



PORT OF
TILBURY
LONDON

Section 56(2) Planning Act 2008

**Application by National Highways Limited for an Order Granting Development
Consent**

for

Lower Thames Crossing

Planning Inspectorate Reference: TR010032

PORT OF TILBURY LONDON LIMITED – RESPONSE TO DEADLINE 4 SUBMISSIONS

Deadline 5: 3 October 2023

1. **9.83 POST-EVENT SUBMISSIONS, INCLUDING WRITTEN SUBMISSION OF ORAL COMMENTS, FOR ISH3 [REP4-179]**

A.3 – Effect of error turn onto Lower Thames Crossing (LTC)

- 1.1 Port of Tilbury London Limited (PoTLL) notes that the total diversion identified by the Applicant as being required, should a driver turn onto the LTC in error, is between 38 and 41.5km. The tunnel, being 4.25km in length (as set out in the Project Description [APP-140]), accounts for only around 8.5km of this diversion.
- 1.2 Whilst PoTLL has primarily focused on ensuring that the North Portal Junction is constructed so that it facilitates and enables the future RIS3 Tilbury Link Road project, a further benefit of securing the outline junction design is to enable drivers to turn around immediately after exiting the tunnel to the north. This would reduce the diversion to approximately 10-15km, the majority of which would consist of the tunnel itself.
- 1.3 The draft Requirement entitled “Tilbury link road enabling mitigation” [REP4-350] would secure a design that is largely equivalent to the outline junction design, being suitable for handling Port traffic, and would ensure that the design brought forward during detailed design could not be significantly different, smaller or downgraded. This would also ensure that the junction was suitable for public traffic seeking to turn around and re-cross the river Thames.

B.3 Response to comments made by Thurrock Council

- 1.4 PoTLL notes that a strategic connection (as used in the slides of the A13/A1089/LTC junction [REP4-207]) is one where the destination is on the strategic road network. The A1089 is then given by the Applicant as an example of a destination on the strategic road network.
- 1.5 There is a significant imbalance in connectivity between the A1089 and the rest of the strategic road network, with 3 out of 4 connections to the A1089 being made via the A13 to the east of the A13/A1089/LTC junction, despite this being described by the Applicant as a ‘Major’ connection.
- 1.6 PoTLL recognises that it is not possible for significant changes to the scope of the Scheme to be made now; however this bottleneck, whereby a strategic connection must be made via what is only deemed a ‘major’ connection, using roads that do not form part of the strategic road network, is one that presents a long-term concern to PoTLL. It is for this reason that PoTLL is seeking to secure legacy value from the LTC Scheme through the ‘Tilbury link road enabling mitigation’ Requirement, enabling future projects that will improve connectivity to the Port of Tilbury to be brought forward without unnecessary difficulty, cost or environmental and carbon impacts. This is both achievable and would result in no greater expense being incurred by the Applicant as the design to be secured is that for which the Application has been made.

2. **9.84 POST-EVENT SUBMISSIONS, INCLUDING WRITTEN SUBMISSION OF ORAL COMMENTS, FOR ISH4 [REP4-180]**

- 2.1 PoTLL notes that, in National Highways’ **9.84 Post-event submissions, including written submission of oral comments, for ISH4** [REP4-180], at paragraph A.9.3, the Applicant suggests that a requirement such as that suggested by PoTLL would make National Highways ‘hostage to the differing interests of Interested Parties’. PoTLL does not see how this can be the case where the proposed Requirement merely seeks to secure the design of the North Portal junction that is included in the outline design submitted with the DCO Application, and where the Tilbury Link Road project is being promoted by National Highways itself as part of RIS3.
- 2.2 The draft Requirement is intentionally flexible, allowing for the design of the junction to be developed subject only to broad minimum standards, based on what is already known about the Tilbury Link Road project. The draft Requirement contains sufficient flexibility to ensure that, as National

Highways develops the design of the Tilbury Link Road, those developments must be accommodated and not impeded by the ongoing detailed design of the LTC Scheme.

3. **9.81 POST-EVENT SUBMISSIONS, INCLUDING WRITTEN SUBMISSION OF ORAL COMMENTS, FOR CAH1 [REP4-177]**

3.1 PoTLL welcomes the comment at 3.3.1 that two parcels of land within plot 21-10 will be removed 'at a future deadline'. PoTLL would appreciate clarity over when these areas will be removed, especially as the decision that these areas were no longer required was notified to PoTLL on 13 July 2023, but has not yet been actioned by National Highways in any subsequent deadline submissions.

3.2 PoTLL also welcomes the amendments made by the Applicant to the draft DCO [REP4-095], as summarised in paragraph 4.1.8.

