



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

**Application by Thurrock Power Limited for an Order  
granting Development Consent for the Thurrock Flexible Generation Plant**

**Planning Inspectorate Reference: EN010092**

**DEADLINE 3 SUBMISSION**

**12 April 2021**

**PoTLL/TFGP/EX/7**

## 1. INTRODUCTION

- 1.1 This document represents Port of Tilbury London Limited's ("PoTLL") submission for Deadline 3 in the Examination of the proposal by Thurrock Power Limited ("the Applicant") to construct a flexible energy generating plant on land next to PoTLL's recently-developed Tilbury2 port terminal, known as the Thurrock Flexible Generation Plant ("the TFGP").
- 1.2 It provides an update on discussions with the Applicant and sets out comments on the representations of the Applicant and Interested Parties at Deadline 2.

## 2. OBJECTION TO CAUSEWAY

- 2.1 Following PoTLL's submissions at Deadline 2 [REP2-096], PoTLL has been continuing its discussions with the Applicant in respect of its concerns about the application documentation and in particular its proposals for the causeway sought through Work No. 10 of the draft DCO ("dDCO").
- 2.2 PoTLL continues to strongly object to the causeway proposals in principle and continues to advocate the causeway's removal from the dDCO through the Applicant submitting an application for a non-material change to the dDCO.
- 2.3 As highlighted in its Deadline 2 submissions, PoTLL is concerned that the causeway is located directly in conflict with a location that is ripe for port-related development; and, crucially, that it forms part of the area covered by the recently-successful Thames Freeport proposal.
- 2.4 In the context of there being available alternatives and the causeway being just a small part of the overall TFGP project, PoTLL is concerned that the causeway would obstruct the realisation of Government policy (described as a 'flagship programme' in its November 2020 freeports prospectus) which identified<sup>1</sup> that freeports will:
- be a cornerstone of the Government's plan to level up opportunity across the country;
  - drive forward investment and regeneration in some of the most deprived areas in the UK;
  - boost global trade, attract inward investment and increase prosperity in the surrounding area by generating employment opportunities; and
  - be innovative hubs that boost the economy by helping businesses to invest in machinery, infrastructure and staff.
- 2.5 Freeports are therefore a nationally significant economic policy and the Government's selection in March of the proposed Thames Freeport as one of the eight English freeports is recognition of both the need and potential for economic growth in the Tilbury and wider Thurrock and Dagenham areas.
- 2.6 As such, PoTLL considers that the causeway proposal is in direct conflict with the Thames Freeport achieving its full potential and therefore that the causeway should not be consented as part of the TFGP.

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<sup>1</sup> DIT and HM Treasury Consultation on Freeports Policy, February 2020 and DIT and HM Treasury Response to Consultation on Freeports Policy, October 2020

### 3. UPDATE ON DISCUSSIONS WITH THE APPLICANT

- 3.1 In this context, at the present time, enabling the removal of the causeway has been the focus of PoTLL's discussions with the Applicant, working alongside RWE, to facilitate and enable a non-material change application to be brought forward, with other dDCO matters still to be considered.
- 3.2 As part of these discussions, PoTLL and RWE are also seeking to reach an Agreement with the Applicant which would:
- 3.2.1 grant the Applicant property rights over PoTLL and RWE's interests in the land required to facilitate an alternative abnormal load access route (as mentioned in the Applicant's Cover Letter [REP2-001]); and
  - 3.2.2 grant the Applicant property rights over PoTLL and RWE's interests in the land required to facilitate construction access to the power plant through Tilbury2 and the previous RWE generating station land,
- both subject to appropriate controls which protect PoTLL and RWE's statutory undertakers' interests set out in their Examination submissions to date.
- 3.3 It is anticipated that this Agreement, alongside a non-material change application, will enable the Applicant to remove from the dDCO all proposed compulsory acquisition powers over PoTLL and RWE's interests as this alternative would make them unnecessary.
- 3.4 As set out in its Deadline 2 submissions, PoTLL considers that there is no procedural or timing reason why such a non-material change application could not begin to be brought forward alongside these discussions and so is encouraging and urging the Applicant to begin the process of bringing this forward as soon as possible.
- 3.5 For example, PoTLL considers that the negotiations and Examination submissions could run in parallel as follows (subject to the Examining Authority's ('the ExA') discretion):

