

Tracey Williams  
Case Manager  
The Planning Inspectorate  
National Infrastructure  
Temple Quay House  
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BS1 6PN

14 June 2021

Our Ref: PoTLL/TFGP/EX/10

Dear Ms Williams,

## **Planning Act 2008**

### **Application for the Thurrock Flexible Generation Plant Development Consent Order**

#### **Deadline 5 Submission**

1. This letter constitutes the Port of Tilbury London Limited's ('PoTLL') Deadline 5 submissions in respect of the examination of the Thurrock Flexible Generation Plant ('the TFGP') project being promoted by Thurrock Power Limited ('the Applicant').
2. On 5 June, PoTLL made its submissions in respect of the Applicant's Change Request of 20 April [RR-030]. These submissions built on its representations at Deadlines 1 to 4 of the Examination and its Pre-Examination submissions.
3. Between them, these submissions have set out PoTLL's position in respect of the proposals for the TFGP, including the causeway. In so doing, they have responded to the points that have been made by the Applicant, including at the hearings of 27 – 29 April, which PoTLL summarised in its Deadline 4 submissions.
4. As such, it is not considered necessary to submit a further response to the Applicant's Deadline 4 submissions at this deadline.
5. In respect of the Examining Authority's Second Written Questions, PoTLL would make the following points:
  - in response to the question directed to it at Q2.5.8, PoTLL can confirm that it is content with the Applicant's wording of article 37(12);
  - although questions have not been asked in respect of this Requirement, PoTLL's previous comments on Requirement 17 (navigational risk assessment) and 18 (review of access for abnormal indivisible loads) and article 10(4) still stand;
  - it welcomes SWQs 2.2.1 and 2.8.1 and agrees that the DCO (and the Agreements it is seeking to negotiate with the Applicant) should provide controls on the use of alternative access for vehicles to the TFGP through PoTLL and RWE land; and



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- it awaits with interest the Applicant's responses to SWQs 2.2.4, 2.4.1, 2.5.5, 2.6.3 and 2.7.1, given the contents of PoTLL's previous submissions; and in light of the Relevant Representations in respect of the material change proposal submitted by Natural England, Gravesham Council and the PLA, which support the alternative proposal and would welcome the removal of the causeway in the context of the mitigation hierarchy, environmental impact and Freeport development, respectively.
6. PoTLL also notes SWQ 2.5.4, which asks the Applicant for an update on the position with Protective Provisions in the DCO, which would include those for the benefit of PoTLL.
  7. PoTLL will shortly be responding in detail to the draft updated Protective Provisions and comments on PoTLL's proposals provided by the Applicant. However, it is clear at this stage to PoTLL that further discussion with the Applicant is required in relation to:
    - the extent of land to which the protections relate – i.e. the definition of 'the Port';
    - the extent of the DCO's powers to which PoTLL's consent is to be required;
    - the ability of PoTLL to require protective works to be undertaken; and
    - the ability for PoTLL's Protective Provisions to deal with river sediment and erosion issues.
  8. PoTLL hopes to discuss these matters shortly with the Applicant with the aim of reaching an agreed resolution. To the extent that matters are not able to be agreed, this will be explained at Deadline 6, which it is anticipated should give the Examining Authority time to consider whether any further information is required on these points at the July hearings or for Deadlines 7 or 8.
  9. Related to the Protective Provisions, I can confirm that good and substantive progress is being made in respect of the negotiation of a voluntary land access agreement between PoTLL and the Applicant, with the vast majority of substantive principles now agreed and legal drafting having now commenced. The parties are aiming to have this Agreement completed by the end of June.
  10. As such, whilst good progress continues to be made in discussions with the Applicant, until these are completed PoTLL will continue to make submissions to the Examination and (submitted now instead of at Deadline 5A) will wish to attend and speak at the CAH and ISH now scheduled for 26 July (and their back-up date of 28 July).
  11. If you have any further questions, please do not hesitate to contact our legal advisers at Pinsent Masons LLP, [REDACTED] and [REDACTED]
  12. Both Robbie and Matthew will attend the hearings, as will Jan Bessell ([REDACTED]) and Valentina Kass-Vertic ([REDACTED]) from Pinsent Masons, alongside John Speakman of PoTLL.

Yours sincerely,

[REDACTED]

PETER WARD  
COMMERCIAL DIRECTOR  
PORT OF TILBURY LONDON LIMITED