Since the introduction of The Planning Act 2008, the Development Consent Order (DCO) process has become an established method of gaining planning permission for major infrastructure projects. However, recent years have seen progress in applying a parameter based assessment approach to DCO. One such project that has undertaken this approach is the Tilbury2 port development. This article discusses how this approach has been integrated into the project EIA process and can be better understood by stakeholders. The Tilbury2 project consists of the redevelopment of the former RWE power station site and will comprise the development of a new harbour facility in the form of an operational port. A number of key components are proposed within the port, with the two principal proposed uses being a Roll on-Roll off terminal and a Construction Materials Aggregates Terminal. The application is currently undergoing DCO examination.

The ‘Rochdale Envelope’ approach was a key factor in the aim to achieve the desired flexibility for the Tilbury2 scheme. The Rochdale Envelope arises from two cases: R. v Rochdale MBC ex parte Milne (No. 1) and R. v Rochdale MBC ex parte Tew [1999] and R. v Rochdale MBC ex parte Milne (No. 2) [2000]. Permission under the Rochdale Envelope must create clearly defined parameters within which future development must be limited to.

The Tilbury2 development as assessed in the Environment Statement\(^1\) adopted a series of parameters related to the location and heights of buildings and operations within approximate areas based around the site masterplan. This parameter based approach is to provide the flexibility that will be needed in recognition of the fact that the primary aim is to authorise a new operational port terminal. The DCO accordingly allows for variation to accommodate detailed design and for changes to the operation of the Port in the long term.

Each topic chapter explains the parameters of this flexibility (for example air quality considers stockpiles being located across the whole of the CMAT area) based on a reasonable worst-case scenario. For example, as a key sensitivity the DCO codifies the key range of heights of structures in different areas of the site, and this defines the Rochdale Envelope for assessment purposes. The EIA therefore includes sensitivity testing for differing heights, masses, uses and layouts within the constraints of the masterplan to allow flexible uses to be introduced to the Tilbury2 site over time, while remaining within the parameters of the masterplan and EIA.
As stated in PINS Advice Note 9 “the process introduced by the 2008 Act, places a duty upon developers to engage meaningfully with affected communities, local authorities and other statutory consultees over their proposals at preapplication stage”\(^2\). Statutory consultees may be concerned by the variability of the parameters which are required to achieve the amount of flexibility that the applicant is seeking. To address this, the project has consulted extensively from the preapplication stage, throughout the environmental assessment and during the examination period with the local community, landowners and key stakeholders including the Marine Management organisation (MMO), Port of London Authority and the statutory environmental bodies. During the examination period, Statements of Common Ground (SoCG) have also been utilised as a method to identify areas of agreement and to maintain positive dialogue with the statutory bodies and other key stakeholders.

Conor Barron, Assistant Environmental Coordinator, Atkins, April 2018.