Transport Action Network

Mr Bartkowiak (Case Manager)
The Planning Inspectorate
National Infrastructure Planning
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Bristol
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Sent by email to: LowerThamesCrossing@planninginspectorate.gov.uk

8th January, 2025

Dear Mr Bartkowiak,

Lower Thames Crossing – response to 28 November 2024 consultation

Following up on our letter, dated 9 December, 2024, TAN would like to take the opportunity to respond to the Secretary of State's eighth consultation letter of 28 November 2024. Although we were unable to meet the 11 working day deadline or submit before Christmas as we had hoped to do, we would like this response to be taken into account in the Secretary of State's decision making and to be published promptly on the Planning Inspectorate website.

Request for comments from All Interested Parties on the Applicant's Response

National Highways was asked in the seventh consultation letter of 12 November 2024 to respond on three matters:

1. Carbon emissions
2. Improving public transport and active travel opportunities
3. Minimising disruption from construction

1. Carbon emissions

National Highways was asked "*what further measures could be implemented to reduce the carbon emissions that will result from the scheme as well as details on how these could be secured in the Development Consent Order. The Applicant is invited to update its latest assessment of the impact on carbon to reflect any further suggested measures. If the Applicant is not able to put forward any additional measures, they are invited to set out the reasons why and how the existing measures will ensure the lowest possible carbon impact.*"

See annex A for our comments.

2. Public transport and active travel

National Highways was requested to "*set out what further measures could be delivered as part of the scheme to enhance and improve public transport and active travel opportunities. While not a usual requirement but due to the nature, size and complexity of the scheme, the Applicant is exceptionally encouraged to seek views from Active Travel England to help inform their response on this matter. If the Applicant is not able to put forward any further possible measures, they are invited to explain the reasons why this is the position*."

See annex B for our comments

3. Minimising disruption from construction

National Highways was asked to "*set out what further measures could be put in place to minimise disruption to local people during the construction phase of the scheme including how agreed timetables will be met.*"

See annex C for our comments

Procedural fairness

As we outlined in our letter of 9 December, we do not consider 11 working days enough time for Interested Parties (IPs) to read any submissions and to wade through the many Examination documents in order to produce a coherent response. There is a real risk that responses published on 13 December will have been rushed to meet this tight deadline, which potentially breaches the provisions of the Aarhus Convention[1]. Article 6.3 requires "*public participation procedures [to] include reasonable time-frames…for the public to prepare and participate effectively during the environmental decision-making*".

We are also concerned that significant IPs such as the host local authorities do not have adequate resources to respond to these important post-examination consultations. The Planning Act 2008 allows for Applicants to give funding to host authorities to resource them

[1] [redacted] (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998)

adequately to deal with the huge demands in responding to Development Consent Orders for Nationally Significant Infrastructure Projects in their areas.

Funding was given to local authorities for the duration of the 6-month long examination. However, as far as we are aware there has been no funding available from the Applicant for authorities (or any other Interested Party) for the duration of this now 6-month post-examination period (July 2024 - January 2025). The post-examination period has covered just a fraction of the significant outstanding matters.

We recommend that the Secretary of State increases the time to respond to post examination consultations to a minimum of 20 working days, and provides funding for host local authorities to respond to the post examination consultations (or asks National Highways to provide the funding). Both these measures will ensure local authorities and the public can more adequately respond.

It is clear the 6-month examination was not long enough to adequately assess a DCO on the scale and complexity of the Lower Thames Crossing. This is reflected by the unprecedented scale of unresolved issues remaining at the closure of the examination. Thurrock Council alone had 216 matters unresolved in the final Statement of Common Ground. These included fundamental issues such as the lack of information provided by National Highways on the traffic model, and the significant impact on local roads, and the operations on key economic drivers such as Tilbury and London Gateway ports.

Conclusions

Having addressed the consultation issues above and examined National Highways' response to the previous consultation, it has become even clearer how deeply flawed this application is:

1. No holistic review has ever been undertaken to look at the best way of addressing the issues at Dartford, and the option identification and appraisal process carried out was flawed.

2. The scheme will cost at least £10bn, take 7 years to construct for less than 5 years of relief at Dartford. It fails on even the most basic of its objectives.