Date	Activity
Monday 12 April	Deadline 3 23.59pm
Tuesday 13 April	<i>Negotiation of HoTs</i>
Wednesday 14 April	<i>TPL preparing notification to the ExA of its intention to submit a non-material changes (NMCs) application</i>
Thursday 15 April	
Friday 16 April	
Monday 19 April	
Tuesday 20 April	<i>Agreed HoTs signed</i>
	<i>Submission to ExA of formal notification of intended NMCs application (including TPL's consultation and timetable suggestions)</i>
	<i>ExA releases Hearing Agendas for first series of hearings</i>

Wednesday 21 April	
Thursday 22 April	
Friday 23 April	
Monday 26 April	
Tuesday 27 April	Traffic & Causeway Issue Specific Hearing (ISH)
Wednesday 28 April	Compulsory Acquisition Hearing
Thursday 29 April	DCO ISH
Friday 30 April	
w/c 3 May	<i>ExA Procedural Decision on NMCs application consultation requirements and Examination programme impacts</i>
w/c 10 May	<i>TPL begins consultation and publicity on intended NMCs application</i>
May 17	Deadline 4 23:59
June 1	<i>ExA's Q2 released</i>
June 14	Deadline 5 23:59
w/c 21 June	<b>Framework Agreement concluded</b>  <b>TPL then submits NMCs application following consultation</b>
w/c 21 June – 16 August	<i>NMCs dealt with by ExA in Examination using discretion provided for by the Infrastructure Planning (Compulsory Acquisition Regulations) 2010</i>  <i>Close of Examination by 16 August</i>

- 3.6 This demonstrates that a NMCs formal application can be submitted once a legal agreement has been concluded and that there is enough time for this to happen in the context of the Examination. PoTLL remains willing and able to assist the Applicant in making this happen.
- 3.7 A further update on all of the above will be given to the Examining Authority and Interested Parties at the hearings to be held on 27 to 29 April 2021.

#### 4. COMMENTS ON DEADLINE 2 SUBMISSIONS

The table below sets out PoTLL's response to the Deadline 2 submissions of the Applicant and other Interested Parties.

Paragraph/Response Reference	Applicant/Interested Party Text	PoTLL Response
Draft DCO [REP2-015]		
General	n/a	<p>It is noted that in respect of the dDCO, the Applicant would not have had the opportunity to see the specific comments that were made in PoTLL's Deadline 2 submissions (both in respect of comments on the dDCO's requirements and in response to the Examining Authority's First Written Questions ('FWQs')), at the time of the Applicant's own Deadline 2 submissions. To avoid repetition or a paper chase these points are not repeated in this submission. Therefore, the comments below on the documentation submitted at Deadline 2 should be read alongside PoTLL's Deadline 2 submissions in full.</p> <p>It is acknowledged that the dDCO submitted at Deadline 2 by the Applicant does improve matters from where they stood prior to Deadline 2 but PoTLL's in principle objection remains.</p> <p>The comments below therefore solely build on what was stated in PoTLL's Deadline 2 submissions.</p>
Requirement 17: Navigational Risk Assessment	<p>PoTLL is concerned with the following paragraphs:</p> <p>(3) <i>Work no. 10 must be constructed and operated in accordance with the final navigational risk assessment or any update or revision of the navigational risk assessment approved under subparagraph (4).</i></p> <p>(4) <i>No material change to the operation of Work</i></p>	<p>Further to PoTLL's Deadline 2 representations on this requirement, in a scenario (contrary to our in-principle objection and demonstrable alternative) where the causeway is consented and built, PoTLL considers that this requirement should be amended such that subparagraph (3) should read as:</p> <p>(3) <i>Work no. 10 must be constructed <del>and</del>, <u>maintained</u>, operated <u>and decommissioned</u> in accordance with the final navigational risk assessment or any update or revision of the navigational risk</i></p>

