

## Lower Thames Crossing TR010032

### Deadline 9 Submission

Thames Crossing Action Group

Unique Reference: 20035660

DEADLINE 9 (11<sup>th</sup> December 2023) / Submitted 11<sup>th</sup> December

### Introduction

1. Thames Crossing Action Group represent those who are opposed to the proposed LTC.
2. Our Deadline 9 submission includes our comments in regard to Deadline 8 submissions.
3. As always, we have done our best to review and respond to as much as we can with our limited time and resources, particularly now the timings are even more demanding, but we hope it is found to be helpful. It should go without saying that there has not been enough time either for this, or any deadline, for us to review and comment on all aspects that we would like to in an ideal world. Thus there should be no misunderstanding that just because we may not have commented on something doesn't mean that we necessarily agree or support it. In fact generally you can be assured that in regard to NH proposals we will very likely have issue and concern.
4. Should you need any further clarification or information please do not hesitate to ask. We thank you for your time and consideration as always.
5. We would also like to take this opportunity to thank the PINS Case Team, and the ExA for your time, help, and assistance, as well as your inclusion of our group within the examination, it has been much appreciated, and we will continue to contribute in any way we possible can. Thank you.

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## Comments on D8 submissions

### Deadline 8 Submission - 3.1 Draft Development Consent Order v10.0

#### (Clean)[[REP8-006](#)]

6. Further to our previous comments at D8 [[REP8-191](#)] from paragraph 145, and having now had the opportunity to read the previously mentioned changes to requirement 27 (below), we remain concerned and opposed to such wording.

#### **Time limit for exercise of authority to acquire land compulsorily**

27.—(1) After the end of the period of 8 years beginning on the start date—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act as modified by this Order; and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 31 (application of the 1981 Act),

in relation to the Order land for the purposes of this Order.

(2) The authority conferred by article 35 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

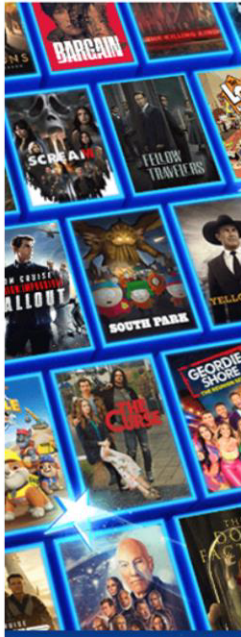
(3) In this article “start date” means —

- (a) where no challenge to this Order has been made under section 118 of the 2008 Act, the day after the period for legal challenge in respect of this Order under section 118 of the 2008 Act expires; or
- (b) where a legal challenge to this Order has been made under that section, the earlier of—
  - (i) the day after the final determination of any legal challenge under that section; or
  - (ii) the day after the one-year anniversary of the date of the expiry of the period for legal challenge under section 118 of the 2008 Act, whether or not such proceedings have been finally determined by that date.

7. We do not agree that any Compulsory Acquisition (CA) or any works should be allowed to begin until such time as any legal challenge have concluded, regardless of how long that is after the order has been made, if it is made.
8. The right to legally challenge should not be inhibited in any way. Firstly, as people should have a right to legally challenge the decision, and secondly because irreversible harm can be carried out if such actions take place prior to legal challenges concluding.
9. For example, we know there has been irreversible harm from NH actions in regard to the A47, which as you know still has an outstanding legal challenge against it. Photographic evidence can be clearly viewed in media coverage<sup>1</sup> of more than a dozen trees cut down. (*Captured and pasted below*)

# Eastern Daily Press

## A47 road closures announced as dualling work



Overnight closures of the A47 have been announced (Image: Mike Page)

amount+  
NOW  
Subscription required, 16+

[Redacted]

By Dan Grimmer  
Specialist reporter (public  
affairs)

Share   

No Comments



**Trees have been felled along Waterlow, near Blofield, as part of the A47 dualling work (Image: Mike Page)**

Contactors working for National Highways, the government company responsible for the road, have cut down the trees because of a need to maintain access to nearby allotments which the closure of Waterlow would otherwise restrict.

