

Case Team
Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email only: LondonResort@planninginspectorate.gov.uk

21 April 2022

Dear Sir/Madam,

Planning Act 2008 (PA 2008)
Application by London Resort Company Holdings for an Order Granting Development Consent for the London Resort (withdrawn)
Application for an award of costs by Port of London Authority

1. **Introduction**

- 1.1 This application for an award for costs is made in respect of the examination of the application for development consent (the **Application**) submitted on 31 December 2020 by London Resort Company Holdings (the **Applicant**) (ref: BC080001).
- 1.2 The Application sought authorisation to construct and operate a leisure and entertainment resort on the Swanscombe peninsula with a river transport hub at Tilbury, both abutting and engaging the river Thames; the Application also sought powers for the compulsory acquisition of land and/or rights (the **Scheme**). A Preliminary Meeting in relation to examination of the Application was scheduled to take place 29 March 2022. The Application was withdrawn on 28 March 2022.

2. **Legislative context**

- 2.1 S95(4) of PA 2008 applies s250(5) of the Local Government Act 1972 to examinations of applications for development consent; this gives the examining authority (**ExA**) the power to award costs in the same manner as an Inspector may award costs at a planning inquiry. The relevant Government guidance which relates to this procedure was published by the Department for Communities and Local Government in July 2013 entitled *Award of costs: examination of applications for development consent orders* (the **Guidance**).

3. **Port of London Authority**

- 3.1 The Port of London Authority (PLA) is the statutory harbour authority for an area of jurisdiction, defined in Schedule 1 to the Port of London Act 1968 (as amended), broadly comprising the tidal river Thames. Its statutory functions include the regulation of shipping and navigation on the river Thames, the conservancy of the river for shipping and the control and licensing of works and dredging in the river.
- 3.2 The PLA's statutory jurisdiction extends to mean high water level. It also owns most of the bed of the river and foreshore within its statutory jurisdiction and has rights over land for the purposes of its functions. The Application seeks powers of compulsory acquisition over land owned by the PLA and over which it has rights.
- 3.3 The PLA is an Interested Party under s102 PA 2008 (and also qualifies as an affected person as defined in s59 of PA 2008); it is consequently entitled to make an application for an award of costs to the ExA. The PLA is making an application for a full award of costs in relation to all costs it has incurred in connection with its objection to the Application: this application is not limited to the PLA's costs relating to the Applicant's compulsory purchase proposals.

4. **Basis for application for costs – compulsory acquisition request**

- 4.1 A schedule of the interests in land and rights owned by the PLA over which powers of compulsory acquisition were sought as part of the Application is included at **Appendix A** to this letter. It may be seen therefore that, for the purposes of the Guidance, land in the PLA's ownership was subject to a "compulsory acquisition request", and the PLA is an "objector" for the purposes of para 1 of Part D.
- 4.2 Part D of the Guidance addresses the issue of costs in respect of an examination that deals with compulsory acquisition of land; this includes those conditions which must be met by an objector in order to be entitled to costs.
- 4.3 In circumstances where an application for development consent has been withdrawn, these conditions are set out in para 5 of Part D and may be summarised as follows:
- 4.3.1 the objector has made an objection to the compulsory acquisition request;
 - 4.3.2 the objector has participated in the examination by submission of a relevant and/or written representation; and
 - 4.3.3 the objector has maintained its objection until the compulsory acquisition request in respect of its property or the application for development consent was withdrawn.

Where these conditions are met, the objector will be treated as a successful objector and as if its success was due to its representations.

5. **Basis for application for costs – other objection issues**

- 5.1 In addition to the compulsory acquisition request, the PLA's objection is concerned with a number of issues relating to its statutory functions.
- 5.2 Part B of the Guidance sets out the general principles relating to costs applications, including conditions when an interested party will normally be entitled to costs. Para 11 of Part B provides that costs will normally be awarded where the following conditions are met:
- 5.2.1 the aggrieved party has made a timely application for an award;
 - 5.2.2 the party against whom the award is sought has acted unreasonably; and
 - 5.2.3 the unreasonable behaviour has caused the party applying for the award of costs to incur unnecessary or wasted expense during the examination – either the whole of the expense because it should not have been necessary for the matter to be

examined and/or determined, or part of the expense because of the manner in which the party behaved during the examination.

5.3 In the PLA's submission the chronology set out in paras 6.1 to 6.12 of this application and the unreasonable behaviour of the Applicant as described in paras 7.1 to 7.9 demonstrate that these para 11, Part B criteria are met in relation to the PLA's objection.

6. Chronology

6.1 In its capacity as statutory undertaker, the PLA has been directly engaged with the pre-application process for the Scheme since 2014. On 5 December 2014, the PLA submitted a response to the Planning Inspectorate in respect of consultation on the Scoping Report. That response is included as **Appendix B** to this letter. It can be seen that, in addition to issues raised as to the impact of the Scheme on the exercise of the PLA's duties as a statutory harbour authority, the PLA also notes its concern in respect of the extent of land in its ownership, i.e. the riverbed and foreshore, being included in the red line boundary of the Scheme.

6.2 Subsequently, the PLA continued to engage directly with the Applicant and its agents in discussing those elements of the Scheme which affect the river and its use, and in relation to the preparation of relevant Application documents.

6.3 This included engagement on statutory pre-application procedure. The PLA submitted a response to consultation on a revised Scoping Report on 13 July 2020 (see **Appendix C**) which, again, includes concerns about the extent of the red line boundary and the inclusion of PLA land and rights. On 18 September 2020, the PLA responded to consultation under s42 PA 2008. A copy of that response is at **Appendix D**. Once again, the PLA raises the issue of compulsory acquisition of land and rights within its ownership.

6.4 Prior to submission of the Application on 31 December 2020, the PLA had engaged in negotiations with the Applicant in respect of the drafting of protective provisions to be included on the face of the order, beginning on 18 September 2020, when a proposed draft set of provisions was sent to the PLA by the Applicant's solicitors. The purpose of these provisions was to ensure that any DCO scheme did not prejudice the PLA's ability to carry out its statutory duties and functions and also included provision that the PLA's land would not be acquired compulsorily.

6.5 The drafting of the protective provisions was discussed between the parties over the following months. On 21 October 2020, the PLA amended and passed to the Applicant's solicitors a revised proposed set of protective provisions which replicated those included in other made development consent orders.¹ On the same day by a meeting took place between the parties to discuss in detail the proposed amendments, after which the Applicant's solicitors said they would take instructions and revert. However, despite the PLA chasing comments on the draft protective provisions several times in the ensuing months, including whilst separate discussions were ongoing between the parties in respect of the draft navigational risk assessment, and an assurance on 7 May 2021 that comments on the draft would be forthcoming, the PLA has received nothing.

6.6 Following acceptance of the Application on 28 January 2021, the PLA submitted a Relevant Representation dated 31 March 2021 (see **Appendix E** to this letter). As with previous correspondence, the PLA's relevant representation includes detailed reference to issues relating to the proposed compulsory acquisition of the riverbed and foreshore (see paras 4.1, 4.2, and 8.2) as well as to the effect of the proposals on the exercise of the PLA's functions (see paras 4.3. and 8.2 and sections 5, 6, 7, 9 and 10).

6.7 Simultaneously, the PLA and the Port of Tilbury London Limited (**PoTLL**), each having interests in the land within and adjacent to the river Thames proposed for compulsory

¹ Examples include The Port of Tilbury (Expansion) Order 2019; The Silvertown Tunnel Order 2018; and The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014.

acquisition, prepared a joint note which outlined a method by which those elements of the Scheme in the river could come forward - by means of a separately agreed lease and river works licences - which would avoid the need for, and preclude, compulsory acquisition of land in the river. The joint note was sent to the Applicant on 31 March 2021, but neither the PLA nor PoTLL received a response.

- 6.8 Following submission of its Relevant Representations, the PLA continued to engage with the Applicant in respect of the preliminary navigational risk assessment until June 2021. On 24 June 2021 Nash Maritime asked to postpone a meeting with the PLA scheduled for 29 June 2021 stating, "*our client (Buro Happold) has asked us to put our work on the pNRA on hold as of today.*" The email went on to say, "*I will be in touch to rearrange a meeting when we are able to re-start the work.*"
- 6.9 In the ensuing months, the PLA was informed, as an Interested Party, of the initial request for delay to the commencement of examination made by the Applicant on 15 April 2021, and continued deferral(s) thereafter; the PLA subsequently responded to the ExA's consultation on procedure as set out in the ExA's procedural decision letter of 21 December 2021. In its response letter dated 7 January 2022 (**Appendix F**), the PLA stated its concerns as to these delays and the timing of and approach to examination of the Application, and referred to the joint approach it had made with PoTLL in respect of land interests in the river.
- 6.10 The PLA made a submission in response to the ExA's procedural decision letter dated 1 February 2022. This submission, which met Procedural Deadline A on 15 March 2022, addressed specifically, as requested, issues relating to engagement between the parties. In particular, it confirmed that the Applicant had not sought to engage with the PLA at all since June 2021.
- 6.11 As the ExA will be aware, a Rule 6 letter was issued on 14 February 2022, to which was annexed the proposed timetable for examination of the Application. A Preliminary Meeting was scheduled to take place on 29th and 30 March 2022, with initial hearings scheduled less than one week later. The PLA had registered its intent to be heard at the Preliminary Meeting and at each of ISH1 on 4 April 2022, in respect of port and river considerations, and CAH1 on 5 April 2022, in respect of the compulsory acquisition request.
- 6.12 Following receipt of the Rule 6 letter and proposed timetable for examination of the Application, the PLA incurred costs in preparation for the Preliminary Meeting, the initial hearings and in anticipation of the deadline for Written Representations on 26 April 2022.

7. Unreasonable behaviour of the Applicant

- 7.1 Part C of the Guidance provides examples of unreasonable behaviour on procedural grounds which may result in an award of costs. This includes withdrawing an application after the Preliminary Meeting or where the examination is curtailed or cancelled. Where an application is withdrawn without any material change in circumstances concerning relevant issues arising out of the application, an award of costs is likely if there are no exceptional circumstances. The PLA submits that in the present case the timing and circumstances of the withdrawal, as outlined below, were unreasonable within this statement of principle.
- 7.2 As noted above, consultation was undertaken by the ExA in respect of timing and approach to examination of the Application by way of a procedural decision letter dated 21 December 2021. The Applicant responded to this initial consultation on 10 January 2022, and then made a further representation in response to other interested parties' responses, dated 24 January 2022. In each case, the Applicant indicated its confidence in the Application and its intention to ready it for examination.
- 7.3 However, in its letter of withdrawal, dated 28 March 2022, the Applicant cites the designation of a Freeport at Tilbury "and consequent implications" and designation of the Swanscombe Peninsula SSSI as matters that cannot be addressed by the Application in its current form. The Applicant's justification for withdrawal at the time it occurred therefore appears to be that these two issues represented a change such that the Application could not be amended so as

to deal satisfactorily with them. Given the Applicant's statements referred to in para 7.2 of this application, which contemplated the Application proceeding uninterrupted, there is a clear inference that these changes occurred, and/or the Applicant became aware of them, between its representation dated 24 January 2022 and the withdrawal on 28 March 2022. Such an inference is simply wrong. The Applicant cannot reasonably justify the timing of its withdrawal in this way.

- 7.4 As regards the designation of a Freeport at Tilbury, the PLA infers that the consequent implications referred to relate to the loss of an area included in the Application for carparking to facilitate a "Park and Glide" scheme. This situation became apparent in PoTLL's response to the ExA's consultation, which was published on 10 January 2022.
- 7.5 Proposed designation of the SSSI was also a factor that had become apparent very much earlier, given Natural England's Notification of the Swanscombe Peninsula SSSI in March 2021.
- 7.6 The Examining Authority will note that delays to the commencement of the examination were requested by the Applicant – and subsequently granted by the ExA – on the basis of the Application needing to be revised to take account of the SSSI. Clearly the Applicant was aware of the SSSI issue at the latest on 15 April 2021, when it first requested a delay on that ground. As for park and glide at Tilbury, it is self-evident that the Applicant was aware of the issue by no later than 10 January 2022. However, it still took until 28 March 2022 to withdraw the Application, a period during which the Applicant knew interested parties would be preparing for the Preliminary Meeting and the initial examination hearings a week later. This was unreasonable behaviour on the Applicant's part.
- 7.7 As the ExA will be aware, the PLA, along with all other interested parties, was only made aware of the withdrawal of the Application during the Arrangements Conference, held prior to the scheduled Preliminary Meeting on 29 March 2022. At that time, the Case Officer stated that withdrawal of the Application had been received outside of business hours, that is, at 18:53, the previous evening.
- 7.8 Accordingly, in addition to the unreasonableness of leaving withdrawal until 28 March 2022 despite much earlier knowledge (see above), the PLA considers that this eleventh-hour withdrawal without notice, so late that it was unknown until a matter of minutes before the Preliminary Meeting, constitutes unreasonable behaviour on the part of the Applicant; behaviour which self-evidently caused the PLA and, undoubtedly, other interested parties to incur unnecessary and wasted expense in preparing to attend the Preliminary Meeting, as well as preparing for it and the initial hearings scheduled for the following week.
- 7.9 The PLA invites the Examining Authority to agree that the actions outlined in paras 7.1 to 7.8 above amount to unreasonable behaviour by the Applicant within para 11 of Part B to the Guidance.

