



PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**Application by London Resort Company Holdings for an Order
granting Development Consent for the London Resort**

Planning Inspectorate Reference: BC080001

RELEVANT REPRESENTATION
BY PORT OF TILBURY LONDON LIMITED (POTLL)

31 March 2021

1. INTRODUCTION

- 1.1 This statement represents the Relevant Representation of Port of Tilbury London Limited (“PoTLL”) to the proposal by London Resort Company Holdings (“the Applicant”) to construct an entertainment resort on the Swanscombe Peninsula, Kent and associated infrastructure in Tilbury, Essex, known as the London Resort (‘the Scheme’).
- 1.2 This representation has been prepared by PoTLL as:
- 1.2.1 the owner and operator of the current Port of Tilbury (including the land known as Fortress Distribution Park and the Riverside Terminal and associated landing stages) and also of the recent eastwards extension of the port, known as Tilbury2;
 - 1.2.2 the holder of property interests in plots shown on the Applicant's Land Plans [APP-007], with the majority of such land considered to be 'operational land' held by PoTLL in its role as a statutory harbour authority and therefore capable of being 'statutory undertakers' land' for the purposes of section 127 of the Planning Act 2008;
 - 1.2.3 a supporter of Thurrock Council's successful Towns Fund funding bid to the Government which will, amongst other things, facilitate the extension of Thames Clipper services to Tilbury; and
 - 1.2.4 a member of the consortium of interests which successfully bid for Freeport status for the 'Thames Freeport' from the UK Government, with the Freeport anticipated to include the current Port of Tilbury, Tilbury2 and further planned PoTLL expansion eastwards.
- 1.3 PoTLL has been in on-going and positive discussions with the Applicant over many years in respect of the Scheme and PoTLL does not, in principle, object to the Scheme, including seeking to promote cross-river construction support via barge and customer travel from/to Tilbury, utilising car parking and PoTLL riverside infrastructure. In principle, PoTLL also supports worker travel during construction but this has only been discussed at a high level and needs much more detail to be considered further. Commercial discussions between the Applicant and PoTLL to seek to reach an agreement to facilitate these aspects of the proposed development remain ongoing.
- 1.4 Notwithstanding the progress that has been made to date, PoTLL does have a number of concerns in respect of the detail of the application and the content and structure of the application documentation and its effect on PoTLL's interests and operations.
- 1.5 These concerns are set out below. In this representation, PoTLL uses the term 'Essex Project Site' in the same way as the Applicant, meaning that part of the Order limits on the north side of the river Thames, which is predominantly made up of PoTLL's land and operational interests.

2. IDENTIFIED LAND IMPACTS

- 2.1 The table at **Appendix 1** sets out the plots of land that are identified within the application documentation as being affected by the land powers within the draft

DCO for the Scheme ('the dDCO'), the associated Schedule 1 Work number for which the Applicant proposes the land is required and an explanation of how the identified land is held by PoTLL.

- 2.2 As can be seen from this table, PoTLL's operational land is affected by the Scheme, both in terms of being land that can be properly considered 'statutory undertakers' land' and in terms of assets that it utilises to help support port uses (i.e. the existing Tilbury landing stage).
- 2.3 As a starting point, therefore, to ensure the adequate protection of its undertaking and operations, PoTLL would expect these land powers to be subject to controls through Protective Provisions within the DCO, including as a minimum that they could not be utilised without PoTLL's consent.

3. **ESSEX PROJECT SITE: PARKING AND HIGHWAY WORKS IMPACTS**

- 3.1 The Applicant's parking proposals for the Essex Project Site are anticipated to take place within land owned by PoTLL. Whilst PoTLL is agreeable to this in principle and has agreed the specification for the works to create the proposed Phase 1 surface level car parking (Work No. 22), it is considered that, given the land's position amidst the rest of PoTLL's port operations, and that land's current use as operational land, this proposed use and development, if consented, must be subject to the pre-consent and agreement of PoTLL to ensure its interests are protected and that there is consistency with what it has agreed with the Applicant.
- 3.2 PoTLL is working with the Applicant to achieve this, but until a land and works agreement is agreed and protective provisions are incorporated into the DCO, it must object to the land powers proposed as causing unacceptable and uncontrolled impact on its statutory interests and operations.
- 3.3 Protective provisions for PoTLL's benefit must also deal with, at a minimum and as a non-exhaustive list, the following matters of concern to PoTLL arising from the Scheme's parking and highway works proposals:

- 3.3.1 PoTLL's consent to the construction methodology and design of the Phase 1 surface level car parking (Work No. 22) and the Phase 2 Multi-Storey Car Park ('MSCP') (Work No.3).

