



PORT OF
TILBURY
LONDON

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION **TILBURY2**

TRO30003

Written Submission of Case at Issue Specific Hearing on Traffic and Transportation Issues on 28 June: Traffic Transportation Matters only

DOCUMENT REF: PoTLL/T2/EX/137





PORT OF TILBURY LONDON LIMITED – TILBURY2 – DEVELOPMENT CONSENT ORDER APPLICATION

ISSUE SPECIFIC HEARING ON ECOLOGY, HABITATS REGULATIONS ASSESSMENT, AND TRAFFIC AND TRANSPORTATION

28 JUNE 2018

SUMMARY OF APPLICANT'S SUBMISSIONS

1. INTRODUCTION

- 1.1 This note summarises the submissions made by Port of Tilbury London Limited ("PoTLL") ("the Applicant") at the Issue Specific Hearing on Ecology, HRA and Traffic and Transportation Issues held on 28 June 2018 ("the hearing") in relation to PoTLL's application for development consent for a Proposed Port Terminal at the Former Tilbury Power Station known as "Tilbury2" ("the Scheme").
- 1.2 Oral submissions by all parties attending the hearing were made pursuant to the agenda published by the Examining Authority ("the ExA") on 19 June 2018 ("the agenda").
- 1.3 In setting out PoTLL's position on the issues raised in the agenda, as submitted orally at the hearing, the format of this note follows that of the agenda. In addition, extra items have been added where interested parties or the ExA raised points not specifically mentioned in the agenda and in relation to which PoTLL made oral submissions. Where the ExA requested a written response to an agenda item, the Applicant has also responded as appropriate in the note below.
- 1.4 As requested by the ExA, PoTLL's submissions on ecology and HRA matters, and those not dealt with at the hearing but agreed to be submitted in writing, have been submitted prior to Deadline 5. As such, this note deals solely with traffic and transportation issues.
- 1.5 PoTLL's substantive oral submissions commenced at item 3 of the agenda, therefore this note does not cover item 1 on the agenda which was procedural and administrative in nature, or item 2, as no Interested Parties made any submissions under that item.

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| Traffic and Transportation | | |
| 3.18.1 Towards Reaching Agreement on Strategic Road Network (SRN) Issues by the end of the Examination. With reference to the Applicant's and HE's responses at deadline 4 [REP4-020, REP4-002] to ExA's SWQs [PD-010], HE's General Position from page 3, and the Applicant's response to Q2.18.4 ... | | |
| i. What is the Applicant's response to HE's overall position on reaching agreement by the end of the Examination? | <ul style="list-style-type: none"> • Robbie Owen, on behalf of PoTLL, highlighted that the Applicant's position is set out in the Highways England Paper [Reference: REP3-092] submitted at Deadline 4.5. In summary, the Applicant strongly refutes HE's assertion that there is insufficient time to reach an agreed position by close of the examination. • An addendum to this paper has been submitted for Deadline 5 at document reference PoTLL/T2/EX/167 | <p>Highways England Paper [Reference: REP3-092]</p> <p>Highways England Paper Addendum (PoTLL/T2/EX/167)</p> |
| ii. Would the Applicant and HE update the Examination on these matters, in particular: a) Reaching agreement on the dDCO? b) Reaching agreement on the M25 J30? c) Reaching agreement on the Asda roundabout? d) Limiting the traffic entering and leaving the Tilbury2 site during peak periods? | <ul style="list-style-type: none"> • (a) Mr Owen noted that HE had stated in their Deadline 4 submission [Reference: REP4-002] that "<i>it seems to Highways England that there is some prospect of reaching agreement on the wording of the dDCO by the end of the Examination</i>". Since when, as noted in the latest SoCG [Reference: REP4-019] considerable progress has been made in discussions such that the Applicant and HE have reduced the issues between them. • (b) Mr Owen introduced Phil Hamshaw, traffic consultant for PoTLL. Mr Hamshaw noted that as set out in the Highways England Paper [REP3-092] modelling beyond the scope of that agreed with HE during pre-application stage has been completed at M25 J30. This is under discussion with HE. However, modelling confirms Tilbury2 traffic would not have a severe impact on the safe operation of the junction, confirming the conclusions of the TA. There is no reason agreement cannot be reached on this issue prior to the end of the examination. • (c) Mr Hamshaw explained that, as noted in the latest SoCG [Reference: REP4-019] the modelling and impact on ASDA roundabout has been agreed. The | <p>Highways England SoCG [Reference: REP4-019]</p> |

