

PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

TRO30003

UPDDATE TO STATEMENT OF REASONS APPENDIX F (LAND NEGOTIATIONS TRACKER) V4

TILBURY 2 DOCUMENT REF:  
POTLL/T2/EX/191





Landowner	Plots	Category	Progression of Negotiations	Formal Objection to Compulsory Acquisition Submitted?	Status
Nordor Holdings Limited	01/01	1	PoTLL has sought to engage Nordor Holdings, but has not yet been able to hold a meeting with them.	No	No response has been received from Nordor Holdings Limited
Thurrock Council	01/01, 01/02, 01/05, 02/01, 02/02, 02/04, 03/01, 03/03, 03/04, 03/04a, 03/06, 03/13, 03/14, 03/15,	1	PoTLL and Thurrock Council have agreed in principle to the acquisition of land by PoTLL in order to facilitate their requirements for Tilbury2; this is subject to final agreement on commercial terms. Discussions continue.	No Although Thurrock Council have made representations they have not objected to compulsory acquisition.	Final commercial terms are to be concluded and final legal documents are to be compared and exchanged.  Although this is unlikely to conclude prior to Examination, both sides are working towards completing documentation as as soon as possible, and DfT will be kept fully up to date post Examination.
Cadent Gas Limited (previously National Grid Gas plc)	01/02, 01/03, 01/04, 02/02, 03/04, 03/04a	2, SU	Agreement has been reached with Cadent on the Protective Provisions. Agreement has also been reached on principles which will be incorporated in a side agreement. Once executed, this will enable Cadent to withdraw its objection.	Yes	The documentation is nearing completion to enable Cadent to remove their objection prior to the end of the Examination. Title to potential diversion routes have been confirmed to Cadent.
Highways England Company Limited	01/02, 01/03, 01/04, 01/05, 01/06, 02/01	1	It has been made clear to Highways England that temporary possession powers would be subject to their protective provisions, and the Applicant believes that this is now understood by Highways England.	Yes Objection to temporary possession.	Discussions are ongoing to reach agreement on Protective Provisions prior to the end of Examination.  However it is understood that Highways England accepts that the use of these powers by PoTLL in respect of the Asda Roundabout is subject to Highways England's control through the protective provisions and other provisions of the DCO and so will be able to be managed accordingly.
London Distribution Park LLP	01/04, 01/07	1	The Applicant is a joint venture owner of London Distribution Park. Both joint venture owners will support the need to include any land for highways improvement.	No	No further action is required

Landowner	Plots	Category	Progression of Negotiations	Formal Objection to Compulsory Acquisition Submitted?	Status
Network Rail	03/01 03/02 03/03 03/12 03/16	<b>1</b>	<p>Negotiations on the Framework Agreement are continuing. The Agreement will cover engineering issues and create a framework for dealing with compulsory acquisition and temporary possession.</p> <p>A draft land transfer and framework agreement which covers in part the land arrangements is in circulation and under discussion between Network Rail and PoTLL. PoTLL's title review is well progressed.</p> <p>Liaison between PoTLL and Network Rail will continue to take place.</p>	<b>Yes</b>	<p>Two points are outstanding on the Protective Provisions – the inclusion of a right for Network Rail to consent to the exercise of the power of appropriation and the power to operate and maintain.</p> <p>Progress is being made on the Framework Agreement which will lead to a land transfer of the permanent land and other interests, rights for temporary possession and a survey licence. Title investigations with Network Rail are well progressed, but have revealed that Network Rail is not able in all cases to give good title. PoTLL will need to protect their position by retaining a right to GVD such land.</p> <p>It is considered that sufficient progress will be made on all issues to enable Network Rail's objection to be withdrawn by the end of Examination and all sides are working to this end.</p>
Diana Finnis (née Cole)	03/07, 03/08, 03/11	<b>1</b>	The options terms for both temporary possession and compulsory acquisition land were agreed with the Coles and the option was exchanged.	<b>No</b> The Cole family have not provided a representation in relation to their interests as land owners.	<p>The option to acquire permanent and temporary land interests and to transfer common rights to replacement land has been exchanged. Registration of the title to the common land is imminent and PoTLL has applied to register the option against this title.</p> <p>The Coles have also now made clear that they have no objection to the DCO proposals for compulsory acquisition.</p>
James Cole	03/07, 03/08, 03/11	<b>1</b>	Please see comments under heading above Diana Finnis (née Cole)	Please see comments under heading above Diana Finnis (née Cole)	Please see comments under heading above Diana Finnis (née Cole)
Anthony Keller Gothard	03/09, 03/10, 03/12	<b>1 and 2</b>	Commercial Agreement has been reached and legal documentation is being finalised.	<b>Yes</b> Oral representations made at Compulsory Acquisition Hearing 1	<p>The parties are awaiting exchange of legal documentation to enable Mr Gothard's objection to be withdrawn.</p> <p>Both sides are working towards exchanging documentation as soon as possible, but if this does not occur before Examination, DfT will be kept fully up to date post Examination.</p>
The Queen's Most Excellent Majesty In Right Of Her Crown	06/01, 06/02	<b>1</b>	A draft lease has been prepared and is being reviewed by the Crown Estate for agreement as soon as possible. The Applicant also continues to engage the Crown Estate in relation to obtaining their section 135 consent.	<b>Yes</b>	Draft documents are under review by the Crown Estate.
The Port of London Authority	01/04, 06/03, 06/04, 06/05a, 06/06, 06/07, 06/08, 06/09,	<b>1 and 2, SU</b>	Discussions have progressed and nearly all issues of principle are agreed and will be finalised ahead of Deadline 7.	<b>Yes</b>	Agreement has been reached on nearly all principle issues and the lease is close to being finalised and the Applicant is confident this will occur before the end of Examination. The title to PLA's interests has now been registered at the land registry.

