

THE PROPOSED A122 (LOWER THAMES CROSSING) DEVELOPMENT CONSENT ORDER

**Comments on Applicant's submissions at Deadline 4
and responses to ExA Action Points
submitted on behalf of
the Port of London Authority**

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1. Introduction

1.1. This is a written submission made on behalf of the Port of London Authority (**PLA**) in respect of comments on submissions made by the Applicant at Deadline 4.

1.2. Documents referred to in this submission are:

- 1.2.1. Mitigation Route Map – (REP4-203);
- 1.2.2. Errata Report v4 – (REP4-007);
- 1.2.3. ExQ1.15.1.4 PA 2008 s138 Statutory Undertakers’ Rights and Apparatus – LTC – (REP4-174);
- 1.2.4. Draft development consent order (**dDCO**) – (REP4-095);
- 1.2.5. Applicant’s written submission of oral comments for ISH5 – (REP4-181);
- 1.2.6. Applicant’s responses to IP’s comments on the dDCO at Deadline 3 – (REP4-212);
- 1.2.7. Responses to ExQ1 Appx H – 12 - Physical Effects of Development & Operation - (REP4-200);
- 1.2.8. Responses to the Examining Authority’s ExQ1 Appendix G – 11. Biodiversity (Part 1 of 6) - (REP4-194);
- 1.2.9. Framework Construction Travel Plan – (REP4-159);
- 1.2.10. ES Appx 2.2 - CoCP, First iteration of Environmental Management Plan v4.0 – (REP4-139);
- 1.2.11. Applicant’s responses to IP’s comments on the dDCO at Deadline 3 – (REP4-212);
- 1.2.12. Responses to the Examining Authority’s ExQ1 Appx D - 6, 7, 8 – (REP4-191);
- 1.2.13. Responses to the Examining Authority’s ExQ1 Appx B – 4. Traffic & Transportation – (REP4-189)

1.3. This submission also includes responses to those Action Points (**AP**) directed to the PLA by the Examining Authority (**ExA**) in respect of matters discussed at:

- 1.3.1. Issue Specific Hearing 5 on tunnelling – AP2;
- 1.3.2. Issue Specific Hearing 7 on the dDCO – AP9; and
- 1.3.3. Compulsory Acquisition Hearing 1 – AP4.

1.4. This submission also addresses ExA’s specific request for the PLA’s comments on the tunnel subsoil drafting amendment (AS-100) as set out in procedural decision PD-038.

2. Mitigation Route Map (MRP) - (REP4-203)

2.1. Page 11 of the MRP states that:

A Self-Service Marine Licence would be required, in addition to the Deemed Marine Licence, for works undertaken in the River Thames or on the foreshore that are not addressed through provisions made in the Deemed Marine Licence. Such works could include reprofiling, moving material, specific construction activities, maintenance, dredging, and the deposit or removal of any substance or object.

- 2.2. The PLA has made previous submissions on any dredging required for the dDCO scheme. Paragraphs 22.19 to 22.21 of the PLA’s Written Representations (REP1-269) set out the ambiguity in the Application documents as to whether dredging is proposed or not, noting that section 73 of the Port of London Act 1968 (**PLA 1968**), which authorises dredging in the river Thames (the **river**) is disapplied by Art. 53 of the dDCO and, unless dredging is an authorised work; it cannot be consented under the PLA’s protective provisions as drafted. The wording of MRP quoted above suggests that dredging is envisaged by the Applicant, but without any means by which the PLA can licence and monitor such activity.
- 2.3. In addition, Table 3.8 of MRP, on marine biodiversity, includes at row “MB1”: “*Scour protection – minimum tunnel cover of 0.9 tunnel diameter, 14.4m*” (source: ES 9.5.6 control: REAC RDWE041). This is incorrect. The dDCO scheme no longer provides for a minimum cover of 0.9 tunnel diameter; paragraph 9.5.6 of the ES was updated at Deadline 1 (REP1-181) to refer to “adequate tunnel cover” and the reference to 0.9 tunnel diameter was deleted. The Tunnel Depth Report (REP3-146) demonstrates the level of cover could be 0.57D (9.1m) if the maximum limits of deviation are exercised, the riverbed is dredged and scour protection is accommodated.

