



**Joint Statement on the Applicant's response to the Joint Statement on Policy Compliance on behalf of the Port of London Authority, Port of Tilbury London Limited, and DP World London Gateway**

**1. Introduction**

- 1.1** This statement is submitted jointly on behalf of the Port of London Authority (**PLA**), Port of Tilbury London Limited (**PoTLL**), and DP World London Gateway (**DPWLG**) (the **Ports**).
- 1.2** This statement is a response to the following document:
- 1.2.1 Applicant's response to the Joint Statement on Policy Compliance of the Lower Thames Crossing Scheme with the Ports Policy made on the draft Development Consent Order (**dDCO**) at D3 (REP6-093).
- 1.3** The Applicant's document above is a response to a statement that the Ports submitted at Deadline 3, being a Joint Statement on Policy Compliance of the Lower Thames Crossing Scheme with Ports Policy (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]) (**Joint Statement**). The Joint Statement explained why the Ports consider that the Applicant has failed to properly consider relevant national and regional policy in making its application for development consent for the Lower Thames Crossing (the **Project**).
- 1.4** The Ports have reviewed and considered the Applicant's response. The Applicant does not acknowledge any of the failures alleged by the Ports, nor has it proposed any changes to its approach in considering and balancing relevant policy. The Ports' position, therefore remains as set out in the Joint Statement.
- 1.5** The Applicant has centred its response on the impact on ports, and states at paragraph 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.*

- 1.6** The Ports do not agree that the assertion that the Ports stand to benefit from the new connectivity provided by the Project can be applied wholesale to the LTC project. In the dDCO, there are limited concrete benefits for each of the ports, and yet, with the application as it currently stands, a number of potential *dis*benefits if suitable protections are not put in place. To claim that the Ports stand to benefit from the Project therefore fails to recognise both these disbenefits, and the fact that many of the potential benefits are not secured, and therefore are not guaranteed. While the Ports can hope that the Applicant will deliver these benefits, consideration must be given to what the Applicant is actually committed to delivering, which is as yet uncertain. Put simply, the Applicant's assertion that the Ports stand to benefit from the Project is not fully correct, because the Applicant has for the most part resisted efforts by the Ports to make changes to the relevant documents which would secure the delivery of these benefits.
- 1.7** In its response, the Applicant seems to be suggesting that because there is some potential benefit of the Project to the Ports, the overall planning balance between ports and transport is in favour of ports, and therefore more consideration should be given to transport. The Ports do not agree with this suggestion.
- 1.8** The Joint Statement, and this one, have been prepared jointly because all three ports will be affected in ways that are linked, but subtly different. In the following sections of this statement, each Port has explained the following:
- 1.8.1 the benefits that do arise from the Project as it currently stands;
  - 1.8.2 where potential disbenefits still exist; and
  - 1.8.3 the full benefits that could arise from the Project that are not yet being reached, due to the Applicant's position.
- 1.9** As stated above, the Ports position set out in the Joint Statement has not changed in light of the Applicant's response. This statement therefore does not seek to repeat the matters set out in the Joint Statement, but rather correct the Applicant's suggestion that the Ports only stand to benefit from the Project; it is the Ports' position that the guaranteed disbenefits outweigh the guaranteed benefits.

## **2. Port of Tilbury London Limited**

### *Benefits to PoTLL*

- 2.1** Once operational the Lower Thames Crossing would provide benefits to the Port of Tilbury London Limited (**PoTLL**) through reductions in both journey time and journey distance. It would improve connectivity to the wider strategic road network. Vehicles routing between the Port of Tilbury, the south, the north and the A13 West would benefit. Traffic routing via the Dartford Crossing and M25J30 would have reduced journey times and more reliable journeys. This is identified through the Applicants Transport Assessment [APP-529], and Appendices B [APP-531] and C [APP-532] to the Transport Assessment which estimates the effect on journey times in 2030 and 2045. The reductions are shown on the A13 (between M25 junction 30 and the A13 / A1089 interchange), at the M25 Junction 30, on the M25 and at the Dartford Crossing. Specific destinations from the Port of Tilbury (Cheshunt, Romford, Brentwood, Bexley, Godstone, Southfleet, Maidstone, Rochester and Rainham) are used to illustrate these reductions.
- 2.2** These benefits are realised despite the lack of connectivity for Port of Tilbury traffic at the interchange between the LTC/A13/A1089 which provides no direct connection from the LTC to A1089 (with traffic required to route through the Orsett Cock junction).

- 2.3** The operational Lower Thames Crossing will provide the North Portal Junction, which will be constructed such that it enables a future connection to the Port of Tilbury. This is an indirect benefit which would only be fully realised upon completion of a suitable link road, as the Applicant has agreed given its agreement to the imposition of a Tilbury Link Road passive provision requirement.

