

Lower Thames Crossing TR010032

Deadline 6 Submission

Thames Crossing Action Group

Unique Reference: 20035660

DEADLINE 6 (31st October 2023) / Submitted 31st October

Introduction

1. Thames Crossing Action Group represent those who are opposed to the proposed LTC.
2. Our Deadline 6 submission includes comments in response to D5 submissions, post-event submissions, and a brief additional comments section.
3. In regard to the October hearings we would like to officially put on record for the avoidance of any confusion that we did send our apologies in advance of the hearings that unfortunately we would not be attending any of the hearings live, and would instead be watching the recordings and making written submissions.
4. TCAG would also like to take this opportunity to thank the ExA for extending the invite for us to send a representative to Accompanied Site Inspections 4 and 5 (ASI4 and ASI5) when attendance is so limited, and apologise that we have been unable to attend either. Thank you.

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Comments on D5 submissions

9.111 Actions from the Accompanied Site Inspections [[REP5-082](#)]

Day 2 Actions

5. Table 3.1 includes comments about the visit to The Wilderness in South Ockendon, including recognising that we, Thames Crossing Action Group, had identified the proposed Order Limits correctly, with purple markers.
6. It goes on to state that NH has not yet seen any formal, or otherwise, designation of The Wilderness as Long Established Woodland.
7. We would draw attention to Natural England's Deadline 4 Response [[REP4-324](#)] which details in section b) of section 3 Ancient Woodland Impact of Annex A.4 that The Wilderness is a Long Established Woodland.
8. They also go on to note the definition of Long Established Woodland in Defra's Keepers of time: ancient and native woodland and trees policy in England.
9. Additionally, we also provided details in our D4 submission [[REP4-403](#)], from paragraph 273.
10. We have to wonder how thoroughly NH are reading and considering IPs submissions, if they are saying that they have not seen any formal, or otherwise, designation of The Wilderness, as clearly Natural England and TCAG have provided information in D4 submissions.
11. Also, we have been bringing to NH attention for years now the importance and value of The Wilderness, and told them time and time again that we and others consider it to be ancient woodland.
12. Whilst Natural England may not be able to award ancient woodland status so far, as it is difficult to obtain evidence of smaller woodlands back to 1600, we have presented evidence back to 1767, which we have made NH aware of previously.
13. Not to mention the fact that the new Long Established Woodland status has been confirmed for sometime now, and NH again must surely have a responsibility to identify and recognise such new status. It is also clear from the evidence available and presented that The Wilderness would qualify for Long Established Woodland status.

14. Whilst we will, and have done all we can to protect The Wilderness, NH as the applicant should also be carrying out necessary research and work for all sites that are under threat. But it seems to us it is more convenient for them to just try to avoid and ignore such matters.
15. A copy of the email we received from Natural England (below)

Dear Laura,

Thank you for your emails and many apologies for the delay in getting back to you. The ancient woodland inventory update for the area has just been completed, and as part of this process a long established woodland layer has also been produced. Neither of these new datasets (the ancient woodland inventory and the long establish woodland data layer) are published yet.

The Wilderness has been confirmed as long established woodland. The site didn't have sufficient evidence to classify it as ancient woodland. This concurs with the conclusions I reached and communicated to you previously.

I attach a screenshot of the area that is to be included in the long established woodland dataset. As you know, long established woodland is a new category of woodland identified in the England Tree Strategy and most recently in Keepers of Time woodland policy document: <https://www.gov.uk/government/publications/keepers-of-time-ancient-and-native-woodland-and-trees-policy-in-england>

Long established woodland doesn't currently have any specific protections, but falls between ancient woodland and other semi-natural woodland habitat in the hierarchy of value detailed in the above policy.

I hope this helps.

Many thanks,

Dr Marion Bryant

Day 3 Actions

16. Against No. 3B NH state that traffic flows in both directions would decrease in the am peak hour in 2030 (the modelled opening year), and that in the inter and pm peak hours traffic flows are predicted to decrease, with the exception of the westbound carriageway, west of the junction with Rectory Road on the A1013 (between the Orsett Cock junction and where the road crosses the A1089).
17. Firstly, we would question why this is predicted. Where are NH saying that traffic west of Rectory Road traveling westbound is coming from, and why is it increasing by up to 3%?

18. The fact they state to the west of Rectory Road suggests that it will join the A1013 from Rectory Road, otherwise they would state it was coming from the Orsett Cock junction. Why do NH predict a 3% increase in traffic coming from Orsett along Rectory Road and then heading westbound on the A1013?
19. Secondly, we do not believe that the A1013 would see a decrease in traffic, particularly when there are incidents at either crossing, and traffic needs to migrate, but the lack of adequate connections would leave traffic rat running on any local routes that they can, and with the A1013 being a route that is an easy connecting route it would very likely see a lot of rat running.
20. For reference the A1013 is actually the old A13, before the current (new) A13, so it has that east/west connection, and many know it as a route.