3. Errata Report v4 – (REP4-007)

- 3.1. The Errata Report refers to a correction to paragraph 2.2.10 of the preliminary Navigational Risk Assessment (**pNRA**) (APP-548) on numbered page 18:

Text reads: “... the Port of Tilbury averaged 3260 two-way vessel movements per annum”

Text should read: “...the Port of Tilbury averaged 3260 one-way vessel movements per annum.”

- 3.2. It is unclear if the pNRA now refers to 3260 vessels (therefore, 6520 movements) or 3260 movements.

4. ExQ1.15.1.4 PA 2008 s138 Statutory Undertakers’ Rights and Apparatus – LTC – (REP4-174)

- 4.1. Item 13 on numbered page 28 of the Applicant’s response to ExQ1.15.1.4 refers to right(s) to be extinguished, being those reserved by transfer dated 14-09-2001. It goes on to say:

The extinguishment is necessary for the purpose of carrying out the development to which the Order relates. The extinguishment of the relevant rights is required to enable the construction and operation of the A122 and other development authorised by the grant of the Order within the region of the Port of London Authority’s interests.

- 4.2. The PLA queries whether the extinguishment of this right is permanent, and, if so, on what basis, when the land to which this power relates, i.e. plot no 15-02, is subject to powers of temporary possession only.
- 4.3. Item 13 also refers to: *Separate agreement(s) (confidential) between the Applicant and the Port of London Authority, which are ongoing.* The PLA has made it clear to the

Applicant that it will not enter into side agreements alongside the provisions in the dDCO.

5. Draft development consent order – (REP4-095); Applicant’s written submission of oral comments for ISH5 – (REP4-181); Applicant’s responses to IP’s comments on the dDCO at Deadline 3 – (REP4-212)

- 5.1. The Applicant has amended Article 3 sub-paragraphs (3) and (4) as requested. The PLA has no further comments on the substantive drafting of this Article. It would also have no objection to the text of these sub-paragraphs being moved to Articles 53 and Articles 55 as has been suggested by the Port of Tilbury London Limited.
- 5.2. The Applicant has also amended Article 37, which is the provision of the dDCO that would enable any of the large number of proposed undertakers to “acquire compulsorily, or acquire existing or new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers” (Article 37(1)). The PLA’s position, as with a number of statutory bodies and corporations, is that its property should not be compulsorily acquired and instead such acquisition should be by way of agreement. It does nevertheless accept that the power of compulsory acquisition is often included in DCOs as a ‘backstop’.
- 5.3. What it does not accept is that the Applicant should be able to use any Order land owned by a statutory undertaker for the wide range of purposes listed in Article 37(1). The Applicant has sought to restrict its power in Article 37(1) in the same way as for the existing restriction in Article 33(8) on the restriction of the acquisition of subsoil. While the PLA’s position remains that there is no need for such a wide-reaching power as Article 37(1), the PLA welcomes the amendment that has been proposed by the Applicant as a way of somewhat limiting this power.
- 5.4. The PLA has no objection to the change in Article 48(9) concerning protection of the tunnel from “begun” to “commence” to align with the definition in Schedule 2.
- 5.5. There are further matters which relate to the dDCO drafting but which do not relate to changes made by the Applicant at Deadline 4, as follows.
- 5.6. The PLA and the Applicant are in discussions regarding Article 18 (*Powers in relation to relevant navigations or watercourses*). Currently the Applicant can interfere with the river Thames anywhere within the river; this provision is not restricted to the Order limits only. The Applicant has explained to the PLA that it cannot restrict the power to the Order limits only, so the parties have discussed the principle of including a suitable restriction on this power. In principle the PLA would be satisfied if the power was restricted to land that would be affected by the authorised development, but it would need to see the Applicant’s proposed drafting change to the dDCO before it can confirm its final position.
- 5.7. The Applicant and the PLA have also discussed amending Article 53 with respect to a commitment not to use the tunnel for equipment without a river works licence under PLA 1968. The principle is agreed and we are hopeful that an amendment to the dDCO can be agreed by the next deadline.

