

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009
Regulation 5(2)(q)

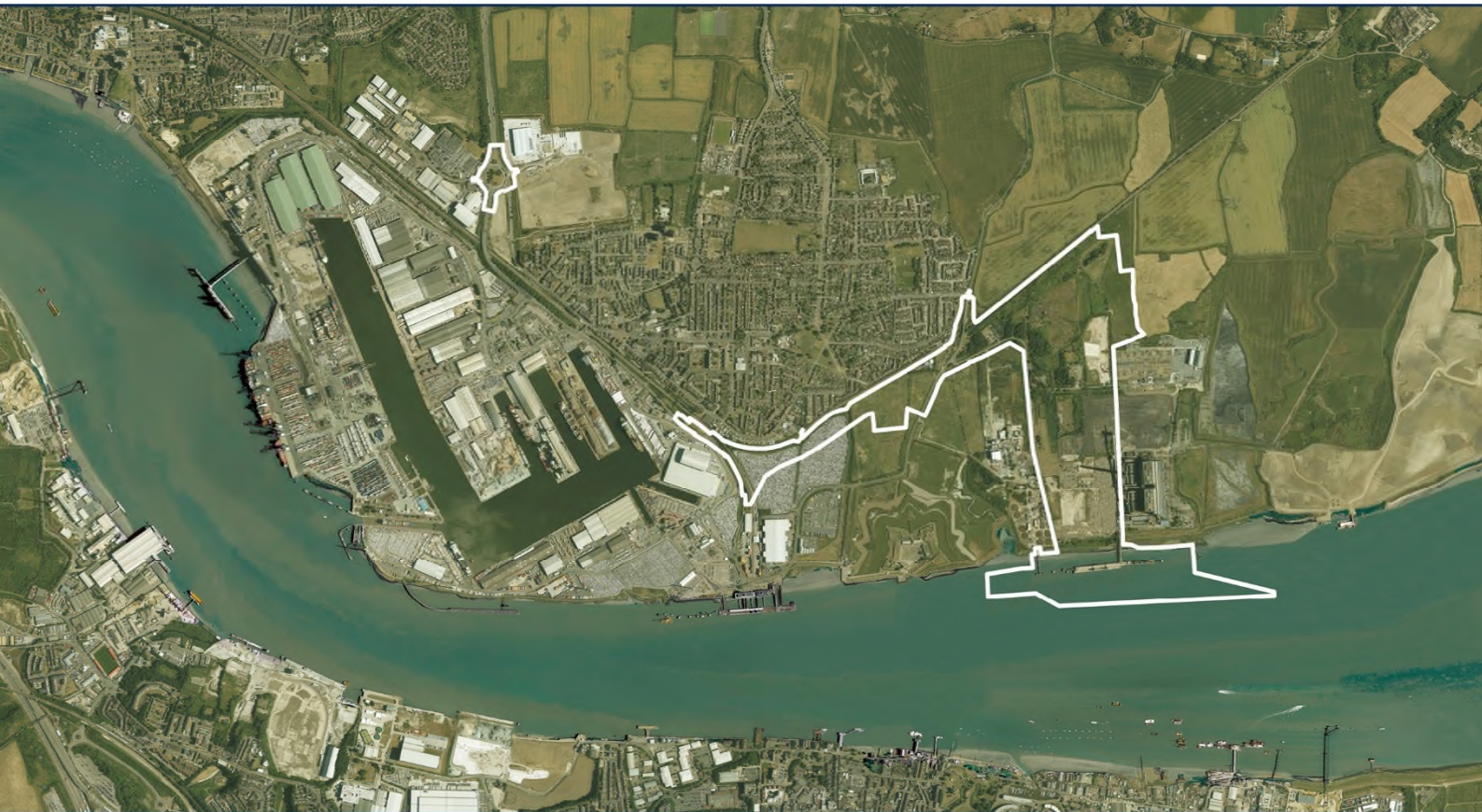
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

