
RWE Generation UK plc

TILBURY 2 Examination – TR030003

**Summary of the oral case put forward at the dDCO Issue
Specific Hearing on 21 February 2018**

**On behalf of
RWE Generation UK plc**

**Submitted at Deadline 1
20 March 2018**

1. This submission comprises a summary of the oral submissions made by RWE Generation UK PLC (RWE) at the Issue Specific Hearing on the draft Development Consent Order held on the 21 February 2018. It is submitted at Deadline 1 in accordance with the timetable at Annex C of the Examining Authority's Rule 8 letter dated 26 February 2018.
2. RWE made oral submissions in response to the Hearing's Agenda Item 3, and noted that it is a statutory undertaker for the purposes of the Planning Act 2008 by virtue of it having a s6(1)(a) Electricity Act 1989 electricity generation licence in respect of matters dealt with by question 49, and 90. No specific submissions were made in respect of questions 49 and 90, as relevant matters were held over until its response to the specific question regarding RWE's interest at question 93.

Submission in response to Agenda Item 3

3. At Agenda Item 3, the Examining Authority invited Interested Parties to comment on their main concerns regarding the current draft DCO.
4. RWE have registered as an interested party due to the potential impact of the dDCO to adversely affect its ability to bring forward its project known as Tilbury Energy Centre (TEC) on operational land within its ownership to the immediate east of the Tilbury 2 Order Limits. The proposed TEC development site comprises the former Tilbury B Power Station which is in the process of being decommissioned.
5. TEC is a project registered with PINS as a prospective project being a power station development project that will consist of a combined cycle gas turbine power station with a generating capacity up to 2,500 MW, a peaking plant with a generating capacity up to 299 MW, and energy storage with a capacity of up to 100 MW together with associated development. The TEC project is currently at the informal consultation stage, with a scheduled submission date to PINS by Q4 2018/Q1 2019.
6. RWE's primary concerns with the dDCO are twofold:
 - 6.1 Firstly, to ensure that the existing rights which it enjoys either under the terms of River Works Licences granted pursuant to the Port of London Act 1968, or the subject of negotiated agreement with the Applicant, with the future development of TEC in mind, are preserved by the dDCO. These rights relate to the preservation of access, the identification of a service corridor across the Tilbury 2 site and associated rights, and provisions relating to the existing cooling water intake which sits under the jetty lying within the River Thames at the eastern end of the Tilbury 2 Order Limits, and within the proposed extended harbour limits forming part of the Tilbury 2 application.
 - 6.2 Secondly, to ensure that the detailed design of the Tilbury 2 project and the way in which it is constructed, operated and maintained takes place in a manner which does not prejudice the ability of RWE to bring forward the TEC project in a reasonably satisfactory manner.

Response to Question 93

7. Question 93 related specifically to RWE's relevant representation, and the Examining Authority asked the following questions.
 - (a) *With regard to RWE's assertion that it does not consider that its interests are adequately protected by the terms of the dDCO submitted as part of the application, what specifically does RWE wish to propose by way of amendments to the dDCO?*
 - (b) *What is the Applicant's position on this matter?*
 - (c) *With regard to RWE's intention to submit a DCO application for the Tilbury Energy Centre (TEC) on the Tilbury Power Station site in Q4 2018, and RWE's statement that the*

Order limits of the two projects are likely to overlap, construction period may be concurrent, and operational elements of the Tilbury 2 project have the potential to affect RWE proposals, what is the Applicant's response to this situation and to RWE's statement that the dDCO should contain provisions to address the requirements of both parties in delivering their respective projects?

(d) What are RWE's specific drafting proposals for the Tilbury2 dDCO to address the needs of the forthcoming EC application?

(e) With regard to protective provisions for RWE in the access and services, and the construction materials and aggregates terminal (CMAT), what specific drafting would RWE wish to propose that is not already included in Part 1 of Schedule 10?

8. RWE made submissions in response to parts (a), (d) and (e) as follows :
- 8.1 If necessary, RWE would seek to promote amendments to the dDCO to address the powers granted to the Applicant by Article 3(3) and 3(4), Article 4, and to introduce new protective provisions to address its concerns.
- 8.2 The powers sought under the parts of Article 3 referred to above, would enable the Applicant to terminate the existing River Works Licences benefiting RWE in relation to its existing cooling water intake, and/or give the Applicant a right of veto over the grant of any future licences which may be required to bring forward RWE's TEC project. When coupled with the powers that would then benefit the Applicant within the extended harbour limits by virtue of the operation of Article 4 under the 1991 Transfer Scheme the Applicant would potentially be able to frustrate the ability for the TEC project to come forward.
- 8.3 Furthermore, the protective provisions in favour of Statutory Undertakers at Part 1 of Schedule 10 relate to the protection of existing statutory apparatus and do not extend to cover the concerns set out in RWE's response to Agenda Item 3 noted above and set out in RWE's relevant representation. If necessary, RWE would promote protective provisions on a bespoke basis to address this before the end of the examination.
- 8.4 It is acknowledged, that RWE's project is at an earlier stage (currently at EIA scoping), and should reflect the fact that Tilbury 2 is proceeding ahead of it in the consenting process. RWE's concerns would be to ensure that sufficient measures are put in place for consultation and liaison to ensure that both Tilbury 2 and TEC can accommodate each other's requirements during construction, operation and maintenance to allow both projects to mutually co-exist.
- 8.5 RWE would emphasise that it has been discussing these matters with the Applicant for some time, and is hopeful of being able to conclude an agreement to satisfactorily address its concerns in the near future. It agreed to provide an update on these discussions as part of its Deadline 1 submission.