10. Cutting trees down is clearly an irreversible action, as they were mature trees, and their environmental value has been destroyed, and even if replaced would take many years to reach such maturity again.
11. With so much of the proposed LTC in sensitive areas, such as ancient woodland, AONB, prime agricultural land, archaeologically sensitive areas, and heritage important areas, premature acquisition or works whilst legal challenges have not been concluded would be unacceptable.
12. The change of wording in requirement 27 would set a dangerous precedent, whereby they and their contactors can move ahead with things regardless of

whether outstanding legal challenges have concluded or not.

13. As well as irreversible harm that could be caused in such instances, there would also be harm to land and property owners who may go through CPO for no reason at all if the legal challenge against the project proceeding is won.
14. Considering the horror stories we hear from other projects in regard to CPOs, such as HS2 (another government project) we feel people should be protected from having CPO inflicted upon them until such time as any legal challenges are concluded.
15. A legal challenge of the decision of a DCO being 'made'/granted should automatically put a pause on any action/work being carried out until such time as the legal challenge has concluded, because if won it would mean that no permission had been legally granted for such actions/works.

#### **Deadline 8 Submission - 5.4.4.2 Statement of Common Ground between National Highways and Brentwood Borough Council v4.0 (Clean) [REP8-032]**

##### *Provision for junctions*

16. We note that this SoCG comments on item 2.1.10 regarding the provision for a junction in the Thurrock/North Ockendon area. We believe that Thurrock Council have previously commented about such a provision too.
17. Whilst this comment from TCAG should not be seen as support for such a provision, we would like to question, since NH state that:

*"The position on the passive provision of junctions is therefore that the Project will seek to ensure that the proposed design of the Project does not preclude the potential for future junctions. The Project will use reasonable endeavours to ensure that potential locations for future junctions are kept as clear as reasonably practicable of any unnecessary obstructions such as major utility diversions or significant permanent structures. This passive provision is embedded within the Project design which is already secured via Requirement 3 contained in Schedule 2 to the draft DCO."*

18. What evidence is there to show there would be any possibility of such a junction, even if it would need to be progressed by the Local Authorities, rather than as part of the project?
19. As far as we can see there would not be adequate space to place a junction safely between the M25 and the B186/North Road due to the vicinity of the Conservation Area of North Ockendon, the North Road 'green' bridge and

gradient on the road, as well as limited space for safely placing of a junction due to weaving of traffic etc. Nor would there be safe provision to the east of the B186/North Road due to the retaining wall, gradient of the road, and landfill. In addition, for both potential locations for a junction either side of the B186/North Road NH are supposed to be providing environmental mitigation of tree planting, along with bunds that must surely need to be kept in place to do the job they are supposed to be doing, so would again rule out the possibility of provision of a junction in this location.

20. If the reasoning that the Local Authorities are giving for wanting this provision for a junction is to align with government objectives and economic growth, we would ask if this disbenefit has been included in the assessment of the LTC in regard to value for money?
21. In addition, and since NH also mentioned that *"The Applicant also notes that a Tilbury Link Road that has been identified in the pipeline of projects in the National Highways Road Investment Strategies for 2020-2030 (known as RIS2 and RIS3). During the review of the Project undertaken when the Thames Freeport was designated, the Applicant sought direction and received instruction from Department for Transport (DfT) and Department for Levelling Up, Housing and Communities (DLUHC) that the Tilbury Link Road should be delivered through a separate consenting process to the Project."*, we question whether this would still be the case considering that RIS3 is now subject to change, with the focus supposedly on road maintenance and not new roads?
22. Provision for the Tilbury Link Road then also of course leads to the question about whether the proposed Emergency Operations Access Point is suitably placed as a provision for the Tilbury Link Road, due to it's close proximity to the tunnel portals, not to mention the limitations of the roundabouts and bridge in that part of the design.
23. Those design aspects would either add to the complexity of a junction that would be too close to the tunnel portals to make it viable and safe, and/or result in works being needed to remove/change the roundabouts and bridge thus further wasting taxpayers' money, leading again to the serious question of value for money, which for the LTC is already so low.

