

Lower Thames Crossing

5.4.2.2 Statement of Common Ground between (1) National Highways and (2) Port of Tilbury London Limited

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This is a draft Statement of Common Ground with matters outstanding and is unsigned. The draft Statement of Common Ground has been drafted by the Applicant but the stakeholder has not yet been able to complete their review in line with their governance process. The Applicant considers that this Statement of Common Ground presents an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date.

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (National Highways) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application Documents. All documents may be available on the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties named below, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific matters that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared in respect of the Project by (1) National Highways, and (2) Port of Tilbury London Limited (PoTLL).
- 1.2.2 National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Project, to be conferred upon or assumed by National Highways.
- 1.2.3 PoTLL is the owner and operator of the Port of Tilbury which lies some 2km to the west of the proposed alignment of the Project route. As London's major port it is also the largest multi-modal port in the South East, and third largest port group in the UK. The port has an annual throughput of 16 million tonnes per annum and this is estimated to value around £8.7 billion.
- 1.2.4 PoTLL received Development Consent in 2019 to construct a new port terminal (Tilbury 2) and associated facilities on the land at the former Tilbury Power Station. Furthermore, as of November 2021 PoTLL, and their partners, officially commenced operations as a designated Freeport with the eastern part of the former Tilbury Power Station, and the land to the east of it, included within the Freeport area (and also within the Order Limits for the Project). Both Tilbury 2 and the Freeport comprise an extension to the operations at the existing Port of Tilbury, allowing the growth of the Port and its continued support of local, regional and national economic growth.

1.3 Terminology

- 1.3.1 In the matters table in section 2 of this SoCG, “Matter not agreed” indicates agreement on the matter could not be reached, and “Matter under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Matter agreed” indicates where the issue has been resolved.

1.4 Overview of previous engagement

- 1.4.1 A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Appendix C.

1.5 Status of the Statement of Common Ground

- 1.5.1 While National Highways have worked closely with PoTLL in the preparation of this document, PoTLL has not yet been able to complete their review of this Statement of Common Ground in line with their governance process. This Statement of Common Ground is therefore presented as National Highways understanding of the status of discussions with PoTLL. This Statement of Common Ground is therefore presented as an ‘unsigned’ Statement of Common Ground.
- 1.5.2 National Highways considers that this Statement of Common Ground is an accurate description of the matters raised by the PoTLL and the status of each matter, based on the engagement that has taken place to date, as set out in Appendix C

2 Matters

2.1 Matters agreed, not agreed or under discussion

2.1.1 Table 2.1 details the matters which have been agreed, not agreed, or are under discussion between (1) National Highways and (2) Port of Tilbury London Limited.

2.1.2 It is acknowledged there are some matters where further discussion may take place during the detailed design stage of the Project to finalise detail, but the matter is agreed in principle.

Table 2.1 Matters

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
DCO and Consents					
Development Consent Order (DCO) - drafting, requirements and control plans	2.1.1	<p>Above and beyond the specific documents referred to below, PoTLL wishes to be identified in the DCO as consultee in respect of the development of the following documents post-consent within the Freeport Area:</p> <ul style="list-style-type: none"> • Environmental Masterplan • Outline LEMP • Framework Construction Travel Plan • Preliminary Navigational Risk Assessment (pNRA) • Code of Construction Practice (CoCP), Materials Handling Plans 	<p>Preliminary NRA – National Highways understand that PoTLL wishes to be consulted on the NRA. PoTLL has been consulted on the Preliminary NRA. National Highways have updated the Protective Provisions to allow for PoTLL’s consultation on the NRA. National Highways have considered the request from PoTLL. National Highways does not consider it appropriate to include PoTLL as a consultee on the requirements associated with the other identified control documents. Appropriate</p>	<p>Outline Traffic Management Plan for Construction (oTMPfC) (Application Document 7.14) Code of Construction Practice (Application Document 6.3)</p>	Matter Under Discussion

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
		<p>and Outline Site Waste Management Plan</p> <p>PoTLL also wish to be a member of any formal group structures that are created by these documents in the Tilbury area.</p>	<p>controls are included in the protective provisions.</p> <p>To address the particular requests:</p> <ul style="list-style-type: none"> • Environmental Masterplan & OLEMP – these documents provide controls over how the environmental mitigation will be developed and implemented. In so far as there is an interface it is proposed that this is dealt with through the Protective Provisions. • Framework Construction Travel Plan – this document sets out how workforce access to construction sites will be managed, to encourage the use of active transport and public transport, and to reduce individual car journeys. The responding plans are to be consulted with the relevant highways authorities and this is considered appropriate. Where any such access is provided onto or through PoTLL land this will be discussed separately from the formal 		