Landowner	Plots	Category	Progression of Negotiations	Formal Objection to Compulsory Acquisition Submitted?	Status
	06/10, 06/11, 06/12, 07/01				
Anglian Water Services Limited and Anglian Water Group	01/02, 01/03, 01/04, 01/05, 02/02, 03/03, 03/04, 03/04a, 03/14, 03/15, 03/16, 04/01, 06/04, 06/05, 06/05a	<b>1 and 2, SU</b>	It is understood by the Applicant that the Protective Provisions within the DCO are now agreed by the undertaker, such that their objection could be withdrawn.	<b>Yes</b> Objection from a SU point of view in relation to their undertaking assets, rather than a landowning perspective in respect of their jetty.	Anglian Water has not indicated any concern about the protective provisions which are included for its benefit. The Applicant will seek a formal withdrawal of objection from Anglian Water.  In respect of the property interests, draft documentation is agreed between the parties and Anglian Water Group's legal representatives.
Vodafone Limited	03/09	<b>1 and 2</b>	Discussions have been ongoing with Vodafone as to their relocation of their mast. Technical details have been shared, and matters were shared with Thurrock Council as highways authority in relation to access to the mast.	<b>No</b>	Discussions are ongoing as to the details of their relocation.  The Rights of Way and Access Plans were updated at Deadline 5 to ensure that Vodafone will be able to access their mast from the newly created highway.
Sue Cole, Jeremy Godsmark Finnis and Diana Finnis (née Cole) (t/a CH Cole & Godsmark Finnis and Diana Finnis (née Cole) (t/a CH Cole & Sons)	03/07, 03/08, 03/11	<b>1</b>	Please see comments under heading above Diana Finnis (née Cole)	Please see comments under heading above Diana Finnis (née Cole)	Please see comments under heading above Diana Finnis (née Cole)
Essex and Suffolk Water Limited	01/01, 01/02, 01/05, 01/06/01/ 07, 03/08, 03/13	<b>2, SU</b>	The Applicant has undertaken the C3 and C4 process with Essex and Suffolk Water alongside a number of meetings and discussions are continuing. Outline diversion designs have been completed and agreed.	<b>No</b>	Discussions are ongoing and will continue into detailed design.
UK Power Networks (Operations) Limited (including Eastern power Networks plc)	01/01, 01/02/ 01/03, 01/04, 01/07, 02/01, 02/02, 03/06, 03/08, 03/13, 03/16, 04/01	<b>2, SU</b>	Discussions have been ongoing with this party to reach agreement on apparatus diversions.	<b>No</b>	Discussions are ongoing and will continue into detailed design.
Openreach Limited	01/01, 01/02, 01/04, 01/05, 01/06,	<b>2, SU</b>	Discussions have been held with this party in relation to apparatus diversions. Openreach have confirmed that no further actions are required until the Tilbury2 works are confirmed.	<b>No</b>	Discussions are ongoing and will continue into detailed design.

