

Interested party reference: 20035666

TRANSPORT FOR LONDON

LOWER THAMES CROSSING – COMMENTS ON SUBMISSIONS MADE AT DEADLINES 6A AND 7

DEADLINE 8: 5 DECEMBER 2023

I. Introduction

- I.1 This document sets out comments from Transport for London (TfL) on submissions made at Deadlines 6a and 7 of the Lower Thames Crossing (LTC) Development Consent Order (DCO) examination.
- I.2 Where TfL has set out its position on a matter in previous submissions, TfL has signposted the relevant parts of those previous submissions rather than repeating its position in detail in this submission. TfL has limited its comments to a small number of submissions made by the Applicant and Interested Parties, with a section for each relevant submission.

2. Port of Tilbury London Ltd – Joint Position Statement on additional requirements proposed to be included in the DCO (REP6A-017)

- 2.1 TfL has set out its position on the mitigation of wider network impacts and the Silvertown Tunnel approach in multiple submissions, most recently in Sections 4 and 5 of its Deadline 7 submission (REP7-229). None of the Applicant's submissions at Deadline 7 have changed TfL's view on the need for a suitable monitoring and mitigation approach to be put in place.
- 2.2 At this late stage in the examination, the Applicant has not put forward an approach to mitigation that TfL considers to be acceptable. TfL set out its concerns about the inadequacy of the 'without prejudice' requirement included in the Applicant's Wider Network Impacts Position Paper (REP6-092 Section 4.2) in Paragraphs 5.13 to 5.16 of its comments on submissions made at Deadline 7 (REP7-229).
- 2.3 At the present time, TfL considers that the proposed requirement put forward by the Port of Tilbury London Ltd at Deadline 6 in Appendix 6 of its post-hearing submissions (REP6-163) as being suitable at securing mitigation of adverse impacts of the Project on the wider highway network. This proposed requirement strikes the right balance in ensuring that the Applicant does not become responsible for mitigation that is not directly caused by the Project, giving the Applicant responsibility for developing the mitigation in consultation with an Implementation Group, and ensuring the opening of the Project is not delayed, while still ensuring that the Applicant is held responsible for mitigating any adverse impacts directly caused by the Project that arise.
- 2.4 Port of Tilbury London Ltd, Thurrock Council, DP World London Gateway and Thames Enterprise Park submitted a joint position statement at Deadline 6A (REP6A-017) which included stating their collective support for the requirement put forward by the Port of Tilbury.
- 2.5 TfL agrees that the Port of Tilbury's proposed requirement is the best drafting that has been presented to the Examination to ensure the Project is compatible with the current and emerging national policy on this matter. TfL therefore recommends that the ExA includes this requirement in the version of the DCO submitted to the Secretary of State.

3. Outline Traffic Management Plan for Construction v7.0 (tracked changes) (REP7-149)

- 3.1 TfL supports the additional text included at Paragraphs 2.4.20 and 2.4.21 of the outline Traffic Management Plan for Construction which expand upon local highway authority involvement in minimising construction traffic impacts through the Traffic Management Forum, using local junction modelling to identify appropriate traffic measures, and considering operational controls before physical interventions.
- 3.2 TfL requests that three specific locations on the TfL Road Network are added to the list of locations to be monitored during construction in this section of the outline plan. This is based on TfL's analysis of the construction modelling provided by the Applicant, which shows significant changes in flows over 100 Passenger Car Units (PCUs) per hour during some construction phases. In order of priority, these locations are:
- A13 west of the A1306 junction which has >100 additional PCUs per hour forecast (single direction) in construction phases 1 to 8 (maximum of an additional 240 PCUs per hour);
 - A2 west of A2018 junction (most affected in construction phases 2 to 5); and
 - A127 west of M25 Junction 29 (most affected in construction phase 2).
- 3.3 TfL also considers the changes to Table 2.3 related to public transport users and operators to be helpful, adding stronger consideration of bus route impacts to the Traffic Management Plan.

4. Applicant's responses to Interested Parties' post-event submissions at Deadline 6 (REP7-188)

- 4.1 Section 7 of the Applicant's responses to Interested Parties' post-event submissions at Deadline 6 covers Issue Specific Hearing 10 (ISH10) on traffic and transportation. The Applicant's responses to TfL's submissions are presented on Pages 71 to 78 of the document. TfL's further responses for each row in the table are set out in this section.

Comments on Silvertown funding model (Pages 71 and 72)

- 4.2 TfL's previous representations on the Silvertown Tunnel approach are not repeated here, but TfL has addressed one point raised by the Applicant regarding mitigation of impacts that "no fund is established, and no further commitment is given" in the Silvertown Tunnel DCO.
- 4.3 TfL recognises that the Silvertown Tunnel DCO does not require the establishment of a fund for mitigation, nor any specific amount of funding for mitigation that must be allocated. This is not what TfL is seeking for the LTC Project. The Silvertown Tunnel DCO does commit TfL (as the scheme promoter) to monitor the impacts of the Project, update the modelling prior to the scheme opening, and to secure mitigation of adverse impacts that is deemed to be necessary by TfL, in consultation with the Silvertown Tunnel Implementation Group and approved by the Secretary of State. The means of securing funding is not specified in the DCO, but to ensure TfL could deliver mitigation that might be found to be necessary, it allocated funds within the project's budget to deliver such mitigation as an integral component of the scheme to ensure it delivers defined outcomes and assessed impacts. For the LTC Project, TfL considers that it is appropriate for the Applicant to commit to and allocate funding for mitigation of impacts as part of its budget for scheme implementation. It is not necessary to specify this in the DCO provided the commitment to fund mitigation is in place.

