

Application by Thurrock Power Limited for an Order Granting Development Consent for the Thurrock Flexible Generation Plant project.

The Examining Authority's Written Questions and Requests for Information (ExQ1)

Issued on 16 February 2021

The following table sets out the Examining Authority's (ExA's) Written Questions in relation to the proposed Thurrock Flexible Generation Plant project. Responses are required by **Deadline 2** in the Examination Timetable, **Tuesday 23 March 2021**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. If the answer to a question is set out in, for example, a Statement of Common Ground (SOCG) then a cross reference to where the issue is addressed is acceptable.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number. If you are responding to a small number of questions, answers in a letter will suffice.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed.

References to the draft development consent order (dDCO) are to Version 3 of the dDCO [PDC-009].

If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact ThurrockFPG@planninginspectorate.gov.uk

Responses are due by **Deadline 2 (Tuesday 23 March 2021)**.

Abbreviations used

AIL	<i>Abnormal Indivisible Loads</i>	dDCO	<i>Draft Development Consent Order</i>
AN	<i>Advice Note</i>	DML	<i>Deemed Marine Licence</i>
AOD	<i>Above Ordnance Datum</i>	DMRB	<i>Design Manual for Roads and Bridges</i>
APs	<i>Affected Persons</i>	EA	<i>Environment Agency</i>
AQMA	<i>Air Quality Management Area</i>	EM	<i>Explanatory Memorandum</i>
AQAL	<i>Air Quality Assessment Level</i>	EQSD	<i>Environmental Quality Standards Directive</i>
Art	<i>Article</i>	ES	<i>Environmental Statement</i>
CA	<i>Compulsory Acquisition</i>	ExA	<i>Examining Authority</i>
CA2006	<i>Commons Act 2006</i>	FRA	<i>Flood Risk Assessment</i>
CEA	<i>Cumulative Effects Assessment</i>	GHG	<i>Green House Gas</i>
CO	<i>Carbon Monoxide</i>	HGV	<i>Heavy Goods Vehicle</i>
BoR	<i>Book of Reference</i>	IAQM	<i>Institute of Air Quality Management</i>
DCO	<i>Development Consent Order</i>	IPs	<i>Interested Parties</i>



km	<i>Kilometre</i>	OWSI	<i>Outline Written Scheme of (Archaeological) Investigation</i>
LPA	<i>Local Planning Authority</i>	P	<i>Part</i>
M	<i>Metres</i>	PA 2008	<i>Planning Act 2008</i>
MCA	<i>Marine and Coastguard Agency</i>	PHE	<i>Public Health England</i>
NE	<i>Natural England</i>	PLA	<i>Port of London Authority</i>
NGET	<i>National Grid Electricity Transmission</i>	PM	<i>Particulate Matter</i>
NO₂	<i>Nitrogen Dioxide</i>	PNRA	<i>Preliminary Navigation Risk Assessment</i>
NPA2017	<i>Neighbourhood Planning Act 2017</i>	PoTLL	<i>Port of Tilbury London Limited</i>
NR	<i>Network Rail Infrastructure Limited</i>	R	<i>Requirement</i>
NRA	<i>Navigation Risk Assessment</i>	RR	<i>Relevant Representation</i>
NSR	<i>Noise Sensitive Receptor</i>	S	<i>Section</i>
NTS	<i>National Transmission System</i>	SCR	<i>Selective Catalytic Reduction</i>
OCoCP	<i>Outline Code of Constriction Practice</i>	SGBA	<i>Strategic Green Belt Assessment</i>
OODS	<i>Operational Outline Drainage Strategy</i>	SI	<i>Statutory Instrument</i>
		SO₂	<i>Sulphur Dioxide</i>
		SOCG	<i>Statement of Common Ground</i>

SoR	<i>Statement of Reasons</i>
SoSBEIS	<i>Secretary of State for Business Energy and Industrial Strategy</i>
SPA	<i>Special Protection Area</i>
SSSI	<i>Site of Special Scientific Interest</i>
SU	<i>Statutory undertaker</i>
TP	<i>Temporary Possession</i>
WFD	<i>Water Framework Directive</i>

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010092/EN010092-000922-Internal%20Examination%20Library%20PDF%20Version.pdf>

It will be updated as the Examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ.	Respondent:	Question:
1	Air Quality	
1.1.1	Applicant	Please explain how the baseline NO ₂ concentrations from the Tilbury 2 Air Quality Assessment were determined and for which year they are for? Please also explain what comparison has been undertaken between recent monitoring data and the concentrations taken from the Tilbury 2 Air Quality Assessment. Do they confirm that a conservative approach is being undertaken?
1.1.2	Applicant	Paragraph 4.1.16 of ES Chapter 12 states that receptors have been included at distances within 20m, 50m, 100m, 200m and 350m of the site boundary (excluding Zone E). However, Figure 4.1 shows that other Zones have been excluded. Please confirm the study area used and provide justification for any other development zones excluded.
1.1.3	Applicant	As described in Table 2.3 of ES Chapter 12 the hourly-mean NO ₂ objective applies at any outdoor locations to which the public might reasonably be expected to spend 1-hour or longer. However, the descriptions in Table 2.4 of ES Chapter 12 of the ES do not adequately describe the receptors or enable the identification of any short-term receptors that have been modelled. Please confirm how receptors relevant to short term exposures have been considered.
1.1.4	Applicant	Table 2.4 and Figure 1.1 of ES Chapter 12 display the modelled sensitive receptors. Please explain why only two receptors (Receptor 22 and 32) have been modelled within Thurrock Council's Air Quality Management Area (AQMA) 24 and why the eastern extent of the AQMA does not have a receptor despite it being the closest part of the AQMA to the Proposed Development.
1.1.5	Applicant	Paragraph 1.1.2 of Appendix 12.1 lists the nationally and locally designated ecological receptors within 15km of the Proposed Development. However, there is no inclusion of ancient woodland, local nature reserves or national nature reserves and no justification is provided for their exclusion. Please explain why these have not been included in the assessment.
1.1.6	Applicant	Table 1.1 of Appendix 12.6 shows the traffic data used within the assessment of construction traffic emissions. The traffic speeds displayed in Table 1.1 are high on several road links, especially for heavy duty vehicles (HDVs). Please explain how the

ExQ.	Respondent:	Question:
		traffic speeds have been determined and confirm if different speeds have been used for HDVs and light duty vehicles.
1.1.7	Applicant	As stated in paragraph 2.2.7 of ES Chapter 12, emissions of Carbon Monoxide (CO), Sulphur Dioxide (SO ₂) and Particulate Matter (PM) have not been included within the operational assessment of stack emissions. Please provide a justification for the exclusion of these pollutants.
1.1.8	Applicant	In the assessment of acid and nutrient nitrogen deposition on ecological receptors provided in Appendix 12.1 it is not clear if the nitrogen component of the ammonia (NH ₃) contributions from the Proposed Development have been included within the calculations of acid and nutrient nitrogen deposition or whether only the nitrogen component of the NO _x concentrations have been used. Please confirm whether the ammonia contributions from the Proposed Development have been included in the calculations of acid and nutrient nitrogen deposition.
1.1.9	Applicant	Please explain why the receptors identified as sensitive for the consideration of stack emissions also represent worst case exposures to construction traffic emissions.
1.1.10	Applicant	Please provide a figure showing the location of ecological sites assessed in air quality terms and the ecological receptors modelled in relation to the Proposed Development site.
1.1.11	Applicant	ES Chapter 2 indicates in paragraph 3.1.9 that the overall construction programme may last up to six years in a worst-case scenario. Please define 'of short duration', as stated in paragraph 5.1.1 of ES Chapter 12.
1.1.12	Applicant	ES Appendix 12.6, Table 2.1 shows that construction traffic causes a 'slight' impact at receptor 5 and a 'moderate' impact at receptor 21 for annual mean NO ₂ emissions. Paragraph 2.1.3 states that in the context of absolute concentrations these impacts are considered to be negligible. Please explain why the impacts at receptor 5 and receptor 21 are considered to be negligible.
1.1.13	Applicant	A moderate adverse effect has been assigned to receptor 9; Gravesham A226 one-way system AQMA. Limited explanation has been provided to explain why this effect can be considered minor adverse and not significant based on professional judgement. Please provide further explanation to support the identification of