RESPONSE TO APPENDIX 1 OF ESSEX COUNTY COUNCIL'S ADEQUACY OF CONSULTATION RESPONSE

DOCUMENT REFERENCE: P0TLL/T2/EX/2



PORT OF TILBURY

PLANNING ACT 2008

**PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION
'TILBURY2'**

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**INFRASTRUCTURE PLANNING (PRESCRIBED FORMS AND PROCEDURE)
REGULATIONS 2009**

**RESPONSE TO APPENDIX 1 OF ESSEX COUNTY COUNCIL'S
ADEQUACY OF CONSULTATION RESPONSE**

DOCUMENT REFERENCE: PoTLL/T2/EX/2

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1.0 INTRODUCTION

- 1.1 The document provides a response to the comments made by Essex County Council in its adequacy of consultation response submitted to the Planning Inspectorate.
- 1.2 This has been produced to ensure that all parties are clear on the current position with the County Council and thus enable the County Council and any other party to respond accordingly during the relevant representations period.

2.0 RESPONSE TABLE

Topic	Sub-Topic	Essex County Council Comment	PoTLL Response
Draft SoCC	n/a	<p>Summary of ECC Responses to the Draft SoCC (Page 37 – para 5.3.3)</p> <p>The table is noted to contain a high level summary of ECC’s comments to the Draft SoCC. ECC would have anticipated a more specific reference to ECC’s wider comments within our consultation response dated 22 May 2017 - as follows:</p> <p>Page 2 Section 1 paragraphs 2 & 3 (including subpoints) – regarding the need to engage Neighbouring Highways authorities (including TfL and Highways England), as set out in ECC’s letter dated 22 May,</p> <p>Page 2: Section 2 paragraphs 1&2– regarding the likely need for the DCO boundary to be changed to accommodate landscape and ecological mitigation – arising from the EIA. Process.</p> <p>Page 3&4 – Other Matters relevant to Tilbury 2 - Acknowledge the other matters to be considered / explored in the development of the Tilbury2 proposals.</p>	<p>The summary table at Page 37 of the CR (Document Reference 5.1) deals specifically with comments made by ECC in relation to the SoCC. The changes made were set out in correspondence with ECC on 31 May 2017.</p> <p>Changes were made to the SoCC to make it clear that active engagement had taken place with Essex County Council, and that this would continue throughout the DCO process.</p> <p>ECC raised a number of wider points in their letter of 22 May 2017 in relation to the proposals on matters such as the order limits, transport, minerals, the environment, historic environment. These matters were considered in the preparation of the the application and ES and the engagement undertaken in implementing the consultation (including with TfL and Highways England), but they were not specifically related to the framework and approach to the consultation process as set out in the SoCC and therefore not referred to in the CR in this specific table.</p>
Highways and Transportation	Pre-application checklist	<p>ECC note the content of the schedule and wish to draw your attention to our letter dated 19th October 2017, in response to the series of pre-application consultations received on draft sections of the master plan and environmental statement.</p> <p>Transport and Highways – ECC received a draft copy of the masterplanning statement only. ECC note with concern that as an adjoining Highways Authority we did not receive a draft copy of the ES Chapter 13 (Land-side Transport) given our consultation responses on 22 May and 28 July 2017. ECC has maintained a request to receive the Transport Assessment information including modelling data to enable ECC to assess the implications of the proposal on the wider transport network (A12, A127, A130, A13 and M11). ECC as a neighbouring Highway Authority continues to request this information in order to ascertain the scope of any impact on the strategic highway network within Essex arising from the projected traffic flows.</p>	PoTLL can confirm that a draft of the ES chapter was sent to ECC Highways on 25 September 2017.
	Transport Assessment	<p>ECC Highways and Transportation have met POTL and their consultants twice on the 24 May 2017 and 14 June 2017. However there appears to be misunderstandings in respect of ECC’s position given the statements within Table 20.6 (pages 196-198) regarding ECC’s request for information in respect of the Lower Thames Crossing and the Transport Assessment to enable ECC to assess the potential implications on the strategic road network within Essex and our connectivity to London. This misunderstanding is further re-emphasised within summary note of the outcomes of the Transport meeting held on the 24th May 2017 (see Appendix 3), regarding Transport Assessment, the Lower Thames Crossing and the Construction Traffic Management Plan, contrary to the full meeting note (attached). Furthermore the meeting does not supersede ECC’s stated position within our consultation responses on the 22 May, 28 July and 19 October 2017.</p> <p>ECC has and maintained the request for additional information on the wider Transport Assessment and modelling data, to enable ECC to ascertain the likely impact on the Essex Strategic Road</p>	<p>PoTLL responded to ECC’s comments of 28 July in an email of 4 August, explaining that there appeared to be inconsistencies between what was discussed with officers and what had been brought forward as formal correspondence.</p> <p>PoTLL is continuing to engage with ECC to ensure that all parties are clear on their respective positions.</p>
			PoTLL and ECC are arranging a meeting for December 2017 to discuss all aspects of the transport

