

SCHEDULES

SCHEDULE 6

Article 59

FOR THE PROTECTION OF THURROCK BOROUGH COUNCIL AND OTHERS

General

1. The following provisions of this Schedule shall have effect for the protection of the appropriate authority and those whose interests it represents.

2.—(1) In this Schedule—

“the A13 Lakeside Link” means that part of the A13 trunk road running from Junction 30 to the junction with the A126;

“the A13/Manorway junction works” means highway works to the roundabout at the junction of the A13 with The Manorway, comprising—

- (a) widening of the entry lanes from the B1007 onto the gyratory from 2 lanes to 3 lanes;
- (b) widening of the entry flare from the A13 westbound off-slip onto the gyratory;
- (c) widening the A1014 exit arm from the gyratory from 2 lanes to 3 lanes;
- (d) widening the entry arm from the A1014 onto the gyratory from 2 lanes to 4 lanes;
- (e) widening the exit arm from the gyratory onto the A1013;
- (f) widening the entry arm from the A1013 onto the gyratory from 1 lane to 2 lanes;
- (g) minor alterations to the exit arm from the gyratory to the A13 westbound on-slip; and
- (h) widening the entry arm from the A13 eastbound off-slip from 2 lanes to 3 lanes,

unless otherwise approved by the appropriate authority;

“the appropriate authority” means—

- (a) in the case of any matter falling within articles 3, 4 and 5 of the Thurrock Development Corporation (Planning Functions) Order 2005⁽¹⁾, the Thurrock Development Corporation established by the Thurrock Development Corporation (Area and Constitution) Order 2003⁽²⁾, or any successor body;
- (b) in the case of any works relating to any road which is a trunk road, the Highways Agency acting on behalf of the Secretary of State for Transport; or
- (c) in the case of any other matter, Thurrock Borough Council acting as local planning authority under the 1990 Act, or any successor body;

“beneficial use” means the use of the authorised works to generate revenue from shipping but does not include any activities connected with the construction, marketing, security or maintenance of the authorised works;

“berth” means 350 metres of quay, associated infrastructure and equipment in the area of jurisdiction of the Harbour Authority capable of servicing a container vessel;

(1) [S.I. 2005/2572](#).

(2) [S.I. 2003/2896](#).

Status: This is the original version (as it was originally made).

“diverted Footpath 190” means the new bridleway substituted for part of Footpath 190 as described in column (3) to Schedule 4;

“the final highway works” means the final works associated with Junction 30 and the A13 Lakeside Link, being—

- (a) 3-lane parallel collector distributor roads either side of the A13 Lakeside Link, and associated 2-lane slip roads onto and off the A13 Lakeside Link, taking traffic to and from the A126 via Junction 30;
- (b) the extension of MOVA to the new roads constructed as part of the final highway works;
- (c) works for the improvement of traffic movement from the M25 southbound carriageway north of Junction 30 to the A13 eastbound carriageway at Junction 30, in the form of a left-turn slip road;
- (d) provision of a 2-lane signalised left-turn facility at Junction 30 from the A13 westbound carriageway to the A282 southbound carriageway;
- (e) widening of the circulatory carriageways at Junction 30 on the northern (overbridge), southern (overbridge) and western (underbridge) sections from 3 to 4 lanes;
- (f) provision of an additional 2 lanes on the A282 south approach to Junction 30 from the slip road connecting to the A282 north of Junction 31 up to Junction 30; and
- (g) additional flaring of 2 further lanes on the A13 eastbound off-slip entry to Junction 30, together with the implementation of VMS on the A13 westbound carriageway between its junctions with the A1089 and the A1012 and associated approaches;

“first occupied” means the use of the related development to generate revenue for purposes permitted by the outline planning permission applying to the related development but does not include occupation by personnel engaged in construction, fitting out, marketing or security of any part of the related development;

“the interim highway works” means the interim works associated with Junction 30 and the A13 Lakeside Link, being—

- (a) the provision of MOVA at Junction 30;
- (b) the provision of either—
 - (i) a dedicated free flow left slip at Junction 30 from the southbound M25 off-slip to the eastbound on-slip onto the A13; or
 - (ii) improvements to the signalisation at Junction 30 from the southbound M25 off-slip to the eastbound on-slip onto the A13;
- (c) improvements to the 3-lane section of the A13 westbound approach to Junction 30;
- (d) the provision of a 25 metre flare on the A282 approach to Junction 30;
- (e) re-marking of the existing eastbound 2-lane approach of the A13 between the eastbound off-slip off Junction 30 up to the junction with the A126;
- (f) further improvements to the MOVA equipment referred to in sub-paragraph (a) to accommodate the works referred to in sub-paragraphs (b) to (e); and
- (g) revised signage and road markings for the A13 Lakeside Link and associated approaches;

