

**THE PROPOSED A122 (LOWER THAMES CROSSING) DEVELOPMENT CONSENT ORDER**  
**DEADLINE 1**

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**SUMMARY of**  
**WRITTEN REPRESENTATIONS**  
submitted on behalf of  
**the PORT OF LONDON AUTHORITY**

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**Written Representations on behalf of the Port of London Authority (PLA) in respect of an application by National Highways for an order granting development consent for the proposed Lower Thames Crossing**

**SUMMARY**

1. The PLA is the statutory harbour authority for the tidal River Thames (the **river**) between Teddington and the outer Thames Estuary and owns all of the river bed and foreshore within the Order limits as shown on sheets 15, 16 and 19 of the Works Plans. Its functions include responsibility for conservancy, hydrographic surveying, dredging, managing public navigation and controlling vessel movements. A licence from the PLA is required for the construction of works in the river, and the carrying out of dredging.
2. The PLA has no issue in principle with a tunnel beneath the river in the general location provided for in the Application. However, it has concerns about the development for which authorisation is sought under the dDCO, insofar as the development relates to the river, including in respect of the feasibility of the tunnel design and the potential impacts of the proposals on use of the river and the commercial viability of the Port of London (the **Port**).
3. Ports in England and Wales handle 95% of total volume of UK trade and 75% of its value, and over 57.7 million tonnes of freight was handled at terminals within the Port of London in 2022, the vast majority of which are upstream of the Order Scheme. Current and anticipated ongoing investment at the Port also mean it is crucial that existing and future capacity and operation of the Port are not compromised by construction and operation of the Order Scheme.
4. The ability of the PLA to dredge the navigable channel of the river to the depth required to accommodate the continued viability of the river as a commercial shipping way and ensure safe navigation is critical. The PLA is concerned that the Order Scheme may inhibit that ability if the upper limits of deviation, as provided for in the Application documents, are exercised, and taking into account the required tunnel cover (of which, there are discrepancies within the Application documents of the cover required).
5. In addition, dredging the navigable channel to the agreed depth increases the risk of anchor and jack up barge leg penetration in the first protection zone, and there are also concerns about the potential for UXO in close proximity to the proposed tunnel and the implications for dredging of the navigable channel if left in situ.
6. It is unclear from the Application whether scour protection will be required but, if it is, there will need to be sufficient space to install it and maintain the necessary levels.
7. There is a lack of clarity in the Application as to use of the river for transport of materials (e.g. bulk aggregates) and persons during construction, and insufficient commitment thereto. Increasing levels of transport by water will also have less impact in air quality terms.
8. The PLA has identified several matters of concern in relation to the dDCO as follows:
  - 8.1. Art. 2 – Extent of “authorised development” – The definition is too wide and should be limited to the works described in Schedule 1.