Landowner	Plots	Category	Progression of Negotiations	Formal Objection to Compulsory Acquisition Submitted?	Status
	01/07, 02/01, 02/02, 03/08, 03/13, 03/14, 03/15, 04/01				
The Secretary of State for Transport	01/04, 02/01	2	See response on Highways England which will apply to the Secretary of State.	See response on Highways England which will apply to the Secretary of State.	See response on Highways England which will apply to the Secretary of State.
Amazon UK Services Limited	01/07	2	No representations have been made as to the land interests that will be affected by temporary possession.	No	No further action required on land issues.
Legal and General Pensions Limited	01/07	2	The Applicant has continued to discuss the temporary possession proposals for this plot, but have not yet had a response.	No	No further response has been received
Roxhill (Tilbury Limited)	01/07	2	Roxhill are the JV partner with Port of Tilbury London Ltd in development of the London Distribution Park and no further action is required as details of the effect of the proposals at the location will be shared with that party as part of the usual business of the park. Roxhill are the JV partner with Port of Tilbury London Ltd in development of the London Distribution Park and no further action is required as details of the effect of the proposals at the location will be shared with that party as part of the usual business of the park.	No	No further action required
Roxhill Developments Limited	01/07	2	Roxhill are the JV partner with Port of Tilbury London Ltd in development of the London Distribution Park and no further action is required as details of the effect of the proposals at the location will be shared with that party as part of the usual business of the park. Roxhill are the JV partner with Port of Tilbury London Ltd in development of the London Distribution Park and no further action is required as details of the effect of the proposals at the location will be shared with that party as part of the usual business of the park.	No	No further action required
E.S Pipelines Limited	01/07	2, SU	No ground breaking works are believed to be required on the A1089, but dependant on developing negotiations with Highways England, the altered scope of works and the effect of these works on E.S. Pipelines will be reviewed.	No	PoTLL await the developing negotiations with Highways England, when appropriate measures will be agreed with ES Pipelines.
Environment Agency	03/03	2	The EA's interests in this plot relates to their need for access to watercourses that are affected by the Tilbury2 proposals. Discussions with the EA in regards to these watercourses are continuing as part of discussions of their Protective Provisions.	Yes In respect of wanting to retain their ability to utilise their statutory powers over the watercourses.	Good progress has been made on the protective provisions for the EA's benefit and amendments have been made to the dDCO submitted at Deadline 6. The Applicant and the EA continue to discuss the provisions and anticipate that agreement will be reached before the end of the Examination.
<b>Common Land</b>  Interests held by:  Alexander Glenny	03/07, 03/08, 03/11,	2	A meeting was held recently with the Clerk to the Conservators of the common land to confirm that he was content with the proposals contained within the Tilbury2 DCO in relation to common land.  Following that meeting PoTLL has received the attached letter	Yes	Objection withdrawn

Landowner	Plots	Category	Progression of Negotiations	Formal Objection to Compulsory Acquisition Submitted?	Status
Anthony Gothard The Executors of Allen Cole Allen Jones Lorna Jones Andrew Osborne Christine Osborne Anthony Barnett Barry Taylor The Executors of Charles Cole Christopher Beeny Karen Beeny David Smith Isama Smith Guy Cox Hayley Aldis Jeremy Finnis Diana Finnis (née Cole) John Dornan John Walsham Amanda Walsham Martin Dunne Peter Adams Valerie Bentley Peter Barnett The Executors of Robert Cole Stephen Butler Vicky Butler Steven Austin Frances Austin Amanda Harbone			<p>from the Clerk (appended at Appendix 1). PoTLL would note the following in relation to this letter:</p> <ul style="list-style-type: none"> <li>The ‘submittal’ referred to in the letter refers to the Conservator’s submissions to the Examination of 4 January 2018. This letter is attached together with PoTLL’s reply dated 24<sup>th</sup> January 2018 in Appendix 1. Owing to a typographical error, the attached letter is dated “24 January 2017”; however, the year should have stated 2018 and should be treated thusly.</li> <li>PoTLL confirms that it will comply with all of the conditions set out in that submission and notes in particular that items 1 and 3 (access and contiguity) are in line with the Planning Act 2008 statutory tests for the replacement land that have influenced the location of the replacement land within the DCO; and that the costs of amending the common land register (item 4) will be borne by PoTLL in consequence of article 37(3) of the dDCO.</li> <li>To illustrate how easily accessed and contiguous the replacement land is in respect of the existing (unaffected) areas of common land, PoTLL has produced the attached ‘before and after’ plans (Appendix 2), showing the West Tilbury common land in context.</li> <li>PoTLL agrees that the detail of security fencing and access will be dealt with in detailed design, as indicated in the attached letter dated 24<sup>th</sup> January 2018, and it will consider for Deadline 7 adding a provision to article 37 securing PoTLL’s commitments re access, security and costs.</li> <li>PoTLL can confirm that nothing in the DCO overrides the requirements of the Commons Regulation (West Tilbury) Provisional Order Confirmation Act 1893 or its byelaws. This is already effectively covered by article 37(2) of the dDCO but to put this beyond doubt PoTLL has added to v5 of the dDCO for Deadline 5 in article 37(4) a definition of ‘rights, trusts and incidents’ which expressly includes a reference to the 1893 Act.</li> <li>The entire arrangement under article 37 for the provision before any works may begin of replacement common land in place of the existing common land required for the scheme, and given that neither the replacement land nor any other existing common land is otherwise covered by the DCO’s powers, will ensure that construction and</li> </ul>		

