



The Planning Inspectorate  
The Square Temple Quay  
Bristol  
Avon  
BS1 6PN

**Our ref:** AE/2018/122694/01-L01  
**Your ref:** TR030003  
**Date:** 4 April 2018

Dear Sir/Madam

**APPLICATION BY PORT OF TILBURY LONDON LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR A PROPOSED PORT TERMINAL AT THE FORMER TILBURY POWER STATION (TILBURY 2) - RESPONSE TO DEADLINE 2. FORT ROAD, TILBURY, ESSEX, RM18 7NR**

Thank you for the opportunity to comment further on the application for the Development Consent Order for the proposed Tilbury 2 development.

In this letter we set out our comments on the second draft development consent order submitted to us by the applicant on 20 March 2018 and also comment on the addendum to the Flood Risk Assessment which was provided to us by the applicant on 15 April 2018.

**Development consent Order**

We have considered the new draft of the Development Consent Order (DCO) submitted by the applicant.

With regard to the legislation which the applicant seeks to disapply by way of the DCO, we understand why the applicants seek to disapply the flood risk permitting regime for which the Environment Agency is the permitting authority though we have not yet decided whether we are in a position to give consent under s150 Planning Act 2008 to this. We do not understand why the applicant wishes to disapply the other legislation for which we are the consenting body and we have asked the applicant to provide an explanation for this. To date they have not done so we are currently unable to indicate our position on the disapplications sought. The protective provisions in the DCO are those put forward by the applicant in the original first draft of the DCO submitted with the application. We have sent them our preferred form of protective provisions, which is along similar lines to those put forward by the

applicant, but we have as yet received no substantive comment from them. We will update the Examining Authority on the position regarding these matters at the Issue Specific hearing on 18 April. .

With regard to the changes put forward in relation to the Deemed Marine Licence we have not had the opportunity to fully discuss these with the Marine Management Organisation. We will make any further comments on this at the Issue Specific Hearing on 18 April.

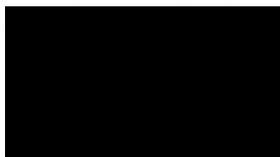
### **Flood Risk**

We have been provided with a level 3 Flood Risk Assessment – addendum, dated March 2018 produced by AECOM. We are in the process of examining this highly technical document and hope to be able to provide detailed comments in the near future.

We believe from our initial assessment of the documentation that many of the outstanding issues in relation to flood risk have been addressed by this document. We believe that the applicants has now demonstrated they have undertaken appropriate flood risk modelling and shown the impact of the offsite flooding from the development. The breach modelling has included the Tilbury Flood Storage Area Embankments as we requested. We are also satisfied with the approach taken regarding climate change allowances.

We shared our initial findings with the application’s consultants at a telephone conference on 29 March 2018. We requested more details and points of clarification in regards to the design of the culverts shown within the FRA addendum at this conference. The applicant has confirmed this will be provided and we look forward to reviewing this in the near future.

Yours faithfully



**Mr. Pat Abbott**  
**Planning Advisor**

Direct dial 0208 4748011

Direct e-mail [pat.abbott@environment-agency.gov.uk](mailto:pat.abbott@environment-agency.gov.uk)