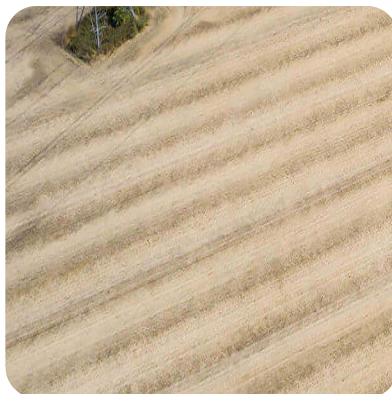


## Thurrock Flexible Generation Plant

Written Summary of Oral submissions: ISH1 Traffic and Transportation (27 April 2021)



## **1 PRELIMINARY MATTERS**

### **1.1 Change request**

1.2 The Applicant gave an update on AIL delivery access following acceptance of the change request adding an alternative route for this. The AIL access was a considerable challenge for the project and, at the time of making the application, the causeway was the only realistic option. Given Port of Tilbury's opposition to the causeway, discussions on an alternative have been ongoing. The Applicant strongly resists the Port's request that the causeway is removed. The change request which has been made is an additional option and the Applicant is not seeking removal of the causeway in that. Commercial negotiations with the Port and RWE are ongoing.

1.3 The Applicant agreed that it would be more appropriate to consider any elements of the material change request later in the Examination once consultation has taken place.

## **2 MAIN DISCUSSION POINTS**

### **2.1 Asda roundabout**

2.2 The Applicant explained that the Transport Assessment (document ref APP-095) sets out the detailed assessment that was undertaken considering capacity issues at the Asda roundabout. The assessment was initially based on a 2017 traffic survey and was then built up to predict traffic flows to 2022. The predicted traffic flows from committed developments (for example Tilbury2) were then added in order to establish the baseline position. From these assessments it was apparent that the Asda roundabout already operates at capacity and once any committed development is added, the roundabout would fail. The capacity issues have been created by other development. The Applicant notes that Highways England agreed their concerns relate to safety not capacity on this roundabout and the need for U-turn movements by HGVs.

2.3 In terms of the impact that the Applicant's development would have, it is considered to be negligible on the basis of the low numbers (an average of 8 HGVs per hour, rising to 16 HGVs at peak). By way of comparison, Tilbury2 adds around 2,000 vehicles per day, equating to around 150-200 per hour through the Asda roundabout. The Applicant also emphasised that the construction impacts of the proposed development are temporary and that the number of vehicle movements once the development is operational would be much lower. Therefore, whilst the Applicant recognises that there will be an impact on capacity of the Asda roundabout as a result of the proposed development, it is considered to be negligible.

2.4 The Applicant has also put forward mitigation measures in the Construction Traffic Management Plan (see document ref APP-144 and latest revision REP2-037) to address any safety concerns that may arise as a result of HGV drivers undertaking U-turns at the Asda roundabout and these have been agreed by Highways England. The outline Construction Traffic Management Plan secures driver education to address the safety concerns including advising of the adverse camber and need for low speeds on the roundabout. The Applicant notes that Highways England advised that these measures have addressed its concerns.

### **2.5 Assumptions on traffic movements**

2.6 In relation to construction worker trips, the Applicant confirmed that all construction worker vehicle movements have been assigned to all road links – which generates movements on every road link in the study area and it has also been assumed that all trips would use junction 30 of the M25. That assumption was made because, at the time the assessment was undertaken, the location of the off-site construction worker car park had not been finalised. The assessment therefore includes an absolute worst case of all workers using all roads.

