

Thames Crossing Action Group - Closing Comments

Lower Thames Crossing TR010032

Unique Reference: 20035660

Deadline 10 – 20th December 2023



Introduction

1. Thames Crossing Action Group (TCAG) are a community action group representing thousands of people from all areas opposed to the proposed Lower Thames Crossing (LTC).
2. We also have a seat on Thurrock Council's LTC Task Force Meeting committee.
3. We have taken part in every single National Highways (NH) LTC consultation to date (despite the inadequacies of consultation), as well as having meetings and ongoing communications over the years.
4. We have done our best to participate in the LTC Development Consent Order (DCO) Examination, and to keep up with the fast-paced deadlines, and vast and complex suite of materials/documents. Despite health issues we have attended or viewed recordings of all the hearings as best we can.
5. For ease of reference, a list of all our LTC DCO written submissions can be found in Appendix A.
6. Following on from all our submissions, please consider this our official closing comments to highlight some of the main issues and concerns we have as the LTC DCO Examination comes to a close.
7. We hope our submissions, whether they be in person or written have been helpful to PINS and the ExA. We would like to thank you for your professional yet friendly inclusion of our group to the DCO process, not only during Examination, but also since we first made contact prior to the first attempt of the LTC DCO application was made. We appreciate your time and help, as well as the way we have been included into the process as an action group representing so many.
8. We would like to thank the ExA and the whole LTC PINS Case Team for their time and hard work during the DCO process to date, and in the next few months as you consider and make your recommendation to the Secretary of State for Transport.

Closing Comments

9. We stand by our previous comments that the whole LTC Consultation process was inadequate, and that we felt that the LTC DCO application was resubmitted prematurely. There were and are still so many key issues, legitimate concerns, and serious areas of disagreement still outstanding, so much questionable information, along with a lack of adequate information from NH, all largely due to NH lack of willingness for meaningful engagement.
10. For so many years through the consultation stage of the process we and others (including Local Authorities) have been told that so much information would be made available at the DCO application/examination stage. Of course the size and complexity of the application has been huge, as would be expected for the largest road project in the country, particularly one that is so huge, complex, controversial, destructive and harmful. However, the quality and adequacy of the information in the application has been greatly lacking.
11. We question the competency of some of the information that has been shared, such as ecological surveys and carbon/GHG data. Why as a community group are we aware of evidence that there are for example Mink in the area that NH wish to create a water vole habitat, despite Mink being their main predator? Why did NH surveys fail to identify The Wilderness as Ancient Woodland, when as a community group we have presented evidence that has secured that designation?
12. How are we supposed to have any trust or confidence in any of the information that has been presented, including the Environment Statement, when clearly there is evidence of incompetence and misleading information for the project within the application?
13. NH have failed to carry out meaningful engagement. Even through the examination they have been very quick to dismiss many parties concerns without substantive explanation or presenting adequate evidence to back up their claims, or even attempt to genuinely listen to other parties.
14. We know that failure to deliver the proposed LTC successfully is an existential threat to NH as an organisation, which we believe explains a lot, because they are literally fighting for their existence rather than focusing on doing a job that gives the best results for everyone.
15. The estimated cost of the proposed LTC has risen from £4.1bn up to £9bn according to official estimates as at August 2020. This means that the estimated cost is now over 3 years out of date, and also can't truly include the 2 year rephase impacts to cost either. Evidence shows that the so called LTC 'Independent' Commercial Review has not been truly independent, as it was carried out by a company with staff at Director level having previously worked on the LTC project.
16. The above also reflects on the benefit cost ratio and value for money of the LTC, and just as the estimated cost has and is rising, the BCR and value for money continues to drop. The adjusted BCR has gone from 3.1 down to just 1.22 as at August 2020.

