



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

Our ref: AE/2018/122812/01-L01
Your ref: *
Date: 17 May 2018

Dear Sir/Madam

NOTICE OF ACCEPTANCE OF AN APPLICATION FOR A DEVELOPMENT CONSENT ORDER FOR A PROPOSED NEW PORT TERMINAL - TILBURY 2 - SECOND WRITTEN QUESTIONS. SECTION 56 (2) PLANNING ACT 2008 AND REGULATION 13 INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009. FORT ROAD, TILBURY, ESSEX, RM18 7NR.

This response relates to the examining Authority's second set of written questions in relation to the Tilbury 2 development issued on 8 May 2018. We have provided comments on questions related to the Environment Agency only.

2.8.14 *Art 18: Discharge of water.*

- i. In its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant states that discussions are ongoing with EA on protective provisions. Would the Applicant and EA update the Examination on the status of their discussions?
- ii. Art 18(7)(a) – would the Applicant confirm whether references to the Homes and Communities Agency, a joint planning board or an urban development corporation are needed?

Discussions remaining ongoing; the Environment Agency is currently awaiting comments from the Applicant on their preferred protective provisions.

2.8.34 *Art 57: Consents, agreements and approvals.*

The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], that an amendment would be made to A57(4) for clarity. The Applicant also seeks a guillotine period of 28 days for responses for consents, etc,

- i. Art 57(2) - do consenting bodies have any comments on the guillotine proposal – ie is 28 days sufficient for the local planning authority for example to carry out consultations?
- ii. Art 57(4) – should the last part of the revised text read “if it had been taken after this order came into force”?

Art 57(2) – For the avoidance of doubt, the Environment Agency do not consider Art 18 and 57 to cover Environmental Permits under the Environmental Permitting (England and Wales) Regulation 2016. If the planning authority takes a contrary view, the Environment Agency will seek drafting amendments to Art 57.

2.8.48 *Schedule 10: Protective provisions.*

The Applicant summarises, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the position with regard to the protective provisions with PLA, EA, TC (drainage interests), NR, HE & TC (highway interests), RWE, AW and Cadent. Revision 2 of the dDCO at deadline 3 [REP3-002] contains amendments to Schedule 10 Parts 3 (PLA) and 7 (TC&HE).

- i. Would the Applicant and other parties state their positions regarding the protective provisions?
- ii. The Applicant is requested to provide a revised version of the dDCO to include all the protective provisions in Schedule 10 a week before the hearings scheduled for the end of June 2018;
- iii. With regard to Part 1 of Schedule 10, several of the protective provisions contain a provision similar to paragraph 5 which has the effect of neutralising the compulsory acquisition and temporary possession powers. What is the justification for such a provision in the light of the powers included in Part 3 *Powers of acquisition and possession of land* of the Order?

As stated in 2.8.14 discussions are ongoing between the applicant and ourselves.

Yours faithfully



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