This is particularly needed to ensure that there is consistency in the DCO with what PoTLL has already agreed (re Phase 1) and intends in the future to agree with the Applicant (re Phase 2). It is also needed as the works descriptions in the dDCO for these works are very high level, as are the design commitments set out in the Design Code [APP-439] and Outline Landscape and Ecology Management Plan [APP-143] that are secured through the dDCO¹; and the Landscape Strategy [APP-142] and Design and Access Statement [APP-437], which are not. PoTLL notes that TA Appendix TA-L 'Parking Proposals' [APP-110] provides more information on the parking proposals but this is not

¹ Requirements 3 and 6. In respect of the latter, PoTLL notes that there is reference to 'mitigation measures set out in the mitigation commitments. This is not defined in the dDCO but PoTLL assumes means Chapter 22 of the ES [APP-071]. PoTLL notes that this document refers to a number of 'securing mechanisms' that are not in fact secured. In any event, these commitments do not say anything specific about the Essex Project Site landscaping. The requirement also references the 'environmental masterplan' which is not defined but PoTLL assumes is ES Figure 18.8 [APP-416]. PoTLL also notes that that figure is the same image as the separately produced 'Illustrative Landscaping Masterplan' at ES figure 3.3 [APP-223], so its status is unclear.

secured in the dDCO. PoTLL also notes that there are no parameters given for the height of the bridges proposed in these documents to link the MSCP to the Riverside Terminal.

- 3.3.2 PoTLL's consent to the construction methodology and design of Work No. 21b, being "*highway upgrade and capacity works and new pedestrian bridge*" to the local highway network in Tilbury. This is necessary as these roads form the primary access to the Port of Tilbury and Tilbury2 and so PoTLL would want to ensure that these works do not negatively affect or impede its operations and statutory functions.

PoTLL would further note that it is not clear if the pedestrian bridge referred to here is the bridge that is to be associated with the MSCP as described in the design documents referred to above – if this is the case it is noted that this Work description refers to a singular bridge whereas the MSCP proposals are described in the design documents as constituting two bridges. Furthermore, no indication is given as to what the 'upgrade and capacity works' may be to the local highway network in Tilbury.

- 3.3.3 For similar reasons, a requirement for PoTLL's consent to the use of articles 10 and 12 of the dDCO.

In respect of article 12, it is noted that this article gives the Applicant a broad range of powers to carry out temporary or permanent alterations to the layouts of the A1089, Ferry Road and the Asda Roundabout. The only detail given in Schedule 4 for Ferry Road is that this is needed for 'Amendments to Access Road'. It is not fully clear which road this is referring to; however, it is noted that the Access, Rights of Way and Public Rights of Navigation Plans [APP-011] do show a 'new or altered access' at the Ferry Road Roundabout adjacent to the PoTLL Gate on the arm leading to the site of MSCP, which would be needed given that access/egress to the proposed multi storey car park is proposed to be taken from that location. However, these plans give these works a reference number that is not included within any of the Schedules to the dDCO. A consistency check is therefore needed across these documents and their associated DCO powers to ensure that clear, defined and justified works are proposed.

- 3.4 PoTLL also expects the DCO to provide that:

- 3.4.1 PoTLL will be consulted on the development of the Construction Environmental Management Plan and Construction Traffic Management Plan (further to Requirements 5 and 16 of the dDCO), given that the measures within these documents will have direct impacts on PoTLL's operations, both in terms of the Essex Project Site and those matters discussed in section 5 of this representation; and

- 3.4.2 PoTLL will have a role in the management of off-site parking in Tilbury, given that this could impact on port operations and port perceptions (where Thurrock Council already experiences complaints from residents about parking in the area considered to be associated with the Port).

In this regard, PoTLL notes that there are no specific Traffic Regulation Measures proposed in Thurrock to control speed limits or in relation to managing parking within the Tilbury area. Whilst there is an 'Off-Site Parking Plan' [APP-123] which it is stated will be updated post consent, this is not currently secured in the dDCO.

PoTLL notes that this document proposes monitoring of parking in the Tilbury area. This issue is proposed to be managed through a proposed 'Travel Demand Steering Group', with proposals for potential Controlled Parking Zones if required. PoTLL would expect to have a role on this Steering Group - this should be reflected in the application documentation; and the requirement to set up a Steering Group should be secured through the DCO.