9.112 Joint Position statement: Blue Bell Hill [REP5-083]

21. Paragraph 1.10 states that “To include Blue Bell Hill into the project now (via inclusion in the Order Limits, or a commitment to fund works from the LTC budget) would be to circumvent and undermine the decision of the Secretary of State regarding the preferred route.
22. We would disagree with this statement as so much has changed since the preferred route was announced, and also because NH are supposed to reassess options to ensure that what is being progressed is still the best option.
23. We do not agree that the proposed option still remains the most suitable option. Again so much has changed since the preferred route was announced both in the world and in what is being proposed.
24. In a similar way to the Orsett Cock being utilised as part of the scheme in order for it to be operational, so too would Blue Bell Hill be utilised as the primary connection for traffic travelling on the M20 to reach the LTC via the M2/A2. Considering the project is primarily now about providing an additional route for ports in the south east to cross the river on their journey to the Midlands and beyond, we feel this extremely relevant.
25. Option C Variant was ruled out on the basis that NH (or HE as they were then known) ruled that it was not essential for a new crossing, and that the cost financially and to the environment was too high.
26. If not by Blue Bell Hill how else do NH expect/predict traffic from the Port of Dover for example would reach the LTC?
27. To continue to push ahead with something, especially something that would be at such a huge cost to taxpayers' simply for the above reasoning would be ludicrous and not a responsible spending of public money.

Applicant's responses to IP's comments

9.116 Applicant's Comments on IP submissions at Deadline 4 [REP5-087]

9.117 Applicant's Comments on IP submissions at Deadline 1 to 3 [REP5-088]

9.118 Applicant's responses to IP's comments on the dDCO at Deadline 4 [REP5-089]

28. Unless we have missed them, in which case we would appreciate NH signposting us to them, we do not believe that they have responded to any of our submissions past an initial response to our Written Rep, in which they failed to respond to all matters raised too.
29. In addition, we note that other IPs have advised us they too are still waiting for any kind of response from NH to their comments.
30. We believe that NH may be cherry picking who they respond to and purely focusing on comments relating to the draft DCO, rather than other aspects, which are of course important. Not to mention that much of the wording and process of the actual draft DCO is obviously very technical and based on policy and legal aspects, rather than being something that most IPs will easily be able to participate in.
31. It seems to us that, as all through the pre-application process, NH are failing to genuinely show any interest and offer any real meaningful engagement with us and others.
32. Considering that NH kept telling us through the consultation process that most of the info we were requesting wouldn't be available until DCO application stage, we find their lack of response now we have finally reached this stage completely unacceptable, yet typical of the behaviour we have now come to expect from NH sadly. Our only hope was that out of respect to the ExA NH might actually begin to make a better effort. Sadly this does not seem to be the case.
33. NH may attempt to argue that time is limited and the DCO process is so fast paced, but they knew this going into DCO, and yet still refused to share much of the info we were asking for during pre-application stage. Plus ultimately, that is simply not our problem, if they choose to submit the DCO then they should be ready, willing and able to handle the workload associated with it, including engaging with us and everyone else.

9.105 Applicant's Comments on IP Responses to ExQ1 at Deadline 4 [REP5-077]

34. We additionally note that in NH responses in this document, they respond to EXQ1 Q3.2.1 and Q3.2.2 but only in response to Thurrock Council, and not TCAG despite the fact that the ExA directed the question at us also.

35. It seems to us that generally NH are continually just signposting to application documents and repeating what they have been saying previously instead of offering any real consideration or further communication/comment on points IPs are raising, as a means of avoiding IPs concerns and criticisms of the project. NH seem to believe that continually repeating what they've said previously is an acceptable and adequate practice, and goes to highlight the lack of meaningful engagement that has long been the norm with NH and LTC.

October post-events submissions

Issue Specific Hearing 8 (ISH8) - Construction & Operational Effects (Non traffic)

Construction compound matters

36. We would just like to say that we agree with other parties who have raised concerns about the impacts of construction compounds, including not only the sites but also the associated traffic.
37. We agree that should the proposed LTC go ahead that more focus is needed on better use of the river where possible, to take as much impact off the roads and local communities. This is something that has been raised at LTC Task Force Meetings held by Thurrock Council, with National Highways in attendance, for a number of years now. Yet still it seems NH do not want to offer any real guarantees as to maximising the use of the river.
38. On the topic of impacts to Traveller's Site specifically, as what it described by others as a harder to reach section of the communities, we note that NH commented about a lack of engagement so far from residents in travellers sites as part of the process.
39. As a group we are in contact with residents at the Gammon Field travellers site in Thurrock, and they have said that communications have been poor and told us they consider there has been a lack of real meaningful engagement.
40. Any letters sent the residents at the Travellers Site would need the residents to attend the main sorting office and queue to check if they had mail, to receive such letters. There can also be literacy aspects to be considered.
41. Most recently they also advised us that nobody from NH had visited residents on the site since January 2022. This hardly seems like an attempt of meaningful engagement to us.
42. We would also agree with comments made in regard to the fact that more needs to be done to ensure adequate procedures are in place to not only monitor impacts of construction, but also to ensure actions are taken to stop or reduce impacts whilst investigation of any exceedances are carried out.
43. As we have previously stated, we know from experience during ground investigations that there have been impacts and issues, and predict that such instances and issues would only be worse if the proposed LTC goes ahead.
44. Historically we also know for instance in the South Ockendon area how long it took for noise barriers to be put up in regard to the M25 once it was

