



PORT OF
TILBURY
LONDON

Section 56(2) Planning Act 2008

**Application by National Highways Limited for an Order Granting Development
Consent**

for

Lower Thames Crossing

Planning Inspectorate Reference: TR010032

PORT OF TILBURY LONDON LIMITED

RESPONSE TO EXQ2

and

COMMENTS ON REAC COMMITMENTS

Deadline 6: 31 October 2023

1. PoTLL has reviewed the questions asked by the Examining Authority in the second written questions [PD-040]. Responses to questions addressed to PoTLL, and those questions addressed to others but where PoTLL has an interest, have been included below.

ID	Addressed to	Question / Action	PoTLL Response
7. Tunnelling considerations			
7.1 Tunnelling control measures			
Q7.1.1	Port of London Authority, PoTLL , Environment Agency, Marine Management Organisation, Local Authorities	<p>Tunnelling techniques</p> <p>Do you consider that the additional controls/commitments in RDWE059 to only utilise closed face tunnelling techniques in the Code of Construction Practice [REP5-049] would be adequate? If not, please provide details and suggest updated wording for a form of tunnelling method security that you would consider to be adequate.</p>	<p>PoTLL is satisfied that the requirement only to utilise closed face tunnelling techniques is adequate. PoTLL is mindful of the need to retain flexibility in order to utilise the best available technology at the time of implementation, and is satisfied that there is no need to restrict the Applicant on tunnelling methodology beyond the use of closed-face tunnelling techniques.</p> <p>Notwithstanding this, PoTLL considers it is necessary that the PLA is satisfied that it has appropriate oversight in the design of the tunnelling techniques, in order to minimise, to the greatest extent possible, the residual risks associated with tunnelling. PoTLL understands that there remain a small number of outstanding matters for the PLA in respect of its protective provisions. As PoTLL takes comfort in respect of tunnelling from the suitability and effectiveness of the PLA's protective provisions, PoTLL will continue to have concerns around tunnelling until these matters are resolved in a manner that is satisfactory to the PLA.</p>
Q7.1.3	Applicant, Port of London Authority, PoTLL, Environment Agency, Marine Management Organisation, Local Authorities	<p>Tunnel Depth Report</p> <p>Please provide an update on any further discussions in respect of the Tunnel Depth Report [REP3-146]. Please set out any outstanding areas of disagreement and what, if any additional or updated controls you would consider to be necessary.</p>	<p>PoTLL understands that an updated Tunnel Depth Report is intended to be submitted into Examination by the Applicant, addressing concerns about dredging and the upwards limit of the tunnel if scour protection is required. PoTLL anticipates that the submission of this Report, in the form shared with the PLA, will resolve PoTLL's concerns on this matter but those concerns remain until the PLA is content.</p>
Q7.1.4	Port of London Authority, PoTLL, Environment	<p>Ground protection tunnel</p> <p>Do you consider that the additional controls/commitments in GS024,</p>	<p>This tunnel is located some distance from the Port of Tilbury and to the south of the river Thames. PoTLL has no concerns in respect of this.</p>

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	Agency, Marine management Organisation, Local Authorities	RDWE017, 018a and 018b of the Code of Construction Practice [REP5-049] are sufficient? If not, please provide reasoning and suggested wording for additions/updates.	
Q7.1.5	Port of London Authority, PoTLL, Environment Agency, Marine Management Organisation, Local Authorities	<p>Tunnelling controls</p> <p>Do you consider that any additional or updated controls are necessary in respect of the tunnelling works? If so, please provide details and suggested wording.</p>	PoTLL supports the PLA in resolving the outstanding matters in its protective provisions. PoTLL takes comfort in respect of tunnelling from the suitability and effectiveness of the controls within the PLA's protective provisions. Whilst the PLA remains dissatisfied with the provisions, PoTLL will continue to have concerns around tunnelling controls.
8. Waste and materials			
Q8.1.3	Applicant, Local Authorities, Port of London Authority	<p>Transportation of materials and waste</p> <p>Please provide an update on any further discussions/agreement in respect of using river transportation for the delivery of materials and removal of waste? In responding, please provide information in respect of:</p> <ul style="list-style-type: none"> • How river transportation could be maximised where it is appropriate; and • Where other transportation would be more efficient given the linear nature of the project? <p>As a result of the responses provided on these points, are there any updates to the Code of</p>	<p>PoTLL remains in discussions with the Applicant about how best to make practical use of the river Thames in the construction of the LTC Scheme. These discussions have focused on utilising the existing infrastructure at the Port of Tilbury for the import of machinery, aggregates and workers.</p> <p>PoTLL supports the principle that the use of the river should be maximised, and commitments should not be limited in scope to only the use of the Port of Tilbury for the import of aggregates to the north portal construction compound. By way of practical example of how this could be accomplished, the CMAT facility at Tilbury2 is able to load aggregates onto barges for transport to wharves located on the south side of the river Thames, for use in the construction of the LTC Scheme in Gravesham and Kent, minimising or avoiding use of the local highway network in those areas.</p> <p>Please also see PoTLL's summary of submissions from ISH8 also submitted at this Deadline.</p>

