

**INFRASTRUCTURE PLANNING**  
**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010**  
**THE PORT OF TILBURY (EXPANSION) ORDER**

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

(Rule 8 letter 26 February 2018)

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## **PORT OF LONDON AUTHORITY – RESPONSES TO SECOND WRITTEN QUESTIONS**

The following document sets out the responses of the Port of London Authority (PLA) to the Examining Authority's Second Written Questions (SWQs).

The questions to which the PLA has responded are shown highlighted in yellow and are as follows: 2.8.3, 2.8.6, 2.8.17, 2.8.21, 2.8.22, 2.8.34, 2.8.45, and 2.8.48.

In addition to the matters covered in the PLA's responses the Applicant and the PLA have agreed various other amendments to the protective provisions and articles of the draft DCO, and discussions are still taking place on a few important details. The expectation of both the Port of Tilbury London Limited (the Applicant) and the PLA is that matters will be resolved and drafting finalised for the draft DCO to be submitted one week before the June hearings.

References in the PLA's responses to the draft DCO are to the copy submitted at Deadline 3 (Revision 2 of the draft Development Consent Order).

**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 second written questions and requests for information (FWQs) Issued on 8 May 2018.**

The following table sets out the Examining Authority's (ExA's (the Panel's)) second written questions and requests for information - SWQs.

Questions are set out using an issues-based framework derived from, but not limited to, the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 22 January 2018, and also the first written questions [PD-007].

Column 2 of the table indicates the Applicant and/or which Interested Parties (IPs) and Other Persons each question is directed to. The Panel would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from our SWQs) and then has an issue number and a question number. For example, the first question on air quality is identified as ExQ2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, 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](mailto:Tilbury2@pins.gsi.gov.uk) and include 'Tilbury2 ExQ1' in the subject line of your email.

Unless otherwise stated in the question, responses are due by **Deadline 4 – Tuesday 22 May 2018**.

### Abbreviations used

<b>Art</b>	<i>Article</i>	<b>KCC</b>	<i>Kent County Council</i>
<b>AW</b>	<i>Anglian Water</i>	<b>LOAEL</b>	<i>Lowest Observed Adverse Effect Level</i>
<b>AWA</b>	<i>Anglian Water Authority</i>	<b>LTC</b>	<i>Lower Thames Crossing</i>
<b>CA</b>	<i>Compulsory Acquisition</i>	<b>MMO</b>	<i>Marine Management Organisation</i>
<b>CMAT</b>	<i>Construction Materials &amp; Aggregates Terminal</i>	<b>NE</b>	<i>Natural England</i>
<b>DCO</b>	<i>Development Consent Order</i>	<b>NPSE</b>	<i>Noise Policy Statement for England</i>
<b>dDCO</b>	<i>Draft DCO [APP-016]</i>	<b>NR</b>	<i>Network Rail</i>
<b>DML</b>	<i>Deemed Marine Licence</i>	<b>NSRs</b>	<i>Noise Sensitive Receptors</i>
<b>EA</b>	<i>Environment Agency</i>	<b>OMP</b>	<i>Operations Management Plan</i>
<b>ECC</b>	<i>Essex County Council</i>	<b>PD</b>	<i>Permitted Development</i>
<b>EH</b>	<i>English Heritage</i>	<b>PLA</b>	<i>Port of London Authority</i>
<b>EMCP</b>	<i>Ecological Mitigation Compensation Plan</i>	<b>PoTLL</b>	<i>Port of Tilbury London Limited</i>
<b>ES</b>	<i>Environmental Statement</i>	<b>PMA</b> s	<i>Private Means of Access</i>
<b>ExA</b>	<i>Examining Authority</i>	<b>RWE</b>	<i>RWE Generation UK</i>
<b>GBC</b>	<i>Gravesham Borough Council</i>	<b>SOAEL</b>	<i>Significant Observed Adverse Effect Level</i>
<b>HE</b>	<i>Highways England</i>	<b>SoCG</b>	<i>Statement of Common Ground</i>
<b>HGV</b>	<i>Heavy Goods Vehicle</i>	<b>SRN</b>	<i>Strategic Road Network</i>
<b>Hist E</b>	<i>Historic England</i>	<b>TC</b>	<i>Thurrock Council</i>
<b>ISH</b>	<i>Issue Specific Hearing</i>		

### 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%2020Examination%20Library.pdf>

It will be updated as the Examination progresses.

<b>SWQ Question to: Question:</b>		
<b>2.0.</b>	<b>General and Cross-topic Questions</b>	
2.0.1		No further questions at this stage.
<b>2.1.</b>	<b>Air Quality</b>	
2.1.1	Applicant, Gravesham Borough Council (GBC)	In the SoCG between the Applicant and GBC at deadline 3 [REP3-028], the SoCG identifies various matters that are under discussion including site survey work for NO <sub>x</sub> and PM <sub>10</sub> , and shipping emissions. i. Would the Applicant and GBC update the Examination on the status of their discussions?
<b>2.2.</b>	<b>Biodiversity, Ecology and Natural Environment</b>	
2.2.1	Applicant	Would the Applicant state what impact the extended Tilbury Power Station Local Wildlife Site has on the environmental statement for Tilbury2?
2.2.2	Applicant	The Applicant is requested to provide an updated version of the Environmental Management and Compensation Plan (EMCP) a week before the hearings

<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>
		scheduled for the end of June 2018, setting out in particular onsite and offsite mitigation and compensation for open mosaic on previously developed land, and how such sites are expected to be maintained beyond the commitment to 25 years.
<b>2.3.</b>	<b>Compulsory Acquisition</b>	
2.3.1	Applicant	Can the Applicant please confirm the costs of constructing Tilbury2 as £136m of which the estimated costs of land acquisition and compensation are estimated at £12.4m as set out in the Funding Statement [APP-019]?
<b>2.4.</b>	<b>Consideration of Alternatives</b>	
2.4.1		No further questions at this stage.
<b>2.5.</b>	<b>Construction</b>	
2.5.1		No further questions at this stage.