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	<i>no.10 may be implemented until a revised navigational risk assessment reflecting the proposed change has been submitted to and approved by the PLA following consultation with the Port of Tilbury London Limited.</i>	<p>assessment approved under sub-paragraph (4).</p> <p>Furthermore, it is not clear what would constitute a 'material change' to operation of the causeway, which would trigger revision of the navigational risk assessment under sub-paragraph (4), as it could be that minor changes in operation could lead to material changes in risk. The word '<i>material</i>' should therefore be deleted.</p>
<b>Outline Code of Construction Practice [REP2-035]</b>		
Paragraph 2.2.7	<i>Enabling Works: Enabling works would be in two stages, the first being works that can be undertaken without consents or licenses provided through the DCO and the second being any further works authorised by the DCO that can be carried out prior to discharge of all requirements:</i>	To be consistent with the drafting of the dDCO, this sentence should have the words (' <i>permitted preliminary works</i> ') at the end.
Paragraph 4.10.3	<i>Advance notice will be given of any construction works which could restrict access for residents/local businesses and, where practicable, an alternative access will be established</i>	<p>PoTLL is content that 'local businesses' would include itself; however, it cannot accept that access to Tilbury2 would be restricted or that it may be impracticable to establish alternative arrangements. This is not acceptable for a working port and a statutory undertaking where access is critical on a 24/7 basis to ensure that PoTLL can perform its statutory functions.</p> <p>As such, the words '<i>At no point shall access to Tilbury2 be restricted by the proposed development</i>' need to be added to this paragraph.</p>
Paragraph 6.5.10	<i>Taking into account the mobile nature of water voles, pre-construction surveys will be undertaken to confirm the presence/absence of water voles along all watercourses of potential value to water voles. A Natural England licence would be obtained for works that affect water vole habitat.</i>	<p>As noted in PoTLL's Deadline 2 representations, Work No. 3 of the dDCO passes adjacent to the ecological mitigation areas required to be maintained by PoTLL in compliance with the measures set out in the Landscape and Ecological Management Plan secured through Requirement 11 of the Tilbury2 DCO.</p> <p>As such, PoTLL is concerned to ensure that there are no impacts to</p>

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		water voles (a protected species) which are located within the mitigation area adjacent to Work No.3. As such, it considers that the words ' <i>including within the mitigation area associated with Tilbury2</i> ' should be added to the end of the first sentence.
Paragraph 6.5.21	(in protecting against invasive species, measures will include): <i>Ensuring vehicle tyres and wheel arches are cleared of mud, plants and other organic material before moving from one site of the proposed development to another</i>	For similar reasons and for general health and safety considerations within the operational port that is Tilbury2, PoTLL wants and needs to ensure that invasive species are not brought into Tilbury2 by vehicles used for the TFGP. As such, it considers that the words ' <i>and prior to any use of the Tilbury2 access road</i> ' should be added to the end of this text.
Paragraph 6.6.4	This paragraph references the need for a contractor to produce a drainage management plan to minimise potential pollution effects.	Given that the TFGP is located adjacent to Tilbury2 and close to watercourses that flow through Tilbury2, PoTLL is concerned to see that the CoCP indicates no role for third parties in such a plan; and that Requirement 5(2) of the dDCO [REP2-014] does not reference a need for a final CoCP to include a drainage management plan. As such, PoTLL recommends that Requirement 5(2) should be amended to reference the need for a drainage management plan, such that this can be approved by Thurrock Council, and that this requirement is amended to require consultation on the CoCP with the Environment Agency prior to submitting the CoCP to Thurrock Council for approval.
Paragraph 6.7.4	Reference to 'CWMP'.	This should be 'CTMP'.
Paragraph 6.7.10	<i>Local management of vehicle movements will be implemented to minimise the risks of vehicles meeting each other on narrow sections of roads</i>	In line with its representations on the CTMP (below) and PoTLL's overriding concern to ensure that access requirements for the TFGP do not negatively impact traffic movements within Tilbury2, it is considered that this sentence should end ' <i>including the Tilbury2 access road</i> '.
Paragraph 6.7.12	<i>Site accesses, junctions to the highway and construction haul routes will be as specified in the Outline CTMP (application document A8.9) and as shown in the Works Plan drawings forming part of</i>	Construction haul routes are not specified on the Works Plans so this reference should be removed. Furthermore, given construction access is dependent on utilising Tilbury2 roads, the second sentence should have the words ' <i>and the Port of Tilbury</i> ' added to the end of the



