

**Lower Thames Crossing
9.135 Applicant's response to
the Joint Statement on Policy
Compliance of the Lower
Thames Crossing Scheme with
Ports Policy made on the
dDCO at D3**

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1 Introduction

- 1.1.1 Port of Tilbury London (PoTLL), Port of London Authority (PLA) and DP World London Gateway (DPWLG) (the Ports) submitted a Joint Statement on Policy Compliance of the Lower Thames Crossing Scheme with Ports Policy (Joint Statement) at Deadline 3 (D3) (DPWLG Deadline 3 Submission - Comments on Applicant's submissions at D2 [[REP3-153](#)] and PoTLL Deadline 3 Submission - Other: Submitted further to Deadline 2 Submissions [[REP3-196](#)]).
- 1.1.2 The above submissions were uploaded to the Planning Inspectorate's webpage 30 August 2023 and reflect the Ports' position on the A122 Lower Thames Crossing (the Project) at D3. Since then, the Examining Authority (ExA) has held a number of Issue Specific Hearings (ISH), Open Floor Hearings (OFH) and Compulsory Acquisition Hearings (CAH) which covered matters relating to the Ports as expressed in their Joint Statement. The Applicant has chosen to submit this response at Deadline 6 so that it accounts for matters raised by the Ports at the hearings, as tabled in their post-event submissions, as well as outcomes of ongoing engagement between the parties.
- 1.1.3 The Applicant acknowledges the significant contribution ports, including the Thames Ports, make to the national economy as well as economy of the Lower Thames Area. The Dartford Crossing provides an important link for ports through the Thames estuary, including Purfleet, Tilbury, London Gateway, Thamesport and Sheerness, as well as on the south coast including Dover and Folkestone. Both the relief at the Dartford Crossing and the new route provided by the Project will support the operation of these ports as well as their planned growth.
- 1.1.4 The importance of ports and the role of the Project in supporting their operations and access to them has shaped decision-making on the Project as far back as the selection of the preferred route in 2017. For example, impacts to river navigation and the operation of ports were considered by the Applicant in selecting the preferred route at Location C, as set out in Environmental Statement Chapter 3: Assessment of Reasonable Alternatives [[APP-141](#)] and the Lower Thames Crossing Pre-Consultation Scheme Assessment Report (January 2016).
- 1.1.5 It is the Applicant's position that the Ports stand to benefit from the new connectivity provided by the Project, and particularly from the new connections between the Lower Thames Crossing, the A13 and the A1089. The Project will provide relief to the A13 westbound which greatly assists the merge from the A1089 northbound onto the A13 which is under considerable pressure at this point. The PoTLL will retain existing connectivity and benefit from substantial relief on the approach roads to the Dartford Crossing. DPWLG will retain existing connectivity and benefit from direct free-flowing links from the A13 onto the A122 both northbound and southbound, and from the A122 southbound onto the A13.

- 1.1.6 Testimonials from ports including Hutchison Ports, operators of Felixstowe, Harwich International and London Thamesport among others, Peel Ports Group, who operate Sheerness port among others, and Dover Harbour Board, who administer and maintain the Port of Dover are included at Appendix A of the Need for the Project [[APP-494](#)]. These were reflected in the following Relevant Representations:
- a. [[RR-0833](#)] – Peel Ports Ltd
 - b. [[RR-0397](#)] – Hutchison Ports
 - c. [[RR-0268](#)] – Dover Harbour Board

2 Response to Joint Statement on Policy Compliance with Ports Policy

2.1 Legislative framework

- 2.1.1 The Applicant agrees with the Ports that the National Policy Statement for Ports (Ports NPS) (DfT, 2012) is not a “relevant national policy statement” under the provisions of section 104(2)(a) of the 2008 Planning Act and so does not have “effect” in relation to the Project. It also agrees that section 104(2)(aa) compels decision makers to have regard to appropriate marine policy documents which, in the case of the Project, would be the South East Inshore Marine Plan (SEIMP) (Department for Environment, Food and Rural Affairs, 2021). It also agrees that the Ports NPS is capable, at the Secretary of State’s discretion, of being ‘important and relevant’ matter under the provisions of section 104(2)(d) of the 2008 Act.
- 2.1.2 Where the Applicant does not agree with the Ports is the position on compliance with these policies and in particular, the nature and extent of the Project’s effects and impacts in the context of the overall planning balance.
- 2.1.3 In accordance with Section 104 of the 2008 Act, the Applicant has had appropriate regard to all the policy documents listed at paragraph 2.2 of the Joint Statement in developing proposals for the Project. An assessment against relevant planning policy is set out in the Planning Statement [[APP-495](#)] as well as Planning Statement Appendices A - National Policy Statement for National Networks (NPSNN) Accordance Table [[APP-496](#)], B - National Policy Statements for Energy Infrastructure Accordance Tables [[APP-497](#)] and C - Local Authority Policy Review [[APP-498](#)].
- 2.1.4 A policy accordance assessment of the Project against the Consultation draft of the NPSNN (March 2023) [[REP4-209](#)] was also submitted by the Applicant at Deadline 4.
- 2.1.5 The transitional provisions set out in paragraphs 1.16 and 1.17 of the draft NPSNN (Department for Transport (DfT), 2023) make it clear that the draft NPS will not have ‘effect’ in relation to the Project for the purposes of section 104 of the Planning Act 2008, albeit that the 2023 draft is capable, at the Secretary of State’s discretion, of being an ‘important and relevant’ matter under the provisions of paragraph 104(2)(d) of the Planning Act 2008. Any response provided by the Applicant to draft policies in the emerging draft NPSNN herein should be understood in that context.
- 2.1.6 Table 2.1 addresses the points in the Joint Statement in the order they are raised by the Ports, not in order of relevance to the DCO application for the Project. Where an assessment against the National Policy Statement for Ports (Ports NPS) (DfT, 2012) is provided, this is done under the same topic-specific sub-headings used to structure the Joint Statement. Paragraphs are similarly addressed in the order they are raised in the Joint Statement and not in chronological order always. Where policy is *quoted* (sometimes with emphasis) in the Joint Statement without commentary from the Ports, this is included in Column two of the Table.

- 2.1.7 In terms of the Ports NPS (DfT, 2012), fundamentally, the Applicant's position in respect of the status and degree of weight to be attached to it is set out in Section 7.2 of the Planning Statement [[APP-495](#)], specifically paragraph 7.2.4 which states:
- 2.1.8 *"The Project does not comprise port development. Consent is not being sought for the Project alongside any port development. The works associated with the construction and operation of the Project are not associated with port development. The completion of the Project will not prevent, hinder or impact on port development in any regard other than as described below in terms of the potential use of port facilities. The Ports NPS is not therefore a 'relevant NPS' under section 104(2)(a) but is a potentially 'important and relevant' consideration under section 104(2)(d)."*
- 2.1.9 The Applicant addresses the Marine Plans, specifically the SEIMP in Section 7.4 of the Planning Statement [[APP-495](#)]. As noted in opening (paragraph 1.1.5) the Applicant's position is that the ports will benefit from the connectivity provided by the delivery of the Project.
- 2.1.10 However, Section 5 of the Need for the Project [[APP-494](#)] sets out the economic opportunities the Project would deliver as well as benefits for ports specifically. The Project is located on a key domestic trade route between the Channel Ports and the Midlands and North of England. It would have a vital role in facilitating the flow of goods and labour, contributing to raising national productivity levels and boosting the growth of the national economy. The Project would deliver quicker, more reliable access to key markets, resources and labour for the region's ports, which together with the Channel Tunnel handled around 40% of England's import and exports of freight by tonnage (excluding petrochemicals) in 2018. The reduction in congestion for the road-using transport and logistics sector would facilitate growth in exports at the region's ports, boosting regional productivity. The Project would provide an additional crossing of the River Thames, east of London, improving the reliability of journeys across the River Thames. The enhanced connectivity would provide increased cross-river economic opportunities which would stimulate competition and boost employment in the region. It would also allow for quicker, more reliable journeys to and from the ports.
- 2.1.11 Further information regarding the benefits the Project will deliver to the Ports is provided in the Applicant's Deadline 2 Submission 9.53 Comments on WRs Appendix E – Ports [[REP2-050](#)].
- 2.1.12 In short, in relation to the impact on the connectivity to the ports, the Lower Thames Crossing would enhance the resilience of the strategic network and provide better connections between local ports and the wider strategic road network. Specifically:
- a. The DP World London Gateway port would benefit from the provision of a new direct free-flowing route connecting the A13 east of the Lower Thames Crossing to the M25 south of junction 29 and the A2 / M2 corridor. This would reduce journey times for vehicles using these routes. While there are moderate adverse impacts identified on the A13 close to the connection with the A1014 that connects to the port, traffic passing through this section

is anticipated to largely be heading further west into London on the A13, or north onto the M25, and so would have either marginal increases of less than one minute, or more substantial improvements in their overall journey times.

- b. the Port of Tilbury would benefit from the provision of direct new freeflowing connections from the A1089 northbound onto the Lower Thames

2.1.13 Considering specifically the impact on the connectivity to the ports, the Lower Thames Crossing would enhance the resilience of the strategic network and provide better connections between local ports and the wider strategic road network. Specifically:

- a. the DP World London Gateway port would benefit from the provision of a new direct free-flowing route connecting the A13 east of the Lower Thames Crossing to the M25 south of junction 29 and the A2 / M2 corridor. This would reduce journey times for vehicles using these routes. While there are moderate adverse impacts identified on the A13 close to the connection with the A1014 that connects to the port, traffic passing through this section is anticipated to largely be heading further west into London on the A13, or north onto the M25, and so would have either marginal increases of less than one minute, or more substantial improvements in their overall journey times.
- b. the Port of Tilbury would benefit from the provision of direct new freeflowing 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.

2.1.14 These beneficial impacts are highly relevant to showing overall compliance with the Ports NPS, and providing mitigation and benefits generally, and so are not repeated in the detailed analysis below. The Applicant further notes that the Wider Network Impacts Management Position Statement **[Document reference 9.134 (1)]** at Deadline 6 further considers the Ports NPS in the context of traffic impacts.

2.1.15 As noted at paragraph 7.4.8 of the Planning Statement, the Marine Management Organisation (MMO) has been consulted extensively on the application during its evolution. There is nothing in the Examination submissions from the MMO including its written representations or Statements of Common Ground [[APP-098](#)], [[REP1-255](#)], [[REP2-088](#)], [[REP3-187](#)], or [[REP4-321](#)] which suggests that there is any conflict with the SEIMP.

