

Kath Haddrell
Case Manager
The Planning Inspectorate
National Infrastructure
Temple Quay House
2 The Square
Bristol
BS1 6PN

15 March 2022

Our Ref: PoTLL/LR/PREEX/2

Dear Ms Haddrell,

Planning Act 2008

Application for the London Resort Development Consent Order

Response to Rule 6 Letter

1. This letter constitutes the Port of Tilbury London Limited's ('PoTLL') response to the Examining Authority's ('the ExA') Rule 6 Letter of 14 February 2022 ('the Rule 6 Letter') in relation to London Resort Company Holdings' ('the Applicant') application ('the Application') for the London Resort DCO ('the Scheme').

Freeport and PoTLL Position Update

2. PoTLL wishes to update the ExA on its position in respect of the Applicant's Park and Glide proposals within the Port of Tilbury ('Tilbury'), following PoTLL's update in paragraphs 7 to 20 of its letter of 10 January 2021 ('the 10 January Letter').
3. PoTLL has continued to keep changing circumstances constantly under review whilst proceeding with the on-going development of its Freeport proposals and high level discussions with the Applicant. Consequently, PoTLL informed the Applicant on 17 February 2022 that it considers that there is not a solution to the conflict between the Applicant's proposals and PoTLL's development of the Port undertaking and Freeport in and around its existing estate.
4. As such, for all of the reasons and on the same basis as set out in the 10 January Letter, PoTLL's position is that it firmly objects in principle to:
 - the Applicant's surface and multistorey carparking proposals within Tilbury (Work Nos. 3b and 22) and consequential transport strategy and transportation modelling and assessment;
 - the compulsory acquisition of plots 444 to 446 on the basis that they would constitute serious detriment for the purposes of section 127 of the Planning Act 2008 and that alternatives that avoid the need for compulsory acquisition have not been adequately explored; and



Registered Office:
Leslie Ford House
Tilbury, Essex RM18 7EH
Registered in England (No. 2659118)



PORT OF
TILBURY
LONDON

PORT OF TILBURY LONDON LTD

LESLIE FORD HOUSE
TILBURY, ESSEX RM18 7EH
SWITCHBOARD: +44 (0)1375 852200
FACSIMILE: +44 (0)1375 855106

- the proposed land and works DCO powers for the surrounding highway network, given these powers are all promoted as necessary as a consequence of the Applicant's parking and transport proposals.
5. PoTLL also considers that as a consequence of its position, the proposed land and works powers at the Riverside Terminal and its associated jetty are highly unlikely to be justifiable. However, it recognises that the Applicant will now need to consider its Park and Glide proposals more generally, which may still require use of these facilities, which may be acceptable to PoTLL with adequate protections in place and ensuring there is no compromising of the Port undertaking.
 6. PoTLL remains willing to discuss this with the Applicant but considers that if the Applicant does not develop such a proposal, DCO powers at this location are unjustified and will be objected to in principle by PoTLL as an unnecessary interference with PoTLL's assets and undertaking.
 7. In respect of the matters that require a response set out in the ExA's previous procedural decision of 21st December 2021 and the Rule 6 Letter, PoTLL can confirm its current position on the information provided to date is as set out below.

Engagement

8. Save for the discussions referred to in paragraph 3 above and the high level discussions referred to in its 10 January 2022 Letter, PoTLL can confirm that the Applicant has not engaged with PoTLL in respect of any of the matters raised in its Relevant Representation ('the RR') since that Relevant Representation was submitted on 31 March 2021, including in recent months.
9. This is particularly concerning and worrying in the context of the Applicant's 17 February 2022 submission of its Schedule of updated and new documents, which suggests that:
 - an updated construction accommodation worker strategy will be submitted in the week commencing 14 March 2022. Given the concerns raised by PoTLL in the RR about the previous proposals for worker cruise ships within the Port of Tilbury, PoTLL does not understand how that strategy could be meaningfully updated without engagement with it;
 - there is still no confirmation as to when any of the construction or traffic documentation for the Scheme will be updated. These matters will have a fundamental impact on PoTLL, as set out in the RR, and PoTLL can see no path to these being able to be updated without further meaningful discussions between PoTLL and the Applicant; and
 - similarly, there is a lack of clarity as to when the essential marine navigation and operations documentation that forms part of the application will be updated; and PoTLL considers that they cannot be updated until meaningful discussions between it and the Applicant have taken place. Given that this engagement has not happened for almost a year to date, PoTLL has little confidence that the Applicant will be able to technically resource and fully and properly update these necessary documents for quite some time.

Hearings

10. PoTLL wishes to attend the Preliminary Meeting on 29 and as necessary 30 March 2022 (and 4 and 5 April 2022 if required) and the proposed Issue Specific Hearing and Compulsory Acquisition Hearing on 5 and 6 April 2022. In respect of these:
 - For the Preliminary Meeting, PoTLL would wish to speak in respect of the ‘Review of progress and Examination timing’; in respect of any discussions that are had following any procedural decision the ExA makes in ‘Stage 1’; and if Stage 2 occurs, in respect of the Draft Examination Timetable.
 - At the Preliminary Meeting, PoTLL considers that, given its updated position on the Applicant’s Park and Glide proposals and the implications discussed in the 10 January 2022 Letter, the Applicant will need to explain how it proposes to deal with the revisions that will be necessary to its application (and the application documentation) to account for that position, within the Examination process; including in the context of the ‘further information’ requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and as far as relevant any non-material, material and additional land change procedures.
 - For the Issue Specific Hearing, PoTLL would wish to speak to the following topics listed in the Rule 6 Letter: ‘park and glide’; ‘ports and river considerations’; and ‘road access considerations’.
 - For the Compulsory Acquisition Hearing; PoTLL would wish to speak to the following topics listed in the Rule 6 Letter: ‘the need for the land’; ‘conformity with statutory tests’ and ‘conformity with guidance’.
 - For the preliminary meeting and all of these hearings, PoTLL wishes for the following individuals to be able to attend and can confirm that all have completed the online form to register to attend:
 - from Pinsent Masons, our legal advisers: Robbie Owen, Jan Bessell and Matthew Fox; and
 - from PoTLL, myself, Peter Ward (for the 4th and 5th April hearings only), and John Speakman, Senior Asset Manager.

Initial Assessment of Principal Issues

11. PoTLL was pleased to see that the concerns raised in its RR have been drawn out into a number of topics in the ExA’s Initial Assessment of Principal Issues.
12. However, PoTLL would make an additional point that it considers, particularly in light of the updated position in respect of the Applicant’s Park and Glide Proposals, that its concerns in respect of compulsory acquisition, and ensuring it has adequate protection from such powers, should be included within section 16 on compulsory acquisition and related matters of the ExA’s list.

13. If you have any further questions on any of these submissions, please do not hesitate to contact our legal advisers at Pinsent Masons LLP, [REDACTED]
[REDACTED]

Yours sincerely,

[REDACTED]

PETER WARD
COMMERCIAL DIRECTOR
PORT OF TILBURY LONDON LIMITED