

INFRASTRUCTURE PLANNING

THE INFRASTRUCTURE PLANNING(EXAMINATIONS PROCEDURE) RULES 2010

THE PORT OF TILBURY (EXPANSION) ORDER

**Summary of the Written Representations submitted on behalf of the Port of London
Authority**

(Rule 8 letter 26 February 2018)

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Summary of Written Representations on behalf of the Port of London Authority (“the PLA”) in respect of an application by Port of Tilbury London Limited (“PoTLL”) for an Order (“the DCO”) granting development consent for the proposed Tilbury Port expansion and including protective provisions for the PLA (the PLA PPs”)

1. The PLA is the statutory harbour authority for the tidal River Thames (“the River”) between Teddington and the outer Thames Estuary. Its functions include responsibility for conservancy, hydrographic surveying, dredging, managing the public navigation and controlling vessel movements. The PLA’s licence is required for the construction by other people of works in, on or over the River and the carrying out of dredging. The PLA is a trust port and does not receive any central or local government subsidy.
2. The PLA owns virtually all the riverbed and foreshore within the Order limits.
3. In principle the PLA supports the new port and the grant of other powers in the DCO (“the Scheme”). The DCO does not adequately address issues concerning overlapping harbour authority jurisdictions, use of the River Thames and terms of the DCO.
4. Key issues are:
 - (a) ensuring no conflict due to overlapping harbour authority jurisdictions.
 - (b) precedence of the PLA in the River;
 - (c) amendment of section 5AA of the Port of London Act 1968 (“the 1968 Act”) (PoTLL’s functions subordinate to the PLA’s);
 - (d) permanent acquisition of the PLA’s land, which should not be authorised.
 - (e) the essential need for the PLA Harbour Master to control vessel movements in the River and safeguard the public navigation from works and operations in temporary possession areas;
 - (f) continuing the PLA’s works and dredging licensing functions under the 1968 Act in the new port in relation to third parties’ existing and future works and dredging;
 - (g) the proposed article 22 procedure for suspending navigation rights;
 - (h) linking the whole Schedule 1 description of the authorised development to the ES;
 - (i) amending the engineering sections and plans to provide a maximum dredge depth;
 - (j) rectifying the conflict in the ES (paras 5.12, 5.68 and Table 11.1) regarding maintenance dredging arisings;
 - (k) regulating maintenance dredging under the 1968 Act, not the PLA protective provisions (“PLA PPs”);
 - (l) the need for PLA input regarding port premises byelaws;
 - (m) requiring Secretary of State consultation with the PLA before approving an article 50 transfer;

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- (n) either removing all provisions for deemed approval (articles 22(7), 56(20 and PLA PPs paragraph 19(6)) or providing for deemed refusal;
- (o) not disapplying any of the 1968 Act unless the DCO includes equivalent provision;
- (p) providing for the PLA PPs to operate for and relate to “construction” throughout the life of the Scheme;
- (q) making special protective provision regarding operational matters in PoTLL’s 1968 Act powers, where plan approval under the PLA PPs paragraph 19 is not relevant.

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On behalf of the Port of London Authority

21 March 2018