



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

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

Your Ref:

Our Ref: TR030003

Date: 22 January 2018

Dear Sir/Madam

Planning Act 2008 (as amended) – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 6

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')

Appointment of the Examining Authority

I write to you following my appointment by the Secretary of State as the lead member of a Panel which will be the Examining Authority (the ExA - the Panel) to carry out an Examination of the above application submitted by Port of Tilbury London Limited. Other members of the Panel are Dr Mike Ebert C Eng MICE FIC CMC and Max Wiltshire BSc MSc CEng MICE. A copy of the appointment letter can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030003/TR030003-000457-Panel%20APP3%20Appointment%20Confirmation.pdf>

Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting to discuss the Examination procedure and contains a number of supporting annexes. We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when preparing our proposals regarding how we will examine this application.

Date of meeting: Tuesday, 20 February 2018
Seating available from: 9.30am
Meeting begins: 10.00am
Venue: Thurrock Hotel, Ship Lane, Aveley, RM19 1YN

Given the volume and frequency of letters that the Planning Inspectorate needs to send to Interested Parties during an Examination, the Planning Inspectorate aims to communicate with people by email wherever possible, as electronic communication is more environmentally friendly and cost effective for the Planning Inspectorate as a Government agency. If you are able to receive communications by email, please confirm this with us.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about the way in which the application is to be examined. At this stage, the Panel is looking at the procedure, and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

We wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, we strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in **Annex A**. This has been set following our initial assessment of the Principal Issues arising on the application. That assessment is set out in **Annex B**. As a result of this assessment we wish to hear at the meeting from the Applicant, Interested Parties, Statutory Parties and Local Authorities where they consider changes may be needed to the draft timetable set out in **Annex C**.

Up to date information about the project and the Examination can be obtained from:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Tilbury2/>

This is the project website address from which we will make copies of all future communications and Examination documents available to the public. You can use this page to track progress of the Examination and access all relevant documents and correspondence from the links it contains. As the Examination process makes substantial use of electronic documents, it will be useful to become familiar with this resource.

If you wish to receive an email notification when relevant documents and correspondence are published you can register on the project website to do so.

Attendance at the Preliminary Meeting

If you wish to attend the Preliminary Meeting contact Robert Ranger, Case Manager using the details set out at the top of this letter. Please confirm this by **13 February 2018**

It will help the management of the meeting and benefit everyone if you also:

- Tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- Notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides a useful introduction to the Examination process. We will use it to make procedural decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure it is useful to attend the meeting. However, please note that you are not required to attend the Preliminary Meeting in order to participate in the Examination.

If you are an Interested Party you will still be able to make Written Representations and participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Manager of this in writing.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the timetable for the Examination. An audio recording and a note of the meeting will also be published on the project page of the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for compulsory acquisition or temporary possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings (ISH) are at the discretion of the Panel and will be arranged if we feel that consideration of oral representations would ensure an issue is adequately considered. The Panel's initial suggestions for ISH are set out in the draft timetable at **Annex C** with the particular topics indicated, although you will see below that we have made a firm decision to proceed with our first ISH into the draft Development Consent Order (dDCO) the day after the Preliminary Meeting on Wednesday 21 February 2018. In addition, we have decided to hold two Open Floor Hearings after the Preliminary Meeting closes, at the close of the Preliminary Meeting and not before 2:30pm, and 6pm on Tuesday 20 February 2018.

Our Examination will comprise a consideration of Written Representations about the proposal and any oral representations made at the hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters we consider to be relevant and important.

All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

Procedural decisions made by the Panel

The Panel has already made some Procedural Decisions which include the setting of dates and times for two Open Floor Hearings on the afternoon and early evening of the Preliminary Meeting and a first ISH on the dDCO, the day following the Preliminary Meeting. These also include:

- the acceptance into the Examination of errata documents and other documents submitted by the Applicant and representations by some Interested Parties during the pre-Examination.
- Requests for various Statements of Common Ground between the Applicant and named Interested Parties on various subjects.

- The setting of a date for an Accompanied Site Inspection in our draft timetable, with a request to the Applicant to prepare a draft itinerary for this, to be tabled at the Preliminary Meeting.
- A request for the Applicant to provide copies of various plans and diagrams at A3 size, to be made available for the Panel and Interested Parties who wish to participate in the Accompanied Site Inspection.
- An invitation from the Panel to two named 'Other Persons' to attend the hearings and participate in the Examination.

