



# Lower Thames Crossing

## 9.155 Final Statement of Common Ground between (1) National Highways and (2) Thames Enterprise Park Limited (Tracked changes version)

Deleted: Draft

Infrastructure Planning (Examination  
Procedure) Rules 2010

Volume 9

DATE: December 2023  
DEADLINE: 9A

Deleted: October

Deleted: 6

Planning Inspectorate Scheme Ref: TR010032  
Examination Document Ref: TR010032/EXAM/9.155

VERSION: 2.0

Deleted: 1

**Revision history**

<b><u>Version</u></b>	<b><u>Date</u></b>	<b><u>Submitted</u></b>
<b><u>1.0</u></b>	<b><u>31 October 2023</u></b>	<b><u>Deadline 6</u></b>
<b><u>2.0</u></b>	<b><u>15 December 2023</u></b>	<b><u>Deadline 9A</u></b>

## Status of the Statement of Common Ground

This is a ~~Final~~ Statement of Common Ground ~~between 1)~~ National Highways ~~(the Applicant) and 2) Thames Enterprise Park Limited.~~

~~The Applicant~~ considers that this Statement of Common Ground is an accurate description of the matters raised by Thames Enterprise Park Limited and the status of each matter, based on the engagement that has taken place to date.

~~Of the 13 matters contained within, the Applicant considers that three matters are agreed and 10 matters are not agreed.~~

**Deleted:** Draft

**Deleted:** with matters outstanding. ¶

**Deleted:** draft

**Deleted:** A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.¶

## Lower Thames Crossing

# 9.155 Final Statement of Common Ground between (1) National Highways and (2) Thames Enterprise Park Limited (Tracked changes version)

### List of contents

	Page number
<b>1 Introduction .....</b>	<b>1</b>
1.1 Purpose of the Statement of Common Ground .....	1
1.2 Parties to this Statement of Common Ground .....	1
1.3 Principal Areas of Disagreement .....	1
1.4 Terminology .....	2
<b>2 Matters.....</b>	<b>3</b>
2.1 Final position on matters .....	3
<b>Appendix A Engagement activity .....</b>	<b>17</b>
<b>Appendix B Glossary.....</b>	<b>19</b>
<b>Appendix C Updated position statement on additional requirements proposed to be              included in the DCO between Port of Tilbury, Thurrock Council, DP World and              Thames Enterprise Park Limited .....</b>	<b>20</b>

### List of tables

	Page number
<b>Table 2.1 Final Positon on Matters .....</b>	<b>4</b>
<b>Table A.1 Engagement activities between the Applicant and Thames Enterprise Park              Limited since the DCO application was submitted on 31 October 2022.....</b>	<b>17</b>

**Deleted: 1 Introduction 1¶**  
 1.1 Purpose of the Statement of Common Ground 1¶  
 1.2 Parties to this Statement of Common Ground 1¶  
 1.3 Principal Areas of Disagreement 1¶  
 1.4 Terminology 2¶  
**2 Matters 3¶**  
 2.1 Outstanding matters 3¶  
**Appendix A Engagement activity 14¶**  
**Appendix B Glossary 15¶**

**Deleted: Table 2.1 Matters 4¶**  
 ¶  
 Table A.1 Engagement activities between the Applicant and  
 Thames Enterprise Park Limited since the DCO application  
 was submitted on 31 October 2022 14¶

## 1 Introduction

### 1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (the Applicant) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and Thames Enterprise Park Limited, and where agreement has not been reached.
- 1.1.3 This **final** version of the SoCG has been submitted at Examination Deadline **9A**.

**Deleted:** Where matters are yet to be agreed, the parties will continue to work proactively to reach agreement and will update the SoCG to reflect areas of further agreement.

**Deleted:** 6

### 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared in respect of the Project by (1) National Highways, and (2) Thames Enterprise Park Limited.
- 1.2.2 National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain, and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Project, to be conferred upon or assumed by National Highways.
- 1.2.3 Thames Enterprise Park Limited is a major employment-led redevelopment of the former Corton Oil Refinery, Manorway, covering 167 hectares of land on the north bank of the Thames Estuary, Thurrock.

### 1.3 Principal Areas of Disagreement

- 1.3.1 On 19 December 2022, the Examining Authority made some early Procedural Decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.
- 1.3.2 One of these Procedural Decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS). This tracker is known as the PADS Tracker.
- 1.3.3 The PADS Tracker provides a record of principal matters of disagreement emerging from the SoCG and will be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.

1.3.4 This SoCG was requested by Thames Enterprise Park Limited in their Written Representation, which came after the initial request from the ExA for PADS ~~trackers~~,

## 1.4 Terminology

1.4.1 In the final position on matters table in Section 2 of this SoCG, 'Matter Not Agreed' indicates agreement on the matter could not be reached following significant engagement, and 'Matter Agreed' indicates where the issue has now been resolved.

**Deleted:** trackers. Thames Enterprise Park Limited are currently reviewing whether they would like to produce a PADS tracker or if given the small number of matters within the SoCG they are content that the SoCG adequately addresses their matters

**Deleted:** Under Discussion' where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. 'Matter

## 2 Matters

- 2.1.1 ~~Final position~~ on matters, Thames Enterprise Park Limited ~~requested a SoCG, in the relevant representation [REP1-426] submitted into Examination at Deadline 1.~~
- 2.1.2 ~~Subsequently the Applicant engaged with Thames Enterprise Park Limited to develop a SoCG, the first iteration of which was submitted into Examination at Deadline 6. Since then the Applicant has sought to further engage with Thames Enterprise Park Limited to provide clarity where needed and to discuss matters in order to reach final positions.~~
- 2.1.3 ~~Based on engagement and email confirmation from Thames Enterprise Park Limited, the SoCG has been reviewed and updated as follows.~~
- 2.1.4 ~~Since version 1 of this SoCG was submitted at Deadline 6, two additional matters have been added as follows:~~
- ~~a. 2.1.11 – Mitigation, Joint Representation~~
  - ~~b. 2.1.12 – Mitigation, Further Joint Representation~~
- 2.1.5 ~~Since version 1 of this SoCG was submitted at Deadline 6, the following matters have been moved from 'Matter Under Discussion' to 'Matter Not Agreed':~~
- ~~a. 2.1.2 – Adequacy of engagement~~
  - ~~b. 2.1.3 – Construction phasing~~
  - ~~c. 2.1.5 – Information sharing, Traffic model~~
  - ~~d. 2.1.6 – VISSIM traffic flows~~
  - ~~e. 2.1.7 – Modelling results, Queuing~~
  - ~~f. 2.1.8 – A13/A1089 Orsett Cock junction~~
  - ~~g. 2.1.9 – Modelling methodology, Peak periods~~
  - ~~h. 2.1.13 – Economic impacts~~
- 2.1.6 ~~Since version 1 of this SoCG was submitted at Deadline 6, the following matter has been moved from 'Matter Under Discussion' to 'Matter Agreed':~~
- ~~a. 2.1.10 – Modelling methodology, Mitigation~~
- 2.1.7 ~~At Examination Deadline 9A the Applicant considers, there are 13 matters, in total, of which three are agreed, and 10 matters are not agreed.~~
- 2.1.8 ~~This is the Final Statement of Common Ground between the Applicant and Thames Enterprise Park Limited.~~