<b>SWQ Question to: Question:</b>		
<b>2.6.</b>	<b>Contaminated Land and Waste</b>	
2.6.1		No further questions at this stage.
<b>2.7.</b>	<b>Cumulative and Combined Impacts</b>	
2.7.1	Natural England (NE), Highways England (HE) and Historic England (Hist E)	NE, HE and Hist E are requested to provide their views on the Qualitative Cumulative Effects Analysis submitted by the Applicant at deadline 3 [REP3-027] a week before the hearings scheduled for the end of June 2018.
<b>2.8.</b>	<b>Draft Development Consent Order (dDCO) Matters</b>	
2.8.1	Applicant	<p><i>Art 2: Interpretation.</i> The Applicant clarified its position in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015].</p> <ul style="list-style-type: none"> <li>i. Re the statement that all maintenance operations would fall within the environmental envelope related to the initial construction phase, this may perhaps be the case in the ordinary sense of “maintain”, but is it true with the extended meaning?</li> <li>ii. If the “extended port limits” are the same as the harbour limits (as shown on the harbour limits plan), why not adopt a single term to cover both?</li> </ul>

SWQ	Question to:	Question:	
2.8.2	RWE Generation UK (RWE), Anglian Water Authority (AWA)	<p><i>Art 3: Disapplication of legislation, etc.</i> In its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant explains the need to disapply works licences in favour of RWE and AWA. Art 3 has been amended in revision 2 of the dDCO at deadline 3 [REP3-002].</p> <p>i. <i>Art 3(2):</i> Are RWE and AWA content with the proposals for the disapplication of works licences granted by PLA to them?</p>	
2.8.3	Applicant, Port of London Authority (PLA)	<p><i>Art 4: Application of enactments relating to the Port of Tilbury.</i></p> <p>i. Would the Applicant explain the disapplications at Art 4(2)?</p> <p>ii. Does “undertaking” at 4(3)(c) need a definition in Art 2?</p> <p>iii. Insert “Port of” before “Tilbury” at 4(3)(c)?</p> <p>iv. Provide a definition of “The General Trading Regulations” at 4(5) in Art 2?</p>	<p>i. 4(2)(a): In addition to the existing disapplications, the Applicant and the PLA have agreed that the exclusion should also be of section 5(1) of the 1968 Act. This subsection imposes the duty to take action for the improvement and conservancy of the River Thames, which in the river itself (as distinct from the inland Tilbury dock) should be a function of the PLA only, not the Applicant.</p> <p>4(2)(a)(i): Section 64 is a power to</p>



			<p>take, impound and use water from, and discharge water to, the river Thames. It is one of the powers that was transferred to the Applicant in respect of the inland dock (see 1991 Transfer Scheme Schedule 3 para. 3). The Applicant and the PLA are agreed that while it is right for the Applicant to have this power in respect of the inland dock it is not appropriate in relation to the extended port in the river.</p> <p>4(2)(a)(ii): Section 6 of the 1968 Act makes the port premises (including the inland Tilbury dock) open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers. (It is one of the powers that was transferred to the Applicant in respect of the inland dock (see 1991 Transfer Scheme Schedule 3 para. 1)). Section 85 enables this to be restricted by agreement with a vessel owner or a waterman as to landing places that may be used and the time of use. The Applicant will be able to explain the proposed treatment of section 85.</p> <p>New 4(2)(b): The Applicant and the PLA are agreed that, as applying in the extended port, the interaction between</p>
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			<p>their respective powers under the 1968 Act needs to be adjusted and have agreed to apply the functions exercisable under section 5AA of the 1968 Act subject to amendments proposed in a new article 4A of the dDCO. The purpose of article 4(2)(b) will be to put it beyond doubt that the article 4A amendments apply to the 1968 Act as powers applied to the extended port.</p> <p>New 4(2)(c): The Applicant and the PLA have agreed to propose a new subparagraph of this Article to put it beyond doubt that the Applicant's functions to which the protective provisions for the PLA (see Schedule 10 to the DCO) apply are not only its functions under the DCO but also the functions applied to the extended port.</p> <p>ii. No definition is required. The word is used in legislation relating to the provision of public infrastructure (railways, harbours, canals, electricity, gas, water and sewerage) in relation to the operation carried on by the providers of such infrastructure, described as 'statutory undertakers'</p>
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			<p>operating 'statutory undertakings'. See the definition of these expressions in section 262 of the Town and Country Planning Act 1990.</p> <p>iii. and iv. These are for the Applicant's response.</p>
2.8.4	Applicant	<i>Art 5: Incorporation of the 1845 Act.</i> At 5(2) line 2 – should "the company" be upper case?	
2.8.5	Applicant	<i>Art 6: Development Consent granted by the Order.</i> Permitted development rights apply only to planning permissions granted under the 1990 Act and not to development authorised by a DCO. However, the dDCO makes the whole site within the Order limits operational land and thus capable of supporting PD	

**SWQ Question to: Question:**

		<p>rights.</p> <p>i. Can the Applicant please provide a table identifying which elements of the authorised development are considered to be outside the scope of PD rights and thus would require specific planning permission or development consent?</p>	
2.8.6	Applicant	<p><i>Art 7: Limits of deviation.</i></p> <p>i. Art 7(b), (c) and (d) - linear and non-linear works are shown on the works plans, and it would be clearer if they are specified as well in this article;</p> <p>ii. Art 7(d)(ii) - delete "as may be found to be necessary or convenient"?</p> <p>iii. Art 7(e) - line 2 - delete "up".</p>	<p>i. No PLA comment</p> <p>ii. The PLA does not have any issue about this deletion.</p> <p>iii. The PLA is happy with this change.</p>
2.8.7	Applicant	<p><i>Art 8: Street works.</i></p> <p>i. In its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant identifies the street authority for each street that would be affected by the Order. Can the Applicant confirm that there are no other streets affected, ie private streets not the responsibility of Thurrock Council or Highways England?</p> <p>Art 8(1) - in the light of paragraph 3.2 of the Applicant's paper concerning the Asda Roundabout DCO powers (PoTLL/T2/EX/85), in addition to</p>	

		consideration of adverse effects not assessed in the environmental statement, can the Applicant say what constraints apply to this article beyond the Order limits?	
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<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>
2.8.8	Thurrock Council (TC), Applicant	<p><i>Art 10: Construction and maintenance of new, altered or diverted streets.</i></p> <ul style="list-style-type: none"> <li>i. Art 10(4) - in its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant states the responsibilities for the streets and associated structures, including the fact that suitable protection for TC as local highway authority is found in the protective provisions. Is TC content with this position?</li> <li>ii. Art 10(6) – would the Applicant explain why it is appropriate for an Order to specify what matters a court should have regard to?</li> </ul>

2.8.9	Applicant, Thurrock Council (TC)	<p><i>Art 11: Classification of roads.</i></p> <ul style="list-style-type: none"> <li>i. In its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant states that preliminary discussions have been held with TC, but no agreement has yet been reached. Would the Applicant and TC update the Examination on the status of their discussions?</li> <li>ii. Art 11(5) - insert "or other similar media" after Thurrock Gazette to safeguard against the future demise of this newspaper.</li> </ul>
2.8.10	Applicant, Highways England (HE)	<p><i>Art 12: Permanent stopping up and restriction of use of highways and private means of access.</i></p>

