
Lower Thames Crossing

Savills Response to LTC D8 submission on CAH5
Oral Evidence

SJC D9 Response to LTC D8 submission re CAH5

Quality management			
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1 Introduction

1.1 Structure of this Submission

- 1.1.1 Given the limited amount of time available St. John's College (SJC) has prepared this submission by reference to Lower Thames Crossing's (LTC) submission (Ref 9.186, REP8-108) to deadline 8, following LTC's numbering system. This response will need to be read alongside LTC's D8 submission and our own, which still stands.
- 1.1.2 As stated at CAH5, the evidence submitted on behalf of SJC was made in the light of the information contained in the application and so referring back to the application material is not considered to be helpful, unless further clarification is able to be provided. In the absence of this SJC maintains its objections and refers the ExA to the points raised in our Deadline 8 submission, several of which have not been addressed by LTC.

2 SJC response to LTC Deadline 8 submission

2.1 Introduction

2.1.1 This section addresses the responses made by LTC to SJC's Deadline 8 submissions.

2.2 Strong support from Natural England?

2.2.1 At 3.9.6 of its submission LTC claims strong support from Natural England for its approach to nitrogen compensation. SJC has not seen evidence that substantiates this claim.

2.2.2 3.9.7 - SJC notes that LTC has not submitted a graph to demonstrate no reduction in emissions from 60 mph to 50 mph. LTC has not indicated whether it considered a reduction in speed below 70 mph at the stretch of the scheme that runs through Shorne Woods.

2.2.3 3.9.8 - SJC does not consider the Natural England is the correct body to advise upon highway design matters which should correctly be done by the Applicant's design team. In SJC's view LTC presented no evidence in the application to demonstrate that it considered cut and cover at all. On this basis LTC's response is unfounded.

2.2.4 3.9.10 - SJC welcomes LTC's confirmation that it is willing to pursue discussions on a voluntary agreement with SJC.

2.2.5 3.9.11 - SJC considers that LTC understates the impact on best and most versatile land in its response and that substantial weight should be given to this matter as well as the very significant adverse impacts on SSSI and Ancient Woodland.

2.2.6 3.9.12 - SJC is aware that land available for voluntary acquisition was a factor in LTC's decision making process but notes in this regard that prior to CAH5 LTC made very little effort to engage with SJC, noting also that LTC's voluntary agreement is really a standard option agreement which other parties can enter but not modify. SJC maintains its position that LTC has not engaged meaningfully in discussions relating to SJC's alternative proposal, having withdrawn from these discussions immediately ahead of CAH5.

2.3 Annex A

Speed emission curves

- 2.3.1 A3.4 LTC describes the Defra emissions factor toolkit but then goes on to present discrete emission factors from a different source for LDVs travelling under various highway conditions in Plates A.1 and A.2. The source is not clear but it does not seem to be the emission factor that LTC used. There is no indication of what the effect would be of reducing the speed to 50 miles an hour, which LTC committed to submitting at D8. This is particularly surprising given how traffic is managed on the approach to the Dartford Crossing.
- 2.3.2 Plate A.1 shows that emissions are lowest in the speed range 50 to 60 mph under free flowing conditions. Plate A.2 shows that emissions are higher than this at the national speed limit and at an enforced 60 mph speed limit. On the basis of LTC's evidence emissions would be lower under a free flowing motorway scenario at speeds of 50 to 60 mph. Yet it has not considered speed control at this location and has not explained why not.
- 2.3.3 At A3.12 LTC makes an unsubstantiated assertion about some other evidence that it has that proves that speed control does not work. But speed control is employed elsewhere across the highway network, often to mitigate adverse effects on air quality. It is unclear why for this project LTC is seeking to make the case that this is not viable.