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| | <p>principles of a mitigation scheme have also been agreed. Agreement of the details of the scheme design and audit are programmed to be completed by mid-July, including any necessary traffic regulation measures. Any documentation that needs to be submitted to the Examination will be able to be submitted in time for the end of the Examination.</p> <ul style="list-style-type: none"> Mr Owen highlighted that the Applicant's position is set out in the Highways England Paper [REP03-92]. In summary, all traffic assessments (pre and post application) have demonstrated the residual impact of Tilbury2 traffic on the SRN (with suitable/agreed mitigation at ASDA roundabout) would be acceptable. Thus, no limit on traffic is necessary. Further, any Requirement limiting traffic entering or leaving Tilbury2 would not satisfy the six tests in the NPPF and would be contrary to the NPS for Ports. | |
| <p>3.18.2 Asda Roundabout. With reference to Applicant's, HE's and TC's responses at deadline 4 [PEP4-020, REP4-002, REP4-005] to ExA's SWQs [PD-010], Q2.18.2, 2.18.3, 2.18.7 and 2.18.10, would the Applicant and HE, as well as TC where relevant, update the Examination on the progress of their discussions on the impact of the Proposed Development on the Asda roundabout, specifically with regard to ...</p> | | |
| <p><i>i. The traffic modelling?</i></p> | <ul style="list-style-type: none"> Mr Hamshaw confirmed that the modelling of the impact of Tilbury2 on the operation of the ASDA roundabout has been agreed with both HE and TC as noted in the latest SoCG [Reference: REP4-019]. | |
| <p><i>ii. Appropriate treatment of Amazon traffic at the roundabout during peak periods?</i></p> | <p>Mr Hamshaw explained that the position on Amazon is as follows:</p> <ul style="list-style-type: none"> Traffic associated with the Amazon operation has always been included in modelling submitted throughout the pre-application stage, within the Transport Assessment and during post application stage. The traffic associated with the Amazon operation was taken directly from the forecasts in the Transport Assessment for that scheme, which were agreed with HE and TC at the time. There is no dispute on the Amazon traffic included in the assessments from either HE or TC. | |

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| | <ul style="list-style-type: none"> • Additional peak periods (07.15-08.15 and 18.00-19.00) were included in the additional modelling of ASDA roundabout, which have been audited and agreed with HE as noted in the latest SoCG. • These additional periods are those which have been queried by Amazon. However, Amazon have confirmed that the impact in evening peak hour (18.00-19.00) is acceptable (in their submissions to the Examination prior to the hearings). • Amazon in their submission state that in the morning peak period (07.00-08.00) there would be significant increases in queues on the basis of their own modelling of the ASDA roundabout. This is not consistent with the modelling the Applicant has undertaken, which is agreed with HE and Thurrock Council. • The Applicant has requested the modelling undertaken by Amazon, but has yet to receive it. • In the absence of evidence from Amazon, the modelling, impacts and mitigation proposed by the Applicant have been agreed with HE (and TC) and provide an agreed evidence based position between the highway authorities and the Applicant which the ExA must rely on. | |
| <p>iii. Mitigation proposals, including:</p> <p>a) The robustness of the engineering design?</p> <p>b) Provisions for non-motorised users?</p> <p>c) HE's proposal for a reduced speed limit?</p> <p>d) HE's proposal for a possible DCO requirement limiting the use of the Tilbury2 site, if authorised,</p> | <p>At the hearing Mr Hamshaw explained the proposed measures on screen. This explanation is summarised below but is also set out in the revised General Arrangement Plans submitted at Deadline 5, in respect of those measures in the Order limits, and in the revised Active Travel Plan, for those measures not in the Order limits. These measures have been agreed with HE and TC.</p> <p>Mr Hamshaw confirmed that the engineering design is DMRB compliant and is currently subject to a design audit by HE. It will be subject to a Road Safety Audit which will pick up on details including the visibility on the St Andrews Road approach.</p> <p><u>A1089 Dock Road Approach (northern arm)</u></p> | <p>Revised General Arrangement Plans (PoTLL/T2/EX/152)</p> <p>Revised Active Travel Plan (PoTLL/T2/EX/124)</p> |