**Deleted: Outstanding matters**  
Following submission of the DCO application, continued discussions...

**Deleted:** have taken place between the Applicant and

**Deleted:** . These discussions are summarised

**Deleted:** Appendix A.

**Deleted:** <#>The outcome of discussions to date are presented in Table 2.1, which details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Thames Enterprise Park Limited. ¶

**Deleted:** <#>6

**Deleted:** <#>eleven

**Deleted:** <#>two

**Deleted:** <#> ,

**Deleted:** <#>nine

**Deleted:** <#>remain under discussion

**Deleted:** <#>Subsequent versions of this SoCG will outline the changes between versions. ¶

**Table 2.1 Final Position on Matters**

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
<b>Consultation and engagement</b>					
<b>Request for a SoCG</b>	2.1.1	TEP Ltd had previously requested to enter into a SoCG with the Applicant, but the Applicant declined at the time.  TEP Ltd has since reiterated their desire to enter into a SoCG in the Written Representation.	The Applicant <u>acknowledged</u> Thames Enterprise Park Limited's request for a SoCG in its Written Representation and subsequently offered to engage on the development of one.	N/A	Matter <u>Agreed</u>
<b>Adequacy of engagement</b>	2.1.2	To inform the TEP planning application TEP Ltd developed a fully validated VISSIM model (the TEP VISSIM model) which includes Sorrells Roundabout, The Manorway Interchange and Orsett Cock Roundabout. The TEP VISSIM model includes the agreed package of highway mitigation works associated with TEP – including improvements at Sorrells Roundabout and The Manorway Interchange. The TEP VISSIM model is the most up to date model of the local highway network, which meets TAG validation and calibration requirements, and has been signed off and approved by National Highways. National Highways is aware of the TEP VISSIM model but has chosen not to use the TEP VISSIM model to understand the	The Applicant is aware that TEP Ltd developed localised traffic models to support their planning application.  The Applicant developed the localised models of the Orsett Cock and Manorway junctions collaboratively with Thurrock Council. As part of the initial discussions, the scale and scope of these models was agreed, including that new standalone models would be developed for these junctions.  The Applicant released the Orsett Cock VISSIM model (version 3) to TEP at the same time it <u>was</u> issued to other Interested Parties on <u>20</u> October 2023.	N/A	Matter <u>Not Agreed</u>

**Deleted:** acknowledges

**Deleted:** Under Discussion

**Deleted:** is



Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
		localised impacts of LTC at Sorells Roundabout, The Manorway Interchange and Orsett Cock Roundabout. Instead, National Highway has chosen to develop its own stand-alone models for The Manorway Interchange, and Orsett Cock Roundabout. The National Highways model of The Manorway Interchange does not include a base model, has not been validated and there is no supporting Local Modelling Validation Report (LMVR). This raises significant concern with the status of the National Highways VISSIM modelling work for The Manorway Interchange and the associated model outputs (driver delay, queue lengths, network performance).			
<b>Design – Road, Tunnels, Utilities</b>					
<b>Construction Phasing</b>	2.1.3	TEP Ltd have <b>outstanding</b> concerns <b>particularly</b> in relation to the impact of LTC during the construction phase, which extends to issues relating to construction timing and phasing.  TEP is concerned that if the impacts of LTC are not addressed as part of its construction, it has the real potential to create significant adverse impacts at The Manorway Interchange and Orsett Cock Roundabout, which in turn would pose	The outline Traffic Management Plan for Construction (oTMPfC) describes the approach to traffic management during construction, including measures that could be taken to reduce impacts on local communities during construction. In advance of the construction of the Project a Traffic Management Plan (TMP) will be prepared for each part of the works. Table 2.3 of the oTMPfC identifies stakeholder considerations that would be addressed as a minimum by the TMP;	Outline Traffic Management Plan for Construction (oTMPfC) <b>[Document Reference 7.14 (9)]</b> , <b>Draft Development Consent Order [Document</b>	Matter <b>Not Agreed</b>

**Deleted:** Sorells Roundabout /

**Deleted:** Sorells Roundabout /

**Deleted:** Sorells Roundabout /

**Deleted:** ¶  
TEP is awaiting receipt of the National Highways Orsett Cock Roundabout VISSIM model.

**Deleted:** Under Discussion

**Deleted:** [REP5-056]

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
		<p>the risk of deterring investors and operators from TEP <u>and therefore its established operations and productivity.</u></p> <p><u>The Applicant's proposed control and delivery measures are not adequate and do not provide any certainty that can be relied on to avoid such impacts or adequate mitigation.</u></p>	<p>this includes impacts on business hubs such as the Thames Enterprise Park, and states that activities such as advance warning/particular sensitivity around significant events, particularly evenings and weekends would be incorporated into the TMP and engagement with relevant stakeholders would take place as appropriate. This is secured under Schedule 2 Requirement 10 'Traffic management' of the draft Development Consent Order.</p> <p>The Transport Assessment presents the impacts during the construction phase of the Project, and the Applicant considers it reflects a reasonable worst case and provides a proportionate assessment of the selected construction scenario. paragraph 8.1.7 of the Transport Assessment includes a number of assumptions that were made to ensure that the construction programme is not under-represented.</p> <p><u>The Applicant does not agree that its control documents are inadequate nor that they fail to provide certainty. The control documents are secured via the draft Development Consent Order and contain a range of well established mechanisms to monitor, manage, reduce</u></p>	<p><b>Reference 3.1 (11)</b></p> <p>Transport Assessment <b>[REP4-148 to REP4-152]</b></p>	

Deleted: Draft Development Consent Order [\[REP5-024\]](#)

Deleted: .

Deleted: As set out at

Deleted: ,

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
			<u>and mitigate if required impacts that arise during the construction phase of the Project. The Applicant has significant experience of managing complex infrastructure projects and has employed this in the development of the control documents and so they reflect an established and tested process. It is worth noting however, that the Applicant considers that the documents offer additional controls, exceeding those offered elsewhere.</u>		
<b>Traffic and economics</b>					
<b>Need for the Project</b>	2.1.4	TEP Ltd has highlighted in all previous consultation responses an in-principal support for the LTC; however, TEP has concerns with the 'severe' impact on the highway network. This will consequentially lead to impacts on the economic activity <u>of the established use and operation</u> and future growth of TEP during construction of the proposed LTC and once it is operational.	Noted.	N/A	Matter Agreed
<b>Information sharing</b>  <b>Traffic model</b>	2.1.5	TEP Ltd's concerns in relation to The Manorway Interchange and Orsett Cock Roundabout have yet to be addressed <u>fully and adequately</u> . It is understood that Thurrock Council, DP World/London Gateway (DPWLG)	The Department for Transport 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. The Applicant considers that the	<u>Localised Traffic Modelling [REP6A-004]</u>  <u>Localised Traffic</u>	Matter <u>Not Agreed</u>

~~Deleted:~~ Under Discussion

~~Deleted:~~ .