ExQ.	Respondent:	Question:
		a minor adverse effect in this location.
1.1.14	Applicant	Slight impacts have been predicted in the Tilbury AQMA 24 and Gravesham A226 one-way system AQMA. These have not been acknowledged or discussed. As highlighted in question 1.1.4 above, the modelled concentrations at Tilbury AQMA 24 would potentially be higher if a receptor was included at the east of the AQMA. Please explain why these impacts at Tilbury AQMA 24 and Gravesham A226 one-way system AQMA have not been discussed in the ES.
1.1.15	Applicant	The annual mean NO ₂ concentrations at the receptors displayed in Table 4.5 do not appear to correspond to the concentrations presented in Figure 4.3. Similarly, the short-term NO ₂ concentrations at receptors in Table 4.7 do not seem to correspond to the concentrations presented in Figure 4.4. It is unclear how the data presented in ES Chapter 12, Tables 4.5 and 4.7 informs the ES Chapter 12, Figures 4.3 and 4.4; can the Applicant explain the relationship?
1.1.16	Applicant	Please explain how the 4,000 operational hours per annum of the Proposed Development is secured by the dDCO.
1.1.17	Applicant	The Applicant states in paragraph 2.2.16 of ES Chapter 25 that the biggest annual mean NO ₂ contribution at receptor 47 is from Tilbury 2. The results in Table 2.2 do not display the contribution from Tilbury 2 at this location. Please confirm the contribution from Tilbury 2 at this location.
1.1.18	Applicant	The Applicant states in Table 2.20 of ES Chapter 12 that they are not proposing to undertake any dust deposition or PM ₁₀ monitoring during construction. Please provide further justification for not undertaking PM ₁₀ monitoring during construction, considering that Table 4.2 and Table 4.3 of ES Chapter 12 state that there are receptors within 20m of the site boundary of the Proposed Development. The IAQM guidance on the assessment of dust from demolition and construction (IAQM, 2014) in Section 8.2 highly recommends dust deposition or PM ₁₀ monitoring for medium risk sites (mitigation measure 12).
2	Climate Change	
1.2.1	Applicant	The ExA notes that the Committee on Climate Change published its Sixth Carbon Budget report on 9 December 2020, which sets the path to the UK's new net-zero

ExQ.	Respondent:	Question:
		emissions target for 2050. Please provide an update to the Examination on any impacts this has on the assessments undertaken in the ES.
1.2.2	Applicant	Please provide further explanation for the methodology used to reach the conclusion that the Proposed Development would result in net negative Green House Gas (GHG) emissions and thus a net beneficial impact. Please also identify examples of other instances of where the SoS has accepted a similar approach to the calculation of GHG emissions.
1.2.3	Applicant	Please explain whether, and if so how, the Proposed Development would be in line with the UK's commitments under the Climate Change Act 2008 and the Paris Agreement on Climate Change.
3	Compulsory Acquisition	
1.3.1	Applicant	The SoR [APP-024] indicates (at paragraph 11.42) that the Applicant is not seeking CA powers over the land in the River Thames required for the causeway. The ExA also notes the matters raised by the Port of London Authority in their RR [RR-005]. Please explain how the Applicant proposes to secure this land and provide an explanation on the implications for the project (and assessments contained in the ES) in the event that the land is not secured by agreement.
1.3.2	Applicant	The Applicant states in the SoR [APP-024] that 'no crown land interests are included in or affected by the Order Land'. Please identify what steps that have been taken to identify the owner of the land required for Work No 10 and what investigations have been undertaken to ensure that the land is not Crown Land.
1.3.3	Thurrock Council	Please provide copies of the common land register map for the Register Units CL411 and CL228 together with relevant extracts of the land and rights sections.
1.3.4	Applicant	There are a number of parcels identified in the BoR [PDC-004] for which the owners are not known. Please provide further details on what has been done to identify these owners and any further action that will be taken to identify them prior to the exercise of CA powers.
1.3.5	Applicant	The BoR [PDC-004] includes a number of Statutory Undertakers (SUs) with interests in land. Please provide a progress report on negotiations with each SU listed, with an estimate of the timescale for securing agreement from them. Please state whether



ExQ.	Respondent:	Question:
		there are any envisaged impediments to the securing of such agreements and whether the Applicant intends to include any additional protective provisions in favour of affected SUs.
1.3.6	Applicant	Other than site selection, what other alternatives to CA, including modifications to the scheme, have been considered?
1.3.7	Applicant	Network Rail (NR), in their RR, object to all CA powers in the Order to the extent that they affect, and may be exercised in relation to, Network Rail's property and interests. The ExA notes that the BoR does not identify any interests in favour of NR which are affected by the CA powers sought. Please clarify whether the CA powers sought affect land owned by NR, and if so, please provide further details.
1.3.8	Network Rail	Please provide details (including a plan) identifying any NR land interests or property affected by the proposed DCO.
1.3.9	Applicant	Please provide an update on discussions with all APs including the number and overall percentage of plots for which agreement has been reached and provide regular updates. You may wish to include this information in the CA schedule.
1.3.10	Applicant	Please explain how the necessary funds required for CA and TP are secured in the dDCO and how this would be affected in the event that the Order was made, but the benefit of the Order subsequently transferred.
1.3.11	Applicant	NE state, in their RR [RR-022], that public access rights over Walton Common pre-date the Countryside and Rights of Way Act 2000 and that Walton Common is managed by conservators. Please provide further information on the steps taken to identify the extent of public rights over Walton Common, their origin and the identity of the conservators referred to by NE in their RR [RR-022]. Please also supply copies of any schemes of management or regulation made over the common (as well as details of any byelaws).
1.3.12	Applicant	Please comment on whether section 193 of the Law of Property Act 1925 applies in relation to Walton Common and, if so, whether those rights can and will transfer to the Exchange Land under Art 33 of the dDCO.

