't  
20 go into all the details; obviously we'll come back to you with that in written  
21 evidence – but there are sensitive areas, communities, junctions, which are not  
22 identified as what we would probably envisage as the key areas within Thurrock  
23 – such as the Cross Keys junction, which I suspect National Highways are  
24 familiar with from discussions – that are shown to have impacts from  
25 movements that are very sensitive within Thurrock, so yeah, we'll pick those up  
26 in detail within our written evidence.

27 Can I just add one further point that I think – part of the discussions  
28 happening before us, that whether the flexibility that the control documents  
29 appear to provide at this stage – it's been said to me that that allows further  
30 innovation. I don't entirely disagree with that, but I would actually see the  
31 opposite, that further control, stronger control documents, actually require that  
32 innovation, and so I think the argument at that point is on its head. I know from  
33 experience from other projects that that control aspect actually requires you to

1 innovate, requires you to stretch yourselves, which is not the case at the moment  
2 with the control documents. Thank you.

3 MR TAYLOR: Thank you. Can I just check, Mr Mackenzie, is that everything from  
4 Thurrock at this stage?

5 MR MACKENZIE: George Mackenzie, Thurrock Council. Thank you, yes, sir. We  
6 were checking to see whether Mr Hudson had anything to add, but there's no  
7 hand raised and he's confirmed to me. Thank you.

8 MR TAYLOR: Thank you very much. I'd like, now, to go to the Port of London  
9 Authority, please, so Ms Dillistone.

10 MS DILLISTONE: Thank you, sir. Alex Dillistone, for the Port of London Authority.  
11 I should also just note that we – I do seem to be appearing to come up as 'meeting  
12 room guest' on the – on this Teams call. It may be because I've had to use a  
13 different computer, because the other one is – my usual computer is not working  
14 this morning, but I am here on behalf of the Port of London Authority. We do  
15 have one point to make, and it is our main point today on agenda item 3(a)(i),  
16 and whether the approach to waste and material management is appropriate.

17 Now, the PLA does have a concern on this point because it is the statutory  
18 harbour authority for the River Thames, and its general functions include the  
19 promotion of the use of the river for freight transport and as an important and  
20 sustainable transport corridor. We do not share the applicant's view that it has  
21 a robust and appropriate approach to waste and material management, and for  
22 some time now we have been seeking from the applicant firstly, a clear  
23 commitment to the use of the river, secondly a sufficient commitment to the use  
24 of the river, taking into account the range of materials, plant and equipment that  
25 will be that will be required for a project of this size, and robust monitoring and  
26 reporting arrangements.

27 Now, we acknowledged that over the course of discussions over the last  
28 several months, there has been some progress, particularly in relation to point  
29 three on monitoring and reporting, where at DL 5 there were updates made to  
30 the various documents, including the outline materials handling plan, which is  
31 reference 5-051, and the outline traffic management plan for construction, which  
32 is REP5-057, and those now include for the production of monitoring reports  
33 and their submission to the traffic management forum and the creation of a  
34 traffic management forum subgroup, so we welcome those updates. Thank you.

1 I should note as well that there is a hope for further progress being made on these  
2 matters, and – but those three matters in the round, and that the PLA and the  
3 applicant are meeting on 20 October, at the end of this week, to discuss these  
4 matters generally, and the PLA will respond in full at deadline 6 to the  
5 applicant’s deadline 5 submissions and with any updates following the meeting  
6 that we’re having on the 20<sup>th</sup>.

7 However, notwithstanding that there has been some progress, at this point  
8 in the examination we are still concerned that while the applicant is making some  
9 general statements of what it might do, the actual commitments across the  
10 scheme are limited, and we are not convinced that the commitments that have  
11 been made go far enough. The main example to this is the applicant’s baseline  
12 commitment and the better than baseline commitment as set out in the outline  
13 materials handling plan. So the baseline commitment, which is at  
14 paragraph 6.2.9 of that plan, is the utilisation of port facilities for at least 80%  
15 by weight of bulk aggregates to the north portal construction area. So that’s just  
16 one type of aggregate to one construction area, so whilst 80% sounds like a good  
17 number, it is not representative of the use of port facilities by the scheme as a  
18 whole. There are specific definition of bulk aggregates and the north portal  
19 construction areas in that plan, and there’s no commitment to using wharfs on  
20 the south side of the river or to importing anything other than aggregates.

21 The better than baseline commitment, which is set out at paragraph 6.2.10  
22 of the outline materials handling plan, seeks for the contractor to proactively  
23 engage with suppliers, which we welcome, but again the text only relates to  
24 aggregates and to the north portal construction area. We don’t see any reason  
25 why that baseline commitment should not be applied to a wider range of  
26 materials and to the southern compound. There are also further opportunities in  
27 our – in the PLA’s view to use the river for the transport of a wider range of  
28 materials and for the transport of plant and equipment, including, potentially,  
29 the tunnel boring machine, which we mentioned at previous ISHs with regards  
30 to the tunnelling.

31 As I’ve mentioned, the river could also be used to serve the northern  
32 entrance tunnel compound and the southern tunnel entrance compound, so both  
33 compounds, and it’s still unclear to the PLA how full and proper consideration  
34 of river use would take place with the applicant relying on the materials handling

1 plan that's due to be produced by the contractors in due course. It's not available  
2 at the moment, so when you work through what contractors will be required to  
3 explain in that final material handling plan, it does seem quite limited. So given  
4 that the materials handling plan has to be substantially in accordance with the  
5 outline plan, and that within the outline plan the baseline and better than baseline  
6 commitments only relate to aggregates and to the north portal construction area,  
7 the materials handling plan is only required to provide the forecast quantity of  
8 bulk aggregate for the part of works for which the materials handling plan is  
9 being prepared, and the contractor is only monitoring the weight of bulk  
10 aggregates, and that wharfs should be considered as part of the better than  
11 baseline commitment, but the better than baseline commitment specifically  
12 relates to aggregate and the northern portal. Based on all of that, it seems that  
13 all that contractors are required to explain in the marine handling plan is their  
14 approach to aggregates to the northern portal.

15 There's also a question of how much teeth the better than baseline  
16 commitment has. In our view, it lacks teeth. Proactive engagement is what it  
17 requires and that's not actually a requirement to use the river, and in the PLA's  
18 experience on other schemes on the river, unless contractors are actually  
19 required to do something, or incentivised to do so – as was the case for the  
20 Tideway Tunnel – contractors will just work to what they are required to do  
21 under the DCO and associated documents, and therefore it is the baseline  
22 commitment that the contractor will seek and comply with – so all that they'll  
23 do is proactive engagement, not actually develop the use of the river.

24 Finally, it needs to be clear what is being monitored and what actions will  
25 be taken if opportunities are identified to use the river, so if, for example, a  
26 contractor was able to use the river for the transport of cement – noting that there  
27 are two large cement import terminals that exist already on the river – that should  
28 be something that is picked up in monitoring and is subject to the derogation  
29 process. That would ensure that all opportunities to use the river are not just  
30 investigated, but that those that are practical, that are taken forward, are  
31 monitored and reported on and committed to, not just commitments being made  
32 with regards to aggregates to the – on aggregates to the Northern Portal. So in  
33 summary, whilst there are some positive steps, we do not agree with the

1 applicant's current view in the context of the scheme and its use of the river, that  
2 the applicant's approach to this is robust and appropriate.

3 MR TAYLOR: Okay. Thank you, Ms Dillistone, and just to let you know that at our  
4 end we can see your name shown appropriately on the screens.

5 MS DILLISTONE: Okay, thank you.

6 MR TAYLOR: Okay, thank you. Could I now turn to the Port of Tilbury, please?

7 MS DABLIN: Thank you. Alison Dablin for the Port of Tilbury. I won't seek to repeat  
8 everything that Ms Dillistone has just said. However, the points made very  
9 much align with a number of points that I was going to raise on behalf of the  
10 Port of Tilbury, specifically in relation to the commitment that is set out in  
11 paragraph 6.2.9 of the outline materials handling plan, the baseline to achieve  
12 80% by weight of bulk aggregates into the north portal construction area being  
13 made by port facilities. We agree that it is limited in scope and it's so limited  
14 that it isn't exactly – it doesn't help with the overall achievement of all of the  
15 overriding objectives in terms of things like carbon, and it could go further.

16 However, we are also – we're going to draw you – the ExA's attention  
17 specifically to the exceptions. In the view of the Port of Tilbury, an exception  
18 that enables the applicant to essentially avoid achievement of that commitment,  
19 it should be a very limited derogation and it should be one that is required to be  
20 evidenced and approved. Paragraph 6.2.12 sets out that there are four potential  
21 exceptions. The first is the suitability and operational capacity of the port  
22 infrastructure to facilitate the unloading of materials within the construction  
23 programme. The second relates to onward road connectivity. The third relates  
24 to the potential for adverse impacts on the road network that may exceed that  
25 assessed in the environmental assessment, and the fourth is the obligation of the  
26 applicant to consider value for money.

27 As set out by Ms Dillistone, the baseline commitment itself is extremely  
28 limited in scope. It relates to port facilities, which is defined as facilities within  
29 or next to the Port of Tilbury, or facilities along the River Thames which do not  
30 require the use of the road network next to the Thames Freeport. And at this  
31 point I would note that the road network that is adjacent to the Thames Freeport  
32 would be the A1089 and then the main road into Tilbury2, so it's difficult to see  
33 how that would be relevant for, for instance, the use of DP World London  
34 Gateway, to import facilities. So it is clearly intended – and I believe the

1 applicant confirmed in an earlier hearing – that port facilities is intended,  
2 essentially, to be the Port of Tilbury, and then it relates solely to aggregates being  
3 imported into the north portal construction area. So it is difficult to see a  
4 circumstance where any aggregates being imported into the port of Tilbury  
5 would need to enter the road network, except in an extremely limited example  
6 where they were imported into the oldest part of Tilbury, Tilbury1, where the  
7 main exit has a left turn only, and in that circumstance you would have to go up  
8 to the Asda roundabout and do a U-turn in order to enter Tilbury2 on the main  
9 construction route.

10 So in the Port of Tilbury’s view, the two exceptions that relate to adverse  
11 impacts on the road network and onward road connectivity, simply are not  
12 relevant to the baseline commitment as set out in 6.2.9. The first exception –  
13 dealing with the suitability and operational capacity of port infrastructure – in  
14 the view of the Port of Tilbury, it is unnecessary, and it does not amount to an  
15 exceptional derogation, given that there is a CMAT – which is a construction  
16 materials aggregate terminal – purpose built on Tilbury2. It is designed for the  
17 importation of bulk aggregates, and as we made in our submissions on – during  
18 the compulsory acquisition hearing 3, the applicant has recognised the potential  
19 to use the CMAT facility and is considering the construction of a conveyor. It  
20 is not, in the view of the Port of Tilbury, plausible that the exception foreseen  
21 by the first exception should apply.

22 And finally, in relation to the fourth exception around value for money,  
23 whilst this is potentially reasonable, it must be subject to appropriate limitation  
24 and oversight to ensure that where the applicant claims that there is a better value  
25 for money alternative to importation via the port, that this is subject to  
26 appropriate scrutiny and assessment. As is presently drafted, it is difficult to see  
27 how the exceptions would apply, except in a circumstance where the applicant  
28 is seeking to avoid the baseline commitment. And in short, this means that it is  
29 not something that can be appropriately relied upon as a commitment going  
30 forward, as something that will be achieved. Thank you.

31 MR TAYLOR: Thank you, Ms Dablin. I just wanted to check, that was everyone I had  
32 on my list who wanted to speak on this item. So just to double check, Mr  
33 Bedford, did you want to come back?

1 MR BEDFORD: Sorry, yes, just a brief point. Because of the way that this agenda item  
2 had been structured, we didn't think that issues about river traffic and wanting  
3 to achieve greater degree of river traffic, so far as practical, was part of the  
4 agenda item. But given the comments that have been made both by the Port of  
5 London Authority and the Port of Tilbury, you will have seen we have separately  
6 already made our concerns in that regard known, and we just simply support the  
7 greatest use possible that can be made of river for reducing the amount of  
8 materials that therefore has to be dealt with by road.

9 MR TAYLOR: Yes, thank you. And as I mentioned earlier, we've actually asked some  
10 written questions on that, this very topic. Thank you.

11 MS TAFUR: Isabella Tafur, for the applicant. Yes, this is going to be a bit of a group  
12 effort and I'll try and pick up the principal points raised by the relevant  
13 stakeholders. So turning to Gravesham's concerns first, which related to  
14 residential uses at Polperro and traveller sites, and their request for a bespoke  
15 solution to address the impacts of the construction compound. Firstly, I wonder  
16 if I might introduce John Clark-Hughes, who's a construction tunnel lead, who  
17 can just assist on the soil storage and the haul roads in that construction  
18 compound, why they're necessary, why they're shown in those locations in the  
19 indicative plans.

20 MR CLARK-HUGHES: Good morning. John Clarke-Hughes, for the applicant. If I  
21 could ask for the relevant plan to be put back up, the same one as was being  
22 shown earlier, please, to make a little easier to explain one or two points. Whilst  
23 we're waiting for that, I'll make a couple of general observations. The layout,  
24 as discussed, as has been noted – a layout in order that we can undertake an  
25 assessment. That layout is, in our view, a reasonable worst case, but is not  
26 necessarily the detailed layout that would be adopted. However, there are some  
27 fundamental principles within that layout that would have to follow. For  
28 example, the location of the permanent works would have to remain as is and is,  
29 therefore, quite a dominant feature within the layout. And by that, I'm talking  
30 specifically about the south portal cutting excavation and the diversion of the  
31 gas main, which are two of the predominant construction features in that area.

32 Looking at the plan in front of us now, the brown area to the north-west is  
33 effectively split into two in greater detail, not shown on that plan, but in greater  
34 detail. The southern half is the eventual Chalk Park formation, the public use



1 landform. And the northern half is designated as storage. And the material that  
2 will constitute Chalk Park, ultimately, is the material that is excavated from the  
3 deep cutting that forms the entrance to the southern tunnel portal. And the intent  
4 would be to place that directly into its final position. Obviously, you wouldn't  
5 wish to handle it twice; you wouldn't wish to move it around any more than  
6 absolutely necessary. So the intention would always be to preferentially fill in  
7 to the permanent location. However, we've shown the northern half as full  
8 storage because there are always circumstances when that preferential  
9 movement of material may not be possible, for whatever reason, however it  
10 would be used in that north-south preferential manner, i.e., more to the south  
11 than to the north, keeping away from the property that is the focus of the point  
12 raised by Mr Bedford.

13 Turning to the haul road and the position of the haul road, it's a little small  
14 to see, but you can see, on the main road there, there are two red circles that are  
15 indicated as key site access points, and they are quite deliberately positioned.  
16 And that little 'U' of haul road between them is so that there is a left turn entry  
17 into the site only, off the A226, with a slip lane, which will prevent queueing  
18 traffic on the A226 and help with the management, and that the exit route is from  
19 the left hand of those key accesses, or the westernmost of those key accesses,  
20 under control. So that's quite deliberate and it is designed as such that we can  
21 safely bring traffic in and out of the site. That is for the initial formation of the  
22 compound, the very early works.

23 MR SMITH: Can all devices please be placed into silent mode? Apologies.

24 MR CLARK-HUGHES: Later on in the construction process, the main access will be up  
25 the trace along the A2. But obviously, there is some time delay until that is  
26 formed and available, to be able to move heavy equipment from that direction.  
27 The other overarching aspect of that layout to take note of is that the various  
28 buildings that are indicative of offices and stores and such like are generally  
29 positioned to the east of the compound, i.e., as far away from the residential  
30 receptors that form part of Riverside Park. In more general terms, to just pick  
31 up on the control measures and how they are developed, as has been mentioned  
32 on a number of occasions, there are actually a suite of control measures: the  
33 outline materials handling plan and the outline construction traffic management  
34 plan, COCP, various other measures.

1           Those control plans are, in our view, appropriately detailed to this stage  
2 of construction, bearing in mind that we do not have a detailed design, we do  
3 not have detailed methodology from the successful bidder. We do not even have  
4 a successful bidder at this stage. They will be developed and, furthermore, that  
5 development is secured by the process. It is written in that they shall be picked  
6 up and adopted, reviewed and adopted, by the delivery partner, and then  
7 developed in further detail, and then submitted to be discharged by the Secretary  
8 of State. So those controls are present, and we do not consider that any further  
9 is required at this stage. To go further and to try and detail further would be to  
10 constrain the delivery partner, the contractor, in the manner that Mr Smith was  
11 describing as not desirable. I'll finish at that point because other colleagues will  
12 pick up on more broader topics. But that was a response to Mr Bedford's  
13 reaction.

14 MS TAFUR: Isabella Tafur, for the applicant. And I think Mr Clark-Hughes has also  
15 picked up, there, on a response to a point that was raised more broadly by  
16 Thurrock, as to the level of detail of the outline documents, and his response  
17 then covers that issue as well. Just coming back to the issue raised by  
18 Gravesham, I was going to ask Mr Forrest to address you on the extent to which  
19 the assessment of impacts on those two residential areas have been adequately  
20 assessed in the environmental statement, taking account of reasonable worst-  
21 case impacts.

22 MR FORREST: Hello. Barney Forrest, for the applicant. So thanks, first of all, for  
23 drawing our attention to those two properties that you are concerned about from  
24 a Gravesham perspective, and I think they are the closest ones to the entrance to  
25 the CA3. The Polperro site was assessed within the noise chapter; it's down as  
26 receptor CN30, and that can be found in application document 150. And in that  
27 assessment, our initial assessment concludes that there would be significant  
28 effects only during the night-time, and then, with the application of control  
29 measures, which are detailed within the REAC, including the installation of  
30 hoarding and other measures, that would be reduced to below a significant effect.  
31 And that can be found and summarised in table 12.31 of that document.

32           Similarly, the site that your referred to, the traveller's site, we number as  
33 reception CN28 within that same document, and day and night-time significant  
34 effects are identified in that, but similarly, the application of the control

1 measures are detailed in 12.31. Other environmental impacts that are considered  
2 are landscape, and for the landscape assessment, we actually helped to submit  
3 an errata, to pull in Polperro, and that was – I haven't got the number for that.  
4 We'll put the number in of what that errata was. But the conclusions of that  
5 were significant adverse effects on Polperro, from the landscape perspective,  
6 during construction. And obviously, we've sought to mitigate that through a  
7 number of landscape REAC controls, including the positioning of earth bonding  
8 and screening for the properties, though that's not always going to reduce the  
9 significance of effects in somewhere as proximal as that.

10 And our intention is, through the best practical means and other control  
11 measures within the REAC, to improve the effects on that property through the  
12 detailed design process. So for example, NV004, which requires a section 61 to  
13 be gained with Gravesham Borough Council, will ensure that we're detailing the  
14 construction methods and the control methods, specifically and bespoke for that  
15 property during the construction phase, in agreement with Gravesham  
16 obviously. I think that covers those two properties and I'll hand over.

17 MS TAFUR: Isabella Tafur, for the applicant again. Just finally on Gravesham and the  
18 lack of engagement so far of the residents of those properties in this process,  
19 we'd like to just put on record that, in addition to sending out letters to traveller  
20 sites, a mobile van did go around to the traveller sites, including this one, to  
21 explain the proposals in further detail to those residents who can be difficult to  
22 reach by more conventional means. In response to Thurrock, I think you  
23 understand our broad position as to the level of detail and our position that the  
24 level of detail is appropriate to the current stage in the outline plans. As we have  
25 now included terms of reference for all management plans in the latest version  
26 of the full construction practice, I'm going to say – outline construction traffic  
27 management plan, my mistake – so there have been some requests previously  
28 for terms of reference for the various working groups to be included, and they  
29 now have been provided. There is a commitment in the REAC to adhere to the  
30 waste hierarchy, which is MW007.

31 There was a concern raised, I think, about the extent to which the  
32 assumptions as to material was robust in the applicant's assessment. And I'm  
33 going to ask Mr Halli to address you on that particular issue.

1 MR HALLI: Morning. Mohammed Halli, for the applicant. So in regard to the  
2 applicant's approach in terms of how we've quantified our materials, and  
3 particularly the excavated material, what the applicant has done is gone through  
4 an administrative process as part of the design development, whereby a  
5 significant proportion of that excavated material will be placed locally within  
6 the order limits. This approach ensures that approximately 95% of the excavated  
7 material is retained on site, contributing to a sustainable waste management  
8 practice. Those quantities are set out in table 7.1 of the outline materials  
9 handling plan, which is REP 5-051. In addition to that, a technical note has been  
10 produced, which sets out the applicant's approach and explains the methodology  
11 to be used to determine those earthwork quantities, which was submitted at  
12 deadline 2, and the reference is REP 2-076.

13 In regard to waste quantities, these are set out in the outline site waste  
14 management plan and, in addition, in appendix 11.5 of the environmental  
15 statement waste assessment supporting data, which is APP-439. The applicant  
16 has taken its process; as a result of retaining this material onsite, this does not  
17 impose a burden on extra HGV movements, on the road network, supplemented  
18 with the outline traffic management plan control document, providing an  
19 element of control and monitoring of those traffic movements. In terms of the  
20 points around the sourcing of material and how they are transported to and from  
21 site, the applicant, at this stage, wouldn't know the exact location of where  
22 material will be sourced. Rather, what it's done, it's looked at an understanding  
23 of what are the local suppliers in the area, what is the connectivity to and from  
24 those compounds, whether it be through the road network, through the river, rail.  
25 And what the outline materials handling plan has set out to achieve is to promote  
26 a multimodal transport approach, setting out key principles, supplemented, also,  
27 by various key principles in the code of construction practice. For instance,  
28 minimising the use of primarily materials, responsible sourcing, design for  
29 material optimisation, undertaking demolition orders to understand, to feed into  
30 the overall waste assessment. To summarise, the applicant's approach for  
31 what's considered in the outline materials handling plan is considered to be  
32 robust and appropriate for this stage of the project.

33 MS TAFUR: Isabella Tafur, for the applicant. As to an enhanced use of the river, we  
34 have responded in writing in some detail on that point in our post-event

1 submissions, following issue specific hearing 5, which is REP 4-181. In short,  
2 our position is that the commitments that are already secured are appropriate.  
3 There is a concern about a further commitment having the potential effect of  
4 inducing further traffic onto the roads, given the proximity of jetty facilities to  
5 the construction sites, particularly south of the river, where there is no direct  
6 access to a jetty or wharf, and the southern compounds are not proximate to the  
7 river. So I won't repeat those concerns, but we do welcome the recognition by  
8 the Port of London Authority that further progress has been made, in terms of  
9 monitoring and reporting, and there is a further meeting to be held on that  
10 tomorrow.

11 As to the exceptions to the baseline commitments touched upon by the  
12 Port of Tilbury, there has been further progress to the derogation procedure, and  
13 then there is an update to that in the REP 5 version of the outline materials  
14 handling plan. Appendix B.3 and B.4 contains further detail as to the derogation  
15 proposals, and a contractor wishing to derogate has to comply with those  
16 procedures, which have to be presented to National Highways following consul  
17 – who will decide whether to approve or not approve, following consultation  
18 with other authorities. So there has been further enhancement to that  
19 commitment, deadline 5.

