

Lower Thames Crossing  
5.4.2.2 Draft Agreed Statement of  
Common Ground between (1)  
National Highways and (2) Port  
of Tilbury London Limited  
(Tracked changes version)

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:  
Prescribed Forms and Procedure)  
Regulations 2009

Volume 5

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VERSION: 2.0

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**Revision history**

<b><u>Version</u></b>	<b><u>Date</u></b>	<b><u>Submitted at</u></b>
<u>1.0</u>	<u>31 October 2022</u>	<u>DCO Application</u>
<u>2.0</u>	<u>24 August 2023</u>	<u>Deadline 3</u>

## Status of the Statement of Common Ground

This is an Agreed Draft Statement of Common Ground with matters outstanding.

National Highways and Port of Tilbury agree that this draft Statement of Common Ground (SoCG) is an accurate description of the matters raised and the status of each matter, based upon the documents submitted in the DCO application.

[REDACTED]  
Sent: Tuesday, August 22, 2023 9:42 AM

[REDACTED]  
Subject: RE: Statement of Common Ground between (1) National Highways and (2) Port of Tilbury London Limited

[REDACTED]  
We agree to the Socg in its present form and look forward to resolving the outstanding matters.

Kind regards.  
[REDACTED]

## Lower Thames Crossing

### 5.4.2.2 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Port of Tilbury London Limited (Tracked changes version)

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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 (the Applicant) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.

1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and Port of Tilbury London Limited, and where agreement has not been reached. Where matters are yet to be agreed, the parties will continue to work proactively to reach agreement and will update the SoCG to reflect areas of further agreement.

1.1.3 This version of the SoCG has been submitted at Examination Deadline 3.

## 1.2 Principal Areas of Disagreement

1.2.1 On the 19 December 2022 the Examination Authority made some early procedural decisions to assist the Applicant, potential Interested Parties, and themselves to prepare for the Examination of the DCO application.

1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).

1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.

1.2.4 This SoCG should be read in conjunction with the Port of Tilbury London Limited PADS Tracker, which was submitted within the Relevant Representation, or as updated.

## 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 following significant engagement, and “Matter under discussion” where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Matter agreed” indicates where the issue has now been resolved.

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**Deleted:** <#>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.¶

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.¶

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.¶

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**Matters**¶

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## 2 Matters

### 2.1 Movement of outstanding matters

- 2.1.1 Following submission of the previous version of this Draft SoCG between the Applicant and Port of Tilbury London Limited, further discussions on the outstanding matters have taken place. These discussions are summarised in Table A.1 in Appendix A and the outcome of these discussions is summarised below.
- 2.1.2 Further to the matters raised in the original SoCG, Port of Tilbury London Limited submitted further comments on the DCO application which has led to new matters being included in Table 2.1. The new matters are 2.1.2, 2.1.12, 2.1.13, 2.1.16, 2.1.18, 2.1.19, 2.1.20, 2.1.32.
- 2.1.3 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Port of Tilbury London Limited.
- 2.1.4 In Table 2.1, relevant issues relating to the dDCO articles and Requirements in Schedule 2 to the dDCO have been identified under the heading 'DCO and Consents'.
- 2.1.5 In the column 'Item No' in Table 2.1, 'Rule 6' indicates a matter entered in the SoCG as a result of a request in the Rule 6 letter, 'RRN' indicates a matter entered into the SoCG as a result of content in the Relevant Representation, 'RRE' indicates an existing SoCG matter that was also raised in the Relevant Representation, 'WR' indicates where a matter has been raised as a result of a Written Representation, and 'DL3' indicates a new matter added during examination at/around that deadline.
- 2.1.6 At Examination Deadline 3, there are 39 matters in total, of which 5 are agreed, 2 are not agreed and 32 that remain under discussion.

Table 2.1 Matters

Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
<b>DCO and Consents</b>					
Development Consent Order	2.1.1 <u>RRE</u>	Above and beyond the specific documents referred to below,	<u>pNRA – the Applicant understands</u> that PoTLL wishes	<u>pNRA [APP-548]</u>	Matter Under Discussion

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Matters¶**

**Deleted:** A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Appendix C.¶  
**Status of the Statement of Common Ground¶**  
 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. ¶  
 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¶  
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 Table 2.1 details

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
(DCO) – drafting, requirements and control plans		<p>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"> <li>Environmental Masterplan</li> <li>Outline LEMP</li> <li>Framework Construction Travel Plan</li> <li>Preliminary Navigational Risk Assessment (pNRA)</li> <li>Code of Construction Practice (CoCP), Materials Handling Plans and Outline Site Waste Management Plan</li> </ul> <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>to be consulted on the NRA. PoTLL has been consulted on the pNRA. The Applicant has updated the Protective Provisions to allow for PoTLL's consultation on the NRA. This is provided at para 98(3) of the Port of London Authority (PLA) PPs:</p> <p>(3) Insofar as the plans submitted under sub-paragraph (2) include a navigational risk assessment, the undertaker must consult the Port of Tilbury London Limited on that assessment prior to submission under sub-paragraph (2) and that assessment must be in all material respects in accordance with the preliminary navigational risk assessment (including where relevant the incorporation of embedded risk controls and additional risk controls identified in the preliminary navigational risk assessment) unless otherwise agreed by the PLA.</p>	<p>ES Figure 2.4: Environmental Masterplan [APP-159 to APP-168]                      oLEMP [REP1-173]                      Framework Construction Travel Plan [APP-546]                      ES Appendix 2.2: CoCP [REP1-157]                      ES Appendix 2.2 Annex A: outline Site Waste Management Plan [APP-337]                      ES Appendix 2.2 Annex B: oMHP [APP-338]</p>	

