



National Infrastructure
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: Tilbury2@pins.gsi.gov.uk

Matthew Fox
Pinsent Masons LLP

Your Ref:

By email only
Matthew.Fox@pinsentmasons.com

Our Ref: TR030003

Date: 21 November 2017

Dear Mr Fox

Planning Act 2008 (as amended) – Section 51

Application by Port of Tilbury London Limited for an Order Granting Development Consent for a Proposed Port Terminal at the Former Tilbury Power Station ('Tilbury2')

Advice following issue of decision to accept the application for examination

On 21 November 2017 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the Applicant's application documents have been published and made available on the [project page](#) of our website.

In undertaking checks at the acceptance stage, PINS did make some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of those initial observations. The Applicant should pay attention to its content, and consider how appropriate action might be taken in response.

Plans and drawings

The Engineering Drawings and Plans (Doc 2.9) and the Works Plans (Doc 2.4) state "Do Not Scale". However, they are provided with scale details and a scale bar on each plan. In addition the General Arrangement Plans (Doc 2.2) and Engineering Drawings and Plans state, "Design shown is for illustrative purposes only", (or similar wording). We note that the Engineering Sections and Plans would become a certified document, should the DCO be made. In accordance with APFP Regulation 5(3), a scale is to be provided on these plans and drawings, and the Applicant should prepare for any questions the Examining Authority may have on this point.

Also, the Land Plans employ a very light 'pastel' colouring that may be difficult for

people with poor eyesight to read.

Section 42(1)(d) persons

We note that, as the result of administrative error, 5 parties were not consulted under S42. (Paragraph 6.9 of the Consultation Report, Document 5.1).

It is important that all persons with an interest in the land, or who might be entitled to make a 'relevant claim', are able to participate in the process. To ensure this occurs we strongly advise that a full audit is carried out before you give notice of the deadline for the submission of relevant representations under s56 of PA2008, in order that there can be certainty that all relevant persons (including those within s56(2)(d)) have been notified and are afforded the opportunity to submit a relevant representation. The Examining Authority (ExA) may ask for the position to be clarified at or before the Preliminary Meeting.

Environmental Statement (ES) – project description

Filling of land

The draft DCO (Doc Ref 3.1), in Schedule 1, Works 3(a);5(a);6(a);7(a);8(a); 8(b);8(c); 8(d)(i) provide for "filling of land". Chapter 5 of the ES 'Description of the Proposals' does not discuss the filling of land, although the ES does address the works in a superficial way by explaining that existing ground levels vary between 1.5-3.5m AOD and that a worst case operational ground level of 4.0m AOD has been assessed. The Applicant should prepare to provide further information in this regard during the Examination.

Marine elements

The ES provides broad descriptions of the proposed marine works including the dolphins/pontoon, link-span bridge, removal of an existing jetty and replacing it with one that is purpose built for the development, river wall modifications, piling and dredging. However the ES does not provide dimensions of the marine elements of the Proposed Development. The lateral extent of these elements can be deduced from the general arrangement plans (albeit these are illustrative); however, no information is provided in respect of the heights of structures. Dimensions can be interpreted from the Engineering Plans and Drawings (Doc Ref 2.9 – not part of the ES) Drawing number 5153187-ATK-ZZ-XX-DR-ZZ-1007; although as noted above in this s51 advice, the plans state 'Do not scale' and these plans are stated to be for illustrative purposes only. The Applicant should prepare to be asked to confirm the heights of these structures along with the other parameters used to establish the design envelope assessed within the ES.

Flood defence works

Work No.1 includes the alteration and renewal of an existing flood defence. The existing flood wall is identified on the general arrangement plans; however, it is not clear from these plans precisely where the works would take place. Figure 6-3 of the Level 3 FRA (ES Appendix 16.B) contains a figure showing the existing floodwall; however, this figure is not clearly legible. The Applicant should prepare to be asked to revise and submit a new figure(s) to provide absolute clarity including the precise

location and nature of the proposed works.

Fort Road Bridge

Dimensions of the bridge are not provided within the ES. An illustrative cross section of the bridge is provided in the Engineering Drawing and Plan (Doc Ref 2.9) Drawing number 5153187-ATK-ZZ-XX-DR-ZZ-1008 (not part of the ES); which indicates it is an entirely new bridge) although dimensions have to be interpreted from the scale bar as they are not explicitly stated. The Applicant should provide details relative to the design of the bridge including the parameters/dimensions used to establish the design envelope which has been assessed within the ES.

Environmental Statement – Cumulative effects

Table 2.2 of the ES identifies projects that have been considered in the cumulative assessment and their locations relative to the Proposed Development are depicted on Figure 11.8. Paragraphs 2.57-2.63 of the ES explain that the proposed Lower Thames Crossing (LTC) is not considered within the cumulative effects assessment because of the limited information available. The Inspectorate notes that subsequent to the application being made for Tilbury2, new information regarding the proposed LTC is now publicly available (including an EIA Scoping Report received by the Inspectorate on 2 November 2017) and should be taken into consideration. The Applicant should provide an assessment of the cumulative effects associated with the proposed LTC.

The Inspectorate has established a method for assessing cumulative effects within Advice note 17: Cumulative Effects Assessment. This advises that a cumulative effects assessment is provided for all projects where a scoping report has been submitted (a 'Tier 2' project). The Inspectorate recommends that this approach is adopted.

Environmental Statement - Appendices

ES paragraph 5.104 says "*Piling methods are likely to utilise both vibro and percussive techniques for different elements of the proposals. The extent of likely piling required is set out in Appendix 5.1. The EIA process will have [sic] considered each of these alternatives assuming the worst case for each relevant topic.*"

Although it is clearly stated as being part of the ES, Appendix 5.1 on piling methods was omitted from the documents submitted to the Planning Inspectorate on 31 October 2017. The Applicant should provide this document to the Inspectorate and ensure that it is included for consultation in accordance with Regulation 13 of the EIA Regulations 2009.

Environmental Statement – Figure 10.13

To enable its publication on the Planning Inspectorate's website, the Applicant is requested to resubmit figure 10.13 omitting sensitive environmental information.

If you have any further queries, please do not hesitate to contact us.

Yours sincerely

Robert Ranger

Robert Ranger
Case Manager

Direct line: 0303 444 5042

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