3.3 However, PoTLL refers to its Summary of Oral Submissions [REP4-347] at paragraph 6.4.8, and requests the Applicant revisits the drafting to ensure that the amendments satisfactorily operate with article 37(3) which expressly refers to an extinguishment power being exercised over land being possessed temporarily. The prohibition of compulsory acquisition over land taken temporarily results in uncertainty over whether the Applicant is able to exercise the power in article 37(3) to extinguish now-redundant land rights following removal of statutory undertaker apparatus. In PoTLL's view, further consideration should be given to the effects of the drafting, in order to ensure that there is clarity over the extent to which land rights may be permanently altered or removed in relation to land over which the Applicant has powers of temporary possession only.

4. **7.9 TRANSPORT ASSESSMENT - APPX B - JOURNEY TIME CHANGES 2030 V2.0 [REP4-154] AND 7.9 TRANSPORT ASSESSMENT - APPX C - JOURNEY TIME CHANGES 2045 V2.0 [REP4-156]**

4.1 PoTLL welcomes the additional journey time data that shows the full impacts of the LTC Scheme, as assessed by the LTAM. PoTLL has reviewed this data and notes that in relation to the Port of Tilbury during the AM and PM peaks, journey times to locations in the north-east increase with the introduction of LTC by circa 5%. Journey times from locations in the north-east increase by circa 10%. Traffic routing from these locations, Basildon and DP World, would be required to connect via the Orsett Cock junction, losing existing direct connectivity as a result of the LTC.

4.2 It is further noted that journey times were assessed through the LTAM, without input from the Orsett Cock VISSIM. As such, the journey times from the north-east, which are required to connect via the Orsett Cock, are highly likely to be underestimated.

UPDATE ON TRAFFIC AND TRANSPORTATION MATTERS

5. **ORSETT COCK ROUNDABOUT**

5.1 PoTLL confirms that it took part in a workshop looking at the Orsett Cock junction. A joint statement has been prepared in respect of the workshop. This joint statement forms part of PoTLL's submissions, and can be found at Appendix A of Thurrock Council's Deadline 5 submissions. PoTLL understands that National Highways is also submitting at Deadline 5 a copy of the statement.

5.2 During the workshop, the question of mitigation was raised. The Applicant declined to provide any detail as to any mitigation that it may now be considering on the basis that there was insufficient time remaining in the workshop.

5.3 In the absence of firm proposals from the Applicant as to the type of mitigation that it will be considering and seeking to secure and implement, PoTLL has instructed its transport consultants to engage with Thurrock Council to create a proposed scheme of mitigation that seeks to address as far as practicable PoTLL, Thurrock and other concerns in relation to the Orsett Cock junction.

5.4 Whilst the precise nature of the scheme of mitigation has yet to be finalised and agreed, the required outcomes / objectives that the mitigation must achieve are known at a high level. These objectives remain constant, irrespective of the extent of the mitigation that may be identified through the additional modelling agreed during the workshop, and they are set out at a high level below.

5.5 **Objectives for mitigation at the Orsett Cock Junction:**

- Provide for reliable journey times to the Port of Tilbury and DP World from: A13(E)/LTC; and A13(W);
- Reduce, or improve management of, conflicting vehicle movements (improving free flow);
- Increase capacity on A13(E)/LTC and A13(W) approaches;
- Improve capacity and/or manage traffic flow on circulatory carriageway; and
- Prioritise HGV traffic flows through the junction.

5.6 PoTLL recognises the benefits to any mitigation proposal where this can be contained within the existing Order Limits and the existing highway boundary. It has therefore instructed its transport consultants to seek first to consider and where practicable create a mitigation scheme that can be implemented within the Order Limits, including other highway land (whether strategic or owned by the local highway authority) only if it is not practicable to effectively mitigate the impacts within the Order limits. Additional land should only be considered where it is not practicable or effective to mitigate the impacts within the Order limits and highway boundary. In this way, PoTLL seeks to ensure that, in the event mitigation must go beyond these boundaries, this is because it is necessary to mitigate the impacts, rather than merely providing a simpler or more straight forward mitigation strategy.

5.7 PoTLL intends to work with Thurrock Council in order to share the scheme of mitigation for the Orsett Cock junction with the Applicant and relevant stakeholders in advance of ISH10 on Traffic and Transportation, in order that this may be presented at the hearing and enable the Applicant to respond to the scheme of mitigation without further delay. It is anticipated that this first iteration mitigation strategy will be refined following the inputs of the committed further modelling and, post-consent should it be granted, with modelling informed by the detailed design of the LTC Scheme.

6. **ASDA ROUNDABOUT**

6.1 PoTLL and Thurrock Council were provided by the Applicant with the modelling underpinning the VISSIM reports of the ASDA roundabout ([REP3-128; REP3-129; REP3-131]. A joint statement following analysis of the modelling data forms part of PoTLL's submissions, and can be found as Appendix B to the Deadline 5 submissions of Thurrock Council. In short, this note emphasises that it would appear that the Applicant has underestimated its own impacts at Asda Roundabout. This heightens PoTLL's concerns about impacts to this roundabout and the need for mitigation of direct impacts from the LTC scheme, for the Applicant to commit to this mitigation and for it to be explicitly secured by the DCO, rather than purely relying on 'soft' or future uncommitted and unsecured mitigation measures.