“Junction 30” means Junction 30 on the M25 motorway;

“Junction 31” means Junction 31 on the M25 motorway;

“The Manorway” means that section of the A1014 from its junction with the A13 eastwards in the borough of Thurrock;

“materially implemented” means the carrying out of a material operation as defined in section 56(4) of the 1990 Act but excluding—

- (a) site clearance or demolition of, or within, existing buildings;
- (b) the removal, diversion or installation of any pipeline, associated structure or associated facilities, or of any jetty;
- (c) archaeological investigation and investigation for the purposes of assessing ground conditions;
- (d) the remediation of land, including remedial action in respect of ground conditions;
- (e) the diversion and laying of services;
- (f) construction of any access for construction purposes;
- (g) works to existing roads including the provision of haul roads and temporary routes;
- (h) the diversion, creation or modification of public rights of way;
- (i) the erection of any means of enclosure for site security; or
- (j) the construction and use of any facility for training purposes;

“MOVA” means Microprocessor Optimised Vehicle Actuation or such other equivalent system providing for a real time reactive computer controlled traffic management system including all associated detection and ancillary equipment and road markings;

“the new access road” means a new road running southwards from the new Sorrells roundabout to provide access to the authorised works and the related development;

“practically completed” means complete such that the works concerned can be occupied or brought into beneficial use but does not include minor snagging items;

“the Ro-Ro” means 400 metres of quay, associated infrastructure and equipment in the area of jurisdiction provided for Ro-Ro use;

“The Sorrells/A1014 junction works” means the works to the existing Sorrells roundabout on The Manorway to replace the current roundabout with a junction with The Sorrells and to construct a new Sorrells roundabout south-east of the existing roundabout providing for connections with Corringham Road, Manorway East, Manorway West and the new access road together with associated works and a Toucan crossing at the western approach to the new roundabout;

“the Thameshaven Branch Line” means the railway branch line running eastwards from its junction with the London, Tilbury and Southend railway line; and

“VMS” means variable matrix signing,

(2) References to lettered and numbered uses are references to uses and classes of development within the meaning of the Town and Country Planning (Use Classes) Order 1987⁽³⁾ within the related development.

The authorised works in combination with the related development

3. In circumstances where the related development is materially implemented and the authorised works are carried out, paragraphs 4 to 13 shall apply.

4. None of the B1(b), B1(c), B2 or B8 uses or the authorised works shall be first occupied or brought into beneficial use until the interim highway works have been practically completed.

5.—(1) This paragraph shall apply unless the Highways Agency acting on behalf of the Secretary of State for Transport gives notice to the Harbour Authority that the final highway works need not be carried out.

(3) [S.I. 1987/764](#).

Status: This is the original version (as it was originally made).

(2) Subject to sub-paragraph (1), no more than the total number of berths forming part of the authorised works set out in column (1) of the table and the corresponding total amount of B1(b), B1(c), B2 or B8 floorspace set out in column (2) of that table shall be brought into beneficial use or first occupied until the final highway works have been practically completed—

(1) <i>Number of berths</i>	(2) <i>Maximum amount of permitted B1(b), B1(c), B2 or B8 floorspace</i>
1 berth	503,044m ² with the Ro-Ro (or 579,912m ² without the Ro-Ro)
2 berths	456,812m ² with the Ro-Ro (or 533,680m ² without the Ro-Ro)
3 berths	410,580m ² with the Ro-Ro (or 487,448m ² without the Ro-Ro)
4 berths	364,348m ² with the Ro-Ro (or 441,216m ² without the Ro-Ro)
5 berths	318, 116m ² with the Ro-Ro (or 394, 984 ² without the Ro-Ro)
6 berths	271,884m ² with the Ro-Ro (or 348,752m ² without the Ro-Ro)

6. No more than the following combinations of B1(b), B1(c), B2 and B8 floorspace set out in column (1) of the table and the corresponding number of berths forming part of the authorised works set out in column (2) of that table shall be first occupied or brought into beneficial use prior to the completion of the new access road as a single carriageway road together with a cycleway, footway and alongside the carriageway the provision for appropriate emergency stacking space for lorries accessing the authorised works and including a Pegasus crossing where the access road crosses diverted Footpath 190—

(1) <i>Floorspace</i>	(2) <i>Number of berths</i>
377,000 m ²	Either the Ro-Ro or 1 berth without the Ro-Ro
324,000 m ²	Either the Ro-Ro and 1 berth or 2 berths without the Ro-Ro
271,000 m ²	Either the Ro-Ro and 2 berths or 3 berths without the Ro-Ro

