

# THE LONDON RESORT

## The London Resort Development Consent Order

BC080001

### Environmental Statement Volume 2: Appendices

#### Appendix 1.4 – EIA Scoping Opinion– SoS July 2020

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# **SCOPING OPINION:**

## **Proposed London Resort Development**

**Case Reference: BC080001**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**July 2020**

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# 1. INTRODUCTION

## 1.1 Background

- 1.1.1 On 17 June 2020, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from London Resort Company Holdings Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed London Resort (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the information to be provided in the environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled 'The London Resort: Environmental Impact Assessment Scoping Report' (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
  - (b) *the specific characteristics of the development;*
  - (c) *the likely significant effects of the development on the environment; and*
  - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from

requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).

- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) *a plan sufficient to identify the land;*
  - (b) *a description of the proposed development, including its location and technical capacity;*
  - (c) *an explanation of the likely significant effects of the development on the environment; and*
  - (d) *such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on '*the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)*'.
- 1.1.13 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017. This assessment must be co-ordinated with the EIA in accordance with Regulation 26 of the EIA Regulations. The Applicant's ES should therefore be co-ordinated with any assessment made under the Habitats Regulations.

## **1.2 The Planning Inspectorate's Consultation**

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the

preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.

- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in preparing their ES.
- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.

### **1.3 The European Union (Withdrawal Agreement) Act 2020**

- 1.3.1 The UK left the European Union as a member state on 31 January 2020. The European Union (Withdrawal Agreement) Act 2020 gives effect to transition arrangements that last until the 31 December 2020. This provides for EU law to be retained as UK law and also brings into effect obligations which may come in to force during the transition period.
- 1.3.2 This Scoping Opinion has been prepared on the basis of retained law and references within it to European terms have also been retained for consistency with other relevant documents including relevant legislation, guidance and advice notes.

## **2. THE PROPOSED DEVELOPMENT**

### **2.1 Introduction**

- 2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

### **2.2 Description of the Proposed Development**

- 2.2.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Scoping Report Section 5.
- 2.2.2 The Proposed Development consists of a theme park with areas of themed rides and attractions, entertainment venues and conference/event spaces, theatres, cinemas and restaurants, hotels, housing for workers, car parks, river, road, rail and air transport infrastructure; offices and numerous maintenance, medical and storage facilities, security and ancillary buildings, and plant and power infrastructure. There will also be extensive landscaping, flood defences and drainage works.
- 2.2.3 The site of the Proposed Development occupies much of the Swanscombe Peninsula on the southern bank of the River Thames in Kent (referred to as the Kent Project Site in the report), and an area on the northern bank of the Thames in Essex (Essex Project Site). It is approximately 30 kilometres south-east (or downstream) of central London.
- 2.2.4 The Kent Project Site is east of the Bluewater Shopping Centre, Stone and Greenhithe, west of Gravesend, and north and east of Swanscombe itself. Part of the Kent Project Site would be adjacent to the High Speed 1 Channel Tunnel Rail Link (CTRL) and Ebbsfleet International Station, with a transport corridor extending south to the A2(T) (Watling Street) which forms part of the southern boundary but is also integral to the proposed development. The A226 and the Greenhithe-Swanscombe-Northfleet railway line extend across the proposed development area.
- 2.2.5 The Essex Project Site is located between Tilbury Docks and Tilbury Ferry Terminal to the west, with a drainage channel, vehicle parking and Tilbury Fort to the east; and the A1089 Ferry Road and a rail line forming the eastern boundary. The curving arc of the Grays-Tilbury-East Tilbury railway line is just to the north. A small area of the proposed development is also situated at the A1089 Dock Road-Thurrock Park Way roundabout to the north-west. Site location plans are provided in Figures 1.1–1.2, and Figures 5.1–5.3 of the Scoping Report
- 2.2.6 The Kent Project Site comprises approximately 504 hectares of land, including low-lying brownfield former industrial areas with tips of Cement Kiln Dust (CKD), a by-product of the cement industry; along with redeposited material from dredging of the River Thames. There are remains of drains, filtration



systems, aeration lagoons and other features from a former sewage treatment works, hard standing and areas of regenerating scrub vegetation, and extensive areas of salt marsh including Black Duck Marsh, Broadness Salt Marsh and Botany Marsh. There is also a 190m tall electricity 'super pylon', former chalk quarry pits subsequently used for landfill, and a range of existing industrial estate premises within the site boundary that are still in use. The riverbanks of the Swanscombe Peninsula feature occasional inlets and jetties, some still in use, with a small anchorage and Meteorological Office weather station situated at Broadness Creek on the north-western end of the peninsula.

- 2.2.7 The Essex Project Site comprises approximately 30ha of hard surfacing used for vehicle parking, Tilbury Railport, a large logistics shed with railway sidings; and Tilbury Ferry Terminal and the eastern half of the floating landing stage in the River Thames. Some salt marsh is present, and there was a former gasworks and coal sidings on the site with possibility of ground contamination.

## **2.3 The Planning Inspectorate's Comments**

### **Description of the Proposed Development**

- 2.3.1 The Scoping Report includes a high-level overview of the Proposed Development including the red line boundary, information on the nature of the existing sites, and some outlines of the design and size of the overall development.
- 2.3.2 The Scoping Report does not provide details of any requisite demolition works, land-use requirements during construction and operation, existing and proposed ground levels, proposed form, height and mass of buildings and other structures, likely foundation requirements, lighting, existing and proposed access arrangements and proposed landscaping. It does not include any information on the energy demand, nature and quantity of materials and natural resources used (including water, land, soil and biodiversity).
- 2.3.3 The information in the Scoping Report is often unclear or of insufficient detail and will need to be expanded and refined considerably for the ES. The generally high-level approach to the project description has limited the extent to which the Inspectorate and consultees can provide detailed comments.
- 2.3.4 These points should be addressed in full in the ES along with a description and assessment of the associated likely significant effects.

### **Alternatives**

- 2.3.5 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.

2.3.6 The Scoping Report describes alternative locations around England considered for the proposed development along with alternatives for road access schemes in Chapter 4 (Alternatives considered). It does not state the alternatives regarding details of the Proposed Development that will be considered within the ES, however, and does not provide much information concerning options for site layout, building location and design. The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

### **Flexibility**

2.3.7 The Inspectorate notes the Applicant's desire to incorporate flexibility into their draft DCO (dDCO) and its intention to apply a Rochdale Envelope approach for this purpose (paragraphs 1.13–1.17). Where the details of the Proposed Development cannot be defined precisely, the Applicant will apply a worst-case scenario. The Inspectorate welcomes the reference to Planning Inspectorate Advice Note Nine 'Using the 'Rochdale Envelope' in this regard.

2.3.8 It is very important that the definition of the worst-case scenarios used in the assessment are precisely defined and justified in the ES. Particular areas of concern to the Inspectorate are how the worst case scenarios would be defined in relation to the scale and massing of structures, the effects of lighting and the location of service infrastructure on the Kent project site. The ES would also have to explain how the worst case scenario has been defined to take into account the proposals to develop Gate 1 and Gate 2 of the Proposed Development over different timescales and future changes to the attractions on the Kent project site. Readers of the ES must be able to understand the basis of the assessments and how this relates to the works that the dDCO would be consenting.

2.3.9 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.

2.3.10 It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.

## 3. ES APPROACH

### 3.1 Introduction

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements'<sup>1</sup> and associated appendices.
- 3.1.2 Aspects/ matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.
- 3.1.3 The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects/ matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/ matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.4 The Inspectorate has made effort to ensure that this Scoping Opinion is informed through effective consultation with the relevant consultation bodies. Unfortunately, at this time the Inspectorate is unable to receive hard copy consultation responses, and this may affect a consultation body's ability to engage with the scoping process. The Inspectorate also appreciates that strict compliance with COVID-19 advice may affect a consultation body's ability to provide their consultation response. The Inspectorate considers that Applicants should make effort to ensure that they engage effectively with consultation bodies and where necessary further develop the scope of the ES to address their concerns and advice. The ES should include information to demonstrate how such further engagement has been undertaken and how it has influenced the scope of the assessments reported in the ES.
- 3.1.5 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultation bodies agree on the adequacy of the measures proposed.

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<sup>1</sup> Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements and annex. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

## **3.2 Relevant National Policy Statements (NPSs)**

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The Applicant's Scoping Report acknowledges that there is no specific NPS for business or commercial NSIPs, which do not have a National Policy Statement (NPS) to guide the determination of DCO applications. The Scoping Report (paragraphs 3.6–3.12) notes that as a substantial component of the London Resort project comprises transport infrastructure, the designated NPS(s) that it suggests are relevant to the Proposed Development are the:
- National Networks NPS (NPS EN-1);
  - NPS for Ports (NPSP).

## **3.3 Scope of Assessment**

### **General**

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- to demonstrate how the assessment has taken account of this Opinion;
  - to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
  - to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (e.g. a dDCO requirement);
  - to describe any remedial measures that are identified as being necessary following monitoring; and
  - to identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.
- 3.3.2 As noted above, the high level approach in the Scoping Report has made it difficult in some cases to understand what methodologies will be used to obtain data and the justifications for the selection of study areas and receptors. The Applicant must ensure that these points are addressed in the ES.
- 3.3.3 Some of the text in the Scoping Report, such as on several of the figures, is small scale and difficult to read on the electronic copies. The Applicant is reminded that the ES should be clear and accessible to readers. The structure

of the ES should be arranged in such a way as to make it easy for the reader to find any appendices associated with the main aspect chapters.

### **Baseline Scenario**

- 3.3.4 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge. The ES should provide a clear justification for the extent of study areas used in assessments and explain how this relates to the zone of influence of the Proposed Development.
- 3.3.5 In light of the number of ongoing developments within the vicinity of the Proposed Development application site, including proposed expansions to the Bluewater Shopping Centre, and the Lakeside Shopping Centre, the ES should clearly state which developments are assumed to be under construction or operational as part of the future baseline. The Applicant should make effort agree the other developments to be included in the future baseline with relevant consultees.

### **Forecasting Methods or Evidence**

- 3.3.6 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.
- 3.3.7 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. There is some inconsistency in the approach to determining significance described in Chapter 6 of the Scoping Report and the approach used by some of the aspect chapters. The ES must explain any departure from the overarching methodology in the individual aspect assessment chapters.
- 3.3.8 The approach to the assessment of cumulative impacts does not appear to be consistent within the Scoping Report. Some chapters such as the Marine ecology chapter do not make any reference to cumulative impacts but without providing any justification as to why such an assessment is not required. Consultees have also raised concerns about the scope of the assessment of the Proposed Development in relation to cumulative impacts (see Appendix 2 of this report). The ES must present an assessment of cumulative impacts for all aspects of the environment or provide a justification as to why such an assessment is not required, supported with evidence of agreement from relevant consultees.
- 3.3.9 The approach to the assessment of decommissioning impacts does not appear to be consistent. Paragraphs 5.93 – 5.94 of the Scoping Report states that the Proposed Development has no specified end date and where appropriate planning permission will be sought from the relevant local planning authority.

Where rides in the Leisure Core are to be replaced a decommissioning statement will be submitted to the relevant authority for approval prior to implementation. However, some chapters of the Scoping Report refer to possible assessment of decommissioning effects while others do not, so it is not clear if decommissioning effects are intended to be included in the assessment or not. The ES must contain an assessment of the works that would be consented through the dDCO where these would be likely to lead to significant effects.

- 3.3.10 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

### **Residues and Emissions**

- 3.3.11 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.

### **Mitigation and Monitoring**

- 3.3.12 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is secured, with reference to specific DCO requirements or other legally binding agreements.
- 3.3.13 The ES should identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

### **Risks of Major Accidents and/or Disasters**

- 3.3.14 The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.
- 3.3.15 Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the

European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

### **Climate and Climate Change**

- 3.3.16 The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.

### **Transboundary Effects**

- 3.3.17 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES.
- 3.3.18 The Scoping Report (paragraphs 6.25 – 6.26) concludes that the Proposed Development is not likely to have significant effects on another European Economic Area (EEA) State and proposes that transboundary effects do not need to be considered within the ES. However, it also proposes further consultation with other EEA states in relation to socio-economic effects.
- 3.3.19 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Scoping Report suggests that the Proposed Development is likely to have significant effects on another European Economic Area (EEA) State.
- 3.3.20 Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of another EEA state, and where relevant, to consult with the EEA state affected.
- 3.3.21 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary effects and if so, what these are and which EEA States would be affected.

### **A Reference List**

- 3.3.22 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

### **3.4 Coronavirus (COVID-19) Environmental Information and Data Collection**

- 3.4.1 The Inspectorate understands government enforced measures in response to COVID-19 may have consequences for an Applicant's ability to obtain relevant environmental information for the purposes of their ES. The Inspectorate understands that conducting specific surveys and obtaining representative data may be difficult in the current circumstance.
- 3.4.2 The Inspectorate has a duty to ensure that the environmental assessments necessary to inform a robust DCO application are supported by relevant and up to date information. Working closely with consultation bodies, the Inspectorate will seek to adopt a flexible approach, balancing the requirement for suitable rigour and scientific certainty in assessments with pragmatism in order to support the preparation and determination of applications in a timely fashion.
- 3.4.3 Applicants should make effort to agree their approach to the collection and presentation of information with relevant consultation bodies. In turn the Inspectorate expects that consultation bodies will work with Applicants to find suitable approaches and points of reference to allow preparation of applications at this time. The Inspectorate is required to take into account the advice it receives from the consultation bodies and will continue to do so in this regard.

### **3.5 Confidential and Sensitive Information**

- 3.5.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to personal information specifying the names and qualifications of those undertaking the assessments and / or the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information.
- 3.5.2 Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2004.
- 3.5.3 The Inspectorate adheres to the data protection protocols set down by the Information Commissioners Office<sup>2</sup> . Please refer to the Inspectorate's National

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<sup>2</sup> <https://ico.org.uk>



Infrastructure privacy notice<sup>3</sup> for further information on how personal data is managed during the Planning Act 2008 process.

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<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/help/privacy-and-cookie>

## 4. ASPECT BASED SCOPING TABLES

### 4.1 Land Use and Socio-Economic Effects

(Scoping Report section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.1.1		N/A	No matters have been proposed to be scoped out of the assessment

ID	Ref	Other points	Inspectorate's comments
4.1.2	7.19	Study area	The Scoping Report states that the baseline information would be assessed within the study areas presented in Table 7.3 but does not explain which impacts would be considered within each study area. The ES should provide a justification for the geographical extent of the study areas used in the assessments and why they are appropriate for the impact under consideration.
4.1.3	Table 7.2	Receptors	The Scoping Report is unclear in defining how receptors will be identified and over what geographic scale. The ES should explain which receptors have been considered in the assessment applicable to the relevant study area, their sensitivity and the extent of the likely impact. The Applicant should make effort to agree the receptors with relevant consultation bodies.
4.1.4	7.31	Assessment of operational effects	The ES should explain assumptions applied to the assessment, particularly those applicable to predicted visitor numbers.
4.1.5	7.47	Consultation with European Economic Area states.	The Applicant is referred to the Inspectorate's Advice Note 12 on Transboundary Impacts and Process.

ID	Ref	Other points	Inspectorate's comments
4.1.6	7.48	Cumulative effects	<p>The Scoping Report states that the assessment will be based on future projections of population and employment and so will be an inherently cumulative assessment, meaning that a separate cumulative effects assessment would be double counting. It is difficult to determine from the description of the assessment methodology in the Scoping Report if this is really the case since the Scoping Report refers to baseline data and receptors which may be used rather than being definitive. The ES should explain the range of impacts that are being considered and justify why the assessment for each is considered to be '<i>inherently cumulative</i>'. For impacts where this cannot be done a cumulative effect assessment should be undertaken, where significant effects are likely to occur.</p>
4.1.7	7.54	Mitigation	<p>The Scoping Report does not provide any detail on the mitigation proposed except to say that the chapter will outline measures to maximise the local benefits of the Proposed Development particularly in relation to local jobs and spending. Mitigation is usually defined as measures which avoid or reduce the adverse effects of a project. The ES should make a clear distinction between measures intended to mitigate effects and those intended to offer enhancement.</p>

## 4.2 Human Health

(Scoping Report section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.2.1	Table 8.6	Potential effects from hazardous waste	<p>The Scoping Report seeks to scope out this effect on the grounds that the Environment Agency will regulate the Proposed Development as part of the consenting process and therefore significant effects would not arise. The Scoping Report also states that the assessment will cross refer to the waste and materials chapter of the ES but as the waste and materials section of the Scoping Report makes little reference how impacts on human health receptors would be considered, it is not clear how relevant this is to the assessment. The Inspectorate does not consider that sufficient information has been provided to support scoping these matters from the assessment. Accordingly, the ES should include an assessment of the impacts to human health from hazardous waste where significant effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.</p>
4.2.2	Table 8.6	Potential effects associated with exposure to contamination in soil	<p>The Scoping Report seeks to scope this out because it would be addressed in the soils, hydrogeology and ground conditions chapter of the ES. The Inspectorate notes that assessment of this matter is addressed in section 17 of the Scoping Report. The Inspectorate is therefore content that this matter will be assessed in other relevant aspects of the ES. The Inspectorate considers that appropriate cross reference in the Human Health chapter of the ES to the relevant information would be useful.</p>
4.2.3	Table 8.6	Effects from water quality	<p>The Inspectorate does not agree that this matter can be scoped out. The Scoping Report provides insufficient evidence to support scoping these matters from the assessment. Accordingly, the ES should include an assessment of the impacts to human health from changes</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			in water quality where significant effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.
4.2.4	Table 8.6	Effects associated with electrical safety	The Scoping Report seeks to scope out this matter as the safety requirements are the responsibility of the construction site team management and the project management plans will refer to the relevant health and safety legislation. A site wide energy strategy will be developed which will engage with the relevant stakeholders on the generation, transmission and distribution required for the Proposed Development. The Inspectorate agrees that it appears unlikely that significant effects would arise and so this matter can be scoped out. However, if further assessment of the works required to construct the Proposed Development demonstrates that this is not the case then the matter should be scoped back in.
4.2.5	Table 8.6	Effects associated with a changing global climate	The Scoping Report presents a less than clear approach with regards to the assessment of this matter in relation to human health. The Inspectorate considers that the ES should assess impacts to human health from climate change relevant to the Proposed Development and where significant effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.

ID	Ref	Other points	Inspectorate's comments
4.2.6	-	Relationship with Transport, Accessibility and Movement chapter	Chapter 9 of the Scoping Report states that the ES will consider the effects on access to open green space, recreational facilities and healthcare facilities and on personal injury accidents. The Public Health chapter of the ES should also cross refer to this assessment.

## 4.3 Transport, Accessibility and Movement

(Scoping Report section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.3.1	9.78	Effects on air transport	The Scoping Report states that it is not expected that the proposals would have any effect on air travel patterns. The Inspectorate agrees that it is unlikely that the Proposed Development would lead to changes in air travel and can be scoped out. However, it should be noted that this does not apply to any potential safety considerations resulting from the construction or operation of the Proposed Development.
4.3.2	9.79	Effects on rail transport	The Scoping Report suggests that the impacts to the rail transport will be less than significant since the existing rail network will be utilised. The Scoping Report does not provide any information regarding the anticipated number of additional rail passengers and the pressure this would place on existing services. Accordingly, the ES should include an assessment of the impacts to rail transport where significant effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.
4.3.3	9.80	Effect on sea-related travel	The Scoping Report states that the proposals are expected to have negligible effects on current sea lines. However other sections of the Scoping Report refer to the potential for increasing the use of the Port of Tilbury by cruise ships so it is not clear what the basis is for scoping this matter out. Accordingly, the Inspectorate does not agree to scope this matter out. The ES should include an assessment of the impacts to sea related travel where significant effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.



ID	Ref	Other points	Inspectorate's comments
4.3.4	9.36 – 9.39, 9.40	Traffic modelling	It is noted that the modelling will focus on the strategic road network with a micro-simulation model which covers a smaller area and would include many of the key local roads within Ebbsfleet. However, it is not clear how the Applicant intends to ensure that the full range of significant effects on the local road network will be assessed. The ES should explain why the area covered by the micro-simulation model (or any other modelling used) captures those effects. The same point applies to the coverage of the strategic network; the ES must explain how the extent of the study area used in the assessment reflects the zone of influence of the Proposed Development.
4.3.5	9.36 – 9.39	Traffic modelling	The Scoping Report proposes to use the A2 Bean and Ebbsfleet and the Lower Thames Crossing traffic models. The Scoping Report refers to various other projects which could affect the transport network in the area of the Proposed Development. The Scoping Report does not explain the extent to which the transport modelling takes into account the anticipated growth associated with other plans or projects. The ES should assess these impacts where significant effects are likely to occur. The Applicant should make efforts to agree the likely transport growth factors for the assessment with relevant consultation bodies.
4.3.6	9.41	Identification of affected road links	The ES should include figures identifying the extent of the study area and the links within that area which have been identified as being affected.
4.3.7	9.25, 9.42, 9.56 – 9.59	Identification of receptors	<p>Paragraph 9.42 lists the receptor/areas that will be affected by the Proposed Development which are schools, health facilities, community facilities and areas with significant pedestrian movements. Paragraphs 9.56 – 9.59 refers to other receptors including private property and housing and Non-Motorised Users.</p> <p>The Scoping Report refers to the FastTrack bus service but does not make any reference to any other bus services. The ES should assess</p>

ID	Ref	Other points	Inspectorate's comments
			impacts on other relevant public transport routes where significant effects are likely to occur. The Applicant should make effort to agree the list of receptors with relevant consultation bodies.
4.3.8	9.65	Impacts to be considered in the assessment	<p>The Scoping Report does not explain whether impacts associated with increased driver delay will be assessed. The Inspectorate considers that impacts resulting from increased driver delay should be assessed in the ES where significant effects are likely to occur.</p> <p>The methodology proposed in the Scoping Report is a combination of both Institute of Environmental Management and Assessment (IEMA) guidance and the Design Manual for Roads and Bridges (DMRB). The approach lacks clarity and concerns have been raised by a number of consultation bodies. The Applicant should make effort to agree the methodology with relevant consultation bodies.</p>
4.3.9	9.71	Additional environmental measures	The Scoping Report refers to measures in plans which would mitigate the effects of the Proposed Development and which would be taken into account in the assessment. Where these measures relied upon in the assessment, the ES should clearly explain how they are secured.
4.3.10	9.77	Basis of assessment	The Scoping Report states that it would be impractical to assess all variations of likely visitor numbers so the assessment will be based on an 85-percentile day. Where uncertainty exists, the ES should be based on a worst case assessment. The Applicant should make effort to agree the approach to defining the worst case with relevant consultation bodies.
4.3.11	9.87	Potential impacts on river transport	It is noted that the ES will contain a separate chapter on river transport. The Scoping Report only considers the potential impacts during the construction period but makes no reference to any impacts resulting from the operational period. There is no explanation as to why the operational period has not been considered. The ES must either present an assessment of the impacts during operation or



ID	Ref	Other points	Inspectorate's comments
			<p>evidence demonstrating agreement with the relevant consultation bodies and the absence of an LSE.</p> <p>The initial list of impacts appears to only refer to navigation risks and does not include any other potential impacts on receptors. There is no reference in the Scoping Report to the baseline data that would be used in the assessment of effects. The response from consultees, particularly the response from the Port of London (see Appendix 2 of this report) highlights other potential impacts associated with the use of river transport such as increases in vehicle emissions during construction and operation and impacts on existing river users. The ES must present a comprehensive assessment of LSE associated with the Proposed Development's use of river transport and the works required to facilitate this. It should also include a clear justification for the receptors and impacts that have been scoped out.</p> <p>The responses from consultees (see Appendix 2 of this report) raise a number of concerns about the potential effects of the Proposed Development on navigation safety. Potential effects identified include impacts on navigational equipment, the need to maintain access to the Port of London's radar and data communications facility, issues with lighting from the resort affecting navigation, the need to maintain radar and pilot sight lines. It does not appear from the Scoping Report that these impacts have yet been considered for inclusion in the assessment. The ES must ensure that the full range of safety impacts are included in the assessment; the Applicant is advised to agree the full range of impacts and any necessary mitigation with the relevant consultees.</p>

## 4.4 Landscape and Visual Effects

(Scoping Report section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.4.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.
4.4.2	10.82	Future scoping out	The Scoping Report states that further refinement of the scope to the Landscape and Visual impact assessment will take place. The Inspectorate refers the Applicant to paragraph 3.1.3 of this Opinion.

ID	Ref	Other points	Inspectorate's comments
4.4.3	10.4 – 10.13, 10.61	Relevant guidance	The Scoping Report does not mention guidance such as the Landscape Institute and IEMA's <i>Guidelines for Landscape and Visual Impact Assessment</i> (3rd edition) (2013), Natural England's <i>An Approach to Landscape Sensitivity Assessment</i> (2019), Historic England's <i>Understanding Place: Historic Area Assessments</i> (2017), and Standards for Highways' DMRB – <i>LA 104 Environmental Assessment and Monitoring</i> (2019). The Applicant should make efforts to agree applicable guidance for the assessment with relevant consultation bodies.
4.4.4	10.21, Table 10.1, 3.17; 10.22; 10.53, Table 10.3	Consultation feedback 2014 – Locations of photoviewpoints and 3-D wireframe renderings	In response to the original 2014 Scoping, the Planning Inspectorate advised that efforts should be made to agree the location of viewpoints and photomontages with relevant consultation bodies.  The Scoping Report identifies up to 50 representative Photoviewpoints and Night Photoviewpoints. The Inspectorate considers that appropriate viewpoints and photomontages should be included within the ES. The Applicant should make effort to agree the locations and number of viewpoints and photomontages applicable to the

ID	Ref	Other points	Inspectorate's comments
			assessment with relevant consultation bodies.
4.4.5	10.21, Table 10.1, 3.18	Consultation feedback 2014 – Views from across the River Thames	The Scoping Report identifies up to 50 representative Photoviewpoints and Night Photoviewpoints. The Inspectorate considers that appropriate viewpoints and photomontages should be included within the ES. The Applicant should make effort to agree the locations and number of viewpoints and photomontages applicable to the assessment with relevant consultation bodies. However, the Inspectorate notes the lack of proposed viewpoints from Tilbury Docks and Tilbury itself facing west and south-west towards the Proposed Development. There are also no viewpoints from Gravesend on the south bank of the Thames facing north to the Proposed Development on the Essex Project Site. The Inspectorate considers that these viewpoints should be included in the ES.
4.4.6	10.21, Table 10.1, 3.19; 10.59 – 10.60	Consultation feedback 2014 – Effects on Green Belt	<p>These sections of the Scoping Report consider potential effects on the metropolitan Green Belt by the southern boundary of the Proposed Development along the A2, concerns over which were raised in the 2014 Scoping by the Planning Inspectorate and Gravesham Borough Council.</p> <p>The Inspectorate does not consider that the Scoping Report provides a clear description of the likely impacts to the Green Belt or how they will be assessed in the ES. The ES should fully assess impacts to the Green Belt from the Proposed Development where significant effects are likely to occur.</p>
4.4.7	10.23, Table 10.2	Consultation feedback 2014 – Impacts on HS1	The Scoping Report does not mention the potential for visual impacts from the Proposed Development on the existing High Speed (HS) 1 infrastructure particularly receptors at Ebbsfleet Station. The Inspectorate consider that the ES should include an assessment of the impacts to these receptors where significant effects are likely to occur.

ID	Ref	Other points	Inspectorate's comments
4.4.8	10.23, Table 10.2	Consultation feedback 2014 – Seascapes	<p>The Marine Management Organisation requested that 'seascapes' should be included in consideration of landscape and visual impacts. There is no specific consideration of this in the 2020 Scoping Report.</p> <p>Although located on the River Thames rather than the sea, part of the Proposed Development is situated within the Swanscombe Marine Conservation Zone, and the 'riverscape' of the Thames is very much part of its historic and contemporary experience. The ES should therefore include an assessment of impact to views from the river to the land and views along the river, cross-referenced with the heritage section as relevant.</p>
4.4.9	10.24	Search area	<p>The Scoping Report refers to a 6km search area. Given the scale of the Proposed Development, the Inspectorate considers that this may not be sufficiently broad and should be increased. The Applicant should take care to ensure that the search area is sufficient and applicable to the extent of the likely impacts. For some receptors the range should be increased to up to 10km, in order to confirm the precise visual envelope where it is no longer possible to have views of the proposal. The ES should explain how the search area relates to the ZTV for the Proposed Development.</p>
4.4.10	10.39	Skyline of Swanscombe Peninsula	<p>The Scoping Report notes how the skyline of the Swanscombe Peninsula is dominated by overhead power lines and pylons in many views.</p> <p>The Inspectorate also notes that there are chalk ridgelines with trees visible to the south which also form an important part of the visual experiences of these landscapes. The ES should acknowledge these features and reflect their importance within the assessment.</p>
4.4.11	10.41	Public Rights of Way (PRoWs)	<p>The Scoping Report notes that a small number of public footpaths cross the Kent Project Site. The likely significant landscape and visual effects include potentially adverse visual effects on numerous public</p>



ID	Ref	Other points	Inspectorate's comments
			<p>rights of way, but do not include the adverse landscape effects on those PRoWs which cross the site, both at construction and operational stages.</p> <p>The ES will need to consider in detail the visual impacts on PRoWs crossing the site during both the construction and operational phases.</p>
4.4.12	10.45	Essex Project Site description	<p>The description of the Essex Project Site in the Scoping Report omits reference to salt marsh and mud flats, which are present albeit not to the same extent as on the Kent Project Site. The ES should ensure the description of the receiving environment is accurate and up to date.</p>
4.4.13	10.72	Tree survey	<p>The Scoping Report states that future assessment of landscape effects for London Resort will include a full tree survey and report, and an Arboricultural Impact Assessment appended to the Landscape and Visual Chapter of the ES. The Inspectorate welcomes this, though the ES should explain how this information has been used to inform the assessment of landscape receptor value (e.g. Ancient Woodland). The ES should also cross-refer to the assessment of ecological impact.</p>
4.4.14	10.75 – 10.76	Possible avoidance and mitigation measures	<p>The Scoping Report lists a series of possible avoidance and mitigation measures. 'Green infrastructure' in the form of hedgerow and woodland planting and creation of public open space is proposed, along with ecological enhancements of the existing marshland. The ES should also address the potential for such measures to mitigate landscape and visual effects.</p>
4.4.15	10.77	Lighting strategy; and special effects and events	<p>The Inspectorate welcomes the proposal to assess lighting impacts during operation and construction. The assessment should also cross-refer to effects on ecological receptors and assess impacts on existing residents to the south, west and east of the Kent Project Site, and residents on the northern side of the River Thames.</p> <p>No details are provided of light effects generated by proposed rides</p>

ID	Ref	Other points	Inspectorate's comments
			<p>and entertainment, or by events that might utilise lasers, projections, fireworks, flames, thunderflashes, dry ice and smoke, or other visual effects. Although the Inspectorate appreciates that many such details are uncertain at this stage, a 'Rochdale Envelope' approach to the possible impacts of such lighting and special effects must also feature in the assessment of landscape and visual effects within the ES.</p>
4.4.16	10.84	Significant constraints	<p>The Scoping Report states that '<i>There are no significant constraints to development in landscape, visual and arboricultural terms</i>'.  The ES should provide sufficient detail to support the veracity of such statements. The ES should also cross-refer to constraints relating to the visual safety of diurnal and nocturnal river navigation, and the presence of areas of Ancient Woodland within or adjacent to the Proposed Development area.</p>
4.4.17	N/A	Viewpoints for visitors	<p>In addition to views towards the Proposed Development, the landscape and visual effects assessment could also consider views out for visitors, from within the completed park and also on its rail, road and river approaches. This would allow elements of the design to enhance visitors' visual experience and appreciation of the scheme and the wider landscape setting.</p>
4.4.18	N/A	Landscape and visual impacts on other receptors	<p>The Inspectorate reminds the Applicant that the landscape and visual effects chapter of the ES must also be adequately cross-referenced with consideration of visual impact on other environmental receptors including transport, heritage and archaeology, and ecology.</p>

## 4.5 Terrestrial and Freshwater Ecology and Biodiversity

(Scoping Report section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.5.1	11.92	Effects on fish populations within the Thames Estuary, Swanscombe Marshes and the Ebbsfleet Stream	The Scoping Report seeks to scope out these effects on the grounds that survey information shows very few species within these areas. This appears to contradict the statement in paragraph 12.73 of the Scoping Report which states that surveys are proposed. Accordingly, the Inspectorate does not agree to scope this matter out. The ES should assess impacts to fish populations in the Thames Estuary, Swanscombe Marshes and the Ebbsfleet Stream where significant effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies including the Environment Agency.

ID	Ref	Other points	Inspectorate's comments
4.5.2	11.65	Selection of Important Ecological Features	The response from relevant consultation bodies identifies a number of receptors, including additional European sites and Sites of Special Scientific Interest, non-statutory wildlife sites and ancient woodland which are not included in the assessment. The assessment in the ES should be comprehensive with regards to all relevant receptors likely to experience significant effects. The Applicant should make effort to agree the relevant receptors for the assessment with consultation bodies.
4.5.3	11.74	Baseline conditions	Relevant consultation bodies have raised concerns regarding the proposed baseline data for the assessment in the Scoping Report. In particular concerns are raised in relation to the winter bird surveys required for the assessment of effects on designated sites. The Applicant should make effort to agree the scope and nature of

ID	Ref	Other points	Inspectorate's comments
			baseline data required to support the assessment with relevant consultation bodies.
4.5.4	11.82	Temporal scope	The Scoping Report states that the assessment of ecological effects will be undertaken in the context of how the predicted baseline conditions might change between the surveys and the start of construction activities. The Scoping Report does not explain how this would be done, how it relates to the future baseline conditions referred to in paragraph 11.68 or if any additional survey work is proposed after consent prior to construction beginning. The ES should explain and justify any use of a future baseline.



## 4.6 Marine Ecology and Biodiversity

(Scoping Report section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.6.1	12.24 and 12.100	Impacts to plankton	Impacts to plankton are proposed to be scoped out of the ES assessment on the basis that distribution and assemblage composition is predominantly determined by tidal movements and screening at a Water Source Heat Pump (WSHP) would reduce any impacts should this mitigation be implemented. The Scoping Report does not provide sufficient evidence to allow the Inspectorate to scope this matter out of the assessment. Accordingly, the assessment should include this matter or evidence demonstrating agreement with relevant consultees that the matter can be scoped out.

ID	Ref	Other points	Inspectorate's comments
4.6.2	12.24	Thermal plume modelling	The Scoping Report states that thermal modelling options will be considered by the project team in relation to the wastewater outfall. The Inspectorate considers that thermal plume modelling should be undertaken to inform the assessment and should address impacts to migratory fish, both adult and juvenile, that are sensitive to thermal plumes. The Applicant should make efforts to agree the approach to the assessment with the relevant consultation bodies. Modelling results relevant to the assessment of likely significant effects should be provided with the ES.
4.6.3	12.21 to 12.25	Wastewater treatment facility and outfall and site-specific water quality monitoring	Currently, no details have been provided for the wastewater treatment facility and outfall including the location, design, orientation, screening, flow rates, temperature uplift and salinity. These should be provided in the ES and efforts should be made to agree the approach

ID	Ref	Other points	Inspectorate's comments
			<p>with the relevant consultation bodies.</p> <p>The Applicant should make efforts to agree the need for any site-specific water monitoring to inform the assessment with relevant consultation bodies. Such monitoring may be necessary to inform a robust assessment of the potential impacts and effects resulting from the proposed Wastewater Treatment outfall.</p>
4.6.4	12.89	Previous and proposed surveys	<p>The baseline is based on a number of previous surveys and sampling and surveys are proposed for intertidal and subtidal benthic habitats and species, saltmarsh and intertidal fish. The details (locations, duration, extent etc.) of these surveys/sampling and their results should be provided with the Application; effort should be made to agree the approach to proposed surveys with the relevant consultation bodies and should include seasonal variations. The Applicant should consider using gap analysis on any data obtained to support a robust assessment of the effects.</p>
4.6.5	5.86	Piling works	<p>Where piling works are required, the ES should include details on the extent, method to be used, information on the pile size, number of piles, expected installation duration and timing of the piling works. The ES should assess any potential impacts from piling on receptors where significant effects are likely to occur.</p>
4.6.6	5.86	Dredging works	<p>Where dredging, bed levelling works and/or disposal of material are required, the ES should include details on the proposed methods, timing and duration, volume of material to be dredged/disposed of and the location of the works. The ES should assess any potential impacts from dredging on receptors where significant effects are likely to occur.</p>
4.6.7	4.53 and 12.98	Jetty details	<p>Limited detail is provided in relation to the operation of the jetties other than the proposed floating jetty which is anticipated to serve up to 15% of customers visiting the resort. The ES should include details</p>

ID	Ref	Other points	Inspectorate's comments
			of the jetty in terms of the likely design and material for its construction, types of vessels used and the draft required for their operation. The assessment should specifically address potential impacts to the tentacled lagoon worm from dredging and propeller wash.
4.6.8	12.83 to 12.88	Vessel pollution, wash and wave impacts	Construction and operational vessel movements will increase pollution in the marine environment resulting from increased fumes, anti-fouling paint and vessel waves and wash. The Scoping Report only refers to ' <i>accidental pollution events</i> ' with regards to impacts during construction and operation and does not include vessel wash and wave impacts on sediment movement and intertidal habitats. The ES should also include an assessment of impacts from increased fumes, anti-fouling paint and vessel waves and wash where significant effects are likely to occur.
4.6.9	12.97 and 12.98	Mitigation measures	The Scoping Report proposes a number of mitigation measures during construction and operation that could be employed to address significant effects. The Applicant should make effort to agree the approach to and need for mitigation measures with the relevant consultation bodies.
4.6.10	12.96 and Chapter 16	Water Framework Directive (WFD) Assessment	A WFD assessment is proposed and will inform the ES in terms of changes to water quality in Thames Middle Transitional waterbody. This will be informed by hydraulic modelling which is proposed in Chapter 16. The ES should cross-refer where Chapters overlap and/or inform other Chapters to aid understanding of the assessments.
4.6.11	Section 12	Cofferdam	The consultation response from the Environment Agency (EA) identifies the potential need for a cofferdam during construction of the outfall structure. Should this be the case, any impacts from the construction, operation and decommissioning of the cofferdam should be assessed in the ES where significant effects are likely to occur.

ID	Ref	Other points	Inspectorate's comments
4.6.12	Section 12	Coastal processes	<p>The Scoping Report proposes to embed the assessment of likely significant effects of coastal processes in the marine ecology and water resources and flood risk aspect chapters. The Scoping Report does not provide a baseline or methodology for the assessment of coastal processes, for example, sediment type, erosion and deposition are not defined and impacts to coastal stability are not considered.</p> <p>The Inspectorate considers that the impacts and effects associated with changes to coastal processes from the Proposed Development may be considerable. Accordingly, the Inspectorate requests that the ES include a separate aspect chapter assessing coastal processes. This is a position that is also identified as being necessary by the Marine Management Organisation (MMO) in their consultation response.</p>
4.6.13	Section 12	Shellfish	<p>The ES should assess impacts to shellfish where significant effects are likely to occur.</p>
4.6.14	12.84, 12.87 and 12.97	Underwater noise modelling	<p>The ES should assess impacts from increased underwater noise on marine ecological receptors. The assessment should be informed by suitable modelling, as necessary, and effort should be made to agree the approach with the relevant consultation bodies.</p>

## 4.7 Cultural Heritage and Archaeology

(Scoping Report section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.7.1	N/A	N/A	No matters are proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.7.2	13.4	International agreements	The Inspectorate notes that The Convention for the Protection of the Architectural Heritage of Europe (1985) is omitted from reference in the Scoping Report but is also relevant to the assessment in the ES.
4.7.3	13.5	National legislation	The Inspectorate notes that the Protection of Military Remains Act 1986 is omitted from reference in the Scoping Report but which might also be relevant to the assessment in the ES.
4.7.4	13.9	Relevant guidance	<p>The Scoping Report omits reference to relevant local guidance produced by Kent County Council and Historic England. The Applicant should make effort to agree the relevant guidance documents to inform the assessment with consultation bodies. Additional documents include Kent County Council – <i>Standard Specifications for Desk-based Assessment for Areas with Known Palaeolithic Potential</i>, Heppell 2010 – <i>The Greater Thames Estuary Historic Environment Research Framework</i>, and Chris Blanford Associates 2005 – <i>Thames Gateway Historic Environment Characterisation Project</i>.</p> <p>Other appropriate guidelines and sources are Historic England 2015 – <i>Geoarchaeology: Using Earth Sciences to Understand the Archaeological Record</i>, Historic England 2020 – <i>Deposit Modelling and Archaeology: Guidance for Mapping Buried Deposits</i>, and Wenban-Smith et al. 2019 [2010] <i>The Early Palaeolithic in the South-East</i>.</p>



ID	Ref	Other points	Inspectorate's comments
4.7.5	13.12	Consultation feedback 2014 – Zone of Theoretical Visibility	<p>In response to the original 2014 Scoping, Historic England commented that analysis of the settings of heritage assets should utilise a Zone of Theoretical Visibility (ZTV).</p> <p>The Inspectorate considers that the assessment of impacts to cultural heritage in the ES should be informed by reference to the Zone of Theoretical Visibility, and both the ZTV and the locations of all designated and undesignated heritage assets need to be shown on detailed maps.</p>
4.7.6	13.12	Consultation feedback 2014 – Archaeological character areas	<p>The Inspectorate considers that the assessment of impacts to cultural heritage in the ES should be informed by reference to Archaeological Character Areas.</p>
4.7.7	13.12, 13.19, 13.60	Consultation feedback 2014 – Deposit model	<p>In response to the original 2014 Scoping, Historic England commented that a preliminary Archaeological Deposit Model should be created and used to target predetermination fieldwork.</p> <p>The Inspectorate considers that the assessment of impacts to cultural heritage in the ES should be based on robust and detailed information. This should include an Archaeological Deposit Model informed by a programme of geophysical survey, geotechnical and geoarchaeological coring, and test pitting and trial trenching. The Applicant should make effort to agree the appropriate level of survey information with relevant consultation bodies.</p>
4.7.8	13.12	Consultation feedback 2014 – Inter-tidal, sub-tidal and marine assets	<p>In response to the original 2014 Scoping, Historic England commented that the ES should address sub-tidal and inter-tidal archaeology and marine areas potentially affected by the proposals. Historic Seascape Characterisation should also be used, in liaison with Historic England's marine specialists.</p> <p>The Inspectorate considers that the assessment of impacts to archaeology in sub-tidal or inter-tidal areas should be informed by robust information. A comprehensive programme of inter-tidal</p>

ID	Ref	Other points	Inspectorate's comments
			walkover survey, marine geophysical and geotechnical investigation utilising side scan sonar, multibeam bathymetry, magnetometry surveys and geotechnical core samples should be employed to consider any impacts to archaeological features and deposits below Mean High Water Springs (MWHS) level. The Applicant should make effort to agree suitable surveys with relevant consultation bodies.
4.7.9	13.16	Neolithic sites near Ebbsfleet	The Scoping Report refers to one of the two Scheduled Neolithic sites being the 'type-site of the Ebbsfleet Neolithic culture'. The Inspectorate notes that this is an outdated description for a type site for a particular sub-style of Neolithic pottery. The ES should use more relevant and up to date descriptions.
4.7.10	13.16 – 13.17	Designated heritage assets	<p>The Scoping Report only lists designated heritage assets within the Proposed Development. Several Listed structures immediately adjacent to the red line boundary are omitted. Figure 13.1 also depicts a wider study area boundary 1km outside of the red line boundary, used to assess direct effects on heritage assets, but the assets within this 1km outer zone were not listed.</p> <p>The ES should describe all designated and non-designated heritage assets within the 1km study area, as well as all relevant heritage assets located within the ZTV. The ES might also have to consider wider viewpoints not focusing on specific assets in order to more readily assess the impact of the proposal on designated assets' significance and setting.</p>
4.7.11	13.19	Existing archaeological assessment	<p>The Scoping Report lists a series of desk-based assessments, deposit modelling, geophysical surveys and intrusive evaluations that have been undertaken for the London Resort.</p> <p>The ES should collate, synthesise and summarise the results of these investigations, including figures to support the assessment e.g. 3-D deposit models, plans depicting underlying topography, lidar and</p>

ID	Ref	Other points	Inspectorate's comments
			geophysical surveys and historical aerial photo analysis. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.
4.7.12	13.21, 13.58	1km study area and wider 5km buffer	<p>The Scoping Report states that a study area of 1km surrounding the Proposed Development, and a wider 5km buffer is being used for the assessment of indirect effects for designated heritage assets and built heritage, undertaken in conjunction with the landscape and visual impact assessment using a Zone of Theoretical Visibility Model.</p> <p>The study area should be informed by the extent of the likely impact rather than arbitrary pre-determined distance criteria (see Section 3). For example, the Specifications for Desk-based Assessment for Areas with Known Palaeolithic Potential by Kent County Council state that a potential 3km study area should be used for Palaeolithic remains; and a wider than 5km buffer may be necessary to assess impacts on setting. A carefully tailored approach that takes into account nuances of geology and topography will be required in the ES.</p>
4.7.13	13.22	Scope of archaeological and historical assessment	The Scoping Report notes the importance of the area's riverine location, but the connections this facilitated with the English Channel and North Sea also need to be highlighted, as does the significance of its proximity to London.
4.7.14	13.23 – 13.51	References	<p>The 2020 Scoping Report includes references to relevant heritage statutory and guidance documents, yet when it summarises the archaeological and historical context of the wider area no references to published studies are included.</p> <p>The ES should include appropriate referencing sufficient to identify relevant source materials used to inform the assessment of significant effects.</p>
4.7.15	13.24 –	Palaeolithic significance	The Scoping Report rightly notes the international significance of the



ID	Ref	Other points	Inspectorate's comments
	13.25		<p>Palaeolithic deposits at Baker's Hole, a Scheduled Monument and Site of Special Scientific Interest. However, the Inspectorate notes that reference to the former gravel quarry of Barnfield Pit has been omitted, although the location has produced some of the oldest hominin remains ever recorded in Britain. The site has also yielded tens of thousands of handaxes and other artefacts (e.g. Wenban-Smith et al. 2019 [2010] – <i>The Early Palaeolithic in the South-East</i>; Wessex Archaeology 1993 – <i>The Southern Rivers Palaeolithic Project, Report 2: The South West and South of the Thames</i>).</p> <p>The Scoping Report also fails to address the vulnerability of Baker's Hole to ongoing physical degradation of its surviving deposits. The site is located within the footprint of the Proposed Development, any impacts to its long-term conservation and management should be assessed in the ES where significant effects are likely to occur. Excavations at Ebbsfleet Green and Springhead have also revealed the high potential for late Upper Palaeolithic remains to survive in the Ebbsfleet area. Lower and Upper Palaeolithic deposits are likely to extend beyond the currently designated areas.</p>
4.7.16	13.29	Peat and alluvial deposits	<p>The Cultural heritage and archaeology section of the 2020 Scoping Report makes only limited mention of the assessment of impacts to peat and alluvial deposits. Peat deposits at Tilbury are a key type site for palaeo-environmental and relative sea level (RSL) studies investigating the environmental history of the River Thames.</p> <p>The sensitivity and importance of such deposits should be addressed in the ES, through assessing impacts with potential to significantly affect such deposits by deforming, desiccating and/or exposing them to aerobic effects. The assessment should be undertaken following appropriate guidelines and informed by detailed geophysical, geotechnical and deposit modelling data (e.g. Historic England 2016 – <i>Preserving Archaeological Remains. Appendix 3 – Water Environment Assessment Techniques</i>; Historic England 2020 – <i>Deposit Modelling</i></p>

ID	Ref	Other points	Inspectorate's comments
			<i>and Archaeology: Guidance for Mapping Buried Deposits</i> ).
4.7.17	13.43	River Thames fortifications	The Scoping Report describes Tilbury Fort near the Essex Project Site. The ES should also identify the Milton Blockhouse and New Tavern Fort which were intended to provide interlocking fields of fire with Tilbury Fort.
4.7.18	13.52	Direct and indirect effects	The Scoping Report notes potential effects from the damage or destruction of known and unknown archaeological sites through physical impacts or dewatering/changes to water levels; but the ES should also consider the effects of the long-term inaccessibility of sites caused by the Proposed Development.
4.7.19	13.55	The archaeological and cultural heritage resource	<p>The Scoping Report notes above and below ground remains, historic buildings, and historic landscapes; but no mention is made of geological evidence, or inter-tidal and marine archaeology. The ES will have to address these in detail too.</p> <p>The ES should also include reference to the National Record of the Historic Environment, Local Historic Environment Records with records below MWHS, UKHO hydrographic data on ship losses and obstructions, and the Rapid Coastal Zone Assessment Surveys for North Kent and Essex as relevant.</p>
4.7.20	13.57	Guidance on assessment	The Scoping Report refers to some relevant guidance intended to support the assessment of likely significant effects. The ES should also refer to the EIA Regulations 2017, National Planning Policy Framework 2019, Design Manual for Roads and Bridges (DMRB) LA 104 <i>Environmental Assessment and Monitoring</i> , and LA 106 <i>Cultural Heritage Assessment</i> (2020), <i>The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3</i> (2nd edition) (Historic England 2017), <i>Standard and Guidance for Historic Environment Desk-Based Assessment</i> (Chartered Institute for

ID	Ref	Other points	Inspectorate's comments
			Archaeologists 2014, revised 2017).
4.7.21	13.69 [a numbering error], Page 13.18 – 13.19	Determination of significance of effect, Table 13.3	<p>Table 13.3 sets out the criteria that will be used for determining the significance of effect on cultural heritage and archaeology.</p> <p>The system for assessing significance of effect is based on the Design Manual for Roads and Bridges (e.g. DMRB – <i>LA 104 Environmental Assessment and Monitoring</i>, Table 3.8.1). There are differences between the DRMB assessment matrix and the one presented in the Scoping Report, and the latter appears to emphasise Neutral effects and reduce the number of Slight impacts.</p> <p>The Inspectorate requires further information in the ES regarding the origin and rationale of the matrices used, and wherever possible, the matrices should all have the same design and assessment criteria.</p>
4.7.22	13.68 – 13.69	Possible avoidance and mitigation measures	<p>The Scoping Report lists a series of possible avoidance and mitigation measures, and notes that scheme assessment and design will be an iterative process, but the measures are generic and there are no details of proposed layout or design. The ES should clearly describe any such measures their likely efficacy and how they would be secured and delivered.</p>

## 4.8 Noise

(Scoping Report section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.8.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.8.2	14.7	Attenuation resulting from distance	<p>The Scoping Report states that due to 'attenuation resulting from distance', only ecological receptors within 200 metres of the red line boundary will be assessed.</p> <p>However, the proposed 200m to the Proposed Development – study area for ecological receptors has not been explained and this appears to be an arbitrary figure. The Inspectorate notes that the Swanscombe Marine Conservation Zone is not mentioned, despite the Proposed Development being partly within it. The Scoping Report notes that the West Thurrock Lagoon and Marshes SSSI is outside of the 200m zone, but this does not appear to account for the greater propagation of sound over water. The ES should assess noise impacts on sensitive ecological receptors where significant effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.</p>
4.8.3	14.11	Technical guidance and best practice documents	<p>The assessment in the ES should also have regard to the requirements of BS 8233:2014 <i>Guidance on sound insulation and noise reduction for buildings</i>. This will be relevant for the consideration of effects on hotels, offices, the conference centre, and accommodation within the Proposed Development. The World Health Organisation <i>Guidelines for Community Noise</i> (2018) are also relevant.</p>



ID	Ref	Other points	Inspectorate's comments
4.8.4	14.13, Table 14.1	Impacts based on the proposed maximum development parameters	The ES should describe and assess the noise impacts based on the proposed maximum development parameters. The ES should explain clearly how any proposed DCO requirements would address the potential impacts associated with the assessment parameters.
4.8.5	14.13, Table 14.1	Information requested by the Planning Inspectorate in 2014 on noise sources and receptors	The ES should assess noise impacts during construction and operation taking account of relevant receptors, types of vehicles and plant to be used during the construction phase, proposed piling works, and results from the noise and vibration assessments – particularly for potential traffic movements along access routes.
4.8.6	14.13, Table 14.1 14.39 – 14.45	Proposed avoidance and mitigation measures	<p>The Scoping Report outlines some potential avoidance and mitigation measures for the construction and operational phases, but only in the most general terms. The ES should address the opportunities to reduce noise impacts through application of available construction techniques and approaches. Any measures relied upon in the assessment to control noise impacts should be clearly described and secured.</p> <p>With regard to underwater noise, the use of vibro-piling instead of impact hammer/percussive piling may reduce impacts of underwater noise and vibration, and use of 'soft-starts' for piling and backhoe dredgers instead of trailer suction hopper dredger (TSHD) can also reduce the risk of effects on marine mammals and fish. Works can also be phased to avoid sensitive seasons for marine species.</p>
4.8.7	14.19	Collection of baseline noise data	The Scoping Report provides no information regarding the locations, durations or technical aspects of proposed noise and vibration surveys, but states that these will be agreed with the local planning authorities, the Ebbsfleet Development Corporation and other relevant consultees. The Applicant should make efforts to agree the approach to collecting baseline noise data with relevant consultees.

ID	Ref	Other points	Inspectorate's comments
4.8.8	14.20 – 14.22	Modelling and predicting noise and vibration	<p>The Scoping Report mentions the creation of a 3D acoustic model of the baseline noise levels in and around the Proposed Development, and the collection of baseline vibration data too.</p> <p>The assessment in the ES should be based on relevant baseline information and indicate the likely maximum distances and maximum levels of different forms of noise generated during construction, operation and decommissioning. The noise impact assessments should also assess noise and vibration levels that occupiers of existing properties would be predicted to experience during all phases.</p>
4.8.9	14.32	Noise and vibration scenarios	<p>Noise and vibration modelling at the Proposed Development will apparently be modelled for three scenarios – 1) baseline (2020), 2) future opening year without development, and 3) future opening year with development.</p> <p>The Proposed Development may well evolve in two phases however, with Gate 1 opening in 2024 (57ha) and Gate 2 (25ha) when fully built at a date to be determined, the latter with construction continuing to take place whilst some attractions and facilities are open. The Inspectorate believes that such alternate scenarios should be assessed as well to ensure that the worst case has been assessed.</p>
4.8.10	14.46 – 14.54	Uncertainties	<p>The Scoping Report lists a series of uncertainties associated with modelling noise effects of the Proposed Development. These are generalised and reflect the overall uncertainty and lack of detail associated within the Scoping Report. The Applicant should make effort to reduce the level of uncertainty regarding the proposals in the ES in order to ensure that the assessment is robust.</p>
4.8.11	N/A	Absence of useful data	<p>No baseline acoustic data from the existing Proposed Development areas are provided in the Scoping Report, nor any assessments of noise levels for construction and operation phases. The scoping document does not provide detail on monitoring locations, durations,</p>

ID	Ref	Other points	Inspectorate's comments
			<p>or values for Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL). This information should be included in the assessment of noise in the ES.</p> <p>The ES should also take into account impacts from music and sound effects generated by proposed rides and entertainments and by events that might utilise fireworks, thunderflashes, explosions or other noise-generating effects, by cheering, clapping, shouting and screaming, by the movement of terrestrial vehicles and water craft on, off or around the Proposed Development, and by items of fixed plant such as generators and air conditioning.</p> <p>The assessment should cross-refer to other relevant aspect chapters eg ecology where impacts from noise and vibration to sensitive receptors may be significant. The ES should also assess impacts from increased underwater noise and vibration on marine organisms from activities such as piling and dredging.</p>
4.8.12	N/A	Receiving environment and existing receptors	<p>The ES will have to address the impact of noise and vibration generated during the construction and operation of the Proposed Development on the operational wharves, loading facilities and existing businesses on the eastern side of the Kent Project Site, but also the impacts of these commercial operations on the hotels, offices and other areas within the completed resort.</p> <p>The impact on residential properties to the south and west of the Proposed Development will have to be very carefully modelled and mitigated in the ES, along with the impact of projected car park noise on receptors in and around the Kent and Essex Project Sites from vehicles in the car parks, and the noise of crowds gathering outside the venue entrances on the Kent and Essex Project Sites. The regular ferry connections from the Essex to the Kent Project Sites may create a 'corridor' of potential above and below water noise impacts across and along the River Thames, which will also need to be examined.</p>



ID	Ref	Other points	Inspectorate's comments
4.8.13	N/A	Future analyses	Noise and vibration assessments will have to be linked to timetable considerations, such as whether the Proposed Development will be in operation 365 days a year and throughout all holiday periods. When open in the evening, there is potential for noise and vibration to propagate and impact more extensively than during the day.

## 4.9 Air Quality

(Scoping Report section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.9.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment

ID	Ref	Other points	Inspectorate's comments
4.9.2	15.17 to 15.31	Impacts from vessels	The ES should include an assessment of impacts resulting from increased vessel emissions on air quality as a result of the Proposed Development where significant effects are likely to occur.
4.9.3	15.24	Other emissions	The Scoping Report determines that on-site combustion could give rise to emissions but does not specify what emissions. The ES should identify and assess all the pollutants potentially released as a result of the Proposed Development where significant effects are likely to occur.
4.9.4	15.13 to 15.16	Baseline	No information is provided to characterise the baseline other than identified AQMAs and their locations. The ES should characterise baseline air quality conditions within an appropriate study area and describe the methodology used to determine the baseline. Any surveys used to inform the assessment should be detailed in terms of location, timing, extent and what pollutants have been monitored; the results of any surveys should be provided with the application and effort should be made to agree the approach with the relevant consultation bodies.
4.9.5	15.23, 15.24 and	Modelling	Any modelling undertaken to inform the ES assessment should be based on relevant guidance and effort should be made to agree the approach with the relevant consultation bodies. Modelling results

ID	Ref	Other points	Inspectorate's comments
	15.44		should be provided with the ES.
4.9.6	15.23 and 15.24	PM <sub>10</sub> and PM <sub>2.5</sub>	The Scoping Report identifies PM <sub>2.5</sub> as traffic emissions during operation but not construction. The ES should include an assessment of PM <sub>2.5</sub> traffic emissions during both construction and operation phases where significant effects are likely to occur.
4.9.7	15.34 to 15.38	Mitigation	The Scoping Report proposes a number of mitigation measures during construction and operation that could be employed. Effort should be made to agree any proposed mitigation measures (both embedded and additional) with the relevant consultation bodies.
4.9.8	15.3 and Figure 15.1	A2 Trunk Road AQMA	The Scoping Report omits identifying the A2 Trunk Road AQMA in the baseline conditions. The ES should include this AQMA in the assessment.
4.9.9	9.52 to 9.55	NO <sub>2</sub> in Gravesham	<p>The Scoping Report references DMRB figures for NO<sub>2</sub> however, it has been demonstrated through work conducted by Highways England (HE) on the A2 Bean and Ebbsfleet Junctions and Lower Thames Crossing projects that these are under predicted and calculation factors are required to increase the results to match the monitored results identified by HE.</p> <p>The ES should apply calculation factors to the DMRB NO<sub>2</sub> figures to adjust for any under prediction as necessary and effort should be made to agree the approach with the relevant consultation bodies.</p>

## 4.10 Water Resources and Flood Risk

(Scoping Report section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.10.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment

ID	Ref	Other points	Inspectorate's comments
4.10.2	16.53 and Table 16.2	Impacts to/from Water Source Heat Pump (WSHP)	<p>The WSHP is not considered in section 16 of the Scoping Report however, the Inspectorate considers that should the WSHP be included in the Proposed Development, there is potential for impacts to occur in a worst-case scenario.</p> <p>The ES should assess impacts to/from the WSHP where significant effects are likely to occur.</p>
4.10.3	16.28 and Table 16.2	Receptors sensitivity, impact magnitude and effect significance	<p>Table 16.2 identifies potential impacts on identified receptors. It is not explained how/why these receptors have been identified and impacts are constrained to only some receptors. For example, flooding impacts identified are from fluvial, tidal, groundwater, sewer, artificial and surface water sources (16.28) yet potential impacts to buildings in Table 16.2 are only stated to be from sea level rise and groundwater sources. The Inspectorate considers that all sources of flooding have potential to impact identified receptors. Additionally, leachate is anticipated to only impact groundwater sources when the Inspectorate considers that surface water bodies could also be impacted by leachate. The methodology for determining impact magnitude and significance of effects has also not been set out in the Scoping Report.</p> <p>The ES should provide a methodology for defining receptor sensitivity, impact magnitude and effect significance in line with relevant guidance. Receptors should be identified within an appropriate study</p>

ID	Ref	Other points	Inspectorate's comments
			<p>area based on the ZOI and located on a Figure and the assessment should assess all potential impacts on receptors where significant effects are likely to occur. Effort should be made to agree the approach with the relevant consultation bodies.</p>
4.10.4	5.48	Current and proposed site levels (AOD)	<p>Little detail is provided in the Scoping Report as to the current and proposed site levels although 'land reprofiling' is proposed in paragraph 5.48.</p> <p>The ES should include details of any land reprofiling including the current and finished site levels and these should be used to inform the assessment of Water Resources and Flood Risk.</p>
4.10.5	16.55, 16.86, 16.140 and 16.143	Sub-chapters and cross-reference	<p>A number of 'sub-chapters' are mentioned in the Scoping Report and it is unclear exactly to what these are referring. The ES should be clear and consistent when cross-referencing to other chapters and assessments where assessments overlap and (such as Flood Risk Assessment and Water Framework Directive Assessment).</p>
4.10.6	16.74 and 16.28	Climate change projections and future baseline	<p>The Applicant proposes to use the latest EA sea level rise climate change guidance for the River Thames hydraulic flood model but does not propose to use up to date peak river flow, peak rainfall intensity, storm surge and offshore wind speed and extreme wave height allowances. These should be applied to the assessment and flood risk modelling.</p> <p>The Proposed Development has an indefinite lifetime and the Scoping Report does not provide a projection timeframe to be used in the FRA. Having regard to the lifetime of the Proposed Development the assessment of flood risk in the ES should be based on projections that allow for a worst case scenario to be assessed.</p> <p>The Scoping Report proposes to use the 2018 Thurrock SFRA which uses UKCP09. The assessment should apply the most up-to-date UK Climate Change Projections (currently UKCP18) used in The National</p>



ID	Ref	Other points	Inspectorate's comments
			<p>Planning Policy Guidance (NPPG) on Flood Risk Assessment and Climate Change Allowances to the ES assessment and make effort to agree the approach with the relevant consultation bodies. These projections should be used to inform the future baseline in the assessment and inform mitigation strategies over the lifetime of the Proposed Development.</p>
4.10.7	16.127	Water quality sampling	<p>Water Quality Sampling is proposed during construction and will be agreed with the EA and Lead Local Flood Authority (LLFA) but no further details are provided in the Scoping Report. The methodology, results and locations of the water quality sampling locations should be provided with the ES where relevant. This should include any site-specific monitoring at the proposed outfall location. Sample monitoring may also be required both pre- and post-construction to demonstrate compliance and any potential change in water quality. The Applicant should make effort to agree the approach to monitoring with relevant consultation bodies.</p>
4.10.8	Section 16	Land levelling and earth works	<p>These works have potential to give rise to increased risks elsewhere within the flood cell in which the site is located as a result of proposed changes to the topography. Any such increases to on-site or off-site flood risk should be identified and included in the assessment in the ES where significant effects are likely to occur. The Applicant should take care to avoid increased off-site flood risk as a result of the Proposed Development</p>
4.10.9	-	Waste water treatment plant	<p>No details have been provided for the waste water treatment plant, discharge characteristics and dispersion. The ES should include such information and assess any likely significant effects to water resources.</p>
4.10.10	16.18	Compensation measures	<p>Onsite and offsite mitigation measures are mentioned in the Scoping Report however, no detail is provided as to what these might be, their</p>

ID	Ref	Other points	Inspectorate's comments
			location and likely efficacy in line with the mitigation hierarchy. The ES should include this information. If flood compensation is required; effort should be made to agree the approach with the relevant consultation bodies.
4.10.11	16.76	Breach modelling	The Scoping Report states that breach modelling will be undertaken for the proposed flood defences. The ES assessment should also include breach modelling for existing flood defences.
4.10.12	16.122	Freeboard Allowance	The Scoping Report states that the freeboard allowance for the 1 in 1000 year flood is 600mm for the Kent project site but the Environment Agency states that it is 700mm; the ES should reflect this.
4.10.13	16.137	Groundwater Abstraction	The Scoping Report proposes that investigation will be conducted into re-commissioning two disused groundwater extraction boreholes near the site to serve the Kent Proposed Development site. This has potential to impact water levels and water quality in the surrounding area and should this be proposed, any potential impacts on the water, marine and ecological environment (some habitats may be dependent on groundwater levels such as Black Duck Marshes) should be assessed where significant effects are likely to occur.
4.10.14	16.27 to 16.34	Impacts of dredging on flood defences	The Scoping Report does not identify potential impacts of dredging on flood defences. The ES should include an assessment of impacts on flood defence stability where significant effects are likely to occur.



## 4.11 Soils, Hydrogeology and Ground Conditions

(Scoping Report section 17)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.11.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.11.2	17.12, Table 17.1	Information requested by the Planning Inspectorate in 2014 on soils, hydrogeology and materials	The Inspectorate reiterates that the ES should explain and justify the extent of the study area, how the constraints with respect to this topic informed the project design, how mitigation measures are addressed and related to the relevant impact pathways identified, and that a full description of residual effects on receptors should be provided.
4.11.3	17.14, Table 17.3	Comments received from Statutory Consultees	The ES will have to carefully consider CKD dumps, and measures to prevent leachate from them. It must also detail specific measures to protect the River Thames and salt marsh areas from leachate should incidents occur, and in worse-case scenarios what decontamination and clean-up measures might be required.
4.11.4	17.14, Table 17.3	Comments received from Natural England	The ES will need to provide details concerning the future protection and management of the Baker's Hole Site of Special Scientific Interest, agreed with the relevant consultation bodies.
4.11.5	17.16, 17.18	Geology of Kent and Essex Project Sites	The ES will need to include maps of hard and drift geology, peat deposits and waterlogged sediments, past and active landfill sites, and the likely extent of CKD and dredged deposits. Geophysical survey and geotechnical data from boreholes and test pits should be used to inform detailed deposit modelling. Such work also needs to be cross-referenced with possible impacts on archaeology.