ExQ.	Respondent:	Question:
1.3.13	Applicant & Natural England	Please confirm whether Walton Common benefits from any public access rights under the Countryside and Rights of Way Act 2000. If so, please specify.
1.3.14	Applicant	Paragraph 12.25 of the SoR [APP-024] states that 'the same rights of public access would apply to the new area of common land in Zone E as those extant on Walton Common under the provisions of the Countryside and Rights of Way Act 2000'. Please clarify this statement (specifying the provisions referred to and explaining how they apply in that context).
1.3.15	Natural England	Please provide further details of the access rights referred to over Walton Common in NE's RR [RR-022] including their extent, origin, details of any schemes of management or regulation, and the identity of the conservators referred to.
1.3.16	Applicant	Please provide a table indicating, for each relevant plot, which of the exceptions in s131 and 132 of the PA2008 apply and give reasons.
1.3.17	Applicant	Has work been carried out to assess the extent of public use of Walton Common? If so, please signpost where this can be found in the application documents.
1.3.18	Applicant	The BoR [PDC-004] indicates that only the CA of new rights over plot 03/01a are sought. However, the land plans indicate that it is the permanent acquisition of the freehold. Please provide clarification and updated documents if necessary.
1.3.19	Applicant	Please confirm that none of the proposed Exchange Land is currently subject to any form of public access, whether by right or informally.
1.3.20	Port of London Authority	Please comment on paragraph 11.42 of the Applicant's SoR [APP-024] and provide the PLA's views on granting a licence for the proposed causeway.
1.3.21	Applicant	In the event that agreement with RWE Generation (UK) Plc is not reached, how does the Applicant propose to ensure that RWE's interests, including the safety of any operational land affected, is protected?
1.3.22	Applicant	In the event that agreement with Port of Tilbury London Limited (PoTLL) is not reached, how does the Applicant propose to ensure that PoTLL's interests, including the safety of any operational land affected, is protected?

ExQ.	Respondent:	Question:
1.3.23	Applicant/National Grid	Please provide an update on discussions with National Grid (both arms) and identify any likely obstacles to reaching an agreement before the close of the Examination. You may wish to include this information in the requested SOCG and/or CA schedule.
1.3.24	Applicant	What consideration has been given to offering full access to alternative dispute resolution techniques for those with concerns about the CA of their land? Please comment on whether such techniques are appropriate to deploy for this project and if not, why not.
1.3.25	Applicant	Annex C of the Guidance related to procedures for the compulsory acquisition of land indicates (at paragraph 4) that where it is necessary for the Land Plan to have more than one sheet, appropriate references must be made to each of them in the text of the draft order so that there is no doubt that they are all related to the order. Please signpost where these can be found or include appropriate references in subsequent versions of the dDCO.
1.3.26	Cogent Land LLP	Cogent Land LLP's RR [RR-009] refers to a map showing the extent of Cogent's land interests having been provided in previous representations. Please provide a copy of the map referred to or indicate where this information can be found in the application documents.
1.3.27	Applicant	Please provide an updated list of discussions and negotiations with existing landowners to include details of those who are objecting to the CA of land or rights, as well as details of their land plots. This information can be included in the CA Schedule.
1.3.28	Applicant	Why does the Applicant consider, having regard to section 122(3) of the PA2008, that there is a compelling case in the public interest for the project to be carried out?
1.3.29	Applicant	Para 14.7 of the SoR [APP-024] states that "the estimated compensation payable in respect of any compulsory acquisition is anticipated to be circa £2-5m". Please provide details on how this figure was arrived at and confirmation from an independent person that the range identified in paragraph 14.7 is accurate in terms of the current value of land and rights in this part of Thurrock.
1.3.30	Applicant	The Applicant indicates (at paragraph 12.6 of the SoR [APP-024]) that an application will be made under s16 of the Commons Act 2006 (CA2006). Please explain further

ExQ.	Respondent:	Question:
		the rationale for running parallel processes under the PA2008 and the CA2006, including details of likely timescales and whether, and if so how, the Applicant considers the two regimes interact.
1.3.31	Applicant	Paragraph 12.8 of the SoR [APP-024] states that consent under s38 CA2006 will be required for the installation of the pipeline. The ExA notes that s38(6) CA2006 exempts certain works carried out under a power conferred in relation to that particular land by or under any enactment . Please explain, with reasons, whether the Applicant considers this exemption applies in relation to the works proposed.
1.3.32	Applicant	Please provide further explanation as to why the Applicant does not consider it reasonable to exercise CA powers in Zone A simply to effect the release of common land from the rights, trusts and incidents to which it is subject and attach them to the replacement land in Zone E. Please indicate when the Applicant expects any application under s16 CA2006 would be determined and whether, and if so how, those timescales affect the Applicant's approach?
4	Cultural Heritage	
1.4.1	Thurrock Council/Historic England	The ExA notes Thurrock Council's comments (RR [RR-007]) that the ES fails to assess the effects on the Grade I listed Church of St Katherine and the Grade II listed Old Rectory. The Applicant explains (Historic Environment Settings Analysis [PDC-013]) that these heritage assets were scoped out of the assessment as the development site does not form part of their settings. Please comment on the approach taken by the Applicant to these assets (providing reasons where appropriate).
1.4.2	Applicant	Please indicate whether, and if so how, the Church of St James has been assessed separately to the West Tilbury Conservation Area. If not, please provide a justification for the approach taken and state whether that approach has been agreed with relevant bodies.
1.4.3	Applicant	Please explain why no measures have been put forward and/or explored to mitigate the significant effects on West Tilbury Conservation Area (or signpost where this information can be found in the application documents).
1.4.4	Applicant	Please comment on HE's proposed amendments to Requirement 12 of the dCO [PDD-004].

ExQ.	Respondent:	Question:
1.4.5	Applicant	Please comment on the proposed amendments to the Outline Written Scheme of Investigation (OWSI) set out in section 11 of HE's PDD submission [PDD-004].
1.4.6	Historic England	Please respond to the Applicant's explanation that it is not possible to carry out trial trenching at present due to the need to obtain consent for trenching works under section 38 of the Commons Act 2006.
1.4.7	Historic England	Please explain and highlight the risks HE considers are inherent in the Applicant's proposed approach of carrying out more extensive field surveys pre-construction (but post-consent) - to be secured as part of the Written Scheme of Archaeological Investigation.
1.4.8	Applicant	The Applicant states [PDC-002] that the approach proposed (I.e. field surveys being undertaken post-consent and pre-commencement) is one commonly adopted on other large infrastructure projects. Please identify examples of other DCO's for projects located in a highly sensitive area for the historic environment where a similar approach has been taken.
1.4.9	Applicant	Please provide photowireline and photomontage images (using photographs taken during winter and/or modelled without vegetation) for all key viewpoints applicable to heritage assets or signpost where they can be found in the ES. These should include Viewpoints 4, 7, 8, 17, 30, 31 (including from the raised embankment (seawall)), and 32.
1.4.10	Applicant	Please provide photowireline and photomontage images (worst-case scenario) showing the effect of the proposed development on Bowaters Farm WWII anti-aircraft battery (and provide any necessary updates to the Historic Environment Settings Analysis) [PDC-013] or provide further justification as to why this heritage asset has been scoped out of the assessment.
1.4.11	Applicant	Please explain how the newly released archaeological data from the London Thames Crossing project has added to the baseline evidence on heritage assets.
1.4.12	Applicant	Please explain whether, and if so how, the effect of the Proposed Development on the non-designated heritage asset known as Shornemead Fort (and identified by Thurrock Council [PDD-008]) has not been assessed in the ES (or provide a justification for its omission).

