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Ref EN010092
National Infrastructure Planning
The Planning Inspectorate
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2 The Square
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Your Ref: EN010092

E-Mail: dm@thurrock.gov.uk

Date: 17 May 2021

Dear Ms Williams,

Planning Act 2008

Ref: EN010092

Proposal: Flexible Generation Plant comprising gas reciprocating engines with electrical output totalling 600 MW; batteries with electrical output of 150 MW; gas and electricity connections; the creation of access roads and a causeway; and creation of habitat and exchange Common Land

Location: Thurrock Flexible Generation Plant Fort Road Tilbury

Deadline 4

Further to the above I write to you to provide a response to the points listed in the final examination timetable attached as Annex A from the Inspector's letter dated 16 February 2021 for Deadline 4.

- *Comments on responses submitted for Deadline 3;*

Having reviewed the comments from responses submitted to Deadline 3 Thurrock Council wishes to make the following comments in response to the points raised as follows:

In the MMO letter dated 12 April 2021 paragraph 2.2.5 identifies that Requirement 19 for the Causeway decommissioning plan can be removed as it is covered in the DML, however, Thurrock Council request the Requirement remains and be amended to ensure the details requiring the Causeway decommissioning on land in Thurrock Council's administrative area, including the inter tidal zone, to ensure this is carefully considered when the time comes to remove the causeway and the implications this may have upon the area.

- *Written summaries of oral submissions made at any Hearings held during the weeks commencing 26 April 2021 or 3 May 2021;*

Please find below written summaries of the oral submissions made at the Hearings from the following:

ISH1 – Traffic and Transportation

Summary from Matthew Ford, Transport Development Manager at Thurrock Council:

The Local Highways authority welcomes discussion with the applicant and Network Rail with regard to the access provision onto Station Road and in relation to the mitigation measures proposed by Network Rail and by the applicant to come to a common ground.

For reference, the Local Highway Authority's view on the proposed access arrangement will see an improvement to the existing arrangement which is close to the level crossing facilities and this positive representation is in relation to the adopted highway standards to the road and in consideration of the emerging and forward visibility standards that would be provided as part of the relocation.

In response to Network Rail statement concerning reduction of speed limit and assurances that the Authority will not increase speed limit, the Authority declined to proceed with Network Rail request to reduce the speed limit in this location based on insufficient evidence that this would resolve a safety issue such as PIA data. In consideration of this, the Authority has to be mindful to the enforcement body of the Traffic regulation Order. In this instance that is the Police and previous discussion with the Police require a level of evidence to support reduction of PIAs and/or self-enforcing provision. At the time of the request, this was not provided. However, if measures came forward based on a measured scheme to mitigate against harm from a development, then the Council could undertake the Statutory process.

In response to the Inspectors question relating to who is the TRO making Authority, it was clarified that Thurrock Council is the Authorising body in relation to Traffic Regulation Orders on its network.

ISH2 – Cultural Heritage

Summary from Richard Havis Principal Historic Environment Consultant at Essex County Council advising Thurrock Council on Archaeology:

Agenda item: Trial Trenching

It was stated that the trial trenching should have been undertaken as part of the archaeological assessment to inform the decision of the inspector. This is because at present we do not have a clear understanding of the nature, extent and significance of the below ground deposits that will be impacted by the scheme. The case for trial trenching was made to the applicant in discussions in 2018.

The area of the proposal, especially those areas on the edge of the historic marshland have been found to contain extensive multi-period deposits, especially complex later prehistoric and Roman sites associated to the salt industry. One of the land parcels on the Lower

Thames Crossing has shown the presence of a significant multi-period occupation site dating from the Late Prehistoric through to the Saxon period. This is unusual since it is located on the high ground above the marsh and would imply that there is likely to be actual salt extraction taking place within the marshland near by.

Agenda item: Outline Written Scheme of Investigation (OWSI)

It was confirmed that the majority of the OWSI has been agreed within the Statement of Common Ground. This has been agreed as a fall back position, which would ensure that the appropriate evaluation trial trenching would be completed in advance of construction, however, this would not provide the inspector with an understanding of the below ground heritage assets that would be impacted by the scheme.