20 MR TAYLOR: Ms Tafur, does that end? Okay. I think we're at a point where it's clear  
21 that there are some areas where parties are not going to agree. So as we've  
22 indicated in other hearings in this hearing block, we're [inaudible] that in your  
23 post-submission summaries, that we have your position clear, and by deadline  
24 7, if there isn't any, well, we need to be clear on whether it has got any further.  
25 If there's final positions that we, essentially, as a panel, are going to have to  
26 adjudicate on, I think that's where we are at with some of those issues, and I  
27 don't think further back and forth here is going to get us much further. So I am  
28 content to close this first part of the agenda. I think, given the time, I'm going  
29 to call the break just slightly earlier than normal. So it's basically 11.20. We'll  
30 come back at 11.35 and move onto the next agenda item. Thank you everybody.

31  
32 **(Meeting adjourned)**  
33

1 MR TAYLOR: Good morning again, everybody. Ken Taylor, panel member, speaking.  
2 I'm going to resume issue specific hearing 8. So we're about to move on to  
3 agenda item 3(a)(ii). Before I do, I'll just make a comment about matters that  
4 were raised in the last agenda item because, I think, I've got a feeling potentially  
5 similar issues might be raised in this next one. We've heard from some of the  
6 councils, essentially, that some specific measures might be appropriate for  
7 certain sites, and we've heard from the applicant where they consider their  
8 current approach to be robust. And I just want to make a general comment that  
9 it isn't totally unknown to have a specific approach on some very, very specific  
10 sites, but then a more general approach applied to other sites, other compounds.  
11 So I just want to put that on the table, that it isn't an either one or the other, that  
12 every site has to have its own specific set of measures or every site has a more  
13 general set of control measures. So just put that on the table, and that's  
14 something that the parties can pick up in their written submissions. I just have  
15 a feeling that we might have this matter coming up again on the next agenda  
16 item.

17 So I'm going to move on to the next agenda item. This is dealing with  
18 noise and vibration disturbance to the local communities that could arise. Now  
19 we strayed into noise a little bit in the last one, so we don't need to cover old  
20 ground. But again, I'll come to the applicant first, but again, if you could be  
21 quite brief because I think it will be more helpful that you pick up matters at the  
22 end.

23 MS TAFUR: Isabella Tafur, for the applicant. On this topic, I'm going to ask Mr Forrest  
24 to address you, generally, on noise, vibration, air quality, dust, lighting, impacts  
25 on the local communities at a high level. And I'll then introduce Ms Alison  
26 Powell, who's joined us on the front desk, who's the population and human  
27 health lead, who will address you, again at a high level, on the way in which  
28 construction impacts on communities and particular groups have been  
29 considered in the application documents.

30 MR FORREST: Hello. Barney Forrest, for the applicant. So just to put the context  
31 quickly, we've based our assessment on the details that are included within the  
32 project description, that's application document 140, and within the construction  
33 appendix which supports it, which is 335. And within that appendix, there's  
34 indicative layouts of the compounds. Now, when we've undertaken our

1 assessment, we've based it on the sensitivities of the sites which the compounds  
2 sit within, and we've looked at a range of environmental factors: noise, which is  
3 the specific one that you highlight, but also landscape and visual, air quality,  
4 dust, and lighting is also considered as part of the landscape and visual, but also  
5 the biodiversity sections. And controls are included within the code of  
6 construction practice, the current version of which is REP 5-047. And the REAC  
7 item of that talks specifically to the point Mr Taylor was making there, where  
8 there are specific environmental factors which would require controls in specific  
9 areas.

10 So for example, our landscape REAC items are detail specific construction  
11 sites to indicate where bunding should be to provide a visual screen, for example,  
12 for local communities, or removing higher pieces of plant further away from  
13 sensitive receptors. And the same is true in the application of the best practical  
14 means component of the noise and vibration, which is, I think, NV004. So  
15 without going over it, we feel we've assessed that sensitivity for the specific  
16 local areas within our construction assessment for the compounds, and the  
17 effects on local communities. And I'll hand over to Alison Powell, now, to cover  
18 the specifics of the impacts on communities.

19 MS POWELL: Thanks, Mr Forrest. Alison Powell, for the applicant. So in terms of  
20 how these have been incorporated into our assessment of impacts on  
21 communities, I just wanted to set out where in our application submission that  
22 has been set out. So two documents that I wanted to draw your attention to.  
23 Firstly, was the community impact report. Now the reference for that is REP 2-  
24 032, and there are a number of documents; it's quite a large document. So it's  
25 REP 032 onwards; there's a few of those there. Now that brings together a ward-  
26 based summary of the potential impacts of the project on local communities. It  
27 covers a number of different topics: so traffic and transport, access, recreation,  
28 socioeconomics, noise and vibration, air quality, and so on, health and well-  
29 being. Chapter six of that document covers impacts on communities in the  
30 immediate area. So it's a ward-based summary describing the construction  
31 activities that are taking place in that particular ward, as well as the predicted  
32 impacts for each topic, and mitigation measures that have been proposed. And  
33 then chapter seven covers impacts across a wider community area, if you like,  
34 as well.

1                   So that really provides a one-stop-shop for understanding where we've set  
2 out those impacts and the ward-level mitigation. And then a second document  
3 that I want to draw your attention to is the health and equalities impact  
4 assessment, which is APP 359. Apologies, there's a clean version – REP 3-118.  
5 That identifies a range of sensitive populations within particular communities.  
6 So it's drilling down a little bit more, beyond just a wider community. If I could  
7 draw your attention to table 3.4 in that document, which sets out a range of  
8 sensitive populations, and they might be age-related groups, groups that are at  
9 risk of discrimination or social disadvantage, or they might simply just be more  
10 sensitive because of their geographical setting. So for example, people living in  
11 close proximity to the project or to construction compounds, or people living in  
12 areas known to exhibit poor economic indicators, for example.

13                   So that sets out our approach to identifying sensitive populations. And  
14 then the remainder of the document again considers impacts on local  
15 communities and taking into account those sensitive populations in relation to a  
16 range of topics. So again, touching on noise and vibration, air quality,  
17 community and housing impacts, severance, and so on. And again, identifying  
18 relevant mitigation and measures proposed, again, putting it all together into a  
19 single document. The summary from that document is included in chapter 13 of  
20 the environmental statement, which is APP 151. So it all flows together. If I  
21 leave that there, it's just a high-level overview.

22 MS TAFUR: Isabella Tafur. Nothing further in terms of overview from us, thank you.

23 MR TAYLOR: Thank you very much. Can I now take an indication from the room,  
24 again, virtually and in-person, who would wish to speak. Okay, so, fine, Mr  
25 Mackenzie.

26 MR MACKENZIE: George Mackenzie, for Thurrock Council. So again, on this issue,  
27 I'll ask our acoustic consultant, Mr Malik, who is online, to address you.

28 MR MALIK: Thank you, sir. Yes, Mubassir Malik, Thurrock Council. So Thurrock  
29 Council has set out its concerns on noise and vibration in its representations.  
30 The first concern is regard to construction noise mitigation, so specifically with  
31 regards to compounds. Examples within the chapter 12, noise and vibration, it's  
32 noted that construction activities at a northern tunnel compound might impact  
33 noise-sensitive receptors and dwellings, with unmitigated noise levels exceeding  
34 the significant observed adverse effects level, which is significant. I know the



1 applicant's mentioned that construction measures are proposed; these are  
2 mentioned in the chapter 12, noise and vibration. But the council feels these  
3 measures are very high level. So they include commentary, such as 10 dB  
4 reduction in noise due to screening, or 20 decibel reduction in noise due to static  
5 plant. However, there's no noise attenuation calculations provided or for these  
6 specific receptors. For example, we don't know at which façade, or which  
7 height, or what floor these receptors have been assessed. So accordingly, there's  
8 a real risk that noise reduction levels have been mentioned within are not  
9 achievable.

10 So the council would expect additional assessment provided for the  
11 specific receptors that are predicted to be exceeding the significant observed  
12 adverse effects levels to confirm how the proposed mitigation measures will  
13 reduce noise levels to be below the SOAEL. The council would also query what  
14 other mitigation measures will be employed to reduce the potential exceedances.  
15 It's noted the REAC measures – I think NV015 mentions best practical  
16 measures. But in the event that those are not sufficient, the council believes that  
17 options including installation of noise installation to noise-sensitive receptors  
18 affected or a scheme to facilitate temporary rehousing are included in the register  
19 of environmental actions and commitments in the REAC. The latest version, we  
20 understand, is D5 [inaudible] REP 5-048. Within the noise and vibration REAC  
21 measures, they do not include those measures such as noise installation and  
22 temporary rehousing.

23 The other point we had on the noise criteria, assessment criteria, which  
24 touches on the different types of receptors, we appreciate different receptors  
25 have been assessed. But the assessment criteria doesn't appear to have changed;  
26 an example would be Whitecroft Care Home. So it's noted within health and  
27 equalities assessment, provided within the application, it states that the care  
28 home provides elderly and dementia care; residents are likely to have very  
29 different sensitivities to changes in noise level. So that's stated within the health  
30 and equalities assessment. But again, we've not seen a different assessment  
31 criteria applied. Examples would be, you appreciate that during the daytime,  
32 there would be more requirement for rest, so you appreciate that we'd expect  
33 some different criteria applied for that.

1                   Another point was on the traffic movement and the number of movements,  
2                   because we understand the applicant has not agreed to include any caps on the  
3                   number of movements associated with each compound or works area. And so  
4                   the monitoring and management of noise aspects will need to be carried out  
5                   based on baseline information gathered prior to and during the construction  
6                   activity, and that will need to reflect any changes in construction programming  
7                   and phasing that the contractors might propose that differ from construction  
8                   phases analysed within the current evidence. A final, just a minor point on the  
9                   vibration, it's noted that REAC NV017 refers to vibration impacts and that's  
10                  welcomed. However, it specifically only covers piling. The council would also  
11                  want rollers, vibratory rollers, if used, to be included, which could be a source  
12                  of vibration complaint, to be included within this REAC measure. Thank you.

13 MR TAYLOR: Thank you, Mr Mackenzie. Is that everything from Thurrock?

14 MR MACKENZIE: George Mackenzie, Thurrock Council. It is, sir.

15 MR TAYLOR: Okay, thank you. I would just highlight that there are, again – a very  
16                  targeted question, in our latest round of questions, that deal with the noise  
17                  installation regulations. So we'll have the detailed responses at that point, on  
18                  that very particular issue. Mr Holland, I see your hand up, but I am going to go  
19                  to Mr Bedford first, and then I will come to you, Mr Holland.

20 MR BEDFORD: Thank you, sir. Michael Bedford. If I may, can I speak on behalf of  
21                  both Gravesham first, and then Whitecroft second?

22 MR TAYLOR: That's absolutely fine. But if you can just be clear when you transition,  
23                  that'll be really helpful.

24 MR BEDFORD: Absolutely, sir. So far as Gravesham is concerned, in chapter 12 of our  
25                  local impact report, we set out some overarching concerns in relation to the  
26                  applicant's assessment of noise and vibration matters. Essentially, the concern  
27                  is the adequacy of the control measures which are to be achieved to ensure that  
28                  adverse impacts are appropriately addressed. We don't consider that, at the  
29                  moment, the control documents, and particularly the REAC commitments, on  
30                  noise and vibration go far enough. They are, we think, too broad. They lack  
31                  teeth in terms of what happens if there is an exceedance of an identified noise  
32                  limit. Effectively, and I'm perhaps slightly over-simplifying, but effectively, the  
33                  noisy activity can continue for as long as the contractor that the noisy activity is

1 required, but there is separately to then be an investigation and a consideration  
2 of whether other measures could be introduced.

3 So that doesn't actually provide any respite from the noisy activity which  
4 is found to be the exceedance, certainly not in the short-term. And there is no  
5 timescale for how long that noisy activity can continue; there is simply an  
6 obligation to investigate to see whether something can be done and, if so, to  
7 consider putting that forward. So we consider that's a weakness of the approach  
8 that has been adopted. And what we wish to see is a tighter series of controls  
9 for policing exceedance of any noise or vibration impacts. So that's, I think, all  
10 I would want to say on behalf of Gravesham.

11 If I can then move onto Whitecroft. Obviously, this is a more substantial  
12 topic, but I'm also conscious you've had, as it was, an initial comment from  
13 Thurrock, which makes some of the points that we have made. But I'm  
14 conscious of a number of things. Firstly, that we have set out, in quite close  
15 detail, in the reports from BY Acoustics in REP 1-367, REP 3-177, and in REP  
16 4-382 – REP 4-382 is actually our answer to your question 13.1.13 at ExQ-1s[?],  
17 but it includes within it a further report from BY Acoustics. We're also  
18 conscious that you have asked the applicant to respond to those points in your  
19 EXQ 2s. And so, to that extent, you've already seized on, as it were, what we  
20 would see as the point, which is that the applicant, so far, hasn't answered some  
21 of the detailed criticisms that we have identified, and that you are effectively  
22 asking for a response to be provided on those points. So unless you wanted me  
23 to ask Mr Berrill simply to, in a sense, rehearse the same points that we've  
24 already set out, I wasn't proposing to ask him to do so because, in a sense, as I  
25 say, it's already in the examination.

26 We're also conscious that the applicant has referred, in some of their  
27 earlier responses, to undertaking some further noise assessment work at  
28 Whitecroft. But nothing has either been shared with us formally, through the  
29 examination, or indeed informally, as yet. So there's nothing that we can  
30 comment on in terms of any further noise assessment. And we're also conscious  
31 that your second round of questions have also asked further questions about the  
32 noise assessment that has been undertaken, particularly the issue of whether or  
33 not the façades that have been chosen are the appropriate façades and, if not,  
34 what one is to do about that. So I wasn't going to, as I say, rehearse those

1 matters. Sorry, I should say, we're also conscious you've asked us to liaise with  
2 the applicant, particularly on the vibration issue. And again, that's something  
3 that, I think I'm right in saying, a meeting has been set up for the early part of  
4 next week to explore that issue.

5 So I think the point that we would want to emphasise this morning, in the  
6 context of all of that background, is a key point on a mismatch, as we see it –  
7 and it is a point we've rehearsed in some of those earlier representations – a  
8 mismatch between the approach in the health and equalities impact assessment,  
9 which rightly recognises that there is guidance available, in particular from the  
10 World Health Organisation, that there is a different sensitivity amongst persons  
11 who are, particularly persons who are elderly, infirm, or with cognitive  
12 impairments, in terms of their perception of noise and their sensitivity to noise.  
13 That is recognised by the applicant in the health and equalities impact  
14 assessment, but it is not reflected or recognised anywhere in the noise  
15 assessments which have so far been carried out. So that, on the one hand, they  
16 tell you they've taken that factor into account; but on the other hand, when you  
17 look at the actual assessments, it has not been taken into account. That we see  
18 as being an inexplicable, as it were, and internally inconsistent approach by the  
19 applicant, which needs to be addressed.

20 So then, if I can just finally make the point, which I think is obvious from  
21 the physical circumstances at Whitecroft. Obviously, you'll be aware that it sits  
22 close to the Stanford Road works compound, but it also sits not too distant from  
23 the Brentwood Road compound, which is also a utilities hub. And obviously,  
24 any assessment of noise and vibration impacts needs to consider not only what's  
25 happening at the compounds, but also at the associated haul roads and the  
26 associated construction works areas themselves. But obviously, in a sense, that  
27 goes with the territory of the activity is all-embracing, rather than focusing  
28 simply on what happens within the compounds themselves. So those are the  
29 points I think I want to make on behalf of Whitecroft.

30 MR TAYLOR: Thank you, Mr Bedford. Before I ask Mr Holland to come in, I'll just  
31 make a few comments on that, just essentially to put the applicant on notice. So  
32 obviously, this is an area where we have raised a number of questions, and I  
33 appreciate, to some extent, the answer is, 'Well, we are in the process of doing  
34 some work, having discussions, and so on.' Obviously, we are where we are

1 with that. But this is a matter that we do have some concerns about, and we are  
2 getting to the point where, really, we need to understand what matters can be  
3 agreed, and where there are outstanding issues, exactly why. And then, as a  
4 panel, we may have to adjudicate on some those. And I think, also, just again  
5 to forewarn the applicant, what I'd like them to address particularly is the  
6 concerns from Gravesham Council about the noisy activities and the fact that  
7 there doesn't seem to be a control to give immediate respite to that. And I want  
8 to understand if that's the applicant's view that that is the case, and whether there  
9 is something that can be done to move that forward and give a greater level of  
10 control. So I will now ask Mr Holland to come in, please.

11 MR HOLLAND: Thank you, sir. There may be specific matters to one particular client,  
12 the Mott family, and I'm just referring to REP 5-023, which were the D5  
13 submitted temporary works plans, and sheet 22, and also, at the same time,  
14 referring back to the environmental statement, chapter 12, on noise and  
15 vibration, where – and just bear with me, I've got a number of screens open at  
16 the same time. In that document, page 56, in relation to the Station Road  
17 compound, it states, 'Where soil is excavated and retained on site temporarily,  
18 it would be stockpiled in the form of earth bunds to facilitate visual screening  
19 for residential properties along Church Road and Station Road.' That's  
20 welcome, of course.

21 But if I go to the works plans, and appreciate that the main works  
22 contractor will ultimately set their compounds out in detail, but those works  
23 plans currently show a carpark opposite Goshems Farmhouse, which the  
24 examining panel and others will recall on their site visit on 13 September, is  
25 occupied by client, Mr Mott Sr, who is now reaching the age of 91. And whilst  
26 the carpark may be, in theory, a low-level use, two concerns arise. One is access  
27 to what is quite a major area of works activity, and the prospect of quite a  
28 significant amount of traffic and noise being generated in accessing that site.  
29 And therefore, where is that access to be, given the location of the carpark shown  
30 on the temporary works plans as being opposite his farmhouse? And secondly,  
31 just going back to the point about earth bunds providing screening, if there is to  
32 be a carpark there, and access is envisaged to be off Station Road, then that  
33 strikes me as providing a gap in that earth bunding, which would clearly be in  
34 contradiction to the environmental statement provisions.

1                   So I would want to know – and it may be somewhere in the documents  
2 and apologies if it's not something that I've spotted so far, but I'd want to know  
3 what comfort we can draw that that particular sensitive receptor is acknowledged  
4 and being accounted for in the design that will come.

5                   One second point, if I may. I'm no noise expert, but if I refer back to the  
6 temporary works plans, in relation to the northern portal works area, sheet 20,  
7 the panel would have noted that my client's main farmstead is situated at  
8 Bowaters Farm, which is to the northeast of the main works compound, northern  
9 portal, and is in a quite elevated position, where earth bunding to address visual  
10 or noise impacts is going to be very limited, given the extent of the elevation  
11 between that works area and my client's farmstead.

12                   So again, I'm trying to understand how the applicant is seeking to  
13 minimise that impact on what is an area which is outside the order limits and  
14 obviously is a continuing operation for our farmstead, and also is the location of  
15 Mr Mott, mid-generation, and his partner. Thank you.

16 MR TAYLOR: Thank you, Mr Holland. So I think – oh, yes, Havering Borough Council,  
17 please.

18 MR DOUGLAS: Thank you, sir. Daniel Douglas, London Borough of Havering. I'll  
19 just make a couple of brief points if I may.

20                   Havering has set out in its local impact report – that's REP2-249, in  
21 chapter 6 – its concerns in relation to the implication of the compounds,  
22 particularly the M25 compound, just to the south of North Ockendon, and the  
23 impacts it would have from a noise and vibration perspective. I won't repeat  
24 those points, obviously, but just to bring, really, to your attention that paragraph  
25 6.4.25 sets out some suggestions for how Havering would like to see the  
26 compound layout set out, and we appreciate that final layout plans will be  
27 concluded by the appointed contractor, but we very much look forward to  
28 working with them over the coming months to hopefully reach an agreement on  
29 those particular matters.

30                   The other point I would like to make is – and it is a bit of a clarification  
31 that Havering has requested, certainly within its local impact report and other  
32 submissions – is around how the layouts of compounds are going to change over  
33 the construction period. So to use the M25 compound as an example, Havering  
34 would imagine that, once the LTC road to the west of the M25 is built, that that

1 layout would change or perhaps reduce somewhat, and further clarity as to how  
2 that would work and the mechanics of that would certainly be very welcome  
3 from the applicant. Thank you.

4 MR TAYLOR: Thanks, Mr Douglas. Just double-check if there was anybody else on  
5 this point. So I'm now – oh, sorry, Mr Douglas, actually, I do have a question  
6 for you. So you've said that you would wish to see the layouts of the site. We  
7 appreciate that that potentially comes at a later stage. Are you content that the  
8 current controls that are set out are sufficient that the London Borough of  
9 Havering would have adequate input into that from your perspective?

10 MR DOUGLAS: From Havering's perspective, I think from our perspective, we very  
11 much would just like to have an open dialogue with the appointed contractor for  
12 the north side of the project, Balfour Beatty. We have started that discussion.  
13 We have had one meeting with them thus far, and we hope it's one of many over  
14 the coming months.

15 MR TAYLOR: Okay. Thank you. So now I'm going to turn to the applicant, but I would  
16 really like you to pick up the last point that Mr Douglas made about how the  
17 constructions compound would evolve, which I understand is very likely to be  
18 the case, and so how that is controlled – the changes that may take place over  
19 the lifetime of the compounds.

20 MS TAFUR: Isabella Tafur for the applicant. Taking that matter first then, sir, I am  
21 going to ask Mr Hali to address you on that.

22 MR HALI: Mohammed for the applicant. So the indicative layouts shown in the DCO  
23 application are a snapshot in time, so Mr Douglas, the points he's made in terms  
24 of how the compound will involve, is correct, and the functions of the  
25 compounds that facilitate the work. So in particular to the M25 compound,  
26 that's primarily there to support the underpass under the M25, as well as the  
27 works and the mainline further south. So as those works develop, the layout  
28 may change to suit the construction methodology for that specific purpose.

29 The commitments made within the code of construction practice, REP5-  
30 049, I believe – these commitments are not a snapshot. They are to be  
31 implemented for the duration of that compound, so securing the mitigation  
32 required during the operation of that compound lifetime. Thank you.

33 MS TAFUR: Isabella Tafur for the applicant. Going back, then, to address a number of  
34 the matters that have been raised by other parties. Thurrock, firstly, have raised

1 some concerns about noise installation and temporary rehousing. I would just  
2 point to the fact that National Highways does have a noise insulation and a  
3 temporary rehousing policy, which enables assessments to be carried out prior  
4 to construction activity to identify properties that might qualify for noise  
5 insulation or temporary rehousing.

6 They are then contacted when further – at construction or just prior to  
7 construction stage, and if certain criteria are satisfied as to the noise levels that  
8 they’ll experience, they could qualify for noise insulation or temporary  
9 rehousing. So that is something that is already available through National  
10 Highways’ standard policies.

11 As to the monitoring of baseline noise, there’s a commitment in the  
12 REAC, NV009, that provides that during a construction phase, day night-time  
13 noise and vibration monitoring would be undertaken in locations identified in  
14 consultation with the relevant local planning authorities to ensure mitigation  
15 measures are working effectively, and there’s a further control and this responds  
16 as well to the point raised by Gravesham, which is that NV015 – actions in case  
17 of noise monitoring exceedance, and what that commitment requires is that, in  
18 the event that the monitoring identifies that noise and vibration limits have been  
19 exceeded, the contractors shall, at the earliest practicable opportunity,  
20 investigate to confirm that the works – that it’s the project works that are the  
21 source of that exceedance.