Please read our Procedural Decisions in **Annex E** carefully, alongside the draft Examination timetable in **Annex C**. Some of our Procedural Decisions provide you with the opportunity to take action before the date of the Preliminary Meeting in order to allow you to inform us of your interest in attending and participating in the hearings. The details for these are provided in **Annex E, item 6**. If you have questions on any procedural matters, or on any aspect of these decisions, please attend the Preliminary Meeting. We will give careful consideration to all procedural matters raised there before confirming our timetable and any further procedural decisions for this Examination.

Your status in the Examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected by the application, or are a relevant Local Authority (reference numbers beginning with 20 or TIL2-AFP), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a prescribed consultee (ie body specified in the relevant regulations supporting the PA2008) but have not made a Relevant Representation (reference number beginning with TIL2-SP) you will not automatically be an Interested Party. However, following the Preliminary Meeting, you will have a further opportunity to notify the Planning Inspectorate that you wish to be treated as an Interested Party.

If you are not an Interested Party or a prescribed consultee (that is, a body specified in the relevant regulations supporting the PA2008), you have received this letter because we wish to invite you to the Preliminary Meeting as an 'Other Person' because it appeared to us that the Examination could be informed by your participation. 'Other Persons' have a reference number beginning with TIL2-OP

If you are not sure whether you are an Interested Party, please contact the Case Manager using the details at the top of this letter. Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate Advice Note 8 Series on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice->

[notes/](#)

Award of Costs

We also draw your attention to the possibility of the Award of Costs against Interested Parties who behave unreasonably. You should be aware of the relevant cost guidance “Awards of costs; examinations of applications for development consent orders” which applies to National Infrastructure projects. This guidance is available at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Management of Information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the Panel) and any record of advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Tilbury2/>

All Examination documents can also be viewed electronically at the locations listed in **Annex D**.

The privacy of any other personal information has been protected in accordance with the Planning Inspectorate’s Information Charter.

We look forward to working with all parties in the Examination of this application.

Yours faithfully

Lillian Harrison

Dr Lillian Harrison MRTPI MCIWM

Lead Member of the Panel of Examining Inspectors

Annexes

- A** Agenda for the Preliminary Meeting
- B** Initial Assessment of Principal Issues
- C** Draft timetable for the Examination of the application
- D** Availability of Examination documents
- E** Initial Procedural decisions made by the Examining Authority

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.

Agenda for the Preliminary Meeting

Date: Tuesday 20 February 2018

Registration open from: Time (09:30am)

Meeting Start Time: Time (10:00am)

Venue: Thurrock Hotel, Ship Lane, RM19 1YN

09.30am	Registration opens
Item 1 (10.00am)	Welcome and introductions
Item 2	The Examining Authority's (The Panel's) remarks about the Examination process
Item 3	Initial Assessment of Principal Issues – see Annex B
Item 4	<p>Draft Timetable – see Annex C:</p> <p>Deadlines for submission of:</p> <ul style="list-style-type: none"> • Written Representations • Local Impact Reports • Responses to the Panel's Written Questions • Statements of Common Ground (SoCGs) • Responses to the Report on the Implications for European Sites (RIES)(if one is necessary) • Responses to the Panel's draft Development Consent Order (dDCO) or the Panel's schedule of suggested changes to the Applicant's last submitted version of the dDCO (if either is necessary) • Notifications relating to hearings • Procedural requests relating to any of these timetable items that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting
Item 5	An update on progress regarding the preparation and agreement of SoCGs (from the Applicant and Interested Parties)
Item 6	<p>Proposed additions to the timetable for the deadline for receipt of the following documents from the Applicant:</p> <ul style="list-style-type: none"> • Updated chapters of the Environmental Statement and associated appendices and plans to incorporate consideration of cumulative and in-combination impacts effects arising from the Proposed Development together with the Lower Thames Crossing and Tilbury Energy Centre • The written details of the proposed off-site ecological mitigation/compensation scheme (the Ecological Mitigation and

	Compensation Plan)
Item 7	<p>Hearings and Accompanied Site Inspection (ASI):</p> <ul style="list-style-type: none"> • Date of ASI and draft proposals for the ASI to the application site and surrounding areas • Date(s) of Issue Specific Hearing(s) on draft Development Consent Order • Date and times of first round of Open Floor Hearings and other date(s) reserved for further Open Floor Hearing(s) • Dates reserved for other Issue Specific Hearings • Dates reserved for Compulsory Acquisition Hearing(s) • Procedural requests relating to these items that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting
Item 8	Any remaining submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting.
Item 9	Any other matters
	Close of the Preliminary Meeting

Please note: Please be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the Panel. The Panel will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time the Panel may change the order of the agenda items and may introduce a break in the proceedings.