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		Construction Practice (or other control documents) that should be made?	
11. Biodiversity			
11.1 Environmental Mitigation			
Q11.1.2	Natural England IPs with an interest in the natural environment Applicant	<p>Monitoring of success</p> <ul style="list-style-type: none"> Do Natural England and other IPs agree that the proposals suggested in the Applicant's response to question Q11.5.2 [REP4-196] provide a robust method of monitoring the success of species mitigation proposals? ... In the document [REP4-182] the Applicant suggests that the oLEMP [REP3-106] refers to monitoring target habitats.¹ Should the oLEMP be more specific in relation to species monitoring? Over what time period should monitoring and subsequent mitigation and remedial action of different species, take place and are there natural, extreme weather events that justify extensions to the periods of assessment and replacement suggested? Can the Applicant set this information out in a table. How could such be secured in the documentation? 	<ul style="list-style-type: none"> The proposals suggested in the Applicant's response to question Q11.5.2 do not provide a robust method of monitoring the success of species mitigation proposals. For protected species groups where mitigation is subject to licensing (e.g. bats and great crested newts (GCN)), licensing obligations will ultimately require monitoring information to be reported to Natural England. However, no such provision has been made for species groups that do not benefit from licensing (such as the four species of reptile present) or from specific legislative protection (such as invertebrates and breeding birds). In particular, the Applicant's reptile translocation and mitigation strategy does not appear to be documented within the oLEMP [REP3-106], other than to say that habitat will be created for reptiles in various locations throughout the Order Limits; and at paragraph 8.22.9, that all areas of open mosaic habitat will "be a receptor site for translocated species including amphibians and reptiles". However, given that the Tilbury Fields area already contains baseline populations of reptiles that will, presumably, be translocated off-site before construction of 'Tilbury Fields' can commence, it is unclear how 'Tilbury Fields' could itself be used as a reptile receptor. <p>It is also unclear how the Applicant would make 'open mosaic habitats' suitable at their inception to accommodate all relevant species. For example, it does not appear possible for habitat to be made suitable for early-successional invertebrate communities of bare ground and open short-sward habitats, whilst at the same time being suitable for reptiles (which require an established vegetation structure)? Further clarification is required from the Applicant on its reptile and invertebrate mitigation strategies (including receptor locations and phasing), and the monitoring of their success.</p>

¹ The Applicant states at [REP4-196]: "Section 8 of the outline Landscape and Ecology Management Plan (oLEMP) [REP3-106] sets out the outline measures of success with details of the monitoring of habitat establishment for landscaping and ecological mitigation. The Applicant's view is that this would adequately secure robust outline measures of success criteria for the creation of the semi-natural habitats which support the relevant species, such as woodland (including ancient woodland compensation planting), grassland, banks and ditches, ecological ponds, hedgerows and Open Mosaic Habitats. Detailed site-specific measures would be developed, in consultation with all relevant parties, as part of the development of the oLEMP, which is secured through requirement 3 of the draft DCO."