~~Deleted:~~ and

~~Deleted:~~ Localised Traffic Modelling [\[REP3-126\]](#)

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
		<p><del>and the Port of Tilbury</del> have also raised similar concerns. In an attempt to address these concerns LTC has undertaken additional modelling work of The Manorway Interchange and Orsett Cock Roundabout in the form of standalone VISSIM models. ▼</p> <p><del>However, this additional modelling work does not address these concerns and is inadequate for the purposes of assessing and understanding the impact of LTC at these locations.▼</del></p>	<p>model is suitable for assessing the Project and its impacts along the A13, and at the Orsett Cock and Manorway junctions.</p> <p>The Applicant has undertaken additional local junction modelling (using microsimulation modelling within VISSIM) for both the Orsett Cock and Manorway junctions that is available in Appendix B and Appendix C of the Localised Traffic Modelling. These models have been developed in partnership with Thurrock Council. Reports relating to both models have been submitted by the Applicant at Deadline 1. This has been provided in Localised Traffic Modelling.</p> <p>The physical extents of the models have been agreed with Thurrock Council as part of their development. The Applicant does not consider that there is interaction between the two junctions and the modelling results for neither junction <del>shows</del> interaction between traffic using the junction and traffic on the A13 mainline.</p> <p>The Applicant has shared copies of the model files for the Manorway junction with TEP <del>Ltd</del> on 5 October 2023 to enable them to undertake an</p>	<p>Modelling, Appendix B – Orsett Cock VISSIM Local Model Validation Report  <a href="#">[REP1-188]</a></p> <p>Localised Traffic Modelling, Appendix C – Orsett Cock Forecasting Report  <a href="#">[REP6A-006]</a></p> <p><del>Combined Modelling and Appraisal Report [APP-518]</del></p> <p><del>Transport Assessment [REP4-148 to REP4-152]</del></p>	

**Deleted:** It is understood that NH has provided a copy of these VISSIM models to other key stakeholders including DPWLG, however, this information has not been made available to TEP. Until this information is made available to TEP, we cannot progress our evaluation.

**Deleted:** Access to the model file will enable us to undertake our own detailed evaluation of the traffic assessment including consideration of any latent demand within the modelling work.

**Deleted:** show

**Deleted:** [REP1-189](#)

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
			<p>assessment. The Applicant has shared further copies of the VISSIM data for Orsett Cock junction with TEP <u>Ltd</u> on 20 October 2023.</p> <p><u>The Applicant does not agree with TEP Ltd's assertion that the modelling that has been put before the Examination is not adequate to assess or understand the impacts of the Project on the road network. The Applicant considers that there is a wealth of information that has been submitted, both in the localised traffic models, via the Lower Thames Area Model outputs (as reported in the Combined Modelling and Appraisal Report) and the Transport Assessment that provides a clear, appropriate and robust forecast of the impacts of the Project both during the construction and operational phases.</u></p>		
<b>VISSIM traffic flows</b>	2.1.6	There appears to be a discrepancy between the LTAM traffic flows and the VISSIM traffic flows for Orsett Cock Roundabout. The data contained within the Localised Traffic Modelling Report shows variances of up to 50% in traffic movement on certain arms when comparing the LTAM and VISSIM flows.	<p>The Applicant considers it important to note that the VISSIM model for the Orsett Cock junction does not directly use forecast flows from the LTAM.</p> <p>The approach used in the development of the VISSIM model is set out at section 3.4 of Localised Traffic Modelling Appendix C – Orsett Cock Forecasting Report.</p>	<p>Localised Traffic Modelling (v2.0) <a href="#">[REP3-126]</a></p> <p>Localised Traffic Modelling Appendix B - Orsett Cock</p>	<p>Matter <b>Not Agreed</b> ✓</p>

Deleted: Under Discussion

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
		Further questions are raised when comparing the VISSIM traffic flows set out within the Localised Traffic Modelling Report and those at Appendix B. There are notable variances when comparing the traffic data from the VISSIM traffic flows quoted with the Traffic Modelling Report and the Appendix.	In relation to a comparison of flows between Localised Traffic Modelling and Localised Traffic Modelling Appendix B - Orsett Cock VISSIM Local Model Validation Report, flows for the Orsett Cock junction in the former are shown for 2030 in Tables 4.5 and 4.6. Within Appendix B, the flows presented in Plates 3.2 – 3.4 inclusive are observed traffic flows from May 2018.	VISSIM Local Model Validation Report <a href="#">[REP1-188]</a> Localised Traffic Modelling Appendix C – Orsett Cock Forecasting Report <a href="#">[REP6A-006]</a>	
<b>Modelling results</b>  <b>Queuing</b>	2.1.7	TEP Ltd is concerned that the interaction between The Manorway Interchange and Orsett Cock Roundabout is still not fully understood by virtue of the assessment taking the form of two standalone VISSIM models. The output from the models also demonstrates significant queuing and delay at Orsett Cock Roundabout, particularly on the eastbound A13 off-slip, and this has the potential to have a knock-on effect on The Manorway Interchange and in turn the operation of TEP. This is a critical issue given that The Manorway Interchange is the sole point of access for all HGV movement to and from TEP	The Applicant recognises that the Project will change the pattern of traffic in the region. In many places on the network, and within Thurrock, this would lead to beneficial impacts, and in some cases, it would lead to adverse impacts. Overall, the benefits on the road network would outweigh the adverse impacts, and this is reflected in the positive economic benefit of the Project within Thurrock as set out in Chapter 5 of Need for the Project; Chapter 4 of the Planning Statement; and the Combined Modelling and Appraisal Report - Appendix D. Chapter 7 of the Transport Assessment includes details of the scale of impacts both on roads and junctions, setting out	Need for the Project <a href="#">[APP-494]</a> <a href="#">Planning Statement Document Reference 7.2 (2)</a> Combined Modelling and Appraisal Report - Appendix D: Economic Appraisal Package <a href="#">[APP-524]</a>	Matter <b>Not Agreed</b>

Deleted: [REP1-189](#)

Deleted: Under Discussion

Deleted: Planning Statement [\[APP-495\]](#)

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
		(and the majority of all vehicle movements). Document 9.15 Localised Traffic Modelling Reports shows queuing of up to 1.7km on the A13 eastbound off slip which is of a concern, as the busiest period (14:00 to 15:00) has not been modelled and there is potential for the queue during this period to exceed 1.7km.	where impacts are forecast to be adverse or beneficial. The forecast impacts of the Project on the highway network are also set out in Chapter 7 of the Transport Assessment, which includes junctions along the A13 such as the Orsett Cock and Manorway junctions. Table 5.1 of Localised Traffic Modelling Appendix B - Orsett Cock VISSIM Local Model Validation Report shows that flows in the 14:00-15:00 hour are significantly lower than the hours examined in both the LTAM and the Orsett Cock VISSIM model. Therefore, the Applicant does not consider that an interpeak assessment at the Orsett Cock junction is warranted.	<a href="#">APP-525</a> , <a href="#">APP-526</a> and <a href="#">APP-527</a>  Transport Assessment <a href="#">[REP4-148 to REP4-152]</a>  Localised Traffic Modelling Appendix B - Orsett Cock VISSIM Local Model Validation Report <a href="#">[REP1-188]</a>	
<b>A13/A1089 Orsett Cock junction</b>	2.1.8	TEP has <b>additional outstanding</b> concerns in relation to route choice, route availability and the number of u-turn movements which would be diverted to The Manorway Interchange due to the proposed layout of the A13/A1089 (Orsett Cock) junction – particularly at the Orsett Cock Roundabout, and the network operation and traffic flow.	<b>The Applicant's traffic modelling shows that there would be a very low number of vehicles (which originate from the A128 north of the Orsett Cock junction and wish to use the Project) U-turning at the Manorway junction as a result of the layout of the proposed A13/A1089/A122 Lower Thames Crossing junction. The performance of the junction within both the strategic modelling and localised traffic modelling for the Manorway junction, includes this traffic.</b>	N/A	Matter <b>Not Agreed</b> .