17. We believe that evidence shows that the disbenefits of the LTC would outweigh any claimed benefits. It seems we are not alone in this regard, as the ports also state that the guaranteed disbenefits outweigh the guaranteed benefits. This includes concerns/issues during construction and operations. Since NH claim that benefits to the ports is a large part of the supposed economic benefits, and the project is largely aimed at serving ports in the SE through to the Midlands and beyond, this is just one example of how the LTC would fail to meet scheme objectives.
18. We still believe that there would be considerable additional cost as a direct result of the LTC, if it goes ahead, for example the Tilbury Link Road, Blue Bell Hill improvements (which Kent County Council have admitted they are not in a position to fund), the A2 dualling, works needed to fix the adverse impacts to the wider road network as a direct result of the LTC, the Rest and Service Area etc. We heard how nothing in the DCO should result in pressure being put on Government to have to make decisions outside of the project, but aspects like these would result in Government having to find funding to put right what NH have knowingly failed to include within the project. NH have repeatedly stated that local and highways authorities would be able to seek government funding for so much moving forward, all to fix problems created by the proposed LTC. **Failure to include such additional costs that would be directly due to the LTC would be a false economy, and is definitely not in the national/public interest.**
19. Additionally, there are no guarantees that Government would cover additional costs such as those highlighted above, leaving congestion and issues in regard to management and maintenance of the existing road network etc. **Proceeding with a project that would knowingly create issues that the projects cost and DCO does not cover would be irresponsible and definitely not in the national/public interest.**
20. The cost of everything has risen considerably since August 2020, and is highly unlikely not to continue to rise. Since then Government have made changes to the way carbon emissions are calculated, which would make a big difference for a project with such high estimated carbon emissions. Plus, as came out during the examination we know NH have not used a realistic inflation figure for assessments, which leads to questions of how accurate their estimates are.
21. As we have commented on previously, we have serious concerns in regard to the climate change and carbon impacts of the proposed LTC. We endorse the submissions of CEPP on the GHG emissions, please see Appendix B for more on this. The Climate Change Committee have said that, new roads should only be built if they can be shown not to increase emissions. LTC estimated carbon emissions are based on aspirational claims, with no provision in place for if they cannot be met. Climate change is a very real threat to not only our country, but the whole world, we therefore consider that **it would NOT be in the national (or indeed international) interest to proceed with a project that would emit so much carbon.**

22. Air pollution being one of the biggest threats to health in the UK. The Environment Act has legally set targets for PM2.5 to 10ug/m³ or below by 2040¹. The Mayor of London has committed London to PM2.5 target of 10ug/m³ by 2030² (the proposed LTC passes through and alongside the London Borough of Havering). Professor Karen Lucas has publicly stated that the proposed LTC would fail against a PM2.5 target of 10ug/m³.
23. We have highlighted that the proposed LTC would worsen air quality, and fail to improve air quality adequately in areas currently suffering due to the Dartford Crossing, as the current crossing would still remain over capacity, there would be wider network issues, and a general increase in traffic. We do not believe the disbenefits and cost to the NHS from air pollution related illness have been adequately considered. Nor that NH are doing everything they can to reduce air pollution, for example pushing pollution from the tunnels into our communities rather than capturing and filtering the pollution. We all deserve the right to breathe clean air, therefore **it is NOT in the national public interest to grant permission for a project that would increase traffic on the roads and worsen air pollution.**
24. We have concerns that the proposed LTC would increase flood risk, due to the changes being proposed. We also have concerns about adverse impacts to water quality due to run off from the LTC, if it goes ahead. This would impact not only the natural environment, but also our food supply since the proposed route runs through agricultural land, including grade 1 listed land.
25. The Environment Audit Committee have recently (8th Dec 2023) highlighted³ how climate change and biodiversity loss affect the quantity and quality of food produced. Also, how self-sufficiency in an important part of food security. They have called on Government to fully integrate food security as a central principal in the Land Use Framework that is due to be published no later than 19th December 2023. It should provide a set of principles for decision making to ensure that English land performs the many functions required of it. They also made clear that the Government should designate food security as a public good.
26. The loss of agricultural land, along with the impacts to agricultural land (including grade 1 listed land) would be completely unacceptable. This is particularly relevant at a time of climate change and when our country is suffering from food security issues. We would add that since food security should be considered as a public good, **it is NOT in the national public interest to destroy or adversely impact our agricultural land.**
27. Like others we have concerns that nitrogen deposition has not been adequately assessed or mitigated/compensated. Since we question the adequacy and competency of the ecology surveys we also question and have concerns as to whether Biodiversity Net Gain would be adequate. We

¹ <https://questions-statements.parliament.uk/written-statements/detail/2022-12-16/hlws449>

² https://www.london.gov.uk/sites/default/files/pm2.5_in_london_october19.pdf

³ <https://publications.parliament.uk/pa/cm5804/cmselect/cmenvaud/312/summary.html>

have concerns over the loss and impact of greenbelt land, and to the Area of Outstanding Natural Beauty (AONB).