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	<i>the Development Consent Order or as otherwise agreed with Thurrock Council.</i>	sentence.
Paragraph 6.9.2 Monitoring, Visual Checks	Requirement for the Applicant to keep an inspection log and make it available to the local authority on request.	Given that the Order limits include parts of the PoTLL estate and that the TFGP development is taking place adjacent to Tilbury2, PoTLL considers that this paragraph should also make these logs available to PoTLL on request.
<b>Construction Traffic Management Plan [REP2-037]</b>		
Paragraphs 3.1.2 and 3.1.4	<p>3.1.2: <i>Therefore, the most easily identified benefits of this CTMP are those that are directly related to minimising congestion on the surrounding highway network, noise, air pollution and fewer accidents and the appropriate movement and management of construction HGVs.</i></p> <p>3.1.4: <i>Steps toward the mitigation of any construction transport impacts are to: [list].</i></p>	<p>Construction traffic routing to the TFGP has a high level of dependence on the use of the roads through Tilbury2, a working busy port that is also a statutory undertaking. As the document seeking to manage the impact of construction traffic, PoTLL considers that minimising the impacts of this traffic on the operations of the Port of Tilbury at Tilbury2 should be a fundamental objective. It therefore considers that 'the Port of Tilbury' should be added to the list of receptors that are to 'benefit' from the CTMP in paragraph 3.1.2; and that the mitigation aims set out in paragraph 3.1.4 should include to 'Ensure minimal impacts on the operations of the Port of Tilbury'.</p>
Paragraphs 5.1.1 and 6.1.2	<p>5.1.1 <i>Any substantial changes in the build programme and / or number of vehicle movements will be communicated to Thurrock Council in advance.</i></p> <p>6.1.2 <i>'It should be noted that the construction programme and corresponding construction traffic strategy may be subject to change following the appointment of construction contractors and prior to work commencing on site. Thurrock Council will be kept informed about any planned changes in the build programme and the associated number of vehicle movements will be communicated to Thurrock Council in advance for each stage'.</i></p>	<p>Whilst PoTLL welcomes the addition of section 8.4 of the CTMP, which requires the Applicant to work with PoTLL to form specific construction traffic management measures in relation to routeing through Tilbury2 (although PoTLL notes that the use of defined terms needs to be consistent with the rest of the document – e.g. it may not be 'Thurrock Power' who ultimately has the discussions with PoTLL), paragraphs 5.1.1 and 6.1.2 are an example of where the more general statements in the CTMP still need to be applied to PoTLL to ensure that it has visibility of movements, as well as the management of them.</p> <p>As such, it is considered that paragraph 5.1.1 should be amended to read:  <i>Any substantial changes in the build programme and / or number of vehicle movements <b>to those set out in the Transport Assessment or</b></i></p>



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		<p><u>any full Construction Traffic Management Plan</u> will be communicated to Thurrock Council <u>and the Port of Tilbury at least four weeks</u> in advance of any phase of the development to which the changes relate;</p> <p>and in paragraph 6.1.2 'and Port of Tilbury' should be added to the beginning of the second sentence, and the words '<u>and Port of Tilbury London Limited at least four weeks</u>' should be added before the words 'in advance for each stage'.</p>
Section 6.3	Abnormal Indivisible Loads to be delivered via causeway	As part of any change to the DCO application that is brought forward, PoTLL would expect this section to be amended to account for the revised AIL proposals that are being discussed between PoTLL, RWE and the Applicant.
Part 8	See next column	<p>For similar reasons as expressed with regards to paragraphs 5.1.1 and 6.1.2, PoTLL considers that the following changes should be made to various paragraphs of section 8, as shown in track changes below:</p> <p>Paragraph 8.2.1 (first sentence): <i>Regular review meetings and telecommunication will be held between the Construction Site Manager, Thurrock Council and Highways England, <u>and separately with the Port of Tilbury</u>, if requested.</i></p> <p>Paragraph 8.2.2: <i>The Construction Site Manager will work with the other users of the <u>Tilbury2</u> access road, in order to co-ordinate <del>deliveries</del>HGV movements with the working of Tilbury2, to minimise potential for congestion on the internal access road and consequent risk of queueing on the public highway.</i></p> <p>A new paragraph 8.2.3: <u><i>It is acknowledged that Port traffic shall have priority over construction traffic on the Tilbury2 access road, and that the Construction Site Manager will manage HGV movements on that basis. Furthermore, at no point shall access to Tilbury2 be blocked by</i></u></p>

