

Lower Thames Crossing 9.145 Applicant's Response to Comments made by Port of Tilbury London Limited at D5

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Lower Thames Crossing

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1 Applicant’s response to comments made by Port of Tilbury London Limited at Deadline 5

- 1.1.1 At Deadline 5 the Port of Tilbury London Limited (PoTLL) made comments on National Highways’ (the Applicant’s) submissions at Deadline 4 [\[REP5-123\]](#).
- 1.1.2 The Applicant has responded to comments made in that submission in Table 1.1.

Table 1.1 Applicant’s response to comments made by PoTLL at Deadline 5 [\[REP5-123\]](#).

Section no.	PoTLL’s comments	Applicant’s response
1 – 1.3	<p>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)</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The Applicant refers to its response to comments on the draft Development Consent Order (dDCO) at Deadline 4 [REP5-089] which sets out detailed comments on PoTLL’s proposed Requirement. The Applicant would note that no decision has been made on the design, or location, of the Tilbury Link Road and it would not be appropriate for the dDCO for the Project to seek to secure such features or prejudice the scheme development which will be subject to its own planning and financing process.</p> <p>The Applicant, at Deadline 5, put forward an alternative Requirement in the dDCO [REP5-024] which secures passive provision for the Tilbury Link Road without prejudicing the Secretary of State’s decision making in connection with the Tilbury Link Road.</p>

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1.4 – 1.6	<p>B.3 Response to comments made by Thurrock Council</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Currently the access to the Port of Tilbury is via the A1089, which is accessed from the A13, with both east and west facing connections. Three of these direct connections remain and are unchanged. For the movement from A13 westbound to A1089, the connection becomes via the Orsett Cock roundabout, Additional connectivity is being provided from the A1089 direct onto the A122 Lower Thames Crossing northbound and southbound via free flowing slips, while relief on the A13 west of the junction with the Project, and on M25 junction 30, would improve the existing connections to the Port of Tilbury. Together, these changes would deliver a substantial improvement to the connections of the Port of Tilbury onto the Strategic Road Network.</p>
2 – 2.2	<p>2. 9.84 POST-EVENT SUBMISSIONS, INCLUDING WRITTEN SUBMISSION OF ORAL COMMENTS, FOR ISH4 [REP4-180]</p> <p>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</p>	<p>The Applicant refers to its response to comments on the dDCO at Deadline 4 [REP5-089] which sets out detailed comments on PoTLL’s proposed Requirement. The Applicant would note that no decision has been made on the design, or location, of the Tilbury Link Road and it would not be appropriate for the dDCO for the Project to seek to secure such features or prejudice the scheme development which will be subject to its own planning and financing process.</p>

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	<p>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.</p> <p>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</p>	<p>The Applicant, at Deadline 5, put forward an alternative Requirement in the dDCO [REP5-024] which secures passive provision for the Tilbury Link Road without prejudicing the Secretary of State’s decision making in connection with the Tilbury Link Road.</p>
3 – 3.3	<p>3. 9.81 POST-EVENT SUBMISSIONS, INCLUDING WRITTEN SUBMISSION OF ORAL COMMENTS, FOR CAH1 [REP4-177]</p> <p>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.</p>	<p>As notified to the Examining Authority at Deadline 5, and restated at Compulsory Acquisition Hearing 3 on 17 October 2023, the Applicant proposes to remove the two parcels of land from plot 21-10 at Deadline 7.</p>
6.1	<p>6. ASDA ROUNDABOUT</p> <p>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.</p>	<p>The Applicant has provided a response to the joint position statement within the Applicant’s Response to Comments Made by Thurrock Council at Deadline 5 [REP5-112].</p>

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6.3	<p>6.3 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.</p> <p>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.</p>	<p>PoTLL states it has not received any information from the Applicant in respect of the Asda roundabout other than the submissions made by the Applicant at Deadline 4 (which are contained in Post-event submissions, including written submission of oral comments, for ISH4 [REP4-180]). This is not correct, and contradicts PoTLL’s statement at paragraph 6.1, where it notes that they ‘...were provided by the Applicant with the modelling underpinning the VISSIM reports of the ASDA roundabout.’</p> <p>To confirm, in relation to the Asda roundabout, following comments made by PoTLL at Issue Specific Hearing 4 (ISH4) on 6 September 2023, the Applicant provided PoTLL with a range of information on 13 September 2023. This included:</p> <ul style="list-style-type: none"> • A copy of the Applicant’s VISSIM model of the junction • The 2018 observed traffic counts used by the Applicant within the VISSIM model <p>Clarification was also sought from PoTLL in relation to their request for the Applicant to provide relevant extracts from the Lower Thames Area Model (LTAM), and the Applicant also asked PoTLL if they would be able to provide a copy of the observed data that they hold for the junction.</p> <p>The Applicant has not received a response to this information.</p>
6.5-6.6	<p>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</p>	<p>The Applicant does not consider that the outline Traffic Management Plan for Construction (oTMPfC) [REP5-056] is a blunt tool. The oTMPfC provides the Applicant and its Contractors with a framework on which Traffic Management Plans (TMPs) will be developed. The Applicant considers that there would be a suite of tools</p>