Deleted: As set out in

Deleted: further

Deleted: Under Discussion


Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
			<p>The Applicant considers that the Orsett Cock junction would operate acceptably in future years with the Lower Thames Crossing. The modelling does not show that there would be any interaction between the two junctions.</p> <p>Modifications to the design of the Project presented at Local Refinement Consultation led to changes in traffic routeing. The revised design does not lead to an increase in use of the A1013 by Port of Tilbury heavy goods vehicle traffic as it would be able to join the A1089 via the Orsett Cock junction from the A13 or the Project depending on the direction of travel of these vehicles.</p>		
<p><b>Modelling methodology</b></p> <p><b>Peak periods</b></p>	2.1.9	<p>There is no assessment of the busiest peak period on the local highway network – the shift changeover period at 14:00. Instead, LTC has assessed the 'average' hourly flow between 10:00 – 16:00. This methodology makes no allowance for the spike in movement which is forecast to occur to and from TEP, TOP and DPWLG to coincide with shift changeovers. Therefore, the true impact and operation of the local highway network with LTC during</p>	<p>The Applicant has set out the time periods assessed within the Applicant's strategic transport model, together with reasoning as to how the periods were selected, within Section 3.3 of the Combined Modelling and Appraisal Report Appendix B: Transport Model Package.</p> <p>The model hours assessed within the localised traffic models were agreed with Thurrock Council as part of the models development. Only the AM and PM peaks were considered as these represent the busiest times on the network. The</p>	<p>Combined Modelling and Appraisal Report Appendix B: Transport Model Package [APP-520]</p> <p>Localised Traffic Modelling Appendix B – Orsett Cock</p>	<p>Matter <b>Not Agreed</b></p>

**Deleted:** Traffic modelling does not indicate that the Manorway junction would be used as an alternative route, to avoid Orsett Cock junction, to reach Port of Tilbury by U-turning at Manorway junction to access the A1089. There is some slow-moving traffic at the eastbound A13 off-slip but it is not sufficient that traffic would instead drive the longer distance to Manorway and U-turn there to come back on the A13 to Orsett Cock or the A1089.¶

**Deleted:** (HGV)

**Deleted:** Under Discussion



Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
		construction and in operation is not properly considered or assessed. To provide further context to this, DPWLG is forecast to generate 4,074 PCUS movement between 1400 and 1500, whilst the modelling work for LTC has assumed 2,541 as an inter peak flow which is 1,533 PCU's lower. The detailed modelling work associated with Thames Enterprise Park shows that the network including Sorrells Roundabout and the A13 Manorway Interchanges shows congestion to be greatest between 1400 to 1500 when compared to the AM and PM peak hours.	selection of the hours for the Orsett Cock model is detailed within Localised Traffic Modelling Appendix B – Orsett Cock VISSIM Local Model Validation Report. At the Manorway junction, the hours from the LTAM were used because observed data was not available when the model was built.	VISSIM Local Model Validation Report <a href="#">[REP1-188]</a>	
<b>Modelling methodology</b>  <b>Mitigation</b>	2.1.10	The Applicant's assumptions for TEP are taken from 2021 and do not include or allow for the latest mitigation proposed to be delivered by TEP in accordance with the Resolution to Grant for redevelopment secured on 9 June 2022 (Ref: Application No: 18/01404/OUT).	The Applicant can confirm that both the Project's strategic transport model and the localised traffic model of the Manorway junction include the mitigation schemes at the Sorrells roundabout and the A13 Manorway junction that are proposed to be delivered by TEP <u>Ltd</u> in accordance with the Resolution to Grant secured on 9 June 2022.		Matter <u>Agreed</u> 
<b>Mitigation</b>	<u>2.1.11</u>	<u>TEP Ltd has entered into a joint representation [REP6A-022] between Thames Enterprise Park (TEP), Thurrock</u>	<u>The Applicant has provided comments on these proposed requirements as follows:</u>	<u>Asda roundabout construction impact</u>	<u>Matter Not Agreed</u>

Deleted: Under Discussion

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
<b><u>Joint Representation</u></b>		<p><u>Council (TC), DPW London Gateway (DPWLG), and Port of Tilbury London Limited (PoTLL).</u></p> <p><u>These parties have reached a common position with respect to three proposed requirements to mitigate the impact of LTC:</u></p> <p><u>Draft Requirement: Asda roundabout – construction traffic mitigation, found at Appendix 3 to PoTLL's Deadline 6 submission [REP6-163].</u></p> <p><u>Draft Requirement: Orsett Cock roundabout – operational traffic mitigation, found at Appendix 4 to PoTLL's Deadline 6 submission [REP6-163].</u></p> <p><u>Draft Requirement: Wider highway network monitoring and mitigation, found at Appendix 6 to PoTLL's Deadline 6 submission [REP6-163].</u></p>	<ul style="list-style-type: none"> <li><u>A – Draft requirement: Asda Roundabout – The Applicant set out how the controls are secured in the Applicant's submissions on construction impacts and management at Asda roundabout</u></li> <li><u>B – Draft Requirement: Orsett Cock roundabout – operational traffic mitigation – The Applicant provided a response to the proposed Orsett Cock roundabout requirement at Section 7.2 of the Applicant's responses to Interested Parties' comments on the draft DCO at Deadline 6</u></li> <li><u>C - Draft Requirement: Wider highway network monitoring and mitigation – The Applicant provided a response to the proposed Requirement in the Applicant's comments on Interested Parties' submissions regarding Wider Network Impact at D7.</u></li> </ul>	<p><u>assessment [REP6A-008]</u></p> <p><u>Applicant's responses to Interested Parties' comments on the draft DCO at Deadline 6 [REP7-190]</u></p> <p><u>Applicant's comments on Interested Parties' submissions regarding Wider Network Impact at D7 [Document reference 9.208]</u></p> <p><u>dDCO [Document Reference 3.1 (11)]</u></p>	
<b><u>Mitigation</u></b>  <b><u>Further Joint Representation</u></b>	2.1.12	<p><u>A further joint representation (REP8-166) on these draft requirements as set out in item 2.1.1 between Thames Enterprise Park (TEP), Thurrock Council (TC), DPW London Gateway (DPWLG), and Port of Tilbury London Limited (PoTLL)</u></p>	<p><u>The Applicant has provided a response to the proposed draft requirements as follows:</u></p> <ul style="list-style-type: none"> <li><u>Asda roundabout - 9.213 Applicant's responses to IP's comments on the dDCO at Deadline 8</u></li> </ul>	<p><u>Applicant's comments on Interested Parties' submissions regarding Wider Network</u></p>	<u>Matter Not Agreed</u>