Table 2.1 Responses to comments from the Ports on policy compliance

Paragraph reference	Policy reference	Statement by the Ports	Applicant's response
Section 3	UK Marine Policy Statement (March 2011)		
3.1 to 3.3	n/a	<p>In addition to the various NPS provisions which have been outlined in more detail above, it is noted that in accordance with section 104(2)(aa) of the Planning Act 2008:</p> <p><i>"in deciding the application the [Secretary of State] must have regard to the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009"</i></p> <p>The UK Marine Policy Statement (including Guidance to the UK Marine Policy Statement from 1 January 2021) is therefore relevant and needs to be taken into consideration when determining the application. The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment and contributes to the achievement of sustainable development in the United Kingdom marine area.</p> <p>The South East Inshore Marine Plan 2021 covers the inshore waters between Felixstowe and west of Dover, including the river Thames.</p>	<p>Section 7.4 of the Planning Statement [APP-495] acknowledges that, if a proposed activity may affect a Marine Plan area, this should be considered in the application and decision making under s104(2)(aa) of the Planning Act 2008.</p> <p>This section of the Planning Statement states that the Project does not conflict with the South East Inshore Marine Plan and that the matters addressed by the marine plan policies do not introduce any new or additional matters which are not already covered (and addressed in the Project proposals) in any of the NPSs or other policy or statutory instrument with which the Project has to comply.</p> <p>It is worth highlighting the point made in the Ports Statement that the SEIMP covers the inshore waters between Felixstowe and west of Dover including the River Thames. This covers 1,400km of coastline and 3,900km² of sea. Accordingly, in the context of the SEIMP, the specific needs of the Thames ports must be viewed in that wider context of the need to provide benefits to both the Thames ports and to the Port of Dover while still seeking to improve accessibility to the Port of Dover.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
3.4 to 3.6	Paragraph 3.4.7	<p>The UK Marine Policy Statement broadly sets out at paragraph 3.4.7 in respect of Ports and Shipping that (our underlining): <i>Marine plan authorities and decision makers should take into account and seek to <u>minimise any negative impacts on shipping activity, freedom of navigation and navigational safety</u> and ensure that their decisions are in compliance with international maritime law. <u>Marine Plan development and individual decisions should also take account of environmental, social and economic effects</u> and be in compliance with international maritime law. Marine plan authorities will also need to take account of the need to protect the <u>efficiency and resilience of continuing port operations</u>, as well as further port development.</i></p> <p>Of note is:</p> <ul style="list-style-type: none"> • the requirements to seek to minimise any negative impacts on shipping activity, freedom of navigation and navigational safety; • the fact that environmental, social and economic effects must be taken into account; and 	<p>The Applicant has considered the potential impacts of the Project in the context set by the Marine Policy Statement and the South East Inshore Marine Plan in Section 7.4 of the Planning Statement [APP-495] and accordingly disagrees with the Ports in this regard.</p> <p>As noted in opening the Applicant’s position is that the ports will benefit from the improved connectivity and other social and economic benefits which flow from that connectivity provided by the delivery of the Project.</p> <p>The Applicant has prepared a Preliminary Navigational Risk Assessment [APP-548] which assesses and quantifies the navigation risk posed by the Project. It demonstrates that the Project will not materially interfere with any public navigation rights and there is no impact arising in terms of navigational safety. The Assessment concludes (paragraph 10.2.1) that all hazards can be mitigated to acceptable risk levels.</p> <p>The Applicant’s Deadline 4 Submission - 9.85 Post-event submissions, including written submission of oral comments, for ISH5 [REP4-181] and 9.73 Tunnel Depth Report [REP3-136] demonstrate that tunnel depths have now been agreed. Protective provisions are in place in Schedule 14 of the draft DCO [REP5-024] for both PLA and PoTLL ensuring that robust processes are in place.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<ul style="list-style-type: none"> the need to protect the efficiency and resilience of continuing port operations. <p>PoTLL, DPWLG and the PLA do not consider that the above points have been properly taken into consideration in the assessment of the impacts of the proposed development.</p>	
3.7 to 3.9	Paragraph 3.5.3	<p>The UK Marine Policy Statement also highlights the importance of marine aggregates, stating at paragraph 3.5.3 (our underlining):</p> <p><i><u>“Marine aggregates can present reduced impacts on local communities compared to the extraction of land-won aggregates, in particular with regard to the extraction process and transportation. Substantial volumes of marine aggregates are landed on wharves close to where they are needed and locally distributed by rail, water (through barges) and road. Wider social and economic benefits include skilled, stable employment and the generation of income through the construction industry supply chain.”</u></i></p> <p>The importance of marine aggregates, and the benefits of importing by vessel, is fully recognised in the UK Marine Policy Statement as a mechanism by</p>	<p>Available reserves of marine aggregates were outlined under Environmental Statement (ES) Chapter 11 – Material Assets and Waste [APP-149], where it was determined that there is a long term viable and sustainable supply of marine dredged aggregate both for construction uses and for direct beach nourishment by vessel delivery (Table 11.3 and paragraph 11.4.27). Neither the ES nor the outline Materials Handling Plan (OMHP) [REP5-051] set out to constrain contractors at this stage from sourcing marine aggregates should that prove to be appropriate in due course. Details of materials handling would be developed post-consent in future Materials Handling Plans produced by contractors for individual parts of the authorised development. These future plans are required to be substantially in accordance with the OMHP which is secured through Requirement 4 of Schedule 2 of the draft DC) [REP5-024].</p> <p>The Applicant proposes to provide an update to the OMHP at Deadline 7 in direct response to the discussions between the Applicant, Examining Authority and the Ports through the examination and at ISH8.</p> <p>For further detail on the Applicant's Better than Baseline commitment and why it considers the Proposed Commitments are appropriate see the response to paragraphs 3.12. to 3.12.3 of the Ports Joint Statement below.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>which land-based impacts may be avoided or reduced.</p> <p>PoTLL and the PLA consider that the Applicant has failed to take this properly into consideration, instead placing an over-reliance on road transport, rather than maximising the use of the river to avoid land-based impacts during the construction phase. The Applicant states that an expanded river commitment may potentially result in larger volume of truck movements in more concentrated areas around the few suitable port facilities, which fails to consider that marine aggregates can present reduced impacts on local communities.</p>	<p>The Applicant’s ES Appendix 2.2 – Code of Construction Practice (CoCP), First Iteration of Environmental Management Plan v5.0 [REP5-048] states that 35% of the total bulk aggregates across the Project would be transported via port facilities and the Contractor would engage with aggregate and material suppliers collaboratively, to proactively maximise utilisation of river transport for the import of bulk aggregates for the North Portal construction area.</p> <p>The proposals for movement of materials excavated as part of construction are set out in the Applicant’s Deadline 5 submission - ES Appendix 2.2: CoCP - Annex B - Outline Materials Handling Plan (OMHP) [REP5-050].</p> <p>Paragraph 2.7.292 of ES Chapter: 2 Project Description [APP-140] notes that:</p> <p><i>“...the Project would utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal construction worksite. This commitment translates into 35% of the total bulk aggregates across the Project being transported via port facilities.”</i></p>
The South East Inshore Marine Plan (June 2021)			
3.10 to 3.10.1	Vision (2.1)	<p>Marine Plans, together with the Marine Policy Statement, underpin the planning system for England’s seas. The South East Inshore Marine Plan 2021 contains a number of provisions of note which are significant in the context of the proposed development. We have extracted the following salient provisions (our underlining):</p> <p>Overall vision (2.1): the vision of the South East Marine Plan area to 2041 is that it will be a <i>“substantial marine gateway to the world with locally and</i></p>	<p>Section 7.4 of the Planning Statement [APP-495] acknowledges that if a proposed activity may affect a Marine Plan area, this should be considered in the application and decision making under s104(2)(aa) of the Planning Act 2008.</p> <p>This section of the Planning Statement states that the Project does not conflict with the South East Inshore Marine Plan and that the matters addressed by the marine plan policies do not introduce any new or additional matters which are not already covered (and addressed in the Project proposals) in any of the NPSs or other policy or statutory instrument with which the Project is required to comply.</p> <p>Furthermore, as identified in the Need for the Project [APP-494], the Project delivers considerable benefits to the strategic road network</p>

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		<p><i>nationally important ports that are thriving.” It highlights the value of prosperous ports in “contributing to long-term economic growth in the UK and south east coastal communities.” The vision includes that “The tidal rivers in the south east have been optimised for short sea shipping. The Tidal Thames facilitates more sustainable passenger and freight transport than before with <u>improved access, infrastructure, local employment and air quality, benefitting the Greater Thames area”.</u></i></p>	<p>which will increase connectivity to the ports and facilitate the achievement of the economic objectives identified in the SEIMP and reflect its overall vision of the SEIMP area as a substantial marine gateway to the world.</p> <p>Section 5 of the Need for the Project [APP-494] sets out the economic opportunities the Project would deliver as well as benefits for ports specifically. The Project is located on a key domestic trade route between the Channel Ports and the Midlands and North of England. It would have a vital role in facilitating the flow of goods and labour, contributing to raising national productivity levels and boosting the growth of the national economy. The Project would deliver quicker, more reliable access to key markets, resources and labour for the region’s ports, which together with the Channel Tunnel handled around 40% of England’s import and exports of freight by tonnage (excluding petrochemicals) in 2018. The reduction in congestion for the road-using transport and logistics sector would facilitate growth in exports at the region’s ports, boosting regional productivity. The Project would provide an additional crossing of the River Thames, east of London, improving the reliability of journeys across the River Thames. The enhanced connectivity would provide increased cross-river economic opportunities which would stimulate competition and boost employment in the region. It would also allow for quicker, more reliable journeys to and from the ports.</p> <p>Further information regarding the benefits the Project will deliver to the Ports is provided in the Applicant’s Deadline 2 Submission 9.53 Comments on WRs Appendix E – Ports [REP2-050] and a summary is provided above of specific benefits for Ports.</p> <p>Appendix A to the Need for the Project [APP-494] contains letters of support for the Project from commerce, businesses and business organisations in the area setting out the benefits the Project will bring to their operations. This includes from the following:</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
			<p>Hutchison Ports London Thamesport Peel Ports Group Port of Dover</p> <p>These ports recognise in their letters of support that:</p> <ul style="list-style-type: none"> • The Project will improve journey times to and from London Thamesport, right across the region, extending the hinterland around the port and opening up new growth markets. Beyond the immediate region, the new connection will provide a quicker, more reliable connection between the major manufacturing centres and distribution hubs in the Midlands and the North and international gateways in the South. By reducing distribution costs for exporters it will create new opportunities for businesses from across the UK to collaborate, compete and reach new customers; and that • The Project is a vital piece of the jigsaw by doubling capacity and easing congestion enabling a freer flow of £144bn trade in goods through Dover and £250bn of trade that chooses the Short Straits overall. <p>Given the critical importance of the land to Thames Freeport, and in the interest of supporting sustainable local development and regional economic growth in the region, the Applicant, in consultation with the DfT and the Department for Levelling Up, Housing and Communities (DLUHC), has revised its proposals for Tilbury Fields to remove permanent acquisition over land forming part of the Thames Freeport (excluding a small element of Work No. E14 the inclusion of which has been agreed with the Port of Tilbury London Limited).</p> <p>A new Requirement was also included in the dDCO submitted at Deadline 5 [REP5-024], securing passive provision for a future Tilbury link road. This Requirement ensures that passive provision will be made for any Tilbury link road set out in a Preferred Route Announcement by the Secretary of State, or for any “<i>such other</i></p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
			<i>proposal as is reasonably considered by the undertaker to constitute the likely route and function of that link road”.</i>
3.10.2	Table 1: Objectives of the South East Marine Plan	<p>Objectives (Table 1): a number of these are relevant including:</p> <ul style="list-style-type: none"> • Infrastructure is in place to support and promote safe, profitable and efficient marine businesses. • The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future. • The coast, seas, oceans and their resources are safe to use. 	Noted. As stated above the Applicant considers that the infrastructure improvements which will arise as a result of the delivery of the Project will ensure that the Project complies with the objectives.
3.10.3	Policy SE-DD-1	<p>Policy SE-DD-1: seeks to ensure that proposals do not adversely affect authorised dredging activity including those subject to navigational dredging <u>“proposals for other activities will not be supported unless they are compatible with the dredging activity.”</u></p> <p>The policy aim is to ensure areas that require dredge activity are not adversely impacted by new proposals and <u>“ensures continued safe access by vessels to ports and harbours...”</u></p>	<p>Noted.</p> <p>Article 48 of the draft DCO allows for ongoing maintenance activity and dredging where necessary.</p> <p>It is also worth highlighting that paragraph 285 of the technical annex to the SEIMP on this policy states that:</p> <p>“Policy aim</p> <p><i>285. Dredge areas and the area surrounding these that are required for dredge activity to take place may be adversely impacted by new proposals, such as those that negatively impact the ability to access or egress from these sites. SE-DD-1 ensures continued safe access by vessels to ports and harbours over the lifetime of the South East Marine Plan. This policy discourages proposals that would cause <u>significant</u> adverse impacts on dredge activities, such as the need for related vessels to navigate to and from authorised dredge areas.”</i></p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
			<p>The Applicant’s emphasis. As the project does not propose ‘dredging’ (though it is anticipating some excavation in connection with the outfall works), there are no significant adverse impacts arising from that activity. Accordingly the Project complies with this policy aim.</p>
3.10.4	Policy SE-PS-1	<p>Policy SE-PS-1: sets out clear support for existing ports and their future growth. It states that <i>“In line with the National Policy Statement for Ports, sustainable port and harbour development should be supported. Only proposals demonstrating compatibility with current port and harbour activities will be supported. Proposals within statutory harbour authority areas or their approaches that detrimentally and materially affect safety of navigation, or the compliance by statutory harbour authorities with the Open Port Duty or the Port Marine Safety Code, will not be authorised unless there are exceptional circumstances.”</i> The policy aim emphasises that ports and harbours are <i>“essential to realise economic and social benefits....”</i> and emphasises that <i>“proposals do not restrict current port growth and harbour activity or future growth.”</i> The policy <i>“protects the efficiency and resilience of port operations and further port development.”</i> It adds that <i>“Also recognised is the need to ensure safe</i></p>	<p>Noted. The Project does not comprise ‘port and harbour development.’ The Applicant considers that the Project is compatible with current port and harbour development in that it provides economic and transport benefits which will result in positive outcomes for the operations of the ports. The Project does not result in adverse impacts on navigation or port safety as demonstrated in the Preliminary Navigational Risk Assessment [APP-548], so demonstrating compliance with the Open Port Duty and the Port Marine Safety Code. Emergency procedures are currently being negotiated with PoTLL.</p> <p>The Applicant has assessed impact of the Project on known plans for port expansion, to the extent sufficient information is available to undertake that assessment, in ES Chapter 13 Population and Human Health [APP-151]. See paragraphs 13.4.28, 13.4.29, 13.4.78, 13.6.108, 13.6.109 and 13.6.159. These paragraphs explain the amendments made to the design of the Project to ensure that any potential impacts of the project on the Ports are addressed and minimised. These revisions have been the result of extensive engagement with the DfT and the Department for Levelling Up, Housing and Communities and ongoing engagement with the PoTLL. A key revision as a result of those discussions include revising the Applicant’s proposals for Tilbury Fields to relocate previously proposed open space and ecological mitigation to reduce the overlap in the proposed area of permanent land acquisition between the Project and the Port of Tilbury Freeport Tax Site development which is a pillar of the Port’s development aspirations. The Applicant would further note that substantial areas required for the temporary period are subject to leases agreed with the Port of Tilbury.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<i>navigation both within and in the approaches to ports, at present and in the future.”</i>	
3.10.5	Policy SE-PS-4	Policy SE-PS-4 supports “ <i>proposals promoting or facilitating sustainable coastal and/or short sea shipping as an alternative to road, rail or air transport.</i> ” The policy aim highlights that short sea shipping is “ <i>an alternative to road, rail or air methods, lowering carbon dioxide emissions and reducing road congestion</i> ” and that bulk volumes are “ <i>moved quickly with a reduction in administrative burden and increased efficiency through economies of scale.</i> ”	Noted. The Applicant demonstrates in the Need for the Project [APP-494] that there is a clear and compelling need to address the long-standing transport problems at the Dartford Crossing, which constrain the economy and impose negative issues on nearby communities and that the Project is the best solution to meet that need. The Applicant’s Deadline 5 Submission - ES Appendix 2.2: CoCP Annex B - OMHP [REP5-050] sets out the Applicant’s commitment to utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal construction area (‘the Baseline Commitment’). This commitment translates into 35% of the total bulk aggregates across the Project being transported via port facilities (paragraph 6.2.9). Paragraph 6.2.11 sets out the Applicant’s so-called ‘Better than Baseline Commitment’ whereby Contractors would engage with aggregate and material suppliers collaboratively, to proactively maximise utilisation of river transport for the import of bulk aggregates for the North Portal construction area beyond the Baseline Commitment. As noted above the Applicant will be submitting an updated OMHP at Deadline 7 in direct response to the discussions between the Applicant, Examining Authority and the Ports through the examination and at ISH8.
3.10.6	Policy SE-AIR-1	Policy SE-AIR-1 requires that “ <i>Proposals must assess their direct and indirect impacts upon local air quality and emissions of greenhouse gases.</i> ” The policy aim makes clear that “ <i>Proposals that cannot avoid, minimise or mitigate air pollution and or</i>	The Applicant has provided substantial and detailed assessments of the impacts of the Project on air quality, pollution and Greenhouse Gas Emissions (GGE) in ES Chapter 5: Air Quality [APP-143], its supporting appendices (and any subsequent updates), the Carbon and Energy Management Plan [APP-552] and Planning Statement Appendix I - Carbon Strategy and Policy Alignment [APP-504].