operational, which while we appreciate is after construction stage, does highlight what communities have already experienced and want to protect ourselves from moving forward should the worst happen, and why there is very little if any trust or confidence that NH would act as effectively and efficiently as communities would need and want.

45. We also note that while NH have stated about their policies on help for residents who suffer certain levels of exceedance and impacts, and will be following up on that in writing, residents need more readily available information and ability to report and deal with such issues and concerns, if the proposed LTC goes ahead.
46. The way NH described it left everything in the control of them and their contractors, whom many residents as already mentioned above have very little if any trust or confidence in.
47. Like others we have concerns about the impact of so many construction workers coming into the area, if the proposed LTC goes ahead, and the associated impacts that would have on housing and generally to our communities and services etc.
48. The area is already greatly lacking when it comes to things like healthcare, dentists, school places etc, so if workers are either in the area on their own, or relocate their families this could bring additional pressures to our communities that are already stretched.
49. We question what assessment has been carried out on things like the additional drain so many extra workers in the area would have on mobile phone and internet services, as this would again add pressure to such services either just by more people being in the area and increased usage by those working away from home and needing to contact family back home.
50. We are aware that there can be antisocial behaviour and increase in crime associated with huge construction projects which would impact not only our communities but also the local emergency services.
51. As much as NH like to suggest that the aim to employ people locally it is known that there is generally a shortage of construction workers due to the volume of large construction projects being planned in similar time frames throughout the wider region, so how realistic their predictions and aspirations are would remain to be seen, and we do have to question whether there is any real evidence to back up such claims and predictions.

52. We again feel that way too much is being left to the construction companies, rather than NH taking responsibility to ensure the best worst outcome for our communities.
53. It's also all very well NH talking about provision for shuttle buses and connectivity for using public transport, but there is nothing, as far as we are aware, in place to incentivise or control workers using such provisions.
54. In regard to the temporary use and return of land to the landowner, we have concerns about how and whether NH would truly return the land in a reasonable condition when it comes to things like impacts to agricultural land (such as grade 1 listed land) and/or ancient/long established woodland etc.

Construction impacts

55. We agree that there is a need to support Shorne Woods Country Park due to the impacts construction would have, if the proposed LTC goes ahead.
56. We also note that the Woodland Trust equally have Ashenbank Woods in the same vicinity, and construction would impact visitors access to that site also. Whilst there may not be the same level of commercial income at Ashenbank, access would still be needed for Rangers to the site, and visitors are also likely to be supporters of the Woodland Trust through means of membership and donations that support the organisation ongoing, which could be impacted if access is impacted.
57. On the topic of access to the Corbets Tey Crematorium we have voiced concerns about this for years now. It is not only for actual cremations, but also for access for those that wish to visit their loved one who are interred there.
58. We would also note since the question was asked about other possible Crematoriums in the area, that whilst Thurrock was mentioned, there is not to our knowledge a crematorium in Thurrock, and most would use the Corbets Tey Crematorium.
59. As a slight aside we also note that Ockendon Road is also a main bus route that would of course also be impacted, so the road closure would also impact public transport access whether it be to the crematorium or other locations, including being a route used for schools and commuting.

Operational impacts

60. In regard to the agenda items in this section we would simply like to state that since we do not agree that traffic modelling and predictions are adequate and realistic, by association we do not feel that noise impacts will have been adequately assessed either.
61. We do not agree that there would be any real level of improvement of traffic flow at the Dartford Crossing, so do not agree that there would be an improvement in noise and other pollution in that regard.
62. Similarly, we do not believe that there are adequate connections for traffic to migrate when there are incidents at either crossings for traffic to migrate, and thus the result would be more chaos, more traffic attempting to rat run by any means further adding to noise and other pollution.
63. Finally, and in keeping with what we have said in so many different aspects now, we definitely feel that way too much is being proposed to be left to the contractors, including noise barriers. We have serious concerns that if a contractor is given the decision-making opportunity they will do what is best for them in regard to cost and ease of their job, rather than what will be in the best interest of our communities.