Agenda item: Walton Common

As part of the trial trenching the date of the common would have been assessed as one of the non-designated heritage asset.

Summary from Maria Kitts Senior Built Heritage Consultant at Essex County Council advising Thurrock Council on Built Heritage:

Agenda item: Setting of Heritage Assets:

The assessment of significance of effect on St James' Church, West Tilbury is lower than expected (minor adverse – not significant). It is acknowledged within the ES to be a landmark feature within the landscape with an important silhouette and the proposal would diminish this aspect of its setting, although its landmark qualities would remain unchanged in many views. The significance of effect on West Tilbury Conservation Area is assessed to be moderate adverse and as the church is a key component and landmark feature of the Conservation Area it is considered that the assessment should be similar. However, in NPPF terms, it is agreed that the harm is 'less than substantial'.

It is agreed that the setting and impact on setting has been adequately assessed for St Katherine's Church.

Agenda item: Walton Common

It is agreed that the Common could be considered a non-designated heritage asset, but the extent of its potential national interest is unknown (given the considerations are landscape qualities and potential below ground archaeology).

ISH3 – draft Development Consent Order

Summary from Chris Purvis, Major Applications Manager at Thurrock Council:

Agenda item: Requirements

The Inspector made reference to the Requirements as set out in Thurrock Council's Local Impact Report and sought an update and clarification to the points by the Thurrock Council. Thurrock Council advised that discussions to the changes sought to the Requirements have been ongoing with the applicant and have largely been agreed. Thurrock Council understand that an updated draft DCO would be provided at Deadline 4 and Thurrock Council will be reviewing the amendments once this has been received.

Specific reference was made specifically to the following Requirements with Thurrock Council's comments included as follows:

- 'Requirement 5' (Code of Construction Practice) – no further comment.
- 'Requirement 6' (Construction Traffic Management Plan) – following the explanation from the applicant Thurrock Council does not object to Royal Mail being included as a consultee and discussions regarding the road condition surveys are ongoing with the applicant and Thurrock Council.
- 'Requirement 10' (Surface and Foul Water Drainage) - Thurrock Council advised that a discussion on this requirement was due to take place with Thurrock Council and applicant in the week of the 3 May and an update would be reported in due course.
- 'Requirement 13' (Archaeology) – The applicant has advised Thurrock Council that the Outline WSI has been updated to take account of Richard Havis' comments.
- 'Requirement 14' (Landscaping and Ecological Management Plan) - Thurrock Council are liaising with the Landscape and Ecology Advisor on this requirement and will update accordingly.
- 'Requirement 16' (Operational Noise) – Thurrock Council have seen the updated Requirement includes an approved mitigation plan approach to address previous concerns raised.
- Schedule 2, Part 2 – The applicant has agreed Thurrock Council's request for an 8 week timeframe for the application to discharge Requirements and Thurrock Council are seeking an application process for the discharge of the requirements similarly to the discharge of planning conditions so a fees are paid to cover the costs for the application(s) for Thurrock Council.

Further to 'Requirement 14' (Landscaping and Ecological Management Plan) and since the ISH3 session Thurrock Council have now received an explanation from the applicant regarding the proposed ponds in Zone A and what these would include. Therefore Thurrock Council's the Landscape and Ecology Advisor has no objections to details being secured through this Requirement.

Agenda item: S106

The Inspector made reference to whether a s106 agreement is required. Thurrock Council provided an update to explain that one may be required for highways works and those matters stated in the Thurrock Council Local Impact Report, however, such matters were still under consideration and Thurrock Council are continuing discussions with the applicant on this. If a s106 is required Thurrock Council will be working with the applicant to submit this document along with justification for its inclusion to the DCO application.

- *Comments on the Applicant's draft ASI arrangements and itinerary3;*

Having reviewed the virtual draft ASI proposals Thurrock Council raise no objection to the information and intended photograph locations.

- *Any post-Hearing notes requested at the Hearings;*

Nothing requested at the Hearing to comment on.