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| <p><i>so as not to materially exacerbate peak traffic on this junction?</i></p> | <ul style="list-style-type: none"> • Amend speed limit to: <ul style="list-style-type: none"> • 30mph on immediate approach to roundabout; • 30mph on circulatory carriageway of roundabout; • 50mph south of Marshfoot Road; <p><u>Cycling facilities:</u></p> <ul style="list-style-type: none"> • Amend/supplement directional signage so priority is via route beneath A1089 St Andrews Road; • Co-ordinate signage with wider way-finding measures and co-ordinate with Thurrock's cycleway on Thurrock Park Way; <p><u>A1089 St Andrews Road:</u></p> <ul style="list-style-type: none"> • Modify alignment of approach (northbound) to roundabout to DMRB standard including: <ul style="list-style-type: none"> • Wider entry for improved capacity; and • lower entry path curvature for improved safety. • Re-instate central reserve maintaining pedestrian crossing <p><u>Thurrock Park Way:</u></p> <ul style="list-style-type: none"> • Modify entry to roundabout with amended splitter island with wider entry for improved capacity. <p><u>Pedestrian facilities:</u></p> <ul style="list-style-type: none"> • Improve safety and security of pedestrian/cycle route beneath A1089 St Andrews Road including improved lighting, CCTV monitoring; and hard landscaping. This will be added to the Active Travel Study. | |
| <p><i>3.18.3 Legal Framework. With reference to the Applicant's and HE's responses at deadline 4 [REP4-020, REP4-002] to ExA's SWQs [PD-010], Q2.18.4, the Applicant provides a timetable and structure for reaching agreement. HE states what it sees to be the</i></p> | | |

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| <i>necessary legal framework governing the relationship between HE and the Applicant, which HE asserts to be best practice and widely used elsewhere, and which HE sees to be essential for it to be able to undertake its role as statutory authority for the strategic road network ...</i> | | |
| <i>i. Would the Applicant and HE update the Examination on the progress of their discussions on these matters, clearly highlighting matters yet to be agreed and matters not agreed?</i> | <p>Mr Owen confirmed that the Applicant's position on this matter is as follows:</p> <ul style="list-style-type: none"> • As indicated in the earlier DCO hearing, the Applicant considers that a mandatory section 278 agreement as suggested by Highways England in their D4 submission is not acceptable and not precedented. Whether through DCO regimes, or other statutory authorisation of projects, it is right that all matters or a framework for later agreement of all matters is on the face of the DCO rather than a later agreement that may take some time to negotiate - this is the point of the authorisation regime. • Progress has been made with HE in relation to the Protective Provisions, and an understanding has been reached in terms of the use of temporary possession and temporary stopping up powers being part of a 'basket' of powers that the Applicant may seek to use, or may be required to use following consultation with HE, but that will all be subject to HE's control under the PPs. It is understood that without these powers however, the Applicant would be left waiting for HE to take steps, or allowing the Applicant access to land. • The Applicant has also agreed that deemed approval will not apply to the consent of Highways England (as currently exists in the PPs). This does not need to be explicitly referred to in Article 57, as the powers referred to in that article are subject to the PPs. • The main areas of disagreement are in relation to the need for security and insurance. For the reasons previously given in this Examination, the Applicant does not consider that these are necessary or appropriate. | <p>Response to Interested Parties' Deadline 1 Responses (REP2-007)</p> <p>Response to Examining Authority's Second Written Questions (REP4-020)</p> |
| <i>3.18.4 M25 J30. With reference to the Applicant's, HE's and Essex County Council (ECC)'s responses at deadline 4 [REP4-020, REP4-002, REP4-015] to ExA's SWQs [PD-010], Q2.18.3, 2.18.4 and 2.18.5, the Applicant states its case regarding the M25 J30. HE states that it is still concerned that information is insufficient to conclude that there is no likely severe impact on the M25 J30, but is willing to consider the Applicant's case for mitigation required due to Tilbury2, failing which HE is looking for the imposition of a dDCO</i> | | |