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			<p>This is relevant to PoTLL in the context of understanding the future distribution of reptile and invertebrate populations in this locality, and to inform future reptile and invertebrate mitigation strategies for the Thames Freeport area.</p> <ul style="list-style-type: none"> • The oLEMP refers at Section 6.3 to ‘Tilbury Fields’ and states that the management requirements are as follows:² <ul style="list-style-type: none"> <i>a. to establish a mosaic of open habitat which would provide high quality habitat for a range of invertebrate assemblages. This area along the northern edge of the Thames Estuary supports nationally important assemblages of terrestrial invertebrates including key species such as the shrill carder bee. The creation of high quality habitat in this area would strengthen links between existing high quality habitats in this area. The relevant typology planting proposals include species specifically to support these invertebrate assemblages.</i> <i>b. habitat present would be rough grassland, and patches of bare earth, with scrub. Habitat would be planted as a patchwork rather than large areas of similar habitat.</i> <i>c. to provide hibernacula and refuges for invertebrates, reptiles and amphibians around the site, based on good practice guidance designs (English Nature, 2001).</i> <i>d. to utilise the varying substrates from the excavated material from the tunnels to create a patchwork of various habitat types.</i> <i>e. to manage areas within Tilbury Fields on a rotational basis to encourage diversity in the habitats and to create a dynamic, changing landscape, reflective of the surrounding area.</i> <i>f. to avoid the grassland turning into ‘rank’ grassland, the grassland areas and slopes to be mown in a ‘random’ manner and not a clear annual cut.</i> <i>g. to avoid large homogenous grass plains.</i> <i>h. to provide uneven slope profiles on the circular mounds, and provide differing levels of insolation.</i> <i>i. Appropriate slope faces to be designed with steps and deploying fill materials at varying depths to keep the sward height down and avoid turning into ‘rank grassland’.</i> <i>j. to include series of 30cm hillocks to increase biodiversity value.</i> <i>k. to provide signage and interpretation boards to allow public to learn and understand the importance and value of Open Mosaic Habitat. The habitat itself can appear unsightly and can often appear ‘neglected’.</i> <i>l. To provide signage and interpretation boards to inform public to sensitivity of overwintering birds on the Thames Foreshore to human disturbance.</i> <i>m. To ensure signage and interpretation boards are suitably robust to minimise need for frequent replacement.</i> <i>n. Scrub planting to be managed to help strengthen the geometric form of the earthworks.”</i>

² We also note that paragraph 6.2.5 within this section refers to the Tilbury2 port terminal in the future tense, when it has in fact been operational since 2020, calling into question the extent of the Applicant’s review and update of this document.

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			<p>Section 8.22 of the oLEMP goes on to describe that the measures of success used for monitoring the Tilbury Fields will align with the Biodiversity Net Gain (BNG) criteria used for 'Open Mosaic Habitat on previously Developed Land' habitat condition assessment, as follows:</p> <p><i>“8.22.13 To ensure that the management requirements outlined previously are achieved, the following monitoring targets have been devised to measure the success of the management requirements:</i></p> <ul style="list-style-type: none"> <i>a. Varied vegetation structure, with a single structural habitat component or vegetation type not accounting for more than 80% of the total habitat area.</i> <i>b. A diverse range of flowering plant species are present which include native, non-native but beneficial to wildlife or non-native sedum plants.</i> <i>c. Invasive non-native species cover less than 5% of the total vegetated area.</i> <i>d. The site shows spatial variation, forming a mosaic of at least four early successional communities (a) to (h) plus bare substrate and pools. (a) annuals; (b) mosses/liverworts; (c) lichens; (d) ruderals; (e) inundation species; (f) open grassland; (g) flower-rich grassland; (h) heathland.</i> <i>e. Establishment of open mosaic habitat in accordance with the structural composition specified within the Design Principles.</i> <i>f. Establishment of floral species composition in line with planting palette set out within Design Principles.</i> <i>g. Colonisation by diverse invertebrate species assemblage typical of open mosaic habitat along the Greater Thames Estuary National Character Area.</i> <i>h. Pond creation in line with design approach in Great Crested Newt Mitigation Guidelines (English Nature, 2001).”</i> <p>However, by taking the entirety of the 'Tilbury Fields' as a single assessment unit (which appears to be the case by reference to the Applicant's BNG metric shapefiles), the requirements to deliver the criteria above, particularly spatial variation (as per item d above), and colonisation by a diverse brownfield invertebrate community (as per item g above), are reduced to almost meaningless thresholds. This is because it is inevitable that there will be some spatial variation and invertebrate presence over an expansive landform of approximately 45ha (see paragraph 2.4.180 of the Project Description [APP-140]). A more ecologically-robust approach would be to subdivide Tilbury Fields into various management sub-compartments, and to ensure that the objectives for habitat variation, etc., are met in full within each of the sub-compartments.</p> <p>Furthermore, it is unclear how criterion (g) (i.e. 'Colonisation by diverse invertebrate species assemblage typical of open mosaic habitat along the Greater Thames Estuary National Character Area') would be measured, noting that the Applicant's baseline invertebrate surveys were deemed so inadequate</p>