- *An updated Guide to the Application;*
- *An updated version of the dDCO in clean, tracked and word versions;*
- *An updated Schedule of changes to the dDCO;*
- *An updated Compulsory Acquisition Schedule in clean and tracked versions;*

For the above I understand this a requirement for the applicant.

- *Progressed SoCG and updated Statement of Commonality of SOCG;*

The latest SOCG is enclosed/attached. Please note Thurrock Council are still progressing matters internally with our Highways teams regarding certain articles of the draft DCO and updated Requirements (as stated above). The Heritage matters have progressed since the last SOCG with only one matter currently not agreed regarding the assessment of below ground archaeology. The previous drainage matters are addressed on the basis of an updated Concept Drainage Strategy to be provided at Deadline 4 by the applicant that will be linked to Requirement 10 of the draft DCO.

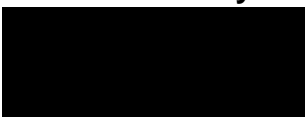
- *Any other information requested by the ExA for submission at Deadline 4.*

No further information requested to comment on but Thurrock Council would like to make the Inspector aware of the following:

1. Thurrock Council are reviewing and assessing the applicant's material change and Thurrock Council will be provided a response to this at Deadline 5.
2. If there are any further details provided or announcements about the Thames Freeport and whether this affects the applicant's DCO application then Thurrock Council reserve the right to provide comments on this in the future before the closure of the examination process.

I trust that this information is of assistance and should wish to contact me regarding the content of this letter then please use the email address provided.

Yours sincerely



Chris Purvis
Major Applications Manager



Statement of Common Ground with Thurrock Council

Draft 78, April-May 2021



1 STATEMENT OF COMMON GROUND

1.1 Introduction

1.1.1 This is the ~~seventh~~eight draft Statement of Common Ground between the applicant, Thurrock Power Ltd, and Thurrock Council. The SoCG is presented under three sections, which cover:

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

1.2 Matters that are agreed

1.2.1 That the following matters tabulated in the Executive Summary of Thurrock Council's Local Impact Report ('the LIR table'), and as replicated in the table at paragraph 3.1 of Thurrock Council's Written Representation, are agreed as written:–

Principle of the Development and the Impact upon Green Belt	Agreed
Ecology and Nature Conservation	Agreed
Landscape and Visual Impact	Agreed
Geology, Hydrogeology and Ground Conditions	Agreed
Traffic and Transport	Agreed
Air Quality	Agreed
Noise and Vibration	Agreed
Land Use and Agriculture, and Socio-Economics	Agreed
Human Health	Agreed

1.2.2 That the mitigation measures referenced in the LIR table for the Air Quality and Noise and Vibration rows are those set out in REP2-030 (ES Appendix 2.1, the Register of Mitigation, Enhancement & Monitoring Commitments) and in Requirement 9 (Construction Hours) and Requirement 16 (Operational Noise) of REP2-014 (draft DCO).

1.2.3 That the Environment Agency has accepted PDC-025 (the revised Flood Risk Assessment) as confirmed in EA correspondence to Thurrock Power Ltd dated 15 February 2021 (EA reference AE/2020/125634/03-L01) and provided to Thurrock Council on 04 March 2021. Flood risk impact can be minimised through the submission of information through the DCO requirements to mitigate the impact of the development.

1.2.4 That Requirement 4 (Detailed Design) and Requirement 14 (Landscaping and Ecological Management Plan) of REP2-014 (the draft DCO) can secure the "*consideration... for mitigation through careful design*" that is referenced in the Landscape and Visual Impact row of the LIR table.

1.2.5 That the flexible generation plant, in providing 'peaking' generation capacity and battery storage, supports the opportunity for providing a back up and supplementary electricity generation system to the UK's intermittent renewable generation. That in this context, and when compared to other gas-fired generators that have lower efficiency when operated flexibly, the proposed development supports a low-carbon transition.