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<i>greenhouse gas emissions in line with current national or local air quality objectives and legal requirements <u>must not be supported.</u></i>	Other than in respect of Nitrogen Deposition impacts in designated habitats (which is not relevant to port air quality impacts and for which compensatory measures are proposed in any event), no significant impacts are identified.
3.10.7	Policy SE-WQ-1	Policy SE-WQ-1 emphasises the importance of water quality and states that “Proposals that protect, enhance and restore water quality will be supported.” The policy aim highlights that proposals should result in no residual adverse effects on inshore water bodies.	The Applicant has addressed potential impacts of the Project on water quality in ES Chapter 14: Road Drainage and the Water Environment [APP-152] and ES Appendix 14.7: Water Framework Directive [APP-478]. Once project design and mitigation measures are taken into account, no significant adverse impacts are identified as a result of the Project (see Table 14.8 of ES Chapter 14 and Table 7.1 of ES Appendix 14.7).
3.10.8	Policy SE-BIO-1	Policy SE-BIO-1 sets out support for proposals that enhance the distribution of priority habitats and priority species whilst Policy SE-BIO-2 takes a similar approach to native species, habitat adaptation and connectivity.	<p>The Applicant has addressed the potential impacts of the Project on biodiversity in ES Chapters 8 and 9 (Terrestrial and Marine Biodiversity respectively) [APP-146] and [APP-147] and supporting appendices 8.1 to 8.23 and 9.1 and 9.2 [APP-390] to [APP-421] which address these matters.</p> <p>In terms of terrestrial biodiversity (ES Chapter 8) [APP-146], other than in respect of a handful of impacts in terms of the loss of veteran trees, areas of ancient woodland and small areas of local wildlife sites, and nitrogen deposition (for which mitigation and compensation measures are proposed), in the vast majority of instances, impacts are classed as ‘not significant’ (Table 8.39).</p> <p>In terms of marine biodiversity (ES Chapter 9) [APP-147], no significant impacts are identified (Table 9.13).</p>
3.11	n/a	Throughout the above policies, the approach enshrined in the mitigation hierarchy is emphasised, namely, in order of preference, avoid, minimise and only when this is not possible, mitigate adverse impacts so they are	As described in Section 1.1.14 of the Planning Statement [APP-495], mitigation of impacts arising from the Project has been incorporated into the design through bespoke additional mitigation measures, and where mitigation has not been possible, through the provision of compensatory measures.

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		no longer significant. Compensation for significant impacts is considered a ‘last resort’ in the hierarchy and proposals need to demonstrate that they have followed the mitigation hierarchy before they are considered acceptable.	The mitigation hierarchy has been addressed throughout the consideration of Project impacts. See for example ES Chapter 4 EIA Methodology [APP-142] (paragraph 4.6.2) and paragraphs 8.7.31 and 8.7.32 of the Planning Statement [APP-495]. See also the Applicant’s 9.86 Post-event submissions, including written submission of oral comments, for ISH6 [REP4-182] which responds to the ExA’s question 3a on the distinction between mitigation, compensation and enhancement (pages 3-5).
3.12 to 3.12.3	n/a	<p>The efficiency and resilience of continuing port operations has the potential to be materially compromised by the LTC Scheme. However, the most significant impacts can readily be avoided or minimised by the Applicant committing, in clear and certain terms, to the mitigation measures proposed by PoTLL, DPWLG and the PLA, in particular:</p> <ul style="list-style-type: none"> • Use of the CMAT with onward connection into the North Portal construction compound by either a conveyor or a new access to the east of the level crossing; • Use of the river to transport construction workers to compounds north and south of the river; • Use of the river to transport materials to construction sites south of the river; 	<p>The Applicant’s Deadline 5 Submission – ES Appendix 2.2: CoCP Annex B – OMHP [REP5-050] outlines the commitments made by the Applicant to the use of the river, and of the PoTLL and Tilbury2 for the transfer of bulk material supplies including aggregates and oversize equipment and tunnel spoil material (if needed). The Applicant commits to the use of port facilities for at least 80% by weight of bulk aggregates imported to the North Portal construction area. This commitment translates into 35% of the total bulk aggregates across the Project being transported via port facilities. This is a clear and certain baseline commitment which the Project aims to exceed through proactive Contractor engagement with aggregate and material suppliers (see Section 8.2, paragraphs 8.2.19 to 8.2.35 of the OMHP [REP5-050]).</p> <p>To import materials to the construction compounds south of the River Thames via existing river infrastructure facilities south of the river may not always be appropriate, due to the reliance on the local road network and no direct access to construction compounds. The construction of direct access between the river to construction compounds is constrained by the Thames Estuary and Marshes Ramsar site (paragraph 1.3.8 of the Outline Materials Handling Plan) [REP5-050].</p> <p>Paragraphs 2.7.292 to 2.7.301 of ES Chapter 2: Project Description [APP-140] address the matter of the use of the river for construction in terms of both materials and workers.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant's response
			<p>The use of the river was also discussed at ISH8 on 19th October 2023 and the Applicant will be submitting further written submissions in response to matters raised at ISH8 at the same Deadline (Deadline 6, 31st October) as this Ports response. This submission will further outline the Applicant's position on the commitments to provide enhanced use of the river.</p> <p>As noted above the Applicant will be submitting an updated OMHP at Deadline 7 in direct response to the discussions between the Applicant, Examining Authority and the Ports through the examination and at ISH8.</p>
3.13 to 3.13.2	n/a	<p>In addition, to ensure the LTC Scheme, the ports and the industrial use of the river can co-exist without imposing restrictions on each other, the Applicant must carry out:</p> <p>Further sensitivity testing on the tunnel design following the Applicant's agreement to the minimum dredging levels, as failure to do so may make the LTC Scheme impossible to implement, or only capable of implementation in a manner that comes with an inherent risk that scour protection will be required for the safety of the tunnel, such scour protection encroaching into the agreed dredging area;</p> <p>Traffic modelling that is robust and includes an allowance for growth at the Port of Tilbury and London Gateway, to identify the impacts of the LTC</p>	<p>Further engagement has taken place with the PLA with regard to the tunnel depth, and limits of deviation, with discussion on the two remaining considerations, scour protection and tunnel face pressures. A revised scour assessment has been prepared by the Applicant as part of an updated Tunnel Depth Report [Document reference 9.73 (2)] at Deadline 6 considering the additional precautionary consideration of the movements of large vessels within the channel. In consideration of this, an increased precautionary scour protection thickness has been considered, of 1.3m (against a previous 0.5m). When this scour is applied to the section of minimum cover, a total level of cover of 0.52 times tunnel diameter is determined. The flotation calculations have been re-run on that basis and demonstrates that the design would 'pass'. The Port of London have agreed to this finding in principle, subject to full review of the documentation, noting that various assumptions were discussed and agreed in the session, and that the assessment met with these assumptions.</p> <p>With regard to risks arising during tunnelling due to increased face pressures, the PLA have agreed that this risk can be addressed through suitable modifications to the communication and reporting requirements stipulated in paragraph 99 of the Protective Provisions. These amendments have been inserted into the dDCO at Deadline 6.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>Scheme more accurately and ensure that any mitigation required (to include but not limited to enabling Tilbury Link Road connectivity) is included within the LTC Scheme proposals.</p>	<p>Subject to submission of an updated Tunnel Depth Report [Document reference 9.73 (2)] at Deadline 6 to reflect the proposed changes to the precautionary scour protection assessments, and the modifications to the Protective Provisions, which are to be proposed by the PLA, the matters relating to the tunnel depth and the limits of deviation, and the consequences on navigation / use of the river, are understood by the Applicant to now be agreed.</p> <p>With regard to traffic modelling, the Applicant is of the firm opinion that the Lower Thames Area Model (LTAM) is suitable and robust to assess the impacts of the Project. The scale of the Project requires the use of a strategic transport model. The LTAM has been built in line with Transport Analysis Guidance (TAG) (DfT, 2022a), details of which are provided within the ComMA [APP-518]. The growth included within the model is in line with DfT traffic forecasts, which are capped at regional level, and adjusted spatially in line with the Uncertainty Log as set out in Chapter 4 of the Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package [APP-522]. This includes growth at both the Port of Tilbury and DP World London Gateway.</p> <p>As a Tilbury Link Road does not form part of the Applicant’s proposals for development consent as it is not needed to achieve the Scheme Objectives, it is not included within the Project’s transport model.</p> <p>However, a new Requirement was included in the dDCO submitted at Deadline 5 [REP5-025], securing passive provision for a future Tilbury link road. This Requirement ensures that passive provision will be made for any Tilbury link road set out in a Preferred Route Announcement by the Secretary of State, or for any “<i>such other proposal as is reasonably considered by the undertaker to constitute the likely route and function of that link road</i>”.</p> <p>Accordingly, the Applicant considers that its proposals for wider network mitigation are sufficient to adequately address the impacts of the Project on the network.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
3.14	n/a	Were the LTC Scheme consented in its current form, it presents unacceptable risks for the efficiency and resilience of continuing port operations, in the short, medium and long term. This is not in accordance with the MPS and Marine Plan policies.	The specific issues raised in the Joint Statement with regard to effects on the efficiency and resilience of port operations have been assessed above. The Applicant has demonstrated that the Project does not conflict with the Marine Policy Statement or the South East Inshore Marine Plan and that the matters raised by the marine plan policies are addressed elsewhere in the application.
Section 4 National Policy Statement for National Networks (December 2014)			
4.1	Paragraph 1.2	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. Paragraph 1.2 states that other NPSs may also be relevant to decisions on national networks nationally significant infrastructure projects including (footnote 3) the Ports National Policy Statement.	Noted. The Applicant has provided a detailed assessment of the Project against the extant NPSNN (DfT, 2014) in Planning Statement Appendix A - NPSNN Accordance Table [APP-496]. Section 7 of the Planning Statement [APP-495] addresses those other potentially important and relevant matters in the context of section 104(2)(d) of the Planning Act 2008. This includes those other NPSs, such as the Ports NPS (DfT, 2012), which is not considered a ‘relevant NPS’ in the context of section 104(2)(a) of the 2008 Act.
Section 4 Draft National Policy Statement for National Networks (March 2023)			
4.6	Paragraph 1.13	The draft NPSNN confirms, at paragraph 1.13, that it does not cover ports or airports, but that other NPSs, such as the NPSP, may be ‘a <i>relevant consideration for some decisions on development consent applications for national networks NSIPS</i> ’.	Noted. A policy accordance assessment of the Project against the draft NPSNN was provided at Deadline 4 [REP4-209]. This should be considered in the context set by paragraphs 1.16 and 1.17 of the draft NPSNN (DfT, 2023) regarding transitional arrangements. As noted in the introduction to this document, the Applicant agrees with the Ports that the Ports NPS (DfT, 2012) is capable, at the Secretary of State’s discretion, of being an important and relevant consideration under the provisions of section 104(2)(d) of the Planning Act 2008;