3. National Highways has provided no new information on how it will reduce carbon emissions. The CEMP v5.0 can be described at best as a marketing brochure, full of unsubstantiated claims.

4. Public transport has not been taken seriously by National Highways, which has failed to design a scheme to promote it, even though it could materially help traffic flow at the crossings.

5. National Highways has completely washed its hands of its scheme's wider impacts, particularly road user carbon emissions, and dismissed ATE's suggestion of a travel plan when that would help reduce traffic and emissions.

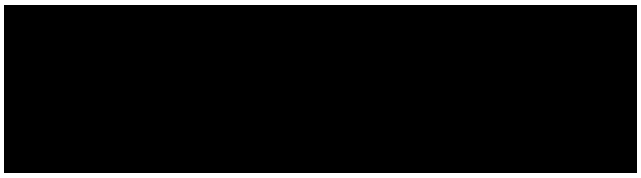
6. National Highways has hidden the true traffic impact of the scheme by forcing local authorities to sign non-disclosure agreements, preventing them from sharing traffic data amongst themselves to understand the overall impacts.

7. Construction traffic will cause severe disruption on the surrounding road network for many years and has not been properly modelled. National Highways has failed to produce further measures to reduce the disruption.

8. National Highways might be increasing the length of active travel routes in the area, but the routes are distinctly substandard and little remediation is offered to deal with the increase in traffic on the local road network.

9. National Highways avoids using LTN 1/20, as advised by ATE, by designating active travel paths as shared so it can use the perversely inferior standards in CD143, which allows these shared paths, with greater potential conflicts, to be narrower than for a (single mode) cycle track, as set out in LTN 1/20.

Yours sincerely,



Chris Todd
Director
Transport Action Network

Annex A - Lower Thames Crossing carbon emissions

Construction emissions

National Highways produced v5.0 of its Carbon and Energy Management Plan (CEMP) as a result of the Secretary of State's sixth consultation letter of 12 November 2024. However, it admits in its covering letter of 26 November 2024 at 2.12 that the claims made in CEMP v5.0 do not alter the assessments made in the DCO application: "*It follows that no updates are necessitated to the assessments contained in these documents*"

The documents referred to are the Climate chapter of the Environmental Statement [APP-153] and the economic appraisal in the Combined Modelling and Appraisal Report, Appendix D - Economic Appraisal Report [APP-526]. Therefore, the unsubstantiated and unevidenced claims made in CEMP v5.0 make no material difference to the information presented during the Examination. It is therefore of little help to the Secretary of State in deciding this application.

In CEMP v5.0, at 3.3.5, National Highways claims that it *"...has set a "stretch target" of 0.84 million tCO2e for construction carbon emissions"*. This claimed reduction is significantly larger than its previous target to reduce construction carbon emissions to 1.44 million tCO2e - Applicant's Deadline 7 submission CEMP v2.0 [REP7-150] dated November 2023. However, the CEMP v5.0 gives absolutely no details about how these extra reductions to the construction emissions will be achieved, as indeed was the case previously.

It also claims at 3.3.6 that it will "offset" residual construction emissions, yet again gives no details of how this would be achieved.

This was a repeated theme throughout the DCO examination with each iteration of the CEMP being heavily criticised for its lack of information. **The CEMP v5.0 can at best be described as a marketing brochure, full of unsubstantiated claims and with no evidence to back them up**.

TAN has already responded to the v2.0 of the CEMP in our Deadline 8 response [REP8-170], calling it a "vague document with lofty ideals". In summary, we set out our substantial concerns about the validity of National Highways' claims to have reduced construction emissions to 1.44 million tCO2e, namely that there was no detail to assess whether:

1. the claims made were realistic
2. National Highways was double counting
3. the speculative technology National Highways was relying on had a realistic chance of success.

National Highways has adopted a cavalier approach throughout the DCO process of making fanciful claims that are not substantiated with detail or evidence.

We have also raised concerns about the ability of National Highways to secure the claimed carbon reductions and the governance arrangements for securing the reductions. We noted that although the CEMP was included as a Requirement in the DCO, it was not part of the Environmental Management Plan (EMP) which is a Requirement of the DCO. There was no detail in the CEMP v2.0 or v5.0 about the penalties for contractors for failing to meet the claims they had made in order to land a lucrative contract and to help National Highways secure its DCO. Not one of the Appendix E Register of carbon commitments detailed penalties if the contractors failed to live up to their carbon claims.