<b>SWQ Question to:</b>		<b>Question:</b>
		<ul style="list-style-type: none"> <li>i. Further to their deadline 3 submissions, would the Applicant and HE update the Examination on the status of their discussions?</li> <li>ii. Art 12(1), line 4 - "private means of access" is given an abbreviation (PMAs, and delete "s") which is not then used in the rest of this article.</li> </ul>
2.8.11	Applicant	<p><i>Art 13: Temporary stopping up and restriction of use of streets. As Art 8(1) above.</i></p>
2.8.12	Applicant	<p><i>Art 15: Agreements with street authorities. As Art 8(1) above.</i></p>
2.8.13	Applicant	<p><i>Art 17: Level crossings. Is this article needed?</i></p>

2.8.14	Applicant, Environment Agency (EA)	<p><i>Art 18: Discharge of water.</i></p> <ul style="list-style-type: none"> <li>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?</li> <li>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?</li> </ul>
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<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>	
2.8.15	Applicant	<i>Art 19: Protective works to buildings.</i> There is no limit as to how far from the Order limits such protective works could be carried out. Is a boundary of say 250 m appropriate?	
2.8.16	Applicant	<i>Art 20: Authority to survey and investigate land.</i> As Art 19.	

<p>2.8.17</p>	<p>Applicant, Port of London Authority (PLA)</p>	<p><i>Art 22: Works in the River Thames – conditions, and Art 23: Compulsory acquisition of land.</i></p> <ul style="list-style-type: none"> <li>i. In its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant states that Art 22 is mostly agreed, save for some final points under discussion, and that discussions are also ongoing on Art 23 with regard to the Applicant acquiring the river bed. Would the Applicant and PLA update the Examination on these matters?</li> <li>ii. Art 22 - uppercase "River" as elsewhere in the Order and Schedule 1 for example?</li> <li>iii. Art 22(8) - can this be simplified, as its meaning is difficult to understand?</li> </ul>	<ul style="list-style-type: none"> <li>i. The Applicant and the PLA have reached agreement on this article. In paragraph (6) it has been agreed that the period with which the PLA must issue a notice to mariners should be extended to 12 working days. It has also been agreed that paragraph (7) should provide for deemed refusal rather than deemed approval. This formula is consistent with paragraph 18(5) of Schedule 10 (PLA approval of plans of specified works or specified operations). The Applicant and the PLA agree that <ul style="list-style-type: none"> <li>(a) from the administrative point of view there is no reason for the two provisions to be different and</li> <li>(b) it is right that suspension of a public right should always follow a decision and cannot properly be the default outcome.</li> </ul> Article 22(7) should therefore be amended by replacing "granted" with "refused". </li> <li>iii. As a consequential amendment, in article 22(8) the words "and approval is not seemed to have been granted" should be deleted. With the removal of these words this sub-paragraph is in the same terms as paragraph 18(6) of the PLA protective provisions and the shortening is</li> </ul>
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			believed to remove any lack of clarity.
2.8.18	Applicant	<i>Art 24: Time limit for exercise of powers to possess land temporarily or to acquire land compulsorily.</i> Re-order heading as "Time limit for exercise of powers to acquire land compulsorily or to possess land temporarily"?	

SWQ	Question to:	Question:
2.8.19	Applicant	<p><i>Art 25: Compulsory acquisition of rights and imposition of restrictive covenants, Art 26: Acquisition of subsoil or airspace only, Art 30: Application of Part 1 of Compulsory Purchase Act 1965, and Art 31: Application of Compulsory Purchase (Vetting Declarations) Act 1981.</i> In the Applicant's Explanation of Changes to the DCO at deadline 1 [REP1-005], the Applicant states that Arts 25, 26, 30 and 31 and Schedule 5 have been updated to take account of the position of the Department for Transport, following the passing of the Housing and Planning Act 2016, set out in the M20 J10a DCO Order. However, the updates do not seem to reflect the corresponding articles in the M20 J10a Order, with general references being used instead of specific plot references.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant explain why this is?</li> </ul>
2.8.20	Applicant	<p><i>Art 32: Temporary use of land for carrying out the authorised development.</i> In its summary of the case made at the DCO hearing on 21 February 2018 [REP1015], the Applicant clarifies the intention of A32(1)(d): Art 32 allows the temporary occupation of any of the land intended for permanent acquisition before the land is acquired. Permanent works will take place on the land, which will then be acquired 'as necessary'.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant state what ensures the triggering of compulsory acquisition – and the attendant rights of compensation for CA – where the permanent works could just be left in situ under temporary possession powers?</li> <li>ii. Compensation under Art 32(5) is payable in respect of "loss or damage arising from the exercise" of TP powers. If permanent works are left on</li> </ul>

SWQ	Question to:	Question:	
		<p>the land without acquisition, would such compensation differ from that payable under the compensation code in respect of compulsory acquisition?</p> <p>iii. Re the statement that "<i>where works will be undertaken by the Applicant, but will be owned and maintained by third parties after the works are complete</i>", how will ownership transfer to third parties without intervening CA by the Applicant?</p>	
2.8.21	Thurrock Council (TC), Highways England (HE), Port of London Authority (PLA)	<p><i>Art 32(2): Temporary use of land for carrying out the authorised development - Notice Period.</i></p> <p>In its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant states that a 14-day notice period is necessary because of the tight construction programme.</p> <p>i. Would TC, HE and PLA state their positions on this matter?</p> <p>ii. Re the statement regarding material detriment, would the Applicant clarify why material detriment will apply to temporary possession? If that is the case, why would national legislation providing for counter notice be necessary?</p>	<p>i. The PLA has no issue with the 14-day notice period.</p>

2.8.22	Thurrock Council (TC), Highways England (HE), Port of London Authority (PLA)	<i>Art 33: Temporary use of land for maintaining the authorised development.</i> The Applicant states in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015] that a 28-day notice period is a “tried and tested” standard period. i. Would TC, HE and PLA state their positions on this matter?	i. The PLA agrees that 28 days is the standard notice period in temporary possession provisions and that it is tried and tested.