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
			<p>which is why it is addressed in Section 7.2 of the Planning Statement [APP-495]. Accordingly no further response is provided in respect of the majority of the Joint Statement comments on the draft NPSNN.</p>
4.9 to 4.10	Paragraph 3.93	<p>Paragraph 3.93 notes that ports are predicted to grow to meet economic demand, and that “<i>whilst ports continue to invest in their own infrastructure growth, it is vital that this is mirrored in the growth in national network capacity and connectivity</i>”.</p> <p>PoTLL, DPWLG and the PLA consider that the LTC Scheme, having removed the Tilbury Link Road from the proposals, and with the current junction layouts for the A13/A1089/A122 Lower Thames Crossing interchange removing direct access from the A13 Westbound, and with the Orsett Cock junction being worse in the Do Something scenario than in the Do Minimum scenario, that the Applicant has failed to deliver conformity with the NPSNN and the draft NPSNN which both emphasise the need to integrate national networks with ports, maximise economic benefits and, as highlighted by paragraph 3.93 of the draft NPSNN, the failure to take account of the predicted growth at the ports. Indeed, the scheme as now designed risks impeding growth at the London ports, causing in the medium-to-long term,</p>	<p>As noted above, the Applicant has provided a full assessment demonstrating how the Project accords with the requirements of the draft NPSNN (DfT, 2023), notwithstanding the transitional arrangements set out at paragraphs 1.16 and 1.17 of the draft NPSNN, at Deadline 4 [REP4-209].</p> <p>The Applicant also made additional submissions regarding the A13 Orsett Cock junction following ISH1:</p> <p>[REP1-183] - Deadline 1 Submission - 9.10 Post-event submissions, including written submission of oral comments, for ISH1 – Annexes A5 and E6</p> <p>[REP1-188] - Deadline 1 Submission - 9.15 Localised Traffic Modelling Appendix B - Orsett Cock VISSIM Local Model Validation Report</p> <p>[REP1-189] - Deadline 1 Submission - 9.15 Localised Traffic Modelling Appendix C – Orsett Cock Forecasting Report</p> <p>The Applicant has shared the results of this with PoTLL. This was also submitted at Examination Deadline 1 [REP1-188] and [REP1-189] and shows [REP1-188] that the ‘<i>models are considered fit-for-purpose in providing a robust representation of the existing situation and can be used with confidence to test the performance of the network with future traffic forecasts</i>’ and that [REP1-189] the ‘do-something’ scenarios result in improved traffic conditions on the approaches to the Orsett Cock junction over the ‘do-minimum’ scenarios.:</p> <p>Discussions are ongoing with the Ports on this matter and updated SoCGs will be submitted alongside this statement at Deadline 8.</p> <p>The Applicant considers that the traffic flows through Orsett Cock are appropriately represented in the information supplied with the</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		economic harm when compared to proposals that would fully comply with the NPSNN and draft NPSNN.	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] . These demonstrate the benefits to Port of Tilbury. A requirement has been inserted into the dDCO which seeks to address the impacts at Orsett Cock, and which provides further assurance on this issue. Similarly, version 7 of the draft DCO submitted at Deadline 5 [REP5-024] includes a new requirement (Requirement 17) in Part 1 of Schedule 2 which makes passive provision for the Tilbury link road
Section 5	National Policy Statement for Ports (January 2012)		
5.1	n/a	PoTLL, DPWLG and the PLA consider that the NPSP is relevant to the LTC Scheme. In deciding the Application, the Secretary of State (SoS) is entitled to have regard to " <i>any other matters which [he/she] thinks are both important and relevant to the decision</i> " (PA 2008 s.104 (2)(d)) and as such he/she can therefore have regard to the NPSP if it is considered to be relevant without it having to be a " <i>relevant national policy statement</i> " in accordance with s.104(2)(a). The parameters in s.104 (2)(d)) essentially act as a final catch-all which means that the SoS can take into account any other matters which he/she considers important and relevant.	The Applicant agrees that the Ports NPS (DfT, 2012) is capable of being a relevant consideration under the provisions of paragraph 104(2)(d) of the Planning Act 2008. That is why it is addressed as such in Section 7.2 of the Planning Statement [APP-495] . However, in the context set by paragraph 104(2)(a) of the 2008 Act, it is that NPS (and the Energy NPSs in respect of the infrastructure elements of the Project which are classed as NSIPs in their own right) which are the prime NPS considerations. This is because, as noted at paragraph 7.2.4 of the Planning Statement: <i>“The Project does not comprise port development. Consent is not being sought for the Project alongside any port development. The works associated with the construction and operation of the Project are not associated with port development. The completion of the Project will not prevent, hinder or impact on port development in any regard other than as described below in terms of the potential use of port facilities. The Ports NPS is not therefore a ‘relevant NPS’ under section 104(2)(a) but is a potentially ‘important and relevant’ consideration under section 104(2)(d).”</i>
5.2 to 5.2.4	n/a	PoTLL, DPWLG and the PLA contend that, in the case of a Scheme which has the potential to cause such a	However, Section 5 of the Need for the Project [APP-494] sets out the economic opportunities the Project would deliver as well as benefits for ports specifically. The Project is located on a key domestic trade route

Paragraph reference	Policy reference	Statement by the Ports	Applicant's response
		<p>significant impact on the ports located on the river Thames, the NPSP is both important and relevant to the decision. It is particularly important to consider the NPSP in the context of recent and pipeline port development on the Thames and in particular:</p> <p>Tilbury2: consented in 2019, and fully opened in January 2022</p> <p>London Gateway Port: consented in 2007, with first operational use in November 2013 and currently under construction (3 berths remaining to be brought into operational use).</p> <p>The Thames Freeport: designated in November 2021 and given final approval in March 2023. The Thames Freeport includes:</p> <ul style="list-style-type: none"> • The Tilbury Freeport site, located at the Port of Tilbury; • The London Gateway Freeport site. The Thames Freeport benefits from multi-modal transit onto the UK's networks including connections to the A13 and M25. <p>The 30% to 60% anticipated growth of the Port of London between 2022 and 2050 to between 70 to 90 million tonnes per annum (with 79% of vessel arrivals to the Thames in 2022 being to berths upstream of the LTC Scheme).</p>	<p>between the Channel Ports and the Midlands and North of England. It would have a vital role in facilitating the flow of goods and labour, contributing to raising national productivity levels and boosting the growth of the national economy. The Project would deliver quicker, more reliable access to key markets, resources and labour for the region's ports, which together with the Channel Tunnel handled around 40% of England's import and exports of freight by tonnage (excluding petrochemicals) in 2018. The reduction in congestion for the road-using transport and logistics sector would facilitate growth in exports at the region's ports, boosting regional productivity. The Project would provide an additional crossing of the River Thames, east of London, improving the reliability of journeys across the River Thames. The enhanced connectivity would provide increased cross-river economic opportunities which would stimulate competition and boost employment in the region. It would also allow for quicker, more reliable journeys to and from the ports. Substantial benefits in transport impacts to the Ports are described above.</p>

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		With vessels that are using the river getting larger and deeper, the PLA needs to be able dredge to a greater depth to accommodate this traffic.	
5.3	n/a	While the need for new port infrastructure is clearly not what is being assessed in this application, it is essential that the proposed development does not hamper the operation of new and the development of consented and planned port infrastructure. The NPSP is written to provide the framework for decisions on proposals for new port development and it also helpfully provides background and context in respect of the strategic importance of the UK Ports industry particularly in the South East of England.	
5.4	n/a	Key excerpts from the NPSP have been set out below, with consideration of the extent to which the LTC Scheme falls short of complying or fails to comply with these policies, and such factors should be taken into account by the ExA and SoS when considering the potential impact of the proposed development. Generally, the NPSP should be considered as it sets the context and explains the importance of the Ports sector to the UK economy and therefore provides important and	The Project is assessed against the extant NPSNN (DfT, 2014) under an accordance table submitted with the application as Planning Statement Appendix A NPSNN Accordance Table [APP-496] . Accordance with the draft NPSNN (DfT), 2023) (in the context of the transitional arrangements set out at paragraphs 1.16 and 1.17 of the draft NPSNN) was demonstrated in a submission made at Deadline 4 [REP4-209] . However, the Applicant acknowledges that there is a wide range of other matters which are capable of being considered as both important and relevant considerations in the consideration of the DCO Application for the Project. These are set out in Chapter 7 of the Planning Statement [APP-495] and include consideration of the Ports NPS (DfT, 2012).

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		relevant information for the ExA and SoS.	The Applicant acknowledges the strategic importance of the ports industry to the UK economy and considers that the Project would result in quicker and more reliable access to key markets, resources, and labour for the region’s ports.
5.5	n/a	The NPSP cannot and should not be considered as a stand-alone document and it needs to be taken into account alongside the relevant freight provisions which are outlined in the extant and draft NPSNNs (as outlined in more detail below). The strategic importance of the ports industry and the South East is well evidenced in the NPSP and it is vital to the UK economy that this is not disrupted or constrained by the proposed development. As an island nation, it is important that the UK can ensure resilience and competitiveness of national ports infrastructure and the risk and potential limitations that the proposed development poses to this should therefore be fully considered and weighed with regard to the functionality and impacts on the UK trading economy by the ExA and the SoS in assessing the application. On the face of the application as submitted, ports infrastructure appears to have been largely overlooked by the Applicant as evidenced by its lack of agreement with major Thames Estuary ports in the DCO process, the lack of commitments to avoid and mitigate the impacts of the	<p>The Applicant also identifies a range of benefits that the Project would deliver in terms of the freight sector as also set out in Chapter 7 of the Planning Statement [APP-495] in respect of the Union Connectivity Review and regional and local freight policy.</p> <p>As identified in paragraph 1.1.4 of this response, the Applicant does not consider that ports infrastructure has been overlooked in the development of the Project.</p> <p>The Applicant has not sought to give undue weight to any single policy or consideration other than in terms of where this is mandated in section 104(2) of the 2008 Act. Chapter 8 of the Planning Statement [APP-495] provides the Applicant’s assessment of the planning balance and sets out what the Applicant considers to be the correct degree of weight to be applied to each relevant policy consideration.</p>