28. While AONB may not be an ecological designation, the natural beauty is due to a healthy natural environment, so it needs to be ecologically healthy in order to remain an AONB.
29. We do not believe that the proposed environmental mitigation and compensation would be adequate. The proposed 'green' bridges are not adequate as proposed, particularly the Thong Lane South bridge that would terminate at a busy junction with no safe passage. Nor the fact that they are being proposed as mitigation for bats, when NH have admitted publicly that there is no proven mitigation for bats when it comes to new roads. There is no provision to secure that the 'green' bridges would be sufficient in any way on an ongoing basis either.
30. We still stand by our comments that NH are using creative accounting in regard to Hole Farm Community Woodland, and do not consider it appropriate that it be counted as environmental mitigation and compensation for the LTC, since Hole Farm Community Woodland is being progressed regardless of whether the LTC goes ahead or not. How can something we will be getting regardless of LTC ever be considered mitigation or compensation for the LTC?
31. Overall we have concerns that NH have not taken into account the cumulative impacts of the projects impacts on the ability for other developments, local plans etc to be able to deliver ecological benefits moving forward, as LTC is using up so many potential options/land etc. Land can only be considered environmental mitigation/compensation to a certain level and then must max out.
32. The proposed LTC route has not adequately considered the environmental impacts, in particular NH did not adequately consider the impact of the route on The Wilderness as an Ancient and Long Established Woodland, as they failed to even identify that The Wilderness was an ancient woodland. Policy states that ancient woodland should not be destroyed unless there is no other option and it is deemed in the nations interest. Yet NH are choosing to go through The Wilderness rather than going through a landfill site. **Saving and protecting our ancient and long established woodland is in the nations interest as they are irreplaceable habitats.**
33. We still stand by our comments that better and more sustainable alternatives have not been adequately considered. Rail improvements between Ashford and Reading would negate the need for the proposed LTC, but taking more freight off our roads and onto more sustainable rail. NH have failed to include any genuine provision for active travel connectivity, viable public transport provision, or to encourage modal shift.
34. The proposed LTC would result in around a 50% increase in cross river traffic, and see an increase in traffic on our roads, including the existing road network. NH have failed to include LGV/HGV induced demand into the modelling, which distorts the true impacts of the project, specifically as

the project is aimed at improving connectivity for ports and has been promoted as a project that would result in economic and business growth for companies that predominantly use LGV/HGVs.

35. Whilst NH deny that the proposed LTC would be a 'Smart' motorway, we still stand by our claim that it would be a 'Smart' Motorway **by stealth**, adding further safety fears and risk on a project that would by NH's own admission increase fatalities and serious accidents. This at a time when the Office of Rail and Road have voiced concerns⁴ about NH's failings in regard to meeting road safety targets, and have called upon them to produce a plan setting out how they will meet a 50% reduction in the number of people killed and seriously injured across the strategic road network. One way we could see to help reduce fatalities and serious injuries is through traffic reduction, with particular focus on HGVs, since collisions with HGVs are more likely to cause serious injuries and death⁵. Another example of why rail improvements to get more freight off roads and onto more sustainable rail would be a better alternative.
36. It worries us greatly that the Emergency Services Steering Group are not happy that NH won't listen to them re Emergency Services Rendezvous Points (RVP). Emergency infrastructure is an essential requirement for such a huge project, especially since LTC would worsen incidents/accidents (including fatalities). It concerns us that NH are so arrogant as to refuse to listen to emergency services, whilst at the same time attempting to give the impression that everything is being done in consultation with the emergency services. To read comments such as, "If an acceptable RVP for the north of the Thames is not properly secured and delivered, then there is a real risk that the safety and security of the Project will be significantly undermined", as stated by the ESSG in their D9 submission [[REP9-303](#)], is of course a serious concern and issue.
37. We have concerns about accidents, demands on emergency services, Unexploded Ordnance, contamination, glint and glare, and have also experienced health and safety issues already in regard to the proposed LTC. It offers no reassurance when we read that the Health and Safety Executive still have concerns that NH cannot provide adequate wording in regard to policy on hyperbaric working conditions. This should not be an issue for a major tunnelling project, and the fact NH cannot get this right, and apparently do not rate health and safety high enough to have been able to resolve this matter so late in the day of the examination worries us greatly, and gives us no confidence or trust in NH in regard to any health and safety issues and concerns.
38. We definitely still have many concerns in regard to the impacts during construction, if the proposed LTC goes ahead, due to the destruction, harm; impacts to the environment, our health and well-being, our communities, accessibility and so much more.
39. When it comes to other developments NH are quick to object to them, if they consider the development would result in impacts to the road network, so why should it be any different

⁴ <https://www.orr.gov.uk/search-news/safety-improves-strategic-road-network-orr-calls-national-highways-make-further>

⁵ <https://nationalhighways.co.uk/road-safety/driving-around-large-vehicles-and-hgvs/>

because the project adversely impacting the road network is their own project?