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
			<p>The Applicant has considered the request from PoTLL. The Applicant does not consider it appropriate to include PoTLL as a consultee on the requirements associated with the other identified control documents. Appropriate controls are included in the protective provisions.</p> <p>To address the particular requests:</p> <ul style="list-style-type: none"> <li>• <a href="#">Environmental Statement (ES) Figure 2.4: Environmental Masterplan and outline Landscape and Ecology Management Plan (oLEMP)</a> – 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.</li> <li>• Framework Construction Travel Plan – this document sets out how workforce access to construction sites will be managed, to</li> </ul>		

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
			<p>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 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"> <li>• <a href="#">ES Appendix 2.2: CoCP, Annex A: Outline Site Waste Management Plan and Annex B: outline Materials Handling Plan (oMHP) – the Applicant</a> 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</li> </ul>		

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			<p>documents). Where there is an interface between the Project and PoTLL's operations or the Freeport area in respect of these matters, <u>the Applicant</u>, 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.</p> <p><u>The Applicant considers</u> 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.</p>		
<u>Article 18</u>	<u>2.1.2 RRN</u>	<u>PoTLL also note their concerns in respect of article 18 of the LTC Scheme draft DCO, which provides the Applicant with the ability to</u>	<u>The Applicant understands PoTLL's position and is currently reviewing the provision related to Article 18 of the dDCO proposed by PoTLL in</u>	<u>Draft DCO [REP1-042]</u>	<u>Matter Under Discussion</u>

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
		<u>(without geographic restriction or reasonable justification) interfere with river navigation and with a range of physical assets that would capture assets owned by PoTLL (such as moorings and river walls) without the need for consent from relevant interested parties. This is fundamentally unacceptable to PoTLL, as it gives the Applicant carte blanche powers to interfere with the workings of an operational port and exceed the stated need for article 18 to stop new moorings from being established within the Order limits. As such, to the extent this article remains in the DCO, these powers must be made subject to the absolute approval of PoTLL in respect of their assets and navigation within their statutory harbour authority boundary.</u>	<u>the set of proposed draft protective provisions included at Appendix 9 to PoTLL's Written Representation.</u>		
<b>Land and Compulsory acquisition</b>					
Fort Road	<u>2.1.3</u> <u>RRE</u>	PoTLL believes that Fort Road should not be included as a potential construction haul	The preferred route for traffic is along the infrastructure corridor. However, <u>the Applicant</u> does not	<u>oTMPfC [REP1-175]</u>	Matter Under Discussion

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		<p>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.</p> <p><u>In respect of the tunnel boring machine, and any other abnormal indivisible loads that cannot fit beneath the Fort Road bridge, these must only use Fort Road to the extent required to transfer onto Substation Road, by the same route to be used for AILs associated with the Thurrock Flexible Generation Plant.</u></p>	<p>want to preclude the use of Fort Road on an intermittent and as needed basis.</p> <p><u>This is reflected within the oTMPfC.</u></p> <p><u>The use of Fort Road will serve as a connection to access Station Road. In addition, provision has been retained to access Substation Road via Fort Road for the delivery of the tunnel boring machine (TBM) to the northern tunnel entrance compound. This is required due to the size of some of the TBM components being restricted by the underbridge along the Infrastructure Corridor. Such deliveries would be under an Abnormal Invisible Load protocol. Lines of communication on construction traffic interfacing with the PoTLL operations are currently under discussion with the PoTLL and to be agreed via a side agreement.</u></p> <p><u>In the context of HGVs associated with the Project, the use of Fort Road as a</u></p>	<p>▼</p>	

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
			<p><u>connection access Station Road will serve as a secondary access for HGVs. Secondary routes as defined in the OTMPfC is a route that "would be used by HGV construction traffic throughout construction but would be used far less frequently than the other routes", in relation to the Northern Entrance Compound other routes meaning the primary route via infrastructure corridor and Substation Road.</u></p> <p><u>Access to the Northern Entrance and Station Road compound is limited via Station Road or Substation Road. The use of the latter entails an interface of travelling through the port operations, an aspect being managed through a side agreement to ensure the port's operations are safe guarded while fulfilling the project's requirements. Given this scenario, the project recognises the significance of maintaining an alternative route via Station Road. This alternative route not</u></p>		

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			<u>only safeguards port operations (by providing an alternative) but also affords the project a measure of adaptability that corresponds with unforeseen events as well as its logistical and construction phasing demands.</u>		
Removal of spur for wastewater	2.1.4	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.	<u>Draft DCO [REP1-042]</u> <u>Land Plans [REP1-006, REP1-009 and REP1-011]</u>	Matter Agreed
Inclusion of the infrastructure corridor and space for potential utilities works	2.1.5 <u>RRE</u>	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)). <u>PoTLL disagree with the need to lay MU27 below Substation Road and note that this may</u>	<u>The Applicant</u> 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. 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.	<u>Draft DCO [REP1-042]</u> <u>Land Plans [REP1-006, REP1-009 and REP1-011]</u>	Matter Under Discussion