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			<p>that data^{3,4} provided by the Port of Tilbury London Ltd to the Applicant has instead had to be relied upon by the Applicant to inform its consultation with Natural England. Given the inadequacy, in the view of the relevant statutory nature conservation body, of the Applicant's baseline data [APP-392], it would be unsustainable for this to represent the baseline to which future monitoring data is compared. Given the current use of PoTLL's data, it would not be unreasonable for future monitoring of Tilbury Fields to follow the same protocol as the invertebrate survey provided by PoTLL (Telfer 2023), and for monitoring to seek to establish whether the level of baseline interest recorded by Telfer in 2022 has recolonised to an equivalent extent within Tilbury Fields.</p> <p>The Applicant is therefore requested to (a) detail and justify how the Tilbury Fields area will be sub-divided for BNG monitoring purposes, and (b) detail and justify the protocols that will be followed in undertaking invertebrate monitoring. This is relevant to PoTLL in the context of understanding future distribution and status of invertebrate populations in this locality, and to inform future invertebrate mitigation strategies for the Thames Freeport area.</p>
11.2 Structures			
Q11.2.2	Applicant Environment Agency and other IPs with interests in environmental performance and outcomes	<p>Culverting general Table 4.10 Structural form of water crossings in Document 6.3 Environmental Statement – Appendix 14.6 - Flood Risk Assessment - Part 10 [APP-477] provides a list of various proposed culverts.</p> <ul style="list-style-type: none"> • Can the Applicant confirm what are being introduced to prevent these culverts being 'environmental blackspots' through acting as barriers, reducing species movement, migration etc? How are relevant design measures being secured? 	<p>The Applicant's proposed removal of ditch W030 (JN1) and replacement of ditch W021 with the "Tilbury Main culvert" could potentially result in water vole population fragmentation effects that could compromise the effectiveness of PoTLL's Tilbury2 water vole receptor site (and future water vole mitigation measures) via a reduction in landscape scale habitat connectivity.</p> <p>If the Applicant were to reduce the extent of culverting, then PoTLL's land would remain better connected for water voles, thereby increasing the success of any future water vole mitigation delivered by PoTLL within its landholdings. As part of the package of ecological mitigation provided for Tilbury2, PoTLL has delivered extremely high-quality and successful compensatory water vole habitat. PoTLL would like to receive assurances from the Applicant that the installation of the proposed "Tilbury Main culvert" will not inhibit future prospects for water vole mitigation delivery in the Tilbury Freeport area.</p>

³ Telfer, M.G. (2023). *Invertebrate survey of Tilbury Ashfields in 2022*. Report to Bioscan (UK) Ltd.

⁴ Telfer, M.G. (2023). *Supplement to an invertebrate survey of Tilbury Ashfields in 2022*. Report to Bioscan (UK) Ltd

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		<ul style="list-style-type: none"> • Can the Environment Agency, or other IPs, confirm that the proposed culverts listed in Table 4.10, referenced above, alongside the proposed mitigation, will not decrease the ecological value of the watercourses upstream from the culverts or that the Applicant has provided sufficient mitigation or alternative routes that minimises the risk of the upstream catchments becoming disjointed and isolated? • Where there is limited or no opportunity to provide sufficient mitigation or alternative routes that minimises the risk of the upstream catchments becoming disjointed and isolated due to the location of the watercourses to be culverted, can the Applicant explain why the modification of the surface water body should be accepted? 	
16. General and overarching questions			
Q16.1.4	Local Authorities Other Statutory Stakeholders Other Interested Parties	Environmental Management Plan (EMP) Q4 Notwithstanding any other questions included in this question set about specific commitments in the Register of Environmental Actions and Commitments Table 7.1 in Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-049], the ExA would like to receive a set of dedicated comments from Local Authorities, other Statutory	Annexed to this document is a table of dedicated comments, relating to specific concerns with some of the measures (or their wording) in the Register of Environmental Actions and Commitments in Table 7.1, and the drafting in Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-049] more generally.

