

INFRASTRUCTURE PLANNING

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THE PORT OF TILBURY (EXPANSION) ORDER

Port of London Authority's Response to the Examining Authority's First Written Questions

(Rule 8 letter 26 February 2018)

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TILBURY 2 – PORT OF LONDON AUTHORITY’S RESPONSE TO FWQs – 20 March 2018

The following are the responses of the Port of London Authority (“PLA”) to the Examining Authority’s First Written Questions of 27 February 2018.

FWQ Ref.	Question	Response
Q1.3.1 (Compulsory Acquisition)	<p>The Statement of Reasons (SoR)[APP-018], paragraph 6.10 states, “Port of Tilbury London Limited has included within the Order limits no more land than is reasonably required for the purposes described in the table in Appendix A...”. However, SoR paragraph 5.5 states, “It may transpire in due course that some part of the Order land is not required, for instance as a result of the detailed design process; in which case it would not and could not be acquired by the use of compulsory purchase powers. Further, it may transpire that a parcel of land for which compulsory acquisition powers have been sought has been acquired by agreement as a result of successful negotiations and in these circumstances compulsory purchase powers would not be exercised.”</p> <p>a) What is the mechanism for omitting land from compulsory acquisition powers or temporary possession in such situations as described in the second quote?</p>	<p>This question has been directed at the Applicant. However, it is relevant to the PLAs interests and therefore we have sought to address the question asked by the Panel.</p> <p>The PLA, as it has successfully done with other schemes, would resist compulsory acquisition of its interests in the river. PoTLL has in principle accepted that a lease of the existing jetty to be used for Works Nos. 1 and 2 is sufficient and PoTLL and the PLA are discussing terms. It is then the aim of both parties to find a mutually satisfactory solution whereby the PLA retains the freehold of the riverbed and foreshore but enables PoTLL to deliver the Tilbury2 scheme in a timely manner. Therefore the answer to sub-paragraph (a) is by way of a long-term lease.</p>

FWQ Ref.	Question	Response
Q1.9.14 (Overlapping Jurisdiction)	Please provide updates in respect of discussions and agreements in respect of the overlapping jurisdiction that would occur due to the Applicant's proposal to extend the port limits, so that PoTLL's area of jurisdiction would overlap that of the PLA's.	Discussions regarding these matters are on-going and the status of the discussions are reflected in the Statement of Common Ground between PoTLL and the PLA (" SoCG ").
Q1.9.15 (Overlapping Jurisdiction)	Please provide updates in respect of discussions regarding PLA's concerns regarding the level of impact on existing river users; financial concerns regarding the treatment of arisings from dredging the PLA's river bed; and environmental impacts identified in the PLA's RR [RR-026] including potential impacts on the river regime and existing river works, the impacts of proposed dredging, cumulative impacts and mitigation. This could be addressed through your SoCG.	<p>Discussions regarding these matters are on-going and the status of these discussions is reflected in the SoCG.</p> <p>The key environmental matters, as advised within the PLA's relevant representations are concerned with maintenance dredging being dealt with under the DCO. The ES is not clear as to the extent of maintenance dredging and therefore what is being consented/assessed, and in any case cannot assess the impacts of maintenance dredging that takes place any significant time after the authorised development has been completed. Even as regards such assessment as the ES can make, there are inconsistencies: the reference in paragraph 5.12 of the ES to maintenance dredging producing 100,000 cubic metres of arisings per day is surely intended to be 100,000 cubic metres per year as in paragraph 5.68. The ES also leaves uncertainties (it is not known for example what amount will be dredged from the approaches to the berth). The PLA accepts that it is impossible to be certain now as to what will be required for the whole life of the authorised development.</p> <p>Given the lack of detail available at this stage, and in accordance with previous DCOs (e.g. Thames Tideway) maintenance dredging should be subject to PLA approval once PoTLL knows how frequently it is required and the appropriate volumes and area. Maintenance dredging consented under the 1968 Act once the site is operational will allow a more discrete assessment and consenting process which reduces the risk to PoTLL, the environment, water quality and the river regime.</p> <p>At recent meetings it was agreed to deal with maintenance and capital dredging</p>

