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Your ref: **TR030003**

Our ref:
Tilbury 2

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By email to: tilbury2@pins.gsi.gov.uk

Dear Sir/Madam

Proposed Port Terminal at Former Tilbury Power Station – Tilbury2

Thank you for the opportunity to comment on the Environmental Statement for the Tilbury2 development.

We note that this is a new port facility alongside the existing Port of Tilbury, which will involve the extension of existing jetty facilities and dredging in the River Thames. On this occasion we are content that any navigation safety concerns can be addressed by suitably worded conditions at the formal marine licence stage. We would expect to see consideration given to any potential impact the construction works may have on vessels operating in the area and proposed risk mitigation measures.

As the development includes an extension of the existing jetty, we would expect the developers to notify the UK Hydrographic Office for consideration of updates to nautical charts and publications. The local MCA Marine Office and HM Coastguard should also be notified of the proposed works.

We note that consultation has taken place with the Port of London Authority with regards to the safety of navigation, and that The Port of Tilbury are updating their Byelaws to regulate matters relating to the 'Port Premises', which is defined as the 'extended port limits' as shown on the harbour limits plan.

The MCA would like to point the developers in the direction of the Port Marine Safety Code (PMSC), as they will need to liaise and consult with the local port authorities to develop a robust Safety Management System (SMS) for the project under this code.

The sections that we feel cover Navigational safety under the PMSC and its Guide to Good Practice are as follows:

From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.7 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

7.7 Regulating harbour works

7.7.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.

7.7.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. Where necessary, consideration should be given to requiring the planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;
- high constructions, which potentially affect wind patterns; and
- lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.

There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable Inland waterways.

Yours faithfully,

Helen Croxson
Navigation Safety Branch