



Statement of Common Ground with the Environment Agency

Draft 5, March 2021



1 STATEMENT OF COMMON GROUND

1.1 Introduction

1.1.1 This is a first draft Statement of Common Ground between the applicant, Thurrock Power Ltd, and the Environment Agency (EA). It is presented under three sections which cover:

1. matters that are agreed between Thurrock Power Ltd and the EA;
2. matters that are currently under discussion between Thurrock Power Ltd and the EA; and
3. matters where there remains disagreement between the EA and Thurrock Power Ltd at the date of preparing the SoCG.

1.2 Matters that are agreed

1.2.1 The proposed development will require a permit under section 1.1 Part (A) of the Environmental Permitting (England and Wales) Regulations 2016 (EPR) (as amended).

1.2.2 The EA is satisfied that sufficient flood data has been provided to form the basis for the design mitigation measures (EA Ref AE/2020/125634/03-L01, letter dated 15 February 2021).

1.2.3 The critical elements of the development must be designed to remain operational during a flood up to a level of at least 2.84m AOD.

1.2.4 Details of a clear span bridge shall be provided for the crossing at the top of West Tilbury Main as detailed in the letter dated 6 November 2020 to the EA and Thurrock Council (correspondence shown in PDC-001). These details can be provided as a discrete item when discharging Requirement 5: Code of Construction Practice.

1.2.5 There is a stated net gain in ditch habitat which should ensure that the development avoids an adverse impact on water vole.

1.2.6 Requirement 10 of the draft DCO (PDC-009) provides that drainage should be directed away from the West Tilbury Main catchment (which discharges to Bowater's Sluice).

1.2.7 Requirement 4 (3) states: *No works to the tidal defence wall in the vicinity of the proposed causeway can be commenced until the detailed design for that part has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.* This is to ensure that the integrity of the defences is maintained.

1.2.8 Requirements 17 and 18 (Review of access for AILs and Causeway Decommissioning Plan) address matters relating to decommissioning of the causeway and the EA is satisfied with the wording of these Requirements.

1.2.9 Table 1.1 of document reference APP-129 Other Consents and Licences sets out those other consents and Licences that may be required, including the Environmental Permit. This includes the need to apply for a Waste Recovery Permit to excavate and move/dispose of material that is within a permitted landfill boundary (which may be the case for the access road at the location of former landfill for disposal of pulverised fuel ash (PFA) from Tilbury B Power Station, depending on status of current PFA mining and land-raising being undertaken in that area).

1.2.10 It is the remit of the Lead Local Flood Authority Emergency Planner to approve the Flood Evacuation Plan. The EA recommends that any additional non-fixed flood risk mitigation measures e.g. demountable flood barrier, which may be required across the site to reduce the impact of flooding should be clearly detailed within the Flood Evacuation Plan for the site. A copy of the Flood Evacuation Plan should be held on site during its construction and operation and be made available to the EA for inspection on request.

- 1.2.11 As the Tilbury Flood Storage Area (FSA) is classed as a reservoir under the 1975 Reservoirs Act, any ground reprofiling (ditch/hummock creation) for habitat creation and the footbridge from Fort Road to the exchange common land may need to be approved by a reservoir panel engineer. A panel engineer is only required as a construction engineer where reservoir capacity is being increased or decreased. If there is no change in volume, then works only need a panel engineer to be appointed if the works are likely to impact reservoir safety. These works are unlikely to impact reservoir safety as long as they are not located on/adjacent to the dam. Where a construction engineer is not appointed, the supervising engineer for the reservoir (also a panel engineer) will be consulted on the proposed detailed design.
- 1.2.12 All works proposed as part of the DCO application are shown on the Works Plans/DCO Schedule 1 and described in the ES Project Description. The works in the FSA north of the railway are Work 13, Work 14 and some parts of Work 2 as shown on the Works Plans, comprising replacement Common Land, seeded as grassland, and with a pedestrian span bridge to Fort Road; and Habitat planting and enhancement, with the indicative mix of habitats as shown in Figure 4.1 of the Outline Ecological Management Plan. There is no proposal for import of material to reduce the flood storage capacity and function of this asset. The full details of this would be confirmed through discharge of DCO requirement 14 (LEMP) and/or the protective provisions. Works in the FSA must not compromise the ability to act as a reservoir for storage, including not compromising perimeter banks.

1.3 Matters that are under discussion

- 1.3.1 **Water Framework Directive (WFD):** The applicant has provided an additional response to the points raised by the EA with regard to the WFD assessment, following a helpful discussion on 10/03/21 to clarify the information that is sought. The EA is currently reviewing this additional information.
- 1.3.2 **Protective Provisions:** The EA has provided its standard protective provisions, the detailed drafting of which are under discussion between the parties. The protective provisions will ensure that any necessary details, e.g. bridge mounts, are submitted to allow the EA to consider any matters relating to those permits and licences that are proposed to be disapplied.

1.4 Matters that are not agreed

- 1.4.1 The EA does not agree that the total loss of inter-tidal area including the dredge pocket represents an insignificant effect. Whilst in terms of the size of the Thames it is small, at the local level of this reach of the Thames, this represents a stretch of inter-tidal area that has little disturbance. In turn this represents a significant change for this immediate environment.

1.5 Approval

Signed

Position.....

On behalf Thurrock Power Ltd.

Date.....

Signed.....

Position.....

On behalf of the Environment Agency

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Date.....