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		<p><u>traffic movements associated with the proposed development.</u></p> <p>8.4.1 On a weekly basis, the Construction Site Manager will evaluate details of the daily profile of deliveries proposed for the upcoming <del>week</del> <u>four weeks and inform Port of Tilbury of the dates, times and volume of movements anticipated over the following four weeks.</u> Through discussions with hauliers, the Construction Site Manager will, as far as practicable, ensure that the deliveries are spread out across the week and across the day, <u>and will avoid periods stated to the Construction Site Manager by the Port of Tilbury</u> to minimise any potential disruption <u>to the Port.</u> <u>Any changes to the upcoming delivery profile in the intervening period between monthly checks will be communicated to the Port of Tilbury as soon as reasonably practicable after they arise and before any change takes effect.</u></p> <p>8.4.2 The proposed <u>daily</u> deliveries will be checked against the <u>four</u> weekly delivery schedule. This will be overseen by the Construction Site Manager to ensure that construction deliveries are managed in an efficient manner with minimal disruption and delays.</p> <p>8.7.1 should be amended to reference the Tilbury2 access road, that the regular programme of road cleaning should be agreed with PoTLL; and that the regular programme of inspection should include the Tilbury2 access road.</p> <p>8.8.1 (first sentence): <i>The Construction Site Manager will be responsible for setting up a means of communication with <u>the Port of</u></i></p>

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		<u>Tilbury and any other</u> major road users on any construction works which may affect the local road network.
<b>Applicant's Response to the Examining Authority's First Written Questions [REP2-041]</b>		
<p>Response to FWQ 1.3.6</p> <p>Other than site selection, what other alternatives to CA, including modifications to the scheme, have been considered?</p>	<p><i>The primary alternative to CA that Thurrock Power Limited is actively pursuing is to acquire the land and rights needed for the proposed development by voluntary agreement. Details of engagement with affected parties is set out in section 10 of Thurrock Power Limited's Statement of Reasons (APP-024) and an updated summary of the position with regards to ongoing negotiations is being provided in the CA Schedule being submitted alongside these responses at Deadline 2.</i></p> <p><i>In addition to site selection, Thurrock Power Limited undertook a consideration of site development alternatives, which are detailed in section 3 of Chapter 3 of Thurrock Power Limited's Environmental Statement (APP-046).</i></p>	<p>As highlighted in PoTLL's Deadline 2 representations, the Applicant has not properly considered alternatives to the causeway provision within its application documentation; and the compulsory acquisition powers that are required over RWE's land to facilitate access from that causeway to the TFGP power plant site.</p> <p>Given that this was raised in PoTLL and RWE's submissions previous to Deadline 2, it is noted that the Applicant does not engage with the point here – the question of alternatives does not just apply to site selection, but the details/components of overall scheme design too.</p>
<p>Response to FWQ 1.5.2</p> <p>Please explain the current status of the Tilbury Link Road project referred to by PoTLL in their RR [RR-023] including details of how</p>	<p><i>The applicant is not aware of any active proposal to develop a Tilbury Link Road. There is a reference to it in Annex D, Table 13 of Highways England's Delivery Plan 2020-2025 in which it is identified as one of 30 possible future road pipeline schemes "for consideration", but no further details are provided.</i></p> <p><i>The applicant considers that a Tilbury Link Road, were it to be proposed in the future along an alignment south of the railway as had been</i></p>	<p>As expressed in its Deadline 2 representations, PoTLL is working closely with the LTC project and Highways England to ensure that the LTC project sufficiently allows for the Tilbury Link Road to be brought forward.</p> <p>It is PoTLL's aim that the LTC project should at the very least include passive provision for the Tilbury Link Road and that it should also be factored into the construction and design methodologies of the LTC project. Current progress of discussions indicate that the TFGP would not be an impediment to delivery of the Tilbury Link Road.</p>