Comments on walking, cycling and horse-riding issues (Pages 73 to 78)

- 4.4 The Applicant maintains its position regarding the walking, cycling and horse-riding bridge over the A127 west of the M25, stating that its provision is only in response to stakeholders to deal with historic severance, not part of mitigation for the Project. TfL continues to dispute that the bridge is required only to deal with historic severance and not also to mitigate the severance caused by the Project, due to the introduction of free-flow slip roads at M25 Junction 29 removing the Non-Motorised User (NMU) route around the south of the roundabout. As stated on page 78: “the Applicant acknowledges that the introduction of dedicated slip lanes from the A127 westbound to M25 southbound and from the M25 northbound to A127 westbound will sever the existing footway links through the south side of the junction” – so this is a clear admission that the Project causes severance here.
- 4.5 The Applicant implies that the existing uncontrolled crossing of the A127 at the junction with Folkes Lane and Front Lane remains available, so NMUs could use this to access the route around the north side of the M25 Junction 29 roundabout. TfL’s view is that the Project adds substantial additional traffic volume to this section of the A127 which will increase the difficulty for vulnerable users to cross safely without a grade-separated facility. This point is demonstrated by the table below which shows the forecast substantial increase in traffic flows on the A127 at this location extracted from modelling shared by the Applicant with TfL, with the changes highlighted in yellow..

Table 1 – Applicant’s forecast traffic flows (PCUs) caused by the Project on A127 west of M25 Junction 29 comparing Do Something (DS) to Do Minimum (DM)

Forecast year	Time period	A127 eastbound				A127 westbound			
		DM	DS	Change		DM	DS	Change	
2016	AM peak	1987	N/A	N/A	N/A	2168	N/A	N/A	N/A
	PM peak	1788	N/A	N/A	N/A	2242	N/A	N/A	N/A
2030	AM peak	2123	2850	+727	+34%	2306	2975	+670	+29%
	PM peak	1989	2402	+414	+21%	2522	2863	+341	+14%
2037	AM peak	2233	3006	+774	+35%	2314	3012	+698	+30%
	PM peak	2041	2626	+585	+29%	2523	3026	+503	+20%
2045	AM peak	2347	3099	+753	+32%	2362	3027	+665	+28%
	PM peak	2087	2764	+677	+32%	2494	3085	+591	+24%
2051	AM peak	2433	3132	+700	+29%	2352	3082	+730	+31%
	PM peak	2037	2850	+812	+40%	2498	3084	+586	+23%

- 4.6 The table above shows that even in the opening year (modelled as 2030), there is a substantial increase in traffic in each direction on the A127 past the existing uncontrolled crossing, particularly in the AM peak with around 700 additional PCUs in each direction (a combined total of 1400 extra PCUs in total that a user of this crossing would need to navigate. Therefore, TfL asserts that the Project causes both direct severance on the south side of the M25 Junction 29 roundabout, and indirect severance by substantially increasing traffic at this location making it much more difficult to use the uncontrolled crossing safely.
- 4.7 For completeness, TfL’s position on this matter and list of documents where the Applicant has previously acknowledged the severance caused is set out in Paragraphs 3.1 to 3.4 of its written summary of oral comments at ISH10 (REP6-170).

5. Applicant’s responses to Interested Parties’ comments on the draft DCO at Deadline 6 (REP7-I90)

- 5.1 Section 2 of the Applicant’s submission responds to the joint submission on protective provisions for the protection of local highway authorities submitted at Deadline 6. The London Borough of Havering is submitting a further joint response on behalf of the five local highway authorities at Deadline 8. The joint response makes substantial compromises with the aim of reaching agreement with the Applicant on the protective provisions before the end of the examination. TfL wishes to highlight two of these compromises particularly relevant to TfL.
- 5.2 TfL has made multiple submissions regarding why a commuted sum is justified to cover the increased costs of maintenance on its highway network resulting from it taking responsibility for assets delivered by the Project. The local highway authorities have acknowledged that the funding arrangements for road maintenance for highway authorities in London is different to that for those outside London. On this basis, the provision for commuted sums is proposed to be amended to only apply to TfL and the London Borough of Havering.
- 5.3 Regarding costs, the local highway authorities have acknowledged that there could be some double counting between the provision in the protective provisions and the section 106 agreements the Applicant is seeking to enter into with the local planning authorities. TfL will not benefit from a section 106 agreement so needs to rely on the protective provisions for any costs associated with the Project. On this basis, the provision for costs has been amended so that no costs are payable under the protective provisions if they are the subject of an obligation to pay costs in a section 106 agreement.