

**From:** [Stephanie Boswall](#)  
**To:** [Williams, Tracey](#); [Thurrock FPG](#)  
**Subject:** Thurrock Power Limited Submission - EN010092  
**Date:** 30 October 2020 11:46:28  
**Attachments:** [BS Statera to Planning Inspectorate 30 Oct 2020 - response to PoTLL letter of 26.10.2020.PDF](#)

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Dear Sir

Thurrock Flexible Generation Plant – EN010092

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Please find attached the Applicant's response to Port of Tilbury London Limited's ('PoTLL') submission of 26<sup>th</sup> October 2020 (this has also been sent directly to Pinsent Masons). With regard to the attached submission, the Applicant is not specifically seeking to discuss further any of the issues raised at Part 2 of the PM but is, of course, happy to respond to any questions the Examining Authority may wish to ask.

As confirmed during Part 1 of the PM, the Applicant does not believe it will assist the Examining Authority to agree Statements of Common Ground with Basildon Borough Council, Essex County Council, Transport for London and Royal Mail Group. After further consideration, the Applicant has reached the view that the same applies to Public Health England and the Maritime and Coastguard Agency and would ask that the Examining Authority considers this.

The Applicant can confirm that it intends to submit formal change requests by Deadline 1 in relation to both the removal of Zone F4 and the removal of its proposals relating to saltmarsh creation.

Finally, as agreed at Part 1 of the PM, the Applicant will be able to update the Examining Authority at Part 2 of the PM on the current position in relation to making a formal change request due to alteration of the gas pipeline route.

Yours faithfully  
Stephanie Boswall

**Stephanie Boswall**

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Our ref: JB13/PM08/47016.3

Your ref: EN010092

30 October 2020

Dear Sir,

**Thurrock Flexible Generation Plant DCO Application**  
**Planning Inspectorate reference: EN010092**

As requested by the Examining Authority during Part 1 of the preliminary meeting on 20<sup>th</sup> October 2020, Port of Tilbury London Limited ("PoTLL"), has made a further submission concerning its request for a delay to the start of Examination [AS-009]. This letter responds to that further submission which was copied to the Applicant on 26<sup>th</sup> October 2020.

This letter should be read in conjunction with the Applicant's previous response [AS-008] to

**APPLICATION OF NPSP**

- 1.1 PoTLL in its submission conflates two important but separate points which apply in different stages of the process: whether the NPSP is an important and relevant consideration and whether compliance with it is therefore relevant to the determination of the application, and whether the ES adequately assesses the effects of the proposed development such that it is fit for Examination.
- 1.2 In Paragraph 7 PoTLL state that they consider "that the National Policy Statement for Ports ('NPSP') will be an 'important and relevant' consideration in relation to the Examining Authority's consideration, and the Secretary of State's determination, of the Application. The Applicant does not disagree that the Examining Authority will need to consider the applicability of the National Policy Statement for Ports ("NPSP") and determine whether it is important and relevant to the determination of the application. The Applicant however submits that is decision for the Examining Authority not PoTLL, and that this decision should be made as part of the Examination, not determined prematurely at this stage by an Interested Party. PoTLL is, in this submission, again seeking to raise and make a case on a substantive not procedural issue (the status of NPSP) inappropriately for the stage of the process.

**Impacts on the functioning of the Port**

- 1.3 Relying on their premature determination that the NPSP is an important and relevant consideration, PoTLL then go on to assert that "In the absence of a proper assessment of the effects of the Project on Tilbury2, and therefore the absence of any information relating to the effect on PoTLL being able to meet the NPSP policy positions, the ES is not only inadequate but also leaves the Examining Authority in a position where these important and relevant matters are not able to be analysed owing not just to a lack of

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adequate information but a lack of any information”<sup>1</sup>. The Applicant does not accept this for several reasons.