ID	Ref	Other points	Inspectorate's comments
4.11.6	17.19 – 17.21	Phase 1 and Phase 2 work	The Inspectorate notes the proposed approach to the assessment and the reliance placed on a conceptual site model. The Applicant should make effort to agree the approach to Phase 2 assessment including the need for intrusive investigations to inform the assessment of likely significant effects. The ES should also use the historic aerial photographs and lidar information to inform the Phase 1 work.
4.11.7	17.22, Table 17.4	Preliminary assessment of potential effects	The results summarised in Table 17.4 of the Scoping Report are generic hazards. The ES should provide details of the main potential effects from land contamination at the Kent and Essex Project Sites.
4.11.8	17.33	Proposed avoidance and mitigation measures	A series of mitigation measures are outlined in the Scoping Report to deal with any significant adverse effects. These are all extremely generic, however, with no details of approaches to the Development Area, nor any specific hazards such as leaching or contamination of groundwater or the River Thames. For example, remedial action (treatment, isolation or removal) of any areas of gross contamination are noted, but not how contaminated areas would be treated, or where contaminated material would be removed to. The ES should describe measures relied upon in the assessment of significant effects, their likely efficacy, and how they will be secured.
4.11.9	N/A	Absence of useful data	The Scoping Report includes no baseline data for the existing Proposed Development areas nor any description of the likely impact to soils, geology, hydrogeology and ground conditions. The ES should include this information and explain the anticipated volume of soil and other deposits to be removed and/or imported during construction. The ES should assess any likely significant effects associated with these activities. The assessment should cross-refer to relevant design parameters for footings, basements and underground car parks, service trenches, and excavated areas for attractions.

## 4.12 Waste and Materials

(Scoping Report section 18)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.121	18.33	Materials consumed during operation	<p>The Applicant is proposing to scope out materials consumed during operational stages of the proposed development, citing the reason that due to the nature of the development, the use and consumption of material during operation is considered not to be significant.</p> <p>The Inspectorate notes that a theme park and entertainment complex on the scale of the Proposed Development has the potential to use a large quantity of natural resources. Large amounts of natural material may be needed for landscaping and planting purposes. Attractions and rides, hotels, staff, and visitors may all consume large quantities of fresh water and could result in significant effects. Accordingly, the Inspectorate does not agree to scope these matters out from the assessment. The ES should assess the likely significant effects associated with the use of natural resources for the Proposed Development.</p>

ID	Ref	Other points	Inspectorate's comments
4.122	18.5	Other relevant policies and guidance	The Scoping Report lists a series of policies and guidance, but the Inspectorate suggests that also relevant to the ES are Directive 2008/98/EC on Waste (Waste Framework Directive), Directive 1999/31/EC on the landfill of waste (Landfill Directive), Environmental Permitting (England and Wales) Regulations 2016 (amended), Waste (England and Wales) Regulations 2011 (amended), and Environmental Protection Act 1990 (Part II).
4.123	18.9, Table	2015 consultations regarding waste	It is unclear if this consultation has yet taken place. The Inspectorate

ID	Ref	Other points	Inspectorate's comments
	18.2		recommends that for the production of the ES, detailed consultations should take place at the earliest available opportunity.
4.124	18.11 – 18.16	Baseline conditions and preliminary assessment	The Scoping Report notes that baseline data will be collected as part of an assessment but states in paragraphs s 18.13 and 18.16 that such work has not yet been carried out for construction or operation. The Applicant should make effort to agree the baseline information for the assessment with relevant consultation bodies.
4.125	18.22	Cumulative effects	The Inspectorate notes the intention to consider the assess impacts of the Proposed Development along with other confirmed or planned developments that may have cumulative impacts on waste and material receptors in the wider region. The assessment should also include impacts on sites in the assessment area that are not accounted for in existing waste data. The methodology, waste flow data, and site information should be confirmed and verified with the relevant waste planning authorities in the areas of assessment.
4.126	18.25 – 18.26, Tables 18.3, 18.4	IEMA criteria for assessing magnitude and sensitivity	The Inspectorate hopes that wherever possible the ES will follow the same basic definitions and matrix system based on those of the IEMA (IEMA 2020 – <i>Materials and Waste in Environmental Impact Assessment</i> ).
4.127	18.30	Materials uncertainties	The Inspectorate considers that anticipated vehicle movements required to deliver materials to the Kent and Essex Project sites should also be included within the ES, along any ancillary effects such as increases in noise and pollutants released (to eb cross-referenced with the relevant ES sections).
4.128	18.31	Waste uncertainties and landfill/waste receiving sites	The Scoping Report mentions uncertainties concerning landfill capacity at local or regional levels and capacities at other waste infrastructure that recycle and recover waste.  The ES should include the locations of potential landfills/ waste

ID	Ref	Other points	Inspectorate's comments
			receiving sites and depict them on a figure(s). Anticipated vehicle movements required to deliver the waste to the sites should also be included, and any ancillary effects such as increases in noise and pollutants released should be assessed within the appropriate section of the ES. The available capacity of these sites should be assessed against the anticipated volume of waste generated.
4.129	N/A	Contaminated waste	The ES should assess impacts associated with the storage, removal, and disposal, including the disposal sites, of contaminated waste derived from the existing landfill within the Proposed Development, or generated by construction and/or operational activities where significant effects are likely to occur.



## 4.13 Greenhouse Gas Emissions and Climate Change

(Scoping Report section 19)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.13.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment

ID	Ref	Other points	Inspectorate's comments
4.13.2	19.29	GHG emissions	There are a number of gases that are considered Greenhouse Gas (GHG) Emissions. The Scoping Report does not define which GHG emissions will be assessed in the ES Chapter. The ES should assess GHGs where they are likely to cause significant effects and these should be named in the ES to understand the extent of the assessment.
4.13.3	5.43 and 19.34	Land use change and levelling	<p>The Proposed Development includes land remediation works, terrain remodelling and landscape works and planting which have potential to increase or reduce (e.g. though increased sequestration) GHG emissions. These works are not included in the potential construction emissions in the Scoping Report.</p> <p>The ES should characterise and include an assessment of climate change impacts these works where significant effects are likely to occur.</p>
4.13.4	19.41 to 19.43 and 19.48	Area schedules and building typology benchmarks	<p>In the approach and methodology for the GHG Emissions and Climate Change Chapter, the estimated emissions are anticipated to be based on 'area schedules' and 'benchmarks for building typologies' but it is not defined what these benchmarks will be used for or what the area schedules are.</p> <p>The ES should provide a clear methodology as to how emissions are</p>

ID	Ref	Other points	Inspectorate's comments
			estimated to inform the assessment.
4.13.5	19.48 to 19.51	Uncertainties with predicted GHG Emissions and worst-case scenario	<p>The Scoping Report identifies that there may be uncertainty and inaccuracy when estimating the GHG emissions associated with the Proposed Development due to estimations being based on area schedules and benchmarks for building typologies and due to the bespoke nature of some of the proposed infrastructure. Additionally, it is acknowledged that estimating where site users will arrive from may be difficult and therefore compromise accuracy of estimations.</p> <p>The ES should address the uncertainty using a worst case scenario in terms of benchmarks for building typologies, area schedules and estimating the distanced travelled by site users during operation to ensure that uncertainty and inaccuracy does not undermine the assessment. Effort should be made to agree the approach with the relevant consultation bodies.</p>
4.13.6	19.36 to 19.38	Impacts – disruption to construction, supply and maintenance and stress on structures from extreme temperatures	<p>Extreme weather as a result of climate change has potential to cause disruption and to cause stress on structures; these impacts are not considered in the Scoping Report.</p> <p>The ES should include the impacts in the climate change assessment where significant effects are likely to occur.</p>
4.13.7		Cross-referencing	<p>Impacts from the Flood Risk Assessment and the Transport Assessment have potential to overlap with impacts identified in the GHG and Climate Change Chapter.</p> <p>It should be clear within the ES how the outcomes of any related assessments have informed the Chapter assessment and appropriate cross-referencing should be made to other relevant aspect Chapters explaining the nature of the interaction and where potential impacts are assessed.</p>
4.13.8		Coastal Change	The National Policy Statement for Ports requires coastal development



ID	Ref	Other points	Inspectorate's comments
			includes an assessment of coastal change (erosion, landslips, inundation and accretion). Please see the comments against item 4.6.12 above.

## 5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus<sup>4</sup>
- Planning Inspectorate advice notes<sup>5</sup>:
  - Advice Note Three: EIA Notification and Consultation;
  - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
  - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
  - Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements;
  - Advice Note Nine: Using the 'Rochdale Envelope';
  - Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
  - Advice Note Twelve: Transboundary Impacts;
  - Advice Note Seventeen: Cumulative Effects Assessment; and
  - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

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<sup>4</sup> The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

<sup>5</sup> The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>



## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>6</sup>**

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	National Health Service England
The relevant Clinical Commissioning Group	Kent and Medway Clinical Commissioning Group
The relevant Clinical Commissioning Group	Dartford, Gravesham and Swanley Clinical Commissioning Group
The relevant Clinical Commissioning Group	Thurrock Clinical Commissioning Group
Natural England	Natural England
Historic England	Historic England
The relevant fire and rescue authority	Kent Fire and Rescue Service
The relevant fire and rescue authority	Essex County Fire and Rescue Service
The relevant police and crime commissioner	Kent Police and Crime Commissioner
The relevant police and crime commissioner	Police, Fire and Crime Commissioner for Essex
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Swanscombe and Greenhithe Town Council
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Southfleet Community Parish Council

<sup>6</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Bean Community Parish Council
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Stone Community Parish Council
The Environment Agency	The Environment Agency
The Maritime and Coastguard Agency	Maritime and Coastguard Agency
The Maritime and Coastguard Agency – regional offices	The Maritime and Coastguard Agency - London
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The relevant Highways Authority	Kent County Council
The relevant Highways Authority	Essex County Council
The relevant Strategic Highways Company	Highways England Historical Railways Estate
Transport for London	Transport for London
The relevant Internal Drainage Board	North Kent Marshes Internal Drainage Board
The Canal and River Trust	The Canal and River Trust
Trinity House	Trinity House
Public Health England, an executive agency of the Department of Health	Public Health England

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>7</sup>**

<sup>7</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	The Forestry Commission
The relevant Clinical Commissioning Group	Kent and Medway Clinical Commissioning Group
The relevant Clinical Commissioning Group	Dartford, Gravesham and Swanley Clinical Commissioning Group
The relevant Clinical Commissioning Group	Thurrock Clinical Commissioning Group
The National Health Commissioning Board	National Health Service England
The relevant NHS Trust	Darent Valley Hospital
The relevant NHS Trust	East of England Ambulance Service National Health Service Trust
The relevant NHS Trust	Thurrock Community Hospital North East London National Health Service Foundation Trust
The relevant NHS FoundationTrust	South East Coast Ambulance Service National Health Service Foundation Trust
Railways	Network Rail Infrastructure Ltd
Railways	High Speed 1 Ltd
Railways	Highways England Historical Railways Estate
Road Transport	Transport for London
The Canal and River Trust	The Canal and River Trust
Dock and Harbour authority	Port of Tilbury (London)
Dock and Harbour authority	Port of London InterTerminals Grays Terminal
Dock and Harbour authority	Port of London Authority
Dock and Harbour authority	Northfleet Terminal Kimberly Clark Ltd
Dock and Harbour authority	London Gateway



STATUTORY UNDERTAKER	ORGANISATION
Pier	Gravesend Town Pier
Civil Aviation Authority	Civil Aviation Authority
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Anglian Water
The relevant water and sewage undertaker	Essex and Suffolk Water (part of Northumbrian Water)
The relevant water and sewage undertaker	Southern Water
The relevant water and sewage undertaker	Thames Water
The relevant public gas transporter	Cadent Gas Limited
The relevant public gas transporter	Last Mile Gas Limited
The relevant public gas transporter	Energy Assets Pipelines Limited
The relevant public gas transporter	ESP Networks Ltd
The relevant public gas transporter	ES Pipelines Ltd
The relevant public gas transporter	ESP Connections Ltd
The relevant public gas transporter	Fulcrum Pipelines Limited
The relevant public gas transporter	GTC Pipelines Limited
The relevant public gas transporter	Harlaxton Gas Networks Limited
The relevant public gas transporter	Independent Pipelines Limited
The relevant public gas transporter	Indigo Pipelines Limited
The relevant public gas transporter	Murphy Gas Networks Limited
The relevant public gas transporter	National Grid Gas Plc
The relevant public gas transporter	Quadrant Pipelines Limited

STATUTORY UNDERTAKER	ORGANISATION
The relevant public gas transporter	Scotland Gas Networks Plc
The relevant public gas transporter	Southern Gas Networks Plc
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
The relevant electricity distributor with CPO Powers	Energy Assets Networks Limited
The relevant electricity distributor with CPO Powers	ESP Electricity Limited
The relevant electricity distributor with CPO Powers	Fulcrum Electricity Assets Limited
The relevant electricity distributor with CPO Powers	Harlaxton Energy Networks Limited
The relevant electricity distributor with CPO Powers	Independent Power Networks Limited
The relevant electricity distributor with CPO Powers	Last Mile Electricity Limited
The relevant electricity distributor with CPO Powers	Leap Electricity Networks Limited
The relevant electricity distributor with CPO Powers	London Power Networks Plc
The relevant electricity distributor with CPO Powers	Murphy Power Distribution Limited
The relevant electricity distributor with CPO Powers	National Grid Electricity Transmission Plc
The relevant electricity distributor with CPO Powers	South Eastern Power Networks Plc
The relevant electricity distributor with CPO Powers	Southern Electric Power Distribution Plc
The relevant electricity distributor with CPO Powers	The Electricity Network Company Limited
The relevant electricity distributor with CPO Powers	UK Power Distribution Limited

STATUTORY UNDERTAKER	ORGANISATION
The relevant electricity distributor with CPO Powers	UK Power Networks Limited
The relevant electricity distributor with CPO Powers	Utility Assets Limited
The relevant electricity distributor with CPO Powers	Vattenfall Networks Limited

**TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>8</sup>**

LOCAL AUTHORITY <sup>9</sup>
Gravesham District Council (B)
Dartford Borough Council (B)
Sevenoaks District Council (B)
Medway Council (B)
Thurrock Council (B)
Bexley London Borough Council (B)
Havering London Borough Council (B)
Kent County Council
Essex County Council

**THE GREATER LONDON AUTHORITY**

ORGANISATION
The Greater London Authority

<sup>8</sup> Sections 43 and 42(B) of the PA2008

<sup>9</sup> As defined in Section 43(3) of the PA2008

**TABLE A4: NON-PRESCRIBED CONSULTATION BODIES**

<b>ORGANISATION</b>
Ebbsfleet Development Corporation
Kent Fire and Rescue Service
Essex County Fire and Rescue Service
London Fire Brigade
Royal National Lifeboat Institution
Historic England
Southend-on-Sea
Tonbridge and Malling District Council
Barking and Dagenham London Borough
Greenwich London Borough
Newham London Borough



## APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Anglian Water
Civil Aviation Authority
Dartford Borough Council
Ebbsfleet Development Corporation
Environment Agency
Forestry Commission
Gravesham Borough Council
Health and Safety Executive
Historic England
Kent County Council
Kent Police and Crime Commissioner
London Gateway Port Limited
Marine Management Organisation
Maritime and Coastguard Agency
National Grid
Natural England
Port of London Authority
Port of Tilbury London Limited
Public Health England
Royal Borough of Greenwich
Royal Mail
Sevenoaks District Council



Thames Water
Thurrock Council
Transport for London
Trinity House



Helen Lancaster  
Senior EIA and Land Rights Advisor  
Major Casework Directorate  
The Planning Inspectorate,  
3M,  
Temple Quay House,  
Temple Quay,  
Bristol,  
BS1 6PN

**Anglian Water Services Ltd**  
Lancaster House  
Lancaster Way  
Ermine Business Park  
Huntingdon  
PE29 6XU

Tel 01480 323000  
[www.anglianwater.co.uk](http://www.anglianwater.co.uk)

Your ref BC0800001-000230

**29<sup>th</sup> June 2020**

Dear Ms Lancaster,

### **London Resort: EIA Scoping Report**

Thank you for the opportunity to comment on the scoping report for the above project. Anglian Water is the sewerage undertaker for the part of the site located to the north of River Thames. The following response is submitted on behalf of Anglian Water.

#### General comments

Anglian Water would welcome further discussions with London Resort Company Holdings Ltd prior to the submission of the Draft DCO for examination.

In particular it would be helpful to discuss the following issues:

- Wording of the Draft DCO including protective provisions specifically for the benefit of Anglian Water.
- Requirement for wastewater services.
- Impact of development on Anglian Water's existing assets and the need for mitigation if required.
- Pre-construction surveys.

#### 5 Site and Project Description

The majority of the proposed development in Kent appears to be located outside of the Anglian Water company area. With a new multi-storey car park, riverside infrastructure and potentially highway improvements being located within Anglian Water's statutory sewerage boundary.



Registered Office  
Anglian Water Services Ltd  
Lancaster House, Lancaster Way,  
Ermine Business Park, Huntingdon,  
Cambridgeshire. PE29 6XU  
Registered in England  
No. 2366656.

**an AWG Company**

## 16 Water Resources and Flood Risk

Water supply and distribution - reference is made to statutory plans of the water companies including Anglian Water being used to identify potential connection points to the water supply network.

The Essex Project Site as referred to in the EIA Scoping Report is located outside of our water supply area and is served by Essex and Suffolk water. As such we would expect Essex and Suffolk Water to be consulted further by the applicant in relation to any requirements for connections to the water supply network to serve the 'Essex Site'.

Wastewater treatment and foul drainage – reference is made to statutory plans of sewerage companies including Anglian Water being used to identify potential connection points to the foul sewerage network.

It appears that the Essex Project site includes both existing foul and surface water sewers managed by Anglian Water.

In addition to connections to the foul sewerage network and sewage treatment we would also ask that consideration be given to the location of existing infrastructure and the need for diversion/mitigation as appropriate. As such we would ask that the Environmental Assessment makes reference to existing sewerage infrastructure located within the site boundary

Should you have any queries relating to this response please let me know.

Yours sincerely



**Stewart Patience**  
**Spatial Planning Manager, MRTPI**

**From:** [Airspace](#)  
**To:** [Chadwick, Adrian](#); [London Resort](#)  
**Subject:** RE: from Planning Inspectorate re. EIA Scoping Notification and Consultation  
**Date:** 13 July 2020 10:38:05  
**Attachments:** [~WRD000.jpg](#)

---

Good morning,

Thank you for oversight of this project.

Unless the DCO department at the CAA have said otherwise, the CAA has no comment to make on this EIA.

As the project matures it may be the case that aviation stakeholders will need to be consulted (particularly if the project involves tall objects or cranes within 17km radius of an airport) – in all cases responsibility for safeguarding rests with the airport operator/ licensee holder, not the CAA. If infrastructure owned by NATS or the MoD is affected, then they should also be consulted. Crane operations associated with planned developments should be in accordance with our guidance on the subject, detailed in [CAP 1096](#)

The CAA are available to offer advice pertaining to aviation safety and we will direct developers to the relevant regulations on request.

Regards,

Ashley

**Ashley Dawkins**

Airspace Regulation  
Safety & Airspace Regulation Group  
Civil Aviation Authority

Tel: +443301382567

[www.caa.co.uk](http://www.caa.co.uk)

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Note that all documents should be sent to us electronically.

Please see our [guidance relating to COVID-19](#) for more information.

---

**From:** Chadwick, Adrian <Adrian.Chadwick@planninginspectorate.gov.uk>  
**Sent:** 22 June 2020 14:05  
**To:** DCO Coordination <DCO.Coordination@caa.co.uk>  
**Cc:** Airspace <Airspace@caa.co.uk>

**Subject:** from Planning Inspectorate re. EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed London Resort Nationally Significant Infrastructure Project.

Please note the deadline for consultation responses is 20 July 2020, and is a statutory requirement that cannot be extended.

Kind regards,

Adrian Chadwick

Dr Adrian Chadwick  
EIA Advisor, Environmental Services Team  
Major Casework Directorate

The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol BS1 6PN  
Helpline: 0303 444 5000  
Email: [environmentalservices@planninginspectorate.gov.uk](mailto:environmentalservices@planninginspectorate.gov.uk)  
Web: [infrastructure.planninginspectorate.gov.uk/](http://infrastructure.planninginspectorate.gov.uk/) (National Infrastructure Planning)  
Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)  
Twitter: @PINSgov

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Dr Adrian Chadwick  
EIA Advisor, Environmental Services Team  
Major Casework Directorate

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Email: [environmentalservices@planninginspectorate.gov.uk](mailto:environmentalservices@planninginspectorate.gov.uk)  
Web: [infrastructure.planninginspectorate.gov.uk/](http://infrastructure.planninginspectorate.gov.uk/) (National Infrastructure Planning)  
Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)  
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The Planning Inspectorate

*Sent by email.*

[LondonResort@planninginspectorate.gov.uk](mailto:LondonResort@planninginspectorate.gov.uk)

FAO: Helen Lancaster

Please ask for: Sonia Bunn  
Direct Line: (01322) 343620  
Direct Fax: (01322) 343047  
E-mail: [Sonia.Bunn@dartford.gov.uk](mailto:Sonia.Bunn@dartford.gov.uk)  
DX: 142726 Dartford 7

Your Ref: BCO800001-000230  
Our Ref: 20/00597/NSIP

Date: 20<sup>th</sup> July 2020

Dear Ms Lancaster,

**RE: Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017  
Scoping consultation in relation to the application for an Order Granting Development Consent for the London Resort**

Thank you for consulting the Borough Council with regard to the scope of the Environmental Impact Assessment for the above development. Please find attached the Council's detailed response to the submitted scoping report.

The Council recognises that the detailed issues on this large and complex scheme are being worked on by the applicant and their consultants and that this scoping report is an initial stage in the process. The detailed comments attached are therefore provided in order to assist the applicant and yourselves in order to provide clarity on some of the more localised issues and, in accordance with the PINS advice note 11, to give an indication of the Council's expectations at an early stage in the process of the assessment in order to avoid further work in the future.

I should clarify, that as local planning authority for much of the area covered by the proposed development, the Council procures specialist technical advice from the KCC archaeology team and the KCC ecology team and this advice is incorporated into this response but is also likely to be passed onto you by Kent County Council and the Ebbsfleet Development Corporation (EDC). The Council has not made any comment with regard to the development coming forward within the Ebbsfleet Development Corporation area, leaving it instead for the EDC to respond. However, the Borough Council has assumed that the assessments will take account of the development coming forward within Ebbsfleet Garden City, the changing proposals for Ebbsfleet Central and the need for London Resort to integrate phasing and construction programmes.

The Council is concerned, about the lack of detail in some of the Scoping Report chapters. There is also, the Council feels, a need to provide more detailed parameters with regard to the location and nature of some of the development proposed, given the scale and variety of this project. The Council has limited resources but would stress the need for active involvement in the detailed methodology of the assessments.

With this in mind, the Borough Council has serious concerns about the timescales put forward by the applicant. The consultation on the project is intended to start soon. If this is the case, the Preliminary Environmental Information Report is likely to contain little detailed assessment or analysis if the current Scoping Report is an indication of the work carried out. The need to freeze the "PEIR" in time for the consultation period in the applicants programme, will not allow adequate time to take on board any comments provided by the Planning Inspectorate in their Scoping Opinion and ensure that the PEIR reflects this. The Council will then be in the same position, as at the previous consultation round in 2015, where there is insufficient information available for the Council to make an informed response to the consultation.

Yours sincerely,



Sonia Bunn  
Development Manager

The Borough Council has sought to set out their comments so that they relate to each chapter, dividing these into detailed comments on the submitted report, more general comments on the scoping methodology and some discussion points on mitigation.

### **Chapter 5: Site and Project Description**

It is unclear from the description the exact nature of the retail, dining and entertainment floorspace (RDE) which lies outside Gates One and Two and is therefore open to the wider general public, in particular the nature of the “entertainment” offer. More clarity should be provided in the worst-case scenario assessments of these impacts.

The back of house areas are described in paragraph 5.59 as supporting many of the necessary supporting technical and logistical operations to enable the entertainment resort to function, further examples of these operations is provided but this does not include service infrastructure.

Paragraph 5.74 sets out a list of significant service infrastructure requirements as associated development. But it is not clear where these are to be provided, although the land use plan indicates back of house and service infrastructure uses, there is no clarity on what might be where. The impacts of some the larger service infrastructure provisions will depend upon their location within the site, e.g. the waste management facility, the CHP plant and the electricity sub-station. The CHP plant will have a roof 18m high and a 40m high chimney stack, the Council considers that clearer parameters for the location of these service infrastructure should be defined in order to fully assess the impacts. These service infrastructure provisions do not seem to be included with table 5.1 (main component land areas and building footprints) despite being significant in size.

Para 5.69 advises that discussions will be had regarding additional rail capacity to meet visitor demands and yet this is scoped out of the assessment in chapter 9.

### **Chapter 7: Land use and Socio-economic effects**

#### *Detailed Comments*

Para 7.10-7.11: to clarify, although there has been historic engagement on socio-economic considerations, the Council has not seen any responses to its queries as the results of the assessments and the socio-economic impacts were not passed on to the Council. DBC would therefore like to clarify with regard to the statement in para 7.11 (“general feedback was positive about their proposals and their potential socio-economic impacts”) that the Council has always made it clear they are awaiting further information with regard to these matters and being given the opportunity to consider and comment on them.

*General comments on the proposed methodology*

The Council would request that full consideration is given to the character, nature and use of the associated development, as these will have different socio-economic impacts to the venue itself, particularly the 'conferention centre', esports arena, and other venues.

The Council notes that a retail and leisure assessment is to be produced and would welcome involvement in the detailed scope of this. Theatres and social facilities, within the proposed development which are open to the wider public should be considered with regard to impact on local theatres. Impact on the local town centres, in terms of both leisure and retail should be addressed. Both Dartford and Gravesend have local theatres that could be impacted upon by the proposed theatres within the Resort and there are further regional theatres in the wider area. The proposed Resort will potentially result in retail and food and drink uses (as well as hotels) seeking to locate close to the site but not forming part of the development itself. The consequences of the proposal in terms of stimulating these types of uses close to the development should also therefore be taken into consideration. The impact of this on the town centres, if not mitigated, needs to be understood as well as the land use changes in the local area: the impact on local shopping centres; and consequent changes on the nature of the offer in the local shopping centres and their continued ability to serve local needs. Mitigation proposals should be included and the impacts with and without mitigation assessed.

The Council would like to understand the impacts with regard to displacement of employment uses on the proposed site, particularly as these are predominantly "bad neighbour uses". Where is it anticipated that they will go? Will the services they provide still be available to the local communities? What is the consequence of the loss of these local business for the local communities, in terms of both employment, the services they provide, as well as impact on the businesses themselves?

The Council note that the scoping advises it will assess the increased pressure for housing development arising from the large employment requirements of the Resort as well as a consequence of the publicity generated by the Resort. An assessment of these effects should be undertaken by comparison with theme parks internationally, e.g. Disneyland Paris, Europa Park Rust etc.

The assessment of housing pressures should also include consideration of increased rental and purchase prices as a result of pressure on accommodation and changes to the type of residential accommodation, such as increased short stay lets. Displacement of local residents from the housing market due to the increased housing demand and increase in prices should be assessed. Holiday and short stay lets cannot generally be controlled outside of London where the character of the property remains a single family dwelling. The increase in these housing types is already causing harm to local residents of Dartford and the increased proliferation of such units should be

considered with regard to direct impact on neighbours, and the changing character of communities should be assessed.

There is no assessment of the impact on locally provided Council services. Consideration of the impact on all such services and their cost to the Council should be undertaken including:

- Environmental Health (covering both inspection of food outlets, public health risk assessment of the Resort in the construction and operational phase; responding to complaints from the resident population on noise issues etc.)
- Parking Enforcement outside the Resort boundary;
- Planning – applications for discharge of conditions, amendments to DCO, details of later phases etc, for which there will be no or a negligible fee; as well consequential impacts outside of the application boundary and the need to change planning policy.
- Planning Enforcement – investigation of instances where the conditions of the DCO are reported as being breached
- Licensing – applications for alcohol licences
- Community Safety – investigation and response to instances of public disturbance / increases in theft etc arising as a consequence of the Resort (the Council works in collaboration with the Police on such matters)
- Street cleaning – additional litter on street and bins outside the Resort
- Housing – additional demand for affordable housing; increased homelessness etc arising from housing pressures generated by the Resort

The detailed design of the Resort is likely to give consideration to terrorist related attack and proposed mitigations to deal with this. The Council would query whether this should also be considered within the Assessment, with consideration to the impacts of how heightened alerts levels would affect operations, queuing etc and how evacuation might impact on the local area, as well as the impacts of the security on the surrounding community.

### *Mitigation*

The proposed methodology emphasises the positive economic impacts (which the Council considers are important and welcome) but the more local impacts should also be considered in order to ensure that appropriate mitigation is put in place. The Council recognises that some of this mitigation may be necessary for the Council itself to address, such as development of planning policy specific to the changing pressures arising from the development and changes to the delivery of Council services and therefore considers it important that these impacts are properly assessed by the developer.

## **Chapter 8 Human Health**

The Council notes that the impact on health from contaminated land, both during construction (clearance) and operational (need for remediation is scoped out and considered under chapter 17).

On this basis it has no further comments to make, although it would like to clarify that with regard to the EA regulation set out in Table 8.6 under waste, the Borough Council would be responsible for considering the impact of contamination on human health.

The Council would, however, suggest that the chapter should give consideration to world pandemics. Although the Resort opening is a few years off, the government's Chief Public Health Advisor has stated that various strains of Coronavirus will be with us for many years to come, irrespective of a vaccine. Consideration of the potential of a Covid hot spot/other pandemic and transmission to the wider community at both the construction and operational phase should be considered as well as mitigations to address this.

## **Chapter 9 Transport, accessibility and movement**

### *General comments on the proposed methodology*

The Council would like to confirm its support for the comments made by Kent County Council as highways authority, some of which are reiterated below.

It is noted that KCC have also provided comments on the technical notes which are also supported. However, it should be highlighted that these transport notes are partly underpinned by work by Volterra which has not yet been provided to the Council and therefore the Council is unable to comment on the basis of some of the assumptions.

There is very little detail provided on access points to the site particularly during the construction stage, but also during the operational phases at a local level and for non-visitor traffic or non-motorised modes. The Masterplan provided is very illustrative and at a scale which is difficult to interrogate. It is very difficult to scope aspects relating to such impacts without more detail.

Chapter 9 seems to concentrate on the effects of transport and traffic and yet the Transport Notes issued by London Resort assume notable levels of travel by other modes. There appears to be little in the EIA Scoping report about: the assessment of these other modes; the impact of the proposal on existing public transport services; capacity of services and infrastructure; and whether it is realistic to assume these alternative modes are useable/accessible. There is therefore no indication of



consideration of the mitigation required to make them viable alternatives to the car; or of the impact on local users of use of these services by Resort visitors/employees.

As advised by Kent County Council, as local highways authority, in addition to highway capacity it is key that a detailed review of the existing walking, cycling and public transport facilities is undertaken for key destinations such as Greenhithe, Swanscombe and Northfleet stations and surrounding cycle routes to the site. This includes both capacity and quality of routes, with improvements implemented where required.

### *Rail transport*

The Council disagrees with the statement at para 9.79 that rail transport is to be scoped out of the assessment. What is the basis for this decision?

This is particularly concerning in the light of the statement in paragraph 4.50 where the use of Swanscombe Station has been dismissed and instead visitors will be encouraged to alight at Greenhithe Station and use either Fastrack or a shuttle bus service to the resort. The Assessment should include consideration of the use of Greenhithe Station and the impacts of this proposal, both with regards to capacity of the station forecourt and bus interchange and also the impact on the residential development (Ingress Park) that lies between Greenhithe Station and the Resort and would be affected by increased services along the Fastrack route. This should be compared with the impacts of using Swanscombe station and the mitigation requirements.

The proposal is likely to have an impact on the existing rail infrastructure and rolling stock in terms of capacity to deal with the increased demand. The limited capacity on the existing network at peak times is likely to have an impact on the assumptions made with regard to use of the rail network by staff.

Peak arrivals and departures of visitors to the Theme Parks and associated development should be considered; existing stations and the surrounding environments, particularly on the North Kent line, may not be able to cope with these peaks.

The assessment should include capacity of the station buildings, platforms, stairways, lifts and their external spaces to support peak usage; provision of facilities including ticketing and information, toilets, refreshments etc; and interchange facilities including the capacity of the bus interchanges and capacity for drop-off/s collections as well as the interface with walking and cycling routes. The assessment should consider provision for disabled access. Safety aspects of potentially large crowds within and around the station at peak times, including on platforms, stairways and outside the station co-mingling with vehicular traffic should be considered. The

Council requests that rail services and infrastructure are included with the Environmental Impact Assessment.

*Non motorised transport*

The Transport Notes make assumptions about active travel modes but these assumptions would need to be based on the availability of adequate infrastructure in order to be valid. However there appears to be no indication in the scoping report, of an assessment of this infrastructure. Actual walking and cycling routes over the mode share trip origin areas and from the public transport and car park arrival points should be assessed and mitigation put forward to demonstrate that the mode share assumptions can be achieved.

*Bus transport*

The assessment should identify the origins and routes of potential Fastrack users and other bus services (TfL bus routes extend into Dartford and there are longer distance buses serving Bluewater). The capacity assessment of local bus services must form part of the assessment to ensure they can meet the demand of the development and to identify where additional capacity is needed and how that will be delivered. The impact on existing users should be assessed.

Reliance on Fastrack is likely to lead to the need for increased services, reducing the headway between buses. Where service levels are required to be increased, the impact on the local traffic network, junctions and noise and air quality impacts on the local environment should be assessed. In particular, the impact on local traffic of increased delay at signals, given the signal priority afforded Fastrack buses, should be assessed.

In addition the assessment should include a capacity assessment of the infrastructure supporting the bus services, e.g. bus stops, bus stands, bus interchange facilities and dedicated bus routes..

It is proposed that the main disembarkation station on the North Kent line will be Greenhithe Station, with the Fastrack service providing the final leg of the journey. The route between the station and the Resort takes the bus through the quiet residential neighbourhood of Ingress Park, where many families with young children live. This is a pedestrian-friendly residential area where through traffic is discouraged. The impact of the increased frequency of bus services on this area should be assessed, both at peak times for any assumed enhancement of the bus service, as well as peak times for resident journeys. The assessment should include impact on traffic flows through the area; impact on the local environment including noise and air quality and other disturbance; impact on pedestrian and cycle routes in

the area; including any potential barrier effect of a high frequency of buses; visual impacts of buses travelling through at a high frequency; and road safety issues. Additionally, consideration should be given to the propensity for Resort visitors/employees to disembark at Ingress Park to take advantage of the quieter Thames Riverside/parkland environment and any consequent disturbance issues arising.

#### *Road traffic*

More detail is required with regard to the different uses so that they can be assessed fully. More detail is also required with regard to the “local servicing route” and the potential impacts of this and mitigation to ensure that impacts are limited should be included.

The Council would emphasise the request by KCC to carry out an assessment for a weekend peak. There is the potential for flows relating to London Resort to conflict with flows generated elsewhere, particularly in the case of the Bluewater regional shopping centre which also has significant leisure uses, and is another major generator of visitor traffic in the immediate vicinity. Bluewater results in significant flows at weekends and on a seasonal basis, including in association with special events. As well as “off peak” peaks in traffic flow such as the morning opening which may coincide with the morning peak of the leisure resort and afternoon peaks at school pick up time. The Council, as well as the highways authority, need to be assured that the assessment provides a worst case scenario of the impacts on local roads particularly when peak trips for Bluewater coincide with high trip levels at London Resort, such as weekends during the run up to Christmas or summer school holidays.

It is not clear how construction traffic will be considered in the assessment. The commitment to the majority of construction materials travelling by River is noted but the controls to ensure this should be included as part of the assessment and mitigation. Some construction traffic and construction workers are less likely to arrive by the River and this impact should be assessed, particularly as the new Resort access road will not be available at the early stage of construction. There should be detailed assessment of the construction phasing and the impacts on the local road network as well as consideration of the cumulative impacts that might occur due to other large scale construction projects in the area at the same time, such as Lower Thames Crossing, Ebbsfleet Central and the generally high levels of development taking place in the area.

#### *Mitigation*

Detailed mitigation proposals with regard to control of off-site parking within the local area and around Fastrack stops which could be impacted should be included as part of the assessment. This may need to be addressed through parking regulation and enforcement.

Mitigation should consider the need for a methodology for measures to be introduced as remedial actions post commencement where impacts are outside acceptable limits together with the payment of penalties if the assessed vehicle levels are exceeded so that a pot of money can be created to fund the remedial actions. This methodology of potential toolkit measures to be determined in the future subject to the impacts arising has been developed for other planning permissions in the area supported by penalties for exceedances of traffic numbers above those anticipated.

Assessment of the existing walking, cycling and public transport infrastructure is likely to lead for a need for mitigation and this should be considered with regard to the impact on the existing areas and developments coming and the unintended consequences of such mitigation (eg. Creation of a direct which might encourage car parking around this connection).

Some of the “unintended consequences” of the mitigation and the Resort development itself is unlikely to be foreseeable this far ahead and as the entertainment industry will respond to changes both in fashions and impacts such as the Coronavirus pandemic. The Council would suggest that consideration is given to a ‘local community’ fund as compensation for the environmental/disturbance impacts of the development.

## **Chapter 10: Landscape and visual effects**

### *General comments on the proposed methodology*

The Council notes that their previous comments on the Scoping Report have been included within and note the commitment to agree the final viewpoints with the Council but considers that viewpoints should also be considered looking east from the residential development on the eastern edge of Ingress Park, including consideration of views from the new development proposed on the waterfront here. An additional long distance view should also be considered from the higher ground to the south, from the North Downs. The site is prominent from the Bean junction area and St Clements Way and as a major road junction and access to Bluewater shopping centre this view is seen by millions every year.

It is not clear from the Scoping Report where some of the more significant elements to the proposal are to be located, e.g. High rides, security barriers, service infrastructure and it would be useful to set more detailed parameters for some of the land uses and higher/larger developments so that the impact on landscape and visual amenity can be assessed more fully.

The proposed CHP plant is to be 18m high to its roof, as many of the buildings on site are likely to be. Chapter 5 also indicates that it will have a 40m stack. The visual impact on this will be dependent upon its location within the red line.

#### *Mitigation*

In due course, the Council will be keen to understand further how the high quality architectural, engineering and landscape design can be delivered through the DCO where this detail is not available at the time of the consideration of the proposal.

### **Chapter 11: Ecology and Biodiversity**

The KCC Ecology section provides advice to the Borough Council under a service agreement. They provide the following comments. They clarify that as this is a scoping report they have only assessed what is intended to be submitted as part of the application – they have not requested any of the Chapter 11 Appendix or reviewed any of the submitted specific species surveys.

#### *Submission*

It is recommended that the ecological surveys and the planning submission (as it relates to ecology) are undertaken in accordance with the British Standard Biodiversity – Code of practice for planning and development (BS 42020:2013) and with Natural England's Standing Advice.

#### *Surveys*

The scoping report does not provide a list of surveys which have / will be carried out in 2019/20 instead it refers to Appendix 11.24 and a summary of the survey methodologies. It would have been preferable if the main text of the Scoping Report had listed the surveys. It is our understanding that the following surveys have been carried out/proposed for 2019/20:

- Extended phase 1
- Wintering bird
- Breeding bird
- Passage bird
- Bat activity
- Bat roost
- Dormouse
- Water vole
- Otter
- Harvest Mouse
- Badger
- GCN
- Reptile

## Comments on Scoping Report London Resort

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- River Corridor/River Habitat
- Invertebrate – terrestrial and aquatic

It is advised that the EIA must clearly demonstrate why the *survey area* for each species is appropriate to ensure that it provides sufficient information to enable the determining authority to understand the ecological interest of the proposed development site.

*The term survey area has been used as a catch all to describe the locations where the specific species surveys were carried out e.g. route of bat transect surveys or the location of reptile refugia / dormouse tubes etc etc.*

If the 2020 surveys indicate that there has been a decline in habitat/species from the previous surveys – the EIA must demonstrate why there is satisfaction that the updated survey results are valid.

### *Botanical surveys*

The Summary of Terrestrial and Freshwater Survey Methodologies suggest that botanical surveys will be carried out as it states the following:

*Detailed botanical survey will be undertaken by an experienced botanist to record plant species within areas of high botanical interest throughout the Swanscombe Peninsula. The survey will use Dominant, Abundant, Frequent, Occasional and Rare (DAFOR) grades. Homogenous stands of National Vegetation Classification (NVC) types will be determined in the field and supported by sampling of representative quadrats.*

But this is not confirmed within the main Scoping Report or the survey timetable therefore there is a lack of clarity on whether updated botanical surveys will be carried out. It is highlighted that due to the scale of the proposed development it is strongly recommended that updated botanical surveys are carried out to ensure the determining authority can fully understand the impact from the proposed development.

### *Local Wildlife Sites*

The scoping report has detailed that only 3 Local Wildlife Sites (LWS) out of 11 LWS within 2km of the site will be considered within the EIA. KCC Biodiversity advise that information must be included within the EIA clearly explaining why those LWS scoped out will not be assessed in detail. A LWS can still be negatively impacted by a development even when it is not directly adjacent / within the proposed red line boundary.



*Mitigation*

The 'mitigation hierarchy' described in British Standard BS 42020:2013, which involves the following step-wise process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2013, section 5.5).

The submitted information must demonstrate that it has followed the mitigation hierarchy.

The proposal has referred to mitigation and enhancement, however no reference has been made about compensation. Due to the scale of the proposed development it may not be possible to fully mitigate the impact on site and in this case the assessment should include details of any proposed compensation - as per the mitigation hierarchy.

Other than providing generic information about the proposed mitigation (e.g. need for a construction environmental management plan etc) the scoping report does not set out what mitigation is required. A detailed mitigation strategy should be submitted as part of any submission and the submitted plans to demonstrate that the proposed mitigation and compensation can be implemented.

Table 1.11 (chapter 11) refers to the following: *mitigation strategies designed through interdisciplinary collaboration*. There is a need to ensure that this occurs and there are regular discussions between the applicant's specialists and master planners to ensure that any ecological mitigation/enhancement recommendation can be implemented as intended.

### *Habitat Regulations Assessment*

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'Appropriate Assessment' is needed under the Habitats Directive. Therefore if the HRA screening identifies that there is a need for a mitigation to be carried out to avoid a likely significant effect on the designated sites, an Appropriate Assessment will have to be submitted with the submission. The determining authority have to undertake the Appropriate Assessment but the applicant must ensure that sufficient information is submitted with the submission.

### *Net Gain*

The scoping report has not referred to Biodiversity Net Gain which is part of the Environment Bill, introduced to Parliament in January 2020. Therefore we strongly recommend that the habitat data gathered is capable of being utilised as part of a Net Gain Calculation.

## **Chapter 12: Marine Ecology and Biodiversity**

It is not clear within the Marine chapter if additional surveys will be carried out as part of this submission. The only exception to this statement is saltmarsh as the report states the following:

*A site-specific survey will be conducted to map the extent of saltmarsh across the Kent Project Site. The survey will determine the distribution of National Vegetation Classification community types across saltmarsh at the Kent Project Site and obtain species percentage cover data for vegetation in each community type.*

KCC biodiversity highlight that there is a need to ensure that the survey data used to assess the impacts of the proposed development is appropriate and sufficient to ensure the determining authority can fully understand the ecological interest of the submitted development.

## **Chapter 13: Cultural heritage and archaeology**

Kent County Council Heritage Conservation, who are the Council's advisors with regard to archaeology, have provided comments on the Scoping Report to the Council. Listed Buildings are matters dealt with by the Council.

The inclusion of the changes requested in relation to the previous Scoping Opinion for this site are welcomed.

*Detailed Comments:*

## **Comments on Scoping Report London Resort**

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Para 13.4 - add Convention for the Protection of the Architectural Heritage of Europe (1985).

Para 13.9 - add Greater Thames Archaeological Research Framework and KCC standard specifications for desk-based assessment for areas with known Palaeolithic potential.

Para 13.16 - Neolithic sites – the Ebbsfleet type site is for a sub style of Neolithic pottery rather than a ‘culture’.

Para 13.19 – the reports for the surveys /investigations listed should have been provided as part of the Scoping Report. Current draft reports e.g. the 2017 evaluation report for land north of Springhead should be finalised and submitted to the Kent HER as soon as possible.

Para 13.21 - A 3km study area should be used for Palaeolithic remains (see KCC standard specification), and a wider than 1km study area will be needed for the general context for later periods. A wider than 5km buffer may be needed to assess impact on setting if initial visual impact assessment suggests that the visual impact of the scheme may affect a wider area.

Para 13.22 – the history of the area of the proposed development also needs to be understood in terms of proximity to London and routes to the North Sea and English Channel. As noted in the scoping report the summary provided will need to be greatly expanded and updated for the environmental impact assessment.

Para 13.24 – note also the high potential for late Upper Palaeolithic remains in the Ebbsfleet area – see excavations at Ebbsfleet Green, Springhead etc.

Para 13.39 – later reports suggest that the motte interpretation is incorrect.

Para 13.43 – the assessment should also consider Milton blockhouse and New Tavern Fort which crossed fire with Tilbury fort.

Para 13.52 – direct effects should also include any ‘sterilisation’ of archaeological sites due to long term inaccessibility for research caused by the proposed development.

Para 13.55 – add ‘and geological evidence’ to the first bullet point.

Para 13.57 – other appropriate guidance should also be used alongside Conservation Principles.

Para 13.58 – as noted above a wider study area will be needed to assess potential for Palaeolithic remains and possibly also visual impact.

Para 13.61 – an appropriate level of field evaluation, including specialist Palaeolithic investigation, will need to be undertaken and reported on prior to submission of the

DCO to enable decision-making on the significance of heritage assets and proposed impacts. Timescales according to the developer's current programme for this are now very short and consents and licences will be needed for work on the designated sites.

Para 13.63 – other appropriate technical guidance, e.g. for assessing importance of Palaeolithic remains, should be used to help assess importance and sensitivity.

Para 13.68 – note that Natural England will need to be included in any discussions about the Baker's Hole area.

Para Fig 13.1 – New Tavern Fort and Milton blockhouse seem to be missing from the designated heritage assets shown in this figure.

### *Mitigation*

The assessment should also consider any benefits to heritage from the scheme and indicate where enhancement and/or interpretation of heritage assets can bring public benefit.

## **Chapter 14: Noise and vibration**

### *General comments on the proposed methodology*

The Council notes that there is a commitment to discuss the methodology of the assessment and the noise receptors with the Council's Environmental Health advisors and welcomes this. However, there has been no discussion yet with regard to this methodology and the Council is concerned about the limited time that now may be available to discuss and agree such detail.

The Council's Environmental Health Officer with expertise in noise assessment is disappointed that the scope is very general and would have liked to have seen more detail on the specifics of the assessment in relation to how and where it will be undertaken with realistic proposals for potential mitigation measures.

The assessment should include consideration of the impacts from the evening uses and venues proposed, as well as impacts away from the Resort at transport interchanges and other locations where visitors/ employees/construction workers may gather. There is little mention of the evaluation of associated development such as hotels/convention centre,

The Council notes that a floating pontoon is proposed to serve Thames Clipper, which will extend from Bells Wharf towards Ingress Park (a waterfront residential development). As noise cannot be attenuated well over water this should be assessed

in detail with regard to the impact on the adjacent existing dwellings as well as the new residential development (with a resolution to grant planning permission subject to a legal agreement) which will extend over the foreshore on a pier structure

*Detailed points*

Para14.11- the list of guidance should also include BS 6472-1:2008 Guide to the evaluation of human exposure to vibration and the World Health Organisation publication “Environmental Noise Guidelines for the European Region” as appropriate reference documents.

Para 14.22 - No reference is made to the noise during the operational phase generated by associated development e.g. Event spaces and gathering of crowds at locations outside the Resort.

*Mitigation*

Potential mitigation will of course be dependent upon the assessments but details put forward to reduce noise should be included and assessed within the EIA, wherever possible.

## **Chapter 15: Air Quality**

*General comments on the proposed methodology*

The proposed assessment methodology is generally accepted. However the Council notes that the report states that the traffic modelling will be used to identify the full study area used for the air quality assessment. One of the Council’s main concerns is the impact that the development will have on the local road network. Whilst the majority of vehicles accessing the site are likely to use the Strategic Road Network(SRN) there may be a large number of vehicles that are displaced from the SRN on to the local road network as a result of increased congestion. This scenario should be included within the modelling. The impacts of additional bus services, their direct contribution to air pollution, as well the air quality consequences of increased congestion on the local road network should also be considered.

Given the potential for wider impacts arising from the development, the other Air Quality Management Areas in the Borough should also be considered, not only the AQMA immediately adjacent to the site along the A226.

It is suggested that in order to ensure the final assessment meets the Council’s normal requirements that the detail of the proposed assessment is discussed further with the Council’s Environmental Health advisors and agreed before the modelling work is carried out.

The assessment of air quality should include cultural heritage receptors in terms of the effect of air quality on built heritage receptors.

*Mitigation*

Potential mitigation put forward to reduce air quality should be included and assessed within the EIA.

Consideration should be given to new areas with regard to worsening air quality which may lead to a need for further AQMAs to be declared. The Council would expect the developer to pay for designating such AQMA and funding mitigation. Examples might be worsening air quality in Ingress Park, due to the increased number of buses, cars looking for park etc, or worsening air quality on the new development in Ebbsfleet Garden city adjacent to Ebbsfleet junction and the Resort access road.

## **Chapter 16: Water Resources Management**

The Council will defer to comments made by the Environment Agency and the Lead Local Flood Authority (KCC) and other statutory consultees

*General comments on the proposed methodology*

The assessment of water management should include cultural heritage receptors in terms of the effect of water quality on organic remains, microfossils and other environmental indicators within buried archaeological deposits.

The water management issues in this area are complex and must be considered with regard to other developments coming forward. The Council as local planning authority need to ensure that the development does not prejudice the infrastructure available for other developments, particularly given the level of development coming forward within the Borough. The Council will expect the assessment to consider how the impact of the development on water resource availability will be mitigated.

*Mitigation*

The Council will also expect the water management mitigation proposals to set out how water will be conserved and water use minimised both during the construction phase and the operation phase.



### **Chapter 17: Soils, hydrology and ground conditions**

No comments on the methodology proposed but the Council would suggest the involvement of their contaminated land officer in the detailed proposed assessment.

### **Chapter 18: Waste and Materials**

The Council defers to KCC as waste authority with regard to the detail of this assessment and so the Council has no comments on the proposed scoping of the assessment of waste effects.

However, the Council would expect the mitigation proposed to seek to minimise waste generated, maximise recycling and seek to minimise impacts with regards to the removal of waste from the site. The number of vehicle movements should also be minimised. If, as is likely, a commercial waste company undertakes the waste collection operations, there would need to be assessment provided of the origin/destination of the waste vehicles to feed into the traffic modelling. Waste disposal is a KCC matter but it may have land use effects on the area if there are additional requirements for waste sorting/recycling/ incineration or other disposal facilities such as anaerobic digestion.

The Scoping Report indicates a 1ha waste management facility may potentially be provided but it is not clear where this is to be located within the site and therefore the likely impacts of such development. As requested above more clarity should be provided on the parameters for the location of such a facility and whether it would be dedicated to the Resort only or accessible to other waste companies.

### **Chapter 19: greenhouse gas emissions and climate change**

The Council has no comments to make on the methodology set out in the scoping report.

Your ref: BC080001-00234

17 July 2020

Dear Helen Lancaster,

**Re: Proposed London Resort Development EIA Scoping Report**

Thank you for consulting Ebbsfleet Development Corporation (EDC) in relation to the proposed scope of the Environmental Impact Assessment (EIA) for the Proposed Development of the London Resort at Swanscombe. This letter provides our comments on the proposed scope, and information that we would expect to be included in the final Environmental Statement.

The EIA Scoping Report provides a useful update on the 2014 EIA Scoping Report but it is lacking in detail for many of the key elements of the assessment, which does not give full confidence that all aspects will be considered in compliance with the EIA Regulations. The EDC has sought to set out our comments so that they relate to each chapter, and these are appended to this letter, however our overarching comments are as follows:

- It is not clear that the applicant fully understands the existing and future baseline, and the EDC's vision and remit. In particular, key elements of the future baseline (such as the permitted Ebbsfleet Central development) are ignored, and existing businesses on the Swanscombe Peninsular are only lightly referenced. There is little evidence that the applicant will be referring to, and giving sufficient weight to, key guidance or visioning documents produced by EDC.
- It is not always clear that all chapters are fully addressing, or will address, all potential impacts associated with all aspects of the development, for example dredging associated with any in-river works may be required – this is addressed in some chapters but not in all, for example waste states it will be addressed (in relation to a response to a previous consultation comment) but then the chapter fails to address this issue in any further detail. We would expect to see a well-structured approach in the Environmental Statement to demonstrate that all aspects of the development have been considered.
- There is a lack of consistency and detail throughout the specialist chapters in relation to how the phased approach to development and delivery will be assessed e.g. Chapter 7 indicates that there will be several core assessment years considered to reflect the phased opening but this level of clarity is not provided in other chapters. Similarly, will there be a situation whereby part of the scheme is operational and construction activities are continuing and therefore a construction and part operational scenarios should be assessed? There needs to be more detail provided about the scenarios to be assessed and how each topic will assess them. These scenarios should be discussed and agreed with EDC as they are developed by the applicant.

- There should be more clarity provided about how the cumulative assessment will be undertaken for all topics and the methodology that will be used. This is a particularly critical element of the ES for such an area of growth.

Given the comments above and attached, EDC would like to raise concerns about the proposed timescales for the application. It is understood that the statutory consultation is planned to be held over the summer period, and although EDC will be pleased to engage further on the available information and the proposed approach to the EIA, it is not clear how the Preliminary Environmental Information Report will contain sufficient information to allow us to provide an informed response to the consultation.

Yours sincerely,



Mark Pullin  
Chief Planning Officer

### Chapters 1-6 and general comments on overall EIA scope / approach

The EIA Scoping Report provides a useful update on the 2014 EIA Scoping Report but it is lacking in detail for many of the key elements of the assessment, which does not give full confidence that all aspects will be considered. In particular, there is a lack of detail about how cumulative effects will be considered, and how the development phases will be assessed. It is not always clear that all chapters are fully addressing or will address all potential impacts associated with all aspects of the development.

Para. Nos.	Comments
1.26	States that details of the EIA coordinator are included at the front of the document, however these are not provided
3.5	Guidance in relation to Ebbsfleet Garden City produced by the Ebbsfleet Development Corporation is also applicable as a material planning consideration and the EIA should make reference to this.
3.34	Note that Ebbsfleet Development Corporation was set up in 2015
3.47/3.48	The EIA should make reference to the most up to date planning documents, including new KCC Waste & Minerals documents.
Table 3.2	Table outlines statutory development plan but there is no mention of guidance or visioning documents produced by EDC. If the Tourism Action Plan and visit Britain information is included then EDC context documents should be considered as relevant documents to inform the development and EIA approach as well.
4.8	It is not clear if the land availability assessment has been reviewed as the scheme has changed. The ES should provide evidence that the proposed site is still the most appropriate option.
Appendix 4.1	It is not possible to review these assessments unless red boundary plans are provided for examination of the search area
4.30	The EIA should be based on an up to date baseline, the Ebbsfleet Valley is not an open area of land. There are existing car parks and transport infrastructure on it and together with an extant planning permission. Furthermore the EDC implementation framework identifies the site for significant development. The EIA baseline should consider areas of permitted development so that impacts on that permitted development can be assessed.
4.31	It is not clear that the development of proposals in Ebbsfleet Valley have considered the impact it would have on the delivery of Ebbsfleet Central. This should be considered in the ES.
Table 4.2	Mentions residents in Swanscombe but not Ebbsfleet Central. Reference made to eastern alignment being in accordance with the Implementation Framework which is correct but the document also identifies a portion where underground alignment should be explored and this should be acknowledged.
4.50	North Kent Line and Network Rail engagement should be increased. Swanscombe station should be properly considered due to its proximity to the site. Northfleet Station is not a short walk from the people mover at Ebbsfleet International due to the typography.
4.29	Evaluation of Access Options is focussed on visitors and no consideration is given to staff and the impact on local rail and buses.
4.65	It will be necessary for the Environmental Statement to clearly provide, in accordance with the regulations, "a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment"
5.4	Ebbsfleet Development Corporation was created in April 2015 not March 2015
5.5	No mention of Bluewater leisure component which is a concern as the centre has a growing leisure offer
5.32/5.33	Botany Marsh is also a LWS.
5.35	Electricity compound has now been largely removed with only small components left
5.22 – 5.36	Kent Project site description makes no reference to Ebbsfleet Central just the Peninsula and the junctions
5.40	The housing units are not really houses so do they fall into the description under the Act (+5.45)



5.78	Where will the offsite habitat be located, will these be within the development boundary and if not, the ES should make it clear how their implementation and maintenance will be secured.
Chapter 5 general comment	No timescales are provided in this chapter for the construction or opening date of the Resort, making it difficult to understand what development scenarios will be assessed in the ES and how these relate across topic chapters. (see also related general comment on Chapter 6)
Table 6.1	As per the EIA regulations, the ES should include “an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment”
6.17	It is not clear how the “other developments to be considered” have been identified, and as there is no central list provided it is difficult to comment on these. EDC should be consulted on the methodology for identifying “other developments to be considered”, and on the list itself prior to completion of the assessments.
Chapter 6 general comment	It is not clear where and how major accidents and disasters have and will be considered as required by the EIA regulations. EDC should be consulted on the major accidents and disasters to be considered in the EIA, and the methodology for assessment.
Chapter 6 general comment	There is a lack of clarity within this section of the Scoping Report about how different scenarios will be assessed related to the phased approach to the development. This must be clarified in the Environmental Statement and also reflected in all ES chapters.
General comments on specialist chapters 7-19	Study area definitions are inconsistent
	Comments on 2014 scoping are provided but often it is not clear if/how they have been addressed
	There is a lack of cross-referencing between chapters and whilst some chapters state that an issue will be dealt with in another chapter it is not always apparent this will be the case.
	It is not always clear that all chapters are fully addressing or will address all potential impacts associated with all aspects of the development, for example dredging associated with any in-river works may be required – this is addressed in some chapters but not in all, for example waste states it will be addressed (in relation to a response to a previous consultation comment) but then the chapter fails to address this issue in any further detail.
	When impacts are scoped out of a topic chapter, it is unclear whether this has been agreed with relevant consultees.
	There is a lack of focus throughout all of the specialist chapters in relation to how the phased approach to development and delivery will be assessed e.g. Chapter 7 indicates that there will be several core assessment years considered to reflect the phased opening but this level of clarity is not provided in other chapters. Similarly, will there be a situation whereby part of the scheme is operational and construction activities are continuing and therefore a construction and part operational scenarios should be assessed? There needs to be more detail provided about the scenarios to be assessed and how each topic will assess them. These scenarios should be discussed and agreed with EDC as they are developed by the applicant.
	There should be more clarity provided about how the cumulative assessment will be undertaken for all topics and the methodology that will be used – this builds on comments made in relation to Paragraph 6.17 of the Scoping Report. Also, where some topics seem to scope out aspects of the cumulative assessment e.g. socio-economics, has this been agreed with relevant consultees?

### Chapter 7 Land Use and Socio-economics

In general, in terms of approach and initial assessments the land use and socio-economics chapter appear to be fit for purpose. The 2014 Dartford Borough Council Scoping Opinion comments appear to have been taken on board. There do not appear to be any fundamental issues although a key potential concern is the lack of emphasis on the likelihood that a large number of existing businesses on the site will be displaced (apart from high level mention ‘Table 7-2 Likely Operational Impacts’). Also, while the chapter seems reasonable on economic impacts it does appear to be lighter on the potential impacts of the proposed development on local social infrastructure, which will be a critical part of the assessment.

Para. Nos.	Comments
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Table 7-1	Reference should also be made to Dartford Infrastructure Delivery Plan (Nov 2019)
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7.8	Comments from the 2014 Scoping Opinion have been listed but it is not clear how or if they have been addressed
7.10	Consultation with Local Authority/local infrastructure providers (e.g. police, fire and health) should also be undertaken to ensure that the EIA considers the impact of the proposed development on local service and infrastructure provision
7.14	A firmer definition of the spatial boundaries of the Immediate Impact Area would be beneficial for reader understanding. A map would be ideal.
7.15	As described at 7.10 above there is no mention of wider relevant local infrastructure/services such as emergency services. It would also be useful to confirm education will deal with early years and further and higher education.
Table 7.2	Add reference to anti-social behaviour alongside crime. Also, could local businesses be added to affected receptors? E.g. local traders may suffer from perception that town centres/retail areas are 'no go' areas due to large numbers of construction workers.
Table 7.2	Could assessment of where existing 'bad neighbour' employment uses will re-locate to be added to the effect ' <i>Potential temporary or permanent displacement/loss of businesses and other services</i> '? Also, in general there is little description or acknowledgement that there are significant numbers of existing industrial businesses that will presumably have to be moved/ or jobs and businesses lost i.e. displaced. The land use and socio-economics chapter will need to assess the impact on these businesses and their employees and whether it has a significant impact on industrial capacity in the functional economic market area.
Table 7.2	The effects of the proposed housing provision should also be considered here.
7.20 to 7.22	Could Covid have an impact on economic baseline data + future baseline? Although high degree of uncertainty at this point on potential effects it could be appropriate to raise this issue here.
7.34	Briefly expand text to clarify scope, remit and interrelationship with EIA of the Skills and Employment Strategy
7.39	Consultation with local infrastructure providers e.g. Health education could form part of approach to assess impact on local services
7.48	Has the scoping out of the cumulative assessment been agreed with relevant consultees? The specific cumulative impact of a range of developments on specific social infrastructure resources i.e. local hospital, could be lost in this approach, and it is not clear that the full range of potential receptors has been considered. Perhaps acknowledgement of this issue and justification of why it is not an issue should be made here.

## Chapter 8 Human Health

The chapter does not provide confidence in a robust assessment. There is a lack of detail relating to baseline data sources, proposed assessment methodology and particularly in the identification and treatment of vulnerable groups. The assessment of sensitivity and approach to assessment of potential effects is confused.