We also noted the likelihood of contractors making claims for unachievable carbon reductions in order to secure a lucrative contract.

These concerns (about the validity of the claimed reductions, and the ability of National Highways to secure them) remain valid with the production of this new CEMP v5.0, which repeats the same platitudes.

Therefore, without substantial detail to enable verification of National Highways' claims, no credibility can be attached to CEMP v5.0. However, there are wider implications of its behaviour, with serious financial consequences. This is due to the promises National Highways is making to contractors as set out in the CEMP v5.0 which states at 3.7.2 (c) that: "*The Applicant has included a contractual mechanism to pay Contractors the additional cost of implementing agreed carbon-reducing technologies*".

However, there is no detail anywhere within the CEMP or the rest of the DCO documentation, including the economic appraisal, on how much these additional technologies will cost. National Highways claim they have committed, within contracts, to pay for whatever additional technology contractors wish to use, yet there are no figures attached to these commitments.

This is yet another example of an uncosted claim made by National Highways, in order to convince decision makers and secure DCO approval. The £9 billion cost estimate for the LTC included in the Funding Statement [2.1.1, APP-063] already dates from 2020, and is now five years out of date. The £9bn cost estimate does not include these further open ended commitments.

Throughout the DCO process National Highways has made uncosted commitments such as this, without explaining how these unquantified increases would impact on the final outturn cost of the scheme, the Funding Statement, the scheme's appraisal and business case, and its already weak economic case and low value for money.

Including commitments to fund speculative technology within contracts is akin to writing a blank cheque for contractors. Using public funds to make these unended commitments is the height of irresponsibility and recklessness.

In addition, were National Highways to rely on offsetting to reduce emissions, given the likely difficulties it will encounter in attempting to reduce construction emissions, it should be noted that a recent paper published by Nature in November 2024 found that: "*We estimate that less than 16% of the carbon credits issued to the investigated projects constitute real emission reductions…*".

User emissions

We note that National Highways at 2.15 of its covering letter dated 28 November 2024 refuses to accept any responsibility for the massively increased road user emissions caused by the LTC. It claims that it "cannot control" these emissions.

The Climate chapter of the Environmental Statement [APP-153] quantifies the increase in road-user emissions due to the scheme at 15.6.17. These are stated to be 4.8 million tCO2e over the 60 year appraisal period. They are a direct result of National Highways' decision to pursue a roads only solution for a multi-modal problem, and which is designed to significantly increase road freight. These additional road user emissions would not happen without the project, and are a direct result of National Highways' scheme.

National Highways has chosen to not include increased HGV/LGV traffic in its induced traffic modelling, claiming that this is not mandated in its interpretation of Transport Appraisal Guidance (TAG). This has resulted in a potentially large underestimation in the amount of induced traffic caused by the scheme, and the road user carbon emissions.

The tolling regime for the LTC will impact on the level of induced traffic and increased road user emissions. This is entirely in the control of National Highways which proposes to set the tolling levels in line with the Dartford Crossing (2.2.4 of the CEMP v.5, and set out in Road User Charging Statement at 1.4.4 [APP-517]). If National Highways has to significantly increase the tolls at the LTC and at Dartford to manage demand and to reduce emissions (and to repay investors if private finance is to be used), then it must be transparent with the public about its intentions.

We support the response from Transport for London regarding the Applicant's failure to take responsibility for the significant operational CO2 from road users for the scheme.

Transport Decarbonisation Plan

The latest emission figures for 2023 show that transport is responsible for 36% of all emissions and rising, with surface transport, of which road transport is the biggest contributor by far, responsible for around two-thirds of that[2]. With concerns around progress on the Zero Emissions Mandate and slow delivery in other sectors such as agriculture and home energy,

[2] From CCC 2024 Progress Report dataset

decision makers cannot keep giving transport a free pass and ignoring avoidable carbon emissions from road building.

Consideration needs to be given to the fact that a different transport solution would potentially have very different outcomes, particularly on emissions. This means that the current schemes emissions are avoidable and not something that we just have to accept for better transport links.