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		LTC Scheme on the ports, and the absence of any substantive assessment of economic impacts to the ports in the application documents.	
5.6 to 5.7	n/a	<p>The Government support for and recognition of the importance of ports has been further confirmed through the creation of the Freeports, with the stated objectives being:</p> <ul style="list-style-type: none"> • establish national hubs for global trade and investment; • regeneration and levelling up; • creating hotbeds of innovation. <p>These objectives were to be achieved through the economic potential of the Freeports, with applications required to provide detailed economic rationale for the tax site as part of the business case. The Freeport designation, and the aspects of NPSP that apply to these new sites, are important and relevant considerations as the Government will not wish to frustrate this national initiative and new development.</p>	<p>The Project is anticipated to improve connectivity for freight across the UK as it is a vital intersection location that would improve the effectiveness of the operation of the transport network as a whole. It is considered that one of the consequences of not proceeding with the Project is limiting the growth potential for Ports in the Lower Thames area and frustrating the Government's growth ambitions such as the Thames Freeport and emerging Investment Zones.</p>
5.8 & 5.9		<p>5.8 Also of note is the publication by the Government in 2022 of the Future of Freight Plan ("FoFP"). This is also Government policy and should be seen as 'important and relevant' for section</p>	<p>The Applicant notes the significance of the Future of Freight Plan (DfT, 2022b). It is referenced in the draft NPSNN (DfT, 2023) (Section 2.2 and paragraphs 2.2 and 2.3 in particular). The Applicant has presented an accordance table against the draft NPSNN under a submission made at Deadline 4 [REP4-209] (9.98 Policy accordance assessment</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>104.’ It provides an up-to-date assessment of and plan for freight and logistics in the UK, reflecting on the ever increasing importance of the sector during and since the Covid-19 pandemic. The FoFP highlights the central role that port’s play in the freight network.</p> <p>5.9 It is a comprehensive plan and identifies actions that need to be taken in five priority areas in the freight and logistics sector:</p> <ul style="list-style-type: none"> • Identification of the national freight network; • The transition to net-zero; • Improving the planning regime; • Addressing people and skills; and • Use of data and technology. 	<p>of the Project against the Consultation draft NPSNN (published March 2023)). It comments on paragraph 2.3 of the draft NPSNN as follows:</p> <p><i>“The Future of Freight Plan post-dates the designated NPSNN. It identifies that road, rail, maritime, aviation and inland waterways will remain integral to the transportation of freight.</i></p> <p><i>The Project would support the objectives contained within the Freight Plan in relation to supporting the broader UK economy, via providing reliable access to goods, and also providing increased resilience to the network. The Project’s contribution to the efficiency of the freight network as outlined in response to paragraph 2.2 above demonstrates the Project’s general consistency with the objectives set out in the Freight Plan.</i></p> <p><i>The DCO application has had regard to the planned further development of infrastructure required to support the freight network. The Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes [APP-550] considers the relationship between the proposed Project route and development of Tilbury2 (a new terminal at the Port of Tilbury in Thurrock), the Thames Freeport and DP World London Gateway (an integrated deep-water port and logistics park on the north bank of the Thames Estuary in Stanford-le-Hope). This document confirms that the Project would not prejudice the delivery of planned infrastructure to support the freight industry and that it would be compatible with the further development of critical inter-modal links across the network (including the Tilbury Link Road).”</i></p> <p>No further response is provided to the other paragraphs (5.10 to 5.18) sections of the Ports Joint Statement regarding the Future of Freight Plan.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
Section 6	National Policy Statement for Ports (January 2012) (extracts)		
6.1	Paragraphs 3.3.1 to 3.3.3	<p>The NPSP sets out Government policy for ports, including to:</p> <p><i>“encourage sustainable port development to cater for <u>long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;</u></i></p> <p><i>Ensure competition and security of supply; and</i></p> <p><i><u>Enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged”</u></i> (Para 3.3.1 and 3.3.3 - our underlining).</p>	<p>Noted.</p> <p>As stated above, the Project is not being assessed against the Ports NPS (DfT, 2012) in the context of that policy having ‘effect’ under section 104. The Applicant nonetheless agrees it is an important and relevant matter under the provisions of section 104(2)(d) of the 2008 Planning Act, but the Project does not comprise Ports development and the prime consideration is the NPSNN (DfT, 2014) (and the Energy NPSs EN-1, EN-4 and EN-5 in respect of the utility NSIP aspects of the Project). Nonetheless, the Applicant considers that the Project complies with the provisions quoted in the joint statement given the benefits to the Ports from the Project.</p> <p>Overall, the Applicant's position is that the Project's network benefits by providing greater resilience and connectivity to and from the port as well as fostering greater national productivity through more reliable journey times for freight will contribute and support the Port's long term growth. This is set out above in detail.</p> <p>Accordingly no further response is provided in respect of paragraphs 6.2 to 6.4 of the Ports Joint Statement regarding the Ports NPS.</p>
6.5 to 6.5.6	n/a	<p>In considering the Assessment Principles, and the extent to which the LTC Scheme meets these principles, PoTLL, DPWLG and the PLA have focused on those areas where the assessments and proposals, in the opinion of PoTLL, DPWLG and the PLA, fall short of what is required. In some cases, the LTC Scheme will restrict or inhibit PoTLL, DPWLG and the PLA from achieving the policy</p>	<p>The Applicant has provided its response to these written representations in its Deadline 2 Submission - 9.53 Comments on WRs Appendix E – Ports [REP2-050].</p> <p>However, discussions are ongoing with the Ports on this matter and updated SoCGs will be submitted alongside this statement at Deadline 6 which may include the following.</p> <p>The Tilbury Link Road and junction do not form part of the Project and are not within the draft DCO. Nonetheless, the Applicant has inserted a provision which secures passive provision for the proposed Tilbury Link</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>outcomes set out in the Marine Plan and NPSP. Further detail on these practical impacts is set out in PoTLL’s Written Representation [REP1-274], DPWLG’s Written Representation [REP1-331] and the PLA’s Written Representation [REP1-269], and include:</p> <p>the lack of connectivity to the Port of Tilbury through the absence of a Tilbury Link Road and worsened connectivity at the A13/A1089/LTC junction;</p> <p>impacts of construction traffic to the ASDA roundabout that may result in the road connection to the Port of Tilbury being over capacity, causing delays and congestion and impacting port operations;</p> <p>the lack of assessment of the congestion and capacity issues at the Orsett Cock and Manorway junctions and the consequential impacts on the operations of the ports as a direct result of the LTC scheme;</p> <p>the lack of a coordinated ecological approach, that has the potential to sterilise port development land;</p> <p>the concerns around tunnelling depth, being now primarily practical in nature as sensitivity testing lacks key</p>	<p>Road at requirement 17 of Part 1 of Schedule 2 of the version 7 of the draft DCO submitted at Deadline 5 [REP5-024].</p> <p>The operations and emergency access would not be a junction open to the public under the terms of the DCO for the Project. 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 Design Manual for Roads and Bridges 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). Nonetheless, in line with the preliminary nature of the proposed Tilbury Link Road, the Applicant has inserted a Requirement to ensure passive provision for the proposed Tilbury Link Road commensurate with the stage of design development with that scheme.</p> <p>With regard to the concerns raised regarding congestion and capacity issues at Orsett Cock and Manorway, DfT has issued guidelines on how transport models should be built, and the extent to which the predictions of traffic flows and times produced by the model compare with real life.</p> <p>The Applicant considers that the model is suitable for assessing the Project and its impacts along the A13, and at the Orsett Cock and Manorway junctions. The Applicant has also inserted a specific requirement which seeks to address the impacts at Orsett Cock, as noted in response to paragraph 3.93 of the draft NPSNN above.</p> <p>The Applicant notes that the Protective Provisions for the Port of Tilbury require their approval for works which is considered to provide appropriate safeguards. The Applicant is also in discussions with the Port of Tilbury London Limited about providing further assurances on</p>

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		<p>parameters to demonstrate that the tunnel can be constructed as required; issues with the protective provisions for each of the ports, that may lead to a gap in the legal framework covering the tunnel once it is operational, to a lack of protection from compulsory acquisition of port development land.</p>	<p>excluding ecological mitigation over any Port land. The Applicant does not expect this matter to remain unresolved at the end of the examination.</p> <p>In relation to tunnelling depth, the Applicant is now in a position which is substantively and materially agreed with the PLA. Paragraph 99 provides appropriate protection in this context.</p>
Consideration of benefits and impacts			
6.6.1 to 6.6.5	Paragraphs 4.2.3 and 4.2.4	<p>Paragraph 4.2.3 of the NPSP sets out that the benefits could include national, as well as local, benefits, and should include longer term benefits such as job creation. In terms of the impacts, the cumulative impacts of projects must be considered.</p> <p>The guidance at paragraph 4.3.4, at the second bullet point, states that the decision maker should take into account positive economic externalities, using WebTAG economic impact methodology. It continues to state that, “<i>if such an assessment is not feasible, a qualitative assessment may be made</i>”.</p> <p>The Applicant has utilised the WebTAG methodology in conducting the economic assessment, but has not considered the impact on the local ports within this assessment. It would be reasonable to do so, given the</p>	<p>The Applicant considers that the economic appraisal of the Project, as set out in Combined Modelling and Appraisal Report - Appendix D - Economic Appraisal Package: Economic Appraisal Report [APP-526] complies with paragraphs 4.2.3 and 4.3.4 of the NPSP.</p> <p>As noted by the Ports, the Applicant’s economic appraisal has been carried out in line with TAG (DfT, 2022a). The Applicant considers that the impacts of the Project on local ports (including Port of Tilbury and London Gateway) are included within the transport modelling and economic appraisal and that the Project will not affect the competitiveness or resilience of the Ports in terms of the Ports NPS context quoted in the joint statement. Accordingly the Applicant does not agree that the Project misses opportunities to provide greater resilience and competitiveness to the Ports in either NPS for Ports or NPSNN terms. The Applicant demonstrates how the Project accords with the NPSNN in Appendix A to the Planning Statement [APP-496]. And as set out in the Need for the Project [APP-494] the alleviation of congestion at Dartford by the delivery of the Project will provide improved connectivity and accessibility to the Ports. For completeness, the BCR for the Project on a 100 year appraisal is 1.66. The 1.22 references refers to a 60 year appraisal period.</p>

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		<p>reliance on the road network of ports for onward travel, and that the road access to two major ports (Port of Tilbury and London Gateway) is being changed with existing direct connections being removed.</p> <p>Should it not be possible to combine port impacts with those of the LTC Scheme within the WebTAG methodology, a qualitative assessment should be undertaken. This could consider the impact of the LTC Scheme on the ability of the ports to make best use of existing port facilities, intensify use and grow, detailing how the LTC Scheme facilitates or hinders this. The commercial impacts on ports should be included in the assessment, with paragraph 4.4.1 noting that ports operate from their own operating profits or from private sector investors, and that “<i>adverse impacts may arise from the impact of the development on other commercial operators</i>”. The adverse impacts of the project on the free passage of vessels should also be considered in any assessment.</p> <p>Presently, due to the impacts of the LTC Scheme on the ports, and the economic potential of those ports, significant doubt and uncertainty exists in the benefit/cost analysis undertaken</p>	

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		<p>by the Applicant and in reaching its benefit cost ratio (BCR) for the LTC application Scheme. In any case, the core initial BCR of the Project is 0.48 (poor), and the core adjusted BCR is 1.22 (low) and must be considered against the protection afforded to maintaining the competitiveness and resilience of national ports in NPSP. The LTC Scheme also falls short of achieving the broader Government policies in how it interacts with the ports and the national networks close to the ports, as it has missed opportunities to provide greater resilience and competitiveness of the national ports infrastructure and therefore the national economy.</p>	
Environmental Impact Assessment			
6.7.1 to 6.7.3	Paragraph 4.7.3	<p>The Environmental Impact Assessment (EIA) must consider the likely worst-case impacts on various elements of the environment, both direct and indirect, as well as cumulative effects of those impacts taken together, and the cumulative effects of the development with other projects. In terms of other projects, this is to include, as per paragraph 4.7.3, “<i>projects for which consent has been</i></p>	<p>The Applicant confirms that the EIA has considered the likely worst-case impacts on various elements of the environment, both direct and indirect, as well as cumulative effects of those impacts taken together, and the cumulative effects of the development with other projects. This is described within various Chapters of the ES [APP-138 to APP-155] and associated documents.</p> <p>The Applicant confirms that the ecological baseline data was appropriate to inform a robust assessment and identification of required mitigation and compensation for the EIA. ES Chapter 8: Terrestrial Biodiversity [APP-146] and associated documents provide explanation in this respect.</p>

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		<p><i>sought or granted, as well as those already in existence”.</i></p> <p>There are clear omissions in the EIA completed by the Applicant and set out in the Environmental Statement (ES). In respect of ecology, the baseline data is significantly out of date in places, and in preparing and making the application the Applicant did not ground truth to ensure the validity of the data across the likely impact area of the LTC Scheme. (For further information, please see Natural England’s Written Representation, and PoTLL’s supplementary Deadline 2 submission).</p> <p>There are significant issues in how the Applicant has assessed the construction phase in particular, with issues around the construction traffic assessment and ecological assessment. There is also a lack of data to inform the EIA in respect of key parts of the LTC Scheme, such as the tunnel depth (following agreement of the dredging requirements), amount of cover above the tunnel, and the potential for knock on impacts to the likely worst-case that must be assessed, such as where the entry and exit ramps to the tunnel are increasingly steepened.</p>	<p>The Applicant confirms that the elements of the EIA related to the tunnel are robust, following agreement of the PLA’s dredging requirements, and are correctly reported in the Applicant’s submitted documentation.</p> <p>Should the Ports wish to obtain clarification or further explanation regarding any specific details in relation to the above, the Applicant will be happy to assist.</p>

