

**Leigh Hughes LTC-AP546**  
**Antony Hughes LTC-AP238**

Please accept this as our Deadline 9A submission.

As we have highlighted previously, we know from hearing the ExA comment that written submissions are supposed to hold the same weight as oral representations during the DCO Examination. However, we have yet again been unable to find any response to our D8 submission in The Applicant's D9 submissions.

Our D8 [REP8-182] highlighted that we had been unable to locate any written acknowledgement or a response from the applicant in regard to our Compulsory Acquisition written submission [REP5-120] or comments on our written submission at D6 [REP7-267].

We are also very aware of the fact that during hearings The Applicant responds to oral comments. In particular in Compulsory Acquisition Hearings The Applicant responds to oral representations by Affected Parties. We therefore feel we have been disadvantaged by the fact that we have not received any acknowledgement, let alone response, to our Compulsory Acquisition Hearing written submission. Would the ExA deem it acceptable had we of raised our comments orally at a Compulsory Acquisition Hearing and The Applicant failed to make any kind of comment? Then again, we don't believe The Applicant would have completely failed to comment had we been making an oral representation, as they would not want to be seen by the ExA to be ignoring our concerns. So why is it any different because we have made our representation in writing?

We have received a further email from The Applicant (dated 13<sup>th</sup> December), copy pasted below. We have to again question why The Applicant are emailing us, off the record away from the official process of DCO Examination? They could have submitted such a response within the official DCO Examination process as a response to our submissions, so why did they instead choose to respond via email which is off the record?

As can be seen in the email all The Applicant is doing is again referring us to large technical documents, rather than attempting any real meaningful engagement.

We also note the urgency The Applicant have given to offering meetings and negotiating issues and concerns during the examination timetable, so as to be able to assist the process. Why is The Applicant not offering the same to us? They seem to be very selective in who they are willing to hold discussions with to assist resolving issues and concerns, and what they do and don't appear to want to be included in the official DCO process.

At one of the Examination hearings at Orsett Hall in September Sarah Collins for The Applicant spoke to me (in one of the breaks), and suggested arranging an in-person meeting 'in the next few weeks' with us to try and go through some of the issues and concerns. Yet we are now in December and no further communication regarding arranging such a meeting has been forthcoming from The Applicant.

We acknowledge that a number of our concerns are things that The Applicant has said are matters that would be dealt with by the contractors, if the LTC goes ahead. However, the DCO process is supposed to be an opportunity for areas of concern and disagreement to be resolved as best as possible, and for the ExA to be made aware of issues that are still outstanding, so they can best consider and make their recommendation to the Secretary of State for Transport.

The fact that The Applicant keeps avoiding responding to our written submissions within the Examination makes us feel like they are trying to keep our concerns and issues out of the official process.

Surely even if certain aspects are to be decided by the contractors, there needs to be some provisions in place to best protect Affected Persons, and indeed everyone who would be impacted, if the proposed LTC goes ahead, and such provisions should be secured within the official process and dDCO?

We feel we have genuine reason to be very concerned with the issues that we have raised, and The Applicant has failed to respond in what we consider to be a satisfactory and adequate manner.

Not to mention that there should be a certain level of duty of care to Affected Persons, and the levels of stress the threat of the proposed LTC, and participating in the DCO examination/process has on our lives, health and well-being.

The following are our main outstanding issues and areas of concern:

### **Risk to our home**

Over the years we have raised our concerns that our home, which is over 150 years old, doesn't have footings, and we are greatly concerned that should the construction of the proposed LTC go ahead, in such close proximity to our home, it would impact and cause damage.

Not only is there the main LTC route, and North Road green bridge, but also the utility works, and all the associated construction compounds to consider.

The main LTC route would obviously involve a lot of work. The Applicant has been unable to provide us with confirmation as to whether the green bridge would involve pile driving, which would cause considerable vibration. Utility works would include underground realignment which again is very close and would mean movement of soil and vibration close to our home. The fact there would be construction compounds so near also worries us in regard to the cumulative affects of all of this happening so close to our home that has no footings.

### **Access to our home**

Not only do we have concerns about our own access to our home, but we are also concerned about others being able to reach us. Not only friends and family, but for post, deliveries, waste collection, cesspool emptying, emergency services etc.

The Applicant say that they have covered this aspect on page 20 of [APP-547]. However, this is what 'should' happen and there appear to be no guarantees of

ensuring that what should happen would happen. Neither does there appear to be any information on what The Applicant would do if things didn't happen, and how they propose to safe guard our access to our home in all eventualities.