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 Land Plans (Application Document 2.2)

Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
		<del>be impossible due to the constrained location, lack of available ducting, presence of the conveyor underground, interference with PoTLL's ability to maintain utilities already laid in this area, and issues relating to the depth at which MU27 would need to be buried.</del>	<del>The Applicant has also reduced the Order Limits within Tilbury2 land for utility works. The Applicant has reviewed the potential for impacts on the Tilbury2 DCO, namely the LEMP2 and has confirmed there are no impacts within the infrastructure corridor. The Applicant 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 DCO2.</del>		
Removal of East Tilbury jetty from the Project's Order Limits	2.1.6	PoTLL agrees that the East Tilbury jetty should be removed from the Project's Order Limits.	The Applicant has removed East Tilbury jetty from the Project's Order Limits, reducing the Project footprint in the River Thames.	Draft DCO [REP1-042]	Matter Agreed
Permanently required land and overlapping requirements	2.1.7 RRE	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.	<u>Tilbury Fields</u> The Applicant 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.	N/A	Matter Under Discussion

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			<p><u>Other Requirements</u></p> <p>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><u>The Applicant</u> has shared with the PoTLL draft protective provisions for the benefit of PoTLL which includes plan approval before carrying out any specified work on PoTLL land.</p> <p><u>PoTLL has provided an alternative set of Protective Provisions at Appendix 9 to PoTLL's Written Representation which the Applicant is currently considering.</u></p> <p><u>Permanent Land Take (Pink land)</u></p> <p><u>The Applicant has secured the land within PoTLL's ownership by way of an option agreement.</u></p>		

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Temporarily required land and overlapping requirements – General	2.1.8 <del>RRE</del>	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 northern <del>tunnel entrance compound</del> and associated haul roads overlap with the Port's programme to develop the same parcels of land by 2026 to secure Freeport benefits. <del>The Applicant is</del> 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	2.1.9 <del>RRE</del>	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 with existing operation and planned works. Any approval right for PoTLL must ensure that commercial, as well as	<del>The Applicant</del> 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. <del>The Applicant is</del> 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

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
		statutory, requirements can be applied to whether or not PoTLL consents to such a conveyor. <u>PoTLL requires certainty as to whether the Applicant will install a conveyor, what other use is intended for this land, and the removal of this land from the Order limits if no conveyor or other use is committed to.</u>			
Land associated with UKPN power connections at Substation Road	2.1.10 <u>RRE</u>	PoTLL are working with National Highways to identify and agree future electrical connections at Substation Road for the Project and future port development.  PoTLL seeks to ensure that any rights (including easements) associated with these connections do not interfere with its existing rights and easements.	<u>The Applicant</u> 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 <u>northern tunnel entrance</u> compound. <u>The Applicant is</u> seeking temporary and permanent rights associated with an electrical connection along Substation Road from the existing UKPN Substation to the <u>northern tunnel entrance</u> compound. Details of the rights sought are set out in the Draft DCO and the Land Plans.	<u>Draft DCO [REP1-042]</u>  <u>Land Plans [REP1-006, REP1-009 and REP1-011]</u>	Matter Under Discussion

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 Land Plans (Application Document 2.2).

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
Commercial discussions – Part of Shed Marsh & Tilbury Power Station	2.1.11 <del>RRE</del>	PoTLL is engaging with National Highways in commercial discussion regarding the use of this land for Project construction purposes. PoTLL has a range of interests and future development plans for this land that need to be considered.  <u>The land agreements reserved various matters to the framework agreement, and these matters remain under discussion.</u>	<u>Leases have now been entered into between the Applicant and PoTLL with regard land required for construction within these areas.</u> <u>Matters agreed with regard to the use of PoTLL's land.</u>	N/A	Matter Under Discussion
<u>Land 'hand back' to enable Freeport purposes</u>	2.1.12 <u>RRN</u>	<u>How land temporarily possessed by LTC will be 'handed back' to PoTLL to enable its use for Freeport purposes. The draft DCO provides a binary position where the land is restored or temporary works are left in situ. There needs to be provision for PoTLL and National Highways to agree to partial restoration, or restoration in an alternative form.</u>	<u>Article 35 of the draft DCO makes provision for handing back land which is subject to temporary possession. In particular, article 35(5) it sets out that 'the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land'. The provision also sets out that the land can be handed back without removing temporary works 'remove any temporary</u>	<u>Draft DCO [REP1-042]</u>	<u>Matter Under Discussion</u>

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
			<i>works where this has been agreed with the owners of the land'.</i>		
<u>Earthworks associated with Work Nos 5 and CA3</u>	<u>2.1.13 RRN</u>	<u>How the earthworks for the LTC (particular those associated with Work Nos. 5 and CA3) will be carried out and left in situ (including strata and landform);</u>	<u>The Applicant has proposed an interface working group to resolve detailed design matters at the interfaces between the Project landscaping and the port's land. The Applicant continues to work with PoTLL on these issues.</u>		<u>Matter Under Discussion</u>
<b>Construction</b>					
Outline Materials Handling Plan and use of the CMAT facility (and PoTLL facilities more generally)	<u>2.1.14 RRE</u>	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. It is considered that the current drafting in relation to the use of river transport and port facilities in the MHP is	<u>The Applicant</u> cannot require the use of the CMAT. It is <u>the Applicant's</u> 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. 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	<u>ES Appendix 2.2 Annex B: oMHP [APP-338]</u>	Matter Under Discussion