#### *Growth assumptions*

24. In regard to Item 2.1.17, again we comment on this but also in a more generalised way for all areas impacted by the LTC, on the aspects of developments and uncertainty log, and growth assumptions in the Lower



Thames Area Model (LTAM).

25. With so much uncertainty due to the LTC, developments including Local Plans, and others have struggled to be progressed to stages where NH have to consider them according to their guidelines.
26. However, in the real world it would be a different outcome if developments are progressed that NH have not considered in planning the most expensive road project in the country. Surely a certain level of common sense must rule that there will, in line with government objectives if nothing else, be developments (whether we the local communities want them or not!).
27. Government have announced the Thames Freeport, which would create a large amount of new traffic to the region. Yet has the associated traffic been included in the LTC traffic modelling?
28. Similarly, and particularly when considered cumulatively, other developments mentioned by various IPs are not being considered. In other instances, NH tell us they have considered 'worst case scenario', so why have they not done similar in regard to traffic modelling, especially considering this is a road project that is supposed to be about reducing congestion?
29. Then again, we know that even if they were to do so, if it had to include the Freeport they would likely not calculate that accurately anyway, since they refuse to include induced demand of LGVs and HGVs for the project as a whole, another glaring omission.

### **Deadline 8 Submission - 5.4.4.3 Statement of Common Ground between National Highways and Dartford Borough Council v4.0 (Clean) [REP8-034]**

#### *Economic and local growth constraints*

30. We simply wish to highlight that Item 2.1.11 RRN covers the matter which Miss Laver raised way back in OFH3 of what assessment Dartford have made in regard to economic growth in the area in regard to how the proposed LTC is supposed to reduce congestion around the Dartford Crossing.
31. Likewise, similar issues appear to be raised in Item 2.1.13 RRN in regard to constraints to local growth, which again would generate it's own traffic growth. We seem to have Local Authorities needing and wanting growth, at the same time apparently declaring they want to reduce traffic and associated pollution, it's ludicrous.
32. We question how Dartford Borough Council can continue to support the proposed LTC on the basis they want it to reduce congestion in the area, and

improve traffic and pollution for locals, yet at the same time be questioning constraints on economic growth due to traffic issues!

### *Public transport*

33. We are pleased to read Dartford's hopes for public transport in Item 2.1.12 RRN. Yet again NH are ruling out requests for improvements and ways to accommodate public transport in regard to the proposed LTC project. Not only would the actual proposed LTC not offer any real viable public transport option, due to the lack of adequate connections; but it seems they are ruling out requests to assist public transport options at the current Dartford Crossing too. As we have said before the clue is in their name National **Highways**, they clearly have no interest in public transport, only in more destructive, harmful roads that are unfit for purpose.

### *Wider Network Impacts approach*

34. We have to wonder upon reading Item 2.1.6 RRE how confident Dartford Borough Council can be in the proposed LTC solving the problems associated with the Dartford Crossing, if they are asking for more funding to be allocated to road improvements in and around the current crossing?

35. If we have understood the comments correctly we believe Dartford may have concerns over the lack of monitoring of air quality in the Dartford Crossing area, for comparison at a later date, if the proposed LTC goes ahead.

36. If we have understood this correctly we would agree that a baseline of air pollution at the current crossing should be adequately recorded, not only for future record, but also as it should be done as a matter of urgency now for the benefit of knowing the true impacts to people's health now.