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
			<p>consultation process and directly with PoTLL. The mechanisms for this will be included in the Legal Agreement discussed below.</p> <ul style="list-style-type: none"> CoCP, Outline Materials Handling Plans and Outline Site Waste Management Plan –. National Highways understands PoTLL is requesting to be a consultee on the EMP2 and the appropriate subsidiary plans to it (which will be based on outline application documents). Where there is an interface between the Project and PoTLL’s operations or the Freeport area in respect of these matters, National Highways considers that the Protective Provisions and Legal Agreement will ensure that PoTLL will have adequate protections. It is therefore not considered appropriate for PoTLL to be a consultee in the DCO Requirements. 		

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
			National Highways consider that engagement with PoTLL on matters relating to landscape and ecology should occur through the framework of a legal agreement, rather than by including PoTLL on the group secured by the OLEMP, the Landscape and Ecology Management Plan Advisory Group.		
Land and Compulsory acquisition					
Fort Road	2.1.2	PoTLL believes that Fort Road should not be included as a potential construction haul route. If it is to be included, PoTLL would like a commitment that traffic would not use this road unless the infrastructure corridor is not available.	The preferred route for traffic is along the infrastructure corridor. However, National Highways does not want to preclude the use of Fort Road on an intermittent and as needed basis.	N/A	Matter Under Discussion
Removal of spur for wastewater	2.1.3	PoTLL agrees that this spur should not be included within the Order Limits.	The Order Limits have been redrawn and the spur for wastewater has been removed.	Draft Development Consent Order (Application Document 3.1) Land Plans (Application Document 2.2)	Matter Agreed

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
Inclusion of the infrastructure corridor and space for potential utilities works.	2.1.4	PoTLL agrees to the inclusion of the infrastructure corridor but would like to see the boundary refined as much as possible to reduce interference to the use of corridor by Port traffic and surety that there is no interference with the requirements set out in the Tilbury 2 DCO (in particular the Tilbury2 Landscape and Ecology Management Plan (LEMP)).	<p>National Highways notes PoTLL’s agreement to the inclusion of the infrastructure corridor subject to agreement being reached to ensure minimum interference with vehicular use of the infrastructure corridor.</p> <p>The use of the infrastructure corridor will be included in the terms between the parties intended to be agreed in relation to access within the Legal Agreement referred to below, building on what has already been able to be agreed to date on this matter.</p> <p>National Highways has also reduced the Order Limits within Tilbury 2 land for utility works.</p> <p>National Highways has reviewed the potential for impacts on the Tilbury 2 DCO, namely the LEMP and has confirmed there are no impacts within the infrastructure corridor.</p> <p>National Highways has addressed the possibility for any inconsistency between any works authorised under the order and the Port of Tilbury (Expansion) Order 2019. See</p>	Draft Development Consent Order (Application Document 3.1) Land Plans (Application Document 2.2)	Matter Under Discussion

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
			article 55(5) of the draft Development Consent Order.		
Removal of East Tilbury jetty from the Project's Order Limits	2.1.5	PoTLL agrees that the East Tilbury jetty should be removed from the Project's Order Limits.	National Highways has removed East Tilbury jetty from the Project's Order Limits, reducing the Project footprint in the River Thames.	Draft Development Consent Order (Application document 3.1)	Matter Agreed
Permanently required land and overlapping requirements	2.1.6	PoTLL is concerned to ensure that the permanent land take and design of the Project should facilitate and not preclude the development of the Thames Freeport.	<p><u>Tilbury Fields</u> National Highways revised the proposals following the Community Impacts Consultation to remove an area of environmental mitigation (Tilbury Fields) that conflicted with the proposed Thames Freeport development.</p> <p><u>Other Requirements</u> Final designs of the Projects footprint have been presented and agreed between the two parties, these were put through public consultation in Spring 2022, with PoTLL retaining riverside frontage. The parties are discussing the process for the on-going development of the Project within the Freeport area and where and how this should be documented.</p> <p>National Highways has shared with the PoTLL draft protective</p>	N/A	Matter Under Discussion