8. **Section 51 Advice – meaning of "examination"**

- 8.1 Para 4 of Part A of the Guidance states:

"This guidance is aimed at ensuring, as far as possible, that:

...

All involved in the examination process, who feel justified in complaining about the behaviour of others, use this costs guidance effectively, by pursuing substantiated applications for costs in a robust but realistic manner"

Para 14 of Part B of the Guidance states:

"All parties (as defined in Part A, paragraph 2) who have taken part in the examination may apply for an award of costs and may have an award of costs made against them."

The ExA must therefore decide whether these provisions of the Guidance entitle the PLA to seek its costs.

- 8.2 The PLA has undoubtedly been involved in the examination process and taken part in it. The decisions for cost awards in respect of an application for development consent for the Atlantic Array Offshore Wind Farm (appended to the Section 51 Advice issued by the ExA on 7 April 2022) make clear that for the purposes of costs applications "the process of examination" is "wider than the statutory period of the examination starting with the PM" (para 19, in each of Costs Decision A and Costs Decision B). The ExA will note that the reasoning adopted can be applied to all categories of objection, not just those relating to compulsory acquisition. It follows that, notwithstanding the withdrawal of the Application before the Preliminary Meeting opened, the PLA meets the criteria for making an application for costs.

9. **Application for costs**

- 9.1 For the reasons given above, the PLA submits that it has met the conditions set out in the Guidance entitling it to recover its costs. It has:

- i. made an objection;
- ii participated in the examination by the submission of a relevant representation; and
- iii maintained the objection until the compulsory acquisition request in respect of its property or the application for development consent was withdrawn.

- 9.2 The PLA accordingly submits that:

- i. in accordance with the Guidance it has a valid entitlement to costs in respect of examination of the Application;
- ii. this application for costs is made in a timely manner;
- iii. the Applicant, from whom costs are sought, has acted unreasonably; and
- iv. that unreasonable behaviour has caused the PLA to incur unnecessary or wasted expense during the examination.

- 9.3 The PLA accordingly makes an application for a full award of its costs incurred:

- i. in the preparation and submission of relevant representations;
- ii. in its dealings with the Applicant in relation to the Application, including its work on draft protective provisions and other amendments to the draft DCO; consideration of documents relating to the Application; and correspondence, meetings and individual contacts with the Applicant and/or its solicitors;
- iii. in responding to the ExA's procedural decision letter of 21 December 2021 and in relation to subsequent procedural decisions, until issue of the Rule 6 letter on 14 February 2022;

Yours faithfully,



Lucy Owen

Deputy Director of Planning and Development



APPENDIX A - SCHEDULE OF PLA INTERESTS

| Plot No. | Description | Nature of interest | Acquisition type | Associated Work No. | Land Plan No. | Part of BoR |
|----------|---|---|---|---------------------|---------------|-------------------|
| 1 | Temporary possession and use of 45763 square metres of land, River Thames, Swanscombe, Dartford | Freehold/occupier (pending first registration) | Temporary possession | N/A | 1 & 3 | Part 1 Category 1 |
| 2 | All interests and rights in 23746 square metres of River Thames, saltmarsh, land, shoreline, boat moorings, jetties and gantry at Broadness Salt Marsh situated to the north of Swanscombe Marsh, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 | Part 1 Category 1 |
| 3 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 22615 square metres of River Thames, saltmarsh, land and shoreline situated to the north east of Swanscombe Marsh | Freehold/occupier (pending first registration) | Temporary possession and permanent rights | 14c | 1 | Part 1 Category 1 |
| 4 | All interests and rights in 1049 square metres of riverbank at River Thames to the north east of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 14c | 1 | Part 1 Category 1 |
| 5 | All interests and rights in 31 square metres of marshes and riverbank at River Thames, Swanscombe Marshes, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19c | 1 | Part 1 Category 1 |
| 6 | Temporary possession and use of 6169 square metres of riverbank at River Thames to the north east of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Temporary possession | N/A | 1 | Part 1 Category 1 |
| 7 | All interests and rights in 90 square metres of riverbank at River Thames to the north east of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19c | 1 | Part 1 Category 1 |
| 8 | All interests and rights in 3 square metres of riverbank at River Thames to the north east of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19c | 1 | Part 1 Category 1 |
| 9 | All interests and rights in 1 square metre of riverbank at River Thames to the north east of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19c | 1 | Part 1 Category 1 |
| 10 | All interests and rights in 19 square metres of riverbank at River Thames to the north east of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19c | 1 | Part 1 Category 1 |
| 11 | All interests and rights in 2 square metres of riverbank at River Thames to the north east of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19c | 1 | Part 1 Category 1 |
| 13 | All interests and rights in 258 square metres of riverbank at River Thames to the north east of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19c | 1 | Part 1 Category 1 |

| | | | | | | |
|----|---|---|-----------------------|-----|-------|-------------------|
| 15 | All interests and rights in 36 square metres of sandbank situated to the south of River Thames, Swanscombe, Dartford | Freehold/occupier (pending first registration) | Permanent acquisition | 19c | 1 | Part 1 Category 1 |
| 16 | Temporary possession and use of 258 square metres of riverbank situated to the south of River Thames, Swanscombe, Dartford | Freehold/occupier (pending first registration) | Temporary possession | N/A | 1 | Part 1 Category 1 |
| 17 | All interests and rights in 567 square metres of riverbank and River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 | Part 1 Category 1 |
| 18 | All interests and rights in 3647 square metres of riverbank and River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 | Part 1 Category 1 |
| 19 | All interests and rights in 194 square metres of land at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 | Part 1 Category 1 |
| 20 | All interests and rights in 1714 square metres of riverbank and River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 | Part 1 Category 1 |
| 21 | All interests and rights in 120 square metres of land at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 | Part 1 Category 1 |
| 22 | All interests and rights in 29 square metres of riverbank and River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 23 | All interests and rights in 4 square metres of land at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 24 | All interests and rights in 173 square metres of land at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 25 | All interests and rights in 372 square metres of riverbank at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 26 | All interests and rights in 182 square metres of land at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 27 | All interests and rights in 877 square metres of riverbank at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |

| | | | | | | |
|----|---|--|---|--|----------|--|
| 28 | All interests and rights in 111 square metres of land and riverbank at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold/occupier (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 29 | All interests and rights in 895 square metres of land, communications mast and associated site equipment to the north of Broadness Landing stages, Broadness Salt Marsh, Gravesend, except those owned by the acquiring authority | Leasehold/occupier | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 31 | All interests and rights in 735106 square metres of land, public footpaths (DS1, DS2, NU1), pylon overhead transmission lines, reservoir ponds and drainage and part of assumed private road Green Manorway, except those owned by the acquiring authority | Leasehold | Permanent acquisition | 1, 5a, 14a, 14c, 15, 18b, 19 | 1 & 2 | Part 1 Category 1 |
| 33 | All interests and rights in 13 square metres of riverbank at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold/occupier (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 34 | All interests and rights in 779 square metres of land, and riverbank at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 35 | All interests and rights in 109 square metres of land at River Thames to the north west of the peninsular, Swanscombe, except those owned by the acquiring authority | Freehold/occupier (pending first registration) | Permanent acquisition | 19b | 1 & 3 | Part 1 Category 1 |
| 36 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 64148 square metres of land, riverbank and River Thames to the north west of the peninsular known as Bell Wharf, Swanscombe, except those owned by the acquiring authority | Freehold/occupier (pending first registration) | Temporary possession and permanent rights | 14a | 1 & 3 | Part 1 Category 1 |
| 37 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 3422 square metres of disused hardstanding landing stage with mooring posts, to the west of Swanscombe Marshes, Swanscombe | Freehold/occupier (pending first registration) | Temporary possession and permanent rights | 14a | 1 & 3 | Part 1 Category 1 |
| 40 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 5013 square metres of River Thames and tunnel to the west of Swanscombe Marshes, Swanscombe, except those owned by the Crown | Freehold/occupier (pending first registration) | Temporary possession and permanent rights | 14a, 15 | 1 & 3 | Part 1 Category 1 |
| 41 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 71599 square metres of River Thames and riverbank, to the west of Swanscombe Marshes, Swanscombe | Freehold (pending first registration) | Temporary possession and permanent rights | 14a | 1 & 3 | Part 1 Category 1 |
| 43 | Temporary possession and use of 24285 square metres of river bank, and River Thames to the west of Swanscombe Marshes, Swanscombe | Freehold (pending first registration) | Temporary possession | N/A | 1 & 3 | Part 1 Category 1 |
| 47 | All interests and rights in 575665 square metres of land, footpaths (DS1, DS2, DS12, DS30), electricity substation, ponds, commercial buildings, sewer pumping station and drainage, part of assumed adopted highways Tiltman Avenue and Manor Way, except those owned by the acquiring authority | Category 2, Category 3 and Part 3 interest (Unknown rights granted as more particularly described in a lease dated 11 August 2017 and registered under title K923494) | Permanent acquisition | 9b, 2, 21c, 19a, 15, 5a, 1, 13, 7, 12, 5b, 8, 3a, 12 | 1, 2 & 3 | Part 1 Category 2, Part 2A Category 3 & Part 3 |

| | | | | | | |
|-----|--|---|---|------------|----------|--|
| 48 | All interests and rights in 23601 square metres of land, woodland, scrubland, footpaths (DS1, DS2) access tracks and part of the underground Channel Tunnel Rail link to the north of Manor Way, Northfleet, Gravesend, except those owned by the Crown and the acquiring authority | Category 2, Category 3 and Part 3 interest (Unknown rights granted as more particularly described in a lease dated 11 August 2017 and registered under title K923494) | Permanent acquisition | 1, 5a, 19b | 1, 2 & 3 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 55 | All interests and rights in 97 square metres of land adjacent to the Channel Tunnel Rail Link, to the north of Manor Way Business Park, Manor Way, Swanscombe, except those owned by the Crown and acquiring authority | Category 2, Category 3 and Part 3 interest (Unknown rights granted as more particularly described in a lease dated 11 August 2017 and registered under title K923494) | Permanent acquisition | 3a | 2 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 62 | Acquisition of rights (including restrictive covenants) over 3912 square metres of land and assumed private road known as Manor Way, grass verge, woodland, public footpath, (NU1), overhead transmission line, Northfleet, Gravesend, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights of Access appurtenant to land at Broadness Salt Marsh, Northfleet, Gravesend) | Acquisition of rights | 18b | 2 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 63 | All interests and rights in 3944 square metres of assumed private highway known as Manor Way, grass verge, woodland, public footpath (NU1), overhead transmission lines and fingerpost (0328/45) Northfleet, Gravesend | Category 2, Category 3 and Part 3 interest (Rights of Access appurtenant to land at Broadness Salt Marsh, Northfleet, Gravesend) | Permanent acquisition | 18b | 2 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 64 | Acquisition of rights (including restrictive covenants) over 30 square metres of land and pavement on Manor Way, Northfleet, Gravesend | Category 2, Category 3 and Part 3 interest (Rights of Access appurtenant to land at Broadness Salt Marsh, Northfleet, Gravesend) | Acquisition of rights | 18b | 2 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 243 | All interests and rights in 91496 square metres of land forming industrial buildings, offices, hardstanding, electricity substations (Swanscombe 008522 and 008377) brick buildings and distribution apparatus, weighbridge, and trackway known as White Cliff Park, and woodland at Manor Way Business Park, Manor Way, except those owned by the Crown and acquiring authority | Category 2, Category 3 and Part 3 interest (Unknown rights granted as more particularly described in a lease dated 11 August 2017 and registered under title K923494) | Permanent acquisition | 2, 24a, 5b | 2 & 3 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 250 | All interests and rights in 60960 square metres of land and hardstanding to the south of London Road, Swanscombe, except those owned by the Crown and acquiring authority | Category 2, Category 3 and Part 3 interest (Unknown rights granted as more particularly described in a lease dated 11 August 2017 and registered under title K923494) | Permanent acquisition | | 20 2 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 421 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 2250 square metres of adopted highway and verge, linking Ferry Road (A1089) with Tilbury 2 Link Road, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved in respect of rights to enter the land for the purpose of repair and maintenance and to retain a building on the land for said purposes, as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992 and registered under title EX537540) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 423 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 8514 square metres of verges, adopted footpath and adopted highway, Ferry Road (A1089), except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992) (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Permanent acquisition | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |