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		<p>Network, (A12, A127, A13, A130 and M11) including resilience and our residents' connectivity to London. This information was requested within our responses dated 22 May 2017 and 28 July and remains outstanding.</p> <p>ECC therefore disputes the statements within the Consultation Report - Table 20.6 (Traffic and Rail thematic Responses) – Transport Assessment (page 198), column 4, (set out below) and that <i>“It was agreed at the meeting with ECC on 24 May 2017, that detailed assessments of road networks in Essex was not required as the expected number of development trips would be a proportionately low level in the context of existing traffic volumes. It was also agreed that no sensitivity testing of the LTC was required due to the limited information and unknown likelihood of delivery (at the time of the meeting only a preferred route had been announced). Highways England was given the chance to review the Transport Assessment prior to the Submission of the DCO application.”</i></p> <p>The summary above incorrectly reflects the note of the meeting on 24th May (see attached – item 5.7), in which ECC <i>“agreed that any detailed assessments of junctions in Essex were not required due to the expected number of development trips. However ML and BG (ECC) would check that the number of expected trips are covered by the future year assessments of the proposed improvement scheme at the A127/A130 Fairglen Interchange improvement scheme.”</i></p> <p>To clarify, ECC confirmed that detailed assessments of specific junctions were not required, as indicated in item 5.7, This comment was restricted to the “junctions” only and did not negate the need for ECC to receive the Transport Assessment and modelling data on the wider strategic road network, which is required to enable ECC to assess the subsequent implications. ECC’s understanding is reaffirmed when reviewing items 5.4 – 5.7 in their entirety, given that the discussion was based upon an “in principle” discussion of the initial information presented at the meeting. Furthermore the meeting note of 14 June 2017, continues to include reference to baseline conditions and modelling data.</p> <p>The request for this information remains outstanding and ECC reserves the right to comment further upon receipt of this information and shall continue to engage with the POTL as the development progresses.</p>	<p>documentation, including the final transport assessment and the interaction with junctions in Essex and the strategic road network.</p>
	<p>Lower Thames Crossing Meeting 24 May 2017</p>	<p>ECC disputes the Discussion Point summary, within Appendix 3, schedule of Meetings with ECC (page 19), that on the 24th May 2017 <i>“it was agreed that no testing of the Lower Thames Crossing was required.”</i></p> <p>This summary does not fully reflect the discussion and notes of the meeting (see attached – item 6.1), which noted an interim comment only, reflecting the information available at that time ie a watching brief, given the initial information presented at the meeting and that more information was to be forthcoming regarding both the port development proposals and the Lower Thames Crossing. ECC’s comments remain outstanding, namely that the Lower Thames Crossing remains a material consideration and that more work would be required within the Tilbury 2 submission regarding the interaction of the two projects and that this should be progressed in a co-ordinated and consistent manner, in liaison with Thurrock Council as Highways Authority, the adjoining Highways Authorities (inc ECC) Highways England and Transport for London. ECC reserve the right to comment further upon receipt of this information and shall continue to engage with the POTL as the development progresses.</p>	<p>PoTLL considers that the notes of the 24 May 2017 reflected the discussion of those present at the meeting.</p> <p>PoTLL and ECC are arranging a meeting for December 2017 to discuss all aspects of the transport documentation, including the interaction with the Lower Thames Crossing.</p>
Construction		Construction Traffic Management Plan – Table 20.6, page 196 & 197. Please be advised that ECC	ECC have now been provided with a copy of the

