

THE PROPOSED A122 (LOWER THAMES CROSSING) DEVELOPMENT CONSENT ORDER

**Responses to ExQ1 submitted on behalf of
the Port of London Authority**

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Comments on the Examining Authorities first written questions and requests for information (**ExQ1**) submitted by the Port of London Authority (**PLA**)

3. Consideration of alternatives

3.2 Alternatives: Modes and Alignment Corridors

Reference	Question	PLA comments
Q3.2.1	<p>Concerns have been raised that insufficient attention has been devoted to the consideration of alternative modes and to solutions making use of public transport.</p> <p>ES Chapter 3 [APP-141] summarises the statutory and policy requirements for the consideration of alternatives and the three main phases in which alternative modes and solutions were evaluated.</p> <ul style="list-style-type: none"> • The DfT 2009 study (paragraphs 3.6.1-3) reviewed a range of options including road alignment options, other modes (light and heavy rail and bus), works to the existing Dartford Crossing and composite modes (consisting of road alignment options with other modes) were considered. • The 2016 non-statutory consultation raised concerns about the degree to which non-road or composite modes and solutions had been considered. Flowing from that exercise, the Post Consultation Scheme Assessment Report (Highways England, 2017) (paragraphs 3.6.5-6) 	<p>The alternatives considered in relation to a new ferry service start from the position that the ferry is an alternative solution rather than part of a solution. The PLA agrees with the Applicant's conclusion that when looking at modal options a new ferry service across the Thames would not provide the same capacity as a road.</p> <p>Whilst the Applicant refers at paragraph 3.6.6 of ES Chapter 3 [APP-141] to the ferry (and other modes of transport) being complementary to a new crossing this is not then taken forward and considered by the Applicant, instead the Applicant considers this a matter to be advanced by others outside of the dDCO - see for example 9.54 <i>Comments on LIRs - Appendix D – Gravesham Borough Council</i> [REP2-058] which states on page 15:</p> <p><i>the Applicant recognises the opportunity to, and importance of, improving sustainable transport provision across and along the river, but as complementary measures to the Project which provides the infrastructure improvements that may facilitate measures...The Applicant considers that local authorities are best placed to lead on the development and appraisal of future public transport projects, including ferry and bus services across the river.</i></p> <p><i>The Applicant has set up a Sustainable Transport Working Group involving local authority stakeholders to investigate sustainable travel</i></p>

<p>considered:</p> <ul style="list-style-type: none"> a) No road building and more provision of public transport, including a new rail link and enhanced bus services across the existing Dartford Crossing. b) A combined road/rail link for passengers and freight. c) More priority for bus services on the new crossing and provision of more bus services. d) New ferry services across the Thames. e) A revised national ports strategy. <p>Walking, cycling and horse-riding (WCH) measures were also considered, albeit as augmentations rather than as alternatives to the main proposed development.</p> <ul style="list-style-type: none"> • A strategic options re-appraisal was carried out in 2022 which reached a conclusion that the preferred road option remained as the preferred solution (paragraph 3.6.8). <p>Any IP making submissions to the extent that the consideration of alternative modes and solutions has not been appropriately carried out because relevant statutory or policy measures providing for the consideration of alternatives have not been adequately identified and applied; or because there has not been a sufficient consideration of alternative modes and solutions is requested to address the</p>	<p><i>and cross river connectivity enhancements that could be delivered in the future to complement the Project. The Sustainable Transport Working Group has proposed several local priorities and opportunities for feasibility studies for future funding applications for Designated Funds.</i></p> <p><i>Designated Funds are very much considered the appropriate mechanism for providing these measures, which fall outside of the remit of the DCO, but may be facilitated by it to lead to improvements in sustainable modes and forms of transport across the river.</i></p> <p>The PLA considers that an enhancement to the existing ferry service could provide additional capacity for walkers and cyclists to cross the river Thames and that as such it should have been given greater consideration as part of the dDCO.</p>
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	positions summarised in ES Chapter 3 and explain their detailed case	
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8.1 Waste and materials: General

Reference	Question	PLA Response
Q8.1.7	Please could the Parties provide comments on what, if any, further use of wharves close to the Order Limits for the delivery of materials, particularly aggregates, could be utilised? If so, how should the Outline Materials Handling Plan [APP-338] be updated?	<p>Wharves in Kent and Essex provide the opportunity for the sustainable transport of materials in connection with the project.</p> <p>The PLA comments on over 200 planning applications each year that are located next to or near the river Thames. There is now a well-established approach to consideration of the use of the river in connection with such developments and this approach requires developments to maximise use of the river where practicable. This is achieved through a sequential approach:</p> <ol style="list-style-type: none"> (1) Is it possible to transport materials directly to site – either via existing facilities (e.g. an existing jetty) or through the installation of works in order to facilitate river transport e.g. the installation of mooring bollards or piles (2) If it is not possible to transport materials directly to site, is it possible to maximise sustainable transport by sourcing materials from wharves in close proximity to the application site. The materials will have been delivered to the wharf by water and it is then the ‘last mile’ that is transported by road. <p>The PLA considers that there are significant opportunities to transport more by water in connection with the Lower Thames Crossing and the PLA and Thurrock Council produced a joint note in 2022 setting out its concerns about the</p>