6. Responses to ExQ1 Appx H – 12 - Physical Effects of Development & Operation - (REP4-200)

- 6.1. In its response to ExQ1_Q12.1.8 (at numbered page 8), the Applicant directs the ExA to specific paragraphs in ES Chapter 6 (AS-044) and Section 5.2 of the Cultural Heritage

Desk-Based Assessment (APP-351) and advises that this baseline information has informed the impact assessment in ES Chapter 6 and the mitigation set out in the draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (**AMSOWSI**) (APP-367).

- 6.2. The PLA does not have experts in cultural heritage and therefore cannot advise whether or not the baseline information is correct. The PLA’s point, and the core point of the ExAWQ was that the draft Archaeological Mitigation Strategy and outline Written Scheme of Investigation (**oWSI**) do not consider the river, or any marine or maritime archaeology and therefore, whilst a detailed archaeological written scheme of investigation would be produced based on the oWSI, if there is no specific consideration of the river, nor any marine or maritime archaeology therein in the oWSI and no commitment to doing so when the detailed scheme is produced, how can potential marine or maritime archaeological material be addressed?
- 6.3. The Applicant advises that the details of the archaeological excavation and recording would be set out post-DCO consent in a Site-Specific Written Scheme of Investigation (**SSWSI**), with the agreement of Essex Place Services. The SSWSI would also include provision for dealing with unknown marine/maritime archaeological material that could be encountered during the construction of the outfall (or impacted by its operation). The Project would not result in any other physical impacts within the river.
- 6.4. The PLA disagrees with this position – physical impacts could also arise from the ground investigations, any works in the river in connection with the works at Coalhouse Point and, in addition, other works may be proposed in the river but are unknown at this stage – as demonstrated by the catch-all drafting at paragraph 105 of the PLA’s protective provisions, i.e. “any other activity approved in writing by the PLA.”
- 6.5. It remains unclear to the PLA where it is secured that the SSWSI would include provisions in relation to the river – it is not set out in the oWSI and the PLA is not a consultee in relation to requirement 9 of Schedule 2 to the dDCO, and so does not have the opportunity to review and comment on the SSWSI when it is produced.
- 6.6. The Silvertown Tunnel Order included a requirement to consult with the PLA in respect of any archaeological written scheme of investigation in respect of any elements within the river. The PLA remains of the opinion that the oWSI requires an update to make it clear that the matters that the Applicant has set out in response to this written question will be included in a post-DCO SSWSI and that the PLA is consulted on and provided with the opportunity to comment when the document is produced.

7. Responses to the Examining Authority's ExQ1 Appendix G – 11. Biodiversity (Part 1 of 6) - (REP4-194)

- 7.1. The PLA has previously raised concerns in respect of the date at which certain surveys were undertaken (see paragraphs 22.24 to 22.32 of the PLA’s Written Representations (REP1-269). The Applicant has sought to provide justification for the deficiencies in ecological surveys, which is that all surveys were carried out in line with guidance and that updated surveys will inform the detailed designs for the scheme. The PLA has certain issues with this as justification:
 - 7.1.1. The surveys were not carried out in accordance with guidance on survey lifespan, affecting the validity of the baseline for the Environmental Impact Assessment (**EIA**) and Habitats Regulations Assessment (**HRA**); and

7.1.2. Some of the data used for the baseline are from other projects (e.g. Tilbury 2), again potentially affecting the validity of the baseline (surveys are designed with the specific project in mind, so may not necessarily be valid for other projects).

7.2. The PLA has raised these issues previously, but does not consider that they have been addressed satisfactorily. The PLA agrees that updated surveys pre-commencement are required; however, this does not negate the need for an up-to-date baseline for the EIA and HRA. The dynamic nature of the estuary means that this may be more relevant to the PLA and the environment of the river. The PLA is still to be convinced that the limitations of the surveys are acceptable, but do agree that updated surveys are required at the detailed design stage.