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
			provisions for the benefit of PoTLL which includes plan approval before carrying out any specified work on PoTLL land.		
Temporarily required land and overlapping requirements – General	2.1.7	PoTLL is concerned that the Project’s construction will use temporarily a large area of land that is proposed for Freeport development; and requires certainty (or at the very least processes to reach certainty) on when that land is used, when it is handed back, and how use of it is managed.	The temporary land requirements for the Project’s tunnel northern construction compounds and associated haul roads overlap with the Port’s programme to develop the same parcels of land by 2026 to secure Freeport benefits. National Highways are working with PoTLL to agree suitable arrangements to confirm how requirements of both programmes can be accommodated and how this will be documented.	N/A	Matter Under Discussion
Temporarily required land and overlapping requirements - Construction Materials and Aggregates Terminal (CMAT) and associated land	2.1.8	National Highways have proposed to construct a temporary conveyor between the Tilbury2 site Construction Materials and Aggregates Terminal (CMAT) area and associated rail sidings and the Project’s construction areas. TARMAC has a long-term lease (25yrs) and is developing the site. The proposed works may interfere	National Highways understands PoTLL’s positions, however, this land is required to allow for a potential conveyor in this area, which may bring efficiencies to the Project’s construction. Any proposed conveyor would be subject to agreement with PoTLL. National Highways are working with PoTLL to agree suitable arrangements to confirm how requirements of	N/A	Matter Under Discussion

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		with existing operation and planned works. Any approval right for PoTLL must ensure that commercial, as well as statutory, requirements can be applied to whether or not PoTLL consents to such a conveyor.	both programmes can be accommodated and how this will be documented.		
Land associated with UKPN power connections at Substation Road	2.1.9	<p>PoTLL are working with National Highways to identify and agree future electrical connections at Substation Road for the Project and future port development.</p> <p>PoTLL seeks to ensure that any rights (including easements) associated with these connections do not interfere with its existing rights and easements.</p>	<p>National Highways and PoTLL are in discussions about temporary and permanent power supply from the existing UKPN Tilbury substation and the potential for a new UKPN substation to service power requirements within the Tunnels Northern Portal compound. National Highways are seeking temporary and permanent rights associated with an electrical connection along Substation Road from the existing UKPN Substation to the Tunnels Northern Portal compound. Details of the rights sought are set out in the Draft DCO (dDCO) and the Land Plans.</p>	<p>Draft Development Consent Order (Application Document 3.1)</p> <p>Land Plans (Application Document 2.2).</p>	Matter Under Discussion
Commercial discussions - Part of Shed Marsh & Tilbury Power Station	2.1.10	PoTLL is engaging with National Highways in commercial discussion regarding the use of this land	Commercial discussions between National Highways and PoTLL are ongoing in relation to the use of PoTLL owned land. These are anticipated to	N/A	Matter Under Discussion

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		for Project construction purposes. PoTLL has a range of interests and future development plans for this land that need to be considered.	progress throughout the examination.		
Construction					
Outline Materials Handling Plan and use of the CMAT facility (and PoTLL facilities more generally)	2.1.11	<p>PoTLL considers that the Outline Materials Handling Plan (MHP) should mandate the use of the CMAT for the Project given the planning, traffic and environmental benefits that would arise, noting that if the DCO required it, then this would need to be reflected in National Highways' contracts and so would overcome any procurement law-related concerns National Highways may have.</p> <p>It is considered that the current drafting in relation to the use of river transport and port facilities in the MHP is insufficient to ensure that these benefits are secured.</p>	<p>National Highways cannot require the use of the CMAT. It is National Highways' intention to evaluate the Project's Tunnels and Approaches tenderers' proposals with an appropriate focus on the future contractor's management of environmental impacts arising from undertaking the works.</p> <p>As is normal practice, both the quality and commercial elements of the tenders will be tested. The testing is undertaken in order to determine which tenderer has offered the Most Economically Advantageous Tender (MEAT). The procurement process is required to be compliant with the Public Contracts Regulations 2015.</p> <p>National Highways have proposed to introduce a</p>	Code of Construction Practice (CoCP) Annex B - Outline Materials Handling Plan (oMHP) (Application Document 6.3)	Matter Under Discussion