ExQ.	Respondent:	Question:
5	Cumulative Impacts	
1.5.1	Applicant	Please explain whether, and if so what, consideration has been given to the Tilbury Link Road scheme (referred to by PoTLL in their RR [RR-023]) in the assessment of cumulative effects on transport and traffic.
1.5.2	Applicant/Thurrock Council	Please explain the current status of the Tilbury Link Road project referred to by PoTLL in their RR [RR-023] including details of how advanced the scheme is and its relationship to the Proposed Development.
1.5.3	Applicant	The Cumulative Effects Assessment (CEA) of Air Quality in ES Chapter 25 states in paragraph 1.3.3 that the study area for ecological receptors is up to 15 km from the stacks. As the CEA study area is proposed to be based on the furthest reaching ZOI from the aspect Chapters, please explain why a 10km rather than 15km study area has been used?
1.5.4	Applicant	Please signpost where the cumulative assessment of underwater noise has been considered/assessed in the ES or explain why it is omitted from the application?
1.5.5	Applicant	Paragraph 3.4.8 of the Planning Inspectorate's Advice Note 17 states that the type of effect should be considered in a cumulative assessment; this can be either synergistic or additive. Although the Applicant has identified that where the Proposed Development contributes to significant cumulative effects, these additions are small (for example, Air Quality and Population and Health etc.), regardless of the contribution, where the Proposed Development is adding to a significant effect this significant effect should be reported as such in the ES; these are not reported either in the relevant cumulative Chapters or the summary of significant effects. Please update the ES to report all significant effects to which the Proposed Development contributes.
1.5.6	Applicant	Paragraph 2.4.1 of ES Chapter 22 states that additional mitigation for invertebrates has been proposed to address risks of temporary habitat loss due to cumulative effects. However, Paragraph 1.2.2 of ES Chapter 32 concludes that no further mitigation or monitoring measures are considered necessary. Furthermore, the Register of Mitigation, Enhancement and Monitoring Commitments found in Appendix

ExQ.	Respondent:	Question:
		2.1 does not mention the additional mitigation proposed in Section 2.4 of ES Chapter 22. Please clarify this discrepancy?
1.5.7	Applicant	Table 2.2 of ES Chapter 25 indicates that at Receptor 47 a new exceedance of the Air Quality Assessment Level (AQAL) is predicted due to the impact of the Proposed Development in combination with the cumulative developments. Paragraph 2.2.6 states that the Process Contribution (PC) from the Proposed Development at this receptor is only 1% of the National Air Quality Standard objective and the biggest contribution is from the Tilbury 2 development. Please explain the significance of this new exceedance of the AQAL and how it will impact air quality commitments made by Gravesham Borough Council?
1.5.8	Applicant	The Applicant states in Paragraph 2.2.28 of ES Chapter 25 that Selective Catalytic Reduction (SCR) will be implemented, and the Proposed Development PCs are likely to more than halve. Please confirm how SCR is secured by the dDCO?
1.5.9	Applicant	Please state what Natural England guidelines are referenced in Paragraph 2.2.33 of ES Chapter 25 and provide a list of which potentially significant effects at designated sites were excluded from the CEA?
1.5.10	Applicant	The significance criteria set out in ES Chapter 4 Table 2.3 suggests that a minor impact at a very high sensitivity receptor would result in a moderate or major adverse effect. Please explain how the significance of effects identified in ES Chapter 29 [APP-078] were established, particularly the cumulative effects identified in paragraphs 2.1.4 and 2.1.6.
6	Design and layout	
1.6.1	Applicant	How has the Design Principles Statement [APP-140] considered the extent to which the Proposed Development can contribute to the enhancement of the quality of the area?
1.6.2	Applicant	The dDCO includes provision for the certification of the 'illustrative site layout plans'. How is compliance with these plans secured within the dDCO? Please explain the purpose of certifying these illustrative documents.
7	Draft Development Consent Order	

ExQ.	Respondent:	Question:
1.7.1	Applicant	Art 2 - Permitted preliminary works – There is some overlap between the list of permitted preliminary works (as defined in Art 2) and the “further development” listed at the end of Schedule 1. This should be remedied.
1.7.2	Applicant	Art 2 – please review the definition of ‘Order Land’ and consider whether it could be more precisely defined.
1.7.3	Applicant	Art 4 - Please comment on whether this article should be subject to Schedule 2 and Art 11.
1.7.4	Applicant	Art 6 (2) – as drafted this only applies to the operation of a generating station. Is this intended or should it be expanded to cover the totality of the authorised development (including for example the causeway)?
1.7.5	Applicant	Art 15 – the EM is not fully aligned with the actual wording of Art 15 (and only appears to apply to a single Traffic Regulation Order – see Schedule 3). Please review.
1.7.6	Applicant	Art 16 – should the broad power in paragraph 1 be expressly subject to the restrictions in paragraphs 3 and 4? If not, please provide a justification.
1.7.7	Applicant	Art 18 (5) – is there repetition in final part of sentence?
1.7.8	Applicant	Art 19 – the compulsory purchase powers in this Art are very broad and include land required to facilitate the authorised development “or incidental to it”. Please provide further justification for the inclusion of these very broad powers.
1.7.9	Applicant	Art 20 – please explain the reference to s.158 PA2008 in the EM. This Art confers statutory authority to override easements and other rights (subject to the payments of compensation under s.7 or 10 of the 1965 Act).
1.7.10	Applicant	Art 21 (2) – please explain why this power is necessary and identify any previous precedent for it.
1.7.11	Applicant	Art 24 – please provide further explanation of the rationale for the modifications to the 1981 Act.
1.7.12	Applicant	Art 29(11) – the definition of ‘maintenance period’. A number of recent DCOs granted by the SoS BEIS provide greater certainty on the maintenance period. The ExA considers that this Art should be similarly drafted.



ExQ.	Respondent:	Question:
1.7.13	Applicant	<p>Art 28 - Given the parliamentary approval to the TP regime under the Neighbourhood Planning Act 2017 (NPA2017), which was subject to consultation and debate before being enacted, should the current wording of Art 28 be modified to more closely reflect the incoming statutory regime?</p> <p>As examples:</p> <ul style="list-style-type: none">• The notice period that will be required under the NPA2017 is 3 months, substantially longer than the 14 days required under Art 28(2). Other than prior precedent, what is the justification for only requiring 14 days' notice in this case?• Under the NPA2017, the notice would also have to state the period for which the acquiring authority is to take possession. Although Art 28(3) limits the period for which possession can be taken, is it sufficiently precise?• Powers of TP are sometimes said to be justified because they are in the interests of landowners, whose land would not then need to be acquired permanently. The NPA2017 provisions include the ability to serve a counter-notice objecting to the proposed TP so that the landowner would have the option to choose whether TP or permanent acquisition was desirable. Should this article make some such provision – whether or not in the form in the NPA2017?
1.7.14	Applicant	<p>Art 33 – Please explain how Art 33(2) interacts with the CA powers set out in Part 5 of the dDCO.</p>
1.7.15	Applicant	<p>Art 35 - subsections (4) and (5) extend the power to apply to important hedgerows. Please provide further justification for the inclusion of these subsections as well as details of any hedgerows identified to which these powers might apply. Has their loss been factored into any assessments in the ES? If so, please signpost.</p>
1.7.16	Applicant	<p>Art 37 - should the broad power expressed in Art 37(1) be more narrowly drawn?</p> <p>The ExA also notes the comments from the PLA in relation to Art 37(4) and the applicability of section 75(3) of the Marine and Coastal Access Act 2009. Please provide further justification for the inclusion of this provision in the DCO.</p>