8. Framework Construction Travel Plan (FCTP) – (REP4-159)

8.1. The PLA notes that updates to the Framework Construction Travel Plan do not include the simple measures that the PLA set out in its Deadline 3 Responses to comments on Written Representations (REP3-217) that would encourage river transport of construction workers. There is still no specific commitment to a pick up/set down location at Tilbury passenger ferry terminal.

8.2. The PLA is also unable to review and comment on the relevant construction travel plan that will be produced because, as stated by the Applicant in its Comments on Written Representations (WRs) Appendix A – Statutory Environmental Bodies (REP2-046): “The PLA are not a consultee to the SSTPs as they do not have a statutory remit on the use of the highway to which this document applies” (numbered page 39). The PLA would be able to provide useful input into the relevant travel plan in terms of what river transport would be possible, and could highlight matters such as that without a pick up/set down location at the Tilbury passenger ferry terminal, one of the key aims of the travel plan – encouraging the uptake of sustainable and active modes of travel – will not be met. If it would assist, the PLA would accept a limited consultation provision: in respect of matters relevant to its functions.

9. ES Appx 2.2 - CoCP, First iteration of Environmental Management Plan v4.0 – (REP4-139)

9.1. The PLA notes that despite further updates occurring to the CoCP, there have been no updates or clarifications provided in relation to Table 4.1 of EMP1 (see paragraph 12.2 of the PLA’s Deadline 3 submission (REP3-218) where it raised concerns that the PLA has been unable to identify any party with responsibility for navigational safety or a maritime coordinator). In addition, no updates have been made in relation to Table 4.2 – see section 3 of the PLA’s Deadline 4 submission (REP4-343) in which it raised concerns about the omission of the PLA in relation to emergency procedure planning and environmental incident control.

9.2. The PLA also notes that there have been no changes in relation to section 6.1 construction logistics of EMP1 with EMP2 requiring contractors to produce construction logistics plans (**CLP**) and allowing them a self-regulating role as there is no requirement for the CLPs to be reviewed or commented on by third parties - CLPs will be submitted to NH for review and approval (see paragraph 12.4 of the PLA’s Deadline 3 submission (REP3-218)).

10. Applicant’s responses to IP’s comments on the dDCO at Deadline 3 – (REP4-212)

- 10.1. Section 6.9 of the Applicant’s dDCO Response addresses the issue of a river safety lighting management plan (**RSLMP**). The PLA has set out at section 17 of its Written Representations (REP1-269) and in section 12 of its Deadline 3 response (REP3-218) that requirement 4(2) of Schedule 2 to the dDCO should be amended to provide that EMP2 will include a River Safety Lighting Management Plan. The Applicant disagrees with this position.
- 10.2. The PLA’s concern stems from the current drafting of the ES Appx 2.2 - CoCP, First iteration of Environmental Management Plan v4.0 (REP4-139), specifically paragraph 6.8.5 which gives the impression that the contractors can utilise their judgement as to whether a RSLMP is to be produced and that the contractors’ judgement would be exercised based on whether the lighting is reasonably expected to adversely affect any vessels using the river. If the contractors do not consider that vessels would be adversely affected then, in the PLA’s view, the contractors would not be required to produce a RSLMP. Furthermore, any EMP2 submission could simply say that the contractors will produce a RSLMP if they reasonably expect the lighting to adversely affect any vessels and the requirement as set out at paragraph 6.8.5 of the CoCP would be met.
- 10.3. If the Applicant is unwilling to amend requirement 4(2) an alternative proposal could be to make it explicit in the CoCP that a RSLMP must be produced. To do so would allow the PLA and Thurrock Council to review and comment on the RSLMP when it is produced and whilst not ideal, because the RSLMP is not a document that is then reviewed and approved by the Secretary of State, it would provide a degree of certainty to the PLA at this stage that a RSLMP would be prepared and that the PLA would have the opportunity to comment on it.
- 10.4. In the PLA’s view it is not appropriate, as suggested by the Applicant, to rely on the PLA’s protective provisions. Whilst it is necessary to include protective provisions in the dDCO for the benefit of the PLA, the Applicant’s approach should not be one of allowing impacts to occur and then mitigating them once an impact has occurred.
- 10.5. The PLA notes that the Applicant has not addressed the matter of the PLA’s environmental duties nor that of the lighting management plan submitted to the MMO being required only if 24 hour working is proposed (see section 21 of the PLA’s Written Representations (REP1-269)).