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
		<p>were submitted at Deadline 8, and as appended to this SoCG.</p> <p>At the time of writing this SoCG, the Applicant has not responded to the Deadline 8 Submission. The joint representation submitted at Deadline 8 is appended to this SoCG..</p>	<ul style="list-style-type: none"> <li>Wider highway network monitoring and mitigation - Applicant's comments on Interested Parties' submissions regarding Wider Network Impact at Deadline 7</li> <li>Orsett Cock roundabout – 9.213 Applicant's responses to IP's comments on the dDCO at Deadline 8</li> </ul> <p>Further to review of the joint representation and further engagement with Port of Tilbury London Limited who have led on the drafting discussion, the Applicant has amended Requirement 18 to include Thames Enterprise Park in the list of consultees.</p>	<p>Impact at Deadline 7 [REP8-123]</p> <p>9.213 Applicant's Responses to Interested Parties' comments on the Draft Development Consent Order at Deadline 8</p>	
Economic impacts	2.1.13	<p>TEP Ltd, Thamesoil Port and the London Gateway combined account for 85% of available employment land supply within Thurrock whilst sharing the same access route enhancing the risks arising from delays resulting from LTC.</p> <p>TEP Ltd is concerned that if the impacts of LTC are not <u>adequately secured and</u> addressed as part of its construction and operation, it has the real potential to create significant adverse impacts at The Manorway Interchange and Orsett Cock Roundabout, which in turn would pose</p>	<p>The Project's proposed approach to monitoring impacts on the road network is summarised within Chapter 10 of the Transport Assessment, and set out fully in the Wider Network Impacts Management and Monitoring Plan. The Project consulted on the Wider Network Impacts Management and Monitoring Plan as part of the Community Impacts Consultation in July 2021. This document sets out how the Applicant would work with local authorities and the Department for Transport, and the role of the</p>	<p>Transport Assessment [REP4-148 to REP4-152]</p> <p>Wider Network Impacts Management and Monitoring Plan [Document Reference 7.12 (2)]</p> <p>Transport Assessment</p>	<p>Matter <b>Not Agreed</b></p>

Deleted: 11

Deleted: Under Discussion

Deleted: [APP-545]

Topic	Item No.	Thames Enterprise Park (TEP) Limited Comment	The Applicant's Response	Application Document Reference	Status
		the risk of deterring investors and operators from TEP.	<p>Applicant and other organisations in the future management of the road network.</p> <p>The Applicant has set out how its approach to wider network impacts, including at the Orsett Cock and Manor Way A13 junctions, is compliant with policy within Transport Assessment Appendix F: Wider Network Impacts Management and Monitoring Policy Compliance.</p>	<p>Appendix F: Wider Network Impacts Management and Monitoring Policy Compliance</p> <p><a href="#">[APP-535]</a></p>	

**Deleted:** ¶  
 Given that the supplementary transport VISSIM modelling work is not available at the time of writing this representation, therefore we reserve the right to comment on the Economic Impact of LTC at later stage, when sufficient information is provided to TEP.

## Appendix A Engagement activity

**Table A.1 Engagement activities between the Applicant and Thames Enterprise Park Limited since the DCO application was submitted on 31 October 2022**

Date	Overview of engagement activities
25 November 2022	Meeting to discuss the Project and its impact on the road network
20 December 2022	Non-Disclosure Agreement between the Applicant and Thames Enterprise Park Limited signed
12 January 2023	Meeting regarding traffic data
16 January 2023	GIS shapefiles from the Lower Thames Area Model for 2016 base year and model forecast year 2030 shared with Thames Enterprise Park Limited
January – February 2023	Emails from the Applicant regarding availability for follow-up VISSIM modelling meeting
12 June 2023	Email from the Applicant regarding the start of examination and availability for follow-up VISSIM modelling meeting
14 July 2023	Meeting to discuss the examination timetable and VISSIM modelling
10 August 2023	Emailed draft SOCG to Thames Enterprise Park Limited
18 August 2023	Email TEP Ltd concerning progression of their review of SoCG
29 August 2023	Email TEP Ltd concerning progression of their review of SoCG
11 September 2023	Email TEP Ltd concerning progression of their review of SoCG and sharing of traffic count data at Manorway junction
20 September 2023	Email TEP Ltd concerning progression of their review of SoCG
3 October 2023	Updated SoCG received from TEP Ltd
5 October 2023	Email from the Applicant sharing VISSIM data of Manorway Interchange
16 October 2023	Meeting to review the SoCG and discuss next steps
20 October 2023	Email from the Applicant sharing the VISSIM data of Orsett Cock junction
24 October 2023	Email from the Applicant sharing Deadline 6 final version of SoCG
<a href="#"><u>31 October 2023</u></a>	<a href="#"><u>Meeting to discuss the Orsett Cock and Manor Interchange traffic information shared with the Applicant</u></a>
<a href="#"><u>3 November 2023</u></a>	<a href="#"><u>Email from the Applicant concerning progression of SoCG and submission Deadlines</u></a>
<a href="#"><u>10 November 2023</u></a>	<a href="#"><u>Email exchange between the Applicant and TEP Ltd concerning progression of SoCG and submission Deadlines</u></a>
<a href="#"><u>14 November 2023</u></a>	<a href="#"><u>Email from the Applicant concerning progression of SoCG</u></a>
<a href="#"><u>21 November 2023</u></a>	<a href="#"><u>Email from the Applicant concerning progression of SoCG and final Deadline submission</u></a>
<a href="#"><u>30 November 2023</u></a>	<a href="#"><u>Updated SoCG received from TEP Ltd</u></a>

Date	Overview of engagement activities
<a href="#">6 December 2023</a>	<a href="#">Email from the Applicant sharing draft version of Deadline 9A SoCG for endorsement</a>
<a href="#">8 December 2023</a>	<a href="#">Updated SoCG received from TEP Ltd</a>
<a href="#">12 December 2023</a>	<a href="#">Email from the Applicant sharing final version of Deadline 9A SoCG for endorsement</a>

## Appendix B Glossary

Term	Abbreviation	Explanation
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.
Department for Transport	DfT	The government department responsible for the English transport network and a limited number of transport matters in Scotland, Wales and Northern Ireland that have not been devolved.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Lower Thames Area Model	LTAM	Transport model designed to forecast impacts of providing additional road-based capacity across the River Thames at or east of the existing Dartford Crossing.
Outline Traffic Management Plan for Construction	oTMPfC	Outlines the approach to carrying out temporary traffic management for the safe construction of the Project and the management measures to reduce the impact on local communities.
Traffic Management Plan	TMP	The approach to carrying out temporary traffic management for the safe construction of the Project. It will also explain management measures available to the Contractor to reduce the impact on the local community (including journey time reliability, access, and safety).