40. The Dartford Crossing would still be over design capacity, even if the proposed LTC goes ahead, so all the same issues associated with the congestion and pollution would remain. NH are not planning how traffic would migrate between the two crossings when there are incidents, and there would not be adequate connections. This would result in more chaos, congestion and pollution, and does nothing to improve resilience.
41. At a time of climate emergency, when our country is one of the most nature depleted in the world, and we are supposed to be saving, protecting and enhancing our natural environment, and improving our health and well-being, the proposed LTC would be hugely destructive and harmful. Destroying and impacting homes, lives, health and wellbeing, greenbelt, woodlands (inc ancient and long established woodlands), agricultural land (inc grade 1 listed land) at a time of food security issues, solar farms, wildlife and habitats (inc SSSI), countryside (inc AONB), the environment, leisure, heritage, communities and so much more.
42. Put simply, we do not believe the proposed LTC is fit for purpose, or meets the scheme objectives. We do not believe it to be NPS NN policy compliant, in keeping with other government policies and commitments such as (but not limited to) 25YEP, or compliant with legislation. It would be hugely destructive and harmful. It would be unethical and a waste of a huge amount of public money, particularly as there are better and more sustainable alternatives. We need and deserve better.
43. **We therefore remain strongly and completely opposed to the proposed Lower Thames Crossing. In light of all the considerable outstanding issues and concerns, and the evidence presented by so many IPs, it remains our view that the ExA should recommend to the Secretary of State for Transport that the proposed Lower Thames Crossing should not be granted permission.**

Appendix A

TCAG written submissions for LTC DCO Process

- Inadequacies of LTC Consultation ⁶ - Submitted to PINS
- [[PDA-006](#)] – Procedural Deadline A (PDA) Submission – Written submissions in advance of the Programming Meeting
- [[PBD-025](#)] – Procedural Deadline B Submission – Written submissions on the Examination procedure and draft timetable
- [[PDC-036](#)] – Procedural Deadline C (PDC) Submission – Further written submissions on Examination procedure, including responses to matters raised orally at PM pt 1
- [[PDC-038](#)] – Procedural Deadline C (PDC) Submission – Comments by Interested parties (IPs) on Applicant’s proposed ASI Itinerary
- [[REP1-425](#)] – Deadline 1 Submission – Written Representation (WR)
- [[REP2-119](#)] – Deadline 2 Submission – Comments on Applicant’s submissions at Deadline 1
- [[REP3-205](#)] – Deadline 3 Submission – Responses to comments on WRs
- [[REP4-403](#)] – Deadline 4 Submission – Post-event submissions, including written submission of oral comments made at the hearings held w/c 4 and 11 Sept 2023
- [[REP4-404](#)] – Deadline 4 Submission – Responses to ExQ1
- [[REP4-405](#)] – Supporting evidence for ExQ1 1
- [[REP4-406](#)] – Supporting evidence for ExQ1 2
- [[REP4-407](#)] – Supporting evidence for ExQ1 3
- [[REP4-408](#)] – Supporting evidence for ExQ1 4
- [[REP4-409](#)] – Supporting evidence for ExQ1 5
- [[REP5 -127](#)] – Deadline 5 Submission – Comments on Applicant’s submissions at Deadline 4
- [[REP6-204](#)] – Deadline 6 Submission – Comments in response to D5 submissions and post-event submissions
- [[REP7-272](#)] – Deadline 7 Submission – Comments on Applicant’s submissions at Deadline 6
- [[REP8-191](#)] – Deadline 8 Submission – Comments in regard to the Report on Implications for European Sites, ExQ3, the ExA’s Commentary of the draft Development Consent Order, Post-Event Submissions and Deadline 7 Submissions
- [[REP9-309](#)] – Deadline 9 Submission – An early D9A response in regard to Rule 17 Letter about The Wilderness
- [[REP9-310](#)] – Deadline 9 Submission – Additional evidence – Air Quality data
- [[REP9-311](#)] – Deadline 9 Submission – Additional evidence – Air Quality data 2
- [[REP9-312](#)] – Deadline 9 Submission – Comments on Applicant’s submissions at D8
- [[REP9-313](#)] – Deadline 9 Submission – The Wilderness AWI Evidence Report
- [[REP9-314](#)] – Deadline 9 Submission – Additional notes for D9