Initial Assessment of Principal Issues

This is the Initial Assessment of the Principal Issues arising from an initial consideration by the Examining Authority (the Panel) of the application documents and Relevant Representations received. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters in reaching a recommendation after the Examination is concluded. The identified Principal Issues are listed in alphabetical order and should not be taken to imply an order of importance.

The policy and consenting requirements and documents associated with the Planning Act 2008 (PA2008) are an integral part of the Examination and are therefore not set out as separate Principal Issues. In addition, it should be noted that a number of these Principal Issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

- **Air Quality**

- Whether the assessments sufficiently consider all long term effects upon air quality including those from ships, dredgers and tugs manoeuvring in the river as well as when they are stationary at the port, unloading or loading;
- The extent to which the proposed development would impact on air quality and health in the vicinity of the Proposed Development; and
- Suitability of proposed monitoring and compensation measures given the permanent nature of the Proposed Development.

- **Biodiversity, Ecology and Natural Environment**

- The impact of the proposed development on nature conservation interests, including habitats, species, and European, nationally and locally designated sites, including in-combination and cumulative effects;
- Permanent adverse effects upon known interests within Local Wildlife Sites, including rare or scarce plants, lichens, invertebrates and declining bird species; and
- Appropriateness of the proposed monitoring, mitigation and compensation measures, given the lack of information in respect of compensatory habitat provisions.

- **Contaminated Land and Waste**

- Whether the Applicant's proposals for dealing with contaminated land and contaminated dredgings are sufficiently robust and deliverable, including how the management of the material arising would be controlled through the dDCO; and
- The availability of suitable, sufficient waste management facilities to accommodate all of the waste arisings, in combination with other plans and projects .

- **Compulsory Acquisition**
 - Whether there is a compelling case in the public interest for all plots of land proposed to be subject to compulsory acquisition;
 - Whether the proposed temporary possession of land is justified for the time scales sought;
 - The extent to which any public open space or common land or rights over them would be acquired or restrictive covenants would be imposed on them, and whether adequate alternative provision can be made; and
 - The Applicant's ability to meet the potential compensation requirements associated with the exercise of compulsory acquisition and temporary possession powers.

- **Construction**
 - Effects upon sensitive receptors (including the marine environment) during engineering works including piling;
 - Whether the Construction Environmental Management Plan and Construction Traffic Management Plan would provide sufficient control minimising environmental effects upon nearby receptors and managing/implementing suitable sufficient mitigation during the construction phase.

- **Cumulative and Combined Impacts**
 - Whether the application sufficiently considers all nearby projects in its assessment of cumulative and combined effects, especially whether the Lower Thames Crossing, and Tilbury Energy Centre, have been assessed in-combination and cumulatively with the Proposed Development; and
 - Whether there is any overlap or conflict in land use between land within the Applicant's proposed Order Limits and the Lower Thames Crossing/Tilbury Energy Centre proposals or any other nearby project.

- **Draft Development Consent Order (dDCO) Matters**
 - Whether the wording in the dDCO would achieve the objectives sought, including providing mitigation through requirements, protective provisions and a deemed marine licence; and
 - Whether all of the works proposed are adequately covered and justified within the dDCO, and the limits of deviation and dimensions of the various elements of the Proposed Development are adequately described and secured within the dDCO.

- **Dredging and Navigation**
 - Environmental effects upon the marine environment from the proposed dredging including the release of contaminants;
 - Whether the effects arising from dredging could be adequately mitigated through articles within the dDCO and deemed marine licence conditions and/or waste permitting regimes; and