Issue Specific Hearing 9 (ISH9) - Environment & Biodiversity

Ancient Woodland Impact

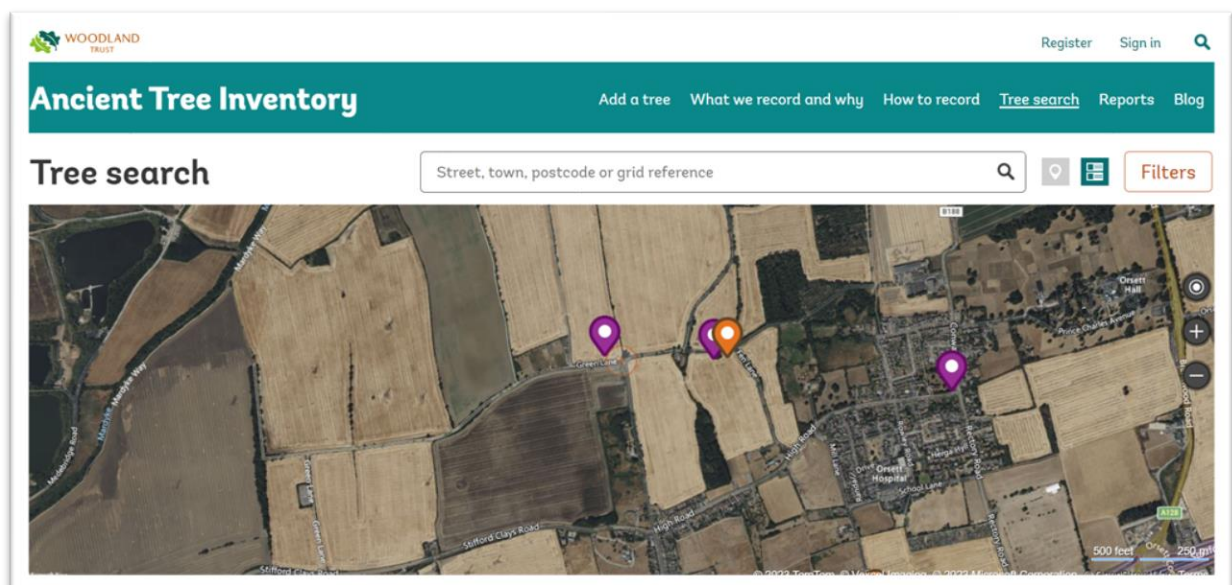
64. Whilst listening to NH provide evidence on research into the translocation of ancient woodland soils, we feel the need to comment on how frustrated and disappointed we are that clearly by the fact they have carried this research out on other NH projects just shows how often NH are destroying and impacting these irreplaceable ancient woodlands.
65. There is so little ancient woodland left in our country and we strongly feel that more needs to be done to properly be saving and protecting what little is left, and that more consideration is needed on the cumulative impacts to ancient woodland on these various projects that are allowed to destroy and impact ancient woodland across the country.
66. NH may like to suggest that they have reduced impacts, but any impact is too much, and a 'little' here and a 'little' there soon builds up.
67. Whilst we are not in favour of losing valuable soil that is of course an important part of ancient woodland ecology, we do note the irony of NH referencing what has been learnt from HS2 which is of course a highly controversial project that has failed on so many levels, with so many serious issues, and with so much cover up being reported. Hardly a respectable and trustworthy source for anything it seems.
68. It concerns us that NH have now admitted that they have not completed all the necessary surveys in regard to the translocation donor and recipient sites, yet are attempting to 'sell' the translocation of soil as a confirmed positive action.
69. We have experienced NH's attempted greenwashing for years now, and find such behaviour completely unacceptable.
70. It also seems to us that more and more is coming out during examination that backs up what we've said for sometime now too, that NH are trying to push ahead with a project for which they clearly have not carried out adequate work, and instead appearing to be attempting to get away with what they can, if they can, hiding behind wording such as 'where practicable' and similar.
71. Moving onto the aspect of management of woodland, we again find it frustrating to listen to the evidence given by NH, about best practice and what they usually do etc, when clearly there is evidence of huge failings when it comes to NH tree planting on projects, as we have already previously

referenced, with huge percentages of trees having died. Please see from paragraph 220 of our Deadline 4 submission [\[REP4-403\]](#).

72. We join the Woodland Trust in their questioning about how success of translocation of ancient woodland soil would actually be considered and measured, and additionally again question whether NH proposal to do so is just another attempt by them to greenwash and distract from the reality that the proposed LTC would be so hugely destructive and harmful, including to irreplaceable ancient woodland amongst many aspects. This is particularly relevant, when as already highlighted, NH have not even carried out appropriate assessment and surveys for proposed translocation sites.

73. We have heard how it was not considered possible to realign the route further south to avoid Rainbow Shaw ancient woodland due to the overhead electricity pylons. We draw attention to the fact this is simply the large expense of moving pylons being given priority over irreplaceable ancient woodland, which by fact that it is irreplaceable gives it a priceless value so should rate it as of much higher value.

