
RWE Generation UK plc

TILBURY 2 Examination – TR030003

Summary of Written Representation on behalf of Interested Party RWE Generation UK plc

**Submitted at Deadline 1
20 March 2018**

1. This summary relates to the written representation submitted on behalf of RWE Generation UK PLC ("**RWE Generation**") in response to the application by Port of Tilbury London Limited ("**Applicant**") for the Tilbury 2 Development Consent Order ("**Proposed DCO**").
2. RWE Generation is an Interested Party for the purposes of the Tilbury 2 Examination.
3. The proposed Tilbury Energy Centre ("**TEC**") development will be developed on the site of the former Tilbury B power station which adjoins the eastern boundary of the Tilbury 2 Order Limits. The Order Limits of the site of the proposed TEC and Tilbury 2 are almost certain to overlap.
4. RWE Generation's Written Representation outlines the potential for the Tilbury 2 DCO to adversely affect the proposed TEC project.
5. RWE Generation enjoys a number of reserved rights over the Tilbury 2 Order limits relating to access, services, and intake infrastructure on the Jetty. These rights are essential to, and were secured in contemplation of, the TEC project.
6. The draft Proposed DCO does not adequately protect RWE Generation's interests in this regard.
7. RWE Generation's concerns are three-fold:
 - 7.1 The powers sought under parts of Article 3 and Article 4 would enable the Applicant to terminate existing River Works Licences and veto future River Works Licences, and thus potentially frustrate the ability for the TEC project to come forward;
 - 7.2 The compulsory acquisition powers sought within Articles 23 – 41 authorise the extinguishment of property rights benefitting RWE Generation, which are essential for the delivery of the TEC; and
 - 7.3 The protective provisions in favour of Statutory Undertakers (including RWE Generation) at Part 1 of Schedule 10 relate to the protection of existing statutory apparatus but do not extend to cover RWE Generation's concerns.
8. RWE Generation is working with the Applicant towards the conclusion of an agreement to address its concerns. In the event an agreement cannot be concluded before Deadline 4, RWE Generation will seek to promote amendments to the Proposed DCO, and will submit draft protective provisions to the Examining Authority.