- Effects from the construction phase upon river borne interests including navigational safety, maintaining navigational waters clear for shipping and recreational users of the river.
- **Engineering and Design**
 - Whether the Proposed Development would be the most appropriate measure to meet the needs identified in the National Policy Statement for Ports;
 - The extent to which the design meets the requirements for good design identified in the National Policy Statement for Ports;
 - The extent to which the engineering design (including mitigation measures) has been agreed with the s43 local authorities impacted by the Proposed Development.
 - The extent to which the engineering design (including mitigation measures) has been agreed with RWE Generation UK Plc with regard to effect on the proposed Tilbury Energy Centre.
- **Habitat Regulations Assessment (HRA)**
 - Whether the Applicant's HRA considers all potential effects upon internationally designated sites arising from the Proposed Development as well as in-combination effects with Tilbury Energy Centre and the Lower Thames Crossing.
- **Health**
 - The effect of the construction phase on health;
 - The effect of the operational phase on health;
 - Whether a full Health Impact assessment is required as requested by Thurrock Council; and
 - Whether all potential cumulative effects on health have been assessed.
- **Historic Environment**
 - The impact of the Proposed Development on heritage assets and its impact upon the setting of Tilbury Fort (Scheduled Monument); and
 - Suitability of proposed mitigation measures.
- **Landscape and Visual Impacts**
 - The impact of the Proposed Development on the character and appearance of the landscape;
 - The visual impact of the Proposed Development upon sensitive receptors in West Tilbury, the River Thames and on the river front at Gravesend; and
 - Whether the proposed mitigation measures are sufficiently robust for both short term and long term effects.

- **Noise and Vibration**

- The extent to which the Proposed Development would result in increases in levels of noise and vibration for sensitive receptors; and
- Whether the assessments sufficiently consider all long term effects of noise, including those from those from all operational plant and equipment, both fixed and moving.
- Whether the assessments sufficiently consider all effects of noise from piling, dredging and other construction phase activities.
- Suitability of proposed monitoring and mitigation measures given the permanent nature of the Proposed Development.
- Effectiveness of proposed noise barriers in reducing noise levels; and
- Adequacy of Operational Management Plan in securing reduction in noise arising from day to day operation of the site.

- **Policy and Objectives**

- Whether the Proposed Development, as set out in the Applicant's dDCO is consistent with policy set out in the National Policy Statement for Ports, local plan documents for the host authority and some of the neighbouring authorities, including the Thurrock Core Strategy, the Essex and Southend-on-Sea Waste Plan, the National Planning Policy Framework and its associated guidance, the Marine Policy Statement and any other policy documents to the extent that they are relevant;
- Whether the Outline Business Case provides sufficient justification for a new Ro-Ro port at this location, including how the new facility would interact with existing levels of freight traffic and port facilities; and
- Whether the application documents provide sufficient justification for a new Construction Materials and Aggregates Terminal (CMAT) at this location.

- **Socio-economic Impacts**

- The extent to which the Proposed Development would result in any socio-economic benefits or dis-benefits in terms of the national or local economy.

- **Transportation and Traffic**

- Means and effects of transporting construction materials and personnel to site and waste arisings (including dredging) off-site;
- The extent to which the Proposed Development would change traffic flows on roads in the surrounding area to the detriment of convenience and road safety;
- The effects of the Proposed Development upon the rail network;
- Whether the Environmental Statement sufficiently considers the effects upon the safety or convenience of non-motorised forms of travel (including severance or other disruption to public rights of way and associated mitigation).

- **Water Quality, Flood Risk and Water Framework Directive (WFD)**
 - Whether the flood risk modelling work undertaken is sufficient to identify areas, locations and buildings that would be at risk of increased flooding and whether all of the proposed culverts were included within the modelling;
 - Whether the proposed drainage strategy sufficiently considers whether East Tilbury Dock Sewer could accommodate any additional water flows that may arise;
 - How would the need to raise existing flood defences be secured within the dDCO;
 - The omission from the WFD Assessment consideration of priority hazardous substances; and
 - Whether the effects of capital and maintenance dredging and the in-combination effects with the proposed Tilbury Energy Centre have been assessed sufficiently in respect of effects upon water quality.

Draft timetable for the Examination of the application

The Examining Authority (the Panel) is under a duty to complete the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Panel's Examination of the application primarily takes the form of the consideration of written submissions. The Panel will also consider any oral representations made at Hearings.