⁶ <https://www.thamescrossingactiongroup.com/wp-content/uploads/2020/11/Official-TCAG-Inadequacies-of-LTC-Consultation-representation-2022.pdf>

- [REP9A-*yet to be issued!*] – Deadline 9A Submission – Comments on Deadline 9 submissions, and brief additional evidence
- [REP10-*yet to be issued!*] – Official TCAG Closing Comments – This document

Appendix B

Endorsement of Climate Emergency Planning and Policy (CEPP) Submissions

Greenhouse Gas emissions from the scheme

We (TCAG) endorse the submissions of CEPP on the GHG emissions. In particular:

- The EIA assessment of the GHG emissions from the scheme must take account of the risks to the delivery of the UK Climate budgets and targets.
- As part of reaching a reasoned conclusion on the GHG emissions from the scheme, the decision maker must consider if the risks to the delivery of the UK climate budgets and targets are compounded by the GHG emissions from the scheme.
- As the emissions from both construction and operation emissions, and these emissions combined, are large, and as the risks to the delivery of the carbon budgets and targets are unknown, the Secretary of State cannot reach a reasoned conclusion on the carbon “decision making” test at NNNPS 5.18.
- The Secretary of State is then obliged under Planning Act 2008 section 104(3) to consider if subsections (of s104) (4)-(8) apply.
- In considering section 104, there is:
 - a potential breach with very high probability in international obligations, as the current figures in the UK Carbon Budget Delivery Plan (CBDP) show that the UK Nationally Determined Contribution (NDC) will not be achieved: the scheme’s construction emissions can only compound such a breach.
 - a potential breach with very high probability of statutory duty and/or following the law from construction emissions in the 5th carbon budget, as the delivery of the 5th carbon budget is not guaranteed by the CBDP, and scheme’s construction emissions can only compound such a breach.
 - a potential breach with very high probability of statutory duty and/or following the law from operation emissions in the 5th and 6th carbon budgets, as the delivery of the 5th and 6th carbon budgets is not guaranteed by the CBDP, and scheme’s operation emissions can only compound such a breach.
- The scheme’s GHG emissions show the GHGs to be “Major Adverse” against IEMA significant thresholds, when using IEMA based contextualisations using the IEMA sources of “sectoral

reduction strategies” and “existing and emerging national and local policy or regulation”, for these scenarios:

- The construction emissions as additional emissions in the Industry sector for the NDC year of 2030.
 - The construction emissions as additional emissions in the Industry sector for the 5th carbon budget.
 - The operation emissions as additional emissions in the Domestic Transport for the 5th and 6th carbon budgets.
- In all cases above, the enumerated data used for the applicant EIA assessment is not a reasonable worst case for these reasons:
 - The operation emissions have been enumerated for the scheme only (solus), and enumerations of cumulative emissions have not been provided as required by the EIA Regulations.
 - The construction emissions are based on an input from the Carbon and Energy Management Plan (CEMP) which itself is based on claimed decarbonisation which have not been fully secured.

Carbon and Energy Management Plan (CEMP)

We (TCAG) endorse the submissions of CEPP on the CEMP emissions. In particular:

- The CEMP is not secure, and no robust risk assessment has been provided by applicant of its security.
- The data derived from the CEMP (ie the CBN04 of 1.44 MtCO₂e figure) cannot be reliably used as a reasonable worst case for the EIA assessment of the construction emissions.
- The DCO and CEMP, and in particular CBN04, is not a legally binding agreement in terms of securing decarbonisation.
- Major inconsistencies, errors and anomalies remain the CEMP with respect to:
 - Land Use Change (LUC) emissions
 - Diesel emissions
 - The role of hydrogen
 - Corrective action on contract defects relating to decarbonisation and failure to remain within

the claimed secured carbon limit (CBN04)

- What “Compensation by achieving gains elsewhere” means and the extent of which offsetting schemes from outside the construction project will be used.

Information withheld by the applicant

Considerable information has been withheld by the applicant including:

- The inner workings of the CEMP “black box”
- What genuine carbon reductions can be made by substituting hydrogen for diesel.