The other fallacy that needs to be exposed is the belief, or insistence, that the Transport Decarbonisation Plan (TDP) is fit for purpose when many of the commitments within it were abandoned by the previous government[3]. In the absence of this situation being reversed with funding and political commitment, reliance on the TDP, as National Highways does in its covering letter of 26 November 2024 at 2.15, is no longer sound.

[3] Reverse gear: The reality and implications of national transport emission reduction policies, CREDS, May 2023

Annex B - Lower Thames Crossing public transport and active travel

Traffic and emissions

National Highways claims to recognise the Government's commitment at COP29 to seek an 81% reduction in carbon emissions by completely ignoring the biggest source of emissions generated by the scheme, the extra road user emissions[4]. It claims that these emissions are not under its control[5] but it is being disingenuous when making these claims. Any additional user emissions will be down to the design of the scheme. One that promoted active travel and public transport to a much greater extent would reduce demand by private motor vehicles. This would reduce emissions, as well as pressure on both tunnels, but has been dismissed by National Highways.

The issue at Dartford is a transport problem, but by National Highways focussing on a roads solution, the issues at Dartford are never going to be resolved, as indeed the modelling shows[6]. Aside from the need to get more freight on rail and reduce the number of HGVs on the road, which would be good for congestion and safety, there needs to be a step change in public transport provision.

Paucity of active travel and dedicated public transport crossings in east London

Public transport

The most easterly dedicated public transport crossings are at Woolwich, with the DLR to Woolwich Arsenal, and Elizabeth Line to Abbey Wood, approximately 8.5 miles / 13.5km west of Dartford and approximately 12 miles / 19km west of the Lower Thames Crossing. Both connect to Southeastern Trains, serving Kent. To access Essex from Kent, it is necessary to go west to West Ham or Stratford or further into the centre, to then connect to services heading east.

Active Travel

It is a similar story for active travel. While it is possible to get a cycle carried over the Dartford crossing, the closest fixed and accessible, 24 hour crossing to the west of Dartford is approximately 15 miles / 24 km away using Tower Bridge. The far from pleasant (1500m) Rotherhithe Tunnel is approximately 14 miles / 22 km away. The only other active travel crossings are the time limited cycle shuttle bus on the new Silvertown Tunnel (6:30am and 9:30pm, limiting its usefulness for shift workers and accessing evening entertainment), the

[4] National Highways response to Secretary of State letter of 12 November, 2024 – paragraph 2.9

[5] National Highways response to Secretary of State letter of 12 November, 2024 – paragraph 2.13

[6] REP1-282 – Thurrock Council LIR, Appendix A – see figures 13 and 14, in particular, for short lived benefits of LTC despite seven years of constructions disruption

Greenwich foot tunnel with poor lift reliability and where the riding of cycles and scooters is not allowed. Both are approximately 11.5 miles / 18 km west of the Dartford Crossing.

The closest link to Dartford is the time limited Woolwich Ferry[7] approximately 9 miles / 14 km away (6am – 10pm, again limiting its usefulness for shift workers and accessing evening entertainment). Pedestrians and cyclists can use the tunnel but as with Greenwich the riding of cycles and scooters is not allowed and lifts can be unreliable with the north lift having been out of action since 21 August 2022[8]. These issues make it no good for those reliant on a cycle as a mobility aid, while the absence of lifts makes the service unusable by many others unable to lift their cycles up and down stairs, or just needing to get somewhere quickly.

The existing Dartford Crossing has a service to carry bikes[9] through the tunnel but has bizarre operating hours: 3 – 9am, 10:30am – 2pm, 3 – 9pm and 10:30pm – 2am. Lifts usually take 15 minutes to arrive (so not great standing around in the cold or wet) and for non-standard cycles, bikes with trailers, or groups of more than 3 you have to pre-book.

Lack of new active travel or public transport crossings with LTC

Given the paucity of permanent, 24 hour crossings east of Woolwich for active travel or public transport, it is concerning that no serious consideration has been given to providing new links for these modes within the LTC design or parallel to it such as at Dartford. The LTC is clearly not going to provide the congestion relief desired by many as shown above and a multi-modal solution ought to be sought instead. It is the only way of reducing pressure on the wider road network and the Dartford Crossing.