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		<p>within the Protective Provisions under Schedule 10 of the dDCO, and it was agreed at this meeting that this should be aligned with s.66 of the Act. If we are satisfied that the concerns regarding dredging can be adequately addressed in this manner, then we are happy to concur that that this matter has been addressed.</p> <p>As regards arising and financial concerns for the reasons explained in the Written Representations, the PLA seeks compensation for any arisings that PoTLL sells. That is the legal requirement as regards the Thames facility equivalent to the Tilbury2 proposals, London Gateway Port (London Gateway HEO 2008 Sch. 8 para. 22). The PLA considers this is an issue on which all similar facilities should be subject to the same financial terms.</p> <p>Other environmental concerns relate to Air Quality. The baseline mentioned in the ES does not include the inventory data for shipping, so the PLA is uncertain what basis PoTLL has used for the assessment of impact from the air quality impact. In addition, the PLA considers that future proofing the site for the provision of shore power must be considered and is raising these matters with PoTLL.</p> <p>In terms of the potential impact on other river users, the PLA has concerns (details of which are in the Written Representations) regarding the PLA Harbour Master's jurisdiction and the overlap of functions between itself and PoTLL. Provided these are resolved as indicated in the Written Representations, the PLA does not consider the proposed Tilbury 2 development would result in any more impacts than are already experienced on the river. (There was initial concern raised by Gravesham Council in respect of the impact on Gravesham rowing club but the club has not raised any concerns with the PLA in this regard.)</p>

FWQ Ref.	Question	Response
Q1.9.22	<p>a) Please can you submit to the Examination a copy (or a web31 - FWQ: 27 February 2018 Responses due by: 20 March 2018 FWQ Question to: Question: link) of your document 'Port of London Authority Maintenance Dredge Baseline Document' as referred to by NE in their RR?</p> <p>b) Will the regular maintenance dredging that would be required at Tilbury2 be included in an updated version of this document, so that the cumulative effects from maintenance dredging activities are assessed, for example with those at London Gateway?</p>	<p>a) The PLA Baseline Maintenance Dredging Document is submitted with this response to FWQs and is available here: http://www.pla.co.uk/Environment/Baseline-Document</p> <p>b) An estimated maintenance dredging requirement will be included in an updated version of the Baseline Document, enabling the cumulative effects from maintenance dredging activities to be broadly assessed. This would reflect the way this has been dealt with at London Gateway. The Baseline document is updated every 3 to 4 years enabling Tilbury 2 to be considered in the next iteration.</p>
Q1.14.5	<p>Please can the Crown Estate Commissioners provide any information that is in the public domain that identifies the amounts of marine dredged aggregates that have been landed annually at wharves in Essex, Thurrock, North Kent, Medway and East London in recent years, together with an explanation of any changes or</p>	<p>This question has been directed at the Crown Estate Commissioners. However, the PLA is content to provide the volumes (rounded to the nearest thousand tonnes) of marine dredged aggregates into the Port of London (and consequently charged port dues) and landed at wharves in the following geographical areas shown below.</p> <p>Volumes are broadly level over the three years 2015 to 2017 reflecting the regional economy as a whole. The slight increase in throughput in London last year is understood to reflect increased demand arising from the Thames Tideway Tunnel scheme. Statistics are available for further years (back to 2000) if required.</p>

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	trends that are reflected in the data?	<i>Area</i>	<i>2017</i>	<i>2016</i>	<i>2015</i>
		<i>North Kent (Dartford, Gravesham, Medway)</i>	2,725,000t	2,856,000t	2,767,000t
		<i>Thurrock</i>	927,000t	1,068,000t	930,000t
		<i>East London (LB Barking & Dagenham, LB Bexley, RB Greenwich)</i>	5,221,000t	4,890,000t	4,795,000t