**Appendix C Updated position statement on additional requirements proposed to be included in the DCO between Port of Tilbury, Thurrock Council, DP World and Thames Enterprise Park Limited**



**UPDATED JOINT POSITION STATEMENT ON ADDITIONAL REQUIREMENTS  
PROPOSED TO BE INCLUDED IN THE DCO**

**BETWEEN**

 <p>PORT OF <b>TILBURY</b> LONDON</p>	
	
 <p><b>DP WORLD</b></p>	
	

1. At Deadline 6A, Port of Tilbury London Limited (**PoTLL**) Thurrock Council, DP World London Gateway and Thames Enterprise Park (**the Parties**), submitted a Joint Statement in respect of proposed draft Requirements that all of the Parties agreed should be included in the DCO for LTC [[REP6A-017](#)].
2. In particular, this Joint Statement referenced draft Requirements relating to Orsett Cock roundabout and wider highway network monitoring and mitigation. The Parties are key stakeholders that may be most affected by impacts at the Orsett Cock roundabout and each having a wider interest in the proper functioning of the wider road network in the area north of the River Thames.

### **Orsett Cock**

3. Following the Hearings, the Parties have been collaborating to seek to amend the wording of this Orsett Cock Requirement in light of the questions raised by the Examining Authority and the submissions of the applicant. This has included holding a meeting with the applicant on the drafting of the Requirement on 4 December 2023.
4. Following that meeting, it is understood that the applicant will be putting forward a further iteration of its drafting of the Requirement at Deadline 8. The Parties have not seen that drafting in advance of finalising this Statement, but stand ready to have a further discussion with the applicant once they have seen that drafting, prior to Deadline 9, whilst also continuing to develop their own drafting in case full agreement with the applicant cannot be reached to be submitted at that deadline.
5. However, following the discussion on 4 December 2023, the Parties have fundamental concerns that they consider are likely to be stumbling blocks to reaching full agreement with the applicant (but will continue discussions to try and find a way through in any event):
  - the Parties want to ensure that there are clear parameters by which the Secretary of State makes his/her decision on whether the measures proposed pursuant to the Requirement are sufficient. However, the applicant is clear that it will not accept any kind of approach which seeks to set out any form of criteria or thresholds against which a measure should be judged;
  - the Parties are alive to the concerns raised by members of the ExA at the Hearings and is are seeking to develop wording to ensure that the criteria/thresholds are objective, and/or, failing that, that a proper process is put in place for the Secretary of State to determine the criteria/thresholds. However, it is understood that the applicant would refuse to accept any drafting that even provided for the Secretary of State to adjudicate on that matter, having heard comments from all parties;
  - the Parties are concerned that, fundamentally, this means that there are no clear parameters for the Secretary of State to make his/her decision against, meaning that such a decision could not only be vulnerable to challenge, but the outcome of that process will be unnecessarily uncertain. In addition, the process created by the Requirement proposed by the applicant will lack preciseness and enforceability, which is not good drafting practice or in the public interest;
  - as set out in the submissions at the Hearing, as well as setting criteria, the Parties consider that it is important that the Requirement is clear what objectives the criteria against which measures are judged are seeking to achieve. To that end the Parties would want the Requirement to ensure that measures do not just 'optimise'<sup>1</sup>, but ensure the proper performance of Orsett Cock roundabout (building on the applicant's own wording) to:
    - ensure reliable and efficient traffic journeys through the Orsett Cock roundabout having due regard to journeys from the Port of Tilbury and London Gateway Port to the

---

<sup>1</sup> Which can only be done by reference to a defined parameter, which to date the applicant has not set out or agreed to. Optimisation is an entirely empty concept unless the parameter which must be optimised is also defined. That parameter could be reducing displacement of traffic through Orsett Village, or eliminating such traffic, or it could be the efficient movement of traffic to and from the ports, etc. The parameter must be defined.

strategic road network and the importance of the Orsett Cock and Manorway roundabouts for port operations;

- avoid significant adverse impacts to Orsett Cock village;
  - minimise traffic delays on the highway network; and,
  - avoid causing significant highway safety issues, including the safe and efficient passage of movement for cyclists and pedestrians across this local junction ; and
- in light of the above, the Parties desire that the Requirement provides a clear process by which the applicant and the Parties have a chance to make statements to the Secretary of State about what the criteria/thresholds should be and what the measures should be to deal with any issues identified in meeting those criteria/thresholds, for the Secretary of State to make a judgement accordingly. The Parties understand that the applicant is reluctant to move away from its generic proposals in respect of Requirement discharge processes but will be putting forward some proposals at Deadline 8, which the Parties will consider.
6. It is useful background to note that the Thurrock Council has invested significantly in the A13 upgrade, including the Orsett Cock roundabout, to allow for the expansion of the ports and other Local Plan growth. This is key to the development of Thurrock. The aim of Thurrock Council is that LTC does not significantly negatively impact that capacity and future growth plans. This is important to ensure the longer-term economic growth in Thurrock. It is submitted therefore that it is appropriate to place clear and precise duties on the applicant to ensure that the interaction between the Orsett Cock roundabout and LTC works (and if it does not then additional works are required).
7. Another key area of disagreement between the Parties and the applicant is an ongoing scheme of monitoring, so that further mitigation can be provided if the works undertaken are not effective. As set out above, the operation of the Orsett Cock roundabout is critical to future growth in Thurrock and it is therefore imperative the roundabout works. The applicant has indicated that under no circumstances will it agree to a requirement that requires (or could require) the implementation of post-opening mitigation measures. In other words the applicant wishes to remain at arm's length from Orsett Cock roundabout after LTC opens, despite having appropriated the roundabout for the strategic purposes of LTC and despite the proper operation of the roundabout being critical to the strategic functionality of LTC, as well as Thurrock Council's own growth agenda and to the ports' proper and efficient operation.
8. In light of the above and seeking to try and find some common ground given the applicant's apparent position, the Parties note that it would be open to the ExA to:
- make a Procedural Decision to direct all parties (including the applicant) to consider 'with-criteria' wording (including criteria proposed by the applicant when submitting the scheme to the Secretary of State, so that the Secretary of State knows what the parties are trying to achieve) and 'without-criteria' wording (whereby the Secretary of State is to be given little guidance as to what the final outcome is intended to be), to enable all possibilities to be considered and/or;
  - make a Procedural Decision to direct all parties (including the applicant) to include drafting to allow for an ongoing scheme of monitoring and mitigation for a maximum of five years to allow the Secretary of State to consider such drafting in determining whether it should be imposed:  
or
  - call a 'meeting' under Examination Procedure Rules 6(3) for a focused discussion with the ExA present, as such a meeting does not require 21 days' notice.
9. However, the Parties fully recognise that these are all matters of the ExA's discretion. They will continue to seek to make progress with the applicant in any event.