SWQ	Question to:	Question:
		<ul style="list-style-type: none"> <li>ii. Would the Applicant state where it has been tested in practice?</li> <li>iii. Art 33(3) - insert the period of temporary possession as in Art 32(2)?</li> <li>iv. Art 33(4) - insert "temporary" before "possession";</li> <li>v. Art 33(9) – as above.</li> </ul>
2.8.23	Applicant	<i>Art 34: Statutory undertakers.</i> Would the Applicant state how this article deals with temporary possession and maintenance requirements?
2.8.24	Applicant	<p><i>Art 35: Apparatus and rights of statutory undertakers in stopped-up streets.</i> The Applicant states in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015] that the wording with regard to "statutory utility" is preceded in all made DCOs.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant please note that the definition of "statutory undertaker" in the Wrexham Energy Centre DCO was not so limited?</li> <li>ii. Should the heading be "statutory utilities" rather than "statutory undertakers" in view of the definition in subparagraph (8)?</li> </ul>
2.8.25	Applicant	<p><i>Art 36: Recovery of costs of new connection.</i></p> <ul style="list-style-type: none"> <li>i. Art 36(1) and (4) - should "public utility undertaker" be "statutory undertaker"; alternatively, the first line to refer to "statutory utility"?</li> </ul>

<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>
2.8.26	Applicant	<i>Art 37: Special category land: West Tilbury Common Land.</i> Art 37(4)(a) - why is Art 20 excluded?
2.8.27	Applicant	<i>Art 39: Set-off for enhancement in value of retained land.</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], that Section 7 of the 1961 Act does not apply to the authorised development and paragraphs (a) and (b) of Art 39 will apply instead. <ul style="list-style-type: none"> <li>i. Would the Applicant explain why it is necessary or appropriate to apply the simplified provisions in the DCO instead of the national legislation?</li> </ul>
2.8.28	Applicant	<i>Art 41: Operation and maintenance of the authorised development.</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], that Art 41 is not an extraordinary provision and has been used in a number of port DCOs. <ul style="list-style-type: none"> <li>i. Would the Applicant provide examples and explain the rationale for the extensive permitted development (PD) rights given to ports?</li> <li>ii. Can the Applicant also identify which of the Art 41 works would not benefit from PD rights?</li> <li>iii. Although this article deals with operation and maintenance it appears to cover similar matters to ancillary works in Schedule 1 relating to construction works. Indeed, subparagraph 2 refers to construction as well as maintenance, whilst item (g) of the ancillary works refers to operation</li> </ul>

<b>SWQ Question to:</b>		<b>Question:</b>
		and maintenance. Given the definition of maintain in article 2, why is subparagraph 2 needed?
2.8.29	Applicant	<i>Art 42: Power to appropriate.</i> i. Art 42(2) - line 1 - "of" not "or"?
2.8.30	Applicant	<i>Art 45: Byelaws relating to the extended port limits.</i> i. Art 45(1) - who is the "confirming authority"?
2.8.31	Applicant	<i>Art 46: Fixed penalty notices.</i> i. As the justification for this article is the Silvertown Tunnel DCO, this has not yet been decided. The reference should be to the Local Government and Public Involvement in Health Act 2007, s130 of which inserts a new section into the Local Government Act 1972 concerning the abilities of local authorities to make byelaws. On what basis does the Applicant consider that the Secretary of State's powers extend to byelaws made other than by local authorities? ii. A46(7) and (10) - refer simply to payment being made by electronic means rather than definitions of app, credit and debit cards?
2.8.32	Applicant	<i>Art 51: Consent to transfer benefit of Order.</i>

SWQ	Question to:	Question:	
		<ul style="list-style-type: none"> <li>i. Art 51(6) – suggest delete. The Secretary of State is unlikely to be directed as to whom he should consult;</li> <li>ii. Art 51(7) - also PLA and EA to be notified as well as MMO?</li> </ul>	<ul style="list-style-type: none"> <li>i. The reference to the PLA was inserted at the PLA’s request. This is not a question of the Applicant directing the Secretary of State but of legislation specifying an action that should definitely occur.  As stated in the PLA’s WRs (para. 11.1), as applied for article 50(6) would give the Secretary of State unfettered discretion as to who might be appropriate parties to consult before giving consent. Consultation with the PLA will be a necessity, and PoTLL is understood to accept this. As the PLA must be a consultee, in accordance with standard legislative practice the obligation to consult the PLA should not be left as a matter of discretion but should be specified in the DCO.</li> <li>ii. The PLA would welcome an obligation that it should be notified.</li> </ul>



2.8.33	Applicant, Thurrock Council (TC), Highways England (HE)	<p><i>Art 52: Traffic regulation measures.</i></p> <ul style="list-style-type: none"> <li>i. Art 52 - in its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant signposts where in the dDCO traffic regulation consultation is provided, stating also that TC would normally expect other bodies to be notified in consultation, and that HE reserves its position. Art 52 has been amended in revision 2 of the dDCO at deadline 3 [REP3-002]. Would the Applicant, TC and HE update the Examination on their positions with regard to Art 52?</li> <li>ii. Art 52(1)(b) - line 2 - "other" rather than "others"?</li> <li>iii. Art 52(3) - within the Order limits only?</li> <li>iv. Art 52(4) – would the Applicant confirm that it is the power to make traffic regulations not the continuing operation of regulations which is subject to the time limit?</li> </ul>	
2.8.34	Applicant, Thurrock Council, Gravesham Borough Council, Environment Agency, Port of	<p><i>Art 57: Consents, agreements and approvals.</i></p> <p>The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1015], 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,</p> <ul style="list-style-type: none"> <li>i. Art 57(2) - do consenting bodies have</li> </ul>	<ul style="list-style-type: none"> <li>i. The PLA has no issue with the 28 day guillotine proposal.</li> <li>ii. The PLA agrees with the ExA that the word used should be "had".</li> </ul>

	London Authority, Marine Management Organisation	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 <i>had</i> been taken after this Order came into force”?	
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<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>
	(MMO)	