22 Then the requirement provides, if that’s confirmed, the contractor shall  
23 immediately undertake a further review of best practicable means employed for  
24 the activity to minimise noise, and agree additional or modified mitigation with  
25 the relevant local authorities, unless otherwise agreed with the Secretary of  
26 State.

27 So in our submission, that provides adequate temporal control, that they’re  
28 required immediately to identify further best practicable means, which then have  
29 to be agreed with the environmental health officer for the relevant local planning  
30 authority, or in the event – in the unlikely event, we would suggest – that that  
31 can’t be agreed with the EHO by the Secretary of State.

32 As to the vibration monitoring covering piling only – that was another  
33 point raised by Thurrock – I think we’re happy to look at the wording of that



1 commitment and see whether a suitable amendment can be made to cover other  
2 activities.

3 As to Whitecroft, we understand and heard the concerns that you raised at  
4 the previous issue-specific hearings, and your encouragement of us to seek to  
5 engage with Whitecroft Care Home. We have sought to engage with Whitecroft  
6 Care Home. We have sent them – I think it was four requests for a meeting  
7 before we received a response from them just earlier this week. So I think a  
8 meeting has now been arranged with them, but we have been trying very hard to  
9 liaise further with them, and we will continue to do that.

10 There was then the point raised by Mr Holland in respect of the extent to  
11 which the Mott family's properties have been considered in the assessment, and  
12 I'm going to ask Mr Forest to address you on that.

13 MR FOREST: Hi. Mr Forest for the applicant. So just very briefly, without going back  
14 over the references I gave earlier on the noise and vibration chapter, we have  
15 identified Goshems Farm in the noise and vibration chapter as receptor CN45,  
16 and identified without the application of the REAC measures there are  
17 significant effects in the evening and night, but with the application of those  
18 effects, and with the understanding of the discussion we've just had, that there  
19 would be no significant effects after the application of those measures. We also  
20 identified as visual receptor VRS09R005, Gravesham farmhouse, in the  
21 landscape and visual assessment as a slight adverse effect.

22 So we do identify it, and we acknowledge that there are impacts. Albeit,  
23 they are mitigable in the case of the noise and slight adverse in terms of the  
24 landscape and visual impacts.

25 MS TAFUR: Isabella Tafur for the applicant, and finally, again, in response to Havering,  
26 we welcome their commitment to work with the contractor to seek to maximise  
27 or optimise the layout of the construction compounds. As Mr Douglas points  
28 out, that's a process that's already begun, and in our view, that's going to  
29 continue throughout the process, and we endorse his view that the outline  
30 controls are sufficient at this stage.

31 MR TAYLOR: Thank you, Ms Tafur. I've got a number of questions I'd like to come  
32 back on, and I think some of my other panel members may as well. If we can  
33 return to potential changes to the layout through the evolution and lifecycle of  
34 the compounds. So my understanding from the answer we were given was,

1 essentially, the mitigation would be secure, provided initially, and that would  
2 not need to change, essentially regardless of then if the operations and the layout  
3 of the compound itself changed through the lifetime. Can I just get some clarity  
4 on that? Because I'm not super clear at this stage.

5 MS TAFUR: Isabella Tafur for the applicant. The assessment of impacts from the  
6 construction compounds is based on a worst-case scenario, and the mitigation  
7 proposed, equally, addresses a reasonable worst-case scenario. Best practicable  
8 means, in terms of noise mitigation, is of course something that will continue  
9 throughout and will be adaptive and respond to the various stages of the  
10 construction compound's life.

11 MR TAYLOR: Okay.

12 MS LAVER: Sorry. I've got two table legs stuck right in the way. Ms Tafur, in light of  
13 that, one of the previous questions I'd asked would be to be provided with  
14 diagrammatic sections of the compounds, and it was in relation to the visual  
15 impact within 100 metres of the residential receptors, which you have provided.  
16 The rep is REP5-079. Now, in light of the fact that the compounds will involve,  
17 I just want to be certain that those sections are based on the worst-case, in terms  
18 of the visual impacts for those receptors, and I appreciate we're on noise and  
19 vibration, but we are talking about compounds. So if I could get some clarity  
20 on that, that would be good.

21 MS TAFUR: Isabella Tafur for the applicant. I'll ask Mr Forest just to address you on  
22 that.

23 MR FOREST: So very reasonable question, and I think that the answer is they are based  
24 on the reasonable worst case, but they're also cognisant of the controls that are  
25 within the REAC already that talk to the positioning of earth bunds and the  
26 height of various components of the compounds, so those controls are already  
27 imbedded within the cross-sections that we've provided as a reasonable worst  
28 case.

29 MR TAYLOR: Yeah. Ms Tafur, you may have answered this, and I just may have  
30 missed it. I wasn't making notes. So the noise insulation or potentially  
31 rehousing – can I just clarify how the National Highways policy of that is  
32 actually secured? I may have missed what you said. I'm sorry if I did.

33 MS TAFUR: Isabella Tafur for the applicant. It's a policy that exists generally across  
34 National Highways' schemes, so it's not secured specifically as a commitment

1 in this project, but it's available on all highway schemes, and it's the noise  
2 insulation, regulations and temporary rehousing policy. You'll appreciate that  
3 National Highways operate a number of policies. A number of different ones  
4 are published. There's 'your property and our road' proposals, discretionary  
5 purchase, 'your property and compulsory acquisition,' 'your property and  
6 blight,' and there are a number of these published policies operated and adhered  
7 to by National Highways, which aren't specific to particular schemes but are  
8 available to affected persons who meet certain criteria.

9 MR TAYLOR: You may not be able to answer this immediately so it may have to  
10 followed in writing, but just how – are they binding, or could there be a scenario  
11 where they weren't implemented, even though that might be the general  
12 intention, that they're implemented?

13 MS TAFUR: Isabella Tafur for the applicant. I will come back to you with chapter and  
14 verse on that, but generally speaking, National Highways has a number of  
15 established policies with which it complies, so it's equally – in the case of blight,  
16 for example, it has a number of established policies. It has criteria. People  
17 submit a blight notice. That's accepted if the criteria are met. So it's that same  
18 sort of scheme. National Highways operates and adheres to it.

19 MR TAYLOR: Thank you, and I think one final one from me, and then I'll just check  
20 with my panel colleagues, is – when Mr Holland was speaking, he did refer to  
21 he thought there may need to be a gap in the bunding to allow access, and I'm  
22 not sure we covered that particular concern in your response.

23 MS TAFUR: Isabella Tafur for the applicant. If I may sir, I'd like to come back to you  
24 in writing. I can't, I'm afraid, dissent over quite that level of detail at this  
25 moment.

26 MR TAYLOR: That's fine. No problems. So I just want to check: does any of my  
27 colleagues have any...? Mr Pratt.

28 MR PRATT: Ken Pratt, panel member. These standard policies of the Highways...

29 MS TAFUR: National Highways these days, sir.

30 MR PRATT: National Highways. I was about to call you Highways England for a  
31 minute. Sorry about that. I presume that there is standard methodology that  
32 people have access to, to actually get any of their concerns onto these particular  
33 – whether it's a blight notice, or whatever the standard methods – that's open to

1 all the residents, or whoever in the area. There are standard methods to get  
2 access to those measures.

3 MS TAFUR: Isabella Tafur for the applicant. There are published documents which set  
4 out the criteria and the way in which to apply and it sets out eligibility criteria.  
5 So I think, in respect of this particular scheme, their contractors – contractors on  
6 behalf of National Highways then carry out noise assessments closer to the time  
7 when further detail is known, and they identify properties that may be eligible  
8 and they are then contacted, and eligibility criteria are reviewed and options are  
9 available for temporary rehousing – funding for temporary rehousing or noise  
10 insulation.

11 MR PRATT: That's fine. I just wondered whether those are a difficult process or  
12 something that people could instigate themselves.

13 MS TAFUR: Sir, we will address you in writing on the schemes that are available – the  
14 suite of schemes that are available and operated by National Highways and the  
15 way in which applications can be made and the relevant criteria.

16 MR PRATT: Thank you.

17 MR TAYLOR: Thank you, Ms Tafur. I see Mr Mackenzie wants to come back in, and  
18 then Mr Bedford. So Mr Mackenzie, I saw your hand first, so...

19 MR MACKENZIE: George Mackenzie, Thurrock Council. Thank you, sir. Just two  
20 very brief points on this. First point is just a signposting matter. We, in our  
21 local impact report, in section 14, have dealt with the policy framework which  
22 is currently in existence and have provided our view as to some of the detail or  
23 lack thereof. So I won't repeat those submissions, but the second point is that  
24 the policy framework that National – that the applicant has referred to is that  
25 which exists at the present point in time. We have no idea what the policy  
26 framework will look like in however many years it takes for these proposals to  
27 be implemented, and that's not a matter which is secured at this point by way of  
28 the DCO.

29 MR TAYLOR: Okay, thank you Mr Mackenzie. I'm not going to ask you to respond  
30 directly on that, Ms Tafur, but in your detailed response about the National  
31 Highways' policies, can you address that particular issue?

32 MS TAFUR: Isabella Tafur for the applicant. Certainly. I would just say: there's no  
33 reliance on those particular schemes as mitigation, in terms of the impacts that  
34 are reported in the environmental statement.

1 MR TAYLOR: And Mr Bedford, please.

2 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council. Sir,  
3 it was a related point to Mr Mackenzie's point, and I was just going to invite the  
4 applicant in the response they were going to provide to you already on this point  
5 to ensure that they did address, as it were, the circumstances in which National  
6 Highways is entitled to review and/or change or withdraw its policies, such as  
7 they are at the moment. So that point, I think, has now been aired, so I don't  
8 need to add to that. Thank you.

9 MR TAYLOR: Thank you. Okay, so I think I'm ready to move on, so I'm going to now  
10 move on to agenda item A3, so this relates to construction impacts, particularly  
11 in respect of traveller sites. We dealt with this, to a degree, in terms of we've  
12 heard from Mr Bedford for Gravesham Council on some specific sites, but I'm  
13 going to ask the applicant to address this generally, and then I will see who wants  
14 to raise matters, and if the applicant could address the Gammonfields traveller  
15 site relocation as well, whilst you're making your representations. So Ms Tafur.

16 MS TAFUR: Isabella Tafur for the applicant. Again, I will ask Mr Powell to deal with  
17 the way, generally, that traveller sites have been considered in the application  
18 documents and assessment, and on noise impact, in particular, I'll turn to Mr  
19 Forest.

20 MR TAYLOR: Thank you.

21 MS POWELL: Thank you. Alison Powell for the applicant. So firstly then, just to  
22 confirm that traveller sites that are potentially affected by the project – and that  
23 includes both publicly managed and privately owned sites – are identified in ES  
24 chapter 13, 'Population and human health,' and that's APP-151, in paragraphs  
25 13.4.6 and 13.4.18, for the areas to the south and north of the River Thames,  
26 respectively, and they include the sites that we've talked about already this  
27 morning: in Gravesham, Viewpoint Place, also, a site at the end of Lower  
28 Crescent in Linford, the Gammonfields Way travellers site, and then a number  
29 of sites further to the north, including the Fair oak Showman's Quarters, the  
30 Railway Sidings, and Tyas Stud Farm site. So those are identified within our  
31 chapter, and then I think the other thing to draw to your attention is that gypsy  
32 and traveller communities are identified as a sensitive population of high  
33 relevance to the project, and that's set out in table 3.4 of the health and equalities

1 impact assessment, in REP3-118, and gypsy and traveller communities are also  
2 considered as a protected characteristic under the Equality Act.

3 So the gypsy and traveller communities, together with communities living  
4 in close proximity to the route and construction activities, because that is a  
5 feature of a number of the traveller sites that we have identified, are highlighted  
6 as sensitive populations, specifically in relation to a number of assessment  
7 topics, and those include noise and vibration, and housing and community  
8 impacts, due to the relocation of the Gammonfields Way travellers site –  
9 specifically there.

10 I suppose, another element just to raise is that engagement has taken place  
11 with residents at travellers sites, and we referred to the mobile van being used,  
12 in relation to Viewpoint Place residents earlier. There's also been extensive  
13 engagement with residents at the Gammonfields Way travellers site, and that's  
14 summarised on page 19 of appendix B to the health and equalities impact  
15 assessment, and that's APP-341, and then we've also undertaken and visited all  
16 the sites that have been identified within Havering as well, so there has been that  
17 engagement across the board, and then in terms of impacts of the construction  
18 process on travellers' sites in relation to noise exposure, that has been set out in  
19 section 7.9 of the health and equalities impact assessment, REP3-118, and  
20 paragraph 7.9.4.1, and 7.9.4.2 of that document note that a separate assessment  
21 of the potential noise impacts was undertaken for all of those traveller sites that  
22 were potentially affected by construction activities.

23 So I'll pass over to Mr Forest, and he can talk in a little bit more detail  
24 about those elements.

25 MR FOREST: Mr Forest for the applicant. So within the noise chapter, we have fully  
26 considered the impacts of the construction operation of the project on those  
27 traveller sites that we've just run through. So I think running through them very  
28 quickly from – we've got – I think it's 10 sites that we've identified across the  
29 route, which Miss Powell's just run through, and of them, we have a number of  
30 them which are outside of the distance where an effect would be realised –  
31 greater than 300 metres or so from the site, and then we have a number which  
32 are closer, so Viewpoint Place, Gravesham and the end of Lower Crescent,  
33 Linford, Gammonfields Way traveller site and Fair oak Showman's Quarter, the  
34 Railway Sidings in Havering and the Tyas Stud Farm, I think, which is up

1 towards the A127 junction, and of those, none of them constitute a significant  
2 effect, where we've undertaken the assessment.

3 Just as a point in our response, REP2-064, a table was inadvertently  
4 omitted on page 23, and will be submitted at the next deadline, and the text in  
5 that table – the text explains and then the table shows that during construction  
6 and subject to best practicable means, construction-related noise impacts at the  
7 Gammonfields Way travellers site will be below the significant observed  
8 adverse effect level or SOAEL, and also, I think, at the new site, which is where  
9 we're proposing to move the residents from and to, construction noise impacts  
10 would also be below that level. So that's an important point to note there. I  
11 think that covers off that, unless there's any other questions on it.

12 MS TAFUR: Isabella Tafur for the applicant. Nothing more from our general overview.

13 Thank you, sir.

14 MR TAYLOR: Okay, thank you. Can I get an indication who wishes to speak on this  
15 topic? So I see Mr Mackenzie, Mr Bedford. Mr Mackenzie, I'll come to you  
16 first. Thank you.

17 MR MACKENZIE: I'm grateful, sir. George Mackenzie, Thurrock Council. It may be,  
18 sir, that this point is going to be dealt with by the provision of the missing table  
19 and text, but Mr Malik, our acoustician online, would like to make a point on  
20 this topic.

21 MR MALIK: Thank you, sir. Mr Mubassir Malik, Thurrock Council. Sir, we understand  
22 National Highways has committed within its SACR-008 that Gammonfields  
23 Way traveller site will be moved prior to construction starting, and new location  
24 of facilities completed and provided. As has just been touched on, what we do  
25 not understand at the moment is what the noise and vibration impacts will be on  
26 the new site. I know this specific item is related to construction, but both  
27 operational as well. We don't know what operational noise levels will be.

28 So if there is information that has not been shared, or we've not seen that,  
29 then we would like to review that and then, obviously, we can provide  
30 comments, but currently, we do not know what those impacts will be, and as  
31 implicit in the question, given the sound insulation for such receptors is likely  
32 to be less than for typical residential dwellings, the impacts could be more  
33 significant. Thank you.

34 MR TAYLOR: Thank you, and Mr Bedford, please.

1 MR BEDFORD: Sir, just briefly, because – Michael Bedford, Gravesham Borough  
2 Council – we’ve already rehearsed the point in relation to Viewpoint, and there’s  
3 also Horseshoe Place. There are two at the same location on the A226.

4 We do still have outstanding concerns as to the extent to which there has  
5 been adequate mitigation for those impacts. That partly relates to our previous  
6 concerns and discussions about the effectiveness of the reliance on best  
7 practicable measures to achieve noise reductions, and we would also echo the  
8 point that’s just been made by Mr Malik, that, obviously, so far as the physical  
9 properties of most of the caravans or mobile homes, they have less, obviously,  
10 noise attenuation properties than the conventional bricks and water dwelling,  
11 and we would just want to be reassured that the assessment has properly  
12 reflected that in the noise readings that have been presented.

13 MR TAYLOR: Thank you, Mr Bedford. Yeah, I do think that’s a good point. That final  
14 point is a very good point. It’s really why we’ve separated this item off from  
15 asking it more generally, just because the nature of these sites and the  
16 accommodation on it is less robust, in terms of naturally having some noise  
17 insulation properties. So I will ask the applicant that they respond specifically  
18 on that. I did note that when we were hearing from Thurrock we strayed a little  
19 bit into operational noise, and we’ve got an item later on the agenda, so we’ll  
20 park that for now and we’ll come back to that alter.

21 I’ll just quickly check if anybody else wanted to say anything here.  
22 Otherwise, I’m going to go to the applicant, but if you could pick up on that very  
23 specific point, and then I think I might have a question or two as well.

24 MS TAFUR: Isabella Tafur for the applicant. In respect of the point raised by Thurrock  
25 Council, in terms of construction impacts on Gammonfields site, the table will  
26 show, and apologies for its inadvertent omission – it was referred to in that  
27 document but just not produced – the noise assessment reveals that both at the  
28 existing Gammonfields site and at the relocated Gammonfields site, noise  
29 impacts during construction, subject to BPM will be below sole. So that’s the  
30 position in respect of both, and we’re hopeful that once we’ve provided that  
31 information and missing table, that will provide appropriate reassurance to  
32 Thurrock.

33 In respect of the further reassurance that Gravesham is seeking, we  
34 wonder if it would be helpful if we provide that same information that we’d



1 produced in the missing table to Gravesham, in respect of their sites, and we are  
2 also happy to provide a note which summarises the robustness of assuming a 10  
3 dB reduction, attributable to best practicable means, which I think is a concern  
4 that they've raised.

5 MR TAYLOR: Thank you. I do think that would be helpful. Mr Bedford – could I just  
6 ask the applicant to address, specifically, monitoring and then any remediation  
7 if there were concerns that did arise that you're not envisaging? Can you address  
8 this topic, or are you totally satisfied that the appropriate noise levels would not  
9 be breached?

10 MS TAFUR: Isabella Tafur for the applicant. I'll ask Mr Forest to address you on that.

11 MR FOREST: Mr Forest for the applicant. So within the suite of REAC items that we  
12 have, we've obviously got a monitoring management item, and we've also got  
13 a reliance on section 61 – sorry – which would be agreed with the local authority,  
14 and within that, we would expect that there would be controls and triggers should  
15 exceedance occur above agreed levels.

16 That's how it normally works. At which point, action would be taken by  
17 the contractor to address those concerns, and I think an important component of  
18 all of this is how we liaise with the communities through the process of – the  
19 code of construction practice has the community liaison group details, which  
20 would ensure that we were talking to the affected communities as the impacts  
21 are happening, so that there's that dialogue, not only with the local authority but  
22 with the affected parties during the construction process to allow the contractor  
23 to identify and act on any exceedances that are recorded through that process.

24 MS TAFUR: Isabella Tafur for the applicant, and just to confirm that noise commitment  
25 in the REAC, NV009, requires that the noise monitoring location should be  
26 identified in consultation with relevant local planning authorities, and so if there  
27 are areas they consider to be particularly sensitive, they can raise that as part of  
28 that consultation.

29 MR TAYLOR: Thank you, Ms Tafur. I just want to check with my colleagues if any of  
30 them – okay. Thank you. Okay, so I'm going to move on to agenda item 3(a)4,  
31 so this relates to the potential effect of the proposed onsite accommodation and  
32 the related management of it that it could have in terms of socioeconomic  
33 impacts on the surrounding communities. So I am going to go to the applicant  
34 first. So this is a matter that we haven't really picked up on before, so I

1 appreciate if you feel you need to give a slightly more detailed response, then a  
2 very high level one, and then I will move to anyone who wishes to speak on it,  
3 because I'm just conscious that there is potentially quite a large onsite – or a  
4 large number of bedspaces. So Ms Tafur.

5 MS TAFUR: Isabella Tafur for the applicant. The general strategy in respect of  
6 accommodation provision is to manage the impacts on the local accommodation  
7 market appropriately, while ensuring the project can be delivered efficiently,  
8 safely, and on time, by attracting a high quality workforce, and there are a  
9 number of aspects then to that strategy, which include promoting local  
10 employment which will minimise the need for people to stay away from home,  
11 making provision for up to 480 onsite bedrooms at the north tunnel entrance  
12 compound, and making use of existing accommodation in the local area, mindful  
13 of the competing pressures that may exist, and identifying where necessary  
14 reducing the potential strain on the accommodation market and local  
15 communities, and there is also provision for a monitoring review and remedial  
16 measures to be taken to address impacts on the local housing market.

17 Now, as to the proposed onsite accommodation, which is one aspect only  
18 of the strategy, I wonder if I could introduce Miss Suki Coe, who's the DCO and  
19 planning manager at LTC, to address you on that aspect.

20 MS COE: Thank you. Suki Coe for the applicant. So the proposals are to reduce the  
21 demand for worker accommodation, and also then to manage proactively, and  
22 the conclusions of the worker accommodation report is that that can be done  
23 without causing significant impact on the local housing capacity, but we're also  
24 seeking powers through the DCO to make provision for up to 480 onsite single-  
25 bed bedrooms at the north tunnel entrance compound, which would include 60  
26 hypobaric beds.

27 Those are bedspaces where workers could be accommodated without a  
28 change in pressure, if they've been exposed to pressure changes during the  
29 tunnelling activities, and this is to provide suitable accommodation for the  
30 elements of the workforce, if you like, who are very likely to be non-local  
31 because of the specific tunnelling skillset, and the provision is made up of, as I  
32 say, the 480 beds.

33 It, to a certain extent, is a professional judgement as to reaching that  
34 number, but it has been thought through very carefully and compared to other

1 projects where there are onsite accommodation of similar, specifically skilled  
2 workforce, and, if you like, it's primarily targeted at nightshift workers, who  
3 would amount, at this point – we believe it would amount to about 540 at the  
4 peak of activity.

5 Now, if we think, as per the worker accommodation report, that 35% of  
6 our workforce would be employed locally, you can quite rapidly get to a figure  
7 which is around 353 bedspaces required to house all nightshift workers, and  
8 therefore, our provision of 480 beds is in excess of that, and that's how we've  
9 reached that figure of 480 bedspaces at the north tunnel portal compound.

10 MR TAYLOR: Ms Tafur, is there anything else on that?

11 MS TAFUR: Nothing else in overview.

12 MR TAYLOR: I probably have some questions. Mr Mackenzie, I want to see if we can  
13 come to Thurrock first. Did you want to speak on this matter?

14 MR MACKENZIE: George Mackenzie, Thurrock Council. Sir, thank you. Pru Wales,  
15 who is online, will address you on this matter.

16 MS WALES: Good afternoon. Prudence Wales, on behalf of Thurrock Council. Yeah,  
17 so just want to raise a couple of specific points regarding this topic. Firstly, just  
18 in regards to what was just being spoken about, about the quantity of proposed  
19 sites' accommodation, particularly for the 480 dwellings proposed on the  
20 northern tunnel compound.