- 8.2. Art. 8 – Transfer of undertaking – The PLA is concerned about the number of parties to whom the benefit of the dDCO, and wide powers therein, may be transferred without further consent, and the potential scope of undertaking for each party.
- 8.3. Art. 18 – Interference with the river – The Applicant has a broad power, to interfere with the river if it “appears” to be “reasonably convenient” to do so; this is too low and arbitrary a threshold.
- 8.4. Art. 28 – Land over which rights may be acquired for permanent outfall – The area over which rights may be acquired under the dDCO is excessive, as provided for in the dDCO, but it is understood that this will be addressed by the Applicant at Deadline 1.
- 8.5. Art. 35 and Sch. 11 –Temporary possession of land – The PLA is concerned that, as drafted, plots of the river bed subject to temporary possession may be occupied indefinitely once the powers have been exercised but without the relevant works being completed.
- 8.6. Art. 35 and Art. 36 – Compulsory acquisition and temporary works – The PLA requires clarification of the temporary works proposed to take place on the foreshore, and requires that the relevant protection (para 102 of Sch. 14) applies to the removal of permanent and temporary works.
- 8.7. Art.37 – Statutory undertakers – The PLA wishes the dDCO to be clear that provisions relating to statutory undertakers is subject to the restrictions in Arts. 28 and 33.
- 8.8. Art. 44 – Apparatus in the tunnel – The dDCO disapplies the licencing provisions in PLA 1968 to any works in the tunnel after expiry of the maintenance period; this would potentially allow certain undertakers with the benefit of the dDCO to install apparatus, such as cabling or other conduits in the tunnel, which are unrelated to its purpose as a road tunnel, without a licence from the PLA.
- 8.9. Art.48 – Acquisition of rights over the riverbed and second protection zone – The PLA understands that the matter of the Applicant acquiring rights or imposing restrictive covenants in these areas has been resolved.
- 8.10. Art. 48 – Explosives anchorage – The dDCO seeks to disapply the licence for an explosives anchorage above the alignment of the tunnel without giving appropriate consideration to provision of a suitable replacement. The PLA also takes issue with the fact that the disapplication takes effect at the time of the dDCO coming into force.
- 8.11. Sch. 2– Approval of documents – There is concern about the approval process for documents required by Sch. 2, specifically: the very limited consultation requirements; the documents which are approved and the documents which are required to be produced but have no approval process; and monitoring and compliance.
- 8.12. Sch. 14 – Protective provisions – ground investigation works – Ground investigation works need to be covered by the PLA’s protective provisions and it needs to be clear which risk assessment (pNRA or NRA, as defined in the dDCO) is the document which governs the carrying out of such works.

- 8.13. Sch. 14 – Protective provisions – requests for design information – There is no ability for the PLA to make any further, clarificatory, request(s) for information under para 99 of its protective provisions and instead must proceed directly to arbitration. In addition, the timeframe provided is too short for what is a complex review requiring the use of a specialist tunnelling contractor.
- 8.14. Sch. 15 – Lighting – Under the dDCO, a lighting management plan is required only for 24-hour working, but working for fewer hours in a day could still impact the river and require lighting management; further the PLA has no ability to comment on any such plan as it is approved by the MMO. Separately, the PLA is constrained to commenting on a river safety lighting management plan only in respect of vessels, which does not take account of the PLA's environmental duties.
9. The PLA has identified numerous inconsistencies within the suite of documents which constitute the environmental impact assessment and supporting and related material, including discrepancies between the conclusions set out in the assessment(s) reported in the Environmental Statement (**ES**) and Register of Environmental Actions and Commitments (**REAC**). Specific issues that the PLA has identified in terms of environmental documentation includes:
- 9.1. Air quality – the assessment makes no commitment towards use of river transport to alleviate adverse effects, nor does it evaluate the potential effects of increased nitrogen deposition, on sensitive intertidal habitats;
- 9.2. Biodiversity – there is insufficient information in the Application in respect of identification and assessment of compensation sites required to mitigate effects of the Order Scheme, and a general over-reliance on such sites that are yet to be secured/created;
- 9.3. Noise and vibration – the assessment does not consider the effects of piling works on marine ecology, and is unclear about the environment in which such works will occur;
- 9.4. Archaeology – the outline written scheme of investigation does not consider the river, or any marine or maritime archaeology, nor does the Application identify an inter-relationship with marine biodiversity;
- 9.5. Dredging – there is ambiguity as to whether dredging is envisaged in the Application or not; given that s73 of the PLA 1968 has been disapplied, and it is not certain that dredging is an authorised work, it is unclear how the PLA would approve any dredging activity in the river;
- 9.6. Road drainage and water environment – it is unclear when the permanent outfall will be permitted to discharge to the river;
- 9.7. Population and human health – the assessment contains a number of inaccuracies, including the omission of various elements of river infrastructure and not taking into account disapplication of the explosives anchorage; and
- 9.8. Survey data – the PLA has concerns about the validity of the survey data used to support assessments in the ES, given the time that has elapsed in some cases since the data were collated. This is particularly in light of the proposed two-year rephasing of the Order Scheme and in the context that there is no commitment in the REAC or ES to update the surveys to take account of any delays.