Item	Matters	Due Dates
1	Preliminary Meeting	Tue 20 February 2018 10.00am Thurrock Hotel, Ship Lane, RM19 1YN
2a.	Open Floor Hearing (OFH) (afternoon)	Tue 20 February 2018 commencing on the close of the Preliminary Meeting and not before 2.30pm Thurrock Hotel, Ship Lane, RM19 1YN
2b.	OFH (evening)	Tue 20 February 2018 6.00pm Thurrock Hotel, Ship Lane, RM19 1YN
3.	Issue Specific Hearing on the Draft Development Consent Order (dDCO)	Wednesday 21 February 2018 10.00am Thurrock Hotel, Ship Lane, RM19 1YN
4.	Rule 8 Issue by the Panel of: <ul style="list-style-type: none"> • Examination Timetable • The Panel's First Written Questions (FWQs) • Notification of Hearings and Accompanied Site Inspection (ASI) to be held in April 2018 	Tuesday 27 February 2018

5.	<p>Deadline 1</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) • Summaries of all RRs exceeding 1500 words • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Reports from any Local Authorities • Statements of Common Ground (SoCG) requested by the Panel – see Annex E • Responses to the Panel's FWQs • Comments on Applicant's updated application documents • Responses to any further information requested by the Panel in the February ISH on the dDCO and the OFHs • Post hearing submissions including submissions of oral case • Notification of wish to speak at a Compulsory Acquisition Hearing • Notification of wish to make oral representations at the next Issue Specific Hearing on the dDCO or ISH on environmental and/or socio-economic issues • Notification of wish to speak at any future Open Floor Hearing • Notification of wish to attend the Accompanied Site Inspection (or a part of it) which is to be held on 17 April 2018 	Tuesday 20 March 2018
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	<ul style="list-style-type: none"> Notification by statutory parties of wish to be considered an Interested Party 	
6.	<ul style="list-style-type: none"> Notification by the Panel of April 2018 Hearings Notification by the Panel of site inspection to be held in the company of interested parties on 17 April 2018 <p>Unless these notifications were undertaken in the Rule 8 letter to be issued by the Panel on 27 February 2018</p>	Wednesday 28 March 2018
7.	<p>Deadline 2</p> <p>Deadline for receipt by the Panel of:</p> <ul style="list-style-type: none"> Comments on WRs and responses to comments on RRs Comments on Local Impact Reports Comments on responses to FWQs Revised draft DCO from Applicant Responses to any further information requested by the Panel 	Wednesday 4 April 2018
8.	Publication by the Panel of agendas for April 2018 Hearings and Accompanied Site Inspection itinerary	Tuesday 10 April 2018
9.	Accompanied Site Inspection	Tuesday 17 April 2018
10.	Issue Specific Hearings on Landscape and Visual Impact; Heritage; Biodiversity; Dredging and Navigation; Noise; Air Quality and other Planning Policy, Socio-economic, and other Environmental Issues	Wed 18 April and Thursday 19 April 2018
11.	Day reserved for Compulsory Acquisition Hearing (if required)	Friday 20 April 2018
12.	<p>Deadline 3</p> <p>Deadline for receipt of:</p>	Monday 30 April 2018

	<ul style="list-style-type: none"> • Responses to any information requested by the Panel • Post hearing submissions including written submissions of oral cases • Revised draft DCO from Applicant (if required) 	
13.	<p>Publication by the Panel of:</p> <ul style="list-style-type: none"> • The Panel's Second Written Questions (SWQs)(if required) 	Tuesday 8 May 2018
14.	<p>Deadline 4</p> <p>Deadline for the Receipt of: -</p> <ul style="list-style-type: none"> • Responses to the Panel's SWQs (if required) • Comments on any information previously requested by the Panel • Comments on any information submitted by the Applicant or Interested Parties/Affected Persons 	Tuesday 22 May 2018
15.	Notification by the Panel of June ISHs, OFH and CAH (if required)	Tuesday 29 May 2018
16.	Publication by the Panel of Agendas for June Hearings (if required)	Tuesday 12 June 2018
17.	Date reserved for an Issue Specific Hearing on outstanding Environmental, Planning Policy and Socio-economic issues	Tuesday 19 June 2018
18.	Date reserved for Compulsory Acquisition Hearing (morning)	Wednesday 20 June 2018
19.	Date reserved for final Open Floor Hearing (afternoon)	Wednesday 20 June 2018
20.	Date reserved for Issue Specific Hearing on the draft DCO	Thursday 21 June 2018
21.	<p>Deadline 5</p> <p>Deadline for receipt of:</p>	Thursday 28 June 2018