7. No more than the following combinations of B1(b), B1(c), B2 and B8 floorspace set out in column (1) of the table and the corresponding number of berths forming part of the authorised works set out in column (2) of that table shall be first occupied or brought into beneficial use prior to the completion of the new access road as a dual carriageway road together with a cycleway and footway and including a Pegasus crossing where the access road crosses diverted Footpath 190—

(1) <i>Floorspace</i>	(2) <i>Number of berths</i>
825,000 m ²	Either the Ro-Ro or 1 berth without the Ro-Ro
772,000 m ²	Either the Ro-Ro and 1 berth or 2 berths without the Ro-Ro
719,000 m ²	Either the Ro-Ro and 2 berths or 3 berths without the Ro-Ro

(1) <i>Floorspace</i>	(2) <i>Number of berths</i>
666,000 m ²	Either the Ro-Ro and 3 berths or 4 berths without the Ro-Ro
613,000 m ²	Either the Ro-Ro and 4 berths or 5 berths without the Ro-Ro
560,000 m ²	Either the Ro-Ro and 5 berths or 6 berths without the Ro-Ro
507,000 m ²	Either the Ro-Ro and 6 berths or 7 berths without the Ro-Ro

8. No more than the following combinations of B1(b), B1(c), B2 and B8 floorspace set out in column (1) of the table and the corresponding number of berths forming part of the authorised works set out in column (2) of that table shall be first occupied or brought into beneficial use prior to the completion of highway works on the A13 at its junction with the A128 to provide an additional dedicated slip lane from the A13 eastbound off-slip to the A128 northbound together with associated flaring and signage—

(1) <i>Floorspace</i>	(2) <i>Number of berths</i>
407,000m ²	Either the Ro-Ro or 1 berth without the Ro-Ro
390,000m ²	Either the Ro-Ro and 1 berth or 2 berths without the Ro-Ro
373,000m ²	Either the Ro-Ro and 2 berths or 3 berths without the Ro-Ro

9. No more than 100,000m² of the B1(b), B1(c), B2 and B8 development together with the Ro-Ro or, alternatively, 1 berth without the Ro-Ro, shall be first occupied or brought into beneficial use prior to the installation of a system for signalling traffic priority at the junction of the A13 with The Manorway.

10. No more than the following combinations of B1(b), B1(c), B2 and B8 floorspace set out in column (1) of the table and the corresponding number of berths forming part of the authorised works set out in column (2) of that table shall be first occupied or brought into beneficial use prior to the completion of the A13 / Manorway junction works—

(1) <i>Floorspace</i>	(2) <i>Number of berths</i>
332,000m ²	Either the Ro-Ro or 1 berth without the Ro-Ro
315,000m ²	Either the Ro-Ro and 1 berth or 2 berths without the Ro-Ro
298,000m ²	Either the Ro-Ro and 2 berths or 3 berths without the Ro-Ro

11. No more than 157,000m² of B1(b), B1(c), B2 and B8 development shall be first occupied in combination with the bringing into beneficial use of the Ro-Ro or, alternatively, 1 berth without the Ro-Ro, prior to the completion of the following works—

- (a) The Sorrells/A1014 junction works;
- (b) a Toucan Crossing on Springhouse Road at its junction with Manorway East;

Status: This is the original version (as it was originally made).

- (c) improvements as approved by the appropriate authority to the two pedestrian subways at The Manorway; and
- (d) noise mitigation works for the new Sorrells roundabout as approved by the appropriate authority.

12. No more than 167,000m² of B1(b), B1(c), B2 and B8 development and the Ro-Ro or, alternatively, 1 berth without the Ro-Ro, shall be first occupied or brought into beneficial use prior to the completion of the construction of acoustic barriers where appropriate—

- (a) along either side of The Manorway from its junction with the A13 to the new Sorrells roundabout;
- (b) along the northern section of the new access road;
- (c) along either side of the A13 from where it meets Stanford Road immediately west of the junction of Stanford Road and Buckingham Hill Road north-eastwards to the point north of Caldwell Road; and
- (d) along the south side of the A13 from a point north of Hemley Road to the junction with Saffron Gardens,

in each case as approved by the appropriate authority and in conformity with Highways Agency Standard HA 66/95 “Environmental Barriers Technical Requirements” (or any standard which may replace it).