- 3.5 As a thriving Port that is constantly looking to expand, particularly in the context of the successful Thames Freeport bid, PoTLL is particularly concerned that the Scheme does not impact on the movement of traffic to and from Tilbury. PoTLL is therefore pleased to see that, in general terms, the Transport Assessment [APP-093] appears to suggest that, at both the construction and operational stages of the Scheme, the A1089/A13 links, M25 J30, and the Ferry Road/Fort Road junction built as part of the Tilbury2 infrastructure corridor are not anticipated to experience any congestion or junction capacity issues as a result of traffic caused directly by the Scheme.
- 3.6 However, PoTLL does have the following initial concerns with the transport assessment and mitigation that is stated to be required:
- 3.6.1 paragraph 13.4.43 of the Transport Assessment sets out the works that the assessment has concluded are necessary to be undertaken to the Asda Roundabout prior to the opening of Gate 1 in 2029, which are authorised by Work No. 21 of the dDCO. However, it is not clear when in this time period (2024-2029) these works would take place. This is an important point of clarification needed, given that construction traffic for Lower Thames Crossing, Thurrock Flexible Generation Plant and expanded Port traffic are likely to traverse the roundabout in that time period;
- 3.6.2 paragraph 4.2.3 of the Outline Construction Traffic Management Plan [APP-128] confirms that there are no severe impacts arising during the construction phase to the Asda Roundabout. However, PoTLL considers that it is not clear from the Transport Assessment (particularly Appendix TA-S: Spreadsheet Modelling Methodology Note [APP-117]) or the Outline Construction Traffic Management Plan to what extent this accounts for construction movements associated with the Lower Thames Crossing or Thurrock Flexible Generation Plant projects cumulatively; which could exacerbate and raise the significance and consequences of this impact;
- 3.6.3 in respect of the identification of flows from other committed developments, PoTLL is concerned that the table of identified Thurrock developments in the Transport Assessment Appendix TA-S does not include the Thames Enterprise Park ('TEP') project, which forms part of the Thames Freeport bid. It also does not appear in the Applicant's long-list and short-list developments for cumulative environmental impact assessment purposes [APP-220]. The TEP proposal was

submitted for planning permission in 2018 to Thurrock Council and therefore would fall within tier 1 of projects that should be considered cumulatively in accordance with the Planning Inspectorate's Advice Note 10. TEP's transport documentation (which was updated with new modelling and a new Transportation Assessment lodged with Thurrock Council on 9 March 2021) has identified a 7-8 minute delay between the A13/A1089 junction and the M25 J30; and additional 2-4 minute delays in peaks within the M25 J30 itself, even without the Lower Thames Crossing project and with mitigation. TEP has not explicitly assessed impacts on the A13/A1089 interchange. These matters have the potential to impact on access to the Port. As such, it is considered that the Applicant should include predicted flows from TEP within its modelling;

- 3.6.4 since the application for the Scheme was prepared, there have been associated delays with the Lower Thames Crossing and Thurrock Flexible Generation Plant projects which will affect their timeframes; and in the case of the Lower Thames Crossing, more information is likely to become available in the coming months in respect of construction traffic movements. These matters should be taken into account by the Applicant; and
- 3.6.5 as noted above, PoTLL is part of the consortium of interests that make up the recently successful Thames Freeport proposal, which is likely to bring considerable expansion within the Tilbury area, building on PoTLL's expansion plans more generally. PoTLL anticipates being able to provide high level information during the Examination as to what the consequences of such development could mean for traffic flows, which it would expect should be taken into account by the Applicant.

4. **ESSEX PROJECT SITE: RIVERSIDE TERMINAL AND MARINE IMPACTS**

- 4.1 PoTLL has been working with the Applicant and the PLA in respect of the Applicant's proposals for the riverside. Whilst good progress has been made, including agreement of the scope of works to the Riverside Terminal, PoTLL has a number of remaining concerns in respect of the Scheme's proposals for the Riverside Terminal and works in the river, namely how the developments are described in the application documentation, the proposed operation of the new facilities, consequential effects on existing facilities, services and operations and the DCO powers sought.
- 4.2 As a starting point, however, PoTLL notes that:
 - 4.2.1 it would expect the dDCO to provide for PoTLL to be required to consent to the final detailed design and construction methodology for the works to the Riverside Terminal (especially given that the building and landing stage are listed); and to be consulted (with ultimate approval given by the Port of London Authority ('the PLA')) on the construction methodology and design of any marine structures; and
 - 4.2.2 the suggested design for the landing stage shown at Figure 2-4, and the content overall (including the risk assessment methodology) of the Preliminary Navigation Risk Assessment [APP-135], is not yet agreed by PoTLL. In particular, the current U shaped suggestion is considered unworkable by PoTLL and the PLA. However, PoTLL notes and

welcomes that it is referred to in Requirement 19 of the dDCO as being required to be consulted on the on-going development of that risk assessment.