It is surprising that no mention has been made of having an active travel connection through the LTC or dedicated bus lanes. This is something that is being done in Canada, where the Fraser River Tunnel Project in Vancouver includes dedicated mass transit lanes and a separate active travel corridor[10].

Improved connectivity for public transport needs to happen near Dartford, and indeed should be part of these considerations. Just running a single bus service through a highly congested crossing does not provide the certainty or quality of service to drive modal shift and improve overall traffic flow. The lack of consideration and early dismissal of public transport options by National Highways is unsurprising but means that it has not properly undertaken the required options appraisal process required by the National Networks National Policy Statement (NNNPS)[11].

[7] TfL webpage: Woolwich Ferry
[8] Royal Borough of Greenwich webpage: Check the status of the foot tunnels and lifts
[9] UK Government webpage: Getting across the Dartford crossing by bike
[10] British Columbia webpage: Highway 99 Tunnel Program: Frazer Tunnel Project Overview
[11] REP1-281 – Thurrock Council LIR – see paragraph 7.2.11 (page 71) and section 8 (page 89)

Better engagement – too little, too late?

In its response, National Highways commits to better engage with stakeholders "during the design development of footways, bridleways and cycle tracks"[12]. This rather begs the question as to why this wasn't included as standard and suggests engagement to date doesn't appear to have been very thorough when establishing key principles to inform the scheme design. Additionally, this overlooks the fact that the widths of many bridges have already been fixed, so the ability to affect change will be limited and separated pedestrian cycle tracks will not be possible at this late stage.

Indeed, this is a key feature in Active Travel England's comments[13]. National Highways has been careful not to admit that the design consultation will focus on fitting paths onto pre-designed bridges (with the bridge widths already fixed and not up for debate). In effect, its proposal to provide more consultation is a distraction and won't lead to any meaningful changes to the design, or help deliver high quality infrastructure for active travel users. It carefully avoids committing to reviewing its proposals against LTN1/20 which it would do if it had confidence in what it was proposing.

In its second proposal to pledge an extra £1 million for studies and interventions to better integrate the LTC, shows that the scheme hasn't been designed very well to date if that wider integration is only now being thought about. There are two issues with National Highways' proposals:

1. £1 million might seem like a lot of money but in the context of such a large scheme (14 miles / 23 km) this will not go very far. Even £10 million would be unlikely to be sufficient given the vast area affected by this scheme. With a scheme that is likely to cost £10 billion, the £1 million pledge for active travel studies across multiple local authority areas represents just 0.01% of the overall cost of the scheme.

2. This does nothing to address the significant adverse impact of all the extra traffic, with background rises on local roads[14] making conditions on these roads more hostile for active travel. Where is the mitigation for this widespread impact which if left unaddressed will significantly undermine Labour's mission to support the NHS? This scheme is already predicted to increase deaths and serious injuries but it will also deter people from being active in their everyday lives. This will undermine their physical and mental well-being and lead to greater pressures on the NHS.

[12] National Highways response to Secretary of State letter of 12 November, 2024 – paragraph 2.21

[13] National Highways response to Secretary of State letter of 12 November, 2024 – Annex A, paragraph 2.2.1

[14] REP1-281 – Thurrock Council LIR – see paragraph 9.4.14 (page 110) which gives examples of the types of increases resulting from the scheme

Detailed comments on National Highways' response to ATE suggestions[15]

Using CD143 instead of LTN1/20

National Highways' response to the detail in ATE's letter is disingenuous on standards. It states that Local Transport Note (LTN) 1/20 guidance will be used as set out in Design Clause PEO.04[16], but nowhere does it state that LTN 1/20 will be the primary design guidance. Importantly it says that it will be considered alongside other guidance such as DMRB standard CD143[17] for walking, cycling and horse-riding, so it may not be used at all.

Perversely for a document (CD143) prescribing dimensions for paths that are shared (and likely to require additional space to cope with conflict between modes), its standards are normally less than those prescribed for a (single use) cycle track as defined in LTN1/20. This allows National Highways to implement sub-standard cycle infrastructure (narrower than required by LTN 1/20) by designating paths as shared and unseparated.

