



PORT OF
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Robert Ranger
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13 February 2018

Your ref: TR030003
Our ref: PoTLL/T2/EX/31

Dear Robert,

Planning Act 2008

Draft Port of Tilbury (Expansion) Order "Tilbury2"

Response to Examining Authority's Rule 6 Letter

Further to the Examining Authority's letter of 22 January 2018 issued pursuant to Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) ('the Rule 6 Letter'), this letter sets out Port of Tilbury London Ltd's (PoTLL) responses to the various matters contained within it.

1. Attendance

1.1 PoTLL confirms that it will attend the Preliminary Meeting, Open Floor Hearings and the Issue Specific Hearing on the Development Consent Order scheduled for 20 and 21 February. As has been indicated in correspondence between our legal advisers Pinsent Masons and your colleague Louise Evans, all necessary practical arrangements are being put in place to ensure that these hearings are able to take place in an effective manner.

2. Response to Relevant Representations and Preliminary Meeting Agenda

2.1 In order to facilitate discussions at the Preliminary Meeting and aid the Examining Authority in settling its First Written Questions, PoTLL is preparing a document setting out its comments on, progress with and response to the matters raised in the relevant representations submitted by Interested Parties (Document Reference PoTLL/T2/EX/32). This document will be submitted tomorrow, 13 February.

2.2 In particular this document will set out PoTLL's view on the matter raised at Item 6 of the Preliminary Meeting agenda (Annex A to the Rule 6 Letter) and



also raised in the Principal Issues set out in Annex B to the Rule 6 letter - namely the consideration of cumulative and in-combination impact effects arising from the Tilbury2 proposals together with the Lower Thames Crossing and Tilbury Energy Centre. In summary, it sets out consideration of relevant timelines, approach to assessment, available information and proposed assessment within the subsequent NSIP projects. PoTLL anticipates also making submissions on this issue at the Preliminary Meeting.

- 2.3 The document also seeks to provide more initial detail on PoTLL's plans for off-site ecological compensation, again in light of the Preliminary Meeting agenda and the Principal Issues. As indicated in that document, negotiations with landowners for potential compensation sites have been and continue to be progressed. As such, PoTLL can confirm that it is aiming to submit the Ecological Mitigation and Compensation Plan anticipated in the Environmental Statement by Deadline 1, but this may need to be revisited depending on the progress made with related land negotiations.
- 2.4 It should be noted that the response document will also include a number of appendices, which provide supporting evidence and greater detail on some of the responses set out and explained within the document.

3. **Draft Examination Timetable**

- 3.1 PoTLL has considered the Examining Authority's suggested Examination timetable set out at Annex C to the Rule 6 Letter in the context of PoTLL's publicity obligations under Rule 13 of the Infrastructure Planning (Examination Procedure) Rules 2010. Hearing Notices for the Examination under Rule 13 are proposed to be published in the *Gravesend Messenger* and *Thurrock Gazette*. These newspapers publish on a Tuesday and Thursday respectively, and require the text of the notice to be with the publishers by the Thursday of the week before the week of publication.
- 3.2 In this context, PoTLL makes the following comments, and also suggestions for amendments to the timetable, before its confirmation in a Rule 8 Letter:

- In relation to the April hearings, it is noted that one of the hearings is on Wednesday 18 April. To ensure 21 clear days' notice of this hearing and the associated hearing the next day, PoTLL would need details of the hearing date, time and place, by 14 March 2018 to enable these external deadlines to be met.
- If the proposed June hearings were to take place on Tuesday 19 and Wednesday 20 June, PoTLL would need to be notified by 17 May 2018 to meet the deadlines indicated above. We would suggest that notifications for these hearings would therefore need to be moved to 16 May to facilitate this.

However, PoTLL appreciates that the Examining Authority may want to wait until after Deadline 4 to determine if the hearings are necessary, but

at the same time considers that it would not be practicable for the period between Deadline 3 and Deadline 4 to be reduced. In addition, we would also like to add that PoTLL's ecology witness is not available in the week commencing 18th June due to another planning inquiry he is already committed to.

PoTLL therefore suggests that the hearings may need to be provisionally planned to be held later than currently anticipated. If the Examining Authority's notification of hearings was received on 29 May 2018, the earliest a hearing could take place after the placing of a Rule 13 notice would be 21 June 2018, and so we suggest that the June hearings may need to be re-arranged accordingly.

We would also suggest from a practical perspective some other more general amendments to the timetable for consideration:

- We note that paragraph 55 of the MHCLG Guidance on examinations suggests that *“Interested parties will usually be given not less than 21 days to submit their comments on the local impact report to the Examining Authority, starting from the day after the local impact report is made available on the National Infrastructure Planning website.”* However, Deadline 2 within the draft timetable is 14 calendar days from Deadline 1, the date on which Local Impact Reports are due to be submitted. PoTLL recognises that this is partly due to the April hearing dates following soon after this deadline, meaning the full 21 clear days suggested by the guidance will not be possible in order for the hearing agendas to be able to be released a week before the hearings.