Description of Development

4.3 PoTLL notes that there are slightly different descriptions of the development that is proposed on and around the Tilbury landing stage within the Scheme application documents:

- Work No. 16 references flood defence works being carried out, however paragraph 17.392 of the Environmental Statement ('the ES') [APP-066] makes clear that no alterations to existing flood defences are proposed;
- Work No.16 includes references to a surface outfall to be developed within the existing river wall which is not mentioned in the ES;
- paragraphs 14.156 [APP-063], 17.252 and 17.253 of the ES make reference to a construction methodology for a new pontoon that is not secured in any other document;
- these ES paragraphs note a need for a 'link span' structure to link a new pontoon to the existing landing stage. This is referenced in the Deemed Marine Licence ('the DML') contained within the dDCO but is not mentioned in Schedule 1 to the dDCO. Discussions with the Applicant to date suggest, however, that this may not in fact be required as the existing connecting infrastructure can be used; and
- it is also noted that the DML refers to 'restraint structures' associated with the new pontoon but these are not referenced in Work No. 16.

4.4 It is also noted that works to the Riverside Terminal are described differently in the ES Scheme Description (paragraphs 3.60 and 3.89) [APP-052] and in the heritage assessment [APP-063] at paragraphs 14.16 and 14.225.

4.5 Whilst PoTLL and the Applicant have agreed in principle the works that are to take place to the Riverside Terminal, clarity in terms of the works proposed and associated structures within its setting is critical given that the Terminal and the existing landing stage are designated heritage assets and given PoTLL's stewardship role in this regard.

4.6 In light of the above, the Applicant should confirm that the ES has assessed the full extent of works proposed at the Riverside Terminal and in the river; should ensure that the descriptions of development in Schedule 1 to the dDCO are consistent with the DML; and that the Works, Order limits and Limits of Deviation are all adequately identified and defined in this context. The application should also be updated to be consistent with what has been able to be agreed with PoTLL to date.

Development and Operation of the Proposed Marine Facilities

4.7 PoTLL has noted that paragraphs 10.72 to 10.82 of the ES [APP-059] set out the anticipated vessel movements expected to arise from the transport of construction materials, construction workers and operational visitors; and in particular that:

- 4.7.1 movements between Tilbury and the south side (either the Resort or Seacon terminal for palleting) to support the movement of construction materials are assumed as a worst case to be 8 barge discharges per day (16 vessel movements), which PoTLL recognises as being consistent with the numbers of movements it is used to dealing with in relation to Port-supported development and operations;
- 4.7.2 up to 1,825 staff could utilise the crossing from Tilbury, leading to four return journeys (eight movements) in the hours before the beginning and after the end of each weekday) using a ferry provided by the Applicant. As noted in section 5, it is not clear how workers would get from car parks or any accommodation vessels within the Port of Tilbury to the proposed marine facilities or for day to day living; however, the Outline Construction Traffic Management Plan indicates that the Applicant will provide coaches between Tilbury Town railway station and the river for workers arriving by rail;
- 4.7.3 84 movements per day are assumed in operation between Tilbury and the Resort (16,800 visitors per day). It is not clear from the application documentation, but PoTLL presumes that this accounts for both Gates of the Scheme being open as a worst case scenario; and
- 4.7.4 15% of visitors to the Scheme in operation are expected as a worst case assumption to use river transport to and from central London, leading to 54 movements per day.
- 4.8 In the operational stage, PoTLL notes that the application includes (Appendix TA-W of the Transport Assessment [APP-121]) but does not secure or fund, an operational proposal by Thames Clipper for services from the proposed marine facilities to London and across to Kent.
- 4.9 Clearly, these are large numbers of movements and PoTLL is concerned that they, and the developments works which underpin them, as well as the proposed worker accommodation, do not inhibit or prevent the following operations:
 - 4.9.1 the existing Tilbury-Gravesend ferry service that operates from the existing landing stage, which is an important link for PoTLL especially for those living in Kent and working at the Port of Tilbury;
 - 4.9.2 in the near future it is anticipated that funding will be available for the extension of the Thames Clipper service to Tilbury, further to the successful Tilbury Towns Fund bid which PoTLL supported, of which this service formed a part. It is to be expected that the necessary works to accommodate this new service at the existing landing stage will be carried out before the Scheme starts construction. This, too, will be a public transport service which must not be inhibited or prevented by the Applicant's proposals; and
 - 4.9.3 the Thames Pilotage Service, for which the existing landing stage is an essential piece of infrastructure. With 95% of the UK's imports arriving by sea and with the policy support given to ports by the National Policy Statement for Ports, the impacts from any changes to the operation of the landing stage as a result of pilots not being able to board vessels could be significant and wide reaching.