| | | | | | | |
|-----|--|---|---|-----|---|--|
| 424 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 2106 square metres of footpath, verges and scrubland to the west of adopted highway, Ferry Road (A1089), except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992) (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 425 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 942 square metres of fenceline and shrubland to the west of adopted highway, Ferry Road (A1089) | Category 2, Category 3 and Part 3 interest (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 426 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 233 square metres of fenceline and shrubland to the west of adopted highway, Ferry Road (A1089), except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992) (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) (Right to retain existing structures which give support to the Vested Land including all river walls revetments or reverted slopes, toe loading and rock and stone protection at the base of the reverted slopes and walls together with a right of entry on to the Retained Land insofar as is necessary for the purpose of inspecting, repairing, maintaining and renewing the Structures providing that in the event that Port of Tilbury London Limited wishes to renew the whole or part of the Structures it will first obtain the approval of the Port of London Authority such approval not to be unreasonably withheld. Port of Tilbury London Limited with the intent to bind themselves and their successors in title hereby covenant with the Port of London Authority to maintain the Structures to a standard reasonably satisfactory to the Port of London Authority and to perform the obligations imposed by statute or otherwise on the riparian owner of that part of the riverbank adjoining the Vested Land, Dated 28 February 1992) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 427 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 781 square metres of fenceline and grass verge to the east of adopted highway, Ferry Road (A1089), except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved in respect of rights to enter the land for the purpose of repair and maintenance and to retain a building on the land for said purposes, as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992 and registered under title EX537540) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |

| | | | | | | |
|-----|---|---|---|-----|---|--|
| 428 | All interests and rights in 17410 square metres of land consisting of ferry terminal, commercial land, buildings, car park and associated marine equipment, south of the adopted highway known as Fort Road, Tilbury, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992) (Right to retain existing structures which give support to the Vested Land including all river walls revetments or reverted slopes, toe loading and rock and stone protection at the base of the reverted slopes and walls together with a right of entry on to the Retained Land insofar as is necessary for the purpose of inspecting, repairing, maintaining and renewing the Structures providing that in the event that Port of Tilbury London Limited wishes to renew the whole or part of the Structures it will first obtain the approval of the Port of London Authority such approval not to be unreasonably withheld. Port of Tilbury London Limited with the intent to bind themselves and their successors in title hereby covenant with the Port of London Authority to maintain the Structures to a standard reasonably satisfactory to the Port of London Authority and to perform the obligations imposed by statute or otherwise on the riparian owner of that part of the riverbank adjoining the Vested Land, Dated 28 February 1992)</p> | Permanent acquisition | 16 | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 431 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 162 square metres of grass verge and fenceline north of the adopted highway Fort Road, Tilbury, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594)</p> | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 432 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 2024 square metres of adopted highway, Fort Road, Tilbury, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594)</p> | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 433 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 12 square metres of pavement south of adopted highway, Fort Road, Tilbury, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594)</p> | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 434 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 932 square metres of grass verge, bushes and road north of adopted highway, Fort Road, Tilbury, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594)</p> | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 435 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 1281 square metres of adopted highway, Fort Road, Tilbury, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594)</p> | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 436 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 273 square metres of grass verge, bus stop area south of adopted highway, Fort Road, Tilbury, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594)</p> | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 437 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 772 square metres of grass verge, footpath and part of adopted highway, Fort Road, Tilbury, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594)</p> | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |

| | | | | | | |
|-----|--|---|---|--------|---|--|
| 438 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 538 square metres of pavement and part of adopted highway, Fort Road, Tilbury, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 439 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 574 square metres of pavement, grass verge, and bushes to the west of adopted highway, Fort Road, Tilbury, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 440 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 25 square metres of verge and scrubland to the west of adopted highway, known as Fort Road, Tilbury, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 441 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 1439 square metres of grass verge, thicket and road entrance to storage facility, west of adopted highway, Fort Road, Tilbury, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 442 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 4205 square metres of adopted highway, Fort Road, Tilbury, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 443 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 76 square metres of grass verge north of adopted highway, Fort Road, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 444 | All interests and rights in 124638 square metres of commercial storage, commercial premises and woodland, east of Ferry Road (A1089), Tilbury, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved in respect of rights to enter the land for the purpose of repair and maintenance and to retain a building on the land for said purposes, as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992 and registered under title EX537540) | Permanent acquisition | 3b, 22 | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 445 | All interests and rights in 247 square metres of land and shrubland forming part of commercial premises to the east of adopted highway, Ferry Road (A1089) except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved in respect of rights to enter the land for the purpose of repair and maintenance and to retain a building on the land for said purposes, as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992 and registered under title EX537540) | Permanent acquisition | 3b, 22 | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |

| | | | | | | |
|-----|---|--|---|--------|---|--|
| 446 | All interests and rights in 404 square metres of land and shrubland forming part of the commercial premises to the east of adopted highway, Ferry Road (A1089), except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved in respect of rights to enter the land for the purpose of repair and maintenance and to retain a building on the land for said purposes, as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992 and registered under title EX537540) | Permanent acquisition | 3b, 22 | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 447 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 6 square metres of shrubland to the west of adopted highway, Ferry Road, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992) (Rights reserved as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 448 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 9 square metres of shrubland to the west of adopted highway, east of Ferry Road (A1089), except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved in respect of rights to enter the land for the purpose of repair and maintenance and to retain a building on the land for said purposes, as more particularly described in a deed of exchange dated 20 July 1931 and registered under title EX574594) (Exclusive right to park up to 12 vehicles, from time-to-time alternative spaces may be designated during the Perpetuity Period, which is 80 years from 28 February 1992, together with rights of vehicular access to the car parking spaces from a public highway and rights of way on foot from the car parking spaces to the eastern end of the Tilbury Landing Stage. Agreement dated 28 February 1992 and registered under title EX537540) | Temporary possession and permanent rights | 21b | 8 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 450 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 110 square metres of thicket to the south of assumed adopted highway, Thurrock Park Way roundabout, except those owned by the Crown | Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX252145 and EX892351) (Rights granted as more particularly described in a conveyance dated 15 November 1928 and registered under title EX252145 and EX892351) (Unknown restrictive covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Unknown covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Unknown rights granted and reserved as more particularly described in a Transfer dated 21 December 2012 and registered under title EX892351) (Rights as more particularly described in a conveyance dated 21 October 1968 and registered under title EX892351) (Provisions as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) | Temporary possession and permanent rights | 21a | 9 | Part 1 Category 2, Part 2A Category 3 & Part 3 |

| | | | | | | |
|-----|--|---|---|-----|---|--|
| 451 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 1748 square metres of verge and shrubland to the east of assumed adopted highway, St Andrew's Road (A1089), except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX252145) (Rights granted as more particularly described in a conveyance dated 15 November 1928 and registered under title EX252145) (Unknown restrictive covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Unknown covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX892351) (Rights granted as more particularly described in a conveyance dated 15 November 1928 and registered under title EX892351) (Unknown rights granted and reserved as more particularly described in a Transfer dated 21 December 2012 and registered under title EX892351) (Rights as more particularly described in a conveyance dated 21 October 1968 and registered under title EX892351) (Provisions as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351)</p> | Temporary possession and permanent rights | 21a | 9 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 452 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 26374 square metres of adopted highways known as Dock Road (A1089) and St. Andrew's Road (A1089), Thurrock Park roundabout, verges and footpath to the Northwest of Little Thurrock Marshes, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interests (Unknown restrictive covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Unknown covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX892351 and EX252145) (Rights granted as more particularly described in a conveyance dated 15 November 1928 and registered under title EX892351 and EX252145) (Unknown rights granted and reserved as more particularly described in a Transfer dated 21 December 2012 and registered under title EX892351) (Rights as more particularly described in a conveyance dated 21 October 1968 and registered under title EX892351) (Provisions as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351)</p> | Temporary possession and permanent rights | 21a | 9 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 453 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 1864 square metres of verge, footpath and shrubland to the west of assumed adopted highway, St Andrew's Road (A1089), except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Unknown restrictive covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Unknown covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX892351 and EX252145) described in a conveyance dated 15 November 1928 and registered under title EX892351 and EX252145) (Unknown rights granted and reserved as more particularly described in a Transfer dated 21 December 2012 and registered under title EX892351) (Rights as more particularly described in a conveyance dated 21 October 1968 and registered under title EX892351) (Provisions as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351)</p> | Temporary possession and permanent rights | 21a | 9 | Part 1 Category 2, Part 2A Category 3 & Part 3 |

| | | | | | | |
|-----|--|---|---|-----|---|--|
| 463 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 14 square metres of verge to the east of assumed adopted highway, St Andrew's Way, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX252145) (Rights granted as more particularly described in a conveyance dated 15 November 1928 and registered under title EX252145) (Unknown restrictive covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Unknown covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX892351) (Rights granted as more particularly described in a conveyance dated 15 November 1928 and registered under title EX892351) (Unknown rights granted and reserved as more particularly described in a Transfer dated 21 December 2012 and registered under title EX892351) (Rights as more particularly described in a conveyance dated 21 October 1968 and registered under title EX892351) (Provisions as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351)</p> | Temporary possession and permanent rights | 21a | 9 | Part 1 Category 2, Part 2A Category 3 & Part 3 |
| 464 | Acquisition of permanent rights (including restrictive covenants) over and temporary possession and use of land being 231 square metres of verge and footpath to the east of assumed adopted highway, St Andrew's Way, except those owned by the Crown | <p>Category 2, Category 3 and Part 3 interest (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX252145) (Rights granted as more particularly described in a conveyance dated 15 November 1928 and registered under title EX252145) (Unknown restrictive covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Unknown covenants as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351) (Rights reserved as more particularly described in a conveyance dated 5 November 1981 and registered under title EX892351) (Rights granted as more particularly described in a conveyance dated 15 November 1928 and registered under title EX892351) Unknown rights granted and reserved as more particularly described in a Transfer dated 21 December 2012 and registered under title EX892351) (Rights as more particularly described in a conveyance dated 21 October 1968 and registered under title EX892351) (Provisions as more particularly described in a transfer dated 21 December 2012 and registered under title EX892351)</p> | Temporary possession and permanent rights | 21a | 9 | Part 1 Category 2, Part 2A Category 3 & Part 3 |

APPENDIX B



Will Spencer
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

London River House
Royal Pier Road
Gravesend
Kent DA12 2BG
United Kingdom
Tel: +44 (0)1474 562200
Fax: +44 (0)1474 562281

5 December 2014

Dear Sir,

Scoping Consultation – London Paramount Entertainment Resort

Thank you for consulting the PLA on the Scoping Opinion that has been submitted for London Paramount Entertainment Resort. The PLA considers this to be an exciting opportunity to regenerate Swanscombe Peninsula, encouraging visitors to engage with the River and the riverside. Having reviewed the Scoping Report it is considered that the DCO application needs to address a number of issues, some of which are essential to the continued safety of navigation on the River Thames. The PLA would have welcomed the opportunity to discuss these issues prior to the submission of the scoping opinion. It is important as this application progresses that the applicant and its consultants engage with the PLA. It is recommended that a meeting is set up to discuss the contents of this letter as soon as possible.

Red Line Boundary

At this stage, the red line boundary is necessarily broad, extending out into the river from the upstream end of Robins Wharf to the site of the former Ingress Park Jetty. It is expected that, in line with paragraph 1.6 of the Scoping report, as the detailed proposals are worked up the red line boundary will be refined and may be reduced in size.

The list of 'associated development' set out at paragraph 1.8 includes jetties. Paragraph 1.7 identifies that associated development might be located outside the red line boundary. The PLA would wish to be involved in early discussions on any associated development in or over the River Thames.

The applicant is reminded of the need to serve notice on the PLA as landowner of the riverbed and foreshore (up to Mean High Water) when the DCO application is submitted.



Navigational Equipment

The Scoping Report refers to a "PLA radar beacon" however, this is not strictly correct. The applicant needs to understand the complex navigational equipment, microwave links and radar site lines that operate across the Peninsula along with the physical lines of sight that the pilots rely on when navigating around the Peninsula. These include:

- (1) A radar and data communications facility on Broadness Peninsula - this consists of a dual redundant radar transceiver and antenna (including telecommunication links), a back up generator, UKPN electrical service and BT telecom ISDN and telephone landline. Additional equipment on site includes the Met Office official weathering monitoring station for Gravesend. The site is also identified by the PLA to include CCTV for vessel tracking, as a future navigation aid.
- (2) A navigation light (beacon) on Broadness Peninsula which is a fixed reference point relied upon by mariners when they are navigating around the point.
- (3) Microwave Links from Broadness to Northfleet and Gravesend to Erith
- (4) Radar sight lines around the Peninsula
- (5) Pilot lines of sight across the Peninsula

All of the above are critical in maintaining the safety of vessels navigating on the River Thames.