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| Requirement to limit use of the Proposed Development so as not to materially exacerbate peak traffic on this junction. ECC states that it has concerns over progress on the impact of the Proposed Development on M25 J30 ... | | |
| <i>i. Would the Applicant and HE update the Examination on these matters?</i> | <ul style="list-style-type: none"> • Mr Hamshaw noted that as set out in the latest SoCG [Reference: REP3-028] with ECC, their position is simply to receive confirmation that HE are satisfied on the impacts at J30. • The Applicant's position on this matter is clearly set out in the Highways England Paper (REP3-092), and this has been updated in the Highways England Paper Addendum submitted at Deadline 5. • Mr Hamshaw confirmed that the additional modelling of this junction requested by HE confirms Tilbury2 traffic would not materially exacerbate or have a severe impact on the safe operation of the junction, confirming the conclusions of the TA. Specifically, the modelling shows that there would be very small changes in queue lengths and these would <u>not</u> extend beyond the existing slips onto the mainline carriageway of either the M25 or A13. • As noted in the Highways England Paper the increases in traffic through J30 as a result of Tilbury2 are very small and should be viewed in the context of the substantial improvements in capacity recently completed at the junction by HE. • All traffic assessments (pre and post application) have demonstrated the residual impact of Tilbury2 traffic on the SRN (with suitable/agreed mitigation at ASDA roundabout) would be acceptable. Thus, no limit on traffic is necessary. Further, any Requirement limiting traffic entering or leaving Tilbury2 would not satisfy the six tests in NPPF and would be contrary to NPS for Ports | Essex County Council SoCG PoTLL/T2/EX/115 |
| 3.18.5 Rail. With reference to the Applicant's and Essex County Council's (ECC)'s responses at deadline 4 [REP4-020, REP4-015] to ExA's SWQs [PD-010], Q2.18.8 ... | | |
| <i>i. Would the Applicant update the Examination by</i> | <ul style="list-style-type: none"> • Mr Owen introduced Martin Friend who confirmed the Applicant's understanding | Essex County Council |

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| <p><i>stating its response to ECC's request for an update on matters agreed in principle between the Applicant and Network Rail?</i></p> | <p>that Essex County Council are content with the response of NR to FWQ 1.18.3 to the effect that there are no significant capacity, connectivity or resilience issues caused by the proposed development – see SoCG with ECC, item 4.2.4 in the SoCG.</p> <ul style="list-style-type: none"> Mr Friend noted that the additional discussions with Network Rail are regarding the detailed wording of the DCO and land interests and are unrelated to the matters that ECC raised in their representations regarding rail paths and wider network resilience. PoTLL do not believe that any of the current NR discussions will affect ECC's comments on rail that are now captured in the SoCG with ECC. | <p>SoCG PoTLL/T2/EX/115</p> |
| <p><i>3.18.6 Fort Road Overbridge. With reference to RWE's response at deadline 4 [REP4-004] to ExA's SWQs [PD-010], paragraphs 2.1-2.2, citing concerns over the impact of the height restriction of the overbridge at Fort Road on RWE's ability to transport equipment and material to the Tilbury Energy Centre (TEC) site ...</i></p> | | |
| <p><i>i. Would the Applicant and RWE update the Examination on this matter?</i></p> | <ul style="list-style-type: none"> Matthew Fox, on behalf of PoTLL, explained that RWE already has the protection of continued access to the site through the provisions in the land deals between the parties. Notwithstanding this, the Protective Provisions for RWE's benefit will also deal with this issue, and the parties are discussing the wording of a possible provision. The Applicant's position is that within the constraints of the Order limits and the possibilities of engineering, it cannot offer more than 6 metre high clearance under the proposed extension to the Fort Road bridge. It also notes that standard highway clearance is 5.3 metres and that RWE would not be able to reach the entrance to the Tilbury2 site using the existing highway network with vehicles higher than 6 metres, unless PoTLL permitted them to be transported through the existing Port of Tilbury. | |
| <p><i>3.18.7 Rail Spur. With reference to RWE's response at deadline 4 [REP4-004] to ExA's SWQs [PD-010], paragraphs 2.3, citing concerns over the impact of the proposed rail spur on RWE's access to the TEC site ...</i></p> | | |

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| <p><i>i. Would the Applicant and RWE update the Examination on this matter?</i></p> | <ul style="list-style-type: none"> • Mr Fox noted that RWE has the protection of a right of continued access to its site using Substation Road enshrined through the land deals between the parties. The DCO does not seek to override these. • Mr Fox noted that the Applicant will continue to work with RWE to manage such matters, as it has done to date. | |