6.2 A meeting was arranged for 28 September in respect of Action Point IS7-8, where PoTLL and the Applicant were requested, in respect of the Asda roundabout, and following from PoTLL's submission [REP4-349], to:

"Please discuss the proposed mitigations and form a statement identifying what if any measures are agreed, whether any are agreed to require additional land or rights and if so, the steps to be taken to acquire them."

- 6.3 PoTLL's transport consultant was, however, missed off the invitation for the meeting and was unavailable to attend at the requested time when this omission came to light. PoTLL is keen to rearrange the meeting but remains concerned that there has been no attempt by the Applicant to make progress in the absence of the meeting, despite the urgency of doing so, given there is now no – or nearly no – time remaining to include additional land within the Order limits. PoTLL has not received any information from the Applicant in respect of the Asda roundabout, other than the submissions made at Deadline 4, and is wholly unaware if there has been any movement or change in the Applicant's approach to the impact of construction traffic at this junction.
- 6.4 As such, PoTLL is unable to provide a statement identifying any agreed mitigation measures and any associated further land or rights requirement that may be required.
- 6.5 PoTLL is concerned that the Applicant is providing itself with only a blunt tool for mitigation (through the oTMPfC) by controlling the flow of its HGVs through the Asda roundabout. Given the extent of the direct consequential disruption shown in the Applicant's modelling, and the degree to which this significantly underestimates the flow of traffic through the junction, it may be necessary for the Applicant to reduce greatly its construction traffic flows on the main construction route into the main North Portal Compound, well below the flows used to determine construction phase durations.
- 6.6 A limit to the volume of HGVs that can use the construction route (which may be the only practical measure that is able to be agreed by stakeholders pursuant to the mechanisms in the oTMPfC) is likely to cause significant delays to the construction of the LTC Scheme, with the knock-on impacts to the benefit / cost ratio of the Scheme, in addition to the likelihood that congestion of the scale identified is likely to have materially new or different environmental impacts to those assessed. It is therefore essential to secure appropriate mitigation for the known direct and significant impacts of LTC construction traffic at the ASDA roundabout.
- 6.7 PoTLL has instructed its transport consultants to consider and where practicable create a scheme of mitigation for the Asda Roundabout. Whilst there remain uncertainties as to the extent of impacts, with these likely to be much greater than the Applicant's assessment shows, the outcomes and objectives for what a mitigation proposal must achieve are known at a high level and set out below.
- 6.8 **Objectives for mitigation at the Asda Roundabout:**
- Reduce, or improve management of, conflicting vehicle movements (improving free flow);
 - Increase capacity on A1089 approaches;
 - Improve capacity and/or manage traffic flow on circulatory carriageway; and
 - Prioritise A1089 traffic flows through the junction.
- 6.9 The Asda roundabout is not within the Order limits and the highway boundary does not, in PoTLL's view, extend sufficiently far beyond the roadway for mitigation to be implemented without additional land take being required. Notwithstanding this, PoTLL has instructed its transport consultants to seek to restrict the scheme of mitigation as far as practicable to the highway boundary, extending beyond this only where it becomes necessary to do so.
- 6.10 PoTLL will share its scheme of mitigation for the ASDA roundabout with the Applicant and relevant stakeholders in advance of ISH10 on Traffic and Transportation, in order that this may be presented at the hearing and to enable the Applicant to respond to the scheme of mitigation without further delay.

7. DRAFT DCO REQUIREMENTS

- 7.1 PoTLL is grateful to have received comments on the draft Requirements from interested stakeholders. In light of this no update to the draft Requirements in respect of the Orsett Cock and

Asda roundabouts is being provided at this Deadline. PoTLL anticipates updating the draft Requirements as needed to take into account progress anticipated to be made, feedback received, and the nature of the mitigation schemes being developed by its transport consultants, with a further iteration being provided at Deadline 6.

8. **FREEPART MODELLING**

8.1 The Applicant has advised PoTLL that it has now undertaken modelling where the Freeport is included in the baseline. However, the information provided to PoTLL consists of poor-quality screenshots with only limited commentary when compared to the information that was provided in the previous 'Base with Freeport and LTC' scenario. The Applicant states that the outputs show very similar results with and without LTC, however due to the poor quality of the screenshots PoTLL has been unable to either confirm this, nor make any other observations or conclusions from the modelling. PoTLL requests that the modelling data is shared with it, in order that this may be reviewed and properly considered.

8.2 In accordance with PoTLL's response to ExQ1 [REP4-348], Q4.1.8, PoTLL maintains its view and submissions that the Applicant has not had proper regard to the Freeport in its modelling and that it has not complied with the requirements under TAG Unit M4 as a result.

9. **GENERAL UPDATE**

9.1 PoTLL continues to engage with National Highways in respect of a proposed legal agreement and finalising amendments to the DCO's protective provisions. A meeting has been arranged for 12 October 2023, in which PoTLL is hopeful that significant progress will be made in these respects.