

**PLANNING ACT 2008  
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**Application by London Resort Company Holdings for an Order granting Development  
Consent for the London Resort (ref: BC080001)**

**RELEVANT REPRESENTATION  
by the Port of London Authority**

1. The Port of London Authority (“PLA”) is the statutory harbour authority for the tidal Thames (the “river”). Its statutory functions include responsibility for conservancy, dredging, managing the public navigation and controlling vessel movements. Its consent is required for the construction or carrying out of all works and dredging in the river. The PLA’s area of jurisdiction and regulatory powers are found primarily in the Port of London Act 1968 (“PLA 1968”). The area of the river included within the Order limits is within the PLA’s jurisdiction.
2. The PLA has duties under section 48A of the Harbours Act 1964 to have regard to environmental matters and the environmental impact of proposals relating to any of its functions, including its consenting functions. The PLA is also the pilotage authority for the river Thames with statutory responsibility for provision of the Thames Pilotage Service.
3. The PLA has no issue with the purpose of the draft Order in itself, but has serious concerns about the proposed development insofar as it relates to the river, including particularly in respect of navigational safety and the impacts of the proposals on use of the river and on its users. Details of the PLA’s concerns will be provided in its Written Representations but include the following broad issues.
4. **Drafting of the Order and plans**
  - 4.1 The drafting of the Order and the plans submitted with the application fail to clearly indicate the applicant’s intentions regarding the river and its foreshore. There is insufficient detail provided in respect of works and operations within the river and foreshore to provide the PLA with certainty as to the nature and extent of those works and their construction, and also the scope and extent of any temporary works in, and possession of, the river.
  - 4.2 The Land Plans indicate a large area of the river around the existing Tilbury Riverside Terminal which is proposed to be compulsorily acquired for Work No. 16 and which the PLA considers to be excessive. The Order limits also include land in the river in the PLA’s ownership at Swanscombe Peninsula, which the PLA considers ought not to be subject to powers of permanent acquisition. The effect of the Order proposals for permanent acquisition of rights, both in the river and on land in which the PLA has an interest, and the extent to which this would interfere with the PLA’s existing private rights, is unclear. Further, the Book of Reference accompanying the application does not accurately reflect the land and rights in the PLA’s ownership.
  - 4.3 The Order (see art. 48) seeks to disapply certain provisions of PLA 1968, including those which allow the PLA to license both river works and dredging, albeit there is no explicit power to dredge contained in the Order. This disapplication applies to both construction and long-term operation. No protective provisions have been included in the Order for the benefit of the PLA, which would serve to replicate its duties and obligations in respect

of the disapplied provisions. The PLA takes issue with other provisions of the Order, including but not limited to: interference with/suspension of public rights of navigation (arts. 31(13) and 39); the amendment of existing byelaws (art. 49) and the making of new ones (art. 50); and the extinguishment of existing river works licences (art. 9(4)).

## **5. Transfer of undertaking**

- 5.1 Controls on the transfer of the whole, or part, of the benefit of the Order are limited. The PLA as a regulator has a direct interest in securing that any transfer or lease would be to a suitable party. The PLA would need to be consulted upon and notified of any transfer of the applicant's undertaking, as has been done in other recent projects on the river.

## **6. Navigational risk**

- 6.1 The PLA considers that the preliminary Navigational Risk Assessment ("pNRA") submitted in support of the application is deficient and fails to demonstrate that the Order scheme can be constructed and operated safely and in a manner which would allow for continued safe navigation in the river and for the PLA to discharge its statutory functions. Overall the pNRA is flawed: the methodology does not follow established convention of identifying hazards, cause and mitigation to reduce the risk of such hazards; and important issues are left to be resolved at a later date, including in relation to pilot sightlines, PLA infrastructure and the proposals at Tilbury. Consequently, if, per art. 19, the PLA is unable to approve a final version of the NRA, there is the risk that the river transport element of the Order scheme will be lost, and all traffic will be directed back onto the local road network.

- 6.2 It is imperative that the PLA's existing navigational equipment, structures and services both within and in the vicinity of the Order limits are protected, including appropriate 24-hour access, during both construction and long-term operation; for example, it is unclear how appropriate vehicular access, including for cranes, will be maintained to the radar at Broadness. Further, the current proposals include works which the PLA has identified will interfere with coverage of its navigational systems. Without agreed protective provisions, the PLA has no certainty that essential aids to navigation will not be compromised, and that its ability to fulfil its statutory functions will be able to continue unimpeded.

## **7. Environmental assessment**

- 7.1 The PLA has identified general inconsistencies across the chapters of the Environmental Statement ("ES"), including missing documented assessments, which create uncertainty as to whether the identified mitigation is appropriate for the likely impact of the Order scheme. Environmental issues that have been identified include potential impacts on the river regime and existing river works, the impacts of proposed dredging, mitigation and assessment of the operation of the scheme.

- 7.2 There is a lack of clarity and certainty in the ES in respect of the volume of capital dredging associated with construction of the Order scheme. This raises concerns as to whether all necessary dredging has been (i) identified and (ii) appropriately assessed. In addition, there are contradictions within the ES as to maintenance dredging during operation.

- 7.3 Three options are outlined in the ES in relation to Works No. 14a and 15. It is unclear from the ES whether all three options have been separately assessed on a reasonable worst-case basis. Further, given that there is no provision for optionality in the description of authorised works at Schedule 1, it is unclear which of the options is authorised by the Order.

## **8. Works at Tilbury Riverside Terminal**

- 8.1 The PLA has identified that the designs in relation to Work No. 16 are unworkable as currently proposed; the size and number of vessels anticipated during operation could not be accommodated by the design proposals comprised in the Order scheme, and a redesign will be required to prevent the reduction, or loss, of the river transport element of the Order scheme.
- 8.2 Permanent acquisition of land for, and works to, the Tilbury Riverside Terminal as proposed would severely inhibit, if not prevent, the operation of (i) the Thames Pilotage Service, for which the existing landing stage is an essential piece of infrastructure, and (ii) the Tilbury Ferry. The PLA requires an assurance that the pilotage service and ferry will not be adversely affected by the Order scheme at any time.

## **9. Impacts on wharves**

- 9.1 The Order limits directly and indirectly impact wharves in Kent including those safeguarded by the Kent Minerals and Waste Local Plan. It is unclear how these wharves will be affected by the Order scheme, including in terms of access, capacity and ultimately throughput. Further work is also required in relation to the impact of the wharves on any sleeping accommodation within the Order scheme.

## **10. Rights of access**

- 10.1 The PLA requires that its rights of access must be maintained during construction and operation of the Order scheme. For Northfleet Wharf, this should be either along Manor Way, as at present, or via some other agreed route if it can be found. Whatever the route, the carriageway must be maintained to the current width of the carriageway of Manor Way.