37. This then leads us to wonder if the reason that air quality monitoring in the area of the Dartford Crossing seems to be so inadequate at present is due to NH failing to have adequate monitoring in place?

38. We know from experience that there have been issues with air pollution not being properly reported, when it was excluded from Defra's air quality modelling assessment<sup>2</sup>, and considered a rural road instead of a major route in 2017.

39. We also know from a Freedom of Information request in 2022<sup>3</sup> where NH were asked for confirmation as to whether they were monitoring PM10, PM2.5, and

any other air pollution levels at/near the Dartford Crossing/A282, and for data at this location for the past 5 years to be shared, that the reported data came from monitoring stations that had apparently only been set up in 2018 and that as such data was only available from 2019 onwards.

40. This doesn't give us much confidence that NH are adequately monitoring air pollution at such a busy and harmful section of their road network.
41. As expected the results showed that the Dartford Crossing has serious air pollution issues, so we believe it should be a location that is a priority to be monitoring PM2.5 in regard to new legal air targets, since the PM2.5 levels are so bad.
42. We have to question if these monitoring stations had only been set up in 2018 with data only available from 2019 what baseline has NH been using?
43. We note that in 6.1 Environmental Statement - Chapter 5 - Air Quality [\[APP143\]](#) paragraph 5.4.12 states a base year of 2016.
44. We note in the same document at paragraph 5.4.21 it states that the highest annual mean PM2.5 concentration monitored at HV1 between 2015 and 2019 was 12µg/m<sup>3</sup>, which was monitored in 2016 and 2017. The highest annual mean PM2.5 concentration monitored at GR8 between 2015 and 2019 was 13µg/m<sup>3</sup>, which was monitored in 2016 and 2017. These concentrations are well below the annual mean PM2.5 AQS objective value.
45. Since the data provided under the FOI request showed that in 2019 the highest recorded level of PM2.5 was 191.9 ug/m<sup>3</sup>(S), in 2020 the highest recorded level of PM2.5 was 75.9 ug/m<sup>3</sup>(S), in 2021 the highest recorded level of PM2.5 was 104.1 ug/m<sup>3</sup>(S), and that there were many other high levels these were not just one offs.
46. We are therefore struggling to understand how NH can be presenting such low baselines, and whether they have actually considered the current air pollution levels at the Dartford Crossing adequately, let alone carried out adequate assessments as to what the levels would be, if the proposed LTC goes ahead. Surely ensuring air pollution is reduced to levels below legal targets should be monitored or at very least assessed?
47. Also, that Table 5.4 (pdf page 22/102) states that PM2.5 levels and targets for 2020, which is not taking the new legal targets into account.
48. As well as paragraph 5.3.70 stating that is it not a requirement of DMRB LA 105 (Highways England 2019) to model PM2.5 concentrations. We would argue

that since NH set the DMRB and it should be kept inline with legislation stating that they are following standards that they know are out of date in regard to new legislation should be no argument at all, rather that the DMRB needs and should be updated as a matter of urgency to take the Environment Act into account.

*NB. We have submitted the FOI data files separately at D9 as additional evidence.*

**Deadline 8 Submission - 6.3 Environmental Statement: Appendix 8.16 - Draft EPS mitigation licence application - bats (1 of 4) v2.0 (Clean) [REP8-050]**

49. We note that in Section 6 the OS Grid References that are provided do not seem to cover the section of Order Limits in the Blue Bell Hill area. We would question what bat surveys have been carried out in this section of the proposed order limits?
50. It surprises us that in Section 7 where AONB is listed as a possible type of Designated Site, and considering the question relates to either on or adjacent to a Designated Site, that Kent Downs AONB has not been listed as an adjacent to location.
51. We are surprised in Section 9 that there is no declaration of damage or destruction to pipistrelle breeding or resting places, since we believe a large number of pipistrelles would be found at various locations along the proposed route. After all with so many they must be breeding somewhere?!
52. It also concerns us that it appears no surveys have actually been conducted within the current and most recent optimal season and within the relevant guidelines.
53. We question why in Section 10 there has been no declaration of the named ecologist, who appears to be the Lead Ecologist for LTC, as to whether they apparently have any experience or qualifications in specific regard to bat species? Does this mean that the Lead Ecologist has no direct experience or qualification in regard to bats?
54. Point (e) in Section 11 states that an application for development consent will be submitted to the Planning Inspectorate in 2022. This definitely suggests that NH haven't even bothered to update this to reflect that the application has been submitted and is being examined. We are unclear as to what value this document holds when NH cannot apparently even be bothered to update such basic info.