For example, in CD143 an unseparated shared use two-way path with <200 users per hour, can have a minimum width of 2m[18]. Also, it requires no additional width requirements when adjacent to vertical surfaces, such as bridge parapets which constrain the usable space, and the requirements for separation from the carriageway are 0.5m below 40mph and 1.5m above 40mph[19].

However, for a two-way cycle track with <300 cycles per hour at peak times, LTN 1/20 would require a desired minimum of 3m, and absolute minimum of 2m for pre-existing constraints[20]. Additionally, it requires a further 0.5m for each (taller) vertical surface, such as a bridge parapet, to maintain the usable width[21]. It also has more generous requirements for separation from traffic than CD143.

Therefore, National Highways could, following its current Design Clause PEO.04, provide an unsegregated two-way shared path on a new bridge with traffic that is only 2m wide using CD143, whereas the minimum for LTN 1/20 is 3.5m and that's without any space for pedestrians. There clearly is a huge difference in standards and widths that National Highways is glossing over in its response and despite listing LTN 1/20 in its design clause, it is designing most, if not all, of its infrastructure to the lower standards in CD143.

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[15] National Highways response to Secretary of State letter of 12 November, 2024, Annex B Response to comments made by Active Travel England – Table A.1

[16] LTC Design Principles 7.5 (Clean version), National Highways, December 2023 – REP9-227 – Table 4.1, PEO.04, page 14

[17] CD143 Designing for walking, cycling and horse-riding, Version 2.0.1, March 2021

[18] CD 143 English National Application Annex, Rev 1, March 2020 - Paragraph E/3.5, page 9

[19] CD 143 English National Application Annex, Rev 1, March 2020 - Paragraph E/3.5.1, page 9

[20] LTN 1/20 Cycle Infrastructure Design, Department for Transport, July 2020 – Table 5-2, page 43

[21] LTN 1/20 Cycle Infrastructure Design, Department for Transport, July 2020 – Table 5-3, page 43

The problem is CD143 appears to give no guidance as to when unseparated paths are acceptable. While the separated path widths defined within it are closer to LTN1/20 standards, it appears entirely within National Highways' gift as to which standard it chooses to build. Unsurprisingly it tends to do the bare minimum, particularly as active travel is not seen as important and hence is vulnerable to cost cutting measures. You would not expect to see narrow lanes introduced on a motorway (except during road works with lower speed limits), so why does National Highways think it acceptable for active travel routes?

National Highways should be made to show what percentage of shared paths and cycle tracks (by length) are being designed to LTN1/20 and to CD143 standards. This would help expose the deficiencies in the design.

Bridge designs

National Highways gives Brewers Road green bridge as an example[22] of what it is proposing in terms of bridge designs[23]. Here it states that there will be a combined walking and cycling path of 3m and a horse-riding route of 3.5m. However, this is not what is reproduced on the plan[24]. On one side of the road, the shared path is 2.6m wide, while on the other the horse riding path is 3.5m. However, both these paths are hard up against a vertical surface, so the effective width of the shared path is 2.1m.

In addition, for a 40mph road, as here, there should be a minimum 1m separation between the carriageway and the path. However the width of the hardstanding shown at the side of the road is less than 1m, while in any case there is no guarantee that motor vehicles won't stray into this area. It would be far better to extend the path and narrow the carriageway here to ensure the buffer is maintained. In total this means that National Highways is providing a path at around a 2m usable width that is 1m narrower than recommended in LTN 1/20. This is before consideration is given as to whether it is desirable to separate pedestrians and cycles, in which case the shortfall would be even greater.

It is worth noting here that although CD143 nominally has a date of March 2021, the English Annex was approved in March 2020, before LTN 1/20 was published, so any dimensions in CD143 are, in effect, out of date.

Given this (Brewers Road) is a new bridge structure, there is no reason not to produce the desired minimum for a cycle path (which should be the absolute minimum of any shared path) as described in LTN 1/20 of 3m, or 3.5m adjacent to a vertical surface as here and a buffer between it and traffic. Additionally, it can be clearly seen that the path widths narrow right

[22] National Highways response to Secretary of State letter of 12 November, 2024, Annex B Response to comments made by Active Travel England – 2.2.2, Table A.1, page 18

[23] LTC Design Principles 7.5 (Clean version), National Highways, December 2023 – REP9-227 – Table 4.1, S1.17, page 41

[24] LTC Structures Plans 2.13, Volume B (Sheets 12 to 79), October 2022 – Sheet 20

down either side of the bridge, so the design principles are not extended further to create any real benefit.

