



# Department for Transport

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To named interested parties

Date: 7 December 2018

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Dear Sir/Madam

## **Planning Act 2008 (as amended)**

**Application by Port of Tilbury London Limited ("the Applicant") for an Order granting Development Consent for a new port facility acting alongside the existing Port of Tilbury.**

## **REQUEST FOR COMMENTS FROM THE APPLICANT, CROWN ESTATES, PORT OF LONDON AUTHORITY, THURROCK COUNCIL and RWE GENERATION UK PLC**

The Examining Authority submitted on 20 November 2018 a Report and Recommendations in respect of its findings on the above application to the Secretary of State for Transport ("the Secretary of State"). In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 20 February 2019 to make a decision on the application. I am writing in relation to some outstanding matters at the end of Examination on which we would appreciate updated information before determining the application.

### **Crown Land**

The Secretary of State is of the view that, under section 135(1) of the Planning Act 2008, the Secretary of State must obtain consent from the relevant Crown authority before any Order authorising the compulsory acquisition of the interests in Crown land that are held otherwise than by or on behalf of the Crown can be made. The Secretary of State also considers that under section 135(2) of the Planning Act 2008, the Crown authority must grant consent before any Order can be made.

In this context, the Secretary of State notes from Examination Document [REP7-049](#) that the Crown Estate Commissioners were in the process of agreeing with the Applicant a position in respect of the way in which compulsory acquisition powers of third party



interests in Crown land forming part of the Crown Estate might be exercised, which would lead to the Commissioners providing their consent under sections 135(1) and 135(2) of the Planning Act 2008.

The Secretary of State requests an update from the **Crown Estate** and the **Applicant** on where matters stand in relation to the provision of the necessary consents.

### **Land Transfer**

The Secretary of State notes from Examination Document [REP7-036](#) that at the end of the Examination, agreement had not been reached regarding the transfer of plot 03/04a from Thurrock Council to the Applicant.

Please could the **Applicant** and **Thurrock Council** confirm to the Secretary of State whether an agreement regarding the transfer of plot 03/04a is now in place.

### **Objection by Port of London Authority**

The Secretary of State notes from [REP7-017](#) that the Applicant understood the Port of London Authority ("PLA") to have withdrawn its objection but that a formal withdrawal from PLA was not received before the end of the examination. Please could **PLA** clarify to the Secretary of State the status of its objection.

### **Protective Provisions**

Please could the **Applicant** and **RWE** confirm whether any updates have been agreed on the amendments to the protective provisions in Schedule 10, Part 10 of the draft Development Consent Order.

### **The deadline for any response is 21 December 2018.**

Responses to the matters outlined in this letter should be submitted by email to [tilbury2@pins.gsi.gov.uk](mailto:tilbury2@pins.gsi.gov.uk). Please send any hard copy response to Tilbury2 Case Team, The Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline please inform the Project Team.

Your response will be published on the project page for the Tilbury2 on the Planning Inspectorate website as soon as possible after the above deadline for response at:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/tilbury2/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Tilbury2 scheme, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Natasha Kopala