Landowner	Plots	Category	Progression of Negotiations	Formal Objection to Compulsory Acquisition Submitted?	Status
Ann Claxton Ann Cole Dawn Pledger Kathryn Finnis Sheila Cole Sheila Hodson C H Cole and Sons Sue Cole AWG Land Holdings Limited Thurrock Borough Council RWE Generation UK PLC UK Power Networks (Operations Limited)			operation of the Tilbury2 scheme will not “adversely affect the operation of the common land for stint holders or create any conflict or infringement of the appropriate bye-laws for WTCC”.		
Zayo Group UK Limited Group UK Limited	06/08, 06/09, 06/10, 06/12	<b>2, SU</b>	Zayo have confirmed that they only have leased fibres within the Virgin Media cable discussed below. They have indicated that they do not need to be directly involved with discussions in relation to that cable, as such discussions will be led by Virgin Media.	<b>No</b>	No further action required at this time.
Virgin Media Limited	03/13, 06/08, 06/09, 06/10, 06/12	<b>2, SU</b>	The Applicant has undertaken the C3 and C4 process with Virgin Media in relation to their cable which cross the River Thames in a National Grid service tunnel, and negotiations within that process continue.	<b>No</b>	No further action required at this time.
Level 3 Communications Limited	03/08, 03/15	<b>2, SU</b>	It has been confirmed that this party's affected cable is within KPN's duct. They have indicated that they do not need to be directly involved with discussions in relation to that cable, as such discussions will be led by KPN.	<b>No</b>	No further action required at this time.
KPN International	03/06, 03/13	<b>2, SU</b>	The Applicant is continuing the C4 process with KPN.	<b>No</b>	Discussions are ongoing and will continue into detailed design.
National Grid Electricity Transmission plc	03/06, 03/13	<b>2, SU</b>	Agreement has been reached with NGET on the Protective Provisions. Agreement has also been reached on principles which will be incorporated in a side agreement which, once executed, will enable NGET to withdraw its objection.	<b>Yes</b>	The documentation is nearing completion to enable NGET to remove their objection prior to the end of the Examination.



PLANNING ACT 2008  
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)  
RULES 2010