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			commitment to the use of port facilities within the outline Materials Handling Plan. The wording of this commitment has been shared with PoTLL who have responded with commentary. The proposals from PoTLL on this matter are currently under review.		
Navigational Risk Assessment (NRA) (Preliminary)	2.1.12	PoTLL has a new harbour master and with the extended passing of time (and as the Project has developed and changes have been made to the pNRA) since the pNRA was first reviewed a new review will take place with the new harbour master.	This has been previously finalised and agreed with the Port of Tilbury (and the PLA). The pNRA itself records that the port authorities have agreed its contents at the time of its writing. The mitigation measures from the pNRA are secured via the Protective Provisions with the Port of London Authority which requires the submission of plans, including navigational risk of assessments which must incorporate the risk controls in the pNRA. Recent changes to the pNRA are now being reviewed by PoTLL to confirm whether or not in principle agreement can be given.	N/A	Matter Agreed (subject to final review by new harbour master)
Limits of deviation (tunnel depth)	2.1.13	PoTLL supports the PLA's position on the proposed	National Highways consider the proposed 12.5m chart datum	N/A	Matter Agreed

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		12.5m below chart datum depth.	with 0.5m over dredge acceptable and has agreed to remove the powers in article 6 of the DCO that allows the Secretary of State to amend the upper constraint on the level of the tunnel. This provides an absolute with regard to the vertical Limit of Deviation.		
Traffic and economics					
Traffic assessment	2.1.14	PoTLL requests that National Highways include the Freeport in its traffic modelling so the impacts can be fully understood.	The proposed Freeport development is not included within the Project's core transport model as the development has not achieved the level of certainty required for inclusion.	N/A	Matter Under Discussion
Construction phase impacts on the Asda Roundabout, M25 J30, A13, and A1089.	2.1.15	PoTLL is concerned that impacts of the Project's construction flows, both with and without Freeport traffic, on the Asda Roundabout and surrounding links is not yet known, and whether mitigation will be required. PoTLL notes that 'without Freeport' construction traffic flows from the LTAM have been provided to it but that National Highways do not intend to perform junction	National Highways has undertaken an assessment of the impact of construction on the road network and has shared the changes in traffic flow with PoTLL. This does not include the Freeport traffic as the development does not have a sufficient level of certainty to be included in the Uncertainty Log. National Highways recognise that there would be impacts during construction and have	Outline Traffic Management Plan for Construction (oTMPfC) (Application Document 7.14)	Matter Under Discussion

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		<p>modelling in relation to the Asda Roundabout</p> <p>PoTLL would like to understand what the impacts are ‘pre-mitigation’ and consider it essential the junction is modelled in detail. The output of the LTAM does not provide any assessment of the junction operation and is inadequate to determine whether the impact would be acceptable.</p> <p>PoTLL note that construction traffic (worker) has been routed away from ASDA roundabout with no information on how such an arrangement would operate. PoTLL is concerned this ‘assumption’ in the LTAM model would have local road impacts and in practice would not be adhered to. As such, the LTAM model is underestimating the increases at ASDA roundabout.</p>	<p>provided a set of controls through the Outline Traffic Management Plan for Construction (Outline Traffic Management Plan for Construction, 2.1.21) and is willing to discuss these with PoTLL.</p> <p>National Highways considers that the current forecast impacts at Asda Roundabout represent a reasonable worst case for the purpose of the assessment. However, as the Contractor works to refine the construction plans, the nature of the impacts on Asda roundabout will change and that detailed junction modelling of these temporary scenarios is not proportionate at this stage of the development.</p>		

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		<p>PoTLL also does not currently consider that it has been demonstrated that the mitigation measures proposed by National Highways in the Outline Traffic Management Plan for Construction will be sufficient to ensure that there are no impacts to the traffic movements associated with the 24/7 operation of the Port of Tilbury and Tilbury2 and considers that more proactive and urgent measures may be required.</p> <p>This is a vital part of access to the Port and thus needs to be resolved as soon as possible. Measures above and beyond 'standard' traffic management plan measures and appropriate assessment of the impact are therefore required.</p>			
Construction phase: Impacts of construction activities taking place on traffic flows	2.1.16	PoTLL is concerned to ensure that the impacts of the carrying out of construction on traffic flows are assessed and suitably mitigated, given the length of the Project's construction period (e.g. reductions of capacity on the	National Highways has undertaken a detailed assessment of the impact of construction on the road network and has shared the changes in traffic flow with PoTLL. National Highways have also provided information on the	Outline Traffic Management Plan for Construction (oTMPfC) (Application Document 7.14)	Matter Under Discussion