Whilst it is proposed that the northern part of the site would be a country park it is not yet clear how the PLA's radar and data communications facility would fit in with the wider development. The applicant may be aware that when the Millennium Dome was built at Greenwich Peninsula, this resulted in the PLA's Charlton Radar being re-built (at the applicant's expense) providing a new facility that complements the new surrounding within which it is now located. Has the applicant given any consideration to this? How will uninterrupted access to this facility and to the navigation light be provided for the PLA by cars, lorries and occasionally large cranes to ensure that emergency repairs and routine maintenance can be undertaken? Is there any scope through the application to get a potable main water supply and connection to a mains foul sewer to the PLA's facilities?

It is not clear whether any temporary or permanent buildings are proposed in the park and what the extent of the earth shaping would be (it is of note that previous piles of excavated materials stockpiled on the site have caused detrimental impacts on the PLA's navigational equipment). It needs to be ensured that the earth shaping does not slope toward the radar site and any associated access routes.

Additionally, in the absence of detailed information, the PLA cannot be certain at this stage that the provision of a number of tall structures, as proposed in the Scoping Opinion, will not detrimentally affect the microwave links and require the relocation of the radar to a higher point, so that navigation along the river is not affected. The PLA would welcome a discussion with the applicant at an early stage to discuss this further.

Pilots coming from the lower reaches of the River benefit from having clear sightlines across the peninsula (as shown on the attached sightlines drawing). The DCO application should plot these sightlines over the proposed development to demonstrate how they will remain unaffected by the proposal. This is important

given the heights of some of the development involved (buildings +32.0), structures (+50-60m), rides/roller coasters (+40m) and hotels inside the park (+40m) hotels outside the park (+50m).

Juxtaposition

It is stated at 3.11 of the Scoping Report that both banks of the estuary feature wharves, jetties and port related uses, some of which are inactive. It will be essential to ensure that the development is designed; taking into account the activities that currently take place on the wharves, jetties etc and those that could reasonably be expected to take place in the future. This is important to ensure the long term security of the wharves and is an approach that is advocated in the Gravesham Local Plan (see policies CS7 and CS11) and the emerging Kent County Council Minerals and Waste Local plan (see policy CSM11). In particular the noise, air quality, transport and lighting chapters of the ES should consider the juxtaposition issues associated with placing new development in close proximity to operational wharves.

Air Quality

It is recommended that the air quality assessment considers the air quality impacts from the wharves on the application site. For example, open space would be located in very close proximity to an aggregates wharf. What air quality effects would be experienced by users of that open space as a result of the operations that take place at the wharf? The air quality assessment should consider the operations that currently take place at the wharves and those that could reasonably be expected to take place on them in the future. Any necessary mitigation should be identified.

Noise and Vibration

It is recommended that the noise assessment considers the noise impacts from the wharves on the application site. What noise levels would be experienced by users of the proposed development, including the open space, as a result of the operation of the wharves. The assessment should consider the operations that currently take place at the wharves and those that could reasonably be expected to take place on them in the future. Any necessary mitigation should be identified. It needs to be remembered that many wharves operate 24 hours a day 7 days a week to fit in with the tides and this should be reflected in the noise monitoring that it is undertaken. It should be ensured that any noise monitoring that takes place is representative and the most appropriate way to ensure this is through engagement with the wharf operators.

Highways Access

It is essential that appropriate highways access is maintained to the wharves which are located on the peninsula. This should be demonstrated in any subsequent DCO application with the production of swept path drawings if necessary.

Lighting

Given the proximity of the site to operational wharves, which have the potential to operate 24 hours a day it is important for the lighting chapter of the ES to consider the lighting impacts from the wharves on the

application site. What lighting levels would be experienced by users of the proposed development, including the open space as a result of the operation of the wharves. The assessment should consider the operations that currently take place at the wharves and those that could reasonably be expected to take place on them in the future. Any necessary mitigation should be identified.

There are references throughout the Scoping Report to lighting and "nocturnal visual effects" during construction and operation. These will need to be assessed to ensure that they do not cause a hazard to navigation and any impact to the river environment is minimised.

Use of the River for the Transport of Bulk Materials

The Scoping Opinion sets out within the transport section that the volume of construction and demolition traffic will depend heavily on the rate of delivery and the triggers for delivering part of the community infrastructure. No further details have been provided by the applicant on the methods of transporting construction and demolition materials. The NPPF sets out that proposals should utilise sustainable transport modes for the movement of goods or people. As such, the PLA would like to see further consideration given to the movement of freight by water in the Environmental Statement. This should include the potential to remove waste by river during the operational phases of the development as well as the use of the river for the transport of construction materials to and waste materials from the development site during the construction phase.

Use of the River for the Transport of Passengers

Given the close proximity of the site to the River Thames, consideration should also be given to the use of the river for public transport once the development is operational. The Scoping Opinion sets out expected visitor travel demands and outlines a number of different passenger options, including water taxis. The PLA strongly supports the Mayor's River Action Plan (2013), which seeks to increase river passenger number to 12 million people per year by 2020. The PLA would like the applicant to address river services as an option for passengers arriving and leaving the entertainment resort and this should be reflected within any future Transport Assessment. The PLA also recommends that any future Travel Plan sets robust targets for river transport. It should also set out measures that will be taken in order to encourage the use of the river services, such as the provision of timetables.

The scope of the river bus facilities needs to be fully defined in any DCO application. They are referred to in the singular and in the plural in the Scoping Opinion. It is of note that whilst the overview of the development refers to river bus access from the Thames, paragraph 3.48 (Access and Parking facilities) only refers to considering the opportunities to create landing stations to facilitate visitor access via the River Thames. It is disappointing that not even an indicative water taxi berth is shown on the plans appended to the report.

The transport mode share for water taxi is given in the scoping opinion as 2%, this differs from the last consultation that the applicant undertook in Autumn 2014 which identified that water taxi would account for 5% of visitors to the site. Without further details on this aspect of the development it is difficult to advise how the applicant should assess the impact of water travel. Is the river transport from London to Swanscombe

and / or from Gravesend and / or Tilbury? Table 1 refers to 2 vessels per day (design day) and 3 vessels per day (high day). This would equate to 4 movements and 6 movements respectively.

It is recommended that a navigation safety risk assessment is undertaken for the vessel movements on and off the river bus facility. It will also be necessary for the river bus facility to have radar surveillance to ensure safety management is maintained.

It is of note that the noise chapter seems to be envisaging much more river transport than the transport chapter does with the noise chapter stating *"the development will generate a lot of traffic by car and by river transport."*

Ecology

The River bus facilities are not identified in paragraph 6.57 as being likely to have potential ecological effects. It is not clear yet whether an existing jetty is to be utilised or a new jetty is proposed. However table 6.3 does identify disturbance and silt mobilization resulting from dredging and jetty construction works as a potential ecological effect and it also identifies *"long term changes to accretion and erosion of saltmarsh and mudflat habitats resulting from the existence of the jetty and increased wash arising from boat traffic"*. Interestingly reference is made to the *"operation of a marina and boat mooring facilities"* and this is the first reference to this in the document. No further details appear to have been provided.

Water Resources Management

Reference is made to the London Plan for drainage, although the application site is not located within the London Plan area. The DCO application should clearly identify whether the drainage proposals would result in any new outfalls discharging into the River Thames.

Riparian Life Saving Equipment

Given the location of the development, consideration should be given to the provision of riparian life saving equipment.

Other Consents

Depending on the boundary of the DCO application and the powers sought within it, it may be necessary for the applicant to obtain a River Works Licence from the PLA for the works over Mean High Water. This would include the permanent works such as a jetty or outfalls and the temporary works such as crane oversails. A dredging licence may also be required from the PLA for any dredging that is proposed.

The applicant may also wish to make early contact with the Marine Management Organisation to ensure that any Environmental Impact Assessment that is to be undertaken meets not only the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) but also the Marine Works Environmental Impact Assessment Regulations.

I hope the above is of assistance to you.

Yours Faithfully,

[Redacted Signature]

Lucy Owen
Deputy Director of Planning and Environment

[Redacted Contact Information]

APPENDIX C



London River House
Royal Pier Road
Gravesend
Kent DA12 2BG
United Kingdom
Tel: +44 (0)1474 562200
Fax: +44 (0)1474 562281
[REDACTED]

By email only to londonresort@planninginspectorate.gov.uk

13 July 2020

Dear Sir/Madam,

RE: Request for a Scoping Opinion by London Resort Company Holdings relating to the London Resort

Thank you for consulting the Port of London Authority (PLA) regarding the request for a Scoping Opinion relating to the application by London Resort Company Holdings (LRCH) for an Order granting Development Consent for the London Resort.

The Applicant and the PLA have had several useful meetings regarding the project, and it is expected that these meetings will continue as the Applicant progresses their project. As set out in this response and as identified in the meetings, there are a number of issues that the Development Consent Order (DCO) application will need to address, including some which are essential to the continued safety of navigation on the River Thames.

Proposed Development Consent Order (DCO)

It is unclear from the Scoping Report the approach that the applicant is taking to consenting in the context of the Port of London Act (1968) ("PLA Act") as amended. For example, at paragraph's 2.21 and 16.20 of the Scoping Report there are references to all infrastructure works in the river requiring a River Works Licence. It should be confirmed whether LRCH will be following the PLA's licensing and dredging consenting regimes, rather than seeking through the DCO to disapply the PLA Act.

In Kent, works that are subject to a PLA River Works Licence (RWL) are located within the proposed Order Limits. These include moorings for Broadness Cruising Club. The PLA's St Clement's tier buoys are also located off White's Jetty. In Essex, the proposed Order Limits include Tilbury landing stage and areas ashore. There are a number of existing licences and legal arrangements in place, for example, use of the landing stage by the PLA Pilot Cutter and the Gravesend to Tilbury Ferry and for car parking. The impact on these existing uses and users both during construction and on completion of the development needs to be assessed and mitigation provided. It is also unclear what LRCH are seeking within these areas, for example acquisition of the foreshore and or of the passenger terminal and landing stage, extinguishment of navigation temporarily or permanently? Discussions are required with the PLA to establish the impact of the proposal on existing licensed works, PLA infrastructure, licences and legal agreements and river users. Any proposals for relocation/removal and/or enhancements should be clearly set out. For example, there may be the potential through the works to the landing stage to improve the access points for the PLA's Pilot Cutter.



Chapter 1 sets out at paragraph 1.20 other DCO's that are being progressed or have been made. It should include Thurrock Power and Oikos as well as the cited Tilbury2 and Lower Thames Crossing.

Red Line Boundary

In Kent, the red line boundary appears to be consistent with that shown in the 2014 Scoping Report, extending out into the river from the upstream end of Robins Wharf to the site of the former Ingress Park Jetty. The red line boundary also now includes land at Tilbury Docks in Essex.

Figure 5.1 appears to show the red line boundary including land at Robins Wharf. This wharf is safeguarded through the Kent Minerals and Waste Local Plan (2013-30) and there appears to be no justification in the Scoping Report for including this land within the Order Limits. It should be clarified whether this is a drafting error. If it is proposed to include part of the Wharf within the Order Limits then it should be clarified whether this land is required temporarily or permanently and the reason for its inclusion given the importance of wharves in the sustainable transport of freight.

The Order Limits should also be overlaid on a PLA chart for a full assessment to be made of the impact of the project on the river and river users. As currently drawn the Order Limits may extend to or into the navigable channel.

Whilst appreciating the Applicant's desire to maintain flexibility about the detailed design of elements of the project, the red line boundary should be the minimum necessary to deliver the project and the PLA would like to work with the Applicant to revise the Order Limits accordingly.

Navigational Equipment

The Scoping Report refers to a "PLA radar beacon" at paragraph 5.3.1 however, this is not strictly correct. The applicant needs to understand the complex navigational equipment, microwave links and radar site lines that operate across the Peninsula along with the physical lines of sight that the pilots rely on when navigating around the Peninsula. These include:

- (1) A radar and data communications facility on Broadness Peninsula - this consists of a dual redundant radar transceiver and antenna (including telecommunication links), a backup generator, UKPN electrical service and BT telecom ISDN and telephone landline. The site is also identified by the PLA to include CCTV for vessel tracking, as a future navigation aid.
- (2) A navigation light (beacon) on Broadness Peninsula which is a fixed reference point relied upon by mariners when they are navigating around the point.
- (3) Microwave Links from Broadness to Northfleet and Gravesend to Erith
- (4) Radar sight lines around the Peninsula
- (5) Pilot lines of sight across the Peninsula

All of the above are critical in maintaining the safety of vessels navigating on the River Thames.