- 1.4 The Government’s support for ports as engines for economic growth is acknowledged in the NPSP, however, that policy does not require an assessment of the impacts of a proposal on existing businesses at an individual level. NPS EN1 requires that “Where the project is likely to have socio-economic impacts at **local or regional levels**, the applicant should undertake and include in their application an assessment of these impacts as part of the ES”<sup>2</sup> (emphasis added). It then goes on to set out the types of impacts which should be assessed. That includes for example creation of jobs and effects on tourism<sup>3</sup>, they do not include effects on the operation of existing businesses on an individual level.
- 1.5 The PoTLL submission assumes that an assessment of minor traffic use (most of which is for a temporary period) on the functioning of the Port by a third party is required and possible. As a point of principle, the Applicant is aware of no EIA regulation or guidance which requires the assessment of the impact of a proposal on the functioning of an individual business and PoTLL has not referenced any such requirement. Such an assessment has not been required in other DCOs which far more directly affect operational ports. Where assessment of an impact on a Port has been required, it has been linked to land take and is assessed on that basis as required by DMRB (not EIA legislation). No land take of the Port’s land is proposed in this application – simply the use of existing port highway infrastructure.
- 1.6 The scope of the requested assessment is never fully defined by PoTLL, there is no standard guidance to apply and no guidance or methodology is suggested by PoTLL. For example DMRB, often used as a guide where there is no more specific guidance on approaching an assessment, does not provide any guidance on assessing the impact on an individual business other than where land take is required. DMRB provides no guidance on the assessment requested by PoTLL because such an assessment is simply not required despite the substantial impact highway proposals can have on individual businesses.
- 1.7 Secondly, it is the Port itself which has the information available to it to undertake any meaningful assessment of impacts on its business, the Applicant simply does not have the necessary information to do so. The lack of criteria for such an assessment in the request from PoTLL also leads inexorably to the conclusion that any assessment attempted by the Applicant would then be criticised by PoTLL as being incorrect or flawed because they have a fuller understanding of Port operations (currently and potential changes) than the Applicant could.
- 1.8 If PoTLL wish to make submissions on the impact on the Port then they need to produce the evidence to support those. To require an Applicant to seek to undertake an assessment of an individual business of which it has no specialist knowledge is artificial, unhelpful and not required for the ES to meet the required standard to be adequate. The impacts of a proposed development on existing businesses and statutory undertakings, and the available steps to mitigate such impacts, is clearly an appropriate matter for consideration in Examination, but it is not an integral part of an ES.
- 1.9 The Applicant notes the references to the Thanet Offshore Windfarm DCO and PoTLL’s statement that this refusal decision demonstrates the need to resolve the difference on the adequacy of the assessment now not during Examination<sup>4</sup>; the Applicant submits that Thanet demonstrates no such need. Not only did Thanet have an entirely different set of circumstances with incomparable navigational issues, those circumstances were judged

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<sup>1</sup> Paragraph 16 of the letter of 26 October 2020 [AS-009]

<sup>2</sup> NPS EN1 paragraph 5.12.2

<sup>3</sup> NPS EN1 paragraph 5.12.3

<sup>4</sup> Paragraph 16 of the letter of 26 October 2020 [AS-009]

against a policy of NPS EN-3 which is not relevant to this application. In that case the proposal was found by the Examining Authority following the Examination not to satisfy the policy test, despite the position of the Applicant and the examination of considerable further information. In Thanet, the decision maker preferred the evidence of other parties over the Applicant following the Examination; that is a demonstration of the examination process operating as intended. It does not and cannot lead to any conclusion that because an Interested Party does not agree with the Applicant on the information submitted that an application should not proceed to Examination.