Para. Nos.	Comments
8.9	The assessment refers to relevant socio-economic national, regional and local policies. Although these may be relevant in relation to the broader definition of health, policies should be included as they relate to health specifically. A detailed policy assessment needs to include all relevant health-related policies and strategies to ensure approach is compliant and rigorous.
8.10	Refers to the fact that there is no NPS for business and commercial NSIPs and that regards will be had to the NPS for National Networks, citing paragraphs 4.79 to 4.82 as of relevance. Reference should also be made to paragraph 3.2, which includes the requirement for developments to be 'designed to minimise social and environmental impacts and improve quality of life'.
Table 8.1	Makes reference to objectives as set out in the NPPF. Reference should also be made to para.91 which states that planning policies and decisions should aim to achieve healthy, inclusive and safe places.  Lack of detail regarding local health priorities and issues. No reference made in this section to



	<p>the Joint Strategic Needs Assessments and Health and Wellbeing Strategies of individual local authorities (although these are referred to later as part of the baseline). The EIA should ensure that a thorough understanding of local health issues and priorities is undertaken using existing policy and strategic documents.</p> <p>The section on regional and sub-regional planning policy includes economic partnerships; it should be noted that the only organisation listed with a policy making remit is Kent County Council. The LEPs and partnerships referred to will have strategic visions / documentations which may also be of relevance to health, however some clarity / distinction is needed.</p> <p>Reference is made to relevant local policy from local authorities. Ebbsfleet Development Corporation is included within this list, although it should be noted that EDC does not have plan-making powers.</p>
Table 8.2	<p>The EIA should make reference to recent guidance produced as part of the Design Manual for Roads and Bridges - LA112 Population and Human Health (Highways England, 2019) which provides an approach to the assessment of health in the context of EIA. This may be of relevance given the statement in para 8.10 regarding references to the NPS for National Networks.</p>
Table 8.2	<p>Includes reference to the Wales Health Impact Assessment Support Unit (WHIASU) guidance. It would be worth specifically referencing Appendix 2 which provides a comprehensive checklist for vulnerable groups.</p>
8.15	<p>States that the health issues outlined in the 2014 Scoping Opinion have been addressed. Really it means that relevant comments will be addressed in the ES (apart from where they have been scoped out as in the case of certain HSE comments).</p>
8.17 / 8.18	<p>Refers to public consultation and engagement with the NHS / CCGs. Discussions around proactive involvement about onsite health provision and emergency services, together with how health can be incorporated into the proposals in a 'fun way'. Assume this relates to how the project can present positive messaging around health. It will be critical to undertake continued engagement with stakeholders including EDC, but also PHE regarding potential health impacts during construction and operation, and the benefits associated with positive health messaging.</p>
8.19	<p>Identification of data sources for the baseline assessment is a little vague. Need to ensure that a robust and comprehensive health baseline is established, setting out community profile and health conditions.</p> <p>Would expect to see detailed description of baseline information with respect to vulnerable groups – note that some groups are identified in section 8.37 but no consideration as to how baseline information would be presented. Application of the WHIASU Appendix to identify appropriate vulnerable groups of relevance.</p>
Table 8.3	<p>Comments on likely potential effects table in relation to construction:</p> <ul style="list-style-type: none"> <li>• Reference to 'public services' but no clear definition presented as to what these are. Assume it includes healthcare / education / community services, but it would be useful to spell these out and consider.</li> <li>• Visitors identified as a receptor during construction – not sure what visitors this refers to. No reference made to vulnerable groups as potentially sensitive receptors.</li> <li>• Potential effects of increased flooding identified as an impact in relation to displacement / landtake during construction – not sure why this is located here / what it refers to.</li> <li>• Potential effects of the presence of the construction workforce – more detail required as to what this refers to (i.e. assume it means in relation to accommodation of the construction workforce, community safety impacts).</li> </ul>

	<ul style="list-style-type: none"> <li>Construction impacts should also include changes to residential amenity for existing residents – this is a function of impacts relating to noise, air quality and visual impacts combined.</li> </ul> <p>Comments on likely potential effects table in relation to operation:</p> <ul style="list-style-type: none"> <li>Existence of the proposed development is identified as an activity – surely that relates to ‘operation’ in its entirety?</li> <li>Again, public services comment stands in relation to operation – what public services and where.</li> </ul> <p>Potential impacts relating to severance and physical activity should also be included. For example changes in severance as a result of increased traffic flows during construction and operation; also impacts on physical activity as a result of changes in active travel during construction and any proposals included in the project during operation.</p>
General	Mental health is not referred to / acknowledged during the assessment or methodology – apart from in the identification of one vulnerable group. Mental health and wellbeing must be included as an area upon which the proposed development could impact. Need for this topic to be given the same weight as physical health and wellbeing and included in baseline / identification of vulnerable groups / assessment as appropriate.
8.22	Study areas – there is not much detail on study areas, other than that they will be aligned to whatever ES topic is being considered. Would expect to see community profile for a local study area.
8.23	Baseline methodology section is not clear. It would be helpful to understand specific study areas and specific baseline data sources proposed.
8.27	Potential sensitive receptors – not clear how / which vulnerable groups will be identified. Health effects are not only in relation to health inequalities or the ability to access services and facilities. There may be sensitivities associated with vulnerable groups outside of this – for example all children are a vulnerable group, not just those who experience deprivation / health inequality or who cannot access services. Further detail / clarification is required as to how potential sensitive receptors are defined.
8.33	Cumulative effects – the section suggests that no cumulative assessment is required as this is included within the future baseline. No consideration is given to cumulative effects as a result of a combination of impacts (i.e. cumulative effects arising from air quality, noise, visual, pollution, traffic etc).
Table 8.4	Not sure how this table relates to health – it refers to the socio-economic assessment and does not seem a particularly useful / relevant way to identify sensitivity of receptors for health purposes. Definitions of receptor sensitivity should be revised.
8.37	First real reference to vulnerable groups. The sentence states that the vulnerable groups identified relate to those in higher levels of socio-economic deprivation or have relatively poor health status. Whilst this is true for some vulnerable groups, it is not the case for all (e.g. children). There are compounding factors for some groups who are vulnerable as a result of more than one factor. Ensure robust identification of vulnerable groups using the WHIASU Appendix 2 checklist.
8.41	Mitigation – whole section relies on the assumption that all mitigation is contained within other disciplines. Whilst this is likely to be the case, the mitigation section needs to clearly show what mitigation from other ES assessments relates to which potential health outcomes. Mitigation needs to be clearly set out for each health outcome.



## Chapter 9 Transport

It is unclear, from the reviewed document, what transport modelling will be undertaken in order to complete the Transport Assessment and subsequently feed the necessary data into the Environmental Impact Assessment. As a result, it is not possible to be certain that the right data will be available to enable environmental impacts such as air quality and noise to be determined at the appropriate level of accuracy. The Transport Assessment Scoping Report, if such a document exists, may alleviate some of these concerns.

The transport modelling should be sufficiently detailed to enable differentiation of staff, servicing and visitors numbers, daily arrival and departure profiles and site access locations.

Ch. & Para. Nos.	Comments
4.30	Construction traffic nor operational traffic is not able to be accommodated on the existing local road network. Dedicated highway connection to A2T from the south is therefore essential and will form primary access.
Table 4.2	Proposed route alignments should continue to be evaluated in order to ensure the best outcome for the project
9.10 Local policy	Current and emerging local plans for each of the surrounding local authority areas should be considered, especially when developing the transport model and future growth scenarios. Details should be agreed through consultation with the relevant local authorities.
9.11	Reference to DMRB and TAG should relate to 'current' versions rather than a specific version, which may have been superseded.
9.25	Mention is made of the FastTrack bus service, however no other bus services are mentioned. Consideration should be given to the other existing services in the vicinity of the development and the impact that staff and visitors will have on these services. Rail is promoted as a mode of choice, however local bus services may also play a significant role for staff to access the development.
9.29	Ongoing consultation with the relevant planning authorities should be maintained to ensure any changes to identified schemes are incorporated. Changes to the local highway network should also be taken into account, especially in relation to road network in Swanscombe and Northfleet.
9.30	Estimates of the number of trips to the site should include visitors as well as staff and servicing, for the development as a whole. Estimates of the total number of Resort visitors should be based on supporting evidence. Further breakdown of access by mode of transport and destination location, e.g. Tilbury, should also be based on supporting evidence.
9.38 & 9.40	The proposed method for transport modelling includes provision of model output from Highways England's A2 Bean to Ebbsfleet and Lower Thames Crossing models to create a spreadsheet model. It is unclear how the proposed spreadsheet model will clearly identify the impact of the development traffic across the wider highway network. The approach should clearly identify whether a highway assignment model will be used to undertake the assessment, or just as a source of input information.
9.41-9.43	Given the nature on the strategic road network, DMRB's LA105 and LA111 should also be used to identify the relevant links to be assessed. These documents have additional criteria that should also be used.
9.44	Scenarios to be considered should also include a full opening +15 years scenario. Are there any specific EDC or local plan development stages that may impact on the need for additional assessment years?
9.45 – 9.46	Given the leisure focus in combination with the size of the development, it is reasonable to expect that a Development Peak, or weekend period would also be assessed, as parts of the transport infrastructure will be impacted differently. The expected wide-scale influence on the strategic road network indicates that this additional period should not be treated as just a sensitivity test within the local area micro-simulation model.
9.57	Given the size of the proposed development, we would consider a quantitative assessment of WCH should be undertaken, especially with respect to the key corridors between nearby rail stations, bus stops and the development site entrances. It is important to understand how many



	people will be impacted by any proposed changes to WCH routes across the project boundary. WCH should also be considered during the construction phase as part of the construction management plan
<b>9.61 and 9.65</b>	All Personal Injury Accidents should be considered in detail as part of the Transport Assessment, not just those involving NMUs.
<b>9.66</b>	It is essential that vehicle delay on the highway network is considered as part of the TA. The proposed mitigation measures may also result in changes to traffic conditions that require environmental assessment.
<b>9.67-9.68</b>	Construction traffic, while typically lower than development operating traffic, will generally comprise of a higher proportion of goods vehicles with a resulting disproportionate impact on the surrounding area in terms of pavement wear, noise, etc. A construction peak scenario should be considered to account for the largest flow of construction related traffic that could also be coincident with Phase 1 operations, i.e. Post 2025. Justification of the expected high proportion of materials delivery by river should also be provided.
<b>9.71</b>	A visitor travel plan should be produced and include a monitoring regime put in place to capture the actual mode share of visitors to the development, along with reviews to encourage PT usage to access the site.
<b>9.74</b>	All proposed developments and local plans (current and emerging) should be included within an Uncertainty Log for more detailed evaluation. Each development should be allocated an uncertainty ranking in line with TAG guidance during discussion/agreement with the relevant planning authority in order to determine the future baseline conditions.
<b>9.77</b>	The assessment of an 85 <sup>th</sup> ile day is considered appropriate, however, it would be prudent to consider when the peak day is likely to occur and how that corresponds with the background traffic conditions. A sensitivity test may be necessary to alleviate concerns as the peak development day combined with lower background traffic may result in worse conditions than an 85 <sup>th</sup> ile day with peak background traffic.
<b>9.79</b>	Scoping out the assessment of rail transport is considered unreasonable. The developer should prove that the existing rail infrastructure can accommodate the additional demands due to the development, especially as rail is being promoted as the mode of choice. Proposals to extend the Elizabeth Line to Ebbsfleet are being put forward to accommodate existing and future demand, which implies that the existing infrastructure will not cater for future demand.

Comments on Chapters 10-13 are appended to the rear of these comment tables.

#### Chapter 14, Noise and vibration

The document as reviewed is lacking in some of the detail; it is very generic and assumes the stance that most aspects will be “agreed with the LPA” at a later stage.

The document outlines that the main noise issues of the site will be considered in the study re noise and vibration (where appropriate) relating to construction, operational (including ride, screaming and activity noise, along with sensitivity relating to any hotel provision) and off site traffic noise. However, it is imperative that an aspect to be included is car park noise as some of the car parking areas are likely to be large and a significant source of noise for some receptors, especially north of the river in Tilbury.

The scoping document does not provide detail on monitoring locations, durations, values for LOAEL and SOAEL. It would have been useful to define LOAEL and SOAEL levels in the scoping document; however, it does commit to define all of these aspects in consultation with the appropriate local planning authorities (Dartford and Thurrock), although EDC should be consulted as well. This consultation and agreement should be sought prior to the submission of the ES so that the implications of the agreements can be recognised.

We were pleased to see that the issue of ride, screaming, cheering and human activity noise is an issue that will be considered in the study, as this is likely to be a significant issue to the residents of Swanscombe, Green Hythe if not controlled. However, the site noise should also be considered as a whole, with the total noise from all elements of the resort considered as far as possible together and not purely as individual elements.



There is a lack of clarity within the scope with regards to how the phasing of the scheme will be assessed.	
Para. Nos.	Comments
14.19	The paragraph provides little detail on locations, durations or other issues of noise and vibration surveys; stating that these will be agreed with the LPA and other relevant consultees. It is imperative that this occurs through the process to ensure a robust, detailed baseline survey.
14.22 (bullet point 2)	In conjunction with the consideration of vehicle movements on site roads studies will need to consider noise effects associated with large scale car park activities around the resort, and not just be limited to HGV/delivery activity, access roads and effects on the existing network. The noise study would require to consider car park generated noise. This is especially the case for the access point north of the river and the effects this noise may have on the residents of Tilbury; however, all car parking provisions around the site would need to be considered.
14.32	With regards to the scenarios that are proposed to be assessed – are these sufficient in view of the fact that there may be phased opening of Gates 1 and 2 etc. This must be clarified in the ES chapter and addressed to ensure there is a robust assessment of the scheme.
14.33	There needs to be clarity provided about how the cumulative schemes will be defined.
Operational Phase	No guidance as to the way that noise sensitivity for sensitive elements of the development such as offices, hotels, accommodation (if any) will be considered. Further detail is required with reference made to appropriate guidance including BS8233 and specific end user specifications.
14.38	Further information on appropriate values for LOAEL and SOAEL would have been useful in the scoping report, however the commitment is made to define these in association with the LPA. It is imperative that this happens through the process allowing the appropriate LPA and other statutory bodies to inform the derivation of such values. This would require to happen prior to the completion of the ES so that the implications of the values set can be recognised in the study.
Mitigation	A number of identified potential mitigation measures are outlined in this section. As the ES process proceeds others will become apparent and should therefore be presented and considered in the ES.
Uncertainties	A number of identified uncertainties are outlined in this section. As the ES process proceeds others will become apparent and should therefore be presented and considered in the ES.

## Chapter 15 Air Quality

Assessment needs to detail how it will comply with the NPPF and NN NPS in relation to assessment of compliance with the EU Directive. This hasn't been mentioned as part of the scoping report. Uncertainty in future roadside nitrogen dioxide improvements also needs to be considered and not just a reliance on the defra projections if the evidence in monitoring trends do not support this approach.

Para. Nos.	Comments
15.9	Need to consider LA105 in DMRB as that provided the guidance in relation to the assessment of whether the scheme impacts on compliance with the EU Directive which is required when considering the NN NPS and particularly para 5.12 and 5.13.
15.15	Evidence is required in relation to supporting the decision as to why additional monitoring is not required should be included in the ES. Highways England has also undertaken monitoring which should be utilised as part of the assessment, if agreed with HE.
Operational Phase - Receptors	Receptors for the purpose of determining compliance with EU Limit values should be considered, which include public access such as footpaths where there are Defra PCM Links (see LA105 for Approach). If modelled exceedances of AQS Objectives are assessed (regardless of whether they coincide with a Defra PCM link), Defra should be consulted to determine whether it is a matter of compliance.
	It is unclear what criteria will be used to determine the extent of the study area used in the assessment, i.e. will it be based on the indicative criteria in the IAQM guidance?



	It is unclear how the assessment will reflect the proposed phased opening of the scheme and how this also relates to traffic scenarios.
15.33 - Significance of impacts on designated sites	Significance of impact on designated sites from road traffic should consider the guidance in LA105.
15.39 - Operational Phase uncertainty	It is not sufficient to just rely on the Defra projections particularly if the evidence in the area from monitoring trends suggests that relying on the Defra projections could lead to over optimistic predictions. Consider uplifting the modelled concentrations to account for uncertainty which is current practice in the assessment of impacts from changes in road traffic as a result of road schemes.

## Chapter 16: Water Resources and flood risk

The scope of Chapter 16 does not include certain aspects of assessment on groundwater. Groundwater quality is covered but effects on groundwater levels and flows is not, there is also no mention of groundwater dependent terrestrial ecosystems (GWDTEs). A brief review of Chapter 17 suggests these aspects are not covered in this chapter either, which has a focus of assessing impacts on groundwater linked to contaminated land.

Discussions regarding the scope of the WFD Assessment are very water quality focused. It should be acknowledged that WFD is much broader and that the assessment will also cover effects on other qualifying elements of WFD waterbodies in the Zone of Influence e.g. biological quality, hydromorphology, quantitative status (GW).

The chapter does not clearly define nor justify the proposed study area (or areas).

The chapter has no clear statement as to the proposed methodology for assessing the significance of effects, quoting 'professional judgement'. Guidance and methodology set out in LA 113 of the DMRB is considered best practice for assessment of the highways elements of the proposed development, and the general approach is also application to the other aspects of the development.

The introductory section refers to providing a stand alone WFD assessment as an addendum to the ES chapter but does not refer to any other supporting addenda. Reference to a Flood Risk Assessment and drainage strategy comes later in the report (para 16.27). It would be useful to clearly set out in the introduction all of the supplementary assessments that are proposed.

Para. Nos.	Comments
16.1	Scope does not include hydromorphology/hydrodynamics (Thames) in the bullet point list. Clarify whether these aspects will be included in the scope and update list accordingly (or note these aspects are scoped out with reasoning)
16.5	The Flood and Water Management Act 2010 is listed twice. The list also includes reference to the Groundwater Regulations 2009 and the Contaminated Land (England) Regulations. However, groundwater is not listed as being included in the scope of the assessment. Clarity needs to be provided on the scope of assessment regarding groundwater (see overarching comment), and list legislation accordingly.
16.10	The list does not include National Infrastructure Planning Advice Note 18: Water Framework Directive
16.11	The local plans and policies list does not include for relevant Local Development Plans/Core Strategies for Gravesham and Dartford.
16.25	This paragraph lists the identified water resources to be considered in the assessment. The North Kent groundwater aquifers are listed as is the Swanscombe peninsular groundwater table, but text suggests that this groundwater table is assessed in Chapter 18. More clarity is needed on where in the ES groundwater receptors will be assessed.
16.25	The list of water resources does not include mention of the Ebbsfleet Stream which the scoping opinion (Table 16.1) stated as needing to be included. Existing water abstractions and discharges should also be acknowledged.



<b>Flood Risk (16.27 – 16.33)</b>	There is no discussion of baseline data sources to be referenced for surface water flood risk. Clarity is required on sources of information that will be used to define flood risk from surface water.
<b>16.33</b>	Paragraph states: Review of available information regarding existing key hydraulic structures, including hard and soft engineered structures will be undertaken. Please clarify whether this includes existing flood defences?
<b>16.34</b>	Dewatering schemes would have an effect of drawing down groundwater levels rather than increasing them. Need to clarify that the cessation of dewatering schemes would have this effect. This list includes no mention of the potential to increase fluvial flood risk due to new watercourse crossings, loss of floodplain storage
<b>16.61</b>	It is not clear from the text whether there are any European or local designated wildlife sites with a water dependency/interest that are to be assessed. This needs to be clarified, and provide cross reference to ecology chapter if appropriate.
<b>16.65</b>	Reference is made to use of a matrix approach for determining significance of effects but there is no reference source of the matrix.
<b>16.104</b>	Protection of hydrodynamic and sediment transport regimes are not considered.

### Chapter 17: Soils, Hydrogeology and Ground Conditions

Chapter is focussed on the assessment of contaminated land. No scope / methodology of assessment is included for soils (including ALC) and hydrogeology receptors.

<b>Para. Nos.</b>	<b>Comments</b>
<b>17.4</b>	NN NPS has policies with relate to hydrogeology, soils, geological sites / conservation and previously developed land which should be detailed.
<b>17.4</b>	In chapter three of scoping report, the National Network of Ports is also considered but is not detailed in this section. Review of this NNP and inclusion of relevant policies for all aspects of the chapter
<b>17.9</b>	Legislation relating to contaminated land is only detailed. Relevant legislation for hydrogeology / soils should be included
<b>17.10</b>	Best practice guidance for contaminated land only is detailed. Relevant guidance documents for hydrogeology / soils should be included
<b>17.20</b>	Sensitive geological sites and hydrogeological features are not detailed within the scope of the Phase 1 desk studies. Desk based studies relating to soils and minerals are not included. Details of all aspects of the chapter should be included in the desk based studies to identify potential receptors e.g. sensitive geological sites (SSSI, LGS) and hydrogeological features, mineral safeguarding zones etc
<b>17.22</b>	Receptors relating to contaminated land have been identified but receptors for in relation to the soils and hydrogeological assessments are not detailed. Details of all receptors relevant to the chapter should be considered.
	<b>Approach and Methodology</b> – details for the assessment of contaminated land has been included but not a methodology for assessment of sensitive geological sites, hydrogeology and soils (ALC). Methodologies for all aspects of the chapter should be detailed.
<b>17.25</b>	Scoping report states <i>Baseline conditions for each of the two project sites will be assessed for the development confines and for a distance of up to 250m beyond.</i> Further justification is required for this study area. What if potential contaminative sources are beyond 250m? What are the study areas for soils / hydrogeology?
	<b>Significance criteria</b> – Criteria has been set in relation to contaminated land. The source of the criteria is not stated. Consideration should be given to using DMRB LA109 Geology and Soils and LA113 Road Drainage and the Water Environment for setting criteria for receptors for this chapter. Justification for the criteria used should be provided. Assessment criteria for receptors for all aspects of the chapter needs to be included.
	<b>Mitigation Measures</b> – mitigation detailed concentrates on contaminated land Impacts and mitigation for soils (ALC), geological features and hydrogeology need to be included e.g. could



	<p>construction activities change the groundwater flow in the area. Could this effect the leachate in the landfill sites and the gas regime.</p> <p>Sustainable re-use of soils should be considered e.g. adoption of CL:AIRE Code of Practice and the Code of Practice for the Sustainable Re-use of Soils.</p>
	<p>Relationship with other topics chapters is not clear and therefore what is being assessed in each chapter. The interrelationship between each topic / chapter needs to be included to help the reader understand what aspects are being assessed.</p>

## Chapter 18: Waste and Materials

Overall, the scoping report should present baseline data and define the geographical study area and temporal scope.

Para. Nos.	Comments
18.3	<p>It is recognised that the assessment of materials during the operational phase can be scoped out, but it is considered that it should be scoped out as the effects on the availability of materials during the operational phase will be negligible in relation to the scale and nature of the proposed Development.</p> <p>Is the decision to scope out materials during operation robust in view of the scale of the development, the need for ongoing maintenance of attractions etc. How will potential modifications to rides and the materials impacts of those be assessed?</p> <p>Please confirm that the requirement of materials for maintenance of the Proposed Development (e.g. maintenance of attractions) will be minimal negligible in relation to the scale and nature of the proposed Development. Please update paragraph accordingly.</p>
18.4	<p>The following paragraphs for the NPS should also be considered:</p> <ul style="list-style-type: none"> <li>• Paragraph 5.169 - 'Applicants should safeguard any mineral resources on the proposed site as far as possible.'</li> <li>• Paragraph 5.182 - 'Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources.'</li> </ul> <p>It is also recommended to include within the Environmental Statement of the Proposed Development response to all the relevant NPS requirements.</p>
18.5	<p>The following legislation should also be considered during the assessment:</p> <ul style="list-style-type: none"> <li>• Directive 2008/98/EC on Waste (Waste Framework Directive)</li> <li>• Directive 1999/31/EC on the landfill of waste (Landfill Directive)</li> <li>• Environmental Permitting (England and Wales) Regulations 2016 (as amended)</li> <li>• Waste (England and Wales) Regulations 2011 (as amended)</li> <li>• Environmental Protection Act 1990 (Part II)</li> </ul> <p>The EIA should refer to this legislation.</p>
18.5	<p>It is recommended to refer to the Waste and Resources Action Programme (WRAP).</p>
Table 18.2	<p>It is stated that <i>'the applicant will produce an outline paper mid-July 2020 for further discussion and agreement with the EA and a more complete strategy will form part of the wider Earthworks and Remediation Strategy document which will accompany the ES Soil and Ground Conditions Chapter'</i>. Has this already been done?</p>
18.10-18.12:	<p>This section does not present a baseline; it only discusses the scope of the assessment and provides a summary of the types of data sources that will be used to establish the baseline.</p>

	Further, no mention of any specific baseline data sources are provided such as the Defra waste statistics (ENV23 - UK statistics on waste; ENV18 - Local authority collected waste: annual results; UK Annual Statistics on Waste) or the Environment Agency Landfill Capacity Tool. The EIA should include baseline data in line with Sections 9.8 and 9.9 of the IEMA guide to: Materials and Waste in Environmental Impact Assessment.
18.10-18.12:	There is no mention of the future baseline and how it will be projected. This is a key omission as the assessment of the effects of material consumption and waste arisings should be measured against the future baseline. The assessment should present the baseline data from the existing (pre-development scenario) and for the agreed future scenario (the 'do minimum' or 'do nothing scenario').
18.10	There is no mention on whether mineral resources and Mineral Safeguarded Areas are within the scope of the assessment. If mineral resources are within the scope, the baseline section should include information about minerals safeguarding areas and allocated mineral sites within or adjacent to the red line boundary of the Proposed Development. The EIA should include baseline data from minerals safeguarding areas and allocated mineral sites if relevant.
18.11	Baseline data should be obtained from reliable data sources. Bullet 1 refers to predicted waste generation rates; it is assumed that these will be utilised to estimate the waste arisings from the Proposed Development but not to create the baseline. The EIA should use reliable and detailed sources of baseline data in line with section 9.9 of the IEMA guide to: Materials and Waste in Environmental Impact Assessment.
18.13	In all environmental assessments, the impacts and effects of inert, non-hazardous and hazardous wastes should be evaluated separately. Landfill capacity/void should be mentioned as a primary effect for waste.
18.14	This paragraph does not present a preliminary assessment of potential effects from materials. This needs to be provided to fully understand the basis of the proposed scope of assessment.
18.16	This paragraph includes secondary effects, but it does not refer to the direct impact and effects. For waste, the direct impact is the generation and disposal of waste and the effect is the reduction in landfill capacity and the unsustainable use of loss of resources to landfill that results in the temporary or permanent degradation of the natural environment. The ES should provide clarity on direct impacts and effects.
18.18-18.19	The temporal scope of the assessment has not been defined. In particular, how the assessment will take into account both operational and construction waste arisings during partial occupation. This should be made clear in the ES.
18.18	BRE Standards should be referenced in the ES.
18.19	This is the first time that a Waste Management Strategy is mentioned. Please clarify if a Waste Management Strategy will be produced as part of the Environmental Statement?. Paragraph 18.18 states that operational waste will be estimated using benchmarks from BS 5906:2005 but this paragraph states that operational waste generation estimates will be extracted from the Waste Management Strategy.
18.21	There is no reference to dredged material and how this will be considered in the assessment.
18.23-18.24	The criteria for determining sensitivity of receptors relating to both waste and materials are not defined. The sensitivity range is just stated to be from Negligible to Very High. Although the chapter states that the sensitivity criteria will be derived from the IEMA Guidance, the guidance presents options and leaves the criteria open for the assessor to refine such as whether to select a local, regional or national study area. The spatial scope/geographical study areas have not been clearly defined for each aspect of the assessment.
18.23-18.26	There is also no provision of an effects' threshold matrix to set out how magnitude and sensitivity are combined to reach effect significance. The ES should refer to a effects' threshold matrix table in line with the Table presented within Section 11 of the IEMA guide to: Materials and Waste in Environmental Impact Assessment
18.26	The magnitude of impact for materials should be assessed against the volume of the regional baseline availability. If national baseline availability is used it should be justified.
18.25	Method 2 is less robust than method 1 and it is considered that it should only be used for smaller and less-complex projects. Method 1 should be used for the assessment.



18.27	Please confirm that a Site Waste Management Plan (SWMP) will be prepared as part of the application.
19.29	Please confirm that an Operational Waste Management Plan will be prepared as part of the application.

### Chapter 19: GHG Emissions and Climate Change

Overall, the scoping report should be updated in line with the IEMA 'Environmental Impact Assessment Guide to: Climate Change Resilience & Adaptation' published in 2020

Para. Nos.	Comments
19.1	The IEMA guidance 'Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation' published in 2020 should be adhered to. In accordance with the guidance the assessment should cover the impacts of climate change on the project (climate change resilience assessment) as well as the impacts of climate change on the effects of the project on other environmental receptors.
19.2	Please include full references for the data provided should be included
19.3	Additional policy should be included within this the relevant law, policy and guidance. Please refer to Paris Agreement, Clean Growth Strategy and Climate Change and Sustainability Energy Act
19.24	The IEMA 'Environmental Impact Assessment Guide to: Climate Change Resilience & Adaptation' has been published in 2020 to replace the IEMA EIA Guide to: Climate Change Resilience and Adaptation (2015)
Tale 19.1	Table 19.1 provides a summary of references to climate change included within the 2014 scoping opinion, but it does not specify if these comments have been addressed when writing this Scoping Report. For example, Kent County Council refers to an energy centre being included in the scoping report previously produced for this project. However, this Scoping Report does not mention it.
19.29	The baseline conditions and main issues should cover current baseline as well as future baseline. It is not clear how future baseline will be calculated and the boundaries.
19.29	All existing sources and removals of GHG emissions prior to project construction and operation (i.e. without the project) should be identified and clearly described. The baseline should also consider the emissions associated to all existing activities within the baseline boundary (e.g. GHG emissions associated to the road infrastructure). The baseline methodology should be in line with IEMA 2017 guidance and should include all elements/activities that will be included for the production of the current and future baseline.
19.30	All benchmark data sources should be specified that will be used to report on current and future baseline emissions.
19.31	The current and future baseline should be included within this chapter and not within other chapters. Also, the assessment should be carried out in this chapter in line with IEMA 2020 guidance. Current baseline should include information historic climate conditions. Future baseline should be presented for relevant factors (e.g. precipitation, mean temperature, etc.) utilising UKCP18 data and any other relevant sources (e.g. other sources for extreme weatehr events).
19-31-19.35	These paragraphs don't seem to include a preliminary assessment of potential effects for GHG emissions. They do describe which elements will be included within the assessment
19.32	An assessment detailing GHG emissions associated to waste, transport of materials resources and waste, commute of workers, water and energy (including the consumption of temporary and permanent works as well as consumption within compounds) and land use change should be described
19.34	GHG emissions associated with the commute of workers, water and energy (including electricity and fuel) consumption and land use change should be included.
19.35	GHG emissions associated to the operaional phase only include the GHG emissions associated to the buildings and transport. This section should include any emissions associated to the overall development. In additionto the operational energy, energy associated to maintenance, repair , replacement and refurbishment and transport emissions associated to other physical assets of the project (e.g. infrastructure and resort assets) and water consumption whould be included within the assessment. Also a justification for the exclusion or inclusion of the end of life stage should be provided.

19.36	Climate change resilience and adaptation methodology should be updated in line with the IEMA 2020 Guidance.
19.39	In line with current guidance the assessment should be split in three sections instead in two: <ul style="list-style-type: none"> <li>• GHG Emissions</li> <li>• Climate change resilience and adaptation</li> <li>• In-combination climate impacts</li> </ul>
19.40	References to all the documents should be included
19.41	Benchmarks and/or data sources for the estimation of GHG emissions arising from the product and construction stages should be included (e.g. ICE emission factors, water consumption during the construction phase benchmark from the UK Industry Performance Report, etc.)
19.42	Benchmarks and/or data sources for the estimation of GHG emissions arising from the operational (including maintenance, repair , replacement and refurbishment) and end of life phases should be included.
19.44	The methodology established in the IEMA 'Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation' (2020) should be followed
19.45	Other mitigation measures than the related to materials and circular economy should also be included such as the need for sustainable management of energy and water (e.g. energy efficient measures should be included, and renewable energy technologies explored including photovoltaic panels and wind turbines). Also, mitigation measures for service infrastructure should be required.
19.45	The effects of climate change should be assessed within the climate chapter in line with the requirements of the IEMA 'Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation' published in 2020
19.48	The sources of the benchmarks that will be used should be specified.
19.51	It is considered that the UK Government's Zero Carbon commitment will not reduce GHG emissions, the developments and stakeholders will have to put on place measures to reduce GHG emissions and therefore meet the commitment. Please clarify this statement.
19.52	This is the first time in the report that UKCP18 is mentioned. UKCP18 data from RCP 8.5 should be included within the baseline in line with the requirements of IEMA 'Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation' (2020) guidance
19.54	Climate change resilience and adaptation should be assessed within the GHG Emissions and Climate Change Chapter.



Date: **23/06/20**

Description: **Scoping Report for The London Resort.**

### **Landscape Consultation Response on behalf of EDC**

The Landscape & Visual Chapter of the Scoping Report sets out a detailed scope for the landscape and visual assessment, together with supporting plans including proposed viewpoint locations and the baseline LVIA assessment within the submitted appendices.

The assessment methodology is stated as being based on GLVIA3 which is welcomed, however given the substantial sections of new road proposed, the assessment methodology should also be based on the Design Manual for Roads & Bridges (DMRB) methodology for highways projects.

The 'Relevant Law Policy and Guidance' section of the Landscape & Visual chapter should include reference to the 'Design for Ebbsfleet' and the 'Ebbsfleet Public Realm Strategy', both of which guide development across the whole of the Ebbsfleet Garden City. The Kent Design Guide should also be referenced.

The intention to carry out a BS5837 tree survey to inform the masterplan and assessment process is welcomed, particularly in relation to the transport elements of the scheme which are likely to result in the removal of large amounts of existing vegetation. The submitted report identifies Ancient Woodland within the site but does not identify any Tree Preservation Orders. It is understood that there are at least two within the Kent project area.

The submitted Zone of Theoretical Visibility (ZTV) appears to assume a 'bare earth' scenario, which represents a worst case scenario and is of limited use in understanding where the Site and the proposals are likely to be visible from, given the built-up surrounding context to the site. A ZTV should be produced with 'obstructions' or 'visual barriers' including buildings and woodland, in order to give a clearer picture of where the site (and proposed development) have potential to be visible from. The ZTV with 'obstructions' or 'visual barriers' should then inform the locations of a refined set of viewpoints to be agreed with the relevant authorities, and may identify additional viewpoints to be included as well as allowing some of those currently proposed to be ruled out. Given the scale of the proposals (parts of

which are stated to be 60m in height), the range should also be increased from 6km to 10km, in order to confirm no longer views of the proposals will be possible. This would allow further consideration of potential views from the Kent Downs AONB, with only the edge of the AONB falling within the current 6km range.

The methodology states that viewpoint photography will be taken in accordance with the LI's Guidance on Visual Representation of Development Proposals which is welcomed. Visualisations of proposals should be to 'Type 4' standard (as defined in the guidance), allowing for 150% enlargement and should include panoramic images on A1 sheets, at 300 dpi resolution. The visual assessment also needs to include both winter and summer photography for all viewpoints. Wireframe photomontages should be based on winter views, in order to demonstrate a 'worst case' scenario. Where both the Kent and Essex project sites are visible from the same receptor (eg. V17, 19 & 50), two photographic views should be submitted to demonstrate the views to both sites.

Notwithstanding the above, the viewpoints proposed appear comprehensive and representative of the views experienced from the surrounding area. The locations of proposed wireframe photomontages also appear comprehensive, with a total of 25 photomontages proposed. Some additional recommendations for viewpoints and photomontage locations are set out below:

- Additional photo viewpoints from the 'Saxon Shore Way' long distance footpath (running along the southern bank of the River Thames, east of Gravesend), including from the Gravesend Promenade.
- Additional photo viewpoint(s) from the public rights of way surrounding Bean.
- Additional photo viewpoint from the section of 'Wealdway' long distance footpath, east of viewpoint 42.
- Additional photo viewpoint and wireframe photomontage from High Street, looking north towards the Grade II\* Listed Church of All Saints. This is of particular importance in demonstrating the potential impact on the designated heritage asset and its setting, on the approach from the south. The proposed V5 on Galley Hill Road / Pilgrims Road should be taken from Galley Hill Road on the approach towards the church from the east, to

illustrate the potential impact on the setting of the heritage asset on this approach.

- Additional wireframe photomontages from V39 (Fort Road) and V50 (River Thames) to illustrate the potential impact on the Grade II\* Listed 'Riverside Station, including floating landing stage' at the Tilbury Ferry Terminal, and its setting.
- Additional photo viewpoints from the paths within the southern and western parts of Botany Marshes, in addition to the proposed V22 & V23 which are taken from the public footpath NU1.
- Additional photo viewpoint from public footpath DS12 (Pilgrim's Way) within the site.
- Additional photo viewpoint from public footpath DS17 within the site / from the pedestrian footbridge over the railway line.
- Additional photo viewpoint in the vicinity of the Dartford Crossing, either from the QE2 bridge or from public footpath DR1 on the southern bank of the River Thames.

The ZTV (based on broad parameters) is stated within the Landscape & Visual appendices as being based on indicative height parameters including: "*building heights (32m), structures/themed mountain (60m), rollercoasters and rides (40m) and hotels, staff accommodation and multi-storey car park (32m). For the road infrastructure, including assumed improvements to the A2 and introduction of link road to the resort, a figure of 25m has been used.*" Whilst it is understood that the parameters of the scheme are not fixed at this stage, a plan should be included to illustrate what assumptions the above ZTV modelling has been based on.

Further detail is also required as to how the proposed wireframe photomontages will be produced in the absence of a detailed scheme. It is stated within the Introduction chapter that the Rochdale Parameters will be applied to development within Gates One and Two. However, clearly the rides and structures will be some of the tallest and most visually prominent elements of the scheme and therefore a clear set of assumptions and maximum height parameters is required to ensure the photomontages convey a reasonably accurate representation of the proposals.



The potential likely significant landscape and visual effects should make reference to the Western Thames Marshes LCA which, as defined by the Landscape Assessment of Kent, is likely to undergo substantial change as a result of the proposals.

The potential likely significant landscape and visual effects include adverse visual effects on numerous public rights of way, but do not include the adverse landscape effects on those public rights of way which cross the site, both at construction and operational stages. Paragraph 5.71 of the main report states that rights of way will be altered, diverted, stopped up and/or improved where necessary, with no further details given except in relation to the retention and enhancement of Pilgrim's Way / public footpath DS31/DS12 (paragraph 5.79 of the main report). The Landscape & Visual chapter should highlight any public rights of way which may require stopping up and diverting as part of the proposals. It is recommended that public footpath DS1/NU1 be retained or diverted northwards, in order to maintain a route around the northern edge of the Swanscombe Peninsular.

The proposed highways works will impact substantially on the Ebbsfleet Gateway area, including the landscaping at the Ebbsfleet junction of the A2. This area is subject to an Ebbsfleet Gateway Landscape Study, which is being undertaken by LDA and EDC. As this area announces the arrival into the Garden City, early engagement and consultation with EDC is recommended. Engagement is also recommended in relation to the Ebbsfleet Central area, which is currently at the masterplanning stage, and is also likely to be impacted upon by the proposed highways works.

The landscape mitigation measures are stated to include the provision of high quality public open space. A key consideration for the retained areas of marshes will be how these are accessed, and separated (both physically and visually) from the entertainment report area boundary. These areas will also form important ecological mitigation habitat and a balance will need to be struck to ensure the remaining marshes do not become heavily used by the public. The Illustrative Masterplan submitted does not indicate any proposals outside of the main entertainment resort.

The appended Landscape and Visual Impact Assessment Baseline sets out a methodology for assessing landscape value, susceptibility and sensitivity but does not appear to apply this to assessing the site, or indeed the surrounding LLCAs. Only the key characteristics appear to be listed for each LLCA. The Visual Receptors baseline sets out a summary of the visual baseline, but does not go into detail about

the views experienced from each key receptor, and instead groups large numbers of receptors, providing a general commentary on these. The visual baseline also lacks any accompanying photographic sheets and a commentary on how seasonal variation will affect each view. As set out above, both summer and winter photography should be provided within the assessment.

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**Principal Landscape Architect**

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**Our ref:** KT/2020/127166/01-L01  
**Your ref:** BC0800001-000230  
**Date:** 17 July 2020

## EIA Scoping Opinion for London Resort

Thank you for providing us with an opportunity to review the London Resort Environmental Impact Assessment Scoping Report. We the following advice and comments to provide.

### Chapter 1: Introduction

1.5

Whilst the EIA refers to considering the impact of previous land use and potential contamination of groundwater quality, we would ask that this also be considered for the existing surface water bodies on the site (and any artificial modification of these that is proposed).

### Chapter 2: Legislative and regulatory regime

2.16-2.18

We note that this section acknowledges the requirement for environmental permits for works in, under over or near a main river, or near the flood defences of a main river. We recommend this to more specifically refer to 'work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.'

The Environmental Permitting Regulations 2016 is a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:

- 'Exemption,
- 'Exclusion',
- 'Standard Rules Permit'
- 'Bespoke permit.

Application forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Environmental permits may also be required for operations involving effluent treatment or storage.

## **Chapter 3: National and local planning policy**

### 3.4-3.6

In the absence of an National Policy Statement (NPS) for business or commercial NSIPs, it is noted that the project is following the NPS for both National Networks and for Ports, as well as the National Planning Policy Framework (NPPF).

## **Chapter 5: Site and project description**

### 5.45

The significant housing element to provide for Resort workers will obviously produce significant domestic wastewater flows and this needs to be considered comprehensively during the next stage of consultation (PEIR).

### 5.74

We understand that conversations are taking place with Southern Water regarding existing local sewerage network and treatment provision. We will require clarification at the next stage of consultation of the treatment and network options – e.g. onsite treatment provision or local connection – as we have concerns over the lack of headroom for additional flows at Ebbsfleet WWTW operated by Southern Water.

Waste management facilities are likely to require an Environmental Permit. We would recommend the applicant to liaise with us prior to finalising any plans.

### 5.75

There is no mention of flood defences in Tilbury. These defences will not be suitable to provide protection against tidal surges in the year 2070 or before. Defences presently require replacement to ensure continue protection of site to existing SoP. Works will be required by the applicant or supported by the applicant to ensure these defences can serve for the full lifetime of the development.

The defences in the Tilbury Cruise Terminal are subject to possible realignment outside, northwards of the TCT itself and constructed to defence levels in accordance with the TE2100 Plan's future aspirations. We would welcome a further strategic conversation with the applicant to explore how we can work in partnership to identify a proportionate contribution towards delivering the TEAM2100 Programme and longer-term TE2100 Plan defence crest level raising aspirations. Such a contribution to these Flood Risk Management works means investing in flood defences which will protect the applicant's site & infrastructure over the design life of the development.

### 5.93

Decommissioning – this paragraph states the proposal has “no specified end date”. We would for flood risk purposes expect the lifetime of the project to be considered no less than 100 years.

## **Chapter 6: The environmental statement**

It is important that cross-cutting themes are cross referenced throughout the Environmental Statement. This is because proposed changes to the land form, flood risk, drainage, water resources, noise and lighting, construction and management plan, and alterations to or new

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environmental permits will all interact on the ecology of the site. Therefore the ES must be well thought out in how it is put together to ensure all aspects of the project can be fully assessed against the impact on biodiversity.

## **Chapter 9: Transport, accessibility and movement**

9.82

The EIA should consider the effects of vessel wash as part of the assessment and propose avoidance or mitigation strategies to limit additional disturbance, scour and erosion of intertidal foreshore areas. This has implications for the environmental impacts of the EIA.

9.83

We will need to gain better understanding of the potential locations for any material/waste stockpiling. They need to be of sufficient distance away from the defence, as increased loading by the existing defence could negatively impact their integrity.

## **Chapter 10: Landscape and visual effects**

10.57

There is mention of plans to relocate services. We will need to understand the location of these as we do not want them placed in close proximity to any flood defence as this can add difficulty and increased costs to undertaking works in the future if required.

10.77

There would be significant benefit to marine and euryhaline fish species, especially juveniles, from the creation of new, functional, saltmarsh areas, so we would support any opportunities to extend these areas.

Sustainable Drainage System (SuDS) could provide support and enhancement for marsh areas or wildlife habitats. Such systems should have provision of isolation systems/valves to protect these dependent habitats from pollution if the SuDS system is compromised.

Any lighting strategy should include the piers and waterfront areas and ensure that the river corridor and nocturnal migrations of wildlife are not adversely impacted.

Any proposals for tree planting in proximity to flood defences will need to be reviewed by us.

## **Chapter 11: Terrestrial and freshwater ecology and biodiversity**

11.44

We have provided advice on the spread of water quality sampling points to ensure the whole site is fully understood; in particular those parts of the site subject to most significant change or redevelopment as part of this proposal.

It is important to consider the wider Ebbsfleet Garden City development and take consideration of water quality impact across the larger site. Impacts and mitigation for the cumulative effect of nearby developments need to be taken into account.

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#### 11.46

It is proposed that water quality within the River Ebbsfleet will be assessed using aquatic invertebrate surveys only. Despite the lack of WFD classification here we would like to see a water quality survey using typical physical-chemical indicators to provide a baseline before the work starts and to allow the project to demonstrate that there has been no adverse impact on water quality. The invertebrate surveys are a good step, however not a true indicator of chemical water quality elements. EW sampling should be included as well as invert surveys.

We recommend the developer to collect water quality samples pre-, during, and post-development so we can assess potential impacts on the River Ebbsfleet as well as the other sample sites raised in the WFD scoping report. The River Ebbsfleet has real potential, being groundwater fed from the underlying chalk, and the habitat is poor in the main channel and it's hidden away/culverted in sections. Improvements to this river could be a good opportunity for mitigating impacts for other areas of the development in terms of zero net loss of diversity & habitat.

Fish surveys should also still be carried out. If the project is proposing any kind of mitigation in the River Ebbsfleet, fish surveys will be helpful in demonstrating the impact and benefit of their mitigation measures.

#### 11.51

It is unclear why this scoping study has picked out specific habitats and flora to be included in the Environmental Statement. The overall mosaic of habitats, including brownfield habitats associated with the whole site must be included. We expect to see detailed information on how much habitat is currently represented on the development site, and an understanding of how this mosaic of habitats and species interact and utilise the site. Therefore no one habitat should be excluded from the assessment.

The mosaic of habitats found at the site has previously been highlighted by the London Resort as an important aspect of the ecology. Any species of local, regional or nationally scarce, rare or of particular interest should be included, particularly invertebrate species. Habitats of site value that nonetheless form part of the mosaic of habitats used by species or assemblages of greater than site value, should also be taken into account, if they form part of the range of habitats that they utilise on site.

#### 11.60

The project should address the following points in reviewing the Tilbury site:

- Impacts on designated sites (SSSIs) within 2km. These are incredibly sensitive, particularly West Thurrock Lagoons and Marshes SSSI, where restoration management has been undertaken in recent years by developers and Natural England.
- Impacts on Local Wildlife Sites within 2km.
- Protected species such as water voles and great crested newts.
- Rare invertebrate species i.e. brownfield assemblages.
- SuDS should incorporate wildlife features and compensation should aim for a ratio greater than 1:1.
- The installation of new culverts is generally to be avoided wherever possible and compensation undertaken if this is unavoidable.

11.62

The ponds most likely to hold Great Crested Newts, based on the water quality surveys, have not been included for the GCN assessment (Central CTRL Wetlands). It is not clear why they have been excluded from assessment.

11.65

It isn't clear from the submitted information if the updated water vole surveys will be sufficiently thorough. Whilst deploying rafts can help identify the presence of water voles the surveys will need to involve much more thorough searches. How the surveys will be conducted in the areas of dense reedbed of the central wetlands needs to be clarified, as we need to sufficiently understand how this habitat will be properly assessed for this species and many others. It is also unclear how the areas of wetland, particularly areas of reedbed will be fully assessed utilising a methodology of

We have provided recent feedback on the locations of aquatic invertebrate surveys that we felt were too limited and didn't include many points in areas that will be most impacted by the development. We hope this feedback has been taken on board. The assessments should consider how these additional aquatic surveys add to the information previously collected. Particularly regarding the value of the various parts of the site.

We are aware of a record for 2018 for water voles on Botany marshes (east), just outside of the development boundary, but within the peninsula. This should be verified with Kent Wildlife Trust.

11.86

We can confirm that whilst the River Ebbsfleet has no specific targets, the principle of no deterioration still remains and needs to be assessed.

Our previous comments to the 2014 scoping report also recommends the applicant to obtain considerable baseline data for water quality on the River Ebbsfleet to ensure there is no deterioration shown from the surrounding developments proposed. We would like to re-iterate this significance of obtaining substantial baseline data.

11.92

We would not consider it appropriate to scope out fish species in the Thames Estuary as a potential receptor. Migratory fish and juvenile life stages of fish species in the estuary can be adversely impacted upon by a range of construction, and permanent, physical developments in the sub- and intertidal areas, e.g. physical habitat modifications, percussive piling, dredging, water abstraction and discharges.

There are extensive Environment Agency fish data for the Thames Estuary in the vicinity of this development. Further information can be found on <https://data.gov.uk/dataset/74978f12-4b0d-4e05-8c67-631c5e33e51b/nfpd-trac-transitional-coastal-waters-fish-survey-relational-datasets>.

The nearest site is West Thurrock, directly opposite the peninsula. Given the dynamic nature of estuarine fish populations, this location will be representative of the fish communities and life stages that will be present in the tidal reaches around the peninsula.

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11.93

Whilst fish communities in the Ebbsfleet may be limited, the proximity to the tidal Thames may find some species such as eel present in some of the freshwater systems present on the site. If this species is found to be present and works are carried out that negatively impact upon them, the Eel Regulations 2009 would apply. The EIA should address this risk.

We would recommend fish surveys for River Ebbsfleet and marshes to ascertain which species are present and to consider habitat connectivity between the marshes and Thames/Ebbsfleet.

## **Chapter 12: Marine Ecology and Biodiversity**

12.4

Advice has been now been given to London Resort consultants, but we would strongly recommend that the abstraction and discharge points for the Water Source Heat Pump (or CHP) be given early consideration in the project programme. This is because their location could materially affect building locations/jetty designs. Especially, as intake screens that will comply with Eel Regulations will need to be located in deep, fast flowing water.

12.6

The WFD assessment should also ensure the development doesn't cause deterioration to any non-WFD water bodies. The principle of no-deterioration is key and any risks must be assessed and negative impacts mitigated for.

12.22

There are existing water quality monitoring points upstream and downstream can be used. However, we would still consider it beneficial for the site to conduct water quality sampling at the proposed outfall points during and post construction. Without site specific monitoring both pre- and post-construction, it can be difficult to demonstrate compliance and prove that the project has not caused pollution or deterioration to waterbodies.

12.23

Our initial view is that WFD marine water quality is generally acceptable, but the applicant needs to stay abreast of developing policy and liaise with us. We are anticipating changes in particular to EQS MAC that may come through in the coming months. We would encourage the applicant to maintain a dialogue for further guidance on WFD assessment of the marine environment.

12.24

The impact of the thermal plume and mixing zone will need to be considered in terms of the likely aquatic communities in the vicinity of the outfall. The outfall structure would benefit from being located well out into the river channel and should not flow over the foreshore areas. This may be best achieved by locating it on an existing structure or jetty. Any habitat loss associated with new permanent outfall structures, pipebridge and any scour protection deemed necessary should be quantified by the EIA and appropriate compensation identified.

We would require more details about the wastewater treatment, discharge characteristics, and dispersion, to confirm that the stated assumptions will be acceptable. Details of the WSHP intake and outfall arrangements and flows will be required (locations, designs, orientations, screening arrangements, flow rate, temperature uplift, salinity and any other chemicals in the discharge, if appropriate). If a WSHP is used, we would expect that the WSHP discharge would be cooler than the intake (other considerations still apply).

Environment Agency

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#### 12.25

We would like the applicant to confirm access to Environment Agency data and which existing sample point data sets will be used before confirming that no site-specific water quality monitoring is considered appropriate. We would request a summary of data used to support the statement, along with a gap analysis to show that regular monitoring data will provide a robust basis for the project.

#### 12.26 & 12.27

Please note that within the tidal Thames planned (non-emergency) dredging, using dispersive dredging methods e.g. water injection dredging is typically performed during the winter months to minimise the risk of environmental impacts. The EIA should consider the extent, method, timing and duration of any proposed dredging operations, potential receptors and propose suitable compensation or mitigation measures. This is most likely to entail programming dredging operations to take place outside of the sensitive summer months.

This approach has been previously been agreed with PLA and MMO. The reason for this is given below:

The area upstream of Tilbury provides nursery habitat for juvenile fish during the summer months. These fish are particularly sensitive to the combined effects of dredging, outfalls and development during the hot summer months of June to August when dissolved oxygen levels are at their lowest. Where possible and economically viable, dredging operations should be planned to avoid this period.

Further consideration should be given to the sensitivity of sole to dredging operations during the sole spawning period of March to May and nursery period of July to September/October. This is of relevance to the London Resort site, given its proximity to likely Dover Sole spawning areas in Gravesend Reach.

While there is no scientific evidence to demonstrate the direct effects of dredging on fish at these sensitive times, the PLA is taking a precautionary approach in recognising the increased sensitivity during nursery and spawning periods. Adult fish are generally considered able to avoid dredgers and sediment plumes from dredging vessels, but juvenile fish and spawning adult fish may be less able to move away from a source of disturbance.

#### 12.37

As previously discussed, more detail is needed on what is considered best practice.

#### 12.52

It would be useful to have a gap analysis on the data that is obtained.

#### 12.66

See point 11.92 for further information on available Environment Agency data.

#### 12.67

The two nearest Trac Fish monitoring locations are West Thurrock and Denton. Use of the wider dataset, as identified, will take into account the mobile nature of the fish species.

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12.69

Migratory species such as salmon, sea trout, smelt and eel will need to be specifically considered when scoping/modelling the potential impact of the thermal plume from the Water Source Heat Pump. A thermal plume hugging the shoreline can negatively impact upon fish migrations, so this will need to be assessed for its likely significance.

Other migratory species of note that have not been mentioned in this Scoping report are River and Sea Lamprey, *Lampetra fluviatilis* and *Petromyzon marinus*. These have been recorded on Tilbury Power station screens and there are populations in the Medway Estuary.

12.71

Thames Water commissioned post installation monitoring of their Passive Wedge Wire Cylinder screens at the Thames Gateway Water Treatment Plant at Beckton. This may be of use to London Resort consultants when considering the likely entrainment risk posed by the proposed Water Source Heat Pump abstraction.

12.72

Dependent upon the time of year, we would also expect that both adult and juvenile smelt would make use of the saltmarsh and vegetated high intertidal areas.

12.73

We agree that there is sufficient data to characterise the fish communities around the Peninsula. However, if the design of the resort changes significantly and different habitat areas from those sampled are subsequently impacted, then additional survey work may be required in order to assess and scope the environmental impact.

12.84

Dependent upon outfall and intake structure locations, it may be necessary to consider if coffer dams are to be used and the potential issues associated with dewatering and fish rescues.

We have previously mentioned that the EIA needs to consider vessel wash and the wave energies associated with fast moving ferry services operating from the proposed jetties. This should be assessed in terms of impacts upon sediment movements and intertidal areas. Intertidal mudflats and other areas could be adversely affected by the increased vessel movements and the fast moving, high energy wave generated. This impact could be significant.

During the construction phase when materials are being brought to and from site, there may be proposals from operators for barges to ground out on intertidal areas over the low tide. This cause compaction and degradation of the foreshore, and should be avoided.

12.86

This will need to be specifically address and identified with the EIA. Best practice screening has initially been indicated to us to be 1mm Passive Wedge Wire Cylinder (PWWC) Screens with a 15cms sec through-slot velocity. We would advise that the through-slot velocity should be 10 cms sec to protect glass eels. With this type of screening we would not require any impingement assessment, but we would like some indication with the EIA of the likely entrainment risk associated with the screen, specifically during the slack tide periods. This will depend upon its location and the screen will need to be appropriately sited in terms of having an appropriate sweeping velocity across the PWWC. Any abstraction will need to screen eels adequately under the Eel Regulations 2009 and we will need to approve it

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accordingly. This will also have the benefit of excluding most fish species and lifestages from the intake.

The thermal plume will need to be modelled and this used to predict likely receptor fish species and impacts. Typically we would ask for half of the river channel to remain unaffected by the thermal plume to allow migratory salmonids to pass upstream. Any potential impact upon the other migratory fish species present should also be considered.

12.87

The EIA should consider the potential environmental impacts of proposed lighting upon the foreshore and subtidal river areas. Specifically, that associated with the proposed new river piers. Direct lighting of the watercourse should be avoided in order to limit impacts upon photophobic fish species and in order to maintain free movement of wildlife along the river corridor.

Potential for spread of non-native species should also be considered during the construction phase when plant, vessels and machinery will move on and off the site. Maintenance dredging should also be considered in terms of its frequency, as if it is too regular there will be a permanent adverse impact upon the subtidal areas.

12.97

We strongly support the use of vibro or silent piling methods over percussive methods.

Any sensitive seasons identified for marine species will need to be clearly identified in the Construction Management Plan (CEMP) and be clearly communicated to contractors.

New saltmarsh creation would have a positive benefit for fish populations if sympathetically design in order to promote their use of it. We can advise further on this.

Best practice screening will need to be agreed in detail before EA sign off. Compliance with the Eel Regulations 2009 for any new abstraction is a necessity. However, the initial discussions have been very positive.

12.97

Potential mitigation measures to prevent water quality deterioration during construction should also include oil spill kits on site.

12.98

The limited information regarding the new jetties – in particular the draft and type of vessels being used, and details around Jerry construction (open or closed structures, materials and density of piles) – makes it difficult to assess whether the survey methodology is appropriate or sufficient. We have a fair bit of baseline survey information at this site from previous applications and recommend that further assessments start looking at determining likely vulnerability of impact from the development.

We would especially like to know how the jetty survey design is going to take into account the extreme sensitivity to disturbance of the Tentacled Lagoon Worm, *Alkmaria romijni*, from dredging and 'prop wash'.

12.100

We agree with this statement if Best Practice Screening is adopted.

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## Chapter 14: Noise

It is unclear why the project has chosen its specific boundaries for the impacts on noise and vibration. This is important due to the increase in boat traffic particularly clipper services, that do not currently operate in this area, but also that 200 metres may not be sufficient distance for excluding disturbance to both marine mammals and birds utilising the estuary. Therefore, West Thurrock Lagoon and Marshes should be included in this assessment. The assessment must consider the full range of activities that may take place at the resort including (but not limited to) construction, specific boat traffic, the use of fireworks, music, and events etc.

Note that the resort should establish the extent of increase of particular noise, or vibration types that are not currently present from the existing activities on the site, for example specific types of boat or other transport, the numbers of people and similar

## Chapter 16. Water resources and flood risk

16.5

This should also include:

Town and Country Planning Order 2005

Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order outlines statutory consultees who must be involved in the review and approval of planning applications.

DEFRA/EA National Flood & Coastal Erosion Risk Management Strategy for England Sept 2011 and its draft replacement (May 2019) which is currently awaiting approval from Government following a consultation period which closed in May 2019.

16.11

This should also include:

- Thurrock Surface Water Management Plan (July 2014)
- National Flood Risk Management Strategy
- Environment Agency, Thames Catchment Flood Management Plan, December 2009
- Environment Agency, South Essex Catchment Flood Management Plan – Summary Report, December 2009

We would recommend the following updated policy documents:

- Thurrock SFRA 2018 (not 2009/2010 )
- Thurrock Local Flood Risk Management Strategy 2015 – name corrected

16.18

The report does not provide any information on what this compensation would consist of, where it would be, how it would successfully achieve its role, or why (as developments should be considering the hierarchy of avoiding, reducing and mitigation before considering off site compensation).

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The scoping report mentions the possibility of off-site compensatory measures due to the impacts on biodiversity. There is no mention in the current scope for providing the necessary technical information on offsite compensatory sites. Any proposed off site compensatory habitat site would need to include the same level and detail of understanding that is required from on-site measures.

#### 16.29

The 2018 Thurrock SFRA is based upon tidal levels that do not use the latest UKCP18 climate change allowances, they use UKCP09 medium emissions 95%tile. This should be updated.

#### 16.34

The list provided is quite limited and could include more specific issues, including the impact on development from tidal and fluvial sources and the impact of the development to flood risk elsewhere.

Also note that there is an IUD (Integrated Urban Drainage) model which considers fluvial and surface water combined.

#### 16.35-16.39

Surface water drainage in the Tilbury Area is highly sensitive. Improvements over Greenfield Run-off Rates will be required to limit impacts on adjacent area. Existing Gravity Drainage to the Thames Estuary for this area will likely require supplementing by or replacement with a pumping station during the lifespan of the development.

#### 16.39

Flow to and from Botany and Black Duck Marshes needs to be determined as a matter of essential understanding on the water resource aspects of the site. An overall accurate understanding of hydrology is required due to its relevance to flood risk, drainage, and ecology.

#### 16.42

There are existing high water level alarms related to the risk of flooding to HS1. The flood risk assessment work and the design of the development should minimise the vulnerability of HS1 to flooding.

#### 16.44

Anglian Water should be Essex and Suffolk Water. Essex and Suffolk Water supply clean water and Anglian Water are the sewerage undertaker in this part of Essex.

#### 16.53

We ask for these challenges to be considered as early as possible within the planning process; both to protect the water environment (and to aspire to not only to maintain but to improve water quality in existing water bodies), and also when considering any permitting and modelling work that may be required by us in order to assess any new discharges.

#### Table 16.2

The table refers to groundwater as a receptor for leachate during construction. In addition, we would like to see a consideration of the potential for existing surface water bodies to act a receptor.

16.76

Flood defences reduce but do not remove the risk of flooding. Breach modelling is therefore required for both new and existing flood defences.

16.77

Defences at the Tilbury site provide a 0.1% AEP level of protection, and the TE2100 plan states that this will continue to the case. Breach modelling should be to this event with climate change accordingly.

16.79

Consideration of the flood defences and flood defence raising should address the 1 in 1000-year flood level plus climate change up to the end of the relevant TE2100 defence raising epoch. When using the existing TE2100 model outputs the 100-year level was used plus 700mm of freeboard to arrive at the future defence crest level. The London Resort project should adopt the new flood levels for the Thames Estuary and the Residual Uncertainty Allowance when that becomes available.

All new structures forming the flood defence need to be designed for the development lifetime and any existing structural elements being retained must be shown to have at least the development lifetime remaining.

Raised ground may be good option for the defences, subject to the needed geotechnical assessment and design.

The mitigation measures required on-site will be greatly influenced by the future Thames Barrier location as previously raised. We recommend the applicant to maintain a continuous dialogue with us to ensure appropriate mitigation measures.

16.80

The plans show built development extending close to the tidal defences and the fluvial watercourses. It is important to include wide vegetated buffers strip to provide space for future works, to minimise the potential need for bank hardening and for the benefit of wildlife.

16.82-16.83 and 16.85

Please refer any previous Environment Agency involvement in surface water proposals to the LLFA (KCC or Essex County Council), as this is no longer within our remit.

The criteria for the surface water drainage scheme needs to be reviewed to include increased rainfall intensity due to climate change.

16.86

There is a need to model the site surface water drainage and the fluvial channels as well as the culvert or culverts that will drain storm water to the tidal River Thames. Groundwater flood risk should also be part of the assessment. Without an integrated model, very conservative assumptions would be needed to show that the development is acceptable. An intention to divert some sections of open channels has been mentioned. That is another reason why this flood modelling is required.

16.87

We support a proposed storm water design which includes pollution control measures to ensure water quality in receiving water bodies is not reduced, but ideally improved.

16.102

We need to ensure the flood risk does not increase during the construction phase. The scoping report mentions bringing in materials from the estuary and therefore they will be using the floodgate during construction before it is done away with/replaced.

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We therefore need assurance that the floodgate will be able to be operated and perform as designed during construction.

16.103

An assessment of the possible scour and accretion impacts of the proposed new jetty should be included. This is likely to require hydrodynamic modelling.

Where possible we would like the floodgates to be designed out and an up and over walkover created instead.

16.122

Defences could be lowered in a Tilbury barrier scenario and the freeboard allowance is currently 700mm along this stretch of the estuary, not 600mm as stated.

We would need to see the outline the specific criteria for the Tilbury site too, not just the Kent project site.

The flood defences and areas of high ground should be assessed to establish their residual life and stability over the development lifetime including the impacts of sea level rise. Higher water levels can cause: -

- Higher hydrostatic pressure
- Reduced inter-partial friction
- Potential uplift failure and blow out in the hinterland

All possible modes of failure of the existing and proposed flood defences should be considered and investigated/assessed. If you change the hydrostatic gradient on an earth embankment, the FOS against slip circle failure can change. Slip circle analysis supported by adequate ground investigation will be required.

16.125

Discharge being acceptable at an unrestricted rate to the River Thames is subject to an assessment of the possible impact of scour that could cause excessive damage the foreshore or undermine a structure.

The existing culvert linking the open channels to the River Thames and the outfall will require remedial works due to their current condition. Second non-return valves are required on outfall of 300mm diameter or larger to reduce the risk of secondary flooding.

The volume and criteria for tide lock needs to be reviewed with LLFA.

16.137

Any proposal to abstract from the groundwater in this location will need to assess the impact on the existing habitats on the marshes by determining to what extent (if any) they are influenced by groundwater levels. This is particularly important as Black Duck Marshes has increased water levels over the last 8 years, as remarked on in the London Resort ecology assessments. We need clear evidence and why this is, and whether any abstractions would alter the habitat that has been created as a consequence.

The assessment should consider the impact of a significant increase in the visitor numbers and subsequent water use in North Kent

16.143

We would have a preference for WFD to be presented as a standalone section within any water quality section as it is often very difficult to vet an assessment that makes constant cross references to other sections.

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WFD water quality is about meeting strict, concentration based criteria for the water column, and compliance arguments need to be unambiguous. The usual EIA hierarchy of significant/insignificant effects are insufficient to characterise compliance with a specific chemical concentration standard(s). We would consider WFD deterioration as a significant negative effect.

16.145

Any uncertainties also apply to the Tilbury site.

## **Chapter 17: Soil, hydrogeology and ground conditions**

From the perspective of groundwater quality and land contamination and waste management issues related to permitted and historic tip sites the scope of the EIA coverage of these topics is agreed. All considerations raised in our 2014 comments are now being agreed to be in the scope of the proposed ES, as indicated in the chapters on water quality and geology and soils.

## **Chapter 19: Greenhouse gas emissions and climate change**

19.28

### Fluvial

Please note that we have been informed that work is ongoing to reflect the latest UKCP18 projections for peak river flow and peak rainfall intensity within Flood Risk Assessment climate change guidance on gov.uk, the current guidance being based on UKCP09 projections. However, we have been informed by our National Senior Advisor that it is unlikely that there will be any published update to the FRA Climate Change Guidance relating to peak rainfall or peak river flow before the end of 2020.

### Tidal

The recently updated flood risk assessment climate change allowances for sea level rise - UKCP18-was published on 17<sup>th</sup> Dec 2019.

The H++ scenario (a requirement for FRAs that look at “safety critical” elements of infrastructure proposals) is currently found in the document “*Adapting to climate change: guidance for risk management authorities*” and is accessed via an embedded hyperlink within the “*Flood risk assessments: climate change allowances*” webpage on gov.uk. We would like to inform you that there will shortly be a minor update to the FRA climate change allowances webpage on gov.uk to incorporate the full text of the H++ scenario text from the “*Adapting to climate change: guidance for risk management authorities*” document. This change is to replace the need for the hyperlink to a separate document and there will be no change to the current H++ methodology resulting from this minor change.

The applicant should be aware that they may need to carry out further climate change modelling, if, post submission, the Inspector sees fit to ask for this in the light of any new EA climate change guidance for fluvial and rainfall being published during the examination period (Paras 4.36 to 4.47 of the NPS.)

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## Glossary

Design Flood Level is not typically 1 in 100-years with respect to tidal flood risk. In the Thames Estuary the design flood level is the 1 in 1000-year modelled level factored appropriately for sea level rise, including at the main Kent site. The exception is for the sections of future fixed defence linked to a future barrier option where the design flood level is 1 in 10,000-year modelled level, to tie into the higher standard of protection of the barrier.

In the definition of Flood Defence, it would be clearer to define flood warning separately.

We encourage the applicant to continue discussions directly with us to address the points raised above.

Do not hesitate to contact me if you require further details.