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		has not received the CTMP as stated within column 4 (page 197) of the Table 20.6. ECC seeks confirmation and details of the recipient, and/or a further copy of the CTMP for comment.	CTMP.
Minerals and Waste Planning	Waste	<p>Essex County Council Minerals and Waste Planning Team have engaged in the pre application stage engagement relating the proposed Tilbury 2 development. A detailed response focusing on the erroneous evidence and conclusions relating to waste management were supplied to the applicant in relation to the Preliminary Environmental Impact Report (PEIR) at the end of July 2017.</p> <p>Subsequently, a telephone conference with the applicants' consultants (Atkins) took place on Wednesday 30 August 2017. This discussion explored the points raised in the formal response, enabling the applicant to clarify the comments made and evidence available to inform the required update prior to submission to PINS.</p> <p>During this conversation – there was no discussion that Essex and the adopted Essex and Southend on Sea Waste Local Plan should be used as a proxy in the absence of Thurrock data. To clarify ECC advised that there is no spare capacity within Essex to accept this waste, as evidenced within the adopted Essex and Southend Waste Local Plan, which identified a shortfall in CDEW capacity. Instead ECC advised Atkins that it was necessary to understand capacity and waste arisings in Thurrock. The Adopted Essex and Southend on Sea Waste Local Plan is predicated on net selfsufficiency (limited waste imports/exports anticipated) furthermore the development should be based and framed in accordance with the Adopted Thurrock Local Plan (date), as Thurrock is the host Waste Planning Authority and it is noted that their plan is also predicated on net self-sufficiency. Therefore it cannot be assumed that exports from this proposal and Thurrock as host planning authority is acceptable.</p> <p>A set of updated application documents were circulated to the County Council in October, shortly in advance of the submission to PINS. None of these documents included updated waste/mineral matters and therefore it has not been possible for the County Council to understand whether the correct evidence has now been used to inform the proposed development.</p>	<p>Further to discussions with Essex County Council and Thurrock and as noted in Section 19.3 and Table 19.3 of the Environmental Statement it is acknowledged that Tilbury2 sits within the Unitary Authority of Thurrock and that the Thurrock LDF: Core Strategy and Policies for Management of Development (2015) includes high-level waste arising projections.</p> <p>However, due to the lack of available waste arisings and infrastructure capacity data for Thurrock, Essex has been considered the most appropriate proxy study area. The use of this proxy is supported by an assessment of data published by the EA which indicates that approximately 65% of the CD&E waste arisings generated within Thurrock in 2016 were exported to Essex for treatment/disposal demonstrating that the majority of CDE waste produced in Thurrock is not managed within the waste authority area. Whilst the assessments undertaken by PoTLL are considered robust, at the request of Thurrock (as it does not publish its own data), further information relating to waste infrastructure within Thurrock has been requested from the EA and that data will be considered once available and shared with both authorities. This will take place over December and January.</p> <p>However, on the basis of professional judgement this information is not expected to change the result of the assessment.</p>
	Materials	Please note ECC also raised issues within our responses 22 May 2017 and 28 July 2017, with regard to the "materials" content of the PEIR (chapter 21 Waste and Materials) however these do not appear to be reflected within this section of the Consultation Report.. ECC's comments, noted that Thurrock Council was the host Minerals Planning Authority and that PEIR should be referencing the adopted Thurrock Local Plan for minerals policy and not Essex Minerals Local Plan which covers the adjoining administrative area of Essex.	Both the methodology (Section 19.12) and the potential impact sections (Section 19.67) of the Environmental Statement have provided quantitative data of material throughputs once operational and qualitative reference provided to note that the proposals will have a positive impact, once operational, on the availability of key construction materials. Table 19.2 and 19.3 of the Environmental Statement provide specific responses to Essex County Council's responses regarding materials.
Lead Local Flood Authority	n/a	The account relating to the consultation process is reasonably accurate. There have been further specialist meetings with various parties in relation to flood risk, from which there are ongoing discussions with respect to the technical detail that will need to be incorporated into the final ES. In particular these are as outlined in the latest ECC response to PoTL2, dated 19th October 2017.	PoTLL's response to these comments of 19 October 2017 can be found in the section on 'Consultation' in Chapter 16: Water Resources and Flood Risk of the Environmental Statement (document reference 6.1).
LVIA	LVIA and Ecology	The references to ECC within Section 19.0 (Visual Impacted) are noted, alongside some of the references to vegetation and landscape mitigation contained within Section 11.0 (Ecology)	PoTLL's response to the comments made by ECC on these occasions can be found in Appendix 9A of the Environmental Statement, entitled 'Consultation