55. We generally wonder what else in this document hasn't been updated or is incomplete.
56. We also question the information provided in the Purpose Test sections of this document, as it is clearly information provided by NH which many of us are questioning. We also ask what if any provision NE licensing team have to examine and judge such information? Surely that is the job of the ExA and ultimately for the Secretary of State to pass judgement on? Or do the license team have knowledge and experience to make such judgements?
57. Are these licensing decisions a case of which came first the chicken or the egg? Do the licensing team make a judgement and issue licenses prior to the DCO decision being made? Or is the DCO decision made based on whether such licensing is granted?
58. As we have previously stated, NH have admitted publicly that there is no known mitigation for bats when it comes to roads (see from paragraph 218 of our Deadline 4 submission [[REP4-403](#)]), so how can a bat mitigation license ever be awarded anyway?
59. We would of course also question Section B: No Satisfactory Alternative Test, since as we have previously highlighted we believe there are better and more sustainable alternatives to the proposed LTC. In fact in table B2 there doesn't even appear to be mention of rail alternative.
60. In the Method Statement template to support a licence application section of the document, we note that in the A Executive Summary section it is detailed that "Construction is anticipated to start in 2024 with the Project Road and tunnel expected to open in 2030". This is clearly yet another piece of information that is outdated and NH haven't bothered to update, despite saying that the document has been update in Nov 2023.
61. It goes on to state that "*further baseline survey work has been undertaken covering the majority of relevant features. Every tree (access permitting) within the Project Order Limits and 50m buffer has been ground assessed and the majority received at least one direct survey (climb and inspect, ground endoscope or emergence survey).*" On this we would ask exactly how many trees were able to be accessed, and how many were not, as the statement made doesn't really hold much weight without such clarity easily visible. It could be that NH only had permission to access a small percentage. We are struggling to believe that they have surveyed so many trees in such a way. If indeed all trees within the Project Order Limits and 50m buffer have been ground assessed we would ask what evidence there is of this, and how many trees this involves. As always with NH the information seems to be spread so

wide as to make cross referencing almost impossible, and definitely way too time consuming for most to contend with such a fast paced examination.

62. Plus, didn't NH say earlier in the document that surveys had not been conducted within the current and most recent optimal season and within the relevant guidelines?
63. We find the information in this document to be a bit confusing, firstly on the timing on if and when any surveys may or may not have been carried out, since it appears the document, in places, has clearly not been updated since before the DCO application was submitted, but in others they are saying it has been updated in Nov 2023, but also that surveys have not been conducted within the current and most recent optimal season and within the relevant guidelines. There seems to be no real continuity within the document.
64. Mention is also made of green bridges as mitigation for bats. Yet we are not aware of any evidence to show how or why the proposed 'green' bridges would be mitigation for bats. NH suggest that "*the green bridges have been specifically designed to maximise and enhance benefit for bats at each crossing*", yet we can see no evidence to back up this claim. Thong Lane South bridge is an example we have referred to on many occasions as to a 'green' bridge that would actually encourage and guide wildlife to danger as it ends at the busy T-junction to the south. In the instance of bats this would mean they would be guided into flying directly into a busy road. How can this be considered adequate mitigation?
65. We note that NH Deadline 4 submission 9.86 Post-event submissions, including written submission of oral comments, for ISH6 [\[REP4-182\]](#) Annex B comments on various 'green' bridges on other NH projects, but many are projects that are still under construction, and we are not aware of any actual post opening evaluation report details being provided to provide any real evidence that these bridges are proven to be adequate and successful in regard to bat mitigation. After all NH admitted themselves in the A47 DCO hearing that there is no proven mitigation for bats in regard to roads.
66. We note that MAGIC data has been used, but when we use the bat layer on MAGIC we can clearly see that it doesn't for instance include bat data for The Wilderness, and some other sites we know have bats.
67. In Section C Survey and site assessment (pdf page 49/140) we believe there are supposed to be details of designated sites, such as (but not limited to ancient woodland)? We find it hard to believe that no Statutory sites are listed south of the river considering Shorne and Ashenbank are SSSI and