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	<p>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.</p> <p>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.</p>	<p>available to the Contractors to manage and minimise the impact of the construction phase of the Project; this will differ from location to location and depend on the works being conducted at any particular time. The oTMPfC [REP5-056] will be supplemented with a bespoke traffic management protocol between the Applicant and PoTLL, which is currently being drafted in collaboration with them. The specifics of these constraints and the requirements for collaboration with PoTLL are currently being discussed and will be incorporated into the bespoke traffic protocol.</p> <p>The Applicant does not agree that the management of construction impacts would cause a significant delay to the construction of the Project.</p> <p>The Applicant would note its response to comments on the dDCO at Deadline 4, submitted at Deadline 5 puts together a table comparing the Port’s specific request and the how the use of the oTMPfC provides equivalent protection.</p>
8.1	<p>Freeport Modelling</p> <p>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.</p>	<p>The Applicant has provided PoTLL with outputs from the P1X graphical interface from SATURN (outputs of a similar style from P1X are shown in Plates 8.1 to 8.3 of the Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package [APP-522]), providing details on the forecast change in flows and delays as a result of the freeport development envisaged by PoTLL. Provision of information from SATURN in this manner is not unusual, and the Applicant notes that the information provided to PoTLL post ISH4 was the same as that provided before ISH4. The commentary provided alongside the plots in the without Lower Thames Crossing scenario was more limited as it provided comparison back to the information previously provided to PoTLL, as</p>

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		<p>broadly both sets of outputs showed similar issues, as outlined by the Applicant at ISH4.</p> <p>Notwithstanding the above, the Applicant has prepared GIS outputs of the information and has provided this to PoTLL for their consideration.</p>
9 – 9.1	<p>9. GENERAL UPDATE</p> <p>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</p>	<p>The Applicant agrees and looks forward to the ongoing and productive discussions with the Port of Tilbury. At Deadline 6, further updates to the Protective Provisions have been progressed following the meeting on 12 October 2023.</p>

Glossary

Term	Abbreviation	Explanation
A122		The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1)
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
A122 Lower Thames Crossing/M25 junction		New junction with north-facing slip roads on the M25 between M25 junctions 29 and 30, near North Ockendon.
A13/A1089/A122 Lower Thames Crossing junction		Alteration of the existing junction between the A13 and the A1089, and construction of a new junction between the A122 Lower Thames Crossing and the A13 and A1089, comprising the following link roads: <ul style="list-style-type: none"> • Improved A13 westbound to A122 Lower Thames Crossing southbound • Improved A13 westbound to A122 Lower Thames Crossing northbound • Improved A13 westbound to A1089 southbound • A122 Lower Thames Crossing southbound to improved A13 eastbound and Orsett Cock roundabout • A122 Lower Thames Crossing northbound to improved A13 eastbound and Orsett Cock roundabout • Orsett Cock roundabout to the improved A13 westbound • Improved A13 eastbound to Orsett Cock roundabout • Improved A1089 northbound to A122 Lower Thames Crossing northbound • Improved A1089 northbound to A122 Lower Thames Crossing southbound
A2		A major road in south-east England, connecting London with the English Channel port of Dover in Kent.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Construction		Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access), and ends with demobilisation.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual containing requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is highway authority. For the A122 Lower Thames Crossing the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.

Term	Abbreviation	Explanation
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the ‘DCO application’.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Highways England		Former name of National Highways.
M2 junction 1		The M2 will be widened from three lanes to four in both directions through M2 junction 1.
M2/A2/Lower Thames Crossing junction		New junction proposed as part of the Project to the east of Gravesend between the A2 and the new A122 Lower Thames Crossing with connections to the M2.
M25 junction 29		Improvement works to M25 junction 29 and to the M25 north of junction 29. The M25 through junction 29 will be widened from three lanes to four in both directions with hard shoulders.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
National Planning Policy Framework	NPPF	A framework published in March 2012 by the UK’s Department of Communities and Local Government, consolidating previously issued documents called Planning Policy Statements (PPS) and Planning Practice Guidance Notes (PPG) for use in England. The NPPF was updated in February 2019 and again in July 2021 by the Ministry of Housing, Communities and Local Government.
National Policy Statement	NPS	Set out UK government policy on different types of national infrastructure development, including energy, transport, water and waste. There are 12 NPS, providing the framework within which Examining Authorities make their recommendations to the Secretary of State.
National Policy Statement for National Networks	NPSNN	Sets out the need for, and Government’s policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc that require a development consent under the Planning Act 2008.
North Portal		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
Operation		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.

Term	Abbreviation	Explanation
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Planning Act 2008		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.
Project road		The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1).
Project route		The horizontal and vertical alignment taken by the Project road.
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

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