

## PORT OF TILBURY LONDON LIMITED

### RESPONSE TO SUBMISSIONS MADE AT DEADLINE 2

- 1.1 PoTLL has reviewed the documents submitted at Deadline 2. In order to minimise repetition, PoTLL has sought to limit its responses to new points being raised, or where its submissions raise matters not previously submitted into the Examination.
2. **9.53 COMMENTS ON WRS APPENDIX E - PORTS [REP2-050]**
- 2.1 *Construction Traffic Impacts:* PoTLL look forward to the modelling of the A1089 ASDA roundabout being submitted into Examination and will review this in advance of the ISH4 on traffic and transportation.
- 2.2 *Junction Modelling and Operational Traffic Impacts:* PoTLL has provided comments on the junction modelling of Orsett Cock in its Deadline 2 submission [REP2-115]. PoTLL are grateful for the clarity provided by the Applicant in this response, at Annex A, as to the volume of traffic using the LTC and seeking to connect with the A1089, being indicative of the volume of traffic using this route to access the Port.
- 2.3 Whilst PoTLL note that Annex A is intended to respond to London Gateway, it also includes the figures requested by PoTLL for the number of trips taken from the LTC where the A1089 is the destination (note, however, that the number of trips from the A13 Westbound carriageway to the A1089 remains unclear).
- 2.4 The analysis for journeys from London Gateway (A13 westbound) to the Tilbury (A1089 Southbound) show increased journey times confirming that where direct connectivity is removed in favour of using the Orsett Cock junction PoTLL accessibility will be adversely affected, which is not acceptable, particularly in the context of the policy pronouncements in the National Policy Statement for Ports, as discussed in the Ports' Joint Statement on that document also submitted at Deadline 3.
- 2.5 Reviewing the figures in Annex A with the figures provided in the Transport Assessment [APP-529] shows that a significant quantity of traffic on the LTC will be seeking to connect with the A1089, being routed via the Orsett Cock roundabout. Each figure in the 'Connecting with A1089' columns represents the number of PCUs (Passenger Car Units) that will be circumnavigating the Orsett Cock roundabout each hour – a substantial of which could be removed from that junction entirely through provision of a Tilbury Link Road.

Route on the A122 LTC	Core Scenario			Connecting with A1089			% of LTC traffic connecting with the A1089		
	AM	IP	PM	AM	IP	PM	AM	IP	PM
	(Table 7.1 of Transport Assessment)			(Table A.2 of 9.53 Comments on WRs Appendix E)					
<b>2030</b>	<b>AM</b>	<b>IP</b>	<b>PM</b>	<b>AM</b>	<b>IP</b>	<b>PM</b>	<b>AM</b>	<b>IP</b>	<b>PM</b>
A13-M25 SB	2270	2280	3210	16	33	106	1%	1%	3%
A2-A13 NB	4570	3660	3570	231	240	204	5%	7%	6%

Route on the A122 LTC	Core Scenario			Connecting with A1089			% of LTC traffic connecting with the A1089		
<b>2045</b>									
A13-M25 SB	2540	2530	3380	83	70	153	3%	3%	5%
A2-A13 NB	5080	4320	4110	250	278	284	5%	6%	7%

2.6 This is a significant proportion of traffic that has not been quantified before now. These figures, in the view of PoTLL, support the case for a Tilbury Link Road, highlight the unsuitability of the A13/A1089/A122 LTC junction and demonstrate that connectivity with the Port will be made worse by the LTC Scheme.

2.7 *Construction Worker Management.* PoTLL note that it is considering the security protocol at the Port and these considerations may require the Applicant to commit to improved procedures around access to the main construction compound.

2.8 PoTLL also note that the Applicant is not proposing that the construction workforce would be required to use particular routes to and from work, despite the concerns previously raised by PoTLL regarding the impact of uncontrolled workforce vehicle movements on roads surrounding PoTLL.

2.9 Nevertheless, PoTLL note that prescribed routes to be followed by the construction workforce is a mitigation method that could help relieve the impacts of LTC Construction Traffic on the local road network. This is likely to be relevant based on the findings of the assessment of the operation of the ASDA roundabout during the 'critical' construction phase and the likelihood that construction worker vehicles will seek to utilise the ASDA roundabout to access the wider highway network rather than routing along Station Road, Church Road, Coopers Shaw Lane and Gun Hill to Chadwell St Mary (currently predicted by LTAM).

2.10 The introduction to GG104 sets out that “Activities that do or can have an impact on safety risk for any of the populations on the motorway and all-purpose trunk roads include:

1) **planning, preparing, designing, constructing**, operating, maintaining, modifying and disposing of assets (examples of direct influences on safety risk); and

2) revising [National Highways] requirements and directions and all procedures, policies and strategies (examples of indirect influences on safety risk)” *[emphasis added]*.