2.8.35	Applicant	<p><i>Schedule 1: Authorised Development – General.</i></p> <ul style="list-style-type: none"> <li>i. The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], that <i>'the works are labelled "to include" because of the existence of the ancillary works – these could take place within the areas shown on the Works Plans for these Works'</i>. There is nothing in the description of the ancillary works to limit their extent, and the Works Plans only delineate the areas within which the Works will take place. Would the Applicant explain why Schedule 1 does not define what may take place within those areas?</li> <li>ii. Several Works refer to "port facilities". This is imprecise and therefore can a more accurate description be provided of what these cover?</li> <li>iii. Work No. 5 - use CMAT abbreviation?</li> <li>iv. Work No. 8 (a) (i) - are "silo facilities" more than just a single silo and if so what do they contain? See also requirement 3 (3);</li> <li>v. Work No. 9(a) (ii) – should the reference be either to sheet 2 of the rights of way and access plans, or sheet 1 of the works plans?</li> <li>vi. Work No. 9(c) (i) and (ii) - "carries" not "carried"?</li> </ul>
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<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>
		<ul style="list-style-type: none"> <li>vii. Work No. 10(a) - insert "and" between "highway" and "new"?</li> <li>viii. Ancillary Works (a) to (d) - why are these needed given Arts 8 and 10?</li> <li>ix. Ancillary works (v) and (x) (previously (x) and (z) respectively) still seem excessive despite the Applicant's explanation. Are they necessary, and if they are, can they not be more tightly constrained?</li> </ul>

2.8.36	Applicant	<p>Schedule 2: <i>Part 1, Requirements - R1: Interpretation.</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1015], that "<i>ordnance datum will vary at different points across the country, and universal practice is not to define it</i>". However, in the examples given, ordnance datum is defined as "<i>ordnance datum means the datum line or mean sea level to which all heights are referred in the Ordnance Survey</i>".</p> <p>i. Would the Applicant explain why such a definition has not been included?</p>
2.8.37	Applicant, Thurrock Council (TC), Historic England (Hist E)	<p>Schedule 2: <i>Part 1, Requirements - R3: External appearance and height of authorised development.</i> In its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant states its position on why other elements of the authorised development are not subject to detailed approval. TC defers its position, and Hist E wishes to be involved in the approval process. R3 has been amended at deadline 3.</p> <p>i. Would the Applicant, TC and Hist E state their current positions on this matter?</p>

<b>SWQ Question to:</b>		<b>Question:</b>
		<p>ii. At 3(1) line 2 following (f) - "works have" rather than "works has".</p> <p>iii. At 3(1)(d) and (e) - reference to "facilities" is imprecise.</p>

2.8.38	Applicant	<p><i>Schedule 2: Part 1, Requirements - R5: Offsite mitigation.</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], that R5 would be re-written to account for the content of the Ecological Management and Compensation Plan (EMCP).</p> <ul style="list-style-type: none"> <li>i. Would the Applicant insert a reference to Ecological Management and Compensation Plan (EMCP) at 5(1).</li> <li>ii. Rather than “provided and implemented”, should R5(3) say “provided, managed and maintained” for consistency and certainty?</li> </ul>
2.8.39	Applicant	<p><i>Schedule 2: Part 1, Requirements - R6: Terrestrial written scheme of archaeological investigation.</i> Does the Applicant agree with Historic England’s proposed expansion of this requirement to cover terrestrial archaeology set out in its submission at deadline 3 [REP3-044]?</p>
2.8.40	Applicant	<p><i>Schedule 2: Part 1, Requirements - R10: Noise monitoring and mitigation.</i> This requirement [REP3-002] refers to the first operational use of Works 1 to 8.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant explain why Works 9 to 12 are not also included?</li> <li>ii. Add “inclusive” after “Work Nos. 1 to 8” at 10(1) and (3)?</li> <li>iii. Should 10(3) read “in consultation with Gravesham Borough Council”</li> </ul>

<b>SWQ Question to: Question:</b>		
		rather than “and Gravesham Borough Council”?

2.8.41	Thurrock Council (TC)	<p><i>Schedule 2: Part 1, Requirements - R13: Interpretation (re procedure for discharge of requirements).</i> In its summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], the Applicant states its rationale for employing s60 and s61 of the Control of Pollution Act 1974, and TC states that it will respond in writing via its Environmental Health Officer.</p> <p>i. Would TC state its current position on this matter?</p>
2.8.42	Applicant	<p><i>Schedule 2 Part 2, Paragraph 16 (2) – would the Applicant state the justification for a bespoke appeals process, rather than simply importing articles 78 and 79 of the Town and Country Planning Act 1990?</i></p>
2.8.43	Applicant, Thurrock Council (TC)	<p><i>Schedule 3: Classification of roads, etc.</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], that discussions are ongoing with TC.</p> <p>i. Would the Applicant and TC state the current position on the status of Schedule 3?</p> <p>ii. Why are the subheadings uppercase?</p>
2.8.44	Applicant, Thurrock Council	<p><i>Schedule 4: Permanent stopping up of highways and private means of access &amp;</i></p>

**SWQ Question to: Question:**

	(TC), Highways England (HE)	<p><i>provision of new highways and private means of access.</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1015], that it would be preferable to discuss this with TC as part of the wider discussions on the Active Transport Study, and that the schedule was also being discussed with HE.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant, TC and HE state the current position on the status of Schedule 4?</li> <li>ii. Private means of access – as comment relating to Art 12;</li> <li>iii. Line 1 - delete "In--- plans".</li> </ul>	
2.8.45	Applicant, Port of London Authority (PLA)	<p><i>Schedule 7: Port premises byelaws.</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], that PLA was largely content with what was included but needed to review it in more detail.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and PLA update the Examination on the status of their discussions on Schedule 7?</li> <li>ii. Would the Applicant state whether these byelaws simply replicate the existing port byelaws? If not, how do they relate to them operationally?</li> <li>iii. As with Art 45, Would the Applicant state who is the confirming authority?</li> </ul>	<ul style="list-style-type: none"> <li>i. The Applicant and the PLA have agreed amendments in article 45 and Part 5 (berthing, mooring and anchoring) of the byelaws, as well as revised presentation of Part 5, so as to remove any risk of conflict between (a) the port premises byelaws and (b) the PLA's Thames Byelaws 2012 and its General Directions for Navigation in the Port of London 2016 (the amendments will apply also to any changes in the byelaws or directions.)</li> </ul>

2.8.46	Applicant, Thurrock Council (TC), Highways England (HE)	<i>Schedule 8: Traffic Regulation Measures, etc.</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-015], that TC was not entirely content with Schedule 8 as drafted, and that HE	

<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>	
		<p>stated that some traffic regulation measures would need to be changed in relation to the Asda roundabout.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant, TC and HE update the Examination on the status of their discussions on Schedule 8?</li> <li>ii. Delete "speed limit to be imposed" from each entry in column 2.</li> </ul>	