	<ul style="list-style-type: none"> • Applicant's revised draft DCO • Responses to any information requested by the Panel • Post hearing submissions including written submissions of oral cases 	
22.	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to the Panel's SWQs (if required) • Comments on responses on further information requested by the Panel • Comments on responses on post hearing submissions including written submissions of oral case 	Friday 6 July
23.	<p>Publication by the Panel of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) (if required) 	Friday 13 July 2018
24.	<p>Publication by the Panel of:</p> <ul style="list-style-type: none"> • The Panel's draft DCO, or the Panel's schedule of proposed changes to the Applicant's most recently submitted version of the dDCO (if required) 	Friday 13 July 2018
25.	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on the Panel's dDCO or the Panel's schedule of proposed changes (if either was required) • Comments on the RIES (if one was prepared) • Responses to information requested by the Panel 	Friday 3 August 2018
26.	Time reserved for issue by the Panel of:	Friday 3 August 2018

	<ul style="list-style-type: none"> Any information requests under Rule 17 (if required) 	
27.	<p>Deadline 8</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> Responses to comments on the Panel's draft DCO or schedule of proposed changes (if one was required) Responses to comments on the RIES (if one was prepared) Responses to information requested by the Panel Final dDCO to be submitted by the Applicant in the SI template with the SI template validation report 	Thursday 16 August 2018
28.	The Panel is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	Monday 20 August 2018

Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be afforded a unique reference. These references will be used by the Panel during the Examination.

Hearing Agendas

Please note that the Panel will aim to publish a detailed draft agenda for each hearing on the project website at least five working days in advance of the hearing date; but the actual agenda on the day of each hearing may be subject to change at the discretion of the Panel.

Report on the Implications for European Sites (RIES)

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DCO application, the Panel may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the Panel on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of

enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the Panel's opinion on HRA matters. Comments on the RIES will be invited by the Panel and any received will be taken into account as part of the Panel's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations and/ or Regulation 28 of the Offshore Marine Regulations.

Availability of Examination documents

All application documents including Relevant Representations and application documents are available on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/tilbury2>

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each procedural decision made by the Panel.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. **Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.**

Documents can be viewed electronically at the following locations. Please note that you may need to bring a form of ID to use the computer at these locations.

Electronic Deposit Locations:

Library/ Address		Opening Hours
Tilbury Library Tilbury Hub Civic Square Tilbury RM18 8AD (With free library membership)		Monday, Wednesday and Friday 10.00am – 5.00pm Saturday: 10.00am to 1.00pm Tuesday, Thursday and Sunday – Closed
Printing Costs	Black and White	Colour
A4	30p	30p

Library/ Address		Opening Hours
Gravesham Civic Centre Windmill Street Gravesend Kent DA12 1AU		08.30am – 5.00pm Monday to Friday
Printing Costs	Black and White	Colour
A4	10p	N/A

If you have difficulty accessing any documentation please contact the Planning Inspectorate's case team using the details provided at the top of this letter.

Procedural Decisions made by the Examining Authority (ExA – the Panel)

The Panel has made the following procedural decisions under Section 89(3) of the PA2008:

1. The Acceptance of Material Submitted by the Applicant and Interested Parties (other than Relevant Representations) during the Pre-Examination Period

- The Applicant's Errata Explanation Table with the associated updated/amended plans, diagrams and other documents;
- A covering letter of response from the Applicant, with the Errata documents and responding to the Section 51 advice issued by PINS on the 21 November 2017. The letter was incorrectly dated as 1 November 2017, when it was sent on the 28 November 2017; and
- Additional submissions/late representations from:
 - London Borough of Bexley
 - Maritime and Coastguard Agency;
 - Anglian Water Services Limited;
 - Cadent Gas Limited;
 - A.N. Jones; and
 - West Tilbury Commons Conservators; and
 - Dr Mark G Telfer.

2. Statements of Common Ground (SoCGs)

In relation to some of the Principal Issues identified in **Annex B**, the Panel would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft timetable for the Examination therefore provides a deadline for submission of SoCGs. This is **Deadline 1 – Wednesday 21 March 2018**. However, the Panel would welcome the submission of as many SoCGs as possible at least a week prior to the Preliminary Hearing (even if these are at a draft state of preparation) so that they can be published on the Tilbury2 project pages of our website.

If formally accepted into the Examination, Interested Parties will be invited to comment on the draft SoCGs and any other documents that might be referred to in the Preliminary Meeting, as part of their representations to **Deadline 1 (21 March 2018)**.

The aim of a SoCG is to agree factual information and to inform the Panel and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant interested party or parties, and submitted by the Applicant.

All parties are encouraged to use the Pre-Examination period and the period leading up to any programmed written submissions and hearings to reach as much consensus as possible and to be clear on any disagreements that remain.