11. Responses to the Examining Authority's ExQ1 Appx D - 6, 7, 8 – (REP4-191)

- 11.1. In its response to ExQ1_Q8.1.7, the Applicant addresses the issue of potential use of wharves for materials handling noting that the Applicant considers that “the busy navigational channel of the River Thames precludes the potential for the creation of a new jetty (deep or shallow water) on the north side of the river within the Order Limits” (numbered page 16).
- 11.2. The PLA would point out that in a non-DCO scheme world, a river works licence under PLA 1968 would be required for any jetty on the north side of the river at this location. The PLA has had no discussions with the Applicant on this point and would strongly refute the Applicant’s comment as set out above. Clearly it has been possible to install jetties in close proximity upstream of the Order limits, the most recent of which the PLA licensed for construction in 2017 and plans are being developed in relation to the designated Tilbury Freeport.

11.3. The PLA’s Senior Harbour Master has considered whether it would be possible to provide a jetty within the Order limits and has concluded there may well be scope for an additional jetty. A deep-water jetty on the edge of the navigational channel would be challenging, but a more shallow water aggregate jetty, similar to that at East Tilbury (Goshems) may be acceptable.

12. Responses to the Examining Authority’s ExQ1 Appx B – 4. Traffic & Transportation – (REP4-189)

12.1. In its response to ExQ1_Q4.6.6. the Applicant addresses the sourcing of aggregates (numbered page 50). The PLA takes issue with the general tenor of this response, particularly in response to the assertion that: “importing materials to the construction compounds to the south of the River Thames via existing ports may not always be appropriate, due to the reliance on the local road network and a lack of direct access from the river to construction compounds”.

12.2. The PLA would point out that there has not been a request made of the Applicant to serve every work site by water. However, the PLA and other affected stakeholders, such as Thurrock Council, are asking for full and proper consideration of what could be achieved by water – maximising use of the river where practicable. The Outline Materials Handling Plan (**oMHP**) (REP4-137) sets out how, subject to various exceptions, contractors would “engage” with aggregate and material suppliers in relation to river transport for the import of bulk aggregates for the northern portal construction area beyond the baseline commitment. This has the effect that the contractor needs only to consider in relation to the better than baseline commitment (i) aggregates (in the context of their narrow definition in the oMHP) and (ii) the northern portal. There is no requirement to consider other materials or plant and equipment; nor to consider the south side of the river.

12.3. The PLA has set out at Annex 1 how a wharf located on the south side of the river could supply the Southern Tunnel Entrance Compound. If, for example, the Applicant were to source aggregates from this wharf (and others located in Northfleet) aggregates are brought in by water as a matter of course – the Applicant could source its aggregates from the wharves which would be transported to the relevant worksite(s) by HGV (being a distance of only a few miles). Maximising use of the river through the supply chain is a standard approach and has been used to supply millions of tonnes of aggregates to multiple projects of varying sizes including nationally significant infrastructure projects.

13. ISH5 – AP2 - Applicant & Port of London Authority – Impact on navigation of river traffic

Please provide an update on the outcome of the ongoing discussions on Limits of Deviation, and construction, operation, monitoring, mitigation and remediation which could affect the navigation of river traffic on the River Thames. Cross referencing to discussion at ISH7 (the dDCO), this should include any proposed alterations to the relevant Protective Provisions within the dDCO and/or other alterations to the dDCO and related Certified Documents. Any remaining areas of disagreement should be set out with associated justification/reasoning for each party’s position. This could be provided within the updated Statement of Common Ground (SoCG) and/or the Principal Areas of Disagreement (PADS).