Kind regards,

Karolina Allu  
Planning Specialist

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**Area Director**  
Craig Harrison

Your ref: BC0800001-000230  
Date:

**VIA EMAIL ONLY**

**Dear Helen,**

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by London Resort Company Holdings (the Applicant) for an Order granting Development Consent for the London Resort (the Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for your letter of the 22 June 2020 seeking the Forestry Commission's advice on the proposed scope of the Environmental Statement for the London Resort development in Kent and Essex. We have reviewed the Scoping Report provided by the applicant and have based our response upon the information within.

The Forestry Commission's summary points are:

- Ancient woodlands<sup>1</sup> and ancient or veteran trees<sup>2</sup> are acknowledged as an irreplaceable habitat and a part of our Historic Natural Heritage. Not all ancient woodland sites are registered on the Ancient Woodland Inventory. Small and linear ancient woodlands that may have not been included will have equally importance due to the ecological network they underpin. There are several blocks of ancient woodland within or directly adjacent to the proposed DCO boundary and we would expect the environmental statement to recognize their importance and state how they will avoid, reduce, and mitigate impact.

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<sup>1</sup> An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

<sup>2</sup> A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

- It is not possible to fully compensate for the loss of any irreplaceable habitat such as ancient woodlands, therefore, the Forestry Commission recommends:
  - doing everything possible to avoid the loss or damage to ancient woodland and veteran trees;
  - where this is not possible, a significant package of ecologically significant compensation, which collectively delivers ecological enhancement to our ancient woodlands and veteran tree infrastructure, is secured in perpetuity.
- We would expect to see a thorough assessment of any loss of all trees and woodlands within the project boundary and the development of mitigation measures to minimise any risk of net deforestation as a result of the scheme. A scheme that bisects any woodland will not only result in significant loss of woodland cover, but will also negatively increase the ecological value and natural heritage impacts due to habitat fragmentation, and a huge negative impact on the natural plants and animals' ability to respond to the impacts of climate change.
- We would expect inclusion of an assessment of any woodlands under an existing woodland grant scheme and / or a felling licence agreement to ensure these agreements will not be negatively impacted.
- Where woodland loss is unavoidable, we would expect to see significant compensation and the use of buffer zones to enhance the resilience of neighbouring woodlands. These zones could include further tree planting or a mosaic of semi-natural habitats. The current Scoping Report mentions potential for off-site mitigation for habitat loss but does not state where this would take place, and we would expect to see this detailed in the Environmental Statement.
- Encourage the design of the associate infrastructure (green space, woodlands, public footpaths and cycleways) to build on existing network of green infrastructure linking towns to the adjacent countryside. When combined with an assessment of the impacts on health & wellbeing, this will aid the promotion for local residents to access the countryside. There is a range of options for green infrastructure delivery and the Forestry Commission would draw your attention to what has already been achieved at Jeskyns<sup>3</sup> Community Woodland to the east of this development.
- Embed an 'biodiversity net gain' principle for the scheme as promoted in the government's 25 Year Environment Plan.<sup>4</sup>
- Locally sourced timber, FSC- and Grown In Britain-certified, is used in construction of appropriate structures.
- We would expect to see reference to how this project will influence and interact with other major projects in the area, notably the Lower Thames Crossing which,

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<sup>3</sup> <https://www.forestryengland.uk/jeskyns>

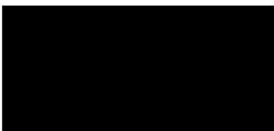
<sup>4</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693158/25-year-environment-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

if approved, will have a significant impact in the local area in terms of weight of traffic, movement of people, accessibility for visitors, as well as the impact upon the environment during and post construction.

- Explore carbon neutrality of the project, both during construction and during operation and how emissions will be limited and offset. This could include creation of new woodland, either within the DCO boundary, or as off-site mitigation, with the expectation that new woodland will be created with the following principles in mind:
  - Right tree, right place – i.e. suitable for the location planted, and not to the detriment of other habitats.
  - Connectivity – it is preferred that new woodlands created link existing woodlands, especially ancient woodlands, rather than be created in isolation on a small scale.
  - Access and recreation – where possible, newly created woodland should be designed for the enjoyment of residents and visitors, while not negatively impacting existing woodlands, especially those with statutory designations, such as Darenth Wood SSSI.
  - Resilience – species choice must be considered when considering the likely impact of climate change.
  - Future management – poorly managed woodlands provide minimal benefits. Newly created woodlands should be designed with access for management of timber, wildlife, and visitors.

I hope this is of benefit. Please do get in touch if you would like further information or clarification.

Yours sincerely,



Caroline Gooch  
Local Partnerships Advisor, South East and London  
Forestry Commission



**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Leader of the Council

**Date:** 20 July 2020

**Reporting officer:** Director (Planning and Development)

**Subject:** London Resort Environmental Impact Assessment Scoping Report

### **Purpose and summary of report:**

To formulate the Borough Council's response to the formal consultation by the Planning Inspectorate on the London Resort Environmental Impact Assessment Scoping Opinion.

### **Recommendations:**

1. This report be sent to the Planning Inspectorate as the Borough Council's response to the London Resort Environmental Impact Assessment Scoping Report.

## **1. Introduction**

- 1.1 The London Resort is an exciting project that offers the possibilities of a landmark development with significant economic development and job opportunities. The Council has supported the principle of the proposal in the past. The project has spent some time refining its proposals for the leisure component and is now looking to take it forward to a Development Consent Order (DCO) application later in the year.
- 1.2 Proposals for the London Resort have previously been through a series of stages, as set out in the legislation. On 9 May 2014 the Secretary of State accepted that this proposal could be considered a Nationally Strategic Infrastructure Project (NSIP) and therefore progressed by means of a Development Consent Order application. This process is automatic for most NSIP's meeting certain defined criteria. The Council had already determined in November 2013 (with Dartford Borough Council) that the proposal required an Environmental Statement. The Environmental Scoping was considered in late 2014 and there was Statutory Consultation in 2015. There were also number of non-statutory consultations as the scheme evolved.
- 1.3 Since then London Resort Holdings have continued to develop their proposals and have produced a new masterplan for the site. Due to the elapse of time the Planning Inspectorate has agreed with the applicant that whilst not strictly legally necessary the proposal should be run back through the process before the formal submission of a DCO application. As a result of this a new Statement of Community Consultation (SoCC) has been prepared taking account of the current

restrictions on the process brought about by COVID-19. A fresh statutory consultation is due to take place from 27<sup>th</sup> July to 12 September 2020.

- 1.4 The purpose of the Environmental Impact Assessment (EIA) scoping report is to highlight the issues that need to be addressed by the applicant in preparing their Environmental Statement for submission with the DCO application. Impacts can be negative or positive, small or large or a matter may turn out to be of no importance.
- 1.5 Planning Inspectorate (PINS) sent us the applicants London Resort EIA scoping report under Regulations 10 and 11 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 on 22 June 2020 with a deadline of 20 July 2020. The Council last considered this matter on 8 December 2014, when a report was agreed setting out issues that needed to be examined on the proposal as it was at the time. The purpose of this process is to establish the baseline conditions against which any impacts are to be measured and, given the nature of the proposal, areas that are going to required technical work. The function is to ensure the right evidence is collected and analysed and are not a comment on the benefits or impacts or the scheme itself.
- 1.6 PINS has also consulted other relevant Local Authorities and Statutory Agencies (Natural England, Environment Agency etc.). They will then issue their own report drawing on their own assesment and views of consultees setting out any matters they feel need to be addressed over and above what the applicant has already identified.
- 1.7 This report draws on the 2014 report, taking into account how the proposals have changed, whether additional information has come available, and what has happened to development in the area since then. There is for example significant new housing at Springhead, Ebbsfleet Green and in Eastern Quarry that did not exist before.

## **2. The Proposal**

- 2.1 Appendix 2 compares the summary by the applicant of the 2014 proposals and 2020. Appendix 3 contains the current version of the Masterplan which has informed the applicant's submission and Appendix 4 an annotated version of their land use plan to provide context (this simply replaces the key in the original). The focus in this report is on the Kent side of the project though reference is made to the Thurrock element where relevant.
- 2.2 The intention is to provide a world class leisure facility on Swanscombe Peninsula of 504 ha. This on a scale near to Euro Disney which has had attendances in the order 9.4m-12.7m visitors per year. This exceeds any equivalent facility in the United Kingdom. It is intended to open in two phases, Gate 1 in 2024 (57 ha) and Gate 2 (25ha) when fully built, with visitor numbers rising from 6.5m in the first full year to 12.5m when fully developed. The development boundary extends from Swanscombe Peninsula south east through the Ebbsfleet to the A2, plus 29.9ha in Tilbury Port (including the Tilbury Ferry Terminal and a junction on the A1089 (Asda roundabout) in Thurrock). The applicant is hoping to reduce the area covered by the development boundary as the scheme evolves.
- 2.3 A new 2 lane dual carriageway would run from an enhanced A2 Ebbsfleet junction past the west side of Ebbsfleet International and into the main site passing under the North Kent Line and A226 Galley Hill Road. At that point there would be a

- transport interchange and car parking. There would be a dedicated bus link (3.1km 'people mover') from an extended Ebbsfleet International station, which could also accommodate Fastrack and other bus services. All access to the site for visitors and staff is intended to be via this access road, with only local buses and deliveries (Dartford/Gravesend) having access off the A226. Pedestrian access would also be possible via Pilgrims Way down from Swanscombe.
- 2.4 There would be through routes (for the general public as well as visitors) to a pier on the west side of Swanscombe Peninsula, which would be served by ferry from Central London and Tilbury. The latter would serve as a base for construction traffic and in the longer term servicing of the resort. It would also be location of car parking to serve visitors from the east side of England (and therefore avoid the road crossings of the Thames) with the final link via ferry.
  - 2.5 The Leisure Core (Gates 1 & 2) would consist of a range of events spaces, themed rides and attractions, entertainment venues, theatres and cinemas. The arrival area would consist of 26,000 m<sup>3</sup> ancillary space (retail, dining and entertainment floorspace) and a 22,500 m<sup>3</sup> main square covering some 8ha. The entrance to Gate 1 is 9,100 m<sup>3</sup> and to Gate 2 is 7,800 m<sup>3</sup>. In the same area is the Conferention Centre (11,000 m<sup>3</sup> – seats 3,000 – their spelling) and eSports centre of 16,500 m<sup>3</sup>.
  - 2.6 Hotels would amount to 3,550 suites or "keys", 2,500 for Gate 1 and a further 1,050 to be provided when Gate 2 becomes active. The hotels will cover a range of grades and will have dedicated car parking spaces in the car parks. One will contain a water park. 4 multi storey car parks will be provided with the transport interchange (up to 10 decks and 9,000 m<sup>3</sup> floorplate). Overall there will be 10,750 spaces, including 500 for staff and 250 VIP spaces. Overall visitor split of spaces is 7,500 in Kent and 2,500 in Thurrock. (Logically that is 7,750 in Kent if the VIP spaces are included).
  - 2.7 The back of house area serving the development would be on the east side of HS1 providing technical and logistical support. There would be a visitor centre west of Pilgrims Way, Swanscombe during construction that will become a staff training centre in the longer term. A new feature is 500 housing units for staff (now allowed in a DCO if ancillary to the main use ) in Craylands Lane Pit.
  - 2.8 Other facilities will include:
    - Combined Heat and Power plant – 0.24ha site with a 1,500 m<sup>2</sup> building, up to 18m high, and a 40m chimney stack.
    - Electricity sub-station (60 MVA) of .25 ha and a building footprint of 1,600 m<sup>2</sup>. There will connections to the National Grid at Pepper Hill
    - Dedicated waste management facility
    - Sustainable drainage systems
    - Landscaping and habitat replacement
  - 2.9 The Development boundary ('red line') line boundary in Gravesham covers the area of Swanscombe Peninsula in the Borough to the west of Manor Way, excluding one industrial unit (The London Bus Company). The boundary also appears to cut through some of the current operations of Cemex and Gill Aggregates at the north end of Manor Way, Northfleet (not to be confused with the Swanscombe Manor Way). Although located in Dartford the industrial units at

Northfleet Industrial Estate would be lost. In the Ebbsfleet area the boundary includes parts of Northfleet Rise west of Thames Way, though for what purpose is unclear as the land use plan carries no annotation. Also included are Northfleet Waste Water Treatment Works and National Grid Northfleet East substation. In both cases this is for making connections to the respective utility. Northfleet National Grid East Substation is also partly within the Lower Thames Crossing DCO for the same reason, so both parties will need to ensure their proposals are compatible.

- 2.10 The total floorspace for A1, A3, A4, A5, D2, C1 and sui generis is given as 324,000 m<sup>3</sup>. Back of house (B1 & B8) amounts to 31,400. Taken with other uses the built floorspace is given as 726,000 m<sup>3</sup>. By way of comparison Bluewater has 154,000 m<sup>3</sup> of retail space and 13,000 car parking spaces.

Table 5.1: Preliminary estimates of the main component land areas and building footprints

Element	Use Class *	Maximum gross site area (hectares)	Maximum gross floorspace (square metres)
<b>Land areas</b>			
Kent Project Site		504.0	
Essex Project Site		29.9	
Total Project Site		533.9	
Gate 1		57.0	
Gate 2		25.0	
RDE and circulation areas		5.8	
Related housing		5.9	
Transport and transport **		12.6	
<b>Buildings (outside Gates 1 and 2)</b>			
RDE outside Gates 1 and 2	A1 Shops		324,000



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	A3 Restaurants and cafes A4 Drinking Establishments A5 Hot food takeaways D2 Assembly and leisure C1 Hotels + Sui generis		
Back of House buildings	B1 Offices B8 Storage		31,400
Related housing	C3 Dwellinghouses		68,500
Bus and ferry interchanges	Sui generis		10,150
Multi-storey car parks	Sui generis		292,650
Total buildings (excl. Gates 1 and 2)			726,700

\* as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

\*\* excluding roads

- 2.11 The access road runs down the west side of the Ebbsfleet Valley where extensive chalk extraction has occurred, with pits filled with inert waste and domestic refuse. North of the North Kent Line and A226 Galley Hill Road (both of chalk spines) are areas subject to chalk extraction and marshland. The latter has been covered on a large part of the Peninsula with Cement Kiln dust (CKD) to a general height of 8.75m OD, but some area going as high as 12-13m OD. Areas of marsh in Gravesham are generally about 2m OD.

### **3. Environmental Scoping**

- 3.1 The Applicant for a Proposed Development is required under Regulation 10 of the EIA Regulations to notify the Planning Inspectorate in writing that they propose to provide an ES in respect of the Proposed Development (a 'Regulation 10 notification') or request a screening opinion from the Planning Inspectorate, before carrying out pre-application consultation under s42 of the Planning Act 2008. A DCO is written by the applicant and covers sets out the scheme and the necessary permissions that are being sought. .
- 3.2 Environmental Scoping has already been carried out in autumn 2014 and PINS issued their scoping opinion in December 2014. This has also been consulted in preparing this report. As noted above this is a fresh application for scoping and some of the details have changed.
- 3.3 The applicant is required to provide:
- a plan sufficient to identify the land;
  - a description of the Proposed Development, including its location and technical capacity;
  - an explanation of the likely significant effects of the development on the environment; and
  - such other information or representations as the person making the request may wish to provide or make.
- 3.4 Reference is made to national and local planning policy. Although this is a Nationally Significant Infrastructure Project there is no specific guidance in relation to leisure projects (the National Networks NPS provides guidance on assessing road and rail infrastructure). The National Planning Policy Framework (NPPF) does contain policies of relevance. Local guidance in Kent comes from the Gravesham Local Plan Core Strategy (2014) and saved Gravesham Local Plan 1<sup>st</sup> Review saved policies (1994), the Dartford Core Strategy (2011), Dartford Development Policies Plan (2017) and the Kent Minerals and Waste Local Plan (2016). The Ebbsfleet Development Corporation (EDC) has produced a non statutory Ebbsfleet Garden City Implementation Framework (2017). EDC is considering the future development pattern in Central Ebbsfleet which is impacted by this proposal.
- 3.5 The overall approach by the applicant is to consider for each topic area:
- Introduction
  - Methodology and data sources
  - Relevant law, policy and guidance
  - Baseline conditions
  - Assessment of likely significant effects



- Avoidance and mitigation measures
- Residual effects
- Uncertainties

3.6 The Environmental Assessment Regulations required a description of the likely significant effects of the development on the environment resulting from, inter alia, the following:

- the construction and existence of the development, including, where relevant, demolition works;
- the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
- the technologies and the substances used.

3.7 The proposals will have positive and negative impacts and the purpose of this stage in the process is to determine what these might be so that their significance, or lack of it, can be determined. The term 'impact' or 'effect' is used in this report to denote either result.

3.8 The regulations also explain that:

- The likely significant effects should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.
- The expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned.

## 4. Response

4.1 The comments below set out briefly what is in the development description and other background and then each chapter the Borough Councils response. The chapters in the scoping report cover both construction and operation. Given that Gate 2 will follow on from Gate 1 the construction impacts are both ongoing to 2029 (on current timetable) and have to deal with the combined impact of the

operation of the site and further construction. Potentially there implications for visitors in that period from continued construction as well as local residents.

4.2 The key effects are:

- Need for greater clarity of the nature of this unique proposal, particularly inside Gates 1 and 2
- Opportunities for employment and local businesses
- Capacity of the transport system in the context of other development proposals and schemes in the area
- Air Quality and Noise implications for local residents
- Environmental Matters notably ecology on the marshes and archaeology
- Flooding and water supply

#### **Development Description**

4.3 A general issue with a development of this type is that it is unique in terms of scale in the UK, and comparisons have to be made internationally. Legoland, Windsor has about 2.25m visitors per year, Thorpe Park 1.9m, and Alton Towers 2.1m. Internationally Europa Park 5.7m and Euro Disney 10m are more direct comparators.

4.4 Paragraph 1.13 of the EIA explains:

*For practical reasons LRCH wishes to maintain flexibility about the detailed design of elements of the project, including the content of Gates One and Two. At the same time, the developer acknowledges the essential need to provide sufficient information about the project to inform the EIA and, if required, the assessment of trans-boundary effects and the Habitat Regulations Assessment*

4.5 Whilst recognising these legitimate concerns, the Council considers that the description of the development for this EIA scoping request is too opaque. With the scale of development proposed, stakeholders will need to understand what development is proposed inside Gates One and Two whilst recognising, as explained in paragraph 1.13, that from time to time LRCH will need to replace rides and attractions in keeping with changing customer tastes and expectations. It is not transparent what the full range of floorspace will be, in particular apart from Gate entrances and ground area, the contents of Gate 1 and Gate 2. The overall scale and massing will be material to the assessment of impact and therefore some sort of envelope is necessary for assessment purposes.

4.6 The scheme as assessed in an Environmental Statement defines the so called 'Rochdale envelope'. The principle is that provided any scheme changes subsequently fit within this 'envelope' the Environmental Statement will cover the potential effects. If changes go outside, then there a complex process for dealing with the situation since the impacts may have changed and therefore need to be reassessed.

4.7 As explained in paragraph 1.20 of the EIA scoping report, LRCH’s project team took the Scoping Opinion from 2014 into account in subsequent assessment work but over time there have been various changes in circumstances that have led LRCH, in consultation with the Planning Inspectorate (PINS), to conclude that the EIA scoping opinion issued in 2014 should be refreshed. These changes include:

- **Project evolution** – the proposals have evolved considerably since 2014 and now include land at the Port of Tilbury that was not taken into account in the original scoping report and opinion.
- **Regulations** - (Environmental Impact Assessment) Regulations 2017
- **Changed circumstances** - the local environmental baseline has evolved considerably since 2014, with substantial new development taking place through the Ebbsfleet Garden City initiative and other infrastructure projects coming forward.

4.8 These considerable changes in circumstances means that the baseline data for most topic areas will need to be refreshed, and depending on the topic area, these could require new studies to be undertaken. Paragraph 7.20 of the report, for example, explains that the baseline update will be undertaken using the most recent published sources, data sources published in 2019 or 2020 will be used where possible, but where this is not available the next best alternative (i.e. the most up to date) will be used as a proxy.

4.9 The Council’s intention with this response is to assist LRCH with identifying issues which will need to be considered during PINS’ examination of the DCO. It is hoped that this will reduce the risk of issues being identified late in the process which could lengthen or derail the examination process.

**Land use and socio economic**

4.10 The proposal has very significant implications for the local economy and the housing market both during construction and operational phase. A key component in the latter will how visitor numbers actually rise, and then feed through into employment, and that in turn into housing numbers, and where that labour and accommodation is located. The provision of direct ferry services from Tilbury means that access to the labour market north of the river is enhanced without relying on the Dartford Crossing (and Lower Thames Crossing if permitted post 2027/28). The logical labour market locally is along the North Kent Line from Bexley through to Medway.

4.11 Topics to be covered include effects on:

<b>Chapter 7: Land use and socio economic</b>	
<b>Construction (temporary)</b>	<b>Operation (ongoing)</b>
Employment and supply chain: <ul style="list-style-type: none"> <li>• Employment and businesses</li> <li>• Labour market skills and training</li> <li>• Crime levels</li> <li>• Local Healthcare</li> </ul>	Employment generation: <ul style="list-style-type: none"> <li>• Employment and businesses</li> <li>• Labour market skills and training</li> <li>• Crime levels</li> <li>• New jobs on housing market</li> </ul>

<ul style="list-style-type: none"> <li>• Local housing market</li> </ul>	
Displacement to land and property: <ul style="list-style-type: none"> <li>• Loss/displacement of businesses</li> <li>• Loss/displacement of open space, public rights of way and other community facilities</li> </ul>	Visitor Generation: <ul style="list-style-type: none"> <li>• Local accommodation market</li> <li>• Diversion from other tourist attractions</li> </ul>
	Visitors and workers: <ul style="list-style-type: none"> <li>• Visitor and worker expenditure</li> <li>• Healthcare provision</li> <li>• Other public services</li> <li>• Retail and Leisure (including Town Centres)</li> </ul>

- 4.12 The chapter sets out the approach including the most up to date information where possible. This is an area where there are no fixed methodologies since the nature of projects being assessed can vary considerably. The Borough Council has technical studies for Local Plan purposes which can help inform the base line analysis and current expectations going forward.
- 4.13 Construction impacts may be long term in that upskilling the workforce is a benefit that lasts after construction is complete. With the development of the Ebbsfleet area and wider sites, the Lower Thames Crossing and other possible schemes to the east and the west there is an opportunity to enable long term job opportunities. This is not a case like the construction of Hinkley Point Nuclear Power Station, which has a major short term impact but no local follow through.
- 4.14 There are a significant number of local businesses that will be displaced and the Borough Council would expect the developer to work businesses to assist in the process of seeking their relocation. Within Gravesham the Council can assist in this process. The construction period is likely to be running in parallel with that of the Lower Thames Crossing (2022-2027/8) quite apart from other major developments in the area so the in-combination impacts of these schemes need to be assessed.
- 4.15 The development boundary extends into the Green Belt to accommodate highway works but that policy also has implications for the availability of the land for new development, especially south of the A2, if additional demand is generated over and above what has been assumed hitherto in the Gravesham and Dartford Local Plans and cannot be accommodated within existing urban boundaries. Any works in the Green Belt need to pass the appropriate tests. It is understood that the proposals will be potential include changes to existing highways, rather major new construction (the original arrangement had flyover for London bound A2 traffic).
- 4.16 Core Strategy Policy CS06: Ebbsfleet (Gravesham) Opportunity Area is impacted by the development boundary in the Ebbsfleet (specifically the part of Northfleet Rise south west of Thames Way). No explanation is provided as to what is proposed by this project in that location. That policy, with its Dartford equivalent, aims to promote significant development in this area, which the Ebbsfleet Development Corporation is seeking to take forward. The access road, in

- Dartford, has direct implications for the scale of overall development as well as it cuts through part of the developable area. The analysis therefore needs to clarify what is being proposed and its overall implications for the existing development strategy and permissions in the area.
- 4.17 Core Strategy Policy CS03: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area applies to the Gravesham part of the peninsula. The policy requires that there be a comprehensive masterplan for the area, covering the Dartford side as well, and dealing with the issues of flood risk, transport and access, ground conditions, proximity to existing industrial uses, air quality, biodiversity, utilities, navigation and the presence of HS1. These topics need to be examined in the context of the current proposal.
- 4.18 It is not clear precisely what the retail and leisure offer outside the payline will be, but this could have significant implications for the vitality and viability of Gravesend Town Centre. This is further complicated by the potential long term impacts of COVID-19 on employment, employment patterns, retailing, travel patterns and a host of related matters. These are of course an unknown at present but some scenario testing would assist in providing a robust understanding of possible outcomes. We welcome the recognition in paragraph 7.20 that the assessment will present baseline data over a reasonable period of time where possible so that the impact of any short-term shocks or changes can be identified in the baseline. The impact of COVID-19 on health, social and demographic baseline data is helpfully referenced.
- 4.19 The last scoping talked about 27,000 jobs, noted by PINS in their response in 2014. There is no equivalent figure quoted in this document, though Paragraph 9.30 makes reference to reduced employee numbers. The scale of employment generation, the methodology of its creation, both direct and indirect, needs to be clearly set out and explained. It is particularly important to explore the skills base changes that may be required. The Council welcomes the reference in paragraph 7.34 of the report to an Employment and Skills Strategy which will inform the project's understanding of its labour demand and supply dynamic.
- 4.20 It is noted that a significant difference from 2014 is the inclusions of 500 homes for staff in Craylands Lane Pit, which was not allowed under the regulations of the time (Housing and Planning Act 2016). Paragraph 5.45 of the report explains that the proposal includes up to 500 apartments for resort workers. Paragraph 5.82 further explains that this will include young and seasonal employees and it is intended to allow for smooth operation of the Resort, assist recruitment, reduce the need to commute and reduce pressure on local housing rental markets. . Inclusion of such 'related housing' is welcomed in principle as an intervention that should reduce commute and local housing pressures.
- 4.21 To avoid repetition in the sections below in addition to CS03 and CS06 highlighted above the following Gravesham Local Plan Core Strategy policies are of particular relevance:
- CS01: Sustainable Development
  - CS02: Scale of Distribution of Development
  - CS07: Economy, Employment and Skills
  - CS09: Culture and Tourism
  - CS11: Transport



- CS12: Green Infrastructure
- CS19: Development and Design Principles
- CS20: Heritage and the Historic Environment

4.22 There are also more detailed development management policies in the form of those saved from 1994 Gravesham Local Plan First Review.

4.23 Paragraph 3.44 and table 3.2 are incorrect in that Gravesham have carried out a regulation 18 consultation on a Site Allocations and Development Management Plan in Spring 2018. A report to Cabinet in September 2019 reviewed and updated the Development Management Policies in the light of current guidance and accepted that Core Strategy policy CS02 would need modification. A further consultation is due in the near future. Whilst the new Development Management Policies carry no weight at present they do represent a guide to the sorts of detailed matters that may need to be addressed.

**Human health**

4.24 In 2014 there was no requirement for a Health Impact Assessment, however as a result of the 2017 Environmental Impact Assessment Regulations this has been introduced.

<b>Chapter 8: Human Health</b>	
<b>Construction (temporary)</b>	<b>Operation (ongoing)</b>
Displacement to land and property: <ul style="list-style-type: none"> <li>• Access to public services</li> <li>• Access to public open spaces</li> <li>• Displacement of commercial uses</li> <li>• Changes to local traffic and transport and use of active travel modes</li> <li>• Potential for increased flooding</li> </ul>	Ongoing impacts: <ul style="list-style-type: none"> <li>• Noise &amp; vibration</li> <li>• Air quality</li> <li>• Local traffic and active travel</li> <li>• Electromagnetic field exposure</li> <li>• Design, site access and facilities</li> </ul>
Construction Activity: <ul style="list-style-type: none"> <li>• Noise and vibration</li> <li>• Air quality</li> <li>• Presence of construction workforce</li> <li>• Work and training opportunities</li> </ul>	Existence of the development: <ul style="list-style-type: none"> <li>• Changes in access to work and skills</li> <li>• Changes in demand for health services</li> <li>• Changes in demand for public services</li> </ul>

4.25 Note that in assessing the health impacts it is important to distinguish the characteristics of the population where up to date information may not be available. In particular the age profile of residents of the new housing is likely to be significantly younger than the more established areas. This will logically apply to their pre-existing underlying health conditions as well. Ebbsfleet Development Corporation may be able to assist with survey information.

- 4.26 The drivers of health impacts will be positives from enhanced job opportunities in both construction and operational phases and any negatives from air quality and noise due to the new activity in the area.
- 4.27 There are matters scoped out (para 8.44), including Waste, Land quality, water quality, electrical safety and climate change as they are covered in detail elsewhere in the ES. It is however important consider the health implications of these in the round if there significant effects in these areas. In particular any disturbance of the CKD on the peninsula has the potential to cause significant health risks to construction workers and local residents.

**Transport, accessibility and movement**

- 4.28 This is a topic area that has raised significant concerns amongst local residents in past consultations. The Transport Assessment, Transportation Technical Notes and Framework Travel plan are also relevant. It is noted that sea (as opposed to river) and air transport have been scoped out as the effects will be too remote.
- 4.29 The project is now assuming 7,000-53,000 visitors per day, with 85% level used for analysis which means 54 days exceed that (para 9.7). Since the last EIA Scoping there has been a significant change in transport proposals with the intention to provide 2,500 car parking spaces at Tilbury for staff and visitors to access the site by ferry, as well as previous proposal for a service from Central London. This connection will also potentially deal with servicing the construction process and the operational development in the longer term.
- 4.30 Though not as simply articulated, the impacts to be explored can be set out as:

<b>Chapter 9: Transport, accessibility and movement</b>	
<b>Construction (temporary)</b>	<b>Operation (ongoing)</b>
Impact on: <ul style="list-style-type: none"> <li>• Highways</li> <li>• Rail (HS1 and North Kent Line)</li> <li>• Bus and Coach services</li> <li>• Walking and cycling</li> </ul>	Impact on: <ul style="list-style-type: none"> <li>• Highways</li> <li>• Rail (HS1 and North Kent Line)</li> <li>• Bus and Coach services</li> <li>• Walking and cycling</li> </ul>

- 4.31 Paragraph 9.20 of the report explains that given the current Covid-19 situation, new traffic flow surveys cannot be undertaken, but where possible relevant existing data will be utilised. Reference is made with to work undertaken in 2017. Considering the scale of concerns raised by local businesses and residents, the Council will need the comfort that project decisions are being made on sufficiently robust and up-to-date data whilst also recognising the challenges of lockdown. Highways England use mobile phone data and hopefully LRCH will have access to a range of data sources without just needing to rely on primary data sources to update its understanding.
- 4.32 Construction impacts are always a difficult area at this stage as until the design is finalised and contractors involved it is not always clear to the applicant precisely what will be the process, and therefore what the effects may be. This is particularly so in this case as it is intended to make extensive use of river

- transport which will have its own implications for the river, and the Tilbury area. Supplies have to reach Tilbury so the traffic implications north of the river need to be considered. Use of the river cannot happen until any necessary improvements to the jetty infrastructure (and connections thereto) have been completed.
- 4.33 A significant amount of construction work would seem to be essential in Kent just to open the site up before the river can play a significant role in the supply of materials. There is logically a range of possible outcomes and the ES must take into account reasonable scenarios so as to provide a robust assessment. One of these must be if river based transport does not prove to be economic or possible.
- 4.34 Some of the operations, for example remodelling the landscape or creating the connection through the chalk spines can only be done in the location where they occur. Modelling is therefore needed of volume of construction traffic (labour as well as supplies, spoil movement etc.) to show whether their impact is significant on the local network (including any temporary road closures that may be necessary).
- 4.35 Although as the report says the impacts at construction are less than in operation, the former take place before any improvements have been made to the local transport systems. The existence of a direct connection to the Ebbsfleet A2 junction is a key element in this as until that is created the access can only be through the Ebbsfleet and along the A226 and then into the site by whatever access route is most appropriate.
- 4.36 The proposed approach (para 9.38) highway impacts is to use output data from Lower Thames Area Model (LTAM) and the smaller micro-simulation used for the A2 Bean and Ebbsfleet Junction improvements scheme by Highways England (derived from LTAM in any case). The latter scheme is under construction and intended to be complete by 2022 and will therefore provide the base case in this location. It should also be noted that the Springhead Bridge, connection Springhead Quarter to the Ebbsfleet Central area with Fastrack diverted over it opens later in the year. Proposals for dualling a section of Thames Way in the Ebbsfleet Central area (para.9.74) are being reviewed as part of EDC's master planning process and should not therefore be assumed in the future.
- 4.37 Two observations can be made about transport modelling using this approach. The local development input to these models will be accurate at the point the information was collected. This is now out of date. A serious omission from the Borough Councils point of view is that it did not include the scale of development that the MHCLG OAN calculations says Local Authorities should be providing. Specifically this is an issue for development in Medway where for example MHCLG has provided £170m towards development at Hoo and there is also the possibility of significant development in Chatham (commercial) Dockyard. Despite the potential reopening of the Isle of Grain Branch to passenger trains these developments could lead to increases in traffic on the A2.
- 4.38 Second the LTAM model is designed for, and primarily validated on, the strategic road network, but is not so accurate on the local road network, so caution is needed. As highlighted by KCC a LMVR for this approach will be needed to validate the technical aspects. Use of the new KCC Transport Model would be the preferred approach.
- 4.39 Lower Thames Crossing is due to be completed in 2027/8 if it gets consent for the DCO due to be submitted in the autumn. Its construction will run from 2022 and

- will involve the wholesale reconstruction of the A2 between Marling Cross (Gravesend East) and Three Crutches (M2 J1) as well as the new road and tunnel north under the Thames. There is no clear construction programme at present but this may impact on the 2024 analysis. After 2027 it will be necessary to look at the situation with and without Lower Thames Crossing. The Borough Council opposes this scheme and it cannot be taken as a given.
- 4.40 Paragraph 9.41 suggests that use of the IEMA guideline of 30% increase from the development and 10% in sensitive areas. The Borough Council would suggest that any road operating at over 80% capacity now is sensitive even to a small increase. It would also classify the B2176 Northfleet High Street (passing through a conservation area) and B262 Springhead Road as sensitive.
- 4.41 As stated above access to the site will primarily be by the new road from the Ebbsfleet Junction. Local deliveries and buses will be able to gain access from A226. What is not clear is what, if any, access will be from Stonebridge Road to the back of house area. Logically access for emergency vehicles will be required to avoid a convoluted route.
- 4.42 Critical part of the local road infrastructure is A226 Galley Hill Road up to Swanscombe. It is built on a narrow chalk spine with narrow bridge over HS1. The assessment will need to take into account whether this can take the additional traffic in the area. Historically there were proposals for a road round this using the alignment of Manor Way, Swanscombe, around the HS1 tunnel portal and back to Stonebridge Road via Lower Road. The future capacity needs of this area and the lack of flexibility in the infrastructure needs to be considered.
- 4.43 Pedestrian access is proposed via Pilgrims Way from Swanscombe (para 9.56). Logically it is also available via Manor Way Swanscombe and the network of PROW on the Peninsula, including via Manor Way Northfleet. As mentioned in para 9.12 these points of access has implications for on street car parking in Swanscombe and possible also Northfleet (accessing the resort via Ebbsfleet International). Technical work needs to be done to understand the potential scale of the issue and how it may be managed. In looking at this the long term aim is to connect Northfleet and Ebbsfleet stations and the surrounding communities/development so the link will be more direct than currently.
- 4.44 Paragraph 9.79 of the EIA advises *“It is acknowledged and will be encouraged that Resort visitors and employees will use rail as a mode of choice to travel to and from the Proposed Development. However, the proposals would utilise the existing rail network and services. As such, no significant changes are expected, and rail transport is to be scoped out of the assessment”*.
- 4.45 As the report recognises the role of rail in bringing staff and visitors, we cannot see the justification to scope out rail services. Rather the ES has to test whether existing services will be sufficient and if this cannot be proven, should consider what impacts that this could have on current and future rail users and this proposal.
- 4.46 Current rail services on the North Kent line are not explained in the submission. These will tend to more staff focussed as the route connects directly to Dartford, South East London and Medway Towns local labour markets. The obvious point of entry is Swanscombe station, which has considerable local access issues as highlighted. Gravesham would press for access via Northfleet and a proposed link to Ebbsfleet International.

- 4.47 Note that the off-peak current service from Ebbsfleet International is 4 trains per hour (2 from Ashford and 2 from the North Kent line via Gravesend). It will be necessary to consider whether additional or lengthened services will be needed on NKL and HS1, especially at times of peak movement to/from the park. Rail services cannot therefore be scoped out as suggested at paragraph 9.79. Network Rail (who is doing a study of the North Kent Line) and Southeastern as the operator will be able to advise on the implications.
- 4.48 Ferry service improvements (para 9.17/18) including link to Tilbury, combined with a service from central London are mentioned, along with the car parking proposal in Tilbury. All this is to be welcomed in principle. Thames Clippers have run a trial service from Gravesend and a holistic approach to service provision is required. However allied with this is the future of the Tilbury Ferry as part of enhancing cross river public transport opportunities. This is the only current public transport link across the river downstream of the Dartford Crossing and it is very important that it is retained and not lost.
- 4.49 The assumption of 25% of the road based trips using Tilbury (which still means that it is a car based journey overall) needs a technical justification and sensitivity testing.

#### **Landscape and visual effects**

- 4.50 This is a topic area where the lack of clarity over the potential scale and massing of the development impacts directly. That said the context the sites context is one of mainly industrial development but with significant changes in land use patterns to be considered. It is also necessary to take account of views across the river and along the river (including from the Grays/Tilbury side).
- 4.51 Potential viewpoints are listed in figure 10.4. (along with information on the ZVI) and table 10.3. Without knowing the scale and massing of the content of Gates 1 & 2 and other structures it is difficult to know whether these are sufficient but must presumably have been taken into account to produce the ZVI zones. The introduction of more activity at Tilbury compared with 2014 means that views from Gravesend Town centre, with its conservation areas and listed buildings, also need to be considered. In Gravesham new residential development at Northfleet Embankment West and East also needs to be factored in. The Hill, Wallis Park and Carl Ekman House in Northfleet should be considered as viewpoints, which were listed in our 2014 response. Further discussion is needed on this issue with the consultants, which is what is suggested in the document.
- 4.52 An impression is given this is all about the views into the development but there is also the views out for visitors, both within the park and also on its approaches, whether from Ebbsfleet or along the river. Although much of the park activities will be inside structures, the chalk cliffs and views across the river do form an interesting backdrop for the visitor experience and give a sense of place.
- 4.53 Green Belt has been included under landscape thought it more correctly belongs under the Land Use and Socio-Economic effects chapter, where comment has been made above.
- 4.54 Effects of the interaction of chalk extraction, CKD deposit and the original marshes have produced a set of distinctive landscapes. The 190m tower of the 400 Kv overhead power connection across the river is an obvious distinctive feature, albeit see through rather than solid. It has a twin in Thurrock.



- 4.55 Zone of Visual Influence (ZVI) in Tilbury of necessity has to include reference to the implications on Gravesend Town Centre directly opposite (note this applies to location as well due to the Conservation areas and listed buildings involved).
- 4.56 Scheme impacts the Ebbsfleet Valley and with the Ebbsfleet stream which flows into the Thames at Northfleet Harbour. The North Kent Line embankment creates a barrier across the valley that did not exist historically, which does break up the continuity that presumably existed before it was built. It, with the A226, makes a strong distinction between the more open area on the marshes and the confined space of the Ebbsfleet Valley.
- 4.57 The design of the project needs to project a positive image externally.
- 4.58 CHP plant impact is unclear as is the location of the building and chimney. If located out on the Peninsula this is putting a structure in what is currently essentially an open landscape with long views up (Dartford Crossing Bridge) and down the river (towards the out Estuary at Cliffe).

### **Terrestrial and freshwater ecology and biodiversity**

- 4.59 The proposal develops a significant area of fresh (originally salt) marshes in Gravesham that are currently relatively undisturbed. The past history of the area means many locations have been significantly modified, particularly by chalk quarrying. This does not mean that they do not now have ecological value. It is noted that the area next to Britannia Refined Metals is now shown within the development boundary, along with Black Duck Marsh and the tip of the peninsula as landscaped areas. Clarity is need on what is, or is not, proposed for these areas and how they will be managed in the future. Public Rights of Way need to be maintained including the recently created section of Coastal Path.

### **Marine ecology and biodiversity**

- 4.60 The use of the River Thames during construction and thereafter for ferry services means that the potential for effects on the marine environment need to be explored more extensively than previously.

<b>Chapter 12: Marine ecology and biodiversity</b>	
<b>Construction (temporary)</b>	<b>Operation (ongoing)</b>
Impact on: <ul style="list-style-type: none"> <li>• Loss or disturbance of species</li> <li>• Impact of structures on sedimentation</li> <li>• Underwater noise</li> <li>• Possible dispersion of contaminated sediment</li> <li>• Changes in water quality</li> <li>• Possible introduction of non-native species</li> <li>• Effect of boats, structures and light on marine species</li> </ul>	Impact on: <ul style="list-style-type: none"> <li>• Impact of structures on sedimentation</li> <li>• Underwater noise</li> <li>• Water Source Heat Pump (SWHP) intake and output (warm water)</li> <li>• Jetty's forming physical barrier to fish</li> <li>• WWTW outfall reducing water quality</li> <li>• Effect of boats, structures and</li> </ul>

<ul style="list-style-type: none"> <li>• Pollution risk</li> <li>• Indirect effects through disturbance</li> </ul>	<p>light on marine species</p> <ul style="list-style-type: none"> <li>• Possible introduction of non-native species</li> <li>• Knock on effect from dredging</li> </ul>
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4.61 The Borough Council will leave this topic area to Environment Agency, Natural England and the Marine Management Organisation to comment from their respective points of view and expertise. It would however emphasise that an existing transport corridor is being upgraded along the River Thames and it will be necessary to show whether this has significant effects on the marine environment and the communities that abut the river, noting that there are significant residential developments permitted in Gravesham at both Northfleet Embankment West and East (latter under construction).

4.62 It is also noted that the Peninsula has a sight line for boats to enable them to navigate the point safely.

### **Cultural heritage and archaeology**

4.63 This section is based on comments from KCC Archaeology Unit as well as the Council's Conservation Architect. The Ebbsfleet Valley is rich in archaeological remains, though substantial elements of it have been subject to chalk extraction. Those areas that have not been disturbed by chalk extraction should be assumed to have potentially significant archaeological resources until proven otherwise. The interest in the area goes from the Palaeolithic right through to the creation of Portland Cement and modern impacts of the cement industry.

4.64 The chapter sets out the interests in the area and points out that until more detailed design is available for the theme park and its infrastructure it is difficult to know what the impacts might be or how they might be mitigated.

4.65 The Borough Council provided some detailed comments on the history of the area in its response in 2014 to which applicant's attention is drawn.

4.66 Bakers Hole SSSI is of interest as a geological SSSI and a Scheduled Ancient monument. It is not currently clear how the proposed transport infrastructure can be built in an acceptable manner at this location.

4.67 Out on the marshes considerable deposition of CKD has occurred on the original salt marsh which was protected by flood defences. In theory at least, depending on the water table, there may be waterlogged archaeological remains preserved which any piling or drying out may destroy. There are also the industrial remains from the cement industry.

4.68 The proposed works at Tilbury have potential to impact on the many listed buildings and conservation areas in Gravesend Town Centre. These are shown in the map on page 13-23 of the submission. This also highlights the point made above about the creation of a new transport corridor.

4.69 In para 13.4 add Convention for the Protection of the Architectural Heritage of Europe (1985).

- 4.70 In para 13.9 add in the Greater Thames Archaeological Research Framework and KCC standard specifications for desk-based assessment for areas with known Palaeolithic potential.
- 4.71 Para 13.16 in relation to Neolithic sites the Ebbsfleet type site is for a sub style of Neolithic pottery rather than a 'culture'.
- 4.72 13.19 – the reports for the surveys /investigations listed should have been provided as part of the scoping opinion consultation. Current draft reports e.g. the 2017 evaluation report for land north of Springhead should be finalised and submitted to the Kent HER as soon as possible.
- 4.73 Para 13.21 a 3km study area should be used for Palaeolithic remains (see KCC standard specification), and a wider than 1km study area will be needed for the general context for later periods. A wider than 5km buffer may be needed to assess impact on setting if initial visual impact assessment suggests that the visual impact of the scheme may affect a wider area.
- 4.74 Para 13.21 a 3km study area should be used for Palaeolithic remains (see KCC standard specification), and a wider than 1km study area will be needed for the general context for later periods. A wider than 5km buffer may be needed to assess impact on setting if initial visual impact assessment suggests that the visual impact of the scheme may affect a wider area.
- 4.75 Para 13.22 the history of the area of the proposed development also needs to be understood in terms of proximity to London and routes to the North Sea and English Channel. As noted in the scoping opinion the summary provided will need to be greatly expanded and updated for the environmental impact assessment.
- 4.76 Para 13.24 note also the high potential for late Upper Palaeolithic remains in the Ebbsfleet area – see excavations at Ebbsfleet Green, Springhead etc.
- 4.77 Para 13.39 later reports suggest that the motte interpretation is incorrect.
- 4.78 Para 13.43 the assessment should also consider Milton blockhouse and New Tavern Fort which crossed fire with Tilbury fort.
- 4.79 Para 13.52 direct effects should also include any 'sterilisation' of archaeological sites due to long term inaccessibility for research caused by the proposed development.
- 4.80 Para 13.55 add 'and geological evidence' to the first bullet point.
- 4.81 Para 13.57 other appropriate guidance should also be used alongside Conservation Principles.
- 4.82 Para 13.58 as noted above a wider study area will be needed to assess potential for Palaeolithic remains and possibly also visual impact.
- 4.83 Para 13.61 an appropriate level of field evaluation, including specialist Palaeolithic investigation, will need to be undertaken and reported on prior to submission of the DCO to enable decision-making on the significance of heritage assets and proposed impacts. Timescales for this are now very short and consents and licences will be needed for work on the designated sites.

- 4.84 Para 13.63 other appropriate technical guidance, e.g. for assessing importance of Palaeolithic remains, should be used to help assess importance and sensitivity.
- 4.85 Para 13.68 note that Natural England will need to be included in any discussions about the Baker's Hole area.
- 4.86 Fig 13.1 – New Tavern Fort and Milton blockhouse seem to be missing from the designated heritage assets shown in this figure.

**Noise**

- 4.87 Whereas the methodology for assessing the impact of new transport infrastructure are well known, much less clear is the volume, type and timescale of noise that will be generated by the resort itself. This depends on a host of factors including how many attractions are in the open air, noise emanating from plant on buildings and the height of the various structures that may generate noise. Fireworks are a normal part of such enterprises which also have the ability to disturb residents and wildlife. They also generate smoke, which impacts on air quality. The volumes of people, transport and servicing suggest the resort operates 24 hours 365 days a year to all intents and purposes (even if shut at Christmas). The time of maximum visitor pressure and likely to be in the summer which is also logical the point of maximum noise generation. If open in the evening there is potential for noise to impact when normally the background noise is significantly reduced.
- 4.88 Possible impacts are:

<b>Chapter 14: Noise</b>	
<b>Construction (temporary)</b>	<b>Operation (ongoing)</b>
Impact on: <ul style="list-style-type: none"> <li>• Noise and vibration during construction on human receptors</li> <li>• Noise and vibration during construction on ecological receptors</li> </ul>	Impact on: <ul style="list-style-type: none"> <li>• Noise and vibration from operation of the resort</li> <li>• Underwater noise from marine operations</li> <li>• Cumulative effects from other developments</li> </ul>

- 4.89 Whilst the resort itself and the approach roads are obvious sources the inclusion of regular ferry connections to/from the Peninsula gives rise a new corridor along the River Thames. The technical work will need to consider the potential implications of this as well as the peaks in resort generation are not tied to the normal approach of looking at the am and pm peaks.
- 4.90 In paragraph 14.11 there is no mention of BS8233:2014 or the WHO Guidelines for Community Noise, both of which are relevant in terms of acceptable internal (and external) noise levels. The Council would expect noise impact assessments to (also) consider the levels that occupiers of affected properties would be predicted to experience during all phases and for mitigation to include sufficient steps to ensure they are not exceeded.

- 4.91 Gravesham BC, with its, consultants will willing to discuss the location of the suitable receptors to be analysed. The methodology employed will have to take account of the various sources that may be significant and how they interact.

**Air quality**

- 4.92 The scheme gives rise to impacts both from the traffic flows created but also the operation of the development, in particular the inclusion of the 30MW CHP plant. It is also in the context of a number of existing air quality management areas (including that along the A2 which does not show in fig 15.1). There are also a significant number of industrial premises along the river (Cemex, Britannia, Seacon) whose processes impact on local air quality and cause nuisance.

<b>Chapter 15: Air Quality</b>	
<b>Construction (temporary)</b>	<b>Operation (ongoing)</b>
Impact on: <ul style="list-style-type: none"> <li>• Effects of dust and PM<sub>10</sub> emissions from earthworks, demolition and movement of materials</li> <li>• Any specific impacts on ecological receptors</li> <li>• Effect of heavy construction vehicles</li> </ul>	Impact on: <ul style="list-style-type: none"> <li>• Road traffic</li> <li>• Emissions from the development itself</li> <li>• Emissions from proposed back-up combustion plant</li> <li>• Cumulative effects from other developments</li> </ul>

- 4.93 As noted above in relation to noise, the current proposals include a significant use of the river. In the construction phase it will be bringing in materials from Tilbury (and the means whereby they get there in the first place) and in the operation phase both the servicing and ferry functions. Depending the propulsion used by the boats involved this could impact on air quality.
- 4.94 Para 9.52-9.55 reference DMRB which under predicts the NO<sub>2</sub> in Gravesham, a result that has been confirmed by technical work done for Highways England on the A2 Bean and Ebbsfleet Junctions and Lower Thames Crossing projects. Both had to calculate factors by which the predictions have had to be increased so as to match the monitored results. This will need to be applied to any results for London Resort and the Council will discuss this matter in detail.
- 4.95 Para 15.6 references to heat pumps is welcomed, together with a gas fired combustion backup. The use of biomass incinerators would not be view favourably from the air quality point of view.
- 4.96 Para's 15.23 and 15.25 refer to NO<sub>x</sub> and PM<sub>10</sub>, but not NO<sub>2</sub> and PM<sub>2.5</sub> emitted. Both pollutants should be included in the air quality work both during construction and operational phases, NO<sub>2</sub> as Councils have to assess that and PM<sub>2.5</sub> as it has become clear that this is a significant source of potential harm the humans and ecosystems.
- 4.97 PM<sub>2.5</sub>s are mentioned in paragraph 15.24 which is for the operational phase but there will be construction phase PM<sub>2.5</sub> emissions and these should be assessed



as well as this is a significant concern in respect to their potential harm the humans and ecosystems

- 4.98 As noted above under noise the incidence of potential air quality issues may not fall neatly into the usual time categories so it will be necessary to devise a robust methodology that can cope with these unusual circumstances.

#### **Water resources and flood risk**

- 4.99 This topic area can be split into 6 areas:

- Flood
- Waste water treatment
- Water supply and distribution
- Waste water treatment and foul drainage
- Marine environment
- Water Quality and the Water Framework directive

- 4.100 The use of water and its drainage is logically connected with the peaks and troughs in park visitor numbers. Thus the critical point may well be during the summer holidays.

- 4.101 Flood risk in turn derives from the height of the flood defences along the Thames and any action that may be needed in relation to the Ebbsfleet stream. It is understood that the Environment Agency may be seeking to raise the existing flood defences due to rising sea levels. This needs to be planned for the river as a whole even if the developer is only responsible for 'their' section of the defence.

- 4.102 The commitment to a flood risk assessment at para 16.28 is welcomed but it is noted that a time span should be stated. Commercial development is normally 50 years but at this proposal includes hotels in the more vulnerable category this should be 100 years.

- 4.103 The water table in this area has been significantly affected by the impact of chalk extraction in and around the Ebbsfleet as a result needing pumping to lower the water table. Assessment is therefore need to understand what the current expectations are for the development already permitted in the area are and how this may impact on flows of ground and surface water if this project is built.

- 4.104 Oil spills and other pollution incidents need to be trapped and dealt with before entering the wider water system for practical, health and environmental reasons.

- 4.105 Water supply needs careful consideration and the area is already one of water stress. The scale of this development (and the uses involved) implies at least a significant extra demand for water. The 2015 PEIR says that the proposed development could have a maximum demand of 11 MI/day, though logically the reduced visitor numbers may lower this. However 2006/7 demand in Dartford was 37 MI/d and 24MI/d. This is a water stress area where capacity to abstract is limited with a complex hydrology as noted above. Again this has to be set in the context of substantial committed development, albeit with measures to reduce demand.

- 4.106 On waste water treatment the document talks about establishing the existing local drainage network. The development boundary as drawn now includes Northfleet Waste Water Treatment Works, which is known to be operating at or near capacity. Liaison is need with Southern Water Services, the Ebbsfleet Development Corporation, Gravesham Borough Council and Dartford Borough Council as to the future levels of development and therefore the demands to be places on the system. The EDC has been exploring options in this area and their advice should be sought.
- 4.107 Marine dredging etc. can impact on the river in all of its many functions including marine ecology, and the stability of flood defences.

### **Soils, hydrology and ground conditions**

- 4.108 As noted above the area has a number of challenges in relation to contaminated land and interactions with the local hydrology and the risk to residents and ecology. Northfleet land fill is crossed by the access road which is gassing waste tip that needs to be managed as a unit. On the Peninsula is the CKD despot is a major issue (see Swanscombe Peninsula Coastal Path report for Natural England by CMS Enviro on Cement kiln dust hazards and risks). We note that the MMO's response to the PEIR that particular reference is made to cement kiln dusts, measures to prevent leachate from them, and responses should an incident occur and LRCH's response that this will be implemented in ES chapter.

### **Waste and materials**

- 4.109 Gravesham is not a waste authority. However both construction and operation have the capacity to produce significant volumes of waste (of different sorts). Discussions are needed with the Environment Agency KCC (In Kent) and Thurrock (north of the river).
- 4.110 Construction effects come from the demolition of existing structures and the impact of net effect from any land remodelling. As noted above the site includes a number of different types of contaminated land.
- 4.111 Any such development can be assumed to produce a significant amount of waste when fully developed and operational. There is no strategy about how this waste will be handled, how much will be recycled and so on. Discussions with KCC are therefore essential.
- 4.112 Paragraph 18.33 of the report advises that materials consumption during operational stages of the development will be scoped out. With the scale of visitors and workers proposed, it doesn't seem reasonable to cope out materials consumption. This is especially surprising as 18.16 advises "an assessment of significance has not yet been carried out" and so can't see how the statement in paragraph 18.33 can be made namely "Due to the nature of the development, the use and consumption of material during operation is considered not to be significant".
- 4.113 CHP Plant is described in paragraph 5.15 but it is not clear what fuel(s) it will use and whether this is of relevance for waste disposal.

### **Greenhouse gas emissions & climate change**

4.114 On the 25 June 2019 Council adopted a resolution declaring a climate emergency, which needs to be taken account in conducting the analysis, see <http://democracy.gravesham.gov.uk/ieListDocuments.aspx?CId=144&MId=3150&Ver=4>. This applies to the Borough of Gravesham and therefore data on this topic area will need to be presented at Local Authority level not just scheme level.

4.115 The objective has to be to reduce Greenhouse gas emissions (GHG) to a minimum.

<b>Chapter 19: Greenhouse gas emissions and climate change</b>	
<b>Construction (temporary)</b>	<b>Operation (ongoing)</b>
<p>Emissions from:</p> <ul style="list-style-type: none"> <li>• demolition and waste removal</li> <li>• Extraction and manufacturing of building materials</li> <li>• Transport of materials</li> </ul>	<p>Emissions from:</p> <ul style="list-style-type: none"> <li>• Road traffic</li> <li>• Operational requirements of buildings</li> <li>• Maintenance, repair and replacement of buildings</li> <li>• Transport in accessing the development</li> </ul>
<p>Climate change impact:</p> <ul style="list-style-type: none"> <li>• Increased flood risk</li> <li>• Increased heatwaves</li> <li>• Impact of increased wind speeds</li> </ul>	<p>Climate change impact:</p> <ul style="list-style-type: none"> <li>• Flood damage to buildings and risk to occupiers and visitors</li> <li>• Higher temperatures both in buildings and open spaces</li> <li>• Increased wind speeds</li> </ul>

4.116 There are uncertainties in this area since national and local policies are still evolving as in the understanding of the interactions of the various elements. The Borough welcomes the commitment to low carbon and it will need to be clearly demonstrated how this will be achieved. As noted above this needs to be done at a District level as well as scheme way.

4.117 Although mentioned in the water resources chapter it should be made clear that one of the outcomes of climate change may be more intense rainfall which therefore impacts of the design of buildings and drainage systems.

## **5. Discussion**

## **6. BACKGROUND PAPERS**

6.1 The London Resort: Environmental Impact Assessment Scoping Report June 2020 and appendices

- <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000225-LNRS%20-%20Scoping%20Report%20part%201.pdf>

- <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000229-London%20Resort%20Part%202%20Redacted%20-%20reduced%20file%20size.pdf>

## 6.2 2014 Planning Inspectorate Scoping Opinion

- <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000064-Scoping%20Opinion%20Report.pdf>

## 6.3 2014 Gravesham Borough Council Scoping report (20141075)

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

**IMPLICATIONS****APPENDIX 1**

<b>Legal</b>	This consultation has no legal implications but the submission of the DCO by London Resort will
<b>Finance and Value for Money</b>	Expenditure on consultants will be required and subject to timetable significant this is likely to be required in 2020/21/22. A Planning Performance Agreement may pay for this but staff time will still be needed.
<b>Risk Assessment</b>	High
<b>Equality Impact Assessment</b>	<b>Screening for Equality Impacts</b>
	<b>Question</b>
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No - consultation response
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No - consultation response
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
<b>Corporate Plan</b>	03 Sustainable Gravesham
<b>Crime and Disorder</b>	Not applicable
<b>Digital and website implications</b>	None
<b>Safeguarding children and vulnerable adults</b>	None

## Appendix 2

### London Resort – development description

2014	2020
	<ul style="list-style-type: none"> <li>land remediation works;</li> </ul>
<ul style="list-style-type: none"> <li>A core 'entertainment resort' circa 45 ha in area, featuring a range of events spaces, rides, studio attractions, cinemas, theatres, a water park, night clubs, catering, retail and amenity facilities themed around the films and television programmes of Paramount Studios and UK producers.</li> </ul>	<ul style="list-style-type: none"> <li>the Leisure Core, comprising a range of events spaces, themed rides and attractions, entertainment venues, theatres and cinemas, developed in landscaped settings in two phases known as Gate One and Gate Two. The Gates will have entrance plazas offering ancillary retail, dining and entertainment facilities;</li> </ul>
<ul style="list-style-type: none"> <li>c. 30,000 square metres (m2) of event space for conferences and trade shows.</li> </ul>	
<ul style="list-style-type: none"> <li>A range of hotels with a combined total of c. 5,000 bedrooms.</li> </ul>	<ul style="list-style-type: none"> <li>four hotels providing family, upmarket, luxury and themed accommodation totalling up to 3,550 suites or 'keys'. One or more of these hotels might be located within the leisure core. One hotel will incorporate a water park; four hotels providing family, upmarket, luxury and themed accommodation totalling up</li> </ul>
	<ul style="list-style-type: none"> <li>a 'Conferention' Centre (i.e. combined conference and convention) with a floor area of up to 11,000 m2, capable of hosting a wide range of entertainment, sporting, exhibition and business events;</li> </ul>
	<ul style="list-style-type: none"> <li>a linked building hosting a range of eSports, video and computer gaming events , with a total floorspace of up to 16,500 m2;</li> </ul>
<ul style="list-style-type: none"> <li>staff training facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a 'Back of House' area accommodating many of the necessary supporting technical and logistical operations to enable the Entertainment Resort to function, including security command and crisis centre, maintenance facilities, costuming, employee administration, employee welfare, medical facilities, offices and storage;</li> </ul>
<ul style="list-style-type: none"> <li>A country park beside the River Thames.</li> </ul>	<ul style="list-style-type: none"> <li>habitat creation and enhancement and public access;</li> </ul>



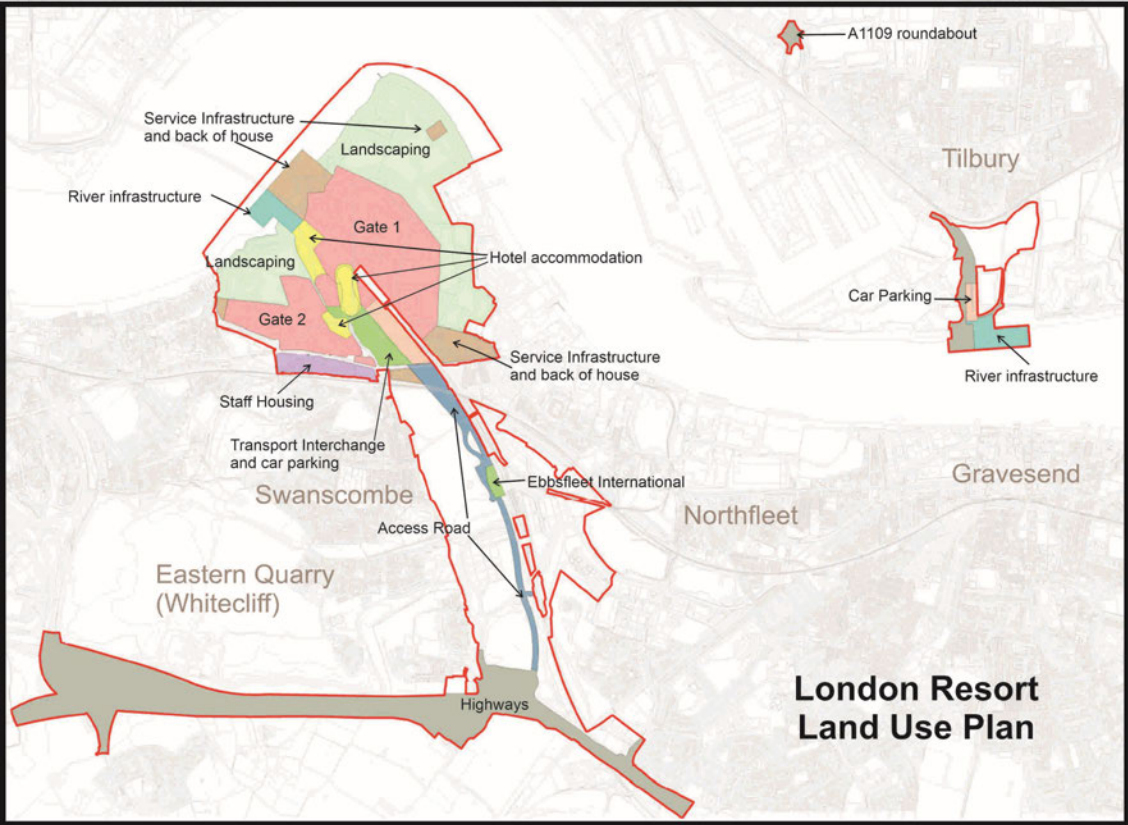
<ul style="list-style-type: none"> <li>• River bus access from the Thames.</li> </ul>	<ul style="list-style-type: none"> <li>• river transport infrastructure on both sides of the Thames, including floating jetty and ferry terminals and the repair or replacement of White's Jetty;</li> </ul>
<ul style="list-style-type: none"> <li>• c.14,000 car parking spaces for both visitor and staff use, located partly in multistorey facilities, and bus and coach parking</li> </ul>	<ul style="list-style-type: none"> <li>• car parks with an overall volume of 10,750 spaces;</li> </ul>
<ul style="list-style-type: none"> <li>• A transport interchange, including a ticket office.</li> </ul>	<ul style="list-style-type: none"> <li>• a people mover and transport interchanges;</li> </ul>
<ul style="list-style-type: none"> <li>• A new four-lane dual carriageway between the entertainment resort area and the A2(T) / B259 junction.</li> </ul>	<ul style="list-style-type: none"> <li>• a Resort access road of up to four lanes (i.e. up to two lanes in each direction);</li> <li>• the A2 Highways Works comprising a signalised at-grade gyratory junction to replace two existing roundabouts at the A2(T) / B259 junction.</li> </ul>
<ul style="list-style-type: none"> <li>• Flood prevention works on parts of the site.</li> </ul>	<ul style="list-style-type: none"> <li>• flood defence and drainage works;</li> </ul>
<ul style="list-style-type: none"> <li>• Landscape works throughout the development, incorporating earth shaping, new planting and habitat creation.</li> </ul>	<ul style="list-style-type: none"> <li>• terrain remodelling, landscape works and planting;</li> </ul>
<ul style="list-style-type: none"> <li>• Provision of service infrastructure including water, electricity and gas supplies, telecommunications and arrangements for wastewater treatment and disposal.</li> </ul>	<ul style="list-style-type: none"> <li>• utility compounds, plant and service infrastructure;</li> </ul>
<ul style="list-style-type: none"> <li>• Improvements to the highway network (if required).</li> </ul>	<ul style="list-style-type: none"> <li>• local transport links,</li> </ul>
<p>(NB: a DCO could not contain housing proposals at the time)</p>	<ul style="list-style-type: none"> <li>• security and safety provisions</li> <li>• <b>Related Housing</b> comprising up to 500 apartments for Resort workers. The apartments will typically have 4-6 bedrooms and shared kitchen and lounge facilities.</li> </ul>

## Appendix 3

### Current Illustrative Masterplan



Appendix 4  
Annotated Land Use Plan



CEMHD Policy - Land Use Planning  
NSIP Consultations  
Building 1.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: BC0800001  
Our ref: 4.2.1.6714

HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

FAO Ms Helen Lancaster  
The Planning Inspectorate  
Temple Quay House  
Temple Quay,  
Bristol  
BS1 6PN

Dear Helen

20 July 2020

**PROPOSED LONDON RESORT (the project)  
PROPOSAL BY LONDON RESORT COMPANY HOLDINGS (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) – Regulations 10 and 11**

Thank you for your letter of 22<sup>nd</sup> June 2020 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records there are no major accident sites and no major accident hazard pipelines within the indicated red line boundary for this nationally significant infrastructure project; as illustrated in figure 1.2 'Location Plan – local context' as part of the document 'The London Resort Environmental Impact Assessment Scoping report June 2020'.