13. No more than the following combinations of B1(b), B1(c), B2 and B8 floorspace set out in column (1) of the table and the corresponding number of berths forming part of the authorised works set out in column (2) of that table shall be first occupied or brought into beneficial use prior to the completion of re-surfacing works to provide a low noise road surface (in accordance with a scheme to be submitted to and approved by the appropriate authority) to The Manorway between the A13 junction and up to and including the junction with The Sorrells—

<i>(1)</i>	<i>(2)</i>
<i>Floorspace</i>	<i>Number of berths</i>
768,000m ²	Either the Ro-Ro and 4 berths or 5 berths without the Ro-Ro
384,000m ²	Either the Ro-Ro and 5 berths or 6 berths without the Ro-Ro

The authorised works without the related development

14.—(1) In circumstances where the related development is not materially implemented but the authorised works are carried out—

- (a) none of the authorised works shall be brought into beneficial use until the interim highway works have been practically completed;
- (b) no more than the Ro-Ro or, alternatively, 1 berth without the Ro-Ro, shall be brought into beneficial use prior to—
 - (i) the completion of the works referred to in paragraphs 12(a) to (d);
 - (ii) the completion of The Sorrells/A1014 junction works; and
 - (iii) the installation of a system for signalling traffic priority at the junction of the A13 with The Manorway;
- (c) no more than the Ro-Ro and 2 berths or, alternatively, 3 berths without the Ro-Ro, shall be brought into beneficial use prior to—

- (i) the completion of the new access road as a single carriageway road together with—
 - (aa) a cycleway;
 - (bb) a footway;
 - (cc) provision for emergency stacking space alongside the carriageway for lorries accessing the authorised works; and
 - (dd) a Pegasus crossing where the new access road crosses the diverted Footpath 190;
- (ii) the completion of the highway works on the A13 at its junction with the A128 including flaring and signage; and
- (iii) the completion of the A13/Manorway junction works;
- (d) no more than the Ro-Ro and 5 berths or, alternatively 6 berths without the Ro-Ro, shall be brought into beneficial use until the final highway works have been practically completed; and
- (e) no more than the Ro-Ro and 6 berths or, alternatively 7 berths without the Ro-Ro, shall be brought into beneficial use prior to—
 - (i) the completion of the new access road as a dual carriageway road together with a cycleway and footway and including a Pegasus crossing where the access road crosses the diverted Footpath 190; and
 - (ii) the completion of re-surfacing works to provide a low noise road surface (in accordance with a scheme to be submitted to and approved by the appropriate authority) to The Manorway between the A13 junction and up to and including The Sorrells junction.

(2) Sub-paragraph (1)(d) shall apply unless the Highways Agency acting on behalf of the Secretary of State for Transport gives notice to the Harbour Authority that the final highway works need not be carried out.

Travel Plan

15. None of the authorised works shall be brought into beneficial use until the detailed measures comprising a travel plan for the operation of the undertaking have been approved by the appropriate authority following consultation with the local highway authority and the Highways Agency (on behalf of the Secretary of State).

Noise mitigation measures

16. Prior to bringing into beneficial use any of the authorised works—
- (a) the Harbour Authority shall agree with the appropriate authority measures appropriate to minimise the possibility of the night-time resultant free-field noise levels resulting either from the authorised works or the authorised works together with the related development at Great Garlands Farm, Old Hall Farm and Oak Farm exceeding 35dB LAeq (1 hour); and
 - (b) the Harbour Authority shall implement those measures.

17.—(1) The Harbour Authority and the appropriate authority shall agree measures to provide noise mitigation for any building that would fall within Regulation 7 of the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996⁽⁴⁾ if the provisions of those Regulations were applicable to the entire length of the Thameshaven Branch Line.

(4) S.I. 1996/428.

Status: This is the original version (as it was originally made).

(2) No more than ten trains servicing the authorised works in any 24 hour period shall be permitted to use the Thameshaven Branch Line prior to the completion by or on behalf of the Harbour Authority of the measures agreed under sub-paragraph (1).

(3) In any event, no trains servicing the authorised works may be scheduled to arrive at or depart from the port premises between the hours of 0700 and 1000, or between the hours of 1600 and 1900.

Sustainable handling and transport

18. Construction of the authorised works shall not be commenced until the Harbour Authority has agreed with the appropriate authority a scheme for the sustainable handling and transport of construction materials and dredged materials into and out of the area of jurisdiction.

Storage of fluids

19. Notwithstanding the provisions of the 1995 Order any oil and other chemical storage tanks, buildings, ancillary handling facilities, filling, drawing and overflow pipes shall be enclosed within an impervious bunded area of at least 110% of the tank capacity.

Application of Town and Country Planning legislation

20. The provisions of this Schedule shall be deemed to be conditions subject to which a planning permission was granted under section 70 of the 1990 Act and, accordingly, they shall be subject to the provisions of that Act and all associated legislation and in particular they may be varied in accordance with sections 73, 73A and 97 of that Act and the Town and Country Planning (General Development Procedure) Order 1995(5).