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		<p>That said, it has not been possible to locate any references to ECC responses concerning the wider landscape impacts and impacts relating to landscape character, within our consultation responses as follows:</p> <ul style="list-style-type: none"> • 28 July 2017 Annex 1 “Landscape” (page 10); and • 19th October 2017 Annex 1 re “Landscape and Visual Assessment PEIR version 6 dated 29 September <p>ECC remains concerned that although we have not had specific dialogue with the applicant/agents, there is still a need for the applicants to respond and indicate how the comments have or will be addressed, or indeed if they feel they do not need to be addressed to set out why. It may be that these matters have been addressed with Thurrock, however ECC would have anticipated this being referenced within the Consultation Report. ECC reserves the right to raise this matter again, subject to the outcome and content of the next iteration of the PEIR, if we consider that the landscape mitigation and wider issues have not been adequately dealt with.</p>	<p>Exercise for LVIA’ (document reference 6.2.9A).</p>
Ecology	n/a	<p>ECC has been working with consultants to address the matters raised in our letter dated 28 July 2017 and can confirm the nature of the Telecon held on 3 October 2017. In respect of the outcomes, according to ECC’s records we understand that additional information and survey work is to be undertaken and that the latest draft of the ES chapter 10 Terrestrial Ecology, had been amended to reflect our previous comments. ECC anticipates that the ES chapter 10 will be updated based upon the discussions, additional information and survey data and our previous comments. That said, ECC reserves the right to raise this matter again, subject to the outcome and content of the next iteration of the PEIR, if we consider we anticipate that the ecology matters have not been satisfactorily addressed</p>	<p>ECC has now been directed to the final version of ES Chapter 10 for Terrestrial Ecology (and associated appendices and figures), which are now available on the PINS website. PoTLL considers that all matters identified by ECC as discussed in the telephone conference call of 3 October 2017 have been addressed within the Terrestrial Ecology ES chapter. The post-submission surveys for dormouse have now also been completed. These yielded a negative (absent) result, and the findings have been submitted as part of the Errata submission (document reference PoTLL/T2/EX/3).</p>
Historic Environment	n/a	<p>The account relating to the consultation process with the archaeological component of the proposed scheme is appropriate and the information provided within the reports is accurate. A number of joint meetings with Historic England have taken place in Cambridge where the details available for the scheme were discussed. There are problems with the proposals, especially relating to their impact on the setting of the two scheduled forts of Tilbury and Coalhouse Fort both from the landward and in the case of Tilbury from both the Landward side, from the Thames and views to and from Kent. Also not enough detail was available at the time of the meetings to understand the full impact of the proposals. However, this has been identified in the report by the consultants and it is anticipated that this will be taken into consideration by the applicants.</p>	<p>The Applicant has consulted with Essex County Council Place Services in regard to the Historic Environment during the pre-application process. Discussions have taken place with Nicolas Page in regard to Built Heritage and Richard Havis in relation to archaeology. A meeting has been requested with both individuals post-acceptance to discuss Statements of Common Ground.</p> <p>The application includes a detailed assessment of the potential impacts of the scheme upon the historic environment. This is included within Chapter 12 of the ES (document reference 6.1) and the accompanying appendices, including: Built Heritage Assessment (document reference 6.2 12.B); Archaeological Statement (document reference PoTLL/T2/EX/13)); Marine Geoarchaeological Investigation (document reference 6.2 12.C); WSI for Terrestrial Archaeological Mitigation (document reference PoTLL/T2/EX/15); and Marine Archaeological WSI (document reference PoTLL/T2/EX/E17).</p>