Our concern is that on this bridge, where the green element is prescribed as 11.5m wide, unless this or the carriageway is reduced, or the bridge made wider, National Highways will not be able to deliver LTN 1/20 standards. There may be some flexibility in the allocation of green space on Brewers Bridge or on road widths, but for non-green bridges where no account has been taken of LTN 1/20 standards there is likely to be less flexibility to tweak the design without designing a wider bridge. In the instances where separated pedestrian and cycle facilities would be preferable, this will be nigh on impossible.

Elsewhere there appear to be discrepancies between what is set out in the Design Principles[25] and the Structure Plans[26]. For example, there are a number of bridges, such as the A1013 and Stifford Clays Road bridges, where the specification is for a 2m pedestrian and 3m cycle track combined, but less than 5m is shown on the drawings[27] and that's before considering whether more width is required for vertical surfaces and buffer zones with the road. The latter will be greatly influenced by the speed limit.

Inclusive Access Control (2.3)

National Highways' response about the need to address accessibility with inclusive barriers, 1.5m apart, is to refer to PEO.06. However, this provides it with so much latitude in *"the use of robust design elements to prevent and mitigate the potential for misuse of the WCH network by unauthorised vehicles and to prevent and deter anti-social behaviour and unauthorised access to third-party land"* it can effectively ignore ATE's recommendation. It is yet another example of National Highways' refusal to engage with these issues seriously.

NCN 177 and its temporary diversion

National Highways fails to address the importance of this route and what disabled cyclists might do who are unable to dismount when using the Hares footbridge, too narrow for shared use and with parapets too low for cycling and unable to be modified. It refuses to consider amending or building a new bridge, but then says the plight of disabled person can be discussed. Given it is predisposed to do nothing what possible benefit would come from discussing the issue as it proposes?

A226 Gravesend Road

National Highways proposes using the extra £1m it has pledged for active travel measures be used to contribute to a study of the issues raised by ATE. Note it does not state implement new

[25] LTC Design Principles 7.5 (Clean version), National Highways, December 2023 – REP9-227 – Table 4.1
[26] LTC Structures Plans 2.13, Volume B (Sheets 12 to 79), October 2022
[27] LTC Structures Plans 2.13, Volume B (Sheets 12 to 79), October 2022, Sheets 35, 36, 37, 50 & 51

measures as this fund is likely to be inadequate to make any real difference on the A226, let alone across the wider area for active travel.

Muckingford Road

Similar to the A226 Gravesend Road above, it's unlikely that the £1m fund will be enough to tackle all the issues caused by the extra traffic generated by the scheme.

Express Bus Service

Unfortunately, we have to strongly disagree with ATE about bus services and note that this is not within its remit or expertise. ATE clearly has not read Thurrock Council's concerns, nor the capacity problems that will be experienced with the new Orsett Cock / A1089 junction to the north. This is something also raised by the ports. This will make running bus services through this junction unreliable. Additionally, there is no possibility of providing bus priority infrastructure through this junction within the current development boundary[28].

National Highways' reticence to provide funding for a bus service across the river is understandable because it knows it would likely be a failure with high operating costs due to both congestion and the extra distances it would have to travel to connect the local communities. Yet better bus services could indeed help meet local demand and reduce pressure on the Dartford crossing and the road network generally.

The LTC should be designed to allow buses to use the emergency access ramps as requested by Thurrock[29], but National Highways is reluctant to do this because it would then have to admit that these ramps/junctions have not been designed to standard. Doing this would allow buses to be more economical as they would not need to go on long detours and would be able to minimise journey distances, times and costs.

Area Travel Plan

National Highways flippant dismissal of ATE's suggestion for an Area Travel Plan[30] sums up the problem of having a single mode roads company in charge of transport interventions. It is building infrastructure that will profoundly change transport movements across a wide area north and south of the Thames. It has already accepted that its scheme will have a large impact yet the fact that it is unwilling to act to actively manage the operational impacts of the scheme is astonishing. National Highways' responsibilities should not be confined to just managing the construction of the project and this response unfortunately confirms our worst suspicions about the scheme's ability to deliver.