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<p>advanced the scheme is and its relationship to the Proposed Development.</p>	<p><i>suggested in Lower Thames Crossing consultation documents prior to 2018 (after which this proposal was removed), could be routed through the Zone C area of the proposed development without conflict with the flexible generation plant infrastructure in Zone A.</i></p> <p><i>Any such development would need to consider impacts on the habitat creation/enhancement areas established by Tilbury2 and proposed for Thurrock Flexible Generation Plant south of the railway and on utilities (including existing overhead lines, any lines undergrounded by the LTC, and the Thurrock Flexible Generation Plant gas pipeline). A Tilbury Link Road in this location might connect to or in effect partly replace the proposed development's private access road through Zone C.</i></p> <p><i>The applicant is supportive of the principle of the Tilbury Link Road and will continue to engage with the promoters on that proposal.</i></p>	
<p>Response to FWQ 1.7.29</p> <p>Schedule 2, P1, R18 [now R19] - please respond to the requests from IPs (including NE, the MMO and PoTLL) to be added to the list of</p>	<p><i>The MMO will require to approve this plan; they accordingly do not need to be a consultee. It is noted that the decommissioning plan does not supersede the need to obtain any licences required to undertake those works, including those from the PLA and MMO, and the normal processes of consultation on such applications would apply. Licences or permits may also be required from NE although that cannot be known at this time.</i></p>	<p>As stated in its Deadline 2 submissions, PoTLL should be added as a consultee to this Requirement.</p> <p>As the Applicant rightly says, the DCO and licensing processes are separate.</p> <p>If a plan is being produced pursuant to the DCO that is relevant to PoTLL's interests, which this plan is given the location and potential navigational impacts of the causeway decommissioning activities, then PoTLL should be a consultee. This will ensure that there is consistency</p>

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consultees in R18.	<p><i>The MMO licence consultation would include NE. However, as they have requested to also be consulted under this requirement, the dDCO has been revised to add this.</i></p> <p><i>It is for the bodies issuing the necessary licences to permit the work to dismantle the causeway to consult PoTLL. In particular, the PLA will require to be satisfied on any vessel movements or changes in navigation risk. Those points will be controlled through licencing and PoTLL should make representations through that process not this plan.</i></p>	with matters agreed under the licensing regime and that PoTLL's interests are adequately protected under both regimes.
<p>Response to FWQ 1.11.17</p> <p>Following the 5 yearly reviews of access for AIL's as proposed in R17 of the dDCO, an alternative may be taken forward if it is considered 'environmentally acceptable'. Please explain what this means, and how an assessment of the alternative means is either captured in the ES or proposed to be undertaken to ensure</p>	<p><i>This is now requirement 18 in version 4 of the dDCO. The drafting of this requirement has been amended to define this term, which has been included at the request of several interested parties.</i></p> <p><i>The environmental acceptability of any alternative access would be determined by the relevant planning authority or other consenting body if an application to consent that access were necessary (for example, a Town and Country Planning application).</i></p> <p><i>The Thurrock Flexible Generation Plant DCO does not itself authorise creation of an alternative access and given the UK's strong environmental protection and planning laws, any alternative access in future not requiring a consent application would necessarily be one without any potential for significant adverse environmental effects.</i></p>	<p>Further to PoTLL's comments above and in its Deadline 2 representations, this response by the Applicant underlines PoTLL's concern that the Applicant wishes to seek consent for the causeway having given minimal thought to potential alternatives; and that this approach will continue once it is in place, given the caveats that are also included within the draft Requirement to any alternative being able to be brought forward and the negative consequences previously referred to being alleviated.</p> <p>However, in the event that the causeway is not removed from the dDCO (contrary to our in-principle objection and an alternative being available) and is authorised, PoTLL considers that its definition of 'environmentally acceptable' set out in its Deadline 2 submissions, i.e. an alternative access should lead to effects that are not materially new or materially different from those reported in the ES, is preferable to that put forward by the Applicant, as it would ensure that the project, as amended at that time, is still within the parameters of the ES for the scheme as a whole.</p>