13.1. Progress on the matter of protective provisions is covered at paragraph 16 below and an updated SoCG between the Applicant and the PLA is anticipated to be provided to the ExA at Deadline 6.

- 13.2. In respect of both construction and ongoing operation, the PLA remains concerned that the Applicant has an extensive power to interfere with the use of the river. This is discussed at paragraph 12 above.
- 13.3. The PLA has covered in detail its concerns with regards to the impact on river traffic during the Examination and in its previous submissions. The ongoing discussions on limits of deviation have resolved these issues to some extent and provided that the amendments put forward by the PLA and the matters addressed in this submission can be agreed – in particular with regards to paragraphs 99 and 100 of the protective provisions – the PLA is confident that the impacts on navigation during construction and operation of the tunnel can be satisfactorily mitigated.

14. ISH7 – AP9 - Applicant and Port of London Authority – Protective Provisions (PLA)

Provide an update in respect of the outcome of the protective provisions discussion regarding tunnelling matters.

- 14.1. The Applicant has provided the PLA with revised drafts of paragraphs 99 and 100. These paragraphs introduce a requirement on the Applicant to firstly consult the PLA on detailed design and construction methodology of the tunnelling works under the river so far as they relate to the PLA’s functions and, secondly, to have reasonable regard to representations made by the PLA in response to that consultation. If the parties do not agree, then the next step is arbitration. Furthermore, the Applicant would have to appoint a liaison coordinator before the commencement of the tunnelling works.
- 14.2. The PLA acknowledges that this is an improvement over the current drafting of the dDCO. However, it stops short of the Working Group discussed at the Examination. The PLA is concerned that the commitments remain relatively weak with regards to coordinating in advance of tunnelling works commencing, throughout the different phases of the tunnelling works, construction risk, monitoring and reporting, and during the operation of the tunnel if mitigation works are required. There is also the outstanding issue of the protection needing to apply to the full extent of the river and not merely the navigable channel. The parties are in discussion regarding these matters.
- 14.3. We understand also that the Applicant has concerns about limiting the period of time for which temporary possession may be taken. This remains an important point for the PLA, as it is keen to avoid the position where land is temporarily possessed by the Applicant and then, if there is a change in programming, this land remains unusable for a substantial period of time. The PLA and the Applicant have discussed a proposed form of wording which would resolve this issue, and the PLA awaits the drafting of this provision.

15. CAH1 – AP4 - Applicant and PLA and any other statutory port authorities – Bed of the river Thames

Please provide an agreed position statement on the status of the Crown as against the Port of London Authority and any other statutory Port Authority in relation to all parts of the River Thames in the Order Limits.

- 15.1. The PLA has compiled a plan of land ownership within the relevant area based on its own and the Land Registry’s records. This shows the extent of Crown land in yellow and PLA-registered land in green (awaiting registration in blue). This aligns to the interests

presented in the Book of Reference (REP4-103) in respect of the extent that the river Thames is within the Order limits and shows that there are no Crown interests within the Order limits affecting the bed of the river Thames, nor its foreshore



15.2. The PLA and the Applicant have prepared a joint statement on the basis of this information which the PLA understands that the Applicant will submit at Deadline 5.

16. Tunnel subsoil drafting amendment (AS-100) and procedural decision PD-038

16.1. The ExA’s Procedural Decision 38 dated 22 September 2023 relating to subsoil beneath the River Thames specifically requests observations from the PLA at DL5 in respect of drafting amendment (AS-100).

16.2. The PLA and the Applicant have been discussing the depth of subsoil acquisition beneath the river for some time and the matter is set out in broad terms at item no. 2.1.30 in the Statement of Common Ground between the Applicant and the PLA (APP-100). Following discussions between the PLA and the Applicant, the Tunnel Depth Report (REP3-146) highlights how the Applicant was considering amendments to Art. 33(7) of the dDCO to change the datum used for determining the depth of subsoil acquisition from the level of the surface of the ground covered by water to Ordnance Datum Newlyn (OD). The Tunnel Subsoil Drafting Amendment (AS-100) formally requests the proposed amendment and has been made following engagement with the PLA.