- 2.7 The Applicant explained that, now the location of the off-site construction worker car park is known, a further technical note has been prepared as part of the separate planning application for the off-site car park. That note has been shared with Highways England and their comments are currently awaited. The conclusions of that note are that the actual traffic movements will be no worse than what has been assumed in the Transport Assessment. Therefore, it is not proposed to update the Transport Assessment.
- 2.8 The Applicant also confirmed that a proportion of the construction workers (those with more specialist skills who tend to move around the country from project to project) would be staying in local accommodation during the construction period and minibuses would be provided to transport them to and from the site. Those workers would therefore not generate any private vehicle movements and would not need to use the off-site car park, meaning that the capacity of the car park is sufficient for the number of workers who are likely to use it.
- 2.9 The Applicant confirmed that the planning application for the off-site car park is for a temporary permission of three years. Whilst a worst case scenario for the construction period in terms of time is six years, it is unlikely that construction will continue for this longer period. The current traffic assumptions are based on a worst case scenario in terms of volume over an eighteen month period for construction and so if this was spread over six years, traffic numbers would reduce. In the event that planning permission was not forthcoming for the off-site car park or any temporary consent was not able to be renewed after three years, the Applicant confirmed that there is a fall-back option of using an existing consented car park on commercial terms. This is a fall back option only because it is more expensive for the project.
- 2.10 In response to a query from Highways England, the Applicant confirmed that the proposed alternative route for AILs (which is subject to the material change request) would exit from Tilbury1 and turn right, and would not route through the Asda roundabout.
- 2.11 Low Street level crossing, Princess Margaret Avenue level crossing and Station Road**
- 2.12 The Applicant confirmed that it has been in discussion with Network Rail and has clarified the predicted traffic over level crossings. Low Street level crossing is the only one out of the four raised by Network Rail that is proposed to be used by the Applicant and that use will be exceptional. The parties have agreed that works to upgrade that level crossing, together with the other level crossings raised by Network Rail, are not necessary. It has also been agreed that Network Rail will upgrade its own fencing alongside the replacement land for Walton Common and discussions are ongoing in relation to that. The Applicant and Network Rail are also discussing access arrangements to the Walton Common level crossing.
- 2.13 The main issue that remains between the Applicant and Network Rail is the distance between Low Street level crossing and the junction with Station Road. The Applicant is proposing a distance of 45 metres whereas Network Rail has requested a distance of 90 metres. The Applicant explained the difficulties in siting the junction at 90 metres due to the location of an existing pylon. In addition, anything further than 100 metres is outside of the access road work corridor limit of deviation.
- 2.14 The Applicant confirmed that it has taken into account traffic flows and the need for queuing in its proposal to site the junction at a 45 metre distance (this was set out in the Applicant's submissions at Deadline 3 (document ref REP3-010)). The Applicant has designed the junction and assessed it at 45m based on the traffic flows on Station Road to ensure that any queuing would not impact the level crossing. The Applicant does not accept that the proposed access would lead to queuing on the crossing or over it where vehicles could be 'shunted' onto the crossing. In addition, the Applicant does not see how the concern that a vehicle waiting on the far side of the level crossing could be 'shunted' onto it by an unfamiliar driver has any relationship to the proposed junction. Vehicles are only likely to be waiting at the level crossing when it is closed to allow a train to pass, the

traffic analysis shows that they will not be queuing back far enough due to a vehicle waiting to turn into the access for the new access to cause that problem.

2.15 The Applicant would also welcome further legal or other reasoned justification or reference to objective standards from Network Rail to substantiate the 90 metres being sought. The Applicant notes that the proposed new junction is further from the level crossing than the current field access (which access Network Rail are happy with). The Applicant does not accept that 90m has been demonstrated to be necessary having regard to the actual traffic flows on this road. The Applicant notes that Network Rail referred to concerns on this level crossing unrelated to the development and appear to be applying 90m based on subjective assessment rather than objective standards. It is not a reasonable argument to state that junctions cannot be within 90m because traffic turning out of the site access would not know that a level crossing is in place. Traffic turning out of a junction will be moving slowly having come to a stop at the junction. Together with the good visibility in this location, there is plenty of opportunity for drivers to be aware of the crossing. The Applicant has also said it would erect signs on its road warning of the crossing if that would assist.

2.16 The Applicant confirmed that it would continue to have discussions with Network Rail to seek to agree an appropriate distance but it is not possible to move the junction to the full 90 metre distance being requested by Network Rail.

2.17 The Applicant also confirmed that there are no proposals within the DCO to amend the speed limit in the vicinity of the Low Street level crossing.

#### **2.18 Delivery of Abnormal Indivisible Loads (AILs)**

2.19 The Applicant set out the background to the recent material change request which proposes an alternative access for AILs. During the pre-application stage, the Applicant spent considerable time and effort trying to establish an appropriate route for the delivery of AILs to the main site. Finding a suitable route was a major challenge and at the time of making the application, the causeway (Work no 10) was the only feasible option. The Applicant has set out in previous submissions the attempts that were made to engage with Port of Tilbury London Limited (PoTLL) and RWE in relation to a potential access across Tilbury1 and Tilbury2 but, at that time, it wasn't possible to agree such a route.