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		insufficient to ensure that these benefits are secured.	required to be compliant with the Public Contracts Regulations 2015.		
Preliminary Navigational Risk Assessment (pNRA)	2.1.15 RRE	<p>PoTLL has a new harbour master <u>who is currently reviewing the pNRA.</u></p> <p><u>PoTLL confirm that it is in regular contact with the PLA in respect of the impacts of the LTC Scheme, and it shares the concerns of the PLA to ensure that the LTC Scheme does not pose a navigational risk to the river and vessels using it and the Port, noting in particular the potential loss of the conveniently located explosives anchorage at Higham Bight, and the concerns that the protective provisions for the PLA may leave a gap in protection that would enable scour protection to be applied to the tunnel without the PLA's consent.</u></p>	<p>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.</p> <p>Recent changes to the pNRA are now being reviewed by PoTLL to confirm whether or not in principle agreement can be given.</p> <p><u>The Applicant awaits any further comments PoTLL may have.</u></p>	<p>Draft DCO [REP1-042]</p> <p>ES Appendix 2.2 Annex B: oMHP [APP-338]</p> <p>pNRA [APP-548]</p>	Matter Under Discussion
St Andrews Road	2.1.16 RRN	The LTC Order Limits include St Andrews Road (A1089) from the entrance to the Tilbury1, with temporary	Powers to temporarily alter, close and or diverted along the specified length of St Andrews	Transport Assessment [APP-529]	Matter Under Discussion

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 National Highways have proposed to introduce a 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.

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		<p><u>possession powers sought over this land as far as the junction with Substation Road within the Tilbury2 boundary. PoTLL are the owners of parts of this land and for those areas where they are not the owners, they are particularly concerned to note that, above and beyond land powers, the Applicant is seeking powers for these roads to be "temporarily closed, altered, diverted or restricted". PoTLL are particularly concerned by the potential for these powers to have a significant impact on their undertaking. During the construction of Tilbury2, it was found that a daytime lane closure on the A1089 caused traffic congestion so extensive that, had the restriction not been removed, it would have required the Port to close. 6.14 There is little specific evidence supporting the requirement for the draft Order limits to reach these locations and PoTLL do not agree that it</u></p>	<p><u>is secured under Schedule 3, article 12 of the draft DCO.</u></p> <p><u>The traffic management measures and works related to A0189 are detailed in the oTMPfC Table 4.2, 4.3 &amp; A.4. Project works along the A1089 are part of the PoTLL protocol, and the Applicant is actively collaborating with PoTLL to address construction traffic issues through a working group, facilitating issue resolution and escalation.</u></p>		

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		<u>is necessary for the Applicant's land rights, or its street closure powers, to extend so far onto the public highway.</u>			
Limits of deviation (tunnel depth)	2.1.17	PoTLL supports the PLA's position on the proposed 12.5m below chart datum depth.	<u>The Applicant considers</u> the proposed 12.5m chart datum 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.  <u>The Applicant, working with the Port of London Authority (PLA) and PoTLL, have agreed that the navigable channel of the River Thames can be maintained by the PLA to a depth of at least 12.5m below chart datum and that the undertaker must allow for potential over-dredge of 0.5m. Restriction on upward LoD for tunnel alignment has been agreed.</u>	N/A	Matter Agreed

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<a href="#">Impacts from updated tunnel depth</a>	<a href="#">2.1.18 DL3 WR</a>	<p>PoTLL are concerned that it will not be possible to construct the tunnel in a safe manner, or without there being new or materially different environmental effects. The concern arises in relation to adequacy of cover required above the tunnel for safe construction, maintenance and operation, without affecting the continuing use and operation of the river.</p> <p>This particularly relates to the ongoing need for dredging, and any consequential river work effects arising.</p> <p>PoTLL has not seen sensitivity testing to demonstrate that the revised upper limit of the tunnel enables this to be constructed within the assessed Rochdale Envelope or without further limitation or works required.</p>	<p>The Applicant is proposing that the tunnel is at a depth sufficient to allow the ongoing maintenance to the navigable channel with provisions for a future navigational channel to be dredged to a depth of at least 12.5m below chart datum with 0.5m over dredge.</p>		<a href="#">Matter Under Discussion</a>
<a href="#">Construction impacts on Tilbury2</a>	<a href="#">2.1.19 RRN</a>	<p>PoTLL are also concerned about the impact of having a large construction project immediately adjacent to their current harbour limits, with a</p>	<p>Section 2.5 of ES Appendix 2.2: CoCP includes controls regulating conduct of contractors. Specifically, contractors are required to sign</p>	<a href="#">ES Appendix 2.2: CoCP [REP1-157]</a>	<a href="#">Matter Under Discussion</a>