## **2 TERRESTRIAL ACCESS AND ASSESSMENT OF TRAFFIC**

### **Traffic within the Port**

- 2.1 NPS EN1 provides that the ES should include a transport assessment “using the NATA/WebTAG139 methodology stipulated in Department for Transport guidance, or any successor to such methodology”<sup>5</sup>. That traffic assessment has been included within the ES (document APP-059). The WebTAG methodology only concerns public highways not private, internal roads and the methodology does not require assessment of internal roads within a private site. The modelling normally used for traffic assessment is designed for public highways, and would not function well for movements within the Port and adjustments would be required leading to a departure from the standard methodology prescribed by EN1.
- 2.2 PoTLL submits that “there has been a persistent lack of clarity from the Applicant as to the nature of the access required, when (in terms of time of day) it would be required, and the numbers and types of movements that would be required”<sup>6</sup>. This is not accepted. The application provides that the average number of movements would be 83 heavy vehicles movements per day, peaking at up to 164 heavy vehicle movements per day<sup>7</sup>, spread over the working day, and including buses with workers which would take access at the start and end of the working day<sup>8</sup>. The Applicant has always sought to maintain some flexibility on vehicle movement timings throughout the day precisely in order to be able to adjust its timings to align with other demands, including the Port’s busy times.
- 2.3 The T2 DCO traffic assessment assessed over 3,000 movements a day associated with the project and, with added sensitivity, used an assessment number of 3,566 (of which 2,519 are HGVs) for the design year. The Applicant’s proposed use would, at peak, be 80 HGVs a day. Given the traffic numbers concerned, the Applicant does not accept that its proposed use of a small length of road designed and built specifically to take high levels of HGV traffic can reasonably be said to be likely to cause a significant effect or serious detriment to the Port undertaking such that an assessment is required, particularly as these T2 figures include an uplift for aggregates and sensitivity, and the Applicant understands from a recent joint site visit with PoTLL, that the Port is not yet operating at its full consented capacity. The impact on the Port is properly a matter for consideration during Examination in the context of compulsory acquisition of rights of access, but not EIA.
- 2.4 The assertion by PoTLL that the Applicant has not been forthcoming with vehicle movement information does not fairly reflect the discussions which have been ongoing. It has always been the understanding between the parties that there would be a parallel commercial discussion alongside the DCO pre-application stage and application stage in the normal way. For example, in August 2020 in emails relating to commercial discussions, the Port’s commercial negotiator not only referenced the number and types

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<sup>5</sup> NPS EN1 at paragraph 5.13.3

<sup>6</sup> Paragraph 22 of the letter of 26 October 2020 [AS-009]

<sup>7</sup> [APP- 045] Document 6.2, ES Chapter 2, project description at 3.4.27

<sup>8</sup> Normal construction working hours will be Monday to Friday 08:00–18:00 and Saturday 08:00–13:00, per [APP- 045] Document 6.2, ES Chapter 2, project description at 3.2.14

of vehicles proposed but proposed a cap on vehicles above the peak level being sought by the Applicant for inclusion in the commercial agreement, which cap was agreed by the Applicant. The Port advised that their lawyers (Birketts) would be instructed to draft the legal agreement on that basis, which is the current position. The Applicant was asked to provide an undertaking for Birketts' legal fees, which was given by Burges Salmon. The PoTLL submission to this process in October that there is a lack of clarity on vehicle movements is therefore directly contradicted by the correspondence of its own officers with the Applicant in August who not only referenced numbers and agreed a cap, but demonstrated that they had enough information for the Port's lawyers to be able to draft an agreement.