16.3. The PLA can confirm that it supports the amendment and the use of OD as the reference point for determining depth of subsoil acquisition. The PLA has highlighted to the Applicant that this creates an inconsistency between the reference point for subsoil acquisition (which is now OD) and the River Restrictions Plan (REP1-040) and the dredging level, and consequently the PLA has suggested that the Applicant considers whether for ease of review by third parties the River Restrictions Plan and references to the dredging level should also be in OD.

ANNEX 1

- 1.1 The Applicant has advised in relation to ExQ1_Q8.1.7 (REP4-191) that an additional commitment to promote the use of wharves close to the Order limits for material transportation or suppliers located in close proximity to wharves is considered unnecessary, and that on the south side of the river Thames (river) the utilisation of any existing infrastructure in this location would be dependent on use of the local road network, which the Applicant is seeking to minimise.
- 1.2 The PLA has set out below one example of how wharves on the south side of the river could be utilised in the construction of the Lower Thames Crossing. The site is identified as a potential supplier site in ES Appx 2.2 - CoCP, First iteration of Environmental Management Plan - Annex B - Outline Materials Handling Plan (oMHP) (REP4-137), and consequently, it is unclear to the PLA why, if identified by the Applicant as a potential site from which to source material, a commitment could not be made to sourcing material from this and/or other nearby wharves, thereby maximising use of the river through the supply chain.
- 1.3 The ExA and Applicant may find it useful to consider a definition of river use. Clearly any definition would need to be agreed by a number of interested parties, not least Gravesham Borough Council, but the definition used in relation to the Silvertown Tunnel Order 2018 may be a useful starting point. This states:
- For the purposes of these commitments, the following materials associated with the Scheme shall be deemed to have been transported by river:*
- *Materials which are transported to or from the Worksite directly by river;*
 - *Materials which are re-used on site;*
 - *Materials which are transported by river to a wharf local to the Scheme, transferred to road vehicles and subsequently delivered to the worksite by road, provided that:*
 - o *the Worksite lies within a 4km radius of the wharf; and*
 - o *the distance over which the materials are carried by road from the wharf to the Worksite does not exceed the distance that the materials are transported by river from the point of loading up to the local wharf.*
- 1.4 Whilst the definition would need refinement, the use of the wharf in the example below could constitute river use because the material would have been transported by river to the wharf and then delivered to the worksite by road.
- 1.5 The ExA and Applicant may also find it useful to consider the Tideway River Transport Strategy¹ which sets out specific requirements relating to construction contracts and incentivises contractors to do more.
- 1.6 The wharf shown in the example is known as Northfleet Wharf and is operated by Cemex. The Cemex website advises that it “*supplies a wide range of aggregates, asphalt, mortar, screed and readymix concrete for small, medium and large construction projects and builds in the Northfleet and wider Kent region in South-East England.*” The capacity of the wharf is between 800,000 and 850,000 tonnes per annum. The

¹ <https://www.tideway.london/media/6296/river-transport-strategy.pdf>

aggregate is brought into the wharf by dredger and every dredger removes 250 lorries from the roads.

- 1.7 The sequence of images below shows how material from the wharf can be transported to the Southern Tunnel Entrance Compound, exiting the wharf onto Thames Way and then travelling past Ebbsfleet International Station on the A2260 onto the A2 and to the Southern Tunnel Entrance Compound via the internal road referred to in the outline materials handling plan as “Construction Routes – Offline – Main.” The oMHP has identified in Annex B.1. Table B.1.1 that the site (reference 13AS) is 8.5 miles (25 minutes) from Compound A and 12 miles (30 minutes) from Compound B South. The PLA questions how these figures have been arrived at with a simple check on a route planner showing the distance and time would be less than that quoted by the Applicant: approximately 6 miles and 15 minutes from the wharf to the entrance to the compound off of the A2.



Figure 1.1 – location plan



Figure 2 – HGV movement from wharf along Thames Way



Figure 3 – HGV movements continue along Thames Way and onto A2260



Figure 4: HGVs join the A2



Figure 5: HGVs enter the Southern worksite from the A2