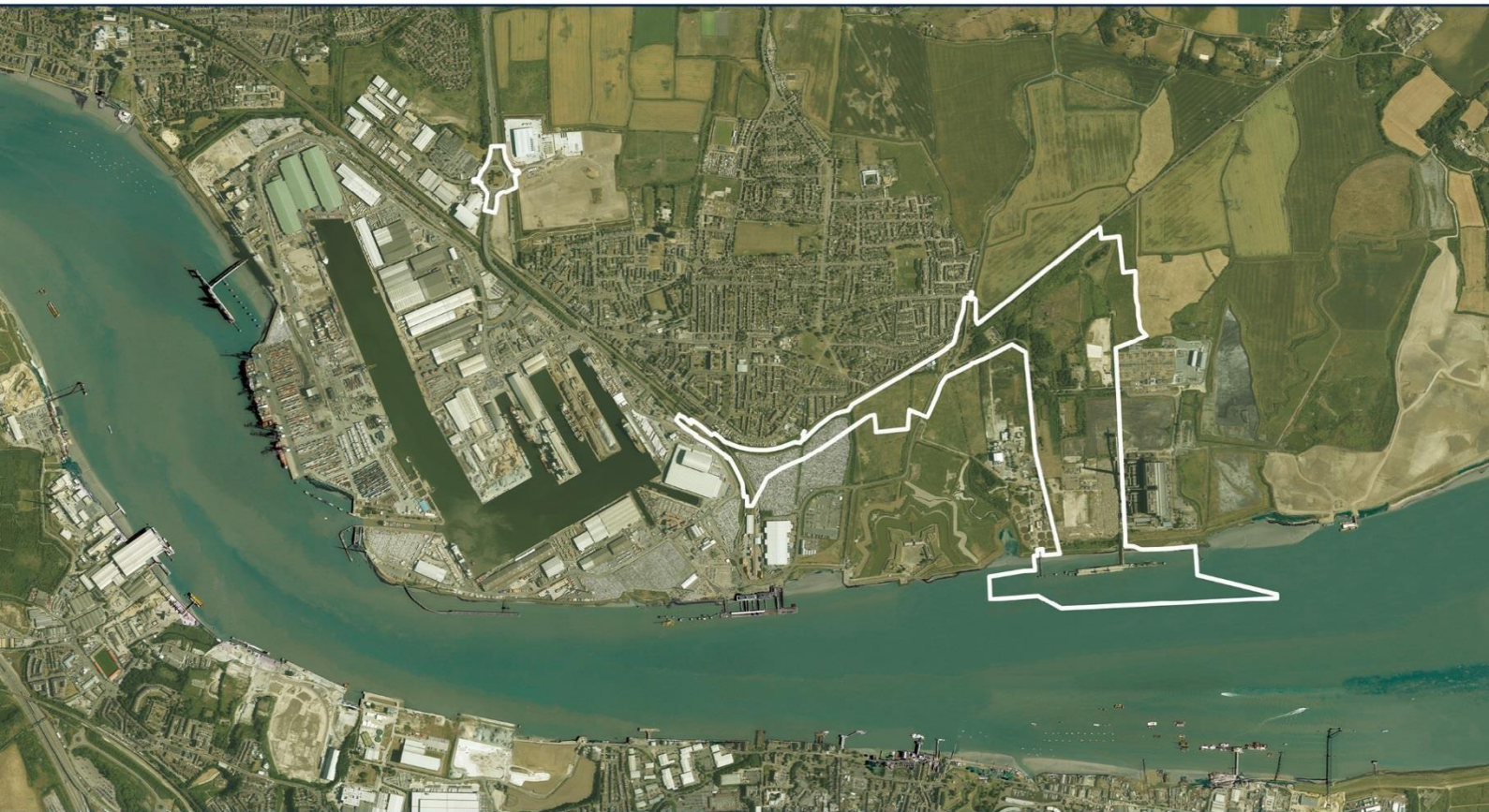
## PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION

# TILBURY2

TR030003

APPENDIX 1: CORRESPONDENCE  
BETWEEN POTLL AND THE  
CONSERVATORS

TILBURY2 DOCUMENT REF:  
POTLL/T2/EX/191 APPENDIX 1





# West Tilbury Commons Conservators

c/o The Old Bakery,  
The Green,  
West Tilbury,  
Essex RM18 8TU

Senojna@outlook.com

Date: Thursday 4<sup>th</sup> January 2018

The Planning Inspectorate,  
National Infrastructure,  
Temple Quay House,  
Temple Quay,  
Bristol BS1 6PN

Dear Sirs,

**Ref: Acceptance of an application for development consent order for a proposed new port terminal – Tilbury 2 (Reference number TR030003)**

I write on behalf of the West Tilbury Commons Conservators regarding the above development proposal. The Conservators have agreed that they would not submit any objection to the proposed development. However, they would wish to express the following conditions:

1. Access: It would be necessary for any newly acquired replacement land, and parts thereof, to be easily accessible for stint holders.
2. Security: A suitably secure fence between the acquisition land and existing common land to be erected at the Port of Tilbury (POT) expense. This would benefit both parties but the Port of Tilbury more than West Tilbury Commons.
3. Contiguity: All replacement land acquired by POT for exchange must be contiguous with existing common and of an area not less than that acquired.
4. Costs: All expenses for the legal, survey, administrative, clearance and re-registration charges to be met by POT. The WTCC have very slender resources and we would not want any hold ups due to lack of funds.
5. That any development should not at any time, present and future, adversely affect the operation of the common land for stint holders or create any conflict or infringement of the appropriate bye-laws for WTCC, an extract of which is attached.