74. NH state that they do not need to clear any vegetation that would affect ancient woodland or veteran trees for compounds. However, we would like to draw attention to the fact that some of the construction routes, which would be in high use do pass along lanes that are narrow and have ancient and veteran trees closely alongside them, such as in Fen Lane, Orsett for example (see below).



75. Whilst we acknowledge that this would not directly result in the loss of trees, there is no doubt that these trees would be adversely impacted, by vibration and pollution associated with the construction traffic.

76. In regard to route alignment, there seems to be a theme that NH have over the years chosen to realign the proposed route whereby in places it didn't not impact certain woodlands, including ancient woodland, like Rainbow Wood The Wilderness, but now would.
77. As highlighted above in the instance of Rainbow Wood it resulted in avoiding the cost of moving electricity pylons which is not cheap, and in regard to The Wilderness it avoids going through the nearby landfill site, which again would be a big and expensive job.
78. We feel that this highlights how there are instance whereby we believe valuable woodland could be avoided, but NH have chosen not to.
79. As NH talk of limitations for position of the route, this and many other aspects just go to show how the proposed LTC as a project really is the wrong project in the wrong location.
80. In regard to any compensation and mitigation locations, and the need for it to be the right planting in the right location, we would also like to voice concerns over compensation and mitigation for other previous schemes in the region being impacted by the proposed LTC. This must bring in to question what real value mitigation and compensation has when it appears to have no real protection moving forward from other NSIPs.

The Wilderness

81. We have of course presented a sizable amount of evidence and information on The Wilderness previously, so will endeavour not to repeat ourselves in this section.
82. However, we would like to begin by stressing that whilst it was mentioned that Long Established Woodland does not have any legal protections associated with it, our understanding is that this is because it is such a new category/status.
83. Indeed, the Long Established Woodland Inventory is so new the first iteration has yet to be published, and The Wilderness would be one of the first woodlands to be recorded on this brand new inventory.
84. In response to NH comments, we question what criteria they consider for ancient woodland indicators? Following the Woodland Trust ancient woodland indicators we have identified a number ourselves, so would expect professional ecologists to be able to identify at least what we have located if adequate surveys have been carried out.

85. We won't repeat in detail the ancient woodland indicators, but simply refer back to our previous representations such as in our Written Representation [\[REP-425\]](#) including Appendix C
86. We also again draw attention to the fact that COWI one of NH contractors described The Wilderness as ancient woodland to an industry publication for an article, which apparently at the time suited the 'Greener Infrastructure' article. As highlighted from paragraph 265 of our Deadline 4 submission [\[REP4-403\]](#).
87. It seems very strange that a contractor tasked with such an interview would out of nowhere identify The Wilderness as ancient woodland in error, if NH say they have no evidence to suggest that The Wilderness is ancient woodland.
88. We would also ask what consideration NH have given either now or in the past, since we have been raising this matter with them for a number of years now, as to realignment of the proposed route to avoid The Wilderness.
89. They speak of working on reducing impacts, but why haven't they done so before now, since we have been raising this concern for years?
90. As previously highlighted we believe this again comes down to them trying to avoid a more expensive option of going through the nearby landfill site, believing that woodland is an easier option and that they can get away with it.
91. We do not find the information shared in [\[APP-477\]](#) in regard to the watercourse at The Wilderness to be particularly helpful, and as far as we can see lacks clarity of where for instance the associated photos have been taken. To date we have also been unable to identify which map was being shown as NH spoke on this matter at ISH9, and detail is limited when watching the recording of the hearing.
92. We do have concerns that the retaining wall would sever connectivity of the watercourse and impact the wildlife that currently uses this area for foraging and water supply, as well as aquatic creatures in the area for which the watercourses are habitat.
93. We do not consider the replacement pond to be adequate or suitably placed. How does such a pond support the natural environment and wildlife that currently uses the pond at The Wilderness? It is some distance away and on the opposite side of the busy B186/North Road.

94. We know for instance that there are numerous species of bats in The Wilderness, and it is known that bats often source food such as insects that exist near water courses and ponds. Anyone who spends time near ponds/water on summer evenings will know of the presence of insects! Removing this pond at The Wilderness, only to replace it in a location that the bats would need to cross a busy road and across open land to reach is not deemed acceptable or adequate.
95. Not only on an ecological aspect, but we'd also like to add a gentle reminder that The Wilderness is also part of a family's garden, and indeed historically has been part of the Groves estate for hundreds of years, including being home to Sir Richard Saltonstall, Lord Mayor of London in the late 1500s and his descendants for many years. The woodland has a heritage value as well as ecological one.
96. We also wish to draw attention to the fact that the watercourses in The Wilderness are fed from a natural underground spring to the north of the site, which has been constantly running for hundreds of years. It was in fact described as a 'never failing spring' in a sales listing for the estate in the 1867!
97. We note NH's references of the watercourses in The Wilderness as being small, but this in no way means they are not important or significant. Clearly the spring and watercourses at The Wilderness are a constant source of water that have always been there, and should be protected as a valuable natural water source for wildlife and our natural environment, as well as also having heritage value.