- 2.5 PoTLL states that a key concern is understanding when construction traffic is to come into the Port, and how that fits into the vehicle movements associated with the Port<sup>9</sup>. Contrary to the PoTLL submission<sup>10</sup>, these matters have been discussed and the Applicant has sought to understand and allow for the Port's operation. The PoTLL submission to the Examining Authority is simply factually inaccurate on this point. The Applicant has repeatedly asked for detail on the functioning of the Port, including recently on 07 August 2020 when the Applicant noted in an email from its Director to the Port's officer the busy times which had been advised of and asked for confirmation if they were times the Port wished the Applicant to work around. The Applicant also again asked how much notice could be given by the Port of peaks which the Applicant was specifically proposing to work around and how communication would be managed. The Applicant held a joint site visit with the Port on 29 September 2020 specifically to look at the practical issues of the Port's operation to ensure that the Applicant's traffic could be managed to avoid an adverse impact.
- 2.6 The Applicant has offered to add commitments to the CTMP regarding traffic management and the process for co-ordination with the Port. The Port has never provided any information to the Applicant which would allow this offer to be progressed, however it remains in place. The CTMP is an absolutely standard mitigation measure which is commonly not finalised until the detailed design stage when a full CTMP is drafted and submitted for approval under requirement. To sustain any argument that the application cannot proceed to Examination because this is not resolved is therefore not credible and unreasonable.

### **Lower Thames Crossing**

- 2.7 PoTLL asserts that there is "a fundamental procedural omission in failing to consider and assess cumulative impacts on the Port" with the proposed development and Lower Thames Crossing ("LTC"). The Applicant submits that it cannot meaningfully undertake any cumulative assessment with LTC as LTC has declined to provide the necessary information on its proposals.
- 2.8 Advice Note 17<sup>11</sup> provides that cumulative assessment "should be undertaken to an appropriate level of detail, commensurate with the information available at the time of assessment"<sup>12</sup> (emphasis added). At the time the ES was prepared, LTC was preparing a further consultation which ran during March and April 2020. Even if the traffic assessment methodology required an assessment of traffic within the Port (which it does not), the information provided for that consultation was not sufficient to allow the Applicant to carry out a cumulative assessment. The ES therefore complies with the guidance.

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<sup>9</sup> Paragraph 23 of the letter of 26 October 2020 [AS-009]

<sup>10</sup> Paragraph 25 of the letter of 26 October 2020 [AS-009]

<sup>11</sup> Cumulative effects assessment relevant to nationally significant infrastructure projects

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf>

<sup>12</sup> Paragraph 3.4.2 of advice note 17

- 2.9 The LTC application was submitted on 23 October 2020, and the Applicant asked LTC if the LTC application documents could be shared on application – this request was refused. In those circumstances it is unreasonable to expect the Applicant to be able to carry out any more assessment than has been provided. The cumulative impact will require to be addressed by LTC in their assessment using the Applicant's traffic figures which have been in the public domain since the application was published on the Planning Inspectorate's website on 10 June 2020.

### **Public highways**

- 2.10 The Applicant responded in detail on the scope of traffic assessment within its previous submission [AS-008] and does not repeat that here.
- 2.11 The Applicant notes paragraphs 30 to 33 of PoTLL's submission<sup>13</sup> which suggests that the submitted material does not appear to consider the impacts of the Applicant's development on the performance of the junctions at either end of 'link 19' in the Transport Assessment, referred to as 'Proposed Tilbury2 road between A1089 St Andrews Road and Fort Road'. Paragraph 33 of the letter goes on to suggest that a failure to consider the impacts on this junction is another example of the failure of the Applicant to properly consider the impacts on the Port as a whole.
- 2.12 Section 7.2 of the Transport Assessment<sup>14</sup> considers the impact of TFGP upon the highway network. Table 7.1 of the Transport Assessment assesses the average and the peak construction traffic flows of TFGP against baseline traffic flows for each of the identified links along the public highway. This includes 'link 19'.
- 2.13 In considering this assessment, paragraph 7.2.4 of the Transport Assessment states:
- 'As can be seen from Table 7.1, the temporary daily increases on the majority of links are small'.
- 2.14 Paragraphs 7.2.9 to 7.2.10 of the Transport Assessment then goes on to consider the hourly construction vehicle movements generated by the TFGP during the busiest hourly periods of the highway network (the weekday AM and PM peak hours) with paragraph 7.2.10 concluding:
- 'Such a level of temporary movement is negligible and would not be noticeable to other drivers'.
- 2.15 This conclusion was made in the context of the busiest hourly periods of the highway network (the weekday AM and PM peak hours), however, the wording of the conclusion relates to the actual numbers of hourly construction vehicle movements generated by the proposed development. Hence, even if the busiest hourly period of link 19 was not during the weekday AM or PM peak hours, the same conclusion would be drawn i.e. the impact of the proposed development would be negligible. This conclusion relates to the whole of link 19, including its junctions at both ends.
- 2.16 The conclusion drawn in paragraph 7.2.10 of the Transport Assessment does not specifically mention link 19 because it was global to all links on the highway network. Paragraphs 7.2.13 to 7.2.43 of the Transport Assessment go on to consider specific parts of the adjacent highway network and confirms the conclusion drawn in paragraph 7.2.10 to the parts that they are considering.
- 2.17 As an update to the cumulative assessments to include the consultation material published by the Lower Thames Crossing after the submission of the Applicant's DCO, a