## Wider Networks Impacts

10. As a result of the efforts to try and find a way through the discussion on measurable criteria, the Parties have also been considering the drafting of the Wider Networks Impacts Requirement, where similar terminology is utilised, as for the Orsett Cock drafting.
11. As such, an interim update on this Requirement is presented at Appendix A to move away from seeking to define the measureable threshold, while also seeking to make progress on defining what is meant by a material worsening in the context of seeking to achieve defined objectives. The Parties will continue working on this drafting for Deadline 9.
12. Notwithstanding this, the Parties also make the following points on the principle of why such a Requirement is needed, in light of the applicant's submissions at Deadline 6 (REP6-092).
13. It is noted that, despite extensive focus on policy, the applicant has not engaged with the draft NPS policy in its Position Paper, which must be seen as an important and relevant consideration in light of paragraph 5.280<sup>2</sup>. That paragraph is not inconsistent with adopted policy in the current NPS, it just takes it further. It is therefore an important and relevant consideration that must inform understanding of this topic.
14. The Parties understand the differences between Silvertown and LTC, so the key question should be what is appropriate for this project rather than focusing on this.
15. In summary, the applicant position seems to be:
  - the DCO should not be used to upend the RIS and Government spending decisions processes;
  - that the impacts of the LTC may only be one reason why there are material worsening on the network and it is for Government, and NH more widely, to balance those factors;
  - that transport modelling is always uncertain and that policy/guidance does not require consideration/mitigation for matters outside the realms of the uncertainties already modelled; and
  - as such, the best a Requirement can do is commit to working with highway authorities and to transparently monitoring future conditions, so that knowledge of those conditions can inform future network investment decisions made by the relevant authority.

---

<sup>2</sup> *'Where a development negatively impacts on surrounding transport infrastructure including connecting transport networks, the Secretary of State should ensure that the applicant has taken reasonable steps to mitigate these impacts. This could include the applicant increasing the project's scope to avoid impacts on surrounding transport infrastructure and providing resilience on the wider network. The applicant may increase the project's scope to avoid impacts on the surrounding transport infrastructure and improve network resilience. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations to fund infrastructure or mitigate adverse impacts on transport networks'*.

The parties to this joint position paper consider that although the wording of the draft NPSNN is clear and unambiguous, they do not consider that the policy position under the extant NNNPS is any different. In particular NPSNN paragraph 3.3 states that *'the Government expects applicants to avoid environmental and social impacts in line with the principles set out in the NPPF and the [PPG].'* Paragraph 110(d) of the NPPF states that *'it should be ensured that...significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost-effectively mitigated to an acceptable degree.'* This is as clear a statement as one could possibly find that *'significant impacts'* on the LHN in terms of capacity and congestion **must** be mitigated, in a cost-effective manner, as part of a transport NSIP such as LTC. NPSNN paragraphs 5.215 and 5.216 are squarely on all fours with NPPF paragraph 110, and echo the substance and the language of that policy, as do draft NPSNN paragraphs 5.272 – 5.276 and 5.280.

15. These positions are made without differentiating between the pre-opening and post-opening position.

16. In response to this, the Parties would note the following:

#### Pre-Opening

17. The proposed Requirement from the Parties keeps the decision making as to whether mitigation is brought forward with the Secretary of State.

18. The Secretary of State would, in considering matters brought to him/her pursuant to this Requirement, be able to be mindful of the wider Government spending priorities and programmes in determining whether s/he agrees with the mitigation measures being brought forward.

19. Furthermore, there is nothing in the Requirement that would stop the applicant from being able to provide information not listed in the Requirement to the Secretary of State, such as information on what other factors may be contributing to any material worsening in the wider network.

20. The Requirement ensures that this consideration has to happen and that mitigation is put in place to ensure that the Scheme 'works' from the outset; rather than waiting for the prolonged route strategies and RIS approach, which may not dovetail with the LTC opening period.

21. Given the potentially prolonged period before this project commences construction in earnest and ultimately opens, it is proportionate that modelling is refreshed to ensure that the Scheme can actually work with the baseline and future baseline position that exists at that time. The applicant has identified that there are uncertainties, leading to some concerns on network performance across the network that may be exacerbated in the future: this Requirement ensures the Scheme suitably reacts to how those uncertainties have evolved.

#### Post-Opening

22. In respect of post-opening, many of the same arguments apply.

23. The Parties consider that the applicant's concerns can be assuaged by amending what is now suggested in sub-paragraph (6) (d) to 'read *'submit the necessary mitigation measures for approval to the Secretary of State'* and then replicate sub-paras (3) and (4). This will be considered further with the applicant.

#### **Further Requirements**

23. Further to the above discussions and the discussions at the Hearing, Thurrock Council and PoTLL have also considered the drafting of the Asda Roundabout and Tilbury Link Road proposed requirements (as the only parties affected by their drafting), and have collectively agreed that they **support the inclusion of the following updated draft Requirements in the draft DCO:**

- Draft Requirement: **Asda roundabout – construction traffic mitigation**, found at Appendix 3 to PoTLL's Deadline 6 submission [REP6-163] as amended by PoTLL's Deadline 8 submission (and the associated amendments to Requirement 10), for the reasons given in PoTLL's Deadline 8 submission.
- Draft Requirement: **Tilbury Link Road passive provision**, as per the applicant's version of the DCO at Deadline 7, as amended in the drafting set out in PoTLL's Deadline 8 submission, for the reasons given in PoTLL's Deadline 8 submission. For the avoidance of doubt, the Council's previous suggested drafting is no longer proposed by the Council.

**5 December 2023**

# Annex A

## Clean version

### Wider highway network monitoring and mitigation

#### *Pre-opening scheme of mitigation*

- 1.—(1) The tunnel must not be opened for public use until a scheme of mitigation, informed by the assessment and consultation mentioned in sub-paragraph (2), has been submitted to and approved in writing by the Secretary of State.
  
2. In carrying out the assessment and consultation required by sub-paragraph (1), the undertaker must—
  - a. identify in consultation with the [LTCIG] the measurable thresholds;
  - b. carry out an updated assessment of the likely impacts of the operation of the authorised development on the performance of the highway network;
  - c. consult with the members of the [LTCIG] and have regard to any consultation responses received on—
    - i. the locations on the highway network where the assessment demonstrates there is likely to be a material worsening of traffic conditions as a result of the operation of the authorised development;
    - ii. the measures which the undertaker proposes to mitigate the impacts of such a material worsening of traffic conditions; and
    - iii. the proposed programme for implementation of those measures;
  - d. further consult with the relevant local highway authority on the detail of mitigation measures which it proposes to implement on roads in that local highway authority's area.
  
3. The scheme of mitigation submitted to the Secretary of State for approval under sub- paragraph (1) must include—
  - a. the measurable thresholds;
  - b. details and locations of the proposed mitigation measures;
  - c. responses to the consultation and further liaison carried out under sub-paragraph (2);
  - d. the estimated cost of implementing each measure; and
  - e. the proposed programme for the implementation of those measures.
  