Shorne Woods SSSI Impact

98. We are a little perplexed by the discussions on proposed facilities, that it seems are not within the DCO coverage, but have been assessed.
99. It is our understanding that land can only be permanently acquired if there is a genuine need for the project, and that temporary land has to be returned as it was prior to temporary use.
100. We therefore question how it can, it appears, be proposed to be acquired for a car park that apparently is only supported by Kent County Council, **if** it is financially viable by means of the facilities, which NH are saying they have assessed but would not provide and are not secured in the DCO.
101. How can this equate to be essential for the project?

102. We have to ask whether this is some kind of obscure side deal/sweetener, rather than a genuine part of the proposed project?
103. We are concerned about the impacts of this proposal, or potential future development in regard to the SSSI.
104. Listening to comments and feedback from supporters of our group, and having spent time at Ashenbank and Shorne Woods Country Park we are aware of things like the cycle routes and footpaths, as well as the fragile ecology and heritage aspects to the sites, and feel that to add another car park with such facilities would be detrimental to the area and local community, as also highlighted by Shorne Parish Council and the Woodland Trust.

Coalhouse Fort

105. Reference was made to the proposed land almost just being arable land, with no real ecological value. Whilst we acknowledge that some agricultural land can lack ecological value, we do again highlight the fact that we cannot simply look at 'other creatures' when considering the impacts and value of land. As raised before, we too are creatures that need food, and we are facing food security issues which need to be considered. All too often it seems that mention is made of agricultural land as though it is something we have a never-ending supply of, and all too often we take food supply and farmers for granted. This land is currently owned by a local farming family who are being hit from all directions with land take and impacts from not only the proposed LTC, but other projects and developments, such as the recent A13 widening in Thurrock. We have to question how much of a hit farmers such as the Motts, and indeed other farmers along the proposed route can take, before farming in the area is no longer a viable option for them.
106. We would ask what assessment has been carried out to ensure that creation of such a wetland habitat would not add to coastal erosion that is already an issue in this area. Also, whether wetlands would reduce the ability of this land to act as a flood plain as it does now. Even as we write this submission a flood warning for this area is in place. If it is transformed into wetlands that would be wet, surely land can only take so much water before there are other consequences.

Hole Farm Community Woodland

107. In regard to elements of Hole Farm Community Woodland that are connected to LTC, NH outlined that:
- 26 hectares of ancient woodland compensation
 - 75.2 hectares of compensation for nitrogen deposition effects
 - 2.9 hectares of replacement special category land
108. This adds up to 104.2 hectares.
109. On the official Hole Farm Community Woodland webpage on the Forestry England site¹ it is stated that the Hole Farm site is 100 hectares.
110. This shows that the land proposed for LTC covers the size of the Hole Farm site.
111. That site also states that the vision for Hole Farm is, “to create a multi-purpose woodland which will become an inspiring place for people to visit and explore, a thriving wildlife habitat and a source of sustainable timber”.
112. It goes on to detail Hole Farm community planting days, stating that the first community planting day was in December 2022, and that there will be a second year of tree planting this winter (2023/4). Indeed, Forestry England also sent out an email advising of the community tree planting days on Tues 24th October 2023.
113. A screen capture of the form to register to take part in the community tree planting days has been pasted below.



¹ <https://www.forestryengland.uk/hole-farm>

114. We again question and draw attention to the fact that work for the proposed LTC is not supposed to begin until and unless permission/DCO is granted. The fact this tree planting and the creation of the Hole Farm Community Woodland has already begun and is continuing regardless of whether the LTC is granted permission, shows that Hole Farm Community Woodland should not be considered environmental compensation or mitigation for the proposed LTC project, as it is already being progressed regardless.
115. We also question how you can create a new community woodland without planting trees, due to woodland being an area with many planted trees. Therefore, what kind of community woodland would Hole Farm be without the tree planting that is being carried out according to NH as advance compensatory planting?
116. Not to mention of course that in keeping with what has been said all along in regard to Hole Farm Community Woodland being progressed regardless of whether LTC is granted permission or not, are we really expected to believe that the newly planted trees will be removed if the LTC is not granted permission?! We therefore consider that the tree planting is part of the Hole Farm Community Woodland rather than compensation or mitigation for the proposed LTC, as clearly it is already being planted so we will have the trees/woodland regardless. A point that NH confirmed in their comments at the hearing.
117. A NH video that was published 2 years ago², that is also embedded on the Forestry England Hole Farm webpage, states:
- “Hole Farm is an important part of our woodland creation and tree planting plans which support the government's action plan on trees, woodlands and forestry and the increase in tree planting across the UK to 30,000 hectares per year by 2025.
118. The video also talks about the consultation that would happen (which has obviously now already happened) and how the public would be asked for feedback on tree planting and other aspects for the site. If there is this level of flexibility in what happens at Hole Farm then surely it cannot also be considered as well planned and purposeful compensation/mitigation for the proposed LTC, as there should be very specific and detailed assessed

² <https://www.youtube.com/watch?v=aKMesDipyp4> – Apologies we know you don't like videos published on YouTube, but this is how NH published the video. We have to wonder if is helpful to them to publish on YouTube to avoid it being able to be referenced in DCO examination.

reasoning for the placement and criteria of such environmental mitigation.