21 We have yet to receive the official information that was just referenced by  
22 the applicant regarding how these figures were come to, aside from the reference  
23 to 'professional judgement,' so that further information would be welcomed  
24 through this process, and then our second point was regarding those wider  
25 socioeconomic impacts of the construction of the workforce on the site, and  
26 regards the current mitigation suggesting the REAC, under PH002, which is  
27 about the onsite and offsite healthcare facility provision.

28 So we've been in ongoing discussions with the applicant about amending  
29 the current wording that is in the DCO documents. This is particularly regarding  
30 providing the necessary mitigation, rather than the 'appropriate mitigation,'  
31 which is currently the wording, and also formalising and strengthening the role  
32 of the ICP within the mitigation as well. We would rather that they have a  
33 consultative and an approval role, rather than just a role where their views would  
34 be shown due regard, and we've aligned this with the ICP as well.

1                   So on those two points, our concerns remain and these matters remain  
2                   unresolved with the applicant. Thank you.

3 MR TAYLOR: Mr Mackenzie, is that your main submission?

4 MR MACKENZIE: George Mackenzie, Thurrock Council. It is.

5 MR TAYLOR: Thank you. I see some hands up in the virtual room. Can I check if  
6                   anybody else in there – yes, so Mr Bedford, please.

7 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council. Sir,  
8                   so far as the agenda item is concerned, it directly is focused on the proposed  
9                   onsite accommodation, which, as the applicant has confirmed, solely exists in  
10                  relation to the north of the river, and there are no proposals in relation to the  
11                  south of the river for the provision of any onsite accommodation, and effectively,  
12                  the applicant's proposals for its workforce, who will be working onsite south of  
13                  the river, is either that they are expected to be locally sourced, or, if they're not  
14                  locally sourced, they're expected to make provision through the local private  
15                  rental sector operating in market terms.

16                  The rationale, as we understand it, for that are the assumptions that the  
17                  applicant has made in relation to the derivation of its workforce, and the  
18                  workforce accommodation certainly provides some information on that, but we  
19                  are, as a housing authority, acutely conscious of the problems that Gravesham,  
20                  as a housing authority, faces in placing people into the private rented sector in  
21                  discharge of our housing duties, and we have a number of related concerns. The  
22                  first is that if the applicant's assumptions – some of which, as we've heard, rely  
23                  on the use of professional judgement. If the applicant's assumptions are  
24                  incorrect and there is a greater draw into the area of non-local workers – and  
25                  obviously recruitment decisions which will be made for the most part by  
26                  contractors in due course seeking to get the best person for the job as opposed  
27                  to the person who lives closest to the job. If the judgments which have been  
28                  made proved to be incorrect, we don't think there are adequate provisions  
29                  currently made for any, as it were, default, so that if there is additional pressure  
30                  on the local housing market, either by simply absorbing demand that would  
31                  otherwise be available to Gravesham Council in its housing function to place  
32                  persons to whom it owes a housing duty, or if spaces are only available but at an  
33                  increased cost, because there's obviously a greater demand for accommodation  
34                  during the construction period, if that pushes up the costs in the private rental

1 sector, that cost burden falls on Gravesham Borough, so far as its discharging its  
2 housing obligations.

3 We don't see that either of those consequences are unrealistic. They're  
4 entirely reasonably foreseeable consequences of the project and we therefore  
5 think it's incumbent on the applicant to provide some form of mitigation which  
6 would cater for that default option that may need to be dealt with through the  
7 discussions and being on section 106 agreement and financial matters. But there  
8 needs to be, in our assessment, some default mechanism to cover the scenario if  
9 the assumptions that the applicant has made about the source of its workers  
10 prove not to be correct over the life of the project, and therefore that increased  
11 pressure on the local housing market.

12 MR TAYLOR: Thank you, Mr Bedford. I'm just going to note, and really in fairness to  
13 the applicant, that what you said strays beyond the agenda item. And really one  
14 of the reasons for the agenda item being framed as it was is this was one of the  
15 matters we didn't get to in issue-specific hearing – I think it was four. And that  
16 when we were dealing with tunnelling impacts and obviously being on the  
17 northern portal, it was very, very strongly related to that. So that's why the  
18 question's framed as it is. I mean, when the applicant responds, they may wish  
19 to respond at a high level to those points, but it's probably something that it's  
20 not fair to expect them to respond to in absolute detail now. But they are  
21 important matters that need to –

22 MR BEDFORD: Your reprimand is acknowledged, sir. And I appreciate that we did go  
23 beyond the item.

24 MR TAYLOR: Yeah. Okay, thank you. I see two hands up. I can only see one, but I  
25 believe I saw earlier that Mr Robbins from Essex police and the emergency  
26 services steering group wished to speak.

27 MR ROBBINS: Good afternoon. Thank you for your time. So this is – thank you for,  
28 yeah, listening to me here today. So essentially, we've collected some work at  
29 Essex police to really model what the potential impact might be on crime and  
30 disorder, and really the impact on police, the socioeconomic impact of additional  
31 workers coming to the site, both either staying at the location or in the local  
32 communities. And we've submitted a paper for your consideration, which works  
33 out – essentially replicated a method that was employed by [Victoria McEntee?]  
34 from – that was used at Sizewell C, and the impact on crime disorder. It includes

1 arrests, calls for service, and the impact for the demographic of the workforce  
2 that are moving in.

3 I'm not sure if people have had the chance to review this, but essentially  
4 per year, we estimate – and this is quite a conservative estimate given that we're  
5 looking at a period that included Covid in our calculation – for an additional 10  
6 officers and one staff member at a force level, and almost five officers and eight  
7 staff members to cover the Thurrock impact as well. So overall at a force level,  
8 the projected cost – and that that's been ratified by our fire department – would  
9 be around 1.2 million per year. So that takes into account the potential increase  
10 in crime disorder, [service arrests?], and non-crime demand that is potentially  
11 going to be created. So I just wanted to draw attention to that, and thank you for  
12 your time.

13 MR TAYLOR: Thank you very much, Mr Robbins. And the final hand I see up in the  
14 virtual room is from Ms Dablin from the Port of Tilbury, London.

15 MS DABLIN: Thank you. Alison Dablin for the Port of Tilbury. So the applicant is  
16 planning to construct this worker accommodation in the main compound for the  
17 north portal, which is adjacent to the Port of Tilbury. The Port of Tilbury has  
18 been in discussions with the applicant and one of the things that we've covered  
19 is the prospect of code of practice that will apply across all of the port land and  
20 apply to the workers, and this is something that we understand the applicant is  
21 amenable to and is presently being documented.

22 Where the Port of Tilbury remain concerned is about the potential for  
23 wider impacts in the local community of this large number of workers living on  
24 site or travelling to it, and that there does not seem to be a proposed broader code  
25 of practice for the applicant to manage the worker impacts on the community.  
26 By way of example, there's no proposals that we've found for how any antisocial  
27 behaviour of workers would be managed should this occur during non-working  
28 hours.

29 In addition, the port is concerned about the impact of worker vehicles on  
30 the wider Tilbury area. It may be difficult for local residents to identify vehicles  
31 that are actually associated with LTC construction workers, and they may  
32 believe that inconsiderate parking and other issues are instead linked to the Port  
33 of Tilbury, which gives rise to community relations, reputational, and practical  
34 manage and operational issues for the port, potentially over the longer term. In

1 the port's view, the way to manage these impacts is for there to be a code of  
2 practice that manages more general, as well as a scheme to manage worker  
3 vehicles away from the residential areas of Tilbury. This could be through the  
4 provision of shuttle buses or cross river transport, but it must be secured within  
5 the DCO in order that the worst-case impacts of having the workers living on  
6 site can be adequately assessed.

7 Presently, the mechanics of how construction workers will be managed is  
8 left to contractors and a general requirement that the contractors need to sign up  
9 to the considerate constructors scheme. In addition, the applicant's proposals  
10 for a worker accommodation working group, the travel plan liaison group, and  
11 site-specific travel plans do not include any suggestion that construction worker  
12 travel routes will be identified and secured. We've made a number of  
13 submissions about the potential for this to have impacts on traffic that haven't  
14 been assessed; I don't propose to cover that same ground here. However, as part  
15 of the holistic issue of worker management including the impacts on the local  
16 community, the port thinks that these site-specific travel plans should expressly  
17 need to include the routing of transport of construction workers into each  
18 compound, again so that the impacts can be specifically identified and assessed  
19 and where necessary, managed and mitigated. Thank you.

20 MR TAYLOR: Thank you, Ms Dablin. I believe that was everyone who wished to speak.

21 Yeah, I'm not seeing any other hands. So yes, I've got a number of questions  
22 and things I want to emphasise before I return to the applicant. Really, my first  
23 observation – in you setting out your case, your focus was on how you got to  
24 that figure, but it didn't really address then the management of broader  
25 socioeconomic effects. And as we've heard from the parties – well, Thurrock  
26 Council did wish to see a bit more detail on how you got to the figure you've  
27 got to, and Gravesham Council raised some broader concerns about impact of  
28 workers' housing.

29 There are concerns about managing and mitigating potential effects of  
30 having quite a large workforce on a site, and that's really the nub of where I  
31 want to understand how we're – what we're dealing with for today. So in your  
32 response to the various concerns that have been raised, if that could be the focus.  
33 And then in the written submission, if you could deal with, in particular, the  
34 query from Thurrock Council about a bit more detail as to how you've got to

1 that figure, appreciating that an element of professional judgement will probably  
2 always need to be applied to some of these matters.

3 MS TAFUR: Isabella Tafur for the applicant. In response to the request from Thurrock  
4 for a bit of further detail, we met with Thurrock on 23 September to provide  
5 them with some further information on this issue. There was then a meeting  
6 with them on 28 September to discuss that, and they then provided us some  
7 comments on the technical note which we had provided to them, and this was  
8 discussed again on 16 October.

9 There are various proposed changes which will be submitted at deadline  
10 6, which we think reflects the concerns that Thurrock have raised and the  
11 drafting changes they would like. For example, in respect of their concern about  
12 appropriate range of medical and occupational healthcare services, the proposal  
13 is for the range of services to be agreed with the Secretary of State, following  
14 engagement with and having regard to the views of the integrated care  
15 partnership, which was another specific concern of theirs, that they would like  
16 to see them even more closely involved in that process.

17 There is also a proposed change to the code of construction practice  
18 emergency preparedness document, which again includes reference to the  
19 integrated care boards in response to the concerns raised by Thurrock. So we're  
20 hopeful that we have understood and we'll respond to and reflect that which was  
21 agreed at the recent meetings.

22 In terms of the issues raised by Gravesham – and I will come back to your  
23 specific points in a moment, and I'll ask Ms Coe to address you on that – but in  
24 terms of the concerns raised by Gravesham. First, what we would say is that the  
25 framework construction travel plan includes a number of controls and  
26 mechanisms to control impacts – to control, monitor, review, and respond to  
27 potential impacts on the local housing market. There is an accommodation help  
28 desk that would be operated by National Highways and would help to assist  
29 workers in finding suitable and available accommodation near the project.  
30 There's an accommodation database that contractors will be required to create  
31 and maintain to monitor the accommodation that's being used by the workers  
32 and the location of the accommodation, and the contractors will mandate its  
33 workforce to regularly update that.



1           There's then the workforce accommodation working group, which will  
2 include representatives from National Highways, contractors and local  
3 authorities, which will receive monthly information from the help desk and will  
4 carry out regular – well, there'll be regular meetings. The terms of reference  
5 have been included in the deadline 5 version of the framework construction  
6 travel plan, that's REP5-054 at appendix D.

7           And there have been various enhanced commitments offered at deadline  
8 4. So the working group must be provided with details of the reasonable  
9 endeavours which contractors have used to ensure the use by non-local workers  
10 and visitor accommodation with the aim of reducing conflict with those  
11 accommodation types used for temporary accommodation by local authorities.  
12 Collaboration opportunities have to be identified by contractors with the details  
13 of the reasonable endeavours that they've taken to coordinate and jointly manage  
14 construction workforce impacts with the developers of other projects. And on  
15 that note, there is a sensitivity test in the workers accommodation report which  
16 assumes all projects are being constructed at once and still finds that there will  
17 be no adverse impact on local housing market. That's section 6.7 of the report.

18           Effectively, the working group will meet regularly, and it will look into  
19 the future and identify any changes in the local housing market, which we  
20 recognise is dynamic and will change between now and the time that  
21 construction commences and over the duration of the construction. So there will  
22 be a dynamic review and response mechanism identified which may involve  
23 changing the order of particular works. And that mechanism is all secured  
24 through the working group, and we say that's appropriate.

25           In terms of the point raised by the emergency services group, the applicant  
26 invited the emergency services group to submit an impact assessment report,  
27 which detailed their request for further funds and justification for that further  
28 funding. That has been received and has now been submitted by the applicant  
29 to the Department for Transport for their consideration.

30           The main issue then that you raised, sir, that you wanted us to cover was  
31 the effect of bringing in a large workforce into the area in terms of the  
32 socioeconomic impact it might have on the local area, and I'll ask Ms Coe to  
33 address you on that. And reference has been made to Sizewell C and also

1 Hinkley, and I'll ask her in her response to touch on whether she thinks those  
2 are appropriate comparators.

3 MS COE: Thank you. Suki Coe for the applicant. So just to reassure you that we have  
4 assessed very carefully and considered the social and economic impact of the  
5 worker accommodation, and you can find the assessment in chapter 13,  
6 population and human health of the environmental statement, application  
7 document APP-151, particularly at page 160. And just briefly, we recognise that  
8 the presence of construction workforce can have some effects in terms of the  
9 wellbeing of the local community, particularly in terms of their anxiety in  
10 relation to housing, and that is absolutely why we have focused on our worker  
11 accommodation report and have the measures, as has been detailed.

12 In particular, in relation to healthcare provision, we have a measure, PH  
13 002, which has been mentioned already in the REAC, which is looking at  
14 working with the integrated care partnership to develop and make sure that  
15 measures are taken on a range of services to meet the mental and physical health  
16 requirements of the construction workforce, so we are cognisant of that  
17 particular issue.

18 In relation to workers' behaviour, we have signed up to and would sign up  
19 to the considerate construction measures that are again detailed in our REAC,  
20 and they can be found in section 2.5 of that document, which outlines the need  
21 to promote good practice, not only on construction sites but we're also aware of  
22 behaviours of workers. Workers would be signed up to the contractor's code of  
23 conduct, and therefore it would be a matter for worker discipline, disciplinary  
24 procedures if workers behaved inappropriately.

25 MR TAYLOR: Ms Coe, can I just jump in there? Can we be really clear that's both  
26 when they're working but also out of hours? I just want to be really clear on  
27 that point.

28 MS COE: I will need to check and come back to you, but my understanding is it would  
29 be in terms of worker conduct, particularly those workers who were on site.  
30 Those workers living in the general area, they would be living in the general area  
31 and it would be difficult to do so, but for the 480 bed spaces if they were  
32 accommodated, then they would be effectively in work accommodation, so I  
33 would expect that that would be the case, but we will certainly check and  
34 confirm that at deadline 6.

1                   And finally, the Port of Tilbury, you're absolutely right. We have agreed  
2 that we would be requiring our construction workers operating within the port,  
3 that they would abide by the code of conduct that affects all port workers, and  
4 we've agreed that that would be the case.

5                   In terms of the emergency services, the only point I would like to raise is  
6 that it's really important to understand the context of where the construction  
7 activity is taking place. Sizewell, Hinkley, Horizon are in locations that are very  
8 rural and a long way away from public transport or other centres of population.  
9 Clearly, we're not in that context. We're a context where there's good public  
10 access into London or other places. We believe that our 60-minute journey to  
11 work is an indication of how large an area we will be drawing our workers from  
12 and where they could be living, and therefore they're not really in that same  
13 kettle, if you like, of where our workers are pretty much contained within the  
14 working compound and can't go elsewhere, and that's some of the issues that  
15 lead to some of the antisocial behaviour that I think is raised as a concern.  
16 Whereas actually we are within a very short distance of a large area of activity  
17 and opportunities for recreational wellbeing, rather than being in that  
18 concentrated environment.

19 MS TAFUR: Isabella Tafur on behalf of the applicant. Just – sir, I'm sure this wouldn't  
20 be a misapprehension that anybody would be labouring under, but there's no  
21 reason in our submission to suppose that the skilled workers who will be coming  
22 to work on this project will be – are likely be associated with criminal or  
23 antisocial behaviour. And we do recognise it – as Ms Coe has discussed,  
24 sometimes in more isolated locations where there isn't provision on site for  
25 workers outside of the working day, as it were – no sports facilities and no  
26 entertainment facilities – there can be concerns about impacts in the wider area  
27 and so provisions are required to be made in Sizewell C, for example. But that's  
28 a very different scenario from a construction project taking place in this part of  
29 the world.

30                   Just finally, in response to the Port of Tilbury and the concern raised about  
31 vehicle movements by workers. I would just note that in the outline construction  
32 travel plan, there is a proposal for a shuttle bus to run from public transport hubs  
33 to the compounds which would be available to reduce any impacts on the local  
34 highway network. And there is also a shuttle bus service – this is a new addition

1 I think – proposed from the Gravesend hub to the Gravesend ferry, and a shuttle  
2 bus service from the Gravesend hub to the Tilbury ferry pier, so there is  
3 provision. That’s paragraph 5.4.28 and 6.4.4 of the framework construction  
4 travel plan, REP5-054. Thank you. Nothing further from us.

5 MR TAYLOR: Thank you, Ms Tafur. I do have a few follow-up questions. First of all,  
6 just a practical one, if you could help me out with. In terms of the emergency  
7 services, the report that’s now been forwarded to the Department for Transport.  
8 Can you just talk me through potential timescales and also the implications of  
9 what would be the outcome of the Department for Transport’s considerations,  
10 and then does that have any comeback in terms of securing something through  
11 the DCO?

12 MS TAFUR: Isabella Tafur for the applicant. Sir, on that I’m going to have to come  
13 back to you in writing. It may be that I can come back to you after lunch but  
14 I’m afraid I can’t answer you immediately.

15 MR TAYLOR: Fine, if you can. That’s fine. And then the other – another point, and it  
16 might be something that needs to go in writing because it’s quite a detailed  
17 question, is as part of the housing accommodation strategy, there’s the use of the  
18 help desk and I would just – maybe it would be helpful for us as a panel if we  
19 had some understanding of how this has worked on other schemes and how  
20 successful, or not, that has been, just to give us an understanding of in practice  
21 what are the outcomes of that type of scheme.

22 Just going to turn to my colleagues to see if they have any follow up  
23 questions? Okay. Thank you. Okay, so we are – we’ll move on now to the final  
24 item under agenda 3. So this is 3(b). Mr Robbins, can I just check that your  
25 hand was up. Was that intentional or not?

26 MR ROBBINS: It was.

27 MR TAYLOR: Okay, yes, please.

28 MR ROBBINS: It was just about one of the points. The piece of analysis that was  
29 conducted does not take just to take into account the fact that people were going  
30 to go out and cause trouble. This is the fact that there’s a correlation between  
31 number of people in an area and demand on services in the area. This includes  
32 domestic abuse incidences, recreational drug use, mental health issues. This is  
33 all the calls for servicing crime in relation to normal walks of life. So this is not  
34 simply about people letting off steam and causing problems. This is about the

1           general demand which is likely to increase as a result of 2,500 people moving  
2           into an area which weren't there previously. Just to make that point. Thank you.

3 MR TAYLOR: Okay. Thank you for that clarification. Ms Tafur, did you want to come  
4           back on that or are you happy that I move on? Thank you. Okay, so we're now  
5           going to move on to agenda item 3(b). So this is about restoration of the  
6           construction compounds. Now we did begin to table this item to an extent  
7           yesterday, although only one particular aspect of it, so we are going to discuss it  
8           further now. And then I think it is an item that we'll have to return to in  
9           November at the DCO hearing.

10                        So the overarching question is just fully understanding the applicant's  
11           strategy in respect of construction compound restoration after they're no longer  
12           required. And it's not the only matter, but one of the reasons we have a concern  
13           about this is at our recent site visit, we did see some historic compounds that had  
14           seemed to have just evolved into what might be described as relatively large  
15           scale commercial sites, including onsite workers accommodation that now  
16           appears to be permanent just through the passage of time, and probably now  
17           outside the direct control of the planning system, which is clearly an undesirable  
18           effect. So when I turn to the applicant, that's one aspect we'd like to understand,  
19           that we've got appropriate measures in place to avoid that.

20                        But then also the wider landscape and the economic impacts of restoring  
21           the land back to its former condition and allowing it to go back to an appropriate  
22           use. So again, I'll turn to the applicant for their strategy and then I will – we'll  
23           go round the rooms in terms of their responses. Thank you.

24 MR TAIT: Thank you, sir. Andrew Tait KC for the applicant. In respect of this matter,  
25           there are different intentions depending on whether there is a permanent  
26           requirement for a construction compound in any particular instance after the  
27           completion of the development, or whether it is purely temporary. And there is  
28           enumerated in a number of locations the – in particular, the EMP sequence of  
29           plans. Those compounds which are intended to be retained as part of the project  
30           for landscape integration – an example of that is CA3, which is intended to be  
31           returned in part for that, but also for the road itself. So there are a number of  
32           instances such as that, and there's also – and I know this is a matter coming up  
33           on – that has been subject to your questions in the second round, part of CA2,

1 the car park at Thong Lane, that is proposed to be repurposed to provide car  
2 parking for recreational function.

3 So those are the permanent, but I anticipate your question is principally  
4 relating to those that are temporary purely and are intended to be reinstated. And  
5 again, I won't enumerate which all those are, but so far as the intention is  
6 concerned, that's reflected in the chapter 2 of the environmental statement,  
7 which is at 140 at 2.7.34, which sets out the intention to reinstate in accordance  
8 with the landscape design and/or the landowner agreement; I'll come back to  
9 that. So that's the intention.

10 So far as the permanent position is concerned, where compounds are going  
11 to be – the land which was formally a compound is intended to be retained, that's  
12 governed by requirement 5 and the LEMP, and the uses are shown on the  
13 environmental master plan, so that's the connection. In relation to those that are  
14 purely temporary, the restoration requirement is contained in article 35.5 of the  
15 order. That is supplemented by two REAC commitments, GS002 and GS14,  
16 contained in REP5-048[?]. 002 relates to a – requires a pre-commencement  
17 survey for the baseline for the land, and then there's a requirement for a repeat  
18 survey in relation to confirmation of the restoration proposal. And 14 provides  
19 further detail about the nature of the restoration, such as soil.

20 There is, however, as anticipated in 2.7.34, which I referred to in in  
21 chapter 2, a provision in article 35 under 5(g) which provides that although the  
22 undertaker must remove all temporary works to restore the land to the reasonable  
23 satisfaction of the owners of the land, the undertaker is not required to remove  
24 any temporary works where this has been agreed with the owners of the land.  
25 And that's really intended to deal with the position where if the landowner, in  
26 the meantime, gets planning permission for something that is other than the  
27 agricultural use, the order doesn't then require the restoration, contrary to the  
28 wishes of the landowner pursuant to some subsequent authorisation to then  
29 remove the works, reinstate it, only for then the planning permission to be  
30 implemented, which might include the temporary works. So it's just intended  
31 to deal with that that position.