ExQ.	Respondent:	Question:
1.7.17	Applicant	Art 40 – a number of the plans listed in this article do not appear to be referred to elsewhere in the dDCO. Please explain the purpose of certifying these plans.
1.7.18	Applicant	Schedule 1- Please ensure that the lettering used in the Works Plans [PDC-056] accords with the lettering used in Schedule 1 of the dDCO [PDC-009] (eg, Work No 12).
1.7.19	Applicant	Schedule 2, P1, R4 – The ExA notes the addition to this requirement of details for cycle parking. Should this requirement be expanded to include details of, for example, landscaping, internal access routes, circulation routes, vehicle parking (including for construction workers), and pedestrian facilities?
1.7.20	Thurrock Council	Schedule 2 - Please comment on the requirements set out in Schedule 2 and highlight any proposed changes suggested by the local planning authority.
1.7.21	Applicant	Schedule 2, P1, R9 – please provide further justification for R9(2)(b) and provide examples of the types of works which might reasonably fall within the specified levels.
1.7.22	Applicant/Thurrock Council	Schedule 2, P1, R11 – should the Host Authority have a role in approving the Flood Evacuation Plan?
1.7.23	Applicant	Schedule 2, P1, R12 – should this provision include references to groundwater?
1.7.24	Historic England	Schedule 2, P1, R13 – Is Historic England content with the wording of this requirement?
1.7.25	Applicant	Schedule 2, P1, R14 – ‘illustrative landscape plan’ is not defined. The wording of the dDCO should reflect the title of the documents submitted.
1.7.26	Thurrock Council/Applicant	Schedule 2, P1, R15 - Please provide a justification for the inclusion of this requirement in the dDCO.
1.7.27	Applicant	Schedule 2, P1, R16 – Should the Host Authority have a role in approving any proposed mitigation under R16(4) and does this requirement need an implementation clause? Would it be preferable for R16 to require the submission and approval of a noise management and monitoring scheme to be submitted and approved by LPA? Also, should noise levels be assessed against the background ambient noise levels?

ExQ.	Respondent:	Question:
1.7.28	Applicant	<p>Schedule 2, P1, R17(1) – should this require a review to be carried out in addition to a report being submitted?</p> <p>Is there a role for the LPA (and/or other statutory bodies) to assess whether any of the alternatives identified meet the requirements? Against what criteria will this be judged?</p> <p>R17 (5) – has the phrase to ‘environmentally acceptable’ been intentionally omitted from other parts of the requirement (e.g. subsections (3) and (5(a)))? If so, please provide an explanation.</p>
1.7.29	Applicant	Schedule 2, P1, R18 – please respond to the requests from IPs (including NE, the MMO and PoTLL) to be added to the list of consultees in R18.
1.7.30	Applicant/Statutory Bodies	Please can the Applicant seek to agree suitable draft wording with the relevant statutory bodies for the Deemed Marine Licence included in Schedule 8 of the dDCO [PDC-009].
1.7.31	Applicant	The Applicant should ensure that all cross references within the dDCO are checked and corrected where necessary/relevant; this includes references to any plans.
1.7.32	Applicant	The Applicant is asked to maintain a list of all plans and other documents that will require SoS certification (including plan/document references), updated throughout the examination process, and supplied to the ExA before the close of the examination.
1.7.33	Applicant	The DCO, if made, would be a Statutory Instrument (SI) and so should follow the statutory drafting conventions. The draft DCO (and any subsequent revisions) should be in the form required by the statutory instrument template (see Planning Inspectorate AN15) and validated as such using the current SI template, including detailed footnotes to all statutory references.
1.7.34	Applicant	ES Chapter 2 [PDC- 015] and the OCoCP [APP-142] refer to the possibility of the construction of the proposed development being carried out in either one or three phases. Please explain whether, and if so how, this is taken account of in the dDCO.

ExQ.	Respondent:	Question:
1.7.35	Environment Agency	Please comment on the protective provisions set out in Schedule 9, P3 of the dDCO. Please provide details of any additional protections the EA considers are necessary to protect its interests.
1.7.36	National Grid (both arms)	Please comment on the protective provisions set out in Schedule 9, P4 of the dDCO. Please provide details of any additional protections National Grid considers are necessary to protect its interests.
1.7.37	Port of London Authority	Please comment on the protective provisions set out in Schedule 9, P5 of the dDCO. Please provide details of any additional protections the Port of London Authority considers are necessary to protect its interests.
1.7.38	Anglian Water	The ExA notes that Schedule 9, P1 of the dDCO includes provisions for the protection of water and sewage undertakers. Please provide details of the nature and form of the additional protective provisions sought together with a detailed justification. You may wish to provide this as part of any Written Representation.
1.7.39	Network Rail	Please comment on the protective provisions set out in Schedule 9, P6 of the dDCO. Please provide details of any additional protections Network Rail considers are necessary to protect its interests.
1.7.40	Applicant/PoTLL	Please provide an update on discussions on protective provisions for the benefit of PoTLL, and provide a copy of the current draft.
1.7.41	Applicant	Does the applicant, having viewed the RRs, anticipate including additional protective provisions in the dDCO? If so, please provide details. If not, please provide a brief explanation.
8	Environmental Impact Assessment and Environmental Statement	
1.8.1	Applicant	Can the Applicant explain why the constraints displayed on Figures 2.2 and 2.3 are not consistent? For example, there are no flood zones displayed on Figure 2.3.
1.8.2	Applicant	Can the Applicant explain where a comparison of environmental and sustainability risks and opportunities between the Tilbury and Warley sites has been provided?
1.8.3	Applicant	Can the Applicant explain why a construction waste impact assessment has not been provided or signpost where this information can be found in the ES?

ExQ.	Respondent:	Question:
1.8.4	Applicant	Can the Applicant indicate where the potential risks of accidents and hazards identified in Appendix 2.2 are assessed in the ES to support the conclusion that there will not be any likely significant effects? Can the Applicant also confirm that this assessment approach has been confirmed with the relevant consultees?
1.8.5	Applicant	There are inconsistencies between the further monitoring stated in each individual technical chapter and what is stated within ES Appendix 2.1: Register of Mitigation, Enhancement and Monitoring Commitments. For example, in ES Chapter 17, Table 5.1, the Applicant commits to post construction monitoring of saltmarsh habitats to reduce a potential significant effect from moderate to minor adverse. However, ES Table 17.1 of Appendix 2.1 indicates that no monitoring or mitigation is proposed post construction. Can the Applicant clarify these discrepancies?
9	Green Belt and Local Planning Policy	
1.9.1	Thurrock Council & Gravesham Borough Council	Please comment on the Applicant's case for very special circumstances set out in the statement of case and green belt statement [APP-135 to APP-139]. You may instead prefer to include this information in any Written Statement.
1.9.2	Applicant	The Applicant states that there are significant benefits and very specific locational needs that outweigh the harm to the green belt from the Proposed Development. Please list all of the benefits that the Applicant considers should be weighed against the identified harm.
1.9.3	Thurrock Council	Does the Host Authority agree with the Applicant's statement at paragraph 3.56 of [APP-135] that, based on the SGBA carried out by the Council, "in order to avoid 'fundamentally' important green belt land, any new development has to be placed in a parcel that is still of 'major' importance".
1.9.4	Thurrock Council	Does the Host Authority agree with the Applicant's statement in paragraph 3.56 of Appendix 1 to the Applicant's Statement of Case (Green Belt Statement) [APP-135] that as the locations of the above ground elements of the project within parcels 30 and 34 are of no importance to the first two purposes of the green belt and of 'major' importance with regard to the third purpose, they can be deemed as relatively low importance in comparison to other land parcels?