2.20 The Applicant noted that PoTLL did not object to the inclusion of the causeway in its original consultation response but has now made a strong objection to it on the basis of the potential of the causeway to frustrate potential future development of the Port, albeit no firm development plans are currently being proposed and, so far as the Applicant is aware, PoTLL does not currently have the necessary control over the relevant land to bring forward any development.

2.21 The Applicant has been in discussions with PoTLL and RWE to identify an alternative to the causeway and has been undertaking a review of technical and land issues, which has led to the submission of the material change request. However, the Applicant noted that there are a number of issues that need to be resolved (including the conclusion of legal agreements with PoTLL and RWE) before any certainty is forthcoming about the deliverability of the alternative access.

2.22 On that basis, the Applicant confirmed that it does not propose removing the causeway or any related compulsory acquisition powers from the application. The Applicant expects to be in a position to make a further decision on the inclusion of the causeway and/or powers of compulsory acquisition in relation to it by Deadline 6, after any further hearings and after consultation on the material change request has taken place. The Applicant confirmed that it needs the ability not only to enable the delivery of AILs during construction but also during operation, in case, for example, one of the engine blocks needed to be replaced due to a fire. This is critical for funding reasons.

2.23 The Applicant set out its view that, should the causeway be constructed and in the future transpire to be incompatible with the Port's proposed expansion, there will be a possible

solution to be reached between the parties to agree an alternative at that point. It is often the case in major developments that issues, such as third party rights, arise and can be overcome. The Port can, if it chooses to, provide an alternative AIL offloading berth and access route through its own operational landholdings which would allow the Applicant to agree to the removal of the causeway as part of any future consent for expansion of the Port that is entirely within the port's control. The Port would in practice be able to easily overcome any issue posed to its plans by the existence of the causeway in this case as it could provide an alternative as part of its business as usual through use of the existing port and port roads rather than having to provide bespoke mitigation for any change in how the Applicant's marine loads are delivered.

- 2.24 The causeway and access road to it are temporary and so able to be removed if and when an alternative solution comes forwards (the DCO secures the ongoing review of this position and obliges the Applicant to remove the causeway if a feasible alternative is identified). The Applicant confirmed that it would consider the frequency of the proposed five yearly review.
- 2.25 The Applicant confirmed for the avoidance of doubt that if the alternative AIL access is included in the granted DCO, there would be no need for the causeway to also be included.
- 2.26 The issue of the two alternative accesses (Work Nos 4A and 4B) was also raised. The Applicant explained that Work No 4B was included due to the land heave that is taking or has taken place at the location of Work No 4A. This is explained in the Applicant's Environmental Statement at paragraph 3.4.17 of Chapter 2 (document ref APP-045). The Applicant confirmed that it would consider including a mechanism in the DCO to control use of Work Nos 4A and 4B but that at present, the core uncertainty around the cause of land heave means it is continuing to seek both options.

## **2.27 Proposed mitigation**

- 2.28 The Applicant outlined that it proposed adding various parties as consultees on the Construction Traffic Management Plan (CTMP) and Construction Workers Travel Plan (CWTP) at Deadline 4. The Applicant has also been in discussion with Thurrock Council in relation to comments raised in its LIR and has reached agreement in principle on most points. The Applicant does not propose to add any additional parties as discharging authority to the requirements but instead will seek to reach agreement on the measures to be included in protective provisions.

## **3 UPDATE ON STATEMENTS OF COMMON GROUND**

- 3.1 The Applicant gave the following update on progress with Statements of Common Ground (SOCG):
  - (a) Network Rail: considerable progress has been made in discussions between the parties, as reflected in the joint position statement (document ref AS-039). It is proposed to develop that into a SOCG shortly.
  - (b) Highways England: there is an initial draft SOCG on the strategic networks aspects of Highways England's role and also in relation to LTC. However, discussions are currently focussing on an interface agreement to be entered into between the parties, which is intended to resolve outstanding issues. Once that has been concluded, a SOCG will follow.
  - (c) PoTLL: the parties have been focussing on discussions on a legal agreement and not advanced a SOCG at this stage, although it is intended to follow at an appropriate stage.
  - (d) RWE: the position is similar to PoTLL.

#### **4 OTHER MATTERS**

- 4.1 The Applicant confirmed that the alternative AIL access route proposed under the material change request would use the southern gate at Tilbury<sup>1</sup>.