32 MR TAYLOR: Before you move on from that, unless you're going to carry on on that  
33 particular –

1 MR TAIT: I was going to just have one point, but it may not be pertinent on that. So in  
2 terms of the handover, the applicant – National Highways would need to be  
3 satisfied that this was lawful because it wouldn't – we wish to reach agreement  
4 pursuant to article 35.5(g) to enable something that is unlawful insofar as that  
5 would require a change of use. On the M25, late 70s and early 80s, I don't know  
6 what the controls were, but these are the controls in this order.

7 MR TAYLOR: Thank you. Yes, that was my point. I just wanted to be clear that it  
8 would only – you would only be allowed something that was intended to be  
9 temporary to remain permanent if it had been granted the appropriate  
10 permissions, not that it's a free-for-all.

11 MR TAIT: Yes sir, that's right. It's not a free-for-all.

12 MR TAYLOR: Okay, thank you. Is that everything from you at this stage, Mr Tait?

13 MR TAIT: Yes, sir.

14 MR TAYLOR: Okay, thank you. Can I see around the room, does anybody have any  
15 queries? Yeah, I'll just go around the room. So I'll start with you, Mr Bedford,  
16 and I'll move around the table.

17 MR BEDFORD: Thank you, sir. Michael Bedford for Gravesham Borough Council.  
18 Sir, our point, which is, I think, already rehearsed partly in Mr Tait's remarks,  
19 but it's also picked up in your second round of questions, is the treatment of the  
20 CA2 Thong Lane car park. And obviously our concern is that its' permanent  
21 retention we don't see is justified, even as proposed to be repurposed. You've  
22 asked further questions about that in relation to (a)(i) and (b) of SSSI matters;  
23 we also add the green belt dimension to that, which I know you've got a separate  
24 question on green belt issues, so I don't really think there's anything I need to  
25 add on that because it's already rehearsed in the written material that you've got.

26 MR TAYLOR: Thank you, Mr Bedford. Mr Mackenzie.

27 MR MACKENZIE: George Mackenzie, Thurrock Council. Thank you, sir. Ben  
28 Standing is online and he would like to address you on this topic please. Thank  
29 you.

30 MR STANDING: Hello, sir. Ben Standing from Browne Jacobson for Thurrock  
31 Council. So I thank the applicant for their comments on particularly referring  
32 or thinking of article 35 and the restoration of temporary possessed sites. Now,  
33 I've read the wording; the wording itself isn't entirely unusual, but the main  
34 concern that we have as a local authority is when someone has their land

1 possessed, they're going to be instantly concerned about a) when it's going to  
2 come back, but also what condition it's going to be in when it comes back. And  
3 we note that article 35.5 talks about it being handed back to the reasonable  
4 satisfaction of the owners of the land. But when does that process start? How  
5 are the expectations managed in relation to what's going to happen?

6 So we would like to see something here, maybe an addition to article 35,  
7 which sets out that after they've taken possession, perhaps six months after  
8 possession of the land, a scheme is submitted to the landowner setting out what  
9 the restoration proposals are so that the discussion can be undertaken in good  
10 time and expectations managed as to what will restoration look like, get that  
11 discussion being undertaken properly, and then assist a good handover so we  
12 avoid the situation you mentioned earlier with things spiralling out of control,  
13 things going on for too long. It's just engaging with the landowners, giving  
14 some certainty to the landowner as to what they can do with their land  
15 afterwards. And it's really just about a transparency and clarity point.

16 MR TAYLOR: Thank you very much. I have noted that Mr Holland's got his hand up  
17 but I'm going to keep going round the local authorities first. Mr Douglas, did  
18 you wish to speak?

19 MR DOUGLAS: Thank you, sir. Daniel Douglas, London Borough of Havering. It's  
20 just a very brief point, and it's really just to bring the panel up to speed about an  
21 outstanding matter that we've had with the applicant that we've been able to  
22 resolve in relation to the restoration around the M25 compound in relation to  
23 North Ockendon pit, which is a site of scientific interest and natural  
24 conservation. So that particular compound would result in 7.3% loss of that  
25 sink, and we had concerns which were set out in item 2.1.96 of our statement of  
26 common ground with the applicant around needing to secure appropriate  
27 compensation and mitigation for the impact on that part of the sink. The  
28 applicant's provided us with clarity around the level of compensation and  
29 mitigation that will be required – that will be provided, and how that site will be  
30 restored, which is now to the satisfaction of the council, so that item will be  
31 removed from a 'matter under discussion' to a 'matter agreed' and we'll look to  
32 reflect that in an updated version of the statement of common ground with the  
33 applicant that we'll submit at a future deadline. Thank you.



1 MR TAYLOR: Thank you. That's encouraging. Mr Fraser-Urquhart. I'm sorry if I've  
2 pronounced your name incorrectly.

3 MR FRASER-URQUHART: Fraser-Urquhart. Thank you. As in Francis Urquhart, but  
4 not quite so horrible. So I want to address you briefly on behalf of the county  
5 with respect to the A2 compound on Thong Lane, which as you know is  
6 proposed to be given to us for use as a car park. We just heard an in-principle  
7 objection to that from Gravesham, but we support that idea in principle, but with  
8 some important caveats which we want to put before you this afternoon. There  
9 are potentially effects on the triple S side, but we come to that, I think, on  
10 Monday so I won't say more about those. But in essence the areas of concern  
11 are as follows.

12 First, the provision of this land as a car park should not in any way be  
13 taken as compensation for the losses – which we're going to consider this  
14 afternoon – for the losses which will occur to the Shorne Woods Country Park,  
15 which we'll hear about later. It can't be taken as compensation for those.

16 And secondly, in order for the county to be able to accept it, it must be  
17 financially viable. It cannot become an oncost for the authority. Now, as matters  
18 stand, if it is to be provided simply as a piece of hardstanding upon which cars  
19 can be parked, it is not financially viable, therefore would not be accepted by  
20 Kent as an appropriate use of that land. And so matters do very much depend  
21 on how that land comes to us and with what facilities upon it.

22 And we finally add, before I turn to Kate Boorman who'll just fill in some  
23 of the details, that there must be a legally binding mechanism to ensure that this  
24 land comes to us in an appropriate form; that it is viable and capable of being  
25 put to the use for which it's in the general sense intended. With that introduction,  
26 I'll turn to Kate Boorman who had some points on that.

27 MS BOORMAN: Thank you. Kate Boorman, Kent County Council. The concept of the  
28 additional car park was as a legacy project utilising that A2 compound. It's not  
29 a car park for Shorne Wood Country Park and its visitors but a proposed  
30 provision for the wider access and its attractions, providing parking for people  
31 who want to access the wider countryside.

32 There's no commitment on behalf of KCC to take on the management or  
33 ownership of the car park as it stands. We would only consider this if the car  
34 park was financially sustainable and did not impact on the existing limited

1 resources that we have. The consideration that this could only be financially  
2 sustainable is if there's some sort of commercial element to the provision. Cycle  
3 hire, cycle washing, refreshments, pay and display, ANPR car parking are  
4 examples of this. As I understand it, that is not universally supported.

5 The last point is an important one that the car park is not compensation or  
6 mitigation for the loss of the onsite income that we generate at Shorne Wood  
7 Country Park through its daily activities and therefore is a separate issue to be  
8 considered. Thank you.

9 MR TAYLOR: Thank you. Yeah. Thank you very much. I might have some questions  
10 on it that I'll possibly put directly to the applicant and then maybe ask you to  
11 come back at the appropriate time, but I will just finish up going around the  
12 room. So I see, Mr Holland, you wish to speak with this matter.

13 MR HOLLAND: Thank you, sir. Almost inevitably, my comments on behalf of my  
14 clients probably apply to other landowners in the area, but they are obviously  
15 made on behalf of my clients and also are most likely to be quite specific, so I  
16 appreciate if the applicant wishes to come back on these in writing rather than  
17 now.

18 One point just linking back to Mr Tait's reference to article 35.5. And it  
19 may be slightly unrelated to this agenda item, but still linked. Coming back to  
20 the point I made in the compulsory acquisition hearing on Tuesday in relation to  
21 the Linford water pipe, am I to take article 35 in the context of a water pipe that's  
22 running through the construction compounds as being caught by that provision  
23 whereby, if requested, the Linford water pipe that is sought with permanent  
24 rights could be requested to be removed under that article? That's one question.

25 Second question picks up on where Mr Standing was going with the  
26 reasonable satisfaction. And bearing in mind that some of these compounds are  
27 over land that is in full arable production, grade two and in some cases maybe  
28 even grade one. And it's understanding at what point that restoration falls to the  
29 landowner and therefore the inevitable period of time it will take for that land to  
30 revert back to full agricultural arable production and yielding as such, or whether  
31 the contractor is deemed to be taking some of that responsibility. For example,  
32 if topsoil – if all of the hardcore and the concrete pads and all the other bits are  
33 removed and they put the topsoil back, is that the point at which it is handed  
34 back? And then there is a period, as I'm sure all will appreciate, that land is not

1 going to be at that point capable for agricultural production. It is going to take  
2 some years for that to return to that point.

3 Again, apologies, but a slight point on specifics. The precondition surveys  
4 – we would expect those to deal with nutrient levels as well for the same reasons  
5 as I've just explained. Because it's one thing putting soil back, it's quite another  
6 putting land back in the condition that it was before it was used. And it isn't just  
7 about soil structure, it's also about nutrient levels.

8 And then fourthly – again, it won't surprise any of you that we spend quite  
9 a lot of time in relation to projects that have crossed our land on previous  
10 occasions, finding concrete and other arisings that were there for that project and  
11 which appear after a period of time. And what I would like to understand is at  
12 what point does limitation apply where the land has been handed back and we  
13 are still finding problems. For one example, in relation to a National Grid gas  
14 line, we are still finding concrete now 20-odd years later. Thank you.

15 MR TAYLOR: Thank you very much, Mr Holland. So I believe that's everyone who  
16 wanted to speak so I will turn to the applicant, but I have few questions relating  
17 to Kent County Council's submission that I think it's probably more appropriate  
18 that the applicant answers first and then it may be that Kent County Council need  
19 to come back.

20 I just want to understand what happens in this scenario where agreement  
21 cannot be reached for the car park to be handed over and it's essentially – if it is  
22 not in a state, in a context, that is acceptable to the county council, I just want to  
23 understand what happens in that scenario. But also – and this may not be  
24 something that can be answered immediately; I do have a niggle in the back of  
25 my mind – is part of what Kent County Council are looking for is some form of  
26 commercial element, but then where does that sit with within needing to get  
27 relevant permissions for something that is other than just a basic car park? So  
28 in responding to those points, if you can bear those matters in mind.

29 MR TAIT: Yeah, sir, can I come to that that first? Because we're conscious you have in  
30 your second round of questions section 11.4, which is specifically asking about  
31 the need for this in the first instance and a number of the constraints that relate  
32 to it. And the issue – and we will be responding to that in detail so – but in  
33 relation to the specific question that you asked, what is relevant there actually is  
34 the answer to the questions we're going to give you which I'm not fully engaged

1 with at present, but it is relevant to note that we agree that it isn't proposed as  
2 compensation or mitigation specifically, it is proposed as enhancement at the  
3 request of Kent County Council, we understand. So if that's a proposal that isn't  
4 thought to be acceptable to them except on terms which may not be agreed, that  
5 may dictate how the matter is dealt with. We're just giving anxious  
6 consideration to that. I think that's as far as I can go at the moment without  
7 trespassing on a more detailed response which I don't have.

8 MR TAYLOR: That's fine. As long as it's in hand, yeah.

9 MR TAIT: It's definitely in hand. So the second point in relation to the points made by  
10 Mr Standing on behalf of Thurrock, GS02 and GS14, which are within the  
11 REAC, are strong and clear commitments, and the deal includes – with Mr  
12 Holland's point, expressly at GS14, the five year aftercare period, so that is  
13 encompassed within those REAC commitments, so I hope that's helpful to him.  
14 Also, in relation to Mr Holland's query, this is dealing with temporary  
15 possession rather than that subsoil – the pipe that was being discussed on  
16 Tuesday, which is subject to article 27. This is article 35, so it doesn't affect  
17 rights that are of a permanent character. And the final point to make is that in  
18 relation to article 35.5 G, that is a precedented provision, and I believe the A428  
19 is an example of where that has been incorporated, I understand to deal with that  
20 flexibility point that I mentioned.

21 MR TAYLOR: Thank you, Mr Tait. Does that complete your response?

22 MR TAIT: Yes, sir.

23 MR TAYLOR: Does Kent County Council wish to come back?

24 MR FRASER-URQUHART: Just two matters, if I may. Andrew Fraser for Kent County  
25 Council. First of all, I note, and I welcome what Mr Tait has said about this  
26 being not a matter of compensation, but a potential enhancement and we  
27 welcome that. I think our view – and it is a preliminary view, but our view  
28 would be that if a satisfactory arrangement whereby the car park comes to us in  
29 a way that is acceptable and viable to us; if that can't be achieved, then the land  
30 simply has to be restored in a normal way to the condition it had prior to these  
31 works taking place. I think that would be our position, although we note that  
32 there are examination authority questions still to be answered, so it can't be a  
33 final position, but that's, I think, our initial position.

1 On the other matter that you raised, sir, about other permissions, again,  
2 this is slightly a preliminary view that we would regard the additional matters  
3 which are necessary to make the car park viable, in planning terms, probably to  
4 be ancillary to the main use as a car park. And we wouldn't, I think, anticipate  
5 needing to secure further planning permissions for those items. That's a  
6 preliminary view, but I think that's where we would probably end up.

7 MR TAYLOR: Thank you very much. I think rather than getting a detailed response on  
8 that, because I appreciate this is a bit of a moving feast, that I leave it with both  
9 parties because we have the open questions at the moment and then some further  
10 detail in your post hearing submission as well would be helpful, I think, just to  
11 round that out. Okay, so I'm content that we dealt with that matter, so I'm going  
12 – sorry, we ran a little longer than usual so I'm going to break for lunch. I just  
13 want to put the applicant on notice: I want to ask a question after lunch that  
14 actually came up really more from the earlier agenda items, I forgot to ask.

15 When we're talking about potential use of river traffic, there isn't  
16 currently a jetty to the south side, and it's really querying why that wasn't  
17 considered or if it was, why that hasn't been provided as part of the proposals. I  
18 don't want an answer now, but we may come back to that immediately after  
19 lunch. Okay, so it's now essentially 1.35 so we'll be back at 2.35. Thank you  
20 everybody.

21  
22 **(Meeting adjourned)**  
23

24 MR TAYLOR: My name is Ken Taylor, panel member. I'm reopening issue-specific  
25 hearing 8. I will, in a moment, be handing over to my colleague, Ms Laver, to  
26 move on to agenda item 4, but before I do, I did raise a question at the end of the  
27 morning session and I wondered if the applicant was able to respond now. Ms  
28 Tafur.

29 MS TAFUR: Isabella Tafur for the applicant. I'm going to ask Mr Clark-Hughes to  
30 respond to that matter.

31 MR CLARK-HUGHES: Good afternoon. John Clark-Hughes for the applicant. The  
32 question, as I understand it, was in connection to use of the river and specifically  
33 watering facilities on the south side of the river. So I'll just preface my response  
34 by saying we do have a meeting arranged with PLA for tomorrow, so I'll set out

1 a preliminary position, but clearly we're not going with a closed mind to that  
2 meeting and we do intend to explore the PLA suggestions and further explain  
3 our position and hopefully can reach a way forward, but in general, the first thing  
4 to make clear is that we do not rule out any use of the river facilities or the wharfs  
5 in particular. We simply do not wish to commit to their use and to secure their  
6 use within the DCO application.

7 The reason for this is we require the contractor to follow a multimodal  
8 approach and to consider the best solution for each and every material in the  
9 round, and that includes price, it includes miles travelled, it includes carbon, it  
10 includes environmental effects, it includes a whole range of things and that is  
11 secured via the outline materials handling plan and for your reference that's  
12 REP5-051, particularly at clause 1.3.11. Further, we think to specifically secure  
13 the use could be restrictive to other businesses, and by way of example, there  
14 are sand and gravel pits just to the south of the A2 in Kent, that if we secured  
15 the use of a wharf on the river, we'd be ruling out competition from other  
16 potential suppliers, which we think is inappropriate. So that's our overall  
17 position with regard to use of the river and particularly use of the southern  
18 facilities.

19 MR TAYLOR: Okay, thank you. I think because you're still in the process of discussing  
20 matters with the Port of London Authority, I think I'm content to leave it there  
21 and await the outcome of that. So now I'm going to hand over to my colleague,  
22 Ms Laver.

23 MS LAVER: Thanks, Mr Taylor. So we're on to agenda item 4 and we'll take two parts  
24 together. I don't think this is going to be a very long-winded section of today's  
25 hearing, because the first part, I'm asking for an update on progress, just to run  
26 through what the steps are for relocating the Gammon Field site, and the second  
27 part is whether there is an intention to submit a planning application. I realise  
28 that there is a requirement, article 13 in the DCO, which doesn't suggest there's  
29 a planning application come in, that the applicant feels it's sufficient that the  
30 measures within the DCO are enough to relocate the travellers. I suppose I've  
31 still got a query on that around whether – the change of use doesn't seem to me  
32 to be complex.

33 It seems it can be part of the DCO, but you're relying upon a part of the  
34 Planning Act for housing, and I would like to hear from the local authorities as

1 well whether they feel traveller sites actually come under the definition of  
2 housing because ordinarily in the regular planning world outside of NSIPs, it's  
3 not bricks and mortar, it's a residential use of land, but not housing per se, so I  
4 think I would really want to get an understanding about that. We did raise this  
5 at one of the earlier hearings as part of the DCO, where we had requested of the  
6 applicant a legal submission to really take us through how you feel you can  
7 relocate a traveller site through this DCO without needing planning permission.  
8 I don't think it's fully covered, so I'm hoping you're going to come to that today.  
9 Ms Tafur, or is it Mr Tait who's leading?

10 MS TAFUR: Mr Tait.

11 MR TAIT: It's me on this occasion. Andrew Tait for the applicant.

12 MS LAVER: Thank you.

13 MR TAIT: Thank you, madam. So dealing with the two issues in turn with Gammon  
14 Field travellers site, the first about progress. As you indicated, first of all, the  
15 provision is governed by requirement 13 of schedule 2. Secondly, it is also  
16 governed by the design principles in their latest full rep, REP4-146, S-11.12,  
17 which has a number of specifications with which the provision needs to comply,  
18 quite detailed specifications. Thirdly, there's a new SACR-8, which provides  
19 for when the replacement provision is to be provided and that requires that the  
20 new site needs to be laid out and capable of occupation before carrying out of  
21 the slip roads, mainline and utility corridor in that area – it specifies those  
22 particular works, and finally, on this first point, my understanding is that  
23 Thurrock Council confirmed at ISH-1 that they're happy with the location and  
24 the design of the provision, and secondly, in their REP3-210, on page 40,  
25 confirmed that they don't object to requirement 13.

26 So no doubt we'll hear from them if that isn't the correct understanding,  
27 and in relation to the legal position, the applicant responded to the ISH-2 matters  
28 AS-89, I think page 8, as to why it does encompass related housing development.  
29 It is distinct from the planning regime, so it's a broad definition which needs to  
30 be given its ordinary meaning. It doesn't have, necessarily, the narrow meaning  
31 of 'dwelling house', for example, that one finds in the Town and Country  
32 Planning Act, and the guidance refers to 'dwellings', not 'dwelling houses', and  
33 the ordinary OED definition of a dwelling is a house, flat or other place of  
34 residence. So again, it's not narrow to bricks and mortar, but in any event, it's

1 relevant to have regard to the appendix, which is appendix C of the REAC  
2 document, I think.

3 Design principles, yes. REP4-146 and S-11.12, which I referred to earlier,  
4 requires the provision to be in accordance with the indicative plan of appendix  
5 C, which is at the end of the document, and the provision involves chalet  
6 bungalow/static caravan and amenity blocks, which are buildings in an ordinary  
7 sense, as well as a touring caravan which allows – it's similar to a car parked in  
8 the drive. So it is a fairly substantial and permanent works that are proposed,  
9 but in any event, that's without prejudice to my broader point, that the related  
10 housing development doesn't limit it to the definitions in the Planning Act, of  
11 which there's obviously been quite a lot of case law, and my understanding,  
12 again, is that from REP3-210, page 40, Thurrock's latest position is that it does  
13 not object to requirement 13 in response to the legal position that was set out.  
14 That's their response to the legal position we had set out prior to that.

15 MS LAVER: That's the full submission on those two parts?

16 MR TAIT: It is.

17 MS LAVER: Okay, that's very helpful, thank you. I suppose we'll go round to Thurrock  
18 and I don't know if anyone else wants to speak on this – possibly not, because  
19 it's quite a confined geographical matter, is whether they feel there's sufficient  
20 enforcement controls for the local authority post DCO on this traveller site if it  
21 proceeds through the DCO. Ordinarily, if you had a planning application and a  
22 planning permission, if there were any subsequent amendments, it would be an  
23 easy section 73, but in this regard, if there are any amendments, does it mean a  
24 material change request/non-material change request through the DCO process?  
25 I think possibly the applicant can come back on that as well, but it's whether  
26 Thurrock feel there are sufficient controls for the local authority down the line  
27 on this traveller site.

28 MR SMITH: And if I may, Ms Laver, particularly in regard to the emergence of – maybe  
29 a non-conforming use on the site, which maybe some of the occupiers on the site  
30 were complaining about, but other users on the site or residents on the site were  
31 seeking to pursue, where, were it to be a conventional planning permission, there  
32 would be a condition and one might institute enforcement action against an  
33 individual occupier or resident or against the manager of the facility as a whole.  
34 Just trying to get a sense of where one might be in broad terms/operational terms,



1 as a local planning authority if, 15 years down the track, you're managing this  
2 facility and you're actually comparing it with AN Other traveller site that you  
3 have otherwise permitted under the Town and Country Planning Act.

4 MS LAVER: So Mr Mackenzie, I'm handing the baton to you.

5 MR SMITH: Throwing that one in your direction.

6 MR MACKENZIE: George Mackenzie for Thurrock Council. If it would be helpful, we  
7 can respond in greater detail to those points in writing. At this stage, I don't  
8 think, though, there is a significant dispute between us and the applicant about  
9 those matters.

10 MR SMITH: I'm not suggesting there is, but our reason for continuing to probe the point  
11 is that we want to assure ourselves before we were to make any recommendation  
12 to the Secretary of State on this point, that we're not – given that this is detail in  
13 a morass of detail, inadvertently glossing over something that when somebody  
14 in your development management or enforcement team in 15 years' time sits  
15 down and looks as it, clutches their forehead and goes, 'Why on earth did they  
16 do that?'

17 MR STRATFORD: If you'd like me to go into slightly more detail – I find myself in an  
18 unusual position of not so much supporting National Highways, but actually  
19 agreeing with them. I have, and the housing department of Thurrock Council  
20 has been in constant contact with National Highways over the past two years,  
21 and the indicative plan that Andrew Tait mentions and showed, is the result of  
22 lengthy negotiations, not only with the housing department, but also the council  
23 travellers rep and the travellers themselves, through a various number of  
24 engagement events and through a particular Facebook page. I'm not on social  
25 media myself, but I understand that went well.