2.4 Annex B13

- 2.4.1 B13.3 SJC agrees that mitigation is action that lessens or reduces the impact or effect from nitrogen deposition. This would include actions to remove nitrogen from the soil by the removal of biomass, as suggested by SJC.
- 2.4.2 B13.4 - SJC dismisses as without merit or substance LTC's consideration of speed control and mitigation in the PAQAP. SJC queries whether the approach followed by LTC complies with EIA case law.
- 2.4.3 B13.5 - SJC has already pointed at the evidence that management measures are not being employed within the designated sites to the extent that they could be and that additional impacts of nitrogen deposition are not being managed. Neither are the existing impacts of nitrogen deposition nor for that matter most other management measures, as indicated in LTC's survey notes.
- 2.4.4 B13.6 - LTC asserts that cut and cover was dismissed as a mitigation option because it would have greater impacts on the SSSI. SJC's takes the view that LTC never considered cut and cover, as there is no discussion of this in the PAQAP. SJC had understood that LCC's position was that it had not been

considered because it was not suggested by any consultees - as indicated in the earlier part of LTC's submission.

- 2.4.5 B13.8 - SJC reiterates its position that LTC should be making reasonable efforts to manage the effect of nitrogen deposition before seeking to compulsorily acquire land from other parties. This is the reason for the clause that SJC considers ought to be included within the DCO. SJC proposed this in the spirit of constructive engagement and sees benefit not harm in including such a clause.

Halfpence Lane, Thong Lane and Brewers Road

- 2.4.6 SJC is grateful to LTC for confirming that there will be a reduction in traffic along Halfpence Lane if the scheme goes ahead. In that case SJC cannot follow why there is an increase in nitrogen deposition along Halfpence Lane? LTC did not answer the second part of the question, which was put quite precisely? At which location is the increase of 0.44kgN/ha/yr predicted along Halfpence Lane where traffic flow decreases? SJC notes that 0.44kgN/ha/yr is only marginally above the 0.4kgN/ha/yr threshold cited by LTC and finds it surprising that LTC calculates firstly any increase and secondly an increase of >0.4kgN/yr across the whole of this area. SJC notes that LTC has not responded to similar points SJC made in its deadline 8 submission with relation to other roads affected in a similar way and respectfully suggests that this needs to be checked.
- 2.4.7 B13.13 – LTC has not responded to the specific point about what change in emissions of NO_x it has included beyond 2030. SJC notes that LTC has not made an assessment of the improvement in emissions and nitrogen deposition between the present day and the future with scheme scenario. SJC considers that where such an improvement is predicted, this must undermine the case for the compulsory acquisition of land to compensate for an effect (which cannot be occurring if there is an ongoing improvement).
- 2.4.8 LTS LTC has not explained what account it has taken of the increasing penetration of electric vehicles into the fleet or why a delay of 15 years to what would happen without the scheme is an appropriate test. Neither has LTC explained how this was calculated or where the results are shown.
- 2.4.9 At B13.14 LTC refers to transects but provides no references as to where these can be found and interrogated. This would be particularly helpful along Halfpence Lane, Thong Lane and Brewers Road, but also along the A2 through Shorne and Ashenbank Woods.
- 2.4.10 At B13.15 LTC provide some further weak and unsubstantiated assertion about the potential ecological function of rail track. It has not responded to the

point about whether it's double counted other areas including this one nor what the area is that would be physically removed to be replaced by new highway. SJC considers that the degree of precaution to be assumed for the purposes of mitigation should not be the same as that assumed for the purposes of compensation where that leads to compulsory acquisition of land owned by other parties.

Loss of Best and Most Versatile Land

2.4.11 SJC notes that chapter 10 of the ES does not balance the loss of best and most versatile land with the claimed benefits of the scheme and that this will be one factor that weighs in that balance. SJC has invited the ExA to give this substantial weight.

Quantum of Compensation Land

2.4.12 SJC notes that LTC has failed to engage with the question about what it is that the quantum of land achieves that it seeks to acquire as opposed to the environmental outcome of better connectivity, which SJC understands and with which it agrees. On this basis SJC considers that LTC has not made the case to compulsorily acquire its land.

Clean Air Zones

2.4.13 B13.28 - SJC is unclear of the reasoning presented as to why powers could not be taken to implement a clean air zone and would invite the examining authority's clear view on this point. That said, SJC consider that LTC could simply impose a speed limit.

B14 - Engagement

2.4.14 SJC has nothing further to add to its previous submissions.

3 Conclusion

- 3.1.1 SJC invites the ExA to consider the response from LTC to the points raised in our previous submissions, including the points we submitted in our conclusion, on the basis that we do not consider that these have been properly or fully addressed. At this stage we have not received LTC's response to alternative sites, which is expected at D9.