ancient woodland.

68. Also, that The Wilderness has not been added as Ancient Woodland north of the river, since it has now been designated Ancient Woodland is most definitely home to a variety of species of bats.
69. In this regard we would also add that we know for a fact that there are more bat species in The Wilderness than those detailed as roosting data from EWTBRC, as we have witnessed a Noctule Bat at The Wilderness first hand when we had a local bat expert visit the site with us.
70. We also provided details of independent bat surveys that were carried out by a consultant ecologist and committee member of Essex Bat Group at The Wilderness again in our Deadline 4 submission [[REP4-403](#)] from paragraph 286. This report stated that during the surveys they noted a total of eight species utilising the woodland. They went on to say that this is significant as to date there are only 10 confirmed species within Essex and to have eight of them utilising a woodland, particularly one that's isolated, such as The Wilderness, shows the significance of this habitat for bat populations.
71. We would at this point again like to stress our serious concerns that NH failed to identify The Wilderness as an Ancient Woodland, so we presume it hasn't been included in any disclosure of ancient woodland in this document. Plus NH went as far as to say their surveys showed no ancient woodland indicators, when clearly our evidence showed otherwise. Since NH failed so badly in this regard we feel we rightly have serious concern and doubt about the level of adequacy of NH ecology surveys.
72. We would also note that we have raised concerns about the loss of watercourse/pond at The Wilderness, since NH are proposing to replace it with a pond a distance away on the opposite side of the busy B186/North Road. NH say it won't effect the bats in The Wilderness, but frankly we don't believe them, and can see no mitigation to provide the bats with safe passage to the new replacement pond. We question what mitigation is being proposed for bats at The Wilderness, as we have been unable to identify any from what we have reviewed?
73. Considering the fast pace of the Examination, and the sheer volume of documentation, and particularly how short the timeframe is between D8 submissions and D9 unfortunately we have not had time to fully review the documents associated with bat mitigation fully.
74. However, from the sections we have reviewed we can say that we are very concerned about what is being proposed, the lack of adequate surveys, the

incompleteness of surveys to know exactly how many bats would be impacted (if NH gave a rough guestimate as to how many properties would need to be CPOd it would not be deemed acceptable practice, so why is it deemed acceptable for the homes of protected species like bats?), and the fact that NH have admitted that there is no known proven mitigation for bats in regard to roads, so we fail to see how any bat mitigation licence can or should be awarded. On that basis if a bat mitigation licence cannot/should not be granted we fail to see how the project can be granted permission, as the LTC would most definitely cause significant adverse impacts and harm to bats and their habitat.

**Deadline 8 Submission - 6.3 Environmental Statement: Appendix 8.16 - Draft EPS mitigation licence application - bats (4 of 4) v2.0 (Clean) [REP8-056]**

75. We would like to draw attention to the fact that the images in this document that are supposed to provide detail of the proposed 'green' bridges seems to be inadequate and misleading.
76. As far as we can see, only the Thong Lane South 'green' bridge includes provision for walkers, cyclists, and horse riders, whereas we have been led to believe that others would include walking, cycling, horse riding, so why is that not detailed in the other images?
77. We feel this is relevant not only to bat mitigation, as all uses of the bridges should be considered when assessing whether the proposals would be adequate mitigation options, but also in general as to what is being proposed.

