
RWE Generation UK plc

TILBURY 2 Examination – TR030003

**Summary of the oral case put forward at the Compulsory
Acquisition Hearing 20 April 2018**

**On behalf of
RWE Generation UK plc**

**Submitted at Deadline 3
30 April 2018**

1. This submission comprises a summary of the oral submissions made by RWE Generation UK PLC (RWE) at the Compulsory Acquisition Hearing held on the 20 April 2018. It is submitted at Deadline 3 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 Questions 3.12 and 3.13.

Response to Question 3.12

3. Question 3.12 is directly related to RWE's interests in the Tilbury 2 site, and the Examining Authority asked the following:

"RWE maintains that it has continuing interests over the Tilbury2 sites which are not elected 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?"

4. As confirmed in its representation dated 17 April 2018, RWE is preparing and will submit a plan which shows RWE's interests on the Tilbury2 site at Deadline 3.

Response to Question 3.13

5. The Examining Authority asked the following question and invited RWE to comment:

"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?"

6. RWE made submissions in response as follows:

- 6.1 RWE confirms that it set out its concerns in relation to a number of reserved rights over the Tilbury 2 Order Limits in its Deadline 1 submission. RWE has reviewed the Applicant's Deadline 2 submission and has listened to what was discussed during the Hearing.

- 6.2 In relation to Articles 27 and 28 of the dDCO, RWE welcomes the Applicant's clarification that there is no intention to acquire or extinguish RWE's reserved rights, and agrees that there needs to be a number of amendments made to the dDCO by the Applicant in order to give effect to this intention. RWE reserve the right to comment on the proposed amendments to the dDCO until a revised version is submitted by the Applicant at the next Deadline (Deadline 3).

- 6.3 In relation to plot 06/10, RWE reiterates the point made by the Applicant that discussions are currently ongoing between the Applicant and RWE in relation to any interference of Tilbury 2 on RWE's reserved rights and it is hoped that a legal agreement can be reached in the not too distant future.

- 6.4 However, in the event an agreement is not reached between RWE and the Applicant, RWE would like to understand whether the powers that the Applicant is seeking to rely on to undertake the works it needs on plot 06/10 are authorised by the Compulsory Purchase Articles. If they are, then it is RWE's position that the nature of RWE's rights is something that should be reflected in the Book of Reference.

Eversheds Sutherland (International) LLP