HSE's Land Use Planning advice would be dependent on the location of areas where people may be present. When we are consulted by the Applicant with further information under Section 42 of the Planning Act 2008, we can provide full advice.

Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended.

The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

HSC would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the Controlled Quantities set out in Schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

### Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 An Annex on the Planning Inspectorate's website - [Annex G – The Health and Safety Executive](#). This document includes consideration of risk assessments on page 3.

### Explosives sites

HSE has identified that both those parts of the development that are north and south of the Thames are within the vicinity of an explosives site, The Port of Tilbury. HSE would not normally expect to comment with respect to explosives matters on the development on the north of the Thames given its location in relation to the licensed port. HSE would expect to review the capacity of the port to handle explosives if that part of the development to the south of the Thames included buildings of vulnerable construction.

### **Electrical Safety**

No comment, from a planning perspective.

During lockdown, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at [nsip.applications@hse.gov.uk](mailto:nsip.applications@hse.gov.uk). We are currently unable to accept hard copies, as our offices are closed.

Yours sincerely,



Dave Adams  
CEMHD4 Policy



Historic England

Helen Lancaster  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Dial: 020 7973 3630

Our Ref: BL112

Date: 20 July 2020

Dear Ms Lancaster

### **Scoping consultation**

**Application by London Resort Company Holdings (the Applicant) for an Order granting Development Consent for the London Resort (the Proposed Development)**

**Your Ref: BC0800001-000230**

Thank you for requesting the advice of Historic England about the potential historic environment effects of this proposal, following submission of a Scoping Report for the above development. We consider that potentially considerable adverse effects seem likely and are in need of detailed consideration through the EIA process. We provide the following advice to assist your decision-making in relation to this development.

### **General comments**

#### **1. The Project**

The proposed development is for creation of The London Resort: a substantial visitor attraction and leisure resource. This would be built mainly on land at Swanscombe Peninsula on the south bank of the River Thames with supporting transport and visitor reception facilities on the northern side of the river.

The project would entail an extensive restoration of land used in the past for mineral extraction, waste disposal and industrial activities, as well as a significant level of construction on new areas of ground that have not been subject to such extensive disturbance. The development would include a substantial leisure core, rides and attractions, restaurants, hotels, entertainment venues, new housing, and associated transport and service infrastructure. It would also entail the creation of new transport links including a new road connection from the A2(T), ferry terminal facilities, and to the east of the Port of Tilbury, additional coach and car parking areas.

#### **2. Impact**

The Scoping Report highlights that development of the London Resort site and its associated infrastructure, has the potential to significantly affect both designated and







undesigned heritage assets and their settings, both within the boundary of the proposed development site and in a wide surrounding area.

The proposal area has demonstrable historical and archaeological interest (of exceptional interest in some areas), and contains heritage assets of national and international importance. The proposal is a very large scheme with potential for widespread and high-level impacts on this heritage resource.

In line with the advice in the National Planning Policy Framework (NPPF), National Networks National Policy Statement (NPS), and Marine Policy Statement (MPS), we would therefore expect the forthcoming Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of heritage assets.

We would expect an assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected have been included and can be properly assessed. An arbitrary radial search is unlikely to accurately reflect the impact of the development on heritage assets in the wider area. A carefully tailored approach that takes into account geology and topography will be required, and which recognises that large, bulky or tall structures may be visible from a significant distance away.

Impacts on heritage assets could originate from both construction and operation of the proposed development, and be caused by both direct physical impact and from change within their setting. It will be necessary for the Environmental Statement to demonstrate a comprehensive and exemplary assessment of the significance of the heritage resource, and the identification of any impact upon it.

The assessment should take account of the potential impacts which associated development activities (such as construction, noise and dust, servicing, maintenance, and associated traffic) might have upon perceptions, understanding, and appreciation of heritage assets.

The assessment should also consider the likelihood of alterations to drainage, ground water, scour, and tidal/water flow patterns that might lead to in situ decomposition or destruction of below ground or marine archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

It should also consider the need for ongoing management and maintenance of heritage assets during operation of the scheme, and the requirement of the NPPF (para.200) to seek opportunities to enhance or better reveal the significance of heritage assets.

### **3. Overall approach**

With such a large project, a fully integrated multidisciplinary approach to assessment will be essential; which demonstrates an understanding of how all the individual elements of the historic environment come together, and which fully



analyses how the development proposals may impact upon the uniqueness of the area, and the heritage assets within it.

We think it essential therefore that an integrated *landscape approach* to assessment of heritage assets (both designated and undesignated) is undertaken and translated into the report and any other supporting documentation.

In order to achieve this, we strongly support the concept of an overarching Historic Environment Framework, which can be used to draw together existing information, and be used as a basis for design decisions. The HEF would be an evolving document but there is already a significant amount of new information which could be incorporated within it. This process needs to happen rapidly in order for the HEF to be able to significantly steer how the design proposals for the site develop.

Geoarchaeology will be a key element of this project, and Landscape characterisation would help predict previous land use; combining geology and archaeology to identify where people might have lived and their contemporary environment, and providing evidence to feed into an overarching deposit model.

We recommend close collaboration of cultural heritage and landscape/visual impact assessment, in order to adequately address issues in relation to setting of designated heritage assets. Techniques such as photomontages, computer generated views analysis imagery, and verified views with rendered images are a useful part of understanding visual impacts. Analysis of the views from within the site boundaries, out of, and across the key site areas in relation to designated heritage sites will be very important.

Setting may also form a part of the wider conceptual significance of a heritage asset and how it is experienced, and the report must therefore additionally reflect these more nuanced aspects of setting in order to fully take account of impact.

Further guidance on setting can be found at our website: (<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>). Version 4 of this document is currently under review.

We would expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest. This is because these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place.

We strongly recommend that conservation and archaeological staff at the relevant County and Local Councils are involved at an early stage and that the opportunity for a collaborative approach in conjunction with Historic England and other partners such as Natural England, is allowed for, to ensure conflicts and opportunities between the natural and historic environment are fully recognised.

There will be a requirement through planning policy to avoid harm to designated heritage assets, but by following planning policy and guidance we would also expect the project to be creative in how it might also offer opportunities for their enhancement and delivery of public (heritage) benefit.



## **Advice on terrestrial (land based) archaeology**

### **1. Significance**

The proposed resort lies in an area of very rich archaeology and some of it, whether designated or not, is of national importance. There is also considerable potential for as yet unknown archaeological remains, some of which might also be equally important.

The deeply buried nature of much of this evidence (within the floodplain deposits on both sides of the river and in the river terraces and Ebbsfleet Valley sediments in Kent), warrants an emphasis on geoarchaeological approaches to assessment.

It is important that any assessments are undertaken in relation to both Scheduled Monuments *and* the undesignated archaeological resource which exists within the development site; and that the assessment of both is holistic and fully integrated. This is particularly important considering the known high potential for nationally (and even internationally) important undesignated remains within the development site, and also because a number of the scheduled monuments in this area are known to under-represent the actual resource.

For example, there is good evidence that nationally important remains associated with the scheduled Palaeolithic sites near Baker's Hole, and the Neolithic sites near Ebbsfleet (List Entry Ref: 1004206) will extend beyond the scheduled boundaries; and this potential will require further characterisation. Similarly, the Springhead Roman Site scheduled monument (List Entry Ref: 1005140) was incorrectly located in the past, and it is now known that the most important remains associated with this religious site actually lie under and to the north of the Ebbsfleet Junction.

Apart from remains associated with existing designations, there is also a high potential for nationally important undesignated remains in general. The area has a rich and important undesignated Palaeolithic resource, as exemplified by the Swanscombe Skull and Ebbsfleet Elephant butchery site.

The area also has known potential for other site types which, once further assessed, may be revealed to be of national importance. For example, Anglo-Saxon cemeteries, Bronze Age track-ways and other rare organic survivals in wetland areas have all been recorded within the study area (Scoping Report, 13.27 & 13.34).

In addition, there is the potential for the sequences of deposits preserved within the proposed development area to address questions of climate and landscape change over time.

For example, it is acknowledged in Section 13.29 that peat deposits around Tilbury have yielded significant palaeoenvironmental information, but it should be noted that Tilbury is considered to be the type site for palaeoenvironmental and relative sea level (RSL) studies evidencing the environmental history of the River Thames (see also comments on marine archaeology, further in this letter) .

Previous work on High Speed 1 also illustrated the value of understanding the evolving landscape in interpreting and contextualising the archaeological evidence. In particular it demonstrated the impact of rising relative sea level and the



concomitant ponding back of the Ebbsfleet on the settlement pattern, location and nature of archaeological evidence for the prehistoric and historic periods. The potential and significance of the information preserved within the natural floodplain and river valley deposits should therefore be investigated appropriately in order to understand the impact that the proposed scheme may have.

It is important to remember that undesignated archaeology of national importance should be subject to the same policies that govern scheduled remains, as required by the NPPF (footnote 63). In practice, this is likely to mean preservation *in-situ*. It is therefore important to have a comprehensive and early understanding of the potential for such remains across the development area, in order that harm to them may be effectively designed out wherever possible.

It is also important to remember that so much has been lost to past quarrying in the Swanscombe area that the residual resource now represents the last opportunity to preserve or gain understanding from these deposits. We would like to understand what proportion of the remaining resource would be lost to the London Resort works and thus the implications for understanding this distant period of our history from study of these deposits.

We note there is nothing in the DBA baseline regarding archaeology or palaeoenvironmental evidence that might lie within the intertidal area of the river. It will be essential to include assessment of this. We provide separate comments on the marine archaeological resource further in this letter.

We note that the Scoping Report (13.9) mentions the relevant guidance that should be consulted; the East of England Research Framework (Medlycott 2011) should be included here.

## 2. Assessment approach

It will be critical that the EIA provides an exemplary and comprehensive assessment of the significance of the archaeological resource. This is necessitated by the size and complexity of the development, but also because of the lack of certainty (and desire for flexibility) with regard to the detailed design. Given this uncertainty surrounding design details, it will only be possible to fully understand proposal impact through an especially thorough understanding of baseline archaeological conditions.

We therefore agree with section 13.60 of the Scoping Report that the assessments and surveys previously produced for the project (a desk based assessment - DBA, archaeological deposit model, archaeological characterisation, and statement of archaeological significance) should be comprehensively revised to incorporate all new data and assessments that have since been undertaken.

Updates should consider results of recent projects that may have yet to reach archives (e.g. works being undertaken as part of the Bean/Ebbsfleet Junction Improvement Works by Highways England).

It is noted that very little baseline assessment has been carried out to date for the project site area in Tilbury, Essex and given the scale of the proposals here it will be essential to do so as soon as possible.



In relation to section 13.61, in order to achieve the level of detail required, the existing assessments and surveys (a number of which were not previously completed or their results circulated to Historic England) will also require considerable further input from (field-based) archaeological investigations. Such investigations will need to take the form of an iterative and staged process of archaeological assessment to include:

- geoarchaeological borehole analysis;
- the monitoring of geotechnical works;
- geophysical survey;
- test pitting, and trial trenching.

It is unfortunate that the existing assessment and survey results have not been included with the Scoping Report, as this would have allowed us to identify gaps in information on which decision-making will depend, and advise on the exact scope and type of further archaeological works that will be necessary.

We emphasise that these works need to be undertaken as early as possible to make sure there is enough time to inform the decision-making process and the ES.

We strongly recommend that the scope and design of further evaluation fieldwork is informed by early and continued consultation with Historic England, the KCC Heritage Conservation Team, and Essex County Council Places Service; to ensure that sufficient detail can be produced in time for its results to be included within the EIA. This is required in order that the EIA fully complies with the requirements of the NPPF, the NPS and MPS, and can be determined in line with the applicant's desired timescales.

It should also be noted that, as previously, Natural England should be included in consultation on Bakers Hole, owing to its SSSI status.

We concur with section 13.60 that the existing deposit model prepared for the scheme should be updated with the results of recent investigation as well as new information such as will need to be collected from Tilbury.

We note from Chapter 17 that further geotechnical works are proposed. The Wessex Archaeology geoarchaeology team should have input to the design of these investigations to ensure information suitable for archaeological purposes can additionally be obtained, and which can be used in the creation of an updated deposit model.

As stated within previous advice, we strongly recommend that the outputs of the modelling feed directly into the EIA. This should include a detailed archaeological deposit model, with appropriate illustrations, which defines areas of different geoarchaeological and palaeo-environmental potential and significance (as informed by borehole, geophysical and geotechnical assessment).

In addition, the EIA should also aim to define character areas/zones for the archaeological resource in general (again, informed by geophysical survey and archaeological evaluation in the field). Historic England's guidance on Deposit Modelling and Archaeology may be useful here:





<https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/>.

We would also recommend that careful consideration is given to the different geophysical survey techniques that will be used to investigate the proposed development areas.

Both areas of the proposed development (Kent and Essex) preserve evidence of complex, deeply stratified sequences with the potential to preserve archaeological and palaeoenvironmental remains of significance. Techniques suited to investigating deep areas of archaeology and organic-rich deposits such as peat, should be considered. This may include the use of techniques such as Ground Penetrating Radar (GPR) or Electrical Resistance Tomography (ERT).

Although we intend to provide advice with regard to nationally important archaeology, the KCC Heritage Conservation Team for Kent and Places Services for Essex would remain the principle advisors regarding undesignated assets, both to yourself (Planning Inspectorate) and the applicant. Please note, however, that our Historic England Science Advisors (Jane Corcoran and Zoe Outram) are able to provide science advice for non-designated archaeology to the applicant and KCC/Place Services, and we recommend full use is made of this as the project moves forward.

### **Advice on Development Impact**

In addition to demonstrating a thorough understanding of archaeological potential and significance, it is also essential that the EIA contains a holistic assessment of total development impact.

This means that impacts associated with *all phases* of the development (including temporary enabling works; permanent construction; residual operational effects) are factored into the assessment at this stage.

The EIA will also need to be informed by a detailed understanding of the alterations and additions that may be required to the existing A2 and its junctions. This means that all necessary assessments of the current capacity of the A2 and the extra provision that the Resort may require, must have been undertaken in advance. Without such, it will not be possible to understand the impact of this aspect of the development upon what is an archaeologically highly significant and sensitive area (Palaeolithic and Neolithic potential; and a known Roman/Iron Age religious site).

With regard to development impact, it is also important that the EIA includes a realistic, fully-researched and clearly demonstrated assessment of the impact that different elements of the proposal will cause; this includes embedded mitigation and design avoidance measures.

We refer in particular to the proposal to avoid impact to scheduled Palaeolithic remains near Baker's Hole (List Entry Ref: 1003557) by crossing this site using a lightweight road construction. The realistic impact of this upon buried deposits (particularly with regard to compressive effects) must be clearly demonstrated and





explained, so that we may properly understand the impact of all aspects of the development proposal.

Similarly, in previous discussions we negotiated siting the access road from the A2 away from the deeper parts of the Ebbsfleet Valley where sensitive waterlogged deposit sequences survive. We also considered the use of non-compressible foam for road foundations to avoid negative impacts on the deposits. However, in describing the proposed works, section 5.65 of the Scoping Report outlines various activities associated with the resort access road, including ecological mitigation for the Ebbsfleet Valley, but there appears to be no mention of archaeological mitigation.

It is important that the EIA includes as much information as possible on the detailed design of impacts. However it is also essential that, where different design options exist, and the option chosen is less conducive to heritage conservation, that clear and convincing justification is provided to account for this (NPPF, para. 194).

We agree that the EIA must include assessment of the impact of the development upon archaeology as a result of alterations to the hydrological regime (e.g. water table, flow patterns, quality, levels, etc.). There is a high potential for considerable impact to archaeology from changes in the water environment given the magnitude of change in the area (large new areas of hard-standing and foundations; new drainage systems and large watercourses and lakes), but also given the sensitivity of much of the local archaeology (particularly waterlogged deposits) to such change.

It is therefore very important that this aspect of development impact is assessed comprehensively. This assessment will certainly need to be informed by deposit modelling, which can be used to consider the potential effects of changes in hydrology and compaction on the buried archaeological resource where it is proposed for preservation in situ. Evaluation to assess survival, extent and state of preservation and hydrological modelling to better understand the current and proposed burial environment is also likely to be necessary.

With regard to development impacts, it is also important to acknowledge that the size and permanence of this development and the intention to cap the floodplain deposits will render the archaeological resource of this area inaccessible for study for the foreseeable future.

Even if deposits are preserved in-situ, it will not be possible to understand, characterise and learn from this invaluable resource; and this impact upon heritage significance should be included in assessment of the overall quantum of harm. This may also make it appropriate to study some areas of high potential in more depth, in order to characterise archaeological remains (even if they are not proposed for removal), and thus to contribute to our broad understanding of this important part of the Thames Estuary.

## **Advice on Marine archaeology**

### **1. Impact**

We note from Chapter 5 of the Scoping Report that aspects of the project involving the river transportation infrastructure (including construction of a floating jetty, ferry



terminals, and the repair or replacement of White's jetty), flood defence and drainage works, habitat creation and enhancement, and public access, all have the potential to impact areas within the project boundary below Mean High Water Springs (MWHS).

There is therefore the potential to impact deposits and features of archaeological interest below MWHS relating to maritime and aviation activities, and also features relating to when the sea level, river level, and river course would have been different from that present today. These impacts appear to be applicable to both the Kent and Essex site, based on the information presented.

As previously stated in our response (P. Kendall at English Heritage to W. Spencer at the Planning Inspectorate – dated 5<sup>th</sup> December 2014), such impacts require the consideration of marine cultural and archaeological receptors as a part of the desk-based assessment (DBA) and pre-construction survey and investigation programme.

## 2. Approach

We are therefore pleased to see the inclusion in consideration of marine planning matters in Chapter 3, and that no cultural heritage or archaeological topics are currently scoped out of the EIA.

However, it is disappointing that a greater degree of specific consideration has not been included within Chapter 13 in relation to known heritage assets and potential for unknown heritage assets and deposits below MHWS, and historic seascape characterisation, as per this previous response.

For instance, the description of heritage assets within paragraph 13.55 should be expanded to include partially or fully submerged remains, and information should have been consulted on known archaeological receptors below MWHS. As such, we recommend the following data sources for inclusion within the DBA:

- National Record of the Historic Environment;
- Local Historic Environment Records with records below MWHS;
- UKHO hydrographic data on ship losses and obstructions;
- Rapid Coastal Zone Assessment Surveys for North Kent and Essex.

Furthermore, consideration should be given to the use of marine geophysical and geotechnical investigation techniques (for example, side scan sonar, multibeam bathymetry, magnetometry surveys and geotechnical core samples) to consider the impacts to features and deposits of archaeological interest below MWHS.

This should be included as a part of the investigations to inform both the project design and appropriate mitigation measures for archaeological receptors. Such consideration should be undertaken in a seamless and holistic approach with the onshore/terrestrial investigations, especially with regards to the geotechnical analysis and the development of deposit models.

Additionally, consideration should be given to the inclusion of the Protection of Military Remains Act 1986 in the section describing national legislation, due to their influence on cultural and archaeological receptors below MWHS and any works



impacting such receptors. Similarly, reference should be made to the available guidance on environmental archaeology, geoarchaeology and deposit modelling.

### **Advice on assessment of setting and built heritage**

We are glad to see that setting impacts upon scheduled monuments and listed buildings have been scoped into the EIA.

The impact upon the setting of these designated assets needs to be clearly assessed and demonstrated, and we recommend photomontages and rendered images are used to do so.

We note that Chapter 10 (Landscape and Visual Effects) states that a visual assessment will be carried out and viewpoints have been included. We are not included in the list of consultees for this document, and we would wish to be included.

We encourage an inter-disciplinary approach, particularly given the overlap of visual impacts on landscape and cultural heritage. It will be important that the conclusions found in this document are used to inform the Cultural Heritage chapter and vice versa, to ensure consistency.

We also note that although some of the viewpoints within the LVE Chapter (Table 10.3) are from designated assets, further viewpoints should be included, either as part of the visual assessment, or separately, to assess the impact of the proposal on designated assets' significance. We would therefore encourage the applicant to consult us regarding significant viewpoints that should be assessed.

The Cultural Heritage chapter does not name any designated assets in particular that will be assessed in terms of changes to setting. Assets both within and outside the development area whose significance could be harmed through changes to their setting should be incorporated.

The list of assets to be assessed should include, but is not limited to: the Roman enclosure SE of Vagniacaee, the Swanscombe Cutting Footbridge, the Church of Saints Peter and Paul Swanscombe, designated assets within Ingress Park, and assets which sit across the river from Tilbury (e.g. New Tavern Fort and Gravesend Blockhouse).

It is likely with such a large scheme that there will be some effect on listed buildings through changes to their setting. In our PEIR response of 2 June 2015, we particularly highlighted All Saints, Swanscombe, a Grade II\* 19<sup>th</sup> church. This has not been included in the summary of our responses to date. The church is located on the Galley Hill Road ridge and it is prominent in views to this from the lower lying peninsula. Major change to the surrounds of the church may result from the proposal.

We are particularly concerned that the expansion of the development area to include areas to the north of the river means there will be greater impact on designated heritage assets than the previous iteration of the scheme.



Our primary concerns here relate to the direct impact that the proposed multi-storey car park will have on the significance of the grade II\* listed Tilbury Cruise Terminal and landing stages located immediately to the south of the development site, and the impact of the car park in views from and towards the nearby scheduled Tilbury Fort.

The Fort also includes the II\* listed Georgian barracks block, which faces onto the parade ground and towards the proposed car park, and this should be assessed as a separate entity in terms of its setting. We think that a multi-storey car park here has the potential to have a significant impact on the setting of the grade II\* listed Cruise Terminal building; particularly in views from the north.

Regarding the Fort and Barracks, we would need specific heritage viewpoints in relation to the proposed car park development and would want to be involved in agreeing the locations. It would be important to pick up the defensive nature of the Fort in the setting analysis. If the car park were to be a tall structure it would also be necessary to assess other longer range views from other key assets such as Coalhouse Fort and West Tilbury.

In light of the overall scale of the Resort, potentially including structures up to 60m in height, we would also want to see Essex assets up to 2 km north of the Swanscombe Peninsula picked up in the setting assessment for the main development as well; which includes 9 grade I and II\* buildings, 5 scheduled monuments, 2 conservation areas and 39 grade II buildings.

### **Opportunities for Enhancement**

It is important that the EIA also assesses any positive impacts upon heritage significance and explores the opportunity for the development to enhance or improve aspects of the historic environment for public and heritage benefit.

For example, the scheduled Palaeolithic sites near Baker's Hole are registered 'At Risk' from scrub and tree growth. Interim works have previously been funded by HE to assess the condition of the smallest of the scheduled areas (and upstanding, owing to quarrying having removed the surrounding sediment). This demonstrated the deteriorating nature of the Pleistocene deposits, as well as how little of them remained, owing to the cumulative effects of past excavations.

There is an urgent need for a solution before the surviving evidence is lost through weathering, roots and burrowing. The historic excavations have been temporarily backfilled but an opportunity exists for the enhancement of the wider monument by funding excavation and outreach of this smallest part of the scheduled site, resulting in public benefit that would be an opportunity for the project.

This work might feed into still wider public gain; a fascinating story of the entire history of the Ebbsfleet valley is waiting to be told, using the results from past investigations and those that the London Resort will require. There is thus a role for the project in assisting (alongside others) with the creation of a facility in which to present the history of this place. Such a positive public benefit might be seen as an opportunity to mitigate some of the harmful aspects of the project and address the enhancement of heritage assets as required by the NPPF.



## **Scheduled Monument Consent**

Any works within a scheduled monument would normally require scheduled monument consent (SMC) as decided by DCMS with the advice of Historic England. The Development Consent Order process may obviate the need for SMC, but if so Government policy on nationally important ancient monuments (both scheduled and non-designated) would still apply (DCMS, 2013).

## **Summary and Recommendations**

This is a complex project proposal in an area of very high historic environment significance. We consider the effects on the historic environment to be considerable and in need of detailed consideration through the EIA process.

We would expect to see the development proposals actively respond to historic environment concerns. This is because sustainable development requires the protection and enhancement of the historic environment while simultaneously building strong economy and supporting vibrant communities (paras. 8 and 200).

Where there is harm to the significance of heritage assets, the NPPF requirement is to avoid or minimise any conflict between the heritage assets' conservation and any aspect of the proposal (para. 190), and to have clear and convincing justification for any harm (para. 194). Irrespective of the degree of harm to designated heritage assets great weight should be given to conservation (para. 193). For undesignated heritage assets the weight to be given to their conservation will depend on the level of their significance and the scale of harm (para. 197).

As a result we will have further specialist comments to make, and would want to be involved in on-going multidisciplinary discussion and review.

Our key comments and concerns are summarised as follows:

- The EIA Scoping Report should be revised to take into account the comments we have given in this letter.
  
- During the preparation of the ES particular attention should be given to:
  1. Prehistoric (especially Palaeolithic) archaeology, palaeo-environmental archaeology, geo-archaeology;
  2. Adopting a staged process of archaeological assessment, beginning with a geo-archaeological deposit model as part of the baseline desk-based assessment and following this with field evaluation and survey targeted on gaps in knowledge of significance and archaeological potential; updating this as new information is available;
  3. Using the information gained to identify zones of archaeological potential and significance, which would form the basis of the historic environment discussion in the ES;
  4. Creating an exemplary and comprehensive assessment of the significance of the archaeological resource;



5. The methodology to be used for the assessment of heritage setting and its links with LVIA;
  6. Developing a credible approach to the assessment of effects on significance (including residual effects);
  7. Considering sustainable development and enhancing or improving aspects of the historic environment for public and heritage benefit.
- 
- A Historic Environment Framework should be produced that draws together existing information and surveys undertaken for the DCO submission, along with updated archaeological characterisation areas informed by additional surveys.
  - We recommend that you should be mindful of Government policy regarding scheduled monuments during the preparation of the ES and your DCO application.

If you require clarity on any aspect of the above or would like further advice, please do not hesitate to contact me.

Yours sincerely



Rebecca Lambert MSc AIfA

Inspector of Ancient Monuments SE

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**Our Ref.:**  
**Date:** 20<sup>th</sup> July 2020

Dear Ms Lancaster

### **London Resort EIA Scoping Opinion**

Thank you for your letter of 22<sup>nd</sup> June 2020 providing the opportunity for the County Council to comment on the Scoping Opinion requested by London Resort Company Holdings (LRCH) in respect of their planned development of a major leisure and entertainment resort, known as London Resort, located on the Swanscombe Peninsula in North Kent. The County Council has the following comments regarding the Scoping Report submitted by LRCH and the additional information it considers should be included with any Environmental Statement submitted in support of its Development Consent Order application for the London Resort proposals.

#### **General Comments**

The County Council understands the Applicant's reasoning that the Rochdale Envelope should apply to the planned development within Gates 1 & 2 on the grounds that there will be the need to redesign/refresh the rides and other attractions within these areas to continue to provide an offer that remains relevant and up to date to meet the expectations and demands of potential visitors. However, the Environmental Statement should set out broad parameters regarding the scale of the development within which both the initial development for Gates 1 & 2 and any future modification would be limited. These parameters should cover factors such as height, massing and floorspaces for individual uses such as ancillary retail, dining and entertainment venues. Without these there are a number of environmental impacts that would be difficult to assess, e.g. landscape and visual impacts.

The County Council has concerns regarding the emphasis that may be placed on the Secretary of States Opinion from 2014 and the informal and formal consultations carried out in the years prior to and including 2015. Circumstances have changed significantly since both this Opinion was provided and the statutory consultation in 2015 was carried out. The development itself, whilst fundamentally remaining a major entertainment and leisure resort, has changed significantly particularly in relation to certain elements notably the proposed development outside Gates 1 & 2 and the inclusion of related housing. The proposed development now includes an area at Tilbury impacting on a completely new area and the access arrangements with the A2 are markedly different from those presented at the statutory consultation and untested with the public. The formation of the Ebbsfleet Development Corporation and the Governments support for the Ebbsfleet Garden City has also changed the landscape within which the Resort would potentially operate.

It is acknowledged within the Scoping Report that there is no National Policy Statement covering the type of development proposed but has identified the National Network NPS. This has particular relevance as the access arrangements for the proposed London Resort would directly affect part of the Strategic Highway Network (the A2 Trunk Road) and the Strategic Rail Network (HS1). The potential wider implications for the movement of goods and people between the Continent and the rest of the UK would need to be covered within the Environment Statement in relation to the National Network NPS.

The Scoping Report does not specifically cover any impact assessment regarding Highway Structures. However, the County Council would provide the general commentary to the Applicant that the County Council would be unlikely to accept the adoption of any new highway structures provided as part of the development, but that any highway structures proposed or amended (including geotechnical assets and tunnels) would need to be approved in accordance with the standards set out in the current Design Manual for Roads & Bridges (DMRB) with the County Council acting as the Technical Approval Authority/Overseeing Organisation.

### Alternatives Considered

The dismissal of the search for alternative sites to the north-west and south-west of London has been dealt with in a relatively short manner and further explanation should be provided within the Environmental Statement. Similarly, the proximity to London is used as a factor on the basis that this is the most popular destination for international visitors but only 12% of the expected 12.5 million visitors a year are expected to be international visitors. Further explanation is needed as to why alternative sites further afield in the UK were not considered.

The Scoping Report represents the options explored for the A2 Ebbsfleet Junction incorrectly. Figures 4.3b and 4.3c were the two options presented during the statutory consultation in 2015. Each of these being a variation of grade-separated free-flow slip roads between the Resort Access Road and the western arm of the A2 Trunk Road. Figure 4.3a shows the amended at-grade solution that LRCH now prefers. It is also wrongly stated that the County Council opposed the free-flow grade-separated slip roads as being unacceptable leading to the current preferred scheme. The County Council's position was that, whilst there were reservations over the design of the free-flow slip roads, its stated preference was for the segregation of the Resort traffic from the local traffic as far as possible. The original proposals for free-flow slip roads fulfilled this function for the main traffic movements associated with the Resort. It is the County Council's understanding that the main reason for abandoning the free-flow, grade-separated slip roads was the inability to cross the A2 and pass under overhead electricity lines without incurring substantial costs associated with raising or burying the latter.

The Scoping Report states that its preference for visitors using the North Kent Line would be Greenhithe Station although two other stations, Swanscombe and Northfleet, would be closer. The statement that Northfleet Station is within easy walking distance of the proposed transport interchange at Ebbsfleet Station is also incorrect as there is currently no direct access between the Northfleet Station and Ebbsfleet Station and the pedestrian route is circuitous. The Scoping Report acknowledges that Swanscombe Station is the closest and that staff may well use this station to access the Resort and suggests that for visitors a shuttle bus service could be provided from Greenhithe Station. The Environmental Statement will need to address the potential use of each of these stations on the North Kent Line by both visitors and, more importantly staff, and the provisions it intends to make to serve one or more of these stations.

### Site & Project Description

There are a number of matters regarding both the description of the proposed development and aspects of the site that will need further clarification within the Environmental Statement, namely:

- Further information should be provided regarding the scale of the remediation works on Swanscombe Peninsula
- The overall floorspace is provided for the Retail, Dining & Entertainment (RDE) and Back of House areas but these contain multiple uses. A further breakdown of the floorspace into individual uses should be provided.
- To a lesser extent the same applies to the transport interchanges, ferry terminals and the visitor centre/training facility where additional uses to their principal function are being proposed.
- Further information is required regarding the relocation of the existing taxi and coach drop-off/pick-up area to the west of Ebbsfleet Station and the potential impacts this may have on a key public transport interchange for the Ebbsfleet Garden City.
- Further information is needed regarding the location of the coach park (and its ancillary rest/welfare facility for drivers), motorcycle parking and secure cycle parking within the Resort, particularly in connection to the Resort Access Road or any proposed access from the Local Highway Network.
- The treatment and use of White's Jetty and Bell's Wharf are unclear and needs to be clarified.
- There appears to be a conflict between the aim of providing undisturbed areas for wildlife whilst at the same time providing managed public access. Further clarification is needed.
- There is a brief mention of the provision of a Helipad. This needs further clarification in terms of its location and safe operation particularly with overhead electricity lines within the vicinity and the undisclosed height of attractions within Gates 1 & 2.

There is also some confusion as to what is Principal Development and Associated Development that will need further clarification, e.g.

- Some of the hotels could be within the Leisure Core thereby making them Principal rather than Associated Development. The Environmental Statement should be clear on this matter.
- The e-Sports Centre is to be linked to the “Conferation” Centre which means that they could potentially be used as a joint venue. Such an occurrence needs to be assessed within the Environmental Statement in addition to their individual impacts.
- Further information on the “Conferation” and e-Sports Centres (Para 5.4) has these facilities within the RDE area and, therefore, Principal Development whereas under Para 5.44 they are listed as Associated Development.

The Related Housing, as described, would essentially be Houses of Multiple Occupation. These types of dwellings are a distinct section of the housing market and the staff to be accommodated needs to be explained more thoroughly, e.g. they could not be used for employees with families. The impact on the housing market, covered under the Socio-Economic section of the Environmental Statement, would also need to take account of this specialist type of housing provision.

The County Council will expect a detailed breakdown of how the visitors will be split between Gate 1, Gate 2, the RDE Area, the “Conferation” Centre, the e-Sports Centre and multiple visits to these attractions.

## Land Use & Socio-Economic Effects

The relevance of the London Employment Site Database to employment characteristics in Kent is questioned. Within the Baseline analysis social infrastructure should include facilities for community learning & skills either separately or as part of education provision and social care facilities either separately or as part of the healthcare provision.

The Scoping Report does not specifically mention any assessment of inward migration of workforce during either the construction or operational periods although it is implicit in the assessment of the skills gap and local employment. Further clarification of this in the Environmental Statement should be provided.

In carrying out its retail and leisure impact assessment acknowledgement should be given that the likely effect on existing local businesses, leisure facilities and tourist attractions could be a function of the availability and use of surplus income in decisions made by visitors.

The displacement of existing businesses from Manor Way, Northfleet and Kent Kraft industrial estates needs to be given more detailed attention as there are limited alternative locations for some of the uses that businesses on these industrial estates practice. This could have implications for neighbouring authorities such as Medway Council

## Transport, Accessibility & Movement

In addition to highway capacity it is key that a detailed review of the existing walking, cycling and public transport facilities is undertaken for key destinations such as Greenhithe, Swanscombe and Northfleet stations. This includes both capacity and quality of routes, with improvements implemented where required. No reference is made to the capacity of the high-speed line at Ebbsfleet International Station, but this needs to be included if the assessment relies on the use of this service to reduce car-based trips.

The information contained within the Environmental Statement should be consistent with the Transport Technical Notes that have been submitted for review as currently, a number of the figures, e.g. total car parking & visitor numbers, the percentage of visitors coming from outside the UK and the year of maturity, differ between reports.

The highway capacity assessment is proposed to be based on the 85<sup>th</sup> percentile day. Whilst this appears to be a sensible approach, further work is required to demonstrate that the 85<sup>th</sup> percentile day represents a reasonable worst case on the local highway network. For example, a weekend assessment which coincides with the peak day may result in a poorer performance, particularly given the Resort's proximity to Bluewater. This will need to be explored further.

The Scoping Report states that *“access via the local road network is kept to local servicing only to minimise the impact upon walking and cycling, with access being gained directly from the A2(T) via a segregated access road”*. This is unclear. A Delivery & Servicing Management Plan will be required to ensure the impacts on the highway are minimised. The number of delivery and servicing vehicles must be set out and where relevant included in the highway capacity assessment.

The implementation of a staff Travel Plan is welcomed but should be accompanied by a Visitor Travel Plan that is monitored and reviewed in a bid to continuously decrease the proportion of people travelling by private car.

It is understood that the DCO will include provision for the alteration, diversion, stopping up and/or improvement of local roads, accesses and other rights of way where necessary, and for associated signage. Further information will need to be provided at this stage regarding the local roads/routes and rights of way this would apply to.

The DCO application proposes to incorporate “*comprehensive provisions for service infrastructure provision, with an emphasis on resilience and sustainability*”, however no reference has been made to electric vehicle charging. Provision for electric vehicle charging must be made in order to encourage the use of electric vehicles.

It is important to consider thoroughly the quantum of developments within the local Plan for highway capacity modelling. Where relevant this should include a review of the emerging Dartford and Gravesham Local Plans and ensure that the Ebbsfleet Development Corporations plans for the Garden City are incorporated.

The Scoping Report states that “*A future mobility study will be undertaken to explore the options available with regards to parking management, alongside suitable ticketing strategies*”. A Parking Management Plan will be required and should address the requirements for different events likely to take place within the Resort as well as the seasonality of visitors through the year.

Paragraph 9.70 relates to guidelines requiring mitigation measures to be considered as a complete package. However, the Scoping Report proposes to consider mitigation in two parts:

- “*those infrastructure improvements that are considered necessary to meet the capacity needs of the development (and therefore, considered as part of the TA)*”, and
- “*those additional (environmental) mitigation measures that do not require physical infrastructure and meet the collective needs of the development. ... The mitigation measures would likely include a Construction Logistics Plan (CLP), Delivery and Servicing Plan (DSP), Public Transport Strategy (PTS), a Travel Plan (TP), new and/or improved NMU routes including crossing points and traffic management measures intended to preserve or enhance the amenity of road users*”.

The requirement of new/improved NMU routes should be assessed as part of the transport assessment to ensure safe, convenient, sustainable and high-quality routes are available to and from the site. To confirm, whilst the strategy may be developed prior to occupation, a capacity assessment of local public transport services must form part of the Transport Assessment to ensure they can meet the demand of the development and to identify where additional capacity is needed and how that will be delivered. Likewise, delivery and servicing vehicles must form part of the transport assessment in order to determine the total vehicle numbers on the network during the assessment periods.

A number of committed infrastructure schemes have been set out, to which consideration will be given. In addition to this list, the Applicant may also need to consider the bridge widening improvement scheme at A282(M25) Junction 1a which is being developed by Highways England and is currently at the detailed design stage. Whilst the number of London Resort related trips entering and leaving Junction 1a is likely to be negligible, existing congestion on the mainline results in frequent blocking back onto the local road network. This may be exacerbated by the development proposals.

The Scoping Report states that 95% of construction materials are proposed to be supplied to the site by river. This is welcomed as it will take a large number of trips off the highway network. A Construction Management Plan will be required and with regards to river transport, and this must demonstrate that 95% is achievable.

Whilst the Scoping Report assumes that the construction traffic will be significantly lower than development traffic, the two types of traffic are likely to have different peak periods which could coincide with the network peak hours. Construction traffic should, therefore, be considered.

The A2 Bean and Ebbsfleet Junction Improvement Scheme was granted planning permission in June 2020 and will be constructed over the next two years. The Applicant will need to work closely with Highways England to avoid abortive work at the A2 Ebbsfleet Junction and to reduce delays on the network during the construction of both schemes.

## Public Rights of Way

The National Planning Policy Framework (Paragraph 98) states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, e.g. by adding links to existing rights of way networks including National Trails. This national policy framework is reflected in local planning policy through:

- Dartford Borough Council Local Plan - Policy CS15,
- Dartford Development Policies Plan - Policy DP4, and
- Gravesham Borough Council Local Plan Policy CS12.

The County Council would like to bring to the attention of the Applicant the existence of Public Rights of Way (PRoW) which pass through the application site and would be directly affected by the proposed development. The locations of these paths are indicated on the attached map. And their existence is a material consideration.

The applicant should also be aware of the England Coast Path, which will pass through the proposed application site boundary. This new National Trail was approved in 2020 and is currently being established on the ground. The alignment of the route is highlighted on the attached map and is expected to be open to the public in 2021.

As a general statement, the County Council's PRoW & Access Service is keen to ensure that their interests are represented with respect to the statutory duty to protect and improve PRoW in the County. The team is committed to working in partnership with the Applicant to achieve the aims contained within the KCC Rights of Way Improvement Plan. This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

The PRoW network is a valuable resource that provides significant opportunities for outdoor recreation and active travel. The Applicant must, therefore, consider the potential effects of the proposed development on the PRoW network and its users, assessing noise, air quality, drainage and visual impacts.

Consideration should be given to the impacts on the PRoW network during the pre-construction/groundwork investigation stage of the proposal, in addition to the construction and operational phases of the Resort. For example, during the pre-construction phase, excavation works may be required to evaluate ground conditions and reptile fencing may be erected to conduct ecological surveys. The impacts of this being:

- Investigation work needs to be considered, as temporary path closures may be required that cause disruption to PRoW users.
- Any PRoW diversions or extinguishments, which are required to enable the development to proceed, should be considered within the Environmental Statement (ES). It is expected that the development will maintain or enhance existing levels of public connectivity, avoiding fragmentation of the PRoW network and path severance.
- The impact of the development on the surrounding road network should be considered in conjunction with the PRoW network, as these roads provide useful connections for Non-Motorised Users travelling between PRoW. The development could potentially deter public use of the PRoW network if vehicular traffic increases along the lanes.
- In order to monitor PRoW, use before, during and after the construction phase of the project, people counters should be installed at key gateway locations. Data obtained from these counters can then be used to assess the impact of the proposed development. It is recommended that electronic people counter sensors are installed



(instead of manual surveys), as these counters will be able to operate 24 hours a day and capture sporadic path users. Furthermore, the electronic counters can be left in-situ once the development is complete and monitor long term use of the paths.

- Walking and cycling provision will need to be carefully considered, to encourage sustainable travel patterns and increase the opportunities available for outdoor recreation. For example, this project provides an excellent opportunity to improve cycle access along the River Thames and support a ‘City to Sea’ cycle route.
- The creation of new and upgrading of existing PRow should be considered, as these routes can provide valuable opportunities for active travel, helping to alleviate vehicle congestion on roads. In line with Kent Design Guidance, provision for walkers and cyclists should be provided within traffic free, wide green corridors of open space.

It is requested that the applicant engages with the County Council’s PRow & Access Service to discuss the matters raised in this letter. Specifically, the likely impacts of this development, necessary legal changes to the affected PRow and potential mitigation works, including network improvements.

### Terrestrial & Freshwater Ecology & Biodiversity

Table 1.11 of Chapter 11 refers to “*mitigation strategies designed through interdisciplinary collaboration*”. There is a need to ensure that this occurs and there are regular discussions between the Applicant’s specialists and master planners to ensure that any ecological mitigation/enhancement recommendation can be implemented as intended.

It is recommended that the ecological surveys and the planning submission (as it relates to ecology) are undertaken in accordance with the British Standard Biodiversity – Code of Practice for Planning & Development (BS 42020:2013) and with Natural England’s Standing Advice.

The Scoping Report does not provide a list of surveys which have/will be carried out in 2019/20 instead it refers to Appendix 11.24 and a summary of the survey methodologies. It would have been preferable if the main text of the Scoping Report had listed the surveys and it is expected that the Environmental Statement will provide this. It’s our understanding that the following surveys have been carried out/proposed for 2019/20:

- Extended phase 1
- Wintering bird
- Breeding bird
- Passage bird
- Bat activity
- Bat roost
- Dormouse
- Water vole
- Otter
- Harvest Mouse
- Badger
- GCN
- Reptile
- River Corridor/River Habitat
- Invertebrate – terrestrial and aquatic

The County Council advise that the EcIA must clearly demonstrate why the *survey area* for each species is appropriate to ensure that it provides sufficient information to enable the

determining authority to understand the ecological interest of the proposed development site. The term *survey area* being used as a broad definition to describe the locations where the specific species surveys are carried out e.g. the route of bat transect surveys or the location of reptile refugia/dormouse tubes, etc. It is further advised that that if the 2020 surveys indicate that there has been a decline in habitat/species from the previous surveys the Environmental Statement must demonstrate why they are satisfied that the updated survey results are valid.

The Summary of Terrestrial and Freshwater Survey Methodologies suggest that **botanical surveys** will be carried out as it states:

*“Detailed botanical survey will be undertaken by an experienced botanist to record plant species within areas of high botanical interest throughout the Swanscombe Peninsula. The survey will use Dominant, Abundant, Frequent, Occasional and Rare (DAFOR) grades. Homogenous stands of National Vegetation Classification (NVC) types will be determined in the field and supported by sampling of representative quadrats.”*

This is not confirmed within the main Scoping Report or the survey timetable, therefore, there is a lack of clarity on whether updated botanical surveys will be carried out. We highlight that due to the scale of the proposed development we would strongly recommend that updated botanical surveys are carried out to ensure the determining authority can fully understand the impact from the proposed development.

The Scoping Report has detailed that only 3 Local Wildlife Sites, out of 11, that are within 2km of the site will be considered within the Environmental Statement. We advise that information must be included within the clearly explaining why those LWS scoped out will not be assessed in detail. An LWS can still be negatively impacted by a development even when it is not directly adjacent/within the proposed red line boundary.

The ‘mitigation hierarchy’ described in British Standard BS 42020:2013 involves the following stepwise process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2013, section 5.5). The County Council highlight that the submitted information must demonstrate that it has followed this mitigation hierarchy.

The Scoping Report has referred to mitigation and enhancement, however, no reference has been made about compensation. Due to the scale of the proposed development it’s our opinion that any impact cannot be fully mitigated on site and, therefore, the County Council would expect any submission to provided details of any proposed compensation - as per the mitigation hierarchy.

It is also highlighted that other than providing generic information about the proposed mitigation (e.g. need for a construction environmental management plan etc) the Scoping Report does not set out what mitigation is required. The County Council would expect a detailed mitigation strategy to be submitted as part of any submission and the submitted plans to demonstrate that the proposed mitigation and compensation can be implemented.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full ‘appropriate assessment’ is needed under the Habitats Directive. Therefore, if the Habitat Regulations Assessment screening identifies that there is a need for a mitigation to be carried out to avoid a likely significant effect on the designated sites an appropriate assessment will have to be submitted. The determining authority would have to undertake the Appropriate Assessment, but the Applicant must ensure that sufficient information is submitted.

The Scoping Report has not referred to Biodiversity Net Gain which is part of the Environment Bill introduced into parliament in January 2020. The County Council, therefore, strongly recommends that the habitat data gathered is capable of being utilised as part of a Net Gain Calculation.

### Marine Ecology & Biodiversity

It’s not clear within the Marine chapter if additional surveys will be carried out as part of this submission – the only exception to this statement is salt marsh where the report states:

*“A site-specific survey will be conducted to map the extent of saltmarsh across the Kent Project Site. The survey will determine the distribution of National Vegetation Classification community types across saltmarsh at the Kent Project Site and obtain species percentage cover data for vegetation in each community type.”*

The County council highlights that there is a need to ensure that the survey data used to assess the impacts of the proposed development is appropriate and sufficient to ensure the determining authority can fully understand the ecological interest of the submitted development. In the event that existing survey data is being used the Environmental Statement must clearly set out why they are satisfied that it is sufficient and appropriate.

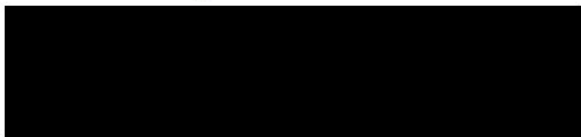
### Cultural Heritage & Archaeology

The inclusion of changes requested in relation to the previous Scoping Opinion for this site within the current Scoping Report are welcomed. The County Council, however, has the following additional comments in relation to the proposed assessment of impacts on Cultural Heritage & Archaeology:

- The Convention for the Protection of the Architectural Heritage of Europe (1985) should be added to Para 13.4.
- The Greater Thames Archaeological Research Framework and KCC standard specifications for desk-based assessment for areas with known Palaeolithic potential should be added to Para 13.9.
- In relation to Neolithic sites (para 13.16) the Ebbsfleet type site is for a sub style of Neolithic pottery rather than a ‘culture’.
- The reports for the surveys/investigations listed (para 13.19) should have been provided as part of the scoping opinion consultation. Current draft reports, e.g. the 2017 evaluation report for land north of Springhead, should be finalised and submitted to the Kent HER as soon as possible.
- A 3km study area (para 13.21) should be used for Palaeolithic remains (see KCC standard specification), and a wider than 1km study area will be needed for the general context for later periods. A wider than 5km buffer may be needed to assess impact on setting if initial visual impact assessment suggests that the visual impact of the scheme may affect a wider area.

- The history of the area of the proposed development (para 13.22) also needs to be understood in terms of proximity to London and routes to the North Sea and English Channel. As noted in the Scoping Opinion the summary provided will need to be greatly expanded and updated for the environmental impact assessment.
- the high potential for late Upper Palaeolithic remains (para 13.24) in the Ebbsfleet area should be noted – see excavations at Ebbsfleet Green, Springhead etc.
- Later reports suggest that the motte interpretation is incorrect (para 13.39).
- The assessment should also consider Milton blockhouse and New Tavern Fort which crossed fire with Tilbury Fort (para 13.43).
- Direct effects should also include any ‘sterilisation’ of archaeological sites due to long term inaccessibility for research caused by the proposed development (para 13.52).
- “Geological evidence” should be added to the first bullet point of para 13.55
- other appropriate guidance should also be used alongside Conservation Principles (para 13.57).
- As noted above a wider study area will be needed to assess potential for Palaeolithic remains and possibly also visual impact (para 13.58).
- An appropriate level of field evaluation, including specialist Palaeolithic investigation, will need to be undertaken and reported on prior to submission of the DCO to enable decision-making on the significance of heritage assets and proposed impacts (para 13.61).
- Other appropriate technical guidance, e.g. for assessing the importance of Palaeolithic remains, should be used to assess importance and sensitivity (para 13.63).
- Natural England will need to be included in any discussions about the Baker’s Hole area (para 13.68).
- New Tavern Fort and Milton Blockhouse seem to be missing from the designated heritage assets shown in Figure 13.1.
- The assessment should also consider any benefits to heritage from the scheme and indicate where enhancement and/or interpretation of heritage assets can bring public benefit.

Yours sincerely



for Director of Economic Development  
Stephen Dukes  
Regeneration & Projects Division



## ECOLOGICAL ADVICE SERVICE

**TO:** *Stephen Dukes, Sonia Bunn, Mark Pullen*

**FROM:** *Helen Forster*

**DATE:** *14 July 2020*

**SUBJECT:** *London Resort - Scoping opinion*

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*The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.*

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*As this is a scoping opinion we have only assessed what they are proposing to submit as part of the planning application – we have not requested any of the Chapter 11 Appendix or reviewed any of the submitted specific species surveys.*

### **Collaborative working**

Table 1.11 (chapter 11) refers to the following: *mitigation strategies designed through interdisciplinary collaboration*. There is a need to ensure that this occurs and there are regular discussions between the applicant's specialists and master planners to ensure that any ecological mitigation/enhancement recommendation can be implemented as intended.

### **Submission**

It is recommended that the ecological surveys and the planning submission (as it relates to ecology) are undertaken in accordance with the British Standard Biodiversity – Code of practice for planning and development (BS 42020:2013) and with Natural England's Standing Advice.

### **Surveys**

The scoping report does not provide a list of survey which have / will be carried out in 2019/20 instead it refers to appendix 11.24 and a summary of the survey methodologies. It

would have been preferable if the main text of the scoping report had listed the surveys. It's our understanding that the following surveys have been carried out/proposed for 2019/20:

- Extended phase 1
- Wintering bird
- Breeding bird
- Passage bird
- Bat activity
- Bat roost
- Dormouse
- Water vole
- Otter
- Harvest Mouse
- Badger
- GCN
- Reptile
- River Corridor/River Habitat
- Invertebrate – terrestrial and aquatic

We advise that the EcIA must clearly demonstrate why the *survey area* for each species is appropriate to ensure that it provides sufficient information to enable the determining authority to understand the ecological interest of the proposed development site. *We have used the term survey area as a catch all to describe the locations where the specific species surveys were carried out e.g. route of bat transect surveys or the location of reptile refugia / dormouse tubes etc etc.*

We advise that if the 2020 surveys indicate that there has been a decline in habitat/species from the previous surveys – the EIA must demonstrate why they are satisfied that the updated survey results are valid.

#### *Botanical surveys*

The Summary of Terrestrial and Freshwater Survey Methodologies suggest that botanical surveys will be carried out as it states the following:

*Detailed botanical survey will be undertaken by an experienced botanist to record plant species within areas of high botanical interest throughout the Swanscombe Peninsula. The survey will use Dominant, Abundant, Frequent, Occasional and Rare (DAFOR) grades. Homogenous stands of National Vegetation Classification (NVC) types will be determined in the field and supported by sampling of representative quadrats.*

But this is not confirmed within the main scoping report or the survey timetable therefore there is a lack of clarity on whether updated botanical surveys will be carried out. We highlight that due to the scale of the proposed development we would strongly recommend that updated botanical surveys are carried out to ensure the determining authority can fully understand the impact from the proposed development.

## **Marine Chapter**



It's not clear within the marine chapter if additional surveys will be carried out as part of this submission – the only exception to this statement is salt marsh as the report states the following:

*A site-specific survey will be conducted to map the extent of saltmarsh across the Kent Project Site. The survey will determine the distribution of National Vegetation Classification community types across saltmarsh at the Kent Project Site and obtain species percentage cover data for vegetation in each community type.*

We highlight that there is a need to ensure that the survey data used to assess the impacts of the proposed development is appropriate and sufficient to ensure the determining authority can fully understand the ecological interest of the submitted development.

In the event existing survey data is being used the EIA must clearly set out why they are satisfied that it sufficient and appropriate.

### **Local Wildlife Sites**

The scoping report has detailed that only 3 LWS out of 11 LWS within 2km of the site will be considered within the EIA. We advise that information must be included within the EIA clearly explaining why those LWS scoped out will not be assessed in detail – A LWS can still be negatively impacted by a development even when it is not directly adjacent / within the proposed red line boundary.

### **Mitigation**

The 'mitigation hierarchy' described in British Standard BS 42020:2013, which involves the following step-wise process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2013, section 5.5).

We highlight that the submitted information must demonstrate that it has followed the mitigation hierarchy.

The proposal has referred to mitigation and enhancement however no reference has been made about compensation. Due to the scale of the proposed development it's our opinion that any impact cannot be fully mitigated on site and therefore we would expect any submission to provided details of any proposed compensation - as per the mitigation hierarchy.

We highlight that other than providing generic information about the proposed mitigation (e.g. need for a construction environmental management plan etc) the scoping opinion does

not set out what mitigation is required. We would expect a detailed mitigation strategy to be submitted as part of any submission and the submitted plans to demonstrate that the proposed mitigation and compensation can be implemented.

### **Habitat Regulations Assessment**

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore if the HRA screening identifies that there is a need for a mitigation to be carried out avoid a likely significant effect on the designated sites an appropriate assessment will have to be submitted with the submission.

The determining authority have to undertake the Appropriate Assessment but the applicant must ensure that sufficient information is submitted with the submission.

### **Net Gain**

The report has not referred to Biodiversity Net Gain which is part of the Environment Bill which was introduced in to parliament in January 2020. Therefore we strongly recommend that the habitat data gathered is capable of being utilised as part of a Net Gain Calculation.

### **Helen Forster MCIEEM**

### **Biodiversity Officer**

This response was submitted following consideration of the following documents:

*The London Resort – Environmental Impact Assessment Scoping Report.*



Mark Pullin  
Ebbsfleet Development Corporation  
North Kent Police Station  
Thames Way  
Gravesend  
Kent  
DA11 8BD

**Heritage  
Environment, Planning and  
Enforcement**

Invicta House  
County Hall  
MAIDSTONE  
ME14 1XX

Phone: 03000 413346  
Ask for: Lis Dyson  
Email: [lis.dyson@kent.gov.uk](mailto:lis.dyson@kent.gov.uk)

15<sup>th</sup> July 2020

Dear Mark

**Re: The London Resort Swanscombe Environmental Impact Assessment  
Scoping Report Scoping opinion consultation**

Thank you for consulting us on the scoping opinion for the London Resort. I welcome the inclusion of changes requested to the previous scoping opinion for this site in this new scoping report. I have the following additional comments in relation to the Cultural heritage and archaeology section:

13.4 - add Convention for the Protection of the Architectural Heritage of Europe (1985).

13.9 - add Greater Thames Archaeological Research Framework and KCC standard specifications for desk-based assessment for areas with known Palaeolithic potential.

13.16 - Neolithic sites – the Ebbsfleet type site is for a sub style of Neolithic pottery rather than a 'culture'.

13.19 – the reports for the surveys /investigations listed should have been provided as part of the scoping opinion consultation. Current draft reports e.g. the 2017 evaluation report for land north of Springhead should be finalised and submitted to the Kent HER as soon as possible.

13.21 - A 3km study area should be used for Palaeolithic remains (see KCC standard specification), and a wider than 1km study area will be needed for the general context for later periods. A wider than 5km buffer may be needed to assess impact on setting if initial visual impact assessment suggests that the visual impact of the scheme may affect a wider area.

13.22 – the history of the area of the proposed development also needs to be understood in terms of proximity to London and routes to the North Sea and English Channel. As noted in the scoping opinion the summary provided will need to be greatly expanded and updated for the environmental impact assessment.

13.24 – note also the high potential for late Upper Palaeolithic remains in the Ebbsfleet area – see excavations at Ebbsfleet Green, Springhead etc.

13.39 – later reports suggest that the motte interpretation is incorrect.

13.43 – the assessment should also consider Milton blockhouse and New Tavern Fort which crossed fire with Tilbury fort.

13.52 – direct effects should also include any ‘sterilisation’ of archaeological sites due to long term inaccessibility for research caused by the proposed development.

13.55 – add ‘and geological evidence’ to the first bullet point.

13.57 – other appropriate guidance should also be used alongside Conservation Principles.

13.58 – as noted above a wider study area will be needed to assess potential for Palaeolithic remains and possibly also visual impact.

13.61 – an appropriate level of field evaluation, including specialist Palaeolithic investigation, will need to be undertaken and reported on prior to submission of the DCO to enable decision-making on the significance of heritage assets and proposed impacts.

13.63 – other appropriate technical guidance, e.g. for assessing importance of Palaeolithic remains, should be used to assess importance and sensitivity.

13.68 – note that Natural England will need to be included in any discussions about the Baker’s Hole area.

Fig 13.1 – New Tavern Fort and Milton blockhouse seem to be missing from the designated heritage assets shown in this figure.

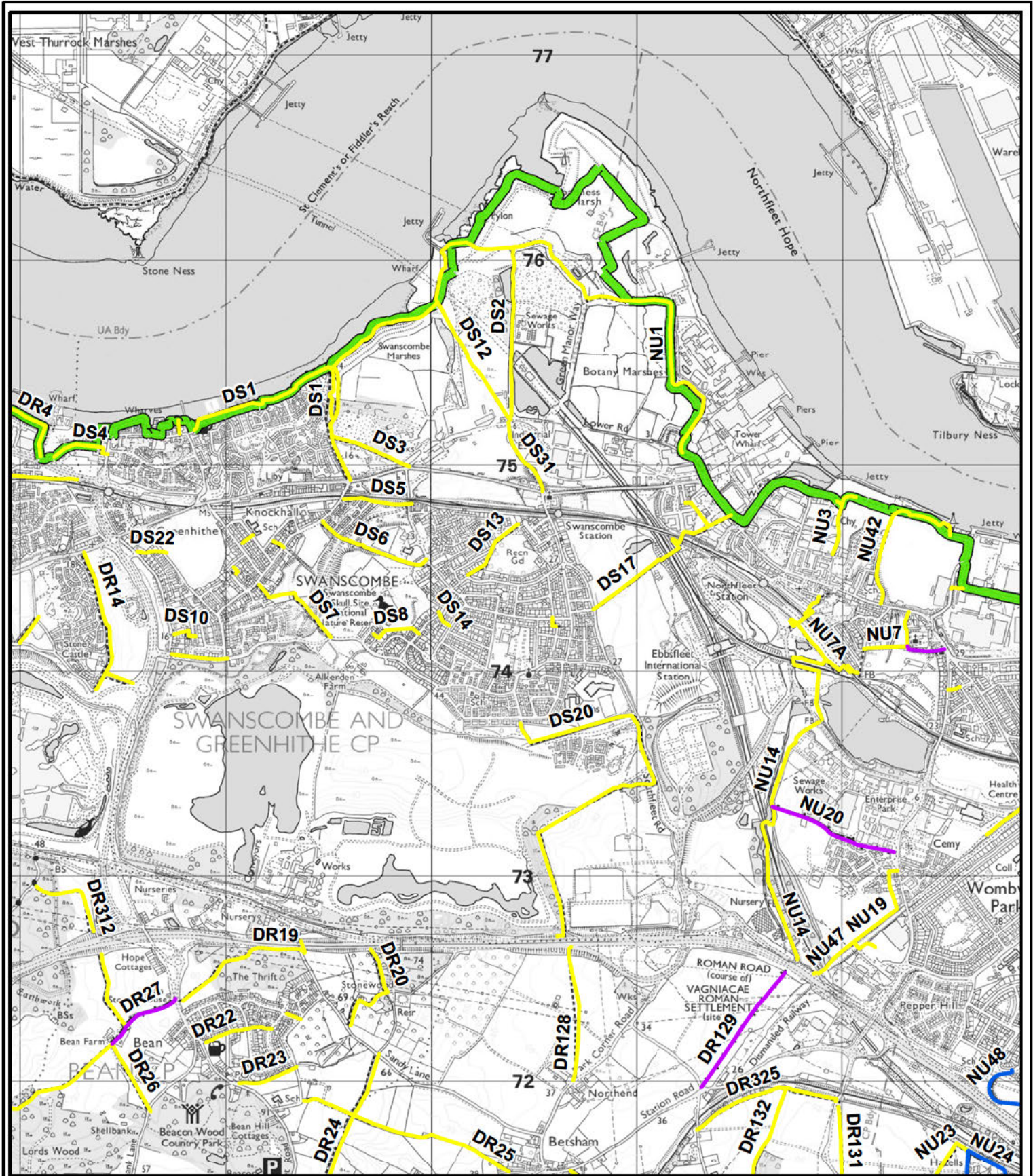
The assessment should also consider any benefits to heritage from the scheme and indicate where enhancement and/or interpretation of heritage assets can bring public benefit.

I would be pleased to discuss any of the above further.

Yours sincerely

Lis Dyson  
Heritage Conservation Manager





- Key**
- Public Footpath
  - Public Bridleway
  - Restricted Byway
  - Byway Open to All Traffic
  - England Coast Path (approved route)

**KCC PROW MAP**  
**London Resort**

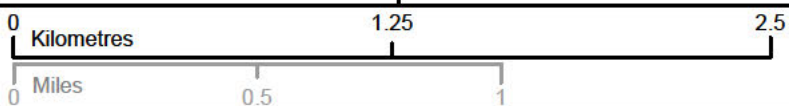
Produced by the KCC Public Rights of Way and Access Service

Please note: this map extract is not a legal record of the alignment or existence of a public right of way. No measurements should be taken from it.

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**From:** Nicola Faulconbridge T/ACC 46010728 [REDACTED]  
**Sent:** 28 July 2020 14:17  
**To:** London Resort  
**Subject:** RE: London Resort Company Holdings - statutory consultation

Dear Helen,

I have received confirmation from the Police & Crime Commissioner's Office today that he wishes the response sent to you on the 19<sup>th</sup> July to be considered as his response to the consultation.

Kind regards,

**Nikki Faulconbridge**  
**Temporary Assistant Chief Constable – Central Operations**  
**Telephone:- Internal 19-2067 External 01622 652067 Mobile [REDACTED]**  
**Email:- [REDACTED]**  
**Address:- Kent Police Headquarters, Sutton Road, Maidstone, Kent ME15 9BZ**



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**From:** London Resort <LondonResort@planninginspectorate.gov.uk>  
**Sent:** 24 July 2020 11:28  
**To:** Nicola Faulconbridge T/ACC 46010728 [REDACTED]  
**Subject:** RE: London Resort Company Holdings - statutory consultation  
**Importance:** High

Dear Ms Faulconbridge,

Thank you for your response. However the list of consultees whose responses we can consider are largely constrained by legislation (please see our Advice Note 3 which explains this in more depth at this link:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice\\_note\\_3\\_v5.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice_note_3_v5.pdf))

The Kent Police and Crime Commissioner is a statutory consultee so if it could be confirmed that this response is made on their behalf then we would be able to take the response into account.

The requirements of the legislation mean that the Scoping Opinion has to be published by the end of 28 July 2020 so we would be very grateful if you could give this matter your urgent attention.

Helen Lancaster  
Senior EIA and Land Rights Advisor  
Major Casework Directorate  
The Planning Inspectorate, 3M, Temple Quay House, Temple Quay, Bristol BS1 6PN



Helpline: 0303 444 5000

Email: Helen.Lancaster@planninginspectorate.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk/> (National Infrastructure Planning)

Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)

Twitter@PINSgov

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**From:** Nicola Faulconbridge T/ACC 46010728 [REDACTED]

**Sent:** 19 July 2020 13:28

**To:** London Resort <LondonResort@planninginspectorate.gov.uk>

**Subject:** London Resort Company Holdings - statutory consultation

Dear Sir / Madam,

I am writing in response to the attached letter relating to the statutory consultation on the request of London Resort Company Holdings for the granting of an order for Development Consent for the proposed London Resort development.

Kent Police wish to be considered as a consultee to this process due to the likely impact of the scheme on the local and wider community, the potential issues of crime, disorder, safety and security at each stage of the proposal and the impact on parts of strategic road network that fall within our policing area, M25 (partial), A2/M2 and local feeder roads.