SoCGs should identify clearly where relevant the matters of fact, baseline data, methodology, assumptions, assessments of effects and mitigation or compensation measures on which there is agreement between the Applicant and the party or parties concerned. SoCGs involving more than one Interested Party can be helpful but the Panel does not wish to create barriers to agreement. Where SoCGs are requested between the Applicant and an Interested Party on more than one subject, it is expected that these would be combined into one document.

It would be of assistance to the Examination for the Applicant to provide within each submitted SoCG a table which identifies the matters which are agreed and those matters which remain at issue between the parties to the SoCG. The Applicant is requested to update those tables during the Examination to reflect any additional agreement achieved, and which may then be included within the Panel's report to the Secretary of State for Transport.

The Interested Parties with whom the Panel would wish to see SoCGs concluded with the Applicant are set out below. This list is not exclusive or exhaustive, and the Examination may benefit from SoCGs between the Applicant and other parties, and on other issues, as it proceeds. Some of the Interested Parties identified under the various principal issues may only have an interest in some of the topics identified, however the Panel would welcome SoCGs in this event as well as with Interested Parties who can agree matters on all of the aspects of the principal issue identified.

The following SoCGs are requested to be prepared.

- In respect of **Air Quality** between the Applicant and:
 - Thurrock Council;
 - Gravesham Council; and
 - Essex County Council

Including: baseline monitoring; air quality assessment methodologies, results and conclusions including effects upon existing Air Quality Management Areas.

- In respect of **Biodiversity, Ecology and Natural Environment** between the Applicant and:
 - Natural England;
 - Environment Agency;
 - Marine Management Organisation; and
 - Bug-life

Including: the submitted Habitats Regulations Assessment and screening matrices; identification of relevant nature conservation sites and species assessments for baseline monitoring, effects upon biodiversity interests, mitigation and compensatory measures proposed including progress on the Applicant's proposed Ecological Mitigation and Compensation Plan; the need for protected species licences and the likelihood of these being granted.

- In respect of **Construction** between the Applicant and:
 - Thurrock Council;
 - The Marine Management Organisation;
 - Port of London Authority;
 - Highways England; and
 - The Environment Agency

Including: the commitments within the Construction Environmental Management Plan to minimise effects upon nearby sensitive receptors and other mitigation measures and how they are secured in the dDCO.

- In respect of **Contamination and waste** between the Applicant and:
 - The Environment Agency
 - Thurrock Council
 - Essex County Council

Including: the quantities and types of waste likely to arise during the construction phase; likely waste management and disposal options for each waste stream (including the name of the waste management site or sites and their ability to accept the likely volumes and types of waste arisings; the percentage of waste arisings to be transported off-site by river and the likelihood of the need for (and grant of) a permit for the treatment of contaminated soils within the Order limits.

- In respect of **Dredging and Navigation** between the Applicant and:
 - The Marine Management Organisation;
 - The Environment Agency; and
 - The Port of London Authority;

Including: effects upon existing users or the river and nearby wharves from the construction and use of the new jetties and associated development. The control mechanisms in the dDCO and Deemed Marine Licence for controlling dredging; effects upon the marine environment from the potential release of contamination during dredging activities associated with jetty construction and deepening of the berthing areas, and their on-going maintenance; the need for marine licenses and the likelihood of those licenses being granted during the Examination period.

- In respect of **Health** between the Applicant and:
 - Public Health England

Including: the effects of the Proposed Development upon human health from any changes in noise and vibration levels and increased levels of NO₂ and PM₁₀.

- In respect of **Historic Environment** between the Applicant and:
 - Historic England;
 - English Heritage; and
 - Marine Management Organisation

Including: effects upon nearby existing features of historic interest (both designated and undesignated) and the effects of the development upon the setting of Tilbury Fort and other nearby Scheduled Monuments. The effectiveness of the written schemes of investigation for archaeological monitoring and recording and mitigation proposed in relation to effects upon the setting of Tilbury Fort.

- In respect of **Landscape and Visual Impacts** between the Applicant and
 - Thurrock Council;
 - Gravesham Council;
 - Essex County Council; and
 - Kent County Council.

Including: baseline monitoring, visual and landscape assessment methodologies, results and conclusions including effects at locations where a significant visual impact would occur during either the construction or the operational phase.