26 So we have a number of provisions in place which you're aware of. We  
27 have the detailed design needing our approval. We have the indicative plan,  
28 which has to be, I think, in accordance with – it's not even 'substantially in  
29 accordance with,' it's 'in accordance with,' so any deviation from that through  
30 a nonconforming user would not be permitted, I'm self-assured. The design  
31 principles S-11.12 reinforces that point, and we subsequently had SACR-8,  
32 which says, 'Look, it'll all be there ready for occupation before we do anything  
33 with the onsite.' So honestly, I don't believe the council has any concerns  
34 beyond the process of going through agreement with the detail, which is always

1 tortuous. So that's why I find myself in this unusual, rather uncomfortable  
2 position, of agreeing with them.

3 MR SMITH: Mr Stratford, I'm going to ask a brief follow up question in relation to that,  
4 which simply is that – yes, I mean, everything that's apparent that's been put  
5 before us and all the documentation up to date seems to record a process that has  
6 led you to a clear immediate development consenting process. You are able to  
7 approve a specific use and development, and this does that job, and I can quite  
8 see that there would be a satisfaction that emerges from that, where you say,  
9 'Yeah, we've got lots of fish to fry in this, but this is no longer one of them, so  
10 we're going to take this one off the griddle.'

11 However, before we leave it, possibly in the line of the response in writing  
12 at deadline 6, I would suggest essentially a practical delivery review about the  
13 question of essentially enduring development management as distinct from the  
14 consenting of the specific scheme, because you need to be clear that you are just  
15 as able to manage this as a use and development of land as you are able to  
16 manage, broadly, most use and development of land that acquires its lawfulness  
17 through the grounds of planning permission under the Town and Country  
18 Planning Act.

19 And if you can't – and the reason I'm still labouring this point is because,  
20 yes, notwithstanding that everything is very tight here, that you are not talking  
21 about something 'generally in accordance,' you're talking about 'something in  
22 accordance,' etc, but in 15 years' time, if somebody, as a matter of fact, starts to  
23 do something different, and then specific action needs to be taken to secure a  
24 return to conformity with the plan, that's what I'm asking you for review on.  
25 How will that occur? Look, if you come back to us and say you're completely  
26 clear how that will occur and you know exactly how it would work and you can  
27 point us to chapter and verse in the existing provisions, I'll stop asking the  
28 question.

29 MR STRATFORD: Chris Stratford for the council. We'll certainly do that in writing as  
30 part of the post event submission, but certainly the plots on the site are actually  
31 almost pre-allocated to the existing users of the other plots, and we've had  
32 discussions about not only the utility block and the housing block, but also the  
33 storage of caravans. There is now not individual gas provision, temporary  
34 provision, but a permanent gas line going to the site, which is much safer and all

1 the landscaping that you can see in green on the plan there has all been  
2 negotiated such that it's protected. The one issue that we do potentially have,  
3 which my colleague Mr Malik mentioned earlier, is the need to ensure that the  
4 noise – I mean, we'll get this table when it comes, the missing table which we  
5 haven't yet seen.

6 Once we've reviewed that, I suspect we may have further questions about  
7 what's behind that table and how it was created, but there is a concern in the  
8 council that the noise provision may not be adequate and therefore we leave that  
9 as an open question, but that can be dealt with through the DCO process that  
10 won't necessarily impact the subsequent approval, but when we come to the  
11 subsequent approval through requirement 13, further conditions could be added  
12 that restrict certain provision on the site, but we have tried to accommodate,  
13 jointly, all the things that people want on the site, even though they may not or  
14 should not [inaudible] so that they have an enhanced position.

15 MR SMITH: Okay, well, we'll be looking to receive some sort of final written position  
16 on that and we'll be looking at the detail of the overarching provisions with great  
17 care just to assure ourselves that the mechanics actually will work in the long  
18 term.

19 MR TAIT: So we'll also come back in writing on that, but just three points to – or perhaps  
20 two points to mention. The first is that article 56.3 allows planning permissions  
21 to be pursued for changes to this site so there wouldn't be a need for amendment  
22 to the DCO.

23 MR SMITH: That's a very good point.

24 MR TAIT: Point 2 is that Thurrock own and manage the current site and would own and  
25 manage the future site. So in terms of the operational management, that's within  
26 their control, and just to note, that at REP3-210, Thurrock Council confirmed  
27 that no conditions were required to be imposed in addition – any further  
28 conditions were required to be imposed. So we welcome, however  
29 uncomfortable for Mr Stratford, the agreement across the room.

30 MR SMITH: Far be it from me to dampen the positive atmosphere of agreement, very  
31 much the reverse.

32 MS LAVER: Mr Mackenzie.

33 MR MACKENZIE: George Mackenzie for Thurrock Council. I didn't address you a  
34 moment ago, though I intended to, on the legal point as to whether the DCO can

1 make provision for this kind of accommodation, and our answer to that, as I  
2 indicated in terms of our agreement with the applicant, is that it can, and there's  
3 a case which confirms that it can, which is crown on the application of Innovia  
4 Cellophane Limited, which was a challenge to a – effectively a temporary  
5 workers campus in connection with Hinckley C. That case confirmed two  
6 things. Firstly, that the term 'dwelling' in planning legislation, including the  
7 2008 act, and that's obviously the term which is used in subsection 4B of section  
8 115 – refers to a unit of residential accommodation which provides the facilities  
9 needed for day-to-day private domestic existence.

10 Pausing there, that clearly would be satisfied in relation to caravans, and  
11 that's effectively the definition/test for a caravan used in the various caravan  
12 sites and control acts. That's the first point, and the second point, which flows  
13 and is expressed in paragraph 29 of Innovia Cellophane, is that that kind of  
14 accommodation can be made – provision can be made for it by way of a DCO,  
15 and for present purposes, material in that judgement is the statement at the end  
16 of paragraph 29, that to require the local planning authority to determine the  
17 issue of this accommodation would lead to the piecemeal consent system which  
18 the 2008 act was intended to overcome. That's obviously a self-evident  
19 proposition, but I just draw attention to it for absolute certainty.

20 MS LAVER: That's really helpful. Thank you very much. That saves National  
21 Highways/Mr Tait from having to give us the answers. Does anybody else have  
22 anything to say on 4(a), which is around Gammon Fields? No, I didn't think so.  
23 So we'll move on to 4(b), which is the effect on visitor attractions. Mr Tait, I  
24 was hoping really to go to the local authorities and possibly Shorne Parish  
25 Council, who may want to speak on this item before coming to – for the applicant  
26 to start, because I think it's probably easier on this item to hear what the issues  
27 are for those parties and for you to respond, as opposed to you setting out your  
28 case first. Is that acceptable?

29 MR TAIT: Yes, of course.

30 MS LAVER: Okay, so can I just get a sense in the room who is going to speak on this  
31 next item? So we've got Havering, we've got Gravesham, Kent. Anybody else?  
32 Shorne Parish Council, I'm just checking. Okay, no hands shown. So on that  
33 basis, it would probably be most beneficial to go to Kent first because I think  
34 Shorne is probably the most specific item on this part of the agenda.

1 MR FRASER-URQUHART: Thank you, ma'am. Andrew Fraser-Urquhart for Kent.

2 Ma'am, obviously we have a little bit to say on this. I will give a brief, as it  
3 were, introduction to our position. I'll then invite Kate Boorman in again to deal  
4 with some of the factual issues, and then I'll invite Mr Nigel Billingsley, who's  
5 online, from Bruton Knowles consultancy, to deal with some of the financial  
6 aspects. So that's how we'll structure, if that's acceptable. The areas that we  
7 need to bring specifically to your attention are, first of all, the importance of  
8 Shorne Woods as part, not only of Kent's portfolio of country parks, but also the  
9 fact that it is the jewel in the crown of the Kent portfolio of country parks, so it  
10 has a multitude of functions.

11 Secondly, we'd just like to consider some of the effects that the scheme  
12 will have on the country park. Both the direct effects of nearby construction  
13 activities, but perhaps as important and more important, the effect on visitor  
14 numbers of both the temporary, but relatively long-term, closure of one of the  
15 main access routes into the site and then the diversion round, what is, as you've  
16 probably seen already, and will do, if you visit the site again at leisure, a pretty  
17 convoluted access route in, which removes one of the principal selling points of  
18 the Shorne Woods Country Park, which is the ability to get to it in about 30  
19 seconds of coming off the A2, but also a range of indirect effects on staff and  
20 visitor mood and morale by virtue of those more convoluted access  
21 arrangements.

22 So there's that trio of effects which we want to just take you through, and  
23 then the third main issue is to ensure that there is a robust legal mechanism for  
24 ensuring our entitlement to compensation, and then we'll turn, as I said, to  
25 Bruton Knowles, to hear about the state of discussions about the amount that's  
26 involved, but then also, equally importantly, will be our last heading, which is  
27 the mechanisms for payment, because given the likely duration of the  
28 construction of this scheme, the old fashioned way of receiving a single lump  
29 sum payment right at the very end after possibly some considerable time in  
30 negotiation after the conclusion of the project, would be simply devastating for  
31 the park's finances and the broader provision of these types of facilities across  
32 the county.

33 Thankfully, as we understand it, there has been some acceptance by  
34 National Highways about the possibility of, at the least, annual payments. I think

1 we would probably push for something even more regular than that, because, as  
2 I'm sure you'll appreciate with local authority finances, as they are generally  
3 today, being kept out of money for that length of time could have a very, very  
4 damaging effect. So that's how we propose to structure the points we want to  
5 make. I'll turn now, if I may, to Kate Boorman, who will take us through the  
6 importance of the scheme and its effects.

7 MS BOORMAN: Thank you. Kate Boorman, head of Country Parks KCC. Shorne  
8 Woods is one of nine principal country parks that KCC own and manage. As  
9 head of that service, I'm responsible for its management, service delivery, and  
10 the financial performance of those parks. Throughout KCC's written  
11 submissions, we have repeatedly raised concerns that the applicant's submission  
12 does not sufficiently address the scale of potential lost revenue to Shorne Woods  
13 Country Park. We are concerned that there will be considerable disruption  
14 during construction, with significantly increased construction, traffic  
15 movements, and activities leading to increased noise, dust, vibration, and  
16 particulate pollution. National Highways are also proposing to close Brewers  
17 Road Bridge, the main access to the country park, for a period of 19 months.

18 The construction of LTC will significantly impact on our visitor numbers  
19 at Shorne Woods, which is referred to as the jewel of the crown within KCC's  
20 portfolio. It's our most widely used and popular park, as well as our most  
21 accessible park. Shorne Woods has the broadest offer of all of our parks and is  
22 financially the main contributor to the overall income generated by Kent  
23 Country Parks. The country park service is 79% financially self-sustaining. All  
24 of the income generated within the parks portfolio is reinvested into the  
25 maintenance and the running of the parks. I work on an annual budget with all  
26 income streams monitored monthly against the forecasted income, and spend set  
27 at the start of the year. Income at Shorne Woods is generated from a whole  
28 range of activities.

29 These are car parking through pay and display and annual season tickets.  
30 Cafes, we have three offers on site. Venue hire, including a third party provider  
31 that we have a partnership, working relationship with to deliver children's  
32 birthday parties across five of our parks. Shorne is the significantly most popular  
33 park with children. Retail and wood sales. Trumper hire, which is our all  
34 accessible mobility scooter. Events, education and training, including

1 accredited training courses, Forest School and school visits and team building.  
2 In addition to the income generated on the site, there are other aspects of the  
3 management and operation of the park that will be impacted by LTC  
4 construction. These are wood products.

5 Under the site management plan, we are required to coppice a proportion  
6 of the woodland each year. The wood is processed on site and it's either used  
7 or sold as kindling and firewood. If we cannot sell the quantities of wood that  
8 we generate because of the reduced number of visitors, we not only lose the sales  
9 income, but are faced with additional dry storage needs which we don't have  
10 and would have to build, or the option of moving the site at the wood off site to  
11 other parks which incurs additional costs.

12 Staff and volunteers. The disruption to the road network and access will  
13 not only affect our customers, but the potential to lose valuable volunteers who  
14 help to deliver the site work, and staff, due to increased journey times and costs.  
15 We employ a large number of local and part time and seasonal staff, including a  
16 number of university students on summer recess. Recruitment is challenging  
17 now and this will be exacerbated with LTC works. Additional work mileage,  
18 staff and the management team and the ranger team principally work across  
19 numerous parks. Disruption, congestion and increased journey times will result  
20 in higher mileage costs and lost time in travelling, not to mention the  
21 environmental impact. Shorne is the largest and most well used flexible working  
22 space for the managers and team leaders and officers and is used as a base office.

23 Our third party providers. We have a number of businesses that use the  
24 park, but I particularly want to relate to Zebadee, who we have a working  
25 partnership relationship with and an agreement where they provide children's  
26 birthday parties. A reduction in party bookings at Shorne will impact upon their  
27 business income and model, and the staff that they have recruited to do deliver  
28 on our site. With over 40% of the overall country park income coming from  
29 Shorne Woods Country Park, the significant impact on the customer base, staff  
30 and volunteers means that it's imperative that we have a mechanism to  
31 compensate for the drop in income generated by country parks.

32 Impacts are expected to be felt throughout the six-year construction period  
33 and post construction, when any business is in recovery and has to work hard to  
34 bring its customers back. Without due consideration by the applicant, the county

1 council will be faced with significant budget shortfalls in the parks area and this  
2 will have a negative impact on its ability to support vital community resources  
3 for recreation, leisure, health and well-being. Thank you.

4 MR FRASER-URQUHART: Just a couple of points, if I could, just to pick up on, within  
5 that. School trips, they come in presumably by bus.

6 MS BOORMAN: Yes, they do, primarily by bus.

7 MR FRASER-URQUHART: And what's your anticipation of the ability of the site to  
8 attract those school buses given the proposed temporary access arrangements?

9 MS BOORMAN: It's very likely, if you've got 30 children, you'll want the shortest  
10 travel distance possible to take those children to the activity that they're going  
11 to do, which won't be Shorne Woods, and so I anticipate that schools and other  
12 organisations that use us for training, for children's activities, for other  
13 educational activities, will source alternative providers that are easier to access,  
14 shorter journey times, and also, the coach companies, they use the coaches to do  
15 the school trips, but also the school runs. They have a very, very short window  
16 when those vehicles are available to do those school trips. So if the journey time  
17 is very long, it impacts on the cost and the ability to actually get a coach company  
18 to do those journeys. So it will go down.

19 MR FRASER-URQUHART: Thank you, and just one other point for you. Again, just  
20 so that I'm clear, to what extent does – forgive the language, but to what extent  
21 does Shorne Woods, as it were, subsidise the activities of the other country parks  
22 in the portfolio?

23 MS BOORMAN: So with Shorne Woods bringing in 40% of the income, it significantly  
24 subsidises other areas of the park's portfolio. So I have nine principal parks and  
25 four other parks that I manage with an overall underpinning budget, and I'm  
26 required to bring in roughly 1.5 million in income to balance the cost of  
27 delivering those parks to the public, and of that 1.5 million or thereabouts, 40%  
28 come from Shorne across all of those parks.

29 MR FRASER-URQUHART: Thank you.

30 MS LAVER: Presumably – that you're going to come on to what you feel is the loss you  
31 will incur as a result of the works.

32 MR FRASER-URQUHART: Yes, ma'am. That cues me up very nicely to the next part  
33 of these submissions, which is to call on, if I may, Nigel Billingsley, who I think  
34 is joining us online from the consultancy Bruton Knowles, who will address that



1 very question and then where we are up to in terms of negotiations about a proper  
2 compensation package. Nigel.

3 NIGEL BILLINGSLEY: Thank you. I assume I'm visible and can be heard. My name  
4 is Nigel Billingsley and I'm a partner at Bruton Knowles Limited, a firm of  
5 chartered surveyors, and I lead on compulsory purchasing compensation within  
6 the firm. I'm a member of the RICS and a member of the Compulsory Purchase  
7 Association. Bruton Knowles are appointed by Kent County Council to provide  
8 property and compensation services with respect to the Lower Thames Crossing  
9 project, and obviously I'm representing Kent County Council in this matter. In  
10 preparing this statement, I've had regard to colleagues that have been working  
11 closely with Kent over the previous months, as well as people in Kent County  
12 Council, who we've discussed the project with as well.

13 To date, we do not consider that the potential lost revenue to Shorne  
14 Woods Country Park, which I'll just term as Shorne Woods, has been  
15 sufficiently represented in the submission from National Highways, and what  
16 I'm trying to do is to focus on responding to the specific question that we're  
17 looking at today. I note in particular that the issue is not set out in the Statement  
18 of Common Grounds, which has been drafted and proposed by National  
19 Highways, but hasn't been agreed. Neither has it been set out in the draft section  
20 106 agreement submitted by Kent County Council for approval. As we've just  
21 heard from Kate, Shorne Woods is the premier country park in Kent County  
22 Council's country park estate and income generated from Shorne Woods helps  
23 to support the wider country park estate.

24 We acknowledge that if the DCO is approved the DCO will include  
25 compulsory purchase powers, which National Highways will be able to utilise  
26 to deliver their scheme, and that's normal in schemes such as this, and of course,  
27 the use of such powers is subject to a requirement to pay compensation for the  
28 reasonable loss and costs incurred by affected parties, and of course the  
29 provisions for that – they're set out in legislation, case law, the DCO itself and  
30 collectively those known as the compensation code, but it's anticipated, as we've  
31 just heard, that delivery of the road scheme will result in an impact on visitor  
32 numbers and all sorts of other factors that occur in Shorne Woods, having a  
33 substantial negative impact on the value of that site and the income that's  
34 available there, and we've sought to understand the approach taken by National

1 Highways regarding payment of what we call ‘compensation’ to Kent County  
2 Council where these losses are incurred.

3 In particular, we are focusing on the losses incurred as a result of visitor  
4 number reduction, rather than some of the wider losses that Kent County Council  
5 will sustain from this project. We’ve been speaking with the valuation office  
6 agency, who are instructed by National Highways and in particular in July this  
7 year, their officer, a Nicholas Coote, stated that – and this is a quote from his  
8 email of 4 July 2023. He said, ‘Whilst we can discuss general principles at this  
9 early stage of the project, the reality is that compensation can only be claimed  
10 once the scheme is completed, when its impact on Kent County Council’s  
11 income from their Shorne Woods country park business is able to be accurately  
12 assessed.’

13 Now, given the period that we expect this scheme to be working across,  
14 we’ve talked about six year – as a project, and I think, as Kate mentioned, it’ll  
15 take a period after that for business to catch up. That could be up to nine years.  
16 Of course, we’ve got a limited period within which we can refer a matter to the  
17 upper tribunal, but given the importance of the income derived from Shorne  
18 Woods to the wider estate and to Kent more generally, it’s not considered  
19 appropriate to have a single payment in several years’ time and ask the authority  
20 to suffer the loss during that long period. We’ve made further representations  
21 to the VOA and they updated their position on 24 August by email, and his  
22 opinion is that the first stage of compensation process is to negotiate the  
23 benchmark income amount that you will need, being Bruton Knowles, to supply  
24 data for this to be done. Once this is achieved, an annual claim can then be  
25 submitted until the scheme works are completed.

26 I do want to note however, that that email was subject to contract. It’s not  
27 therefore binding on National Highways in any way, but Kent County Council  
28 do welcome the change of approach from single to multiple payments, but I think  
29 the proposal for this annual payment presents a similar, although more limited,  
30 problem in terms of revenue from Shorne Woods, because in practical terms,  
31 payment annually, although an improvement, still means Kent County Council  
32 will have to fund the country park estate despite a lack of income from Shorne  
33 Woods for a period of at least a year, and I think the way that the VOA envisaged  
34 this working is that at the end of the year we would submit accounts and other

1 matters and that would be then dealt with as it usually is on the compulsory  
2 purchase, with the VOA examining the claim and relevant payment, and so  
3 they'd assess the relevant paperwork, and then the nature of compensation  
4 claims is that there's often a dispute around that matter.

5 So it could still be several months after the end of the year that payment's  
6 made, which means that Kent could be considerably out of pocket for perhaps  
7 18 months each year before they get the income that they would have normally  
8 expected to come in relatively promptly. So in discussion with clients, what we  
9 would suggest is that the county council would consider a quarterly payment and  
10 that we would agree a formula with National Highways whereby we would  
11 assess the typical income at the time of the scheme rather than historically  
12 looking back for five years from now, which is the suggestion of the VOA, and  
13 at which point we'd be able to look at that on a quarterly basis with an agreement  
14 for any income reduced from a benchmark that's been agreed – would be then  
15 paid promptly by the National Highways to Kent County Council.

16 We'd also need to provide in their annual increases, which we'd expect,  
17 where car parking income would normally increase to reflect inflation and other  
18 matters, but I do think that that is something that we could agree with National  
19 Highways, which would help to secure and preserve the funding that currently  
20 comes through from Shorne Wood to support the country park estate in Kent.  
21 So in summary, I think a benchmark could be set, the quarterly income could be  
22 assessed against that benchmark for every three month period, Kent County  
23 Council would submit the calculation with a certificate confirming its accuracy  
24 every quarter, and National Highways could promptly pay back the sum  
25 calculated.

26 It might be that that formula is actually included in the section 106  
27 agreement, rather than seen as part of the compensation code claim, and of  
28 course – I've discussed this with our client, we would probably agree, subject to  
29 wording, for protection against any potential double recovery of losses from a  
30 formula through to compensation payments. So just to finally summarise, the  
31 income from Shorne Woods is very important to Kent County Council in  
32 delivery of funding to the wider Country Park estate. The compensation code  
33 fails to adequately address this, as there is a risk that under the current situation,  
34 Kent County Council will not have the funds to maintain and develop the estate

1 during the period between losses commencing and compensation being made at  
2 the end of the scheme, and we would recommend that National Highways enter  
3 into agreement to make quarterly payments on the basis that I've outlined above.

4 MR FRASER-URQUHART: Thank you. Thank you, Mr Billingsley. Just one final  
5 point, if I may – and in a sense, it's almost the \$64,000 question, just so that we  
6 can understand the scope of this, just give us a feel for the kinds of sums of  
7 money we're talking about here. Are we talking thousands? Tens of thousands?  
8 Hundreds of thousands?

9 MR BILLINGSLEY: Well, my understanding, in discussions with Kent County Council,  
10 is that next year's budget for Shorne Woods is £845,000. So we are talking  
11 hundreds of thousands of pounds potentially, which will have a huge impact  
12 upon managing the estate, as I think Kate explained.

13 MR FRASER-URQUHART: Thank you very much indeed. You'll be there if the  
14 examining authority have any further questions –

15 MR BILLINGSLEY: Yes.

16 MR FRASER-URQUHART: – and I'll call you back if I need you. Thank you. Thank  
17 you, ma'am. I hope that's a fairly comprehensive summary of where we stand  
18 and the challenges that we face.

19 MS LAVER: Yes, thank you, Mr Billingsley and Mr Fraser-Urquhart. I just wanted to  
20 come back to Ms Boorman's position that Shorne takes 40% of the revenue of  
21 your country parks and I think I asked what percentage of that do you think  
22 you're losing? So Mr Billingsley suggested what your budget is for next year,  
23 but ultimately this is about the impact on the revenue you feel you're not going  
24 to get. So I don't need a specific figure, but I'm looking at a rough percentage  
25 of what you feel will be lost.