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Pollution control and other environmental regulatory regimes			
6.8 to 6.8.5	Paragraph 4.11.1	<p>As set out above in the section on EIA, PoTLL and the PLA have concerns that the likely worst-case impacts have not been assessed, or have been insufficiently assessed. This may result in additional impacts on for example air quality.</p> <p>Paragraph 4.11.1 sets out clearly that issues relating to discharges or emissions that affect “<i>air quality, water quality, land quality and the marine environment</i>” may be subject to separate regulation under the pollution control framework, etc.</p> <p>The Applicant’s proposals include work on land that has been used for landfill. Such landfill schemes are constructed to ensure the contents do not leach into the surrounding soil or water. Being close to the river Thames, with a series of drainage channels entering the river, any contamination from these areas has the potential to create a direct pathway and potential significant effects, migrating to other land areas and the marine environment.</p> <p>Being located directly adjacent to PoTLL’s existing Port operation and areas within the Freeport, PoTLL is concerned to ensure that sufficient</p>	<p>In terms of air quality at paragraph 4.11.1, this replicates the requirements of the NPSNN (DfT, 2014) in paragraphs 4.48 to 4.56 to which the Applicant has responded in Planning Statement Appendix A - NPSNN Accordance Table [APP-496]</p> <p>Regarding the potential adverse effects related to the landfill, following the ground investigations and subsequent assessments under ES Appendix 10.9 – Generic Quantitative Risk Assessment Report for the Phase 2 Investigation [APP-430 to APP-432], 16 residual credible contaminant sources with a medium or high-risk rating were identified. These are noted as requiring further management, remediation, and specific detailed design which is addressed by ES Appendix 10.11 – Remediation Options Appraisal and Outline Remediation Strategy [REP1-165] and specifically the inclusion of Register of Environmental Actions and Commitments (REAC) commitments GS001 and GS027 secured through Schedule 2 Requirement 4 of the draft DCO [REP5-024], in accordance with paragraph 5.119 of the NPSNN.</p> <p>Matters related to drainage during construction would be controlled via measures set out in the REAC table contained in the Applicant’s Deadline 5 Submission - ES Appendix 2.2: CoCP [REP5-048] (RDWE001 to RDWE058).</p>

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		<p>design to avoid and mitigation measures (including remediation where contamination spread is caused by the Applicant) are in place to avoid and manage the impacts of contamination to its operational and development land to ensure that its continued operation and the delivery of Port expansion is not restricted. It is seeking appropriate protections through an Agreement with the Applicant, but if this is not agreed, may require to be added as a consultee to Requirement 6 of the DCO (or similar mechanism in its Protective Provisions).</p> <p>The Applicant has submitted Appendix 14.3 being the Operational Surface Water Drainage Pollution Risk Assessment, and Drainage Plans, however there is little-to-no information about drainage during the construction period, where the potential to interfere with contaminated land and cause migration of pollution is at its highest.</p>	
	Climate Change		
6.9.1 to 6.9.5	Paragraph 4.12.1	The NPSP notes the significant potential for ports to have a positive impact on greenhouse gases, as set out in paragraph 4.12.1, due to	The NPSNN (DfT, 2014) and other relevant NPSs with which the Applicant has demonstrated accord (as described above) have broadly the same requirements regarding greenhouse gas (GHG) emissions as the Ports NPS (DfT, 2012). GHG Emissions were a particular feature of the new draft NPSNN (DfT, 2023) to which the

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		<p>transmodal shifts from road to shipping.</p> <p>In the view of PoTLL and the PLA, the Applicant has focused on road transport without giving full and proper consideration to the use of ports to reduce greenhouse gas emissions.</p> <p>The Applicant has also not considered the mitigation hierarchy appropriately, as seeking to avoid greenhouse gas emissions would lead to firm and binding commitments to using river transport wherever possible, existing facilities (such as the CMAT on Tilbury2) and non-road based onward transport. The outline Materials Handling Plan should be updated to include firm commitments, with clear and binding targets, ensuring greater compliance with this policy, as well as providing certainty as to how the LTC Scheme will interact with existing ports infrastructure and the river.</p> <p>Instead, the Applicant has made a generic commitment to using the Port of Tilbury, that may be undermined and avoided due to the broad ranging exceptions within that commitment, and that have the potential to put more road traffic onto local Thurrock roads, rather than reduce this. The Applicant has chosen not to take advantage of</p>	<p>Applicant responded at Deadline 4, with Policy accordance assessment of the Project against the Consultation draft NPSNN (published March 2023) [REP4-209].</p> <p>The Applicant has demonstrated accordance with relevant policy on Greenhouse Gas Emissions not only in the NPS accordance tables but also in the Carbon and Energy Management Plan [APP-552] and in Planning Statement Appendix I - Carbon Strategy and Policy Alignment [APP-504].</p> <p>The Applicant’s application of the mitigation hierarchy is addressed above and the Port commitments are clearly set out in Section 8.2 of the OMHP [REP5-050].</p> <p>The Applicant’s Deadline 5 Submission - ES Appendix 2.2: CoCP Annex B - OMHP [REP5-050] sets out the Applicant’s commitment to utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal construction area (‘the Baseline Commitment’). This commitment translates into 35% of the total bulk aggregates across the Project being transported via port facilities (paragraph 6.2.9). Paragraph 6.2.11 sets out the Applicant’s so-called ‘Better than Baseline Commitment’ whereby Contractors would engage with aggregate and material suppliers collaboratively, to proactively maximise utilisation of river transport for the import of bulk aggregates for the North Portal construction area beyond the Baseline Commitment. This is considered to be a reasonable and proportionate commitment at this stage in the DCO process in order that future contractors are not overly constrained in terms of the measures they may need to employ in the future</p> <p>No further response is considered necessary.</p>

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		<p>PoTLL’s operational knowledge of its Port facilities, including recent construction and delivery of an NSIP project and the local road network in order to identify the best mitigations for its impacts.</p> <p>The Applicant has also ruled out river transport for construction worker travel, and for locations south of the river, without meaningful engagement with the PLA on how this could be achieved.</p>	
Security considerations			
6.10.1 to 6.10.3	Paragraph 4.17.3	<p>Paragraph 4.17.3 notes that where an application for development consent relates to “<i>potentially ‘critical’ infrastructure</i>”, there may be national security considerations. In making the decision, the Secretary of State must be “<i>satisfied that security issues have been adequately addressed in the project</i>”.</p> <p>PoTLL recognise the additional drafting in the latest revision of the dDCO, through the addition of Article 3(4), that resolves PoTLL’s concerns that its byelaws would be subject to the LTC DCO. However, this is one aspect of the security concerns that require further consideration by the Applicant. The addition of Article 3(4) introduces</p>	<p>As noted by the Ports, this matter remains under active discussion with a view to arriving at a mutually satisfactory outcome prior to the close of the Examination.</p> <p>In terms of paragraph 4.17.3 of the Ports NPS, this reflects the provisions of paragraph 4.76 of the NPSNN. The Applicant has liaised with the Centre for the Protection of National Infrastructure (now the National Protective Security authority) and a letter from the DfT dated 20th October 2022 confirms that the measures proposed are sufficient to meet the requirements of paragraph 4.76 of the NPSNN (see the Applicant’s Additional Submission - Letter from Department for Transport on security dated 20 October 2022 - Accepted at the discretion of the Examining Authority [AS-056]).</p> <p>In terms of article 3(4) of the dDCO, this has been amended to address the concern in line with the specific suggestion from the PoTLL and the PLA [REP5-024].</p>

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		<p>a new issue for the PLA because in disappling Article 3(3) it has the effect of disappling the PLA Act 1968 outside of the Order limits. We believe this to be unintentional, and it is hoped this can be easily resolved with the Applicant to the satisfaction of the ports.</p> <p>PoTLL has set out its concerns around security in its submission on emergency protocols [REP1-272], and understands from the Applicant’s Deadline 2 submissions that this is currently being considered. In respect of the concerns raised by the PLA about the loss of Higham Bight, and shared by PoTLL, the Applicant has made submissions at Deadline 3 which appear to be a step in the right direction, and PLA is engaging with the Applicant as to the precise effect of the changes to the dDCO. This remains a key security concern given the value and scarcity of explosives anchorages, and the licencing rules that prohibit such vessels from mooring in the Port of Tilbury.</p>	<p>In terms of emergency protocols this is also under active discussion and the Applicant is confident that the matter can be resolved prior to the end of the examination.</p> <p>With regards to Higham Bight the amendments requested have been made in the latest draft of the DCO [REP5-024]. Accordingly the Applicant considers this mater resolved.</p>
Biodiversity and geological conservation			
6.11.1 to 6.11.3	Paragraph 5.1.6	Paragraph 5.1.6 states, at the first bullet point, that the aim of the Government’s biodiversity strategy is	Paragraph 5.1.6 of the Ports NPS (DfT, 2012) broadly reflects the sentiment of paragraphs 5.24 and 5.25 of the NPSNN (DfT, 2014). The Applicant has responded to these paragraphs of the NPSNN in

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		<p>to ensure ‘a halting, and if possible a reversal, of decline in priority habitats and species’. There are numerous issues with the baseline data and the methodology used by the Applicant for the EIA and biodiversity net gain (BNG) assessment, set out concisely in PoTLL’s supplementary Deadline 2 submission [REP2-121]. A failure of the Applicant to preserve priority habitats and species will mean that these will be lost, and PoTLL will itself be unable to comply with this policy when planning and implementing future development at the port. This, in turn, and may make port development more challenging given the increased value of remaining priority habitats.</p> <p>In addition, the ES does not include any assessment of the impact of scour protection, on the basis that there would be sufficient cover above the tunnel that this would not be required. Following the Applicant’s acceptance of the tunnel dredging depth requirement, PoTLL and the PLA are concerned that there has been no consequential ES addendum confirming that sufficient cover is possible. On the contrary, sensitivity flotation testing shared with the PLA shows less-than-normal cover above</p>	<p>Planning Statement Appendix A - NPSNN Accordance Table [APP-496] and in ES Appendix 8.21 Biodiversity Metric Calculations [APP-417] and its Deadline 4 submissions which respond to various ExA Questions dealing with Biodiversity [REP4-194 to REP4-199].</p> <p>With regard to the matter of scour protection, the Applicant has addressed discussions on this at an early Examination Hearing in its Deadline 3 submission Other: 9.73 Tunnel Depth Report [REP3-146]. Discussions are ongoing with the Ports on this matter and updated SoCGs will be submitted alongside this statement at Deadline 6. In it, the Applicant will propose 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> <p>The Applicant considers 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.</p> <p>The Applicant, working with the 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 limit of deviation for tunnel alignment has been agreed.</p> <p>In relation to marine biodiversity, the Applicant notes Table 9.13 of ES Chapter 9: Marine Biodiversity [APP-147] which concludes no significant effects are likely. Nonetheless, the Applicant has proposed suitable controls and approvals (in the Deemed Marine Licence, which will be subject to the MMO’s approval, as well as the Protective Provisions for the PLA). In addition, the REAC contained within ES Appendix 2.2: CoCP [REP5-048] includes measures related to marine biodiversity (see REAC Items MB001 to MB003).</p>

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		<p>the tunnel, without supporting justification for this.</p> <p>PoTLL and the PLA are concerned that the environmental impact of the LTC Scheme may be significantly greater than currently assessed, due to the applicant’s changed position on tunnel dredging, with implications for land, intertidal and marine biodiversity.</p>	<p>In terms of the final point on dredging the Applicant is submitting a revised version of the Tunnel Depth Report [Document reference 9.73 (2)] at Deadline 6 which provides clarifications on the tunnel depth, the limits of deviation, and the layer of cover. It sets out that on a precautionary basis considering the existing river depth, the upper limit of deviation, with an allowance for the deepening of the navigable channel and a further allowance for the future installation of scour protection, there would be a level of cover at the minimum point of 0.57 times the tunnel diameter. The Applicant considers that this update will resolve outstanding concerns of the Ports such that these matters can be agreed between the parties.</p>
Flood risk			
6.12.1 to 6.12.4	Paragraphs 5.2.9 and 5.2.10	<p>The guidance for the decision maker states, at the final bullet point in paragraph 5.2.9, that in flood risk areas, the project must be appropriately flood resilient and resistant, <i>“including safe access and escape routes where required”</i>. In addition, as per paragraph 5.2.10, for construction work which has drainage implications, <i>“approval for the project’s drainage system will form part of the development consent”</i>.</p> <p>The area of the north portal construction compound is crossed by waterways that provide drainage to the area. The Applicant’s proposals do not include detail of how the drainage system will be maintained during construction. The lack of detail in the</p>	<p>A detailed Flood Risk Assessment (FRA) [APP-460 to APP-477] has been prepared that has considered all sources of flood risk. The FRA has been informed by extensive consultation with the Environment Agency and relevant Lead Local Flood Authorities (LLFA), as well as the results of hydrological and hydraulic modelling of the Mardyke, the Tilbury Main and the influence of the tidal River Thames on the flow regimes of these watercourses.</p> <p>Policies 5.90 to 5.115 of the NPSNN (DfT, 2014) address flood risk and have been assessed by the Applicant under the NPSNN Accordance Table [APP-496].</p> <p>Regarding the provision of safe access and escape routes, Page 131 of the Accordance Table states <i>“The drainage design for the Project would reduce the risk of causing flooding elsewhere by using attenuation features as shown in Figure 2.4: Environmental Masterplan [APP-159] of the ES. Incorporation of a suite of flood alleviation measures as part of the Project, both during construction and operation, is intended to prevent increases in flood risk elsewhere. This includes provision of compensation storage for any permanent losses of floodplain storage volume associated with the Tilbury Main, Mardyke</i></p>