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		<p><u>large number of workers passing through Tilbury2, which could cause a safety and security risk. PoTLL are concerned to note that there are no measures in relation to construction workers included in the application documentation (such as a code of conduct) and would expect this to be developed. PoTLL also note that the Tilbury2 area is subject to byelaws and the Applicant has not explained how it envisages its operational proposals will interact with the byelaws at an operational and practical level.</u></p>	<p><u>up to and adhere to the Considerate Constructors Scheme. The CCS is a national scheme that promotes good practice on construction sites through its codes of considerate practice; these commit registered sites to be considerate and good neighbours, as well as being respectful, environmentally conscious, responsible and accountable.</u></p> <p><u>The Applicant has recognised that there are local byelaws applicable in the Tilbury2 Area. A review was completed, and the Applicant made the decision not to apply a disapplication of these byelaws. As a consequence, they will apply to staff and any activities within the applicable area.</u></p>		
<p><u>Freeport proposals and PoTLL ability to deal with future requirements</u></p>	<p><u>2.1.20 RRN</u></p>	<p><u>PoTLL would like to further understand how:</u></p> <ul style="list-style-type: none"> <li><u>Construction and operational drainage and how they will be future proofed and interact with</u></li> </ul>	<p><u>The Project will be required to deliver, under Schedule 2 Requirement 8 of the draft DCO, the details of the foul water and drainage system for approval by the SoS. These drainage plans will require the management of drainage within the Order Limits</u></p>	<p><u>Draft DCO [REP1-042] ES Appendix 2.2: CoCP [REP1-157]</u></p>	<p><u>Matter Under Discussion</u></p>

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		<p><u>PoTLL's Freeport proposals:</u></p> <ul style="list-style-type: none"> <li><u>The emergency evacuation procedures for the tunnel given the Northern Portal is located adjacent to the Freeport land;</u></li> <li><u>The development of utility provisions and commitments must include PoTLL as a party in order to ensure PoTLL's ability to deal with future requirements.</u></li> </ul>	<p><u>and any off-site discharges are appropriately controlled.</u></p> <p>In addition, the REAC requirement RDWE012 states: <u>Drainage infrastructure and treatment systems would be maintained in accordance with DMRB GS 801 Asset Delivery Asset Inspection Requirements (Highways England, 2020g) and DMRB GM 701 Asset Delivery Asset Maintenance Requirements (ADAMr) (Highways England, 2020f), as applicable, to ensure they continue to operate to their design standard to safeguard surface and groundwater quality.</u></p> <p><u>Emergency evacuation procedures for the tunnel, given the location is close to the PoTLL land, would not impact directly on the PoTLL because there are areas designated for emergency evacuation muster points within the Order Limits as detailed in the Design Principle S9.24. The Applicant has worked and continues to work with Statutory Undertakers to</u></p>		

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			<p><u>forecast demands and allow the Statutory undertaker to manage their network for the benefit of all users.</u></p> <p><u>In addition, paragraph 6.9.1 of ES Appendix 2.2: CoCP requires the Contractors to prepare emergency preparedness procedures for each worksite. It also requires consultation with the emergency services and other relevant stakeholders in development of these procedures. Paragraph 6.9.2 of the CoCP requires these procedures be reviewed quarterly, or where there is a change in procedure.</u></p> <p><u>In relation to utilities works, paragraph 129 of Schedule 14 to the draft DCO provides that 'The undertaker must, before the carrying out of any specified work, supply to PoTLL proper and sufficient plans of that work for the reasonable approval of PoTLL and the specified work must not begin except in accordance with such plans as have been approved in writing by PoTLL'. In this context,</u></p>		

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			'specified works' includes the proposed utilities works over PoTLL's land.		
<b>Traffic and economics</b>					
Traffic assessment	2.1.21 <del>RRE</del>	PoTLL requests that National Highways include the Freeport in its traffic modelling so the impacts can be fully understood.  <del>PoTLL considers that the Uncertainty Log being developed in December 2021 should not preclude Freeport information being provided as (a) Freeport Designation was granted in November 2021 and (b) PoTLL has provided the traffic information required in any event, even if it was not noted in the Uncertainty Log.</del>	The proposed Freeport development is not included within the Project's core transport model as the development <del>had</del> not achieved the level of certainty required for inclusion <del>when the Uncertainty Log for the DCO application was finalised on 30 September 2021.</del>	N/A	Matter Under Discussion
Construction phase impacts on the Asda Roundabout, M25 J30, A13, and A1089.	2.1.22 <del>RRE</del>	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.	<del>The Applicant</del> 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	<del>oTMPfC [REP1-174]</del>	Matter Under Discussion

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		<p>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 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</p>	<p>sufficient level of certainty to be included in the Uncertainty Log.</p> <p><u>The Applicant recognises</u> that there would be impacts during construction and have provided a set of controls through the <u>oTMPfC</u> (Outline Traffic Management Plan for Construction, <u>item 2.1.26</u>) and is willing to discuss these with PoTLL.</p> <p><u>The Applicant</u> considers that the current forecast impacts at <u>the Asda Roundabout</u> represent a reasonable worst case for the purpose of the assessment. <u>As set out at paragraph 3.2.2 part b) of Localised Traffic Modelling</u>, <u>the Applicant would work with the Contractors to develop more detailed construction plans, with a more refined construction plan designed to reduce the impacts on the highway network. The Applicant has secured controls on this process, through the oTMPfC. However as noted at paragraph 5.1.3 of Localised Traffic Modelling, the Applicant has agreed to submit a microsimulation model of A1089</u></p>	<p><u>Localised Traffic Modelling [REP1-187]</u></p>	