Yours faithfully,

A.N. Jones  
Clerk to West Tilbury Commons Conservators



PORT OF  
**TILBURY**  
LONDON

PORT OF TILBURY LONDON LTD

LESLIE FORD HOUSE  
TILBURY, ESSEX RM18 7EH  
SWITCHBOARD: +44 (0)1375 852200  
FACSIMILE: +44 (0)1375 855106

24 January 2017

Mr Allen Jones  
The Old Bakery  
The Green  
West Tilbury  
Essex  
RM18 8TU

Dear Allen,

Thank you for coming back to our lawyers Walker Morris.

I thought it would be simpler if we corresponded direct on your queries.

1. Access and Contiguity - for the DCO the Planning Act 2008 Act sets out two tests. The replacement common land will need to be (a) of an area not less than the area of the common land to be acquired; and (b) no less advantageous to the public and commoners. We had these tests in mind when we put together our proposal and in our view we meet these requirements. The replacement land is the same area and adjoins retained common land. Whilst there is as you know a ditch between the two plots, we do not consider this makes the replacement land less advantageous. As you know if the replacement land meets the above tests, powers of compulsory acquisition can be included over the existing common land in the DCO. As I say our view, which we hope you agree with, is that our proposals do meet these tests. John and I would be happy to meet with you to go over the plan.
2. As to the other matters, we are happy to discuss this further with you. In principle, we are content to cover the reasonable costs incurred by the Conservators that are directly related to the common land/replacement land exchange (although it would be useful to understand a bit more of the detail). Regarding a security fence, we have no plans for this between the acquisition area and the common land but are happy to discuss further your suggestions.

I will give you a call over the coming days on the above.

Yours sincerely,

Peter Ward  
Commercial Director



Registered Office:  
Leslie Ford House  
Tilbury, Essex RM18 7EH  
Registered in England (No. 2659118)

# West Tilbury Commons Conservators

c/o The Old Bakery,  
The Green,  
West Tilbury,  
Essex RM18 8TU

Senojna@outlook.com

Date: Monday, 30 July 2018

Port of Tilbury London Ltd.,  
Leslie Ford House,  
Tilbury Freeport,  
Tilbury,  
Essex RM18 7EH

Attention: Mr. Peter Ward, Commercial Director

Dear Sirs,

**Ref: Acceptance of land exchange as part of development consent order for a proposed new port terminal – Tilbury 2**

Further to our meeting on 24<sup>th</sup> July 2018, I write on behalf of the West Tilbury Commons Conservators regarding the above development proposal. The Conservators have agreed to accept the exchange of land that is shown on your plan – Document Reference Number: PoTLL/T2/127, Title: Port of Tilbury(Expansion) Order 2017, Land Plans – Regulation 5 (2) (i) Sheet 3, Dwg Ref: N:\CAD Team\Tilbury\CAD\DWG\Red Line PlanR23 Dwg. Dated 28.06.18. provided the exchange of land complies with the requirements of the Commons Regulation (West Tilbury) Provisional Order Confirmation Act, 1893 and the Conservators submittal to the Planning Inspectorate, a copy of which is attached.

In addition, the Conservators are happy to accept your offer to carry out the necessary de-registration and re-registration of the exchanged land.

Any issues that arise regarding access or securing of the boundaries during the development and construction phase will be dealt with as a separate matter.