- 4.10 PoTLL also notes that paragraph 4.83 of the ES [APP-053] states that: "A passenger ferry connection between the Resort and Grays is not provided for in the current DCO application and ES but is under consideration following consultation with Thurrock Council. If LRCH decides to pursue this option, consent would be sought from Thurrock Council by means of a planning application made under the Town and Country Planning Act 1990". Again, any proposals for such a service will need to align with both the Scheme's main proposals and the Tilbury Towns Fund proposals. As such these matters will need to be discussed with PoTLL and the PLA, as well as with Thurrock Council.
- 4.11 Whilst PoTLL considers that the co-existence of these uses is practically possible (e.g. by careful timings of peak usage for the proposed services so they do not clash with existing services), there must be mechanisms put in place to ensure that this is able to be achieved in a safe and robust manner. In this context, PoTLL expects that the dDCO should provide for PoTLL to have a role in:
- 4.11.1 the development of the operational proposals for the proposed marine facilities;
 - 4.11.2 the management of travel demand which could affect the number of movements required, through the Travel Demand Steering Group; and
 - 4.11.3 the development of the measures set out in the Bus Strategy [APP-120], the Rail Strategy [APP-119] and the operation of the Public Transport Working Group (none of which is currently secured through the dDCO) which is referred to by those documents, which could affect the attractiveness of the Ride and Glide services as well as vehicular and vessel movements in and around Tilbury.
- 4.12 PoTLL also considers that the Travel Demand Management Plan [APP-127] should be updated to place greater emphasis on the need to promote Ride and Glide from Tilbury, and the use of rail services to get to Tilbury, given the economic benefits that this could bring to the town².

DCO Powers

- 4.13 PoTLL has a number of concerns with the provisions of the dDCO that affect PoTLL's statutory undertaking and operations, particularly those set out below:
- 4.13.1 article 9(4) of the dDCO would provide for existing river works licences under the Port of London Authority Act 1968 ("the 1968 Act) to cease to have effect "to the extent they are inconsistent with the authorised development or anything done or approved under the requirements in Schedule 2 (requirements)". This wording would at the very least leave the effect of any existing licence uncertain, quite possibly with different effects in relation to different parts of the same licensed work. Crucially, as regards existing works licences for works within the Order limits around the landing stage, article 9(4) would appear to extinguish all the historic licences, potentially making parts of the landing stage itself unlawful. PoTLL presumes that this is not what the Applicant intends to be the case. PoTLL notes also that this power is sought to come into force from the date on which the authorised development

² Particularly in the context that the Rail Strategy assumes (at paragraph 1.2.5) that only a small number of people are envisaged to arrive by rail at the station (max 50 per hour).

commences. As that could apply to any part of the Scheme, this could leave a situation where works that have commenced in Kent have the effect of rendering the landing stage in Tilbury unlawful, which cannot be accepted. This wording should therefore be removed from the dDCO;

- 4.13.2 the powers set out in articles 31(13) and 39 of the dDCO are wide ranging and unnecessary, permitting wide ranging interference with navigation and assets without geographical constraint. PoTLL does not accept that these powers are needed or justified; but in any event, should evidence be provided and supported as to their extent and necessity, PoTLL would expect that its prior consent is required for their use;
- 4.13.3 article 48(1)(b) and (2) would disapply specified provisions of the Port of London Act 1968 ('the 1968 Act') in relation to the works and operations sought to be authorised, during construction, the maintenance periods and in the long term. The disapplied provisions include the provisions of Part 5 of the 1968 Act concerning the PLA's regulation and licensing of the construction and maintenance of works in the river and the carrying out of dredging operations. PoTLL's view is that this approach is inconsistent with the well versed process by which previous DCO schemes have interacted with the river regulatory regime (as discussed below);
- 4.13.4 article 49(1) would amend specified legislation so that it would not apply insofar as inconsistent with provisions of or powers in the dDCO. The affected legislation includes the PLA's Thames Byelaws 2012 and the Port of Tilbury (Expansion) Order 2019 ("the 2019 Order"). The 2019 Order is the legislation authorising the expanded port and applying PoTLL's statutory powers to the expanded port area created by Tilbury2, but it does not apply to the area of Work No. 16 – it is therefore irrelevant for the purposes of these works. Article 49(2) gives examples of matters that could be 'inconsistencies' for the purposes of this article, but these are examples only and not exclusive, and so the effect of the existing legislation would be uncertain.

This is particularly the case as regards byelaws, including PoTLL's byelaws made under its own powers in respect of the existing Port of Tilbury and those that are set out in the 2019 Order. In the context of the Applicant's wider proposals in Tilbury and PoTLL's concerns about them (e.g. construction worker accommodation), PoTLL does not support the inclusion of these disapplications in the dDCO;

- 4.13.5 article 50 would enable the undertaker under the dDCO to make byelaws for a wide variety of purposes. These would significantly overlap with PoTLL's own byelaw-making powers. However, there is no provision for consultation regarding byelaws nor indeed any other approach to be made to PoTLL, not even to notify it when byelaws are made. Furthermore, there is no consideration of how these byelaws would co-exist with PoTLL's existing byelaws at the Port of Tilbury nor why they are in fact necessary rather than, for example, the use of conditions of contract. PoTLL's view is that therefore this power should not be able to be invoked on the north side of the river at all; and