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that no significant effects are likely to occur.	<p><i>The assessment of alternative means of access is not captured in the ES because, by definition, these means cannot yet be known.</i></p> <p><i>The purpose of this requirement is to allow for adaptation to unknown changes in circumstances outside the applicant's control where those provide the opportunity to decommission the causeway earlier than at the end of the proposed development's operating lifetime, which is considered beneficial by several consultees.</i></p>	
Response to FWQ 1.7.1	<p><i>The use of rail to transport construction material has been considered and deemed to be not feasible. Materials being transported by rail require a railhead at both the point of origin and at the point of destination.</i></p> <p><i>It also requires the material to be bulk transported over long distances to be viable. The delivery of construction material is subject to a procurement exercise that will only be completed after the grant of a consent. Therefore, the precise origins of construction material cannot be confirmed at this stage. Construction material is expected to arrive from multiple origins with multiple contracts and differing haulage companies.</i></p> <p><i>This does not lend itself to materials being bulked together to make rail use viable. Even if the transportation of construction material by rail could</i></p>	<p>Whilst PoTLL understands the commercial realities of procuring construction materials and a contractor, it is considered that the application could, at the very least, contain incentives or encouragements to minimise road movements and promote rail use, particularly in the context of the adjacent Tilbury2 Construction Materials Aggregates Terminal and rail sidings, given the environmental benefits that would likely arise.</p> <p>As set out in PoTLL's Deadline 2 representations, there has been nothing stopping the Applicant from approaching PoTLL in respect of potential use of these elements, but it has not done so.</p>



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	<p><i>be made viable, there would be no guarantee of a railhead at the point of origin either (i) being available, (ii) having suitable capacity to meet the delivery requirements or (iii) reaching an agreeable commercial arrangement for its use.</i></p> <p><i>The Tilbury2 scheme incorporates rail sidings, however, these are private and have been designed around the requirements of and the operations of Tilbury2.</i></p> <p><i>Additional rail siding infrastructure would be required to provide such facilities at the point of destination if Thurrock Flexible Generation Plant were to use these. Given all of this, the use of rail to transport construction material has been deemed to be not feasible.</i></p>	
<b>Thurrock Council Response to FWQs [REP2-072] and Local Impact Report [REP2-077]</b>		
<p>Response to FWQ 1.5.2</p> <p>Please explain the current status of the Tilbury Link Road project referred to by PoTLL in their RR [RR-023] including details of how advanced the scheme is and its relationship to the Proposed</p>	<p><i>Tilbury Link Road project is a council investigation into providing a link between the proposed LTC route and A1089 St Andrews Road. This carries no weight in relation to the LTC proposals, which was discounted at an early stage soon after the ES Scoping stage and was removed from the LTC scope. This has been continuously disputed by Thurrock Council. However, the project is included within Highways England's RIS2, but likely for delivery in the RIS3 period. The council is working with DfT and stakeholders to bring the scheme forward at the earliest opportunity.</i></p>	<p>See our response to the Applicant's response on this point above.</p>



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Development.	<i>LTC team have identified that provision could be included in the LTC DCO to ensure that this link could be developed in the future by ensuring “passive provision”. This terminology means that the indicative location of the junction would have no major services, earthworks and/or structures/features that potentially would be located in that broad area and which could prevent the junction from being installed in the future.</i>	
LIR Paragraph 7.199	<i>Also, if a situation were to occur that required abnormal load vehicles to use the highway network the Council’s Highways Officer considers that these should be restricted to outside the peak hours of the Port so to not affect the link and junction capacities.</i>	PoTLL agrees with this position and would suggest that this should be set out in the Outline Construction Traffic Management Plan.
LIR paragraph 8.11	<i>‘Requirement 18’ (Causeway Decommissioning Plan) should be amended to require removal of the causeway after the construction of the development has been completed, the wording should be revised to ensure the causeway and associated works are removed prior to first operational use of the power station. This is for ecological and visual amenity reasons but also in light of the recent announcement of the Thames Freeport, in case this land is needed in the future for alternative uses.</i>	<p>Whilst PoTLL agrees that the Applicant should be required to demonstrate why the causeway is needed for long term use, it is considered that this suggestion does not go far enough. Both the Government and PoTLL’s aspirations for port expansion in and around Tilbury are sought to be realised in the short term.</p> <p>With any successful DCO not likely to be made until Q1 2022, the need for funding for the scheme to be secured (whether through a Contract for Difference or otherwise) and a range of 1 to 6 year construction programme for the Scheme, the use of the causeway during construction would come right at the time when port expansion development to develop the Government’s key economic initiative of Freeports is being brought forward (which would either be under PoTLL’s recently-expanded permitted development rights or applications under the Town and Country Planning Act 1990).</p> <p>As such, there would be a direct conflict between this proposed use</p>