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		underestimating the increases at ASDA roundabout.	Asda roundabout <u>during the critical construction traffic modelling phases, at Deadline 3.</u>		

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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> <p><u>PoTLL recognise that the Applicant intends to submit junction modelling of the ASDA roundabout during operation and 'critical' construction phases at Deadline 3.</u></p>			

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Construction phase: Impacts of construction activities taking place on traffic flows	2.1.23 <del>RRE</del>	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 A1089 in creating the new A13/A1089 junction)	<del>The Applicant</del> has undertaken a detailed assessment of the impact of construction on the road network and has shared the changes in traffic flow with PoTLL.  <del>The Applicant</del> have also provided information on the <del>temporary</del> traffic management measures required to deliver the Project, including the A1089 throughout the duration of the <del>Project's construction</del> .  <del>The Applicant recognises</del> that there would be impacts during construction and have provided a set of controls through the <del>oTMPfC</del> . This is discussed further in the <del>oTMPfC</del> .  <del>The Applicant is working with PoTLL on a traffic protocol to assist in a collaborative working group, issue resolution and escalation pathway for construction traffic.</del>	<del>oTMPfC [REP1-174]</del>	Matter Under Discussion
Construction Traffic Impacts – Flows on Substation Road, including AILs both	2.1.24 <del>RRE</del>	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	N/A	Matter Under Discussion

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with and without Freeport traffic.			movements have been discussed. The overall number of AILs is anticipated to be small.		
Operational Impacts: A13, including A1089 and Asda Roundabout	2.1.25	<p>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. <u>Direct connectivity to the A1089 from the A13 Westbound is being removed by the LTC Scheme.</u> <u>In order</u> To 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><u>The Applicant</u> 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 information has been provided both in public consultation and in direct engagement.</p> <p><u>The Applicant's</u> 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 <u>junction 30</u> operates with the reduced traffic flows, as well as modelling of the A13/A1089.</p> <p><u>The Applicant</u> has shared local junction modelling for the A13/A1089/<u>A122</u> junction (including the <u>Orsett Cock junction</u>) which PoTLL are currently considering.</p>	<u>Transport Assessment [APP-529]</u>	Matter Under Discussion

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		<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><u>The Applicant considers</u> 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 onto the SRN and reduced flows on the A13 west of the Project.</p> <p><u>The Applicant notes the comments from PoTLL (both from their WR and from their letter dated 26 June 2023) relating to localised traffic modelling, particularly relating to the A1089 ASDA roundabout and the A13 Orsett Cock junction. At Deadline 1, the Applicant submitted Localised Traffic Modelling [REP1-187] which sets out the Applicant's approach to this type of</u></p>		

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			<p><u>modelling, the modelling hierarchy, where localised traffic modelling had been undertaken and the criteria that the Applicant has (and would continue) to apply in this regard. As a series of Appendices, the Applicant also submitted detailed modelling reports for a number of junctions, including the Orsett Cock junction [REP1-188 and REP1-189]. The Applicant also committed to providing reports for the A1089 ASDA roundabout at Deadline 3. Additionally, the Applicant noted (at paragraph 3.2.2 part b) that it considers that the LTAM construction assessment represented a reasonable worse case, and it was appropriate for the Contractors to develop more detailed construction plans before further "analysis. However, as stated at paragraph 5.1.3 the Applicant would submit a construction assessment of the ASDA roundabout during the critical construction traffic modelling phases at Deadline 3.</u></p>		

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Orsett Cock junction	2.1.26 <u>RRE</u>	<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, <u>significantly greater than in the 'do minimum' scenario</u>. 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><u>Following publication of local junction modelling of Orsett Cock junction at Deadline 1, PoTLL consider that this</u></p>	<p><u>The Applicant has</u> provided model outputs from the Project's transport model, setting out the changes in traffic flows forecast on the network.</p> <p><u>The Applicant</u> 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><u>The Applicant carried out</u> local junction modelling of Orsett Cock junction and have shared the results of this with PoTLL, <u>this was also submitted at Examination Deadline one (REP1-188 and REP1-189).</u></p> <p><u>The Applicant considers that the traffic flows through Orsett Cock are appropriately represented in the information supplied with the application and this is supported by the submissions at Deadline 1. Travel times to and from the Port were also provided within annex A, Appendix E of 9.53 Comments on WRs [REP2-050].</u></p>	N/A	Matter Under Discussion

