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Mr D Bull
Director of Planning and Transportation
Thurrock Council
Civic Offices
New Road
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Dear David

**Re: London Gateway Harbour Empowerment Order 2008, Schedule 6,
Clause 8 and 14(c)(ii), Works at A13/A128 Junction**

We refer to recent discussions regarding Thurrock Borough Councils (TBCs) proposals for a scheme of works comprising three-lane widening of Link 5 of the A13, which are the subject of the following documents:

- A13 Widening A128 (Orsett Cock) to A1014 (The Manorway) – Feasibility Study – 6th September 2013
- A13 Widening Business Case – 21st August 2013

It is noted that the scheme proposals considered within the above documents incorporate significant upgrading of the A13/A128 Junction, a grade-separated roundabout junction.

Clause 8 and 14(c)(ii) of Schedule 6 of the London Gateway Harbour Empowerment Order (HEO) require London Gateway Port Limited (LGPL) to complete a scheme 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 together with associated flaring and signage”*. These works are required to be completed prior to first occupation or beneficial use of the following combinations of development (‘Triggers’) at London Gateway Port or the associated Logistics Park:

- 4 port berths
- 3 port berths + 373,000sq.m of park floor space
- 2 port berths + 390,000sq.m of park floor space
- 1 port berths + 407,000sq.m of park floor space

LGPL estimate the cost of the above works to be approximately £1.9 million.

Minded by the above, LGPL are of the view that clear benefits exist in working with TBC to promote a single scheme of works at the A13/A128 junction which (a) satisfies the objectives of TBC's A13 Link 5 three-lane widening scheme and (b) satisfies the requirements of Clause 8 and 14(c)(ii) of Schedule 6 of the HEO. Therefore, subject to the caveats set out below, LGPL are offering to pay the council the sum of £1.9 million ('the Contribution') towards the A13 Link 5 three-lane widening scheme.

Payment of the Contribution is subject to the following caveats:

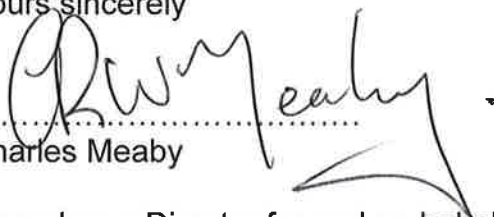
- The A13 Link 5 three-lane widening scheme (or any alternative scheme promoted in its place) shall be designed to equal or exceed the highway safety and capacity improvements that would be provided if the works described in Clauses 8 and 14(c)(ii) of the HEO were constructed
- Should LGPL be required to implement the scheme of works identified within Clause 8 and 14(c)(ii) of Schedule 6 of the HEO (i.e. in the absence of the implementation of the A13/A128 works element of the A13-5 three-lane widening scheme or a suitable alternative scheme) then the contribution shall not be paid

Further to the above LGPL are willing to make an 'Initial Payment' of £1.15 million upon written request of TBC with the balance of the £1.9 million (i.e. £750,000) being paid upon TBC being in a position to let a construction contract for the A13 Link 5 three-lane widening scheme. The initial payment may be used by TBC to fund scheme design and site investigation works. Should the A13-5 three-lane widening scheme not be commenced by 31st December 2018 the council shall use reasonable endeavours to promote and implement an alternate scheme of improvements at the A13/A128 junction which satisfy the requirements of Clause 8 and 14(c)(ii) of Schedule 6 of the HEO. Upon TBC being in a position to let a construction contract for these alternative works LGPL shall pay the balance of the £1.9 million as yet unpaid (i.e. £750,000)

It is to be noted that Clause 2 of Schedule 3 of an existing agreement pursuant to Section 106 of the Town and Country Planning Act 1990 dated 18th May 2007 sets obligations for LGPL to make separate payments in respect of A13-5 three lane widening. Such obligations remain unaffected by the above proposal.

Should TBC be minded to accept the above offer, and the associated caveats, we would be grateful if you would countersign where indicated below.

Yours sincerely


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Charles Meaby

Signed as a Director for and on behalf of London Gateway Port Limited

Acknowledged and accepted by Thurrock Borough Council


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David Bull – Director of Planning and Transportation