**Deadline 8 Submission - 6.3 Environmental Statement Appendix 8.19 - Draft badger development licence application (CONFIDENTIAL) v2.0 (Clean)[REP8-076]**

78. Whilst we appreciate the reason for this document (and the tracked version) to be redacted as they contain confidential sensitive information, our concern in regard to this document is that as far as we are aware the local badger groups have not been given access to unredacted versions to allow them to comment by D9.



**Deadline 8 Submission - 6.3 Environmental Statement Appendix 8.20 - Draft water vole conservation licence application v2.0 (Clean) [REP8-078]**

79. Whilst unfortunately due to time constraints we have been unable to fully review this and the associated documents, we simply wish to highlight that we still believe that the main area proposed for water vole habitat creation in the Mardyke Valley is at risk from mink, one of the main predators of water vole. We find this unacceptable and of concern, and question whether it is detailed in this draft licence application?

**Deadline 8 Submission - 6.7 Outline Landscape and Ecology Management Plan v6.0 (Clean) [REP8-080]**

80. Again, we only have very limited time to review this document, but as far as we can see the fact The Wilderness has been designated Ancient Woodland does not seem to have been updated in this document.

81. We note that it is detailed in Table 4.1 that the established monitoring period for Ancient Woodland compensation areas including soil and material salvage would be 25 years.

82. However, what is not clear is what, if any, level of designation or protection would be granted to such areas.

83. How can it truly be considered compensation for the loss of irreplaceable ancient woodland when there would be no protection offered to any translocated soils etc?

**Deadline 8 Submission - 9.34 Statement of Common Ground between National Highways and Dover District Council v3.0 (Clean) [REP8-100]**

84. We would like to comment on Item 2.1.9, by simply stating that we believe that a rail improvement alternative, as we've previously highlighted, would better solve this problem than what NH are proposing with the LTC. In fact it would address not only this point but a number of others that are matters than have not been agreed between Dover District Council and NH.

**Deadline 8 Submission - 9.188 Post-event submissions, including written submission of oral comments, for ISH12 [REP8-111]**

85. Whilst B.9.6 states that "A breakdown of all grants awarded can be found in Appendix A" we do not appear to be able to locate them, only a brief summary, and table with 5 entries for grants awarded in the Medway area. We would ask that a full breakdown be supplied.

**Deadline 8 Submission - 9.192 Responses to the Examining Authority's Third Written Questions (ExQ3) [REP8-115]**

86. ExQ3\_Q11.1.8 is in regard to Loss of Ancient Woodland. NH's response begins by stating that "The Project has been through an iterative route and design evolution in which the effects on the environment, including Ancient Woodland, were considered, including at the preferred route assessment stage where it was sought to minimise environmental impact (as identified in Section 5 of the Planning Statement [APP-495]). With regards to all sites of environmental or ecological importance, the Applicant can reaffirm that these impacts have been considered as part of the design evolution as communicated within the Environmental Statement (ES) Chapter 2: Project Description, notably Plate 2.11 [APP-140]."

87. However, this cannot be completely true as NH failed to identify and take note of presented evidence that The Wilderness was Ancient Woodland, so have not taken The Wilderness into full consideration as Ancient Woodland during the iterative route and design evolution, not at the preferred route assessment stage, and can hardly reaffirm that the impacts have been considered, bearing in mind they still seem hesitant to recognise The Wilderness as Ancient Woodland.