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		<p>Applicant’s current proposals means it is not possible to ascertain what work will be carried out to the existing drainage channels, in order to accommodate the construction works, as the Applicant has been unable to share where key construction infrastructure, such as worker accommodation, will be placed.</p> <p>In particular, paragraph 5.2.19 of the NPSP makes it clear that flood risk is not contained to the area of the proposed development, but where the impact on the risk of flooding occurs outside of the port area, reasonable measures must be taken ‘to reduce this as far as possible’.</p> <p>Where the construction impacts have not been fully assessed, due to the lack of even high level information about the proposals, the view of PoTLL and the PLA is that the Applicant has not demonstrated conformity or avoidance of conflict with this part of the NPSP.</p>	<p><i>and Mardyke West tributary. During the Construction phase the Contractor would establish emergency response measures for construction activities in flood risk areas. The two key emergency response measures are:</i></p> <ul style="list-style-type: none"> • <i>readiness for the possibility of flooding</i> • <i>development of a flood response plan”</i> <p>Measures related to future maintenance and management of the drainage system at the North Portal are addressed in the RDWE commitments in the REAC table which forms part of the Applicant’s Deadline 5 Submission - ES Appendix 2.2: CoCP [REP5-048], in particular RDWE028 and RDWE029.</p> <p>Discussions are ongoing with the Ports on this matter and updated SoCGs will be submitted alongside this statement at Deadline 6.</p> <p>In that updated SoCG it is likely that the Applicant will commit to deliver, under Schedule 2 Requirement 8 of the draft DCO [REP5-024], the details of the foul water and drainage system for approval by the Secretary of State. These drainage plans will require the management of drainage within the Order Limits and any off-site discharges are appropriately controlled.</p> <p>In addition, the REAC requirement RDWE012 states: ‘<i>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.</i>’</p>
Traffic and transport impacts			
6.12.1 to 6.13.6	Paragraphs 5.4.3, 5.4.4, 5.4.5 and 5.4.8	Section 5.4 of the NPSP emphasises the importance of multi-modal transport to ports, and the potential for ports to	The same point regarding multi-modal access to ports is made at paragraph 2.8 of the NPSNN (DfT, 2014) to which the Applicant has

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		<p>impact upon the road network. As per paragraph 5.4.3, delays at ports can occur for a number of reasons and “such delays can often result in a significant backlog of goods waiting to depart by ship” leading to “an adverse impact on connecting road infrastructure”. The Transport Assessment [REP1-529] provided with the Application already indicates that the impact of construction traffic is likely to cause delays to the road connection to the Port of Tilbury.</p> <p>The transport impacts of port development should be assessed using WebTAG; this approach is shared by the Applicant for the LTC Scheme. However, in the view of PoTLL and DPWLG, the Applicant has not adequately applied the WebTAG methodology to traffic and transport impacts.</p> <p>Paragraph 5.4.4 requires the assessment to distinguish between the construction, operation and decommissioning project stages; it is only following the intervention of the Examining Authority that the Applicant is now assessing the impacts of its additional construction traffic on the road network that will directly impact on PoTLL. For the operational phase,</p>	<p>responded on pages 5-6 of Planning Statement Appendix A - NPSNN Accordance Table [APP-496].</p> <p>As set out at paragraph 1.3.2 of the Transport Assessment [REP4-148], the TA has been developed in accordance with the wide range of relevant guidance produced by DfT; the Ministry of Housing, Communities and Local Government (now the Department for Levelling Up, Housing and Communities); National Highways; and Transport for London (TfL). Chapter 11 [REP4-152] presents an explanation of how this has been considered and how the TA complies with relevant policy and guidance.</p> <p>The forecast transport impacts of the Project in both construction and operation are taken from the Project’s transport model which has been developed in line with TAG (DfT, 2022a) as set out in the Combined Modelling and Appraisal Report [APP-518]. The TA, as submitted with the application sets out construction impacts across the road network in 11 construction modelling phases in Chapter 8, with operational impacts set out in Chapter 7.</p> <p>Growth in the Project’s transport model is in line with DfT traffic forecasts as set out in Chapter 5 of Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package [APP-522]. This growth is spatially adjusted in line with the Uncertainty Log, developed in line with TAG (DfT, 2022a) as set out in Chapter 4 of the same document. Details of how adjustments to growth from the ports were explicitly adjusted in the LTAM is set out in Chapter 5.</p> <p>As the Applicant set out in its response to ExQ1 Q4.1.8 [REP4-189], there are certain aspects of the Ports growth aspirations and plans which are not sufficiently advanced to be incorporated into the modelling. The Applicant has included all those interventions on the highway network within the transport model. However, those over which there is insufficient certainty to make the development proposals acceptable (in modelling terms) have necessarily been excluded.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>the Applicant has not allowed for any growth at the local ports. The exclusion of any growth at the existing ports in the transport modelling may have the effect of underestimating the existing and future baseline and therefore showing and assuming greater capacity available on the network, and consequently show a reduced adverse impact from congestion associated with increased traffic levels attributable to the LTC Scheme.</p> <p>Paragraph 5.4.5 requires applicants to prepare a travel plan, including demand management measures to mitigate transport impacts. It should also provide details of measures to improve access by public transport, walking and cycling.</p> <p>In respect of the LTC Scheme, the road is not designed for and capable of safe use by cyclists and there are no plans for dedicated cross-river bus or water transport routes. The extent to which the proposed cycle and pedestrian routes enable access, as opposed to ‘interesting’ leisure options such as the zig-zag paths at Tilbury Fields, should be considered.</p> <p>Finally, paragraph 5.4.8 states that the transport assessment should include private traffic accessing and leaving</p>	<p>In relation to paragraph 5.4.5 of the NPSP, the Framework Construction Travel Plan (FCTP) [REP5-054] sets out a framework for the future preparation of individual site specific travel plans which proposes numerous measures to manage travel demand, mitigate transport impacts and encourage use of more sustainable transport modes (public transport, walking and cycling) as far as is reasonable and practicable during the construction phase of the Project.</p> <p>Further information related to proposed measures to incorporated in the Project to improve infrastructure for walking, cycling and sustainable transport measures incorporated are set out in Sections 8.9 and 8.10 of the Transport Assessment [REP4-152] and Part E Design for Walkers, Cyclists and Horseriders of the Project Design Report [APP-512].</p> <p>In relation to paragraph 5.4.8, the Project’s transport model and therefore the Transport Assessment [REP4-148], [REP4-150] and [REP4-152], does include “private traffic accessing and leaving the port” at the Port of Tilbury and London Gateway.</p> <p>The port road network is not contained within the Project’s transport model. However, the Applicant considers that the controls within the Outline Traffic Management Plan for Construction [REP5-056] would enable the Applicant to manage any impacts in discussion with PoTLL. However, in addition the Applicant is engaging with PoTLL to develop and agree a Framework Agreement that would include a Construction Traffic Management Plan protocol. These documents would provide a bespoke set of controls, recognising the importance of the port operations.</p> <p>Discussions are ongoing with PoTLL on this matter and updated SoCGs will be submitted alongside this statement at Deadline 6.</p>

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		<p>the port, where significant, even where not generated by the development under application. There has been no assessment of the traffic impacts on roads within the Port from the additional construction traffic, and the Applicant has not addressed this to date. In the absence of any allowance for growth at the Port of Tilbury, the traffic assessment has failed to adequately meet this policy test.</p>	
Mitigation: Modal share			
<p>6.14.1 to 6.14.4</p>	<p>Paragraph 5.4.14</p>	<p>Paragraph 5.4.14 sets out that the modal share of traffic entering and leaving the port needs to be considered. Alternatives such as rail and coastal or inland shipping should be encouraged where cost-effective, <i>“in order to avoid significant detriment to network users”</i>. During the construction phase, the LTC Scheme will be importing materials required to construct the highway and tunnel. Whilst the oMHP does envisage some use of the Port of Tilbury for the import of aggregates, the Applicant remains focused and prioritised on the use of roads for the transport of those aggregates to the location of their final use. However, looking at the location of the main</p>	<p>The Applicant considers that these matters are addressed in the most recent iterations of the OMHP [REP4-137], outline Traffic Management Plan for Construction (oTMPfC) [REP5-056] and the FCTP [REP5-054]. For further details on the baseline commitments for multi modal transport use for construction and the better than baseline commitment for use of the river see the response to paragraph 3.10.5 of paragraph 3.10.5 of the SEIMP (Policy SE-PS-4) above" Discussions are ongoing with the Ports on this matter and updated SoCGs will be submitted alongside this statement at Deadline 6. The Applicant recognises that there would be impacts during construction and has provided a set of controls through the oTMPfC [REP5-056], item 2.1.26, and is willing to discuss these with the Ports. The Applicant considers that the current forecast impacts at the Asda Roundabout represent a reasonable worst case for the purpose of the assessment. However, 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 [REP5-056]. However as noted at paragraph 5.1.1 of</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>construction compound for the North Portal, there are opportunities to avoid road use, both public highway and private roads, almost entirely. Any onward road transport from Tilbury1 will require a left-turn only onto the A1089 and a u-turn around the Asda roundabout, with the knock on impacts for the capacity and free-flow of that road and junction. By contrast, the import of aggregates into Tilbury2 can be undertaken and delivered by way of an existing conveyor to an existing CMAT facility. A new access into that facility could be constructed to the east of the level crossing, further limiting the impact of onward transport by road to little-used areas of existing road within Tilbury2.</p> <p>The Applicant could also go further in how it manages the movement of workers, by committing to mode-share targets for workers visiting the compounds, whether this is through encouraging active travel and car sharing, and providing shuttle - no or low emission vehicle transport. The Applicant has also dismissed the use of the river to transport workers to the compounds, without discussing how best this could be achieved with the</p>	<p>Localised Traffic Modelling [REP3-126], the Applicant agreed to submit a microsimulation model of A1089 Asda roundabout during the critical construction traffic modelling phases, at Deadline 3 (see [REP3-128, REP3-129 and REP3-132]). The Applicant is submitting Applicant's submissions on construction impacts and management at Asda roundabout [Document reference 9.158 (1)] at Deadline 6 which provides further commentary (in respect of the Asda Roundabout, particularly during the construction of the Project. This submission will confirm the precautionary nature of the previous assessments and that the steps proposed to monitor and manage the impacts at this location are proportionate and appropriate.</p> <p>Whilst it is neither realistic nor reasonable for the Applicant to commit to mode-share targets at this stage when precise construction details and construction worker accommodation and travel details are unknown, the FCTP [REP5-054] sets a robust and proportionate framework for matters related to active and sustainable travel measures to be addressed in the production of the site specific travel plans in due course. The Applicant has already committed to encouraging its workforce to use active travel, car sharing and the provision of zero emission shuttle buses. The Applicant has also committed that a shuttle bus service from the Gravesend hub will serve the Gravesend ferry pier, and a service from the Grays hub will serve the Tilbury ferry pier.</p> <p>Matters related to the use of conveyors are addressed in the Applicant’s Deadline 5 Submission - ES Appendix 2.2: CoCP – Annex B – OMHP [REP5-050]. As noted above the Applicant will be submitting an updated OMHP at Deadline 7 in direct response to the discussions between the Applicant, Examining Authority and the Ports through the examination and at ISH8.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>PLA, local authorities or existing river transport providers.</p> <p>PoTLL and the PLA consider that the Applicant has not fully explored the use of modal share, instead defaulting to a roads first based solution where alternatives would provide significant benefits, both generally and specifically in respect of the impact on existing network users and in other environmental improvements in accordance with the mitigation hierarchy.</p>	
Mitigation: HGVs			
6.15.1 to 6.15.3	Paragraph 5.4.22	<p>Paragraph 5.4.22 of the NPSP states that, where a development “<i>is likely to generate or attract substantial HGV traffic</i>”, requirements may be attached to a consent that “<i>control numbers of HGV movements ... during its construction</i>”, “<i>make sufficient provision for HGV parking</i>”, and “<i>ensure satisfactory arrangements ... for dealing with reasonably foreseeable abnormal disruption</i>”.</p> <p>It is clear that the construction phase of the LTC Scheme has the potential to generate a large quantity of HGV traffic. As explained above, there are mitigations available to the Applicant that would greatly reduce the need for</p>	<p>The oTMPfC [REP5-056] includes a range of measures which aim to minimise the impacts of Project related construction HGVs including named road bans and turn restrictions (see table 4.4).</p> <p>The Applicant did make various submissions at Deadline 3 in respect of the Asda roundabout; namely:</p> <ul style="list-style-type: none"> • Localised Traffic Modelling Appendix I - ASDA roundabout VISSIM LMVR [REP3-128] • Localised Traffic Modelling Appendix J - ASDA roundabout VISSIM Forecasting Report [REP3-129] • Localised Traffic Modelling Appendix M - ASDA roundabout VISSIM Construction Assessment Report [REP3-132] <p>The VISSIM modelling for construction modelling phases 1 and 6 showed that in phase 1 during the 08:00-09:00 hour, the Dock Road approach would experience a mean maximum queue of 1,009m as a result of traffic management measures on the Brentwood Road corridor causing traffic to seek an alternative route. The Applicant considers, as</p>