2.8.47	Applicant, Marine Management Organisation (MMO)	<p><i>Schedule 9: Deemed marine licence (DML).</i> The Applicant states, in the summary of the case made at the DCO hearing on 21 February 2018 [REP1-15], that discussions are ongoing with MMO on the DML. Submissions at deadline 3 relate.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and MMO update the Examination on the status of their discussions on Schedule 9?</li> <li>ii. The heading above Part 1 paragraph 2 should be bold;</li> <li>iii. Removal of maintenance dredging from Part 1 paragraph 3(1)(a) of the DML as a marine licensable activity is explained by the Applicant as reflecting the agreed position with the MMO. However, the deadline 3 submission from the MMO [REP3-043] says that both the MMO and the PLA agree maritime dredging should be controlled within the protective provisions for the PLA and the DML. Can the Applicant and MMO please clarify the position?</li> <li>iv. Part 2 paragraphs 11 and 12 - insert "construction" before several references to "method statement";</li> <li>v. The draft SoCG between the Applicant and MMO [REP3-028] states that</li> </ul>	
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**SWQ Question to:****Question:**

		<p>the 14-hour non-piling window has been added to the draft Deemed Marine Licence (DML). ExA cannot locate reference to the 14-hour nonpiling window in Part 2 paragraph 13 of the DML. Would the Applicant and MMO state whether it is to be explicitly referenced or just controlled through the piling method statement?</p> <p>vi. The MMO has requested that Part 2 paragraph 13 should be updated to reference hours of week/weekend during which piling will not take place. Would the Applicant please advise when this will be done?</p> <p>vii. Part 2 paragraph 13 – what are the Applicant’s views about restricting piling between September and March to avoid disturbance to overwintering birds as identified by Natural England, and limits to hours of working as requested by the MMO? viii. Part 2 paragraph 14 – should there be additional references to boundaries and WID for example?</p> <p>ix. Part 2 paragraph 14 - what are the Applicant’s views about restricting maintenance dredging between September and March and capital dredging between July and April, to allow sediment to settle and so avoid disturbance to overwintering birds as identified by Natural England in its Written Representation [REP1-074]?</p> <p>x. Part 2 paragraph 14 – the maximum dredging depth should be referred to here as determined on the basis of sediment sampling to be carried out every 3 years under paragraph 12;</p> <p>xi. Part 2, paragraph 15, would the Applicant please provide revisions to the marine Written Scheme of Investigation to meet the request of Historic</p>
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SWQ	Question to:	Question:	
		<p>England set out in its submissions at deadline 3 [REP3-044]; xii. Part 3, paragraph 28 (1) and (2), would the Applicant state why it has inserted “as reasonably practicable after” rather than a time limit as originally drafted?</p>	
2.8.48	<p>Applicant, Port of London Authority (PLA), Environment Agency (EA), Thurrock Council (TC), Network Rail (NR), Highways England (HE), RWE Engineering (RWE), Anglian Water (AW), Cadent</p>	<p><i>Schedule 10: Protective provisions.</i> 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 &amp; 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&amp;HE).</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and other parties state their positions regarding the protective provisions?</li> <li>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;</li> <li>iii. With regard to Part 1 of Schedule 10, several of the protective provisions</li> </ul>	<ul style="list-style-type: none"> <li>i. The Applicant and the PLA have agreed amendments in the protective provisions for the PLA. These should appear in the revised Order to be produced by the Applicant for the deadline of a week before the hearings scheduled for the end of June 2018.</li> </ul>

		<p>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 <i>Powers of acquisition and possession of land</i> of the Order?</p>	
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<b>SWQ Question to: Question:</b>		
2.8.49	Highways England (HE)	Unless agreement has been reached between the Applicant and HE, HE is requested to set out what specific changes it is seeking to the dDCO a week before the hearings scheduled for the end of June 2018.

2.8.50	Applicant	Further to the Applicant's Note on Protective Provisions for the Benefit of Highways England submitted at deadline 3 [REP3-022], why is a s278 agreement for works to the Asda roundabout (and any other works which may be needed pursuant to the Order) unacceptable to the Applicant?
2.8.51	Highways England (HE)	Which other parts of the SRN is HE concerned about in relation to Tilbury 2, other than the Asda Roundabout and M25 J30?
<b>2.9.</b>	<b>Dredging and Navigation</b>	
2.9.1		No further questions at this stage.
<b>2.10.</b>	<b>Engineering and Design</b>	
2.10.1		No further questions at this stage.

<b>SWQ Question to: Question:</b>		
<b>2.11.</b>	<b>Habitats Regulations Assessment</b>	

2.11.1	Applicant	<p><i>Updated HRA at Deadline 4</i></p> <p>The Applicant is requested to include in its updated HRA report to be submitted at deadline 4:</p> <ul style="list-style-type: none"> <li>• the implications of the CJEU judgement;</li> <li>• whether habitat provision for lost functionally-linked habitat (ie saltmarsh and intertidal habitat) is relied on to reach the conclusions of the HRA;</li> <li>• updated screening matrices, and • where relevant, integrity matrices.</li> </ul>
2.11.2	Applicant	<p><i>Habitat Creation Offsite.</i> What is the Applicant’s response to the case law stated by the MMO at deadline 2 [REP2-012] that habitat creation offsite, prior to the proposed works removing the protected habitat, is seen as compensation and not mitigation?</p>
2.11.3	Natural England	<p><i>Functionally-linked Land.</i> NE states in its deadline 3 submission [REP3-042] that case law establishes that functionally-linked land should receive equivalent protection. Would NE state the case law to which it is referring?</p>

<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>
<b>2.12.</b>	<b>Health</b>	

2.12.1		No further questions at this stage.
<b>2.13.</b>	<b>Historic Environment</b>	
2.13.1	Applicant, Thurrock Council (TC)	<i>Status of Discussions.</i> In the SoCG between the Applicant and TC at deadline 3 [REP3-028], the SoCG identifies various matters that are under discussion: approval of external materials, maximum heights of buildings and other structures, the approval of the written scheme of the proposed operational lighting, the proposed landscape mitigation along the infrastructure corridor, and cumulative effects assessment ii. Would the Applicant and TC update the Examination on the status of their discussions?
2.13.2	Applicant, Historic England (Hist E)	<i>A Separate SoCG.</i> In the SoCG between the Applicant and Hist E at deadline 3 [REP3-028], under matters agreed, the SoCG cites Tilbury Fort as a visitor attraction, which "will be secured under a separate SoCG". i. Would the Applicant and Hist E state what is envisaged with this separate SoCG?