2.11 It further states that “With regard to road projects, the requirements support safety risk assessments throughout the entire project life-cycle including option selection, the design and departure processes, all aspects for which the application of the Construction (Design and Management) Regulations 2015 [Ref 4.] is required, the handover into operations, and maintenance and for the continuing safe operation of completed schemes.”

2.12 Finally, the Common Queries document, states:

*Q12: How do I know if GG104 applies to my activity?*

*A12: It should be assumed that GG104 always applies. The framework will help you to decide if your activity has an impact on safety risk and the level of rigour to be applied to the SRA. [emphasis added]*

and

Q25: I already have risk assessments for the proposed activity, will these do?

A25: GG104 is to be applied when undertaking any activity that does or can have an impact on safety on National Highways' motorway and all-purpose trunk roads, either directly or indirectly. **Therefore, should be considered in all cases.** The review of existing risk assessments should include an update to ensure compliance with GG104, this exercise will likely involve transposing or amending content. This exercise should include a review of controls to ensure that risks are managed in accordance with the principles of ALARP.

- 2.13 PoTLL submits that the clear intention is that GG104 should be applied to any and all activity that potentially poses a risk to workers, users and third parties, and this will include the construction of new all-purpose trunk roads. The requirement to document the decision-making process so it can be fully audited is also emphasised in GG104. PoTLL therefore submits that, applying National Highways' policy, a safety risk assessment should have been carried out; and in the event that assessment found that no detailed assessment was required, that decision should be fully auditable.
- 2.14 Given the potential for such a risk assessment to greatly clarify the way in which the Applicant anticipates interacting with the Port, PoTLL considers it would be beneficial for the audit trail underpinning the decision that no safety risk assessment was required were to be submitted into the Examination.

### 3. **DCO UPDATES**

- 3.1 PoTLL has reviewed the Applicant's responses to PoTLL's comments on the draft DCO contained in section 10 of 9.63 *Applicant's responses to IP comments made on the draft DCO at Deadline 1* [REP2-077]. In overview, PoTLL welcomes the Applicant's commitment to review PoTLL's draft protective provisions and looks forward to engaging in constructive dialogue with the Applicant on their terms. Until it is satisfied that protective provisions adequately address its concerns, PoTLL maintains its position.
- 3.2 Subject to that general reservation PoTLL has the following further comments on the Applicant's responses submitted at Deadline 2.

*Article 3 development consent, etc. granted by the Order*

- 3.3 PoTLL welcomes the amendments made to this article, further to PoTLL's comments, in the updated draft DCO, which make it clear that PoTLL's local legislative foundation is not to be sub-ordinated by the general provision in article 3(3).

*Article 13 use of private roads*

- 3.4 PoTLL maintains its objection to the exercise of this power over its undertaking without its consent. However, the amendment does not resolve the other concerns PoTLL has raised not least that the power can be exercised without notice to the owner of the private road such that the owner is not in a position to take sensible steps such as carrying out a condition survey prior to the exercise of the power to enable the owner to evidence any damage caused by such use and so be in a position to claim compensation. It remains PoTLL's position that its undertaking requires protection from the effects of this provision, through Protective Provisions. PoTLL will also be discussing this matter with the Applicant in the context of the proposed Framework Agreement.

*Article 18 powers in relation to relevant navigation and watercourses*

- 3.5 PoTLL is considering the amendments made to article 6 (limits of deviation) and the provisions for the protection of the Port of London Authority contained in Part 8 of Schedule 14 to the draft DCO.

- 3.6 PoTLL is concerned to ensure that the controls last throughout the lifetime of the authorised development, not just the construction phase, and it is not currently clear that the amendments achieve this. PoTLL will discuss this matter with the PLA and make submissions as necessary at the forthcoming DCO hearing.

*Articles 55 application of local legislation, etc. and 56 planning permission, etc.*

- 3.7 PoTLL welcomes the response and the Applicant's expression of its intention behind the amendment to article 55(5) so that it would extend to works carried out pursuant to the Town and Country Planning Act 1990. PoTLL is considering this amendment further and currently has reservations as to whether the drafting is sufficiently clear that it would achieve the intended effect, and will make submissions at the forthcoming DCO hearing on this, as necessary.

- 3.8 Finally, it is noted that the Applicant has dismissed PoTLL's proposals for amendments to the DCO Requirements set out in its Written Representation without detailed explanation. PoTLL repeats its Deadline 2 submissions on this, and will set this out further at the forthcoming DCO hearing.

#### **4. UPDATE ON NEGOTIATIONS**

- 4.1 PoTLL has instructed its solicitors to draft the Framework Agreement, and discussions have been had with the Applicant in respect of the programme for its development.

- 4.2 The parties intend to liaise on drafts of the Framework Agreement in advance of the hearings in September, with a view to entering into discussions on the content of the Agreement immediately following the hearings.

- 4.3 PoTLL will be able to provide a further update during the hearings in September, should this be of assistance to the Examining Authority.