*Potential disbenefits to PoTLL*

- 2.4** As set out in its Examination submissions, PoTLL remains significantly concerned about the potential impacts of the construction phase traffic movements, and construction traffic management measures on access to and from the Port of Tilbury and Tilbury2, and movements and Port operations within Tilbury2. The LTC project construction traffic volumes are large scale and complex, and shown by the Applicant's own submissions to cause adverse impacts. If not managed properly, these impacts would negatively impact upon PoTLL statutory undertaking of running a Port, as well as put it as a competitive disadvantage, which is contrary to Government policy which aims to support Port competition. In PoTLL's submissions, the measures in the OCTMPfC are not reactive or nimble enough to ensure that impacts are managed quickly and efficiently and thus would not mitigate the likely adverse impacts.
- 2.5** Once operational Lower Thames Crossing would potentially provide disbenefits to PoTLL for journeys between the Port of Tilbury and the east principally due to significant increases in journey times. This is identified through the Applicants Appendices B [REP4-154] and C [REP4-156] to the Transport Assessment which estimates the effect on journey times in 2030 and 2045. The increases are shown on the A13 to the east of the Orsett Cock junction. Specific origins and destinations to/from the Port of Tilbury (Basildon and DP World) are used to illustrate these increases.
- 2.6** The increases to journey times are a result of increased queues and delays at the Orsett Cock junction in all peak hours and the removal of the existing direct connection between the A13(W) and the A1089(S). This is identified in both the Applicants VISSIM Version 3.6 [REP6A-004-8] and Thurrock Councils VISSIM Version 3.6T [REP6A013] (these versions are not aligned, with Version 3.6T showing greater adverse impacts). The adverse impacts are particularly prevalent on the A13 East off-slip, A128 Brentwood Road north and the A13 West off-slip.
- 2.7** The Applicant accepts that mitigation is required at the Orsett Cock roundabout, and submissions on the drafting of a DCO Requirement to deal with this have been made at Deadlines 6-8 and at Deadline 9.
- 2.8** Without control of the use of land powers in the DCO through PoTLL's Protective Provisions, the Project would cause serious detriment to the Port for the reasons set out in PoTLL's Deadline 7 and 8 submissions, as PoTLL's ability to operate and develop could be impacted by the terms of the easements for utilities and the uncontrolled use of land pursuant to the DCO temporary possession powers. This clearly would weigh as a disbenefit to the Port and of the Project as a whole.

*Full benefits that could arise from the Project to PoTLL which are not yet being reached due to the Applicant's position*

- 2.9** Failing to require the use of the CMAT means that both the benefits to the Port are not realised and that the construction traffic impacts to the Port, which could be substantial, are not minimised.
- 2.10** The development of the Tilbury Link Road would fully realise the connectivity benefits that the LTC can deliver. Not only would this further reduce journey times in all directions

it would have substantial benefits to the operation of the A1089 and the ASDA roundabout with reduced delay and congestion. This would benefit not only traffic movements arising from the Port of Tilbury but also local traffic movements in the surrounding Tilbury area.

- 2.11 In ecological terms, the area in around the LTC has a complex baseline. With the LTC, the Freeport and Thurrock's Local Plan aspirations for the area, it is important that a coordinated approach is taken to the design and delivery of ecological mitigation and compensation areas to ensure that ecological interests are protected, whilst not preventing development from coming forward. Currently it is considered that the Applicant has not provided for this wider picture within its Control Documents or the DCO. Whilst PoTLL is seeking to ensure a coordinated approach through its Framework Agreement with the Applicant, until this is secured, this is not a fully realised benefit.

### 3. DP World London Gateway

#### *Benefits to DPWLG*

- 3.1 DP World London Gateway (**DPWLG**) acknowledge that the Project will deliver benefits to the wider network in relation to increased highway capacity and network resilience for north/ south routes (alternative to M25 Junction 30) and the wider time/ cost savings this will bring (as reiterated throughout the Applicant's response to the Joint Statement on Policy Compliance – 9.135). It would also result in an improved catchment area for staff recruitment and available skills. However, this cannot be at the expense of any adverse impacts on the operations of London Gateway, a national economic asset of significant importance.

#### *Potential disbenefits to DPWLG*

- 3.2 DPWLG maintain their concerns in relation to the induced congestion and substantial increase in delays that would arise at the A13/A128 Orsett Cock junction and the A13/A1014 Manorway junction as a direct result of the Project. This would cause unreliable travel times to and from the Port and Logistics Park, which in turn would have the following consequential impacts for the operations of the Port and Logistics Park:

3.2.1 **Adverse impacts on the reliability and resilience of the Port** – container stacks within the Port are arranged in accordance with timed booking slots for their corresponding HGV to allow for smooth and efficient Truck Turnaround Times (TTT). Unexpected delays on the highway network would prevent multiple HGVs from arriving at the Port within their allocated booking slot (and thus be required to re-book a later slot) meaning containers are no longer arranged in the correct order. As a result, additional time is spent by cranes rearranging the container stack, which causes average TTT (across a 24-hour period) to increase. Such disruption has ripple effect throughout the day, even when demand drops off.

