



Statement of Common Ground with Natural England

Draft 4, May 2021



1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This is the fourth draft Statement of Common Ground between the applicant, Thurrock Power Ltd, and Natural England. It is presented for discussion with sections for:

- matters that Thurrock Power proposes could be agreed at this stage;
- matters that are currently under discussion between Thurrock Power and Natural England; and
- matters where there remains disagreement at this stage.

2 MATTERS THAT ARE AGREED

Topic	Agreement
Survey and assessment methodology	<p>It is agreed that the scope and methodology of the surveys undertaken are appropriate and provide sufficient evidence to inform the Environmental Impact Assessment (EIA), Habitats Regulations Assessment (HRA) and examination process.</p> <p>It is agreed that the EIA methodology is appropriate and that impacts on ecology have been satisfactorily assessed.</p>
Onshore ecological impacts and mitigation	<p>Within Natural England's statutory remit (designated sites and licensable species), it is agreed that no significant adverse effects on onshore ecology are likely, subject to implementation of the mitigation measures as set out in the application and to obtaining licenses for translocation of species where applicable.</p>
Cumulative effects on onshore ecology	<p>Within Natural England's statutory remit (designated sites and licensable species), it is agreed that no significant adverse effects on onshore ecology from Thurrock Flexible Generation Plant and other cumulative development projects are likely, subject to implementation of the mitigation measures as set out in the application including creation of habitat for invertebrates.</p>
Outline Ecological Management Plan	<p>Within Natural England's statutory remit (designated sites and licensable species), it is agreed that the Outline Ecological Management Plan (PDC-050) sets out appropriate mitigation and management measures for onshore ecology, subject to discharge of DCO requirement 14 (REP2-014).</p>
Sediment accretion, saltmarsh creation and mudflat loss	<p>It is agreed that sediment accretion has been appropriately assessed in APP-120 (ES Volume 6, Appendix 17.2 Hydrodynamic Modelling and Sediment Assessment).</p> <p>It is agreed that there is likely to be some accretion of sediment in the lee of the causeway which may lead to some extension of saltmarsh habitat beyond their current boundaries over a period of three to five years from causeway construction.</p>
Wider hydrodynamic impacts	<p>It is agreed that no significant hydrodynamic effects, sediment loading, scour or accretion with potential for ecological impacts on designated sites beyond the immediate location of the causeway are likely.</p>
Use of causeway by birds	<p>It is agreed that the potential use of the causeway (after construction) by birds is not known with certainty and this is not relied on as mitigation of impacts.</p>
Causeway permanence	<p>It is agreed that the causeway will be removed at no longer than 35 years after construction, and that the effects of the causeway can therefore be fully undone.</p>
Causeway Decommissioning Plan	<p>It is agreed that as set out in PDC-012 (Environmental Statement - Assessment of Causeway Decommissioning), the proposed Causeway Decommissioning Plan is the appropriate mechanism to control the details of measures to ensure that the effect of the causeway will be fully undone.</p> <p>It is agreed that Requirements 18 and 19 of the draft DCO (at revision REP2-014) provide for removal of the causeway when feasible and for the Causeway Decommissioning Plan to be approved by the MMO in consultation with NE among other parties.</p>
Unauthorised use of causeway by people	<p>It is agreed that unauthorised use of the causeway should be discouraged by Thurrock Power Ltd. The 'Restrictions on Public Access to the Causeway' section of the Design Principles Statement (REP2-034) sets out appropriate measures, including periodic proactive contact with the relevant river authorities (which the applicant envisages would be undertaken proactively as needed, but typically at least annually) to discuss and test whether the measures proposed are being effective in their purpose as suggested by NE in PDC-012.</p>

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HRA scope and Impacts on wintering birds	It is agreed that no significant effects on Thames Estuary and Marshes SPA citation bird species other than Avocet, Dunlin, Redshank and Ringed Plover are likely.
Swanscombe MCZ and Upper Thames Estuary rMCZ	It is agreed that no damage to features of interest of Swanscombe Marine Conservation Zone MCZ and Upper Thames Estuary rMCZ is expected.
HRA Appropriate Assessment conclusion	<p>It is agreed that with respect to hydrological matters, appropriate mitigation in the form of surface water management features and pollution control safeguards has been identified, which will together ensure that there will be no adverse effect on the integrity of the Thames Estuary and Marshes SPA and Ramsar site.</p> <p>It is agreed that the Code of Construction Practice (REP2-035) and Drainage Strategy (PDC-007) are appropriate means to provide the pollution control safeguards, subject to discharge of DCO requirements 5 and 10 (as of DCO version REP2-014). It is acknowledged that discharges to water from the facility in operation will be regulated by the Environment Agency under an Environmental Permit.</p>

3 MATTERS THAT ARE UNDER DISCUSSION

Topic	Discussion or ongoing work
Wintering bird survey methods, HRA methodology and conclusions with respect to effects on birds that are designated features of the Thames Estuary and Marshes SPA	<p>Thurrock Power has undertaken further work to assess the impacts to wintering birds using SPA functionally linked land (revised HRA submitted for Procedural Deadline C, PDC-039).</p> <p>Natural England continue to maintain that the analysis of SPA birds should include consideration at the level of the Mucking Flats & Marshes SSSI subsection of the HRA, alongside the whole SPA population level, although it is noted that Natural England has stated that the approach in the HRA is “technically correct” (NE submission for Procedural Deadline D, PDD-012).</p> <p>Further discussions about the method of analysis for the HRA are ongoing; the applicant has provided further information for Natural England’s consideration on 23 April 2021.</p>
Water Vole translocation	<p>An update on Water Vole status and mitigation measures was provided in the documents submitted for Procedural Deadline C within PDC-050 (Outline Ecological Management Plan).</p> <p>Thurrock Power confirms its commitment to avoiding the requirement to undertake water vole translocation by undertaking habitat improvement works in sufficient time to allow habitats to be capable of supporting translocated water voles without the requirement for keeping animals in captivity.</p> <p>It is hoped that this commitment will be sufficient for Natural England to agree that the mitigation measures proposed for Water Vole are acceptable.</p>
Replacement Common Land	<p>Thurrock Power is progressing the s16 Common Land deregistration outside but in parallel with the DCO application. Natural England is a consultee to that process. Nevertheless at the time of writing Natural England has not yet agreed with the proposed approach to Common Land impacts, and discussions are ongoing.</p>
Noise impact thresholds	<p>PDD-012 (NE submission for Procedural Deadline D) notes that there is disagreement about the threshold at which a potential noise impact on birds should be considered for assessment. Natural England have stated that they may provide further comments on this point in due course.</p>
Sediment accretion, saltmarsh creation and mudflat loss	<p>Regarding the significance of mudflat loss. Thurrock Power’s proposed wording on which we are aiming to reach common ground with NE is: <i>“It is agreed that the area of long-term mudflat loss from the presence of the causeway and possible sediment accretion is not significant in EIA terms, relative to the total area of mudflat in the study area.”</i></p> <p>Further discussion with NE on this matter is ongoing.</p>

4 MATTERS THAT ARE NOT AGREED

Topic	Disagreement
None at this time	None at this time