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BY E-MAIL

Your Ref: TR030003

Date: 20th August 2018

Planning Act 2008

Application by Port of Tilbury London Limited for an Order Granting Development Consent for a Proposed Port Terminal at the Former Tilbury Power Station (Tilbury)

Final Submission: Draft DCO Schedule 10, Part 7 – Protective Provisions for Thurrock Council (Highways)

Dear Robert,

Thurrock Council's deadline 7 response referred to the ongoing discussions with the Applicant regarding protective provisions for highways. The Council notes that amendments to the drafting of Schedule 2, Part 7 were submitted at deadline 7 and uploaded on Friday 17th August. The Council held a further conference call with the Applicant on Monday 20th August.

Schedule 10, Part 7:

The Council's Deadline 7 submission noted three main outstanding issues which needed to be addressed by drafting as follows:



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- i. mechanisms for the recovery of costs, fees and charges associated with the approval of plans and the inspection / supervision of works (paragraph nos. 87-91);
- ii. the length of notice period (paragraph no. 96); and
- iii. the potential addition of a provision referring to a commuted sum for maintenance.

The Council is encouraged by the fact that revision 6 of the draft DCO now partly reflects previous discussions with the Applicant regarding the Council's costs etc. (paragraph nos. 87-91). After the conference call on 20th August, the Council provided the Applicant with further refinements to the drafting of paragraph nos. 88, 89 and 91.

By way of background information and with reference to the notice period (paragraph no. 96) Thurrock Council suggests that 90 days' notice is required. This is because the Council are a permitting authority as defined by the Traffic Management Act 2004 (as amended). A permitting scheme has been made pursuant to the 2004 Act and supporting regulations, following wide consultation, and an application to the Secretary of State (the Traffic Management (Thurrock Council) Permit Scheme Order 2017). This Order came into effect on 9th October 2017. Consequently there is a legal imperative for the permitting scheme to be adhered to and this means there is an obligation in law to adhere to the 3 month notice period, with sanctions for non-compliance.

Again by way of background and with reference to a commuted sum for maintenance Thurrock Council's position is that any bridge, retaining wall, drainage structure or traffic signal are not standard apparatus on the highway. Therefore protection to the Council is required for regular inspection and routine maintenance. The detailed design of these items will inform maintenance costs over a 60 year cycle. However, a 3.5% reduction factor would apply.

An updated draft of Schedule 10, Part 7 was circulated earlier this evening and Thurrock Council can confirm that the Protective Provisions for the Council as Highways Authority are now agreed. For information I attach the latest agreed draft of these Provisions.

I trust that these comments are of assistance.

Yours sincerely,

A solid black rectangular box used to redact the signature of Matthew Gallagher.

Matthew Gallagher
Principal Planner (Major Applications)