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		A1089 in creating the new A13/A1089 junction)	<p>traffic management required to deliver the Project, including the A1089 throughout the project duration.</p> <p>National Highways recognise that there would be impacts during construction and have provided a set of controls through the Outline Traffic Management Plan for Construction. This is discussed further in the Outline Traffic Management Plan for Construction (Application Document 7.14).</p>		
Construction Traffic Impacts – Flows on Substation Road, including AILs both with and without Freeport traffic.	2.1.17	PoTLL needs to understand this to ensure that Tilbury2 is able to operate efficiently and to meet the needs of customers.	Forecast traffic flows along substation road have been shared. As the delivery plans develop this information will be updated. The principles of AIL movements have been discussed. The overall number of AILs is anticipated to be small.	N/A	Matter Under Discussion
Operational Impacts: A13, including A1089 and Asda Roundabout	2.1.18	PoTLL is concerned about impacts on these links and junctions as, in the absence of a Tilbury Link Road (TLR) the A1089 remains the only means of connection for port traffic to the wider SRN. To	National Highways has provided traffic model information showing the forecast flows through the Asda roundabout, the M25 junction 30 and the A13/A1089 interchange, during construction and operation. This	Transport Assessment (Application Document 7.9)	Matter Under Discussion

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
		<p>maintain existing levels of connectivity it is essential that the operation of this key junction and these links is not adversely affected and that this is demonstrated through thorough and transparent assessment.</p> <p>PoTLL is concerned that whilst traffic flow information has been provided for these links, no junction modelling has been undertaken for Asda Roundabout, which is a key potential bottleneck in the absence of a Tilbury Link Road.</p> <p>It is also noted that traffic flow information does not include Freeport development and PoTLL wishes to understand the impacts of the Freeport on these links and junctions.</p> <p>In general terms, PoTLL considers that the LTC should be required to assess (through local modelling) and mitigate the impacts that are required as a result of the Project.</p>	<p>information has been provided both in public consultation and in direct engagement.</p> <p>National Highways understanding of PoTLL’s position is that whilst the forecast impacts have been provided, they would like to see more detailed modelling to show how M25 J30 operates with the reduced traffic flows, as well as modelling of the A13/A1089.</p> <p>National Highways has shared local junction modelling for the A13/A1089 junction which PoTLL are currently considering.</p> <p>National Highways consider that the changes in flows through the Asda roundabout during operation resulting from the operation of the Project would be small, and acceptable. Flows through the M25 junction 30 would reduce following the opening of the Project, improving the performance of that junction. Whilst there would be some adverse impacts on selected movements on the A13/A1089, overall PoTLL benefits from better linkages</p>		

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			onto the SRN and reduced flows on the A13 west of the Project.		
Orsett Cock junction	2.1.19	<p>PoTLL have expressed concern about the connectivity of the Orsett Cock junction and consequential impacts on traffic on roads connecting the Port of Tilbury to the road network.</p> <p>National Highways local modelling indicates unacceptable levels of congestion through the roundabout as a consequence of the Project. This will lead to delay for traffic heading to the PoTLL from both the LTC and A13 East.</p> <p>National Highways has identified initial mitigation measures, although these do not resolve the congestion issues and will not be included in the DCO. PoTLL is concerned that suitable mitigation will not be delivered at this junction.</p>	<p>National Highways have provided model outputs from the Project’s transport model, setting out the changes in traffic flows forecast on the network.</p> <p>National Highways modified the connectivity at Orsett Cock to provide better connectivity from the Lower Thames Crossing to the A1089, while leaving in place the free flow links from the A1089 onto the Lower Thames Crossing.</p> <p>National Highways have undertaken local junction modelling of Orsett Cock junction and have shared the results of this with PoTLL.</p>	N/A	Matter Under Discussion
Free flow traffic conditions at A13/A1089 interchange	2.1.20	Reinstatement of direct link between A13 westbound and A1089 southbound. Removal of the existing direct link will	The modification to the connections between the A1089, the A13 and Orsett Cock roundabout were made to	N/A	Matter Under Discussion