- In respect of **Noise and Vibration** between the Applicant and:
 - Thurrock Council
 - Gravesham Borough Council
 - Historic England (in relation to Tilbury Fort)
 - English Heritage Trust (in relation to Tilbury Fort)

Including:

- baseline monitoring, noise assessment methodologies, results and conclusions.
- Adequacy of noise and vibration mitigation proposals during:
 - i. Construction phase;
 - ii. Operational phase
- In respect of **Socio-economic Impacts** between the Applicant and
 - Thurrock Council;
 - Essex County Council;
 - Kent County Council

Including: baseline data, methodology for assessing socio-economic effects upon local communities and wider economies; results and conclusions.

- In respect of **Transportation and Traffic** between the Applicant and:
 - Thurrock Council;
 - Essex County Council;
 - Highways England;
 - London Gateway Port Limited.

Including: Baseline data and traffic modelling and assessments of increased traffic arising from the development; effects upon the road network in Thurrock and neighbouring authorities including in-combination effects with the Lower Thames Crossing; capacity of the existing rail networks to provide the necessary train paths to accommodate the proposed train movements from both the Proposed Development and London Gateway Port as well as existing commitments.

- In respect of **Water Quality, Flood Risk and Water Framework Directive Assessments** between the Applicant and:
 - The Environment Agency;
 - The Marine Management Organisation;
 - Thurrock Council.

Including: the sufficiency of the drainage strategy and whether all relevant baseline data and methodologies have been utilised in the assessments. The conclusions in the Environmental Statement, Flood Risk Assessment and Water Framework Directive Assessment; implications of the Proposed Development upon drainage, water quality, flood risk issues and climate change effects including how to secure sufficient mitigation within the dDCO and the Deemed Marine Licence.

3. Accompanied Site Inspection

The draft timetable in **Annex C** allocates **Tuesday 17 April 2018** as the date on which the Panel proposes to carry out an inspection of the application site and the surrounding area, accompanied by Interested Parties. The Interested Parties attending the site inspection will include representatives from the Applicant's company and the relevant local authorities, together with other Interested Parties (or their representatives). It may be necessary to limit the numbers of persons who accompany the Panel for logistical and safety reasons, but it should be possible for arrangements to be made for Interested Parties (or their representatives) to join the inspection at specified locations within the itinerary.

The Applicant is requested to prepare a draft itinerary for the Accompanied Site Inspection which includes the locations at which the most significant effects of the proposed scheme would occur; to be tabled at the Preliminary Meeting. The itinerary should include those locations where the most significant impacts in terms of changes in noise and

vibration, air quality, visual intrusion, biodiversity, water quality, traffic and land-take would fall on the receptors identified in the Environmental Statement.

In addition to the Accompanied Site Inspection, the Panel will carry out unaccompanied inspections of the application site and surrounding area before and during the Examination. These visits will enable the Panel to view any locations which are not included within the itinerary for the accompanied inspection, but only when such locations can be accessed from public highways or footpaths.

4. Plans

To assist the Panel during the Accompanied Site Inspection, the Applicant is requested to reproduce the Location Plan, the Land Plans, the Works Plans and the Rights of Way and Access Plans and the Site Location and Relevant Ecological Designations Plan (Fig 10.1) as A3 documents. Copies of the A3 reproductions of the plans should be made available for Interested Parties who wish to take part in the accompanied site inspection.

5. Invitation to Other Persons

Under s88(3) of the PA2008 and Rule 6(1) of the Examination Procedure Rules, the Panel is able to invite 'Other Persons' to attend the hearings and participate in the Examination. The Panel has decided to invite the following to become 'Other Persons':

- Mr I Keys; and
- Currie and Brown.

6. Decision to Hold an Issue Specific Hearing on the Draft Development Consent Order and two Open Floor Hearings in February 2018.

In order to utilise resources prudently, and to expedite the Examination process, the Panel has decided to hold an Issue Specific Hearing into the draft Development Consent Order at 10.00am on the day following the Preliminary Meeting (Wednesday 21 February 2018) as well as two Open Floor Hearings on the afternoon and early evening on the day of the Preliminary Meeting (commencing at the close of the Preliminary Meeting and not before 2.30pm and 6.00pm on Tuesday 20 February 2018). All of these hearings will be held at the Thurrock Hotel, Ship Lane, RM19 1YN. If you require to participate in the ISH on the dDCO, or in one of these Open Floor Hearings, please inform Robert Ranger, Case Manager before 13 February 2018. In the interests of fairness to all Interested Parties, the Panel may decide to limit the time allocated to each Interested Party to speak in the Open Floor Hearing, to 5 minutes per person.