

INFRASTRUCTURE PLANNING

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

RIVERSIDE ENERGY PARK ORDER

Written Representations submitted on behalf of the Port of London Authority

(Rule 8 letter 17 April 2019)

Unique Reference Number	EN010093
Rule No.	8(1)(a), and 10(1), (2) and (4)
Document Ref.	PLA1
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Date	20 May 2019
Date of revision & version number	

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1. Introduction

1.1 These Written Representations are made on behalf of the Port of London Authority (“the PLA”) in respect of an application for Development Consent submitted by Cory Environmental Holdings Limited (trading as Cory Riverside Energy) (“the Applicant”) for the Riverside Energy Park Order (“the DCO”). The application is accompanied by a draft of the proposed DCO (“the dDCO”).

1.2 The PLA does not object to the proposals in principle but has detailed concerns which call for amendments in the proposed DCO and plans.

Structure

1.3 The structure of these Written Representations is as follows:

Section 1 – Introduction

Section 2 – The PLA

Section 3 – The DCO and areas of agreement

Section 4 – Conclusions

2. The PLA

2.1 The Port of London Authority (“the PLA”) is the statutory harbour authority for the tidal River Thames (“the river Thames”) between Teddington and the outer Thames Estuary. Governed by the Port of London Act 1968 (“the 1968 Act”) and several harbour revision orders, its statutory functions include responsibility for conservancy, hydrographic surveying, dredging, managing the public navigation and controlling vessel movements. Under section 66 of the 1968 Act, the PLA’s licence is required for the construction by other people of any works in, on, under or over the river Thames and, under section 73, for the carrying out of dredging or other comparable operations. The PLA provides moorings in the river Thames and licenses their provision by others. As the body responsible for licensing river Thames works and moorings, the PLA must have special regard for the unimpeded use of licensed works by the PLA’s existing licensees and the impact of licensed river works and dredging on the river Thames and its users.

2.2 The PLA's functions also include the promotion of the use of the river Thames for freight and passengers as an important and sustainable transport corridor for London.

2.3 The PLA is a trust port. Accordingly, it manages the river Thames for the benefit of all river users and is obliged to turn its assets to account for the benefit of its statutory undertaking. As part of this obligation it must also minimise the conservancy and other charges payable under the 1968 Act by river users. The PLA is wholly funded by such charges and the other funds it generates: it does not receive any central or other Government subsidy.

3. **The DCO and areas of agreement**

3.1 The DCO would authorise the Applicant and Riverside Energy Park Limited ("the undertaker") to construct, operate and maintain authorised development. A principal element, and the element that is of concern to the PLA, is a gas fired electricity generating station to form part of an integrated energy park alongside the Applicant's existing Riverside Resource Recovery Facility in Belvedere in the London Borough of Bexley. All the works comprised in the authorised development are on dry land not forming part of the river Thames and the land proposed for compulsory purchase does not include any land within the river Thames. However, as can be seen from sheet 1 of the Works Plans submitted with the application (doc ref 2.2, library ref App-008), the Order limits extend into the river Thames to include a significant river area drawn wide round the existing landing stage and extending to the borough boundary forming the centre line of the river. The affected river area is within the parts of the river Thames as regards which the PLA has the functions outlined in paragraphs 2.1 and 2.2 and it owns the affected area of river bed.

3.2 In terms of the DCO as applied for, the inclusion of river areas within the Order limits has the effect that certain DCO powers could potentially be exercised in the river Thames, namely articles 17 (discharge of water), 18 (authority to survey and investigate land), 19 (protective works to buildings), 30 (temporary use of land for construction) and 31 (temporary use of land for maintenance). If the powers were indeed intended to include or affect the PLA's land, protective provisions for the PLA (the form of which is well precedented) would be necessary. The Applicant has agreed to amend the Works Plans to remove all but an insignificant part of the river Thames from the area within the Order limits. The Applicant has passed the

PLA a revised sheet 2 of the Works Plans which it is understood is to be submitted at Deadline 2. The PLA can confirm that the revised plan provided to it by the Applicant removes the river areas from the scope of the DCO and so meets the PLA's concerns about the plans.

3.3 Consistent with the reduction in the Order limits, the Applicant has confirmed to the PLA that it does not intend to exercise the powers of the DCO in the river Thames but has indicated that it may need to carry out activities in the river. The Applicant and the PLA have therefore agreed a new article for insertion in the DCO making clear that the DCO does not remove any obligation to obtain the PLA's licence under the 1968 Act for the carrying out of works or operations within the river Thames. The agreed wording is in the SoCG (see paragraph 3.4 below) and is the new article 7 in the revised dDCO which has been provided to the PLA and which it is understood the Applicant will submit at Deadline 2.

3.4 As confirmation that the dispute between the Applicant and the PLA is close to resolution, an initial Statement of Common Ground ("SoCG") between the PLA and the Applicant has been agreed and is to be submitted at Deadline 2.

4. Conclusions

4.1 The PLA is glad that its substantive concerns appear to be on the verge of resolution and anticipates that it will not have to trouble the ExA with them. However, the PLA has the residual concern to ensure that it will be able to take any necessary action in the event that changes are proposed that would or might affect the agreed amendments. Accordingly, the PLA is unable to withdraw its objection at this time.