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<sup>13</sup> AS-009

<sup>14</sup> APP-0095, Document 6.6 - Appendix 10.1 - Transport Assessment

Transport Addendum was prepared and undertook similar assessments. Paragraph 2.51 of the Transport Addendum states:

'The temporary TFGP construction traffic flows assessed with the cumulative developments against 2022 baseline traffic flows demonstrate that there would not be changes noticeable to other drivers and TFGP traffic in the cumulative scenario would not add appreciably to any existing levels of congestion or road safety issues, resulting in the same conclusion as the submitted TA'.

- 2.18 The Transport Assessment and the Transport Addendum do consider the impacts of TFGP on the performance of the junctions on link 19 and the Applicant refutes the suggestion that the submitted material has not properly considered the impacts of the proposed development on the public highway.

### Car parking

- 2.19 As set out in the Applicant's previous submission [AS-008], the Rochdale parameter for the consent sought and environmental impact envelope assessed is that the majority of workers arrive at site by bus. PoTLL states that it is their case that simply saying 'there will be a car park' is not sufficient to meet the requirements of Regulation 14(2); it needs to be shown and evidenced that the car park is deliverable and described as such<sup>15</sup>. The Applicant continues to disagree.
- 2.20 While it is accepted that the Examining Authority will want to be satisfied on the deliverability of this by the end of the Examination, there is no requirement for this to be evidenced in the ES. Ultimately, this is the Applicant's risk. The vehicle numbers proposed in the application limit the number of vehicles which can access the site through the Port. Where workers are bussed from has no impact on and is simply not relevant to PoTLL. The environmental impacts relate to workers being brought in by a small number of buses, a number so small it has negligible impact on use of the public highways – it therefore does not matter to the Port where the offsite car park is as the impacts do not change. If PoTLL wish to raise a deliverability point based on the issue that if the Applicant cannot get workers to site it cannot build, that can and properly should be considered during Examination, it does not render the ES inadequate.
- 2.21 The update on the offsite car parking proposals was provided for information only and is not further environmental information. If PoTLL wish to comment on the car park planning application there is a process in place for them to do so. The DCO Examination is not the appropriate forum for that, and the comments on the application in the submission of 26 October are unhelpful and unnecessary.

## 3 MARINE ACCESS AND NAVIGATION

- 3.1 Paragraph 3.35 of the Scoping Report submitted by the Applicant [APP-134] and referred to by PoTLL<sup>16</sup> states: "In the construction phase, the applicant will consider the option to use barge delivery on the Thames where possible for bulk materials such as aggregates". PoTLL then go on to state<sup>17</sup> "Whilst the area suggested for this (Area K on Figure 2 to the Scoping Report) is slightly to the east of the current proposed location of the causeway, **it is clear that this was an option for part of the Project at the scoping stage**" (*emphasis added*). This is factually incorrect.
- 3.2 At the time the Scoping Opinion was produced, the project included an option to use cooling water from the River Thames included in the project, there was also an option to bring in abnormal loads via a previously consented jetty (which is not the causeway now