We have recently received the request for comment with regard to the Environmental Statement (ES) for the London Resort proposal via Kent Fire and Rescue and offer the following:

With limited time to review the ES in detail our initial observations are that it does not properly consider the potential crime and disorder issues during the pre-construction, construction and operational phases of the scheme and the impact of other projects in the vicinity such as the proposed Lower Thames crossing and A2/M2 upgrade works in the same timeframe. These include, but are not limited to Organised Crime Group activity (OCG) impact on labour supply (Modern Slavery and Human Trafficking), drug supply, site security and bulk theft risks, sex workers and the significant increase in people numbers in what is currently a small local community. Notwithstanding the above, the threat of terrorism is a continuous thread running through all phases of the scheme and on into its operation.

A multi-agency working group is being convened to co-ordinate the response to the application but Kent Police would like to be included on the circulation list for all relevant consultation relating to this proposal.

Yours sincerely,

Nikki Faulconbridge.

**Nikki Faulconbridge**

**Temporary Assistant Chief Constable – Central Operations**

**Kent Police.**

**Telephone:- Internal 19-2067 External 01622 652067 Mobile [REDACTED]**

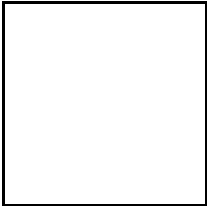
**Email:- [REDACTED]**

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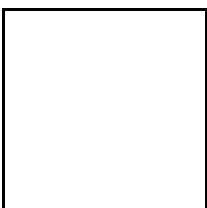


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DPC:76616c646f72



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The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

20<sup>th</sup> July 2020

Dear Sirs

**Re: Request for Scoping Opinion, London Resort, Your Ref: BC0800001-000230**

I am writing on behalf of London Gateway Port Limited, LG Park Freehold Limited and LG Park Leasehold Limited (hereafter collectively referred to as **DPWLG**) following review of your consultation letter dated 22<sup>nd</sup> June 2020 which has been brought to our attention by Thurrock Council (a consultation body). DPWLG are the owners and operators of DP World London Gateway Port (the **Port**) and DP World London Gateway Logistics Park (the **Logistics Park**) on the north bank of the Thames Estuary in Stanford-le Hope, Thurrock.

**Background**

Once fully developed, the Port will comprise six shipping berths providing additional deep sea shipping and container handling facilities with an annual throughput of 3.5 million TEU (twenty foot equivalent units), and approximately 1,900 directly employed staff. The adjacent Logistics Park will provide up to approximately 830,000sq.m of commercial floorspace, including storage and distribution, research and development, and general and light industrial facilities. In total, the Logistics Park is anticipated to generate approximately 13,400 direct employment opportunities. A further 24,000 indirect employment opportunities are anticipated to arise as a result of the combined Port and Logistics Park development.

The National Policy Statement (**NPS**) for Ports (January 2012) recognises "*the essential contribution to the national economy that international and domestic trade makes*" (Para. 3.3.6), and that 95% of all goods in and out of the UK move by sea via coastal ports. The NPS for Ports also forecasts an increase in container traffic by 2030 over a 2005 base of 182% from 7 million to 20 million TEU. Thus, once fully developed, the committed Port will facilitate approximately 18% of all UK container trade and approximately 27% of the predicted growth in such trade by 2030. Additionally, the Logistics Park will provide 'portcentric' benefits which, along with rail and transshipment opportunities, will result in significant transport efficiencies, removing 65 million HGV miles off of UK roads every year (equivalent to approximately 2,000 HGV movements per day).

With first operational use taking place in November 2013, the Port currently comprises 3 operational berths, whilst the Logistics Park currently provides 154,674sq.m of operational floorspace in seven buildings, with two further buildings currently under construction.

**Comments on EIA Scoping**

Our review of the 'Applicant's Environmental Impact Assessment Scoping Report' dated June 2020 (the **Scoping Report**) -has given rise to significant concerns regarding the impact of the Proposed Development on the local and strategic highway network in Thurrock, including highway routes critical to the operational efficiency of the Port and Logistics Park. Such concerns relate specifically to that part



of the Proposed Development defined in the Scoping Report as the '**Essex Project**', comprising a ferry terminal and associated parking and amenities on the north bank of the River Thames in Tilbury.

As you may be aware, Highways England (**HE**) are proposing development of the Lower Thames Crossing (**LTC**) (<https://highwaysengland.co.uk/lower-thames-crossing-home/>). LTC was subject of statutory consultation in 2018, with HE proposing to submit an application for Development Consent Order later this summer.

In response to consultation by HE, DPWLG has expressed significant concern regarding the impact of LTC on the A13 links between the A1014 and A1089 and, in particular, the A13/A1014 grade separated roundabout junction (known locally as **Manorway Interchange**), which provides the sole means of access to the Port and Logistics Park for HGV traffic. A copy of these previous consultation responses are attached for your information at **Annex A** to this letter.

Unfortunately due to design constraints, the current LTC proposals exclude a direct link from LTC southbound to the A1089 and the Tilbury riverside area, with the effect that traffic travelling southbound on LTC will be required to route via the A13 eastbound, effectively u-turning at Manorway Interchange to access the A1089 via A13 westbound. The result will be significant additional traffic on Manorway Interchange and these A13 eastbound and westbound links.

Section 9 of the Scoping Report discusses transport, accessibility and movement. Therein it is suggested that the Proposed Development will attract up to 12.5million visitors per year and that "*around 25% of car borne Resort visitors would travel to the Resort via Tilbury*" (Para. 9.30). Daily car trips to the Essex Project site in Tilbury is therefore estimated to be in the order of 2,500.

Our concern is therefore that, should LTC be implemented, a very significant proportion of the traffic generated as a result of the Essex Project will seek to obtain access to Tilbury (i.e. to link from LTC to the A1089) via Manorway Interchange further exacerbating the impacts of LTC on this junction and associated A13 links. The resulting effect will be a significantly detrimental impact on the ability to access the DPWLG facilities, which are of national significance.

The alternative to routing via LTC, Manorway Interchange and A1089 for vehicles approaching from the north would be to route via the M25, exiting at M25 Junction 30 onto the A13 westbound and onward to the A1089. However in this regard we highlight the following points:

- a) Given its location just 1.5km north of Dartford Crossing's Queen Elizabeth Bridge, traffic using M25 Junction 30 experiences significant delays at times when traffic flow at the Dartford Crossing is congested. As such drivers tend to avoid M25 Junction 30 where alternate routes exist;
- b) M25 Junction 30 is approximately equidistant, in terms of journey distance, from the Essex and Kent project sites (approx. 8.5 miles). It is therefore unlikely that visitors routing via M25 Junction 30 will travel to Tilbury to catch a ferry, given they can travel the same distance to the end destination (the Kent Project site).

We therefore believe it likely that visitors utilising the Essex Project shall choose to avoid the Dartford/M25 Junction 30 area completely and route south via LTC and Manorway Interchange.

### **Information to be provided in the Environmental Statement (ES)**

In light of the above concerns we respectfully suggest that the ES should include cumulative assessment of the impact of the proposals in combination with the LTC. We also suggest that such cumulative assessment should have regard for traffic impacts at Manorway Interchange and the A13 between the A1014 and A1089. In this regard we believe Manorway Interchange should be assigned an environmental value (sensitivity) of 'Very High' in accordance with Paragraph 9.48 of the Scoping Report.

I trust the comments set out above are useful in informing your scoping response. Should you require any further information or wish to discuss any of the matters raised herein please do not hesitate to contact me using the details at the top of this letter.

Yours faithfully



Trevor Hutchinson  
Head of Planning



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Fax: +44 (0) 1375 648312  
e-mail: trevor.hutchinson@dpworld.com

Freepost  
LTC Consultation

18<sup>th</sup> December 2018

Dear Sirs

**Re: Lower Thames Crossing (LTC) Statutory Consultation**

I am writing on behalf of London Gateway Port Limited, LG Park Freehold Limited and LG Park Leasehold Limited (hereafter collectively referred to as **DPWLG**) to provide a response with regard to the statutory consultation which commenced on 10<sup>th</sup> October 2018. DPWLG are the owners and operators of DP World London Gateway Port (the **Port**) and DP World London Gateway Logistics Park (the **Logistics Park**) on the north bank of the Thames Estuary in Stanford-le Hope, Essex.

**Background**

1. Once fully developed, the Port will comprise six shipping berths providing additional deep sea shipping and container handling facilities with an annual throughput of 3.5 million TEU (twenty foot equivalent units), and approximately 1,900 directly employed staff. The adjacent Logistics Park will provide up to approximately 830,000sq.m of commercial floorspace, including storage and distribution, research and development, and general and light industrial facilities. In total, the Logistics Park is anticipated to generate approximately 13,400 direct employment opportunities, and a further 24,000 indirect employment opportunities are anticipated to arise as a result of the combined Port and Logistics Park development.
2. The National Policy Statement (**NPS**) for Ports (January 2012) recognises "*the essential contribution to the national economy that international and domestic trade makes*" (Para. 3.3.6), and that 95% of all goods in and out of the UK move by sea via coastal ports. The NPS for Ports also forecasts an increase in container traffic by 2030 over a 2005 base of 182% from 7 million to 20 million TEU. Thus, once fully developed, the committed Port will facilitate approximately 18% of all UK container trade and approximately 27% of the predicted growth in such trade by 2030. Additionally, the Logistics Park will provide 'portcentric' benefits which, along with rail and transshipment opportunities, will result in significant transport efficiencies, removing 65 million HGV miles off of UK roads every year (equivalent to approximately 2,000 HGV movements per day).
3. With first operational use taking place in November 2013, the Port currently comprises 3 operational berths, whilst the Logistics Park currently provides approximately 113,000sq.m of operational floorspace in four site buildings, with a fifth building currently under construction.
4. We previously commented on the LTC proposals in a response to consultation, which took place between 26<sup>th</sup> January and 24<sup>th</sup> March 2016. In summary, our response at that time:
  - (a) indicated in principle support for the LTC proposal and a route consistent with Route Option C;
  - (b) clarified that the Port and Logistics Park are not anticipated to generate significant traffic movements across the Thames Estuary, but that DPWLG considers the proposed LTC scheme to have the potential to deliver improved network resilience by offering



an alternative route to the heavily congested A13 and A13/M25 junction for traffic heading north and west;

- (c) expressed significant concerns with regard to the way the LTC interfaces with the A13, with particular regard to the Route 3 and 4 options being considered at that time;
  - (d) expressed the view that a better understanding is required of how traffic routing will be affected during emergency incidents, including closures at the Dartford Crossing; and
  - (e) concluded that insufficient information existed (at that stage) to inform a decision as to the preferred route option.
5. Having scrutinised the documentation made available in support of the current statutory consultation, our position remains one of in principle support for the proposals. However, we now have a number of significant concerns regarding the effects of the proposed scheme on highway capacity at certain local links and junctions. We discuss these concerns and offer additional comments under the following headings.

### **Highway Capacity**

#### **A13/A1014 Junction**

6. It is noted that, as proposed within the statutory consultation, the A13/A1089/LTC junction does not provide for the following direct movements:
- (a) LTC southbound to A13 westbound;
  - (b) LTC southbound to A1089;
  - (c) A13 westbound to LTC;
  - (d) A128 northbound to LTC;
  - (e) A128 southbound to LTC; and
  - (f) A1013 westbound to LTC.
7. As a result:
- (a) Port of Tilbury inbound traffic and outbound traffic associated with the Grays and Orsett areas, which chooses to utilise the LTC, will be required to travel eastbound along the A13 to the A13/A1014 junction before u-turning at this junction and returning along the westbound A13;
  - (b) traffic originating from the East Thurrock, Linford or Mucking areas via Buckingham Hill Road wishing to access the LTC (north or southbound) are likely to route towards the A13/A1014 junction (previously they would have accessed the strategic network to travel north or south via the A13/A128 junction).
8. Assessment carried out by DPWLG/Thurrock Council in 2013 (see London Gateway Logistics Park Local Development Order Transport Assessment (LDO-TA) – September 2013 – Table 8.7) indicated that some sections of the A13/A1014 junction (as upgraded by DPWLG in 2013) will be approaching capacity once the committed Port and Logistics Park are fully operational. It is to be noted that the A13/A1014 junction, in addition to the A1014 itself, provides the sole means of access to the Port and Logistics Park.

9. Minded by the above, it is crucial that the inputs and assumptions, which inform the Lower Thames Area Model (**LTAM**) in terms of the distribution of traffic, are robust and the potential impact upon the A13/A1014 junction are fully and robustly understood. However, in this regard:
- (a) discussions held over the course of the statutory consultation period with members of the Highways England LTC team (**HE-LTC**) have highlighted that inputs to the LTAM significantly understate the level of traffic predicted to be generated by the Port and Logistics Park once fully developed;
  - (b) proposals for development at the Thames Enterprise Park (**TEP**) are currently being considered by Thurrock Council (**TC**) pursuant to a planning application submitted in September 2018 (Ref: 18/01404/OUT). The proposals comprise up to 480,000sq.m of B1/B2 and B8 uses, with additional ancillary development including open storage. The assessment approach taken with regard to the LTC does not consider TEP on the basis that it is not currently committed. However, it is likely that the TEP application will be determined by TC prior to submission of the LTC Development Consent Order (**DCO**). Thus, should TC determine the TEP application positively, it will be necessary for associated traffic flows to be taken into account within a revised LTAM;
  - (c) discussions with HE-LTC have highlighted that the LTAM assumes that the movements described in 7(a) and (b) above will not seek to utilise the LTC, but will instead rely on A13 links between the A13 and M25 routing north and south via M25 Junctions 30 and 31. We are advised that this assumption is based on journey time analysis, which indicates that, in normal operating conditions, journeys to and from such areas via M25 Junction 30 are materially shorter and quicker. However, we are of the view that such an assumption is not sufficiently robust for the following reasons:
    - (i) it is unrealistic to expect that a significant proportion of drivers will be advised of comparative journey times when deciding which route to take or while en-route. This is clearly over-simplistic and fails to take account of actual driver behavior, which will also be driven by a preference to use free flowing routes (even when journey distances may be longer), and a perception that such routes are quicker;
    - (ii) the 'Your guide to consultation' document (October 2018), which informs the statutory consultation highlights that: "*the Dartford Crossing was designed for 135,000 vehicles a day, yet carried more than 180,000 on some days in 2017*", and that in the first year of operational use, the LTC will "*relieve congestion at Dartford by reducing the number of vehicles using the crossing by 22%*". This suggests that the Dartford Crossing will still be operating in excess of its design capacity, even when the LTC is operational. In contrast, the LTC, which is future proofed through the provision of 3 lanes in each direction, will benefit from significant free capacity. In such circumstances, drivers, including those undertaking the traffic movements associated with 7(a) and (b) above, are likely to favour use of the LTC;
    - (iii) as highlighted within the consultation material, the Dartford Crossing "*has one of the highest incident rates on the strategic road network*" (Page 20 of the 'your guide to consultation' document). The Lower Thames Crossing Post Consultation Scheme Assessment Report 2017 stated: "*Approximately 300 incidents occur in the approaches or at the crossing every year; very few days are incident-free*". During such incidents, congestion commonly extends significantly to and beyond M25 Junction 30. Whilst it is acknowledged that a proportion of such incidents relate directly to existing traffic flows, and thus their frequency and effect can reasonably be expected to reduce with the LTC in place, some flow related incidents will remain alongside a number of incidents and impediments to flow that result from design related factors (for



example, closures of the QE2 bridge due to high winds, or incidents which relate to the obsolete nature of the tunnels). Notwithstanding the use of intelligent traffic management systems of the nature now utilised within Smart Motorways, there is likely to be a reliance on the LTC during such incidents for movements, including those described in 7(a) and (b) above. The LTAM has not considered the implications for the A13/A1014 junction on such occasions.

10. Implications of understated u-turning traffic at the A13/A1014 junction are highlighted by its as built layout, which is indicated by the drawing provided at **Annex A** to this letter. The drawing demonstrates that the circulatory give way line adjacent to the A1014 entrance/exit has a stacking space of only approximately 30m. Thus, as little as two queueing HGV's (or 6 cars) could impede vehicles intending to access the A1014 from the circulatory carriageway. It is evident, therefore, that the existing junction layout is extremely sensitive to relatively minor variations in u-turning traffic associated with the LTC. Mindful of this, and the points raised in 9(a), (b) and (c) above, we believe that the LTAM results are not sufficiently robust and cannot currently be relied upon with regard to the operation of the A13/A1014 junction.

### **A13 Links (A1014 to A1089)**

11. An improvement scheme is currently being undertaken that will see the A13 between A1014 and A1089 extended to three lanes in each direction, providing additional capacity for eastbound and westbound traffic. Notwithstanding this, and for the reasons cited above in relation to the A13/A1014 junction, we believe that revised assessment needs to be carried out to robustly assess whether these links operate within capacity following the implementation of the LTC. Such assessment should consider the potential movements discussed in 7(a) and (b) above in addition to background growth, committed development flows and additional induced traffic flows resulting from the operation of the LTC. The LDO-TA confirmed that, in 2023, some spare capacity would exist on these links of the A13 as a result of the improvement scheme. However, the LTAM shows an increase in flows of up to 30% as a result of the LTC proposals. Applying such increase to the existing flows on these links would put them overcapacity by 2026, which is a significant concern.

### **Extent of the Strategic Road Network**

12. In response to previous consultations by DfT (including consultation on proposals for the creation of a major road network which was launched in December 2017), DPWLG has proposed that the Strategic Road Network (**SRN**) is extended to include the A13 (between A1089 and A1014) and the A1014 (to its junction with The Sorrells). For the reasons discussed above, should the LTC be taken forward in the form proposed within the statutory consultation, we believe that justification of such extension of the SRN is strengthened and should be reconsidered.

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13. In association with the development of the Port and Logistics Park, DPWLG has established a number of ecological receptor sites within its wider landholding. Such sites include the adjacent Stanford Wharf Nature Reserve and 57 Great Crested Newt ponds. DPWLG is required to periodically monitor its own sites and several other ecological areas, including the Mucking Flats and Marshes SSSI and Thames Estuary and Marshes SPA and RAMSAR site. Such monitoring is reported to Natural England, the Environment Agency and the Port of London Authority in accordance with the requirements of the respective Port and Logistics Park planning consents. DPWLG is therefore keen to understand if any of the assets or ecological areas it monitors are likely to be impacted by the LTC proposals.
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DCO application, is published. Areas of particular interest to DPWLG, identified from a review of the PEIR, are marine ecological and physical impacts, air quality and noise and vibration impacts.

### **Other Matters**

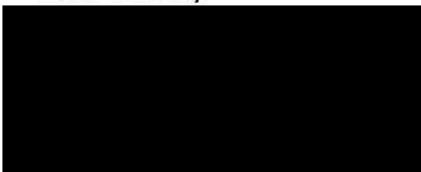
15. We note with interest proposals to provide a rest and service area (RSA) on the north side of the crossing accessed via the 'Tilbury junction'. The 'Your guide to consultation' document suggests this is to include 80 HGV parking spaces. However, it should be noted that the existing rest and service area located adjacent to Junction 31 of the M25 (i.e. immediately north of the Dartford Crossing) provides 144 HGV spaces and, to our understanding, is regularly operating at full capacity, resulting in substantial additional HGV parking on local roads in the vicinity. Given proposals for the LTC to form the preferred route for HGV traffic, we question whether 80 HGV spaces will be sufficient. It may also be useful if charging proposals, with regard to HGV parking at the RSA, are confirmed in the DCO application, in addition to proposals for crossing charges.

### **Conclusions**

16. We remain of the view that the proposed LTC has the potential to significantly enhance connectivity and highway network resilience, facilitating significant national and regional sustainable economic growth. However, in the current form, we are concerned that improvements to river crossing capacity will come at significant cost to local and sub-regional development. Such development includes the nationally significant DP World London Gateway and Tilbury ports.
17. Having scrutinised the available information and undertaken detailed discussion with the HE-LTC team, we are not convinced that the LTAM in its current form provides robust assessment of impacts, particularly on A13 links between A1089 and A1014 and the A13/A1014 junction. Indeed, we believe that revised assessment, using more appropriate assumptions, will identify significant impacts, which require further mitigation/scheme revision. We believe such mitigation may be provided by the reintroduction of the Tilbury Link Road proposals.

I trust the comments set out above are useful in informing the further evolution of the LTC proposals. DPWLG remain committed to and welcome ongoing dialogue with the HE-LTC team leading up to and during the proposed DCO application.

Yours faithfully



Trevor Hutchinson  
Head of Planning



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Freepost  
LTC Consultation

18<sup>th</sup> March 2020

Dear Sirs

**Re: Lower Thames Crossing (LTC) Supplementary Consultation**

I am writing on behalf of London Gateway Port Limited, LG Park Freehold Limited and LG Park Leasehold Limited (hereafter collectively referred to as **DPWLG**) to provide a response with regard to the supplementary consultation which commenced on 29th January 2020. DPWLG are the owners and operators of DP World London Gateway Port (the **Port**) and DP World London Gateway Logistics Park (the **Logistics Park**) on the north bank of the Thames Estuary in Stanford-le Hope, Essex.

**Background**

1. Once fully developed, the Port will comprise six shipping berths providing additional deep sea shipping and container handling facilities with an annual throughput of 3.5 million TEU (twenty foot equivalent units), and approximately 1,900 directly employed staff. The adjacent Logistics Park will provide up to approximately 830,000sq.m of commercial floorspace, including storage and distribution, research and development, and general and light industrial facilities. In total, the Logistics Park is anticipated to generate approximately 13,400 direct employment opportunities, and a further 24,000 indirect employment opportunities are anticipated to arise as a result of the combined Port and Logistics Park development.
2. The National Policy Statement (**NPS**) for Ports (January 2012) recognises "*the essential contribution to the national economy that international and domestic trade makes*" (Para. 3.3.6), and that 95% of all goods in and out of the UK move by sea via coastal ports. The NPS for Ports also forecasts an increase in container traffic by 2030 over a 2005 base of 182% from 7 million to 20 million TEU. Thus, once fully developed, the committed Port will facilitate approximately 18% of all UK container trade and approximately 27% of the predicted growth in such trade by 2030. Additionally, the Logistics Park will provide 'portcentric' benefits which, along with rail and transshipment opportunities, will result in significant transport efficiencies, removing 65 million HGV miles off of UK roads every year (equivalent to approximately 2,000 HGV movements per day).
3. With first operational use taking place in November 2013, the Port currently comprises 3 operational berths, whilst the Logistics Park currently provides 145,848sq.m of operational floorspace in seven site buildings, with two further buildings consented and currently under construction.

**Highway Capacity**

4. We last commented on the LTC scheme in our response to statutory consultation dated 18th December 2018 (a copy of which is provided at Appendix A to this letter for convenience). In summary, our response at that time indicated in principle support for the LTC proposals (and a route consistent with Route Option C) but cited significant concerns regarding the impact of the LTC on parts of the adjacent and local highway network, in particular the A13/A1014 junction and sections of the A13 between the A1014 and the LTC. Such concerns reside and have not been addressed or mitigated by the latest scheme revisions now subject of supplementary consultation.

5. Paragraph 9 of the DPWLG statutory consultation response cited a number of areas where we believe the inputs and assumptions of the Lower Thames Area Model to be flawed. These concerns reside and are somewhat exacerbated by the information provided within Section 3 of the Lower Thames Crossing Traffic Modelling Update document published as part of the supplementary consultation. Figure 3.1 therein provides a representation of "*The main future development areas, either with planning permission, a submitted planning application or within an adopted local plan*" which are included in the latest traffic modelling. However, Figure 3.1 appears to understate or completely omit a number of significant consented or proposed development proposals to the north of the Thames Estuary. For example:
  - London Gateway Logistics Park, which is consented pursuant to the London Gateway Logistics Park Local Development Order 2013 (the LDO), is understated (figure 3.1 appears to suggest a development scale of 100,001 – 150,000sq.m whereas the LDO consents 829,700sq.m)
  - London Gateway Port, which is consented pursuant to the London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008 No. 1261) made on the 2nd May 2008, is completely omitted
  - Thames Enterprise Park, which is subject of application reference 18/01404/OUT submitted 27th September 2018 and proposes 480,000sq.m of 'B' class and ancillary floorspace, is completely omitted
6. We are also aware of a number of significant consented residential schemes in the South Essex area that are not identified within Figure 3.1 (for example 500 dwellings on Land North of London Road West Of Rawreth Industrial Estate, Rawreth Lane, Rayleigh consented pursuant to consent reference 15/00362/OUT and currently under construction).
7. It is also concerning that account is not taken for growth proposed within emerging local plans in the South Essex area, particularly as the role of the LTC will be to facilitate such growth (alongside addressing existing capacity constraints).
8. Notwithstanding the above omissions, we note from the Traffic Modelling Update document that predicted traffic flows on the A13 between the A1014 and LTC have increased in comparison to those considered at the statutory consultation stage. Indeed the high proportion of traffic joining the LTC southbound from the A13 is cited at Page 68 of the 'Guide to supplementary consultation' as the justification for reducing the LTC between M25 and A13 to two lanes. We presume that predicted traffic flows have also increased at the A13/A1014 junction. In this regard we believe it would have been beneficial for figures 4.5, 4.7 and 4.9 of the Traffic Modelling Update document to have been extended to the east to encompass the A13/A1014 junction, particularly given the concerns expressed in our response to statutory consultation.

### **Other Matters**

9. The proposals which were subject to statutory consultation included a rest and service area (RSA) on the north side of the crossing accessed via the 'Tilbury junction'. Whilst we welcomed such proposals we questioned whether the scale of HGV parking proposed would be sufficient. We now note that the RSA, along with the Tilbury junction, is omitted from the latest proposals subject of supplementary consultation. Whilst we do not comment on a site specific basis, we do believe that there is a need for the LTC to be accompanied by a RSA on the north side of the Thames Estuary in the vicinity of the LTC/A13 junction. We believe it is appropriate that the provision of such facilities are considered as part of the LTC proposals.



## **Conclusions**

10. We remain of the view that the proposed LTC has the potential to significantly enhance connectivity and highway network resilience, facilitating significant national and regional sustainable economic growth. However, in the current form, we are concerned that improvements to river crossing capacity will come at significant cost to local and sub-regional development. Such development includes the nationally significant DP World London Gateway and Tilbury ports.
11. Having scrutinised the available information and undertaken detailed discussion with the HE-LTC team, we are not convinced that the LTAM in its current form provides robust assessment of impacts, particularly on A13 links between A1089 and A1014 and the A13/A1014 junction. Indeed, we believe that revised assessment, using more appropriate inputs and assumptions, will identify significant impacts, which require further mitigation/scheme revision.

I trust the comments set out above are useful in informing the further evolution of the LTC proposals. DPWLG remain committed to and welcome ongoing dialogue with the HE-LTC team leading up to and during the proposed DCO application.

Yours faithfully

Trevor Hutchinson  
Head of Planning

# **APPENDIX A**

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Freepost  
LTC Consultation

18<sup>th</sup> December 2018

Dear Sirs

**Re: Lower Thames Crossing (LTC) Statutory Consultation**

I am writing on behalf of London Gateway Port Limited, LG Park Freehold Limited and LG Park Leasehold Limited (hereafter collectively referred to as **DPWLG**) to provide a response with regard to the statutory consultation which commenced on 10<sup>th</sup> October 2018. DPWLG are the owners and operators of DP World London Gateway Port (the **Port**) and DP World London Gateway Logistics Park (the **Logistics Park**) on the north bank of the Thames Estuary in Stanford-le Hope, Essex.

**Background**

1. Once fully developed, the Port will comprise six shipping berths providing additional deep sea shipping and container handling facilities with an annual throughput of 3.5 million TEU (twenty foot equivalent units), and approximately 1,900 directly employed staff. The adjacent Logistics Park will provide up to approximately 830,000sq.m of commercial floorspace, including storage and distribution, research and development, and general and light industrial facilities. In total, the Logistics Park is anticipated to generate approximately 13,400 direct employment opportunities, and a further 24,000 indirect employment opportunities are anticipated to arise as a result of the combined Port and Logistics Park development.
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3. With first operational use taking place in November 2013, the Port currently comprises 3 operational berths, whilst the Logistics Park currently provides approximately 113,000sq.m of operational floorspace in four site buildings, with a fifth building currently under construction.
4. We previously commented on the LTC proposals in a response to consultation, which took place between 26<sup>th</sup> January and 24<sup>th</sup> March 2016. In summary, our response at that time:
  - (a) indicated in principle support for the LTC proposal and a route consistent with Route Option C;
  - (b) clarified that the Port and Logistics Park are not anticipated to generate significant traffic movements across the Thames Estuary, but that DPWLG considers the proposed LTC scheme to have the potential to deliver improved network resilience by offering

an alternative route to the heavily congested A13 and A13/M25 junction for traffic heading north and west;

- (c) expressed significant concerns with regard to the way the LTC interfaces with the A13, with particular regard to the Route 3 and 4 options being considered at that time;
  - (d) expressed the view that a better understanding is required of how traffic routing will be affected during emergency incidents, including closures at the Dartford Crossing; and
  - (e) concluded that insufficient information existed (at that stage) to inform a decision as to the preferred route option.
5. Having scrutinised the documentation made available in support of the current statutory consultation, our position remains one of in principle support for the proposals. However, we now have a number of significant concerns regarding the effects of the proposed scheme on highway capacity at certain local links and junctions. We discuss these concerns and offer additional comments under the following headings.

### **Highway Capacity**

#### **A13/A1014 Junction**

6. It is noted that, as proposed within the statutory consultation, the A13/A1089/LTC junction does not provide for the following direct movements:
- (a) LTC southbound to A13 westbound;
  - (b) LTC southbound to A1089;
  - (c) A13 westbound to LTC;
  - (d) A128 northbound to LTC;
  - (e) A128 southbound to LTC; and
  - (f) A1013 westbound to LTC.
7. As a result:
- (a) Port of Tilbury inbound traffic and outbound traffic associated with the Grays and Orsett areas, which chooses to utilise the LTC, will be required to travel eastbound along the A13 to the A13/A1014 junction before u-turning at this junction and returning along the westbound A13;
  - (b) traffic originating from the East Thurrock, Linford or Mucking areas via Buckingham Hill Road wishing to access the LTC (north or southbound) are likely to route towards the A13/A1014 junction (previously they would have accessed the strategic network to travel north or south via the A13/A128 junction).
8. Assessment carried out by DPWLG/Thurrock Council in 2013 (see London Gateway Logistics Park Local Development Order Transport Assessment (LDO-TA) – September 2013 – Table 8.7) indicated that some sections of the A13/A1014 junction (as upgraded by DPWLG in 2013) will be approaching capacity once the committed Port and Logistics Park are fully operational. It is to be noted that the A13/A1014 junction, in addition to the A1014 itself, provides the sole means of access to the Port and Logistics Park.



9. Minded by the above, it is crucial that the inputs and assumptions, which inform the Lower Thames Area Model (**LTAM**) in terms of the distribution of traffic, are robust and the potential impact upon the A13/A1014 junction are fully and robustly understood. However, in this regard:
- (a) discussions held over the course of the statutory consultation period with members of the Highways England LTC team (**HE-LTC**) have highlighted that inputs to the LTAM significantly understate the level of traffic predicted to be generated by the Port and Logistics Park once fully developed;
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    - (i) it is unrealistic to expect that a significant proportion of drivers will be advised of comparative journey times when deciding which route to take or while en-route. This is clearly over-simplistic and fails to take account of actual driver behavior, which will also be driven by a preference to use free flowing routes (even when journey distances may be longer), and a perception that such routes are quicker;
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    - (iii) as highlighted within the consultation material, the Dartford Crossing "*has one of the highest incident rates on the strategic road network*" (Page 20 of the 'your guide to consultation' document). The Lower Thames Crossing Post Consultation Scheme Assessment Report 2017 stated: "*Approximately 300 incidents occur in the approaches or at the crossing every year; very few days are incident-free*". During such incidents, congestion commonly extends significantly to and beyond M25 Junction 30. Whilst it is acknowledged that a proportion of such incidents relate directly to existing traffic flows, and thus their frequency and effect can reasonably be expected to reduce with the LTC in place, some flow related incidents will remain alongside a number of incidents and impediments to flow that result from design related factors (for



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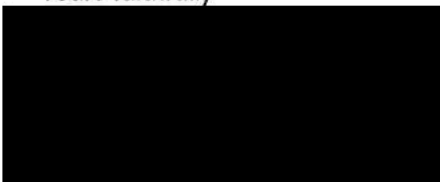
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Yours faithfully



Trevor Hutchinson  
Head of Planning





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Your reference:  
BC0800001-00230  
Our reference: DCO/2014/0026

Dear Ms Lancaster,

**Formal scoping consultation under Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11 on Environmental Impact Assessment Scoping Report provided to the Planning Inspectorate by London Resort Company Holdings (the Applicant) for an Order granting Development Consent for the London Resort (the Proposed Development)**

Thank you for your consultation request of 22 June 2020 and for providing the Marine Management Organisation (MMO) with the opportunity to comment on the Applicant's Environmental Impact Assessment Scoping Report for the Proposed Development.

Please find attached the consultation response of the MMO. In providing these comments, the MMO has sought the views of our technical advisors at the Centre for Environment, Fisheries and Aquaculture Science (Cefas). The MMO reserves the right to make further comments on this matter throughout the process and to modify its present advice.

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours sincerely,  
Julia Stobie  
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Enclosed: MMO Scoping consultation opinion: the London Resort

# Scoping Consultation Opinion

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## Proposal

The London Resort

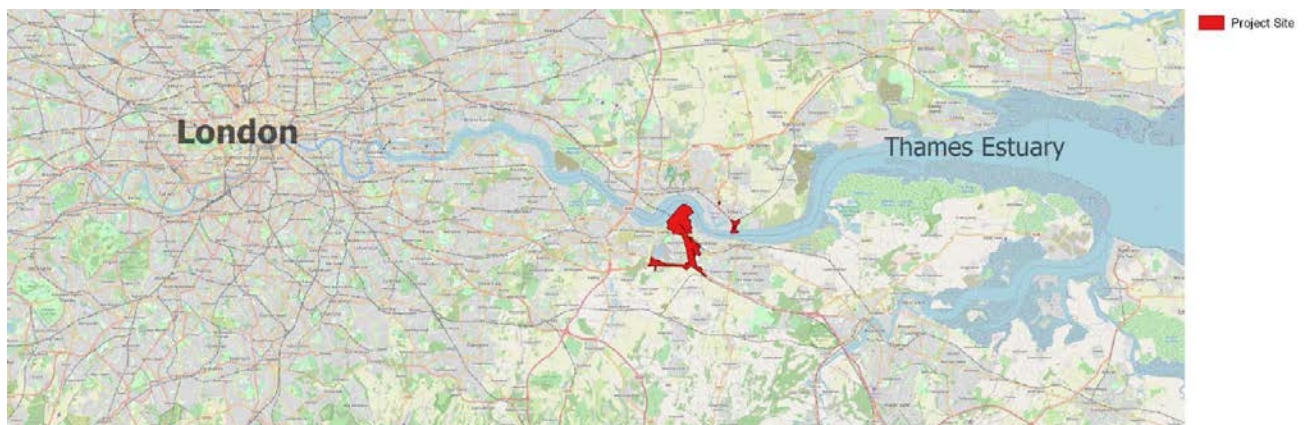
### Project Background

The London Resort at Swanscombe in Kent will be a nationally significant visitor attraction and leisure resource, built largely on brownfield land at Swanscombe Peninsula on the south bank of the River Thames and with supporting transport and visitor receptions facilities on the northern side of the river. The focus of the resort will be a Leisure Core, comprising of a range of event spaces, themed rides and attractions, entertainment venue, theatres and cinemas, developed in the landscaped settings in two phases known as Gate One and Gate Two. The Resort will include hotels, a water park, a conference and convention centre, an e-sports venue, creative spaces, a transport interchange including car parking and 'back of house' service buildings. Substantial improvements are proposed to transport infrastructure. This will include a passenger ferry terminal to serve the resort.

### Location

The London Resort is located at the Swanscombe Peninsula which is displayed in Figure 1 below.

**Figure 1:** The London Resort as shown in red





## Scoping Consultation Opinion

As per the correspondence received by the MMO on 22 June 2020, the Planning Inspectorate have requested a Scoping Consultation Opinion from the MMO. In so doing the Applicant's Scoping Report entitled "Environmental Impact Assessment Scoping Report" has been submitted to the MMO for review.

The MMO provides the following comment on the report and in addition, we outline that the following aspects be considered further during the EIA and must be included in any resulting Environmental Statement (ES). Please note this advice is not exhaustive and may be subject to change.

### General comments

4.1.1 The MMO is concerned about the ambitious timescale for Development Consent Order (DCO) submission presented by the applicant. The MMO seek assurance that this will not compromise the scope and quality of the ES.

4.1.2 The MMO would like to note that the area of works is within the South East Inshore Marine Plan Area. The MMO expect to see a robust policy assessment of the project against this Marine Plan. More information can be accessed here: <https://explore-marine-plans.marineservices.org.uk/>

4.1.3 Finally, the MMO notes that there are some elements of the project that may or may not be taken forward to development, such as the wastewater treatment plant and Water Source Heat Pump (WSHP). Accordingly, there is little to no information on the timing and duration of construction work or the specific construction activities that will be required. The MMO would expect the ES to provide a more detailed construction methodology and schedule for works to be carried out below Mean High Water Springs (MHWS) once the final project design has been confirmed.

### Nature Conservation

4.2.1 The MMO advise matters relating to Habitats Regulations Assessment (HRA) and Marine Conservation Zone (MCZ) assessment be robustly considered and that the ultimate output will be two separate assessments. The MMO consider this to be appropriate given the legislation is different. On this point, further comment is deferred to Natural England (NE).

4.2.2 The MMO understand that at this stage little consideration has been given to the impacts of the proposal in combination with other plans and projects in the vicinity. The MMO expect to see a robust assessment of both in-combination and cumulative effects as the project progresses.

### Benthic Ecology

4.3.1 The MMO note the assessment of significance to the marine ecology receptors will follow the commonly used approach outlined in Chartered Institute of Ecology and Environmental Management CIEEM (2018).

4.3.2 The MMO observe no details are presented regarding the project-specific intertidal and subtidal survey conducted during 2015. However, these regions are to be sampled in future and it is indicated that input will be sought from the relevant authorities (Natural England and the Environment Agency, respectively) prior to conduct. The MMO defer further comment to NE and the Environment Agency (EA).

4.3.3 The MMO agree that future intertidal and subtidal surveys (including a focus on relevant designated species) are necessary and that a HRA and a MCZ will be required.

## Coastal Processes

4.4.1 The MMO note that the submission has benefitted from previous comments from the Environment Agency, Natural England and the MMO which have raised concerns in relation to coastal processes. The scoping does not indicate that coastal processes are an area of specific assessment, but relevant areas will be reviewed under the *Marine Ecology & Biodiversity* (Section 12) and *Water Resources and Flood Risk* (Section 16) headings. As such, the proposed assessments of relevance are distributed through the report, but appear to be comprehensive.

4.4.2 However the MMO observe scoping report does not indicate what relevant indicators will be assessed (though receptors such as 'River Thames' are defined). Given that coastal process indicators are not defined, it would be beneficial for assessment of the scope if the report were to indicate what scales of coastal process change would be considered to be a significant impact on relevant receptors. The MMO acknowledge that this may not be known in detail at this stage but would expect to see further detail in the ES.

4.4.3 The MMO seek clarity as to the methodology regarding receptor sensitivity and receptor importance. Table 6.2 refers to receptor sensitivity, but the definitions (of High, Medium, Low, etc) refer to the conservation status of the site (e.g., International, National, Local, etc). However, Section 16 and Tables 16.3-16.5 set out receptor importance (not sensitivity) again as a function of the scale of water body importance (International, National, etc). As aspects of coastal process impacts may be assessed under both schemes, it is important that the meaning of a 'large change' when defining impact magnitude is appropriately defined in each case.

4.4.4 The actual scales defining impacts as 'large', 'medium' etc. should be clarified when presenting the impact assessments in future. The MMO appreciate that this may not be finalised for coastal process changes at this stage, but seek clarity in future.

4.4.5 The MMO note that reference is made to using the most up-to-date models for coastal process modelling, but no specific details of the modelling work to be undertaken is provided. The MMO expect to see this in future documentation, including, but not limited to, likely methods, data types and sources for relevant flow and sediment transport processes.

4.4.6 With regards to cumulative and inter-related impacts, section 6.19 refers to a matrix-based approach, implying a similar approach to the rest of the EIA. However,

coastal processes are not considered in a stand-alone manner and so the means by which their cumulative impacts will be assessed are not clearly described. Furthermore, the means by which multiple impacts are to be combined to yield a single assessment is not made explicit in the EIA. The MMO suggest clarification of this matrix in future documents.

4.4.7 The MMO observe that scoping indicates that the majority of the likely coastal process impacts have been identified, suggesting that an assessment will be carried out. The MMO would expect to see detailed information outlining data to be collected in respect of coastal processes with an explanation as to how it will be used to inform an assessment. It would be appropriate for this information to be considered in the future 'Baseline Review' document, as alluded to in the scoping report.

4.4.8 The MMO would expect to see assessments of changes in the existing patterns of sediment transport (erosion and deposition due to changes in the flow around new marine infrastructure, including scour) and any potential for changes in the stability of the shoreline at and adjacent to the development sites would be expected.

4.4.9 The MMO note the following are identified throughout the report: disturbance and silt mobilisation resulting from dredging and the presence of jetties, expanded elsewhere as "long term changes to accretion and erosion of saltmarsh and mudflat habitats resulting from the existence of the jetty and increased wash arising from boat traffic". It is stated that erosion of saltmarsh due to boat wash is already evident.

4.4.10 Further the report also indicates that compensatory flood storage for that lost in the development may be created; while at the same time flood defence berms surrounding the site are to be reinforced. The MMO defer comment on flood defence matters to the EA.

4.4.11 In order to address these appropriate areas of concern the MMO anticipate that assessments would include:

- baseline assessment of sediment type, deposition and erosion patterns at the site;
- baseline assessment of the rates of shoreline change (i.e. rates of shoreline retreat/saltmarsh loss);
- baseline assessment of flood storage areas;
- specific scour assessments for the new marine structures (including prospective elements like the Waste Water Treatment Works (WWTW) and Water Source Heat Pump (WSHP));
- assessment of future boat wash impacts relative to the present baseline;
- assessments of hydrodynamic changes due to the presence of the proposed new structures, or due to any major changes to existing ones;
- assessment of any changes in sediment supply or stability and the scale/locations over which these changes may be expected. This should include consideration of the waste materials around the site (as described in Section 5.18, 5.27) and the former Broadness marsh (Section 5.27), which is listed for improvement, as probable net benefit. It should also include consideration of the rate of recovery of the foreshore following any disturbance during construction works.

4.4.12 The MMO advise subsequent interpretations should also account for the potential impacts of sea level rise (SLR) due to climate change over the development lifetime, which is described as open-ended, with no plans for decommissioning, and as such should extend to at least the range of current climate change forecasts (i.e. to 2100). SLR will affect sediment stability and existing saltmarsh due to 'squeeze' against hard developments and flood defenses, but may also affect sediment supply to both the present and potential future compensatory habitats. The MMO note that Section 5.75 of the scoping refers to plans for flood and coastal defence measures as being designed to conform to the Environment Agency Thames Estuary 2100 strategy and therefore anticipate these aspects will be addressed in the ES. The MMO defer further comment to the EA.

4.4.13 The MMO understand that the approach and methodology with regards to marine infrastructure is not outlined in detail but suggests the activities which will be assessed. The approach mentions dredging and disposal specifically, and indicates that impacts will be limited such that either deterioration, or prevention of future improvement of, the water body will occur; and that opportunities are sought to improve the water environment. The MMO consider this appropriate on the assumption that sufficient coastal process assessment is carried out but defer comment on water quality to the Environment Agency.

4.4.14 The MMO advise early engagement with ourselves regarding dredging activity, including sampling works which will be required.

[\[https://www.gov.uk/guidance/marine-licensing-sediment-analysis-and-sample-plans\]](https://www.gov.uk/guidance/marine-licensing-sediment-analysis-and-sample-plans)

4.4.15 In summary, the scoping report appears to suggest that the ES will encompass the principal coastal process concerns affecting this development, but these are not explicitly laid out and are distributed across many chapters. The scoping provides no details on the data and methods which will be applied for the majority of coastal process assessments (the level of detail required is likely to differ across applications and receptors) and so it is not possible to judge how appropriate individual assessments are likely to be. Nonetheless, the document suggests that there is an awareness of the required range of assessments.

## Water Quality

4.5.1 The MMO note that details have been provided of the potential impacts to the relevant marine receptors for this stage of the application process with regards to dredge and disposal activities. However, the MMO note the lack of detail relating to the dredging activity itself, including, the amount or type of material to be removed, the methodology, including depth, or the disposal option(s). A licence would be required to be able to dredge and dispose of the material.

4.5.2 The MMO observe that some sample data from the area has been provided but has not given the values of the contaminants present or the number of samples analysed. It is noted that this would be a maintenance dredge. The MMO would expect to see details of previous dredge campaigns to confirm this at a later stage and recommends the collection of sampling data of the sediment to determine the risk of contaminants as suggested in point 12.29. The Port of London Authority (PLA) and

MMO should be consulted regarding sampling requirements. OSPAR<sup>1</sup> and MMO<sup>2</sup> guidelines for contaminant testing should be followed. The MMO seek clarification regarding whether dredge operations are capital or maintenance.

4.5.3 Should dredge and disposal be required, the disposal method must be provided and the volume of disposed material must be estimated and included in the application in order to make an assessment of impact.

4.5.4 The MMO notes that sediment sampling is suggested (12.89) and recommends a certified MMO laboratory is used to complete the sediment analysis. In addition, consultation with the PLA is recommended in conjunction with the MMO for the number of samples and analyses required to inform the marine licence.

4.5.5 Cumulative and inter-related impacts have not been provided. The MMO recommends consulting with the Planning Inspectorate and looking at the European Commission (EC) guidance when assessing these.

[[https://ec.europa.eu/environment/eia/pdf/EIA\\_guidance\\_EIA\\_report\\_final.pdf](https://ec.europa.eu/environment/eia/pdf/EIA_guidance_EIA_report_final.pdf)]

4.5.6 The MMO recommends providing the amount of dredge material that will be removed, the general type of material and disposal option(s). The MMO further recommends providing the depths to which dredging will take place and the number of dredge campaigns per year.

4.5.7 The MMO advise that a Water Framework Directive (WFD) assessment is likely to be required but defer further comment on this matter to the EA.

## **Fish Ecology, Fisheries, and Shellfish**

4.6.1 The MMO note there are contradictory statements within scoping that require clarification. Section 11.92 states that 'Based on survey information gathered in 2015 (as summarised in Appendices 11.21 and 12.22, available on request), which recorded very few fish species within the Thames Estuary, Swanscombe Marshes, and the Ebbsfleet Stream, it is considered that any effects of the Proposed Development on fish populations potentially present are unlikely to be significant, in EIA terms. Effects on this receptor have therefore been scoped out of the assessment'. However, Chapter 12 goes on to provide a description of the numerous fish species present in the River Thames, then outlines a preliminary assessment of potential effects to marine ecology and provides details of potential avoidance and mitigations measures. The MMO seek clarity as to whether the scoping out of fish as a receptor refers only to the scoping out of potential impacts to freshwater fish and fish ecology at Swanscombe Marshes and Ebbsfleet Stream only, or if the intention is to scope out all freshwater and marine fish receptors.

4.6.2 Furthermore, the ES should make clear whether the project will scope out freshwater and marine fish for the construction and/or operational phases of the

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<sup>1</sup>

<https://www.ospar.org/convention/agreements?q=OSPAR+Guidelines+for+the+Management+of+Dredged+Material+at+Sea&t=&a=&s=>

<sup>2</sup> <https://www.gov.uk/guidance/marine-licensing-sediment-analysis-and-sample-plans>



development. In Section 11.93 it states that 'no further fish surveys are to be undertaken'. However, Section 12.73 states that a 'site-specific fyke net and seine net survey is proposed to characterise the fish assemblages utilising the margins that could be affected by works in the intertidal zone'. It is recognised in the survey report for the saltmarshes survey around Swanscombe Peninsula (Colclough & Coates 2015 CB/002) that fish movements across vegetated intertidal habitats are extremely dynamic, therefore multiple samples would be required to develop fully robust conclusions on fish assemblages using the site. If further surveys are undertaken to characterise fish assemblages utilising the river margins, then the MMO would recommend that these are carried out periodically throughout the course of year so that seasonal variation in assemblages is captured. The MMO is content that there are adequate resources and data on 'subtidal' fish in the vicinity of the project and that no additional 'subtidal' fisheries surveys are needed to inform the EIA.

4.6.3 The MMO notes potential impacts to marine ecology have been broadly outlined in Sections 12.84 (construction phase) and 12.85– 12.87 (operational phase). The potential impacts and effects listed are all appropriate. The MMO further note the impacts of impingement/entrainment of fish and plankton and the effects of thermal discharge arising from the WSHP have been recognised and will be given consideration in the EIA should a WSHP be included in the final project design.

4.6.4 The lower Thames Estuary supports a wide range of marine and diadromous fish species, several of which are of commercial importance, including European seabass, which use the estuary as a nursery ground, Dover sole, which use the estuary as a spawning and nursery ground, and Atlantic herring which use the estuary as a nursery ground and have discrete spawning grounds for Thames/Blackwater herring at Herne Bay in Kent and at the mouth of the Blackwater Estuary in Essex. The MMO note the scoping report has identified these fish within Chapter 12 and are content that they will be considered in the EIA.

4.6.5 The MMO note the approach to assessment for potential cumulative and inter-related impacts is discussed in general terms in Chapter 6, but there is no specific information provided within Chapter 12 for fish. The MMO would expect cumulative and inter-related impacts assessment for fish to be included within the ES.

4.6.6 The MMO support the inclusion of the following mitigation measures relevant to fish:

- Use of vibro-piling where possible instead of impact hammer/percussive piling to reduce the impacts of underwater noise and vibration.
- Use of a 'soft-start' for piling to reduce the risk of effects on marine mammals and fish.
- Use of a backhoe dredger instead of trailer suction hopper dredger (TSHD) to reduce the level of disturbance and suspension of sediments.
- Phasing of works to avoid sensitive seasons for marine species, e.g. fish spawning or migration periods.

- Limiting lighting outputs and considering lighting orientation near the Thames where possible.
- If required, use of baffles or internal louvres to provide directional lighting and avoid light spillage.

4.6.7 The MMO acknowledge that it is not possible to forecast the outcomes of the impacts assessment process at this stage, particularly as the project design and construction methodology have not yet been finalised. The MMO expect to see further justification of these mitigation measure as the project develops.

4.6.8 Further information is needed on how the impacts of underwater noise and vibration on fish from activities such as piling and dredging will be assessed. No information has been presented on the predicted energy levels arising from piling, or the distances over which piling and dredging noise will propagate, so the magnitude of impact cannot be determined. However, the MMO recognise that such information is not yet available at this early stage in the planning process. Further comment on underwater noise with regard to fish will be outlined in section 4.7 below.

4.6.9 The MMO note there is no mention of shellfish in the report (other than the non-native species). An extraction of landings data (MMO, 2020) to the nearby port of Canvey Island revealed the only shellfish landed during 2019 was squid, worth £101.48 at first sale. No records of shellfish to this report were found in previous years. As such the MMO agrees that shellfisheries might only be a minor receptor to the proposed work, though would encourage confirmation from the Kent and Essex Inshore Fisheries and Conservation Authority (K&E IFCA). The K&E IFCA would be best placed to advise on spatiotemporal dynamics of any shellfish species not currently commercially fished, but which might become a targeted stock in future, or which might serve as important ecosystem components (prey or predators).

## Underwater Noise

4.7.1 The MMO note the report confirms (see para 6.17) that the EIA will address cumulative effects of the construction and operational phases of the Proposed Development, although specific/further details are limited at this stage. The MMO anticipate that this will be addressed in the ES along with further details of the proposed activities and timings of the activities.

4.7.2 The MMO accepts that “the effects of water-borne noise on marine life” has been identified as a potential likely significant effect arising from the construction and operational phase of the development that will be addressed in the assessment (para 14.22). Chapter (Chapter 14 Noise and Vibration) mostly addresses noise and vibration in air however, so details of an underwater noise assessment are limited.

4.7.3 The MMO observe that underwater noise during the construction has been highlighted as a potential impact in Chapter 12 Marine Ecology and Biodiversity, specifically: “generation of underwater noise from vessel use, dredging activity and piling activity could affect invertebrates, fish and marine mammals”. Further,

'underwater noise impacts due to increased vessel traffic' has been identified as a potential effect during the operational phase. The MMO expect the potential effects of underwater noise, arising from piling and dredging activity and vessel use, on sensitive marine receptors within the River Thames are considered/assessed in the ES.

4.7.4 The MMO would expect the ES to include suitable robust evidence that determines whether or not underwater noise is likely to propagate across the width of the estuary and cause an acoustic 'barrier' to fish movement and migration, and for the applicant to consider the following key points when undertaking the underwater noise impact assessment for fish:

- An underwater noise assessment should be presented, using appropriate unweighted metrics, which should use either modelling or case studies of a similar nature to support conclusions made on the likelihood and significance of impact.
- The various hearing capabilities of those fish species that will be spawning near to, or migrating past the site, during the months/weeks that piling will be taking place should be considered. Please refer to Popper et al. (2014) for guidelines on the classification of fish into four categories based on the presence/absence of a swim bladder, and for appropriate assessment of the potential impacts of noise on fish including injury, mortality and behavioural impacts.
- An estimate of the duration for the installation of each pile and the month/s in which piling and dredging will be carried out should be outlined in the ES. This should discuss the timing of piling and dredging works in relation to the sensitive spawning and migration periods of tidal Thames fish to determine whether the mitigation measures described in the supporting information will be adequate.

4.7.5 The MMO note that the mitigation measure outlined in Chapter 14 (from section 14.39 onwards) are primarily related to noise and vibration in air. Of relevance, Chapter 12 (specifically para 12.97) outlines some of the potential measures for construction. However, as the report highlights, it is not possible at this stage to determine what specific measures will be required. The MMO can provide further comments on mitigation once the potential impacts have been assessed:

- Use of vibro-piling where possible instead of impact hammer/percussive piling to reduce the impacts of underwater noise and vibration;
- Use of a 'soft-start' for piling to reduce the risk of effects on marine mammals and fish;
- Use of a backhoe dredger instead of trailer suction hopper dredger (TSHD) to reduce the level of disturbance and suspension of sediments;
- Phasing of works to avoid sensitive seasons for marine species, e.g. fish spawning or migration periods.

4.7.6 The MMO would expect to see consideration of the potential effects of underwater noise (generated from the key construction activities such as piling and dredging etc.) on sensitive fish, marine mammals and marine invertebrate receptors. It is expected that the assessments consider both resident and migratory species. The

species likely to be present in the vicinity of the proposed works have been identified in Chapter 12 of the Scoping Report.

4.7.7 The MMO advise the assessment should consider the timing and duration of required piling and dredging works in relation to the sensitive spawning and migration periods of tidal Thames fish.

4.7.8 The MMO recommend that any noise assessment is supported by recent peer-reviewed scientific literature. For fish, the Popper et al. (2014) guidelines are currently the most appropriate. For marine mammals the National Oceanic Atmospheric Association, (NOAA), National Marine Fisheries Service 2018 (NMFS), criteria is recommended. There are no noise exposure criteria to assess the potential effects of noise and vibration on marine invertebrates. In this case, the MMO advise that assessment conclusions are supported by the peer-reviewed literature. Relevant source levels may be derived from the scientific literature.

## **Archaeology / Cultural Heritage**

4.8.1 The MMO advise that the River Thames is a rich source of archaeology and objects of cultural importance. The MMO defer further comment on heritage matters to Historic England (HE).

## **Navigation / Other Users of the Sea**

4.9.1 The MMO seek demonstration of the impact of the project on the safety of navigation and of other users of the sea. The MMO defer comment on matters of navigational safety to the Maritime and Coastguard Agency (MCA) and Trinity House (TH).

4.9.2 The MMO further advise that the PLA be consulted in their capacity as the local Port Authority.

## **Risk of Major Accidents and Disasters Relevant to the Project (including those caused by Climate Change)**

4.10.1 The MMO expect to see a robust and comprehensive assessment of risk of major accidents and disasters relevant to the project, particularly as no decommissioning of the project has been outlined.

## **Advice from previous response**

4.11.1 The MMO previously provided advice regarding this project in November 2014. This advice included, but was not limited to, the ES including the following matters:

- Marine ecology (including fisheries);
- Underwater noise and vibration (e.g. Percussive piling);
- Coastal processes (including scour and accretion);
- Navigational risk;

- Dredging and disposal of dredged materials;
- Impacts upon other legitimate users of the marine environment

The MMO consider these matter are still required to be addressed in the ES.

4.11.2 Furthermore, the MMO stipulated the following: 'It is important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. Consideration of the implications of the whole scheme including associated development should be included in the Environmental Statement.' The MMO continue to consider matters of cumulative and in combination impacts of the project of the utmost importance and expect to see these matters robustly addressed in the ES.

4.11.3 The MMO's previous advice made reference to the South East Inshore future plan area. The South East Inshore Marine Plan has since been produced in draft and is a material consideration. The MMO expect to see a robust policy assessment of the project against this Marine Plan.

## Conclusion

The topics highlighted in this scoping consultation response should be assessed during the EIA process and the outcome of these assessments should be documented by the Applicant in the ES in support of their application. Given the current level of uncertainty in relation to the scale, program and scope of the Proposed Development, this advice should not be viewed as a definitive list of all the information that needs to be considered within the ES.

Yours sincerely,

Julia Stobie  
Marine Licensing Case Officer

20 July 2020





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Agency

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Your ref: BC0800001-000230

Helen Lancaster  
Senior EIA Advisor  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
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Bristol, BS1 6PN

16 July 2020

Dear Ms Lancaster,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by London Resort Company Holdings (the Applicant) for an Order granting Development Consent for the London Resort (the Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for your letter dated 22<sup>nd</sup> June 2020 inviting MCA to comment on the application for the proposed London Resort.

At this stage MCA can only generalise and point the developers in the direction of the Port Marine Safety Code (PMSC). They will need to liaise and consult with the local Harbour Authority, in this case the Port of London Authority, to develop a robust Safety Management System (SMS) for the project under this code.

The sections that we feel cover navigational safety under the PMSC and its Guide to Good Practice are as follows:

From the Guide to Good Practice, section 6 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it. Section 6.7 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

#### 6.7 Regulating harbour works

6.7.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.

6.7.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. Where necessary, consideration should be given to requiring the



HM Coastguard



INVESTORS  
IN PEOPLE | Silver

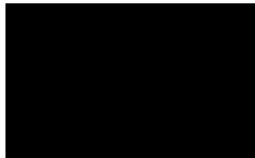
planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;
- high constructions, which potentially affect wind patterns; and
- lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.

There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable Inland waterways.

A preliminary assessment on the potential impacts to Search and Rescue resources and emergency response in the Thames area will need to be included to ensure the site size and location do not adversely impact SAR operations.

Yours sincerely,



Nick Salter  
Navigation Safety Policy Advisor  
Navigation Safety Branch

## Land and Acquisitions

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13 July 2020

Dear Sir/Madam

## APPLICATION BY LONDON RESORT COMPANY HOLDINGS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE LONDON RESORT

### SCOPING CONSULTATION

This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG).

I refer to your letter dated 22<sup>nd</sup> June 2020 in relation to the above proposed application. Having reviewed the scoping report, I would like to make the following comments:

### National Grid infrastructure within / in close proximity to the order boundary

#### ELECTRICITY TRANSMISSION

National Grid Electricity Transmission has high voltage electricity overhead transmission lines, underground cables and two substations within the scoping area. The overhead lines and substations form an essential part of the electricity transmission network in England and Wales.

##### Substations

- Northfleet East 400kv Substation
- Northfleet East 132kv Substation
- Associated 132kV cable

##### Overhead Lines

- ZR 400kV Over Head Line
- YN 400kV Over Head Line
- YL 400kV Over Head Line

## Other Apparatus

Above and below ground associated apparatus including underground electricity, fibre and pilot cables within the scoping area.

## **GAS TRANSMISSION INFRASTRUCTURE**

National Grid Gas has no Gas Transmission apparatus within or in close proximity to the proposed order limits.

I enclose two plans showing the location of National Grid's:

- overhead lines;
- the substations; and
- underground cables.

## **Specific Comments – Electricity Infrastructure:**

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004)
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines, then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above.

- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

## Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

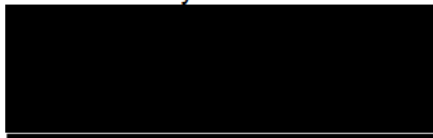
Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: [box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

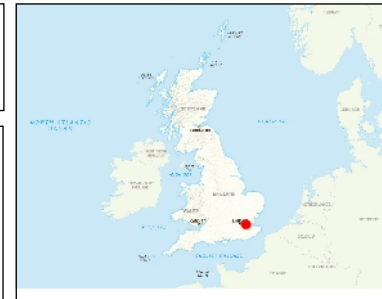
The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours faithfully



**Anne Holdsworth**  
**DCO Liaison Officer, Land and Acquisitions**





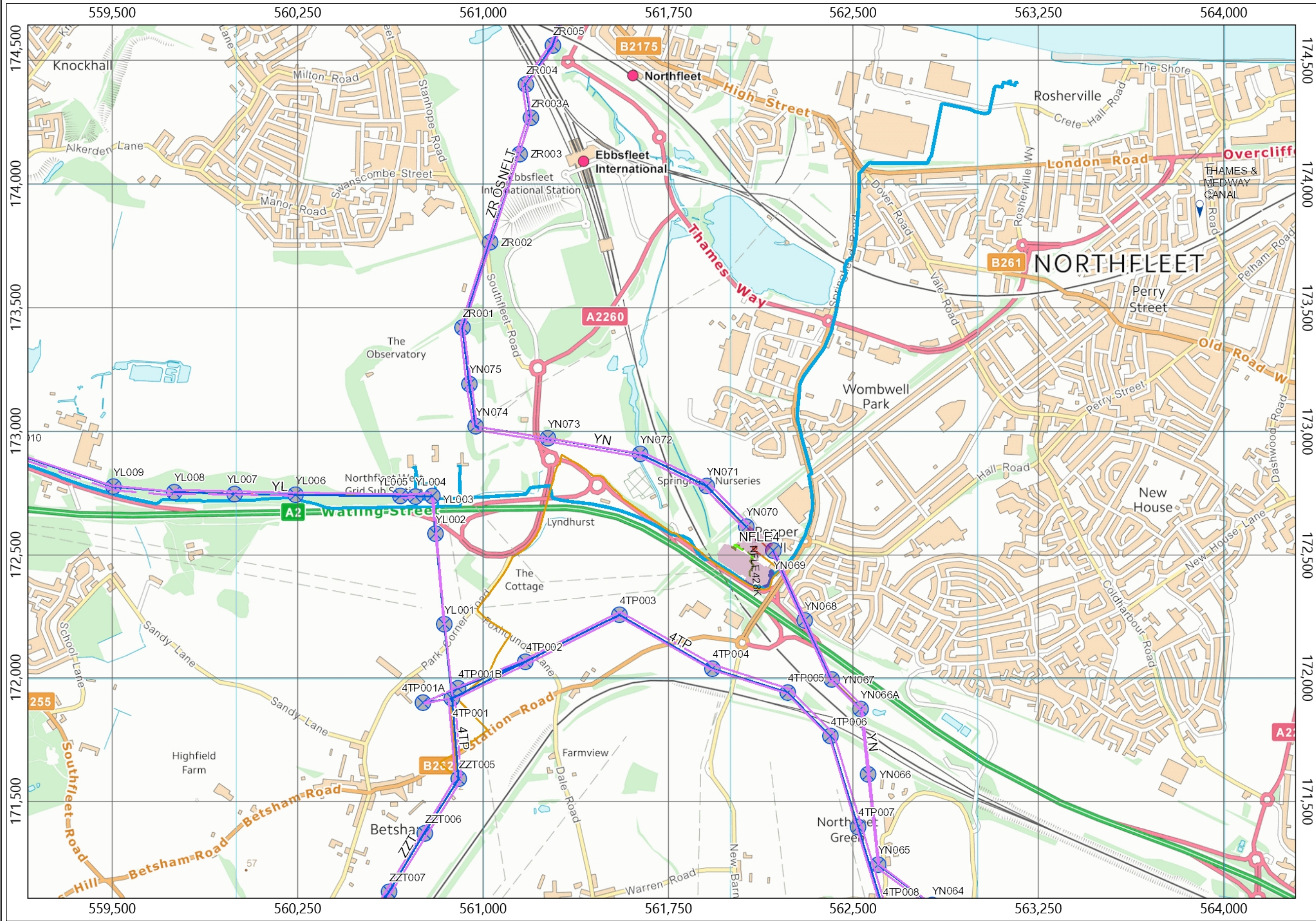
**Legend:**

- Substations Commissioned
- Circuits
  - Commissioned
  - Decommissioned Group
  - Planned and Spares
- OHL 400kV Commissioned
- OHL 275kV Commissioned
- OHL 132kV & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel
- Gas Operational Boundary
- Gas Site Boundary
- Trial Hole
- Vantage Point
- Aerial Marker Post
- Pipe Crossing Point
- CP Test Post
- Transformer Rectifier
- Pipeline Crossing Sleeve
- Nitrogen Sleeve
- Other Sleeves
- Pipe Line Control Point
- Named Pipeline Section
- River Crossings

**Notes:**

London Resort Asset Plan 1





- Legend:**
- Substations Commissioned
  - Circuits
    - Commissioned
    - Decommissioned Group
    - Planned and Spares
  - OHL 400kV Commissioned
  - OHL 275kV Commissioned
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  - Sleeve
  - Nitrogen Sleeve
  - Other Sleeves
  - Pipe Line Control Point
  - Named Pipeline Section
  - River Crossings

**Notes:**

London Resort Asset Plan 2





Date: 16 July 2020  
Our ref: 320306  
Your ref: BC0800001-000230



Helen Lancaster  
Major Casework Directorate  
The Planning Inspectorate  
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Bristol BS1 6PN

Customer Services  
Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**By email only, no hard copy to follow**

Dear Helen Lancaster

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11  
Application by London Resort Company Holdings (the Applicant) for an Order granting Development Consent for the London Resort (the Proposed Development)  
Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for your letter of the 22 June 2020 seeking Natural England's advice on the proposed scope of the Environmental Statement for the London Resort development in Kent.