ExQ.	Respondent:	Question:
1.9.5	Applicant	The Applicant states (Appendix 1 to the Applicant's Statement of Case (Green Belt Statement) [APP-135]) that, on the basis that the Proposed Development is necessary to support the greater deployment of intermittent generation and can meet peak power demands in a more efficient way than conventional gas-fired power stations, it can be considered low carbon. Please provide further justification for this statement.
1.9.6	Applicant/Thurrock Council	Section 3 of Appendix 1 to the Applicant's Statement of Case (Green Belt Statement) [APP-135] refers to Thurrock Council's Strategic Green Belt Assessment (SGBA). Please provide a copy of this document together with any plans referred to or signpost where they can be found in the application documents.
1.9.7	Thurrock Council	What is the view of the Host Authority regarding the use of Green Belt land for the Proposed Development? Does the Council consider the very special circumstances necessary to outweigh the harm to the green belt, and any other harm, are present?
1.9.8	Thurrock Council	Are there any proposals to change the boundaries of the Green Belt in the vicinity of the Proposed Development? If so, please specify and include details of whether the application site is affected.
1.9.9	Thurrock Council	Does the Council consider the Proposed Development would be in conflict with any proposals or policies in any development plan documents (including emerging plans)? If so, please provide a summary and link to the relevant policy and/or proposals map.
1.9.10	Thurrock Council	Please provide details of the current status of the emerging Thurrock Local Plan and the anticipated timescale for adoption.
10	General Questions	
1.10.1	Applicant	The Applicant is requested to review and update the 'Other Consents and Licences' document [APP-129] and submit an updated copy at Deadline 2 [Tuesday 23 March 2021]. Please keep this document updated throughout the examination including at Deadline 7 [Monday 9 August 2021].
1.10.2	Applicant	The SoR indicates that the Applicant requires flexibility in the DCO for the final location of the NTS connection point. Please provide further justification for the extent of deviation for Work No 5 and explain how the dDCO ensures that any CA of land in

ExQ.	Respondent:	Question:
		order to carry out Work No. 5 is limited to that which is reasonably necessary to carry out the Proposed Development?
1.10.3	Applicant	The Gas Connection Concept Design Report submitted with the application [APP-126] sets out a number of recommendations in relation to the construction of the gas pipeline. Please explain whether, and if so how, these are secured within the dDCO. (if not, please explain the purpose of this document).
1.10.4	Applicant	Paragraph 3.6.8 of the Non-Technical Summary [APP-043] states that a number of options were considered and consulted on for construction traffic, particularly the large abnormal loads of the gas engine blocks and transformers. What consideration was given to the use of existing structures in the River Thames to enable these elements to be delivered by barge.
1.10.5	Applicant	What works will be necessary to establish the exchange land as replacement common, and should these be more clearly defined in the dDCO?
1.10.6	Applicant	Please explain how the effect of the Proposed Development on Condovers Scout Activity Centre has been assessed in the ES and signpost where this information can be found.
1.10.7	Applicant	The works plans show wide limits of deviation for a number of the works proposed. Please explain why this degree of flexibility is required and confirm that the limits of deviation have been reduced to the minimum extent necessary.
1.10.8	Applicant	Please confirm that the design parameters set out in Schedule 2 of the dDCO are the same as those which were assessed in the ES. Please identify any deviations and provide an explanation.
1.10.9	Applicant	Please state whether any land within the Order Limits falls within the Order Limits of any other made DCO and, if so, how the applicant proposes to deal with this interaction in the dDCO.
1.10.10	Applicant	Please explain how a piling risk assessment will be secured in the dDCO.
1.10.11	Applicant	The ExA notes that up to 10 days of 24-hour construction working per phase for continuous activity is assumed as a maximum for assessment in the ES [ES Chapter 2, Paragraph 3.2.16]. Please explain how this is secured in the dDCO.

ExQ.	Respondent:	Question:
1.10.12	National Grid Electricity Transmission	Does NGET agree that there is a specific and established need for additional capacity within the 275kv network around London.
1.10.13	Applicant	Please provide details of any temporary works permits the Applicant anticipates may be required for Work No 10.
1.10.14	Applicant	The ExA notes that there has been no reduction in the limits of deviation for Work No 10 following the removal of Work No.9. Please provide further justification for the limits of deviation for Work 10 or updated Works Plans.
1.10.15	Applicant	Please explain how the recommendations in the Phase 2 Site Investigation Report [APP-117] are secured in the dDCO.
11	Habitats and Onshore Ecology	
1.11.1	Applicant	Please respond to the matters raised by Ms Elaine Laver in her RR [RR-008].
1.11.2	Thurrock Council	Thurrock Council's RR [RR-007] indicates that Walton Common includes habitat of principle importance that was to be included in a Local Wildlife Site. Please provide further details including the extent of habitat affected, its size in relation to the remaining area to be designated, the stage of designation and the effect of the Proposed Development on any potential designation.
1.11.3	Applicant	Please confirm whether or not receptor sites are being prepared in the event that water voles recolonise parts of the site. If not, please explain what measures will be put in place to ensure that the need to take water any water voles who do recolonise the site into captivity is avoided (including how such measures are secured in the dDCO).
1.11.4	Applicant	Please clarify the discrepancies between the maximum parameters set out in ES Chapter 17, Table 2.8 and Schedule 8, Tables 1 and 2 of the dDCO. For example, the maximum volume of material to be removed for the construction of the causeway (2,900m ³ in the dDCO and 16,100m ³ in the ES) and the maximum area to be dredged for the vessel berthing pocket (13,900m ² in the dDCO and 14,200m ² in the ES)
1.11.5	Applicant	Please provide evidence of agreement on the approach to the HRA assessment and in-combination assessment.

ExQ.	Respondent:	Question:
1.11.6	Applicant	ES Chapter 11: Noise and Vibration [APP-060] assumes a maximum 4,000 hours of operation per annum. Can the Applicant explain how this maximum parameter is secured by the dDCO?
1.11.7	Applicant	Please explain what measures will be put in place to ensure that there is no unauthorised access to the causeway post-construction and how these will be secured in the DCO.
1.11.8	Applicant	Can the Applicant provide an assessment of the potential impacts of transportation of INNS to European designated sites from vessels serving the causeway or explain why an assessment is not necessary i.e. what mitigation measures are in place to prevent this?
1.11.9	Applicant	Can the Applicant signpost where AIL delivery times are secured in the application?
1.11.10	Applicant	Can the Applicant determine how many HGV movements would be required to transport dredged materials to a licenced site, what routing they would take and explain how this has been accounted for in the assessment of significant effects within the ES?
1.11.11	Applicant	Can the Applicant confirm whether the only activity on the causeway will be during high tide and signpost where this is secured in the application?
1.11.12	Applicant	Please provide up to date information on the current condition and functionality of the outfalls identified in Drawing A2.10 and explain how this influences the assessment of water quality and hydrological impacts to the Thames Estuary and Marshes SPA and Ramsar Site.
1.11.13	Applicant	Please explain how the Conceptual Drainage Strategy [PDC-007] is secured in the dDCO.
1.11.14	Applicant	Please explain why, in view of its 35-year lifespan, the effects of the proposed causeway should be considered 'temporary'.
1.11.15	Applicant	Please update the footnotes in the integrity matrices to include references to mitigation i.e. specific measures in the OCoCP or relevant design plans, where these are secured in the DCO and any agreements made with SNCBs.