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
		reduce the connectivity of the PoTLL to the SRN.	address concerns about traffic moving onto the local road network. While National Highways recognises that the modification removes the free-flowing connection between the A13 and the A1089, the change introduces better connections from the LTC to the Port of Tilbury, by routing traffic along the A1089.		
Outline Traffic Management Plan for Construction	2.1.21	PoTLL would like to be a consultee on this document and to be a member of any traffic management forums created by that plan.	PoTLL was consulted on the Outline Traffic Management Plan for Construction (oTMPfC) and National Highways have named PoTLL in the oTMPfC as a consultee to the post-consent Traffic Management Plan for Construction. National Highways agree for PoTLL to be a member of relevant traffic management forums created by the oTMPfC.	Outline Traffic Management Plan for Construction (oTMPfC) (Application Document 7.14)	Matter Agreed
Access onto LTC site from Substation Road	2.1.22	PoTLL wishes for a coordinated approach that maximises outcomes for all.	National Highways are engaging with PoTLL and Statera in relation to a shared access road off Substation Road, running for approximately 400m. National Highways will continue to regularly engage with PoTLL on the site levels required to	N/A	Matter Under Discussion

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			facilitate the use of the access road for utilities for all parties and the appropriate arrangements for use by all parties.		
Port of Tilbury 1 egress for abnormal indivisible load (AIL)	2.1.23	PoTLL have advised that abnormal indivisible load (AIL) egress from Tilbury1 will require a police escort using a right turn from Tilbury1 onto St Andrews Road.	National Highways agree to the use of a right hand turn under police escort for abnormal indivisible loads (AILs) leaving Tilbury1.	N/A	Matter Agreed
Management of Construction Traffic Parking outside of PoT areas.	2.1.24	This is a well-known issue in Thurrock where PoTLL often is blamed for tenant issues. PoTLL want to ensure that LTC construction traffic parking – whether for staff or for HGVs awaiting processing, is managed appropriately through the DCO documentation.	The oTMPfC commits to the use of ANPR and logistics / vehicle booking system. This enables NH to review data to monitor compliance and recognise where non-compliance may be an issue. The TMF provides the forum to review this data with stakeholders (including PoTLL and LHA) to trigger interventions. Controls over staff travel are set out in the Framework Construction Travel Plan (Application Document 7.3)	Outline Traffic Management Plan for Construction (oTMPfC) (Application Document 7.14) Framework Construction Travel Plan (Application Document 7.3)	Matter Under Discussion

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Wider network impacts					
Tilbury Link Road (TLR)	2.1.25	PoTLL remains of the view that the Tilbury Link Road should be included within the application for the Project.	The Tilbury Link Road and junction do not form part of the Project and are not within the dDCO.	N/A	Matter Not Agreed
Haul Road	2.1.26	PoTLL’s position is that the DCO should provide more active mechanisms which facilitate the legacy use of the haul road by PoTLL, and the proposed ‘operational access’ roads north of the northern portal at Tilbury. Suggested mechanisms were set out in PoTLL’s response to the Local Design Refinement consultation.	National Highways has reviewed the proposed mechanisms set out in PoTLL’s response to the Local Refinement consultation and does not agree that these should be incorporated in the DCO. In particular, it is not considered appropriate to designate the operational access roads as public highway, as requested by PoTLL. The designation as private means of access is aligned with the Project’s intended usage, and designation of these roads as public highway could create uncertainty over the functionality of these roads being sought within the DCO. Furthermore, there are existing and robust frameworks that allow for the making of new highway connections onto the strategic road network. Creating a new and bespoke framework	draft Development Consent Order, Article 35(5) (Application Document 3.1)	Matter Under Discussion

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
			<p>within the Lower Thames Crossing DCO, as proposed by PoTLL, would create unnecessary complication where a well understood process already exists.</p> <p>In relation to the haul road, National Highways notes that Article 35(5) of the dDCO would permit this road to be left in situ post construction with the agreement of PoTLL as owner of the land in question. The parties are discussing the process and mechanisms for how such a handover would take place.</p>		
Operational impacts of the Project – the SRN in and around Tilbury	2.1.27	<p>PoTLL considers that the proposed strategy for dealing with operational impacts in the ‘wider network impacts monitoring and management plan’ is insufficient; the Project should be required to mitigate the modelled impacts of the Project on the wider network, not just monitor and ‘maybe’ react.</p> <p>This should include mitigating for the cumulative impacts of Freeport development, if that</p>	<p>The Port of Tilbury would benefit from the provision of direct new free-flowing connections from the A1089 northbound onto the Lower Thames Crossing, from where traffic can travel on to the M25 at junction 29 and the A2 / M2 corridor. This would reduce journey times for traffic using these routes. While no new direct and free-flowing connectivity is provided for traffic heading from the M25 southbound towards to Port of Tilbury, the relief to the M25 at</p>	N/A	Matter Not Agreed