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		<p>demonstrates that the LTC Scheme will cause congestion affecting the Port once the LTC Scheme is operational, and mitigation is required for this.</p> <p>This demonstrates that there are adverse impacts to traffic movements associated with the Port of Tilbury arising from the Scheme designs.</p>	<p>These demonstrate the benefits to Port of Tilbury.</p>		
Free flow traffic conditions at A13/A1089 interchange	2.1.27 <del>RRE</del>	<p>Reinstatement of direct link between A13 westbound and A1089 southbound. Removal of the existing direct link will reduce the connectivity of the PoTLL to the SRN <u>and is contrary to the LTC scheme objectives as well as the objectives of the NPS for National Networks and the NPS for Ports. Connectivity is reduced through the removal of the direct connection and routing of traffic via the congested Orsett Cock roundabout.</u></p>	<p>The modification to the connections between the A1089, the A13 and Orsett Cock roundabout were made to address concerns about traffic moving onto the local road network. While <u>the Applicant</u>, recognises that the modification removes the free-flowing connection between the A13 and the A1089, the change introduces better connections from the <u>Project</u> to the Port of Tilbury, by routing traffic along the A1089.</p>	N/A	Matter Under Discussion

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
Outline Traffic Management Plan for Construction	2.1.28	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 oTMPfC and the Applicant has named PoTLL in the oTMPfC as a consultee to the post-consent Traffic Management Plan for Construction.  The Applicant agrees for PoTLL to be a member of relevant traffic management forums created by the oTMPfC.	oTMPfC [REP1-174]	Matter Agreed
Access onto Project site from Substation Road	2.1.29	PoTLL wishes for a coordinated approach that maximises outcomes for all.	The Applicant is engaging with PoTLL and Statera in relation to a shared access road off Substation Road, running for approximately 400m. The Applicant will continue to regularly engage with PoTLL on the site levels required to facilitate the use of the access road for utilities for all parties and the appropriate arrangements for use by all parties.	N/A	Matter Under Discussion
Port of Tilbury 1 egress for abnormal indivisible load (AIL)	2.1.30 RRE	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.	The Applicant agrees to the use of a right hand turn under police escort for AILs leaving Tilbury1.	N/A	Matter Agreed

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
Management of Construction Traffic Parking outside of PoT areas.	2.1.31 <u>RRE</u>	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 <u>Traffic Management Forum (TMF)</u> provides the forum to review this data with stakeholders (including PoTLL and <u>Local Highways Authorities</u> ) to trigger interventions. Controls over staff travel are set out in the Framework Construction Travel Plan.	<u>oTMPfC [REP1-174]</u> Framework Construction Travel Plan <u>[APP-546]</u>	Matter Under Discussion
<u>Work No. 5 to account for future traffic flows (or 'future proofing' to do so)</u>	2.1.32 <u>RRN</u>	<u>The design of the junctions and roads contained within Work No. 5 to account for future traffic flows (or 'future proofing' to do so)</u>	<u>Work No. 5 constitutes the operational access.</u> <u>The Applicant has considered the potential for connections to be made in this area at a future date and subject to a separate consenting process. However, there has been no decision on the preferred route or the specification of any connection in this area, and consequently, it is not appropriate to make provision for development which</u>	N/A	<u>Matter Under Discussion</u>

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			is not directly required for the Project.		

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Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
<b>Wider network impacts</b>					
Tilbury Link Road (TLR)	2.1.33 <del>RRE</del>	PoTLL remains of the view that the Tilbury Link Road should be included within the application for the Project. <u>As a minimum, the junction should be constructed to the necessary standards and design parameters to enable the Tilbury Link Road to be brought forward without physical changes to the junction layout being required.</u>	The Tilbury Link Road and junction do not form part of the Project and are not within the <u>draft DCO.</u> <u>The operations and emergency access is not a junction open to the public. The operations and emergency access has not been designed specifically for any particular future connection into the local road network, however if the Local Authority or a third-party stakeholder is considering any future development, they would need to liaise with the National Highways Spatial Planning Team to develop their proposals. The operations and emergency access have been designed to appropriate DMRB standards. The suitability of the access to provide connectivity for specific aspects will have to be considered as those proposals are developed, following definition of the alignment and configuration of any connecting road(s).</u>	<u>Draft DCO [REP1-042]</u>	Matter Not Agreed

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Haul Road	2.1.34 <u>RRE</u>	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 <u>Written Representation</u> .	<u>The Applicant</u> 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 within the DCO, as proposed by PoTLL, would create unnecessary complication where a well understood process already exists.	<u>Draft DCO</u> <u>[REP1-042]</u>	Matter Under Discussion

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			In relation to the haul road, the Applicant notes that Article 35(5) of the draft DCO 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.		
Operational impacts of the Project – the SRN in and around Tilbury	2.1.35 RRE	<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 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</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 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.	N/A	Matter Not Agreed

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		<p>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>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. <u>The Applicant</u> 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 (<u>Department for Transport</u>, 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 <u>the Applicant</u>, and the remainder of the road network is the responsibility of other highway authorities. It is appropriate that only those authorities with accountability for the management of the road</p>		

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			network be formally consulted on the relevant matters.		
<b>Terrestrial biodiversity</b>					
Ecological mitigation	2.1.36 <del>RRE</del>	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, <del>the Applicant</del> is currently considering a mechanism to formalise engagement between <del>the Applicant</del> and PoTLL on the future coordination of ecological mitigation in the area.  <u>The Application has met with PoTLL and further discussed the issues. In addition, the Applicant provided an ecological workshop between technical parties. The Applicant understands that PoTLL is further reviewing options.</u>	N/A	Matter Under Discussion
Tilbury2 ecological mitigation located east of the CMAT	2.1.37 <del>RRE</del>	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.	<u>The Applicant</u> has reviewed the <u>Tilbury2</u> LEMP mitigation and overlap with the Project. <u>The Applicant has</u> included a mitigation measure in the Register for Environmental Actions and Commitments (REAC), <u>within ES Appendix</u>	<u>ES Appendix 2.2: CoCP [REP1-157] Draft DCO [REP1-042]</u>	Matter Under Discussion