- 4.13.6 article 7 of the dDCO allows for any part, up to the entire Scheme and the statutory rights that go with it, to be transferred to another person. As proposed in the current drafting of this article, control over the suitability, resources and competence of a transferee would be minimal. While the Secretary of State's consent would sometimes be required, the dDCO does not include any mechanism for ensuring consultation with the PoTLL, the PLA or any other affected regulator in the river about a proposed transfer. The requirement for Secretary of State consent is also restricted: it would not apply if compensation issues had been disposed of (article 7(4)(b)). In PoTLL's view, the fact that compensation may no longer be an issue cannot remove the need for Secretary of State consent to the transfer of statutory powers affecting the operation of ports and navigation of the river. At a minimum this article should provide for prior consultation with PoTLL of any intended transfer of benefit.
- 4.14 In summary, therefore, PoTLL considers that the Applicant has not properly thought through either the need for the statutory powers it is seeking or the interaction of its proposals with the existing regulatory regimes within the river and at the Port of Tilbury; and that the current approach within the dDCO of simply overriding the existing local legislation (and not identifying the correct legislation in all instances) in these ways is not acceptable. Whilst PoTLL has discussed marine options at a high level with the Applicant, the Applicant had not consulted PoTLL on this proposed regulatory regime prior to the application. This is concerning particularly in the absence of any Protective Provisions in the dDCO for PoTLL (or indeed for the PLA). Further discussions and amendments on these issues would benefit from a joint approach with PoTLL and PLA.
- 4.15 As such, as well as the amendments referred to above, PoTLL's view, which is consistent with the view of the PLA, is that the whole approach of the dDCO to marine works and operations, both during construction and in operation, should be re-considered so that it reflects the approach taken on other recent infrastructure proposals in the river. This will enable the Applicant to provide and enable the use of the infrastructure required to promote cross-river services, whilst also maintaining protections for PoTLL and the PLA's statutory undertakings. PoTLL therefore suggests that the DCO should promote the approach of:
- 4.15.1 a bespoke version of the 1968 Act regime tailored to the authorised development under the dDCO (as applying to the functions of both the PLA and PoTLL through related Protective Provisions);
- 4.15.2 approval of the marine structures predominantly by the PLA pursuant to their Protective Provisions, with predominantly a consultative role for PoTLL; and
- 4.15.3 as regards compulsory acquisition and temporary possession of land, instead of powers in the DCO - which are not acceptable given their potential to interfere with the carrying on of statutory undertakings - PoTLL and the PLA would, as appropriate, grant to the Applicant appropriate rights and interests on terms reflecting the needs of the development so far as consistent with the statutory undertakings of the PLA and PoTLL. These would essentially be through the provision of rights to construct and then access the new infrastructure, with vessel movements and passenger access taking place in accordance with

PoTLL and the PLA's statutory 'open port duties' which require that the Ports (of London and Tilbury) must be open to anyone for the shipping and unshipping of goods and the embarking and landing of passengers on payment of the applicable dues.

5. THE SCHEME'S PROPOSALS FOR USE OF THE WIDER PORT OF TILBURY

5.1 Reviewing the application documentation it is clear that the Applicant sees the Port of Tilbury as playing a key role in the delivery of the Scheme, above and beyond the matters for which it has specifically sought DCO powers, i.e. car parking and a landing stage adjacent to Riverside Terminal.

5.2 In particular it is noted that the Construction Method Statement³ [APP-077] makes a number of statements in this regard, notably that:

- *"as required, [the Port of Tilbury will be used] to berth a cruise ship for temporary workers' accommodation"*. Further information on this proposal is given in the Construction Workers Accommodation Strategy [APP-087]. It is noted from these documents that it is assumed at least 1-2,000 workers could be on the ship and that it is stated that there is 'room' for a second cruise vessel.

It is also noted that there does not appear to be a specific assessment in the ES of this proposal (e.g. in relation to air quality, given we would assume that the vessel would need to be 'switched on' to enable power for the services required on the cruise ship).

Management of socio-economic matters (e.g. on health provision or crime) is dealt with only at a high level, with effects on services said to be dealt with through 'collaborative' working with the CCG⁴; and workers' behaviour to be managed through a Code of Conduct required under the Construction Environmental Management Plan [APP-078]. Furthermore, PoTLL notes that the application documents do not explain how workers would get safely from the cruise ship accommodation to ferries taking them to the worksite or to local services and recreation.

PoTLL notes that this worker accommodation proposal forms a key plank of the application in respect of assumptions about traffic movements (both terrestrially and nautically) and environmental impacts; however, neither the Construction Method Statement nor the Construction Workers Accommodation Strategy is secured through the dDCO, and no powers are sought to secure its delivery. If any proposal were made to do so, PoTLL would expect that the detail of such measures would be subject to its consent.