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		<p>development is consented before the Project.</p> <p>If it is considered that mitigation is not taken forward as part of the Project, PoTLL expects to be named as a stakeholder to be consulted on and engaged with as part of the Project's proposed 'wider network impacts monitoring and management plan'. PoTLL may also seek to make comment on and pursue changes to that plan and National Highways' approach to operational mitigation more widely, once it has seen and evaluated the information and data it is predicated on.</p>	<p>junction 30 and the reduction of traffic on the A13 to the west of the Lower Thames Crossing means that journey times along this route would also decrease.</p> <p>While the effects include adverse impacts on traffic flows on some parts of the network, resulting from road users taking advantage of the new routes and reduced journey times, these are outweighed by the beneficial impacts resulting from improved traffic flows elsewhere, at both a local and regional level. National Highways has assessed the wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014), and considers that the adverse transport impacts are acceptable under this policy.</p> <p>The management of the strategic road network is the responsibility of National Highways, and the remainder of the road network is the</p>		

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
			responsibility of other highway authorities. It is appropriate that only those authorities with accountability for the management of the road network be formally consulted on the relevant matters.		
Terrestrial biodiversity					
Ecological mitigation	2.1.28	Freeport development ecological mitigation and compensation needs should be considered in the development of the Project's construction and ecological proposals, so they are not compromised and delivered.	Whilst it is noted that the Project's environmental mitigation proposals are not located within the footprint of the Freeport Area, National Highways is currently considering a mechanism to formalise engagement between National Highways and PoTLL on the future coordination of ecological mitigation in the area.	N/A	Matter Under Discussion
Tilbury2 ecological mitigation located east of the CMAT	2.1.29	PoTLL is concerned that the proposed temporary conveyor connection passes through Tilbury 2's ecological mitigation site that was required to be delivered pursuant to the Tilbury2 DCO.	National Highways has reviewed the Tilbury 2 LEMP mitigation and overlap with the Project. National Highways have included a mitigation measure in the Register for Environmental Actions and Commitments (REAC) associated with the small area of overlap relating to the proposed project conveyor, intended to provide assurance	Code of Construction Practice including the Register for Environmental Actions and Commitments (Application Document 6.3) draft Development Consent Order,	Matter Under Discussion

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
			<p>that the Tilbury2 mitigation is protected.</p> <p>The proposed mitigation measure for the REAC has been provided to PoTLL for review and comment.</p> <p>National Highways has addressed the possibility for any inconsistency between any works authorised under the order and the Port of Tilbury (Expansion) Order 2019. See article 55(5) of the draft DCO.</p>	Article 55(5) (Application Document 3.1)	
Protective provisions					
Protective Provisions	2.1.30	PoTLL wishes to review the draft Protective Provisions and provide comment.	National Highways have prepared appropriate protective provisions for PoTLL for inclusion in the DCO and provided these to PoTLL and National Highways awaits comment.	N/A	Matter Under Discussion
Legal Agreement	2.1.31	PoTLL considers that an all-encompassing Agreement is needed between the parties, which will incorporate (non-exhaustively) the matters listed below. Such an Agreement will sit alongside the DCO (including the Protective Provisions):	<p>National Highways agrees with PoTLL that there is a need for an overarching agreement between the parties.</p> <p>Such agreement would sit alongside the DCO and associated protective provisions. National Highways</p>	N/A	Matter Under Discussion

