

Application by Port of Tilbury London Limited for an Order Granting Development Consent for a Proposed Port Terminal at the Former Tilbury Power Station ('Tilbury2')

The Examining Authority's Agenda for Compulsory Acquisition Hearing, 20 April 2018

Issued on 11 April 2018

The following appendix sets out the Examining Authority (ExA)'s (the Panel's) agenda for the Compulsory Acquisition Hearing on Friday 20 April 2018 from 10:00. The hearing will take place at the Thurrock Hotel, Ship Lane, RM19 1YN.

The questions indicate to which party or parties each agenda item is directed. The Panel would be grateful if all parties named would prepare themselves to respond to all agenda items directed to them or indicate that the agenda item is not relevant to them for a reason. This does not prevent a response being provided to an agenda item by a party to whom it is not directed, should the agenda item be relevant to their interests.

Each agenda item has a unique reference number in which the first part of the number indicates the topic, and for consistency this follows the topic numbers from the first written questions (FRQs) [PD-007] So, for example the second question on compulsory acquisition will be designated 3.2.

When you follow-up your oral response to an agenda item at the hearings by your subsequent written response, please start your response by quoting the unique reference number.

If you are responding to a small number of agenda items, responses in a letter will suffice. If you are responding to a larger number of agenda items, it will assist the Panel if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Tilbury2@pins.gsi.gov.uk and include 'Tilbury2 ExA Hearings Round 2 Agendas' in the subject line of your email.

Written responses are due by **Deadline 3 – Monday 30 April 2018**.

Abbreviations used

BoR	Book of Reference
CA	Compulsory Acquisition
dDCO	Draft Development Consent Order
FWQ	First Written Questions
NGET	National Grid Electricity Transmission
PLA	Port of London Authority
RR	Relevant Representation
SoR	Statement of Reasons
TP	Temporary Possession
WR	Written Representation

The Examination Library

References in these questions set out in square brackets (for example [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030003/TR030003-000523-Tilbury%20%20Examination%20Library.pdf>

It will be updated as the Examination progresses.

3.1	Can the Applicant please advise when the next updated version of the Land Tracker in Appendix F of the First Written Questions (FWQ) [REP1-016] will be provided?
3.2	To aid understanding, can the Applicant provide a table setting out to which plots the various subsections of Article 27 apply?
3.3	Would the Applicant provide a map showing the area to which Category 3 interests apply, and how many such interests are listed in Part 2B of the Book of Reference (BoR)?
3.4	Would the Applicant state the current position concerning negotiations with Statutory Undertakers re s127 and s138 PA2008?
3.5	Paragraph 3.19 of the Statement of Reasons (SoR) [APP-018] is incomplete; would the Applicant state whether plots 02/03, 04/01, 06/02 and shaded yellow be referred to in the last sentence?
3.6	Plot 03/05 (temporary use of common land for a construction compound, diversion of utilities and ecological restoration) has been removed from the Order limits according to the cover letter from the Applicant at Deadline 2 [REP2-006]. Would the Applicant please explain the reasons for this removal and what consequences flow for implementation of the Proposed Development, and changes to the dDCO and SoR?
3.7	Would the Applicant how in practice the funds necessary to meet compulsory acquisition (CA) claims will be ring fenced solely for that purpose, and remain so for the period of time over which CA powers will be available, as set out in para 7.6 of the funding statement [APP-019]?
3.8	Formal objections to the use of compulsory acquisition powers have been made by: <ul style="list-style-type: none"> • Network Rail (Relevant Representation (RR) and Deadline 1 submission); [RR-013 and REP1-075] • Cadent Gas (Written Representation (WR); [REP1-039]

	<ul style="list-style-type: none"> • Port of London Authority (PLA) (FWQ and Deadline 1 submission); [REP1-082 and REP1-080] • National Grid Electricity Transmission (NGET) (WR). [REP1-077] <p>In all cases, these are subject to the agreement of protective provisions. Would the Applicant and other parties state the current position concerning negotiations in each case?</p>
3.9	The proposed works to the Asda roundabout are not yet agreed with Highways England. If the design might change, would the Applicant state how this affects the justification for the proposed temporary use powers concerning plots 01/01 to 01/07?
3.10	Would Anglian Water state whether it no longer needs any jetty facilities to operate the Tilbury Water Recycling Centre?
3.11	Historic England in its Deadline 2 submission [REP2-013] queries whether plots 03/08 and 03/10 are to be used for a construction compound or other uses before being returned to grazing. This suggests temporary possession, whilst the stated purpose for both these plots in the SoR is compulsory acquisition to construct a new road and railway link as part of the infrastructure corridor, to construct a junction with the new spur road and the new spur road; to construct associated environmental mitigation measures, to undertake utilities provision and diversions and to modify and divert footways and cycleways. This suggests permanent uses. Could the applicant please clarify?
3.12	RWE maintains that it has continuing interests over the Tilbury2 sites which are not reflected in the BoR, SoR etc. Will RWE please provide a plan showing the location of these services, utilities, cooling water intake/outfall rights and interests?
3.13	The Applicant considers that no compulsory acquisition proposals have been made in relation to RWE's reserved rights land on the Tilbury2 site, because Article 3 of the dDCO provides for the extinguishment of existing works licences. Article 28 as currently drafted would provide the power to override easements and other rights on land within the Order limits (though the Applicant accepts this should only refer to Order Land). Would the Applicant explain how then this relates to plot 06/10 for example, comprising the existing jetty serving the former power

	station over which RWE claims continuing rights and which is intended for compulsory acquisition by the Applicant?
3.14	The dDCO [REP1-003] currently provides for compulsory acquisition of the existing jetties and riverbed (plots 06/02, 06/05, 06/05a, 06/06, 06/10, 06/11 and 06/12), and temporary possession of the riverbed (plots 06/03, 06/07, 06/08/ 06/09 and 07/11) to construct the new berths Works No 1 and 2. The PLA is willing to grant a lease instead of agreeing to CA and Temporary Possession (TP) powers, in which case the Applicant would only wish to retain its ability to use CA powers in respect of any third party interests in and rights over the PLA's river bed that might come to light. If agreed, what are the actual powers to be obtained for these plots in the dDCO and how would they be shown on the Land Plans, etc?
3.15	Would the Applicant and Crown Estate state the current position concerning Crown Estate approval to proposed temporary use of plot 06/01 and compulsory acquisition of plot 06/02?
3.16	Would the Applicant state the current position concerning negotiations with the Cole family estate and other interested parties re the Special Category Land plots 03/08 and 03/11, and is the Applicant agreeable to the requests from the West Tilbury Commons Conservators set out in their letter of 4 January 2018?