88. Their response to this ExQ doesn't even include The Wilderness as a listed Ancient Woodland, despite Natural England and ourselves sharing confirmation that the southern section of The Wilderness has been designated Ancient Woodland, and the remainder as Long Established Woodland. Instead they still appear to be reverting to their ISH9 submission at D6 [REP6-090] where they categorically stated that their surveys didn't show any ancient woodland indicators, and that they're not aware of any evidence that The Wilderness is Ancient Woodland.

89. We have been presenting our evidence that The Wilderness is Ancient Woodland to NH for years during consultation, as well as during Examination. There is no excuse for them to keep ignoring the fact, particularly as The Wilderness has now officially been designated Ancient Woodland by Natural

England.

90. It shouldn't be up to a community action group to identify and present such evidence, NH are a government company with paid experts that should identify such matters, rather than ignoring the evidence we have presented over the many years.

**Deadline 8 Submission - 9.193 Applicant's Responses to Interested Parties' comments on the draft Development Consent Order at Deadline 7 [REP8-116]**

91. Due to time constraints we specifically pick up on Section 8, which is directed at us, Thames Crossing Action Group.
92. Paragraph 8.1.2 seems to suggest that representations from consultees are provided to the Secretary of State. We hope, since the wording is not particularly in terms members of the public, like ourselves, are generally familiar with, that this would mean absolutely all representations.
93. We comment as such as we know NH have previously presented consultation responses in a biased manner. On their website they have only highlighted support for the proposed LTC, and in 2016 they lumped together approx. 13,000 responses and counted them as one organised campaign response. Put bluntly we do not trust NH for good reason.
94. Additionally, we are still concerned that the Secretary of State is hardly going to have time to review all consultation responses, so the fact they are shared doesn't particularly offer reassurance, especially when NH present the proposed LTC in such a biased manner.
95. Re paragraph 8.1.3 we still remain of the opinion that there could be room for misunderstanding as to whom would be responsible when it comes to 'green' bridges, and since in the future (if the proposed LTC goes ahead) people dealing with such issues are likely not to be the same people going through this examination, it is important that there be "for the avoidance of doubt" drafting. Frankly, NH resistance to do so just leads us to question if they are so committed to apparently taking on the maintenance the vegetation and planting on 'green' bridges why they refuse to make that fact clear in no uncertain terms in the wording.

**Deadline 8 Submission - 9.196 Applicant's comments on Interested Parties' submissions at Deadline 7 [REP8-119]**

96. We note that NH respond to Natural England in Section 5 in regard to The Wilderness being designated Ancient Woodland.
97. Firstly, we would like to draw attention to the fact that we too submitted evidence at D7 [REP7-272] regarding The Wilderness being designated Ancient Woodland, including the written confirmation we received from Dr Bryant at Natural England in Appendix A. Yet NH failed to pass any comment on our D7 submission regarding this matter (or any other) in their responses to IPs submissions at D7.
98. Secondly, we note that the ExA have issued a Rule 17 letter requesting further information about the designation of The Wilderness [PD-051], which we are, as an IP with an interest and evidence to provide, responding to additionally at D9 to assist the ExA at the earliest possible opportunity as we understand the urgency at this stage of the examination. In light of this we will not go into this further as this time, but address it separately in response to the Rule 17 letter.

**Transport Action Network (TAN) Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7 [REP8-170] and Climate Emergency Policy and Planning CEPP) Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7 [REP8-174]**

99. We wish to put on public record that we support and endorse these submissions, and agree that there is a definite level of questionable information and lack of information in regard to climate and carbon in regard to the proposed LTC.

**Late Deadline 8 Submission - Update on Statement of Common Ground between HSE and the Applicant - Accepted at the discretion of the Examining Authority [REP8-194]**

100. NH like to promote that they see themselves as industry leaders on things like tunnelling and safety, yet to us wording to accurately reflect HSE's current policy on hyperbaric working conditions is not something we believe should be that difficult, since it is such an important health and safety matter. We are therefore very concerned that HSE feel the need to bring this to the ExAs attention, and that the matter is apparently still unresolved.