Whilst it is proposed that the northern part of the site would be landscaped it is not yet clear how the PLA's radar and data communications facility would fit in with the development. The applicant may be aware that when the Millennium Dome was built at Greenwich Peninsula, this resulted in the PLA's Charlton Radar being re-built (at the applicant's expense) providing a new facility that complements the new surrounding within which it is now located. Has the applicant given any consideration to this? How will uninterrupted access to this facility and to the navigation light be provided for the PLA by cars, lorries and occasionally large cranes to ensure that emergency repairs and routine maintenance can be undertaken? How will power supply be maintained? Is there any scope through the application to get a potable main water supply and connection to a mains foul sewer to the PLA's facilities?

It is not clear whether any temporary buildings would be proposed in the landscaped area (it would appear that one permanent building is) and what the extent of the earth berm improvements and extension would be (it is of note that previous piles of excavated materials stockpiled on the site have caused detrimental impacts on the PLA's navigational equipment). It needs to be ensured that the earth berm improvements and extension do not slope toward the radar site and any associated access routes.

Additionally, in the absence of detailed information, the PLA cannot be certain at this stage that the proposed development, will not detrimentally affect the microwave links and require the relocation of the radar to a higher point, so that navigation along the river is not affected.

Pilots coming from the lower reaches of the River benefit from having clear sightlines across the peninsula. The Applicant should plot these sightlines over the proposed development to demonstrate how they will remain unaffected by the proposal.

Other considerations include the flexibility sought by the applicant to change rides and attractions over time. How will it be ensured that future proposals for the site will not have a detrimental impact on the PLA's navigational equipment? Additionally, it is noted that a helipad is now sought on the site. An assessment of this on the PLA's navigational equipment will also be required.

Finally, the Harbour Master has highlighted how consideration needs to be given to the general lighting on the peninsula and how any glare etc might affect navigation. Coloured flashing lights within the Order Limits might cause confusion with the Northfleet sector light and other aids to navigation.

Juxtaposition

As can be seen on figure 5.1 there are wharves in close proximity to the Order Limits. These wharves handle a range of goods which vary from aggregates to paper products and a number of them are safeguarded through the Gravesham Local Plan Core Strategy (see policies CS07 and CS11) and the Kent County Council Minerals and Waste Local plan (2013-2030) (see policy CSM6).

The noise, air quality, transport and lighting chapter of the ES must consider the juxtaposition issues associated with placing new development in close proximity to operational wharves. In particular, the scoping report identifies how any on-site sensitive receptors (such as hotels) have the potential to be affected by operational noise.

When undertaking the noise assessment, it must be undertaken using both BS 8233 and BS 4142. This is because when assessing noise of an industrial nature, from premises such as wharves, the assessments require that the 'rating level' of the noise is determined. The rating level is the noise emission level plus a correction (which is determined using the provisions of BS 4142) for the character of the noise, which can then be compared to the background sound level (BS 4142) or guideline values (BS 8233). It is recommended that the wharf operators are contacted prior to any baseline monitoring noise monitoring taking place to ensure that representative noise levels will be obtained.

River Transport

The PLA welcomes the increased emphasis on river transport since the publication of the last Scoping Report. The increased use of the river extends to both the use of the river for the transport of goods and for the transport of passengers.

The Applicant recognises that a Navigational Risk Assessment (NRA) is required to support the project and discussions on the scope of the NRA, consultation requirements and potential impacts and mitigations should be held with the PLA.

Paragraph 9.88. of the Scoping Report states that as part of the assessment, consideration will be given to the need for mitigation in the form of aids to mitigation whether during construction or operation. It is assumed that this should say aids to navigation.

Vessels emissions both during construction and operation need to be considered and assessed and the PLA can provide baseline data from the 2016 emissions inventory to aid in the carrying out of this assessment.

Low carbon propulsion options and future proofing of river infrastructure should be considered. For example, the design of the river infrastructure should take into account of the use of decarbonised vessels and the charging technology required so that it is designed in, rather than trying to retrofit it at a later date.

Use of the River for the Transport of Bulk Materials

The Scoping Report sets out how construction materials will be supplied to the site by water from the Port of Tilbury. It is estimated that up to 95% of construction materials can be delivered to site by river. It is also proposed that construction waste would be removed from the site by the same method and route.

The Scoping Report makes reference to the reconditioning of Bell's wharf, remedial works to or the replacement of White's jetty and there are also references to a potentially utilising a newly built ro-ro facility at the application site. The infrastructure that would be utilised in connection with the transport of materials and waste both during construction and operation of the site should be clarified in due course and appropriate assessments undertaken.

Use of the River for the Transport of Passengers

It is proposed to use the river for the transport of passengers to the site through the addition of a new floating pontoon jetty which is proposed between Bell's Wharf and Ingress park. An extension is proposed to an existing jetty at the Port of Tilbury and there will be a mooring area for vessels in the immediate vicinity of the jetty extension. Services are proposed between the application site and central London as well as from Tilbury and potentially from Grays, although no further details are given on the Grays river transport options.

It is anticipated that up to 15% of visitors would use this means of travel however the Transport chapter of the ES only makes reference to this potential 15% being to the application site from central London.

Initial estimates are 25% of car borne visitors will travel to the Resort via Tilbury and approximately 2,500 spaces would be provided at Tilbury. As such, the anticipated percentage of visitors that will arrive at the resort by water from North of the River should be clarified.

Consideration should also be given to the potential to use the river for the transport of construction workers to the site and for staff to be transported to the site during the operation of the resort. The measures that will be taken to encourage visitors to arrive by water should be clearly set out.

Robust modelling should support the proposed river transport figures and if achieved then almost one million visitors could be arriving at the application site by water for gate 1 or nearly two million across both gates one and two.

It is noted that the applicant proposes to scope out sea-related (as opposed to river-related) water traffic from the assessment but that more cruise visitors are expected. The scoping out of sea related water traffic should therefore be justified.

Terrestrial and freshwater ecology and biodiversity

Reference to the Water Framework Directive (WFD) is spread across three different chapters of the Scoping Report and it is not well cross referenced which makes it confusing to follow. The terrestrial and freshwater ecology chapter of the ES is one place where the WFD is mentioned.

The Scoping Report lists some of the estuarine protected sites but does not appear to cover the tidal Thames. The only reference to estuarine habitats is at 11.51. There is very limited reference to the Marine Conservation Zone (MCZ). It is not listed in paragraph 11.65 (which lists out statutory and non statutory designations) and the species list does not include the tentacled lagoon worm. The first reference to the MCZ is on figure 11.2

It is proposed to scope out fish due to very few fish species being recorded in the 2015 survey within the Thames Estuary. This should be revisited as it is contrary to Section 12 of the Scoping Report and at the moment limited details are provided regarding the works to existing river structures and the proposed new structures. Surveys have been undertaken recently by the Applicant and these should be reviewed, and more detail provided on the in river works before scoping out fish.

Drawing number edp5988_d047 lists the Thames as standing water. It is not and that reference will significantly affect how the Thames is assessed particularly for navigation. Mud will also extend beyond the low tide level.

Marine Ecology and Biodiversity

In the PLA's experience seals are mostly found on the opposite bank rather than the north of the peninsula, due to the composition of the foreshore, with the feeding birds at the SSSI.

Reference is made to water cooling (although it is noted that it is not referenced in the development description) and there is also a reference in Chapter 12 to the waste water plant discharging into the Thames – where it is stated to be into existing infrastructure in the development description.

The PLA would like to see climate change impacts and net gain considered in both ecological assessments.

Hydrology / River Regime

The aquatic ecology and water resources sections of the Scoping Report refer to hydraulic assessment of the jetties/marine infrastructure which is supported. Dredging is also highlighted as a possible pressure but without more detail on exactly what is proposed it is not possible to provide specific comments. It is of note that the Applicant has already taken a position on dredging methodology but has yet to determine what if any dredging is required or assessed the sediment quality. There are numerous references to potential impacts to the river and its ecology from the operation of the additional vessels involved in the construction and operation. The developer has undertaken to assess this, but the PLA would welcome engagement on the detailed scope of this assessment

In the waste chapter of the Scoping Report there is no mention of dredging arisings.

Security and Safety Provisions

Given the location of the development and the significant numbers of people that will be attracted to the River and the riverside, including the new section of England Coast Path, riparian lifesaving equipment and shore side safety measures should be designed into the proposed development and provided before the site is opened to the public.

Other Matters

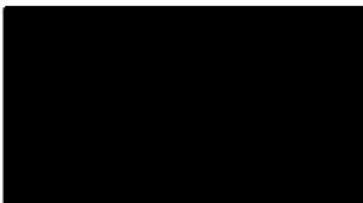
The PLA's Property Team have highlighted that at paragraph 7.47 of the Scoping Report there is no mention of Brexit and the impact on foreign travel.

They have also highlighted the need for robust financial and visitor modelling, highlighting that the most popular tourist attractions in the UK currently are the British Museum (5.95m) and the Tate Modern (5.88m) both of which are free. Alton Towers attracts 3.8m. Euro Disney is the second most popular tourist attraction outside North America and attracts 18.6m visitors. The Applicant is predicting 6.5m visitors (gate 1) and 12.5m visitors (gates 1 & 2).

Finally, the Estate's Team have highlighted that leachate is a major problem on the Peninsula if the pumps fail and question whether LRCH should be undertaking a major remediation exercise to eradicate the problem. They also ask how LRCH are going to protect the salt marsh.

I hope the above is of assistance.

Yours Faithfully,



Lucy Owen
Deputy Director of Planning and Environment



APPENDIX D

Lucy Owen

From: Lucy Owen
Sent: 18 September 2020 10:52
To: info@londonresortcompany.co.uk
Subject: Planning Act 2008 Section 42 Notification - The London Resort Statutory Consultation
Attachments: Response London Resort dDCO 180920.docx; Request for a Scoping Opinion - London Resort

Thank you for consulting the Port of London (PLA) under Section 42 of the Planning Act 2008 regarding the London Resort.

The PLA's comments remain largely as set out in its response to the request for a Scoping Opinion dated 13 July 2020 (attached for ease of reference). Using the headings from the PLA's response to the request for the Scoping Opinion, the following additional points are made:

Proposed Development Consent Order (DCO)

It remains unclear from the submitted documents the approach that the applicant is taking to consenting in the context of the Port of London Act (1968) ("PLA Act") as amended. Chapter 10 of the PEIR states "*the Proposed Development will include a number of marine transportation facilities which will form River Works requiring licencing from the Port of London Authority (PLA)*" This implies that a River Works Licence would be sought from the PLA. This directly contradicts the powers sought in the draft Development Consent Order (dDCO) (see specific comments on the dDCO attached to this email).

Discussions are still required with the PLA to establish the impact and implications of the proposed development on existing licensed works, PLA infrastructure, licences and legal agreements and river users. These need to be fully understood and where necessary mitigated. Any proposals for relocation/removal and/or enhancements should be clearly set out.

The Land Plans set out the land acquisition that is proposed along with the powers sought. In Kent it is proposed to take temporary possession of a large area of the river, which may extend out into the navigable channel. Given the works proposed in the river are limited and the Works Plans show that no works are proposed in the majority of the area where temporary possession is sought, there would appear to be no justification for temporary possession extending this far out or along the River. In the vicinity of Bells and Whites jetty, it is proposed to permanently acquire land under Bells and White's jetty (but not any new jetty), take temporary possession of land and to permanently acquire rights. The hatched area shown on drawing LR-DG-LRS-DCP-003.1 is closer in area to the temporary possession of land the PLA considers the project would require, given the works proposed. It needs to be clarified what permanent rights are sought.