However, as a middle ground between these positions, PoTLL would suggest that the hearing agenda release date could be pushed back to Wednesday 11 April, and that Deadline 2 could either be 11.59am on Friday 6 April or Monday 9 April 2018.

- We query whether there needs to be a formal submission of the Accompanied Site Inspection plans that have been requested, or would it be acceptable for these to be provided on the day of the Inspection?
- Deadline 8 of the draft timetable provides for responses to the Examining Authority's draft DCO to be on the same day as the Applicant submits its final version of the draft DCO. We suggest that comments on the Examining Authority's draft DCO should be submitted by Deadline 7, so the Applicant can take them into account in submitting its final version of the draft DCO at Deadline 8.
- For clarity, we suggest that all references to 'Post-Hearing Submissions' or any requests for information (whether by Rule 17 or otherwise) requested by the Panel within the timetable should refer back to the hearing or deadline to which the subject submissions relate.

4. **Statements of Common Ground**

- 4.1 PoTLL has been in discussions with stakeholders for some time in order to progress draft Statements of Common Ground (including tables setting out those matters which are agreed, disagreed, or under discussion) and following the issue of item 2 of Annex E to the Rule 6 letter, has been working towards submitting such drafts to the Examination prior to the Preliminary Meeting, or where this has not been possible, by Deadline 1.
- 4.2 As such, we anticipate submitting tomorrow a Statements of Common Ground Report (Document Reference PoTLL/T2/EX/33). This report will append all Statements of Common Ground that have reached a position such that they can be submitted at this time, and will sets out, with reference to Annex E, the full list of Statements of Common Ground that are currently being negotiated; and the topics which they cover.

5. **Accompanied Site Inspection**

- 5.1 With reference to item 3 of Annex E to the Rule 6 Letter, PoTLL suggests the following timetable for the Accompanied Site Inspection currently timetabled for 17 April 2018:

Time	Location
08.15	Pick up from Tilbury Station
08.15– 08.45am	Visit to Asda Roundabout (parking at Asda) (<i>traffic impact</i>)
08.45am - 09.30am	Safety Briefing and Introduction to existing Port
09.30-11.30am	Accompanied inspection of the existing Port of Tilbury facility and operation; boat transport on river from Port of Tilbury to Tilbury2 and drop off at Cruise Terminal
11.30am- 12.30pm	Walk out to Tilbury2 along riverside path, followed by site visit to Tilbury Fort
12.30pm	Return to Cruise Terminal for lunch
1.00pm- 3.00pm	Vehicle/Walking tour of: Fort Road (including Hyundai car compound) Common land including watercourse crossings) Fort Road bridge (including view of Tilbury2) Tilbury2 - all areas of development and mitigation
3.00pm- 4.15pm	Drive through Tilbury Town to visit key noise and air quality receptors – Dock Road, London Road and Sandhurst Road
4.15pm- 5.00pm	Drive back to Cruise terminal and ferry to Gravesend
5.00pm- 5.45pm	Walk along Gravesend Riverside to The Shore and then towards New Tavern Fort
5.45pm- 6.30pm	New Tavern Fort (<i>key heritage receptor</i>) and promenade adjacent to Gravesend Sailing Club/Gravesham Canal

	Basin Regeneration Site (<i>key noise/visual receptor</i>)
6.30pm- 7.00pm	Walk back along Gravesend Riverside, and up High Street to Gravesham Station

- 5.2 We note, however, that this suggested timetable involves many activities in a compressed amount of time, and relies on matters such as appropriate tides being in place, no blockages to the existing port lock, and no delays to a ferry. In PoTLL's experience of organising numerous visits to the existing Port and to Tilbury2, these matters can lead to visits taking longer than expected.
- 5.3 These concerns are also partly a consequence of trying to view two sides of the river on one day. We would therefore suggest that it may be preferable to split the inspection over two days, with one day for each side of the river, so there is more time for the items on either side to be considered.
- 5.4 On the basis of the timetable and itinerary above, PoTLL is in discussions with those parties from whom permission will be required to access land but on the basis of discussions held with these parties to date, PoTLL believes that access is likely to be possible.

If you have any questions on any of these matters, please do not hesitate to contact our legal advisers on matthew.fox@pinsentmasons.com or robbie.owen@pinsentmasons.com.

Yours sincerely



PETER WARD
COMMERCIAL DIRECTOR
PORT OF TILBURY LONDON LIMITED