

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

**Port of London Authority's Response to the Examining Authority's Request for Further Information 7th
August 2018**

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The PLA responds as follows to the request in Annex A to the ExA's letter of 7th August 2018.

No.		Further Information Requested	PLA's Response
17	(i)	The Panel has taken Winckworth Sherwood's written representation on behalf of the Port of London Authority [REP1-080] as containing a formal objection at paragraph 5.1 to the use of compulsory acquisition powers as they affect the PLA's interests.	Correct.
	(ii)	We appreciate that these matters are related to agreeing satisfactory protective provisions with the Applicant for inclusion in Schedule 10 Part 3 of the draft DCO, a lease of the riverbed rather than compulsory acquisition and amendments to various articles in the draft DCO. These now appear to be largely settled to the PLA's satisfaction.	An agreement to enter into an agreed form of lease has been agreed and is in course of being executed by the parties. It is expected, and is the intention of the parties, that completion will take place before the close of the Examination at close of business on Monday 20 August 2018. See (iii) and (iv) below as to the DCO.
	(iii)	We note PLA's submission at deadline 6, in which PLA states that it does not agree with the wording for articles 3 and 4 in revision 4 of the dDCO, but that agreement has since been reached on appropriate wording. We also note PLA's statements on articles 14 and 43. We also note the Applicant's submission <i>Response to ExA Comments on DCO and Related Interested Parties' Deadline 5 Submissions</i> at deadline 6, items 5.8.2, 5.8.3 and 5.8.26.	The PLA and the Applicant have agreed further amendments to the dDCO which, if included, will remove the PLA's objections to it. The PLA has seen a draft of the revised dDCO to be submitted at Deadline 7 which includes the agreed amendments and it has the Applicant's assurance that they will be included in the version submitted. Related to the DCO amendments is a Tripartite Agreement between the PLA, PoTLL and RWE which will be important for PoTLL and RWE in securing the satisfactory implementation of the authorised development. The terms of a draft have been agreed in principle and are understood to be going through formal RWE internal authorisation process before execution. Subject to that, it is expected, and is the intention of the parties, that completion will take place before the close of the Examination at close of business on Monday 20 August 2018. This document

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		is not, however, essential so far as the PLA is concerned and the PLA's withdrawal is not dependent on its completion.
(iv)	Would PLA please confirm by deadline 7 (16 August 2018) whether it is content with the form of protective provisions included in Schedule 10 Part 3 of the draft DCO in the latest version: Revision 5 at deadline 6. If not, would PLA state whether agreement has been reached between the Applicant and PLA about the form of protective provisions to be included in the final draft of the DCO to be submitted by the Applicant at deadline 7, and the draft DCO as whole, and again if not, what precise amendments PLA would be seeking.	The PLA is now content with the protective provisions in Schedule 10 to the dDCO. It has seen a draft of the revised dDCO to be submitted at Deadline 7 which includes the agreed version and it has the Applicant's assurance that this version of the protective provisions will be included in the version submitted.
(v)	Would PLA also please confirm by deadline 7 (16 August 2018) whether the objection to compulsory acquisition powers is maintained or withdrawn.	The PLA is satisfied that it will be able to withdraw its objection on the completion of the agreement for lease referred to in (ii) above. It will confirm the position (expected to be withdrawal) before he close of the Examination.