[28] REP1-284 - Thurrock Council LIR, Appendix C
[29] REP1-281 - Thurrock Council LIR, July 2023 – Paragraph 35
[30] National Highways response to Secretary of State letter of 12 November, 2024 – Annex B, section 3.6

Annex C - Lower Thames Crossing construction disruption

Despite National Highways being asked to *"set out what **further measures** could be put in place to minimise disruption to local people during the construction phase of the scheme including how agreed timetables will be met*", **National Highways offers no new measures** to minimise disruption to local residents in its response of 26 November 2024. Instead it relies on its previous commitments within the draft DCO to produce an Environmental Management Plan (Requirement 4) and a Traffic Management Plan (Requirement 10).

Throughout the 6-month DCO examination, the LTC's impact on the local road network, including during construction, was one of the most contentious and unresolved issues. Modelling used by National Highways shows construction traffic permeates the local road network and isn't constrained to the proposed construction routes. Without this happening it is likely the designated construction routes would be overloaded and this was a key concern.

By the end of the examination, there were 216 'Matters Not Agreed' between Thurrock Council and the Applicant (see Thurrock's Deadline 9A submission, REP9A-119, at para 48). In the final Statement of Common Ground (SOCG) between Thurrock and National Highways [REP9A-044], the council reported that the three matters relating to disruption from construction and the failure of National Highways to produce adequate information about the impact on the wider road network (2.1.121, 2.1.150 and 2.1.151) were all still Matters Not Agreed. Thurrock's concerns with the impacts of construction are also outlined in detail at Q4.6.4 in their response to the Examining Authority's Written Questions and Requests for Information (ExQ1) in September 2023 [REP4-353].

In its Deadline 9 submission, the Port of Tilbury London Limited (PoTLL) concluded that it:

"*remains significantly concerned about the potential impacts of the construction phase traffic movements, and construction traffic management measures on access to and from the Port of Tilbury and Tilbury2, and movements and Port operations within Tilbury2. The LTC project construction traffic volumes are large scale and complex, and shown by the Applicant's own submissions to cause adverse impacts. If not managed properly, these impacts would negatively impact upon PoTLL statutory undertaking of running a Port, as well as put it as a competitive disadvantage, which is contrary to Government policy which aims to support Port competition. In PoTLL's submissions, the measures in the OCTMPfC are not reactive or nimble enough to ensure that impacts are managed quickly and efficiently and thus would not mitigate the likely adverse impacts.*"

Swale Borough Council withdrew its SOCG with the Applicant [REP9A-118], stating that: "*The Council maintains its position that the Lower Thames Crossing will result in unacceptable impacts on across the road network across the Borough",* and that: *"the Lower Thames Crossing will displace congestion to the east and into Swale, threatening our economic growth and reducing local road safety, air quality and journey time reliability.*"

The economic cost of disruption due to construction is outlined in the Combined Modelling and Appraisal (ComMA) report (APP-518). Table 7.5 in the ComMA shows construction disbenefits of £130.8million.

However in Thurrock Council's Local Impact Report (LIR) [REP1-28] at 7.5.3 it is noted that:

"*No breakdown of local impacts during construction has been provided nor is it clear where the disbenefits are located in terms of local areas. Given construction is likely to be localised around the main construction sites (and their approach roads), it is anticipated that Thurrock will likely bear the brunt of these disbenefits.* ***However, the locations most affected cannot be assessed due to insufficient data being provided. This means that the adequacy of the Traffic Management Plan mitigations cannot be robustly assessed by the Council."***

National Highways' failure to be transparent

A significant (and shocking) issue throughout the 6-month DCO examination was that National Highways refused to disclose the full Lower Thames Area Model (LTAM) to any of the local authorities. Each local authority was only allowed access to cordon model information of trips which have both an origin and destination in that local authority area. No one local authority had access to the full LTAM.

Not only that, but each local authority was made to sign a Non-Disclosure Agreement (NDA), preventing them from sharing available traffic modelling information with other local authorities. This was a deliberate attempt by National Highways to prevent the local authorities from assessing the full impact of the scheme, and the disruption that would be caused to local residents.