26 MS BOORMAN: Kate Boorman, KCC. It's really difficult for me to give you an  
27 estimate, principally because I can't accurately determine what the public will  
28 do across so many income streams. I think I would prefer to go away and think  
29 carefully, across all the different income streams, what the demographic impact  
30 would be before giving you any sort of guidance. I don't think it's unrealistic  
31 for our income to drop at least by half across many of the income streams, but it  
32 will vary throughout the life of the construction depending on the disruption. So  
33 when Brewers Bridge is closed, it's going to be a much bigger impact because  
34 that's the direct route that people take, and that's 19 months to two years. So

1 for that period of time, our income is going to – I anticipate, plummet, compared  
2 to when that's open and the impact will still be there, but in a different way. I'm  
3 sorry, I can't give you a –

4 MS LAVER: No, no, I appreciate the position that you're in, but Mr Billingsley seemed  
5 to be suggesting that rather than wait till the end of the project to determine from  
6 a baseline what your revenue loss is, and I appreciate why waiting five, six years  
7 for a reimbursement of what you've lost is far too long, but Mr Billingsley, I  
8 think you were suggesting that you are looking to fix that amount now, and it  
9 would be a quarterly payment regardless, but if there is change in visitor  
10 numbers because Brewers Road will close, it will then reopen, what sort of  
11 review mechanism is there for the applicant in terms of how much it should be  
12 paying?

13 MR BILLINGSLEY: Perhaps if I could answer that. I think that's the point about the  
14 formula, really, that what we'll be able to do – because I understand works will  
15 start around, say, 2027. So we would know prior to 2027 what the most recent  
16 income data was for Shorne Park in the previous financial year. We'd also have  
17 that, I think, by information on a monthly basis so that we could work out what  
18 we would expect each quarter. So it might be, for example, if it's, at that time,  
19 £900,000 income, it might be in quarter 1 there was 200,000, quarter 2, 200,000,  
20 and in summer, perhaps there's more, and what we would do then would be to  
21 include some form of indexation to those quarterly figures, because of course,  
22 this could be going on for six, maybe even up to nine years, and the way I would  
23 envisage that is that if, for example, under quarter 1, we've decided that the  
24 previous figure was £300,000 income and there's allowance for inflation –  
25 which we could even look at in the context of other Kent County Council sites.

26 So if, for example, parking was going up 2% everywhere else, we could  
27 apply that into a formula for this. So we'd say quarter 1 is a £300,000  
28 expectation because that's what we got last year and the year before, and then at  
29 the end of quarter 1, Kent County Council would put together a certificate that  
30 said, 'Income this period was only £250,000.' We would then send that to the  
31 National Highways and they would then reimburse the £50,000 gap, and what  
32 that allows us to do throughout the life of the project, is that where there's a  
33 particularly tricky point and there are far fewer visitors, it allows us, for example,  
34 to send a certificate in that might be only £50,000 income, so there'd be a higher

1 figure, but where the effect of the scheme is more limited, then of course, the  
2 certificate would come in and say, 'Actually, for this quarter we've only lost  
3 £20,000.'

4 So by applying a formula against a benchmark figure – that we allow for  
5 some interest rate rises from that, then that allows us to not need to guess what  
6 it might be. We can look back every three months, see what it actually was, and  
7 then the payments being made more promptly, which allows my clients cash  
8 flow to proceed, allows the business and the country park estate to be managed  
9 and continue in the way it is now, whilst at the same time protecting the applicant  
10 from having to make a guesstimate of how much to pay and pay in advance,  
11 something like that. I think we cover that point by using the formula.

12 MS LAVER: Okay, thank you very much. We'll take the applicant's response on this  
13 shortly. Does anybody else from Havering or Gravesham have anything they  
14 want to add about Shorne Country Park, because rather than go round all of the  
15 matters, if we're done with Shorne Country Park, I'd like to come back to the  
16 applicant because I think we're going to get lost in too much detail on other sites,  
17 if that's okay. So, Mr Billingsley, thank you very much for your submissions  
18 and to Kent, and I'd like to go back to you now, Mr Tait, please.

19 MR BEDFORD: No, I –

20 MS LAVER: Oh, sorry, Mr Bedford.

21 MR BEDFORD: I thought that was an invitation.

22 MS LAVER: It was, sorry. It looked that way.

23 MR BEDFORD: Yeah, it's alright. Michael Bedford, Gravesham Borough Council. All  
24 I was going to say was that, as a host authority which has the country park within  
25 the borough, and it therefore being important to the residents of Gravesham as a  
26 facility, whilst we obviously don't descend to the detail that Mr Fraser-Urquhart  
27 is concerned about, we would be concerned to see anything which, as it were,  
28 caused a substantive loss to that facility. So to that extent, we are very much  
29 supportive of the need for a proper and effective mechanism to ensure that the  
30 facility endures.

31 MS LAVER: Thank you very much. Mr Tait, over to you.

32 MR TAIT: Thank you. If I may just deal with five points and then ask Sarah Collins,  
33 who's the LTC's head of land, property and compensation, to add some  
34 comments. The first point is here there is land that is taken and the compensation

1 code applies not only to the value of the land, but also to injurious affection  
2 during the course of the project. Secondly, within the compensation code is  
3 included section 52 of the Land Compensation Act 1973, which expressly  
4 provides for advance payment of compensation as from the date following  
5 authorisation, as from the date of either notice of entry or general vesting  
6 declaration, so that advance payments within the compensation code can be  
7 requested and paid well in advance at the end of the completion of the project.

8 Thirdly, in relation to section 52 advanced payments, they can be made at  
9 any time following the dates I've mentioned during the course of the project,  
10 and on a multiple basis, so there isn't a restriction on how many times you make  
11 an advanced payment. Fourthly, as Ms Collins will indicate, and as Mr  
12 Fraser-Urquhart also indicated, there's been extensive dialogue on this question,  
13 in particular on the use of the advanced payment legislation, and that has  
14 included seeking to obtain baseline financial data so that there is visibility as to  
15 the benchmark, as it were, and that will be a rolling benchmark, in relation to  
16 which then the level of the advance payment can then be adjudged.

17 And fifthly, this is a matter which is subject to discussion, so it's a point  
18 in time that you're hearing. Clearly the process can't be a unilateral process of  
19 provision of estimates and then simply payment from the public purse. It has to  
20 be a bilateral process, but as I think Ms Collins will explain, we are content to  
21 continue to discuss the best way of putting some suitable words around how the  
22 section 52 process is governed and how it operates in practice in this particular  
23 case. So perhaps I can ask Sarah Collins to comment, please.

24 MS COLLINS: Sarah Collins on behalf of the applicant. Yes, in general terms, we're  
25 having ongoing discussions and trying to agree baseline figures and how  
26 compensation figures can be evidenced with the information that Shorne Woods  
27 and obviously impact on other sites have, so that we can understand and get an  
28 indication of baselines. The advantage of the advance payment process is it is  
29 prompted by others rather than National Highways. You can, under the  
30 legislation, apply for them at any time and there are statutory timeframes for  
31 responding and making payment, so it's quite a regulated process. However, we  
32 are happy to agree on a case-by-case basis with individual claimants as to how  
33 that process could work in practice in the individual circumstances.

1 Normally obviously, we would expect evidence-based information for the  
2 level of compensation payable, but the idea of the advance payment process is  
3 that you're looking at a particular point in time, so that money can be available  
4 at the time it's needed to help offset the impacts, with the final claim being  
5 settled at the end. It is very rare that we make the final payment right at the end.  
6 We're absolutely happy to continue discussions around how that process can  
7 work in practice in this particular instance, and come up with some protocol and  
8 agreement on that basis.

9 MR TAIT: That was all that I was intending to say in relation to Kent specifically.

10 MS LAVER: Thank you.

11 MR FRASER-URQUHART: May I just briefly respond?

12 MS LAVER: Just give me one second, please. So I've got – what I gather then is that  
13 we're at advanced discussions with Kent County Council and, Mr  
14 Fraser-Urquhart, you can come back in a second. I don't think – the applicant's  
15 not disputing there's going to be harm to Shorne Country Park in terms of  
16 revenue. So just to clarify, you're not disputing that there will be some revenue  
17 impact.

18 MS COLLINS: Sarah Collins, for the applicant. We accept that there's potential for  
19 impact to revenue. Obviously that to be evidenced in due course, so the  
20 emphasis is on trying to work out the baseline, and I understand the future  
21 aspirations for the site, to see what we're working against to be able to assess  
22 losses. As Ms Baldwin says, it's very difficult to assume – we can make certain  
23 assumptions on what the general public will do, but the whole basis of  
24 compensation is on reimbursing actual losses. But there's a lot we can do at this  
25 stage to understand the potential parameters and come up with an agreement of  
26 how we work together through that process.

27 MS LAVER: So is that agreement intended to be a signed agreement? Are there  
28 provisions within the order that cover this?

29 MR TAIT: There is discussion about a section 106 agreement. That is one vehicle, and  
30 Mr Fraser-Urquhart mentioned that, I believe. That's not necessarily the only  
31 vehicle, but it is intended to be a side agreement rather than incorporated on the  
32 face of the order. If we're able to get to noise later, that section 106 point may  
33 surface again in relation to Kent County Council, so for those separate reasons



1 it's intended to complete a section 106 agreement, and so whether this is the  
2 vehicle to add this protocol or not is a matter still under discussion.

3 MS LAVER: Okay. Mr Fraser-Urquhart, I'll let you come back in.

4 MR FRASER-URQUHART: Thank you very much, madam. Simply to say, it appears  
5 we're not a million miles apart here. Clearly, we don't expect to receive money  
6 without providing appropriate evidence to justify the receipt of that money. Our  
7 concern is that the mechanism is robust, and that the provision of funds is done  
8 fairly and quickly, because it's that need to get money in quickly to support the  
9 continued operation of both the park and those other parks which the park's  
10 income subsidises which is our principal concern. But obviously discussions  
11 are ongoing. It's been encouraging to hear National Highways' position today,  
12 and we'll continue to come to some suitable arrangement.

13 MS LAVER: Yeah. Mr Taylor has just popped into my ear, but was coming to me  
14 anyway to say for the ExA we're going to need to continue to be appraised of  
15 the progress on this matter through statement of common ground or principal  
16 area of disagreement, so that we know what weight we're giving in our  
17 assessment. So if we could just put that out as an action, that for each deadline  
18 if there is some movement we get appraised of that.

19 MR TAIT: Yes, madam, and if the vehicle is the draft section 106, that would appear to  
20 fall within deadline 7, and if we haven't agreed anything we would be putting a  
21 holding position explaining where we are, and then seeking to resolve the matter  
22 by deadline 8.

23 MS LAVER: Okay, great. Thank you. I think that concludes things then for Shorne  
24 Country Park. So I'll go now to London Borough of Havering. You said you  
25 wanted to make comments on this agenda item, and then we'll hear your  
26 position, applicant, and then back to Gravesham.

27 MR DOUGLAS: Thank you, madam. Daniel Douglas, London Borough of Havering.  
28 If I may, I'd like to take the opportunity just to bring the panel up to speed on  
29 the concern that we have, and have had for some time now, concerning  
30 Upminster Cemetery and South Essex Crematorium, within the borough. This  
31 is an issue that we commented on in some detail in our local impact report,  
32 section nine, so that's REP2-249 and the concern that we've got, and we  
33 continue to have, is the potential loss of income for the council for that site. The

1 cemetery and crematorium itself is located on Ockendon Road, just to the west  
2 of a road closure that the applicant is proposing for the works.

3 Now, things have moved on a bit since the original application was  
4 submitted, and we're pleased that we've been able to make some progress with  
5 the applicant around the duration of that closure. The concern that we had was  
6 that potentially that closure was around 19 months. The applicant's now  
7 committed through – and it's stated in the most recent iteration of the outline  
8 traffic management plan for construction – that that's now capped at a maximum  
9 of 10 months. A concern that we still have is that length of closure, the knock-  
10 on impact that that could have on the cemetery and the crematorium. I won't  
11 reiterate some of the figures that I've previously given you. All I would say is  
12 that the cemetery and the crematorium, particularly the crematorium, it's one of  
13 the busiest in the country. I think at the time of the local impact report  
14 submission, it was the eighth busiest in the country in terms of cremations.

15 We have around 3,000-plus cremations a year. The council has in excess  
16 of 300 burials a year as well, so the clear concern that we've got is the impact  
17 the closure would have on the ability for funerals to access the site, the knock-on  
18 impact that could have on a day-to-day basis if there are delays, and also the  
19 legacy impact, particularly if funeral directors are advising bereaved families to  
20 go elsewhere, in effect, whilst those works are taking place. Section 9 of our  
21 local impact report has set out the potential financial implication of that for the  
22 borough. We've estimated that around 60-70% of cremations come from the  
23 east or north east of that site, so potentially you could be looking at anything  
24 from £500,000 to £700,000 of lost income.

25 Now clearly, I don't have a crystal ball. I don't know how many  
26 cremations there could be in 2027, or 2028, or 2029, but that just gives,  
27 hopefully, the panel a feel of the potential for income loss. We have been talking  
28 to the applicant about this, and there have been several letter exchanges between  
29 Havering and the applicant, the most recent of which we wrote to the applicant  
30 I think on 27 September, and we received a prompt response from the applicant  
31 in early October. In terms of our request for compensation, we're effectively  
32 agreeing to disagree on that point now. We've got our position. The applicant's  
33 made it clear that they don't feel that they need to compensate Havering, so  
34 we've reached an impasse on that side of things.

1                   What I would say is we are – we’re not just putting our hand up if you like,  
2 asking for compensation. We are looking at other ways that we can try and  
3 minimise the impact, so we’re looking to have a discussion with the applicant in  
4 the next couple of weeks around what we can do to minimise the impact on the  
5 diversion route that’s going to be in place around Ockendon Road, to try and  
6 build in some resilience to those roads so we can really minimise the impact that  
7 a diversion could cause, to try and just avoid a number of delays coming in to  
8 the actual cemetery site. What I will do is – just so the panel have got a copy of  
9 the letters – I will submit both Havering’s letter to the applicant and the  
10 applicant’s response to us at deadline 6, so you’ve got a copy of that, and so that  
11 it’s of public record as well. Thank you.

12 MS LAVER: Thank you for that. Just a couple of questions. You said you’ve an  
13 extremely busy crematorium, probably the busiest in the area, so what are  
14 alternatives? If people can’t get to you, where else do they go, and is there  
15 capacity in these other facilities for people to access, or is it just a case that you’ll  
16 continue to be busy, you may just have to extend your hours?

17 MR DOUGLAS: Well, there are other crematorium facilities outside of Havering, I think  
18 in Thurrock and further east in Basildon area, that people could use. Clearly,  
19 that’s going to have an impact on Havering though, if people end up taking  
20 services elsewhere, so it would have an impact on Havering. In terms of how  
21 we would look to operate during that period, clearly we would have to take a  
22 decision, if there were going to be significant delays, extending our opening  
23 hours, but that would have a knock-on impact on the council. If we end up  
24 opening our facilities for longer, that’s going to have an increased cost in terms  
25 of keeping cafes open, and toilet facilities, and various other things open. So we  
26 could look to extend the operating hours of the crematorium, but that would lead  
27 to an increased cost for the council.

28                   I don’t know what it would mean from a monetary perspective, but I could  
29 get that information and provide the panel with that at deadline 6 if that would  
30 help.

31 MS LAVER: If you want to rely upon it, then yes, please. Just can you tell me what the  
32 opening hours currently are?

33 MR DOUGLAS: I think it’s between – I’ll ask my colleague, Lee, to have a look, but I  
34 think it’s between 9.00 and 4.30.

1 MS LAVER: Is that Monday to Friday, or – did you say burials as well?

2 MR DOUGLAS: Yeah, so it's a Monday to Friday operating crematorium. We do have  
3 a burial service in place as well.

4 MR WHITE: Lee White for the London Borough of Havering. Obviously, the grounds  
5 are open at different times, but the crematoria period is 9.30, we believe, until  
6 4.30, but we will confirm that in writing. The grounds are open – particularly  
7 in the summer, they're open until 6.45/7.00, but I will confirm that at the next  
8 deadline for you.

9 MS LAVER: Okay. The reason I ask is just comes back to that question, is there  
10 opportunity for you to extend your opening hours so that you're not losing that  
11 revenue – just you have your facility open longer? I appreciate there are  
12 operating costs, but I think it's something which is worth exploring. Does  
13 anybody else, before I go to the applicant, have anything they want to say on the  
14 crematorium in Havering? And is that your submission done, Mr Douglas from  
15 Havering?

16 MR DOUGLAS: Daniel Douglas, London Borough of Havering. I've got nothing  
17 further to add, thank you, madam.

18 MS LAVER: Thank you. Okay, so, Mr Tait, please.

19 MR TAIT: Thank you, madam. So this is an impact relating to the closure of Ockendon  
20 Road, now for a period of only 10 months, previously 19 months, and that's  
21 SACR-7 which provides that. In terms of those impacts, the crematorium does  
22 not fall within the compensation code as ordinarily understood, and so doesn't  
23 benefit from potential to make a claim for injurious affection, and there's no  
24 land-take, and that's simply the application of the general law in that respect.  
25 When roads are changed, then there can be consequential impacts on businesses  
26 in and around that location. So in relation to compensation, it's right, as Mr  
27 Douglas says, that we've agreed to disagree.

28 That isn't the end of the story, because not only have we looked at  
29 SACR-7, but there are opportunities to continue to look at ways of mitigating  
30 through the outline traffic management forum, and we are still in discussion with  
31 Havering in relation to the diverted route. The cemetery can remain open. It's  
32 simply that one route to it is not available for that period. There are other routes  
33 to it, including the diverted route if coming from the east, but it doesn't affect

1 access from the west as I understand. So just to reiterate, we are still in  
2 discussions, as was indicated, and intend to continue that.

3 MS LAVER: Does that complete the applicant's position?

4 MR TAIT: It's been brought to my attention that – yes, the outline traffic management  
5 plan for construction includes a specific provision in relation to crematoria,  
6 about access and egress.

7 MS LAVER: Do you want to give me the REP number for that, please?

8 MR TAIT: REP5-057, table 2.3. Thanks to Ms Tafur.

9 MS LAVER: Sorry, table 2.3, did you say?

10 MR TAIT: Table 2.3. REP5-057.

11 MS LAVER: Okay. Thank you very much. So we've done Kent County Council.  
12 We've done Havering. We'll come to you, Mr Bedford, please, for Gravesham.

13 MR BEDFORD: Thank you, madam. Michael Bedford, Gravesham Borough Council.  
14 Could I perhaps just ask if we could illustrate from the outline traffic  
15 management plan for construction? That's REP5-056, I think in its non-track-  
16 changed version, which is all I have in front of me – but plate 4.5. Tantalisingly  
17 close. It emerged and disappeared. There we are. Thank you. That's sufficient  
18 for the purposes of the point I think I need to make.

19 Obviously, you're familiar with the location of the Cascades Leisure  
20 Centre which we were talking about on Tuesday, which is a recreational facility  
21 owned and managed by Gravesham Borough Council. And that can be  
22 approached – well, it is approached from Thong Lane, but in particular it can be  
23 approached from the south side of Thong Lane, and what you can see on that  
24 particular plan is – you can see in the purple, in the top north-east corner, there's  
25 a pair of parallel lines for haul-roads, which come down to Thong Lane, and then  
26 there are two as it were 'blobs' which are the crossing point, and then that  
27 parallel series of haul-roads becomes one haul-road, which then goes down  
28 through the workings to where the Lower Thames Crossing would be in-cutting,  
29 and that comes down in part to the A2 compound, which you can see right down  
30 at the bottom bit.

31 I hope you're also familiar obviously with Thong Lane going down and  
32 towards Brewers Lane and so on. And there's a number of points. One is the  
33 implications of the closure of Brewers Lane on access to Thong Lane from the  
34 south up towards the Cascades Leisure Centre, but then there is also in particular

1 the information from what is in the CoCP[?] – the outline materials handling  
2 plan in section 7 – the information is that, because to construct the section of the  
3 Lower Thames Crossing between the A2 and Thong Lane requires a substantial  
4 amount of deep cuttings and construction of embankments, that earthwork  
5 operation requires, we’re told, at para 746[?], of the order of some 2 million  
6 cubic metres of excavated material to be handled and placed.

7 And of that 2 million cubic metres of material, some 600,000 cubic metres  
8 is to come from the south portal construction site works, and that is therefore to  
9 be then moved via the haul-road that I was identifying, from the north down to  
10 the south area where it will then be required, and all of that therefore has to cross  
11 the Thong Lane at that crossing point which I identified, and we’re told that that  
12 translates to 35,000 HGV movements crossing over Thong Lane. Now, one of  
13 the difficulties we have in understanding – well, is that going to be an impact  
14 which cuts off on a regular basis effectively access from Thong Lane south up  
15 to the Cascades Leisure Centre, or is perceived to do so by local people, is in a  
16 sense the intensity of 35,000 movements.

17 Now, if you look at the project description and the phasing for the works  
18 in that area, and depending on which diagram you look at – whether it’s 2.12 or  
19 2.13 in the project description – those works might take between four to five  
20 years. So if you assume a completely even profile, then on a daily basis it may  
21 well be that it wouldn’t be actually that much crossing movements per day if it  
22 was evenly spread. But if there are peaks and troughs in that, such that the  
23 impact is more concentrated, then that would be a circumstance which would  
24 give us concerns that the perception would be, ‘Oh, well you can’t really  
25 approach the leisure centre from the south because you get stuck in a queue  
26 because there’s going to be temporary traffic lights,’ and so on and so forth.

27 Now, we understand from what the applicant has said more generally that  
28 they don’t have the granularity of information to be able to give us full detail as  
29 to how that pattern of movements will occur. But what we would really like to  
30 see in terms of reassurance is whether it’s done by means of building in a REAC  
31 control that puts a daily cap on the number of movements, because that could  
32 provide the reassurance. ‘Well, it will never be more than...’ a particular  
33 number, and you could obviously then work out, ‘Well, that’s not likely to have  
34 a particular impact on ease of movement on Thong Lane south,’ or whether

1 there's another way of dealing with it through adding to the outline construction  
2 management plan for its controls. In a sense we are agnostic, but we certainly  
3 think that there's a concern there which really the applicant ought to address.

4 And if I can add by way of context, so far as the Cascades Leisure Centre  
5 is concerned, in the last year for which we have full records which is 2022, it  
6 received of the order of 240,000-odd visits, and it had a turnover of the order of  
7 £1.8 million. We would be concerned obviously not to lose income, but more  
8 particularly from a planning point of view, not to lose an important recreational  
9 resource in the borough, or at least it being perceived that it's not a resource that  
10 can be easily accessed because people don't feel that they can get there easily  
11 from some parts of the borough. So that's the concern and, as I say, we are not  
12 particularly pushing it as a compensation matter, but we are pushing it as a  
13 matter that ought to be addressed, probably through refining one of the control  
14 documents to build in more reassurance.

15 MS LAVER: Can you just comment on the aspirations for Cascades, because I believe  
16 that Gravesham have got aspirations to redevelop Cascades into a different type  
17 of facility, and how that coincides with what's going on with LTC?

18 MR BEDFORD: Yeah. I'll probably bring in Ms Lane to comment on that. Obviously,  
19 one of the issues about all of that is timescale, and whether it would or wouldn't  
20 coincide with anything that happens in relation to this project. So to that extent,  
21 we're not able to give you a definitive answer, but perhaps Ms Lane can give  
22 you some more on what's currently being proposed by the borough council.