### **Flood risk to our home**

We have been raising our concerns about the risk of flooding to our home for years too. There is no mains provision for waste water, instead we rely upon a ditch.

At present our home is higher than road level, so flooding is not an issue. However, if the proposed LTC goes ahead, the proposed North Road green bridge would raise the road level considerably, meaning that our home would be lower than the new road level, and as we all know water flows downhill. We are therefore concerned that the run off from the raised bridge would change the way water flows in the vicinity of our home and put our home at flood risk.

The Applicant has signposted us to [REP5-048] which covers drainage procedures during construction, but fails to address during operation. This therefore does nothing to reassure us, or secure any provision to make sure our home is not at risk of flooding as a direct result of the LTC.

### **Risk of Unexploded Ordnance (UXOs)**

It feels like The Applicant is not taking the level of our concerns and stress in regard to UXOs seriously. The information they have signposted us to is purely desktop studies.

They have also failed to address the information that we have provided them, from our own local knowledge, that there is a large UXO in the field next to our home. Please see [REP5-120] to view the map that shows this UXO concern.

Even normally we would be concerned about the risk of a UXO going off near to our home, but the fact that The Applicant have been proven to have failed in regard to their survey works in other aspects, such as failing to identify that The Wilderness (across the road to our home) is Ancient Woodland, leads us to have even less confidence and trust.

Getting it wrong about The Wilderness was bad, but imagine if they get it wrong about a UXO so close to our home, and for the workers too.

We note that others have voiced concerns about UXOs, and also that in the D8 submissions the Health and Safety Executive response [REP8-194] says that they have been unable to agree on wording in regard to another serious safety aspect, the hyperbaric working conditions. Whilst this is obviously not directly related to UXOs it is another very serious risk and health and safety matter in regard to the project. How can The Applicant for a tunnelling project not be able to agree with HSE policy wording on such an important tunnelling aspect? This again does nothing to offer us any reassurance about health and safety risks of UXO to us and our home.

## **Impacts to our health and well-being**

There are of course the obvious and general impacts now and in the future to our health and well-being in regard to the stress of the threat of the proposed LTC.

Additionally, we are currently able to enjoy our local area, and with permission of the local farmer walk the fields around and nearby to our home.

If the proposed LTC goes ahead, it would impact and sever our ability to do this, and worsen air quality for us, which affects our ability to go for walks that benefit our health and well-being.

Currently we can walk in the fields out the back of our home right through to North Ockendon. Or we can cross the road to the fields opposite our house to visit The Wilderness and visit our friends that live there, or go further afield through the Mardyke Valley.

The proposed Walking, Cycling, Horse riding route on North Road would be on the east side of North Road. Yet we and the majority of people in South Ockendon live on the west side of North Road.

In our D7 submission [REP7-267] we included copies of emails between us and The Applicant. In it they mention that "There are currently no proposals to provide a formal crossing on North Road near to Townfield Cottages to connect to the proposed north-south off-carriageway track for Walkers, Cyclists and Horseriders (WCH)". To be clear, at no point have we asked for there to be a formal crossing on North Road outside our home.

What we have been trying to find out is whether we would be able to access the proposed WCH path if we crossed the road outside our home, or if there would be planting or any form of barrier to stop us accessing it. If there was anything to stop us crossing over opposite our home, we would have to go all the way back towards the village to cross North Road and access the new path.

Whilst we have not requested a formal crossing outside our home, we would also highlight that it is a concern that there would be no formal crossing either down by the village (near Wilsman Road), nor on North Road to the north of the LTC, across the green bridge.

Since as we've said the majority of people in South Ockendon live on the west side of North Road and the proposed path is to the east of North Road, this means The Applicant are encouraging people to cross the busy North Road without any formal crossing to use the proposed WCH path at the village end.

Plus anyone wanting to use the path to cross the LTC and then go to North Ockendon would have to cross the busy North Road again once across the green bridge to head west or north west towards North Ockendon.

Whilst we and others do sometimes cross North Road now, if the proposed green bridge was where they are proposing as it would be raised, it would mean there would be the additional risk of crossing near a raised bridge, so no clear view along the road to see what is coming.

Plus, as we put in our D9 submission (no reference in Examination Library as yet) in [REP8-056] the images of the green bridges does not make it clear exactly what is being proposed in regard to WCH. The image doesn't show the actual path and how it fits into the green bridge design.

We can see on the General Arrangements maps that there is lighting proposed on the green bridge, but not on the path from where it would start opposite Wilsman Road and behind the copse.