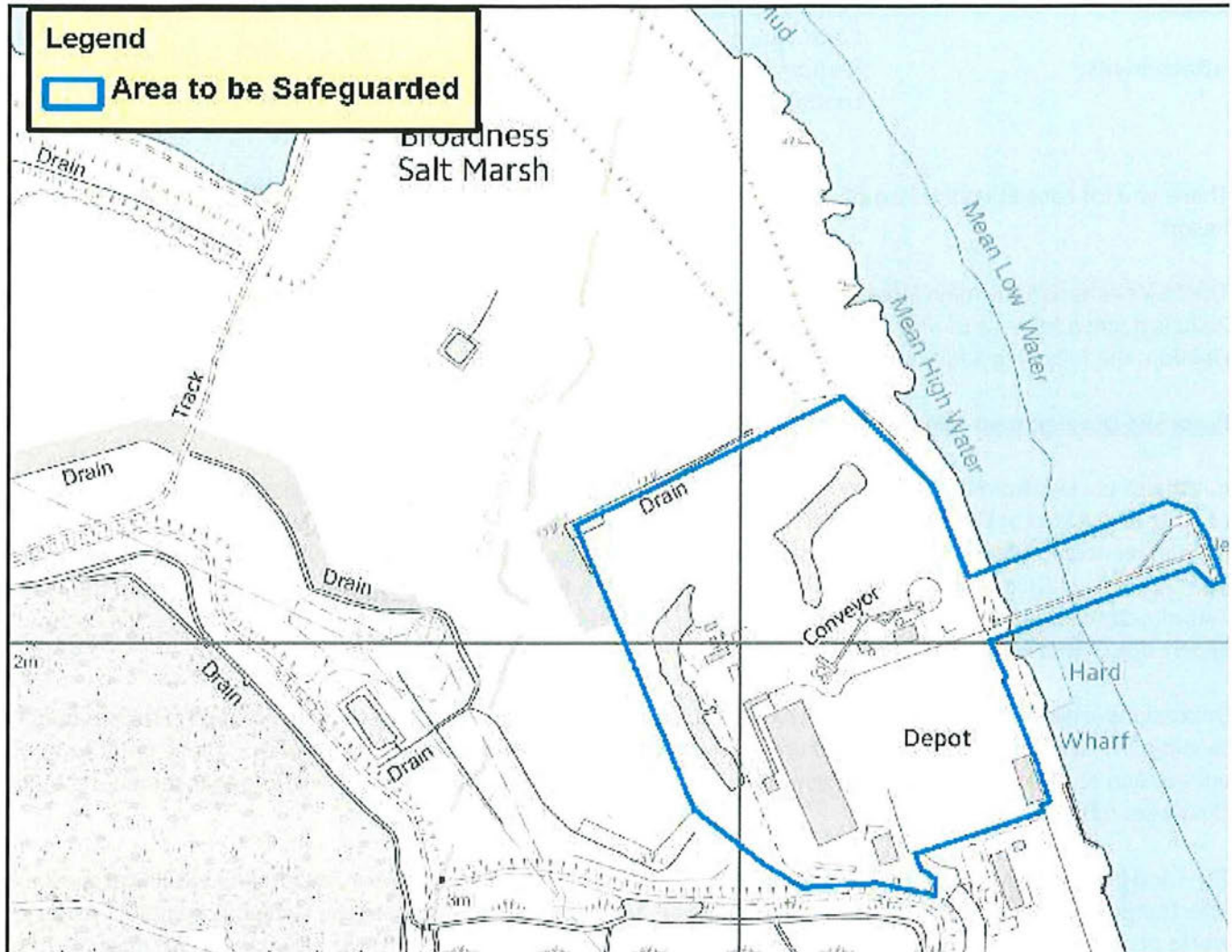
It is proposed to acquire the land where the PLA's navigational tower and Broadness cruising club are located. Detailed comments on the PLA's navigational equipment is provided in the response to the Scoping Opinion. It is questioned why London Resort are seeking to acquire Broadness Creek when no works appear to be proposed to the Creek. There are a number of vessels moored in the Creek and the impact on licensed works needs to be considered.

In Essex, it is proposed to permanently acquire the PLA's riverbed. No justification for the land acquisition or consideration of the implications of the acquisition is provided which is surprising given the existing uses that take place at Tilbury.

Red Line Boundary

In Kent, the red line boundary appears to be consistent with that shown in the Scoping Report, extending out into the river from the upstream end of Northfleet wharf to the site of the former Ingress Park jetty. The red line boundary also now includes land at Tilbury Docks in Essex.

The boundary at Northfleet Wharf should be clarified. Northfleet Wharf is safeguarded through the Kent Minerals and Waste Local Plan (2013-30) and the boundary of the safeguarded area is shown below:



It is difficult to compare, but it would appear that safeguarded land is included within the Order Limits. It should be clarified whether this is a drafting error. Given the importance of wharves in the sustainable transport of freight, if it is proposed to include part of the wharf within the Order Limits, the reason for its inclusion should be given and an assessment carried out of the impact on the wharf.



Fig 5.1 PEIR

The Order Limits still need to be overlaid on a PLA chart and still need to be re-drawn to the minimum necessary to deliver the project. The PLA repeats its offer to work with the Applicant to revise the Order Limits.

Navigational Equipment

The PLA's comments remain as set out in the response to the request for a Scoping Opinion.

The Illustrative Parameter Plans show proposed heights/massing for the various areas within the Order Limits. It has been established that there will be impacts on the PLA's navigational equipment and lines of sight and discussions are taking place as to how the impacts could be mitigated. The mitigation currently being discussed is wide ranging but could include the potential relocation of equipment to a higher point within the Order Limits. Discussions have also been taking place regarding the need for tighter defined parameters across the areas of the site where the PLA's navigational equipment and lines of sight might be affected to ensure that any subsequent re-development of buildings/rides does not cause an impact.

Juxtaposition

The PLA's comments remain as set out in the response to the request for a Scoping Opinion.

The noise and vibration chapter of the PEIR highlights how it is a preliminary assessment of noise and vibration associated with the Proposed Development. i.e. there is still no specific consideration of the impact of existing noise associated with the wharves etc on the proposed development. Whilst it is appreciated there will be noise associated with the proposed development, wharves often operate 24/7 with the tides so there may well be operations occurring at night. It needs to be ensured that the potential for complaints from the staff accommodation / hotels and visitors to the quieter landscaped areas does not result in nuisance complaints being made against the wharves which could ultimately result in their working hours being adversely affected.

It is noted that baseline ambient noise levels have been established around the proposed development. It is not clear if these noise levels have been cross checked with the wharf operators to establish whether representative noise levels of their operations were obtained. This is standard practice for development in the vicinity of a wharf. What adjustment was made for the nature of the noise from wharves?

River Transport

Whilst the PLA welcomes a specific chapter on river transport and is in discussions with the Applicant regarding the scope of the navigational risk assessment, it would appear that the river transport chapter has been written after

the marine ecology chapter as there is a discrepancy in vessel movements expected. There is also conflicting information about the need for dredging.

The following are mentioned in the consultation documents:

- Up to 95% of construction materials supplied to the site by boat from the Port of Tilbury (PoT), using Bell's Wharf, which would be reconditioned (however elsewhere there is reference to the repair or replacement of White's jetty).
- Construction waste would be removed from the site by the same route
- The Port of Tilbury would be the hub for the majority of operational servicing for the resort
- Thames Clippers passenger ferry services from central London, Tilbury and possibly Grays utilising a new jetty extending from the shore beside Bell's Wharf and an extension to the existing jetty at Port of Tilbury / London Cruise Terminal to provide moorings for Thames Clippers services. Up to 15% of visitors are projected to use this means of travel to and from the Resort from central London. It is unclear what the anticipated number or percentage of visitors would arrive at the Resort from Tilbury. No further information is given on Grays.
- To support the river transport at Tilbury, 2,500 car parking spaces would be provided along with dedicated facilities for passengers at the ferry terminal
- Employees to potentially travel via water from both London and Tilbury
- New mooring and berthing for roll-on roll-off (Ro-Ro) vessels (see comments below about location)
- New mooring and berthing for service barges (it is unclear whether this is the use of Bell's and Whites jetty or alternative moorings)
- Potential temporary mooring for construction material discharge (it is unclear whether this is the use of Bell's and Whites jetty or alternative moorings)

The documents have identified the following preliminary vessel movements:

- 84 passenger service movements per day between PoT and London Resort
- 54 passenger service movements per day between central London and the London Resort
- Number of vessel movements unknown for operational deliveries but it is expected to be significantly less than the anticipated passenger service numbers
- Construction vessel movements currently unknown but it is expected that these will be significantly lower than the annual number anticipated during operations
- With the currently available information on the schemes operational river transport, it is estimated that the number of new vessel movements created by the scheme would be up to 50,000 per year
- Anticipated that London Resort could contribute to approximately 2% increase in cruise trips to/from the UK, resulting in a "negligible increase" in sailings and associated activity

Based on the limited information provided, the PLA has calculated that the proposed passenger service would be something in the order of a 20min and 30min service, based on an 0800-2200 period.

It is stated at paragraph 10.61 of the River Transport chapter that *"The proposals will not affect the operation of the existing Tilbury to Gravesend Ferry as neither the physical infrastructure nor vessel movements for the London Resort will infringe on the route of the ferry."* This is not correct. The ferry berths on the inside face of the existing infrastructure and access/egress to its mooring point could be affected both during construction and during operation. In addition, the dDCO seeks powers to extinguish the public right of navigation, which if implemented at Tilbury could impact on the operation of the ferry. See comments about Article 41 attached.

There is also reference in the Transport Chapter of the PEIR (paragraph 9.226) to the PLA consenting dredging. The PLA also consents various other aspects (works, safety and navigational lighting) of the project, which are also relevant to the PEIR/EIA in the best design and impacts that need to be assessed.

Marine Ecology and Biodiversity and Air Quality

The PLA welcomes the reference at paragraph 5.75 of the PEIR to the London Resort being net carbon neutral once operational. This should extend to the decarbonisation of the vessels (service and passenger transport) and the PLA looks forward to working with the Applicant on this aspect of the Proposed Development. The PLA would also

welcome discussions with the Applicant to create on site and off site estuary habitat (intertidal) net gain. The PLA would like to see a natural approach to habitat creation rather than simply the provision of terraces which are designed to compensate in areas of vertical walls. The PLA would also draw attention to the impact of current vessel practices on water quality (sewage discharges) and wash for sensitive sites (West Thurrock) already suffering from impacts of coastal squeeze. The impact on other areas of priority habitat such as mudflats also needs to be assessed.

Paragraph 10.28 of the PEIR identifies that additional vessel movements will bring with it an increase in vessel emissions. Once the data is available and modelled it should be used to inform the air quality impacts of construction and operation. The PLA's Clean Air Strategy aims to reduce harmful emissions to air from marine sources within the tidal Thames, whilst facilitating the Port and London's sustainable growth. This will require everyone to play their part to reduce emissions, including London Resort.

Given the length of the project, long term planning is required which looks to future proof the proposed development to facilitate low carbon transport and provides enough energy for future charging of vessels if required and/or provides space for alternative fuel provision. These future changes may result in changes in vessel design and for example, vessel draft which could impact on the design of the in-river infrastructure. The PLA would draw attention to the likely projected technologies in the inland roadmap (www.pla.co.uk/environment).

The impact of climate change will require full assessment. For example, changes in the operation of the Thames Barrier and increased extreme sea conditions, fog and winds and drops in tide could all have an impact which must be assessed and mitigated where possible. The PLA produces periodic climate adaptation plans to consider general aspects of port operations and the Environment Agency (EA) also makes predictions both of which the Applicant may find beneficial to review.

Paragraph 10.64 of the PEIR identifies how it is not possible at this point to determine the residual effects of the London Resort but that post-mitigation residual effects are predicted to be 'not significant'. Given the current and the largely unknown proposed vessel movements to the application sites, the lack of assessment to date and the issues outline above, the PLA considers that it is not possible to reach this conclusion without a full and proper assessment being carried out. To assist the Applicant's assessment, the PLA would advise that baseline shipping inventory emissions are available from the PLA as well as predictions of annual emissions from the passenger vessels, and local (and relevant) diffusion tube data.

It is noted in table 12.2 that there was an ecological liaison meeting in May 2020 which included the MMO but not the PLA. The PLA would wish to join any future meetings as the landowner and regulator for the habitats on the tidal Thames and Broadness creek. The PLA is also planning habitat enhancements adjacent to the site that the Applicant may want to work with the PLA on to extend the positive impact from the PLA's project.

Table 13.1 sets out a summary of legislation and conventions of relevance to the proposed development. It is worth noting that the PLA is also the lighthouse authority and the positioning of lights on new or refurbished structures will be of interest to both navigational safety and ecology.

Table 13.9 sets out the surveys carried out or to be carried out at both the Kent and Essex project sites in 2020. The PLA recommends, given the proposed extent of change at both marine sites, that there should be fish surveys undertaken at the Essex project site as well, or a strong justification should be provided for not carrying them out. It is questioned whether any of the sampling proposed/undertaken is going to be analysed for contaminants as well as composition and ecology? Much of the habitat on the Thames helps consolidate contaminants away from impacting water quality so this could help inform the planned enhancements. Also, the gradient of the mudflats that were sampled could help appraise the condition/value of the existing habitat.

It would be helpful to know from the data presented in figure 13.1 how strategically the surveys have been placed in relation to the Order Limits to help inform the impact on 'enhancement' of the flood defences and existing marsh habitat around the peninsula. There are many strong patches all the way around the area which should not be considered as gain for this project, unless they are also being removed and then they must be replaced at higher value habitat for longer areas. A net gain assessment should be provided in order that the actual impacts can be established.