		<p>approach to materials handling and encouraging the Applicant to include a wider variety of materials and the movement of plant and equipment see Thurrock Council Local Impact Report, Appendix C, Annex 4 (pages 859-886) [REP1-284].</p> <p>The PLA / Port of Tilbury London Limited / DP World London Gateway Joint Statement on Policy Compliance of the Lower Thames Crossing Scheme with Ports Policy [REP3-196] sets out at paragraph 3.12 how impacts can be avoided and minimised by the Applicant making clear commitments in relation to the use of the construction materials and aggregates terminal (CMAT) (with onward connection) and use of the river to transport materials to construction sites south of the river.</p> <p>Section 4 of the PLA's submission at [REP3-217] highlights how there are wharves in Gravesham that handle a range of materials including cement, aggregates, spoil, steel and project cargoes such as tunnel segments which could be utilised in connection with the project.</p> <p>Whilst acknowledging the Applicant's need for flexibility, there is a danger with the Applicant's current approach that too much flexibility is built into the application, and it is unclear to many IP's what is a commitment and what is an aspiration. There are many references to the Applicant's intentions for example the Applicant may have an intention to transport a certain material by water, but there is no commitment to do so An example of this was highlighted by the PLA in ISH5 where attention was drawn to the Statement of Common Ground between National Highways and Thurrock Council [REP3-092] where at item no. 2.1.115 on page 204 the Applicant states that it anticipates that <i>"some parts, if not all, of the tunnel boring machinery will be imported or exported via the river with local connection to the compound via the road network"</i>.</p> <p>The Applicant then goes on to state: <i>"As the tunnel boring machinery has not yet been procured, the exact parts that could be delivered or exported via the river are not yet known and therefore cannot be committed to."</i></p>
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11. Biodiversity

11.9 Habitats Regulations Assessment (HRA): Overarching Questions

Reference	Question	PLA Response
Q11.9.5	<p>Please can IPs state whether they agree that the Applicant's HRA Report [APP-487] identifies all the potential pathways that could lead to an LSE on the European sites, and if not, identify any additional pathways they consider should be included in the assessment?</p>	<p>As stated in the PLA's written representation [REP1-269], the Applicant has not considered the potential effects of tunnelling activity on underwater feeding waterfowl, which are a qualifying feature of the Thames Estuary & Marshes SPA, under article 4.2 of the Birds Directive (Directive 79/409/EEC as amended by Directive 2009/147/EC).</p> <p>Noise in the water column has the potential to alter the feeding behaviour of these species, but no assessment of these potential effects or the noise levels and propagation in the water with specific consideration of the relevant species sensitivities.</p> <p>Increase in noise levels and frequencies in the water column has the potential to reduce the number of birds and/or the diversity of species using the area for feeding, therefore having a significant effect on the conservation objectives of the SPA. This pathway should have been considered in the HRA Report.</p>
Q11.9.6	<p>Is NE satisfied that the Applicant's baseline ecological data collection has been sufficient to support the baseline for the HRA and the conclusions at each stage? If not:</p> <ul style="list-style-type: none"> • where do you consider there are any gaps in information? 	<p>The PLA consider that the baseline data are lacking in several ways; there are several survey reports that are several years old, beyond the recommended lifespan of ecological survey reports. The implications are that the likelihood of significant effects on the conservation objectives of the SPA are based on a baseline that does not reflect the current situation. The recommended lifespan of ecological survey reports considers the mobile nature of species, the potentially rapid changes in their distribution and the dynamic nature of the estuarine</p>

	<ul style="list-style-type: none"> • what are the implications for the assessment conclusions? 	<p>environment.</p> <p>Additionally, the HRA Report [APP-487] (and the Environmental Statement Chapter 8: Terrestrial Biodiversity [APP-146] and Chapter 9: Marine Biodiversity [APP-147]) rely on baseline data collected for other projects, for example, Port of Tilbury 2. This introduces limitations to the usefulness of this data as the surveys were designed to reflect the objectives of those projects and not the Lower Thames Crossing.</p>
Q11.10.2	<p>Please confirm whether you are satisfied that the Applicant's technical information contained in dSoCG Annex C.8 [REP2-009] provides sufficient evidence to confirm the conclusion of no LSE on Thames Estuary and Marshes SPA / Ramsar site from underwater noise?</p>	<p>See answers to Qs 11.9.5 & 11.9.6. The Applicant has not considered the potential of tunnelling activities to increase the level and frequency of underwater noise, which has the potential to affect underwater feeding waterfowl.</p>