ExQ.	Respondent:	Question:
1.11.16	Applicant	Please provide a copy of the populated Biodiversity Metric 2.0 spreadsheet used to inform the calculation of Biodiversity Net Gain.
1.11.17	Applicant	Following the 5 yearly reviews of access for AIL's as proposed in R17 of the dDCO, an alternative may be taken forward if it is considered 'environmentally acceptable'. Please explain what this means, and how an assessment of the alternative means is either captured in the ES or proposed to be undertaken to ensure that no significant effects are likely to occur.
1.11.18	Applicant	The ExA notes that the application of impact magnitude and receptor sensitivity through comparison of the methodology in ES Chapter 9 (Tables 2.3 and 2.4 respectively) and paragraph 4.1.68 and 4.1.69 do not fully align. For example, it is unclear how a long-term, continuous, direct impact to a sensitive receptor that is a feature of a European designated site warrants a 'negligible' impact to a 'medium' sensitivity receptor and subsequently no significant effect is anticipated. Please provide further justification for the approach taken.
1.11.19	Applicant	ES Chapter 17, paragraphs 4.2.9 and 4.2.10 state that a significant effect is likely to occur as a result of the loss of mudflat habitat and monitoring is put forward to understand the rate of change over time but no mitigation is put forward. Please explain why no mitigation measures have been put forward to mitigate this significant effect and whether monitoring will inform potential mitigation.
12	Landscape and Visual	
1.12.1	Applicant, Thurrock Council, Gravesham Borough Council, Essex County Council	Have the representative viewpoints identified in ES Chapter 6 (Landscape and Visual Resources) [APP-049 to APP-055] been agreed with the relevant local authorities?
1.12.2	Applicant	How might detailed design relating to form, materials and use of colour minimise adverse visual effects as suggested in the design principles statement [APP-140]?

ExQ.	Respondent:	Question:
1.12.3	Applicant	Please state the reasons for excluding the ribbon of development along the southern end of Princess Margaret Road from assessment.
1.12.4	Applicant	Paragraph 4.1.30 of ES Chapter 6 refers to anecdotal evidence of low pedestrian use of the section of highway and nearby access land. Please provide any evidence to support this statement.
1.12.5	Applicant	Paragraph 4.2.31 of ES Chapter 6 identifies the graveyard at St James' Church as having a high sensitivity with an impact magnitude of moderate. It goes on to classify the effect experienced at this receptor as moderate adverse but no reasons are provided. Please provide further explanation for the conclusions reached.
1.12.6	Applicant	Paragraphs 4.1.30 and 4.2.30 of ES Chapter 6 identify pedestrian receptors using the access land at representative viewpoint 6 as having a high sensitivity with the impact magnitude during both construction and operation identified as moderate. However, during construction the effect is classified as major adverse (which is significant) while during operation it is classified as moderate adverse (not significant). Can the Applicant provide further explanation on how these conclusions have been reached?
13	Land Use, Agriculture and Socioeconomics	
1.13.1	Applicant	Please provide details of deprivation levels for Walton Common and Zone E as requested by PHE in its RR [RR-020].
1.13.2	Applicant	What steps have been taken to identify the extent of public access rights which subsist over Walton Common?
1.13.3	Applicant	Please justify the statement in Paragraph 3.4.2 of ES Chapter 8 (Land Use, Agriculture and Socio-economics) [APP-057] that 'there is little evidence of access by the public on Walton Common'.
14	Marine Environment	
1.14.1	Applicant/NE/MMO/EA	Please can the EA, NE, the MMO and the Applicant work together to provide suitable draft wording for further requirements and/or for additional/modified conditions in the Deemed Marine Licence to address the various matters raised in the RRs.

ExQ.	Respondent:	Question:
1.14.2	Applicant	Please explain how the duration of maintenance dredging would be controlled in the dDCO.
1.14.3	Applicant	Please respond to the proposed amendments to the dDCO suggested by the MMO in its RR [RR-014] and Procedural Deadline D submission [PDD-005].
1.14.4	Applicant	Please ensure that all plans and drawings relating to the marine parts of the Proposed Development are identified and listed in the DML.
1.14.5	Marine and Coastguard Agency	Please explain whether, and if so how, the Applicant should notify you of the marine works and whether the MCA consider any such notification should be secured in the dDCO or DML.
1.14.6	Applicant	Please explain the relevance of the yellow diagonal hatching shown in Figures 1.3 and 1.4 of ES Chapter 2.
1.14.7	Applicant	Table 2.2 in ES Chapter 2 sets out the design parameters for assessment of the causeway and berthing pocket. However, the ExA notes that Schedule 8 of the DCO includes various parameters which allow for a 5 or 10% increase in the parameters set out in table 2.2. Please confirm whether these higher parameters were considered as part of the ES. If not, please provide a justification for their inclusion in the dDCO.
1.14.8	Applicant	The ExA notes that the assessment of significant effects on fish receptors have been 'grouped' together with marine mammals and there is no consideration of the varying species and their vulnerability to impacts from the Proposed Development. For example, species (both fish and marine mammals) have differing life cycles and dependencies on various marine habitats and therefore, their sensitivity to impacts should be assessed separately. Can the Applicant provide a full assessment on fish receptors where significant effects are likely to occur; this may be supported by additional surveys, survey areas and information on fish species utilising the Thames. Updates of the ES should be provided where it is influenced/altered by this assessment, for example, mitigation measures.
15	Noise and Vibration	
1.15.1	Thurrock Council	Please state whether the Host Authority agrees with the assessment methodology and conclusions set out in ES Chapter 11 (Noise and Vibration [APP-060]).

ExQ.	Respondent:	Question:
1.15.2	Applicant	<p>Schedule 2, R9 of the dDCO limits construction hours to specified times. However, Subsection (2) identifies works which would be permitted outside those hours including those which do not cause noise that is more than 5dB above the pre-construction ambient noise at the nearest residential property to the Order limits, (subject to specified lower cut-off values). What is the ambient noise at the nearest residential receptor?</p> <p>This appears to allow for an increase of 5dB over pre-construction ambient noise which BS 5228-1:2009+A1:2014 indicates (at E.3.3) may have a potential significant effect. Please provide further justification for the 5dB threshold.</p> <p>Please identify the activities that could be undertaken outside the core hours, what noise levels will be associated with these activities, how they have been taken into account in the environmental assessment and any mitigation proposed.</p>
1.15.3	Applicant	<p>Table 2.7 of ES Chapter 11 (Noise and Vibration) [APP-060] sets out the criteria for receptor sensitivity. Please provide further explanation of why residential receptors are classified as medium sensitivity.</p>
1.15.4	Thurrock Council	<p>Does the Host Authority agree that the locations set out in Tables 3.1 and 3.2 are representative of the nearest NSRs?</p>
1.15.5	Applicant	<p>ES Chapter 11 identifies St James' Church as both a high sensitivity receptor and a medium sensitivity receptor, with footnote 1 explaining that it was subsequently identified as a converted residential property. Please confirm how St James' Church has been assessed, whether as a high sensitivity or medium sensitivity receptor and provide a justification for the approach taken. Has that approach been agreed with relevant bodies?</p>
1.15.6	Applicant	<p>Para 1.3.3 of Appendix 11.3 states that while certain activities may require continuous operation throughout the 24-hour period, these activities are limited to a continuous operation of no more than 10 days per phase. Please signpost where/how this is secured in the dDCO.</p>