Figure 13.2 raises issues of consistency in terms of what is proposed in the marine environment and its assessment. A ro-ro slipway is shown in a location that has not been discussed with the PLA. The ro-ro slipway is located within Work no. 14a yet the description of this Work in the dDCO makes no reference to river infrastructure. An area is shown as the Tilbury mooring area but such a facility has not been discussed with the PLA and as can be seen from figure 13.2 this is an extensively used facility and mooring would need to be carefully considered and managed i.e. it would not be possible to simply moor anywhere in this area.

Table 13.11 asserts that saltmarsh is only present at the Kent Project site, however in Essex there are saltmarsh areas adjacent that will be affected by a change in operation. This could be an opportunity to create more saltmarsh in this area.

Hydrology / River Regime

The marine ecology chapter mentions a water source heat pump, an extension of Bell's wharf into the river for the ferry terminal and a slipway to facilitate Ro-Ro traffic. The physical works will be subject to hydrodynamic and sediment transport modelling. The PLA would like to see the detailed scope of works for assessing this operation from a regime perspective as this has potential to affect a much larger area through the impacts of wash on the intertidal area, a number of which are protected.

It is not clear if dredging is required and if it is, the worse case scenario needs to be assessed. The PLA will need to advise as soon as possible on the sampling requirements to facilitate a full and complete WFD, MCZ Assessment and EIA. It should also be confirmed if any dredging is required for the extension at Tilbury.

Security and Safety Provisions

The PLA reiterates its comments on this topic and would draw attention to the guidance that it has recently published with the support of the Tidal Thames Water Safety Forum members and marine engineers regarding the provision of life saving equipment on riparian site: [REDACTED]

The PLA would also emphasise the desire to see the new section of the England Coast Path provided within the Order Limits and the need for the DCO to secure its provision.

Other Matters

Stakeholder Consultation

The PLA has been approached by a terminal operator located on the North bank of the Thames regarding the London Resort project.

It is important that wide stakeholder engagement takes place as the impact of the proposed development may not be immediately obvious and is likely to extend well beyond the Order Limits. The PLA has encouraged the terminal operator to make representations and would welcome a joint meeting between the terminal operator, London Resort and the PLA to discuss their specific concerns. This is particularly important as the terminal contains national infrastructure that is critical to the supply of fuel.

The PLA would also be happy to discuss with London Resort the scope of any stakeholder engagement with terminal operators and other river users and to provide contact details.

Surface Water

Surface water drainage within the peninsula of the Kent project site currently discharges into the River Thames through drainage channels and the unnamed main river to the west of the peninsula. Surface water draining into the River Ebbsfleet to the south east of the peninsula also discharges into the River Thames. The PLA will be assessing the discharge plans to ensure that given the land raising proposed, any discharge to ditches does not result in its radar compound being the low point where water drains to.

I hope the above is of assistance

Regards

Lucy

APPENDIX D - ATTACHMENT

Draft London Resort Development Consent Order

Draft Development Consent Order (dDCO)

The PLA’s comments on the dDCO are set out below. There are two over-arching comments at this stage:

- It is difficult to gauge the implication of certain of the operative provisions of the dDCO (including, for example. temporary possession and acquisition of rights) given the lack of details and certainty in respect of land use and development within the PLA’s boundary.
- There are no protective provisions for the benefit of the PLA. The proposed disapplication of parts of the Port of London Act 1968 and other regulatory powers means that as currently drafted, the dDCO would remove all PLA powers in respect of construction, operation and maintenance. This is not acceptable.

| Article/Paragraph | PLA comment |
|---|--|
| Part 1 | |
| Article 2 “authorised development” | <p>This is a wide definition, because it includes not just the Schedule 1 development but “<i>any other development authorised by this Order</i>” which is development under s.32 of the 2008 Act. This goes further than for example the Silvertown Tunnel DCO and by referring to any development under the whole Order, it is not clear what is meant to be authorised development.</p> <p>Whilst noting that this definition has been used in the Tilbury2 DCO, the reference to the development in Schedule 1 should be sufficient. If it is not, it should be identified which provisions of the Order are authorising development which should be considered as “authorised development”.</p> |
| “commence” and “construct” | <p>Unlike other DCOs there is no general definition of commence/commenced or construct/construction in Article 2. This is despite the word ‘construction’ being widely used in the dDCO, including as early on in the dDCO as Article 5 and the use of the word commenced as early as Article 12. The definition solely for the purposes of requirements (see Schedule 2) is therefore insufficient.</p> |
| “land” | <p>The definition of land includes land covered by water. It has been noted that the inclusion in “land” of land covered by water applies automatically in legislation (see Interpretation Act 1978), so it is not clear why it is needed here.</p> |

APPENDIX D - ATTACHMENT

| Article/Paragraph | PLA comment |
|---|---|
| | <p>The definition also adds to this standard by including any interest or right in, to or over land.</p> <p>The use of this definition is wide ranging. In relation to land covered by water, for example, Article 20 allows for the drainage of water on any land, but it is not clear how this relates to the river Thames and its foreshore. As regards land interests, it is not clear how this is intended to work in the context of the dDCO nor what it adds to the first limb of the definition (or for that matter wording such as in the different definition in the Tilbury2 DCO).</p> |
| “maintain” | <p>The definition of maintain is wide ranging and includes activities which appear to the PLA to go further than the standard interpretation of the definition of maintenance. For example, the definition in the dDCO allows for maintenance to include works to ‘replace’ and the definition of replace allows for rides, buildings and facilities to be removed and new rides, buildings and facilities to be constructed. This is unacceptable and beyond the permitted scope of a DCO as it would permit subsequent different development to take place other than that consented under the dDCO, without any further control in particular in planning terms.</p> <p>It is unclear whether the definition of maintain applies to dredging? The Order Limits are located within a marine conservation zone and whilst the Applicant is seeking to disapply S73 of the PLA Act, the dDCO is otherwise silent. The PLA would assert that the dDCO should seek to authorise any capital dredging (if any is proposed) but that any maintenance should be consented under the PLA Act.</p> |
| “PLA” | <p>The wording in square brackets should be removed. The PLA operates under a broader remit than just the Port of London Act 1968. If that wording was intended as an identifier it is unnecessary: as a statutory body the PLA is identifiable without further reference.</p> |
| “Public Rights of Navigation Plan” | <p>The PLA has not been provided with a copy of the Public rights of Navigation Plan so is unable to comment on it at this time. It is understood that it is to show the relevant part of the river that may be closed and a copy of the plan should therefore be provided to the PLA as soon as it is available.</p> |
| “Replace” | <p>See comment above in relation to “maintain”</p> |
| Part 2 | |
| Article 3 – Development consent granted by the Order | <p>The powers would allow for each part of the authorised development to be carried out within the Order limits and for the replacement of Works Nos 1 and 2 at any time. The PLA considers that these powers are too wide as currently drafted and should be reduced in scope (This is the same point as PLA comment above re: “maintain”).</p> |

APPENDIX D - ATTACHMENT

| Article/Paragraph | PLA comment |
|--|--|
| | <p>Article 3(2) Any enactment applying to land within or “adjacent to” the Order limits has effect subject to the Order. The meaning of adjacent is not certain in a planning context. We would suggest avoiding room for ambiguity by following the Silvertown Order wording at Art.4(2) of “adjoining or sharing a common boundary with”.</p> <p>Additionally, the River Thames should be carved out of Article 3(2) in the same way it was for Silvertown:</p> <p><i>“Any enactment applying to land within, adjoining or sharing a common boundary with the Order Limits (other than land comprising part of the river Thames outside of the Order Limits) has effect subject to the provisions of this Order”</i></p> <p>As highlighted in the PLA’s representation, the proposed development has the potential to impact on its navigational equipment and sight lines. Whilst the PLA is currently working with the Applicant’s consultants regarding the impact of the initial authorised development on its navigational equipment and sight lines, the works of replacement (Article 3(3)) might have different or new impacts. The PLA has recommended to the Applicant that a specific set of parameters are established to ensure long term protection, over the lifetime of the development, of its equipment and sight lines, given the implications of a loss of or impact on its navigational equipment and sight lines to navigational safety. It would also need to be ensured that any works of replacement did not have a detrimental impact on the PLA’s access requirements to its equipment.</p> <p>The PLA may also have comments to make on this matter in relation to its protective provisions which should ensure that the general definition of specified work in the protective provisions includes anything that may affect the river Thames or any function of the PLA. Additionally, the definition of core information in the protective provisions should include a site access plan to ensure that unimpeded access is maintained at all times.</p> |
| <p>Articles 4 and 5 Maintenance</p> | <p>The normal river works licensing and dredging regime should apply after the expiry of the maintenance period in art. 34 (temporary use of land for maintaining the authorised development) as per Art.3(4) of the Silvertown DCO.</p> |
| <p>Article 6 - Parameters of authorised development</p> | <p>As highlighted above, specific parameters need to be development to address the impact of the proposed development on the PLA’s navigational equipment and sight lines. Article 6 will then need re-drafting to reflect any agreed position reached between the parties.</p> <p>Article 6(1) maximum limits of deviation should include consultation with the relevant planning authority and PLA given the potential implications for navigational safety.</p> |

APPENDIX D - ATTACHMENT

| Article/Paragraph | PLA comment |
|--|---|
| Article 8 - Transfer of benefit of Order | <p>The controls on the transfer of the Order are very limited. The PLA needs reassurance that the transfer or lease would only be to a suitable party, and that the in river works would not be left half built or poorly maintained. The PLA would wish to be consulted upon and notified of any transfer of benefit of the Order (as in Art.51(6) and (7) of the Tilbury2 DCO.)</p> <p>The Secretary of State should be able to impose such reasonable terms and conditions on the transfer as considered appropriate.</p> <p>The Secretary of State should also be satisfied that the person proposed to exercise the relevant compulsory acquisition of temporary possession functions will have sufficient resources to discharge associated compensation liabilities.</p> <p>It is noted that there is no express reference to the transfer of the benefit of the deemed marine licence (which is present in Article 51(1)(a) of the Tilbury2 DCO).</p> |
| Article 9 - Modification of enactments | <p>This seeks to disapply the consents, licences and agreements powers listed in the table at Schedule 3. It is noted that the table is incomplete and the PLA will wish to comment on the whole table so far as affecting the PLA. For the moment it notes that the disapplications are to include section 66 of the Port of London Act 1968. If the Applicant is intending to disapply S66 then it is surprising that no protective provisions are provided for the PLA. Appropriate protective provisions will be required and the PLA would wish to review them as soon as they are drafted.</p> |
| Part 3 | |
| Articles 16 and 17 – Stopping up of Street and Rights of Access | <p>Schedules 6 and 7 are currently blank and therefore the PLA is unable to assess the implications of any streets or rights of way that it is proposed to be stopped up either temporarily or permanently. As highlighted previously, the PLA needs to be able to access its navigational equipment to ensure the continued safety of navigation.</p> |
| Part 4 | |
| Article 20 – Discharge of Water | <p>The provision concerning discharge of water should not be subject to deemed approval.</p> |
| Article 21 – Protective work to buildings | <p>Given the wide definition of ‘building’ the Applicant could carry out protective works to the PLA’s works and equipment, including radar and lights. There are significant implications for navigational safety if such works have a detrimental impact on the PLA’s equipment. The PLA would therefore be seeking that its navigational equipment is carved out of Article 21.</p> |

APPENDIX D - ATTACHMENT

| Article/Paragraph | PLA comment |
|--|---|
| | Emergency should be defined so that there is a clear understanding of what is and is not an emergency. |
| Article 22 – Survey | <p>The “land” that can be surveyed and investigated without further regulation should not include the river. The PLA has already consented numerous works of investigation in the river related to the proposed development. Survey works in the river should require PLA approval.</p> <p>In the event that the dDCO wording is not altered to remove the river from the definition of land then there would need to be a saving for the PLA analogous to that at Article 22(4) of the dDCO (relevant authority’s consent to trial holes in highways or streets).</p> <p>The PLA also highlights the need for a paragraph dealing with survey of the riverbed in the protective provisions if the Article 22 wording is not altered to remove the river from the definition of land.</p> |
| Part 5 | |
| Powers of Acquisition | <p>Whilst permanent acquisition of the riverbed is shown at Tilbury, it is understood that this is not intended. Until the extent of acquisition of the PLA’s riverbed is clear along with the extent of rights that is sought over the riverbed, it is not possible for the PLA to provide substantive comments on Part 5 other than to say it should be the minimum necessary to carry out the proposed development.</p> <p>As a starting point, the PLA would draw attention to the Tilbury2 protective provisions which restrict the acquisition or extinguishment of any right in the PLA’s land.</p> |
| Part 4 | Drafting error as a repeat of the use of the words ‘Part 4’ |
| Article 33 – Temporary use of land for carrying out development | <p>It is currently unclear to the PLA whether the temporary use of land for carrying out the authorised development would include the land upon which its navigational equipment is located. There could be significant impacts for the safety of navigation for such a possession. There may also be wider implications for river users given the current extent of the river over which temporary possession is sought.</p> <p>There will need to be regulation of land use within the river in the protective provisions – see the Tilbury2 protective provisions.</p> |
| Article 34 – Temporary use | It is currently unclear to the PLA whether the temporary use of land for carrying out the authorised development would include the land upon which its navigational equipment is located. There could be significant impacts for the safety of navigation for such a |