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		Stakeholders or any other IP on any specific concerns with any of the measures (or their wording) in the Register of Environmental Actions and Commitments in Table 7.1, or indeed on any of the drafting in Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-049] .	

POTLL COMMENTARY ON REAC COMMITMENTS

Topic	REAC ref. no.	Name	Origin	Commitment	Achievement criteria	Party responsible	Stage	Securing mechanism in DCO	Comments from PoTLL
Terrestrial Biodiversity	TB001	Hedgerow replacement	ES 8.5.30	Hedgerow habitat lost during construction would be compensated by creating new hedgerows at locations shown on the Environmental Masterplan (Figure 2.4, Application Document 6.2), using native species of local provenance. Planting would be undertaken as early in the construction programme as reasonably practicable, having regard for the completion of potentially damaging construction activities within and adjacent to the planting area, and seasonal requirements for planting.	Successful establishment of new hedgerow	Contractor	Construction	LEMP – Requirement 5	The Applicant's baseline surveys do not include all hedgerows. This includes those under the proposed route of the conveyor within PoTLL's land. The Commitment needs to make clear how the Applicant will account for hedgerows not included within the baseline that will nevertheless be lost.
Terrestrial Biodiversity	TB002	Maintaining integrity of important habitats adjacent to works	ES 8.5.21	Temporary fencing would be used to demarcate important and protected habitats, preventing construction access to protect them from accidental damage. Important and protected habitats include ecological translocation sites and retained woodland, trees and hedges shown on the Environmental Masterplan (Figure 2.4, Application Document 6.2), except where the SoS has agreed to vary the demarcation of such retained woodland, trees and hedges having consideration for REAC commitment TB003. Fencing would be installed under the supervision of the Environmental Clerk of Works and in accordance with good practice guidance. It shall include tree protection measures specified in the Arboricultural Method Statement.	Successful retention of important habitats	Contractor	Construction	EMP2 – Requirement 4	It is not clear if 'important habitats' includes open mosaic habitat, and if so, how these will be defined.
Terrestrial Biodiversity	TB004	Breeding birds	ES 8.5.24	Disturbance, and incidental mortality, of breeding birds would be avoided by timing vegetation clearance and structure removal outside of the bird nesting season (March to August inclusive) wherever possible. Where this is not possible, appropriate measures would be taken to avoid harming birds or their nests (such as temporary fencing around nesting sites where they are immediately adjacent to construction works), under supervision by a suitably experienced Environmental Clerk of Works.	Compliance with the Wildlife and Countryside Act 1981 (as amended)	Contractor	Construction	EMP2 – Requirement 4	It is not clear how the Applicant will prevent disturbance to ground-nesting birds, such as skylark which is present within PoTLL's land.
Terrestrial Biodiversity	TB005	Invasive species	ES 8.5.26	Invasive species would be identified prior to construction and would be removed or treated to prevent their spread, following the Construction Industry Research and Information Association's guidance in Wade et al. (Invasive Species Management for Infrastructure Managers and the Construction Industry, 2008).	Implementation of commitment actions	Contractor	Construction	EMP2 – Requirement 4	Additional clarity is required as to whether this commitment includes as an invasive species Russian olive <i>Elaeagnus angustifolia</i> . This is present within PoTLL's land and has invasive tendencies when growing in PFA substrate. Other species with invasive tendencies (e.g. goat's rue <i>Galega officinalis</i>) may also merit attention.
Terrestrial Biodiversity	TB006	Environmental Clerk of Works	ES 8.5.21	Employment of suitably qualified and experienced Environmental Clerk of Works throughout the construction phase of the Project to supervise implementation of environmental mitigation and protection commitments.	Acceptance by National Highways of the Environmental Clerks of Works nominated by the Contractor	Contractor	Construction	EMP2 – Requirement 4	The complexity of the ecological constraints involved in the Scheme and the ecological sensitivity require specialist oversight. The role of an Environmental Clerk of Works is too broad to give confidence that the works will be managed in a sufficiently sensitive manner.
Terrestrial Biodiversity	TB012	Breeding birds (temporary loss of nesting habitat)	ES 8.5.49	Bird nest boxes would be provided within areas of retained woodland, trees and hedges shown on the Environmental Masterplan (Figure 2.4, Application Document 6.2) to supplement the habitat creation by offsetting the loss of nesting opportunities whilst newly created habitats establish. A ratio of 10 assorted small nest boxes and one medium open fronted nest box per hectare of lost woodland/scrub would be adopted in accordance with BTO Field Guide No. 23, where it is reasonably practicable to erect this number of nest boxes. For hedgerows, a ratio of 10 assorted small nest boxes per kilometre of hedgerow would be adopted, where it is reasonably practicable to erect these numbers within retained vegetation. The	Implementation of commitment actions in accordance with BTO guidance	Contractor	Construction	EMP2 – Requirement 4	As with REAC ref no. TB004, it is not clear how ground-nesting birds are to be managed and impacts to these birds mitigated.