119. NH also stated at the hearing that they already held the land, as though that is a good enough excuse. However, the reason they already held the land was because they had acquired it for Hole Farm Community Woodland, to improve biodiversity alongside their major routes, in this instance the M25. We therefore again say that this shows that the woodland was already due to be created regardless of the proposed LTC, so how can it be considered compensation or mitigation, as the community woodland would have been progressed regardless.

120. NH attempted to associate Hole Farm Community Woodland with the LTC, in an attempt to greenwash LTC before they had even included it in the LTC Order Limits publicly.

121. On Weds 2nd June 2021 Highways England (as NH were then known) issued a press release³ which stated:

"The new community woodland is part of Highways England's commitment to increase biodiversity along England's Strategic Road Network by 2050 and will go ahead regardless of consent being granted for the Lower Thames Crossing".

122. So yet again, the reason why NH already had Hole Farm in their ownership was because they planned on progressing Hole Farm Community Woodland regardless of whether the proposed LTC goes ahead or not.

³ <https://www.gov.uk/government/news/largest-community-woodland-in-the-east-to-be-created-in-essex-alongside-lower-thames-crossing-route>

Issue Specific Hearing 10 - Traffic & Transportation

Update on matters arising from ISH4

123. We would like to put on record that we are concerned and disappointed that Thurrock Council were not invited or aware of the meeting that NH reported Thurrock had not attended. As the highways authority we of course expect Thurrock to be kept in the loop and invited to such meetings.
124. Also, in regard to NH stating that it might be beneficial to them to have the additional Deadline 6A to relieve pressure on them, we must draw attention to the fact that had they carried out adequate work prior to submitting the DCO application, and actually made more effort in regard to meaningful engagement they, and everyone else, would not be so under pressure as people find themselves now.
125. Whilst this doesn't necessarily help resolve the current issue, we really do feel that NH should be held accountable for their behaviour, as it is clear that many parties have been trying to engage on these matters for a considerable amount of time and prior to the DCO application being submitted. NH behaviour in that regard is inadequate and completely unacceptable.
126. We would also like to put on record that as mentioned by Miss Laver, we would have concerns that NH do not plan on any further assessment of air pollution in line with the new modelling. As Miss Laver stated a change to modelling would suggest that further assessment of air pollution should be carried out. Additionally, as we have previously commented, we would have hoped and expected there would be further assessment of air pollution in relation to the new legal targets that have been introduced on air pollution within the Environment Act.
127. In response to comments from NH that RIS2 recognises the impacts to the Strategic Road Network in Essex and Kent that would be addressed, we would like to draw attention to the fact that much has changed since RIS2 was published, and indeed latest updates are that RIS3 will focus on road repairs and maintenance, rather than road enhancement projects.
128. Following on from that NH suggest that no other party has identified within the NPS that congestion has to be mitigated. We would question where in the NPS it states that congestion doesn't have to be mitigated?
129. We also voice concern that the congestion would have associated air pollution and increase safety risk, which are things NH stated are considered to be mitigated, so by association congestion should in our opinion be

mitigated.

130. We agree with Miss Laver and share her concerns that there are no guarantees that the RIS would pick up issues created by the proposed LTC, particularly as already mentioned because RIS3 is going to focus on repairs and maintenance of the aging existing road network. NH should not be attempting to shirk their responsibilities by simply saying that the RIS will pick things up, as RIS is not in their control and there are no guarantees. If the proposed LTC goes ahead and creates issues then NH need to ensure there is provision in place for them to take responsibility.
131. We also wish to add that by trying to pass the buck onto the RIS to deal with issues created by LTC, this would be another form of creative accounting in regard to the cost of the proposed LTC. The LTC cost is ever rising and the BCR dropping, all costs associated with the LTC should be assessed and included in the value for money assessment. It is simply not good enough to avoid covering the mitigation that would be needed and letting RIS pick up the tab. RIS is not a bottomless pit, and as came out in the Transport Select Committee's RIS inquiry earlier this year, questions were being asked about the fact that the contingency funds for RIS2 had already been spent, something the committee did not appear to be impressed by.
132. To touch on Blue Bell Hill, and apologies for repeating what we have previously highlighted, but we feel it important and relevant as a reminder. NH appear to be trying to present Blue Bell Hill as a project that has no real connection to the LTC, when it is important to remember that at route choice selection stage improvements to Blue Bell Hill as a means of allowing improved connectivity for LTC traffic from the M20 through the M2/A2 to the LTC was one of the route options that was ruled out.