- 1.2.6 That the site presents a unique opportunity for power generation making beneficial use of the existing Tilbury substation and associated electricity pylon infrastructure.
- 1.2.7 That the main flexible generation plant (Zone A), the above ground gas installation (Zone D) and new fencing and footbridge link (Zone E) elements of the project would constitute inappropriate development in the Green Belt. The proposal conflicts with the one of the five purposes of the Green Belt that being the safeguarding the countryside from encroachment. That the factors in favour of the development put forward by Thurrock Power Limited in the application form Very Special Circumstances within the meaning of the National Planning Policy Framework. That these very special circumstances clearly outweigh the identified harm to the Green Belt through inappropriate development and the adverse impact that would result upon the openness of the Green Belt in this location such that Very Special Circumstances exist.

1.2.8 The disapplication of legislation as set out in Article 10 of the dDCO is agreed.

1.2.81.2.9 The updated Conceptual Drainage Strategy submitted at Deadline 4 is agreed and the wording of Requirement 10 (Surface and foul water drainage) in the dDCO is agreed.

Heritage

1.2.91.2.10 The Environmental Statement (ES) provides an appropriate assessment of above-ground impacts on the settings of heritage assets. Less than substantial harm would result from these impacts.

1.2.101.2.11 The findings of the Geoarchaeological Deposit Model Report (ES Volume 6, Appendix 7.2) have informed the assessment of the baseline environment in the ES and have informed the further proposed pre-construction archaeological investigation set out in the Outline Written Scheme of Investigation (Outline WSI, application document reference A8.11a).

1.2.111.2.12 Thurrock Power produced further viewpoint visualisations at locations that were agreed with Thurrock Council on 10 February 2021, with the exception of Bowaters Farm Battery, which is agreed to have been inaccessible.

1.2.121.2.13 The 'main development site' of the Flexible Generation Plant (Zone A in the ES) has potential for impacting on archaeology as this is the primary area of construction and area requiring deep foundations/piling. The pipeline route will also impact on known potentially significant archaeological deposits as identified by work undertaken as part of the Lower Thames Crossing. The impacts will be mitigated by archaeological works in accordance with the Outline WSI by initial evaluation followed by preservation by record.

1.2.131.2.14 Trial-trench archaeological evaluation will need to be undertaken in accordance with the Outline WSI document, which has been revised to the satisfaction of Thurrock Council following their comments on an earlier draft. These results will inform the detailed development design plans which then come forward for the scheme.

1.2.141.2.15 The Outline WSI provides measures to complete the archaeological assessment of the development and undertake appropriate mitigation strategies to either preserve in situ or preserve by record of any investigation and recording of any onshore archaeology, mitigating impacts, subject to discharge of requirement 12 (archaeology) in the draft DCO.

1.2.151.2.16 Detailed strategies for both the evaluation and follow on mitigation will be agreed in conjunction with Thurrock Council for each stage of works as set out in the Outline WSI.

1.3 Matters that are under discussion

1.3.1 **DCO drafting:** the drafting of the development consent order has been reviewed and the following matters remain under discussion in particular:

- (a) The provisions in articles 11, 13 and, 15 and ~~16~~ are still being reviewed where necessary with the applicant;

- (b) Thurrock Council is seeking amendments to the requirements in schedule 2 as identified in TC's Local Impact Report; and
- (c) Thurrock Council is reviewing protective provisions with the applicant in regard to highways; and footpaths ~~and drainage~~.

~~1.3.2 **Drainage:** Thurrock Power is liaising with Remsha Mohammed Remla, Senior Flood Risk Officer to provide clarifications of the application documents. Amendments proposed by Thurrock Council to the drainage requirement in the DCO are under discussion.~~

1.4 Matters that are not agreed

- 1.4.1 Thurrock Council does not agree that an adequate assessment of below-ground archaeological remains has been undertaken. Thurrock Council considers that the trial-trenching evaluation should have been undertaken prior to submission of the DCO application.

1.5 Approval

Signed

Position.....

On behalf Thurrock Power Ltd.

Date.....

Signed.....

Position.....

On behalf of Thurrock Council

Date.....