Furthermore, whilst PoTLL has discussed the concept of workers accommodation vessels with the Applicant at a high level, this is not yet agreed even in principle. In particular, PoTLL is concerned about the management of construction workers within a working Port environment; the practicality of having a cruise ship in berth for a prolonged period; and

³ Paragraphs 3.15 - 3.20.

⁴ Paragraphs 7.229 to 7.236 of the ES [APP-056].

in the absence of any DCO drafting on the matter, how this will be adequately policed within the context of PoTLL's regulatory controls.

- The Port of Tilbury will provide an *"interim staging location for deliveries to the Project Site", including internal and external storage facilities, lorry offloading and car parking" "the testing and approval of pre-manufactured engineered components will be undertaken at the Port of Tilbury, prior to delivery. Large components required for construction will be delivered to the Port of Tilbury where, if required, they can be reduced in size to enable ease of delivery via barges"*. The Construction programme at Appendix 1 of the Construction Method Statement also references the construction of a *'warehouse', 'logistics centre' and 'goods and service centre'* in *'Tilbury'* – it is not clear where these are to be located.

PoTLL can confirm that these matters have been discussed with the Applicant and are, in general terms, consistent with the types of uses that typically take place within the Port. Furthermore, it recognises that the precise details in terms of requirements and locations for these activities within the Port are unlikely to be known at this stage of development of the Scheme. However, in the absence of any provision for these matters being directly secured through the dDCO, their achievement will be dependent on agreement with PoTLL and the activities falling within PoTLL's permitted development rights, or failing that, the Applicant obtaining separate consents. To enable certainty that the environmental benefits of utilising the Port are able to be realised, it is considered that the role of the Port of Tilbury (even in general terms) should be stated with more certainty in documents that are to be secured by the dDCO.

PoTLL is also concerned, however, that in respect of these matters it is not clear whether the transport assessment documentation has assessed the impacts of such provision within the Port of Tilbury. Sections 3.3 and 3.6 of the Outline Construction Traffic Management Plan [APP-128] (which expands on the high level statements in chapter 15 of the Transport Assessment [APP-093]) refer to the routing and generation of HGV movements in respect of the 'Essex Project Site', which involves only those elements of the Scheme within the Order limits.

Furthermore, it is noted that whilst Chapter 4 of the ES [APP-053] indicates that construction materials would be supplied to site by boat from the Port of Tilbury, which alongside the reconditioning of Bell Wharf and the use of Seacon terminal would support 80% of construction materials being delivered by river, the Outline Construction Traffic Management Plan states only that the Applicant will 'seek' to bring up to 80% of material (arriving and departing) to the site via barge. As such, this is as yet not a firm commitment and needs to be properly secured. This will enable assumptions in respect of both HGV movements (alongside clarifying the position as expressed in the previous paragraph) and vessel movements to also be demonstrably considered likely worst case and therefore robust.

PoTLL is therefore concerned to ensure that the traffic modelling of impacts on the A13, A1089, the Asda Roundabout and the local highway network in Tilbury is sufficiently robust to deal with any additional HGV movements that would arise that have not yet been considered. Clearly, the answer to this question will also be relevant to the environmental assessments which rely on this traffic modelling. This is particularly relevant in the context of

both the Lower Thames Crossing and Thurrock Flexible Generation Plant proposals which are likely to be using the same highway network in the same time periods.

Additionally, PoTLL has noted the contents of the Delivery and Servicing Plan at Appendix TA-AE of the Transport Assessment [APP-129], which includes various requirements on the Applicant in respect of the management of construction vehicles arriving at the Port of Tilbury ('rather than the Essex Project Site'), e.g. vehicle booking and ensuring sufficient facilities for storage and collection of segregated waste. This plan is not secured through the dDCO and does not provide a role for PoTLL, which PoTLL considers not to be acceptable if such activities are to take place within its working port. It is noted further that this plan refers to the Travel Demand Steering Group monitoring and reviewing this plan as the Scheme is taken forward. As noted above, PoTLL would expect to have a role on this Steering Group; and its role in relation to the Delivery and Servicing Plan provides further justification as to why this must be the case.

5.3 Separately, in respect of construction-related parking, PoTLL has noted that it is assumed⁵ that:

- 150 spaces for the 1,500 construction workers residing on-site at the Resort during the week will be provided at the Port of Tilbury during construction of Gate 1, with staff only able to park there if they have a minimum of 3 workers per vehicle. It is stated that the exact location of the worker car park within the Port of Tilbury is "*still to be determined*";
- for daily commuting workers, it is stated that during Gate 1 construction the 'Essex Project Site' will accommodate 350 spaces, of which 200 will be for daily commuters and '150 for resident workers'. This is an inconsistency as the 150 spaces discussed above would not be within the 'Essex Project Site'. For Gate 2 construction, daily commuter parking would reduce down to 75 spaces. It is not clear if these are additional spaces to those described for the operational phase;
- it is not clear from the documents how construction workers will get from the construction car parks to the ferry terminal; and
- section 5 of the Outline Construction Traffic Management Plan sets out Construction Travel Demand measures that will be put in place. This includes proposals such as a Parking Management Plan (including potential permits) and the development by a Travel Coordinator of an Implementation Plan to be shared with 'key' stakeholders. Currently no role is given for PoTLL in the development of these measures. This is clearly needed if construction parking is to involve PoTLL's land (whether on the Essex Project Site or otherwise).