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		and the economic benefits (in the national interest) that could otherwise arise, which is considered to be unacceptable not least because alternative methods are available and could be utilised.
<b>Highways England's Deadline 2 Submission [REP2-0830]</b>		
<p>Response to FWQ 1.17.5</p> <p>Please expand on the concerns raised in your RR [RR-016] in respect of additional vehicle movements during construction and safety at the 'Asda' roundabout.</p>	<p>1.17.5</p> <p><i>Expanding on the concerns we raised in our Relevant Representation (RR-016) it is the adverse camber of the Asda roundabout, the speed with which heavy goods vehicles (HGV) make the U-Turn movements and the number of HGVs that we have concerns with. Due to the adverse camber at the Asda roundabout, there is the risk that a heavily laden top heavy HGV making the U-Turn movement at speed could run the risk of overturning, potentially onto a vehicle/cyclist in the nearside lane.</i></p> <p><i>In terms of the number of HGVs, we advise that we would not wish to see platoons of construction HGVs making the U-Turn movement due to the detrimental impact it could have on the operation of the other approaches to the Asda roundabout, particularly during peak periods. We also raise that HGVs travelling southbound on the A1089 from the A13 may not be expecting multiple HGVs to be undertaking the U-Turn movement from the south which could result in collisions.</i></p> <p><i>However, mitigation measures such as signing, advising construction HGV drivers of the adverse</i></p>	<p>PoTLL shares the concerns of Highways England in respect of the operation of the Asda Roundabout as the main access point to the Port of Tilbury and Tilbury2.</p> <p>It is considered that the measures referred to by Highways England should be set out in the Outline Construction Traffic Management Plan to ensure that they are secured.</p> <p>As mentioned in section 2, PoTLL is working with the Applicant to enable the safe passage of vehicles through Tilbury2 with appropriate controls to protect PoTLL's undertaking. This is not yet agreed.</p>

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	<p><i>camber and the risk of overturning and being aware of southbound HGV speeds on the approach to the roundabout could reduce the potential for collisions on the Asda roundabout.</i></p> <p><i>It is highlighted that some of these are already set out in the Statement of Common Ground between the Applicant and Highways England and further measures could be added subject to agreement with the Applicant.</i></p> <p><i>We also query if a commercial agreement has been reached between the Applicant and Port of Tilbury London Limited on the use of Port of Tilbury so that we are confident that the vehicle numbers presented are robust and are not likely to be subject to any further changes.</i></p>	
<b>Port of London Authority Response to FWQs [REP2-069] and Written Representation [REP2-068]</b>		
<p>Response to FWQ 1.3.20</p> <p>Please comment on paragraph 11.42 of the Applicant's SoR [APP-024] and provide the PLA's views on granting a licence for the proposed causeway.</p>	<p><i>To confirm the parties are negotiating an agreement to secure the necessary interests to allow the applicant to construct the causeway on the riverbed and bring it into use. Both parties agree that there is no known impediment to such agreement being able to be reached. In addition the PLA will grant the applicant a licence to retain the causeway over their land during the operational period, and there is no known impediment to such a licence being able to granted.</i></p>	<p>Whilst PoTLL recognises that the PLA is required to consider licence applications pursuant to its duties under the Port of London Act 1968, PoTLL would re-emphasise its continued in-principle objection to the causeway on its own merits and as part of the DCO (which deals with the consent required for it in lieu of planning consent).</p> <p>As set out in PoTLL's Deadline 2 representations, the causeway is located such that it would reduce or sterilise riverside development that would bring growth to the Thames Corridor, the wider region through the Thames Freeport proposals; and the Port of London as a whole.</p>
Written Representation	n/a	PoTLL notes that PLA's position in sections 8 and 9 relating to the design of the causeway (if it were authorised by the DCO) and the

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		wording of Requirement 17 are consistent with the positions expressed by PoTLL in its Deadline 2 representations.
<b>RWE Generation UK Plc [REP2-095]</b>		
Section 2 and 3	n/a	<p>PoTLL has been working closely with RWE in respect of both the discussions with the Applicant in respect of AIL access and in terms of helping to deliver further Port expansion pursuant to the Thames Freeport proposals.</p> <p>As such, RWE's concerns expressed in these sections in respect of the prevention of future development, the impacts of the causeway and the Applicant's compulsory acquisition proposals in respect of RWE's land, can be seen alongside PoTLL's representations as indicating an overriding concern that the Applicant's proposals are currently insufficiently aware and accommodating of their wider impacts; and thus should be adjusted to ensure that they are.</p>