APPENDIX D - ATTACHMENT

| Article/Paragraph | PLA comment |
|---|--|
| of land for maintenance | <p>possession. There may also be wider implications for river users given the current extent of the river over which temporary possession is sought.</p> <p>The maintenance period could be significant given that it is 5 years from the date on which that part of the authorised development is first opened for use.</p> <p>There will need to be regulation of land use within the river in the protective provisions – see the Tilbury2 protective provisions</p> |
| Part 6 | |
| Article 41 – Temporary Closure of the River Thames | <p>Article 41 allows, in connection with the construction of the authorised development, for the river to be closed to navigation temporarily. Notwithstanding that construction is not defined, how will this be achieved in practice? The PLA is the only body able to issue notices to mariners. The PLA would draw attention to the Silvertown and Tilbury2 DCOs which set out the need for notice to the PLA / river users; the need for the PLA’s approval to close the river and its ability to condition any closure; and the need for the PLA to issue a notice to Mariners – see Article 17 works in the river Thames: conditions in the Silvertown Tunnel DCO and Article 22 in the Tilbury2 DCO. A similar article will need to be incorporated into the dDCO.</p> <p>The closure of the river would have significant implications, in particular on the North bank, given the existing operations that are carried out from Tilbury Landing Stage. It would impact for example, on the operations of the Gravesend to Tilbury Ferry which transports school children, workers and shoppers. It would also impact on the ability for the PLA to provide pilots to vessels and therefore potentially impact goods being brought into the Port. On the South bank it could impact existing moorings.</p> |
| Article 52 – Amendment of local legislation | <p>Article 52 refers to the local enactments and byelaws specified in Schedule 14 and excludes insofar as inconsistent with a provision of, or a power conferred by the dDCO:</p> <ul style="list-style-type: none"> • The following Sections of the Port of London Act 1968: <p>21 (charges) - This relates to the power for the PLA to levy a charge in respect of a floating dock. However, this has not been disapplied in other DCOs and there does not appear to be any special reason for doing so here. There is therefore no justification to the disapplication of Section 21 and reference to it should be removed in the dDCO</p> <p>70, 73, 75 – These Sections are more regularly disapplied in DCOs but the disapplications of sections 70, 73 and 75 would be acceptable only if equivalent protective provisions are included in the dDCO.</p> |

APPENDIX D - ATTACHMENT

| Article/Paragraph | PLA comment |
|-------------------|---|
| | <p>122 (projections) allows the PLA to remove projections and recover the cost of doing so or to give notice to an owner or occupier to do so. However, it does not include any such thing authorised by or under statute or by a works licence. There is no justification for the disapplication of Section 122 and reference to it should be removed in the dDCO.</p> <ul style="list-style-type: none"> • The following byelaws from the Port of London Thames Byelaws 2012: <p>5 - offences caused by breaching any byelaw</p> <p>9 - regulates boat races, regattas etc</p> <p>15 - restricts mooring;</p> <p>48 - restricts activity for the protection of the foreshore</p> <p>55 - advertisements</p> <p>For each of the byelaws listed above there seems to be no case why the undertaker cannot comply, or should be exempt from compliance, with the relevant byelaw. A check of DCOs has also found no other examples of the Thames Byelaws being disapplied specifically in this way.</p> <p>In terms of more general disapplication of local legislation contained in this article, whilst there is a similar example in the Tideway DCO, the scope of the dDCO as currently drafted is broader than that of the Tideway DCO, and the reasonable restrictions on the exercise of this power, which were included in the Tideway DCO (at Art.57(4) and (5)) are missing from the dDCO, and the PLA would wish to see similar restrictions included in the dDCO.</p> <p>The PLA would wish to discuss this Article with the Applicant before any re-drafting occurs and would draw attention to the approach taken in the Silvertown and Tilbury2 DCOs. Appropriate protective provisions will be required to address any disapplications. The PLA would also wish to review the protective provisions as soon as they are drafted.</p> <p>Additionally, the Dartford and Crayford Creeks Act of 1840 is disapplied in its entirety. The purpose of including the whole of DCCA 1840 in the list of local legislation to be amended is unclear and the Applicant should check the status of the Act. It should also check the relevance of this Act in view of the significant distance between the Order Limits and Dartford and Crayford Creeks.</p> |

APPENDIX D - ATTACHMENT

| Article/Paragraph | PLA comment |
|--------------------|--|
| Article 53 | <p>Article 53 allows the undertaker to make byelaws. These extend to the river and allow for the regulation of activity within the Thames and its prohibition. The scope is wide allowing the byelaws to be made not just within the authorised development but also adjacent to it. The PLA considers there is no justification for such wide ranging powers, the implications of which are significant for the river and river users and which requires no consultation with either the PLA or the river users that might be affected. This is in direct contrast to the process that the PLA is currently undertaking with the MMO for a Harbour Revision Order which requires extensive consultation with the river community.</p> <p>As currently drafted the undertaker could for example make a byelaw allowing surfing in the navigable channel, despite the conditions on the River Thames in this location being completely unsuitable for such an activity. It could also prohibit existing activities that take place on the Thames such as rowing. The PLA considers that the ability for the undertaker to make byelaws relating to the River Thames should be removed in its entirety from the draft DCO.</p> |
| Schedules | |
| Schedule 1 | Work 14a is located in/over the river and the description of the work is the same as works nos. 14b, c and d. Work 14c is clearly on the land. |
| Schedule 3 | Schedule 3 sets out at Part 1 consents not required for the authorised development. It simply lists Section 66 of PLA 1966. It is unclear to the PLA why this is included in this Schedule, and other provisions of PLA 1968 are included at Schedule 14). |
| Schedule 11 | Whilst as highlighted in the PLA's response to this consultation the applicant's intended approach is unclear, and as currently drafted the dDCO contains no protective provisions for the Port of London Authority. Protective provisions are necessary and the PLA would wish to view them as soon as they are available. |
| Schedule 12 | Whilst it is anticipated that the MMO will comment in detail on the Deemed Marine Licence, it includes specific detailed conditions for annual bird and sediment level surveys when the details of the scheme or assessment of impacts are not at the detailed stage. |

APPENDIX E

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.

APPENDIX F



London River House
Royal Pier Road
Gravesend
Kent DA12 2BG
United Kingdom
Tel: +44 (0)1474 562200
Fax: +44 (0)1474 562281
[REDACTED]

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN
BY EMAIL ONLY

7 January 2022

Dear Sir,

The Planning Act 2008 Sections 89(3) and 89(4)

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

Amendment to Constitution of the Examining Authority and Consultation on Examination Procedure and Timing

Thank you for your letter dated 21 December 2021 seeking the Port of London Authority's (PLA's) response to questions relating to the application by London Resort Company Holdings (LRCH). The PLA's response is set out below. A limited period of time was provided for commenting, which did not appear to take into account the Christmas period and in reality, the PLA has only had a few days following the Christmas break to compile this response. The PLA's response may not therefore be as detailed as it would have been had there been a standard planning consultation period. Should the ExA find it useful for the PLA to expand on any of its responses then the PLA would be happy to do so.

1. Taking the current circumstances into account, can a continued delay in the commencement of the Examination of the Application until June or July 2022 still be justified in the public interest?

The PLA considers that a continued delay in the commencement of the examination of the application is not in the public interest. The pre-examination period should not normally extend for more than 3 months as this undermines one of the core benefits of a Development Consent Order: speed of decision making.

The Applicant provided a schedule for consulting Interested Parties (IP's), most recently the Schedule of Consultation (Rev 05) dated September 2021 and for progressing their application but has failed to meet the commitments that they set themselves. It cannot be in the public interest to have continued delay but equally it cannot be in the public interest for parties to be required to allocate resources to participating in an examination where it is clear that the Applicant and the application are not ready for examination.



As an illustration of this, in LRCH's letter to PINS dated 24 November 2021 the Applicant said that the SSSI designation gave rise to only "subtle changes" in the ES and outlined the nature of these changes. But nothing has been forthcoming, and IPs can have no idea what is in prospect, its justification nor the work required for a proper review by IPs. In these circumstances the PLA considers there to be a significant risk that this aspect of the application will not be ready for proper examination by June 2022.

In its letter to PINS of 24 November 2021 LRCH committed to reinstating the four weekly progress reports. The PLA has not seen any report since. While that might be due to the Christmas and New Year holidays it does bring home the fact that these reports were dropped without explanation. The ExA might consider this to indicate that LRCH continues to have difficulty in meeting its commitments.

In light of the above it seems unlikely that the timetable for completing documents for the Examination to start in June (see the 24 November 2021 letter) can in fact be met. In the circumstances, the PLA would recommend that the Applicant is invited to withdraw the application.

2. If a delay is still justified:

a. what steps will or should the applicant take to assure the ExA that the time period of the delay is justified;

The following assumes that the ExA agrees to allow further delay.

b. is a schedule of updated and new documents and a schedule of consultation sufficient to justify ongoing delay; and, if not

No – it would demonstrate level of activities but not of actual progress.

c. what regular reports and other information should be provided to the ExA by the applicant and by what dates, to demonstrate that progress is being made and that the extension of time is being put to good use, which in turn might be suggested as being sufficient to offset the harm caused by ongoing delay and is therefore in the public interest; and

At least 2-weekly progress reports that record whether there has been real progress and if so, what that progress is, including the names of the third parties concerned.

d. what further steps should the ExA take if commitments to progress continue not to be met?

Invite the Applicant to withdraw the application.

3. If, taking account of the changed circumstances, further delay is not justified, would it be appropriate for the ExA to curtail delay and to proceed directly to Examine the application as currently before it, commencing in March 2022?

Examination now on the basis of inadequate documentation/readiness by all concerned could well be better than delay until June/July, when readiness must also be in doubt. But proceeding on this basis could not

allow for a satisfactory examination and would result in unnecessary – and almost certainly additional – expense for objectors. The PLA recommends that the Applicant is invited to withdraw the application.

4. What other considerations might be relevant to this procedural decision?

Since the application was accepted by PINS on 28 January 2021 there has been extremely limited engagement between the PLA and the Applicant. The last draft of the Protective Provisions was provided to the PLA in September 2020. The PLA and the Port of Tilbury London Limited produced a joint note in March 2021 regarding the way the dDCO as applied for proposes to treat the Tilbury Landing Stage, associated powers and the river and riverbed in the neighbourhood of the landing stage. This note has not been responded to by the Applicant. There has been no contact with the PLA by the Applicant since June 2021.

Since the application was accepted by PINS there have been changing circumstances (in addition to the SSSI designation) in particular, the Thames Freeport designation and the funding and proposals for a purpose built ferry terminal at Tilbury. The lack of engagement by LRCH means that IP's have no idea whether all relevant factors have been properly assessed and documents updated accordingly.

It should be noted that as set out in the PLA's Relevant Representation there were already general inconsistencies across the chapters of the Environmental Statement, including missing documented assessments, which create uncertainty as to whether the identified mitigation is appropriate for the likely impact of the Order scheme. In the absence of proper engagement with IP's it is difficult to see how these inconsistencies have been resolved. In addition, the longer the delay, the greater the potential for the scheme to evolve further and/or for there to be other external factors for the Applicant to take into account with consequential further changes to the application documents, which could include material changes. Should examination take place in June 2022 or earlier, IP's would have very limited time to properly review the updated documents.

It should also be considered how the LRCH and Lower Thames Crossing timetables might overlap. Both projects involve similar IP's due to their location and those IP's have limited resources. IP's must have the opportunity to participate fully at both examinations which may not be possible should their examination timetables overlap.

In all the circumstances the PLA agrees with the representations (referred to in PINS's 21 December 2021 letter) that the Applicant should be invited to withdraw the application and reapply as and when it has properly prepared for Examination.

5. What other possible measures might the ExA lawfully and fairly decide to take in the circumstances and recognising the concerns of parties?

The PLA recommends that the Applicant is encouraged to withdraw the application and reapply as and when it is ready for examination following full consultation with parties.

Yours Faithfully,



Lucy Owen

Deputy Director of Planning and Development