<sup>15</sup> Paragraph 38 of the letter of 26 October 2020 [AS-009]

<sup>16</sup> Paragraph 41 of the letter of 26 October 2020 [AS-009]

<sup>17</sup> Paragraph 41 of the letter of 26 October 2020 [AS-009]



proposed). The Scoping Report sets out several road access options. It also mentions, at paragraph 3.35, that: 'In the construction phase, the applicant will consider the option to use barge delivery on the Thames where possible for bulk materials such as aggregates'...'Either the existing jetty and offloading facilities of the land-raising operation, or the constructed larger jetty and pontoon[4], if constructed, would be used'. Footnote [4] reads: 'Thurrock Council planning reference 17/00224/FUL'.

- 3.3 The Scoping Opinion refers to "the consented new jetty (if constructed) for the Goshems Farm land raising operation". This is not the causeway now proposed which was **not** anticipated at scoping.
- 3.4 Further use of the marine access referenced in the Scoping Report was scoped out of any ES as set out in Table 7.2: 'Matters Scoped Out', which includes "use of existing/consented jetty" (which was the proposal at the time, not the current causeway). It is therefore submitted that it cannot be reasonably argued that the Scoping Opinion requires the assessment of the use of the causeway sought by PoTLL for an element of development which was not in consideration at that time, and based on references to other marine accesses, the use of which was explicitly scoped out.

### **Navigational Risk Assessment**

- 3.5 The ES has assessed the environmental impacts of the causeway including navigational lighting within the topic chapters. The Applicant notes that the causeway is located outside the river's navigation channel, outwith the Port boundary and on an area of mudflat which does not provide access to any existing feature. The Applicant's marine traffic movements are a maximum of 60 deliveries across the entire construction period<sup>18</sup>, against an average annualised river traffic level of over 24,000 vessel movements past Tilbury recorded during surveying<sup>19</sup>. The Applicant's contribution to the level of traffic on the river is accordingly negligible. The NRA therefore needs to be seen in the context of that baseline.
- 3.6 The Applicant has, in consultation with PoTLL and the PLA, prepared a draft NRA which has been provided to both PoTLL and the PLA for comment. Comments have been received and that draft is being amended to address those. No comments have been received which suggest that the NRA "cannot possibly stand any chance of being an adequate assessment of the navigation risk"<sup>20</sup> as alleged in the PoTLL submission.
- 3.7 PoTLL was consulted on the scope of the NRA in August and their officer's response (received 02 September 2020) advised "I am in agreement with the proposed scope of the project, we would like the proposed vessel/s alongside the causeway to be included". The Applicant agreed to include the proposed vessels as requested. The PLA were also consulted on scope and replied on 01 September 2020 that the scope was sufficient for the PLA's requirements.
- 3.8 Following work on the NRA, consultation meetings on a draft NRA were then held with PoTLL and the PLA in early October. A draft NRA was issued on 14 October and comments have been received from both PoTLL and the PLA. Those comments are relatively minor, they do not object to the fundamental methodology or state that the NRA is inadequate as alleged in the PoTLL submission to this process. Work to address those comments is ongoing to finalise the NRA
- 3.9 The additional work being taken to address comments means the NRA is now unlikely to be ready for submission in final form on 4<sup>th</sup> November as the PLA will not have had an

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<sup>18</sup> [APP- 045] Document 6.2, ES Chapter 2, project description at 3.4.9

<sup>19</sup> Data 22nd September - 5th October 2020 – annual vessel transits – 24,794, 2018 - Data 10th September - 23 September 2018 27,766

<sup>20</sup> Paragraph 47 of the letter of 26 October 2020 [AS-009]

opportunity to review the changes made by that date due to staff leave. The Applicant therefore proposes to submit a draft on the 4<sup>th</sup> and submit the final NRA by Monday 16<sup>th</sup> November, assuming the PLA comments have been received to allow for this.