Topic	REAC ref. no.	Name	Origin	Commitment	Achievement criteria	Party responsible	Stage	Securing mechanism in DCO	Comments from PoTLL
				measures would be implemented under the supervision of the Environmental Clerk of Works.					
Terrestrial Biodiversity	TB013	Displacement of protected/ notable species	ES 8.5.27	Where habitats are known or assumed to support protected or notable species, as identified on ES Figure 8.1 to 8.31 (Application Document 6.2) or referred to in the wider landscape. These measures would be implemented under the supervision of the Environmental Clerk of Works. ES Appendices 8.1 to 8.14 (Application Document 6.3), clearance would take place in a phased, directional manner towards areas of contiguous retained habitat. This would encourage mobile species to actively move from the construction site into the wider landscape. These measures would be implemented under the supervision of the Environmental Clerk of Works.	Compliance with requirements of Natural England licences	Contractor	Construction	EMP2 – Requirement 4	Protected species must not be directed into PoTLL's land as these areas are either currently operational, form future development land, or are likely to be subject to future protected species displacement activities related to development of the Freeport.
Terrestrial Biodiversity	TB015	Monitoring of pre-existing protected species and important habitats	ES 8.5.54	Monitoring of protected species during and post-construction would be in line with the requirements of the protected species mitigation licence.	Compliance with requirements of Natural England licences	Contractor during construction and National Highways during operation	Construction and Operation	EMP2 – Requirement 4 for construction EMP3 – Requirement 4 for operation	PoTLL has been unable to find an explanation for how protected reptile species will be monitored. Please also refer to PoTLL's response to ExQ2 Q11.1.2.
Terrestrial Biodiversity	TB017	Translocation of notable species	ES 8.5.52	Where protected species licences are not required, the approach to habitat clearance and the potential need to trap and translocate non-licensable species (reptiles and/or native amphibians species excluding GCN) to established receptor sites with sufficient carrying capacity would be determined and undertaken by the Environmental Clerk of Works. Where translocation occurs, species will be only be translocated to receptor sites with established habitat.	Implementation of commitment actions	Contractor	Construction	EMP2 – Requirement 4	Please refer to PoTLL's response to ExA Q11.1.2.
Terrestrial Biodiversity	TB023	Reducing adverse effects on ditches and extant water vole population from the aggregate conveyor	ES 8.5.46	The footings of the Tilbury2 aggregates conveyor will be carefully sited during installation to avoid existing wetland habitat within this area. Footings will be a minimum of 5m from bank tops. Any temporary crossings of ditches required during the conveyor's installation and decommissioning will be managed using a Bailey bridge (or similar), which will be removed from site once installation is complete. The exact location of the footings and the bridge will be agreed with the Environmental Clerk of Works prior to installation.	Avoidance of impacts to ditch structure and extant water vole population.	Contractor	Construction	EMP2 – Requirement 4	The area where the conveyor is proposed is very constrained, with closely-spaced ditches less than 10 metres apart. PoTLL also has an access track in this area that must be retained. As currently drafted, this REAC commitment makes it impossible to construct the conveyor. Noise disturbance and vibration from a conveyor could also give rise to disturbance of water voles in their places of shelter, potentially consistent with a legal offence under the Wildlife & Countryside Act 1981 (as amended). PoTLL would welcome a replacement commitment to enable the conveyor to be brought forward without negatively affecting the water vole mitigation and whilst retaining the access track in this area.