3.2.2 **Adverse impacts on hauliers and end users** – Hauliers failing to arrive within their allocated time slot creates inefficiencies for the hauliers themselves as they are required to re-book and wait for a new time slot. This results in increased operating costs for the hauliers and has an adverse impact on reputation. There are also adverse impacts for the destination facilities receiving the freight as deliveries are delayed.

3.2.3 **Adverse impact on the reputation and future development of the Port and Logistics Park** – the increased frequency in unexpected delays and increased TTT would have the real potential to deter hauliers from using the Port as a provider altogether. This would ultimately have a detrimental impact on the

competitiveness and resilience of the Port and Logistics Park and impact on its future growth and development, which is dependent upon on the maintenance of free-flowing access to ensure ongoing efficiency, as well as operational and economic resilience.

- 3.3** DPWLG commissioned its own Economic Impact Report (undertaken by Volterra) which was submitted as part of DPWLG's Written Representations at Deadline 1 [REP1-333, Annex B] and provides a summary of the potential negative economic impacts to the port under various scenarios. The analysis presented in Volterra's Economic Impact Report demonstrates that, even based on highly conservative assumptions, resolving the economic disbenefits to the Port and logistics Park through appropriate mitigation proposals would strengthen the case for the LTC Project and deliver good Value for Money ('VfM') for the taxpayer. There is, therefore, a clear economic and strategic case for implementing mitigation for the Project's impacts on Orsett Cock and Manorway junctions.

*Full benefits that could arise from the Project to DPWLG which are not yet being reached due to the Applicant's position*

- 3.4** An appropriate scheme of mitigation at the Orsett Cock roundabout would assist in resolving the disbenefits to London Gateway summarised above. It would improve journey times for highway users to and from London Gateway and provide a more resilient highway network improving connections from London Gateway to the north via M25 and M1.

#### **4. Port of London Authority**

- 4.1** For the purpose of this statement, it is important to note that the Port of London is the river as a whole, and while the PLA is not a terminal for these purposes, there are terminals within it. Therefore while the issues the PLA stands to face are different to terminals, they are linked to those set out by PoTLL and DPWLG set out above.

*Benefits to the Port of London*

- 4.2** The completion of the Lower Thames Crossing is identified in the Thames Vision 2050 action plan [Our Vision for the Thames in 2050 \(pla.co.uk\)](http://pla.co.uk) and the PLA has over the years supported in principle a Lower Thames Crossing in this area because of the benefits in:
- 4.2.1 Reducing pressure on the M25 and the existing Dartford Crossings
  - 4.2.2 Providing resilience through two independent crossings
  - 4.2.3 Providing a long term view on strategic infrastructure as required by freight traffic.

*Potential disbenefits to the Port of London*

- 4.3** The PLA has been clear in its submissions to the Examining Authority how it is critical that the existing and future capacity and operation of the Port are not compromised during construction and operation of the Order Scheme. With the exception of paragraph 99(6) of the PLA's protective provisions (relating to arbitration), tunnelling considerations have been addressed during the examination period to the satisfaction of the PLA. The concerns set out above in this note by DPWLG and PoTLL are supported by the PLA because together, DPWLG and PotLL handle over 50% of trade in the Port and therefore the disbenefits that they identify during construction and operation, including increased

journey times to the Ports, ultimately impact the Port of London because they are impacting the two largest terminals within the Port.

- 4.4** The PLA has set out in its Deadline 6 submission [REP6-160] its objection to compulsory acquisition of its land on the basis that, as a statutory undertaker and given its particular role in managing and conserving the river, its land ought not to be subject to compulsory acquisition. The PLA also maintains that there has not been a reasonable attempt to acquire the relevant interests by agreement (see the PLA's Deadline 8 response for its latest position).

*Full benefits that could arise from the Project to the Port of London which are not yet being reached due to the Applicant's position*

- 4.5** In keeping with other projects that are proposed within the Port of London, the Applicant should be seeking to maximise the sustainable transport of materials, plant/equipment and waste during construction of the Order Scheme. Given the location of the Order Scheme, the River provides a significant opportunity for sustainable transport and in very broad terms for every 1000t of material transported by water directly to site, 100 HGV movements are removed from the road. Even where it is not possible to transport material directly to site (maximising through the supply chain), the distance that any material, plant/equipment or waste is transported can be significantly reduced. This has environmental benefits as well as safety benefits and it is of note that another major project on the River Thames, Thames Tideway Tunnel, took the decision to incentivise contractors to do more by water in order to fully realise these benefits – an approach that the Applicant has not taken.

- 4.6** It has not been possible to reach agreement with the Applicant regarding the wording of the outline Materials Handling Plan – the document that sets out the approach and high-level principles for handling construction materials and waste. As such the PLA considers that the opportunities to maximise use of the river are not secured and the full benefits of the project have therefore not been realised. In short, the commitment in the dDCO to use river facilities is weak, and unlikely to result in any additional river use. The PLA has set out in a separate submission filed alongside this one at Deadline 9 its detailed comments on the oMHP and the changes that are required to this document in order for river use to be maximised.