<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>

2.13.3	Applicant, Historic England (Hist E)	<p><i>Significance.</i> In the SoCG between the Applicant and Hist E at deadline 3 [REP3028], under matters not agreed, the SoCG states that the magnitude of impact and significance of effect are not agreed, and nor is it agreed that the assessment of impact has been undertaken with appropriate consideration of the future baseline where Tilbury B and its twin chimneys are no longer extant.</p> <p>i. Would the Applicant and Hist E state whether these matters are now closed as not agreed?</p>
2.13.4	Applicant, English Heritage (EH)	<p><i>Mitigation and compensation measures.</i> In EH's submission at deadline 3 [REP3039], EH presents a range of mitigation and compensation measures.</p> <p>i. Would the Applicant and EH update the Examination on how they see the s106 agreement being finalised given the latest draft?</p>
2.13.5	Applicant, English Heritage (EH)	<p><i>Tilbury Fort.</i> In the SoCG between the Applicant and EH at deadline 3 [REP3028], matters under discussion are the degree of impact of the Proposed Development on the setting, the visitor experience, residential letting, filming at Tilbury Fort, the potential impact on the commercial operation of Tilbury Fort, and whether the moats have been appropriately factored into the flood risk assessment.</p> <p>i. Would the Applicant and HE update the Examination on these matters?</p>

<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>



<b>2.14.</b>	<b>Planning Policy</b>	
2.14.1		No further questions at this stage.
<b>2.15.</b>	<b>Landscape and Visual Impacts</b>	
2.15.1	Applicant, Thurrock Council (TC)	<p><i>Mitigation Proposals.</i> In the SoCG between the Applicant and TC at deadline 3 [REP3-028], under matters under discussion, the SoCG states that TC considers that it may be possible to achieve wider landscape improvements as mitigation for the proposals, although TC accepts that land ownership issues will arise.</p> <p>i. Would the Applicant and TC update the Examination on the status of their discussions?</p>
2.15.2	Applicant, Historic England (Hist E)	<p><i>Visual Impacts on Tilbury Fort.</i> In Hist E's submission at deadline 3 [REP3-044], Hist E states a number of points relating to the visual impact of the Proposed Development on Tilbury Fort.</p> <p>i. Would the Applicant and Hist E update the Examination on the status of their discussions on these matters?</p>

<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>
<b>2.16.</b>	<b>Noise and Vibration</b>	

2.16.1	Gravesham Borough Council (GBC)	<p><i>Monitoring at Mark Lane.</i> The ExA notes that the Applicant agrees that further monitoring at Mark Lane (under Requirement 10) will be undertaken.</p> <p>i. Does GBC require any additional information at this stage, and if so what specifically?</p>
2.16.2	Applicant	<p><i>Noise Sensitive Receptors.</i> The discrepancy has not been resolved. Table 17.37 in the ES names Kimberley House as NSR 2,3,4, and 5.</p> <p>i. Would the Applicant state whether this is a typographical error?</p> <p>ii. Are the names on Tables 17.38-40 correct?</p>
2.16.3	Gravesham Borough Council (GBC)	<p><i>Adequacy of OMP.</i> Ref GBC responses to the ISH on 18 April 2018 [REP3-040], page 4 hierarchy of avoidance and mitigation, the second row refers to adding attenuators, controlling speed of conveyors etc. These specific measures are not detailed in the Operations Management Plan (OMP).</p> <p>i. Is GBC suggesting that the OMP is inadequate and needs refining?</p>
2.16.4	Applicant	<p><i>GBC concerns about sound between LOAEL and SOAEL.</i> With regard to the GBC responses to the ISH on 18 April 2018, page 5, GBC cites the Noise Policy Statement for England (NPSE) and states: "<i>In the tracked changes DCO published by the PoTLL (REP1-004), the PoTLL is only proposing that the</i></p>

**SWQ**

**Question to:**

**Question:**

		<p><i>mitigation package will be provided to any receptor above the SOAEL. GBC is concerned that this won't address the impacts on receptors who could be suffering impacts above between LOAEL (Lowest Observed Adverse Effect Level) but below the SOAEL (Significant Observed Adverse Effect Level).</i></p> <p><i>Changes in noise levels of less than 3 dBA are not perceptible under normal conditions whilst changes of 10dBA are equivalent to a doubling of loudness. GBC considers that LOAEL + 5dBA would be a more acceptable level".</i></p> <p>i. What is the Applicant's response to this proposal?</p>
2.16.5	Applicant, Gravesham Borough Council (GBC)	<p><i>Criteria for Noise Mitigation.</i> Regarding discussions between the Applicant and GBC, GBC responses to the ISH on 18 April 2018, question 16.1 (iii) [REP3-040] on which criteria to use for noise mitigation:</p> <p>i. If the requirements of the NPSE are to be used can the parties suggest a revised condition which would satisfy GBC's concerns?</p> <p>ii. The DCO does not specify criteria for defining significant effects. Can the parties agree a criterion to include in the DCO requirement that will ensure these criteria are used?</p>
2.16.6	Applicant	<p><i>Railway Movements.</i> With regard to the number of railway movements that would be required to meet the LOAEL:</p> <p>i. Would the Applicant please confirm this number? ii. Would the Applicant please confirm that these are higher than the</p>

**SWQ Question to:**

**Question:**

		deadline 1 example calculation assumption of double the number of passenger and freight trains given in the Response to the ExA's First Written Questions [REP1-016]?
2.16.7	Thurrock Council (TC)	<p><i>Noise barriers.</i> The dDCO [REP3-002] states the noise barrier heights but not the locations. The dDCO requirement 9 does not require sign off of noise barrier design.</p> <p>i. Would TC state whether this should be signed off, or is TC content with the dDCO approach?</p>
2.16.8	Applicant, Marine Management Organisation (MMO)	<p><i>Underwater noise assessment.</i> With regard to the Applicant's written summary of case at the ISH of 18 April 2018 [REP3-029], Appendix 1 (update to underwater noise assessment in Appendix 17.A of the ES):</p> <p>i. Does the MMO have any comments on the changes?</p> <p>ii. Does the Applicant intend for the Appendix to form part of the ES?</p> <p>iii. If so, how does the Applicant intend to reflect this in terms of the certification of documents within the dDCO?</p>
<b>2.17.</b>	<b>Socio-economic Effects</b>	