Natural England welcomes the opportunity to provide advice on the project at this stage and our detailed comments are provided in Annex One appended to this letter with a summary of this provided below. Natural England welcomes the recent engagement with the applicant in respect of Baker's Hole and the methodology for the invertebrate surveys. Being mindful of the timeframe for the Development Consent Order submission (late 2020), we would appreciate the opportunity to engage more fully in the near future.

Based upon the information provided, we advise The London Resort proposal is likely to result in significant direct and indirect impacts to local, national and international designated nature and geological conservation sites, protected species and a number of priority habitats and species of significant nature conservation value.

Given the rich and diverse environmental assets present within the application site, Natural England strongly encourages the design and layout of the Resort to reflect the 'avoid, mitigate, compensate' hierarchy within the National Planning Policy Framework. If impacts cannot be fully avoided, then details of the mitigation and compensation measures that are to be implemented will be a key component of the environmental statement. At present no information has been provided on the likely location of any mitigation and compensation areas that may be needed; previously it was acknowledged that provision may need to be made offsite – if this is the case then the application boundary should be updated to reflect the areas required.

We look forward to working with the applicant as the scheme progresses towards the development consent order submission to ensure that the rich biodiversity and geodiversity within the application boundary is conserved and enhanced through the development. We would also expect the environmental statement to detail how the project will contribute to the Government's 25 Year Environment Plan, through the delivery of biodiversity net gain.

I trust this advice is helpful; if you have any queries regarding this letter please do not hesitate to

contact me on 0208 0366 064 or by email to [sean.hanna@naturalengland.org.uk](mailto:sean.hanna@naturalengland.org.uk).

Yours sincerely



Sean Hanna  
Senior Adviser  
Sussex and Kent Team

## **Annex One:** Natural England's detailed advice in relation to the scoping request for the London Resort

### **1 General principles**

- 1.1 Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission.
- 1.2 Natural England notes that there are no National Policy Statements<sup>3</sup> which cover the nature of the development subject to this application. As such, our advice in this letter draws upon elements of those Policy Statements covering aspects of the scheme (namely the National Policy Statement for Transport Networks) and the requirements contained within the National Planning Policy Framework (NPPF)<sup>4</sup>. Such an approach is in accordance with the approach taken by the applicant in their Scoping Report dated June 2020.
- 1.3 Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an environmental statement, specifically:
  - A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
  - Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
  - An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
  - A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
  - A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
  - A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
  - A non-technical summary of the information.
  - An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.
- 1.4 As part of the environmental impact assessment process, and in accordance with the National Planning Policy Framework (Paragraph 175), the scheme should demonstrate how measures (such as the location, design, scale and site layout) have been designed to avoid impacts to biodiversity and geodiversity assets, fully mitigate them or as a last resort compensate for any residual impacts.
- 1.5 It will also be important for any assessment to consider the potential cumulative effects of

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<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/>

<sup>4</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)



this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications through the environmental statement. A full consideration of the implications of the whole scheme should be included in the environmental statement. All supporting infrastructure should be included within the assessment.

- 1.6 In addition, given the functional linkage of the Kent site to the coastal designated sites, as part of the Habitats Regulations Assessment an in-combination assessment of other plans and projects will need to be undertaken (please see further our comments on the designated sites in Section 2 below)

## **2 Biodiversity and Geology**

### **Ecological and geological aspects of an environmental statement**

- 2.1 Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.
- 2.2 EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.
- 2.3 The National Planning Policy Framework sets out guidance in Paragraphs 174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.
- 2.4 Of particular relevance, is paragraph 175 of the NPPF which clearly sets out the principles that the planning authority should consider when determining applications. It also details the 'avoid, mitigate, compensate' hierarchy. That is, measures to avoid impacts (for example through the location, or layout of the proposal) should be fully explored; where all impacts cannot be avoided then measures to reduce these impacts should be considered and as a last resort habitat compensation measures can be considered. Given the hierarchical approach, Natural England recommends that the design of the Resort should fully reflect the rich environmental assets that are found within and adjacent to the Kent and Essex sites to avoid and minimise the impacts from the scheme.
- 2.5 For ease, I have copied Paragraph 175 of the NPPF below:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

### **Internationally and nationally designated sites**

- 2.6 The environmental statement should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.
- 2.7 Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.
- 2.8 Should a likely significant effect to European/internationally designated site(s) be identified or be uncertain, the competent authority may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

### **Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar Sites)**

- 2.9 Based upon the information provided, the proposal has the potential to directly or indirectly impact the following statutory designated sites:
- Bakers Hole Site of Special Scientific Interest (SSSI).
  - Darenth Woods SSSI.
  - Medway Estuary and Marshes SSSI, SPA and Ramsar Site.
  - Inner Thames Marshes SSSI.
  - Mucking Flats and Marshes SSSI.
  - South Thames Estuary and Marshes SSSI.
  - Thames Estuary and Marshes Special Protection Area and Ramsar Site.
  - Swanscombe Skull Site SSSI.
  - Swanscombe Marine Conservation Zone.
  - West Thurrock Lagoon and Marshes SSSI.
  - Wouldham to Detling Escarpment SSSI.
  - North Downs Woodland Special Area of Conservation.
- 2.10 Further information on the SSSIs, the Marine Conservation Zone and their special interest features can be found at [www.magic.gov.uk](http://www.magic.gov.uk). The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects. We would also recommend that the European site conservation objectives<sup>5</sup> are utilised when considering the potential impacts to the designated sites.
- 2.11 In the following sections, I have provided detailed comments where there are designated site

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<sup>5</sup> <http://publications.naturalengland.org.uk/category/6490068894089216>

specific areas of concern that the environmental statement will need to consider. In addition to the site specific comments, the environmental statement should include the following information:

- Details of the potential direct and indirect impacts to designated sites from the proposal. These could result from, for example, direct land take, loss or alteration of habitats from increased boat movements, impacts to functionally linked land for the SPAs and Ramsar Sites, air quality impacts (from dust, traffic and from the proposed combined heat and power plant and gas heating system), water quality, noise, lighting, visual and recreational disturbance and impacts to species associated with the designated sites).
- Comprehensive details of how the project has been designed to avoid and fully mitigate all direct and indirect impacts to the designated sites and, in the case of the SPAs and Ramsar Sites, functionally linked land.
- Where impacts cannot be fully avoided or mitigated, full details of the compensation measures that are proposed.

2.12 Natural England would be pleased to provide more detailed advice to the applicant on the scope and methodology for the specific surveys required in relation to all of the designated sites where impacts may occur.

Section 11.2 of the Scoping Report highlights that the applicant will engage with Natural England on the scope of surveys and the recommended mitigation and we look forward to engaging in these discussions. However, with the timeframe for submission of the application being late 2020, we would urge the applicant to engage further with Natural England and other consultees as soon as possible to ensure that the studies are sufficiently robust to inform the environmental statement.

### **Baker's Hole SSSI**

Natural England expressed significant concern during the discussions relating to the previous proposals for the London Resort given that the access route will directly impact Baker's Hole SSSI. For clarity, whilst Natural England acknowledges that discussions in relation to the options for the access road took place previously, we did not agree that the eastern route was the most favoured (Section 4.42 of the Scoping Report) as this will result in direct impacts to the SSSI. Similarly, the people mover will also result in the burying of the SSSI under the route (Sections 4.43-47 of the Scoping Report) which has not been agreed or is a position supported by Natural England.

2.13 Natural England notes that the transport arrangements on Figure 5.3 (the Illustrative Masterplan) within the Scoping Report does not reflect the discussions and advice we provided previously, particularly in relation to the people mover route. Other options for the transport routes which proposed a lesser land take from the SSSI were proposed by the applicant for the previous Resort proposal which were to be refined following a geo-archaeological study to understand the impacts.

2.14 Given the above, Natural England recommends that the environmental statement should fully explore options to avoid direct and indirect impacts to this nationally important site in accordance with the requirements of Paragraph 175 of the NPPF. If impacts cannot be avoided, the options with the least impact should be fully explored. Such an approach is also in accordance with Section 5.29 of the National Policy Statement for National Networks<sup>6</sup> which states that:

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<sup>6</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/387222/npsnn-print.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/387222/npsnn-print.pdf)

‘Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect on the site’s notified special interest features is likely, an exception should be made only where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. The Secretary of State should ensure that the applicant’s proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest, are acceptable. Where necessary, requirements and/or planning obligations should be used to ensure these proposals are delivered.’

- 2.15 We recommend that the transport corridor should be selected on the basis of detailed survey information to demonstrate how measures to avoid and minimise the impacts to the SSSI have been incorporated into the design. Natural England is pleased that the applicant has recently sought our advice in relation to the proposed survey at Baker’s Hole SSSI and we would welcome the opportunity to discuss the options for avoiding impacts to the designated site in the near future.

### **Darenth Woods SSSI**

- 2.16 Parts of the Darenth Woods SSSI, which is a nationally important ancient woodland, fall within the development consent order boundary where junction improvements to the A2 corridor are proposed. It is unclear from the information provided whether any direct land take is proposed from within the SSSI. Ancient woodland is an irreplaceable habitat and Paragraph 175 of the NPPF, in addition to the policy wording relating to SSSIs (see Section 2.14 of this letter) states that ‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons’. Section 5.32 of the National Policy Statement for National Networks provides similar protection for irreplaceable habitats.

In addition to the concern regarding direct loss of the SSSI, there is the potential for air quality impacts to the woodland to result from this proposal both during construction and operation from traffic-generated air quality impacts.

We would therefore recommend that the environmental statement includes a thorough assessment of the potential direct and indirect impacts to the SSSI.

### **Mucking Flats and Marshes SSSI, South Thames Estuary and Marshes SSSI, Thames Estuary and Marshes SPA and Ramsar Site, Medway Estuary and Marshes SSSI, SPA and Ramsar Site, Inner Thames Marshes SSSI, West Thurrock Lagoon and Marshes SSSI**

- 2.17 The Mucking Flats and Marshes and the South Thames Estuary and Marshes SSSI form the constituent SSSIs to the Thames Estuary and Marshes SPA and Ramsar Site.

The appendices to the Scoping Report include the bird surveys undertaken for the Swanscombe Peninsula; these state that the land subject to this proposal is ‘functionally linked’ to the Special Protection Areas and Ramsar Sites although it is not confirmed whether the linkage is to the Thames Estuary and Marshes or the Medway Estuary and Marshes, or indeed both. Functionally linked land is habitat outside of the designated site boundaries which supports mobile species associated with the designated sites and should be considered within the impact assessment and Habitats Regulations Assessment. Further guidance on functionally linked land can be found within Natural England’s Report NECR207 ‘Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects - a review of authoritative

decisions'<sup>7</sup>.

To inform the environmental statement, detailed survey information will be required and a minimum of two seasons of recent bird survey data is normally required to provide a robust baseline for the environmental assessment. From the information provided, it appears that only a single recent winter survey period (winter 2019/20) is proposed to be submitted. In addition to the winter bird surveys, breeding birds are notified features of some of the coastal SSSIs. The Thames is also a key passage corridor for wintering birds so the environmental statement should include detailed survey information along with a robust impact assessment for birds during the breeding and over-wintering periods along with birds on passage

In addition to the potential for direct impacts from the proposal through loss of habitat used by birds associated with the designated sites, there is also the potential for significant indirect impacts. Such indirect impacts may, for example, result from:

- Water quality and water availability to the reedbed and marsh habitats on the Swanscombe Peninsula during construction and operation;
- Noise and visual disturbance to birds during construction and operation of the Resort (both on the Swanscombe Peninsula and within the designated sites and wider Thames Estuary from the passenger ferries and delivery of construction materials);
- Impacts from lighting to birds, both on the Peninsula and at the ferry terminals;
- Impacts to sediment (and food availability) in the Thames from the construction/upgrade/refurbishment of the jetties/passenger ferry terminals and any maintenance dredging during construction and operation;
- Impacts to habitat (including sediment and prey availability) from the wash associated with an increase in boat movements within the Thames Estuary from the construction and operation of the Resort.

Given the confirmed functional linkage to the SPA(s) and Ramsar Site(s) and, as detailed above, the potential for direct and impacts to habitats and species, the applicant will need to prepare a Habitats Regulations Assessment to be submitted with the application. This should be in accordance with the guidance contained within the Planning Inspectorate's 'Advice note ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects'<sup>8</sup> and all relevant case law.

## **Swanscombe Marine Conservation Zone**

2.18 The application is likely to result in direct and indirect impacts to the Swanscombe Marine Conservation Zone (MCZ), as the ferry terminal proposed on the southern side of the Thames is a key site where the tentacled lagoon worm is found. Natural England therefore recommends that a full assessment of the potential direct and indirect effects to the MCZ is included within the environmental statement along with details of the avoidance and mitigation measures that will be implemented.

We welcome the proposed updated impact assessment which should be based upon robust survey information. The surveys should be based on an assessment on the predicted impacts to receptors that may occur during all stages of the scheme, including the construction and operational phases. For example, there should be a consideration of the impacts resulting from the increased vessel movements and dredging needs along with footprint losses associated with the proposed new/refurbished structures. In addition, the consideration of water quality impacts within the estuary should also be a key component of the environmental assessment.

As mentioned above, Natural England would welcome the opportunity to engage with the

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<sup>7</sup> <http://publications.naturalengland.org.uk/publication/6087702630891520>

<sup>8</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/06/Advice-note-10v4.pdf>



applicant on the scope of these, and all other surveys to ensure a robust baseline for the impact assessment is available.

### **Wouldham to Detling Escarpment SSSI and the North Downs Woodland Special Area of Conservation (SAC)**

- 2.19 There is the potential for air quality impacts to the North Downs Woodland SAC to result from traffic generated air quality. As such, Natural England recommends that an assessment of the potential for air quality impacts from this project, both alone and in combination with other plans or projects, is provided within the environmental statement.

### **3 Regionally and Locally Important Sites**

- 3.1 The environmental impact assessment will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. These sites are of county importance for wildlife or geodiversity.
- 3.2 The environmental statement should include a full assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Detailed surveys for all of the interest features of the Local Wildlife Sites should inform the impact assessment.
- 3.3 The Scoping report recommends that only the following Local Wildlife Sites will be considered within the environmental statement:
- Alkerden Lane Pit
  - Botany Marshes
  - Ebbsfleet Marshes, Northfleet
  - Tilbury Marshes
- 3.4 A number of other Local Sites within close proximity to both the Kent and Essex sites have been scoped out for consideration within the environmental statement. However, no ecological justification appears to have been provided to explain why these sites should not be considered within the environmental statement. Natural England therefore recommends that further clarity on why these sites have been excluded for further consideration should be provided. Where impacts are possible, a comprehensive impact assessment should be included within the environmental statement.

### **4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)**

- 4.1 The environmental statement should assess the impact of all phases of the proposal on terrestrial, freshwater and marine protected species (including, for example, dormice, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.
- 4.2 The conservation of species protected by law is explained in Part IV and Annex A of Government Circular '06/2005 Biodiversity and Geological Conservation: Statutory

Obligations and their Impact within the Planning System'. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the environmental statement. In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice<sup>9</sup> for protected species which includes links to guidance on survey and mitigation.

- 4.3 The supporting appendices to the Scoping Report highlight that a number of protected species have been recorded across the Kent Site during the previous surveys. Natural England would expect all of the species surveys for the Kent Site to be updated in 2020. In addition, surveys for the Essex Site should also be undertaken to ensure that a robust baseline is available for the impact assessment on both sides of the Thames.
- 4.4 It will be important for the environmental statement to include recent survey information. Natural England would be pleased to advise the applicant on the scope and methodology for the specific surveys required in relation to protected species. Section 11.2 of the Scoping Report highlights that the applicant will seek our advice on the scope of surveys and the recommended mitigation and we look forward to engaging in these discussions.

However, with the timeframe for submission of the application being late 2020, we would urge the applicant to further engage with Natural England and other consultees as soon as possible given that the survey period for some species may already have passed. Survey data collected for the previous proposals between 2012-2016 may provide a useful context but should be supplemented with current information.

## **5 Habitats and species of principal importance**

### **Habitats of principal importance**

- 5.1 The environmental statement should thoroughly assess the impact of the proposal on habitats listed as 'Habitats of Principal Importance' within the England Biodiversity List, published under the requirements of Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.
- 5.2 Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats of Principal Importance should be included in the environmental statement. Consideration should also be given to those species and habitats included in the relevant Local BAP.
- 5.3 Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, surveys for priority species including ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:
- Any historical data for the site affected by the proposal (e.g. from previous surveys);

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<sup>9</sup><https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

5.4 I can confirm that, based upon the publically available Natural England Priority Habitat Inventory dataset<sup>10</sup>, the following priority habitats are known to be present within the development consent order boundary:

- Ancient woodland;
- Coastal and floodplain grazing marsh;
- Deciduous woodland;
- Open mosaic on previously developed land; and
- Saltmarsh.

5.5 In addition, the botanical survey undertaken in 2012<sup>11</sup>, included within the appendices to the Scoping Report, highlights that some of the grassland areas within the Kent Site demonstrated affinities to species rich neutral (MG5) grassland.

5.6 Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Those responsible for determining planning proposals have a vital role in ensuring its conservation, in particular through the planning system. The environmental statement should have regard to the requirements under the NPPF (Paragraph 175) which states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts);
- b) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.'

5.7 Reference is made within the Scoping Report to the Kent site being selected as it is largely brownfield, former industrial land. Brownfield sites are often very rich in the wildlife they support. As detailed within the appendices supporting the Scoping Report, the Swanscombe Peninsula supports a diverse array of protected, priority and notable species along with a significant number of species of conservation concern.

Paragraphs 117 and 118 of the NPPF (and the associated footnotes) provide confirmation that the preferential reuse of brownfield sites should not be promoted 'where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity'.

5.8 Given that much of the land within the development consent order boundary is included within the national Priority Habitat Inventory, Natural England would expect the environmental statement to fully detail how the proposal has been designed to avoid and

<sup>10</sup> <https://data.gov.uk/dataset/4b6ddab7-6c0f-4407-946e-d6499f19fcde/priority-habitat-inventory-england>

<sup>11</sup> London Resort Company Holdings London Paramount 2012 Botanical Survey Report. Chris Blandford Associates. 15 December 2012

fully mitigate the impacts to all of the priority habitats resulting from this proposal.

### **Species of principal importance**

- 5.9 The environmental statement should thoroughly assess the impact of the proposals on species listed as 'Species of Principal Importance' within the England Biodiversity List, published under the requirements of Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.
- 5.10 Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Species of Principal Importance should be included in the environmental statement. Consideration should also be given to those species included in the relevant Local BAPs.
- 5.11 In addition, the surveys included within the appendices to the Scoping Report highlight that a number of species of conservation concern, nationally rare and scarce or notable species have been recorded within or adjacent to the development consent order boundary across a number of species groups which should be considered within the ecological impact assessment.
- 5.12 It is important that the environmental statement considers the potential impacts of the proposal to all species of conservation concern. Based upon the information provided to date, Natural England is particularly concerned about the potential impacts to birds, invertebrates and plants.

### **Birds**

- 5.13 The appendices to the Scoping Report highlight that a total of 44 wintering wading and wildfowl species have been recorded within the application boundary including a number of protected and otherwise noteworthy species. A further 28 terrestrial species (that is non-wading and non-wildfowl species) have been recorded from the Kent Site including protected and species of conservation concern.

The 2014 breeding bird survey for the Kent Site<sup>12</sup> recorded 28 species of birds with a further six species potentially breeding. During an update meeting with the applicant in May 2020, headline results from the 2020 breeding bird survey were shared which highlighted that that Kent Site supports a number of Schedule 1 protected bird species (including marsh harrier, bearded tit, Cetti's warbler and peregrine falcon). In addition a number of 'Red Listed' species of conservation concern were recorded including nightingale, skylark, grasshopper warbler and cuckoo, for example).

- 5.14 Natural England is keen to work with the applicant to understand the importance of the habitats within the application boundary for birds, both in relation to the designated site and species of wider conservation concern. From the information provided to date, the Kent Site appears to be of significant conservation value and we would therefore recommend the Resort is designed in a way which avoids direct impacts to the areas of conservation value

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<sup>12</sup> London Resort Company Holdings London Paramount 2012 Breeding Birds Survey Report. Chris Blandford Associates. January 2014

and we will be pleased to work with the applicant in this regard.

## **Invertebrates**

- 5.15 The Thames Estuary is considered to be a very important area for invertebrate species. From the London Resort's own studies and those undertaken for other development proposals, the invertebrate assemblages across the Kent Site, and those within the local wildlife sites and habitat surrounding the Essex Site, appear to be of particularly high nature conservation value. We would therefore recommend the Resort is designed in a way which avoids direct impacts to the areas of conservation value and Natural England would welcome the opportunity to work with the applicant in this regard.

We are keen to work with the applicant to ensure that the value of the Kent and Essex sites for their invertebrate assemblage is fully understood. Natural England expects a robust assessment of the impacts to be provided as part of the environmental statement for invertebrates based upon comprehensive survey information across the entire survey season for the Kent and Essex Sites. Where impacts cannot be avoided, a comprehensive mitigation, compensation and enhancement package should be included within the environmental statement.

## **Plants**

- 5.16 The botanical survey undertaken for the Kent Site in 2012 recorded five nationally scarce plants across the site (yellow vetchling, Bithynian vetch, man orchid, divided sedge and golden samphire). In addition, there are historical records for 52 notable vascular plant, lichen and fungi within a two kilometre radius of the application site.

Given the nature of the habitats within the application boundary, Natural England would recommend that comprehensive updated surveys are undertaken to inform a robust impact assessment.

## **6 Designated landscapes and landscape character**

### **Kent Downs Area of Outstanding Natural Beauty**

- 6.1 The plan entitled 'Zone of Theoretical Visibility (based on broad parameters)' (drawing reference edp5988\_d033b dated 8 June 2020) provided within the appendices to the Scoping Report highlights that areas of the Kent Downs Area of Outstanding Natural Beauty (AONB) fall within the zone of theoretical visibility.
- 6.2 Natural England notes that a single photographic viewpoint is proposed within the Kent Downs AONB (viewpoint reference EDP 41) on Footpath NS177 at Cobham. Given the national importance of the Kent Downs AONB, we would welcome the opportunity to discuss the scope of the landscape and visual impact assessment in detail with the applicant to ensure that a robust assessment of potential impacts to the AONB is included within the environmental statement. This may require additional viewpoints, considering both summer and winter views, to be included within the assessment.
- 6.3 Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.
- 6.4 The environmental impact assessment should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based



on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

- 6.5 Natural England supports the publication 'Guidelines for Landscape and Visual Impact Assessment', produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.
- 6.6 In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.
- 6.7 The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.
- 6.8 The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

## **Heritage landscapes**

- 6.9 You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm).

## **7 Access and recreation**

- 7.1 Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

## **Rights of way, access land, Coastal access and National Trails**

- 7.2 The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the England Coast Path, the proposed route of which falls within the application boundary. Appropriate mitigation measures should be incorporated for any adverse impacts and Natural England would be pleased to provide further advice on any mitigation measures.

- 7.3 Planning Authorities must have regard to the NPPF which encourages improved public access to the coast and ensures new development does not hinder the creation of the England Coast Path. Natural England's approach is to work constructively with planners and developers with the aim of ensuring that development plans and planning proposals take account of our coastal access objectives and make provision for them wherever appropriate.
- 7.4 Information on the ECP progress can be found on the government's website <https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>.
- 7.5 We also recommend reference is made to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced

## **8 Soil and agricultural land quality**

- 8.1 Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF. We also recommend that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF.

## **9 Air quality**

- 9.1 Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011).

A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced.

Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website<sup>13</sup>.

## **10 Climate change adaptation**

- 10.1 The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The environmental statement should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 174), which should be demonstrated through the environmental statement.

## **11 Cumulative and in-combination effects**

- 11.1 A full consideration of the implications of the whole scheme should be included in the

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<sup>13</sup> <https://www.gov.uk/guidance/environmental-permitting-air-dispersion-modelling-reports>

environmental statement. All supporting infrastructure should be included within the assessment.

11.2 The environmental statement should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- existing completed projects;
- approved but uncompleted projects;
- ongoing activities;
- plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

## 12 Environmental enhancement and mitigation measures

12.1 In addition to the required mitigation and compensatory measures for impacts to biodiversity and geodiversity assets from the London Resort, Natural England recommends that the scheme should deliver a net benefit for biodiversity and the wider environment. Such enhancements should consider the terrestrial, aquatic and marine habitats and species. The environmental statement should fully detail the environmental enhancements that will be provided by the applicant.

12.2 Natural England recommends that positive environmental outcomes should be delivered from major infrastructure developments. Nationally Significant Infrastructure Projects can make a significant contribution to delivering the environmental ambition in the Government's 25 Year Environment Plan<sup>14</sup>. This aims to deliver an environmental net gain through development and infrastructure.

12.3 In addition, Paragraph 175 of the NPPF provides guidance that when considering planning applications, the planning authority should apply the following principles:

- 'd) ... while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

12.4 As part of an overall enhancement package, Natural England recommends that options for reconnecting habitats through the creation of new semi-natural habitat, linking in with local priorities this part of the Thames estuary. Similarly, we would encourage the applicant to work closely with other major projects on both sides of the Thames to deliver a coherent, landscape scale mitigation and enhancement strategy.

12.5 Where habitat compensation will be required for any of the habitats or species impacted by the development, the long-term security and management of the site(s) needs to be secured and we recommend that the mechanism for this should be detailed within the environmental statement.

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<sup>14</sup> <https://www.gov.uk/government/publications/25-year-environment-plan>

By email only to londonresort@planninginspectorate.gov.uk

13 July 2020

Dear Sir/Madam,

**RE: Request for a Scoping Opinion by London Resort Company Holdings relating to the London Resort**

Thank you for consulting the Port of London Authority (PLA) regarding the request for a Scoping Opinion relating to the application by London Resort Company Holdings (LRCH) for an Order granting Development Consent for the London Resort.

The Applicant and the PLA have had several useful meetings regarding the project, and it is expected that these meetings will continue as the Applicant progresses their project. As set out in this response and as identified in the meetings, there are a number of issues that the Development Consent Order (DCO) application will need to address, including some which are essential to the continued safety of navigation on the River Thames.

**Proposed Development Consent Order (DCO)**

It is unclear from the Scoping Report the approach that the applicant is taking to consenting in the context of the Port of London Act (1968) ("PLA Act") as amended. For example, at paragraph's 2.21 and 16.20 of the Scoping Report there are references to all infrastructure works in the river requiring a River Works Licence. It should be confirmed whether LRCH will be following the PLA's licensing and dredging consenting regimes, rather than seeking through the DCO to disapply the PLA Act.

In Kent, works that are subject to a PLA River Works Licence (RWL) are located within the proposed Order Limits. These include moorings for Broadness Cruising Club. The PLA's St Clement's tier buoys are also located off White's Jetty. In Essex, the proposed Order Limits include Tilbury landing stage and areas ashore. There are a number of existing licences and legal arrangements in place, for example, use of the landing stage by the PLA Pilot Cutter and the Gravesend to Tilbury Ferry and for car parking. The impact on these existing uses and users both during construction and on completion of the development needs to be assessed and mitigation provided. It is also unclear what LRCH are seeking within these areas, for example acquisition of the foreshore and or of the passenger terminal and landing stage, extinguishment of navigation temporarily or permanently? Discussions are required with the PLA to establish the impact of the proposal on existing licensed works, PLA infrastructure, licences and legal agreements and river users. Any proposals for relocation/removal and/or enhancements should be clearly set out. For example, there may be the potential through the works to the landing stage to improve the access points for the PLA's Pilot Cutter.

Chapter 1 sets out at paragraph 1.20 other DCO's that are being progressed or have been made. It should include Thurrock Power and Oikos as well as the cited Tilbury2 and Lower Thames Crossing.

## **Red Line Boundary**

In Kent, the red line boundary appears to be consistent with that shown in the 2014 Scoping Report, extending out into the river from the upstream end of Robins Wharf to the site of the former Ingress Park Jetty. The red line boundary also now includes land at Tilbury Docks in Essex.

Figure 5.1 appears to show the red line boundary including land at Robins Wharf. This wharf is safeguarded through the Kent Minerals and Waste Local Plan (2013-30) and there appears to be no justification in the Scoping Report for including this land within the Order Limits. It should be clarified whether this is a drafting error. If it is proposed to include part of the Wharf within the Order Limits then it should be clarified whether this land is required temporarily or permanently and the reason for its inclusion given the importance of wharves in the sustainable transport of freight.

The Order Limits should also be overlaid on a PLA chart for a full assessment to be made of the impact of the project on the river and river users. As currently drawn the Order Limits may extend to or into the navigable channel.

Whilst appreciating the Applicant's desire to maintain flexibility about the detailed design of elements of the project, the red line boundary should be the minimum necessary to deliver the project and the PLA would like to work with the Applicant to revise the Order Limits accordingly.

## **Navigational Equipment**

The Scoping Report refers to a "PLA radar beacon" at paragraph 5.3.1 however, this is not strictly correct. The applicant needs to understand the complex navigational equipment, microwave links and radar site lines that operate across the Peninsula along with the physical lines of sight that the pilots rely on when navigating around the Peninsula. These include:

- (1) A radar and data communications facility on Broadness Peninsula - this consists of a dual redundant radar transceiver and antenna (including telecommunication links), a backup generator, UKPN electrical service and BT telecom ISDN and telephone landline. The site is also identified by the PLA to include CCTV for vessel tracking, as a future navigation aid.
- (2) A navigation light (beacon) on Broadness Peninsula which is a fixed reference point relied upon by mariners when they are navigating around the point.
- (3) Microwave Links from Broadness to Northfleet and Gravesend to Erith
- (4) Radar sight lines around the Peninsula
- (5) Pilot lines of sight across the Peninsula

All of the above are critical in maintaining the safety of vessels navigating on the River Thames.

Whilst it is proposed that the northern part of the site would be landscaped it is not yet clear how the PLA's radar and data communications facility would fit in with the development. The applicant may be aware that when the Millennium Dome was built at Greenwich Peninsula, this resulted in the PLA's Charlton Radar being re-built (at the applicant's expense) providing a new facility that complements the new surrounding within which it is now located. Has the applicant given any consideration to this? How will uninterrupted access to this facility and to the navigation light be provided for the PLA by cars, lorries and occasionally large cranes to ensure that emergency repairs and routine maintenance can be undertaken? How will power supply be maintained? Is there any scope through the application to get a potable main water supply and connection to a mains foul sewer to the PLA's facilities?

It is not clear whether any temporary buildings would be proposed in the landscaped area (it would appear that one permanent building is) and what the extent of the earth berm improvements and extension would be (it is of note that previous piles of excavated materials stockpiled on the site have caused detrimental



impacts on the PLA's navigational equipment). It needs to be ensured that the earth berm improvements and extension do not slope toward the radar site and any associated access routes.

Additionally, in the absence of detailed information, the PLA cannot be certain at this stage that the proposed development, will not detrimentally affect the microwave links and require the relocation of the radar to a higher point, so that navigation along the river is not affected.

Pilots coming from the lower reaches of the River benefit from having clear sightlines across the peninsula. The Applicant should plot these sightlines over the proposed development to demonstrate how they will remain unaffected by the proposal.

Other considerations include the flexibility sought by the applicant to change rides and attractions over time. How will it be ensured that future proposals for the site will not have a detrimental impact on the PLA's navigational equipment? Additionally, it is noted that a helipad is now sought on the site. An assessment of this on the PLA's navigational equipment will also be required.

Finally, the Harbour Master has highlighted how consideration needs to be given to the general lighting on the peninsula and how any glare etc might affect navigation. Coloured flashing lights within the Order Limits might cause confusion with the Northfleet sector light and other aids to navigation.

### **Juxtaposition**

As can be seen on figure 5.1 there are wharves in close proximity to the Order Limits. These wharves handle a range of goods which vary from aggregates to paper products and a number of them are safeguarded through the Gravesham Local Plan Core Strategy (see policies CS07 and CS11) and the Kent County Council Minerals and Waste Local plan (2013-2030) (see policy CSM6).

The noise, air quality, transport and lighting chapter of the ES must consider the juxtaposition issues associated with placing new development in close proximity to operational wharves. In particular, the scoping report identifies how any on-site sensitive receptors (such as hotels) have the potential to be affected by operational noise.

When undertaking the noise assessment, it must be undertaken using both BS 8233 and BS 4142. This is because when assessing noise of an industrial nature, from premises such as wharves, the assessments require that the 'rating level' of the noise is determined. The rating level is the noise emission level plus a correction (which is determined using the provisions of BS 4142) for the character of the noise, which can then be compared to the background sound level (BS 4142) or guideline values (BS 8233). It is recommended that the wharf operators are contacted prior to any baseline monitoring noise monitoring taking place to ensure that representative noise levels will be obtained.

### **River Transport**

The PLA welcomes the increased emphasis on river transport since the publication of the last Scoping Report. The increased use of the river extends to both the use of the river for the transport of goods and for the transport of passengers.

The Applicant recognises that a Navigational Risk Assessment (NRA) is required to support the project and discussions on the scope of the NRA, consultation requirements and potential impacts and mitigations should be held with the PLA.

Paragraph 9.88. of the Scoping Report states that as part of the assessment, consideration will be given to the need for mitigation in the form of aids to mitigation whether during construction or operation. It is assumed that this should say aids to navigation.

Vessels emissions both during construction and operation need to be considered and assessed and the PLA can provide baseline data from the 2016 emissions inventory to aid in the carrying out of this assessment.

Low carbon propulsion options and future proofing of river infrastructure should be considered. For example, the design of the river infrastructure should take into account of the use of decarbonised vessels and the charging technology required so that it is designed in, rather than trying to retrofit it at a later date.

#### *Use of the River for the Transport of Bulk Materials*

The Scoping Report sets out how construction materials will be supplied to the site by water from the Port of Tilbury. It is estimated that up to 95% of construction materials can be delivered to site by river. It is also proposed that construction waste would be removed from the site by the same method and route.

The Scoping Report makes reference to the reconditioning of Bell's wharf, remedial works to or the replacement of White's jetty and there are also references to a potentially utilising a newly built ro-ro facility at the application site. The infrastructure that would be utilised in connection with the transport of materials and waste both during construction and operation of the site should be clarified in due course and appropriate assessments undertaken.

#### *Use of the River for the Transport of Passengers*

It is proposed to use the river for the transport of passengers to the site through the addition of a new floating pontoon jetty which is proposed between Bell's Wharf and Ingress park. An extension is proposed to an existing jetty at the Port of Tilbury and there will be a mooring area for vessels in the immediate vicinity of the jetty extension. Services are proposed between the application site and central London as well as from Tilbury and potentially from Grays, although no further details are given on the Grays river transport options.

It is anticipated that up to 15% of visitors would use this means of travel however the Transport chapter of the ES only makes reference to this potential 15% being to the application site from central London.

Initial estimates are 25% of car borne visitors will travel to the Resort via Tilbury and approximately 2,500 spaces would be provided at Tilbury. As such, the anticipated percentage of visitors that will arrive at the resort by water from North of the River should be clarified.

Consideration should also be given to the potential to use the river for the transport of construction workers to the site and for staff to be transported to the site during the operation of the resort. The measures that will be taken to encourage visitors to arrive by water should be clearly set out.

Robust modelling should support the proposed river transport figures and if achieved then almost one million visitors could be arriving at the application site by water for gate 1 or nearly two million across both gates one and two.

It is noted that the applicant proposes to scope out sea-related (as opposed to river-related) water traffic from the assessment but that more cruise visitors are expected. The scoping out of sea related water traffic should therefore be justified.

#### **Terrestrial and freshwater ecology and biodiversity**

Reference to the Water Framework Directive (WFD) is spread across three different chapters of the Scoping Report and it is not well cross referenced which makes it confusing to follow. The terrestrial and freshwater ecology chapter of the ES is one place where the WFD is mentioned.

The Scoping Report lists some of the estuarine protected sites but does not appear to cover the tidal Thames. The only reference to estuarine habitats is at 11.51. There is very limited reference to the Marine Conservation Zone (MCZ). It is not listed in paragraph 11.65 (which lists out statutory and non statutory designations) and the species list does not include the tentacled lagoon worm. The first reference to the MCZ is on figure 11.2

It is proposed to scope out fish due to very few fish species being recorded in the 2015 survey within the Thames Estuary. This should be revisited as it is contrary to Section 12 of the Scoping Report and at the moment limited details are provided regarding the works to existing river structures and the proposed new structures. Surveys have been undertaken recently by the Applicant and these should be reviewed, and more detail provided on the in river works before scoping out fish.

Drawing number edp5988\_d047 lists the Thames as standing water. It is not and that reference will significantly affect how the Thames is assessed particularly for navigation. Mud will also extend beyond the low tide level.

### **Marine Ecology and Biodiversity**

In the PLA's experience seals are mostly found on the opposite bank rather than the north of the peninsula, due to the composition of the foreshore, with the feeding birds at the SSSI.

Reference is made to water cooling (although it is noted that it is not referenced in the development description) and there is also a reference in Chapter 12 to the waste water plant discharging into the Thames – where it is stated to be into existing infrastructure in the development description.

The PLA would like to see climate change impacts and net gain considered in both ecological assessments.

### **Hydrology / River Regime**

The aquatic ecology and water resources sections of the Scoping Report refer to hydraulic assessment of the jetties/marine infrastructure which is supported. Dredging is also highlighted as a possible pressure but without more detail on exactly what is proposed it is not possible to provide specific comments. It is of note that the Applicant has already taken a position on dredging methodology but has yet to determine what if any dredging is required or assessed the sediment quality. There are numerous references to potential impacts to the river and its ecology from the operation of the additional vessels involved in the construction and operation. The developer has undertaken to assess this, but the PLA would welcome engagement on the detailed scope of this assessment

In the waste chapter of the Scoping Report there is no mention of dredging arisings.

### **Security and Safety Provisions**

Given the location of the development and the significant numbers of people that will be attracted to the River and the riverside, including the new section of England Coast Path, riparian lifesaving equipment and shore side safety measures should be designed into the proposed development and provided before the site is opened to the public.

### **Other Matters**

The PLA's Property Team have highlighted that at paragraph 7.47 of the Scoping Report there is no mention of Brexit and the impact on foreign travel.

They have also highlighted the need for robust financial and visitor modelling, highlighting that the most popular tourist attractions in the UK currently are the British Museum (5.95m) and the Tate Modern

(5.88m) both of which are free. Alton Towers attracts 3.8m. Euro Disney is the second most popular tourist attraction outside North America and attracts 18.6m visitors. The Applicant is predicting 6.5m visitors (gate 1) and 12.5m visitors (gates 1 & 2).

Finally, the Estate's Team have highlighted that leachate is a major problem on the Peninsula if the pumps fail and question whether LRCH should be undertaking a major remediation exercise to eradicate the problem. They also ask how LRCH are going to protect the salt marsh.

I hope the above is of assistance.

Yours Faithfully,



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PORT OF  
**TILBURY**  
LONDON

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)**

**– Regulations 10 and 11**

**Application by London Resort Company Holdings (the Applicant) for an Order  
granting Development Consent for the London Resort (the Proposed Development)**

**RESPONSE TO SCOPING CONSULTATION ON BEHALF OF  
PORT OF TILBURY LONDON LIMITED (PoTLL)**



## **Introduction**

1. This statement represents the response of Port of Tilbury London Limited (PoTLL) to the London Resort Scoping Report dated June 2020. It has been prepared by Vincent and Gorbing on behalf of PoTLL.
2. PoTLL have agreed in principle with London Resort Company Holdings (“LRCH” - the Applicant) to accommodate a new car park (plus ancillary visitor services) within the Port, and to allow access to the river for a new ferry service connecting the resort to the Port of Tilbury. Furthermore, Port of Tilbury is proposed to be the hub for the majority of construction material and operational servicing for the resort. PoTLL welcome the opportunity of close working with LRCH and confirm that there has been a good level of consultation between the parties that will continue as the proposals are developed and subject to consultation and the future application for Development Consent.
3. PoTLL consider that the inclusion of the proposals to use the river for both construction and for visitors to the Resort from the north side of the Thames is a very significant feature of the revised proposals that will have considerable environmental benefits in minimising traffic on both the north and south sides of the river. PoTLL are committed to assisting LRCH realise these environmental benefits.
4. This statement has been prepared on behalf of PoTLL as :-
  - i. The owner and operator of the current Port of Tilbury, which includes land which is 'operational land' held by PoTLL in its role as a statutory undertaker;
  - ii. The owner of parts of the land included within the draft Development Consent Order limits required for development;
  - iii. The owner and operator of the new Port Terminal known as Tilbury2 some 1km east of the existing port which is now operational as a Roll-on Roll-off freight ferry terminal. Other parts of this site are under construction as a Construction Materials and Aggregates Terminal (CMAT) which itself may play a role in the construction process of the London Resort.
5. Overall, PoTLL consider that the Scoping Report adequately identifies the scope of environmental effects that will need to be assessed within the application for a Development Consent Order.

## **Background on Port of Tilbury**

6. The Port of Tilbury is located on the north side of the River Thames some 5km east of the Dartford Crossing and immediately to the east of the site of the proposed London Resort.
7. The Port is London’s major freight port, and also one of the largest multi-purpose ports in the UK. A diverse and dynamic port, it provides fast, modern distribution services for a full range of cargoes. These include paper and forest products, containers & Ro-

Ro, grain and bulk commodities and construction and building materials. A busy cruise port, the London Cruise Terminal accommodates over 100,000 passengers each year.

8. Strategically located in Tilbury, South Essex, the port offers excellent connectivity to and from London and across the South East with 70 per cent of the UK's population reachable within a 120-mile radius. It has three rail terminals offering daily services across the UK.
9. The existing port comprises 946 acres (383 ha) for operations processing 16 million tonnes of cargo every year. Additional to the facilities the Port has over 7km of roadways, 56 operational berths, 31 independently working terminals and 10.2km of quay. The port is home to the London Container Terminal and the largest reefer (refrigerated container) facility in the UK. At the Port's northern perimeter a bio-mass power station has recently been constructed. London Distribution Park, a joint venture between PoTLL and Segro, is located to the east of the port and comprises new development of industrial, warehousing and distribution facilities across 70 acres, with the main occupier being Amazon, employing over 3,500 people in a 2.1 million sq.ft. E-fulfilment Centre which opened in September 2017.
10. Fortress Distribution Park, which offers warehousing and logistics services for recycling activities as well as car storage and haulage depots, is also located to the east of the main operational areas, as is the London International Cruise Terminal. It is in this area that LRCH propose to develop new car parking allowing users of the resort to access it by river.
11. Port of Tilbury is also in the process of expansion of its facilities with the development of Tilbury2, a new port terminal some 1km to the east of the existing port. The proposal was subject to an application under the Planning Act 2008 which was examined between February 2018 and August 2018. The Development Consent Order was made in February 2019. Tilbury2 comprises a Roll-on/Roll-off terminal located at the southern part of the site and used for operating container and trailer ferries to Europe, with a capacity of 500,000 units; and a Construction Materials and Aggregates Terminal (CMAT) which will provide additional capacity for the import of aggregates and construction products, and will also support a number of processes, including ready mix, a block plant and an asphalt plant. Materials will leave the site by rail, barge and road. The terminal will have a capacity of circa 1.6 million tonnes.
12. The existing deep water jetty at Tilbury2 is being extended upstream and downstream with new berthing capacity for two Ro-Ro vessels and one berth for aggregate ships.
13. The proposals for Tilbury2 included enhancements to road and rail links. The operational requirements for the proposed development include a new public highway to link the A1089/Ferry Road from a location south of Tilbury Railway Station along an alignment closely following the existing railway line. The proposals included safety improvements to the "Asda roundabout" on the A1089 and minor junction works to the M25 Junction 30, which were all agreed with Highways England
14. The position with construction as of July 2020 is that the Ro-Ro terminal is now complete and operational whilst the CMAT is under construction and will be developed

with a number of facilities in the period between now and Spring 2021. The new road link from the A1089/Ferry Road has also recently opened to traffic, alongside improvements to Fort Road. Works to the Asda roundabout are also complete. The rail links into Tilbury2 are in the process of being completed.

15. The above construction works are relevant to the environmental assessment of London Resort given (i) the extent of the proposed DCO boundary which adjoins the new road corridor into Tilbury2 and (ii) the need to take account of the impact of Tilbury2 in either the future baseline or the assessment of the cumulative effects of development (on which we comment further below).

### **National and local planning policy**

16. PoTLL agree that with the Scoping Report at para. 3.11 that the NPS for Ports is a consideration that is relevant to the Proposed Development. As set out in the Scoping Report, the London Resort has a significant marine dimension, involving development on both sides of the Thames and a substantial reliance on river transport for the movement of construction materials, the supply of goods for the operational resort and the ferrying of resort visitors and staff to and from central London and Port of Tilbury.
17. PoTLL very much support these elements of the project. The importance of Port of Tilbury within the project in terms of its sustainability (by reducing vehicular journeys in both construction and operation) is such that the Environmental Impact Assessment will need to carefully consider the effect on port operations to ensure that the project operates successfully alongside an operational port.
18. Although not a 'port' in itself, the Proposed Development clearly will have an interaction on river operations and the marine environment and this will need to be assessed against the NPS for Ports as appropriate. PoTLL agree that the interactions between the Port of Tilbury and the London Resort have the potential to give rise to a range of economic, transport and environmental effects and these should be assessed in the context of national ports policy.
19. In terms of local planning policy, the Environmental Impact Assessment will need to consider the position with the emerging Local Plan in Thurrock, depending on the time line of the assessment process against that Local Plan. The Applicant should be aware of the ambitions of PoTLL to further expand the Port to both the north and east within Thurrock. Some development will be reliant on progress with the Local Plan but some may not. It is accepted that at the present time such expansion plans cannot be considered within the cumulative effects assessment as they cannot be defined as 'committed.' However, this may change during the preparation of the application for the Proposed Development. PoTLL will of course keep the Applicant informed in this regard.

### **Description of the site**

20. PoTLL consider that the ES will need to provide more detail in the description of the land on the Essex Project Site. The Scoping Report at para. 5.13 and 5.18 (and in other locations) states that the Essex Project Site lies "immediately to the east of the

port of Tilbury” or “between the ports of Tilbury and Tilbury 2.” This is incorrect as the land within the draft DCO boundary is largely within the operational port, albeit divided from the main area of the port by public highway. The land is currently used for parking for the cruise terminal and the storage of new import motor vehicles but is operational port land and this should be recognised.

21. The Scoping Report comprehensively describes Port of Tilbury in terms of its function as London’s primary port and provides initial details of the Grade II\* Listed Cruise Terminal.
22. The Scoping Report at para. 5.16 describes the made DCO for Tilbury2 and notes at para. 5.17 that construction of Tilbury2 is underway. It should be noted in the description of the development that although the proposals included permission for a new 10,200m<sup>2</sup> warehouse this is does not presently form part of the scheme under construction.
23. As highlighted above, the baseline description will need to be updated to take account of progress with the development at the date the Environmental Statement is finalised, taking into account the remainder of the development of the Tilbury2 site as either part of the future baseline or as a cumulative effects project.

#### **Description of the project**

24. The description of the proposals is comprehensive but from PoTLL’s perspective will need further detail in terms of the proposed facilities and their design at the Essex Project Site. This is particularly so given the sensitive context of the site in respect of heritage assets including the Cruise Terminal/Riverside Station, Worlds End public house and Tilbury Fort.
25. There is a lack of clarity in the description of the development as to the changes to the grade II\* listed Riverside Station and Floating Landing Stage at Tilbury. There is no mention under para. 5.72/5.73 of any new infrastructure within the river whereas at para. 12.5 the Scoping Report states that at the Essex Project Site *“there is a proposed extension of the jetty at Port of Tilbury and there will be a mooring area for vessels in the immediate vicinity of the jetty extension.”*
26. The design of these elements will need to be well refined in order to undertake the assessment of heritage impacts. PoTLL are confident that LHRC will consider carefully the sensitive heritage context.

#### **Environmental Topics**

27. PoTLL support the scope of environmental topics proposed and make the following comments.

##### Transport, accessibility and movement

28. The description of the highway network notes the highway infrastructure associated with Tilbury2. As highlighted above, the construction of this is now largely complete

and will alter the local assessment of environmental effects related to traffic movements.

29. It is noted that baseline conditions were identified in 2017 in preparation of the previous PEIR and these will be used as a basis for ongoing work. The Scoping Report highlights that given the current Covid-19 situation, new traffic flow surveys cannot be undertaken, however where possible relevant existing data will be utilised.
30. Clearly, there has been a fundamental change in the access strategy since 2017 with the inclusion of parking at Port of Tilbury and onward use of clipper ferries. It is noted that initial estimates indicate around 25% of car borne Resort visitors would travel to the Resort via Tilbury.
31. The Scoping Report accepts that at this time, the highway impacts of the proposals north of the river are unknown and will need to be assessed within the Transport Assessment and the ES Transport Chapter. The assessment will need to take into account Tilbury2 operating at full capacity.
32. It is noted that the “Asda Roundabout” on the A1089 to the north of the Port of Tilbury has been included in the draft Order Limits for the London Resort DCO in case the traffic assessment reveals a need for physical highway enhancements. This junction is on the main access to the Port of Tilbury (including Tilbury2). An early understanding of traffic impacts (and any associated environmental effects) on this junction is clearly important to the Proposed Development and to PoTLL to ensure that there is no adverse impact on access to the Port. As highlighted above, PoTLL have recently undertaken safety improvements to this junction associated with the Tilbury2 development and will wish to ensure that both highway conditions and safety are not adversely effected by additional traffic associated with the London Resort.
33. The Scoping Report makes clear that the Applicant will consider this junction and this is welcomed. PoTLL will be able to work with LRHC to assist this process. The junction has been the subject of recent assessment through the Tilbury2 process and much of this data is publicly available or could be provided by PoTLL.
34. Para. 9.80 notes that sea-related (as opposed to river-related) water traffic is to be scoped out from the assessment. It is accepted that the proposals would have negligible effect on current sea lines. Whilst it will not be assessed in any detail within the Transport Chapter, it is noted that the potential for sea lines to be a form of travel for the Proposed Development will be discussed. PoTLL support this approach and would suggest further consideration is given to how cruises might be encouraged to visit the Tilbury Cruise Terminal in order to access the Resort.

#### River and navigation

35. PoTLL support the approach of having a separate chapter in the ES to consider the effects of river transport. Detailed consideration will need to be given to the impact on navigation from marine infrastructure both during the construction and operation of the Resort and the river services both from London and from Tilbury itself. The transfer of construction materials between Tilbury and the Resort will need to be assessed



carefully to ensure that there is no adverse effect on Port operations albeit PoTLL, in supporting the initiatives of LRHC to use of Port of Tilbury as a construction hub, will work with LRHC and PLA to ensure no adverse effects arise.

### Heritage

36. As highlighted above, further detail of project design will be needed to allow assessment of the Proposed Development on heritage assets. From discussions held to date PoTLL are aware that LRHC are mindful of the sensitive heritage context and will be ensuring that impacts are minimised, particularly on the Cruise Terminal/Riverside Station and Tilbury Fort. PoTLL consider that the impact on the Riverside Station can successfully be mitigated by appropriate design to reduce or avoid physical impacts but the detail will be important given the significance of the asset.

### **Cumulative effects**

37. As would be expected, the Scoping Report notes that the EIA will consider the cumulative effects of the construction and operational phases of the Proposed Development. As noted above, Tilbury2 will be largely complete by Spring 2021 and may therefore be better considered as part of the baseline rather than a cumulative project, providing on-going baseline survey work can take account of its operational effects. PoTLL will liaise further with LRHC regarding future port growth and expansion potential.
38. It is noted that Lower Thames Crossing will be considered as a cumulative project. This is clearly of particular importance in respect of the strategic highway network but also the local access arrangements to Port of Tilbury and the proposed car parking for the Resort at the Essex Project Site, including any potential changes to traffic flows at the Asda roundabout.
39. PoTLL note that an application for a gas fired power station known as Thurrock Flexible Generation Plant, located to the east of Tilbury2, has recently been accepted by the Secretary of State for examination under the Planning Act 2008. This is located some 1.5km east of the Essex Project Site but may give rise to cumulative effects on environmental topics including landscape and heritage.

### **Summary**

40. In summary, PoTLL consider that overall the Scoping Report is comprehensive and the design development, including the proposal to use Port of Tilbury in both construction and operation, is welcomed given the clear environmental benefits of reduced vehicle movements that will result. . PoTLL will liaise further with LRHC as the scheme is brought forward through informal and statutory consultation.

Vincent and Goring

On behalf of Port of Tilbury London Limited

July 2020



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16<sup>th</sup> July 2020

Dear Ms Lancaster

**Application by London Resort Company Holdings (the Applicant) for an Order granting Development Consent for the London Resort (the Proposed Development) – Scoping Consultation**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

In order to ensure that health is fully and comprehensively considered the Environmental Statement (ES) should provide sufficient information to allow the potential impact of the development on public health to be fully assessed.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the

ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include or impact upon any potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

## **Appendix: PHE recommendations regarding the scoping document**

### **General approach**

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

We note that the information provided states that there will be three associated development projects, but that these will be the subject of separate planning consent applications. We recommend that the EIA includes consideration of the impacts of associated development and that cumulative impacts are fully accounted for.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>2</sup>.

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However, this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

### **Receptors**

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

### **Impacts arising from construction and decommissioning**

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

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<sup>1</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

<sup>2</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

### **Emissions to air and water**

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)



- If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
- This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

*Additional points specific to emissions to air*

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

*Additional points specific to emissions to water*

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)

- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

## **Land quality**

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>3</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

## **Waste**

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

## **Other aspects**

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to

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<sup>3</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>4</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

### **Electromagnetic fields (EMF) [include for installations with associated substations and/or power lines]**

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Abcd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

[http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/PublicHealth/HealthProtection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500)

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the

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<sup>4</sup> Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m<sup>-1</sup> (kilovolts per metre) and 100 µT (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

[http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info\\_IcnirpExpGuidelines/](http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info_IcnirpExpGuidelines/)

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment

addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to "Document Index" and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

[http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage/](http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage/)

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the First SAGE Interim Assessment is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16<sup>th</sup> October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

[http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage2/](http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2/)

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_130703](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703)

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

**Liaison with other stakeholders, comments should be sought from:**

- the local authority for matters relating to noise, odour, vermin and dust nuisance



- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Clinical Commissioning Groups, NHS commissioning Boards and Local Planning Authority for matters relating to wider public health

### **Environmental Permitting**

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore, the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

## **Annex 1**

### **Human health risk assessment (chemical pollutants)**

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>5</sup> is used.

### **Human Health and Wellbeing**

This section of PHE's scoping response, identifies the wider determinants of health and wellbeing we expect the Environmental Statement (ES) to address, to demonstrate whether they are likely to give rise to significant effects. PHE has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements.

The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted scoping report PHE wish to make the following specific comments and recommendations:

#### **Human health**

- 1) The scoping report does not identify a definition of health. The scoping report should accept the broad definition of health proposed by the World Health Organisation (WHO) and also include specific reference to mental health within the definition of health.

#### **Recommendation**

---

<sup>5</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

The EIA should accept the broad definition of health proposed by the World Health Organisation (WHO) and also include specific reference to mental health within the definition of health.

There should be parity between mental and physical health, and any assessment of health impact should include the appreciation of both. A systematic approach to the assessment of the impacts on mental health should be taken. The Mental Wellbeing Impact Assessment (MWIA) may assist. The assessment should identify vulnerable populations and provide clear mitigation strategies that are adequately linked to any local services or assets.

- 2) The report would benefit from scoping in opportunities to achieve benefits from the scheme for reducing health inequalities, and to consider how the development can contribute to improving local health outcomes identified in local strategy documents.

### **Recommendation**

There should be a narrative which interprets the data collected in the context of the project. A list of tables and data is not sufficient, so the report should consider:

- Are particular groups or vulnerable groups likely to be impacted more than others and is this clearly described and explained?
- What indicators within the current health baseline that are worse than England average/ local ward or LSOA levels
- What are the levels of inequality in the study area
- Identify potential inequalities in the distribution of impacts

- 3) Although 'human health' is scoped in to the EIA per Table 6.1, there is no specific population health subsection listed.

### **Recommendation**

All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Population health should be included either separately or as part of the human health section within the EIA. This should identify sensitive receptors in both the general population and vulnerable populations, the NSIP's potential direct and indirect impacts on each population, and the potential effects in relation to the affected population.

### **Vulnerable populations**

The approach to the identification of vulnerable populations should be extended and consider the list of protected characteristics within an Equality Impact Assessment (EqIA). The impacts on health and wellbeing and health inequalities of the scheme may have particular effect on vulnerable or disadvantaged populations, including those that fall within the list of protected characteristics. The Environmental Statement and any Equalities Impact Assessment should not be completely separated.

### **Recommendation**

The assessments and findings of the Environmental Statement and any Equalities Impact Assessment should be cross referenced between the two documents, particularly to ensure the comprehensive assessment of potential impacts for health and inequalities and where resulting mitigation measures are mutually supportive.

### **Access**

- 1) The site will contain restaurants, cafes, and hot food takeaways, but currently there is no planned assessment of the impact on availability of affordable healthy food on the community, workers and visitors, both inside and outside the payline.

#### **Recommendation**

Access to healthy, nutritious food has been shown to contribute to improving general health. A variety of studies have shown that a poor diet high in saturated fat, salt and sugar and low in fruit and vegetables can contribute to a range of health conditions including diabetes, heart disease, obesity, cancer and stroke. The ES should contain an assessment of the proposed food outlets, particularly those outside the payline,, how this will impact the availability of affordable healthy food, and the effect on the surrounding community, visitors and workers.

- 2) Access to green/bluespace and wider green infrastructure (GI) is scoped in, however it was unclear whether an overall assessment of net gain/loss of GI and the quality of that GI will be completed, and distinguish between GI inside and outside the payline. There may be an impact on the amount and/or quality of both publicly available and non-publicly-accessible GI. Impact on and effect of changes on opportunities for outdoor recreation including physical activity is not currently within scope.

#### **Recommendation**

Access to good quality greenspace and living in greener communities is associated with a range of physical and mental health benefits. The ES should clearly describe the impact of construction and operation on both the quantity and quality of both publicly and non-publicly accessible green/bluespace and GI, and present the estimated effects of this for the local community, workers and visitors. It should also describe any changes to access, and potential severance of green/blue spaces from existing residential areas due to the area within the payline, including impact on local resident's ability to access green space on foot or bicycle. The assessment should also identify opportunities for outdoor recreation including physical activity.

- 3) Assessment of the effect of changes in access to active travel is scoped in, along with early consideration of how walking and cycling could be improved in and around the development. However this is underdeveloped in comparison to motorised forms of transport.

#### **Recommendation**

Prioritising pedestrians and cyclists through changes in physical infrastructure can have positive behavioural and health outcomes, such as physical activity, mobility and cardiovascular outcomes. The provision and proximity of active transport infrastructure is also related to other long-term disease risk factors, such as access to healthy food, social connectedness and air quality. Providing infrastructure to support cycling and walking, however, is not necessarily sufficient to promote these activities. The routes for cycling and walking should link places where people live to destinations that people need or want to visit.

There is increasing focus within national policy on both active and sustainable travel. The proposal would benefit from additional creative thinking about opportunities to support and incentivise this, particularly for visitors. The ES should also consider, at a more local level, the impact and effect of active travel routes and local public transport infrastructure (eg, buses), for workers and the community. The ES should demonstrate how the active travel plans laid out in the proposal will align with and help to achieve local health priorities.

- 4) The project will develop new housing comprising up to 500 apartments with shared facilities for Resort workers. The aim is to take pressure off the local housing market, however the type of housing will mainly be suitable for a particular demographic (eg, young, single) and is likely to be short-term tenancies. Also there may be implications on tenant health, in light of COVID, with regard to future outbreaks of communicable disease.

**Recommendation**

The provision of affordable housing in appropriate locations can have a positive impact on health. The assessment should consider the impacts upon the wider community of the expected population living within these apartments. The assessment should also consider, in light of shared facilities, the impact of a future outbreak of communicable disease and mitigation plans.

**Socio-economic**

- 5) The assessment of the potential effect from displacement of commercial uses on local business owners should be broadened.

**Recommendation**

Job security, working conditions, opportunities for employment advancement or simply being in paid employment, impact on health and wellbeing. The assessment should amend the scope to identify 1) the impact of business relocation in order to identify the likely level of established job losses within the study area; 2) the proposed support mechanisms to be established for displaced business owners and employees; 3) the impact of loss of commercial uses on local residents.

- 6) Public consultation/community engagement took place in 2014/15, however assurance is sought that factors identified remain relevant and whether new issues could be identified by further community engagement. There are no stated plans to conduct further public consultation.

**Recommendation**

The design of the sites should be carried out in consultation with the local community, to ensure that it addresses local concerns and incorporates features and designs to enable access and use across the life course. The developers should consider whether further public consultation at this stage is required.



Tel: 020 8921 5222



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The Planning Inspectorate  
3M  
Temple Quay House  
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Bristol  
BS1 6PN

**Directorate of Regeneration,  
Enterprise & Skills**  
The Woolwich Centre, 5th Floor  
35 Wellington Street  
London, SE18 6HQ

**20/1898/K**

16 July 2020

## **DECISION NOTICE - NO COMMENTS TO RAISE**

Dear Helen Lancaster,

**Town & Country Planning Act 1990 (As Amended)**

**The Town and Country Planning (General Permitted Development) (England) Order 2015**

**Site:** The London Resort, Land to the east of Ingress Park north of Ebbsfleet International Station, between the A226 and the River Thames.  
**Applicant:** London Resort Company Holdings  
**Proposal:** Request for scoping opinion by The London Resort for development of the site.  
**Drawings** Non-statutory Consultation Letter dated 22 June 2020

I refer to your letter dated 23 June 2020 enclosing details in respect of the above.

The Royal Borough has now formally considered the matter and has no comments to make on the Scoping Opinion.

Thank you for consulting me on this matter.

Yours faithfully



Assistant Director

## **The London Resort – proposed development by The London Resort Company Holdings**

### **Royal Mail Group Limited comments on information to be provided in the applicant's Environmental Statement**

#### **Introduction**

Reference the letter from PINS to Royal Mail dated 22 June 2020 requesting Royal Mail's comments on information that should be provided in The London Resort Company Holdings Environmental Statement.

Royal Mail's consultants BNP Paribas Real Estate have reviewed the applicant's Scoping Report dated June 2020.

#### **Statutory and operational information about Royal Mail**

Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom.

The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

The Act includes a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards.

Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and this should not be affected detrimentally by any statutorily authorised project.

By sections, 30 and 31 of the Act (read with sections 32 and 33) there is a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. There is, in effect, a statutory obligation on Royal Mail to provide at least one collection from letterboxes and post offices six days a week and one delivery of letters to all 29 million homes and businesses in the UK six days a week (five days a week for parcels). Royal Mail must also provide a range of "end to end" services meeting users' needs, e.g. First Class, Second Class, Special Delivery by 1 pm, International and Redirections services.

The Government imposes financial penalties on Royal Mail if its Universal Service Obligation service delivery targets are not met. These penalties relate to time targets for:

- collections,
- clearance through plant, and
- delivery.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service

Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.

Royal Mail has two properties in the search area and a further two within 10 miles:

BE	Business Entry Name	Address	Distance (miles)
1400	GRAVESEND DO	144 MILTON ROAD	3.8
1399	GRAVESEND RURAL SUDO	2 QUEEN STREET	4.1
3813	GRAYS DO	HOGG LANE	4.9
1397	DARTFORD DO	50 WEST HILL	5.8
3903	LONDON SOUTH EAST LD	UNIT 3 OPTIMA PARK, THAMES ROAD	7.5
1529	DARTFORD VSC	8 TOWER PARK ROAD	9.6
3649	LONDON EAST IND/OFF/VSC/PAR	OLIVER ROAD	10.1
80	WEST THURROCK HUB	UNIT 6B TRADE LINK WESTON AVE	10.7
3759	MEDWAY MC	1 KNIGHT ROAD	11.2

Please find at Appendix 1 the sites plotted on a map for reference.