Yours faithfully,

A.N. Jones  
Clerk to West Tilbury Commons Conservators



PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

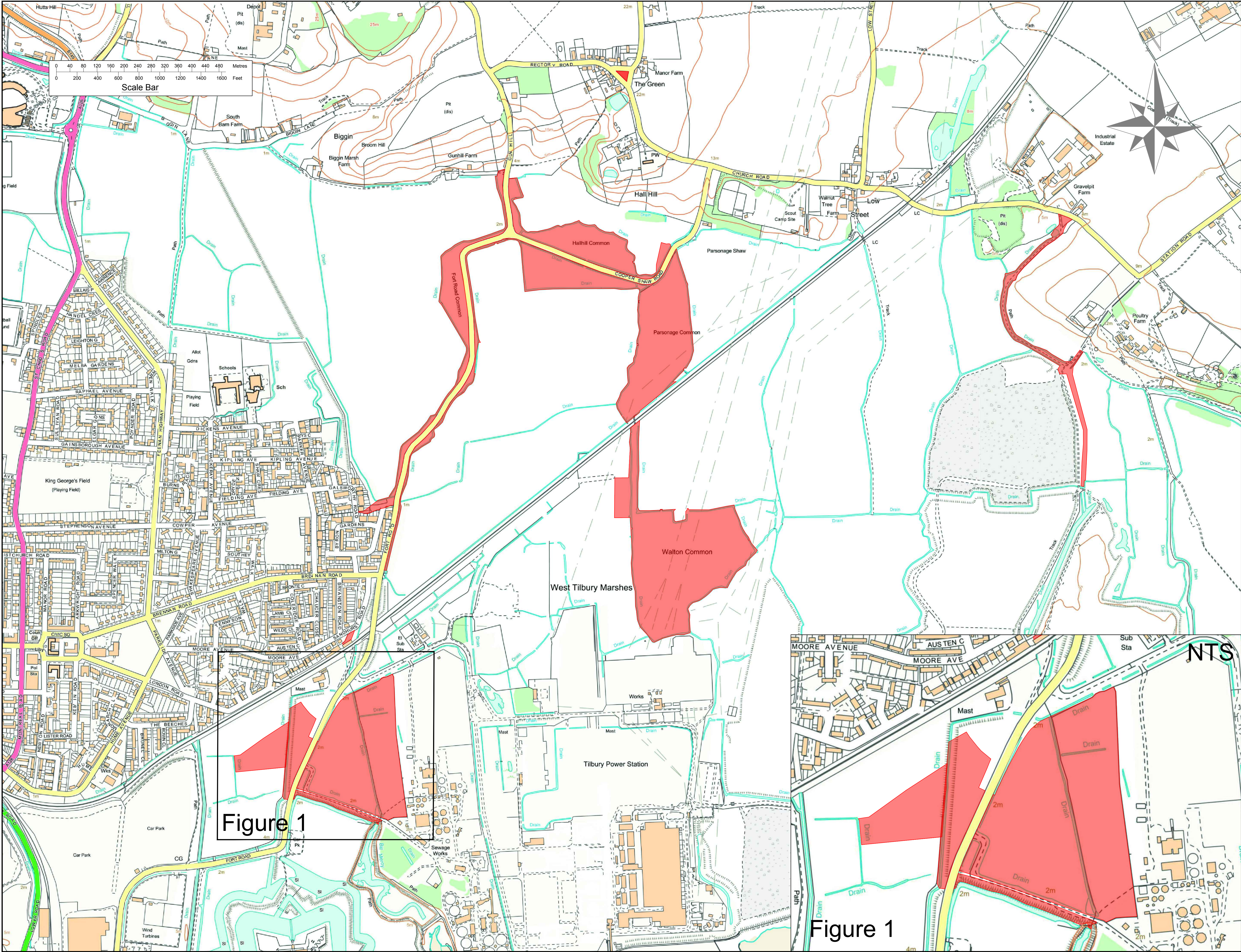
TRO30003

APPENDIX 2: COMMON LAND 'BEFORE' AND 'AFTER' PLANS


TILBURY2 DOCUMENT REF: POTLL/T2/EX/191 APPENDIX 2







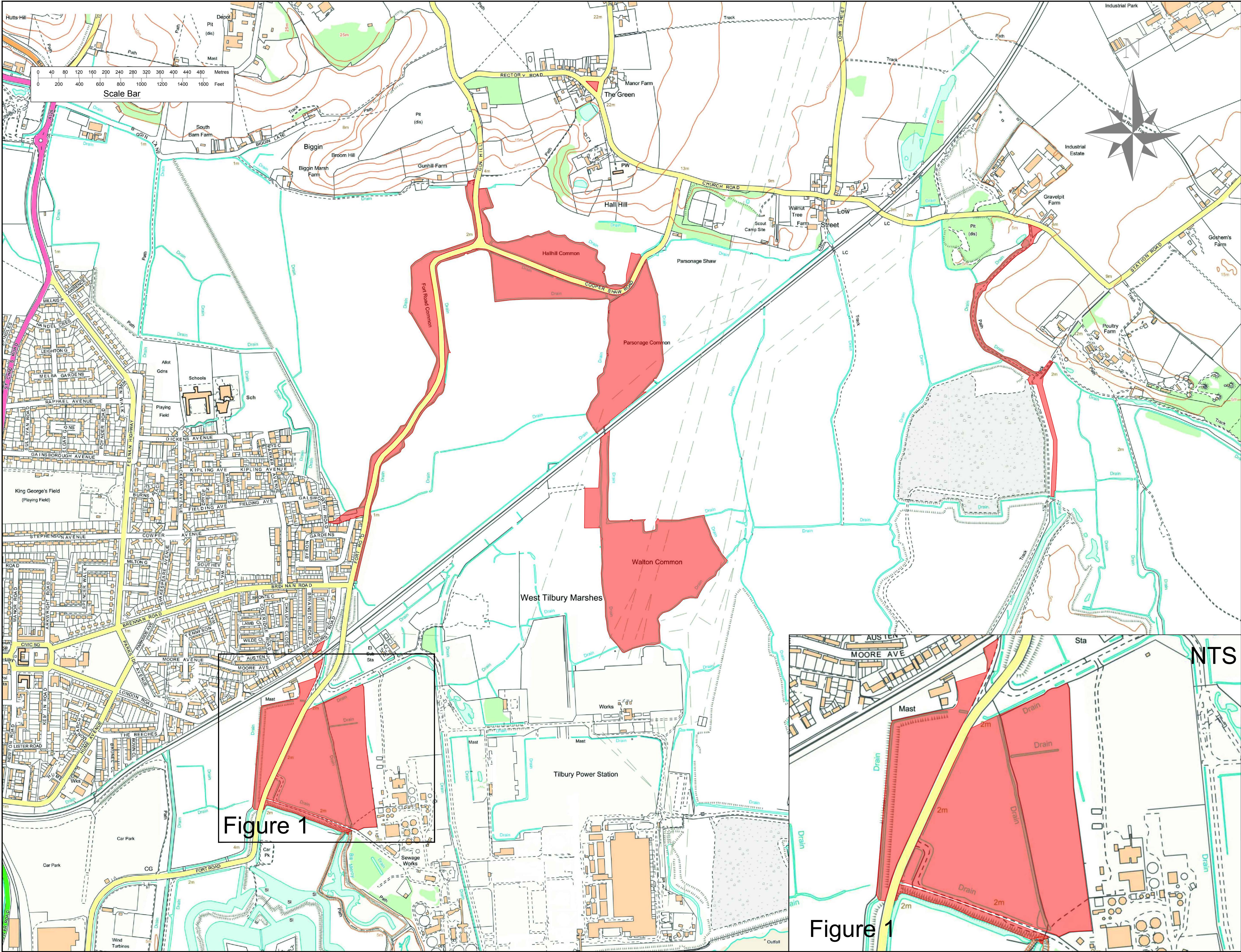
Notes  
Reproduced from the 1997 Ordnance Survey 1:1250 map with the permission of The Controller of Her Majesty's Stationary Office, Crown © Copyright Port of Tilbury, Tilbury Freeport, Tilbury, Essex, RM18 7EH. Licence No: AL 52076A0001.

REV	AMENDMENT	DATE	NAME	REV	REQ
					
DRAWN BY: D Mickelburgh					
REQUESTED BY: J Speakman					
CHECKED: ENGINEER					

Location: East Tilbury  
Subject: Common land- Post Tilbury2 DCO


DATE	DRAWING NUMBER	REV	SHEET No.
03/08/18	TS 4163		





**Notes**  
Reproduced from the 1997 Ordnance Survey 1:1250 map with the permission of The Controller of Her Majesty's Stationary Office, Crown © Copyright Port of Tilbury, Tilbury Freeport, Tilbury, Essex, RM18 7EH. Licence No: AL 52076A0001.

REV	AMENDMENT	DATE	NAME	REV	REQ



PORT OF  
TILBURY  
LONDON  
TILBURY FREEPORT  
TILBURY, ESSEX  
RM18 7EH

Location: East Tilbury  
Subject: Common land- Current Position

Scale: 1:5000 A1

DATE	DRAWING NUMBER	REV	SHEET No.
03/08/18	TS 4164		