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		<p>HGV traffic in and around the Port of Tilbury, thereby avoiding and reducing the impact of construction on the road network. The Applicant has declined to include a requirement to implement these mitigations on the basis that they do not wish to fetter the tendering process for contractors. This approach does not hold up to scrutiny as, where a mitigation is identified in the Environmental Statement as being required, this requirement simply forms part of the tendering process that contractors must work to. For example, contractors will be expected to comply with the oTMPfC.</p> <p>In respect of the construction traffic impacts, the Applicant will be submitting detailed assessment of the impacts of the construction phase to the Asda roundabout. This work, being submitted at Deadline 3, is likely to demonstrate that mitigation work is required in order to avoid the impacts of the worst-case scenario, i.e. the extremes of the Rochdale Envelope. One such mitigation, to materially reduce the quantify of HGV traffic, and therefore reduce what the worst impacts will be, is to commit to utilising the CMAT facility on Tilbury2. The Applicant’s decision to not proactively</p>	<p>set out in Section 2.3 of Localised Traffic Modelling Appendix M - ASDA roundabout VISSIM Construction Assessment Report [REP3-132] that construction traffic assessment reflects a reasonable worst case and provides a proportionate assessment of the selected construction scenario and that the Applicant’s control plan which includes the oTMPfC [REP5-056], FCTP [REP5-054] and ES Appendix 2.2: CoCP Annex B - OMHP [REP5-050] would provide a framework of principles and controls which would enable the Contractor to minimise the impact of the Project’s construction on the road network.</p> <p>The Applicant’s Deadline 5 Submission - ES Appendix 2.2: CoCP Annex B - OMHP [REP5-050] sets out the Applicant’s commitment to utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal construction area (‘the Baseline Commitment’). This commitment translates into 35% of the total bulk aggregates across the Project being transported via port facilities (paragraph 6.2.9). Paragraph 6.2.11 sets out the Applicant’s so-called ‘Better than Baseline Commitment’ whereby Contractors would engage with aggregate and material suppliers collaboratively, to proactively maximise utilisation of river transport for the import of bulk aggregates for the North Portal construction area beyond the Baseline Commitment.</p> <p>As noted above the Applicant will be submitting an updated OMHP at Deadline 7 in direct response to the discussions between the Applicant, Examining Authority and the Ports through the examination and at ISH8.</p>

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		<p>assess the full worst-case scenario is contrary to the requirements of the environmental impact assessment, but has also hidden the extent of reasonably foreseeable abnormal disruption and, accordingly, the extent of potential mitigation required. This has hampered the Applicant’s ability to act consistently with this policy.</p>	
Mitigation: Access			
<p>6.16.1 to 6.16.4</p>	<p>Paragraphs 5.4.24 and 5.4.25</p>	<p>Paragraph 5.4.24 sets out that, where a development would worsen accessibility, the impacts should be mitigated so far as reasonably possible. Paragraph 5.4.25 continues to state that an employee travel assessment should be undertaken for all major port development.</p> <p>Whilst the LTC Scheme will generate employment primarily during the construction phase, this is scheduled to last some six years and will generate a large number of workers travelling to each compound.</p> <p>The Applicant has a requirement that each contractor must develop site-specific travel plans (SSTP) (see the Framework Construction Travel Plan [APP-546]). However, the framework falls short of committing to firm targets for these travel plans; instead it sets</p>	<p>These paragraphs reflect the provisions of paragraphs 3.20, 5.215 and 5.216 of the NPSNN (DfT, 2014) (in respect of accessibility) and paragraph 5.208 in respect of travel planning (albeit that this is under the heading of strategic rail freight interchange developments). The Applicant has addressed these requirements of the NPSNN in Planning Statement Appendix A NPSNN Accordance Table [APP-496].</p> <p>They are also addressed in the Applicant’s Deadline 4 submission, Policy accordance assessment of the Project against the Consultation draft NPSNN (published March 2023) [REP4-209].</p> <p>In terms of the FCTP [REP5-054] the Applicant notes that the Ports recognise that the approach advocated and the level of detail included in the document align with policy.</p> <p>The site-specific travel plans are the place for the establishment of bespoke targets which are relevant to the individual sites for which the plans are to be prepared. Section 7 on pages 65-67 of the FCTP [REP5-054] addresses the matter of targets to be set in future site-specific travel plans and this is considered to be an appropriate approach at this stage in the DCO Application process.</p> <p>The Applicant’s Deadline 5 Submission - ES Appendix 2.2: CoCP Annex B - OMHP [REP5-050] sets out the Applicant’s commitment to utilise port facilities for at least 80% by weight of bulk aggregates</p>

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		<p>out “<i>the high-level aspirations for the SSTP targets</i>”. Whilst these aspirations align with the policy, it is unclear why the Applicant has not quantified what the targets to meet and exceed in the SSTPs should be.</p> <p>In addition, the Applicant has, in the view of PoTLL and the PLA, not adequately explored the potential for the river to be used for worker access. Given the location of the LTC Scheme and the compounds located adjacent to the river to the north and south, the scale of the construction project and the quantity of workers involved, there is greater scope for the river to be used as a key part of the SSTP for the riverside compounds. The PLA has requested to work with the Applicant to identify how the river could be used, as this will mitigate the impacts of the construction workers on the local road network that have the potential to reduce accessibility for local residents. In addition, by not fully exploring opportunities linked to the river, it is not possible to say that employee travel has been adequately assessed.</p>	<p>imported to the North Portal construction area (‘the Baseline Commitment’). This commitment translates into 35% of the total bulk aggregates across the Project being transported via port facilities (paragraph 6.2.9). Paragraph 6.2.11 sets out the Applicant’s so-called ‘Better than Baseline Commitment’ whereby Contractors would engage with aggregate and material suppliers collaboratively, to proactively maximise utilisation of river transport for the import of bulk aggregates for the North Portal construction area beyond the Baseline Commitment.</p>

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Air quality and emissions			
6.17.1 to 6.17.4	Paragraphs 5.7.1 and 5.7.6	<p>Paragraph 5.7.1 notes that ports can contribute to local air pollution problems, from large volumes of HGV traffic, as well as certain cargoes such as cements and aggregates. As set out in paragraph 5.7.6, air quality considerations should be given ‘substantial weight where a project would lead to deterioration in air quality in an area’.</p> <p>PoTLL are mindful that, as part of the consent for Tilbury2, it is required to monitor the local air quality. There is potential that the construction of the LTC Scheme will cause the air quality to exceed the specified limits. Whilst PoTLL note that the draft DCO does include provision to avoid PoTLL being liable for breach of any Tilbury2 requirement, this does not address the policy direction that air quality impacts should be minimised and avoided.</p> <p>Tilbury2 has an existing CMAT facility that, if used, would help manage the dust, etc. from aggregates. It would also minimise the transport of aggregates on the road network, with the associated risk of migration of dust, and would avoid or greatly reduce the</p>	<p>Paragraph 5.7.6 of the Ports NPS (DfT, 2012) reflects the provisions of paragraph 5.12 of the NPSNN (DfT, 2014) to which the Applicant has responded in Appendix A NPSNN Accordance Table to the Planning Statement [APP-496]. The Applicant considers that the steps it has taken to avoid, minimise, mitigate and compensate for the adverse impacts of the Project on air quality as identified in that response (and in the other Application Documents to which the response refers) are proportionate, appropriate and accord both with Government policy and with the application of the mitigation hierarchy.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>emissions associated with HGVs required to transport.</p> <p>Given the importance of air quality to the policy decisions around port development, and the location of the LTC Scheme, being adjacent to the Port of Tilbury and close to London Gateway, and that the construction compound requires the use of port land, greater steps could be taken by the Applicant to identify mitigations to avoid worsening air quality in the area.</p>	
Socio-economic impacts			
6.18.1 to 6.18.3	Paragraph 5.14.2	<p>The NPSP recognises the role of ports as having socio-economic impacts at local and regional levels in paragraph 5.14.2. This may include the creation of jobs, the provision of additional local services and improvements to local infrastructure, as well as considering “<i>the impact of a changing influx of workers during the different construction, operation and decommissioning phases</i>”. The decision maker should then have regard to “<i>the potential socio-economic impacts of new port infrastructure identified by the applicant and from any other sources that the decision maker considers to be both relevant and important</i>”.</p>	<p>There is no equivalent section on socio-economics in the designated NPSNN (DfT, 2014). However, the topic has been introduced in the draft NPSNN (DfT, 2023) to which the Applicant responded in its Deadline 4 submission, Policy accordence assessment of the Project against the Consultation draft NPSNN (published March 2023) [REP4-209] (paragraphs 5.234 to 5.242).</p> <p>While it is right that socio-economic benefits should be taken into account in assessing the impacts of schemes, there is no policy requirement to ‘maximise’ particular aspects of those benefits that a scheme will deliver as there is always a trade-off between the benefits to be delivered and other scheme impacts. The Project will improve road connectivity in the area and deliver the other benefits identified in the Need for the Project [APP-494] including facilitating options for public transport operators to make use of the Project to enhance services should they consider there is a viable demand. It is also proposing an extensive suite of network improvement measures, including at the Orsett Cock junction [REP1-189], which will improve journeys as a whole across the area.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant’s response
		<p>The LTC Scheme will generate significant quantities of construction employment for a period of 6 years, benefitting the local area. However, once constructed, the benefits of the LTC Scheme relate to its ability to assist workers to travel from their homes to places of employment. The Port of Tilbury and London Gateway are large employers in the Tilbury area. It is noted that one of the benefits of the LTC Scheme is that it will create opportunities for workers living south of the river Thames to work north of the river, and vice versa. However, this socio-economic benefit has not been maximised, as the connectivity to the Port of Tilbury, a major employer, requires an extended journey by car, around the Orsett Cock roundabout, to join the A1089. By contrast, inclusion of a Tilbury Link Road would provide a direct route for workers to access the Port of Tilbury, as well as relieve congestion on the Orsett Cock roundabout that may affect workers travelling to London Gateway.</p> <p>There are also socio-economic benefits to providing public transport routes that cross the river, to further facilitate workers living and employed on opposite sides of the river. The Applicant has</p>	<p>Similarly there would be nothing to stop the ports themselves operating their own worker shuttle services using the Project, once constructed, to aid the ability of its employees to travel to their place of work.</p> <p>The Applicant does not accept that the fact it is not providing public transport services (which is not within its remit as a highways provider) detracts from the socio-economic benefits the Project will deliver.</p> <p>The Project proposes an extensive network of new, improved and enhanced provision for walking, cycling and horse riding, associated with the Project which will leave legacy benefits for years to come.</p> <p>In relation to cyclist provision, the Project is providing substantial benefits and enhancements to cyclists, walkers and horserider routes across the Project. The Applicant also considers that the existing ferry service between Gravesend and the Port of Tilbury, which carries cycles, is more well located to service workers to the Port of Tilbury. In relation to the specific provision on one specific part of the Project (i.e., the tunnel area), the Applicant notes that there is no ability for walkers to cross the existing Dartford Crossing. In addition, The Applicant is not a public service provider and cannot authorise or operate bus services. Nonetheless, the crossing would be capable of being used by bus operators and the the Project has replicated the exemption for local bus services from paying a road user charge.</p>

Paragraph reference	Policy reference	Statement by the Ports	Applicant's response
		<p>opted not to provide any bus service through the tunnel, nor does it commit to providing any mechanism (such as the shuttle that exists at Dartford) to enable non-motorised users to utilise the crossing. This significantly limits the socio-economic benefits being provided by the LTC Scheme, and does not mitigate the socio-economic disbenefits associated with the proposed highway layout, instead relying on third parties to realise these benefits at a later date.</p>	

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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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