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 draft Development Consent Order, Article 55(5) (Application Document 3.1)~~

Topic	Item No.	Port of Tilbury London Limited comment	The Applicant's Response	Application Document Reference	Status
		<p><u>The Applicant should demonstrate that:</u></p> <ul style="list-style-type: none"> <li><u>the land is required for the LTC Scheme to be implemented; and</u></li> <li><u>there is a compelling case in the public interest for the acquisition of this land.</u></li> </ul> <p><u>If it is unable to do so, the Applicant should remove the land from the Order limits.</u></p>	<p><u>2.2: CoCP</u>, associated with the small area of overlap relating to the proposed project conveyer, intended to provide assurance 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><u>The Applicant</u> 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>		
<b>Protective provisions</b>					
Protective Provisions	<u>2.1.38 RRE</u>	<p><u>The draft Protective Provisions included by the Applicant are insufficient to protect PoTLL's statutory undertaking from serious detriment. Alternative Protective Provisions were provided as Appendix 9 to PoTLL's Written Representation. PoTLL consider that it would be preferred if a number of matters included within these</u></p>	<p><u>The Applicant has</u> prepared appropriate protective provisions for PoTLL for inclusion in the DCO and provided these to PoTLL. <u>PoTLL have provided an alternative proposed set of draft Protective Provisions at Appendix 9 to its Written Representation which the Applicant is currently considering.</u></p>	N/A	Matter Under Discussion

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		<del>revised protective provisions were managed in detail by way of agreement.</del>			
Legal Agreement	2.1.39 <del>RRE</del>	<p>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> <ul style="list-style-type: none"> <li>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;</li> <li>arrangements for the Project's utilisation of Tilbury2 roads for access to the northern construction compounds;</li> <li>PoTLL's approval of working arrangements for Project elements (including</li> </ul>	<p><del>The Applicant</del> agrees with PoTLL that there is a need for an overarching agreement between the parties. Such agreement would sit alongside the DCO and associated protective provisions. <del>The Applicant</del> 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 <del>Tilbury2</del> roads for access to the northern <del>tunnel entrance compound</del>, on terms substantively agreed in <del>the</del> deed of access (to sit below the agreement).</p> <p>Such approval to reflect the 'Approval of Plans' provision in</p>	N/A	Matter Under Discussion

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		ecology) which may interfere with its undertaking or the future development of the Freeport; <ul style="list-style-type: none"> <li>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</li> <li>key 'cross-issue' commercial terms.</li> </ul>	the draft Protective Provisions proposed by <u>the Applicant</u> . To include indemnities (where appropriate and required) and remediation of sites by both parties – including contamination issues.		

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## Appendix A Engagement activity

2.1.3 The parties have been in regular contact in respect of the Project since 2017 and specifically since DCO submission. 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 Examination Deadline responses and the sharing of information from both parties where necessary.

**Moved (insertion) [2]:** This has included regular fortnightly meetings between the two organisations, exchanges of correspondence, and joint meetings with other stakeholders such as the PLA.

2.1.4 A high-level summary of the engagement undertaken from 31 October 2022 to June 2023 between National Highways and PoTLL is captured below in Table A.1.

- a. Engagement activities between the Applicant and Port of Tilbury London Limited since the DCO Application was submitted on the 31 October 2022.

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**Documents considered within this Statement of Common Ground¶**  
**Documents considered within this Statement of Common Ground¶**  
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.¶

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Date	Overview of Engagement Activities
06 March 2023	Principle Areas of Disagreement Summary (PADS) Statement
15 March 2023	Depth of tunnel and restrictions in river (PLA also in attendance)
17 March 2023	Legal frameworks meeting
23 March 2023	Combined: traffic, ecology, and land and property meetings
29 March 2023	Combined: DCO and traffic issues meeting
04 April 2023	Depth of tunnel/scour protection meeting (PLA also in attendance)
06 April 2023	Land and property meeting
17 April 2023	Ecology meeting
20 April 2023	Combined: land and property meeting and traffic management meeting
27 April 2023	DCO and secured documents meeting
4 May 2023	Ecological Workshop
12 May 2023	Tripartite traffic management meeting (National Highways, Project Team and PoTLL)
12 June 2023	Traffic management and traffic protocol meeting

**Deleted:** <#>Port of Tilbury London Limited Design Refinement Consultation Response¶  
Port of Tilbury London Limited Community Impact Consultation Response¶  
Port of Tilbury London Limited Local Refinement Consultation Response¶  
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## 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.

**Moved up [2]:** This has included regular fortnightly meetings between the two organisations, exchanges of correspondence, and joint meetings with other stakeholders such as the PLA.

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A high level summary of the engagement undertaken to date between National Highways and PoTLL is captured below in Table C.1.¶

**Summary of engagement activities between National Highways and Port of Tilbury London Limited¶  
Date**

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