Whilst we acknowledge and appreciate the need for lighting to be limited to enable provision for bats, we also note that the proposed path, particularly behind the copse would be dark at times when daylight is limited due to the shadowing of the copse between the path and current street lighting. We feel this could mean people would prefer to use the current pavement on the west side of North Road until past the copse, meaning they would want to cross over the road near our home to get across the green bridge. But again it is unclear if people will be able to access the path opposite our home.

We therefore question not only our ability to access the WCH path opposite our home for our own access, but also for others in our community.

We acknowledge that there has been discussion where The Applicant said that the path could not be repositioned to the west of North Road, due to impacts to our property. However, what is being proposed is hardly safe or beneficial to anyone.

There is a reason that we have been able to provide so much evidence and local knowledge during consultation and in examination about the area surrounding our home, and that is because we are active members of our local community, and spend a lot of time out enjoying not only our community but also the natural environment and being part of a rural farming area and community.

These kind of things are part of why our home and community is so special to us, and our home and community provides us with a lifestyle that supports our health and well-being. There is no doubt that the proposed LTC has and would impact that, and yet The Applicant appears to fail to recognise or understand to what extent the LTC would impact us, with a complete lack of willingness to have any real meaningful engagement with us, instead they seem to want to do all they can to keep things off the record and keep putting us off, or signpost us to long technical documents, which just adds to the stress of dealing with all of this.

### **To conclude**

As well as making this official submission at D9A we will send a copy to The Applicant in response to their email dated 13<sup>th</sup> December. We very much doubt that The Applicant will respond through the official DCO examination process, but we wanted to get this on the official record as we feel it is important.

It is our understanding that the DCO examination process, and particularly the Compulsory Acquisition Hearings, or written submission equivalent, since written submissions are supposed to hold the same weight as in person representations, are

supposed to give Affected Parties the opportunity to be heard, acknowledged, and hopefully for a level of meaningful engagement to try and assist in regard to concerns and issues. This should not only be to assist the ExA in their recommendation, but also to help us as an Affected Party. Clearly this has not happened, as The Applicant has not even acknowledged let alone responded to our written Compulsory Acquisition submission, which as we said earlier would not have been the case had we of spoken at a Compulsory Acquisition Hearing.

The LTC consultation process has been completely inadequate and frustrating, and we had hoped that as we kept being told so much information would be made available once the DCO application went in, that the DCO stage would be when we would be able to try and get some of our issues and concerns adequately discussed and hopefully start getting some answers, but clearly this has not happened. This is of course not a direct reflection on PINS or the ExA, but on The Applicant's lack of willingness to attempt meaningful engagement.

Whilst these are some of the main outstanding issues and concerns, we do have other issues and concerns with the proposed LTC, and remain completely and strongly opposed to the proposed LTC, it would be a waste of money and is not fit for purpose.

**December 13<sup>th</sup> email**

From: **Eva Simunovic**

Date: Wed, 13 Dec 2023, 16:30

Subject: Your Deadline 8 submission and LTC's response

To: leigh hughes

Good afternoon Leigh,

I hope you are well.

I note that you have written to the Examining Authority at Deadline 8 in your submission of [REP8-182](#) to say that the Applicant has not responded to your written submissions of [REP5-120](#) at Deadline 5 and [REP7-267](#) at Deadline 7.

The Applicant reviews all submissions made by Interested Parties into the Examination. Where the Applicant has determined it would assist the Examining Authority and Examination process (e.g.

where relevant information or a relevant response had not already been submitted by the Applicant), then a response has been provided to ensure that the Examining Authority and the Secretary of State have appropriate information to make their determination. The Applicant considers that it has provided substantial comments in response to stakeholders throughout the Examination.

Notwithstanding the above, with regards to REP5-120 we consider that we have responded to your queries within Chapter 4 of [REP5-086](#) (which responds to your Deadline 4 submission of REP4-390 but this sets out your concerns in relation to the same matters). As noted at the end of our response within REP5-086, we have also responded to you via email, sent on 17 October 2023. This is the email that you have included in REP7-267.

As regards REP7-267 we note that you acknowledge our email, but state that you consider that the Applicant has not “read or interpreted our questions properly so answers have been inadequate”. Whilst we consider that we have provided appropriate responses to each of your questions, we have been unable to advise further as you have not identified those that you feel do not provide a full and proper response. Whilst we are nearing the end of the examination, as noted in our email of 17 October 2023, we are happy to continue engagement with you, and to this end if you provide us with this further detail relating to which questions you feel have been not answered, we can consider further.

Kind regards

Eva

Lower Thames Crossing - Community Engagement

*(phone number removed)*

**Working on behalf of**

**National Highways**