Topic	Item number	PoTLL comment	National Highways comment	Document Reference	Status
		<ul style="list-style-type: none"> • land arrangements (including easements for utilities and asset protection) for the interaction of the Order limits with PoTLL’s undertaking (including future arrangements) – building on strong progress on some aspects of these arrangements to date; • arrangements for the Project’s utilisation of Tilbury2 roads for access to the northern construction compounds; • PoTLL’s approval of working arrangements for Project elements (including ecology) which may interfere with its undertaking or the future development of the Freeport; • PoTLL’s involvement in the design of the Operational Access Roads and the design and handover of any Project haul roads in the Freeport area; and • key ‘cross-issue’ commercial terms. 	<p>considers that such an agreement should incorporate:</p> <p>Land arrangements - to agree and record the interaction of the Order limits with PoTLL’s undertaking; including easements for utilities on terms similar to those previously agreed.</p> <p>Arrangements for the project’s utilisation of Tilbury 2 roads for access to the northern construction compounds on terms substantively agreed in deed of access (to sit below the agreement).</p> <p>Such approval to reflect the ‘Approval of Plans’ provision in the draft Protective Provisions proposed by National Highways.</p> <p>To include indemnities (where appropriate and required) and remediation of sites by both parties – including contamination issues.</p>		

Appendix A Documents considered within this Statement of Common Ground

- A.1.1 A summary of the documents which have been considered in the development on this SoCG outside of the DCO application documents are provided below, such as emails, meeting notes, etc.
- a. Port of Tilbury London Limited Supplementary Consultation Response
 - b. Port of Tilbury London Limited Design Refinement Consultation Response
 - c. Port of Tilbury London Limited Community Impact Consultation Response
 - d. Port of Tilbury London Limited Local Refinement Consultation Response

Appendix B Glossary

Term	Abbreviation	Explanation
Abnormal Indivisible Loads	AIL	Abnormal Indivisible Loads are vehicle movements that exceed the weight and/or dimensions contained in the Road Vehicles Regulations 1986.
Code of Construction Practice	CoCP	Control measures and standards to be implemented by the Project, including those to avoid or reduce environmental effects.
Development Consent Order	DCO	A DCO is a means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Freeport Area	-	The land designated as part of the Thames Freeport in Tilbury in the Designation of Freeport Tax Sites (Thames Freeport) Regulations 2021
Landscape and Ecology Management Plan	LEMP	A document which provides details on the delivery and management of the landscape and ecology elements identified in the Environmental Masterplan for the Project, including their success criteria.
Materials Handling Plan	MHP	The Materials Handling Plan sets out the approach and high-level principles for handling construction materials and waste on Project.
Navigational Risk Assessment	NRA	The objective of the Navigational Risk Assessment is to assess and quantify the navigation risk posed by the Project during its construction and operational phases.
Port of Tilbury London Limited	PoTLL	Port of Tilbury London Limited is the owner and operator of the Port of Tilbury which lies some 2km to the west of the proposed alignment of the Project route.
Register for Environmental Actions and Commitments	REAC	A document which identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice.
Road Vehicles (Authorisation of Special Types) (General) Order 2003	STGO	An order which allows the carriage of Abnormal Indivisible Loads which exceed the weight and/or dimensions contained in the Road Vehicles Regulations 1986.

Term	Abbreviation	Explanation
Statement of Common Ground	SoCG	A written statement containing information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.
Strategic Road Network	SRN	The core road network in England managed by National Highways.
Traffic Management Plan for Construction	TMPfC	The approach to carrying out temporary traffic management for the safe construction of the Project. It will also explain management measures available to our Contractor to reduce the impact on the local community (including journey time reliability, access, and safety).

Appendix C List of engagement activities

- C.1.1 The parties have been in regular contact in respect of the Project since 2017 and this engagement has covered all of the issues set out in this SoCG. This has included regular fortnightly meetings between the two organisations, exchanges of correspondence, and joint meetings with other stakeholders such as the PLA. They have also included discussions on the issues raised in PoTLL’s consultation responses and the sharing of information from both parties where necessary.
- C.1.2 A high level summary of the engagement undertaken to date between National Highways and PoTLL is captured below in Table C.1.

Table C.1 Summary of engagement activities between National Highways and Port of Tilbury London Limited

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
Jan 2016-Sept 2021	Public consultations	PoTLL has been consulted on all of the Project public consultations
Oct 2017-June 2020	Progress meetings	Regular technical meetings to discuss the programme and SoCG matters. Held as required, typically quarterly to monthly.
Mar 2020-Aug 2022	SoCG and Protective Provisions	Regular meetings to discuss SoCG issues and protective provisions in the draft DCO.
Oct 2021-September 2022	SoCG and technical meetings	Meetings held as required to discuss SoCG issues, traffic modelling, utilities, ecology and project updates

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