5.4 PoTLL's position on the above matters is that, whilst all of them have been discussed with the Applicant at a high level, and in the case of the construction car parking are considered to be generally achievable, no agreement has been reached on any aspect of the detail of how these matters could or would work

⁵ Section 2 of the Outline Construction Traffic Management Plan

in practice, or how they can be brought forward in a manner that will not cause a detriment to PoTLL's existing operations and statutory undertaking.

5.5 As such, PoTLL considers that the Applicant should:

5.5.1 provide a consolidated document of what is anticipated to take place to support London Resort in Tilbury and how this has informed assessments and their supporting modelling, so that PoTLL and all Thurrock stakeholders have a clear understanding of the Applicant's position;

5.5.2 as part of this document, identify and make it clear how relevant control measures are proposed to be secured; and

5.5.3 where such measures are included within the dDCO, provide for PoTLL's consent to be required for development on PoTLL's land and use of PoTLL facilities.

6. **CONCLUSION**

6.1 In conclusion, PoTLL considers that that there are a number of amendments and clarifications needed to the application documentation and powers in the dDCO for the Scheme to ensure that PoTLL's statutory undertaking, port operations and land interests are adequately protected; and to provide clarity on the full nature and extent of the Scheme proposals in Tilbury.

6.2 These matters have been set out at a high level in this Relevant Representation and PoTLL will continue to engage with the Applicant on them and on related matters.

6.3 In the context of the positive discussions that have been held with the Applicant to date, it is considered that these matters are surmountable both in practical and legal terms.

6.4 However, whilst PoTLL is supportive of the concept of the Scheme in principle, until these matters are resolved it must maintain an objection to the Scheme in the form it is currently provided for within the dDCO and its associated documentation, including for the purposes of section 127 of the Planning Act 2008.

6.5 Finally, PoTLL notes that it would also expect to be fully engaged with by the Applicant in respect of any changes that may be made to the application documentation and in particular the dDCO, and to the Scheme itself both generally and specifically as a result of the recent designation by Natural England as a SSSI of much of the land within the Order limits on the south side of the river.

Appendix 1: Identified Land Impacts

Plot Number	Land Power Proposed	Work No.	Nature of PoTLL Interest	Section 127 land Y/N
428	Compulsory Acquisition	16 (Riverside Terminal and landing stage works)	Wholly owned. Although this plot does not form part of the statutory 'port limits' for the Port of Tilbury, it is used by Port of Tilbury for port uses, namely to facilitate movements from the Riverside Terminal and the Gravesend – Tilbury Ferry.	Y
429			Identified as 'unregistered land' in the Book of Reference [APP-032], the riverbed in these plots is owned by the PLA and the structures that are in the river bed (i.e. the existing landing stages) are held by PoTLL on River Works Licences that were transferred to PoTLL pursuant to the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 and continue with the long term support of the PLA.	N
430				
444		3b (MSCP) and 22 (Phase 1 surface car parking). Although the Statement of Reasons [APP-030] only refers to the latter, it is clear from reviewing the Works	Wholly owned. Although this plot does not form part of the 'port limits' for the Port of Tilbury, it is used by Port of Tilbury for port uses, namely the storage of cars that have arrived at the Port of Tilbury before onward transit to the rest of the UK. This use is known as the Fortress Distribution Park.	Y

Plot Number	Land Power Proposed	Work No.	Nature of PoTLL Interest	Section 127 land Y/N
445 – 446		Plans [APP-010] that this land does include the limits of deviation for Work No. 3B.	Held as a caution against first registration of land that is otherwise unregistered. PoTLL uses this land as part of the Fortress Distribution Park.	Y
450-453, 463-464	Acquisition of Rights and Temporary Possession	21a (Asda Roundabout)	Rights. Not held as part of PoTLL's statutory undertaking. As the access point to the Port, however, PoTLL will be concerned to ensure that these works are carried out in a manner that does not affect access to the Port of Tilbury including Tilbury2.	N
421-427, 431, 434-443, 447-448		21b (Works to Ferry Road, Fort Road and St. Andrew's Road)	All wholly owned save for plot 438 which is held as a caution against first registration of land that is otherwise unregistered. The extent of these plots that are outside of the highway boundary fall within Port operational land.	Y (beyond highway boundary).