4. If the Secretary of State proposes to approve the scheme of mitigation submitted for approval with material modifications, the Secretary of State must consult the members of [LTCIG] on the proposed modifications and have regard to any responses received when deciding in what form to approve the scheme.
  
5. The undertaker must implement or secure the implementation of the measures set out in the approved scheme of mitigation in accordance with its terms.

#### *Post-opening monitoring and mitigation*

6. For the duration of the monitoring period, the undertaker must—
  - a. implement and keep under review a programme for monitoring the impacts of the operation of the authorised development on the performance of the highway network, in consultation with the members of the [LTCIG];
  - b. prepare—
    - i. quarterly monitoring reports for a period of one year from the tunnel opening for public use; and

- ii. annual monitoring reports thereafter,  
derived from that monitoring, and submit them for consideration by the members of [LTCIG];
- c. develop in consultation with the relevant local highway authority any measures which are necessary to mitigate material worsening of traffic conditions on the highway network which are attributable to the operation of the authorised development; and
- d. implement or secure the implementation of the necessary mitigation measures.

7. If the undertaker's statutory functions in relation to highways and road traffic on the strategic road network are not sufficient to enable the undertaker to implement any mitigation measure which it is obliged to implement under this requirement, the undertaker must either—

- a. seek to agree with the relevant local highway authority that the undertaker will implement that measure on behalf of that local highway authority; or
- b. if such an agreement cannot be reached, pay to that local highway authority a sum equivalent to—
  - i. the estimated cost of the local highway authority implementing that measure, which the local highway authority must use for that purpose; or
  - ii. the costs reasonably incurred by the local highway authority in implementing an alternative measure in the same location which the local highway authority has determined will mitigate the adverse impact attributable to the authorised development.

8. In this paragraph—

“material worsening of traffic conditions” means significant adverse impacts to the highway network in terms of capacity, congestion, delays or highway safety;

“measures” may include physical works to create additional highway capacity; ; and

“the monitoring period” means a period commencing no later than three years before the tunnel is expected to open for public use and continuing for not less than three years after the tunnel opens for public use.

## Tracked changed version

### Wider highway network monitoring and mitigation

#### *Pre-opening scheme of mitigation*

1.—(1) The tunnel must not be opened for public use until a scheme of mitigation, informed by the assessment and consultation mentioned in sub-paragraph (2), has been submitted to and approved in writing by the Secretary of State.

2. In carrying out the assessment and consultation required by sub-paragraph (1), the undertaker must—

- a. identify in consultation with the [LTCIG] the measurable thresholds;
- b. carry out an updated assessment of the likely impacts of the operation of the authorised development on the performance of the highway network;
- c. consult with the members of the [LTCIG] and have regard to any consultation responses received on—
  - i. the locations on the highway network where the assessment demonstrates there is likely to be a material worsening of traffic conditions as a result of the operation of the authorised development;
  - ii. the measures which the undertaker proposes to mitigate the impacts of such a material worsening of traffic conditions; and
  - iii. the proposed programme for implementation of those measures;
- d. further consult with the relevant local highway authority on the detail of mitigation measures which it proposes to implement on roads in that local highway authority's area.

3. The scheme of mitigation submitted to the Secretary of State for approval under sub-paragraph (1) must include—

- a. the measurable thresholds;
- b. details and locations of the proposed mitigation measures;
- c. responses to the consultation and further liaison carried out under sub-paragraph (2);
- d. the estimated cost of implementing each measure; and
- e. the proposed programme for the implementation of those measures.

4. If the Secretary of State proposes to approve the scheme of mitigation submitted for approval with material modifications, the Secretary of State must consult the members of [LTCIG] on the proposed modifications and have regard to any responses received when deciding in what form to approve the scheme.

5. The undertaker must implement or secure the implementation of the measures set out in the approved scheme of mitigation in accordance with its terms.

#### *Post-opening monitoring and mitigation*

6. For the duration of the monitoring period, the undertaker must—

- a. implement and keep under review a programme for monitoring the impacts of the operation of the authorised development on the performance of the highway network, in consultation with the members of the [LTCIG];
- b. prepare—
  - i. quarterly monitoring reports for a period of one year from the tunnel opening for public use; and
  - ii. annual monitoring reports thereafter,  
derived from that monitoring, and submit them for consideration by the members of [LTCIG];



- ~~(e) review, in consultation with the members of [LTCIG], the ongoing suitability of the measurable thresholds;~~
- c. develop in consultation with the relevant local highway authority any measures which are necessary to mitigate material worsening of traffic conditions on the highway network which are attributable to the operation of the authorised development; and
- d. implement or secure the implementation of the necessary mitigation measures.

~~(7) If the undertaker thinks that it is necessary, following a review under sub-paragraph (6)(c), to adjust the measurable thresholds, it must consult with the LTCIG and apply to the Secretary of State under this sub-paragraph to vary the measurable thresholds.~~

~~(8) The Secretary of State may approve an application made under sub-paragraph (7) provided the Secretary of State is satisfied that the adjusted measurable thresholds would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, and the measurable thresholds so approved shall be taken to be the measurable thresholds for the purpose of this paragraph.~~

7. If the undertaker's statutory functions in relation to highways and road traffic on the strategic road network are not sufficient to enable the undertaker to implement any mitigation measure which it is obliged to implement under this requirement, the undertaker must either—

- a. seek to agree with the relevant local highway authority that the undertaker will implement that measure on behalf of that local highway authority; or
- b. if such an agreement cannot be reached, pay to that local highway authority a sum equivalent to—
  - i. the estimated cost of the local highway authority implementing that measure, which the local highway authority must use for that purpose; or
  - ii. the costs reasonably incurred by the local highway authority in implementing an alternative measure in the same location which the local highway authority has determined will mitigate the adverse impact attributable to the authorised development.

~~(10)~~

8. In this paragraph— ~~“the measurable thresholds” means the objective standards which, if exceeded, demonstrate a material worsening of traffic conditions on the highway network; and~~

~~“material worsening of traffic conditions” means significant adverse impacts to the highway network in terms of capacity, congestion, delays or highway safety. a breach of any of the measurable standards;~~

~~“measures” may include physical works to create additional highway capacity; and includes measures whether or not within the limits of deviation;; and~~

~~“the measurable thresholds” means the objective standards which, if exceeded, demonstrate any of the following—~~

~~a significant adverse impact on the highway network in terms of capacity or congestion or highway safety;~~

~~a significant adverse impact on the amenities of Orsett village;~~

~~a significant adverse impact on the operational requirements or efficiency of the ports caused by the authorised works and only to the extent referable to those works~~

“the monitoring period” means a period commencing no later than three years before the tunnel is expected to open for public use and continuing for not less than three years after the tunnel opens for public use. ~~;~~ ~~and.~~

- ~~(b) “works” may include works to create additional highway capacity whether on the local highway network (including the Orsett Cock junction the Manorway junction as defined in requirement (XX)) or not and whether within the limits of deviation or not.~~

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Mapping (where present): © Crown copyright and database rights 2023 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email [info@nationalhighways.co.uk](mailto:info@nationalhighways.co.uk) or call **0300 123 5000\***.

\*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363