**SWQ Question to: Question:**

2.17.1	Applicant, Essex County Council (GBC)	<p><i>Skills and Employment Strategy.</i> In the SoCG between the Applicant and GBC at deadline 3 [REP3-028], the SoCG identifies the Skills and Employment Strategy as a document that is under discussion.</p> <p>ii. Would the Applicant and ECC update the Examination on the status of their discussions?</p>
<b>2.18.</b>	<b>Traffic &amp; Transportation</b>	
2.18.1	Applicant, Thurrock Council (TC)	<p><i>Lower Thames Crossing.</i> In the SoCG between the Applicant and TC at deadline 3 [REP3-028], under matters agreed, the parties state that "...it would be impossible for PoTLL to model the impact of Tilbury2 on traffic in Thurrock were the LTC be constructed, and it is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process". However, a cumulative effects assessment has been submitted at deadline 3 [REP3-027].</p> <p>i. Would the Applicant and TC agree that the wording in the SoCG needs to be amended to reflect this circumstance?</p>
2.18.2	Applicant, Thurrock Council (TC), Highways England (HE)	<p><i>Local Traffic Network.</i> In the SoCG between the Applicant and TC at deadline 3 [REP3-028], under matters under discussion, the parties state that TC remains concerned about the impact of the proposals on the ASDA roundabout and how the mitigation measures proposed impact the local road network. Discussions</p>

**SWQ Question to: Question:**

		<p>are continuing with TC and HE.</p> <p>i. Would the Applicant, TC and HE update the Examination on the status of these discussions?</p>
2.18.3	Applicant, Highways England (HE)	<p><i>Strategic Road Network.</i> In the SoCG between the Applicant and HE at deadline 3 [REP3-028], under matters under discussion, the parties state that traffic generation, traffic modelling and its impact, mitigation on the strategic road network, and details in the dDCO are not yet agreed, and that ways of resolving the lack of agreement are under discussion between PoTLL and HE.</p> <p>i. Would the Applicant and HE update the Examination on the status of these discussions?</p>
2.18.4	Applicant, Highways England (HE)	<p><i>Strategic Road Network – Overall Position.</i> HE’s submission at deadline 3 [REP3046] states:</p> <ul style="list-style-type: none"> <li>a. that discussions with the Applicant are not proceeding sufficiently quickly to ensure agreement by the end of the Examination;</li> <li>b. that there is a fundamental disagreement between HE and the Applicant in terms of how the works to the Strategic Road Network (SRN) should be carried out;</li> <li>c. that the dDCO should be amended to make it mandatory for the Applicant to enter into an agreement with HE prior to the commencement of works on the SRN;</li> </ul>

**SWQ Question to:**

**Question:**

		<p>d. that the extent of powers sought by the Applicant to take temporary possession and for stopping up in relation to the works to be undertaken on the SRN are not justified.</p> <p>i. As a matter of urgency, would the Applicant give the Examination its response to these matters?</p> <p>ii. Re point c, would HE state why the draft protective provisions in its favour are not sufficient to satisfy this point?</p> <p>iii. Would HE inform the Examination of its response to the Applicant's Note on protective provisions for the Benefit of Highways England [REP3-022]?</p>
2.18.5	Applicant, Highways England (HE)	<p><i>Strategic Road Network – Transport Assessment.</i> In HE's submission at deadline 3 [REP3-046], HE states that it still has concerns in relation to the SRN, particularly the Asda roundabout (Work No. 11) and M25 J30, but also potentially at other points. HE further states that "<i>the onus is on the Applicant to bring forward sufficient information and modelling and propose appropriate mitigation. If the Applicant has insufficient time to do this within the examination period then HE will continue to seek refusal of the Application</i>". HE also cites concerns regarding the trip generation calculations, the resultant traffic modelling and its impact, and the necessary mitigation.</p> <p>i. Would the Applicant provide its response to the Examination, clearly stating its proposed route for resolving HE's concerns, including a timetable allowing HE sufficient review time?</p>

<b>SWQ</b>	<b>Question to:</b>	<b>Question:</b>

2.18.6	Applicant, Highways England (HE)	<p><i>Strategic Road Network – Roles and Responsibilities.</i> In HE’s submission at deadline 3 [REP3-046], HE states its current position with regard to securing its SRN interests.</p> <p>i. Would the Applicant update the Examination on its current position, and matters yet to be agreed?</p>
2.18.7	Applicant, Highways England (HE), Thurrock Council (TC)	<p><i>Asda Roundabout.</i> At deadline 3, the Applicant submitted a document “Asda Roundabout DCO Powers and Potential Scope of Works” [REP3-021].</p> <p>i. Would HE and TC comment on the proposals in this document, and in particular the design supplied with the application, the potential alternatives, and the proposed amendments to the dDCO?</p>
2.18.8	Applicant, Network Rail (NR)	<p><i>Rail.</i> In the SoCG between the Applicant and NR at deadline 3 [REP3-028], under matters agreed in principle, the parties state a number of areas that need to be agreed. NR’s submission at deadline 3 [REP3-035] also relates.</p> <p>i. Would the Applicant and NR update the Examination on the status of their discussions on the matters agreed in principle?</p>
2.18.9	Applicant, Kent County Council (KCC)	<p><i>KCC Local Road Network.</i> In the SoCG between the Applicant and KCC at deadline 3 [REP3-028], under matters under discussion, the SoCG states that KCC considers that there will be an impact on the highway network and requests</p>

**SWQ Question to: Question:**



		<p>that further information is provided as to the forecast number of HGVs on the KCC highway network. Also, the Applicant awaits a response from KCC on the additional information that it has provided regarding the availability of train paths.</p> <p>i. Would the Applicant and KCC update the Examination on the status of their discussions on these matters?</p>
2.18.10	Applicant, Amazon	<p><i>Amazon.</i> In Amazon's submission at deadline 3 [REP3-045], Amazon concludes that insufficient traffic impact information for the Asda roundabout is available to allow a comprehensive transport review to take place. In particular, Amazon states that it is not yet satisfied that the permitted level of Amazon traffic has been fully taken into consideration, especially in the morning peak hour of 07.00-08.00 and the evening peak hour of 18.00-19.00.</p> <p>i. Would the Applicant and Amazon update the Examination on these matters?</p>
<b>2.19.</b>	<b>Water Quality, Flood Risk &amp; Water Framework Directive</b>	
2.19.1	Applicant	<p><i>Fluvial flood risk.</i> What is the Applicant's assessment of the consequences of Tilbury 2 for fluvial flood risk?</p>

**SWQ Question to: Question:**

2.19.2	Applicant	<i>Flood risk levels.</i> Would the Applicant state whether the levels contained in the Flood Risk Assessment Addendum [REP1-014] are finished floor levels or site levels?
2.19.3	Applicant	<i>East Dock Sewer.</i> Given the condition and capacity of the East Dock Sewer explained in the Environment Agency's deadline 3 submission [REP3-034], what are the Applicant's proposals to remedy these constraints?