ExQ.	Respondent:	Question:
		Does this also apply to a single-phase construction programme?
16	Onshore Water Environment	
1.16.1	Applicant	Please comment on the changes proposed by Anglian Water Services Limited to Art 16 of the dDCO [RR-017].
1.16.2	Applicant	<p>The ExA notes that the study area is identified in section 2.3 of ES Chapter 15 and displayed on Figure 2.1 of ES Chapter 15.</p> <p>However, there is no evidence in the ES or FRA of what has determined the zone of influence on which the study area is based or how the hydrological pathways for impacts have been identified.</p> <p>In paragraph 3.3.2 of the Scoping Opinion, the Applicant was advised that the study areas should be based on the zone of impact but there is no explanation of how that was determined.</p> <p>Can the Applicant justify the hydrological and flood risk study area and explain how the zone of influence has been determined. Explanations should be supplemented with figures, where relevant.</p>
1.16.3	Applicant	<p>In the guidance used (DMRB, 2019) it states that “for some projects, sensitive receptors and resources can be located beyond the immediate environs of the project e.g. through hydrological pathways”. The Mucking Flats and Marshes Site of Special Scientific Interest and Thames Estuary and Marshes Ramsar and SSSI are located on the banks of the River Thames and therefore it is considered there is a pathway for potential impact to these sensitive receptors, yet they are not assessed within the Hydrology and Flood Risk Chapter.</p> <p>Additionally, the dredging plume modelling undertaken (section 5, Appendix 17.2) suggests that the dredging plume travels downstream to the Thames Lower Water Body which has been scoped out of the WFD assessment.</p> <p>Can the Applicant explain why sensitive receptors identified in the Marine Environment and Onshore Ecology (or) which are hydrologically linked to the</p>

ExQ.	Respondent:	Question:
		Proposed Development site via the River Thames are not included in the baseline and assessment?
1.16.4	Applicant	Please explain how baseline water quality data has informed the assessment of water quality effects and the WFD assessment.
1.16.5	Applicant	Please explain why the assessment has diverged from the guidance used? For example, no sensitivity is defined for groundwater receptors although the site overlays a groundwater source protection zone (SPZ) (paragraph 4.5.1 of the FRA) and this is included as a sensitive receptor in the DMRB guidance.
1.16.6	Applicant	Please explain how magnitude and sensitivity have been allocated to impacts and receptors where criteria are not quantifiable.
1.16.7	Applicant	Please provide a figure depicting the location of the Proposed Development in relation to the outputs of the EA's pluvial flood modelling or explain why this is not possible.
1.16.8	Applicant	There are a number of contradictions within the FRA, for example paragraph 4.2.4 states that due to the tidal influence in the Thames, there is a very low fluvial flood risk and therefore it is not considered further. Paragraph 4.12.3 then states that the site is at risk from fluvial flooding. It also determines that the risk from groundwater and surface water flooding is low to medium, however, in sections 4.4 and 4.6 this is determined to be low. Please explain/clarify these discrepancies.
1.16.9	Applicant	Please update the FRA to ensure that all measurements are correct with respect to applying the H++ scenario.
1.16.10	Applicant	Table 3.1 of ES Chapter 31 identifies the potential for inter-related effects in Hydrology, Geology and Ground Conditions and the Marine Environment but no assessment is provided in Table 3.3. Please explain where this assessment is provided or provide the assessment.
1.16.11	Applicant	Please signpost where the maximum parameters set out in Table 2.5 of ES Chapter 15 are secured in the dDCO.
1.16.12	Applicant	Can the Applicant explain how the outcome of the compliance assessment and the water quality assessment would be affected by applying the 2013 Environmental

ExQ.	Respondent:	Question:
		Quality Standards Directive (EQSD) criteria rather than the superseded 2008 EQSD criteria?
1.16.13	Applicant	Please justify the reason for selecting a 500m search area from the limits of the red line boundary as the study area for cumulative hydrological and flood risk impacts.
1.16.14	Applicant	Can the Applicant clarify the discrepancy between 2.5m AOD stated in ES Chapter 15 paragraph 3.1.38 and 2.84m AOD stated in Table 2.6 of Schedule 2 of the dDCO and explain why flood resistant measures are not included in dDCO Schedule 2, R4?
1.16.15	Applicant	Table 2.6 of ES Chapter 15 includes additional mitigation in the form of flood defences, flood resilience and resistance measures and an Operational Outline Drainage Strategy (OODS). It is unclear where the OODS and the measures it proposes (infiltration/soakaway tests etc.) are secured in the dDCO. Please signpost where the Operational Outline Drainage Strategy and the measures it proposes are secured in the dDCO.
1.16.16	Applicant	Please signpost where temporary interceptor and hydraulic brake mitigation measures are secured in the dDCO and how, and to what extent, the secured mitigation measures would avoid/reduce the impacts from a bentonite breakout.
1.16.17	Applicant	Please explain how the mitigation measures are secured for the decommissioning stage in the dDCO and how the impacts have been determined and magnitude applied in relation to a future baseline.
1.16.18	Applicant	The FRA proposes in section 6.2 that land raising will be used to mitigate flood risk to the Proposed Development which will alter the flood characteristics of the area and potentially increase flooding elsewhere. Currently this has not been modelled and no impact assessment has been undertaken. Can the Applicant provide an assessment of flood risk post-development including a scenario where temporary defences fail and update the ES reflect any influence this might have on the assessment of significant effects?
1.16.19	Applicant	Please provide up to date information on the current condition and functionality of the outfalls identified in Drawing A2.10 and explain how this influences the assessment of significant effects in the ES and the effectiveness of the proposed mitigation.

ExQ.	Respondent:	Question:
1.16.20	Applicant	Please explain how the Flood Evacuation Plan will be disseminated to on-site operatives both during construction and operation and how this will be secured in the dDCO.
17	Transport and Traffic	
1.17.1	Applicant	What, if any, consideration has been given to the use of rail to transport construction material to and from the site?
1.17.2	Applicant	How does the Applicant propose to minimise the number of freight movements by road?
1.17.3	Applicant	Table 2.6 of ES Chapter 10 [APP-059] specifies a maximum design scenario whereby 10% of the construction workforce will arrive by car, with the remainder car sharing and travelling by minibus or coach. Please explain how this represents a worst-case scenario and signpost where this maximum parameter is secured in the dDCO.
1.17.4	Applicant/Highways England	Please provide a plan showing the areas where the Proposed Development will directly conflict with the land required for the Lower Thames Crossing Project.
1.17.5	Highways England	Please expand on the concerns raised in your RR [RR-016] in respect of additional vehicle movements during construction and safety at the 'Asda' roundabout.
1.17.6	Applicant	Does the Applicant envisage a role for PoTLL in the management of construction traffic within the Tilbury 2 site. If not, please explain.
1.17.7	Highways England	Does highways England agree with the methodology and models used for the transport assessment and its conclusions?
1.17.8	Applicant	In light of the progression of the Lower Thames Crossing and London Resort NSIP projects, new information has become available. Can the Applicant indicate if this influences the ES Traffic assessments and their conclusions and if so, describe how?
18	Waste and minerals	
1.18.1	Essex CC	Please explain Essex CC's role in minerals and waste matters for the Thurrock Administrative area.
1.18.2	Thurrock Council	The ExA notes that operational waste is considered in ES Chapter 2, Para 2.11.4 and construction waste considered in ES Chapter 2, para 3.2.20-3.2.26. Please comment



ExQ.	Respondent:	Question:
		on the Applicant's approach to operational waste (ES Chapter 2, Paragraph 2.11.4) and construction waste (ES Chapter 2, paragraph 3.2.20-3.2.26).
19	Shipping and navigation	
1.19.1	Applicant	It is not clear in the Preliminary Navigational Risk Assessment (PNRA) [PDC-052] that a worst-case scenario has been assessed. The PNRA states in Section 2.1 that there will be a maximum of 60 barge deliveries over the 6-month period. Please can the Applicant confirm that the maximum number of barges has been assessed and comment on how the assessment represents a worst-case scenario.
1.19.2	Applicant	Please confirm where/how the six additional risk control measures, as detailed in Table 13 of the PNRA [PDC-052], will be secured.
1.19.3	Applicant	Please explain how the mitigation measures set out in the PNRA [PDC-052] are to be secured in the DCO.

END