

**Highways England's response to Highways England Paper  
(TILBURY2 DOCUMENT REF: PoTLL/T2/EX/116)**

Since the Applicant has produced this Paper which was prepared and issued on 19<sup>th</sup> June 2018, matters have progressed between the parties who continue to work together. Therefore this response does not purport to address every point of detail raised in that Paper at this stage and particularly in the spirit of seeking to reach common ground where possible before the end of the Examination. We confirm that any absence of comment in this response is in no way indication or confirmation that HE accepts the contentions made by the Applicant.

However, HE considers that it is appropriate to provide a response which addresses more substantive issues raised within this Paper submitted by the Applicant.

These are considered below.

**i) HE's assertion that there is insufficient time to conclude discussions prior to the close of the examination.**

HE drew attention to timescales in its relevant representations [RR-020] of 8th January 2018. On 21 February 2018 HE suggested to the applicant that a programme should be developed and the applicant commenced providing outline programmes on 12<sup>th</sup> March 2018. HE reiterated and strengthened its concerns at the ISHs on 19th April 2018 and they are documented in the second paragraph of REP 3-046 of 30<sup>th</sup> April 2018.

Progress is being made on the outstanding issues and HE is committed to working collaboratively with the applicant to reach an agreement by the end of the Examination. However HE reported our concerns about programme at the Ecology, Habitats Regulations Assessment, and Traffic and Transportation ISH on 28 June 2018 and these are set out in our Deadline 5 response to Question 3.18.1.

**ii) HE position in respect of M25 Junction 30.**

Para 1.2 of the HE paper alleges HE have not clearly expressed their position in respect of M25 Junction 30 in pre-application or until recently in examination.

We highlight that throughout the pre-application discussions during the summer of 2017 the Applicant promised a draft Transport Assessment for the authorities to review, which would also contain information requested or outstanding, but every month the deadline for this slipped and it never materialised. As set out in RR-020 of 8<sup>th</sup> January 2018, HE's first view of the complete TA was once the DCO application had been submitted and accepted.

RR-020 also states 'Highways England has asked the applicant to justify the absence of proposed mitigation works at other locations namely A1089/A126 (Marshfoot Road junction), A1089/A13 merge and M25 junction 30.'

On the 27 September 2017 HE emailed i-Transport advising that "In terms of the impact at Junction 30 of the M25, DP World has a flow trigger condition whereby if the 2-way OGV2 flow on their access road exceeds 189 in either the AM or PM Peak then they will have to undertake mitigation works at Junction 30 of the M25. The PoT2 scheme is currently showing (Table 6.19 of TA) 174 HGVs in the AM Peak hour and 97 HGVs in the PM Peak hour and is therefore very close to the flow trigger for DP world in the AM Peak. It is requested that a copy of Table 6.19 is provided but updated with the results from the sensitivity test so that it can be identified what

the HGV flows would be in the AM and PM peak so that they can be compared with the flow trigger. It is considered that an identical OGV2 flow trigger condition will need to be considered for PoT2 which is in accordance with NPS.”

HE concerns about Junction 30 were clearly signalled at the pre-application stage Similarly HE signalled concerns about Junction 30 from the very start of the examination process.

**iii) Information requested has been beyond the original scoping agreement. (paragraph 1.4 of the HE paper)**

There were a number of outstanding queries and caveats during the initial scoping exercise and therefore the scoping has evolved during the course of the project. (Details can be provided if required). It should be noted, where additional analysis was requested, this was agreed between HE and the Applicant.

**iv) Failure to raise concerns over TA.**

HE raised a number of queries over the TA that we detailed in two Technical Notes, one high level and one detailed setting out issues within the TA, both were issued to the applicant at the end of January/early February 2018. (These Notes can be provided to the panel if required).

**v) HE Modelling (paragraph 3.20 of HE paper)**

The Applicant's comment at paragraph 3.20 of the HE paper is noted regarding feedback on modelling. Please see HE's response to question 3.18.1(ii) (b) of the HE response to ISH written responses for deadline 5.

**vi) Asda roundabout (section 4 of the HE paper)**

Up to date information on the mitigation of the Asda roundabout is contained in response 3.18.1 (ii) (c) of HE's response to ISH written responses for deadline 5.

**vii) Imposition restricting Movements at PoT2. (section 5 of the HE paper)**

HE is concerned that if mitigation is indicated as necessary at M25 Junction 30 it may be difficult to identify and verify suitable mitigation available to the Applicant before the end of examination. Due to time constraints HE sought to assist the examination by proposing an alternative approach that would allow HE to withdraw its objection. The Applicant has rejected this approach and it is now for the Applicant to propose a way forward in the event that any necessary physical mitigation cannot be agreed by the end of the examination, requiring HE to otherwise represent that the DCO should be rejected.

**viii) DCO powers (section 6 of the HE paper)**

HE welcomes the acknowledgement by the Applicant that "*whilst PoTLL cannot say now precisely which powers it will end up using, Highways England will be able to impose conditions on the use of such powers to enable the process of PoTLL coming on and off highway land, and it carrying out the works to fit with Highways England's standards and contractual arrangements. The use of the DCO powers will therefore be a collaborative effort between Highways England and PoTLL to determine which will be the most appropriate blend to suit the detailed design of the works. Finally, PoTLL recognises Highway England's concerns in relation to the timing of approvals within the DCO, given its contractual arrangements.*"