23 MS LANE: Wendy Lane for Gravesham Borough Council. Yes, there is a planning  
24 permission in place. It is a key component of the administration that that is a  
25 facility that is delivered. The planning application includes redevelopment on  
26 site while Cascades remains. We recognise the importance of Cascades, and so  
27 there was no ability or no desire from the applicant or from the planning  
28 authority for that very important resource to be lost, and so it's clearly been done  
29 in such a way that both can run together. The key issue we've got at the moment  
30 really is getting that [inaudible] with the kind of financial situation that we've  
31 got, that it's a resource for us to take forward. Obviously, this project is not  
32 helping with giving us that clarity that it's something that we should do, and  
33 obviously we're very mindful of the fact that we're going to have significant  
34 construction during this time period.

1                   Our ideal would be, particularly with the delay from Lower Thames  
2                   Crossing, that we could kind of sneak in beforehand to have it substantially there  
3                   but, as I say, we really don't have that certainty at the moment.

4 MS LAVER: Thank you very much. Does that conclude? Thank you. Does anybody  
5                   else wish to say anything on Cascades before I go to Mr Tait? The floor is yours,  
6                   Mr Tait, to respond, please.

7 MR TAIT: Thank you, madam. On the Cascades Leisure Centre more generally, we set  
8                   out our position on Tuesday. I wasn't going to repeat that. But in respect of the  
9                   very specific point that Mr Bedford has raised about the crossing, there is of  
10                  relevance paragraph 4.5.8 in the outline traffic management plan for  
11                  construction, which is REP5-057, which says that 'where traffic signals or  
12                  similar would be required to facilitate construction movements, such as access  
13                  to compounds and construction vehicle crossing-points – and just to interject,  
14                  this would be a point where signals are proposed – they would be locally  
15                  controlled to ensure that the local road network has priority in terms of traffic  
16                  movements. Additionally, when not required operationally, the traffic signals  
17                  would be turned off.' So thought has been given to that sort of impact.

18                  That is considered appropriate at what is set out at 4.5.8, to appropriately  
19                  mitigate the concerns that have been raised by Mr Bedford. But we've heard  
20                  what he has suggested, and we will take that away and consider that, but at  
21                  present we think 4.5.8 is an appropriate measure of control.

22 MS LAVER: Thank you. I don't have to pressure you on any of that but, Mr Bedford,  
23                  did you have anything in response?

24 MR BEDFORD: Madam, that is a very generic response. We can see a pinch point. We  
25                  can see the 35,000 movements and we're not entirely reassured by simply being  
26                  told, 'Well, local traffic will have priority.' If that really meant that effectively  
27                  the signals would be set up so that green time was always available to  
28                  approaching traffic on the local roads, I think we might be happy, but we doubt  
29                  that it really means that.

30 MS LAVER: I don't really want to go into traffic numbers at this hearing, thanks. I'll  
31                  wait for Mr Young to come back, and possibly this will rear its head again next  
32                  week but, yeah, if you could give some response, please, in your follow-up  
33                  submissions in the light of the REAC suggestion from Mr Bedford, that would  
34                  be extremely helpful. I don't have anything further to press on this agenda item,



1 but I do realise that it was open also to look at Thames Chase Forest Centre, but  
2 I don't believe anybody's come forward to make any statements about that, so I  
3 don't know if the applicant had intended to say anything about Thames Chase  
4 today.

5 MR TAIT: No, other than in general terms. The chapter 18 of the ES does provide  
6 assessments in relation to all the recreational, the visitor attractions, and other  
7 businesses that are within the agenda both in construction and in operation. That  
8 includes Thames Chase at page 150 and page 219. There are other references  
9 which we can provide in relation to the sites we've discussed earlier, but I wasn't  
10 intending to take up time by trawling through those.

11 MS LAVER: No, that's very helpful. I didn't really feel like we needed to go there. Is  
12 there anything else from anybody on agenda item 4 that anybody needs to raise  
13 in the room?

14 MR TAIT: Thank you, madam. I need to make a correction. It's chapter 13, not chapter  
15 18.

16 MS LAVER: chapter 13, yeah. If nobody has anything further on agenda item 4, I'm  
17 going to close it there and hand you back to Mr Taylor.

18 MR TAYLOR: Thank you, Ms Laver. We are going to take short break now for 15  
19 minutes, so before we do it's probably worth just saying how I want to take the  
20 next agenda item, and particularly given that we are getting quite pushed for  
21 time. I'm going to deal with all three aspects of the noise together, which will  
22 just save us time going round the room three times. And also, particularly on  
23 the first two matters, my view is I don't think it's necessary for the applicant to  
24 set out their stall in the first instance, and I think I'd rather hear from the parties.  
25 When we come back, I'd like to hear from the applicant on what was – well, it  
26 should have been A3, but I realise I've neglected to put a little 3. So on  
27 maintenance, if I could hear from the applicant on that, and then open it up to  
28 the parties on all three matters, and then I'll obviously return to the applicant.

29 There is a small amount of scope to go slightly beyond 5.00 but not much,  
30 so we are going to have to be tight, and so I put all parties on notice that we need  
31 quite a summary case, and obviously we've got the opportunity to expand that  
32 up in writing. So it's 4.02, so 4.17 please. Thank you.

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34 **(Meeting adjourned)**

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MR TAYLOR: Ken Taylor speaking. I am now resuming issue-specific hearing 8, and we are moving on to agenda item 5, and so if I could first go to the applicant and, as I indicated, please can you give a summary overview only in respect of A3 maintenance issues, and then I'm going to open it up to the parties. I want the parties to address all three issues and then we'll return to the applicant. Thank you. Mr Tait.

MR TAIT: Thank you, sir. Andrew Tait for the applicant. On this item of the agenda, three points. First of all, the scope and obligations of National Highways' operating licence to maintain the network. Secondly, more specifically, the REAC NV013, which we mentioned, which is in REP5-048, and the fourth item in particular, about surface renewal, using replacement road pavement with no worse noise emission performance, [inaudible] for the project's opening. And thirdly, through requirement 4 and the EMP[?] approval, that's paragraph 6.13, which deals with of operation, and the third iteration, EMP3, is required to comply with the latest National Highways standard, which is – and LA120, provides that the EMP shall establish procedures for, amongst other things, monitoring and reporting of control measures. So in broad terms that's the framework in relation to future maintenance works.

MR TAYLOR: Thank you, Mr Tait, and thank you for being succinct. Can I have an indication of who wants to speak on the entirety of agenda item 5 please? I can see hands up in the virtual room, but unfortunately the way it's displayed I can't see who is requesting to speak, so if you could perhaps pop your cameras on briefly, which I'm not promising to come to you first, but I least I'll know who I'm looking for. And it's Ms O'Leary, thank you, and that looks like it's it. Okay. In which case, Mr Bedford, can I come to you for Gravesham first please?

MR BEDFORD: Thank you, sir. Michael Bedford, lead remarks on behalf of Gravesham Borough Council. Briefly, we set out in our LIR chapter 12 some concerns about the adequacy of the controls for operational noise assessment with the project. We are pleased to see at least one of those concerns has been addressed through NV013, which Mr Tait has just referred and reminded us of, and we will set out in our post-hearing submissions whether there are any other matters that require particular consideration. Sir, then could I also deal with the Whitecroft position at this stage?

1 MR TAYLOR: Yes, please, while you're speaking, yeah.

2 MR BEDFORD: Well then as far as Whitecroft, it's a very similar position to the position  
3 I outlined in relation to the construction noise concerns. Effectively in relation  
4 to agenda items (a)(i) and (a)(ii), the answers are no and no respectively. The  
5 reasons for that we've rehearsed in full in the same documents from BY  
6 Acoustics that I set out in my earlier remarks. I wasn't going to repeat those.  
7 They can go into the post-hearing submission. We again are aware that there  
8 might be some further information coming from the applicant, but as matters  
9 stand, we consider that the operation noise assessment is not adequate, or  
10 mitigation fit for purpose. Thank you, sir.

11 MR TAYLOR: Thank you, Mr Bedford. Yeah, fully aware, as we discussed this  
12 morning, that we are expecting some movement with the Whitecroft situation  
13 and then at some point final positions if we can't get full resolution. Thank you.  
14 Mr Mackenzie, please, for Thurrock.

15 MR MACKENZIE: Thank you, sir. George Mackenzie for Thurrock Council. So we  
16 do have some brief points to make in relation to this agenda item, and Mr Malik  
17 will make them. He's online.

18 MR MALIK: Yeah, thank you. Mubassir Malik, Thurrock Council. On agenda item  
19 (a)(i), seeing as we're pressed for time, I'm not going into too much detail, but  
20 just to reiterate the concerns that were raised earlier in relation to the lack of  
21 assessment for the relocated Gammon Fields traveller site. So the commonest  
22 concerns relate to operational impacts, as well as construction impacts which  
23 were mentioned earlier. With regards to agenda item (a)(ii), the council would  
24 like to raise some comments and concerns. So within the noise and vibration  
25 chapter, it is concluded that significant effects remain at two receptors, which is  
26 1 and 2 Brook Farm Cottages. By exceeding these significant levels, noise can  
27 cause a material change in behaviour, potential sleep disturbance, and just  
28 overall quality of life diminished.

29 The council would ask what further mitigation measures can be taken to  
30 reduce this impact to be below the significant observed adverse effect level.  
31 Going on from that, the ES also concludes that no receptors within Thurrock or  
32 anywhere else are eligible under the noise insulation regulations for operational  
33 road traffic. The council assumes this is contingent upon the mitigation  
34 incorporated into the scheme, so whilst Thurrock Council welcomes the

1 additional commitment that's recently been added to the code of construction  
2 practice, which is NV018, to undertake a final eligibility assessment with the  
3 first year of opening on the project.

4 Just to avoid ambiguity [inaudible] assessment is undertaken that it will  
5 include acoustic remodelling based on up-to-date information relating to, but not  
6 limited to, traffic flows, road alignment, mitigation measures including  
7 [inaudible] barriers, and road surface corrections. And the final part of this  
8 agenda A2 was it's noted that there are permanent increases in noise levels due  
9 to operational traffic that are likely to be perceptible with major and moderate  
10 impacts remaining across Thurrock. Given that major changes in noise levels  
11 remain, the council will not agree that submissions[?] for further noise barriers  
12 that have been reviewed in the ES but not implemented, the council would  
13 expect these barriers to be incorporated into the scheme, specifically where they  
14 reduce the number of receptors exposed to major or moderate adverse impacts.

15 So this is just going into specifics, and this is [paragraph 450?] and this  
16 includes barrier options four, six and eight. So those, as a minimum – the council  
17 would like those to be implemented into the scheme. And a final point on item  
18 (a)(iii), and the applicant's mentioned that ongoing maintenance is provided in  
19 the REAC, and this is welcomed. However, the applicant has not provided any  
20 details on the specifics relating to ongoing maintenance in terms of the acoustic  
21 barriers and the road surface the council would expect. Such details to include  
22 a programme of when maintenance checks will occur. Reports provided to  
23 relevant planning authorities to confirm installation, with relevant certification  
24 provided. Thank you.

25 MS O'LEARY: [Inaudible] of noise measuring equipment at Frank's Farm from the  
26 actual farmhouse. The point we'd like to raise today is from the applicant's  
27 response to that written submission [inaudible].2.4. There's reference to factors  
28 that need to be considered to determine the suitability of mitigation measures,  
29 and these factors including a comparison of the monetised noise benefit of a  
30 mitigation measure against the cost of the mitigation measure. We'd just like to  
31 request some clarification as to how the reduction in noise levels has been  
32 identified by the applicant as a result of the road treatment to be applied has been  
33 monetised as a benefit to allow the comparison with the cost of installing an

1 acoustic fence, which would provide an enhanced mitigation to the noise  
2 environment for our client. Thank you.

3 MR TAYLOR: Thank you, Ms O’Leary. Can I just check, was there anybody else who  
4 wished to speak? I thought that was everyone. Yeah. Okay, thank you. So I’m  
5 going to go back to the applicant, and at this point I would ask the applicant to  
6 address the wider remit of agenda item 5 and everything you’ve heard. There  
7 were a number of matters, particularly raised by Thurrock Council, where there  
8 were some specific concerns or areas where a little bit of further detail they were  
9 seeking. And similarly, Ms O’Leary raised some very detailed concerns, and I  
10 think I really just want to understand the applicant’s view on how that’s going  
11 to be taken forward. And it’s again with the end point in sight of timescales of  
12 where we’re going to get to with any scope for further negotiations, having a  
13 headline position at deadline 6, really. And then moving into as close to final  
14 positions as we can get by deadline 7. So, Mr Tait, please.

15 MR TAIT: Thank you, sir. If I can start with the specific while it’s fresh in mind, and  
16 then come back to some general points that we deferred. First of all, in relation  
17 to Whitecroft, those points have been previously rehearsed. There is a meeting  
18 next week, and so I was not going to address further on that because that is a  
19 pathway that is clear. In relation to the absence of figures for the relocated  
20 Gammon Way traveller site in the operational context, that’s also included in the  
21 table that for some reason was missing in the LIR response. So that can be  
22 provided straight away. In relation to the point about options for further noise  
23 barriers, I can bring in Mr Barney Forrest, I think, to pick up that, because there  
24 has been dialogue on the scope or otherwise for that. Perhaps he can just briefly  
25 summarise where the position currently lies.

26 MR FORREST: Barney Forrest for the applicant. So we met with Thurrock on Monday  
27 and discussed this very matter, which was helpful because it clarified that there  
28 were three locations that they were looking at. These three locations are close  
29 to East Tilbury, so their option 4 is below the Muckingford Road crossing,  
30 option 6 is above it, and option 8 is as the alignment swings around towards the  
31 A13 junction, so they’re all in a section where the alignment is in-cutting. We  
32 have false cuttings, and the reason that these three locations were screened out  
33 in our assessment of the cost-benefit of the schemes in – my colleague’s just put

1 them up on the screen so you can see the locations, which is helpful, so thank  
2 you for that – was on three grounds.

3 So firstly, from a landscape perspective, what we're looking to do is to  
4 avoid drawing the eye to the scheme as it passes through this area, so we have  
5 the false cutting and adding a barrier on top of the false cutting would be  
6 detrimental to that landscape impact, and that applies to all three of them, but  
7 specifically for the one closest to East Tilbury, during consultation on that point,  
8 we identified that the East Tilbury conservation area would be impacted were  
9 the same visual impact to be presented and the eye drawn to the height of the  
10 false cutting, so that's the secondary environmental reasons, on top of the low  
11 cost-benefit value for those sites, which is why those three options were  
12 withdrawn.

13 So we welcome further dialogue with Thurrock on those three locations,  
14 but we'd like to widen it to include the potential impacts from a landscape,  
15 visual, cultural heritage perspective, so that it's discussed in the round rather  
16 than specifically on just noise terms.

17 MR TAYLOR: Thank you, and obviously that makes sense because we've got to  
18 consider these matters in the round.

19 MR TAIT: Then in relation to NV018[?], which I think relates to the way in which the  
20 way in which the noise insulation regulation assessment is undertaken, it will be  
21 undertaken within the first year, and there's a query about how that's undertaken,  
22 and perhaps for this purpose and I can introduce Mr Richard Stait, who is a noise  
23 specialist assisting LTC.

24 MR STAIT: Morning, sir. Richard Stait for the applicant. The final calculations for the  
25 noise insulation regulations will be undertaken with the final scheme design,  
26 once it's gone through detailed design, any updates of the traffic model and any  
27 updates to mitigation that happens, joint detailed design [inaudible].

28 MR TAIT: And then Mr Forrest on Brook Farm Cottages.

29 MR FORREST: So the Brooks Farm Cottages is a very particular location where we  
30 have two cottages right beside the alignment, and, as far as I know, we've  
31 extended an offer to acquire those because of the impact of the scheme, but that's  
32 not been taken forward. They would be able to apply for noise insulation on the  
33 grounds of where they are, but we've also got barriers close to the site. These  
34 were previously quite considerably higher than the three metres they are

1 currently, but they were reduced on grounds of landscape impact, both to the  
2 residents of those properties and the rest of the population.

3 MR TAYLOR: And on that point, just to try to get clarity, is the offer to acquire them or  
4 potentially add noise insulation, is that – have the negotiations on that come to  
5 an end where that has not been taken up.

6 MR FORREST: My understanding is it was offered a while ago and there wasn't a plan  
7 to purchase it by – I don't know – so we'd probably have to come back on that.

8 MR TAYLOR: Yeah. I mean, we do have deadline 6, if we need the time, to be – I'd  
9 rather be clear than give a slightly uncertain response.

10 MR TAIT: We won't do it on the hoof. We'll continue to –

11 MR TAYLOR: Okay, thank you.

12 MR TAIT: On your specific point, Ms O'Leary, in relation to Frank's Farm, there there  
13 is predicted to be a beneficial effect in operation between the do minimum and  
14 do something in the order of three – in the range of 3 to 5 dB. So that's the  
15 context, and we've explained why it wouldn't be value for money, but we'll  
16 explain that further if that hasn't –

17 MR TAYLOR: Yeah, I think some additional clarity in your deadline 6 response, because  
18 then that would allow Ms O'Leary to respond on behalf of her client for deadline  
19 7. But then I think at that point we need to be understanding the parties' final  
20 position on this particular issue.

21 MR TAIT: Yes, sir. Very briefly, looking at the overall position in terms of adequacy  
22 of the assessment of operational noise impacts, the applicant considers that it is  
23 adequate and all the methodologies in the scoping report and scoping response  
24 have been followed. They are all in accordance with DMRB LA 111 and other  
25 appropriate guidance, and the applicant is not aware of roads assessed using any  
26 other guidance. There is extensive explanation of the process for considering  
27 mitigation in appendix 12.10 to chapter 12 of the ES, which is APP-450, and the  
28 locations are identified; the number of adverse effects and the number of  
29 beneficial effects are set out in detail. There are 94.707 receptors that have been  
30 assessed, of which 1.5% have significant adverse effects and the other 98.5%  
31 have no significant or beneficial effects.

32 So that is the architecture and the substance of the assessment which I  
33 went elaborate on further unless that's helpful. And then in relation to the  
34 approach on mitigation, that is set out in chapter 12 within the context of the

1 NPS paragraph 5.195. It sets out how mitigation has been approached. As I've  
2 already indicated, the mitigation approach is in line with the guidance that I've  
3 already referred to in LA 111. In particular, that's table E1.3. And there are  
4 various securing mechanisms, which include, in the REAC, NV11, 13, 14, 18  
5 and 19, and as has just been shown on the screen, appendix 12.10 sets out the 19  
6 barrier locations with 57 different barrier options that were considered, and  
7 varying surfacing performances and an explanation as to how one has reached  
8 the output. That is the short-ish version.

9 MR TAYLOR: Thank you, Mr Tait. As we're all aware, there is scope to just embellish  
10 that a little bit in the post-hearing submissions. So I just want to check, did  
11 anybody need to come back on what we've heard from the applicant? Otherwise  
12 I'm going to move on to the closing part of the day. Ms Tafur.

13 MR TAIT: Ms Tafur has one point to add.

14 MS TAFUR: Thank you, sir. Isabella Tafur. I didn't want to respond to anything raised  
15 on behalf of the applicant, you won't be surprised to hear, but I did just want to  
16 put on record a point. We're very grateful, as I mentioned, that Whitecroft Care  
17 Home have now agreed to meet with us. The scope of the meeting that's been  
18 arranged has been limited, as I understand, by Whitecroft to technical noise and  
19 vibration matters. We're very happy to have that meeting with them and I think  
20 it's now been arranged.

21 We are very keen to have a wider meeting with them to discuss their  
22 proposals, some of the points they raised at the previous hearings, as to ways  
23 forward in terms of the care home. We just put on record now, and I'm sure Mr  
24 Bedford would pass it on, that we would be very grateful if they could respond  
25 to that aspect of our request as well, with the hope that we can arrange that  
26 without too much further delay.

27 MR SMITH: I'm very grateful. Rynd Smith, panel lead. I'm very grateful, Ms Tafur,  
28 for that report and update. And, again, Mr Bedford is in the room and will no  
29 doubt be in close conversation with his client. But speaking for the Examining  
30 Authority, again, our sense was that there needed to be discussions on broader  
31 matters than just the simply technical, and our sense of the expiry of time has  
32 now become depressing, as you'll have gathered from the way that we've been  
33 dealing with a number of deadlines. I probably need say no more. Hopefully  
34 the point is one that Mr Bedford can convey to his client.



1 MR BEDFORD: Sir, yes, absolutely. I have to say, I haven't had any contact during the  
2 course of today with developments, not least because unfortunately my  
3 instructing solicitor, who would have otherwise been here today, is suffering  
4 from Covid today, so there's been that sort of an issue. I am aware that, at least  
5 for some people, there is a half term next week. Now, whether that's affecting  
6 the personnel at the meeting, I don't know, but I certainly don't think that there's  
7 any, as it were, reluctance on our part to not have a wider discussion. It may be  
8 simply getting the right people in the right room, but I will certainly take away  
9 from this your remarks, particularly Mr Smith, about urgency and that if things  
10 are to happen they need to happen promptly, outside of the examination process.

11 MR SMITH: In a nutshell, it's a difficult and a complex set of circumstances, but we  
12 will be very desirous of giving sensible, complete reasoning to the Secretary of  
13 State, rather than asking the Secretary of State to undertake further consultations,  
14 for reasons that everybody around this table will appreciate.

15 MR TAYLOR: Okay, thank you, Mr Smith. So I'm now going to move on to the closing  
16 parts of the agenda. So in terms of next steps, we have a number of action points  
17 that have arisen out of today's hearing. We'll get them published as soon as we  
18 possibly can.

19 MR SMITH: In that respect, I will just briefly say that action points for the compulsory  
20 acquisition hearings were finalised over the lunch break today, so should be  
21 proceeding tomorrow, alongside also formal notice for hearing events in  
22 November and also formal notice for the accompanied site inspection in  
23 November.

24 MR TAYLOR: And then just to briefly set out what's happening from here, so tomorrow  
25 we have an accompanied site inspection to a tunnel compound operated by HS2.  
26 While it is an accompanied site inspection, it's very limited to just the Examining  
27 Authority, representative from the applicant, representative from Gravesham  
28 Borough Council, representative from Thurrock Council, just because it's an  
29 operational site and we need to keep numbers limited.

30 Then we are back here next week on Monday, starting at 10.00 as usual,  
31 for a biodiversity matters hearing, and then again on Tuesday for a transportation  
32 matters hearing. We'll then be holding further hearings in November and, as Mr  
33 Smith has indicated, we are shortly going to be issuing the notices for those and  
34 then that will be followed later by detailed agendas.

1                   So I just want to take the opportunity to thank all the speakers for their  
2                   contributions today. I think it has been a helpful day. We made some progress  
3                   and we know where we need to go with making a little bit more progress. Then  
4                   I just wanted to thank the audiovisual team and the case team as well. Okay,  
5                   I'm just going to now hand over to my colleagues to say their goodbyes.

6 MS LAVER: Farewell until next week.

7 MR PRATT: Thank you, everybody. See you next week.

8 MR SMITH: Indeed. And Rynd Smith, panel lead, thank you very much everybody for  
9                   your contributions and, yes, we will meet again early next week.

10 MR TAYLOR: And, finally, so goodbye from me. Issue-specific hearing 8 is now  
11                   closed. Thank you.

12

13

**(Meeting concluded)**