- 3.10 Contrary to PoTLL's assertion that submission of the NRA would be a tactical exercise, the Applicant proposes to submit it to get it into the process, in order to allow meaningful comment to be made and to give an opportunity to address PoTLL's undefined concerns on the scope and methodology. It is noted that these concerns as included in the submissions to the Examining Authority are in clear contradiction to the responses to engagement being provided by PoTLL outside the formal Examination process. The Applicant therefore continues to intend to submit the NRA to prevent the continuation of the situation where submissions to this process make sweeping criticisms of the NRA with no detail or substance, but the technical responses being received on the actual draft contain no such fundamental concerns.

#### **4 PROCEDURE AND TIMETABLE**

- 4.1 The Applicant continues to object to any suspension of the commencement of the Examination. There is no inadequacy in the ES which requires to be remedied before Examination can commence and a suspension is unnecessary. The Applicant therefore objects to the proposal in the PoTLL submission at paragraph 56 to create procedural deadlines C and D.
- 4.2 PoTLL has been being consulted on the NRA for some months, has reviewed and comments on the scope, has been given an opportunity to consider the methodology and has been provided with and already commented on a draft. There is no advantage in delaying the Examination to undertake a process which has already been carried out.
- 4.3 There is no requirement for an assessment of traffic within the Port in the ES and any assessment which is progressed now would be done in response to representations. Should the Examining Authority consider that such assessment is needed to allow proper consideration of the issues, input from the PoTLL would be required and the Applicant sets out suggested timings and scope for that below, that can properly form further information within the Examination stage.
- 4.4 For the reasons set out in this and the previous submission<sup>21</sup>, the Applicant considers that there is no requirement or prescribed methodology for it to undertake an assessment of traffic within the Port and that it lacks the necessary data to inform any assessment. The Applicant therefore objects to PoTLL's request for a procedural decision that "an assessment of the impact of the Project on the land use and on the safe, economic and efficient operation of Tilbury2, including in particular construction traffic movements within the site including construction worker shuttle movements" is required at Deadline 2. For the reasons set out in this letter, impacts on the operations of the Port are not for the Applicant to assess.
- (a) The Applicant continues to submit that a traffic assessment within the Port is not required. However, where the Examining Authority considers that such a private road traffic assessment is required, then to be able to consider an appropriate methodology on which to undertake a further assessment of impacts within the port site, the Applicant will firstly need to have a comprehensive understanding of the movement of all on-site vehicles and how the on-site operations may affect their movement. The Applicant would ask that a procedural decision is issued requesting PoTLL to provide details of internal traffic numbers, types and movements. The Applicant would also welcome any suggestions PoTLL wishes to make about the methodology for assessing the internal traffic to assist in

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<sup>21</sup> AS-008

developing construction traffic protocols to minimise the impact on Port operations.

#### Timing

- 4.5 The modelling normally used for traffic assessment is designed for public highways would require to be adjusted for use in the Port setting. As it is not known what methodology PoTLL would accept, it is difficult to advise how long any assessment would take to prepare. Making an assumption that the modelling is not standard but is comparable with an adjusted standard traffic model in terms of time required to undertake, and that the Examination starts as proposed in the Rule 6 letter, the Applicant's suggested additional items and timings for the timetable are as follows:

Deadline	Event
Preliminary meeting Part 2 04 November 2020	Submission of draft NRA by the Applicant
Deadline 1 16 November 2020	Submission of final NRA by the Applicant Submission by PoTLL of internal Port traffic details and methodology comments
<b>New Deadline 1A 01 December 2020</b>	Submission of scope and timing for further traffic assessment on private roads by Applicant
Deadline 2 07 December 2020	Responses on NRA due
Deadline 5 25 February 2021	Submission of further traffic assessment on private roads
ISH reserved dates w/c 15 and 21 March 2021	Issue specific hearing(s) on traffic on private roads

Yours faithfully,  
**Julian Boswall**  
Partner  
Burgess Salmon LLP