Public Rights of Way (PRoWs & Non-Motorised User (NMU) Routes

133. Something that crossed our mind whilst listening to the hearing when it was questioned whether the proposals for WCH routes are proportionate, is that what NH are proposing is not any real connectivity and is often quite aimless routes such as the many winding, spiralling, zig zagging paths in Tilbury Fields for instance.
134. With this in mind we again have to highlight the fact that there is no real genuine attempt by NH for a truly inclusive option for non-motorised users in regard to the proposed LTC as a new river crossing. There is no provision for any cross river active travel.

135. We remain of the opinion that what is being proposed in regard WCH appears to be more a tick box exercise by NH to say they have included WCH into the project, but the fact remains that whether the inclusion is of any real value and benefit in regard to true NMU inclusion of the project as a new river crossing are two very different things.
136. Whilst we are of course completely against and concerned about antisocial behaviour, and sympathise with the landowners, we do also have concerns that it seems genuine PRoW users could be penalised and miss out on WCH routes if they are reduced, purely due to a minority who are carrying out the antisocial behaviour. The minority who, we believe, would just find alternative ways to carry out their antisocial behaviour in the area regardless of whether there are WCH routes.
137. We note that Mr Benton did not go so far as to make reference to how the proposed WCH path proposed alongside North Road in South Ockendon would interact with his recently approved new farm track off North Road (Thurrock Planning Ref 22/01466/FUL)⁴.
138. We are also aware that, we presume due to concerns about public access to their land possibly to do with antisocial behaviour, that many Thurrock landowners have been depositing statements⁵ under Section 31 (6) of the Highways Act 1980 or Section 15A(1) of the Commons Act 2006, to prevent any future claim for the existence of further rights of way across their land.
139. We can appreciate and understand the frustration, stress, and cost associated with dealing with antisocial behaviour. We also share frustrations over the lack of meaningful engagement and consultation between NH and not only these land owners but everyone in general throughout the whole process. NH are quick to quote how many consultations they've held, how many events etc, but quantity does not necessarily equate to quality.
140. Our communities have concerns about the antisocial behaviour. We see the gas canisters along Green Lane where cars have been driven down the road and parked up by those dumping the canisters once used. We hear and see the antisocial behaviour on motorbikes and quadbikes across the fields where access has been gained via not only bridleways but also footpaths, farm tracks, access routes for things like the solar farms on some farmland, and roads like Medebridge and Hall Lane in South Ockendon, and

⁴ <https://regs.thurrock.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RKM0TJQGL0D00>

⁵ <https://www.thurrock.gov.uk/public-access-to-private-land/register-of-applications-received>

Green Lane and Fen Lane in Orsett.

141. Indeed we are also aware, as also raised by Shorne Parish Council that NH has experienced antisocial behaviour during the changeover of ownership at Southern Valley Golf Course. It is our understanding from the communications we had with NH regarding this, that NH responded to the antisocial behaviour by paying for onsite security, which we feel shows how hard it can be to prevent such antisocial behaviour otherwise.

142. Like Shorne Parish Council we too have concerns over the potential risk of antisocial behaviour on compensation/mitigation land, and are unaware of what plans NH have, if any, to try and counteract such behaviour both for the benefit of the communities and also for the natural environment, wildlife and habitat.

Additional comments

143. Following the publication of Rule 13 – Notification of November Hearings [PD-042] we would like to express our frustration that there have been no examination hearings in Gravesham. Also, that the November hearings are being held in London, so not local to the proposed route.
144. Our understanding is that National Highways arrange these aspects of the examination and we have to question why they have not been inclusive of those in the Gravesham area particularly.
145. We note that requests have been made previously for the inclusion of hearings in Gravesham, and that it was said that this would be considered, but apparently not enough to actually do anything about it.
146. We understand that there is an option to attend any of the hearings virtually, but not everyone is tech minded, and the DCO process can be intimidating enough as it is.
147. There are many people in the Gravesham area who would be badly impacted by the proposed LTC if it goes ahead, and we therefore question why not a single hearing has been held in Gravesham, we do not consider this to be fair or inclusive of everyone who would be impacted by the proposed LTC.
148. Again, this particularly stands out as questionable when hearings have been planned in November to take place in London, rather than locally.
149. Finally, since comment has previously been made in regard to the R (Boswell) v Secretary of State for Transport [2023] legal challenge, we would like to draw attention to the fact that Dr Boswell has now been granted permission for an appeal against the previous decision, which Lord Justice Coulson who granted the appeal permission said 'has a real prospect of success'. Whilst it is unlikely that a judgement will be announced before the end of the examination, we feel it important that the ExA and others are aware of this appeal.