### **Royal Mail's comments on information that should be provided in The London Resort Company Holdings Environmental Statement**

Within the Environmental Statement there is no information regarding construction traffic routes and management for the Scheme. Royal Mail has the following comments / requests:

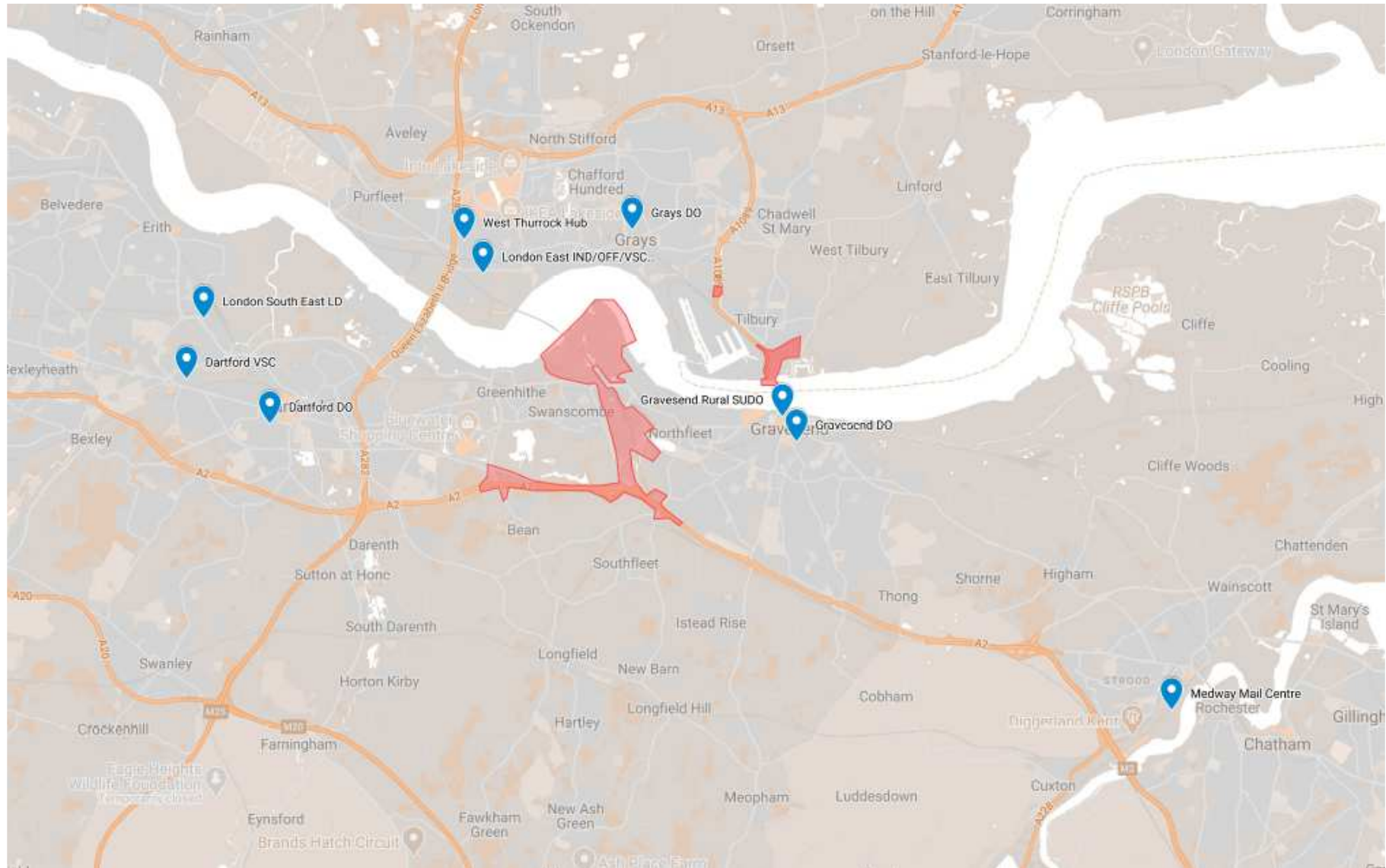
1. The additional vehicle movements during the construction and operational phase (*approximately 12.5 million visitors per year with Gates 1 and 2 in operation*) of the Scheme would have significant potential to be disruptive to Royal Mail's local road operations from the above-identified properties.
2. Royal Mail requests that consideration is taken in the Traffic and Transportation section of the ES to when the A2 works are carried out. If the works are undertaken to the A2 simultaneously with the M20 J3-6 and the M26, which are the diverted routes when works are being undertaken to the former, this will cause significant problems for routes to and from Medway MC.
3. Royal Mail requests that the Traffic and Transportation section of the ES includes information on the needs of major road users (such as Royal Mail) and acknowledges the requirement to ensure that major road users are not disrupted through full consultation at the appropriate time in the DCO and development process.

4. Royal Mail requests that it be fully pre-consulted by the applicant and its contractors on any proposed road closures / diversions / alternative access arrangements, hours of working and the content of any Construction Traffic Management Plan. The ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses / occupiers.

Royal Mail is able to supply the applicant with information on its road usage / trips if required.

Should PINS or The London Resort Company Holdings have any queries in relation to the above then in the first instance please contact Denise Stephenson ([denise.stephenson@royalmail.com](mailto:denise.stephenson@royalmail.com)) of Royal Mail's Legal Services Team or Alice Stephens ([alice.stephens@realestate.bnpparibas](mailto:alice.stephens@realestate.bnpparibas)) of BNP Paribas Real Estate.

**Appendix 1**





**From:** [Mike Holmes](#)  
**To:** [London Resort](#)  
**Subject:** BC0800001-000230 - Scoping Opinion for the London Resort  
**Date:** 16 July 2020 10:29:38

---

Dear Helen

Thank you for your letter dated the 22 June 2020.

Having reviewed the potential significant environmental effects identified in the EIA Scoping Report we are satisfied that they cover the likely impacts on Sevenoaks District.

Sevenoaks District Council, therefore, wishes to raise no comment regarding the EIA Scoping Opinion for the proposed development at the London Resort.

Kind regards

**Mike Holmes**  
Principal Planning Officer  
Sevenoaks District Council | Argyle Road | Sevenoaks | TN13 1HG

*This advice is without prejudice to the decision making processes of the local planning authority and in no way prejudices any future determinations or decisions made by the local planning authority.*

*You are advised to seek your own independent advice on any issues raised in this email.*

Tel: 01732 227000  
Email: [mike.holmes@sevenoaks.gov.uk](mailto:mike.holmes@sevenoaks.gov.uk)  
Online: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

Consider the Environment before printing this e-mail

Debit/credit card payments for planning applications, pre-application enquiries and Appeals can be made online at our website.  
<https://myaccount.sevenoaks.gov.uk/planning-payment/> For all other Planning payment queries please telephone us on 01732 227000 or email [planning.information@sevenoaks.gov.uk](mailto:planning.information@sevenoaks.gov.uk) Our office hours are Monday - Thursday 08:45 -17:00 and Friday 08:45 - 16:45



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**Our Ref:** 20/00776/SCO

**E-Mail:** [dm@thurrock.gov.uk](mailto:dm@thurrock.gov.uk)

**Date:** 20<sup>th</sup> July 2020

## **BY E-MAIL**

Dear Ms Lancaster

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by London Resort Company Holdings (the Applicant) for an Order granting Development Consent for the London Resort (the Proposed Development)**

**Scoping consultation – LPA Response**

**Your Reference – BC0800001-000230**

I refer to your letter dated 22<sup>nd</sup> June 2020 regarding the above matter and to your request that the local planning authority (LPA):

- inform the Planning Inspectorate of the information we consider should be provided in the ES; or
- confirm that we do not have any comments.

In response to both your letter dated 22<sup>nd</sup> June 2020 and the EIA Scoping Report (June 2020) the LPA consulted internally within Thurrock Council and received responses from:

- Thurrock Council: Public Health;
- Thurrock Council: Built Heritage;
- Thurrock Council: Archaeology
- Thurrock Council: Strategic Planning
- Thurrock Council: Highways Development Control;
- Thurrock Council: Landscape & Ecology;
- Thurrock Council: Urban Design & Placemaking;
- Thurrock Council: Flood Risk Manager; and
- Thurrock Council: Economic Development.

The responses are summarised in the table at Appendix 1 to this report.

## **Scope of the Proposed Environmental Statement**

The general purpose of the Scoping Report is to determine, from all the project's likely effects, those that are predominantly significant with respect to impacts on the environment. The contents of the Scoping Report are generally endorsed by the LPA, subject to the comments contained in this letter and of those comments made by the consultees at Appendix 1.

The ES must include the information reasonably required to assess the environmental effects of the development and to which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile. The proposed structure of the ES is set out at chapter 6 of the Scoping Report. I consider that this generally accords with the provisions of the Regulations.

Paragraph 6.6 of the Scoping Report described the ES Main Impact Sections as:

- Land use and socio-economic effects
- Human health
- Land transport
- River transport
- Landscape and visual effects
- Terrestrial ecology and biodiversity
- Aquatic ecology
- Cultural heritage and archaeology
- Noise and vibration
- Air quality
- Water resources and flood risk
- Soils, hydrogeology and ground conditions
- Waste and materials
- Greenhouse gases and climate change
- Cumulative, in-combination and transboundary effects

I am satisfied that this list of topics will enable a thorough assessment of the likely significant environmental impacts of the proposals but I also request that the comments from the Thurrock Council consultation process within this response are taken into consideration in the preparation of the Environmental Statement.

I note that paragraph 6.17 of the Scoping Report refers to cumulative impacts and the in-combination impacts with reasonably foreseeable projects in the vicinity of the site, which include:

- Ebbsfleet Garden City;
- Tilbury 2 port expansion – currently under construction;
- Lower Thames Crossing – future DCO; and
- A2(T) Bean – Ebbsfleet road improvements.

The ES should also consider the cumulative impacts of the following projects:

- Tilbury Energy Centre (replacement Tilbury Power Station) – potential future DCO; and
- Thurrock Flexible Generation Plant – current DCO;

I note that the applicant will liaise with the relevant planning authorities to identify any other developments in the area of the Project Site that should be considered (para. 6.18).

### **Summary**

I trust that the above comments and enclosures are of assistance. The above information is given without prejudice to the LPA's future comments or position in relation to a formal submission pursuant to the 2008 Act.

Yours sincerely

A solid black rectangular box redacting the signature of Matthew Gallagher.

Matthew Gallagher  
Major Applications Manager



Appendix 1  
Thurrock Council EIA Scoping consultation comments

**Thurrock Council – Public Health**

- With regards to this EIA scoping opinion and any subsequent application that will be informed by this consultation, it is felt that consideration is paid to the potential human health impacts in respect of this proposed development. This relates to the health and wellbeing of any person(s) employed both during construction and operational stages, local residents living in communities within close proximity to the proposed Thurrock side of the development and the wider community as a whole where impacts may be felt.
- The World Health Organisation (WHO) defines health as “Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” This definition encapsulates the ‘holistic’ and ‘whole’ person. Health and wellbeing can be affected by a variety of complex and interrelated factors including the built environment and communities that people live in. The definition also focusses on keeping people well. In order to support people to remain well requires acknowledgement of the role that wider determinants of health can play. This includes consideration of issues such as landscape, traffic, congestion, air quality, and how economic factors such as employment can impact on health.
- The area of Thurrock that is mainly impacted by this development is Tilbury. There are two wards that make up this area, Tilbury Riverside and Thurrock Park and Tilbury St Chads. Within Thurrock these two ward are ranked the highest for deprivation, with life expectancy noted as lower than the England average. This inequality in health needs to be taken into consideration during any assessment and identification of mitigation measures to ensure there is no increase in these.
- Based on this understanding of health and the information provided in the EIA scoping opinion we were pleased to see the inclusion of active travel plans, use of rights of way paths and cycling and walking infrastructure included within the scope. Likewise the suggested use of a ferry link to transport visitors and workers to the site and shuttle buses from stations are identified as being environmentally friendly in terms of reduction in car use and improved air quality. The inclusion of lifts within the station and provision for disabled parking enables inclusivity for visitors and staff.
- The use of the river for transportation of the construction materials is also a positive point and the opportunity for local employment within the construction phases and the completed resort is also welcomed.
- While it is acknowledged that most of the development will be on the south side of the river there are still some effects that will need to be taken into account within the Tilbury area. Tilbury is an area where considerable construction activity has and will be undertaken. The Port of Tilbury has expanded into Tilbury 2, there is a DCO application being considered for a Flexible Generation Plant, with the Lower Thames Crossing DCO application planned to be submitted later in 2020. A recent application for a Tilbury Energy Centre, to replace the defunct Tilbury Power Station, is on hold at present but may be revisited in the future.
- Therefore, some consideration is required around any interrelated factors, as well as cumulative impact from other developments within this relatively small area. There are no plans at present to include a link road allowing traffic from Tilbury Port to access the Lower Thames Crossing, so haulage traffic will be required to use the A1089 and this will include the Asda roundabout and Dock Approach

Road. This is also used by other freight businesses such as Amazon and Travis Perkins who are situated close to the roundabout. The route planned for traffic using the ferry to access the resort, will also be utilising these roads to access the car park. Impact assessment and mitigation plans need to be developed around the issues of air quality, noise and accident management strategies to ensure this does not have an adverse effect on local residents.

- With respect to the following sections and chapters we would like to make these comments;

### 3.36 Local policy

With regard to the local policy context, the Thurrock Economic Growth strategy (16-21) is currently being revised and in table 8.1 the Thurrock Health and Wellbeing strategy should be referenced.

### Chapter 8: Human Health

We are pleased that Human Health has a separate chapter with the document, although a separate HIA for a development of this magnitude would be preferable. It is noted that the HUDU rapid health assessment tool has been used and we would like to suggest that the WHIASU HIA methodology be used for this process. It is noted that the HUDU method is predominantly used for housing development, with the WHIASU method seen as a more in depth and suitable process for this type and size of development.

### 8.28 Assessment of potential effects

Incidences of disease are seen to be high in the two Tilbury wards, which include chronic obstructive pulmonary disease (COPD). This is identified as being significantly higher for Tilbury St Chads and Tilbury Riverside and Thurrock Park than the England Average (1). Mental ill-health conditions are also higher in these wards than in other areas of Thurrock.

Noise and poor air quality are known to exacerbate these conditions and as there is an existing AQMA in Tilbury, between Dock and Calcutta Roads, increased traffic from the resort parking, both during construction and when in use could have a negative effect on the local population. For residents that are closer to the river front in Grays and Purfleet there is also concern about the noise from the resort rides and visitors and we note this is identified within the noise chapter. Light pollution from the resort should also be assessed.

### Employment

We would like to have agreed a target for levels of local employment and training to ensure there is a specific (and measurable) local benefit. To aid local employment opportunities it is recommended that the developer work with the council to identify what jobs will be available and the skills base required ahead of the development commencement.

## Scoping out

For those areas scoped out of the health chapter, because they are covered by other chapters, we would suggest that the key information from these chapters are summarised within the health chapter and the links clearly identified. This should include risk assessments, proposed mitigation measures, conclusions and any residual impacts, relating to human health. This will ensure that the overall health impact is given adequate consideration.

## Additional points for consideration

To ensure that Tilbury is also an identified destination point and can gain economically from the added use of the area it is suggested that the Tilbury landing stage is developed at an early stage of the process, with the infrastructure, both in terms of cycle and walking paths as well as tourist and hospitality attractions in place. Linking of both Tilbury Town, the Cruise Terminal and Tilbury Fort should be identified within this development. Support from the resort development for the Thames Estuary walk would also ensure that potential for recreational facilities has been considered at an early stage. The connectivity with the wider network of public transport and walking and cycling routes between the ferry and Tilbury as a whole should also be considered.

Thurrock has Whole System Obesity strategy and an integral part of this includes healthy food outlets, therefore any hospitality food provision should aim to provide healthy, affordable options.

There may be a small increase in need for medical services but it is envisaged that most of this will relate to the Kent side of the development. The Integrated Medical Centre planned for Tilbury Town will be in place at this time.

It would be of interest to understand the previous community consultation responses and how they fed in to this scoping document. Of particular interest, we would like to understand more fully how engagement and consultation with the community will feed into the health assessment and mitigation measures going forward.

As part of the Landscape and Visual Impact Assessment, consideration should be given to the visual impact on the mental health and well-being of Thurrock residents, civic pride and any potential economic effects on the local area.

We hope that our above comments will be reviewed and included as deemed appropriate within the EIA

## **Thurrock Council – Built Heritage**

An initial introductory meeting took place with the applicant's representatives on the 30th June 2020.

Whilst the majority of works associated with this scheme are within Kent, the project has been extended to include an area in Thurrock known as 'The Essex Project Site'.

The Scoping Report correctly identifies that there is one designated heritage asset within the Essex Project site, the Grade II\* Riverside Station (HE Ref: 1111547). The decision to consider a further 5km area of search to assess potential indirect effects resulting from changes within the setting of designated heritage assets and built heritage (presumed to refer to non-designated heritage assets) is supported. The use of a Zone of Theoretical Visibility at an early stage will assist in determining which heritage assets within the 5km area of search can be scoped out. The applicant's heritage team are advised to work with local planning authority representatives to agree these.

The preliminary assessment of potential effects has overlooked the direct impact upon the Grade II\* Riverside Station. Please note, there is not a preclusion at this stage that this will be negative as there are opportunities for enhancement and the exact scope and nature of works is not known. One interesting opportunity for enhancement which may warrant further consideration is the re-establishment of a railway terminus at the Riverside Station. Whilst admittedly an expensive intervention, this would eliminate the requirement for a shuttle bus between Tilbury Town Station for visitors to the attraction and provide a direct link to the C2C for those arriving at the terminal from cruise ships or Gravesend to give a direct link to London. A partnership with other organisations may assist with providing funding.

Following on from the initial introductory meeting, a further Essex Project Site meeting to discuss in greater detail proposed changes to The Riverside Station and use of the land to the north would be beneficial at an early stage. Whilst there are benefits to separating Essex and Kent project sites, there will remain a need for joint meetings to ensure both sides of the Thames are aware of what will be proposed across the entirety of the scheme. Historic England must also be present at all meetings where availability allows.

#### **Thurrock Council – Archaeology**

The proposed development, although only a small part of which lies within Thurrock has the potential to have historic environment implications. The position on the former grazing marsh near to Tilbury Fort means that the setting of the fort will need to be carefully monitored. At present the red line boundary of the development includes the large area of hard standing being used for new car parking. It is unclear what, or if changes are proposed to this area. If further parking is required, any increase in height by the creation of structures in this area would potentially impact on the setting of the fort.

Within Thurrock based on current evidence an EIA would not be required purely on Historic Environment grounds, however, if an EIA is to be undertaken the Historic Environment should be considered as part of this. The applicant has already indicated that further discussions on both archaeological and listed buildings is proposed. We are awaiting to hear dates for this meeting.

#### **Thurrock Council – Strategic Planning**

Chapter 3, page3-7, paragraph 3.35	A factual correction point is that Thurrock Council is also adjoined on its western boundary by the London Borough of Havering
Chapter 7 – Land use and Socio-economic effects	<p>Thurrock Council seeks further clarification on how the assessment of economic impacts of the London Resort proposal and in particular the net loss of employment land in Thurrock are being taken into account and addressed in the EIA and Environmental Statement for the project. The need to replace ‘lost’ employment land and suitable locations will have implications in the emerging Local Plan for Thurrock.</p> <p>A large proportion of the Essex Project Site and specifically the Coach and Car Parking area is allocated as Primary and Secondary Employment area under policy CSTP6 of the adopted Thurrock Core Strategy and Policies for Management of Development Plan and Proposals Map. There is a policy presumption against the loss of such allocated employment land to non-B uses. It is not clear from the Scoping Report how the loss of employment land at Tilbury and its impact on the Thurrock Economy is being addressed.</p> <p>Thurrock Council would wish to have the opportunity to consider the methodology and evidence that has addressed this issue and any consideration of alternative options to the loss of this employment land.</p>
Chapter 10, page10-4, paragraph 10.19	The section on relevant Local Plan Policies of the Thurrock Borough Core Strategy and Policies for Management of Development omits reference to strategic Spatial Policy ‘CSSP5 – Sustainable Green Grid’. This policy should be considered along with the other policies referenced in undertaking the EIA and the preparation of the Environmental Statement and in a particular when addressing Green Infrastructure issues in Thurrock.
Chapter 11 , page 11-3, paragraph 11.9	The section on relevant Local Plan Policies of the Thurrock Borough Core Strategy and Policies for Management of Development omits reference to strategic Spatial Policy ‘CSSP5 – Sustainable Green Grid’. This policy should be considered along with the other policies referenced in undertaking the EIA and the preparation of Environmental Statement and in a particular when addressing Green Infrastructure issues in Thurrock.
Chapter 16, page 16-4, paragraph 16.11	<p>The developers should ensure that in undertaking the EIA and the preparation of the Environmental Statement that the correct flood risk policies and up to date evidence are considered.</p> <p>The section on local policies and plans makes reference to the Thurrock Strategic Flood Risk Assessment Level 1 of 2009. This is an earlier SFRA Level1 and has been superseded by the</p>



	<p>Thurrock Strategic Flood Risk Assessment Level 1 of 2018. This can be accessed from the Thurrock Council website at:  <a href="https://www.thurrock.gov.uk/new-local-plan-for-thurrock/evidence-to-support-local-plan">https://www.thurrock.gov.uk/new-local-plan-for-thurrock/evidence-to-support-local-plan</a></p>
<p>Chapter 18 Waste and Materials</p> <p>General comments.</p>	<p>Thurrock Council notes the approach to the methodology to assess the impact of waste arisings and the disposal of construction and operational as set out in Chapter 18 of the EIA Scoping Report of the London Resort. However Thurrock Council seeks further clarification regarding elements of the methodology and is concerned about the level of detail and lack of information regarding how and where waste arisings are to be treated and disposed.</p> <p>Thurrock Council is a unitary authority and the Waste Planning Authority for Thurrock. Thurrock is within the East of England Waste Planning Region and therefore in a separate region from the Kent authorities (and the main Kent project site of the London resort).</p> <p>The Waste Planning Policies for Thurrock are set out in the adopted Core Strategy and Policies for Management Development (2015) in Policies CSTP29 – ‘Waste Strategy’ and CSTP30 – ‘Regional Waste Apportionment.’</p> <p>Waste policies in the Thurrock Core Strategy make provision for waste management capacity equivalent to waste arisings in Thurrock plus an apportionment of London’s waste. There is no provision made for an apportionment of waste from Kent or elsewhere.</p> <p>It is unclear from the EIA Scoping Report where waste from construction and operation of the London Resort is to be treated and disposed of.</p> <p>It is noted in the EIA Scoping Report for the London Resort that construction waste from the Kent Project Site is to be sent by boat to the Port of Tilbury in Thurrock. References include paragraph 4.53 of Chapter 4. Clarification is sought as to where the construction waste sent to Port of Tilbury would be disposed of and there should not be a presumption that such waste is disposed in Thurrock.</p> <p>The EIA Scoping Report also makes reference to remediation of soils and improved treatment or removal at both the Essex and Kent Project Sites. Further clarification is sought regarding the quantities of any waste soil removed that may be from site and where it is intended to treat and</p>

	<p>dispose of such waste soil.</p> <p>The EIA Scoping Report details locations in the Kent Project site that include existing waste landfill sites that contain domestic and industrial waste. It is unclear how these sites are to be managed and whether any waste is intended to be removed from these sites during construction or operation.</p>
<p>Chapter 18 Waste and Materials</p> <p>Methodology and baseline information</p> <p>(Including Paragraphs 18.10 to 18.12)</p>	<p>Thurrock Council acknowledges the approach being undertaken to assess waste materials and impact in the EIA and notes existing uncertainties to waste information and data as set out in paragraphs 18.30 to 18.32. However it is considered that an assessment of the impact of waste arisings from the project site on existing waste site capacity would not be sufficient and requires an assessment of total waste flows over time through sites to take account of arisings and imports and exports into the assessment area and facilities. By considering recent average flows from EA Waste Interrogator data over time will help determine the availability of capacity during the construction and operational stages of the development.</p> <p>The assessment of the impact of waste flows should include:</p> <ul style="list-style-type: none"> <li>• Construction and operational waste arisings from site ;</li> <li>• Waste arisings from site by waste stream;</li> <li>• Average waste flows through sites based on flows over time from data;</li> <li>• Waste arisings and flows in the respective area of assessment;</li> <li>• Waste capacity of sites;</li> <li>• Assessment of Waste arisings from other major permitted and proposed projects to sites in the assessment area that are not accounted for in existing waste data.</li> </ul> <p>This above information can be obtained from the EA Waste Interrogator data and waste planning authority information on the monitoring of sites and waste evidence reports. Whilst the information will have varying degrees of accuracy the methodology, waste flow data and site information should be confirmed and verified with the waste planning authorities in the areas of assessment.</p>

**Thurrock Council – Highways Development Control**

Introduction

The Transport Development Team are pleased to offer a response to the submitted Environmental Impact Assessment Scoping Report, submitted

on behalf of London Resort Company Holdings to the Planning Inspectorate. The development, a new entertainment resort including theme park, hotel conference and convention facilities and other ancillary infrastructure is primarily located on the northern bank of the Thames Estuary within Swanscombe Kent, straddling the boundary of Dartford and Gravesham boroughs. However, of primary interest is now the inclusion of a proposed 2,500 space multi-story car park, and ferry service located in the Port of Tilbury within the red line of the development. The comments below are made primarily in respect to this new addition to the proposed development.

The primary focus of the comments relates to the Transport, Accessibility, and Movement chapter within the EIA, however some additional comments are also included summarising key points for other chapters of interest.

### Transport Accessibility, and Movement

Transport, accessibility and movement Chapter of the EIA sets out the proposed approach to the assessment of transport, accessibility and movement forming part of the EIA for the London Resort, and how it will be reported in the Environmental Statement (ES).

The chapter primarily considers the potentially significant environmental impacts resulting from the construction and operation phases of the Proposed Development on land based transport. The final section of this chapter provides the relevant scope for the assessment of river transport and navigation. In the ES, river transport and navigation will have its own chapter.

This chapter undertook a policy review across the three authority areas, however it is noted that the current Thurrock Transport Strategy was not noted as being assessed.

The land transport, accessibility and movement chapter of the ES will not be intended to be read as a stand-alone assessment, but as part of the wider ES. Reference will be made to several documents such as the Transport Assessment (TA) including accompanying Transportation Technical Notes (TTN) and a Framework Travel Plan (FTP), which will be all submitted as part of the DCO application, to inform its examination.

The TA, associated TTNs and other supporting documents will provide a sound basis for the assessment as they are concerned in detail about the issues such as travel demand, transport mode share, trip distribution and transport modelling amongst other things. It is forecast that across the year in 2029 (when the full Project Site is expected to be operational) the daily visitor travel demand will vary between 7,000 to 53,000 with an average of around 26,000 visitors with the TA and other associated documents detailing its variability. It is proposed that an 85%ile assessment day will form the basis of the assessment of circa 35,000 with only 54 days a year exceeding this level which generally occur at weekends or during holiday periods. With an average of 26,000 visitors per day, this would make the resort approximately the 11th most visited theme park in the world, and far surpass any theme park in the United Kingdom threefold.

The land transport, accessibility and movement chapter of the London Resort ES will provide a review of legislation and policies relevant only to

the assessment of transport.

Trip generation, distribution and mode share will be addressed as part of the Technical Notes supporting the Transport Assessment. It is important to consider thoroughly the quantum of developments within the local plan addressed by use of the Highways England A2 Bean and Ebbsfleet (A2B&E) model and the Lower Thames Crossing cordon model, which includes most up to date development projections.

In regards parking management a future mobility study will be undertaken to explore the options available with regards to parking management, alongside suitable ticketing strategies.

Following consultation there has been a fundamental shift in the Transport Strategy with the introduction of facilities at Port of Tilbury, London (PoTL). PoTL has agreed to accommodate a new car park (plus ancillary visitor services) north of the river, and to allow access to the river for a new ferry service connecting the resort to the PoTL. Furthermore, PoTL will also now be the hub for the majority of construction material and operational servicing for the resort.

An agreement has been reached with Thames Clippers to provide new river-based passenger services to the London Resort from PoTL and central London.

The baseline conditions are to form a key component of the Transport Assessment of the Environmental Assessment and will consider the existing conditions of the following networks: highway network, rail services provision, public transport provision, walk and cycle audits.

Given the current Covid-19 situation, new traffic flow surveys cannot be undertaken, however where possible relevant existing data will be utilised. If suitable and achievable going forward, further identification of baseline information will be undertaken through a combination of site visits and desktop studies of the local area, which will include Dartford, Gravesham and Thurrock as a minimum.

Visitors to the Proposed Development will travel from all over the country, as well as internationally, and will primarily utilise the strategic road network to reach the Project Site, which is one reason that the Proposed Development has sought a new parking arrangement north of the River.

The Proposed Development will also be looking to utilise rail travel as a key component to the access strategy, noting the direct routes into London, a key attractor to the London Resort. Furthermore, there are local services that will perform a key travel choice for staff and visitors in the local area to the Project Site.

The emerging master plan for the London Resort incorporates public access to the ferry services on the River Thames with links to central London.

Several transport-related developments and/or developments having a significant impact on the transport networks in the area will be considered as part of the assessment that with a direct impact from a Thurrock point of view is the Port of Tilbury expansion, enabling works commenced with the completion date to be confirmed.

Junction modelling during 2017 identified constraints on the highway network along the A2(T) corridor and the junction with the M25. Since then it should be noted that not only are reduced visitor and employee numbers for the London Resort now forecast, but traffic volumes are further mitigated by the proposal to construct a park and ferry facility within the Port of Tilbury. Initial estimates indicate around 25% of car borne Resort visitors would travel to the Resort via Tilbury.

The assessment of transport-related effects resulting from the Proposed Development will be based on the changes in traffic volumes on the local and wider highway network.

Given the strategic nature of the proposals and the fact that the majority of the traffic associated with the construction and operation of the Proposed Development is expected to utilise the Strategic Road Network (SRN) and Primary Road Network (PRN), it is considered appropriate to base the assessment off a strategic transport model to determine the traffic volumes in the area.

The A2 (T) Bean and Ebbsfleet traffic model supplemented with a cordon from the Lower Thames Crossing traffic model will be used as a base for the London Resort assessment. The model will include the highway networks both north and south of the river.

As suggested by the IEMA Guidelines for the Environmental Assessment of Road Traffic, it is proposed that to identify the relevant links to be assessed within the Transport Chapter and an analysis of the model data will be undertaken.

The Proposed Development will consist of two parks (Gate 1 and Gate 2) and a range of associated facilities. The delivery of these proposals will be phased, and as such, it is considered appropriate to assess the following years/scenarios:

- i). 2025 - First full year after Gate 1 opening year - provision for 6.5m guests per annum;
- ii).2029 - Gate 2 opening year (full development) - provision for 12.5m guests per annum;
- iii).2039 - Maturity of the Proposed Development.

In addition DMRB LA104 also sets out several factors that must be considered in the EIA, one of which is population and human health that will be subject to assessment in the London Resort ES. It should be noted that other factors, such as air quality and noise, might be affected by transport. However, these will be considered in their respective chapters.



An assessment of the local highway network and its capacity at the key junctions and links carried out as part of the TA is considered to be sufficient as it will identify locations where the network may reach its capacity. The TA will also develop appropriate mitigation strategies (where needed) to minimise the impacts of the proposals.

Construction traffic is a temporary transport effect and will be significantly lower than development-related traffic. Thus, the effects tend to be less significant. The volume of traffic will also depend heavily on the rate of delivery and the triggers for the relevant phases of development. It is anticipated that the majority of construction materials will be delivered by river arriving at the Port of Tilbury, where it will be delivered to the Proposed Development by river. Temporary construction worker accommodation will also be provided for construction workers during the construction of the Resort, which will reduce construction traffic. It will be important to understand the impact of construction traffic in relation to other planned developments.

For the purposes of the current assessment any mitigation will be considered in two parts, those infrastructure improvements that are considered necessary to meet the capacity needs of the development (and therefore, considered as part of the TA) and those additional (environmental) mitigation measures that do not require physical infrastructure and meet the collective needs of the development.

These additional environmental mitigation measures will form part of the assessment and will inform the residual development effects once traffic and other data become available. The mitigation measures would likely include a Construction Logistics Plan (CLP), Delivery and Servicing Plan (DSP), Public Transport Strategy (PTS), a Travel Plan (TP), new and/or improved NMU routes including crossing points, enhanced welcome features and settings, and traffic management measures intended to preserve or enhance the amenity of road users. These will be enforced through DCO Requirements as appropriate.

A significant change from the scoping report in 2014 is the introduction of a car parking arrangement for the London Resort at the Port of Tilbury, reducing the potential vehicle impacts upon the Dartford Crossing and A2(T) corridor, areas identified as constrained during the previous consultation period. At this time, the highway impacts of the proposals north of the river are unknown and will need to be assessed within the Transport Assessment and where necessary included within the ES Transport Chapter.

The Proposed Development will introduce a number of new river ferry services, including services from central London and cross-river services from the Park and Ferry facility at Tilbury.

River transport will have a separate chapter in the ES that accompanies the DCO application for the London Resort project. The following navigational features will need to be considered as part of the assessment:

i). A new pier for river taxi vessels

- ii). New mooring and berthing for roll-on roll-off (Ro-Ro) vessels
- iii). New mooring and berthing for barges

The project also involves the following operations on the river:

- i). River clipper services from central London
- ii). River clipper service between Tilbury and the Resort
- iii). Construction materials transfer between Tilbury and the Resort
- iv). Construction materials delivery
- v). Deliveries during operation

As part of the assessment, consideration will be given to the need for mitigation in the form of aids to mitigation whether during construction or operation. The proposals will not affect the operation of the existing Tilbury to Gravesend Ferry as neither the physical infrastructure or vessel movements for the London Resort will infringe on the route of the ferry.

As stated prior, a fundamental change within the development is the inclusion of areas of Tilbury within the redline boundary of the development, where previously there was no aspect of any part of the development due north of the River Thames. Within the scoping report, an analysis of proposed site locations for the resort aspect of the development have been given, showing how North Kent has been determined as the most suitable, best located, and most crucially land availability. However, there is no discussion as to why when developing a strategy for parking north of the river, how Tilbury has been determined as the most suitable location. Therefore further detail is required which identifies the suitability of the site, and what other options were considered to help act as mitigation for the Dartford Crossing and A2(T). Also determining how the need for 2,500 parking spaces in Tilbury was reached will also require clarification, and expansion on the point of the total provision of facilities north of the river at the car parking - such as customer refreshment and convenience facilities.

It is clear from considering the document above, current Transport Notes and discussions with the applicant that this development could have a significant impact on roads and transport facilities within Thurrock. Although it is accepted that the main routes that will be used to access the development proposal in Thurrock are those within the jurisdiction of Highways England, it is quite clear other Thurrock routes such as the A13, A1013 etcetera are intrinsically linked with main strategic routes and are more than likely to be impacted by the development.

In this respect it is clear that a traffic impact assessment needs to be undertaken on the A13, A1089 and the ASDA roundabout, however it is considered that potentially rat-running routes such as Fort Road, London Road, A1306 and the A1013 should also be reviewed including the links from the Thurrock Network to the ASDA roundabout. It is also considered that the new junctions on the extended St. Andrews Road to the new Port of Tilbury access are also assessed as the road layout has significantly changed at this location. Ferry Road/Port Access Road etcetera.

It is evident that the proposal to include a new car park facility with a ferry service from Tilbury is to relieve the potential impact of the development

on the Dartford Crossing and junctions around the A2. Therefore it is critical that the applicant evidences the north to south routing to provide an idea of the potential impact on the Thurrock Network. In addition the applicant will need to clarify whether they consider there will be any reversal of potential traffic movements with the potential for traffic from the south to the north to access the proposed facilities in Thurrock.

In regards the movements through Thurrock these are also essential to review in regards the Lower Thames Crossing and how the development proposals in Thurrock will impact and interact with this new routing through Thurrock to Kent. Thus the applicant will need to consider current issues regarding the Lower Thames Crossing in regards impact on the Thurrock Network. These include

- i) Lower Thames Crossing north 2 lanes proposed.
- ii) A13 Interface
- iii) Rat run to Stanford le Hope and A128 access issues.

The assessment of the impact of the Lower Thames Crossing will also need to make a consideration of the potential Tilbury Link Road.

On a local level it will be necessary to provide a greater detail of the proposed access to the local network from the car park facility. It would appear that the proposal is to utilise the current area used by the Port of Tilbury for parking for the Cruise Terminal. It will be necessary to understand how users will use this facility and how they will access the facility to understand its impact locally and the potential impact on the local network to access the facility. Potential parking impacts on local roads also need to be understood.

The applicant has indicated that the main traffic impact of the development will be during the evening peak period. This is difficult to understand as it is likely that many users will be looking to access the facility at the opening times thus in regards the impact on the Thurrock taking account that the users will need to park and travel across on a ferry that it may be likely that this development will also significantly impact on the Thurrock Network in the morning peak period. The applicant will therefore need to carefully consider journey times worked back from the opening time of the development to assess the likely arrival times of users of the proposed car park at the Port of Tilbury. This is necessary in order to understand the potential impact of the development on the Thurrock Network.

Looking at the assessment work regarding the likely impact periods of traffic on the network within the Transport Notes it seems the concentration has been on access to the development locally to the facility and not in regards its impact in Thurrock. Thus it will be necessary for the applicant to review this current assessment looking at how journey times and arrival and departure times may differ in respect of access to the car park facility in Thurrock.

It would appear from further discussions that it is proposed that the car park will be located on the existing car park for the Cruise Terminal thus it will be essential to have an idea what is proposed in regards the relocation of the existing car park and how this may impact on the road network. The existing parking provision has only recently been developed, and the PoT has sought for the authority to provide a new crossing facility

across the road as they deem traffic flows dangerous. The Council's concerns regarding this matter now relate to the delivery of this crossing point, but also what facility is expected to be provided from the new multi-storey car park to the ferry point. Also as highlighted above it would be necessary to understand the proposed access to the new facility and how the level of 2,500 vehicles was reached in regards its impact strategically and locally.

There are potential concerns regarding the impact of the new car park facility and how it may impact on Tilbury and the surrounding roads with the introduction of the associated ferry service that the applicant have indicated that there is the potential for this to be used to commute into London. Thus it may be likely that parking may occur in surrounding roads and within Tilbury with visitors to the new facility not using the car park and using roads around to access the ferry service. Thus it will be necessary for the applicant to consider this further and carry out a stress test for parking in Tilbury and the surrounding roads to the new car park facility. Can the applicant please clarify whether this facility is purely for visitors or will also be for use by staff? Furthermore, will the use of this ferry crossing be restricted only to those who have paid for parking, or arrived on the dedicated bus from the station or other location, or will those who chose to walk to the site from nearby or from the station also be able to access the ferry, and is a charging system expected?

It is noted that the Scoping Assessment makes reference to the current Tilbury Ferry and that it is unlikely that the new proposals will impact on the existing ferry service. However further clarification will be required in this respect. It is also well known that on certain occasions the Tilbury Ferry is unable to run due to fog, exceptionally low tides, adverse weather conditions etcetera. Thus the applicant will need to consider what contingencies will be necessary in this respect and in addition what contingencies will be in place for breakdowns or servicing of vehicles etcetera.

Concerns also exist regarding how much will parking at Tilbury and taking the ferry be a draw over continuing across the Dartford Crossing and parking closer to the resort. From the M25, it will likely be just as quick to drive to the resort itself, as it would be to drive to Tilbury, and then factoring in the time spent awaiting a ferry, the proposed journey time (which also requires confirmation and clarification). There is also the added convenience of having your car located within walking distance, rather than the other side of the river. Will cost implications help encourage parking in Tilbury over continuing into Kent.

Additionally, concerns remain as to the impact on the viability of the existing Gravesend to Tilbury ferry once this development is operation, and would there be an impact on its long-term future. The ferry provides the only non-motorised link across the river outside of London and coupled with the heritage and tradition of the ferry, the authority believe it essential that the service is not lost.

There are a number of active travel and air quality reviews that the applicant will need to consider though it is noted that the applicant will be looking at noise and air quality as part of Environmental Assessment.

The applicant will need to provide a detailed Travel Plan setting out how they intend to encourage alternative Transport Modes for both visitors and staff covering both sides of the river and all relevant authorities remain involved in its monitoring and development.

It will also be necessary for the applicant to consider the introduction of electric vehicle parking and charging facilities within the car park facility, and ensure spaces can be upgraded to include additional charge points over time as the uptake of the technology increases.

There is currently a bus facility to and from the railway station and it is noted that the applicant has indicated that there will likely be a potential highlight to visitors that it may be more sustainable to use alternative modes of transport thus it may be appropriate for the applicant to consider improvements to the bus facilities to enable access from Tilbury Station to their proposed ferry services including terminus points. The existing service is provided by Ensign buses, and funded by C2C following the closure of the Tilbury Riverside station, however, the developer may wish to seek for an enhanced service and provision to provide an improved experience. This is also true for the station itself at Tilbury Town, which is set in a sparse environment, with limited features and barren appearance, as is the route itself from the station to the proposed ferry terminal.

The applicant will need to look at the potential for intelligent traffic monitoring measures both on the Kent and the Thurrock side of the river to better control traffic using the Dartford Crossing & M25 J30. To give advance warning and alternatives options for road users in the vicinity of the crossing. This will need further liaison with Highways England, Kent County Council, Essex County Council and Thurrock. In particular, the Council may see the benefit of a collaborative traffic management system linked across the estuary between South Essex and North Kent, taking into consideration the road links and key sites and infrastructure, and the vulnerability to both communities to impacts of major and minor incidents on the strategic road network impacting the other.

In discussions it was raised that in terms of accessibility regarding crossing times and least impact on river traffic that it would be appropriate to consider a crossing service to Grays as this also would seem to be a potential route. In terms of accessibility to train services and public transport hubs it is better served than Tilbury. Thus can the applicant please consider this further in terms of access to the new facility? The Scoping Report notes that while a wider London-London Resort link is expected via clipper service, the report makes mention of a stop in Grays, and this would be welcome.

It is clear that the new development will impact in terms of the construction of the facility. Though this is temporary this will inevitably impact on the local network. It is noted within the Scoping Assessment that it is proposed to try and bring most construction materials in via river and that some facilities for housing construction workers and storage of materials will be at the Port of Tilbury, however it is clear that this will have some impact on the Thurrock Network and construction machinery etcetera is more than likely need to be brought in via road. Thus it will be necessary for the applicant to set this out in more detail and provide a draft Construction and Environmental Management Plan for review. During any construction period, if there is significant use of the river to deliver materials and aggregates, the Council would be keen to engage with the developer and contractor to learn more of this process, in order to further expand the authority's knowledge on river use to support traffic alleviating movement's in general day to day operations of Thurrock's businesses.

Finally, it is noted within the chapter that analysis has not been undertaken on the impact of ferry movements on the wider network, as well as

impact of passenger movements by sea and air. In terms of river and sea passengers, the Thames is a busy operational river, and increased vessels will have an impact on a wide variety of environmental factors, including busier shipping lanes. Any potential increase in large sea vessels/cruise ships will impact Thurrock, as it would be expected these to dock at the Port of Tilbury, and there is an impact on air quality on the local community. Air Traffic considerations will also be important - while there is no airport in Thurrock, it is a prime opportunity for London Southend Airport, where again additional vehicle trips or rail passengers, and potentially ferry movements will transit through Tilbury before extending on to the formal resort development.

Across both North Kent and Thurrock, a privately funded tram proposal has been mooted, linking Bluewater Shopping Centre with the Lakeside Basin, via tunnel landing at Grays. This proposal would likely create many non-motorised and sustainable transport benefits for the development, and in particular staff and local residents. Expansion on this proposal and opportunity for the two proposals to work together should be explored.

With the development of enhanced ferry facilities in Tilbury, will there be any impact on the Council's public rights of way network in the vicinity. Just to the east of the current passenger ferry is the commencement of a popular PRoW route the Two Forts Way, linking Tilbury Fort with Coalhouse Fort, as well as forming the existing Thames Estuary Path and the new Natural England Coastal Path. Additionally, these routes extend up to and beyond Tilbury Town station, where enhancements to the route would be expected for visitors arriving at Tilbury (the area is not visually inviting and rather industrial and bleak). These enhancements must not impact of the existing recreational movements, nor once completed. However there is most certainly a need to create a far more inviting and up-scaled sense of place by the developer.

Additionally, enhanced sustainable travel routes will also be deemed a necessity in this vicinity, linking down to the ferry, perhaps in collaboration with the Port of Tilbury, reflecting their own commercial interests in cruise ship passengers travelling to London. Finally, as stated earlier, consideration will have to be given to the enhancement of the Tilbury Town station as a destination from London.

### Air Quality

In reading the Air Quality Chapter, it was noted that no reference was given to the existing Air Quality and Health Strategy 2016 in the policy review. While the Council is looking to refresh this strategy, the current version remains adopted. There are 18 Air Quality Management Areas within Thurrock, and one is located in Tilbury. Dock Road - east of the Asda Roundabout forms a linear AQMA, and is caused by local traffic and congestion, coupled with dwellings fronting onto the road with limited space between the carriageway and receptor points. The layout in Tilbury could encourage some (or others be directed by navigation apps) to rat-run through Tilbury from the Asda Roundabout to Brenan Road, and this will potentially exacerbate the AQMA. Additional traffic, or further reduced priority at the Asda Roundabout could also increase local traffic on Dock Road and create more harmful air quality environment for residents in Thurrock who are already likely to be most deprived communities in the borough and susceptible to higher levels of health conditions detrimental to their quality of life.

### Water Resources and Flood Risk



Within this chapter, it is noted there was some inaccurate details. Thurrock Council are the Lead Local Flood Authority for the borough of Thurrock, and not Essex County Council. However, currently Thurrock Council utilise the services of Essex County Council to undertake the statutory services such as flood risk and mitigation related to new developments. Essex and Suffolk Water are primarily the water supplier in Thurrock, and Anglian Water are primarily the provider of waste, foul and surface water.

Within the policy review, all relevant flood documents issued by or on behalf/inclusive of Thurrock should be considered and referenced. To support any flood risk assessments as part of this development, as part of the Council's local plan work, the LLFA will be looking to commission a new Surface Water Flood model which can be made available to the developer if required.

### Response and Engagement

The Transport Development remain committed to engagement with the developers and their nominated consultants and representatives in regards to the above development. In the first instance to discuss any of the issues above, please email [transportdevelopment@thurrock.gov.uk](mailto:transportdevelopment@thurrock.gov.uk), or contact any of the respective offices who have engaged to date.

## **Thurrock Council – Landscape & Ecology**

### Landscape and visual effects

The LVIA is to be prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment 3rd edition. The general approach set out in Chapter 10 and described in detail in Appendix 10 is considered appropriate. Thurrock Council is currently finalising a draft Landscape Character Assessment which can be supplied to the landscape architects preparing the LVIA as it contains more detailed analysis compared to the Thurrock Landscape Capacity Study. The Essex Project Site description (10.45-48) describes the area as a low-lying and level landscape and refers to the listed buildings on site. The description does not refer to the adjacent coastal grazing marsh, an important historic landscape feature which has been lost across most of the county, or Tilbury Fort, a Scheduled Monument. Most of the proposed viewpoint locations within Thurrock are considered to be appropriate; however it is considered that VP34 should be moved to the public open space beside Thames Drive, Chadwell St Mary as there are unrestricted views from the open space and houses towards the Kent and Essex Project Sites.

The proposed night-time viewpoints are considered appropriate; however it is noted that no viewpoint has been proposed for anywhere in Tilbury. It is not possible to be certain if a viewpoint location is required in this area without having the details of what lighting is proposed for the Essex Project Site and how this will differ from what is currently on site,. If it is decided not to provide a viewpoint in this area then Thurrock Council will wish to see this justified within the LVIA.

Paragraph 10.58 describes the main potential likely significant landscape and visual effects of the proposed development. While the scheme

could deliver some landscape and visual benefits, principally on the Swanscombe Peninsula, Thurrock Council is concerned about the effects the scheme will have for residents looking across the Thames. The effects are likely to be more pronounced at night when there would be significantly more lighting visible.

#### Terrestrial and Freshwater ecology and biodiversity

The proposed survey methodologies follow the relevant good practice guidelines and therefore are broadly supported.

Previous surveys undertaken to inform earlier iterations of the scheme were undertaken in 2012 and 2016; however these did not include the Essex Project Site as it was not part of the original proposals.

Paragraph 11.36 of the main document states that 'following a review of the additional SSSIs located within the potential zone of influence of the Essex Project Site, it is not considered that any of (those) designations would experience a potential adverse risk due to their geographical separation or lack of effect-receptor pathways'. It is agreed that the additional land within Essex would not increase the potential impacts on these sites.

It is agreed that of the Local Wildlife Sites within 2km of Tilbury only Tilbury Marshes should be scoped in. While the proposed scheme does not appear to encroach directly onto this site, surveys should consider potential indirect effects. In addition opportunities to provide a softer edge beside the LWS should be considered as part of the enhancement measures.

It is noted that Open Mosaic Habitat on Previously Developed Land, which is a Habitat of Principal Importance that can support important invertebrate assemblages is not included in the list of important Ecological Features in 11.65.

The proposal in 11.83-84 to provide a Report to Inform Assessment is supported. This will need to consider potential effects on the West Thurrock Lagoon and Marshes SSSI which is likely to be functionally linked to the nearby SPA/Ramsar sites.

The Summary of Protected/Notable Species Records (Appendix 11.23) references KMBRC findings but does not refer to any Essex Field Club and the Essex Wildlife Trust Biological Records Centre results. Can it be confirmed that records were sought from both of these?

The Summary of Terrestrial Ecology Survey Methodologies (appendix 11.24) proposes no bat, reptile or dormouse surveys to be undertaken for the Essex Project Site. Given the lack of suitable habitat within the two component areas this is considered acceptable.

It is unclear if any invertebrate surveys are proposed for the Essex Project Site. This is an area known to support important assemblages of invertebrates as identified on Buglife's All of a Buzz mapping. It is important that the small areas of habitat present are properly assessed and

the results used to inform appropriate mitigation and enhancement measures.

### Summary

It is important to reiterate the point made by Kent County Council in its previous response regarding landscape (Table 10.2) that built, natural and historic environment together produce the character of our landscapes. This is particularly important for the Tilbury Marshes which is a remnant of the much larger coastal grazing marshes that once dominated the Thames, contains an important Scheduled Monument and has ecological importance. While the proposed scheme does not appear to have a direct impact on this area, indirect effects could further detract from its quality. Thurrock Council will be looking to see what mitigation and enhancement measures are proposed to enhance the setting of the marshes, Tilbury Fort and the Cruise Terminal. The proposed Landscape and Ecology Management Plan (paragraph 1.90) should address this area.

### **Thurrock Council – Urban Design & Placemaking**

The ‘Local context: Essex’ site (Chapter 5) is potentially misunderstood and misrepresented. The site is incorrectly described as though it is not part of the town of Tilbury. The site sits within the town and forms one of its edges, within less than approximately 80m (rather than the 1.5km stated) of the boundary is housing – separated only by the existing railway line. (Para 5.19 Section 5-3).

The settlement of Tilbury is significant - with a population of approx. 13,000 people. Understanding the site as part of a town should have more coverage within the EIA, and the impacts of the project need to be understood as taking place within a town and not as part of a remote industrial site. The existing town and its local people, culture, socio-economic, and spatial dimensions should be included in the scope of the EIA, for example in:

- “The assessment should also consider the potential impacts of any existing land uses/jobs that would be lost or displaced by the proposed development.” (Para 7.8 Section 7-3 in Part 1) The assessment needs to consider the impact of uses and jobs lost or displaced through competition within Tilbury town, for example.
- “The baseline analysis will summarise the socio-economic context of the site.” (Para 7.15 Section 7-6 in Part 1). This definition of site needs to be within the context of Tilbury town, not just the immediate red line boundary, as this would not be realistic.

Paragraph 10.75 states, “The Essex Project Site is predominantly urbanised and provides little opportunity for enhancement of existing green infrastructure, but does however have good PRow and NCN links of which could be utilised.”

Whilst Thurrock’s GBI strategic work is emerging and unpublished as of yet, It is suggested that the report references existing green infrastructure work produced for the South Essex area including the Green Grid Strategy.

The Thurrock site should not be a blockage or interruption to pedestrian movement to connected assets such as Tilbury Fort, but rather provide

improvement.

### **Thurrock Council – Flood Risk Manager**

At this stage of the planning process there is no formal requirement to consult with the LLFA however early engagement can help reduce potential delays later on in the planning process. We would recommend that all developers of major site, especially those identified during the local plan process contact the LLFA to arrange SuDS Planning Advice meetings. These should take place as early as possible as SuDS can have a significant impact on the layout of a site.

### **Thurrock Council – Economic Development**

- When looking at the economy and labour market it would be useful to ensure the study looks at levels of attainment by young people. This will ensure there is a clear justification for a focus on benefits in construction and end phase for 16-24 year olds as part of the mitigation.
- Mitigation measures should be developed with local authorities, recognising that different areas may want to do things differently and all will want to build on the existing infrastructure of provision. This will require some financial investment to ensure that the development maximises matching between local people and new job opportunities. (This could be part-funding of the Local Labour & Business Team)
- As work develops it has been keen to see how they could engage with HE institutions (and how we could help broker those relationships) offering a route into careers like tourism and engineering (within the park). Obviously the roles themselves aren't yet listed.
- I mentioned the timeframes- with gate 1 expected to open in 2025, this would be in parallel with the construction phase of LTC. Can see quite a high level of stress on both the transport infrastructure and construction work demand, in quite a concentrated area. I'm told this has been discussed with officers internally including Anna Eastgate, but thought I would flag it anyway.



Our Ref: OUTL/20/004

Helen Lancaster, Senior EIA and Land Rights Advisor  
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Date 20 July 2020

Dear Helen Lancaster

## **The London Resort, Swanscombe and Tilbury: TfL's representations in respect of the submitted Environmental Impact Assessment Scoping Report**

Thank you for your email of 22 June consulting TfL on this EIA Scoping Report.

### **Introduction**

The site on the Swanscombe Peninsula is approximately 7km from the administrative edge of London and the Tilbury site some 11km from the boundary. However, it is two junctions from London on the A2(T), and just three stops from London on the rail line through Dartford and one stop from London on the high-speed rail line. Given this close proximity in transport terms and the scale of the proposed development, it is clear that it will affect transport networks within London as well as strategic transport projects in which TfL has an interest. Please note that due to this distance, TfL will not comment on local road, local public transport, or walking or cycling issues.

Through the DCO process and starting with this EIA Scoping, TfL will seek to influence the form of the development and its mitigation in order to minimise any adverse impacts on London but also generally to ensure that it maximises positive impacts and reflects "good growth" and sustainability objectives. TfL also has a statutory interest due to the safeguarding of the route of a potential Elizabeth Line (formerly Crossrail) extension to Hoo Junction.

We would encourage early engagement with TfL alongside other local and strategic stakeholders to ensure that proposals for travel to and from the resort by all modes, and the impact on London's transport systems, are robustly assessed and adequately mitigated.

### **Assessment parameters and scenarios**

Paragraph 9.11 includes a limited list of best practice guidance. Since the withdrawal of the Department for Transport's guidance on Transport Assessments (2007, withdrawn in 2014), TfL's guidance has been held up as an exemplar. This guidance<sup>1</sup> was recently (Spring 2019) updated to change the focus toward encouraging and supporting active and sustainable travel among users of new developments, with consequent benefits to the environment, road safety and healthy lifestyles. We recommend that the Transport Assessment follows this guidance to ensure that these issues are appropriately addressed.

Similarly, while again acknowledging that the development is not within London (despite its name), we anticipate that many of the transport impacts will be within London and therefore it would be relevant to reference London policy in paragraphs 3.32 and 9.10, including the Mayor's Transport Strategy (2018), the draft London Plan (Intend to Publish version dated December 2019<sup>2</sup>, to which the Secretary of State has afforded "substantial" weight), and supplementary documents such as the London Environment Strategy (2018).

We are concerned that the developer proposes to assess a notional day with an 85th percentile attendance profile (paragraph 9.7) rather than the maximum potential attendance. The justification for this proposal – that the busiest days are more likely to occur at weekends or during holiday periods – is not relevant since the weekends and holiday periods lead to some of the biggest peaks on the road network, and often coincide with lower levels of public transport services thus reducing the attraction of public transport as a mitigation measure.

Similarly, paragraph 9.45 proposes just looking at the weekday AM, inter-peak and PM peak periods, when weekends and later evening weekday travel is likely to be of sufficient magnitude as to have an impact, potentially significant, on transport networks. Due to the nature of the proposed development, a number of peak impact scenarios are likely which would not necessarily fall into the traditional weekday assessment periods, for example:

- Autumn half-term Halloween-themed events with evening fireworks displays leading to a severe peak in traffic flows and public transport demand, this potentially coinciding with late-night shopping and the end

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<sup>1</sup> <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessments>

<sup>2</sup> This Plan has not yet been formally published. For the latest information please visit the Greater London Authority's website: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan>



of cinema screenings at Bluewater and Lakeside (anecdotally both are busier during half-term holidays than typical term-time periods)

- Bank holiday weekend peak attendance at the proposed development coinciding with peaks of holiday travel on the road network and generally less public transport provision
- Peak flows in both directions as customers leaving after attending the theme park in the day cross with those arriving for an evening concert or similar event at the park or another venue within the same (wide) travel area attracting large numbers of people in a short period
- Late evening finishes when public transport is winding down especially if changes are required en route home

Careful assessment and consideration of staff travel will be vital given the number of people involved, likely hours of work, and the current relative isolation of the site in public transport terms. It would not be sustainable if most staff had no viable option other than to drive to work.

### **Road traffic impact**

Paragraph 9.38 indicates the intention to create a spreadsheet model to assess the affected highway links (alongside a micro-simulation model of the A2 corridor in the Ebbsfleet area). The M25, the Dartford Crossings and other parts of the strategic road network in this area already suffer from high levels of congestion. Because of this, we anticipate that flows from the proposed development are likely to lead to diversion of traffic onto TfL's strategic road network, including alternative river crossings, in addition to traffic generated to/from London itself.

A spreadsheet model will not allow assessment of this diversionary effect, something which can only be assessed through the use of strategic reassignment models. Additional congestion on London's roads would be unacceptable, and the assessment should demonstrate that the proposed development does not compromise London's ability to meet its legal obligations with respect to air quality. Consequently TfL considers it essential that the proposed method of assessment is rejected in favour of use of a strategic highway reassignment model.

The IEMA guidelines cited in paragraph 9.41 would appear to be irrelevant where transport networks are close to capacity. For example it is clear that imposing an additional 10% of baseline flow to a road which is within 10% of its practical maximum capacity will have a significant impact on the operation of that road, with pollution and road safety out of proportion with the flow increase, whereas the IEMA guidelines applied to the DMRB LA104 scale would assess this as "no change" (paragraph 9.49). Consequently we request that, while reporting according to the IEMA guidelines for comparison purposes, a more appropriate measure of impacts is developed for this project.

While acknowledging that the GLA's policies on car parking do not apply here, it is worth noting that these policies were supported by Inspectors at the draft London Plan Examination in Public as necessary to meet sustainability goals, and with minor amendment have been supported by the Secretary of State. We believe that the proposed number of car parking spaces and the control/management of those spaces will have a significant impact on travel behaviour and affect how impacts are assessed. Reducing spaces and using control/management measures to change how they are used could lead to significant improvements in the development's environmental performance. We would expect parking charges (either at the car park or through advanced ticketing) and/or discounts given for use of public transport such that there is a reduced financial incentive to drive. Charges must apply to staff as well as visitors. When considering car parking, the proposed 350 motorcycle parking spaces should be explicitly included given that the environmental performance of motorcycles is often no better than a car and with significantly lower passenger capacity.

Consideration also needs to be given to the impact of construction of the proposed development on London's road network and communities, and explore the opportunities that are available to reduce the impacts arising from the movement of materials by road, including road safety and the impact on air quality, and how to make the most effective use of rail and the river. When considering this, the cumulative impact from other large construction projects, such as the Lower Thames Crossing and the Silvertown Tunnel, should be assessed.

### **Public transport impact**

Some improvements to local public transport are proposed and welcomed, but we believe that other improvements, increasing connectivity between London, the wider South East and the rest of the UK, may be required to mitigate the proposed development's traffic impacts. It is essential that the impacts of proposals for such improvements are assessed and then developed with appropriate stakeholders, including TfL, to understand how journeys will be made from/to and through London, at an early stage to ensure they are appropriate both in terms of deliverability and in ensuring there is sufficient capacity.

It is noted that the IEMA guidelines provide little guidance over the assessment of public transport modes, and so a bespoke approach to significance criteria will be necessary.

### **Rail services**

The scoping report indicates that efforts will be made to encourage and support the use of rail, with a resort transport interchange at Ebbsfleet International station and dedicated shuttle buses along a segregated 'people mover' corridor into the development. The proposed extension of the existing Fastrack bus

rapid transit services from Greenhithe station into the development would cater for more local rail demand. These are fully supported by TfL.

However, given the peak visitor projection of 53,000, even a modest projection of rail service use will give rise to significant volumes of rail travel. Therefore we do not consider it acceptable that the impact on rail services is scoped out of the assessment (paragraph 9.79). If rail services are to provide part of the mitigation of traffic impacts, as indicated in the scoping report, then full consideration should be given to issues such as crowding at stations and on services at times of peak travel demand generated by the proposed development. There may be a case for securing revised service patterns with additional services to meet the peaks in visitor demand, and the demand for services at non-traditional peak times could impose constraints on other railway issues, for example precluding a bank holiday weekend shutdown for maintenance works or the reverse of exacerbating the impact of the development if there are works taking place.

The route of a proposed Elizabeth Line (Crossrail) extension is safeguarded, and so TfL should be involved in discussions over any proposal that could potentially affect that land or access to it, or demand for services on it. Details of safeguarding can be found at <https://www.crossrail.co.uk/route/safeguarding/>.

As for road traffic, rail passenger impacts can only be determined accurately through use of a strategic reassignment model. TfL can assist this assessment process by making our RailPlan model available. This would allow consideration of scenarios with and without connectivity improvements to Ebbsfleet. Conversely, assumptions over travel to and from the proposed development may have a bearing on the current MHCLG-funded study into improving connectivity to Ebbsfleet and so information should be shared by the applicant as soon as it is available, particularly as this extension would be to the applicant's advantage.

If rail services at Tilbury Town station are to be used, then a shuttle bus will be needed as the 1.5km route to the riverbus pier is not suitable for pedestrians and is, even with improvement, too far to walk especially given that many visitors will be children and others less capable of walking this distance.

#### **River services**

The proposed infrastructure to utilise riverbus services for visitors and staff and indication that agreement has already been reached with Thames Clippers (paragraph 9.18) are welcomed, and are in line with the Mayor's Transport Strategy objective of seeking to make use of the full potential of the Thames. Naturally agreement will also be needed from the PLA and the Environment Agency for new piers and services.

If, as set out in paragraph 4.53, 15% of all visitors travelling by river from central London, the potential impact of this on crowding at and onward travel from central London river piers would need to be assessed. However, notwithstanding any attraction the river trip itself will have, given the extended journey times from central London (or indeed even the closer piers such as Woolwich, itself one hour distant by riverbus from there), it is not clear how attractive this will be to the majority of visitors to the proposed development.

The proposal to deliver 95% of all construction materials by river (paragraph 4.53) and suggestion that this will also be used for operational waste (paragraph 5.72) are fully supported. However, the ultimate proposals must include details of how these objectives will be achieved.

### Coach services

Coaches can play an important role in connecting people from around the UK to London and the tourism, leisure and business opportunities within and around it, and it is important that the full opportunities for travel by coach are explored. In order to ensure they are attractive it is necessary that they are able to operate efficiently into the city and are integrated into the wider public transport network and street networks to enable connectivity to outside destinations. The Mayor's Transport Strategy sets out that new coach facilities/services should be well connected with London's public transport system. Consequently the proposed provision of coach parking spaces and a driver rest and welfare centre are welcomed.

Naturally it will be important that ticket costs incentivise coach travel. Priority measures for coaches should be considered on the proposed A2(T) link road so that the arrival or departure of coach parties is not delayed by queues of cars. There may be scope for the extensive commuter coach/minibus network in the area to serve a role in staff and visitor travel. Depending on the outcome of trip generation, assignment and distribution, a review may be necessary into the capacity within London to serve coach travel, especially since existing coach stations and stops are already very busy. These impacts and opportunities should be fully assessed.

If you or the applicant have any questions about this letter, please contact Tim Gould ([TimGould@tfl.gov.uk](mailto:TimGould@tfl.gov.uk) or [REDACTED]) and Richard Carr ([RichardCarr@tfl.gov.uk](mailto:RichardCarr@tfl.gov.uk) or [REDACTED])

Yours sincerely

[REDACTED]

Anne Crane  
Area Planning Manager (East), Spatial Planning Team  
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**From:** [Stephen Vanstone](#)  
**To:** [London Resort](#)  
**Cc:** [Trevor Harris](#)  
**Subject:** FW: FAO Steve Vanstone Navigation Services Officer - London Resort - EIA Scoping Notification and Consultation  
**Date:** 17 July 2020 13:32:12  
**Attachments:** [image001.jpg](#)  
[LNRS - Statutory consultation letter.pdf](#)  
[ATT00001.htm](#)

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Good afternoon Helen,

I can confirm that Trinity House is content with the Scoping Report in connection with the above project.

I note that the Port of London Authority (PLA) will be consulted directly on the Marine Navigation Risk Assessment and any risk mitigation measures should be agreed with the PLA in the first instance. However, should the current provision of aids to navigation be affected by this development then Trinity House would wish to be informed and consulted accordingly.

Kind regards,

**Stephen Vanstone**

Navigation Services Officer | Navigation Directorate | Trinity House

[stephen.vanstone@trinityhouse.co.uk](mailto:stephen.vanstone@trinityhouse.co.uk) | 0207 4816921

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Begin forwarded message:

**From:** London Resort <[LondonResort@planninginspectorate.gov.uk](mailto:LondonResort@planninginspectorate.gov.uk)>  
**Date:** 22 June 2020 at 14:44:59 BST  
**To:** "[navigation.directorate@thls.org](mailto:navigation.directorate@thls.org)" <[navigation.directorate@thls.org](mailto:navigation.directorate@thls.org)>  
**Cc:** "[Thomas.arculus@thls.org](mailto:Thomas.arculus@thls.org)" <[Thomas.arculus@thls.org](mailto:Thomas.arculus@thls.org)>  
**Subject:** **FAO Steve Vanstone Navigation Services Officer - London Resort - EIA Scoping Notification and Consultation**

Dear Sir

Please see attached correspondence on the proposed London Resort.

Please note the deadline for consultation responses is 20 July 2020, and is a statutory requirement that cannot be extended.

Kind regards,

Helen Lancaster

Senior EIA and Land Rights Advisor

Major Casework Directorate

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Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)

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